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SENATE—*Saturday, February 17, 2007*

The Senate met at 12 noon and was called to order by the Honorable MARIA CANTWELL, a Senator from the State of Washington.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, on this wintry weekend, we pause to thank You for life and health and love. Without Your love, we would falter. Faced with challenges that demand greater-than-human wisdom, we find comfort in the knowledge that You care. Free us from guilt through the power of Your limitless forgiveness.

Today, O Lord, keep our lawmakers faithful in the performance of their duties. Remind them of their total dependence on You. Open their minds to opportunities to do Your work on Earth. Give them wisdom for the crucial decisions that affect our Nation and world. Inspire each Senator to do justly, to love mercy, and to walk humbly with You. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARIA CANTWELL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARIA CANTWELL, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. CANTWELL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, this afternoon we will resume consideration of the motion to proceed to S. 574, with the time until 1:45 p.m. equally divided between the two leaders or their designees; further, the Republican leader will control the time between 1:25 and 1:35, and the majority leader will control the time between 1:35 and 1:45 p.m. At 1:45 p.m, the Senate will proceed to the rollcall vote on cloture on the motion to proceed. Senators should be aware there is a possibility of additional rollcall votes this afternoon, and they would occur shortly after the cloture vote if cloture is not invoked.

ORDER OF PROCEDURE

Madam President, I would also ask that on our side, the allotted time of the Senators be limited to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SCHEDULED TIME IN OPPOSITION

Mr. McCONNELL. Madam President, all of the time in opposition to the proposal the majority leader is describing has been scheduled, and we will be filling all of that time on this side of the aisle.

I yield the floor.

EXPRESSING THE SENSE OF THE CONGRESS ON IRAQ—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 574, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to the consideration of S. 574, a bill to express the sense of Congress on Iraq.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I rise today to speak again on the mishandling of the debate over the Iraq war resolutions. This debate has ramifications which will damage the institution of the Senate and lower the morale of our troops.

Here is the truth the American people need to know: Republicans in the Senate have not prevented any debate over the war in Iraq. We are debating the war again today. We have debated the war in the past. And we will continue to debate the war in the future. What we have prevented is the majority leader dictating to the minority exactly which resolutions we will vote on. My friends on the other side of the aisle have misled the American people about this debate.

Our Republican leader, my colleague and close friend from Kentucky, has tried to negotiate for more—I repeat—more debate on additional resolutions expressing a broad range of viewpoints. This is the U.S. Senate. The majority cannot tell the minority we are going to have one vote—take it or leave it.

And let me be clear: I am not running from a vote on any of these resolutions. I don't know one of my Republican colleagues who is afraid to cast a vote on any of the proposed resolutions relating to Iraq. I have said repeatedly and I will say it here again today: Nonbinding resolutions that question military strategy are not in the best interests of our Nation. They are not in the best interests of the Senate. They don't have the effect of law. They only affect

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

our soldiers by sending them mixed signals. But if we must go down that path, let's vote. However, the majority leader cannot dictate the terms of the vote. If he could, this would be the House of Representatives. But it is not. This is the U.S. Senate. This is a body with rules that encourage opposing viewpoints, not stifling debate by the majority leader hand-selecting one resolution and forcing the other 99 of us to vote on it.

But here we are. Americans are watching this discussion right now. And it is not just a debate about Senate floor procedures; this is about how we as Senators should conduct debate when we have troops in harm's way. Many Americans oppose our efforts in Iraq. That is their right. I respect their convictions. Yet they are misguided, because I believe the cost of failure in Iraq is too high to leave now. I do not want to have to send American soldiers back to Iraq in a few years to deal with an even tougher situation. I do not want to leave a breeding ground of terror. But I understand there are many Americans who want this war to end, regardless of the consequences of leaving soon. And no doubt there are some in this body and in the House of Representatives who share that same view.

We as a Congress can end this war, but we cannot end it by nonbinding resolutions such as the one that passed the House of Representatives this week that the majority leader now wants us to be forced to vote on in the Senate. We can end this war through the appropriations process by cutting off funds for this war. This is why I am so frustrated by this debate. This is why I am frustrated by many of my friends and colleagues in this great body.

Many want to vote on a nonbinding resolution that opposes our strategy in Iraq to show their constituents they oppose the war, yet not make the tougher decision through the appropriations process. I know many of my colleagues who want to vote on this misguided House resolution will not—I repeat—not vote to cut off the funding for this war. They just want to have it both ways: they want to support a nonbinding measure opposing the war but not actually to stop the war by exercising their constitutional right to cut off its funding.

We should not vote to cut off the funding of this war. And that is the basic theme of the Gregg resolution on which the majority leader will not allow us to vote. The majority leader will not allow this vote because he knows it will pass the Senate overwhelmingly. This does not make sense to me or many of my colleagues, and I do not think it makes sense to many Americans who have actually followed this debate closely.

That is why I will vote again today against moving to the misguided House-passed resolution without the commitment that we Republicans be allowed to offer our own resolution of our own choosing. Our resolution, the Gregg resolution, gives support to our troops. Unlike the resolution before us today, it does not send contradictory signals to the troops by telling them that on one hand we oppose their mission but on the other hand we support them as soldiers. That is not the message we need to be sending to our troops at this critical time.

Mr. OBAMA. Madam President, I will vote today to bring up a resolution for debate that would disapprove of the President's policy of escalation in Iraq.

Last November, the American people sent a clear message to their representatives in Washington. With their votes, the American people said they wanted a change in direction with regard to the war in Iraq. Unfortunately, the White House—and its defenders in the Senate—has ignored that will and fought to keep this day from happening for as long as they could.

We may fail to get the required number of votes to debate this very simple resolution. And even if we do get enough votes, I realize that this resolution may not force a single change to this country's policy in Iraq. I realize that it may not bring the Shiites and Sunnis closer to peace, nor will it bring a single soldier home from this war.

But for the first time in the 4 years of this long, hard war, Democrats and Republicans can join together to express the will of the people who sent us here.

That is why today's vote must be only the beginning, and not the end, of a long-overdue debate on how we plan to exit Iraq and refocus our efforts on the wider war against terror. If more stalemate and inaction follow this resolution, it truly will be a meaningless gesture. It is now the responsibility of every Member of this body to put forth a plan that offers the best path to peace among the Iraqis so that our brave soldiers can finally come home.

Recently, I introduced the Iraq De-Escalation Act of 2007. This plan would not only place a cap on the number of troops in Iraq and stop the escalation, it would more importantly begin a phased redeployment of U.S. forces with the goal of removing of all U.S. combat forces from Iraq by March 31, 2008—consistent with the expectations of the bipartisan Iraq Study Group that the President has so assiduously ignored.

The redeployment of troops to the United States, Afghanistan, and elsewhere in the region would begin no later than May 1 of this year, toward the end of the timeframe I first proposed in a speech more than 2 months ago. In a civil war where no military solution exists, this redeployment remains our best leverage to pressure the Iraqi Government to achieve the political settlement between its warring factions that can slow the bloodshed and promote stability.

My plan allows for a limited number of U.S. troops to remain as basic force protection, to engage in counterterrorism, and to continue the training of Iraqi security forces.

And if the Iraqis are successful in meeting the 13 benchmarks for progress laid out by the Bush administration itself, this plan also allows for the temporary suspension of the redeployment, provided Congress agrees that the benchmarks have actually been met and that the suspension is in the national security interest of the United States.

The U.S. military has performed valiantly and brilliantly in Iraq. Our troops have done all that we have asked them to do and more. But no amount of American soldiers can solve the political differences at the heart of somebody else's civil war, nor settle the grievances in the hearts of the combatants.

It is my firm belief that the responsible course of action for the United States, for Iraq, and for our troops is to oppose this reckless escalation and to pursue a new policy. This policy that I have laid out is consistent with what I have advocated for well over a year, with many of the recommendations of the bipartisan Iraq Study Group, and with what the American people demanded in the November election.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and patience, is over. Too many lives have been lost and too many billions have been spent for us to trust the President on another tried and failed policy opposed by generals and experts, Democrats and Republicans, Americans and many of the Iraqis themselves.

It is time for us to fundamentally change our policy.

It is time to give Iraqis their country back.

And it is time to refocus America's efforts on the challenges we face at home and the wider struggle against terror yet to be won.

Mr. SPECTER. Madam President, this vote on cloture to cut off debate involves a conflict between two important principles: (1) obtain fairness for the Senate Republican minority on having our resolutions and amendments debated and voted upon, and (2) debating and voting on the approval or rejection of the President's plan to add 21,500 troops to the U.S. force in Iraq.

At the outset, it must be emphasized that there is unanimity that no preceptive action be taken by Congress to exercise our "power of the purse" to cut off funds that would in any way endanger our troops.

In response to the majority leader's use of the Senate rule to "fill the tree," which precludes any Republican alternative resolutions, I voted against cloture to cut off debate on the Levin amendment on February 5. The procedure to "fill the tree" is contrary to the basic Senate practice of allowing Senators to offer amendments or alternative resolutions, unlike the House of Representatives, which customarily precludes such latitude.

On February 14, I introduced an amendment to rule XXII to stop the "filling of the tree," citing vociferous objections by Senators REID, DURBIN and DODD to similar Republican action in the 109th Congress when Republicans held a majority.

Although it is very important for the minority to exercise its rights to stop abusive majority practices, it is my judgment that this must yield to the dominant principle of debating and voting on the future of U.S. policy in Iraq. Let's move on. We Republicans can exercise our rights of retaliation in the immediate future on other majority action to reign in such majority abuse.

In my view, it is most important that the Senate speak out on Iraq. If we continue to debate whether there should be a debate while the House of Representatives acts, the Senate will become irrelevant. To paraphrase the Roman adage: "The Senate should not fiddle while Iraq Burns."

The American people have a right to know the Senate's judgment on this most important issue of the day, and our constituents have a right to know and evaluate the judgment of each Senator.

Accordingly, I am voting for cloture to end the debate so we can move ahead.

Mr. DODD. Madam President, this past week the President of the United States warned of the "disastrous consequences" and "chaos" which could occur in Iraq if we fail in that country. Once again the President's statements demonstrate how out of touch he is on this issue.

Iraq already is in a state of chaos. The American people know it and the Iraqi people know it, most painfully. Unfortunately, we already are dealing with the "disastrous consequences" of 4 years of this administration's failed policy in Iraq.

This chaos became inevitable the day the President invaded Iraq without a viable plan for winning the peace. And this chaos has been further compounded by 4 years of consistent failure by this administration.

The President's plan to surge forces into Iraq is no different from previous surges, including Operation Together Forward, which only resulted in more violence. Despite all of our military strength, the United States cannot through force alone instill Iraqis with democratic values or end the sectarian civil war in that country.

We have before us this afternoon a very direct, succinct nonbinding resolution. The language is unequivocal in expressing opposition to the President's surge. I am strongly opposed to the "surge" and will therefore vote in a favor of this straightforward, simple resolution expressing that opposition.

Surely our colleagues on the other side of the aisle can vote on a simple resolution stating whether they support the President's surge.

This is a vote on whether you support the President's Iraq war policy, without caveat or qualifier. And if this Chamber is ever allowed to get to a vote on this measure, a majority of this body will vote aye and therefore be publicly on record against the President's proposed policy to put even more of our soldiers in harm's way in Iraq's civil war.

If Congress had wanted to express its opinion on this important issue, this vote should have been among the first steps taken back in January, immediately after the President announced his intention to escalate our military involvement in Iraq.

Nearly 5 weeks have passed since that announcement. In those 5 weeks we have heard from experts across the political spectrum explain why the surge won't work and explain that there is no military solution to the conflict in Iraq.

Yesterday, the House of Representatives sent a message to the President and to the American people with their vote on this resolution opposing the surge. And yet the President has unwaveringly declared that he will stay the course. It's full speed ahead in the words of Vice-President CHENEY.

We all know that and up-or-down vote on this resolution is not enough. Yes, I oppose the President's proposed surge. But I oppose much more than that—I oppose the President's overall strategy in Iraq.

So let's be realistic and understand that our pronouncing ourselves on the measure before us today will do nothing to force the President to change course in Iraq.

It will do nothing to get our troops out of harms way.

It will do nothing to improve the lives of Iraqi civilians.

American combat brigades are being asked to carry out a mission that is unachievable; namely, to bring an end to Iraq's civil war through military force.

Only a political solution can salvage Iraq.

Regrettably, we are in the fourth year of this conflict, and for some reason, this administration is still failing our troops. The President's proposed surge tactic will send thousands of American G.I.s into a battle with inadequate protection and training and on a mission which they will be unable to achieve.

Last month, Senator KENNEDY and I sent a letter to Defense Secretary Gates demanding that he address reported shortfalls among two combat brigades being deployed as part of the President's proposed surge without the most up-to-date armored vehicles, vehicles that have been designed to withstand explosions and provide significantly better protection for our troops.

Just this week, media accounts of a classified Defense Department inspector general's report cited significant problems in outfitting our forces with a variety of vehicle armor to protect troops from IEDS.

How much more of this can we allow to stand? How many more of these reports should we tolerate until we say enough is enough?

The only way to reverse course in Iraq is to demonstrate to the President that it's no longer business as usual—that this Congress will not continue to support funding for the President's failed strategy, which is needlessly harming our troops and weakening our national security.

It is essential that we find a better use for the funds being allocated for the President's surge. We need to redirect U.S. funds to immediately begin to redeploy combat forces within and out of Iraq, to focus on counterterrorism and training of Iraqis, to put pressure on all of Iraq's leaders—not just the Maliki government—to seek and reach necessary and painful political compromises, and to ensure the security and political rights of all Iraqis.

We must also acknowledge how broken our own military is as a result of the Iraq war and redirect a portion of the funds proposed for Iraq to restore our own military's readiness.

It is time that this Congress moves beyond debating non-binding resolutions about the surge. It is time for the Congress to debate how much longer and under what circumstances we are prepared to support funding for a continued U.S. presence in Iraq.

That is the debate the American people want to hear, that is the debate our courageous and dedicated troops deserve.

Mr. HARKIN. Madam President, yesterday, an overwhelming, bipartisan majority in the other body—reflecting the clear will of the American people—voted to oppose President Bush's decision to escalate the U.S. troop presence in Iraq. That vote was preceded by 4 full days of debate on the resolution. But here in the Senate, the Republican minority refuses to allow us even to bring a resolution to the floor for debate.

My office has been flooded with phone calls and e-mails from Iowans. The overwhelming majority of them are upset with the President's escalation plan. But they are also upset that the Senate is being obstructed. They simply cannot believe that Republican Senators are blocking debate on the No. 1 issue before our Nation, the No. 1 concern on the minds of the American people.

In a nutshell, callers are saying that Republican Senators have a right to support President Bush's war in Iraq. Republican Senators have a right to embrace his escalation of that war. But they do not have a right to block legitimate debate in the Senate on whether that escalation is wise or appropriate. They do not have a right to silence the voices of tens of millions of Americans—an overwhelming majority—who have had enough of the quagmire in Iraq.

People in Iowa—and, I suspect, across the country—are saying that the election last November was a referendum on President Bush's war. Voters spoke loudly and clearly: They want our troops out of the civil war in Iraq.

The American people thought that their elected leaders in Washington heard this message. But they realize, now, that the Republicans simply don't care about the results of the election. They are determined to escalate the war. They are determined to prevent consideration of any resolution expressing disapproval of that escalation.

As a coequal branch of Government, Congress has a duty to debate this escalation. Out of respect for all our soldiers and Marines in Iraq—to keep faith with them—we as Senators have a duty to ask: Does their Commander-in-Chief have a credible plan in Iraq that is worthy of their sacrifice? Is the President's plan to escalate in Iraq in the best interest of the United States? Will the additional troops be sent into combat with proper equipment?

Unfortunately, the answer to those questions—after nearly 4 years of incompetence, bungling, and disastrously bad judgment by this administration—is a resounding “no.”

Frankly, the President's plan to escalate is not just deeply disappointing, it is deeply disturbing. I am disturbed because Mr. Bush refuses to learn, and he refuses to listen. The Joint Chiefs of Staff unanimously opposed this escalation, as did our generals on the ground in Iraq. The Iraq Study Group warned that there cannot be a military solution to the sectarian chaos in Iraq, and said we should begin to bring our troops home. Iraqi Prime Minister Nuri al-Maliki is on record as opposing an increase in American troops. Most importantly, the American people said loudly and clearly on November 7 that they want our soldiers out of the civil war in Iraq.

But Mr. Bush refuses to listen to reason. Instead, he seems to listen only to his gut—the same gut that got us into this misguided, misbegotten war in the first place.

The President asserts that this latest escalation in Iraq is “a new way forward.” But what he has proposed is not new, and it is not a way forward. It is the same old “stay the course” policy—and it will drag us deeper into the Iraqi quagmire.

The President has previously ordered three troop surges in Iraq, in 2004, 2005, and 2006. Just last June, he unveiled “Operation Forward Together” to surge troops in Baghdad and secure the capital city. This operation was supposed to be led primarily by Iraqis, with U.S. troops in support. But the Iraqi forces never showed up.

Again and again, we have set goals for the Iraqi leaders. But there have been no deadlines, no accountability, no consequences. And, predictably, we have seen no positive results. The Iraqi leaders have reneged on their promises to rein in the militias. They have refused to compromise. And they have pursued their sectarian agendas with a vengeance.

So let's not kid ourselves. The President's latest Iraq plan is just a repackaging of his old, failed Iraq plans.

I am especially concerned about the impact of this escalation on our troops and their families, and on the U.S. military overall. Army brigades are supposed to be in combat for 1 year, and then have 2 years back home to retrain and reequip. But they have only been allowed an average of 1 year to regroup. And some brigades are now on their third deployment in Iraq.

One reason why the Joint Chiefs opposed this latest escalation is because of the deep strain on our combat forces. In December, the Army chief of staff bluntly warned Congress that the current pace of combat deployment threatens to quote-unquote “break” the Army. Meanwhile, we lack resources to meet any other contingency, such as a challenge from Iran or a flare-up on the Korean Peninsula.

Some supporters of the President's escalation claim that by debating the President's conduct of the war in Iraq and the merits of his escalation plan, we are somehow not supporting the troops.

I strongly disagree. I have complete confidence in our men and women in uniform in Iraq. They have brilliantly completed the tasks they were sent to Iraq to accomplish, and they did so despite a series of disastrous decisions by their civilian leaders in Washington.

But as a veteran myself, I am angry at the way these brave men and women have been misused and mistreated.

The President rushed them into combat without proper equipment, and in insufficient numbers. He has insisted on “staying the course” with a failed policy for nearly 4 miserable years. He has sent many troops back to Iraq for a third and even fourth rotation, with insufficient time to retrain and regroup. Now he insists on sending another 21,500 troops into the middle of a sectarian civil war in Baghdad and elsewhere without properly armored Humvees and other essential equipment.

Yet despite all of these acts of mismanagement and misfeasance—directly jeopardizing the lives and welfare of our soldiers and Marines—the President's supporters have the gall to say that anyone who opposes this latest escalation somehow “doesn't support the troops.”

This would be laughable if it weren't so tragic and deadly. The Senate has a duty to debate the proposed troop escalation. We have a duty to speak up when we believe the President's policy is wrong, and is likely to waste lives. We also have a duty to speak up for the overwhelming majority of Americans, who oppose this latest escalation, and who consider the entire war to be a tragic mistake.

At this point, the single best way to support the troops is to tell President Bush: Four years of bungling, bad judgment, and bullheadedness are enough. We have complete and total confidence in our troops. But we have no confidence in your leadership.

During debate in the other body this week, Republicans repeatedly charged that criticism of the President's escalation serves to “embolden the enemy.” And what exactly are these people saying? That Senators are supposed to stand silent like potted plants as this administration sinks us even deeper into the Iraqi quagmire?

Our enemies have indeed been emboldened. They were emboldened when this administration allowed Bin Laden to escape capture at Tora Bora. They were emboldened when this administration took its eye off the terrorists in Afghanistan, and diverted our military and intelligence assets to a reckless invasion of Iraq. They were emboldened when President Bush taunted the insurgents in Iraq to “bring it on,” and they successfully did just that. They were emboldened when the President pledged to get Bin Laden “dead or alive,” and failed to do so. They were emboldened when the greatest army in the world was allowed to get bogged down in a civil war in Iraq and on January 10, when another 21,500 troops were ordered to deploy to Ground Zero in that civil war.

Let's be clear: Our enemies have been emboldened by Mr. Bush's repeated, catastrophic mistakes, not by anyone's criticism of those mistakes.

The only true way forward in Iraq is to set a timetable for redeployment of U.S. forces. Only this will give the Iraqi leaders the incentive to resolve their differences and take responsibility for their own future.

As GEN George Casey, our commander in Iraq, told the Senate Armed Services Committee: “Increased coalition presence feeds the notion of occupation, contributes to the dependency of Iraqi security forces on the coalition, [and] extends the amount of time that it will take for Iraqi security forces to become self-reliant.”

Mr. Bush has it exactly backward. He has said that as the Iraqis stand up, we will stand down. The truth is that the Iraqis will only stand up when it is clear that the U.S. troops are leaving.

By redeploying our troops to strategic locations elsewhere in the Middle East, we will be able to refocus our efforts to destroy the terrorists who attacked us on September 11, 2001, and who continue to threaten us. Redeployment would free up U.S. forces to combat the resurgence of the Taliban in Afghanistan. Other troops would be available to help respond to terrorist threats not just in Iraq, but also in Somalia, Sudan, Yemen, and elsewhere.

The proposed troop escalation in Iraq is not a way forward; it is a way deeper into a tragic quagmire. This is not in our national interest. It is not in the interest of the long-suffering Iraqi people. And it is certainly not in the interest of our troops, who will be in the crossfire of a vicious civil war.

The conflict in Iraq cannot be solved militarily. It can only be solved through political compromise and reconciliation in Baghdad, and through aggressive diplomatic engagement with Iraq's neighbors and across the Middle East.

It's time for a truly new course in Iraq. And, to that end, I urge my colleagues to vote for cloture, and to allow the Senate to debate this important resolution.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Madam President, I ask unanimous consent that the time in opposition be allocated as follows: Senator HUTCHISON, 5 minutes; Senator LINDSEY GRAHAM, 10 minutes; Senator STEVENS, 10 minutes; Senator CRAIG, 3 minutes; and Senator GREGG, 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I ask unanimous consent that the next three speakers in support of cloture be Senator BEN NELSON, then Senator WARNER, and then myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Madam President, this has been called a very unusual occasion for us to come to the floor on a Saturday to vote on a resolution or to vote on any matter, but this is a very special occasion today because we need to vote up or down on this resolution.

I want to make it clear that while it is unusual, I believe it is, in fact, necessary. But I want to make it clear also that I support and prefer the Warner-Nelson-Collins resolution, which sets forth benchmarks and conditions for staying and requirements for the Iraqi Government and the Iraqi Prime Minister to meet in connection with that. But this resolution, while it may be more simplistic, still expresses support for the troops, a very strong statement of support for the troops and what they do, funding for the troops, and continuing to support their needs. It also states an opposition to the surge plan.

The Warner-Nelson-Collins resolution, which I prefer, makes it very clear that the opposition to the surge plan is sending our troops into Baghdad to put them in harm's way between the Sunnis and the Shias and the sectarian violence that has been described as being far worse than a civil war. We do not believe that is the appropriate plan. We have asked in that resolution that the President reconsider, consider all alternatives and other plans that might not put our troops into harm's way in the middle of a civil disobedience and a civil conflagration, as we have seen it. I thank Senators WARNER and COLLINS for their support and the cosponsors of this other resolution that I have referred to.

Today, it is pretty clear there has been much debate about the debate. My friend from Kentucky indicated he is frustrated. We are all frustrated. We are frustrated because it is time to end the charade and move forward to the consideration of the resolution so the Senate can be on record with Senators voting for or against the surge plan.

The American people can see what is happening. They know some want to prevent a vote at all costs. There have been Members complaining about the vote cast a little over a week ago, cast against moving forward. Then they said in the Senate, it is time to have a vote after having voted against having a vote.

It is time to move beyond the debate about the debate and move toward the consideration of this resolution. It is time for the Senators to be on record with the question: Are you for deploying thousands of troops to the crossroads of civil war in Iraq or do you oppose that plan?

This is the second opportunity the Senate has had to allow an up-or-down vote on a resolution on the Iraq surge. Let the Senate debate and vote on this resolution. We owe it to the American people. We owe it to the American people because of the importance of this resolution making clear that we do not support, or that we do support, putting our troops in harm's way in the middle of a civil war or a war that is simply between Shias and Sunnis, Shias and Shias, and other civil groups within the community. We do not have to understand the 1,400 years of this battle to know it is inappropriate to put our troops into the middle where it is impossible to identify the enemy. We put our troops into a situation where they are going to go door to door, hopefully with some support from the Iraqi troops, hopefully with some support from Prime Minister Maliki, hopefully with some support from the Iraqi Government.

In any event, the surge which the President said is going forward will put our troops in that condition and that situation. I, for one, do not believe that is an appropriate use of our troops. I believe today is the opportunity for the Senate to be able to say no, by saying yes to moving forward on this resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I make a unanimous-consent request that on the Democratic side, after Senator LEVIN speaks, the next Senator to speak will be Senator FEINSTEIN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Madam President, I reserve the right to object. I ask unanimous consent after Senator GRAHAM speaks on our side that I be recognized in the proper order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. GRAHAM. Madam President, I believe I am recognized for 10 minutes, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GRAHAM. Madam President, this is billed as an unusual Saturday session where the Senate is working on Saturday. I argue we are not working, we are having a political, theatrical debate that does more harm than good. There are a lot of people working on Saturday; not us. We are trying to jockey for political positioning among ourselves and for 2008. Yet there are people working in Baghdad and Iraq, trying to secure our future against the most violent extremists on the face of the Earth.

To my good friend Senator NELSON, if you think we are in the middle of a civil war, cut off funding. If you believe half of what you are saying in these resolutions, then have the courage of your convictions to stop this war by cutting off funding. But, no, no one wants to do that because they do not know how that will play out at home. Everybody is trying to hedge their bets a little bit, bashing this new effort to secure victory, wanting to be seen in history, I guess, or for the next election, that this was not my idea, this was Bush's fault. Bush is not going to Iraq; 21,500 brave young men and women are going to Iraq behind a general who believes he can win.

This is a low point in my time in the Senate.

Senator REID said a few weeks ago, Republicans can't run and hide from this debate. Well, I am here. I am not running and hiding from any idea any Senator has. I am not running and hiding from Senator WARNER's resolution. I look forward to voting against it and talking about how ill-conceived it is. All I am asking for is a chance for the Senate to play its role in our democracy and not become the House. All I am asking of my fellow colleagues who are certain they are right and want to send a message to our President is they give the courtesy to the others, such as myself, who believe they are dead wrong. And let's have a vote that reflects where the Senate is and not become the House.

What is the Senate? In the Senate you have to get 60 votes to move an idea forward. Do you want to abandon that because of the political moment? I don't. Do you want to abandon your colleagues who have a different view of what we should do? I don't. I have been there on an emotional issue called immigration. There was an effort to shut down debate. I, along with Senator JOHN MCCAIN and several other Senators who were very much for a comprehensive immigration reform, told critics within our caucus, we will not leave you behind.

I am extremely disappointed in our colleagues who want to shut off debate, not understanding whether people such as myself and Senator GREGG will be left behind. I am not afraid of your ideas. I respect the differences we have. I am extremely disappointed you will throw us over. That is not what the Senate is about. The Senate is about a debate on a full range of ideas that shows a difference from the House.

Here is the crux of the matter: The reason we are here on a Saturday playing stupid political games while people are over in Iraq trying to win this war is because our colleagues on the other side of the aisle are afraid to take a vote on cutting off funding. I believe what happened in the House in a nonbinding fashion is the worst possible situation for this Congress, but it is a precursor to a movement toward bleeding this war dry in terms of funds and cutting off funding. If I am wrong, then let's have a vote on cutting off funding.

The reason we are not going to have a vote on the Judd Gregg resolution, which is a legitimate position, is because 70-plus Senators will vote for it. The overwhelming majority of this Senate understands that cutting off funding at this crucial time in the war on terror in Iraq is ill-advised, but they don't want to be on the record. The reason they don't want to be on the record is because the radical left will eat Democrat 2008 hopefuls' lunch. They will create a fight on that side of monumental proportions between the radical left and the bloggers of the left who want to get out yesterday. That is why we are having a truncated debate.

If Members do believe we are in the middle of a civil war, take the floor and get people out of the middle of the civil war.

This is the politics of abandonment. This is abandoning the role the Senate has played for generations, to make our country stronger, not weaker. This is abandoning colleagues with contrary ideas who are going to be cut off. Unfortunately, these nonbinding resolutions abandon those who are going to the fight voluntarily.

This is a very sad Saturday for the Senate, on the heels of a disaster in the House where a majority, a bare majority of the House, wants to send a political message at a time of war that does not keep one person from being shot at.

I don't know where this thing is going to go. I don't know how it is going to end, but I can promise this: As long as I am in the Senate, I am going to take this Senate and make sure the Senate acts like the Senate. I came to the Senate for a reason. I want to be part of great debates. The way this process will be structured is Members will get cut out. JUDD GREGG will get cut out because of the politics of the moment. The 60-vote rule will have meaning in this debate as long as I am here. I hope my colleagues will understand whatever differences we have, no matter how sincere they are, please don't throw us over.

At this moment in time, I will read another resolution of sorts. This is from General Petraeus. He is addressing the coalition forces:

> To the Soldiers, Sailors, Airmen, Marines, and Civilians of Multi-National Force—Iraq:
>
> We serve in Iraq at a critical time. The war here will soon enter its fifth year. A decisive moment approaches. Shoulder-to-shoulder with our Iraqi comrades, we will conduct a pivotal campaign to improve security for the Iraqi people. The stakes could not be higher.
>
> Our task is crucial. Security is essential for Iraq to build its future. Only with security can the Iraqi government come to grips with the tough issues it confronts and develop the capacity to serve its citizens. The hopes of the Iraqi people and the coalition countries are with us.
>
> The enemies of Iraq will shrink at no act, however barbaric. They will do all they can to shake the confidence of the people and to convince the world that this effort is doomed. We must not underestimate them.
>
> Together with our Iraqi partners, we must defeat those who oppose the new Iraq. We cannot allow mass murderers to hold the initiative. We must strike them relentlessly. We and our Iraqi partners must set the terms of the struggle, not our enemies. And together we must prevail.
>
> The way ahead will not be easy. There will be difficult times in the months to come. But hard is not hopeless, and we must remain steadfast in our effort to help improve security for the Iraqi people. I am confident that each of you will fight with skill and courage, and that you will remain loyal to your comrades-in-arms and to the values our nations hold so dear.
>
> In the end, Iraqis will decide the outcome of this struggle. Our task is to help them gain the time they need to save their country. To do that, many of us will live and fight alongside them. Together, we will face down the terrorists, insurgents, and criminals who slaughter the innocent. Success will require discipline, fortitude, and initiative—qualities that you have in abundance.

Do we have those qualities in Congress?

> I appreciate your sacrifices and those of your families. Now, more than ever, your commitment to service and your skill can make the difference between victory and defeat in a very tough mission.
>
> It is an honor to soldier again with the members of the Multi-National Force—Iraq. I know that wherever you serve in this undertaking you will give your all. In turn, I pledge my commitment to our mission and every effort to achieve success as we help the Iraqis chart a course to a brighter future.
>
> Godspeed to each of you and to our Iraqi comrades in this crucial endeavor.

I end with this thought: If Members believe this is a lost cause and victory cannot be achieved, that our people are in the middle of a mess, a civil war, and not one person should get injured or killed because we have made huge mistakes that cannot be turned around, then cut off funding. Have a vote on something that matters. This political theater empowers our enemy, disheartens our own troops, is not worthy of the Senate time, and it has never been done in history for a reason.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. I ask unanimous consent that after Senator FEINSTEIN speaks in support of the motion for cloture, the next person in support of that motion be Senator SCHUMER of New York for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Madam President, I have been privileged to be a Member of the Senate now in my 29th year. Never have I stood in the Senate and in any way impugned the integrity of any Senator to speak as she or he believes from their own heart about what is right. I have never tried to challenge the patriotism of any Senator as they express their views.

I say to my colleagues, I entered this debate simply because I feel the Senate of the United States of America, an institute revered throughout the world, should have the right to go forward and debate this critical issue before America today, before the whole world.

Over a week ago, I voted against cloture to support the rights of all colleagues to be heard. That issue has been back and forth between our two leaders now for some weeks. We have come to the point in time when we must move forward. The only vehicle for those who wish to have this institution move forward and fulfill its goal is to move, today, to vote for cloture. I shall cast that vote, not with a heavy heart but with a heart that I think I am doing right for the integrity of this institution.

I have joined with my good friend Senator BEN NELSON, Senator COLLINS, and the other cosponsors, Senator HAGEL, Senator SNOWE, Senator COLEMAN, Senator VOINOVICH, and Senator SMITH, all of whom, once again, signed onto this amendment, referred to as the Warner-Nelson-Collins amendment.

We do so because we only wish to express a measure of disagreement on one basic point—an important one—with our President. The United States Congress is an independent branch of our Government. We are, as we often say, a coequal branch of our Government. We have the right to respectfully disagree. And we do so in our language. We support the President on the diplomatic aspects of his plan. We support the President on the economic aspects of his plan announced on the 10th of January.

We only disagree with one portion of it: Madam President, do you need 21,500 additional men and women of the Armed Forces in this conflict—indeed, it is more than that, as was testified before the Armed Services Committee the other day—to go into the streets and the alleys of Baghdad and to face an enemy which is largely today fighting a sectarian war?

This country gave an enormous sacrifice of life and limb to give Iraq its sovereignty. It is the duty of the Iraqi Armed Forces to take on the sectarian fighting. The American GI does not know the language, does not know the historic background of over 1,400 years of dispute between the Sunni and Shia. And we have trained over 300,000 Iraqi forces. Why not give those forces the responsibility to take on this fight?

Our resolution in no way has anything to do with the cutoff of funds. Senators stand up and castigate our resolution and claim it will cutoff funding. It will not cutoff funding to our troops. It supports the President. It supports the present level of all the troops throughout Iraq. It simply says: Mr. President, are there not alternatives other than using the American GI to put down this sectarian violence?

Madam President, I do hope, as we pursue this, we respect one another and our rights in this institution because I feel ever so strongly that our resolution supports the President economically, supports the President diplomatically, states that the President is correct, and clearly states that we cannot let this battle be lost and let the Iraqi Government collapse. We do not wish to see the people of Iraq denied the sovereignty that our blood, sweat, and toil have given them. We stand by the President on that. We simply say: Mr. President, this particular battle in Baghdad is best fought by the Iraqis. I regret to say that a New York Times article—and I asked this in open testimony before the Armed Services Committee a day or so ago to the Chief of Staff of the Army and to the Commandant of the Marine Corps—the accuracy of this report, that in the most recent battle there were 2,500 Americans and 200 Iraqi security forces. That is contrary to what the President said. He said the Iraqis will take the point in this battle. The President also said the Iraqis will bear the burden in this battle, and we would be there in support. This is not support. We are fighting that battle.

Again, this morning, I watched a report, presented by a U.S. general from Iraq, who stated that progress is being made in the battle in Iraq. Time and time again—he referred to the American forces making progress. He referred only to the United States forces fighting that battle, with no reference to the Iraqi forces. That is my point. That is why I steadfastly take this floor and respectfully disagree with the President. I will vote for the Gregg amendment. As a matter of fact, the Gregg amendment is in the Warner amendment.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. WARNER. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I believe I am to be recognized for 5 minutes, but I have an additional 5 minutes which Senator STEVENS has yielded to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Thank you, Madam President.

Madam President, first, my respect for the Senator from Virginia is immense. I have always admired what he does, and I wish we were voting on his resolution. I think it should be up for debate and up for a vote. He is a significant force in this institution for many things which are right. I may have some disagreements with him over time, but I certainly have never questioned anything. I hope no one would. No one should question anybody on anything around here on what our purposes are. Our purposes are the same: to make our country a better and safer place and to make sure we assure a good future for our children.

Let me set the table as to where we are in this debate, however, because one of the essences of this institution has always been it has been a forum where if you have a different idea or a different thought on an issue of substance, you usually get to air it, and you most often get to vote on it. That, of course, is what our Founding Fathers structured this institution for.

Ironically, it was George Washington—not ironically but appropriately—it was George Washington who immediately ascertained the significance of the Senate's role when he said the Senate is the saucer into which the hot coffee is poured. It is the spot where ideas of the day get an airing to make sure they survive the light of day.

Over time, we have developed an institutional understanding in the Senate that unless 60 percent—a majority of the Senate—agrees on an issue of major importance, that issue does not move forward. And equally importantly, we have developed an attitude in the Senate that if there is more than one legitimate view on an issue of significance—and this is, obviously, an issue of dramatic significance—there will be different views brought to the floor in the form of amendments or resolutions, and they will be debated and they will be voted on.

So what I suggested was an amendment which was not, I felt, all that controversial. In fact, I thought it was in the mainstream of American thought and certainly, hopefully, in the mainstream of the Senate positions. The resolution which I suggested—and I will read it again—simply states:

> It is the sense of Congress that Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

This should not be controversial. This should be a statement which we as a Congress are willing to make, that when we send a soldier onto the streets of Baghdad or anywhere else where that soldier may incur or be in the way of harm, that soldier will have the support of the American people and the Congress—with the financing, with the equipment, with the logistics they need to do their job well. And it should be a definitive, uncontroversial, uncontroverted statement.

Yet in offering this resolution, the Democratic leadership has said they will not entertain it. They will not allow us to vote on it. In fact, they have taken this whole process to a whole new level of trying to manage the activities of the floor of the Senate in a way that the Senate has never been managed in its historical past or should be managed in the context of what the purposes of the Senate are.

The Democratic leader has essentially said we will vote on his amendment—his amendment—and his amendment alone. And, by the way, his amendment has changed three times now. There have been major, substantive changes to his amendment three times. And each time he has said or the leadership on the Democratic side of the aisle has said: That is the amendment we are going to vote on, that is the one that is locked in stone. It shall not be changed. You shall vote on it as a Senate. You shall not be allowed to amend it. You shall not be allowed to put up resolutions that in any other way address the issue.

Well, the first proposal they came out with was not good enough to get enough votes to get to 40 probably, so they changed it. Then they said: This amendment shall be the amendment you will vote on. This amendment shall not be changed. This amendment shall not be amended on the floor of the Senate. There shall not be an amendment that I have proposed or that the Republican membership wants to propose to go up and be debated and voted on also. Then that amendment, it turned out, was not good enough. That happened to be the Warner amendment.

Then the House passed an amendment, and they decided to take the House amendment and say: Now this amendment shall be the amendment which is frozen in stone and which cannot be contravened, cannot be amended, and it shall not have any other amendment offered by the minority, by the Republican side of the aisle that the Republican side of the aisle wishes to propose.

There was one caveat to that, the Senate Democratic leader said: I will be willing to choose an amendment for the Republican side of the aisle to propose. I, as Democratic leader, shall choose the Republican amendment that is brought to the floor to be debated.

Well, obviously that, on the face of it, does not pass the test of fairness or even the test of how the Senate should run, even under a confined system as this is. The actual way we should proceed in this manner, in this situation, is that there should be at least four amendments on the floor because there are four major ideas floating around here.

There is the idea that came over from the House. There is Senator WARNER's proposal. There is Senator MCCAIN's proposal. Then there is my proposal. Every one of these is substantive, thoughtful, I believe. Maybe I am assuming too much for mine. But for everybody else's, there are substantive, thoughtful ideas that should be debated on the floor of the Senate, and they should each be allowed a vote.

But the Democratic leadership has said no, there shall be no vote on anything other than their new proposal—which is now the House proposal, their third machination of what they are going to do—and another proposal which they will choose from the Republican side of the aisle.

Well, that clearly fails on all levels. Substantively it fails the rules of the Senate as they have traditionally been used. And as a matter of fairness, it fails the issue of being fair to people who have a legitimate viewpoint. More importantly, it fails the American people and the troops who are in the field because it does not allow us as a Senate to effectively debate and vote on proposals which would address the various issues raised by the situation in Iraq.

So we on our side are saying we shall assert our rights. There are, after all, at least 40 Members of the Republican Party—and I suspect quite a few more—who believe that we, as Members of the Republican party, as Members of the minority, have a right to offer an amendment of our choosing, and that it should be voted on, especially since we are debating nonbinding amendments.

Equally important, I think it is probably appropriate to analyze: Why would the Democratic leadership not want to vote on the resolution I just outlined? Why would they not want to do something such as that? Why would they not want a vote on a resolution which states unequivocally that when we send our soldiers—our men and women—into harm's way, we are going to give them the support they need to do the mission they are assigned to do and to remain safe?

I suspect it is because that amendment which I have propounded, that proposal, that resolution would actually get significantly more than a supermajority in this body, significantly more than any other of the three items that have been discussed—the McCain proposal, the Warner proposal, or the House proposal—and that they would perceive that as an embarrassment on their side, which I believe shows this is not about the substance of the issue of how you address the war in Iraq, this is about the politics of how the amendment brought to the floor is perceived in the New York Times, the Washington Post, and the other panoply of national press groups that are basically trying to claim a victory over not our efforts in Iraq but over the President.

The fact that they would not allow us to bring forward an amendment which they know will receive a supermajority and more votes than their amendment—and which is so forthright in its statement of what it does, and which is so appropriate to the issue of what we are doing in Iraq, which is that we should be supporting our troops who have been sent into harm's way—is a reflection of the politicalness of this process, not the substance of the process. It is regrettable.

We will continue to insist that this amendment, which is reasonable, be voted on. We should not allow the frustration—and I recognize there is a tremendous amount of frustration about the war in Iraq. I have a lot of frustration about the war in Iraq. Everybody does around here. You could not but have that about what is happening there. But we should not allow that frustration to be taken out on our troops in the field. There will be endless claims that the House language that has come over to us——

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. GREGG. I ask unanimous consent for an additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Madam President, would this come out of the opposition's time?

Mr. GREGG. Yes.

Mr. CRAIG. We have several on our side. I yield 1 more minute to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator may resume.

Mr. GREGG. The House language is totally inconsistent on the issue of whether it supports the troops. It says on the one hand that it does, and it says on the other hand that it doesn't support their mission. You can't do both of those things together.

I will submit for the RECORD an editorial from the Wall Street Journal which reflects that fact. I appreciate the courtesy from the Senator from Idaho in granting me another minute. It truly is San Francisco sophistry, the language in the House resolution. In my opinion, it cannot be claimed to be consistent. The only consistent statement of support for the troops is the language of my amendment. That is why I believe it should be voted on.

I ask unanimous consent to print the editorial to which I referred in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 15, 2007]

AWAITING THE DISHONOR ROLL

Congress has rarely been distinguished by its moral courage. But even grading on a curve, we can only describe this week's House debate on a vote of no-confidence in the mission in Iraq as one of the most shameful moments in the institution's history.

On present course, the Members will vote on Friday to approve a resolution that does nothing to remove American troops from harm's way in Iraq but that will do substantial damage to their morale and that of their Iraqi allies while emboldening the enemy. The only real question is how many Republicans will also participate in this disgrace in the mistaken belief that their votes will put some distance between themselves and the war most of them voted to authorize in 2002.

The motion at issue is plainly dishonest, in that exquisitely Congressional way of trying to have it both ways. The resolution purports to "support" the troops even as it disapproves of their mission. It praises their "bravery," while opposing the additional forces that both President Bush and General David Petreaus, the new commanding general in Iraq, say are vital to accomplishing that mission. And it claims to want to "protect" the troops even as its practical impact will be to encourage Iraqi insurgents to believe that every roadside bomb brings them closer to their goal.

As for how "the troops" themselves feel, we refer readers to Richard Engel's recent story on NBC News quoting Specialist Tyler Johnson in Iraq: "People are dying here. You know what I'm saying . . . You may [say] 'oh we support the troops.' So you're not supporting what they do. What they's (sic) here to sweat for, what we bleed for and we die for." Added another soldier: "If they don't think we're doing a good job, everything we've done here is all in vain." In other words, the troops themselves realize that the first part of the resolution is empty posturing, while the second is deeply immoral.

All the more so because if Congress feels so strongly about the troops, it arguably has the power to start removing them from harm's way by voting to cut off the funds they need to operate in Iraq. But that would make Congress responsible for what followed—whether those consequences are Americans killed in retreat, or ethnic cleansing in Baghdad, or the toppling of the elected Maliki government by radical Shiite or military forces. The one result Congress fears above all is being accountable.

We aren't prone to quoting the young John Kerry, but this week's vote reminds us of the comment the antiwar veteran told another cut-and-run Congress in the early 1970s: "How do you ask a man to be the last man to die for a mistake?" The difference this time is that Speaker Nancy Pelosi and John Murtha expect men and women to keep dying for something they say is a mistake but also don't have the political courage to help end.

Instead, they'll pass this "non-binding resolution," to be followed soon by attempts at micromanagement that would make the war all but impossible to prosecute—and once again without taking responsibility. Mr. Murtha is already broadcasting his strategy, which the new Politico Web site described yesterday as "a slow-bleed strategy designed to gradually limit the administration's options."

In concert with antiwar groups, the story reported, Mr. Murtha's "goal is crafted to circumvent the biggest political vulnerability of the antiwar movement—the accusation that it is willing to abandon troops in the field." So instead of cutting off funds, Mr. Murtha will "slow-bleed" the troops with "readiness" restrictions or limits on National Guard forces that will make them all but impossible to deploy. These will be attached to appropriations bills that will also purport to "support the troops."

"There's a D-Day coming in here, and it's going to start with the supplemental and finish with the '08 [defense] budget," Congressman Neil Abercrombie (D., Hawaii) told the Web site. He must mean D-Day as in Dunkirk.

All of this is something that House Republicans should keep in mind as they consider whether to follow this retreat. The GOP leadership has been stalwart, even eloquent, this week in opposing the resolution. But some Republicans figure they can use this vote to distance themselves from Mr. Bush and the war while not doing any real harm. They should understand that the Democratic willingness to follow the Murtha "slow-bleed" strategy will depend in part on how many Republicans follow them in this vote. The Democrats are themselves divided on how to proceed, and they want a big GOP vote to give them political cover. However "non-binding," this is a vote that Republican partisans will long remember.

History is likely to remember the roll as well. A newly confirmed commander is about to lead 20,000 American soldiers on a dangerous and difficult mission to secure Baghdad, risking their lives for their country. And the message their elected Representatives will send them off to battle with is a vote declaring their inevitable defeat.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, we have been bogged down in Iraq for nearly 4 years, which is longer than the Korean conflict or our involvement in World War II. The war has cost more than 3,100 American lives, seven times that many wounded, and about $400 billion. We desperately need to change course. Shifting responsibility to the Iraqi political leaders to reach a political settlement is the only hope of ending the violence. That is why the Iraq Study Group urged less U.S. military involvement as they concluded:

> An open-ended commitment of American forces would not provide the Iraqi government the incentive that it needs to take the political actions that give Iraq the best chance of quelling sectarian violence. In the absence of such an incentive, the Iraqi government might continue to delay taking those difficult actions.

But instead of putting pressure on Iraqi leaders to settle their political differences as the only hope of a successful outcome in Iraq, the President would get us in deeper militarily. The Iraqis didn't ask for more U.S. troops to occupy their neighborhoods in Baghdad. Indeed, they suggested we move out of Baghdad. The idea for this so-called surge of American troops in Baghdad was ours. It may be called a surge, but I believe it is a plunge, a plunge into a sectarian caldron, a plunge into the unknown and perhaps the unknowable.

Supporters of the surge argue that a Senate resolution disagreeing with the President's plan "emboldens the enemy," but that is an extraordinarily naive view of the enemy. What emboldens the sectarian fighters is the inability of the Iraqi leaders to make political compromises so essential to finally reining in the Sunni insurgents and the Shia militias. The enemy cares little what Congress says. It is emboldened by what the Iraqi leaders don't do. The enemy isn't emboldened by congressional debate. It is emboldened by the open-ended occupation of a Muslim country by western troops. The enemy is emboldened by the current course which has seen a million Iraqis leave the country and become refugees, with thousands more leaving daily. The enemy is emboldened by years of blunders and bravado, false assumptions, wishful thinking, and ignorance of the history of the land being occupied. The enemy is emboldened by an administration which says it is changing course, which acknowledges that a political settlement by Iraqi leaders is essential to ending the violence but then plunges us more deeply militarily into a sectarian witch's brew.

The only hope of ending the violence and succeeding against the enemies of an Iraqi nation is if the leaders of that nation work out their political differences and unite against forces that would destroy any chance of nationhood. That takes political will. That takes pressure from us. Sending more U.S. troops takes the pressure off. It sends the false message that we can save the Iraqis from themselves. Sending more troops does what our CENTCOM commander, John Abizaid, warned about when he said:

> It's easy for the Iraqis to rely upon us to do the work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

Does speaking out against the surge undermine our troops? The Chairman of the Joint Chiefs of Staff, GEN Peter Pace, firmly answered that argument just last week when he said the following:

> There's no doubt in my mind that the dialogue here in Washington strengthens our democracy—period . . . From the standpoint of our troops, I believe that they understand how our legislature works and that they understand that there's going to be this kind of debate.

Just last week, Secretary Gates answered the charge that our debate hurts troop morale when he said these words:

> I think that our troops do understand that everybody involved in this debate is looking to do the right thing for our country and for our troops, and that everybody is looking for the best way to avoid an outcome that leaves Iraq in chaos. And I think they're sophisticated enough to understand that that's what the debate's really about. I think they understand that that debate's being carried on by patriotic people who care about them and who care about their mission.

We owe our troops everything: equipment, training, adequate rest, support of them and their family. We also owe them our honest assessment.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. LEVIN. I wonder if I could be yielded 30 additional seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. The majority of the American people believe that a deeper military involvement in Iraq won't make success more likely. I believe a majority of Senators feel the same way. I hope the majority will be allowed to so vote. If we believe plunging into Baghdad neighborhoods with more American troops will not increase chances of success, we are dutybound to say so, and a minority of Senators should not thwart that expression. We owe that to the troops. We owe that to their families, and we owe that to the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Madam President, under a unanimous consent request, I have asked for 5 minutes. I will use one of those and yield the remaining 4 to the Senator from Texas, Mrs. HUTCHISON.

I ask unanimous consent to print in the RECORD a statement by the American Legion, the largest veterans organization in this country. I will only quote its last paragraph:

> The American Legion and the American people find this to be a totally unacceptable approach and we will do everything within our power to ensure that our troops are not used as political pawns by a Congress that lacks the will to win.

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Legion: Congress Sent Wrong Message Today

WASHINGTON, Feb. 16/PRNewswire-USNewswire/—The leader of the nation's largest wartime veterans' organization provided the following statement in response to the House vote disapproving the President's decision to deploy more than 20,000 additional combat troops to the Iraqi theater.

"Congress may consider its vote today on H. Con. Res. 63 to be nonbinding, but veterans of previous wars and those in the field of combat right now consider Congress's action to be a betrayal of trust and the first step toward surrender to the terrorists who caused this war in the first place.

"We must never forget the morning of Sept. 11, 2001, when two U.S. commercial aircraft were used to kill nearly 3,000 innocent people in an unprovoked attack against our nation's sovereignty. We must never forget those brave Americans who downed their plane in Pennsylvania, saving the lives of many in the Capitol. We must never forget the attack on the Pentagon, or on the USS *Cole*, or our embassies, or our Marine barracks in Beirut. The list goes on and on.

"Even the Clinton administration tried to kill Osama bin Laden by lobbing missiles at him. This war didn't just start with the invasion of Iraq. It's been going on for decades. It's been going on in Republican and Democrat administrations and Congresses.

"It isn't about partisan politics. It's about America. It's about all of us, and especially those who are at this moment risking their lives on the field of battle.

"Americans are not the enemy here. The terrorists and all of those governments that support them are the enemy. We must never forget that. And, equally important, we must never forget the primary lesson learned in Vietnam: you cannot separate the war from the warrior.

"Congress can talk all it wants to about how it supports the troops. But its actions set the table. The message they sent today to the frontline is that America is preparing to cut and run. We essentially told our fighting men and women that 'we have taken step one in the plan to cut reinforcements, to cut armaments, and to withdraw any support you need to complete your mission.'

"The Speaker characterized it succinctly when she said, "(t)his legislation will signal a change in direction that will end the fighting and bring our troops home.'

"What she failed to add was '. . . in defeat, and without completing the mission they were trained to complete and ready to win if only America had not given up before they did.'

"The American Legion and the American people find this to be totally unacceptable and we will do everything within our power to ensure that our troops are not used as political pawns by a Congress that lacks the will to win."

Mr. CRAIG. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, the first reason to vote no on this motion to proceed is that we have no ability to amend or an alternative that would be allowed by the majority to reflect a different point of view. When I hear people on the other side say don't let the minority thwart the efforts of the majority, what the majority is saying is we only want one resolution, our resolution. Whatever happened to amendments? Whatever happened to the ability to have alternative resolutions?

This is the tenth time in this very short period that this Congress has been in session that cloture has been used to stifle minority rights. It is unprecedented in this body. I hope we will go to a time when the Senate will be able to work together in a bipartisan way, agree and disagree civilly, have the ability to exercise minority rights, and then have a majority vote. We don't have to have only one procedure that allows for one view but does not allow for alternatives and amendments. That is not the way the Senate is supposed to operate.

The second reason to vote no on this motion is the resolution itself. The resolution says we support the troops who are there now and the troops who were there in the past but not those who will come in the future. Presumably the majority is saying that we will not support future troops because they don't support the President's plan. But troops who are rotating in to replace troops leaving would also not be supported. Since when do we select which members of the armed services we will support and which ones we will not in the middle of a mission? It is untenable on its face. We should never allow this flawed resolution to go forward without any alternative and without any amendments.

The third reason we should use every procedural avenue to derail this resolution is, we are undercutting the Commander in Chief and the troops who are on the mission right now. This is a rare departure for the Senate to undercut a mission of our military while troops are in harm's way performing the mission with a nonbinding resolution. The purpose of doing this can only be to undercut the Commander in Chief to the rest of the world because it will not stop the mission itself.

As was said earlier today, there is not a Member of the Senate who doesn't believe this is a risky proposition. It is. We are all worried about it. I have talked to General Petraeus about it, as have many of my colleagues. How, General Petraeus, do you see this working? He is the commander and he is the one who is putting this proposal together to fight a type of war we have never had to fight before, with an enemy that is willing to kill themselves in order to kill Americans and innocent Iraqis.

We have had to adjust; there is no doubt about it. I don't think anybody is saying that we believe we are in a good situation in Iraq. But the idea that we would pass a nonbinding resolution which undercuts our troops who are valiantly performing the mission is something I cannot remember that we have ever done.

I will quote from the Senate Armed Services hearing when Senator LIEBERMAN asked General Petraeus if such a resolution, a nonbinding resolution condemning the strategy, would give the enemy encouragement, some clear expression that the American people were divided. General Petraeus answered: "That is correct, sir."

Yes, the American people are divided. It is a very different matter for the Senate to pass a resolution with no alternative that says we support the troops who are there now and the ones who served in the past but not those who will be coming after the resolution is passed. It is unthinkable.

I hope we will come to our senses. I hope we will be able to talk freely, to debate but not to pass a resolution that says to the world, to our enemies, as well as our allies, we do not have faith in those who would go to perform a mission going forward, faith in the military who created this plan.

I hope the Senate doesn't pass this. I hope we will have an agreement that will allow alternatives, as we have always done since I have been in the Senate, and many years before me. I hope our leaders will be able to sit down and craft a resolution that opens the process so that everyone will have a voice, not just a few in the majority. Maybe it is 51. Maybe it is 52. Maybe it is 53. But we should have 41 Senators standing up for an alternative resolution that would allow other people to have the ability to vote for the support of our troops, whether they are there now, whether they were there in the past, or whether they will be there in the future. That is the difference between this resolution the majority is trying to get passed without any alternative or any amendment, and what we would put forward, which is to say: We will support all the troops today or tomorrow, and we will win this war, for there is no substitute for victory, if our children are going to live in freedom.

I yield the floor.

(Disturbance in the Visitors' Galleries)

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S.J. Res. 3 are located in today's RECORD under

"Submission of Concurrent and Senate Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, we have seen 4 years of obfuscation on Iraq from the White House and from previous leadership in this Senate. Those days are over this afternoon. Every Senator is going to have to step to the plate and say where he or she stands. The other side has tried to design resolutions where they can duck, they can avoid, and they don't tell their constituencies how they feel. Those days are over.

That is why this cloture vote is a crucial vote, not just for the moment or the week but for the history of America because today's vote is not on other aspects of what is going on in Iraq or Iran but simply this: Are you for or against the escalation? Plain and simple.

There should be a simple vote, not as an end to this debate but as a beginning of this debate. The minority is tying itself into pretzels so there will not be a vote. They are torn between their President's policy and the wishes of their constituents. But vote they must. If they avoid the vote this afternoon, their constituents will know exactly what they are doing.

On the policy, the President's escalation is misguided, to put it kindly. There is no change in strategy. We are policing a civil war in Iraq—something no one talked about 2 years ago, something no one bargained for. Our brave young men and women, whom we so support, are standing in the crossfire between Shiites and Sunnis. This is not a fight against terrorism; this is a civil war, and there have been, unfortunately, thousands of them throughout history. American troops should not be in the middle of that war.

The President doesn't change the policy; he simply adds more troops to continue this misguided policy. That is why the majority of this Senate, and the overwhelming majority of the American people, are so opposed to this escalation, and we will vote on it this afternoon. But make no mistake about it, this is just the first step. It is just the first step. This is a process. Some of my friends and colleagues wish—and maybe we do, too—that there could be a silver bullet, one resolution that could either end the escalation or even end the war. But there is not. The way our Constitution is structured, this Government, you need two-thirds to overcome a certain Presidential veto, when we do our next resolution with teeth.

So our job here, which this resolution begins, is to ratchet up the pressure on the President, on those who are still on his side in terms of this policy until they change. We will be relentless. There will be resolution after resolution, amendment after amendment, all forcing this body to do what it has not done in the previous 3 years—debate and discuss Iraq. And we believe that as that debate continues and as this process unfolds, just like in the days of Vietnam, the pressure will mount and the President will find he has no strategy. He will have to change his strategy, and the vast majority of our troops will be taken out of harm's way and come home.

So, Madam President, today is the beginning of a historic period, where for the first time in a while Congress debates foreign policy in Iraq and Congress tries to do something about foreign policy in Iraq.

To the brave men and women who are defending us today, whom we so support, thank you for your service, thank you for protecting us. We will continue to live by what the Constitution has asked us to do, which is to debate the issues and come up with what is best for our soldiers, for America, and for the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, do I have 5 minutes?

The ACTING PRESIDENT pro tempore. Yes, the Senator has 5 minutes.

Mr. BIDEN. Madam President, today, the Senate has an opportunity—and a responsibility—to begin to end the escalation of the war in Iraq and to start us toward a new strategy for leaving Iraq without leaving chaos behind.

Our responsibility is to debate and vote on the resolution passed by the House of Representatives that says that Congress disapproves of the President's plan to deploy more than 20,000 additional American combat troops to Iraq.

The question before us today is whether a miniority of Senators will even allow the debate to start. That is what we are about to vote on.

To my colleagues who are thinking about trying to block debate, let me say this: Iraq dominates our national life. It is on the minds of tens of millions of Americans. It shapes the lives of hundreds of thousands of our men and woman in uniform and their families.

That the Senate would not even debate, much less vote on, the single most urgent issue of our time, would be a total failure of our responsibility.

We have a duty to debate and vote on the President's plan. We have a duty to debate and vote on our overall strategy in Iraq. We have to demonstrate the courage of our convictions.

Last month, Secretary of State Rice presented the President's plan for Iraq to the Foreign Relations Committee. Its main feature is to send more American troops into Baghdad, in the middle of a sectarian civil war.

The reaction on the committee, from Republicans and Democrats alike, ranged from skepticism to profound skepticism to outright opposition. And that pretty much reflects the reaction across the country.

Every Senator should be given a chance to vote whether he or she approves or disagrees with the President's plan to send more troops into the middle of a civil war.

The debate I hope that we will have is as important as the vote.

I predict the American people will hear very few of our colleagues stand up and support the President's plan to send more troops into the middle of a civil war. Listen to those voices.

Some minimize the significance of a nonbinding resolution. If it is so meaningless, why did the White House and the President's political supporters mobilize so much energy against it? Why is a minority of Senators trying to prevent the Senate from talking about it?

Opposing the surge is only a first step. We need a radical change in course in Iraq.

If the President won't act, Congress must.

But Congress must act responsibly. We must resist the temptation to push for changes that sound good but produce bad results.

The best next step is to revisit the authorization Congress granted the President in 2002 to use force in Iraq.

We gave the President that power to destroy Iraq's weapons of mass destruction and, if necessary, to depose Saddam Hussein.

The WMD were not there. Saddam Hussein is no longer there. The 2002 authorization is no longer relevant to the situation in Iraq.

Legislation I'm working on would repeal that authorization and replace it with a much narrower mission statement for our troops in Iraq.

Congress should make clear what the mission of our troops is: to responsibly draw down, while continuing to combat terrorists, train Iraqis and respond to emergencies.

We should make equally clear what their mission is not: to stay in Iraq indefinitely and get mired in a savage civil war.

Coupled with the Biden-Gelb plan that offers the possibility of a political settlement in Iraq, I believe this is the most effective way to start bringing our troops home without leaving a mess behind.

But for today, my message is simple: the American people want us to debate Iraq, the most important issue of our day. They expect it. They demand it.

If we try to hide behind procedure and delaying tactics, the American people will hold us accountable.

They get it. The question is: do we?

Madam President, again, today we have the opportunity to do something we have not done on the floor of the U.S. Senate in the last 4 years; that is, to actually debate Iraq. This is the first opportunity we are going to have to do that. I know a number of people say: This is not binding, so why are we doing it? If it doesn't matter, why is there such an effort to keep us from talking about it, an effort to continue to fight us in being able to do this?

Madam President, I say to my colleagues that if we fail to invoke cloture here, we are not permitted to debate this issue, and I don't know what it says to the American people about what we are all about. I don't know whether anybody has noticed, but the American public is seized with this issue. It is the issue. It is the issue everybody is discussing at the kitchen table. It is the issue every man, woman, husband, wife, mother, and father with someone in the National Guard or in the U.S. military is talking about. It is the issue. The Senate is being silenced on it, even being prevented from debating whether we can talk about making a simple statement that: Mr. President, you are wrong; don't escalate this war.

The truth is, our voices, quite frankly, are as important as our votes. The President will find, if we have a full-blown debate on the floor of the Senate, there are precious few people on this floor who think he is handling this war correctly. Instead of escalating the war, we should be drawing down our forces. I predict the American people hear, as I said, very few of our colleagues talking about what a good idea this is, what the President has in mind. So to echo the comments made by my colleague from New York, if, in fact, we are precluded from even debating the issue of whether we oppose the President's escalation of the war, surely you are going to see more coming to the floor.

I have been working with the Senator from Massachusetts and others on a piece of legislation that would literally rescind the President's authority—the authority we gave him to go to war in the first place—and redefine the mission very narrowly.

Look, there is going to be a lot of discussion, whether we debate today or not, on Iraq. There is going to be a lot of discussion about what to do next. It will range from cutting off funding, to capping troops, to a number of other proposals. The truth is, we are being presented with a false choice up to now. We are either told we have to stay the course and escalate the war or the other choice is to bring our troops home and hope for the best.

The truth is that none of this will matter. We are going to have to bring everybody home if they don't get a political solution in Iraq. There is only one: a federal system. Listen to what their Constitution says. Even the National Intelligence Estimate, the estimate of all of the intelligence agencies, says—and I am paraphrasing it—that the Sunnis have to accept regionalism and the Kurds and Shias have to give the Sunnis a bigger piece of the action in order for them to do that.

I point out to everybody, when civil wars begin in other countries, there are only a few things that stop them: One side wins and there is carnage; two, an occupying force stays there indefinitely; or, three, you end up in a situation where they have a federal state.

The President should get about the business of pursuing not a military solution here but a political solution. He should be calling an international conference, getting all of the parties in a room, as we did in Dayton, convincing our allies and the region that the only outcome that has any possibility of surviving is the federal state, as their Constitution calls for.

I conclude by saying that the American people expect—quite frankly, I think they demand—that we start to intelligently debate this subject rather than doing it by way of talk shows and Sunday appearances on TV. We should be debating on this floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Madam President, over 3,000 Americans are dead—dead, dead—and over 23,000 Americans are wounded as a result of the war in Iraq. Our military leaders say that our Armed Forces are stretched almost to the breaking point. We have spent almost $400 billion, and the number continues to go up, up, up. But the United States Senate is mired incredibly in a debate about the ability even to have a debate about our Nation's future course in Iraq. Surely, no one in this Senate can be so fearful of debate on a nonbinding resolution concerning the President's plan to send some 40,000 additional troops to Iraq that they fail to hear the voices of over 70 percent of the American people out there who now oppose our involvement in this war. But apparently some in the Senate are afraid of such a debate.

Some of my colleagues have indicated that they will vote against the motion to proceed to debate on this straightforward resolution, which expresses disagreement with the President's plan. While our brave fighting men and women put their lives on the line in Iraq, this Senate stands paralyzed—paralyzed, paralyzed, I say. The United States Senate—the greatest deliberative body in the whole world—is probably the only place in this wonderful land of America where this debate is not—is not—taking place.

How can some express unwavering support for the troops if they quake in the face of a debate about their safety? Our troops are stretched thin. They are weary after deployment and redeployment. Post-traumatic stress disorder and mental problems—yes—are rife in the troops. Lost limbs and physical mutilation have scarred many of these young people for life. Scores of families weep—yes, they weep—every night for their lost loved ones. And yet many in this Senate claim to support the troops, while those same many steadfastly refuse to debate an ill-advised escalation—yes, an ill-advised escalation—of this war which almost nobody but nobody supports.

Can one claim support for the troops while acquiescing in a policy that only sinks our forces deeper into a civil war? Can any of us look in the mirror while we stonewall the concerns of the American people and engage in some political fandango to prevent discussion of our engagement in Iraq?

Madam President, if it will help to bring our soldiers home, I will work every Saturday for the rest of this Congress. I will stand here, right here on this floor, of this Senate every day, 24 hours every day if it would mean one less family without a son or a daughter. Hear me.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed for 2 minutes.

Mr. STEVENS. Reserving the right to object, what happens to the time I am allocated under those circumstances?

The ACTING PRESIDENT pro tempore. The time for the Senator will be reserved. Is there objection?

Mr. BYRD. Nothing, I say to my friend. I would not see anything happen to the Senator's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Madam President, this is the most important issue facing America, the land of the free and the home of the brave, and I stand with my colleagues today to say enough, enough stalling, enough obfuscation. It is time for the people of America—yes, you people out there in the mountains, the valleys, and across the rivers, across the mountain ranges, yes, the great Rockies—you people, it is time for you to know where every Senator stands on this war.

I will cast my vote with pride this afternoon, Madam President, in favor of proceeding to this debate, and I hope that every one of my colleagues joins me.

I yield the floor and thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, with great respect for my friend from West Virginia, the reason we are here is because the new majority refuses to debate. They refuse to allow us to take up the amendments that should be considered during this debate.

We have before us now a proposal drafted by the Rules Committee of the

House, presented to the House without debate and brought to us without debate, and we are told we are to be limited on the number of amendments that will be considered to this measure.

It is an important subject to be debated, but why Saturday? This is the start of the President's Day recess that was announced 6 weeks ago. In order to try to embarrass the Members of this side—21 of us up for reelection—the leadership decided to have this debate today on a nonbinding resolution, which wouldn't accomplish anything, wouldn't bring any troops home, wouldn't announce our support for the troops, just to see whether we come back to vote.

The real problem is how do we get together in a Senate that has a majority of one? Do we do it on the basis that every time something comes from the House we are to be told no amendments will be in order? We can't debate this question of whether we support the troops? We can't support any other amendment to this resolution? We are to take the matter that came from the House without debate from the Rules Committee? It was not changed all the way through the House.

How many Senators on that side want to be a rubberstamp for the House? That is what you are starting. This is the third bill to come before us with the idea of no minority amendments are going to be considered unless the leadership on that side decides they should be considered.

Again, I tell you, Madam President, this is a defining moment of the Senate. This is a debating society. We should not be limited on the number of amendments that are considered, any more than we are limited on the CR.

When I became chairman of the Appropriations Committee in 2001, there were 11 bills pending that had not been passed by the former majority. We brought them before the Senate in an omnibus bill, and every single bill was considered, one by one.

What did we do this time? We had one resolution which came over from the House, and we passed it without any amendments. That is a formula for the death of the Senate. There are people in this country who think we should have a unicameral legislature.

Mr. BYRD. I don't.

Mr. STEVENS. I share the Senator's opinion because I would like to debate him on some of these subjects but not on a nonbinding resolution. Let's bring up a resolution that supports the troops.

I directly contradict my good friend from West Virginia. The American people support our troops in the field——

Mr. BYRD. Yes.

Mr. STEVENS. ——and do not want us challenging them and trying to find some way to deviate money from their support or deny them the support they deserve. I would love to stand here and talk for hours and hours with my friend about how to support the troops. You don't do it by asking them to disobey the President of the United States. You don't do it by urging the Senate and the House not to support the President of the United States. You do it by trying to get together and working on a bipartisan basis to solve our problems.

None of us like war. I said the other day I hate war. I have been involved in the consideration of too many wars in my life, but clearly those people wearing our uniform in Iraq and Afghanistan need to know we support them 100 percent, and we don't stand here and talk about how we should find ways so they would not get their support, so we force the President of the United States to bring them home.

We will bring them home with the new commander there and the new plan we are going to put into effect, a plan that requires a surge for the safety of the people there, to move in the country to carry out the plan.

I support the President, and I urge the Senate to do the same.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Madam President, how long may I be recognized for? Two minutes?

The ACTING PRESIDENT pro tempore. Time has expired.

Mr. BYRD. Madam President, I ask unanimous consent to proceed for 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, we all deeply respect Senator BYRD, but we are on a tight timeframe. I don't know how many minutes are left on that side.

The ACTING PRESIDENT pro tempore. Two minutes remain for the previous unanimous consent.

Mr. MCCONNELL. I was to be recognized at 1:25 p.m., and it is now 1:27 p.m.; is that correct?

The ACTING PRESIDENT pro tempore. The order was delayed by intervening orders.

Mr. MCCONNELL. There is some time at least remaining on the other side. I leave it up to my good friend, the majority whip, to sort that out.

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

Mr. DURBIN. Madam President, I thought we had 3 minutes remaining; is that correct?

The ACTING PRESIDENT pro tempore. One minute has been consumed. There is 2 minutes remaining.

Mr. DURBIN. Since Senator KENNEDY has asked for 1 minute, I will yield the 1 minute I requested to the Senator from West Virginia so each of the remaining two will speak—Senator KENNEDY for 1 minute and Senator BYRD for 1 minute.

Mr. BYRD. Madam President, I thank our distinguished friend from Illinois. And I thank my longtime friend from Massachusetts, Mr. KENNEDY.

I only rise to say that I have a binding resolution to bring our troops home. I hope to see the day when we may vote on my resolution to bring American troops home—home, home.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. All of us remember the elections. All of us remember President Bush saying: I am going to take my time and find a new direction.

Mr. BYRD. Yes.

Mr. KENNEDY. All of us remember he said: Do not rush me. I want to talk to the generals. I want to talk to political leaders. I want to talk to people all over this country and all over the world to find out a new policy.

Then he comes out with this policy. And what is it? It is a military policy to escalate in Iraq.

Mr. BYRD. Right.

Mr. KENNEDY. That is the issue before the U.S. Senate. Many of us do not believe that this President is right on it. The Baker-Hamilton commission did not agree with that policy. General Abizaid did not agree with that policy before the Armed Services Committee. And the American people don't.

We on this side are interested in protecting American servicemen from the crossfire of a civil war. Some on the other side are more interested in protecting the President from a rebuke for his policy of escalation in Iraq.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, 5 weeks ago, President Bush stood before the American people and acknowledged—acknowledged—the lack of progress in Iraq. He outlined a new military strategy that was devised after consultation with military commanders, national security leaders, and Members of Congress from both parties. He told us he had committed more than 20,000 additional troops to Iraq to clear and secure the city of Baghdad and to protect its population.

As we meet today, the first of five waves of soldiers are carrying out this plan on the streets and in the alleys of Baghdad; the second is preparing to leave. These reinforcements have already given us reasons for hope. Soon after the President's announcement, U.S. Iraqi forces began to route key elements of the Mahdi army, the militia's leader fled his stronghold, and this week U.S. Iraqi forces have conducted sweeps through once violent Sunni neighborhoods with little resistance.

It is too early to say whether the surge will achieve its objective, but

General Petraeus and President Bush ask us to give the plan a chance to work, to support our troops in the field and those on their way. Until now, we have done that. Today—today—we are being asked to do something entirely different.

The majority party in the Senate wants to vote on a resolution that condemns the President's plan and which disagrees with General Petraeus who said before he left for Iraq that additional troops are an essential part of achieving our goal. They are doing this 3 weeks after voting, without dissent, to send General Petraeus on this mission. And they are doing it in the form of a nonbinding resolution that will have no practical effect on the conduct of the war.

Americans have a right to demand why the Senate has not yet taken a clear stand on what most of us believe to be our last best chance at success. So let us be clear at the outset of this debate about what is going on today and about what Republicans are fighting for today.

Republicans are fighting for the right of the American people to know where we stand. If you support the war, say so. If you don't, say so. But you cannot say you are registering a vote in favor of our troops unless you pledge to support them with the funds they need to carry out their mission. Yet this is precisely—precisely—what the Democratic majority would have us do today.

They demand Republicans cast a vote in favor of a nonsensical proposition that says we disapprove of the President's plan to deploy more troops to Iraq, but we support the members of the Armed Forces who are serving there. A vote in support of the troops that is silent on the question of funds is an attempt to have it both ways. So Republicans are asking for an honest and open debate, and we are being blocked at every turn.

The majority party in the House has a stronger hand in determining what comes up for a vote. So yesterday they forced a vote on the same stay-the-course resolution that Democrats are now trying to put before the Senate. Democrats have been clear about the strategy behind this resolution. They describe it as a slow bleed, a way of tying the hands of the Commander in Chief. The House said yesterday that it supports the troops. Yet its leadership is preparing to deny the reinforcements that those troops will need in the weeks and months ahead.

The Senate was created to block that kind of dealing, and today it stops at the doors of this Chamber. Even opponents of the war denounce the tactics of the Democratic leadership.

In an editorial today, the New York Times, amazingly enough, called yesterday's House vote a "clever maneuver to dress up a reduction in troop strength as a 'support the troops' measure." Adding, "It takes no courage or creativity," said the New York Times, "for a politician to express continuing support for the troops and opposition to a vastly unpopular and unpromising military escalation."

The Washington Post was rightly appalled in an editorial this morning by the slow-bleed strategy, calling it "a crude hamstringing of the military commanders and their ability to deploy troops." The Post exposed the details of Mr. MURTHA's plan to add language to a war-funding bill that would strangle the President's ability to get reinforcements to soldiers in the field all under the guise of having them better prepared.

"Why," the Post asks, "doesn't Mr. MURTHA strip the money out of the appropriations bill? Something he is clearly free to do." Good question. And the astonishing answer comes from Mr. MURTHA's own lips. "What we are saying," Congressman MURTHA says, "will be very hard to find fault with."

There is no place for this kind of chicanery at a time of war. Even some of the President's most strident opponents know that. They know the only vote that truly matters is a vote on whether to fund the troops. That is the vote House Republicans were denied yesterday. That is the vote Senate Republicans and a growing number of clear-eyed observers on both sides of this issue are demanding today. Let those of us who support the President's plan to win in Iraq say so. Let those who oppose it also say so.

We will not be forced to vote for a resolution that says we support the troops but does not ask us to seal that pledge with a promise to help them carry out their mission in the only way they can, which is by funding their mission.

Madam President, has my time expired?

The ACTING PRESIDENT pro tempore. The minority leader has 4 minutes remaining.

Mr. McCONNELL. Madam President, let me additionally say that Senate Republicans have been trying to have this debate now for several weeks. We expected to have it week before last. We insist, however, on having the debate in the Senate in the way debates are always carried out in the Senate, in a fair and evenhanded way.

Our good friends on the other side of the aisle initially supported the Biden proposal, which came out of the Foreign Relations Committee. When that appeared not to have enough support, they adopted the Warner-Levin proposal. When that appeared to be inconvenient, they switched again and now support, I guess, what best can be called the Pelosi-Reid proposal, which they are attempting to get before the Senate today.

All along the way, for the last few weeks, Senate Republicans have been consistent in asking for a fair debate, and a fair debate includes, at the very least, one alternative supported by a majority of Senate Republicans. The one alternative we settled on was Senator GREGG's proposal to guarantee that we support funding for the troops. This fundamental unfairness and unwillingness to allow the Senate to vote on arguably the most significant issue confronting the troop surge, which is whether it is going to be funded, is the reason this stalemate has occurred.

I am optimistic, and I certainly hope that Senate Republicans will continue to insist on fair treatment in debating what is clearly, unambiguously, the most important issue confronting the country today.

Madam President, I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, we all know it is rare for the Senate to hold a Saturday vote, but the issue before us is too important to wait. There are challenges facing America today, but there is no greater challenge facing America today than finding a new direction in Iraq.

Every Senator in this Chamber has a responsibility and an obligation to say whether they support or oppose the President's plan to escalate the war. Yesterday the House of Representatives acted, 246 to 180, no escalation. Now it is the turn of this body, the Senate, to give advice to the President that he is wrong in sending tens of thousands more American soldiers to a civil war in far away Iraq.

In a few moments, a vote will occur on a straightforward resolution which simply states that we support our troops and oppose escalation of the intractable Iraq war. My colleagues on the other side of this Senate Chamber, colleagues who blocked an Iraq debate last week, have a choice to make. Do they intend to join the American people in opposing more of the same in Iraq or do they intend to continue to give the President a green light to escalate the war? Let the debate proceed. Let the Senate express its views on the issue of our time.

This month, the Iraq war has cost the lives of three American soldiers every day, putting us on pace for the bloodiest February since the war began. It is threatening our Nation's strategic interests and risking our Nation's security. Today, America has lost 3,133 soldiers in the streets and highways of a place called Iraq.

Mr. BYRD. Shame.

Mr. REID. We have seen tens of thousands more wounded. The war has strained our military and depleted our Treasury of almost $500 billion.

The Iraqis are dying at a rate of 100 a day in a vicious sectarian civil war. Two million Iraqis have left their own country.

By every measure, the administration's failures have put us into a deep hole in Iraq. Yet the President's new old plan—escalation, more of the same—won't get us out of the hole. It will only dig the hole deeper.

Our generals, the Iraq Study Group, and the Iraqis themselves have told us that escalation will only make Iraq worse, intensify our costs, and require even greater sacrifices from the American troops, many of whom are being sent to Baghdad today without the proper armor and proper equipment and the training they need.

On this issue—escalation, more of the same—the Senate must speak. The Senate, on behalf of the American people, must make it clear to the Commander in Chief that he no longer has a rubberstamp. We must show the American people that the Senate heard their message last November 7, and we, as Senators, are fighting for a new direction for the 134,000 troops already in Iraq and the 48,000 additional troops the President would send.

The Senate owes as much to these soldiers, sailors, airmen, and marines. We must proceed with this debate and change the course of a war that has raged going into 5 years now.

I know some would like to cloud the debate. I know some would like to delay the debate. I know some would like to have a different debate. I know some would like to have no debate. Most of the Republican minority wishes to protect President Bush from an embarrassing vote. They are trying to divert attention from the issue at hand. They would like to turn the Senate into a procedural quagmire. They want to hide behind weak and misleading arguments about the Senate's rules or a Senator's right to offer amendments. These arguments are diversions.

Today's vote is about more than procedure. It is an opportunity to send a powerful message: The Senate will no longer sit on the sidelines while our troops police an ugly civil war in a nation far away. The issue before America today is escalation. The issue before the Senate today is escalation. That is why the Senate's responsibility must be to vote on escalation and whether the so-called surge is supported or opposed.

This is the choice: More war or less war. I applaud the courage of a few hardy Republicans who will vote cloture and allow this vote to occur.

As I said, most of the Republican minority wish to protect President Bush from this vote. They intend to vote for what is best for their political party. But as President John Fitzgerald Kennedy said, "Sometimes party loyalty asks too much."

Today in the Senate, Republican party loyalty asks too much. In the Senate this Saturday, this February 17, today is the time for Senators to vote for openness, for transparency, to show their constituents in all 50 States: Do our Senators support or oppose sending 48,000 more United States soldiers and marines into the darkness of Iraq?

During the week we heard speeches about supporting our troops. The best way to support the troops is to ensure they have a strategy that will let them complete their mission so they can come home. We need a new direction in Iraq. Escalation is not the answer. More of the same is not the answer. The answer is to tell the President: Not more war but less war.

I urge my colleagues to vote cloture and thus vote to change course in this bloody war now raging 7,500 miles from this Senate Chamber and our beloved United States Capitol.

I yield the floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 574, a bill to express the sense of Congress on Iraq.

> Ben Nelson, Russell D. Feingold, Ben Cardin, Robert P. Casey, Jr., Byron L. Dorgan, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, John Kerry, Ken Salazar, Jack Reed, Chuck Schumer, Jeff Bingaman, Barbara Boxer, Dick Durbin, Tom Harkin, Jay Rockefeller, Harry Reid.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 574, a bill to express the sense of Congress on Iraq, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Tennessee (Mr. CORKER), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 34, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—34

Alexander
Allard
Brownback
Bunning
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Graham
Grassley
Gregg
Hutchison
Inhofe
Isakson
Lieberman
Lott
Lugar
Martinez
McConnell
Roberts
Sessions
Shelby
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich

NOT VOTING—10

Bennett
Bond
Cochran
Corker
Ensign
Hatch
Johnson
Kyl
McCain
Murkowski

The PRESIDING OFFICER. On this question, the yeas are 56, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DURBIN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I withdraw the motion to proceed to S. 574.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

CONDITIONAL RECESS OR ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. REID. Mr. President, the Republicans did not want to adjourn the other day because they wanted another chance to vote on Iraq. The majority of the Senate just voted on Iraq and the majority of the Senate is against the escalation in Iraq. We have had that other vote they have chosen, so now I ask the Senate to turn to the consideration of H. Con. Res. 67, the adjournment resolution, and that the Senate proceed to vote on passage of the resolution, with no intervening action or debate.

The PRESIDING OFFICER. The clerk will report.

Ms. SNOWE. Reserving the right to object.

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 67) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Ms. SNOWE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the concurrent resolution.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Tennessee (Mr. CORKER), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 33, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Stabenow
Tester
Thomas
Webb
Whitehouse
Wyden

NAYS—33

Alexander
Allard
Bayh
Bunning
Coburn
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Lott
Lugar
Martinez
McConnell
Roberts
Sessions
Smith
Snowe
Sununu
Thune
Vitter
Warner

NOT VOTING—20

Bennett
Bond
Brownback
Burr
Chambliss
Cochran
Corker
Ensign
Hatch
Isakson
Johnson
Kennedy
Kyl
Lautenberg
McCain
Murkowski
Nelson (FL)
Specter
Stevens
Voinovich

The concurrent resolution (H. Con. Res. 67) was agreed to.

Mr. CARDIN. I move to reconsider the vote.

Mr. TESTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARVA "MARIE" JOHNSON

Mr. DURBIN. Mr. President, I rise today to honor PFC Arva "Marie" Johnson, who recently retired from the United States Capitol Police force after more than 32 years of dedicated service.

Marie Johnson made history on October 15, 1974, when she became the first woman to serve as a uniformed officer of the U.S. Capitol Police. She also holds the distinction of being the first African-American woman hired by the USCP to serve in a law enforcement capacity.

This could not have been an easy achievement. At the time, the force did not have locker room facilities or even uniforms designed for female officers. But Johnson brought real commitment to the job and a positive attitude that helped her earn respect among her colleagues.

When asked about her historic role in paving the way for female and black officers in the U.S. Capitol Police Force, Marie Johnson said "I didn't mean to do it, it just happened."

I believe Marie Johnson is being modest. In fact, she was a founding member of the United States Capitol Black Police Association, an organization that advocates fair hiring practices and performance standards in the Capitol Police Force. The Association seeks to eliminate the barriers that limited the ability of African Americans to pursue careers in law enforcement.

The Capitol Police Force has a very different face now then it did when Marie Johnson joined in 1974. Today there are more than 120 black female officers on the force.

Marie Johnson is a pioneer. Her long career is a testament to her determination and strong work ethic. As a Member of the Senate, I am indebted to those who, like Marie Johnson, put their lives on the line to protect our security here, in this historic building. I commend Marie Johnson on her long and distinguished career. I know my colleagues will join me in wishing her and her family the very best in the years to come.

BIRTHDAY TRIBUTE TO SENATOR EDWARD M. KENNEDY

Mr. KERRY. Mr. President, next week, on February 22, while the Senate is on recess, my senior colleague and friend TED KENNEDY will celebrate his 75th birthday, all of this in a year in which he has already marked an extraordinary milestone—45 years of service to Massachusetts and his country in the U.S. Senate.

Senator KENNEDY began his career setting a high standard when it comes to birthdays. It was when he reached the minimum constitutional age, 30, that he first came to the Senate—1 of just 16 Senators elected at such a tender age from a total of over 1,895 Senators in all of American history. By his 70th birthday he was one of just 28 Senators to ever cast over 10,000 votes.

But what we celebrate along with TED at 75—Democrats and Republicans, all in awe of a lifetime of achievement—is the way in which literally every year since he has been marking the passage of time by passing landmark legislation.

The Boston Globe put it best, writing not long ago that "in actual, measurable impact on the lives of tens of millions of working families, the elderly, and the needy, TED belongs in the same sentence with Franklin Roosevelt."

That sentence is not constructed lightly—it is the measure of a public servant who doesn't know the meaning of the words "you can't pass it"—"it can't happen"—"impossible."

It is the measure of a Senator who—on every issue of importance: health care, war and peace, children, education, civil rights, the rights of women—can always be counted on to be in the lead, challenging on the issues, and fighting for the principles which guide a party and lift up our country.

From his maiden speech in the Senate demanding an end to the filibuster of the original Civil Rights Act, there has not been a significant policy accomplishment in Washington over four decades that hasn't borne his fingerprints and benefited from his legislative skill and leadership. His is the record of progressive politics in our era. On all the great fights that call us to stand up and be counted, from the minimum wage to Robert Bork and Sam Alito, TED didn't just hear the call to duty, he led the charge.

Run down the list—the rights of the disabled, a most personal cause for

TED—who for far too long were left in the shadows or left to fend for themselves, TED KENNEDY wrote every landmark piece of legislation that today prohibits discrimination against those with a disability.

AIDS—when a whole lot of politicians were afraid to say the word, TED passed a bill providing emergency relief to the thirteen cities hardest hit by the AIDS epidemic.

Guaranteed access to health coverage for 25 million Americans who move from one job to another or have preexisting medical conditions wouldn't have happened without TED KENNEDY.

Without TED KENNEDY, there wouldn't have been a bilingual education in the United States for the 5 million students who today have a brighter future because they are learning English in our schools.

Without TED KENNEDY, we wouldn't have lowered the voting age to 18 and ended the hypocrisy that 18-year-olds were old enough to die for their country in Vietnam but not old enough to vote for its leadership at home.

Without TED KENNEDY, we wouldn't be the world's leader in cancer research and prevention—as personal and meaningful an issue as there is in all the world for TED KENNEDY, not just a father, but a loving father of two cancer survivors.

Without TED KENNEDY, we wouldn't have had title XI which opened the doors of competition and opportunity to a generation of women athletes all across our country.

TED is such an extraordinary public servant not only because he knows who he is, and sticks to his guns, never bending with the political currents, but because he has in his life and in his career proven again and again that progress doesn't happen by accident, it doesn't happen when you stick to the text of the latest opinion poll or the whispers of the morning focus group; it happens when leaders define and fight the fights that need fighting—when public servants of conscience and conviction refuse to take no for an answer. That is why for TED KENNEDY, the "cause" has not just "endured"—but triumphed, again and again.

Agree with him or not, and we all know that TED has never been afraid to be a majority of one, TED is such an extraordinary leader because he has excelled while completing the work in the U.S. Senate that so many others were afraid to begin.

And, in being a standard-bearer for an ideal, an ideology, a view of the world, TED has also become—as Clymer wrote—"not just the leading senator of his time, but one of the greats in its history, wise in the workings of this singular institution, especially its demand to be more than partisan to accomplish much."

His partnerships with his fellow Senators are well-known and oft-recited, testimony to his skill and to his convictions. From Howard Baker, Jacob Javits, and Hugh Scott to ARLEN SPECTER, Dan Quayle, ORRIN HATCH, Alan Simpson, and Nancy Kassebaum and JOHN MCCAIN—TED has never hesitated to cross the aisle to accomplish his goals—to further a common agenda—finding always—that ideologies, however incompatible in the currency of conventional wisdom—can be put aside for a greater good when Senators—however different—work in good faith to make their country a better place, to improve the lives of their fellow Americans.

TED has always believed you can put aside partisanship—overcome division—and that faith in the ability to come together has mattered most in some of the most trying and divisive times our Nation has endured.

I don't just say this; I have lived it. Through the eyes of an activist, there is often a shocking and gaping gap between those in politics who talk the talk and those who walk the walk. It has been that way on Iraq; it was that way in the days of Vietnam. But I remember to this day that more than 35 years ago, after I had committed my life to organizing my fellow veterans to end the war, too few of our leaders were willing to listen, and even fewer were willing to stand with those Vietnam veterans who were standing up against the war. April, 1971—thousands upon thousands of veterans gathered on the Mall. The Nixon White House spread rumors that the veterans would riot and turn violent. The administration even tried to kick us off The Mall. And on that difficult night, when we didn't know if we were going to jail or we were going to demonstrate as we had come here to do, TED KENNEDY was among the brave few Senators who walked down from his office to sit and talk and listen to veterans who describe the realities they had found in Vietnam and why that war had to end.

He reached out and demonstrated—in his actions as well as his words—that we had a right to tell truths many would have preferred we left unspoken, government had a responsibility to listen.

He is listening still—to the voices his conscience tells him must never be ignored.

He hears of children who go through their early years without health care and come to school unable to learn. And he has made their care his crusade. And so millions more children see a doctor today because of TED KENNEDY—and millions more will before he is done.

He hears of workers punching a time clock—doing backbreaking work over the course of a lifetime. And he has made their economic security his agenda. And so millions of workers have seen wages increased over partisan objections, seen pensions protected when others said leave it to the market, seen Social Security protected while others said privatize it, and seen a safe workplace and the right to organize put back on the Nation's agenda—and these issues will again and again be advanced by TED KENNEDY.

That is the drive—the passion—the special commitment we celebrate today—not a new ideology or a new age vision, but an age old belief that Americans have a responsibility to each other—that America is still in the process of becoming—and that we are privileged to serve here to make that dream real for all Americans.

TED KENNEDY is the most prolific legislator in American history, but he is something more. Robert Kennedy once said the most meaningful word in all the English language is "citizen." No one has lived out the meaning of that most meaningful word more than his younger brother.

For that and so much more that makes this 75th birthday special, we honor our friend, our colleague, and a great citizen, TED KENNEDY.

TRIBUTE TO FRANK AND BETHINE CHURCH

Mr. LEAHY. Mr. President, when I first came to the Senate, I had the great privilege of serving with Senator Frank Church of Idaho. Marcelle and I were also privileged to spend time with both Frank and his wonderful wife Bethine. The two of them were extraordinarily helpful to this 34-year-old Senator from Vermont.

Frank Church was a Senator in the very best sense of the word. He thought of the Senate as a place where one should, first and foremost, stand for our country and make it a better place. Certainly his brilliance, conscience, and patriotism made his service here one that benefited not only the Senate, but the Nation.

Last year, the Idaho Statesman published an article that so reflected Bethine Church that I ask unanimous consent that it be printed in the RECORD so that those in the Senate who served with Senator Church and knew him and Bethine, as well as those who did not have the opportunity to know them, can have this glimpse into their lives.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the IdahoStatesman.com, Oct. 13, 2006]

Bethine Church is the widow of four-term U.S. Sen. Frank Church. Get a narrated tour of her life and times as she describes collected photographs from the couple's public and private lives. See photos of Castro, Brando, Jackie Kennedy and more.

In a game room in Boise's East End, the walls really do talk.

Bethine Church, the widow of four-term U.S. Sen. Frank Church, has collected photographs from the couple's public and private lives. Every image has a story—of world travel on behalf of the government, of encounters with celebrities, of heads of state and high political drama, of love and loss and family, of home in the Idaho mountains.

Frank Church was the most influential Idaho politician ever. He served 24 years in the U.S. Senate, the lone Idaho Democrat to win more than one term. He chaired the Senate Foreign Relations Committee. In 1976 he was a serious candidate for president, looking briefly like the only man able to deny Jimmy Carter the Democratic nomination. He helped pass the Wilderness Act in 1964. He was an early critic of the Vietnam War, and investigated CIA and FBI abuses, forcing reforms that some now question in the post-9/11 era.

I'd seen the pictures over the years, when Church hosted events for Democratic luminaries like Tipper Gore. The walls are chockablock with presidents (FDR, JFK and LBJ), prime ministers (Golda Meir of Israel), kings (Juan Carlos of Spain), dictators (Fidel Castro of Cuba and Deng Xiaoping of China) and celebrities (Jimmy Durante, Marlon Brando, John Wayne). There are family snaps of the Robinson Bar Ranch, the Middle Fork Salmon River and the grand home at 109 W. Idaho St., where Bethine lived when her father, Chase Clark, was governor in the 1940s.

But I hadn't heard her inimitable narration. I finally got the chance when my editor asked me to gather string for an obituary on the grandame of Idaho politics. Church, 83, happily gave the E Ticket tour to me and photographer Darin Oswald. No waiting lines, but the ride took four hours.

Several days later, she called, saying, "I'd so like to see what you're up to. Do we really have to wait until I'm dead?" My editors chewed on that, deciding she was right: There was no good reason to delay. Today, at IdahoStatesman.com, Church brings the pictures to life in an audio-visual presentation designed by Oswald's colleague, Chris Butler. We chose today because at 11:45 a.m., the U.S. Forest Service is holding a renaming ceremony at the Galena Overlook in the Sawtooth National Recreation Area. The viewpoint is one of Idaho's great vistas. From today on, it will honor Bethine and Frank Church, both of whom had the vision to protect the Sawtooths.

Driving to Robinson Bar over Galena Summit more than 30 years ago, the Churches looked down on a subdivision. "This can't happen," said Sen. Church. Working with his Republican colleagues, Sen. Len Jordan and Reps. Jim McClure and Orval Hansen, Church got the bill creating the Sawtooth National Recreation Area through Congress in 1972. Had they failed, the Sawtooth valley would be dotted with vacation mansions.

Frank Church has been out of office 25 years, dead 22. Bethine contemplated suicide while watching him die of cancer, but he told her she had responsibilities. He was right. She founded the Sawtooth Society, which has led private conservation efforts in the SNRA; her support of Rep. Mike Simpson, R-Idaho, has aided his push to expand SNRA wilderness into the Boulder and White Cloud mountains; she helped create the Frank Church Institute at BSU that supports a scholar and hosts a world-class annual conference.

Church took a fall recently that put her in the hospital one night. But she still entertains, negotiating her kitchen in a cane and sitting on a step stool to cook. She lustily talks of a life devoted to making Idaho and the world better.

Bethine grew up in Mackay and Idaho Falls, where her lawyer father represented copper mining companies and criminal defendants.

From her parents she learned a novel way of speaking, including her mother's strongest curse, "It just freezes my preserves," and her Pop's putdown, "He's as worthless as teats on a boar."

From there she went to the salons of Washington, D.C., and the far reaches of the globe. But they didn't take the Idaho out of Bethine. After a reception for French President Charles De Gaulle, the Churches gathered at the home of a Senate colleague, Joe Clark, with Adlai Stevenson, the U.N. Ambassador, a former governor and the Democratic presidential nominee in 1952 and 1956.

Stevenson's intellectual heft was legend; he was mocked by Richard Nixon as an "egghead," and voters twice chose Dwight Eisenhower. But Bethine showed no reluctance to say what was on her champagne-sparkled mind: She discussed the relative preponderance of outhouses in Idaho and West Virginia. "I guess I sounded like I sound now," she said, laughing. "I said exactly what came into my head and somehow Frank survived it."

Bethine Church was a true partner to her politician husband, not simply a prop. She has a knack for remembering names, something she learned from her dad. "Pop taught me that everybody, from the waitress to the people working in the kitchen, is as important as the people sitting on the dais."

She often prompted the senator's memory, and was his most valued confidant. Had Church won his last-minute race for president in 1976 in the wake of Watergate, Bethine would have been an involved First Lady. "If there had been tapes," she crowed, "I would have been on them!"

TRIBUTE TO ROBERT F. DRINAN, SJ

Mr. LEAHY. Mr. President, on February 1, I went to the funeral mass for Robert F. Drinan, SJ. Rarely have I been so moved at such a solemn occasion. This was a joyous celebration of a wonderful man's life.

I knew Bob Drinan before he was a Member of Congress and was referred to as the "conscience of the Congress." I was a young college student when he recruited me to go to Boston College Law School. To make it better, he even offered a scholarship, and as a student with absolutely no money, this was most appealing. I finally called Father Drinan and told him I was going to Georgetown Law School because I especially wanted to be in Washington. He chuckled and said he was giving me absolution, insofar as it was a Jesuit institution.

Throughout the more than 40 years since then, he and I talked often and had some of the most wonderful visits. His interests in life, the United States, the Jesuit mission, and his friends never faded. The last time we saw each other was when I gave a speech in December at the Georgetown Law School, and he came by to hug and greet both Marcelle and me.

I will not try to repeat all of the wonderful things said about him, but I do ask unanimous consent that a tribute to him by Colman McCarthy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FATHER DRINAN, MODEL OF MORAL TENACITY

(By Colman McCarthy)

If you've ever wondered whether God laughs, think back to 1980, when the Rev. Robert Drinan was ordered by Pope John Paul II to get out of politics and leave Congress. The Jesuit priest, who died on Sunday, was finishing his fifth term representing a suburban Boston district that included Cambridge and Brookline. The pope had been hearing from rankled conservative American Catholics—the Pat Buchanan, William F. Buckley Jr., William Bennett wing of the church—that Father Drinan, a purebred Democrat, was a dangerous liberal. His voting record on abortion was seen as too pro-choice.

Father Drinan's presence in the House of Representatives had been sanctioned by the previous pope, Paul VI, as well as by the U.S. episcopate, the cardinal of Boston, his own Jesuit superiors and emphatically by the voters in his district.

No matter.

John Paul, knowing that Jesuits take a vow of loyalty to popes, had his way. And who replaced the dangerously liberal Father Drinan? The more dangerously liberal Barney Frank—as ardent an advocate for abortion rights and as he was for gay rights. If there is a God, the Frank-for-Drinan trade surely had Him laughing at the Vatican's expense.

From Congress, Bob Drinan went a few blocks to Georgetown University Law Center.

It was a natural transition, from practicing the politics of peace and justice to teaching it. His classes on human rights law, constitutional law and legal ethics were routinely oversubscribed. Though I had met him before his days in Congress, when he served as dean of Boston College Law School, it was at Georgetown Law that our friendship grew. My classes there for the past 20 years have attracted the same kind of students that his did—future public-interest lawyers, poverty lawyers, human-rights lawyers, and, in good years, a future Jack Olender or William Kunstler.

After my Tuesday afternoon class, I would often go by Bob Drinan's fourth-floor office to get energized. I saw him as a towering moral giant, a man of faith whose practice of Christianity put him in the company of all my Jesuit heroes—Daniel Berrigan, Horace McKenna, Teilhard de Chardin, John Dear, Francis Xavier, the martyred Jesuits of El Salvador and the priests who taught me in college. In his office, ferociously unkempt and as tight as a monk's cell, our conversation ranged from politics to law to the morning's front pages. He was as knowledgeable about the Torture Victim Protection Act of 1991 as he was about the many allegations of international lawbreaking by the current Bush administration. Bob Drinan had mastered the art of being professionally angry but personally gentle.

As a priest, he was a pastor-at-large. He was at the altar at journalist Mary McGrory's funeral Mass. He celebrated the Nuptial Mass at the marriage of Rep. Jim McGovern (D-Mass.) and his wife, Lisa. And always, there were plenty of baptisms. As a writer, he produced a steady flow of books on human rights, poverty and social justice. He saved his most fiery writing for the National Catholic Reporter, the progressive weekly to which he contributed a regular column. His final one appeared on Dec. 15, a piece about the 26th anniversary of the martyrdom in El Salvador of Maryknoll Sister Ita Ford.

The column began: "In the 1980s I gave a lecture at Jesuit Regis High School in New York City, where the students are all on scholarship. I spoke about the war being waged by the Reagan administration against the alleged communists of El Salvador.

"In the discussion period, three students took issue with my remarks, making it clear that they and their families agreed with the U.S. policy of assisting the Salvadoran government. The atmosphere was almost hostile until one student stood and related that his aunt, Maryknoll Sister Ita Ford, had been murdered by agents of the government of El Salvador. I have seldom if ever witnessed such an abrupt change in the atmosphere of a meeting."

One of my students at Georgetown Law last semester was also one of Father Drinan's: Chris Neumeyer, a former high school teacher from California. His father, Norris Neumeyer, was in town earlier this month and wanted to meet his hero, Father Drinan. The two lucked out and found the priest in his office. Yesterday, Norris Neumeyer, after learning of the priest's death, e-mailed his son and recalled asking if Father Drinan knew his often-jailed fellow Jesuit Daniel Berrigan and his brother Philip. He did. The difference between himself and the Berrigans, Father Drinan believed, was that they took action outside the system while he took action inside.

Papal meddling aside, it was enduring action.

TRIBUTE TO CLAUDIA BECKER

• Mr. LEAHY. Mr. President, Vermont is constantly made a better place by some of the extraordinary people who come there and add to the talents of our State.

One such person is Claudia Becker. She has restored the Big Picture Theater in Waitsfield along with her husband Eugene Jarecki. The theater has become a center for the people of the Mad River Valley, and Claudia has shown a sense of conscience in films she has shown at Big Picture.

Marcelle and I have been privileged to know Claudia for years and her husband Eugene for years before that. Marcelle, as an acting justice of the peace, even performed their marriage. We have enjoyed watching their home grow in Vermont, as well as the addition of two of the most beautiful children anyone could wish for.

Recently, Seven Days in Vermont wrote an article about Claudia and what she has done with her film festival. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"BIG" DEAL—FILM FEST FOUNDER CLAUDIA BECKER GETS THE PICTURE

(By Candice White)

On a recent sunny afternoon, several cars, many with ski racks, pulled into a large dirt parking lot at the corner of Route 100 and Carroll Road in Waitsfield. Children pulled off brightly colored ski hats and unzipped puffy jackets as they led their parents through sturdy wood doors. Above, bold red and black letters inscribed on a round, Art Deco-style clock identified the building as the Big Picture Theater.

Inside, the petite proprietor, Claudia Becker, was hustling from one task to another. She swept the wooden floor of the large, windowed cafe-lounge, dusted the player piano, crossed to the carpeted hallway to help an employee count a cash drawer, and answered both the theater phone and the personal cell phone hooked to her corduroys.

A young man and his blonde girlfriend—friends visiting from Becker's native Germany—appeared and greeted her. After a quick exchange of words in German, the man walked behind the bar to the kitchen area and began polishing silver, while his girlfriend took over the broom. Becker darted back to the concessions area and, with a warm smile, greeted the line of customers arriving for a 4 p.m. matinee of Charlotte's Web.

The past year has been a whirlwind for Becker, 39, in her new role as owner of the Big Picture Theater. When she bought and renovated the former Eclipse Theater last spring, she already had a full plate: two children under the age of 6, a marriage to filmmaker Eugene Jarecki (The Trials of Henry Kissinger, Why We Fight), and an acclaimed film fest. Lately, Becker's velocity has increased as she gears up for the fourth annual Mountaintop Film Festival. The human-rights-based marathon runs at the theater starting this Wednesday, January 10, through Sunday, January 14.

The fest presents 10 documentary films and three dramas, all addressing issues of national and international concern, from the toll of the Iraq war to Bombay's child sex trade to civil disobedience during the Vietnam War. It showcases personalities, too. The opening night gala features a reception with filmmaker Henrietta Mantel before the showing of her film on Ralph Nader, An Unreasonable Man. A Q&A with Nader himself via lcam follows. Olympia Dukakis, who stars in the drama Day on Fire, is expected to make an appearance at one of her two film screenings (Thursday and Saturday at 8 p.m.). Filmmakers James Longley (Iraq in Fragments), Milena Kaneva (Total Denial), and Alex Gibney (Enron: The Movie) are all scheduled to appear. And Jarecki, whose 2005 doc Why We Fight won a grand jury prize at Sundance, will teach a three-hour media lab on Sunday at 1 p.m. Three nights of live music and a Friday night community potluck dinner round out the five days of brainy cinema.

Mountaintop grew out of a serendipitous meeting five years ago between Becker and Kimberly Ead, now festival manager. At the time, Becker was a teacher—she holds a master's degree in special education from the University of Munich—and an informal consultant to her husband's filmmaking. But she was looking for new pursuits that would express her "deep sense of political concern." Ead, who was working on antiwar issues at Burlington's Peace and Justice Center, offered just that. "Claudia and I really connected," Ead remembers. "We combined her contacts in the film industry and my work as an activist to create the festival."

Both women have a strong commitment to educating youth about film and filmmaking, and it shows in the festival. This year, students from area high schools, including Harwood Union, Mt. Mansfield, Burlington and Vergennes, will be bussed in for special screenings. "I'd like to add more educational components to the theater," Becker says, looking to the future, "like a media literacy program and a documentary filmmaking program."

And the future looks bright, judging by the success of the festival so far. Becker points to an increase in "the level of recognition. . . and in the turnout. The festival has established itself as one of the premier film festivals in Vermont."

One positive change is that the fest is no longer a renter—this is the first year Becker has owned its venue. After the previous owners shut their doors, Waitsfield locals kept talking about the need for a community space. Becker decided she needed to buy the theater and make it a viable epicenter of the Mad River Valley. Vowing to spend every last dime she had, she purchased the building, hired a construction crew, and began a major renovation.

In May 2006, Becker re-opened the theater and unveiled the transformed space: an open-kitchen cafe with a full bar, old-fashioned soda fountain, and Internet lounge; a newly renovated smaller theater with flexible seating, to be used for both movie showings and community events; and a largely untouched traditional movie theater.

Becker's vision for the aptly named Big Picture was a "local gathering place with a global dimension," she says. "And I wanted the name to reflect my personal desire for teaching, discourse and thought exchange."

Her political beliefs aren't just talk. Becker demonstrates her commitment to the "local" by letting organizations rent the space at a price that often just covers her costs. To accommodate area events, she formed a partnership with the nonprofit Open Hearth Community Center, which "wouldn't have a home without Claudia," says Open Hearth program manager Kirstin Reilly. "She has worked with the board to create a space that is useful for the community's needs."

Becker has brought an eclectic mix of first-run and documentary films, thought-provoking discussions, music, comedy and art exhibits to Big Picture. Last fall, New Hampshire comedian Cindy Pierce drew a huge crowd for her show on the mysteries of women's sexuality. Soon after, the theater filled up again for a discussion of international security issues with former U.N. weapons inspector Scott Ritter.

Becker says she's still working on balancing her political passions with the need to turn a profit. "It has been a real learning experience to find what works and what doesn't," she admits. "Live music continues to be a challenge. But when we bring in a political speaker, the place is packed."

Becker seems to have found a management style that suits her: a nonhierarchical organization that still allows her to jump in and be the boss when needed. And when friends and family visit, they're put to work. Jarecki is often seen pouring beers behind the bar. The couple's daughter Anna has baked cookies to sell in the cafe.

"When I was hiring, I was very careful to find people who had a positive attitude and a predisposition for multitasking," Becker says. Her core team is composed of women: Ead; theater manager Jo-Anne Billings; and chef Amanda Astheimer, who aims to deliver on Becker's international culinary vision. Several men work as projectionists and concessions staff.

All hands will be on deck during this week's film festival. "I am looking forward to it all being over, just so I can take a breath," Becker says.

But she also recognizes that a busy theater is the best reward. Becker defines success as "seeing people having a great time; working with and within the community; feeling that I am doing something that is greater than myself." If she can bring new issues and ideas to filmgoers' attention, so much the better.

"I want to open people's minds and inspire discourse," Becker says. "I don't believe I can have an impact on what people do with the information, but I feel it is important to get it out there."●

TRIBUTE TO GREEN MOUNTAIN COFFEE ROASTERS

Mr. LEAHY. Mr. President, I am pleased to inform my colleagues that for the second consecutive year, Green Mountain Coffee Roasters of Waterbury, VT, has been named the top overall firm on Corporate Responsibility Officers Magazine's annual list of 100 Best Corporate Citizens. This is the first time any company has been awarded this prestigious title 2 years in a row.

Green Mountain Coffee's award is rooted in the leading role the company plays in the specialty coffee and fair trade industries. By constantly striving to lead the company to exemplary corporate citizenship, Bob Stiller, Green Mountain Coffee's president and CEO, has molded the company into a socially responsible and environmentally conscious business that makes Vermonters proud.

I congratulate Bob and all of the employees at Green Mountain Coffee for this well-deserved recognition. Mr. President, they make great coffee, they do business well, and they do great business—and these accomplishments, I believe, are related. I ask unanimous consent that a copy of the following article from the Rutland Herald be printed in the Record so that all Senators can read about the success and admirable business practices of this visionary company.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Rutland Herald, Feb. 15, 2007]

Vt. Company Named Top Corporate Citizen

For the second year in a row, Green Mountain Coffee Roasters Inc. has been ranked No. 1 on the list of 100 Best Corporate Citizens, published by CRO magazine.

This is the fifth consecutive year that Green Mountain Coffee Roasters has made the list. It is the only time a company has been awarded the top spot for 2 years running, and it is the only company other than IBM that has been ranked first twice.

The Waterbury company shares honors this year with Micro Devices, IBM, The Timberland Company and Starbucks Corp.

Now in its eighth year, the 100 Best Corporate Citizens list was developed by Business Ethics magazine, which became CRO, an organization for Corporate Responsibility Officers.

The list is drawn from more than 1,100 of the largest U.S. publicly held companies and identifies those that excel at serving a variety of stakeholders. Firms are ranked on performance in eight categories: shareholders, governance, community, diversity, employees, environment, human rights and product.

Green Mountain Coffee Roasters offers a comprehensive selection of double-certified, Fair Trade organic coffee. Fair Trade provides coffee growers a fair price and a guaranteed minimum floor price for their crops. In 2006, the company introduced a line of eco-friendly paper cups that use a corn product, instead of petroleum-based products, to make them waterproof.

Robert Stiller, president and CEO of Green Mountain Coffee Roasters, said: "It's particularly rewarding to see how our efforts are improving people's lives and contributing to positive change in the world."

Green Mountain Coffee Roasters sells more than 100 specialty coffees, including Fair Trade Certified and organic coffees under the Green Mountain Coffee Roasters and Newman's Own Organics brands.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 342. To designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 547. To facilitate the development of markets for biofuels and Ultra Low Sulfur Diesel fuel through research and development and data collection; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 20. Concurrent resolution calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process; to the Committee on Foreign Relations.

H. Con. Res. 63. Concurrent resolution disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following measures were discharged from the Committee on Homeland Security and Governmental Affairs, and ordered placed on the calendar:

S. 194. A bill to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building".

S. 219. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office".

S. 412. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building".

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 976. An act to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself and Mr. Lugar):

S. 676. A bill to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mr. Lautenberg, Mr. Salazar, and Mr. Schumer):

S. 677. A bill to improve the grant program for secure schools under the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Ms. Snowe):

S. 678. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 679. A bill to provide a comprehensive strategy for stabilizing Iraq and redeploying United States troops from Iraq within one year; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself, Mr. Lieberman, Mr. Coleman, Mr. Carper, and Mrs. McCaskill):

S. 680. A bill to ensure proper oversight and accountability in Federal contracting, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself, Mr. Coleman, and Mr. Obama):

S. 681. A bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. McConnell, Mr. Reid, Mr. Warner, Mr. Kerry, Mr. Stevens, Mr. Domenici, Mr. Coleman, Mr. Gregg, Mr. Cochran, Ms. Snowe, Mr. Enzi, Mr. Akaka, Mr. Baucus, Mr. Bingaman, Mr. Biden, Mrs. Boxer, Mr. Brown, Ms. Cantwell, Mr. Cardin, Mrs. Clinton, Mr. Dorgan, Mr. Durbin, Mrs. Feinstein, Mr. Harkin, Ms. Klobuchar, Ms. Landrieu, Mr. Lautenberg, Mr. Lieberman, Mr. Levin, Mr. Menendez, Mrs. Murray, Mr. Obama, Mr. Reed, Mr. Rockefeller, Mr. Salazar, Mr. Schumer, Mr. Tester, Mr. Webb, Mr. Whitehouse, Mr. Wyden, Mr. Bayh, Ms. Mikulski, and Ms. Stabenow):

S. 682. A bill to award a Congressional Gold Medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN:

S.J. Res. 3. A joint resolution to specify an expiration date for the authorization of use of military force under the Authorization for Use of Military Force Against Iraq Resolution of 2002 and to authorize the continuing presence of United States forces in Iraq after that date for certain military operations and activities; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 614

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 614, a bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes.

S. 641

At the request of Mr. GREGG, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 641, a bill to express the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 678. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I rise today with my colleague Senator OLYMPIA SNOWE to introduce "The Airline Passenger Bill of Rights Act of 2007," a bill which addresses an issue recently in the news—airlines trapping passengers on the ground in delayed planes for hours and hours without adequate food, water or bathrooms.

This week, at John F. Kennedy International Airport, a JetBlue airplane sat on the tarmac for 11 hours. Over this New Year's Eve weekend, American Airlines had to divert planes to Austin because of the bad weather and one plane sat on the tarmac for nine hours.

For the passengers, the conditions were not good. There was not enough food and potable water, and the bathrooms stopped working. According to news reports, after waiting for five hours an elderly woman asked for food and was told she could purchase a snack box for $4.

This is unacceptable.

I have been stuck on the tarmac many times in my travel back and forth to California. Weather delays are unavoidable, but airlines must have a plan to ensure that their passengers—which often include infants and the elderly—are not trapped on a plane for hours and hours. If a plane is stuck on the tarmac or at the gate for hours, a passenger should have the right to deplane. No one should be held hostage on an aircraft when an airline can clearly find a way to get passengers off safely.

This is not the first time that passengers have been trapped on an airplane an extreme amount of time. In 1999, after a Northwest plane was delayed on the tarmac for at least nine hours with the same poor conditions, many Members of Congress were outraged and several introduced comprehensive passenger bill of rights legislation.

While those bills did not become law, they had a powerful effect on the airlines, which agreed to a 12-point "Airline Customer Service Plan." In the plan, the airlines committed to providing passengers with better information about ticket prices and delays, better efforts to retrieve lost luggage, fairer "bumping" policies and to meeting essential needs during long on-aircraft delays. And since 1999 the airlines have made improvements to passenger service.

But in recent years, as the industry has grown ever more competitive, airlines are increasingly operating with no margin of error. Planes are completely sold out, gates are continuously utilized, airport facilities are stretched thin. This means that when bad weather hits, the airlines can find themselves unable to readily accommodate delays and cancellations. And the results, as we have seen this winter, can be disastrous.

And that is why today we are introducing the "Airline Passenger Bill of Rights Act of 2007," commonsense legislation designed to ensure that travelers can no longer be unnecessarily trapped on airplanes for excessive periods of time or deprived of food, water or adequate restrooms during a ground delay.

The legislation requires airlines to offer passengers the option of safely leaving a plane they have boarded once that plane has sat on the ground three hours after the plane door has closed. This option would be provided every three hours that the plane continues to sit on the ground.

The legislation also requires airlines to provide passengers with necessary services such as food, potable water and adequate restroom facilities while a plane is delayed on the ground.

The legislation provides two exceptions to the three-hour' option. The pilot may decide to not allow passengers to deplane if he or she reasonably believes their safety or security would be at risk due to extreme weather or other emergencies. Alternately, if the pilot reasonably determines that the flight will depart within 30 minutes after the three hour period, he or she can delay the deplaning option for an additional 30 minutes.

I believe this legislation will do much to help consumers while placing reasonable requirements on the airlines and I hope my colleagues will support it.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, and Mrs. MCCASKILL):

S. 680. A bill to ensure proper oversight and accountability in Federal contracting, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce the Accountability in Government Contracting Act of 2007. This bill, which I am delighted is cosponsored by Senators LIEBERMAN, COLEMAN, CARPER, and MCCASKILL, will improve our stewardship of taxpayers' money by reforming contracting practices, strengthening the procurement workforce, reforming our IG community, and including other provisions to combat waste, fraud, and abuse. It will also provide increased oversight and transparency in the Federal Government's dealings with its contractors.

The Office of Federal Procurement Policy estimates that the Federal Government purchased approximately $410 billion in goods and services last year—more than a 50 percent increase in Federal purchases since 2001.

As the administration's proposed budget suggests, the costs of war, natural disaster, homeland-security precautions, and other vital programs will drive those expenditures to even higher levels in the years ahead.

Each of us in this Chamber knows that the Federal Government's prodigious purchasing can create abundant opportunities for fraud, waste, and abuse. Whether the problem is purchases of unusable trailers for hurricane victims, shoddy construction of schools and clinics in Iraq, or abuse of purchase cards by Government employees, we must do a better job of protecting taxpayer dollars and delivering better acquisition outcomes.

Recognizing that imperative requires that we also recognize the obstacles in our path. Such obstacles include resource constraints, inexcusable rushes to award contracts, poor program administration, and perverse incentives.

Other challenges to fair, effective, and open competition and oversight include inadequate documentation requirements, overuse of letter contracts that fail to include all the critical terms until after performance is complete, excessive tiering of subcontractors, and insufficient publicly available data on Federal contracts.

Too often, the problem of waste, fraud, and abuse stimulates floods of outrage and magic-bullet proposals that lean more toward symbolic gestures than practical reforms. The Accountability in Government Contracting Act of 2007 confines itself to sensible, practical reforms that will really make a difference.

Competition for Government contracts clearly helps to control costs, encourage innovation, and keep contractors sharp. It is basic economics—and it's the law, as Congress provided in the Competition in Contracting Act of 1984. This bill promotes more open competition for Government contracts—a positive step for both contractors and taxpayers.

Unfortunately, the tide has been running the wrong way. Competition, intended to produce savings, has sharply diminished. While the dollar volume of Federal contracting has nearly doubled since the year 2000, a recent report concluded that less than half of all "contract actions"—new contracts and payments against existing contracts—are now subject to full and open competition: 48 percent in 2005, compared to 79 percent in 2001. This is inexcusable.

The dangers inherent in sole-source contracting are on full display in Iraq. For example, the Kellogg, Brown, and Root unit of Halliburton designed and was awarded a multi-year sole-source contract for the Restore Iraqi Oil project. A Defense Department audit concluded that the firm later overcharged the government $61 million for fuel. Incredibly, the Army Corps of Engineers permitted the overcharge.

According to a January 2007 Congressional Research Service report, Kellogg, Brown, and Root's contract work in Iraq included billing for $52 million to administer a project that entailed only $13 million in actual project work, piping unpurified water into showers and laundries used by our troops, and billing for 6 months of failure while using an unsuitable technique to lay oil pipeline beneath a river.

As these examples suggest, we need more competition, less sole source contracting, and tougher management in Federal contracts. The bill I introduce today extends a practice adopted in the fiscal year 2002 Defense Authorization Act government-wide, mandating competition for each task or delivery order over $100,000, the Simplified Acquisition Threshold.

The bill would promote more informed and effective competition for orders over $5 million by requiring more information in the statement of work. At minimum, contractors would be given a clear statement of agency requirements, a reasonable response period, and disclosure of significant evaluation factors to be applied. For awards to be made on a best-value rather than lowest-cost basis, the agency must provide a written statement on the basis of the award and on the trade-off between quality and cost.

To increase the quality of competitive bids, the bill mandates post-award debriefings for task or delivery orders valued over $5 million. Debriefings improve the transparency of the Federal acquisition process by providing information that contractors can use to improve future offers.

Competition helps secure good value for taxpayers' money, but there are exceptions, and they should be the exception and not the rule, when sole-source contracting is appropriate. Sole-source contracting heightens the importance of effective oversight, but oversight is often hampered by a lack of publicly available information on sole-source contract awards.

The bill addresses that problem by requiring publication at the "FedBizOpps" website of notices of all sole-source task-or-delivery orders above $100,000, within 10 business days after the award.

I shall note some other important provisions of the bill.

The bill will rein in the practice of awarding contracts missing key terms, such as price, scope or schedule, and then failing to supply those terms until the contractor delivers the good or service—thereby placing all risk of failure on the government. In Iraq and Katrina contracting, we saw the perils of failing to supply the "missing term" promptly. For example, the Special Inspector General for Iraq Reconstruction last July identified 194 individual task orders valued at $3.4 billion that were classified as "undefinitized contract actions."

This is entirely too much money and too many contract actions to linger in this status. The bill corrects this flaw by requiring contracting officers to unilaterally determine all missing terms, if not mutually agreed upon, within 180 days or before 40 percent of the work is performed, with the approval of the head of the contracting agency, and subject to the contract disputes process.

Contracting for Hurricane Katrina and Iraq has also involved excessive tiers of subcontractors, driving up costs and complicating administration. The bill extends a tiering-control rule we placed in the Department of Homeland Security appropriations bill, preventing contractors from using subcontracts for more than 65 percent of the cost of the contract, not including overhead and profit, unless the head of agency determines that exceptional circumstances apply.

To further decrease the Government's reliance on large single-source service contracts, the bill strengthens the preference for multiple awards of Indefinite Delivery/Indefinite Quantity, or IDIQ, contracts by prohibiting single awards of IDIQ contracts for services over $100 million. The Government would therefore have at least two contractors for these large service contracts, who would then be required to compete with each other for all task and/or delivery orders, unless strict grounds for exceptions applied.

To ensure that agencies' increasing use of interagency contracting is producing value, we require the Office of Federal Procurement Policy to collect and make publicly available data on the numbers, scope, users, and rationales for these contracts.

But increased competition will not solve all our ills. We must also address the lack of personnel to award and administer Federal contracts. We moved into the 21st century with 22 percent fewer Federal civilian acquisition personnel than we had at the start of the 1990s. The Department of Defense has been disbursing enormous amounts of money to contractors since the first gulf war, but has reduced its acquisition workforce by more than 50 percent from 1994 to 2005.

Among the current, attenuated Federal acquisition workforce, nearly 40 percent are eligible to retire by the end of this fiscal year. Meanwhile, the number and scale of Federal purchases continue to rise, making this human-capital crisis even more dire.

Therefore, the bill would help Federal agencies recruit, retain, and develop an adequate acquisition workforce. Its mechanisms include acquisition internship programs, promoting contracting careers, a government-industry exchange program; an Acquisition Fellowship Program with scholarships for graduate study, requirements for human-capital strategic plans by chief acquisition officers, and a new senior-executive-level position in the Office of Federal Procurement Policy to manage this initiative.

In keeping with earlier Senate action, the bill also targets wasteful use of purchase cards by seeking better analysis of purchase-card use to identify fraud as well as potential savings, negotiate discounts, collect and disseminate best practices, and address small-business concerns in micro-purchases.

Such information is clearly necessary. In a hearing before the Homeland Security and Governmental Affairs Committee, GAO detailed how a FEMA employee provided his purchase card number to a vendor, who agreed to provide the government 20 flat-bottom boats. Besides the fact that FEMA agreed to pay $208,000 for the boats, about twice the retail price, the vendor used the FEMA employee's purchase card information to make two unauthorized transactions totaling about $30,000. Neither the cardholder nor the approving official disputed the unauthorized charges. As if this was not bad enough, FEMA failed to gain title to the boats. It did not even enter 12 of the 20 boats into their property system. Eventually, one of the boats was later found back in the possession of the original owner.

The bill restricts the de-facto outsourcing of program-management responsibility when a large contractor becomes a "lead systems integrator" for a multi-part project. The bill requires OFPP to craft a government-wide definition of lead systems integrators and study their use by various agencies.

The bill also specifically addresses demonstrated problems in contracting for assistance programs in Afghanistan. Numerous reports of fraud, waste, and abuse in that country, such as the shockingly poor construction of schools and clinics by the Louis Berger Group, echo the findings of the SIGIR in Iraq.

The Louis Berger Group was awarded a contract to build schools and clinics to help restore a decent life for the people of Afghanistan. Of the 105 structures they erected before their work was stopped, 103 suffered roof collapses after the first snowfall. Here was a case that combined a waste of taxpayer funds, damage to the U.S. image we were trying to enhance, and an actual danger to the people we were trying to help.

This bill requires the Administrator of USAID to revise the strategy for the agency's assistance program in Afghanistan to include measurable goals, specific time frames, resource levels, delineated responsibilities, external factors bearing on success, and a schedule for program evaluations. All of these things should have been done from the outset, not after billions in Federal funds were expended.

Title II of the bill introduces targeted reforms of the Inspector General system. IGs play a vital role in preventing and detecting waste, fraud, and abuse. We must attract more of these specialists to government service, and make the career attractive.

One vital provision in our bill might appear to run counter to that aim but the provision, in fact, preserves the independence of our Inspector Generals. It prohibits IGs from accepting any cash award or cash bonus from the agency that they are auditing or investigating. This codifies the honorable practice of most IGs of declining to accept such awards because of the inherent conflict of interest they present.

The balancing mechanism for that prohibition is to increase the salaries of Presidentially appointed IGs from Senior Executive Service Level III to Level IV. This also corrects a common anomaly wherein Deputy IGs collecting performance pay earn more than their supervising IG. The bill removes the inequity and the disincentive to accepting a promotion.

The bill makes other reforms that will increase the quality of IG reports and audits. For example, it clarifies that IGs' subpoena power extends to electronic documents. It also sets out professional qualifications for the designated Federal entity IGs, or DFE IGs. These IGs work in our smaller Federal agencies and are not subject to confirmation. This is no excuse for this failure to supply minimum professional qualifications for these important positions.

This bill also corrects a serious problem that has left millions of fraudulently disbursed dollars un-recouped. Currently DFE IGs do not have the power to institute lawsuits to recover claims under $150,000, even if they have a compelling case. This is unacceptable. DFE IGs need the power to pick this "low hanging fruit," whose cumulative cost can be huge. The bill corrects this problem by giving DFE IGs the same authority that Presidentially appointed IGs have to investigate and report false claims, and to recoup losses resulting from fraud below $150,000.

I believe this summary shows how the Accountability in Government Contracting Act of 2007 combines practical, workable, and targeted reforms to improve a complex process that expends hundreds of billions of taxpayer dollars every year. It will pay recurring dividends for years to come in higher-quality proposals, in more efficiently administered projects, and in better results for our citizens. I urge my colleagues to support it.

By Mr. LEVIN (for himself, Mr. COLEMAN, and Mr. OBAMA):

S. 681. A bill to restrict the use offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, offshore tax haven and tax shelter abuses are undermining the integrity of our tax system, robbing the Treasury of more than $100 billion each year, and shifting the tax burden from high income persons and companies onto the backs of middle income families. We can shut down a lot of these abuses if we have the political will. That's why I am introducing today, along with Senators NORM COLEMAN and BARACK OBAMA, the Stop Tax Haven Abuse Act which offers powerful new tools to do just that.

We all know there are billions of dollars in taxes that are owed but not paid each year. It's called the tax gap. The latest estimate is $345 billion in unpaid taxes each year owed by individuals, corporations, and other organizations willing to rob Uncle Sam and offload their tax burden onto the backs of honest taxpayers. We also estimate that, of that $345 billion annual tax gap, offshore tax haven abuses account for as much as $100 billion. Abusive tax shelters, both domestic and offshore, account for additional billions in unpaid taxes per year. To pay for critical needs, to avoid going even deeper into debt, and to protect honest taxpayers, we must shut these abuses down.

The legislation we are introducing today is the product of years of work by the Permanent Subcommittee on Investigations. I serve as Chairman of that Subcommittee. Senator COLEMAN is the ranking Republican, and Senator OBAMA is a valued Subcommittee member. Through reports and hearings, the Subcommittee has worked for years to expose and combat abusive tax havens and tax shelters. In the last Congress, we confronted these twin threats to our treasury by introducing S. 1565, the Tax Shelter and Tax Haven Reform Act. Today's bill is an improved version of that legislation, reflecting not only the Subcommittee's additional investigative work but also innovative ideas to end the use of tax havens and to stop unethical tax advisers from aiding and abetting U.S. tax evasion.

A tax haven is a foreign jurisdiction that maintains corporate, bank, and tax secrecy laws and industry practices that make it very difficult for other countries to find out whether their citizens are using the tax haven to cheat on their taxes. In effect, tax havens sell secrecy to attract clients to their shores. They peddle secrecy the way other countries advertise high quality services. That secrecy is used to cloak tax evasion and other misconduct, and it is that offshore secrecy that is targeted in our bill.

Abusive tax shelters are another target. Abusive tax shelters are complicated transactions promoted to provide tax benefits unintended by the tax code. They are very different from legitimate tax shelters, such as deducting the interest paid on your home mortgage or Congressionally approved tax deductions for building affordable housing. Some abusive tax shelters involve complicated domestic transactions; others make use of offshore shenanigans. All abusive tax shelters are marked by one characteristic: there is no real economic or business rationale other than tax avoidance. As Judge Learned Hand wrote in Gregory v. Helvering, they are "entered upon for no other motive but to escape taxation."

Abusive tax shelters are usually tough to prosecute. Crimes such as terrorism, murder, and fraud produce instant recognition of the immorality involved. Abusive tax shelters, by contrast, are often "MEGOs," meaning "My Eyes Glaze Over." Those who cook up these concoctions count on their complexity to escape scrutiny and public ire. But regardless of how complicated or eye-glazing, the hawking of abusive tax shelters by tax professionals like accountants, bankers, investment advisers, and lawyers to thousands of people like late-night, cut-rate TV bargains is scandalous, and we need to stop it. Hiding tax schemes through offshore companies and bank accounts in tax havens with secrecy laws also needs to be stopped cold. It's up to Congress to do just that.

Today, I would like to take some time to cut through the haze of these schemes to describe them for what they really are and explain what our bill would do to stop them. First, I will look at our investigation into offshore tax havens and discuss the provisions we have included in this bill to combat them. Then, I will turn to abusive tax shelters and our proposed remedies.

For many years, the Permanent Subcommittee on Investigations has been looking at the problem of offshore corporate, bank, and tax secrecy laws and practices that help taxpayers dodge their U.S. tax obligations by preventing U.S. tax authorities from gaining access to key financial and beneficial ownership information. The Tax Justice Network, an international nonprofit organization dedicated to fighting tax evasion, recently estimated that wealthy individuals worldwide have stashed $11.5 trillion of their assets in offshore tax havens. At one Subcommittee hearing, a former owner of an offshore bank in the Cayman Islands testified that he believed 100 percent of his former bank clients were engaged in tax evasion. He said that almost all were from the United States and had taken elaborate measures to avoid IRS detection of their money transfers. He also expressed confidence that the offshore government that licensed his bank would vigorously defend client secrecy in order to continue attracting business.

In a hearing held in August 2006, the Subcommittee released a staff report with six case studies describing how U.S. individuals are using offshore tax havens to evade U.S. taxes. In one case, two brothers from Texas, Sam and Charles Wyly, established 58 offshore trusts and corporations, and operated them for more than 13 years without alerting U.S. authorities. To move funds abroad, the brothers transferred over $190 million in stock option compensation they had received from U.S. publicly traded companies to the offshore corporations. They claimed that they did not have to pay tax on this compensation, because, in exchange, the offshore corporations provided them with private annuities which would not begin to make payments to them until years later. In the meantime, the brothers directed the offshore corporations to cash in the stock options and start investing the money. The brothers failed to disclose these offshore stock transactions to the SEC despite their position as directors and major shareholders in the relevant companies.

The Subcommittee was able to trace more than $700 million in stock option proceeds that the brothers invested in various ventures they controlled, including two hedge funds, an energy company, and an offshore insurance firm. They also used the offshore funds to purchase real estate, jewelry, and artwork for themselves and their family members, claiming they could use these offshore dollars to advance their personal and business interests without having to pay any taxes on the offshore income. The Wylys were able to carry on these tax maneuvers in large part because all of their activities were shrouded in offshore secrecy.

In another of the case histories, six U.S. taxpayers relied on phantom stock trades between two offshore shell companies to generate fake stock losses which were then used to shelter billions in income. This offshore tax shelter scheme, known as the POINT Strategy, was devised by Quellos, a U.S. securities firm headquartered in Seattle; coordinated with a European financial firm known as Euram Advisers; and blessed by opinion letters issued by two prominent U.S. law firms, Cravath Swaine and Bryan Cave. The two offshore shell companies at the center of the strategy, known as Jackstones and Barneville, supposedly created a stock portfolio worth $9.6 billion. However, no cash or stock transfers ever took place. Moreover, the shell companies that conducted these phantom trades are so shrouded in offshore secrecy that no one will admit to knowing who owns them. One of the taxpayers, Haim Saban, used the scheme to shelter about $1.5 billion from U.S. taxes. Another, Robert Wood Johnson IV, sought to shelter about $145 million. Both have since agreed to settle with the IRS.

The persons examined by the Subcommittee are far from the only U.S. taxpayers engaging in these types of offshore tax abuses. Recent estimates are that U.S. individuals are using offshore tax schemes to avoid payment of $40 to $70 billion in taxes each year.

Corporations are also using tax havens to avoid payment of U.S. taxes. A recent IRS study estimates that U.S. corporations use offshore tax havens to avoid about $30 billion in U.S. taxes each year. A GAO report I released with Senator DORGAN in 2004 found that nearly two-thirds of the top 100 companies doing business with the United States government had one or more subsidiaries in a tax haven. One company, Tyco International, had 115. Enron, in its heyday, had over 400 Cayman subsidiaries.

Data released by the Commerce Department further demonstrates the extent of U.S. corporate use of tax havens, indicating that, as of 2001, almost half of all foreign profits of U.S. corporations were in tax havens. A study released by the journal Tax Notes in September 2004 found that American companies were able to shift $149 billion of profits to 18 tax haven countries in 2002, up 68 percent from $88 billion in 1999.

Here's just one simplified example of the gimmicks being used by corporations to transfer taxable income from the United States to tax havens to escape taxation. Suppose a profitable U.S. corporation establishes a shell corporation in a tax haven. The shell corporation has no office or employees, just a mailbox address. The U.S. parent transfers a valuable patent to the shell corporation. Then, the U.S. parent and all of its subsidiaries begin to pay a hefty fee to the shell corporation for use of the patent, reducing its U.S. income through deducting the patent fees and thus shifting taxable income out of the United States to the shell corporation. The shell corporation declares a portion of the fees as profit, but pays no U.S. tax since it is a tax haven resident. The icing on the cake is that the shell corporation can then "lend" the income it has accumulated from the fees back to the U.S. parent for its use. The parent, in turn, pays "interest" on the "loans" to the shell corporation, shifting still more taxable income out of the United States to the tax haven. This example highlights just a few of the tax haven ploys being used by some U.S. corporations to escape paying their fair share of taxes here at home.

Our Subcommittee's most recent investigation into offshore abuses highlighted the extent to which offshore secrecy rules make it possible for taxpayers to participate in illicit activity with little fear of getting caught. Through a series of case studies, the Subcommittee showed how U.S. taxpayers, with the help of offshore service providers, financial institutions, and sometimes highly credentialed tax professionals, set up entities in such secrecy jurisdictions as the Isle of Man, the Cayman Islands, and the island of Nevis, claimed these offshore entities were independent but, in fact, controlled them through compliant offshore trustees, officers, directors, and corporate administrators. Because of the offshore secrecy laws and practices, these offshore service providers could and did go to extraordinary lengths to protect their U.S. clients' identities and financial information from U.S. tax and regulatory authorities, making it extremely difficult, if not impossible, for U.S. law enforcement authorities to get the information they need to enforce U.S. tax laws.

The extent of the offshore tax abuses documented by the Subcommittee during this last year intensified our determination to find new ways to combat offshore secrecy and restore the ability of U.S. tax enforcement to pursue offshore tax cheats. I'd now like to describe the key measures in the Stop Tax Havens Act being introduced today, which includes the use of presumptions to overcome offshore secrecy barriers, special measures to combat persons who impede U.S. tax enforcement, and greater disclosure of offshore transactions.

Our last Subcommittee staff report provided six case histories detailing how U.S. taxpayers are using offshore tax havens to avoid payment of the taxes they owe. These case histories examined an Internet based company that helps persons obtain offshore entities and accounts; U.S. promoters that designed complex offshore structures to hide client assets, even providing clients with a how-to manual for going offshore; U.S. taxpayers who diverted business income offshore through phony loans and invoices; a one-time tax dodge that deducted phantom offshore stock losses from real U.S. stock income to shelter that income from U.S. taxes; and the 13-year offshore empire built by Sam and Charles Wyly. Each of these case histories presented the same fact pattern in which the U.S. taxpayer, through lawyers, banks, or other representatives, set up offshore trusts, corporations, or other entities which had all the trappings of independence but, in fact, were controlled by the U.S. taxpayer whose directives were implemented by compliant offshore personnel acting as the trustees, officers, directors or nominee owners of the offshore entities.

In the case of the Wylys, the brothers and their representatives communicated Wyly directives to a so-called trust protector who then relayed the directives to the offshore trustees. In the 13 years examined by the Subcommittee, the offshore trustees never once rejected a Wyly request and never once initiated an action without Wyly approval. They simply did what they were told. A U.S. taxpayer in another case history told the Subcommittee that the offshore personnel who nominally owned and controlled his offshore entities, in fact, always followed his directions, describing himself as the "puppet master" in charge of his offshore holdings. When the Subcommittee discussed these case histories with financial administrators from the Isle of Man, they explained that none of the offshore personnel were engaged in any wrongdoing, because their laws permit foreign clients to transmit detailed, daily instructions to offshore service providers on how to handle offshore assets, so long as it is the offshore trustee or corporate officer who gives the final order to buy or sell the assets. They explained that, under their law, an offshore entity is considered legally independent from the person directing its activities so long as that person follows the form of transmitting "requests" to the offshore personnel who retain the formal right to make the decisions, even though the offshore personnel always do as they are asked.

The Subcommittee case histories illustrate what the tax literature and law enforcement experience have shown for years: that the business model followed in all offshore secrecy jurisdictions is for compliant trustees, corporate administrators, and financial institutions to provide a veneer of independence while ensuring that their U.S. clients retain complete and unfettered control over "their" offshore assets. That's the standard operating procedure offshore. Offshore service providers pretend to own or control the offshore trusts, corporations, and accounts they help establish, but what they really do is whatever their clients tell them to do. In truth, the independence of offshore entities is a legal fiction, and it is past time to pull back the curtain on the reality hiding behind the legal formalities.

The reality behind these offshore practices makes a mockery of U.S. laws that normally view trusts and corporations as independent entities. They invite game-playing and tax evasion. To combat these offshore abuses, our bill takes them head on in a number of ways.

The first section of our bill, Section 101, tackles this issue by creating several rebuttable evidentiary presumptions that would strip the veneer of independence from the U.S. person involved with offshore entities, transactions, and accounts, unless that U.S. person presents clear and convincing evidence to the contrary. These presumptions would apply only in civil judicial or administrative tax or securities enforcement proceedings examining transactions, entities, or accounts in offshore secrecy jurisdictions. These presumptions would put the burden of producing evidence from the offshore secrecy jurisdiction on the taxpayer who chose to do business there, and who has access to the information, rather than on the Federal Government which has little or no practical ability to get the information. The creation of these presumptions implements a bipartisan recommendation in the August 2006 Subcommittee report on tax haven abuses.

The bill would establish three evidentiary presumptions that could be used in a civil tax enforcement proceeding: (1) a presumption that a U.S. taxpayer who "formed, transferred assets to, was a beneficiary of, or received money or property" from an offshore entity, such as a trust or corporation, is in control of that entity; (2) a presumption that funds or other property received from offshore are taxable income, and that funds or other property transferred offshore have not yet been taxed; and (3) a presumption that a financial account controlled by a U.S. taxpayer in a foreign country contains enough money—$10,000—to trigger an existing statutory reporting threshold and allow the IRS to assert the minimum penalty for nondisclosure of the account by the taxpayer.

In addition, the bill would establish two evidentiary presumptions applicable to civil proceedings to enforce U.S. securities laws. One would specify that if a director, officer, or major shareholder of a U.S. publicly traded corporation were associated with an offshore entity, that person would be presumed to control that offshore entity. The second provides that securities nominally owned by an offshore entity are presumed to be beneficially owned by any U.S. person who controlled the offshore entity.

These presumptions are rebuttable, which means that the U.S. person who is the subject of the proceeding could provide clear and convincing evidence to show that the presumptions were factually inaccurate. To rebut the presumptions, a taxpayer could establish, for example, that an offshore corporation really was controlled by an independent third party, or that money sent from an offshore account really represented a nontaxable gift instead of taxable income. If the taxpayer wished to introduce evidence from a foreign person, such as an offshore banker, corporate officer, or trust administrator, to establish those facts, that foreign person would have to actually appear in the proceeding in a manner that would permit cross examination in order for the taxpayer to rebut the presumption. A simple affidavit from an offshore resident who refused to submit to cross examination in the United States would be insufficient.

There are several limitations on these presumptions to ensure their operation is fair and reasonable. First, the evidentiary rules in criminal cases would not be affected by this bill which would apply only to civil proceedings. Second, because the presumptions apply only in enforcement "proceedings," they would not directly affect, for example, a person's reporting obligations on a tax return or SEC filing. The presumptions would come into play only if the IRS or SEC were to challenge a matter in a formal proceeding. Third, the bill does not apply the presumptions to situations where either the U.S. person or the offshore entity is a publicly traded company, because in those situations, even if a transaction were abusive, IRS and SEC officials are generally able to obtain access to necessary information. Fourth, the bill recognizes that certain classes of offshore transactions, such as corporate reorganizations, may not present a potential for abuse, and accordingly authorizes Treasury and the Securities and Exchange Commission to issue regulations or guidance identifying such classes of transactions, to which the presumptions would then not apply.

An even more fundamental limitation on the presumptions is that they would apply only to transactions, accounts, or entities in offshore jurisdictions with secrecy laws or practices that unreasonably restrict the ability of the U.S. government to get needed information and which do not have effective information exchange programs with U.S. law enforcement. The bill requires the Secretary of the Treasury to identify those offshore secrecy jurisdictions, based upon the practical experience of the IRS in obtaining needed information from the relevant country.

To provide a starting point for Treasury, the bill presents an initial list of 34 offshore secrecy jurisdictions. This list is taken from actual IRS court filings in numerous, recent court proceedings in which the IRS sought permission to obtain information about U.S. taxpayers active in the named jurisdictions. The bill thus identifies the same jurisdictions that the IRS has already named publicly as probable locations for U.S. tax evasion. Federal courts all over the country have consistently found, when presented with the IRS list and supporting evidence, that the IRS had a reasonable basis for concluding that U.S. taxpayers with financial accounts in those countries presented a risk of tax noncompliance. In every case, the courts allowed the IRS to collect information about accounts and transactions in the listed offshore jurisdictions.

The bill also provides Treasury with the authority to add or remove jurisdictions from the initial list so that the list can change over time and reflect the actual record of experience of the United States in its dealings with specific jurisdictions around the world. The bill provides two tests for Treasury to use in determining whether a jurisdiction should be identified as an "offshore secrecy jurisdiction" triggering the evidentiary presumptions: (1) whether the jurisdiction's secrecy laws and practices unreasonably restrict U.S. access to information, and (2) whether the jurisdiction maintains a tax information exchange process with the United States that is effective in practice.

If offshore jurisdictions make a decision to enact secrecy laws and support industry practices furthering corporate, financial, and tax secrecy, that's their business. But when U.S. taxpayers start using those offshore secrecy laws and practices to evade U.S. taxes to the tune of $100 billion per year, that's our business. We have a right to enforce our tax laws and to expect that other countries will not help U.S. tax cheats achieve their ends.

The aim of the presumptions created by the bill is to eliminate the unfair advantage provided by offshore secrecy laws that for too long have enabled U.S. persons to conceal their misconduct offshore and game U.S. law enforcement. These presumptions would allow U.S. law enforcement to establish what we all know from experience is normally the case in an offshore jurisdiction—that a U.S. person associated with an offshore entity controls that entity; that money and property sent to or from an offshore entity involves taxable income; and that an offshore account that wasn't disclosed to U.S. authorities should have been. U.S. law enforcement can establish these facts presumptively, without having to pierce the secrecy veil. At the same time, U.S. persons who chose to transact their affairs through an offshore secrecy jurisdiction are given the opportunity to lift the veil of secrecy and demonstrate that the presumptions are factually wrong.

We believe these evidentiary presumptions will provide U.S. tax and securities law enforcement with powerful new tools to shut down tax haven abuses.

Section 102 of the bill is another innovative approach to combating tax haven abuses. This section would build upon existing Treasury authority to apply an array of sanctions to counter specific foreign money laundering threats by extending that same authority to counter specific foreign tax administration threats.

In 2001, the PATRIOT Act gave Treasury the authority under 31 U.S.C. 5318A to require domestic financial institutions and agencies to take special measures with respect to foreign jurisdictions, financial institutions, or transactions found to be of "primary money laundering concern." Once Treasury designates a foreign jurisdiction or financial institution to be of primary money laundering concern, Section 5318A allows Treasury to impose a range of requirements on U.S. financial institutions in their dealings with the designated entity—from requiring U.S. financial institutions, for example, to provide greater information than normal about transactions involving the designated entity, to prohibiting U.S. financial institutions from opening accounts for that foreign entity.

This PATRIOT Act authority has been used sparingly, but to telling effect. In some instances Treasury has employed special measures against an entire country, such as Burma, to stop its financial institutions from laundering funds through the U.S. financial system. More often, however, Treasury has used the authority surgically, against a single problem financial institution, to stop laundered funds from entering the United States. The provision has clearly succeeded in giving Treasury a powerful tool to protect the U.S. financial system from money laundering abuses.

The bill would authorize Treasury to use that same tool to require U.S. financial institutions to take the same special measures against foreign jurisdictions or financial institutions found by Treasury to be "impeding U.S. tax enforcement." Treasury could, for example, in consultation with the IRS, Secretary of State, and the Attorney General, require U.S. financial institutions that have correspondent accounts for a designated foreign bank to produce information on all of that foreign bank's customers. Alternatively, Treasury could prohibit U.S. financial institutions from opening accounts for a designated foreign bank, thereby cutting off that foreign bank's access to the U.S. financial system. These types of sanctions could be as effective in ending the worst tax haven abuses as they have been in curbing money laundering.

In addition to extending Treasury's ability to impose special measures against foreign entities impeding U.S. tax enforcement, the bill would add one new measure to the list of possible sanctions that could be applied to foreign entities: it would allow Treasury to instruct U.S. financial institutions not to authorize or accept credit card transactions involving the designated foreign jurisdiction or financial institution. Denying tax haven banks the ability to issue credit cards for use in the United States, for example, would be a powerful new way to stop U.S. tax cheats from obtaining access to funds hidden offshore.

Section 103 of the bill addresses another problem faced by the IRS in cases involving offshore jurisdictions—completing audits in a timely fashion when the evidence needed is located in a jurisdiction with strict secrecy laws. Currently, in the absence of fraud or some other exception, the IRS has 3 years from the date a return is filed to complete an audit and assess any additional tax. Because offshore secrecy laws slow down, and sometimes impede, efforts by the United States to obtain offshore financial and beneficial ownership information, the bill gives the IRS an extra 3 years to complete an audit and assess a tax on transactions involving an offshore secrecy jurisdiction. Of course, in the event that a case turns out to involve actual fraud, this provision of the bill is not intended to limit the rule giving the IRS unlimited time to assess tax in such cases.

Tax haven abuses are shrouded in secrecy. Section 104 attempts to pierce that secrecy by creating two new disclosure mechanisms requiring third parties to report on offshore transactions undertaken by U.S. persons.

The first disclosure mechanism focuses on U.S. financial institutions that open a U.S. account in the name of an offshore entity, such as an offshore trust or corporation, and learn from an anti-money laundering due diligence review, that a U.S. person is the beneficial owner behind that offshore entity. In the Wyly case history examined by the Subcommittee, for example, three major U.S. financial institutions opened dozens of accounts for offshore trusts and corporations which they knew were associated with the Wyly family.

Under current anti-money laundering law, all U.S. financial institutions are supposed to know who is behind an account opened in the name of, for example, an offshore shell corporation or trust. They are supposed to obtain this information to safeguard the U.S. financial system against misuse by terrorists, money launderers, and other criminals.

Under current tax law, a bank or securities broker that opens an account for a U.S. person is also required to give the IRS a 1099 form reporting any capital gains earned on the account. However, the bank or securities broker need not file a 1099 form if the account is owned by a foreign entity not subject to U.S. tax law. Problems arise when an account is opened in the name of an offshore entity that the bank or broker knows, from its anti-money laundering review, is owned or controlled by a U.S. person. The U.S. person should be filing a tax return with the IRS reporting the income of the "controlled foreign corporation." However, since he or she knows it is difficult for the IRS to connect an offshore accountholder to a particular taxpayer, he or she may feel safe in not reporting that income. That complacency might change, however, if the U.S. person knew that the bank or broker who opened the account and learned of the connection had a legal obligation to report any account income to the IRS.

Under current law, the way the regulations are written and typically interpreted, the bank or broker can treat the foreign account holder as an independent entity separate from the U.S. person, even if it knows that the foreign corporation is merely holding title to the account for the U.S. person, who exercises complete authority over the corporation and benefits from any capital gains earned on the account. Current law thus arguably imposes no duty on the bank or broker to file a 1099 form disclosing the account to the IRS.

The bill would strengthen current law by expressly requiring a bank or broker that knows, as a result of its anti-money laundering due diligence or otherwise, that a U.S. person is the beneficial owner of a foreign entity that opened the account, to disclose that account to the IRS by filing a 1099 form reporting account income. This reporting obligation would not require banks or brokers to gather any new information—financial institutions are already required to perform anti-money laundering due diligence for accounts opened by offshore shell entities. The bill would instead require U.S. financial institutions to act on what they already know by filing a 1099 form with the IRS.

The second disclosure mechanism created by Section 104 targets U.S. financial institutions that open foreign bank accounts or set up offshore corporations, trusts, or other entities for their U.S. clients. Our investigations have shown that it is common for private bankers and brokers in the United States to provide these services to their wealthy clients, so that the clients do not even need to leave home to set up an offshore structure. The offshore entities can then open both offshore and U.S. accounts and supposedly be treated as foreign account holders for tax purposes.

A Subcommittee investigation learned, for example, that Citibank Private Bank routinely offered to its clients private banking services which included establishing one or more offshore shell corporations—which it called Private Investment Corporations or PICs—in jurisdictions like the Cayman Islands. The paperwork to form the PIC was typically completed by a Citibank affiliate located in the jurisdiction, such as Cititrust, which is a Cayman trust company. Cititrust could then help the PIC open offshore accounts, while Citibank could help the PIC open U.S. accounts.

Section 104 would require any U.S. financial institution that directly or indirectly opens a foreign bank account or establishes a foreign corporation or other entity for a U.S. customer to report that action to the IRS. The bill authorizes the regulators of banks and securities firms, as well as the IRS, to enforce this filing requirement. Existing tax law already requires U.S. taxpayers that take such actions to report them to the IRS, but many fail to do so, secure in the knowledge that offshore secrecy laws limit the ability of the IRS to find out about the establishment of new offshore accounts and entities. That's why our bill turns to a third party—the financial institution—to disclose the information. Placing this third party reporting requirement on the private banks and brokers will make it more difficult for U.S. clients to hide these transactions.

Section 105 of our bill strengthens the ability of the IRS to stop offshore trust abuses by making narrow but important changes to the Revenue Code provisions dealing with taxation of foreign trusts. The rules on foreign trust taxation have been significantly strengthened over the past 30 years to the point where they now appear adequate to prevent or punish many of the more serious abuses. However, the Subcommittee's 2006 investigation found a few loopholes that are still being exploited by tax cheats and that need to be shut down.

The bill would make several changes to close these loopholes. First, our investigation showed that U.S. taxpayers exercising control over a supposedly independent foreign trust commonly used the services of a liaison, called a trust "protector" or "enforcer," to convey their directives to the supposedly independent offshore trustees. A trust protector is typically authorized to replace a foreign trustee at will and to advise the trustees on a wide range of trust matters, including the handling of trust assets and the naming of trust beneficiaries. In cases examined by the Subcommittee, the trust protector was often a friend, business associate, or employee of the U.S. person exercising control over the foreign trust. Section 105 provides that, for tax purposes, any powers held by a trust protector shall be attributed to the trust grantor.

A second problem addressed by our bill involves U.S. taxpayers who establish foreign trusts for the benefit of their families in an effort to escape U.S. tax on the accumulation of trust income. Foreign trusts can accumulate income tax free for many years. Previous amendments to the foreign trust rules have addressed the taxation problem by basically disregarding such trusts and taxing the trust income to the grantors as it is earned. However, as currently written, this taxation rule applies only to years in which the foreign trust has a named "U.S. beneficiary." In response, to avoid the reach of the rule, some taxpayers have begun structuring their foreign trusts so that they operate with no named U.S. beneficiaries.

For example, the Subcommittee's investigation into the Wyly trusts discovered that the foreign trust agreements had only two named beneficiaries, both of which were foreign charities, but also gave the offshore trustees "discretion" to name beneficiaries in the future. The offshore trustees had been informed in a letter of wishes from the Wyly brothers that the trust assets were to go to their children after death. The trustees also knew that the trust protector selected by the Wylys had the power to replace them if they did not comply with the Wylys' instructions. In addition, during the life of the Wyly brothers, and in accordance with instructions supplied by the trust protector, the offshore trustees authorized millions of dollars in trust income to be invested in Wyly business ventures and spent on real estate, jewelry, artwork, and other goods and services used by the Wylys and their families. The Wylys plainly thought they had found a legal loophole that would let them enjoy and direct the foreign trust assets without any obligation to pay taxes on the money they used.

To stop such foreign trust abuses, the bill would make it impossible to pretend that this type of foreign trust has no U.S. beneficiaries. The bill would shut down the loophole by providing that: (1) any U.S. person actually benefiting from a foreign trust is treated as a trust beneficiary, even if they are not named in the trust instrument; (2) future or contingent U.S. beneficiaries are treated the same as current beneficiaries; and (3) loans of foreign trust assets or property such as real estate, jewelry and artwork (in addition to loans of cash or securities already covered by current law) are treated as trust distributions for tax purposes.

Section 106 of the bill takes aim at legal opinions that are used to try to immunize taxpayers against penalties for tax shelter transactions with offshore elements. The Subcommittee investigations have found that tax practitioners sometimes tell potential clients that they can invest in an offshore tax scheme without fear of penalty, because they will be given a legal opinion that will shield the taxpayer from any imposition of the 20 percent accuracy related penalties in the tax code. Current law does, in fact, allow taxpayers to escape these penalties if they can produce a legal opinion letter stating that the tax arrangement in question is "more likely than not" to survive challenge by the IRS. The problem with such opinions where part of the transaction occurs in an offshore secrecy jurisdiction is that critical assumptions of the opinions are often based on offshore events, transactions and facts that are hidden and cannot be easily ascertained by the IRS. Legal opinions based on such assumptions should be understood by any reasonable person to be inherently unreliable.

The bill therefore provides that, for any transaction involving an offshore secrecy jurisdiction, the taxpayer would need to have some other basis, independent of the legal opinion, to show that there was reasonable cause to claim the tax benefit. The "more likely than not" opinion would no longer be sufficient in and of itself to shield a taxpayer from all penalties if an offshore secrecy jurisdiction is involved. This provision, which is based upon a suggestion made by IRS Commissioner Mark Everson at our August hearing, is intended to force taxpayers to think twice about entering into an offshore scheme and to stop thinking that an opinion by a lawyer is all they need to escape any penalty for nonpayment of taxes owed. By making this change, we would also provide an incentive for taxpayers to understand and document the complete facts of the offshore aspects of a transaction before claiming favorable tax treatment.

To ensure that this section does not impede legitimate business arrangements in offshore secrecy jurisdictions, the bill authorizes the Treasury Secretary to issue regulations exempting two types of legal opinions from the application of this section. First, the Treasury Secretary could exempt all legal opinions that have a confidence level substantially above the more-likely-than-not level, such as opinions which express confidence that a proposed tax arrangement "should" withstand an IRS challenge. "More-likely-than-not" opinion letters are normally viewed as expressing confidence that a tax arrangement has at least a 50 percent chance of surviving IRS review, while a "should" opinion is normally viewed as expressing a confidence level of 70 to 75 percent. This first exemption is intended to ensure that legal opinions on arrangements that are highly likely to survive IRS review would continue to shield taxpayers from the 20 percent penalty. Second, the Treasury Secretary could exempt legal opinions addressing classes of transactions, such as corporate reorganizations, that do not present the potential for abuse. These exemptions would ensure that taxpayers who obtain legal opinions for these classes of transactions would also be protected from tax code penalties.

In addition to tax abuses, last year's Subcommittee investigation of the Wyly case history uncovered a host of troubling transactions involving U.S. securities held by the 58 offshore trusts and corporations associated with the two Wyly brothers. The offshore entities had obtained these securities by exercising about $190 million in stock options provided to them by the Wylys. The Wylys had obtained these stock options as compensation from three U.S. publicly traded corporations at which they were directors and major shareholders.

The investigation found that the Wylys generally did not report the offshore entities' stock holdings or transactions in their SEC filings, on the ground that the 58 offshore trusts and corporations functioned as independent entities, even though the Wylys continued to direct the entities' investment activities. The public companies where the Wylys were corporate insiders also failed to include in their SEC filings information about the company shares held by the offshore entities, even though the companies knew of their close relationship to the Wylys, that the Wylys had provided the offshore entities with significant stock options, and that the offshore entities held large blocks of the company stock. On other occasions, the public companies and various financial institutions failed to treat the shares held by the offshore entities as affiliated stock, even though they were aware of the offshore entities' close association with the Wylys. The investigation also found that, because both the Wylys and the public companies had failed to disclose the holdings of the offshore entities, for 13 years federal regulators were unaware of those holdings and the relationships between the offshore entities and the Wyly brothers.

Corporate insiders and public companies are already obligated by current law to disclose share holdings and transactions of offshore entities affiliated with a company director, officer, or major shareholder. Current penalties, however, appear insufficient to ensure compliance in light of the low likelihood that U.S. authorities will learn what went on in an offshore jurisdiction. To address this problem, our bill would establish a new monetary penalty of up to $1 million for persons who knowingly fail to disclose offshore holdings and transactions in violation of U.S. securities laws.

The Subcommittee's August 2006 investigation showed that the Wyly brothers used two hedge funds and a private equity fund controlled by them to funnel millions of untaxed offshore dollars into U.S. investments. In addition, that and earlier investigations provide extensive evidence on the role played by U.S. company formation agents in assisting U.S. persons to set up offshore structures. Moreover, a Subcommittee hearing in November 2006 disclosed that U.S. company formation agents are forming U.S. shell companies for numerous unidentified foreign clients. Some of those U.S. shell companies were later used in illicit activities, including money laundering, terrorist financing, drug crimes, tax evasion, and other misconduct. Because hedge funds, private equity funds, and company formation agents are as vulnerable as other financial institutions to money launderers seeking entry into the U.S. financial system, the bill contains two provisions aimed at ensuring that these groups know their clients and do not accept or transmit suspect funds into the U.S. financial system.

Currently, unregistered investment companies, such as hedge funds and private equity funds, are the only class of financial institutions under the Bank Secrecy Act that transmit substantial offshore funds into the United States, yet are not required by law to have anti-money laundering programs, including Know Your Customer, due diligence procedures. There is no reason why this growing sector of our financial services industry should continue to serve as a gateway into the U.S. financial system for monies of unknown origin. The Treasury Department proposed anti-money laundering regulations for these groups in 2002, but has not yet finalized them, even though the principal hedge fund trade association supports the issuance of federal anti-money laundering regulations. Our bill would require Treasury to issue final regulations within 180 days of the enactment of the bill. Treasury would be free to work from its existing proposal, but the bill would also require the final regulations to direct hedge funds and private equity funds to exercise due diligence before accepting offshore funds and to comply with the same procedures as other financial institutions if asked by federal regulators to produce records kept offshore.

In addition, the bill would add company formation agents to the list of persons subject to the anti-money laundering obligations of the Bank Secrecy Act. For the first time, those engaged in the business of forming corporations and other entities, both offshore and in the 50 States, would be responsible for knowing the identity of the person for whom they are forming the entity. The bill also directs Treasury to develop anti-money laundering regulations for this group. Treasury's key anti-money laundering agency, the Financial Crimes Enforcement Network, testified before the Subcommittee that it was considering drafting such regulations.

We expect and intend that, as in the case of all other entities covered by the Bank Secrecy Act, the regulations issued in response to this bill would instruct hedge funds, private equity funds, and company formation agents to adopt risk-based procedures that would concentrate their due diligence efforts on clients that pose the highest risk of money laundering.

Section 204 of the bill focuses on one tool used by the IRS in recent years to uncover taxpayers involved in offshore tax schemes, known as John Doe summonses. The bill would make three technical changes to IRS rules governing the issuance of these summonses to make their use more effective in offshore and other complex investigations.

A John Doe summons is an administrative IRS summons used to request information in cases where the identity of a taxpayer is unknown. In cases involving known taxpayers, the IRS may issue a summons to a third party to obtain information about a U.S. taxpayer, but must also notify the taxpayer who then has 20 days to petition a court to quash the summons to the third party. With a John Doe summons, however, IRS does not have the taxpayer's name and does not know where to send the taxpayer notice, so the statute substitutes a procedure in which the IRS must apply to a court for advance permission to serve the summons on the third party. To obtain approval of the summons, the IRS must show the court, in public filings to be resolved in open court, that: (1) the summons relates to a particular person or ascertainable class of persons, (2) there is a reasonable basis for concluding that there is a tax compliance issue involving that person or class of persons, and (3) the information sought is not readily available from other sources.

In recent years, the IRS has used John Doe summonses to obtain information about taxpayers operating in offshore secrecy jurisdictions. For example, the IRS has obtained court approval to issue John Doe summonses to credit card associations, credit card processors, and credit card merchants, to obtain information about taxpayers using credit cards issued by offshore banks. This information has led to many successful cases in which the IRS identified funds hidden offshore and recovered unpaid taxes.

Use of the John Doe summons process, however, has proved unnecessarily time consuming and expensive. For each John Doe summons involving an offshore secrecy jurisdiction, the IRS has had to establish in court that the involvement of accounts and transactions in offshore secrecy jurisdictions meant there was a significant likelihood of tax compliance problems. To relieve the IRS of the need to make this same proof over and over, the bill would provide that, in any John Doe summons proceeding involving a class defined in terms of accounts or transactions in an offshore secrecy jurisdiction, the court may presume that the case raises tax compliance issues. This presumption would then eliminate the need for the IRS to repeatedly establish in court the obvious fact that accounts, entities, and transactions involving offshore secrecy jurisdictions raise tax compliance issues.

Second, for a smaller subset of John Doe cases, where the only records sought by the IRS are offshore bank account records held by a U.S. financial institution where the offshore bank has an account, the bill would relieve the IRS of the obligation to get prior court approval to serve the summons. Again, the justification is that offshore bank records are highly likely to involve accounts that raise tax compliance issues so no prior court approval should be required. Even in this instance, however, if a U.S. financial. institution were to decline to produce the requested records, the IRS would have to obtain a court order to enforce the summons.

Finally, the bill would streamline the John Doe summons approval process in large "project" investigations where the IRS anticipates issuing multiple summonses to definable classes of third parties, such as banks or credit card associations, to obtain information related to particular taxpayers. Right now, for each summons issued in connection with a project, the IRS has to obtain the approval of a court, often having to repeatedly establish the same facts before multiple judges in multiple courts. This repetitive exercise wastes IRS, Justice Department, and court resources, and fragments oversight of the overall IRS investigative effort.

To streamline this process and strengthen court oversight of IRS use of John Doe summons, the bill would authorize the IRS to present an investigative project, as a whole, to a single judge to obtain approval for issuing multiple summons related to that project. In such cases, the court would retain jurisdiction over the case after approval is granted, to exercise ongoing oversight of IRS issuance of summonses under the project. To further strengthen court oversight, the IRS would be required to file a publicly available report with the court on at least an annual basis describing the summonses issued under the project. The court would retain authority to restrict the use of further summonses at any point during the project. To evaluate the effectiveness of this approach, the bill would also direct the Government Accountability Office to report on the use of the provision after five years.

Finally, Section 205 of the bill would make several changes to Title 31 of the U.S. Code needed to reflect the IRS's new responsibility for enforcing the Foreign Bank Account Report (FBAR) requirements and to clarify the right of access to Suspicious Activity Reports by IRS civil enforcement authorities.

Under present law, a person controlling a foreign financial account with over $10,000 is required to check a box on his or her income tax return and, under Title 31, also file an FBAR form with the IRS. Treasury's Financial Crimes Enforcement Network (FinCEN), which normally enforces Title 31 provisions, recently delegated to the IRS the responsibility for investigating FBAR violations and assessing FBAR penalties. Because the FBAR enforcement jurisdiction derives from Title 31, however, and most of the information available to the IRS is tax return information, IRS routinely encounters difficulties in using available tax information to fulfill its new role as FBAR enforcer. The tax disclosure law permits the use of tax information only for the administration of the internal revenue laws or "related statutes." This rule is presently understood to require the IRS to determine, at a managerial level and on a case by case basis, that the Title 31 FBAR law is a "related statute." Not only does this necessitate repetitive determinations in every FBAR case investigated by the IRS before each agent can look at the potential non-filer's income tax return, but it prevents the use by IRS of bulk data on foreign accounts received from tax treaty partners to compare to FBAR filing records to find non-filers.

One of the stated purposes for the FBAR filing requirement is that such reports "have a high degree of usefulness in . . . tax . . . investigations or proceedings." 31 U. S. C 5311. If one of the reasons for requiring taxpayers to file FBARs is to use the information for tax purposes, and if IRS is to be charged with FBAR enforcement because of the FBARs' connection to taxes, common sense dictates that the FBAR statute should be considered a related statute for tax disclosure purposes, and the bill changes the related statute rule to say that.

The second change made by Section 205 is a technical amendment to the wording of the penalty provision. Currently the penalty is determined in part by the balance in the foreign bank account at the time of the "violation." The violation is interpreted to have occurred on the due date of the FBAR return, which is June 30 of the year following the year to which the report relates. The statute's use of this specific June 30th date can lead to strange results if money is withdrawn from the foreign account after the reporting period closed but before the return due date. To eliminate this unintended problem, the bill would instead gauge the penalty by using the highest balance in the account during the reporting period.

The third part of section 205 relates to Suspicious Activity Reports, which financial institutions are required to file with FinCEN whenever they encounter suspicious transactions. FinCEN is required to share this information with law enforcement, but currently does not permit IRS civil investigators access to the information. However, if the information that is gathered and transmitted to Treasury by the financial institutions at great expense is to be effectively utilized, its use should not be limited to the relatively small number of criminal investigators, who can barely scratch the surface of the large number of reports. In addition, sharing the information with civil tax investigators would not increase the risk of disclosure, because they operate under the same tough disclosure rules as the criminal investigators. In some cases, IRS civil agents are now issuing an IRS summons to a financial institution to get access, for a production fee, to the very same information the financial institution has already filed with Treasury in a SAR. The bill changes those anomalous results by making it clear that "law enforcement" includes civil tax law enforcement.

Overall, our bill includes a host of innovative measures to strengthen the ability of Federal regulators to combat offshore tax haven abuses. We believe these new tools merit Congressional attention and enactment this year if we are going to begin to make a serious dent in the $100 billion in annual lost tax revenue from offshore tax abuses that forces honest taxpayers to shoulder a greater tax burden than they would otherwise have to bear.

Until now, I've been talking about what the bill would do to combat offshore tax abuses. Now I want to turn to what the bill would do to combat abusive tax shelters and their promoters who use both domestic and offshore means to achieve their ends. Most of these provisions appeared in the Levin-Coleman-Obama bill from the last Congress. Some provisions from that bill have been dropped or modified in light of those that were enacted into law.

For five years, the Permanent Subcommittee on Investigations has been conducting investigations into the design, sale, and implementation of abusive tax shelters. Our first hearing on this topic in recent years was held in January 2002, when the Subcommittee examined an abusive tax shelter purchased by Enron. In November 2003, the Subcommittee held two days of hearings and released a staff report that pulled back the curtain on how even some respected accounting firms, banks, investment advisors, and law firms had become engines pushing the design and sale of abusive tax shelters to corporations and individuals across this country. In February 2005, the Subcommittee issued a bipartisan report that provided further details on the role these professional firms played in the proliferation of these abusive shelters. Our Subcommittee report was endorsed by the full Committee on Homeland Security and Governmental Affairs in April 2005. Most recently, a 2006 Subcommittee staff report entitled, "Tax Haven Abuses: The Enablers, the Tools, and Secrecy," disclosed how financial and legal professionals designed and sold yet another abusive tax shelter known as the POINT Strategy, which depended on secrecy laws and practices in the Isle of Man to conceal the phantom nature of securities trades that lay at the center of this tax shelter transaction.

The Subcommittee investigations have found that many abusive tax shelters are not dreamed up by the taxpayers who use them. Instead, most are devised by tax professionals, such as accountants, bankers, investment advisors, and lawyers, who then sell the tax shelter to clients for a fee. In fact, as our 2003 investigation widened, we found a large number of tax advisors cooking up one complex scheme after another, packaging them up as generic "tax products" with boiler-plate legal and tax opinion letters, and then undertaking elaborate marketing schemes to peddle these products to literally thousands of persons across the country. In return, these tax shelter promoters were getting hundreds of millions of dollars in fees, while diverting billions of dollars in tax revenues from the U.S. Treasury each year.

For example, one shelter investigated by the Subcommittee and featured in the 2003 hearings has since become part of an IRS effort to settle cases involving a set of abusive tax shelters known as "Son of Boss." Following our hearing, more than 1,200 taxpayers have admitted wrongdoing and agreed to pay back taxes, interest and penalties totaling more than $3.7 billion. That's billions of dollars the IRS has collected on just one type of tax shelter, demonstrating both the depth of the problem and the potential for progress. The POINT shelter featured in our 2006 hearing involved another $300 million in tax loss on transactions conducted by just six taxpayers.

The bill we are introducing today contains a number of measures to curb abusive tax shelters. First, it would strengthen the penalties imposed on those who aid or abet tax evasion. Second, it would prohibit the issuance of tax shelter patents. Several provisions would deter bank participation in abusive tax shelter activities by requiring regulators to develop new examination procedures to detect and stop such activities. Others would end outdated communication barriers between the IRS and other enforcement agencies such as the SEC, bank regulators, and the Public Company Accounting Oversight Board, to allow the exchange of information relating to tax evasion cases. The bill also provides for increased disclosure of tax shelter information to Congress.

In addition, the bill would simplify and clarify an existing prohibition on the payment of fees linked to tax benefits; and authorize Treasury to issue tougher standards for tax shelter opinion letters. Finally, the bill would codify and strengthen the economic substance doctrine, which eliminates tax benefits for transactions that have no real business purpose apart from avoiding taxes.

Let me be more specific about these key provisions to curb abusive tax shelters.

Title III of the bill strengthens two very important penalties that the IRS can use in its fight against the professionals who make complex abusive shelters possible. Three years ago, the penalty for promoting an abusive tax shelter, as set forth in Section 6700 of the tax code, was the lesser of $1,000 or 100 percent of the promoter's gross income derived from the prohibited activity. That meant in most cases the maximum fine was just $1,000.

Many abusive tax shelters sell for $100,000 or $250,000 apiece. Our investigation uncovered some tax shelters that were sold for as much as $2 million or even $5 million apiece, as well as instances in which the same cookie-cutter tax opinion letter was sold to 100 or even 200 clients. There are huge profits to be made in this business, and a $1,000 fine is laughable.

The Senate acknowledged that in 2004 when it adopted the Levin-Coleman amendment to the JOBS Act, S. 1637, raising the Section 6700 penalty on abusive tax shelter promoters to 100 percent of the fees earned by the promoter from the abusive shelter. A 100 percent penalty would have ensured that the abusive tax shelter hucksters would not get to keep a single penny of their ill-gotten gains. That figure, however, was cut in half in the conference report, setting the penalty at 50 percent of the fees earned and allowing the promoters of abusive shelters to keep half of their illicit profits.

While a 50 percent penalty is an obvious improvement over $1000, this penalty still is inadequate and makes no sense. Why should anyone who pushes an illegal tax shelter that robs our Treasury of needed revenues get to keep half of his ill-gotten gains? What deterrent effect is created by a penalty that allows promoters to keep half of their fees if caught, and of course, all of their fees if they are not caught?

Effective penalties should make sure that the peddler of an abusive tax shelter is deprived of every penny of profit earned from selling or implementing the shelter and then is fined on top of that. Section 301 of this bill would do just that by increasing the penalty on tax shelter promoters to an amount equal to up to 150 percent of the promoters' gross income from the prohibited activity.

A second penalty provision in the bill addresses what our investigations have found to be a key problem: the knowing assistance of accounting firms, law firms, banks, and others to help taxpayers understate their taxes. In addition to those who meet the definition of "promoters" of abusive shelters, there are professional firms that aid and abet the use of abusive tax shelters and enable taxpayers to carry out the abusive tax schemes. For example, law firms are often asked to write "opinion letters" to help taxpayers head off IRS questioning and fines that they might otherwise confront for using an abusive shelter. Currently, under Section 6701 of the tax code, these aiders and abettors face a maximum penalty of only $1,000, or $10,000 if the offender is a corporation. This penalty, too, is a joke. When law firms are getting $50,000 for each of these cookie-cutter opinion letters, it provides no deterrent whatsoever. A $1,000 fine is like a jaywalking ticket for robbing a bank.

Section 302 of the bill would strengthen Section 6701 significantly, subjecting aiders and abettors to a maximum fine up to 150 percent of the aider and abettor's gross income from the prohibited activity. This penalty would apply to all aiders and abettors, not just tax return preparers.

Again, the Senate has recognized the need to toughen this critical penalty. In the 2004 JOBS Act, Sen. Coleman and I successfully increased this fine to 100 percent of the gross income derived from the prohibited activity. Unfortunately, the conference report completely omitted this change, allowing aiders and abettors to continue to profit without penalty from their wrongdoing.

If further justification for toughening these penalties is needed, one document uncovered by our investigation shows the cold calculation engaged in by a tax advisor facing low fines. A senior tax professional at accounting giant KPMG compared possible tax shelter fees with possible tax shelter penalties if the firm were caught promoting an illegal tax shelter. This senior tax professional wrote the following: "[O]ur average deal would result in KPMG fees of $360,000 with a maximum penalty exposure of only $31,000." He then recommended the obvious: going forward with sales of the abusive tax shelter on a cost-benefit basis.

Section 303 of our bill addresses the growing problem of tax shelter patents, which has the potential for significantly increasing abusive tax shelter activities.

In 1998, a Federal appeals court ruled for the first time that business methods can be patented and, since then, various tax practitioners have filed applications to patent a variety of tax strategies. The U.S. Patent Office has apparently issued 49 tax strategy patents to date, with more on the way. These patents were issued by patent officers who, by statute, have a background in science and technology, not tax law, and know little to nothing about abusive tax shelters.

Issuing these types of patents raises multiple public policy concerns. Patents issued for aggressive tax strategies, for example, may enable unscrupulous promoters to claim the patent represents an official endorsement of the strategy and evidence that it would withstand IRS challenge. Patents could be issued for blatantly illegal tax shelters, yet remain in place for years, producing revenue for the wrongdoers while the IRS battles the promoters in court. Patents for tax shelters found to be illegal by a court would nevertheless remain in place, creating confusion among users and possibly producing illicit income for the patent holder.

Another set of policy concerns relates to the patenting of more routine tax strategies. If a single tax practitioner is the first to discover an advantage granted by the law and secures a patent for it, that person could then effectively charge a toll for all other taxpayers to use the same strategy, even though as a matter of public policy all persons ought to be able to take advantage of the law to minimize their taxes. Companies could even patent a legal method to minimize their taxes and then refuse to license that patent to their competitors in order to prevent them from lowering their operating costs. Tax patents could be used to hinder productivity and competition rather than foster it.

The primary rationale for granting patents is to encourage innovation, which is normally perceived to be a sufficient public benefit to justify granting a temporary monopoly to the patent holder. In the tax arena, however, there has historically been ample incentive for innovation in the form of the tax savings alone. The last thing we need is a further incentive for aggressive tax shelters. That's why Section 303 would prohibit the patenting of any "invention designed to minimize, avoid, defer, or otherwise affect the liability for Federal, State, local, or foreign tax."

Another finding of the Subcommittee investigations is that some tax practitioners are circumventing current state and federal constraints on charging tax service fees that are dependent on the amount of promised tax benefits. Traditionally, accounting firms charged flat fees or hourly fees for their tax services. In the 1990s, however, they began charging "value added" fees based on, in the words of one accounting firm's manual, "the value of the services provided, as opposed to the time required to perform the services." In addition, some firms began charging "contingent fees" that were calculated according to the size of the paper "loss" that could be produced for a client and used to offset the client's other taxable income the greater the so-called loss, the greater the fee.

In response, many states prohibited accounting firms from charging contingent fees for tax work to avoid creating incentives for these firms to devise ways to shelter substantial sums. The SEC and the American Institute of Certified Public Accountants also issued rules restricting contingent fees, allowing them in only limited circumstances. Recently, the Public Company Accounting Oversight Board issued a similar rule prohibiting public accounting firms from charging contingent fees for tax services provided to the public companies they audit. Each of these federal, state, and professional ethics rules seeks to limit the use of contingent fees under certain, limited circumstances.

The Subcommittee investigation found that tax shelter fees, which are typically substantial and sometimes exceed $1 million, are often linked to the amount of a taxpayer's projected paper losses which can be used to shelter income from taxation. For example, in four tax shelters examined by the Subcommittee in 2003, documents show that the fees were equal to a percentage of the paper loss to be generated by the transaction. In one case, the fees were typically set at 7 percent of the transaction's generated "tax loss" that clients could use to reduce other taxable income. In another, the fee was only 3.5 percent of the loss, but the losses were large enough to generate a fee of over $53 million on a single transaction. In other words, the greater the loss that could be concocted for the taxpayer or "investor," the greater the profit for the tax promoter. Think about that—greater the loss, the greater the profit. How's that for turning capitalism on its head!

In addition, evidence indicated that, in at least one instance, a tax advisor was willing to deliberately manipulate the way it handled certain tax products to circumvent contingent fee prohibitions. An internal document at an accounting firm related to a specific tax shelter, for example, identified the states that prohibited contingent fees. Then, rather than prohibit the tax shelter transactions in those states or require an alternative fee structure, the memorandum directed the firm's tax professionals to make sure the engagement letter was signed, the engagement was managed, and the bulk of services was performed "in a jurisdiction that does not prohibit contingency fees."

Right now, the prohibitions on contingent fees are complex and must be evaluated in the context of a patchwork of federal, state, and professional ethics rules. Section 304 of the bill would establish a single enforceable rule, applicable nationwide, that would prohibit tax practitioners from charging fees calculated according to a projected or actual amount of tax savings or paper losses.

The bill would also help fight abusive tax shelters that are disguised as complex investment opportunities and use financing or securities transactions provided by financial institutions. In reality, tax shelter schemes lack the economic risks and rewards associated with a true investment. These phony transactions instead often rely on the temporary use of significant amounts of money in low risk schemes mischaracterized as real investments. The financing or securities transactions called for by these schemes are often supplied by a bank, securities firm, or other financial institution.

Currently the tax code prohibits financial institutions from providing products or services that aid or abet tax evasion or that promote or implement abusive tax shelters. The agencies that oversee these financial institutions on a daily basis, however, are experts in banking and securities law and generally lack the expertise to spot tax issues. Section 305 would crack down on financial institutions' illegal tax shelter activities by requiring federal bank regulators and the SEC to work with the IRS to develop examination techniques to detect such abusive activities and put an end to them.

These examination techniques would be used regularly, preferably in combination with routine regulatory examinations, and the regulators would report potential violations to the IRS. The agencies would also be required to prepare joint reports to Congress in 2009 and 2012 on preventing the participation of financial institutions in tax evasion or tax shelter activities.

During hearings before the Permanent Subcommittee on Investigations on tax shelters in November 2003, IRS Commissioner Everson testified that his agency was barred by Section 6103 of the tax code from communicating information to other federal agencies that would assist those agencies in their law enforcement duties. He pointed out that the IRS was barred from providing tax return information to the SEC, federal bank regulators, and the Public Company Accounting Oversight Board (PCAOB)—even, for example, when that information might assist the SEC in evaluating whether an abusive tax shelter resulted in deceptive accounting in a public company's financial statements, might help the Federal Reserve determine whether a bank selling tax products to its clients had violated the law against promoting abusive tax shelters, or help the PCAOB judge whether an accounting firm had impaired its independence by selling tax shelters to its audit clients.

A recent example demonstrates how harmful these information barriers are to legitimate law enforcement efforts. In 2004, the IRS offered a settlement initiative to companies and corporate executives who participated in an abusive tax shelter involving the transfer of stock options to family-controlled entities. Over a hundred corporations and executives responded with admissions of wrongdoing. In addition to tax violations, their misconduct may be linked to securities law violations and improprieties by corporate auditors or banks, but the IRS has informed the Subcommittee that it is currently barred by law from sharing the names of the wrongdoers with the SEC, banking regulators, or PCAOB.

These communication barriers are outdated, inefficient, and ill-suited to stopping the torrent of tax shelter abuses now affecting or being promoted by so many public companies, banks, and accounting firms. To address this problem, Section 306 of this bill would authorize the Treasury Secretary, with appropriate privacy safeguards, to disclose to the SEC, federal banking agencies, and the PCAOB, upon request, tax return information related to abusive tax shelters, inappropriate tax avoidance, or tax evasion. The agencies could then use this information only for law enforcement purposes, such as preventing accounting firms or banks from promoting abusive tax shelters, or detecting accounting fraud in the financial statements of public companies.

The bill would also provide for increased disclosure of tax shelter information to Congress. Section 307 would make it clear that companies providing tax return preparation services to taxpayers cannot refuse to comply with a Congressional document subpoena by citing Section 7216, which prohibits tax return preparers from disclosing taxpayer information to third parties. Several accounting and law firms raised this claim in response to document subpoenas issued by the Permanent Subcommittee on Investigations, contending they were barred by the nondisclosure provision in Section 7216 from producing documents related to the sale of abusive tax shelters to clients for a fee.

The accounting and law firms maintained this position despite an analysis provided by the Senate legal counsel showing that the nondisclosure provision was never intended to create a privilege or to override a Senate subpoena, as demonstrated in federal regulations interpreting the provision. This bill would codify the existing regulations interpreting Section 7216 and make it clear that Congressional document subpoenas must be honored.

Section 307 would also ensure Congress has access to information about decisions by the Treasury related to an organization's tax exempt status. A 2003 decision by the D.C. Circuit Court of Appeals, Tax Analysts v. IRS, struck down certain IRS regulations and held that the IRS must disclose letters denying or revoking an organization's tax exempt status. The IRS has been reluctant to disclose such information, not only to the public, but also to Congress, including in response to requests by the Subcommittee.

For example, in 2005, the IRS revoked the tax exempt status of four credit counseling firms, and, despite the Tax Analysts case, claimed that it could not disclose to the Subcommittee the names of the four firms or the reasons for revoking their tax exemption. Our bill would make it clear that, upon receipt of a request from a Congressional committee or subcommittee, the IRS must disclose documents, other than a tax return, related to the agency's determination to grant, deny, revoke or restore an organization's exemption from taxation.

The Treasury Department recently issued new standards for tax practitioners issuing opinion letters on the tax implications of potential tax shelters as part of Circular 230. Section 308 of the bill would provide express statutory authority for these and even clearer regulations.

The public has traditionally relied on tax opinion letters to obtain informed and trustworthy advice about whether a tax-motivated transaction meets the requirements of the law. The Permanent Subcommittee on Investigations has found that, in too many cases, tax opinion letters no longer contain disinterested and reliable tax advice, even when issued by supposedly reputable accounting or law firms. Instead, some tax opinion letters have become marketing tools used by tax shelter promoters and their allies to sell clients on their latest tax products. In many of these cases, financial interests and biases were concealed, unreasonable factual assumptions were used to justify dubious legal conclusions, and taxpayers were misled about the risk that the proposed transaction would later be designated an illegal tax shelter. Reforms are essential to address these abuses and restore the integrity of tax opinion letters.

The Treasury Department recently adopted standards that address a number of the abuses affecting tax shelter opinion letters; however, the standards could be stronger yet. Our bill would authorize Treasury to issue standards addressing a wider spectrum of tax shelter opinion letter problems, including: preventing concealed collaboration among supposedly independent letter writers; avoiding conflicts of interest that would impair auditor independence; ensuring appropriate fee charges; preventing practitioners and firms from aiding and abetting the understatement of tax liability by clients; and banning the promotion of potentially abusive tax shelters. By addressing each of these areas, a beefed-up Circular 230 could help reduce the ongoing abusive practices related to tax shelter opinion letters.

Finally, Title IV of the bill incorporates a Baucus-Grassley proposal which would strengthen legal prohibitions against abusive tax shelters by codifying in Federal tax statutes for the first time what is known as the economic substance doctrine. This anti-tax abuse doctrine was fashioned by federal courts evaluating transactions that appeared to have little or no business purpose or economic substance apart from tax avoidance. It has become a powerful analytical tool used by courts to invalidate abusive tax shelters. At the same time, because there is no statute underlying this doctrine and the courts have developed and applied it differently in different judicial districts, the existing case law has many ambiguities and conflicting interpretations.

This language was developed under the leadership of Senators BAUCUS and GRASSLEY, the Chairman and Ranking Member of the Finance Committee. The Senate has voted on multiple occasions to enact it into law, but House conferees have rejected it each time. Since no tax shelter legislation would be complete without addressing this issue, Title IV of this comprehensive bill proposes once more to include the economic substance doctrine in the tax code.

The eyes of some people may glaze over when tax shelters and tax havens are discussed, but unscrupulous taxpayers and tax professionals clearly see illicit dollar signs. Our commitment to crack down on their tax abuses must be as strong as their determination to get away with ripping off America and American taxpayers.

Our bill provides powerful new tools to end the tax haven and tax shelter abuses. Tax haven and tax shelter abuses contribute nearly $100 billion to the $345 billion annual tax gap, which represents taxes owed but not paid. It's long past time for taxes owing to the people's Treasury to be collected. And it's long past time for Congress to end the shifting of a disproportionate tax burden onto the shoulders of honest Americans.

Mr. OBAMA. Mr. President, I rise today to speak about the Stop Tax Haven Abuse Act, which I am proud to cosponsor with Senators LEVIN and COLEMAN. This bill seeks to improve the fairness of our tax system by deterring the abuse of secret tax havens and unacceptable tax avoidance strategies. It is a serious solution to a serious problem.

An investigation by the Senate Permanent Subcommittee on Investigations found that offshore tax havens and secrecy jurisdictions hold trillions of dollars in assets and are often used as havens for tax evasion, financial fraud, and money laundering. Experts estimate that abusive tax shelters and tax havens cost this country between $40 billion and $70 billion every year, and the burden of filling this gap is borne unfairly by taxpayers who follow the rules and can't afford high-priced lawyers and accountants to help them game the system.

The problem is not new, but we need a new solution. Several years ago, the subcommittee heard testimony from the owner of a Cayman Island offshore bank who estimated that all of his clients—100 percent—were engaged in tax evasion, and 95 percent were U.S. citizens. In 2000, the Enron Corporation—remember Enron?—established over 441 offshore entities in the Cayman Islands. A 2004 report found that U.S. multinational corporations are increasingly attributing their profits to offshore jurisdictions. A 2005 study of high-net-worth individuals worldwide estimated that their offshore assets now total $11.5 trillion. The IRS has estimated that more than half a million U.S. taxpayers have offshore bank accounts and access those funds with offshore credit cards.

Unfortunately, the tax, corporate, or bank secrecy laws and practices of about 50 countries make it nearly impossible for American authorities to gain access to necessary information about U.S. taxpayers in order to enforce U.S. tax laws. Today, the Government has the burden of proving that a taxpayer has control of the tax haven entity and is the beneficial owner. This allows taxpayers to rely on the secrecy protections of tax havens to deceive Federal tax authorities and evade taxes.

This is not a political issue of how low or high taxes ought to be. This is a basic issue of fairness and integrity. Corporate and individual taxpayers alike must have confidence that those who disregard the law will be identified and adequately punished. Those who defy the law or game the system must face consequences. Those who enforce the law need the tools and resources to do so. We cannot sit idly by while tax secrecy jurisdictions impede the enforcement of U.S. law.

Under this bill, if you create a trust or corporation in a tax haven jurisdiction, send it assets, or benefit from its actions, the Federal Government will presume in civil judicial and administrative proceedings that you control the entity and that any income generated by it is your income for tax, securities, and money-laundering purposes. The burden of proof shifts to the corporation or the individual, who may rebut these presumptions by clear and convincing evidence.

This bill provides an initial list of offshore secrecy jurisdictions where these evidentiary presumptions will apply. Taxpayers with foreign financial accounts in Anguilla, Bermuda, the Cayman Islands, or Dominica, for example, should be prepared to report their accounts to the IRS. And this bill will make it easier for the IRS to find such taxpayers if they do not.

The Treasury Secretary may add to or subtract from the list of offshore secrecy jurisdictions. The list does not reflect a determination that a country is necessarily uncooperative but merely that it is difficult to obtain adequate financial and beneficial ownership information from that country and it is ripe for tax abuse. If an offshore jurisdiction is in fact uncooperative and impedes U.S. tax enforcement, however, this bill gives Treasury the authority to impose sanctions, including the denial of the right to issue credit cards for use in the United States.

This bill also establishes a $1 million penalty on public companies or their officers who fail to disclose foreign holdings and requires hedge funds and private equity funds to establish anti-money laundering programs and to submit suspicious activity reports. Importantly, this bill clarifies that the sole purpose of a transaction cannot legitimately be to evade tax liability. Transactions must have meaningful "economic substance" or a business purpose apart from tax avoidance or evasion.

There is no such thing as a free lunch—someone always has to pay. And when a crooked business or shameless individual does not pay its fair share, the burden gets shifted to others, usually to ordinary taxpayers and working Americans without access to sophisticated tax preparers or corporate loopholes.

This bill strengthens our ability to stop shifting the tax burden to working families. All of us must pay our fair share of the cost of securing and running this country. There is no excuse for benefiting from the laws and services, institutions, and economic structure of our Nation, while evading your responsibility to do your part. I believe it is our job to keep the system fair, and that is what this bill seeks to do.

I commend Senator LEVIN and Senator COLEMAN for their leadership on this important issue. I am proud to be a cosponsor of this bill and urge my colleagues to support it.

By Mrs. FEINSTEIN:

S.J. Res. 3. A joint resolution to specify an expiration date for the authorization of use of military force under the Authorization for Use of Military Force Against Iraq Resolution of 2002 and to authorize the continuing presence of United States forces in Iraq after that date for certain military operations and activities; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Yesterday, the House of Representatives clearly expressed its support for our troops and its disapproval of the President's action to escalate the war. Today, it is the Senate's turn.

Today, I believe that by voting for cloture, a majority of the Senate will convey the same message. There may not be 60 votes, but I believe there will be a majority. Our forces have been in Iraq for 4 years, $380 billion has been spent, more than 3,000 troops have been killed, and nearly 24,000 have been wounded. My home State of California has lost more than 300 brave men and women, with thousands injured.

Iraq is in chaos: Sunni fighting Shia, Shia fighting Sunni; car bombs, IEDs, assassinations, mortar attacks, downed helicopters, death squads, and sabotaged infrastructure. Every day, we learn of new attacks, new casualties, new bloodshed, and no end in sight.

I believe this surge is a mistake. Four years ago, U.S. Armed Forces went to Iraq to be liberators. Today, they are caught in the bloody crossfire of internecine fighting. The question is, Can the American military solve a civil war? I don't believe it can. It was certainly not the mission Congress authorized in 2002. So the time has come for the Senate to say so, just as the House has done. The time has come to declare that our time has come and gone in Iraq. The time has come to speak clearly, and the time has come to change course.

The authorization for use of military force, approved by the Congress in October 2002, carries with it congressional approval of this war. The way to change course is to change that authorization. Therefore, today, I introduce legislation that will put the expiration date of December 31, 2007, on the authorization for use of military force.

The President would be required to return to Congress if he seeks to renew the resolution. The resolution recognizes that conditions have changed since the 2002 authorization was approved. Saddam Hussein is gone. An Iraqi Government has been established. It also recognizes the flaws of the 2002 authorization. Iraq, in fact, had no weapons of mass destruction. It was not closely allied with al-Qaida.

This resolution does not call for a precipitous withdrawal—let me stress that—but it sets a time limit—the remaining 10 months of the year—to stage an orderly redeployment and to transition this mission. That mission would be limited to training, equipping, and advising Iraqi security and police forces; to force protection and security for U.S. Armed Forces and civilian personnel; support of Iraqi security forces for border security and protection, to be carried out with the minimum forces required for that purpose; targeted counterterrorism operations against al-Qaida and foreign fighters within Iraq; and logistical support in connection with these activities.

I believe this legislation is the next logical step following today. It is simple, it is concise. After the majority vote today sends our disapproval to the President, it is time to consider the next step. I submit this resolution as a possible next step.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPIRATION OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The authority conveyed by the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) shall expire on December 31, 2007, unless otherwise provided in a Joint Resolution (other than Public Law 107-243) enacted by Congress.

SEC. 2. ALLOWANCE FOR CERTAIN MILITARY OPERATIONS AND ACTIVITIES.

Section 1 shall not be construed as prohibiting or limiting the presence of personnel or units of the Armed Forces of the United States in Iraq after December 31, 2007, for the following purposes:

(1) Training, equipping, and advising Iraqi security and police forces.

(2) Force protection and security for United States Armed Forces and civilian personnel.

(3) Support of Iraqi security forces for border security and protection, to be carried out with the minimum forces required for that purpose.

(4) Targeted counter-terrorism operations against al Qaeda and foreign fighters within Iraq.

(5) Logistical support in connection with activities under paragraphs (1) through (4).

SURFACE TRANSPORTATION AND RAIL SECURITY ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, February 27, at 11:30 a.m., the Senate proceed to the consideration of S. 184, Calendar No. 26, a bill to provide improved rail and surface transportation security.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, my understanding is the Senate would next turn to the so-called 9/11 bill on which the Homeland Security and Governmental Affairs Committee worked. That bill is not yet on the calendar and will be filed sometime this week.

I understand that the pending unanimous consent request is that we turn to a different bill, which has been reported by the Commerce Committee. At this point, I am compelled to object to this unanimous consent request and say to the majority leader, once the 9/11 bill is available and Members have had an opportunity to review the legislation, I will be happy to revisit this consent request. So I, therefore, object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, in response to my friend, he is absolutely right. We had every intention of moving to the Homeland Security bill, but it wasn't reported out of the committee. The matter I read, Calendar No. 26, is part of a big bill. I, frankly, understand why there is an objection. We are going to file a cloture motion. Hopefully, in the interim period of time, when people have a chance to look at this bill, we will get consent from the Republicans to move forward.

The reason I am moving to this bill now is I didn't want to waste Tuesday. Time is so precious around here that I wanted to get to this or some vehicle as soon as we can. We will do our best in the next few days to try to work this out.

The Republican leader already objected to my request?

The PRESIDING OFFICER. That is correct.

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to S. 184 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to S. 184, a bill to provide improved rail and surface transportation security.

Harry Reid, Russell D. Feingold, Daniel K. Inouye, Jack Reed, Sherrod Brown, Ron Wyden, Ken Salazar, Joe Biden, Mary Landrieu, John Kerry, Dick Durbin, Byron L. Dorgan, H.R. Clinton, Bill Nelson, Frank R. Lautenberg, B.A. Mikulski, Patty Murray.

MEASURES DISCHARGED AND PASSED—S. 171, H.R. 49, H.R. 335, H.R. 521, H.R. 433, H.R. 514, AND H.R. 577

Mr. REID. Mr. President, I ask unanimous consent that it be in order to discharge from the Homeland Security and Governmental Affairs Committee the following postal-naming bills and the Senate proceed en bloc to their consideration: S. 171, H.R. 49, H.R. 335, H.R. 521, H.R. 433, H.R. 514, and H.R. 577.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read three times, passed, the motions to reconsider be laid upon the table, en bloc; that the consideration of these items appear separately in the RECORD; and that any statements relating to the measures be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MICKEY MANTLE POST OFFICE BUILDING

The bill (S. 171) to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MICKEY MANTLE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, shall be known and designated as the "Mickey Mantle Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mickey Mantle Post Office Building".

GERALD R. FORD, JR. POST OFFICE BUILDING

The bill (H.R. 49) to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

GALE W. MCGEE POST OFFICE

The bill (H.R. 335) to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office" was considered, ordered to a third reading, read the third time, and passed.

LANE EVANS POST OFFICE BUILDING

The bill (H.R. 521) to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

SCIPIO A. JONES POST OFFICE BUILDING

The bill (H.R. 433) to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

SERGEANT LEA ROBERT MILLS BROOKSVILLE AVIATION BRANCH POST OFFICE

The bill (H.R. 514) to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office" was considered, ordered to a third reading, read the third time, and passed.

SERGEANT HENRY YBARRA III POST OFFICE BUILDING

The bill (H.R. 577) to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

MEASURES DISCHARGED AND PLACED ON THE CALENDAR—S. 194, S. 219, AND S. 412

Mr. REID. Finally, I ask unanimous consent that the Homeland Security Committee be discharged and the following be placed on the calendar: S. 194, S. 219, and S. 412.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 45TH ANNIVERSARY OF JOHN HERSHEL GLENN, JR.'S HISTORIC ACHIEVEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 81 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (S. Res. 81) recognizing the 45th anniversary of John Hershel Glenn, Jr's historic achievement in becoming the first United States astronaut to orbit the Earth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I know the time is late and a lot of people want to go a lot of different places, but I have to say that John Glenn is one of the most amazing people I have ever known, to think that I had the opportunity to serve with him in this body, a man who was an ace in World War II, knocking down enemy aircraft in his marine vehicle. He was an ace in the Korean war and, of course, America's most famous astronaut.

I will just say in passing, when I first came here as a Senator, at our Tuesday luncheon, Senator Glenn said: Does anybody want to go with me? I am going to go out on the USS *Kennedy*, which is an aircraft carrier. He said: I am going to watch some landings. I said: Well, gee, John Glenn, aircraft carrier, which I have never been on. I said: I will try that. And I did.

It was interesting. We flew out in an airplane. It was stopped very quickly because a hook grabbed the airplane. Then I watched these new pilots, who had never landed on an aircraft carrier, coming in, wings wobbling. They would wave some off: "Dirty, dirty"—that is the word they used to get this thing out of there. Lots of them landed.

Then John Glenn got in one of those planes and was catapulted off the aircraft carrier and came in on a landing himself. He is an amazing man.

I have one final story about John Glenn. My office was in the Hart Building. Nevada had the champions in double Dutch jump-roping. They were out in the atrium of the Hart Building showing me what they could do. It is amazing—several people jumping at the same time. They asked me to do it. I made—I wouldn't say a fool of myself, but I couldn't do it. I didn't realize John Glenn was standing watching this. Here is a man, at the time had to be 70 years old, and he walked over and said: Can I try that? He was like one of the kids. An amazing man.

This is a resolution recognizing the 45th anniversary of his historic achievement. Becoming the first U.S. astronaut to orbit the Earth is only one of the achievements this great man did—and he is still healthy and strong—with his wonderful wife Annie.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas John Herschel Glenn, Jr. was born on July 18, 1921, in Cambridge, Ohio, and grew up in New Concord, a small college town a few miles from the larger city of Zanesville, Ohio;

Whereas John Glenn attended New Concord High School and earned a Bachelor of Science degree in engineering from Muskingum College, which also awarded him an honorary Doctor of Science degree in engineering;

Whereas John Glenn enlisted in the Naval Aviation Cadet Program shortly after the attack on Pearl Harbor and was commissioned in the United States Marine Corps in 1943;

Whereas John Glenn served in combat in the South Pacific and also requested combat duty during the Korean conflict.

Whereas John Glenn was a dedicated military officer, flying 149 missions during 2 wars;

Whereas John Glenn received many honors for his military service, among them the Distinguished Flying Cross on 6 occasions, the Air Medal with 18 Clusters, the Asiatic-Pacific Campaign Medal, the American Campaign Medal, the World War II Victory Medal, the China Service Medal, the National Defense Service Medal, and the Korean Service Medal;

Whereas John Glenn served several years as a test pilot on Navy and Marine Corps jet fighters and attack aircraft;

Whereas, as a test pilot, John Glenn set a transcontinental speed record in 1957 by completing the first flight to average supersonic speeds from Los Angeles to New York;

Whereas John Glenn was a pioneer in the realm of space exploration and was selected in 1959 as one of the original 7 astronauts in the United States space program, entering the National Aeronautics and Space Administration's (NASA) Project Mercury;

Whereas John Glenn was assigned to the NASA Space Task Group at Langley Research Center in Hampton, Virginia;

Whereas, in 1962, the Space Task Group was moved to Houston, Texas, and became part of the NASA Manned Spacecraft Center;

Whereas, on February 20, 1962, John Glenn piloted the Mercury-Atlas 6 "Friendship 7" spacecraft on the first manned orbital mission of the United States;

Whereas, after launching from the Kennedy Space Center in Florida, John Glenn completed a 3-orbit mission around the planet, reaching an approximate maximum altitude of 162 statute miles and an approximate orbital velocity of 17,500 miles per hour;

Whereas John Glenn landed Friendship 7 approximately 5 hours later, 800 miles southeast of the Kennedy Space Center near Grand Turk Island;

Whereas, with that pioneering flight, John Glenn joined his colleagues Alan Shepard and Virgil Grissom in realizing the dream of space exploration and engaging the minds and imaginations of his and future generations in the vast potential of space exploration;

Whereas, after retiring from the space program, John Glenn continued his public service as a distinguished member of the Senate, in which he served for 24 years;

Whereas John Glenn has continued his public service through his work at the John Glenn Institute at Ohio State University, which was established to foster public involvement in the policy-making process, raise public awareness about key policy issues, and encourage continuous improvement in the management of public enterprise;

Whereas, in March 1999, Secretary of Education Richard W. Riley appointed John Glenn as Chair of the newly formed National Commission on ·Mathematics and Science Teaching for the 21st Century;

Whereas the Commission played a pivotal role in improving the quality of teaching in mathematics and science in the United States;

Whereas, in 1998, John Glenn returned to space after 36 years as a member of the crew of the space shuttle Discovery, serving as a payload specialist and as a subject for basic research on how weightlessness affects the body of an older person; and

Whereas, combined with his previous missions, John Glenn logged over 218 hours in space: Now, therefore, be it

Resolved, That the Senate—

(1) honors the 45th anniversary of John Hershel Glenn, Jr.'s landmark mission piloting the first manned orbital mission of the United States; and

(2) recognizes the profound importance of John Glenn's achievement as a catalyst to space exploration and scientific advancement in the United States.

RECOGNIZING THE AFRICAN-AMERICAN SPIRITUAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 30, S. Res. 69.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 69) recognizing the African-American spiritual as a national treasure.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed at the appropriate place in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 69) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 69

Whereas since slavery was introduced into the European colonies in 1619, enslaved Africans remained in bondage until the United States ratified the 13th amendment to the Constitution in 1865;

Whereas during that period in the history of the United States, the first expression of a unique American music was created by enslaved African-Americans who—

(1) used their knowledge of the English language and the Christian religious faith, as it had been taught to them in the New World; and

(2) stealthily wove within the music their experience of coping with human servitude and their strong desire to be free;

Whereas as a method of survival, enslaved African-Americans who were forbidden to speak their native languages, play musical instruments they had used in Africa, or practice their traditional religious beliefs, relied on their strong African oral tradition of songs, stories, proverbs, and historical accounts to create an original genre of music, now known as spirituals;

Whereas Calvin Earl, a noted performer of, and educator on, African-American spirituals, remarked that the Christian lyrics became a metaphor for freedom from slavery, a secret way for slaves to "communicate with each other, teach their children, record their history, and heal their pain";

Whereas the New Jersey Historical Commission found that "some of those daring and artful runaway slaves who entered New Jersey by way of the Underground Railroad no doubt sang the words of old Negro spirituals like 'Steal Away' before embarking on their perilous journey north";

Whereas African-American spirituals spread all over the United States, and the songs we know of today may represent only a small portion of the total number of spirituals that once existed;

Whereas Frederick Douglass, a fugitive slave who would become one of the leading abolitionists in the United States, remarked that spirituals "told a tale of woe which was then altogether beyond my feeble comprehension; they were tones loud, long, and deep; they breathed the prayer and complaint of souls boiling over with the bitterest anguish. Every tone was a testimony against slavery and a prayer to God for deliverance from chains."; and

Whereas section 2(a)(1) of the American Folklife Preservation Act (20 U.S.C. 2101(a)(1)) states that "the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that African-American spirituals are a poignant and powerful genre of music that have become one of the most significant segments of American music in existence;

(2) expresses the deepest gratitude, recognition, and honor to the former enslaved Africans in the United States for their gifts to the Nation, including their original music and oral history; and

(3) encourages the people of the United States to reflect on the important contribution of African-American spirituals to United States history and to recognize the African-American spiritual as a national treasure.

MEASURE READ THE FIRST TIME—H.R. 976

Mr. REID. Mr. President, I understand that H.R. 976 has been received at the desk from the House, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive a second reading on the next legislative day.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding a recess/adjournment of the Senate, committees may report legislative and Executive Calendar business on Thursday, February 22, 2007, from 10 a.m. to 12 noon.

I would say, Mr. President, that is when the bill the Senate Republican leader and I were talking about will be reported, the homeland security matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Section 2(b) of Public Law 98-183, as amended by Public Law 103-419, appoints Gail Heriot, of California, to the United States Commission on Civil Rights,

The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, Section 4(a)(3), appoints the Senator from Alaska (Ms. MURKOWSKI) to the Japan-United States Friendship Commission.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the Republican Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Mr. Dennis Shea of Virginia, for a term expiring December 31, 2008, vice Fred Thompson.

ORDERS FOR MONDAY, FEBRUARY 26, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Monday at 2 p.m, February 26; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved; and following the reading of Washington's Farewell Address, there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 26, 2007 AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate today, and the Republican leader has no further remarks, I now ask unanimous consent the Senate stand adjourned under the provisions of H. Con. Res. 67.

There being no objection, the Senate, at 3:27 p.m., adjourned until Monday, February 26, 2007, at 2 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO ISHPEMING SKI CLUB 120TH ANNUAL SKI JUMPING TOURNAMENT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. STUPAK. Madam Speaker, I rise today to recognize one of Michigan's Upper Peninsula's greatest most esteemed, and longstanding institutions: the Ishpeming Ski Club. Founded in 1887 as the Norden Ski Club, the Ishpeming Ski Club is the oldest continuously active ski club in our Nation.

Later this month, the Ishpeming Ski Club will sponsor its 120th annual Ski Jumping Tournament. For twelve decades now, skiers from across our Nation have convened in Ishpeming to participate in one of the oldest ski jumping tournaments anywhere. The Ishpeming Ski Club's first tournament was held 120 years ago on February 25 and, this year, the Ski Club will hold its tournament on that same date in order to honor the 120 years of continuous ski jumping tournaments.

The city of Ishpeming has a rich heritage that is closely intertwined with the history of skiing in the United States. Many ski jumping enthusiasts recognize this small town of 7,500 people, nestled just outside of Marquette, as the birthplace of American ski jumping. The National Ski Association was formed in Ishpeming in 1905. Today, the association is called the United States Ski and Snowboard Association.

While there have been ski jumping competitions at many different locations in Ishpeming, in 1926, the tournament began to use its current site, which has been the site for the tournament ever since.

The National Ski Hall of Fame was erected in Ishpeming in 1953 and follows the growth and development of the sport of skiing from its beginnings nearly 5,000 years ago to the present and beyond. There are over 100 displays including the Story of the 10th Mountain Division, Ski Fashions Throughout History, and the Development of the Chairlift. The placement of the National Ski Hall of Fame in Ishpeming is a testament to the formative role the city and its residents played in the development of skiing and ski jumping in America and the world.

The Ishpeming ski jumping site provides some of the best ski jumping in the Midwest and, as such, has been used for tryouts for the Olympics, as well as hosted numerous nationally acclaimed skiing events. In both 1960 and 1963, the Ishpeming ski jump site was used for Olympics tryouts. In 1983, the tournament hosted the USA Central Division Championships, the Junior Olympic tryouts and the Masters Championship all on the same weekend. In 1987, Ishpeming hosted the Nordic Combined National Championships.

Skiing is not only important to the way of life in Ishpeming, but it has also helped unite the community. Every year at the Ishpeming annual tournament, local citizens and community groups have organized parades, dog sled races, princess pageants, dances and balls. This year, the Ishpeming Downtown Development Association will sponsor a parade, youth dog sled races, fireworks, and a bonfire. In previous years, neighboring communities such as Negaunee and nearby businesses such as Cleveland Cliffs Mining Company have provided support for the festive events that surround Ishpeming's annual ski jump tournament.

As Ishpeming celebrates its 120th ski jumping tournament, the future is bright. Next year, in 2008, Ishpeming's tournament will host the Junior Nordic championship and 50 young ski jumpers from around the Nation will compete in Ishpeming to be the top American ski jumper in their age group.

Madam Speaker, ski jumping is an ancient sport, but American ski jumping developed relatively recent. Its evolution is in many ways a uniquely Midwestern phenomenon. I am proud of the way the city of Ishpeming and the Ishpeming Ski Club have contributed to the popularity of this sport in the United States. I am confident Ishpeming has an exciting role to play as this sport continues to evolve in coming decades. In the meantime, I respectfully request that the entire U.S. House of Representatives join me in congratulating the City of Ishpeming and its residents as well as the Ishpeming Ski Club and its officers and volunteers on the anniversary of its 120th ski jump tournament.

TRIBUTE TO HILARY LEWIS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Hilary Lewis, who will be honored for her 30 years of service to Jewish education in the Greater Kansas City area on February 25. The Jewish Educators' Council of CAJE/The Jewish Federation, along with our community, will recognize Hilary's many contributions as a Jewish educator and for her work at CAJE, formally the Central Agency for Jewish Education.

Over the years, Hilary has worked with educators, parents and students to provide children at all congregations the best Jewish education possible. She has been instrumental as the principal of the Community High School of Jewish Studies, in providing continuing and relevant educational opportunities for hundreds of teens during their high school years. She has a talent for inspiring these young people to go beyond the acquisition of basic knowledge and she mentors them as they discover their own talents in reaching higher levels of understanding.

In addition to her work with children, Hilary has inspired many adults to share their love of Judaism and become religious school teachers. Hilary is the ultimate problem solver and uses her incredible creativity to guide and inspire these teachers while helping them develop the skills needed to educate our youth.

Hilary Lewis has and will continue to be one of the premier Jewish educators in the Greater Kansas City area, helping our community grow "from strength to strength." Madam Speaker, I know that all members of the U.S. House of Representatives join with me in paying tribute to this valued educator and leader of the Kansas City community.

THE PURPLE HEART FAMILY EQUITY ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce H.R. 1119, the Purple Heart Family Equity Act.

I am pleased to introduce this legislation along with my distinguished colleagues Congressman ROY BLUNT and Congresswoman VIRGINIA FOXX. We seek to fully honor the women of the Armed Forces who have won the Purple Heart defending our great freedoms and their families.

The Purple Heart, Madam Speaker, is a military decoration awarded to service members who have been wounded or killed while serving with the U.S. military. Modeled after the Badge of Military Merit given by George Washington to members of the Continental Army during the Revolutionary War, the Purple Heart is the oldest military decoration currently in use and was the first to be made available to every service member.

It is time we built upon the great traditions of the Purple Heart and fully recognize the women who have received this high honor. Surely, their wounds and sacrifices are just as meaningful.

Male members of the Order are allowed to invite their wives to join with limited membership benefits, according to the current Federal Charter of the Military Order of the Purple Heart. But female members are not allowed to invite their husbands. Surely, we here in this Chamber are not in the business of extending rights to our brave men who receive this award but not our brave women.

I stand here today to urge my colleagues to support the Purple Heart Family Equity Act. This bill will update the Federal Charter of the Military Order of the Purple Heart to allow husbands of female members of the Order to become Associate Members.

The first women to be awarded the Purple Heart was 1LT Annie G. Fox. She was awarded this distinction in 1941 after the attack on Pearl Harbor where she made the ultimate sacrifice for her country. It has been 66 years and it is time we acted to fully honor the courageous women who are bestowed with the Purple Heart. Let us honor the memory of First Lieutenant Fox and the countless other women who have made unimaginable sacrifices for all of us by voting yes on H.R. 1119.

HONORING 2007 TUSKEGEE AIRMEN

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. YARMUTH. Madam Speaker, it is my privilege to honor the three members of the Tuskegee Airmen from my home district: Morris Washington, Alvin LaRue, Julius Calloway. Sixty-five years ago, legally mandated bigotry permeated every aspect of civilian life. Opportunities for a Black man or woman were few, for the most superficial of reasons: the color of their skin. Still, when Congress demanded the formation of an all Black Army Air Corps unit in March of 1941, hundreds signed up for the 99th Pursuit Squadron to defend the country that oppressed them.

These brave men became the Tuskegee Airmen, and they did more than merely enlist. Ten months later, America found itself in the thralls of the Second World War. But despite showing remarkable aptitude—96 was the lowest score among all their flight tests—a deep sense of racism blinded their commanders to the proper and necessary action, and the Airmen were initially left out of combat. But as the conflict wore on, necessity sent these dedicated and capable men of valor into the skies where they deftly completed mission after mission, giving America a vital thrust in our efforts to defeat the Axis powers.

In their legendary P–51 Mustangs, the Tuskegee Airmen astonished their doubters by prevailing against the Nazis who frequently outnumbered them. Soon, the Airmen were known for the prowess rather than their race and inspired a legend that they had never lost a single man to enemy fire.

By the end of the war, they had flown more than 15,000 sorties on 1,500 missions and were awarded two Presidential Unit Citations, 744 Air Medals, 150 Distinguished Flying Crosses, several Bronze and Silver Stars, and most recently a Congressional Gold Medal.

Though officially recognized for their heroic accomplishments, the Airmen returned home to a nation still paralyzed by racial hatred and two more decades of legalized segregation.

Every citizen who enjoys the freedom that America offers owes a debt to these courageous men who, rather than seek revenge, chose to look past there own oppression and see the potential of their Nation's greatness. We are ashamed of the treatment they received and hope to follow their example, building a society where racial bigotry can be found only in the annals of our history books.

I am proud that three of these heroes, Morris Washington, Alvin LaRue, and Julius Calloway, still call my district of Louisville, KY, home. I am honored to represent them and hope that you will all join me in giving them the recognition they deserve.

TRIBUTE TO BARBARO

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. WHITFIELD. Madam Speaker, I rise to recognize horse racing's most inspirational figure, Barbaro. In his short-lived life, Barbaro quickly became one of the sport's most respected and beloved champions. Foaled on April 29, 2003, this American thoroughbred racehorse warmed his way into the hearts of many Americans with his success on the track and his courage through injury.

Barbaro knew nothing but success in his racing career, winning his first six races and earning winnings of over $2 million. Yet despite his undefeated record through his first five starts, his achievements went largely unnoticed until May 6, 2006. On that day, his victory at the Kentucky Derby earned him the respect of horse racing fans nationwide. Barbaro entered the race with odds of 6 to 1. After stumbling at the start, Barbaro moved easily to the front when the leading horses tired at the five-sixteenths pole and he glided through the stretch to win in a fast time of 2 minutes, 1.36 seconds. Barbaro's final quarter-mile run of 24 and one fifth seconds was the fastest since Secretariat's in 1973, and his victory margin of 6½ lengths was the longest since Triple Crown winner Assault won the Derby by eight in 1946. As the crowd celebrated and looked on the horse with amazement, jockey Edgar Prado rode Barbaro into the winner's circle, pumping his fists at 108,065 cheering fans, the second largest crowd in Derby history.

A new hero had been born as Barbaro became just the sixth undefeated winner in the Derby's 132 year history. His impressive performance under the Twin Spires at Churchill Downs inspired diehard racing fans and casual observers alike. Heading into The Preakness as the heavy favorite, Barbaro was thought by many to have the best chance of becoming the first Triple Crown winner since 1978.

As fate would have it, Barbaro was unable to finish the race due to what would become a fatal injury. Barbaro shocked spectators by breaking through the starting gate just before the race began. After being reloaded, he tore away from the gate, determined not to let his previous jumpstart stand in the way of victory. But just seconds into the race, Barbaro broke down in his right hind leg and was prudently pulled up by Prado. Barbaro fans would soon learn that he had fractured three bones in and around the ankle of his right hind leg, making it impossible for him to race ever again.

Nevertheless, Barbaro's terrifying breakdown on national television would not be his legacy. Instead, the story of this great horse became a tale of unyielding love and determination that captured the attention of millions across the country. The unprecedented level of care and advanced medical treatment offered by Barbaro's owners, Roy and Gretchen Jackson, and his medical team were displayed on network news shows and national magazines. Get-well cards and letters from around the world were sent to him throughout his struggle to recover.

Despite receiving the best possible care and an outpouring of public affection, Barbaro's eight month battle for life was characterized by significant progress followed by .substantial setbacks. On January 29, 2007, Roy and Gretchen Jackson came to the conclusion with Barbaro's veterinarian, Dr. Dean W. Richardson, that Barbaro was in too much pain and that it was no longer possible for Barbaro to make the miracle recovery everyone was hoping for.

Barbaro's fight for life demonstrated unique courage and remarkable spirit that captured the hearts of America. Millions of people embraced this amazing racehorse, followed his struggle, and waited for his miracle recovery. We all hoped and prayed for a happy ending to this fairy tale story but there would be no such ending.

Barbaro's story is one of great perseverance and great integrity that was shown day in and day out by him, his owners, and his caregivers. Barbaro proved that greatness is not only achieved on the racetrack but through a willingness and determination to overcome all obstacles life may present. This son of Dynaformer out of Carson City mare La Ville Rouge gave us a lifetime of memories to be proud of, and he will be remembered in the annals of horse racing for all of history.

RECOGNIZING THE RETIREMENT OF WAYNE PEACOCK

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today to recognize the retirement of Wayne Peacock. Over the last three decades, Mr. Peacock dedicated his work to local government in my district in northwest Florida.

After growing up in Pensacola and graduating from Pensacola High School, Wayne joined the United States Marine Corps. This devotion to country and desire to serve and help others would be a resonating theme throughout the rest of his life. After 4 years in the corps, he went back to college and received a bachelor of science degree at the University of West Florida.

Mr. Peacock's first job out of college was a teacher, which helped fine tune his ability to guide and inspire other people. Over the next 3 years, he worked as a counselor with several different programs under the Community Action Program. These programs were set up to help people of different ages who were unemployed or disadvantaged to join the workforce and set employment goals.

Over the next several years, Wayne continued his dedicated service to the community. He moved up within the Community Action Program becoming responsible for its overall curriculum, as well as serving as liaison to local educational institutions, ensuring compliance with Federal regulations, and maintaining the program's success.

By 1977, Wayne Peacock had already made a tremendous impact on thousands of lives as he helped people get back on their feet and join the American workforce. With his energy still full as ever and as others recognized his knowledge of community-based programs, he became an interagency coordinator for all of Escambia County—a position which coordinated all social service programs involving local, State, and Federal agencies. Wayne handled this increased responsibility with ease and soon he became the director of the Community Services Department. During his 3 years time in this position, he saw the department's budget increase by nearly 20 percent and successfully supervised eight divisions within the department, administering programs to not only help the unemployed but also veterans and families.

Wayne's vast contribution to Escambia County and his ability to administer so many programs at once eventually resulted in being hired as the Assistant County Administrator. His supervision of nearly 800 employees was instrumental in the continued growth of a number of county programs—programs ranging from transportation to agriculture and healthcare to industrial services. It was only natural for him to become the County Administrator for the next 3 years. In this capacity, he reported directly to the Board of County Commissioners and also served as the Director of Emergency Management. Escambia County was in good hands with Wayne in this position—he knew the county inside and out. Even after 1991, as he became the Trial Court Administrator for the First Judicial Circuit of Florida, a position he holds to this day, Wayne's work for this area has not stopped.

There is no question that Wayne was a civic leader for northwest Florida who set the bar high for those who followed. His leadership and knowledge has left Escambia County a better place, and his service to those in his community will be missed. I remain confident that Wayne's input will still play a great role for local leaders.

Madam Speaker, on behalf of the United States Congress, it is with great admiration that I recognize the retirement of Mr. Wayne Peacock. May his years ahead be filled with joy, and may they shine with good health and happiness.

HONORING THE BUCKS COUNTY WOMEN'S FUND

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is my privilege to rise before you today in recognition of the Bucks County Women's Fund.

For sixteen years the Bucks County Women's Fund has provided more than $200,000 to 36 local organizations to support programming in the critical areas of domestic violence prevention, economic self-sufficiency, vocational education, finance, leadership, mentorship and literacy. The Fund has opened countless doors to the women and girls of Bucks County, recognizing their potential for success and presenting them with opportunities to achieve their dreams.

The Bucks County Women's Fund is a real source of inspiration to the citizens and organizations back home, and clearly demonstrates how much we all benefit from the advancement of women. The Fund leads by example: women manage the Fund, run its programs and promote policies for women's rights. It is also active in a global network of funds with common goals, working to ensure rights and opportunities for girls and women all over the world. What started as a humble organization has now established an endowment, ensuring that it will continue as a pillar of our community for years to come.

Madam Speaker, the mission of the Fund has a special significance for me personally. My daughter Maggie was born three months ago, and I want to thank the Bucks County Women's Fund for building a better future for my little girl and all of the girls and women in our county. I offer my hearty congratulations as they prepare for "Creating Change, Transforming Lives," their 16th annual dinner celebration on March 8, 2007. Madam Speaker, on Maggie's behalf, I commend the Fund as it continues its good work for our wives, mothers, sisters, daughters and friends.

HONORING THE MEMORY OF MR. THOMAS STEPHEN GLEASON, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. BONNER. Madam Speaker, I rise today to pay tribute to the life of a good man, a proud American, and a fine member of the south Alabama community, Mr. Thomas Stephen Gleason, Sr., who passed away last month.

An excellent businessman and a true community leader, Mr. Gleason was loved by his family and friends and respected by his peers. South Alabama is truly a better place because of the life of Tommy.

A resident of Mobile since childhood, Mr. Gleason made many important contributions, professionally as well as personally, to the advancement of south Alabama. After graduating from McGill Institute and Spring Hill College, Mr. Gleason began what was an almost 50 year real estate career. At one time, he was even the youngest licensed realtor in the State of Alabama. In 1975, Tommy founded Gleason and Associates, which has been instrumental in transforming commercial real estate development in south Alabama. Gleason and Associates has been responsible for bringing many companies to south Alabama, including several of the district's leading employers.

Along with his significant professional success, Tommy led a highly involved civic life as well. Mr. Gleason was a member of the Jaycees, the Board of the Museum of Mobile, as well as St. Ignatius Parish. He was loved by many, and he loved life, particularly time spent golfing at the Country Club of Mobile, and fishing with the Mobile Big Game Fishing Club, where he served as board member.

Madam Speaker, Thomas Stephen Gleason, Sr., is survived by his wife of 45 years, Frances; a son, Thomas Stephen Gleason, Jr.; a daughter, Mary Gleason Geil; and 3 grandchildren. May his family know that they are in the thoughts and prayers of so many in South Alabama.

HONORING STEPHANIE DUNTON

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. MICHAUD. Madam Speaker, I rise today to honor Stephanie Dunton from Winterport, a small town in central Maine.

Stephanie, a student at Samuel L. Wagner Middle School, was recently named one of the top two youth volunteers in Maine for the 12th Annual Prudential Spirit of Community Awards. This program is America's largest youth recognition program based exclusively on volunteerism.

Stephanie is a tireless young woman who has given her time and energy to help the less fortunate. Inspired by her sister's satisfaction from volunteering, Stephanie searched for her own community service project. Initially, she wanted to volunteer at her local food pantry, but was unable to do so since she attended classes during the pantry's hours of operations.

Stephanie instead went above and beyond, creating and conducting her own monthly food drive called the "Food Shuttle," which has collected more than one thousand pounds of donated food for a local pantry. Her dedication is truly extraordinary and deserves our sincere admiration and respect.

While numerous studies have shown that Americans today are less involved in their communities than before, it is essential that we support the kind of selfless contributions that people like Stephanie have made. She is an inspiring example to all of us, serving as one of our brightest hopes for a better tomorrow.

I join with her family, friends and community in congratulating Stephanie for this fine honor. The citizens of the State of Maine are extremely fortunate to have such a fine, young public servant.

TRIBUTE TO THE "FIGHTING LONGRACKS"

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Ms. HOOLEY. Madam Speaker, today I rise to praise the courage, dedication, and selflessness of the following 116th Air Control Squadron volunteers.

The "Fighting Longracks" from Camp Rilea, Warrenton, Oregon answered the call of service and stood up, so their active duty counterparts could temporarily stand down for the holidays.

From September 2006 through January 2007 the Oregon Air National Guard in association with citizen-airmen from Air National Guard units from Hawaii, Ohio, Puerto Rico, and Wisconsin provided tactical command and control for all combat assets within Afghanistan.

Unfortunately, too often we stand here in this chamber to publicly acknowledge the contribution of our military and their families after a tragedy—we honor our fallen—and often forget the living, our veterans.

Lieutenant Colonel Timothy Olson, Lieutenant Colonel Jim Gregory, Major Paul Evans, Major Keith Townsend, Captain Leon McGuire, Captain Bryan Habas, Captain Victoria Habas, Senior Master Sergeant Robert Birman, Senior Master Sergeant Ralph Lehman, Senior Master Sergeant Leslie Wright, Master Sergeant William Baer, Master Sergeant Randy Dickenson, Master Sergeant Donald Hillgaertner, Master Sergeant Gary Gudge, Master Sergeant Cory Jackson, Master Sergeant Albert Luquette, Master Sergeant Adam Melerski, Master Sergeant Troy Mitchell, Master Sergeant Richard Murren, Technical Sergeant Ann Chancey, Technical Sergeant Edwin Corcoran, Technical Sergeant Carl Domingo, Technical Sergeant Robert Foreman, Technical Sergeant Bryan Garret, Technical Sergeant Matthew Gudge, Technical Sergeant George McMahan, Staff Sergeant Michelle Nelson, and Staff Sergeant Laurence Rose raised their hands, willingly accepted duties in wartorn Afghanistan, and served us with honor.

These airmen worked with our allies in the region to provide command and control that sustained complex, time critical air sovereignty missions in support of International Stabilization Assistance Force (ISAF) priorities. Their contributions cannot be overstated, nor in truth measured.

As a Congresswoman from Oregon, I am proud of what these citizen-airmen accomplished, and humbled by their continued willingness to answer the call of a nation that is in need far more often than anyone expected.

I ask this chamber to recognize and applaud these airmen who like hundreds of thousands of their peers ask for little, give everything they can, and believe our America is worth the sacrifice.

Thank you for standing a post that few even know exists.

JUSTICE FOR PUBLIC SAFETY OFFICERS ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. DREIER. Madam Speaker, on January 9, 2007, Armando Garcia, the primary suspect in the murder of Los Angeles County Sheriffs Deputy David March, was extradited to the United States. It was four years, eight months, and ten days that the family and colleagues of Deputy March were forced to wait for his killer to face extradition.

We know that when our public safety officers perform their duties every day, whether patrolling their neighborhoods, protecting the courts, riding in an ambulance, or fighting a fire, they are working to ensure the protection of all of us. Because they are constantly putting their lives on the line, we must do everything we can to ensure that criminals who harm or threaten those who protect the public receive a punishment that matches the seriousness of the crimes they commit.

Madam Speaker, it is with these dedicated public safety officers in mind that I am proud to introduce the Justice for Public Safety Officers Act with my friend from Pasadena, Congressman ADAM SCHIFF. This bill, which is based upon legislation that Mr. SCHIFF and I introduced in the last Congress, sends a clear message that justice will no longer be abused by fleeing murderers.

As we know, under Federal law, it is a crime to kill a Federal, State, or local public safety officer if they are engaged in a Federal investigation. It is also a Federal crime to flee to another country to avoid prosecution. However, the crime of fleeing is punishable by no more than five years in prison, and as little as merely paying a fine. The Justice for Public Safety Officers Act takes an important step toward establishing stiffer penalties by imposing a mandatory minimum of 30 years in prison for murdering a public safety officer and an additional mandatory minimum of 10 years for traveling between States or countries with the intent to avoid prosecution.

When Deputy March was brutally slain execution-style during a routine traffic stop, Armando Garcia, an illegal immigrant, fled to Mexico within hours of Deputy March's murder to avoid prosecution by U.S. authorities.

At the time of the murder, Mexico refused to extradite individuals who may face the death penalty or life imprisonment, therefore hindering efforts to bring Armando Garcia back to the United States to face prosecution for his crime. The same border that Garcia illegally crossed to enter our country served as a wall of protection for almost 5 years.

I joined many of my colleagues and Los Angeles County Sheriff Lee Baca in efforts to see that Armando Garcia and other fugitives accused in killings on our soil are returned to the United States to face justice. We met with officials from the Department of Justice and the State Department. We urged President Bush to call for aggressive action to change Mexico's extradition policy. I met with then President Vicente Fox and other high officials of the Mexican government, including their Supreme Court, in an effort to impress upon our neighbor that its extradition policy is intolerable.

We reached a critical turning point in 2005 when the Mexican Supreme Court issued a decision that allowed consecutive prison terms for certain murders. This decision ultimately paved the way for Armando Garcia's arrest in Tonala, Jalisco, Mexico, on February 23, 2006 and his extradition to the United States on January 9.

For those of us who were involved with this case, January 9 will always have conflicting emotions. On the one hand, we know that this day marked a victory for the rule of law, sending a clear message that no one should be allowed to commit an act of murder and flee to another country to avoid prosecution. And yet, it also stands as a painful reminder of the loss of Deputy March and the danger that all public safety officers face on a daily basis.

Madam Speaker, the handcuffs that hung from Deputy March's belt the day he was killed were shackled to Armando Garcia as he was brought into U.S. custody last month. I am encouraged that Deputy March's killer has finally been extradited to the United States. But we must continue to work to ensure that the service performed by this Nation's public safety officers is honored by making certain that those who wish to do them harm face stiff penalties for their actions. Passage of this bill will guarantee that perpetrators of heinous crimes against public safety officers will be brought to justice.

INTRODUCTION OF THE "SWIFT APPROVAL, FULL EVALUATION (SAFE) DRUG ACT"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. MARKEY. Madam Speaker, I rise today to introduce the Swift Approval, Full Evaluation, SAFE, Drug Act. This bill is designed to ensure that the FDA can balance the need to get important life-saving drugs to the market quickly while ensuring the drugs get the full evaluation they need to ensure the safety of those products.

Earlier this week the Oversight and Investigation Subcommittee of the Energy and Commerce held its very first oversight hearing of the 110th Congress on drug safety. At the hearing several FDA whistleblowers testified about the truly frightening problems at the FDA including: 1. a culture of suppression and intimidation, 2. a lack of transparency into the review process, 3. the inaction of FDA management in response to serious drug risks, 4. a lack of scientific freedom and the inability of FDA reviewers to have their concerns heard by senior management, FDA advisory committees, and the public.

Their powerful testimonies add to the concerns raised in the Institute of Medicine report, the GAO Report, and the Inspector General of HHS report that the FDA's system to ensure that postmarketing studies are conducted and completed is broken and the FDA has not made reform a priority.

It is clear from the whistleblowers' testimonies and these three major reports that the FDA is a deeply troubled agency that has failed time and time again to act in the best interest of the public. The failures of the FDA to protect the public have been widely reported by the media and the public is losing confidence in the FDA's ability to keep us safe.

According to a recent Wall Street Journal Online/Harris Interactive poll, 80 percent of adults say they are concerned about the FDA's ability to make independent decisions that will ensure that patients have access to safe and effective medicines.

We need the FDA to be a watchdog for public health, not a lapdog for the industry. We need to bring back transparency, accountability and scientific integrity to the FDA.

That is why today I am reintroducing the Swift Approval, Full Evaluation, SAFE, Drug Act to provide greater transparency into the approval process and a stronger postmarket safety system.

The SAFE Drug Act will:

1. Increase FDA authority with respect to postmarket safety, including giving the FDA the ability to mandate labeling and require postmarket studies.

2. Provide FDA greater authority with respect to the Accelerated Approval process, by ensuring postmarket study plans are reviewed prior to approval; requiring proper labeling until drugs are fully approved; and restricting advertising for accelerated approved drugs or biologics until full approval.

3. Provide enhanced whistleblower protections to FDA employees.

4. Preserve scientific integrity at FDA by prohibiting FDA employees from directing other FDA employees to censor or suppress scientific research, analysis, opinions or recommendations or directing employees to disseminate scientific information that is known to be false or misleading.

5. Require the FDA to provide Advisory Committees with complete information.

6. Ensure scientific freedom at FDA, by guaranteeing FDA and FDA-sponsored authors the right to publish or present their work.

7. Increase FDA transparency, by requiring a biennial report to Congress on noninferiority studies and a biannual report to Congress on postmarket studies system.

The time to act is now. I look forward to working with my colleagues to stop the erosion of public confidence in the FDA, provide greater transparency into the approval process, reform the system of postmarketing studies, and ensure that FDA balances the desire to speed drugs to market with its critical role as the watchdog of public health.

IN RECOGNITION OF CHARLES AND JEANETTE HENDERSON

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with great honor that I rise today to recognize the community contributions of Charles and Jeannette Henderson to Northwest Florida.

Nearly 20 years ago, Mr. and Mrs. Henderson began researching their family genealogy, and published two books, "The Track of the Jackson" and "The Trail of the Griffith." Their passion for collecting and preserving their own history later prompted the founding of the North Okaloosa Historical Association in 1992. With grants and fundraising, this body purchased the old General Store in Baker, Florida, and transformed the 1908 landmark into the Baker Block Museum.

Mr. and Mrs. Henderson have been the devoted caretakers of this museum since its inception. They have been instrumental in creating one of the largest genealogical libraries in Okaloosa County and continue to oversee the restoration and preservation of historical artifacts.

To honor the Henderson's inspiration and dedication to their community, the Okaloosa Board of County Commissioners passed a resolution to proclaim a local park to be named "The Jeanette and Charles Henderson Heritage Park." The Henderson's dedication and vision will forever be appreciated and treasured for generations to come.

Madam Speaker, on behalf of the United States Congress, I am proud to honor Charles and Jeanette Henderson for their contributions to the preservation of their community heritage.

INTRODUCTION OF THE HATE CRIMES STATISTICS IMPROVEMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mrs. MALONEY of New York. Madam Speaker, today, along with Representatives BARBARA LEE, ELIJAH CUMMINGS, ZOE LOFGREN, LYNN WOOLSEY, and GEORGE MILLER, I am reintroducing the "Hate Crimes Statistics Improvement Act" which will ensure that hate crimes motivated by gender are accounted for by the FBI and local law enforcement agencies. With accurate data, local communities can identify gender-based hate crimes in their areas and chart their progress toward eliminating them. Moreover, the inclusion of gender will send a strong message that gender-based hate crimes will not be tolerated.

In States with gender-based hate crimes laws, prosecutors typically must present concrete evidence that the criminal act was committed due to gender bias. Obviously, not all crimes against women are gender-based crimes, and prosecutors should have discretion in identifying what constitutes a gender-based hate crime. The process of discussing these differences will improve the understanding of *all* hate crimes by law enforcement personnel and will improve reporting of these tragic crimes.

I urge my colleagues to support this important legislation.

TRIBUTE TO THE CURRENT AND FORMER AFRICAN-AMERICAN MEMBERS OF CONGRESS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on behalf of the Congressional Black Caucus, I rise today to pay tribute to the current and former African-American Members of Congress with Chairwoman KILPATRICK and my distinguished colleague, Congresswoman STEPHANIE TUBBS JONES.

Our Nation can feel proud today that a record number of 43 black or African-American Members serve in the 110th Congress; 42 in the House of Representatives and one in the Senate. In total, there have been 119 black Members of Congress: 114 elected to the House and five to the Senate. Of those, 110 have been members with full voting rights in the House, a number that corresponds with the number of Congresses convened since our Nation's independence.

Voters sent the first black member to Congress during reconstruction. His name was Hiram Rhodes Revels (R–MS) and he served in the Senate in the 41st Congress (1870). His first black counterpart in the House, Joseph H. Rainey (R–SC), came during that same session.

Since then, African Americans have extended the honor roll of "firsts" and "greatests," "largests" and "most actives" in both chambers. The 103rd Congress saw the largest class of black freshmen ever elected. Today, in the 110th Congress, we have five African-American full committee chairmen and 17 subcommittee chairs. Such a concentration of leadership is unprecedented. In addition to our constituents, we have our predecessors to thank.

Each current and former member of this august body owes a debt of gratitude to the members emeritus who came before them. Each African-American child who dreams of ascending to elected office has more than 100 trailblazers to light his or her way. It is this progress toward equal opportunity and representation that we celebrate today, during this month when we draw inspiration from an illustrious past to create a brighter future. On behalf of each current African-American member of the 110th Congress, I extend the deepest respect and gratitude to all those who preceded us.

TRIBUTE TO LIVING WATER

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. CULBERSON. Madam Speaker, I rise today to honor Mr. Malcolm S. Morris, a constituent from Houston, who is dedicating his life to the cause of clean, safe water for the needy of the world. Mr. Morris is the immediate past chairman of Living Water International, a 15-year-old faith-based NGO. Living Water has provided water to over 5 million world-wide on three continents.

Of particular note, Living Water has completed nearly 400 water projects providing clean water to over one million people of Kenya. At the urging of Malcolm Morris, Kenyan President Kibaki made a public commitment to provide water for the 20 million people of Kenya in need of water. In addition, Morris organized the completion of two Peace Wells, dedicated by President Kibaki, to end violence between two tribes that resulted in 20 deaths on Valentines Day, 2005. In fact, Madam Speaker, Mr. Morris and members of the Living Well Board, at the direction of President Kibaki and his cabinet, are dedicating a third Peace Well next week in Kenya.

Malcolm Morris practices what he preaches. His actions are an expression of his faith—to provide clean water and basic sanitation to one child, one family, one village at a time. Through Malcolm Morris' leadership and vision, the men and women of Living Water have become vessels of healing.

Now operating in 22 countries, Living Water has trained over 1,200 volunteers in drilling, pumping repair, and health and hygiene training. The number of persons being served is doubling nearly every 18 months. I should note that Mr. Morris is not just an observer of the international water crisis. He is a drill instructor, conducting drill training camps and has led water teams to schools in both Africa and Central America.

In addition to his ongoing involvement with Living Water, Malcolm Morris founded and serves as Chairman of the Millennium Water Alliance—a group of water related NGO's that includes Living Water International, Africare, CARE, Catholic Relief Services, Emmanual International, Food for the Hungary, Lifewater International, Water for People, Water Missions international, WaterPartners international and World Vision. UNICEF acts in an advisory capacity to the MWA. The mission of the MWA is to initiate needed water and sanitation projects in an efficient and transparent manner.

Recently, as a result of Mr. Morris' strong and consistent advocacy, Congress passed a bill known as the Paul Simon Water for the Poor Act. The legislation makes access to safe water and sanitation for developing countries a specific policy objective of U.S. foreign assistance programs. The legislation will improve the quality of lives for millions of people around the world. Malcolm's insightfulness and persuasiveness made a legislative dream a reality.

One final mention, Madam Speaker. I should note that Malcolm Morris is Chairman and Co-Chief Executive Officer of a Fortune 1000 company—Stewart Title Guaranty Company, headquartered in Houston.

Madam Speaker, I ask my colleagues to rise and join me in tribute to Malcolm S. Morris. With the dedication of the water wells in Kenya, the peace spigot has been turned on. Clean water is a source of life and sustainable development. Simply put, Mr. Morris has demonstrated that we should view water as a currency for Peace.

ADVANCED FUELS INFRASTRUCTURE RESEARCH AND DEVELOPMENT ACT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in fundamental support of H.R. 547, The Advanced Fuels Infrastructure Research and Development Act, which provides important direction for further development of the infrastructure needed to bring various biofuels, like ethanol, to the entire U.S. market.

Currently the biofuel infrastructure in our country is not ready for an influx of biofuels and the impending transition from petroleum fuels to alternative fuels. Appropriately, the corrosive nature of ethanol is addressed in H.R. 547. The bill directs federal agencies to look at new infrastructure components, along with potential additives to alleviate the harm ethanol and other biofuels can have on our Nation's current energy infrastructure.

But H.R. 547 needs to do more. My home State of New York is currently dependent on ethanol produced in the Midwest. Regions outside the cornbelt, such as New York, are subjected to additional costs associated with the transportation of ethanol across the country. Such costs can easily be alleviated by regional biofuel markets. While H.R. 547 addresses some of the issues surrounding biofuel infrastructure, it does not address the idea of regional biofuel markets. The concept of regional markets has the potential to supplement and augment the existing ethanol infrastructure while easing transportation risk and costs.

Further, regionalized biofuel markets have many economic implications. Local and regional markets bring jobs to rural areas throughout our country by putting farmers back to work. Regional markets create new opportunities for hard working Americans at refineries and jobs through the local transportation networks needed for ethanol distribution. Such economic activities add to the tax base in our small towns and immediately promote environmental consciousness.

Such environmental consciousness and the promise of a regional ethanol market are most notably being felt in Upstate NY. Stemming from research and development done at SUNY–ESF, shrub willow trees are now being used to produce cellulosic ethanol. This technological advancement was funded by the Federal government and the State of New York over the last decade. Through the financial backing and support of Catalyst Renewables, the ESF technology has been integrated with a biomass electric facility to create a CO_2 neutral to negative cellulosic ethanol refinery. This energy independent facility creates transportation fuel, electric energy and provides residual steam to other industries, which further reduces fossil fuel use. The result will be one of the first commercial cellulosic ethanol plants in North America which will create a regional market that will be felt throughout New York and surrounding states.

Such encouraging developments in New York State will greatly benefit from the ethanol technologies supported in H.R. 547. However, the cellulosic ethanol industry, which is still in its infancy, faces numerous challenges. These include competition with established fossil fuels, corn based ethanol production, and tax inequality with wind and solar energy. As a Nation, we must promote the regionalization of biorefineries beyond the cornbelt. Currently, such markets do not receive equal funding opportunities, hindering biomass refinery commercialization.

If our Nation is serious about lessening our dependence on foreign oil and promoting alternative energies like that developed at ESF, we must embrace and encourage the economic benefits of regional biofuel markets.

RECOGNIZING THE LIFE OF TONY CORTESE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to honor and recognize the life of Tony Cortese, United States Postal Service Employee and President of the National Association of Letter Carriers Local 193.

In his forty-two years as a proud and honorable employee of the United States Postal Service and twenty-seven years as the president of the National Association of Letter Carriers Local 193, NALC, Tony Cortese made a significant impact on the rights of Letter Carriers and on the well-being of his community.

Mr. Cortese was a fifty-five-year resident of San Jose, California and was a tireless advocate for Letter Carriers. As President of the NALC Local 193 for nearly thirty years, Mr. Cortese procured a union owned building for the members, secured expanded health benefits, and provided an open forum for discussion for union members and Federal, State, and local politicians.

Mr. Cortese's service was not just limited to advocacy for the rights of the union members, but extended into the San Jose community and beyond. Under Mr. Cortese's leadership, San Jose served as a pilot for what would become a national food drive sponsored by the NALC the first Saturday before Mother's Day. In fact, this national program, which began in 1991 and continues today, is the result of Mr. Cortese's own food drive initiative in 1990. This is but one example by which Mr. Cortese's unassuming, generous, and selfless manner made significant and positive changes in the lives of a countless number of people.

Along with my Santa Clara County colleagues, Congressman HONDA and Congresswoman ESHOO, and my constituents in San Jose, I am honored to pay tribute to Tony Cortese.

We thank his family for supporting his work over many years and for being the source of tremendous pride for him, his wife Barbara, his daughter Caroline and son-in-law Don Bauldry, his sister Mary and brother-in-law Vince Catalano, and his grandchildren Austin and Ashley. Our thoughts are with you during your grief, and we are honored with the years of service Mr. Cortese gave to both the NALC and the United States Postal Service as well as the residents of San Jose, California and the State of California. He will be dearly missed.

ON RECOGNIZING THE 80TH BIRTHDAY OF F. WILLARD VICKERY AND HIS IMPACT ON THE SCOUTING COMMUNITY AND NORTHWEST FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the 80th birthday of F.

Willard Vickery and his impact on the scouting community and Northwest Florida.

Mr. Vick, as he is known, began his journey in scouting in 1939, obtaining the rank of Eagle Scout 5 years later. Ever since his 12th birthday in 1939, he has held the Boy Scouts of America in the highest regard. Because of this pivotal time in our nation's history, Mr. Vick served as the Scoutmaster when adult leaders were sent off for military service. Soon he would follow his former Scoutmasters' paths by joining the United States Navy upon graduating from high school, and served in the medical corps in Tennessee. He remained in Tennessee after the War's end and attended college there. It was during this time that he became involved once again with Scouting at a local camp, and also met Annie, his wife of nearly 59 years.

After graduating college, he became a full-time employee of the Boy Scouts of America in Chattanooga, Tennessee. This was the first of several Scouting camps that Mr. Vick would be instrumental in having built throughout the South. Throughout the next decade, his career led him to Georgia and then Arkansas. As his professional experience grew, so did his reputation as a great scout leader. Mr. Vick became known as a leader who put passion into the development of professional young men through the Boy Scouts. In fact, the governor of Arkansas at the time was so impressed that he specifically tasked his son with learning from Mr. Vick.

In the early 1960s, Mr. Vick brought his family to Pensacola, Florida. Soon after, he was named the Executive Scout for the Gulf Coast Council. During his time in this position Mr. Vick made a very notable hire. Roy Williams, who was hired to be the Finance Director, later went on to become the Chief Executive of the Boy Scouts of America. There is no doubt in my mind that the leadership and mentoring provided by Mr. Vick played an instrumental role in shaping Roy into the Scout leader he is today.

Roy also worked with many outside the Scouting community, including members of First Baptist Church and Rotary International. Mr. Vick was a host for several foreign exchange students and also served on the Community Task Force addressing the problem of violence in public schools. Other educational work included serving as a volunteer drumming teacher to elementary and middle school students.

Certainly, Scouting was the mainstay through most of his life, eventually earning him the Distinguished Eagle Scout Award. His strong faith, along with that of his wife Annie, helped to guide and focus men and women of all ages to become better people through helping themselves and helping others.

Madam Speaker, on behalf of the United States Congress, it is an honor for me to recognize F. Willard Vickery on the occasion of his 80th birthday. His leadership through faith and good deeds to this day leaves an everlasting impression on those who know him.

A RESOLUTION TO COMMEMORATE THE FISK JUBILEE SINGERS WITH A POSTAGE STAMP

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution to recommend that the United States Postal Service issue a postage stamp to commemorate the achievements of the Fisk University Jubilee Singers. I would like to thank my colleagues of the Congressional Black Caucus and the Tennessee Delegation that have joined me to introduce this important legislation.

On January 9, 2007 Fisk University celebrated its 141-year anniversary. Known for its educational excellence and inspirational leadership the heart of Fisk University is found in its Jubilee Singers. The perseverance of the renowned Jubilee Singers has anchored Fisk University's success through the preservation of the Negro Spiritual as a musical art form and contributions to perpetuate the existence of the University.

Sponsorship for this liberal arts institution began with support from the American Missionary Association, as well as a great financial contribution by Tennessee Freedmen's Bureau member, General Clinton B. Fisk. His generosity led him to purchase 42 acres of land to start this school for newly freed slaves, ranging in ages from 6 to 67.

On August 22, 1867, three years after the Emancipation Proclamation, Fisk became incorporated and was finally able to provide students of color with the opportunity to obtain an education. When faced with financial hardship, it was the Jubilee Singers that overcame significant opposition to generate life-sustaining revenue.

The advancement of this choir throughout the racially prejudiced Nashville community brought great struggle and hostility. Parents and University staff were initially opposed to the choir traveling due to the threat of violence. As a result the financial sponsorship from the American Methodist Association denied funding for the school. Against these odds, the director and founder, George L. White, persevered and scheduled the choir a tour in the fall of 1867. Mr. White told the A.M.A., "I'm depending on God, not you," and set off with his singers and the last $40 of the school's treasury.

Madam Speaker, the Fisk Jubilee Singers then embarked on what became an international tour to raise funds for Fisk University. Their first grand appearance was for a National Convention for Influential Ministers, in Ohio at Oberlin College. It was one of the first public performances of the secret music that African Americans had sung in fields and behind closed doors. In this performance, Negro Spirituals, which had been a means of communication and the celebration of spirituality for centuries, were first introduced to the public sphere.

The highlight of their international tour was an audience with Queen Victoria. Overwhelmed with the choir's performance, Her Royal Majesty bestowed on the Jubilee Singers a gift of $50,000. Her enthusiasm for the choir led to the painting of the life-size portrait of the original 11 Jubilee Singers. Over many years of performances the Jubilee Singers were able to raise over $100,000 to finance the continued existence of Fisk University.

Madam Speaker, the accomplishments of the Jubilee Singers remain the reason Fisk University is able to educate students today. As a Fisk graduate, this institution of learning is responsible for my participation in this great Congress. Thus, commemorating the Jubilee Singers with a First Class U.S. postage stamp would be a tremendous honor to acknowledge the sacrifice and remember the services of these young individuals.

It took immense determination to pursue an education after many years of condemnation and rejection. The majority of the Jubilee Singers were ex-slaves; however, this did not hinder their achievement. Their status did not dictate or hinder their dreams of success. They used their gift of music to portray the realities and stories of their lives.

It was the commitment and hard work of the Jubilee Singers that should be highly regarded as a selfless act. Having the perseverance to fight racism, to overcome the constant hardship of personal financial troubles, through sickness, and fatigue, they continued for the sake of posterity.

Madam Speaker, commemorating the Jubilee Singers with a First Class postage stamp will acknowledge their legacy to the world. According to the National Science Foundation, Fisk alumni earned more doctoral degrees in the natural sciences than African-American graduates from any other college or university in the Nation.

The original students who left Fisk University in October 6, 1871, never had the opportunity to finish their education. Yet instead they risked their lives to save Fisk University knowing one day their dreams would come true.

Madam Speaker, for their past accomplishments and continued success for the future, I ask Congress to commemorate these heroes of my alma mater with a United States postage stamp. The legacy of the Fisk Jubilee Singers should be recognized as an enduring triumph of American history. I ask my colleagues to support this legislation and ask the House Leadership to swiftly bring this resolution to the floor for consideration.

CELEBRATING NATIONAL DAY OF SERBIA AND HONORING SERBIA FOR 125 YEARS OF DIPLOMATIC RELATIONS WITH THE UNITED STATES

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Ms. BEAN. Madam Speaker, I rise today to celebrate National Day of Serbia, which observes the anniversary of the adoption of Serbia's first modern constitution in 1835. In addition, this year marks Serbia's first National Day as an independent nation-state.

February 15th is also Armed Forces Day in Serbia which commemorates the beginning of the first Serbian uprising against the Ottoman Empire in 1804. On this day over 200 years ago, Serbians began the arduous effort to gain independence after nearly 300 years of Ottoman rule.

Finally, this year marks 125 years of diplomatic relations between the United States and Serbia. A strong democratic Serbia is crucial to the future of the former Yugoslav republics, the Balkans, and the rest of eastern Europe. Strong ties with the United States are necessary as Serbia looks to encourage international investment, expand its economy and move forward into the future.

Madam Speaker, please join me, Serbian-Americans and the citizens of Serbia in remembering such an important date in their history.

SPECIAL TRIBUTE TO MR. SIDNEY SHELDON

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mrs. BONO. Madam Speaker, I rise today to recognize and pay special tribute to a great American playwright, television visionary and literary artist whose stories and characters have entertained and impacted the lives of generations of Americans, Mr. Sidney Sheldon.

For more than 20 years Sidney Sheldon was a prominent and respected force in television who created such popular programs as I Dream of Jeannie (1965–70), Hart to Hart (1979–84), and The Patty Duke Show (1965–70). These sitcoms helped propel the careers of some of our most beloved actors on stage and screen including Barbara Eden, Larry Hagman, Stephanie Powers, Robert Wagner, and Patty Duke.

As a legendary writer, Sidney Sheldon won numerous awards that spanned three careers—a Broadway playwright, a Hollywood TV and movie screenwriter, and a bestselling novelist.

At the age of 50, Sidney Sheldon focused on creating best-selling novels that included Master of the Game (1982), The Other Side of Midnight (1973) and Rage of Angels (1980). Although those were his most famous literary works, Sidney Sheldon also published a total of 18 novels.

When expressing his passion for composing novels, Sidney Sheldon stated, "I love writing books. Movies are a collaborative medium, and everyone is second-guessing you. When you do a novel you're on your own. It's a freedom that doesn't exist in any other medium."

Sidney Sheldon was a proud American Veteran, who upon his return from service during World War II, focused his attention on writing plays for Broadway. In recognizing Sheldon's unquestionable talent as a playwright, Sidney Sheldon won a Tony award for his work on the play Redhead in 1959.

Over the decades, Sheldon accrued numerous awards and recognition for his commitment to television, film, and stage, including winning an Academy Award for Writing Original Screenplay (1947) for The Bachelor and the Bobby-Soxer; and an Emmy Award for his work on I Dream of Jeannie, which aired on NBC.

Although Sidney Sheldon was born in Chicago, Illinois, he remained a life-long resident of the Coachella Valley. I was deeply fortunate to call the legendary Sidney Sheldon a friend.

I extend my deepest sympathy to the entire Sheldon family for their loss; a loss we all share. The passionate works of Sidney Sheldon that defined a generation will continue to live in the hearts of countless future generations of Americans. We celebrate his memory and our Nation is better for his service.

PAYING TRIBUTE TO RAY LEE HUNT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to commend the life of humanitarian Ray Lee Hunt in honor of his 2007 Linz Award. Mr. Hunt is not only being recognized for his humanitarian effort and his longtime dedication to community services but for his exemplary leadership in supporting the revitalizing of downtown Dallas and his strong commitment to the community's health and medical care system.

For over more than a decade, Mr. Hunt has provided health care to Dallas's impoverished population through Dallas Medical Resources. As a chairman he has sought to secure Federal funding for Parkland Memorial Hospital. Mr. Hunt has not only improved the health care system in Dallas, but he has also helped promote the city as a medical center.

The Linz Award that Mr. Hunt will receive on April 4, 2007, it's an award that is given annually to a Dallas County resident for his civic or humanitarian efforts. He is the 78th recipient of the award created in 1924 by Simon Linz, one of the founders of Linz Jewelers.

Mr. Hunt is one of those people who give so much to the community without asking any praises or interpretation. Mr. Hunt has helped raise millions of dollars to improve poor health care in Dallas County. Mr. Hunt has been chairman of Dallas Medical Resource since it was founded in the late 1980s. Mr. Hunt has also been a major benefactor to the Austin Street Shelter, the Genesis Women's Shelter and UT Southwestern Medical Center.

He has also served our government in various ways. In 2001, President George W. Bush appointed him to the President's Foreign Intelligence Advisory Board. He has also served as chairman of the board of directors of the Federal Reserve Bank of Dallas.

Madam Speaker, Mr. Hunt is a man who not only represents the spirit of Dallas but of our Nation.

INTRODUCTION OF THE ETHICS REFORM ACT OF 2007

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing the Ethics Reform Act of 2007 with Congressman GREG WALDEN. This legislation would abolish the Committee on Standards of Official Conduct and establish an Independent Ethics Commission.

Recent legislation and current proposals attempt to reform the ethics process; however, they do not address the core issue at hand, Congress's ability to govern its own ethical behavior. Members of Congress and their personal relationships can skew the evaluation process and create the potential for decisions being made upon a personal or political basis. This legislation would rectify these issues by replacing the Committee on Standards of Official Conduct with a panel made up of former Members of Congress who can bring a higher level of objectivity to the table.

Our ethics reform bill would deal comprehensively with accountability and oversight of Congress in a way that cannot be accomplished under the current system.

ON RECOGNIZING THE 80TH BIRTHDAY OF F. WILLARD VICKERY AND HIS IMPACT ON THE SCOUTING COMMUNITY AND NORTHWEST FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the 80th birthday of F. Willard Vickery and his impact on the scouting community and Northwest Florida.

Mr. Vick, as he is known, began his journey in scouting in 1939, obtaining the rank of Eagle Scout five years later. Ever since his 12th birthday in 1939, he has held the Boy Scouts of America in the highest regard. Because of this pivotal time in our nation's history, Mr. Vick served as the Scoutmaster when adult leaders were sent off for military service. Soon he would follow his former Scoutmasters' paths by joining the United States Navy upon graduating from high school, and served in the medical corps in Tennessee. He remained in Tennessee after the War's end and attended college there. It was during this time that he became involved once again with scouting at a local camp, and also met Annie, his wife of nearly 59 years.

After graduating college, he became a full-time employee of the Boy Scouts of America in Chattanooga, Tennessee. This was the first of several scouting camps that Mr. Vick would be instrumental in having built throughout the South. Throughout the next decade, his career led him to Georgia and then Arkansas. As his professional experience grew, so did his reputation as a great scout leader. Mr. Vick became known as a leader who put passion into the development of professional young men through the Boy Scouts. In fact, the governor of Arkansas at the time was so impressed that he specifically tasked his son with learning from Mr. Vick.

In the early 1960s, Mr. Vick brought his family to Pensacola, Florida. Soon after, he was named the Executive Scout for the Gulf Coast Council. During his time in this position Mr. Vick made a very notable hire. Roy Williams, who was hired to be the Finance Director, later went on to become the Chief Executive of the Boy Scouts of America. There is no doubt in my mind that the leadership and mentoring provided by Mr. Vick played an instrumental role in shaping Roy into the scout leader he is today.

Mr. Vick also worked with many outside the scouting community, including members of First Baptist Church and Rotary International. He was a host for several foreign exchange students and also served on the Community Task Force addressing the problem of violence in public schools. Other educational work included serving as a volunteer drumming teacher to elementary and middle school students.

Certainly, scouting was the mainstay through most of his life, eventually earning him the Distinguished Eagle Scout Award. His strong faith, along with that of his wife Annie, helped to guide and focus men and women of all ages to become better people through helping themselves and helping others.

Madam Speaker, on behalf of the United States Congress, it is an honor for me to recognize F. Willard Vickery on the occasion of his 80th birthday. His leadership through faith and good deeds to this day leaves an everlasting impression on those who know him.

SENATE—*Monday, February 26, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who sits on the throne, bless the Members of the United States Senate. Give them wisdom and grace in the exercise of their duties. Help them to possess the faith and courage to seek Your plans. Use them to bring peace where discord reigns and to inspire the other nations of the Earth. Lead them throughout the obstacles of these challenging times to the fulfillment of Your loving providence.

Lord, infuse them with reverential awe for You. Make and keep their inner lives pure and kind and just. May their highest incentive be not to win over one another but to win with one another by doing Your will for all. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Pursuant to the order of the Senate of January 24, 1901, as modified on February 5, 2007, the Senator from Tennessee, Mr. CORKER, having been appointed by the Vice President, shall now read Washington's Farewell Address.

Mr. CORKER. Mr. President, I am thankful for this opportunity. It is quite an honor, something from which many Americans can draw a great deal of wisdom. I will begin this great Farewell Address that has been our custom now for many years.

Mr. CORKER, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with

Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

Mr. CORKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from South Dakota is recognized.

IRAQ

Mr. THUNE. Mr. President, as I listened this last week to media reports about a reported plan by Senate Democrats to deauthorize the Iraq war resolution, my first reaction was that they cannot be serious; they cannot want to have Senators managing the war on terror from the floor of the Senate. We would be telling our commanders and our troops how to do their jobs.

Under the latest Democratic proposal—which, incidentally, is now the fifth resolution that they have brought forward—that was unveiled last week, there would be no combat role for our troops in Iraq. Yet we would still allegedly have some number of troops there for training, support, and logistics.

I think the question you have to ask with a policy such as that is, What if those troops are fired upon? Can they not return fire because the Senate says they are not to have a combat role?

Just when I thought this debate had reached the low point on the depth chart, the Senate Democrats have drained a little more out of the pool. For weeks now, they have been attacking Republicans for blocking a debate on Iraq when nothing could be further from the truth. Republicans welcome a debate about Iraq. The only difference is we believe it should be a full, fair, and open debate. The Democratic leaders tried to prevent that by blocking any Republican amendments. The Democrats want a rigged, one-sided debate that has nothing to do with substance and everything to do with political theater. That is wrong, and it is wrong for a couple of reasons.

Firstly, it is wrong because it undermines the unique role our Founders designed for the Senate, a place where debate is welcome, a place that is deliberative, and a place where the power to amend is recognized. Under the Democrats' rigged approach, only their proposal gets heard. Republicans asked for just one alternative, one amendment, and it was rejected by the Democratic leadership. Now, I would ask, where is the fairness in that? Where is the openness in that?

Secondly, and more importantly, it is wrong because it sends entirely the wrong message to our troops and to our enemies. Our troops need to know that they are supported and that their mission is supported. Our enemies need to know we are serious about winning. The action taken by Senate Democrats on this issue has trivialized this very serious debate, and I believe we owe it to those who have sacrificed so much, and to their families, to give this new strategy a chance to succeed.

I visited a number of soldiers last week at Walter Reed Hospital. I think that is my fourth trip up there. I have also had the opportunity to visit with soldiers injured on the battlefield at the hospital in Landstuhl, Germany, at Ramstein Air Force Base. These are men who have lost limbs due to IEDs and EFPs. They are an amazing group of people, an amazing inspiration, and they want to know their sacrifice has not been in vain.

This strategy which has been proposed is a change. It originated with our commanders, and it is supported by our commanders. It calls for several things. It calls for some additional troop strength in the region, primarily in Baghdad and also some out in Anbar Province. It calls for different rules of engagement in that fight, and it calls for more Iraqi involvement in several different ways:

Militarily. It gets the Iraqis more into the fight. They take the lead, and the United States takes more of a support role.

Economically. There are requirements that the Iraqi Government invest in infrastructure in their country and that they come up with a way of dividing the oil revenues so that all the different locations in the country can benefit from this great resource they have available to them.

It puts in place political benchmarks as well. They need to hold provincial elections.

All these things—military, economic, and political benchmarks—are things the Iraqis have to meet. I believe we will know in a matter of months whether this new strategy is working. I want it to work. I want to see our troops succeed, and so do most Americans.

A nonbinding resolution signaling a lack of support was bad enough, but now the Democrats in Congress have taken what in my view is a far more dangerous turn. They have embarked on a course which is binding, which has the force of law, and which would have Congress managing a war. That is a very frightening prospect, but that is exactly what this latest Democratic proposal would do.

In fact, listen to what was said yesterday by the chairman of the Armed Services Committee. He was asked on "Meet the Press" by Tim Russert about how many troops would be left behind under their proposal, and he said a limited number. Mr. Russert said: 10,000, 20,000? The distinguished Senator, chairman of the Armed Services Committee, said:

> I don't want to put a specific number on it because that really should be left to the commanders, who decide how many would be needed to carry out those limited functions.

I am glad there is going to be some role for General Petraeus. I am glad he will be deciding some things in the theater over there.

When the question was asked later on by Mr. Russert: Aren't you tying the hands of the Commander in Chief, the chairman of the Armed Services Committee, Senator LEVIN, said:

> Well, we hope to put a cap on the number of troops. If I had my way, I would cap them. Of course, if I had my way, we would never have gone there to begin with. But of course we are trying to tie the hands of the President and his policy.

I want my colleagues to listen to the proposal that has been offered in the House of Representatives and just recently, this last week, was discussed and debated over there. Essentially, what that plan would entail is that the Congress would decide the particulars when it comes to which troops can go on combat tours and which ones can be extended beyond the year. To be sent into battle, troops would have to have a year's rest between combat tours, and soldiers in Iraq could not have their tours extended beyond a year. The Pentagon's stop-loss policy, which prevents some officers from leaving the military when their service obligations are up, would end.

These are very troubling developments and proposals, particularly when they are considered in light of what the constitutional role of the Congress is when it comes to these types of matters. Congress does not have the expertise or the constitutional authority to micromanage tactics in a war.

I want to read something for my colleagues from an op-ed in the Wall Street Journal from a few weeks back. It was written by David Rivkin and Lee Casey, and it says this:

> The Constitution vests Congress with formidable authority to affect how the President fights wars. Congress has the power to declare war, formally rupturing international legal relations between the U.S. and a belligerent enemy nation, and to prescribe rules governing military discipline and regulating the capture of military property. If it determines to withhold funding for an ongoing conflict, it can compel the President to withdraw U.S. forces. What Congress cannot do, however, is direct how a President prosecutes a particular war, including decisions about how many of the available forces to introduce into a theatre of conflict.

Would someone on the other side of the aisle please step forward and remind me that there is logic and common sense and that liberal interest groups have not taken over our colleagues on the Democratic side. These actions are stunningly transparent, designed to embarrass the President and to woo liberal interest groups. Let us not go down that road. Our troops and their families and the American people deserve better.

There are a number of Members of the Senate who have served their country and who are veterans. I have the highest respect for the distinguished

Presiding Officer, who is among those who have seen combat and understands what it entails and the chain of command. I can't imagine any Member of the Senate who has been involved in combat who would condone having politicians here in Washington, DC, Members of the Senate, no matter how well intended, directing and managing military conflict and getting in the way of our commanders and our troops and their ability to conduct and perform their mission and to do their job.

I think it terribly unfortunate what has happened here in the Senate. I do believe it has trivialized what should be a very serious debate. I have maintained all along that this is a debate we ought to have because this is the dominant issue of our time about which people across this country have incredibly strong feelings. Irrespective of how we got there and what one thinks about that, it is important now that we evaluate seriously, that we examine, and that we analyze how best to proceed and move forward.

There is a plan. It is being implemented. I want to see it succeed. I hope and pray, for the sake of our troops in the theater, that it does succeed. What we cannot afford to have happen in this Congress is to go down this path where one side is trying to one-up the other side and frame the debate, to define the terms of the debate in a way that is politically advantageous to them. That is wrong.

That is why I am here today, to say we ought to have a debate. It ought to be a full, fair, and open debate, in keeping with the tradition and the history of the Senate and in keeping with the commitment we have made to the men and women we have put in harm's way and who wear the uniform of the United States of America. They deserve to have our support not only of them but of the mission they are undertaking. They need to know that we believe they can succeed, that we believe they can win, that we believe they can achieve victory. If we fail in that important mission, future generations are going to pay a dear price. The global war on terror is not going away. It is important that here in the Senate we dignify the great service of those great Americans by having a dignified debate that is full, that is fair, that is open, and that is not intent on micromanaging and directing the affairs of our military leadership and telling our commanders what they can and cannot do when it comes to winning this very important war.

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CARL ARTMAN

Mr. DORGAN. Mr. President, as of this month, it has been 2 full years that the position of Assistant Secretary for Indian Affairs at the Department of the Interior has been vacant—2 full years. There has been a Federal position specifically assigned for the responsibilities for Indian affairs since the year 1806.

In the year 1849, that position was transferred from the Defense Department—or then the Department of War—to the Interior Department. The Assistant Secretary for Indian Affairs and the Department of the Interior is responsible for managing the BIA, the Bureau of Indian Affairs, and all of the programs that are important to the trust responsibilities and the fiduciary obligations the U.S. Government has to tribes. We do indeed have obligations to tribes through treaties and through other approaches, trust responsibilities. This Congress, and previous Congresses, and future Congresses, have obligations to tribal governments that we must meet. Those obligations are important.

As I said, it has been 2 full years since we have had a person in the position of the Assistant Secretary for Indian Affairs in the Interior Department. For 2 years it has been vacant, which is unbelievable to me.

We have a man who has been nominated now named Carl Artman, who is a member of the United Tribe of Wisconsin. Mr. Artman is a very capable, distinguished person. I met with him a couple times. President Bush sent his nomination down to the Congress last year. Apparently, a hold was put on his nomination and it did not move. The President re-sent the nomination recently. I chaired the hearing, and we moved his nomination out of the Indian Affairs Committee and now it is before the full Senate.

My understanding is it has not moved because there has been a hold put on it once again. I spoke to the Secretary of the Interior today again about that subject, and my hope is—I indicated to him, and I think his hope is—this week we can find a way to resolve these issues and get Mr. Carl Artman confirmed by the Senate for the position of Assistant Secretary for Indian Affairs. It is a very important position.

We have a full-blown crisis in health care, housing, and education on Indian reservations. I have been doing listening sessions with Indian tribes. With respect to education, as an example, they tell about a young schoolkid who is living in a house, a 3-bedroom home with 23 people. That describes the housing conditions on some of the reservations.

But what about a young kid who is living in a 3-bedroom home with 23 other people? What kind of homework do you think gets done there? What kind of opportunity is it for that young child to quietly be able to open a book and to learn a lesson?

We have a crisis in housing. I have described it many times on the floor of the Senate. We have a crisis in health care. It is almost unbelievable to me, but we had a hearing recently in which a doctor described a woman who had a very serious knee injury who required surgery. She went to the doctor on the Indian reservation and was told: Wrap it in cabbage leaves for 3 or 4 days. That is right: Wrap it in cabbage leaves for 3 or 4 days. It needed to be operated on. It was a torn ligament. "Wrap it in cabbage leaves"—that is health care? Not where I come from.

Or a man who had a bad arm, a bad shoulder, a torn ligament, and for 4 years he could not get it fixed on the Indian reservation because it was not "life or limb"—4 years. This was a rancher. What do you think a one-armed rancher is able to do on a ranch? Haul hay? I do not think so.

I told the story on the floor about the woman who was having a heart attack—an Indian woman—and was transported by ambulance to a hospital. She was hauled into the hospital on a gurney—having a heart attack—and they discovered there was a piece of paper taped to her thigh. What the paper said was: You should understand, hospital administrators, this person is not covered under the Indian Contract Health Services. We are out of money. So, therefore, if you admit this person, you are on your own.

Imagine that: a woman having a heart attack, brought in on a gurney to a hospital with a piece of paper taped to her thigh that says: Beware. We won't pay for this treatment. That is unbelievable.

We have a lot of problems we need to address in these areas dealing with Indian tribes and the first Americans. I understand the Indian Health Service is attached to Health and Human Services. But I also understand the issues of housing, education, and all of the other related issues belong to the Interior Department. That position in the Interior Department responsible for these issues has been vacant for 2 full years, and I believe it is shameful. I hope this Senate, this week, can resolve this issue and get it done. I am going to push to see if we can't get that confirmation done this week.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 684 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER Mr. DURBIN. Without objection, it is so ordered.

THE 110TH CONGRESS

Mr. REID. Mr. President, when we began the 110th Congress, I said:

> The American people want change, and it is up to us—Democrats and Republicans—to deliver that change.

Two months later, the Senate has delivered. Democrats, Republicans, we have moved America in a new direction. As our first order of business, we changed the way Washington works literally, passing the toughest lobbying and ethics reform legislation in our Nation's history.

Next, we ended the national disgrace of the $5.15 minimum wage and gave America's poorest workers a raise for the first time in 10 years.

After the minimum wage, we passed an important continuing resolution to keep our Government fully funded and running. This Congress, the 110th Congress, inherited a fiscal mess, but by setting tough spending limits, eliminating earmarks, and working together, we have begun to put our country's fiscal house in order. It was done with the support of the Republicans. We could not have done the continuing resolution as we did; that is, settling the country's financial problems, but for the support of Republicans. We could have done it, but it would have been a real knockdown, drag-out battle. We didn't have to have that. So as I have said a number of times, I commend the Republicans for working with us.

Finally, before recess, we held an important Iraq vote where a bipartisan majority of the U.S. Senate expressed its opposition to the President's plan to escalate the war in Iraq. That debate and that vote were just the start. The Senate, sometime in the future, will continue to work its will on the issue until there is a change of course in Iraq.

In the last election, we promised that the days of the do-nothing Congress were over, and it is a promise we have kept. But I have to say, we were unable to keep it on our own. We needed the support of the Republicans, and we got that.

At this time in the 109th Congress, the Senate had passed one piece of legislation and some nominations. This year, the Senate passed three significant legislative items—ethics, minimum wage, and the continuing resolution—and a number of judges, including a circuit court judge.

On every one of these items, we have had the support of the minority, the Republicans. This year, the Senate has ended 4 years of congressional silence on Iraq. Senate committees have held almost 40 Iraq hearings, where we asked questions and held the administration accountable for its policies. In the last Congress, you could count meaningful Iraq hearings on one hand. In the first 6 weeks of this year, the Senate has had 52 rollcall votes. By comparison, the 109th Congress during the same time period had 11 rollcall votes. It is a good start, but there is so much more to do, which is why this week the Senate will set its sights on extremely important work—keeping our country and our families safe by implementing the recommendations of the 9/11 Commission.

Following the terrible attacks of September 11, 2001, our country turned to a respected group of Democrats and Republicans, the 9/11 Commission, to review the lessons of that tragic day and to find a better way to fight the war on terror. Under difficult circumstances, including a lack of cooperation from the White House, the Commission did a fine job and, in July 2004, made a number of recommendations to Congress and the administration about how best to secure the homeland from al-Qaida and other terrorist groups. Their ideas included improving security at our ports, on our rails, and in cargo holds, giving our first responders the tools they need to communicate with each other during the crisis—something the Presiding Officer has talked about many times in the Senate floor—and streamlining our intelligence community to help it better prevent another attack. These were commonsense solutions designed to keep America safe. Unfortunately, 2½ years later, too many have been ignored and too many of our communities remain dangerously unprepared to prevent or respond to another terrorist attack.

We all feel so fortunate that we have not suffered another terrible incident like that of 9/11. In the last Congress, Democrats tried to move forward with tough and smart solutions to keep the homeland safe. Unfortunately, those of us who tried to follow the Commission's roadmap hit nothing but speed bumps. In 2005, we tried to increase funding for first responders by $1.6 billion. Our effort was rejected on a party-line vote. Days later, we tried to restore $1 billion to the COPS Program, so important for law enforcement throughout the country. We were rejected again along party lines. In July 2005, just days after the subway bombings in London, the Senate considered legislation that would have improved security on rails. Again, with a party-line vote, we went down. That same day, the Senate voted on legislation to allocate money to secure our ports. The measure fell along party lines. The end result of this obstruction: America today is not as safe as it can be, should be, or must be.

For 6 years, this White House and past Congresses have talked a good game about protecting America, but while they were distracted and consumed with staying the course in Iraq, they failed to heed the lessons of September 11, 2001—that we must do more to protect and secure our communities from the real terrorist threat here at home.

The suggestions I have made today are not something I came up with. They are not Democratic proposals but were led by two patriotic Americans, Governor Kean, a Republican Governor of New Jersey, and Congressman Lee Hamilton, Democratic Congressman from Indiana, the leaders of the Commission. Last year, the 9/11 Commission released a report, grading Congress and the President on the job they had done in securing the homeland. It was a report card any child would be embarrassed to take home to their parents. It included 12 Ds, 5 Fs, and two incompletes: requiring proper screening of airline passengers, F; allocating homeland security funds based on risk, F; sharing information with State and locals, a little better but a D.

Turning these and other failing grades into passing grades is what the Senate will focus on on a bipartisan basis this week. We will work together. We will take steps to protect America from the greatest threat we face—nuclear terrorism. We will enhance the security of our transportation system and our ports. We will provide America's first responders with the technology they need to communicate with each other during a crisis. In the process, we will make America more secure. Five and a half years after 9/11, we don't have a day to waste.

I end where I started. We have had a good year. We have done tremendous work, such as our efforts on lobbying reform. We have done good work on the minimum wage. We have done good work on getting the financial house of this country in order. It has been done on a bipartisan basis. I look forward to this next week and the following week to make sure that the 9/11 Commission recommendations are implemented.

When we get to this bill—and I have said this publicly when we were on the Iraq issue before we left for recess—it is going to be open for amendment. I have said it privately to the distinguished Republican leader. I say it here on the floor. The bill will be open to amendment. We have amendments we think will improve the bill. I know the Republicans think they have amendments that will improve the bill. I look forward to this debate.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Let me just say briefly, in response to my good friend, the majority leader, I appreciate his observations about how he intends to proceed on the 9/11 legislation. We have a number of, certainly, relevant and important amendments to be considered in the context of that debate. As he may have indicated before I came on the floor, we are in the midst of a discussion about how to go forward on that legislation and at what point we can go forward on it. But I am optimistic that we will be able to work that out sometime in the next day or two and get started so that our Members will have an opportunity to lay down their amendments and get started. We will have a good debate on a very important issue confronting the country.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 976. An act to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of February 17, 2007, the following reports of committees were submitted on February 22, 2007:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 4. A bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 683. A bill to amend section 9 of the United States Housing Act of 1937 to ensure that operating and capital assistance is provided for certain previously assisted public housing dwelling units; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DORGAN:

S. 684. A bill to clarify the authority of the Secretary of the Interior with respect to the management of the elk population located in the Theodore Roosevelt National Park; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 685. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. MENENDEZ, Mr. REED, Mr. BIDEN, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. DODD, and Mr. SPECTER):

S. 686. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 4

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 21

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 22

At the request of Mr. WEBB, the names of the Senator from California (Mrs. BOXER), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 55

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 55, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 57

At the request of Mr. INOUYE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 119

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 133

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 133, a bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 161

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 161, a bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans.

S. 179

At the request of Mr. ENSIGN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 179, a bill to amend title 10, United States Code, to establish the position of Deputy Secretary of Defense for Management, and for other purposes.

S. 185

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Ohio (Mr. BROWN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 242

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 254

At the request of Mr. ENZI, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 336

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 336, a bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 423, a bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 442

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 464

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 464, a bill to amend title XVIII and XIX of the Social Security Act to improve the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes.

S. 466

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 466, a bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program.

S. 495

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 495, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 496

At the request of Mr. VOINOVICH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 496, a bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 563

At the request of Ms. COLLINS, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 563, a bill to extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 576

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 577

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 577, a bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities.

S. 579

At the request of Mr. REID, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 644

At the request of Mrs. LINCOLN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 664

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 664, a bill to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Hawaii (Mr. INOUYE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. RES. 33

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 33, a resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—THURSDAY, FEBRUARY 15, 2007

By Mr. PRYOR:

S. 602. A bill to develop the next generation of parental control technology; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 639. A bill to establish digital and wireless networks to advance online higher education opportunities for minority students; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I rise today to introduce two communications bills.

First, I am introducing the Child Safe Viewing Act, a bill to develop the next generation of parental control technology. Last year, following several hearings and forums on decency, I concluded that the V-Chip is not an adequate solution for parents to prevent their children from viewing adult content, especially in a world of 500 channels and video streaming.

During the 1996 Telecommunications Act debate, President Clinton urged inclusion of a mandatory V-Chip device, and in collaboration with Congress, the FCC, and the entertainment industry, the V-Chip was born. The V-Chip was an important beginning to control child access to adult material. Over a decade has passed since the 1996 Act, and the world of communications has changed. However, the issues that inspired the V-Chip continue to exist today for not only television but for the Internet and other video streaming devices.

The Child Safe Viewing Act is a pragmatic approach to addressing the pitfalls of video content not intended for kids, and it acts on current law. It simply directs the Federal Communications Commission to begin a proceeding on the requirements in Section 551 of the V-Chip law. Section 551 states that the Commission shall take action on alternative blocking technology as it is developed. This mandate is clear and the time has come. We must engage in this issue now to ensure that families have the tools to keep inappropriate and sometimes dangerous material out of their children's view.

I am also introducing ED 1.0, a bill to advance online higher education opportunities for minorities. Last Congress, Senator ALLEN and I introduced a bill that would establish a digital and wireless network technology program for minority-serving institutions, and it was reported favorably by the Commerce Committee. Regrettably, I am concerned that the cost of the bill will prohibit it from moving in this Congress. But the needs of this Nation's minorities are not standing still.

ED 1.0 would allow some of our goals to move forward now by creating a pilot online degree program at four minority-serving institutions. African-American, Hispanic, and Tribal serving colleges and universities in socially and economically disadvantaged areas would be eligible to participate in this program to help define what works in ensuring that minorities are obtaining higher education degrees

With the high costs of networks and limited availability of resources, the program would provide a national "lessons learned" about how to develop and implement flexible degree programs in fields such as health or education, which are currently underserved in the disadvantaged community. The goals of ED 1.0 will make education a reality for thousands of Americans, and I hope this bill will have the support of my colleagues.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safe Viewing Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Video programming has a direct impact on a child's perception of safe and reasonable behavior.

(2) Children imitate actions they witness on video programming, including language, drug use, and sexual conduct.

(3) Studies indicate that the strong appeal of video programming erodes the ability of parents to develop responsible attitudes and behavior in their children.

(4) The average American child watches 4 hours of television each day.

(5) Seventy-five percent of adults surveyed believe that television content marketed toward children should be subject to compulsory principles.

(6) Ninety-nine and nine-tenths percent of all consumer complaints logged by the Federal Communications Commission in the first quarter of 2006 regarding radio and television broadcasting were because of obscenity, indecency, and profanity.

(7) There is a compelling government interest in empowering parents to limit their children's exposure to harmful television content.

(8) Section 1 of the Communications Act of 1934 requires the Federal Communications Commission to promote the safety of life and property through the use of wire and radio communications.

(9) In the Telecommunications Act of 1996, Congress authorized Parental Choice in Television Programming and the V-Chip. Congress further directed action on alternative blocking technology as new video technology advanced.

SEC. 3. EVALUATION OF ALTERNATIVE PARENTAL CONTROL TECHNOLOGIES.

(a) RULEMAKING PROCEEDING REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a proceeding to consider measures to encourage or require the use of advanced blocking technologies that are compatible with various communications devices or platforms.

(b) CONTENT OF PROCEEDING.—In conducting the proceeding required under subsection (a), the Federal Communications Commission shall consider advanced blocking technologies that—

(1) may be appropriate across a wide variety of distribution platforms, including wired, wireless, and Internet platforms;

(2) may be appropriate across a wide variety of devices capable of transmitting or receiving video or audio programming, including television sets, DVD players, VCRs, cable set top boxes, satellite receivers, and wireless devices;

(3) can filter language based upon information in closed captioning;

(4) operate independently of ratings pre-assigned by the creator of such video or audio programming; and

(5) may be effective in enhancing the ability of a parent to protect his or her child from indecent or objectionable programming, as determined by such parent.

(c) DEFINITION.—In this section, the term "advanced blocking technologies" means technologies that can improve or enhance the ability of a parent to protect his or her child from any indecent or objectionable video or audio programming, as determined by such parent, that is transmitted through the use of wire, wireless, or radio communication.

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ED 1.0 Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Education is a fundamental right for all Americans, regardless of ethnicity, socioeconomic background, or other factors.

(2) Minority-serving institutions historically have an important role in reaching underserved populations.

(3) Minority-serving institutions in economically disadvantaged areas face particular hardships in acquiring funds to sustain and expand their resources.

(4) Low-income areas are technologically underserved.

(5) Congress and the technological community should do all that they can to find new and creative ways to bridge the current technology gap.

SEC. 3. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the National Telecommunications and Information Administration.

(2) Eligible educational institution.—The term "eligible educational institution" means an institution that is—

(A) a historically Black college or university;

(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)); or

(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(4)).

(3) Historically black college or university.—The term "historically Black college or university" means a part B institution as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SEC. 4. MINORITY ONLINE DEGREE PILOT PROGRAM.

(a) Pilot Program Established.—

(1) In general.—There is established within the National Telecommunications and Information Administration a pilot program to develop online educational programs of study within eligible educational institutions under which the Administrator shall award 4 grants to eligible educational institutions to assist the eligible educational institutions in establishing an online curriculum for undergraduate and graduate programs of study.

(2) Grant number, duration, and amount.—

(A) Number.—The Administrator shall award a total of 4 grants under this section.

(B) Duration.—Each grant under this section shall be awarded for a period of 6 years.

(C) Annual grant payment amounts.—The Administrator shall make grant payments under this section in the amount of—

(i) $1,000,000 for the first fiscal year of a grant awarded under this section;

(ii) $600,000 for each of the second through fifth such fiscal years; and

(iii) $100,000 for the sixth such fiscal year.

(b) Priority.—

(1) In general.—In awarding grants under this section the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county—

(A) in which 50 percent of the residents of the county are members of a racial or ethnic minority;

(B) in which less than 18 percent of the residents of the county have obtained a baccalaureate degree or a higher education;

(C) that has an unemployment rate of 7 percent or greater;

(D) in which 19 percent or more of the residents of the county live in poverty;

(E) that has a negative population growth rate; or

(F) that has a median family income of $32,000.

(2) Highest priority.—In awarding grants under this section the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in subparagraphs (A) through (F) of paragraph (1).

(c) Use of Funds.—

(1) Mandatory curriculum requirement.—An eligible educational institution receiving a grant under this section shall use the grant funds to develop a curriculum that—

(A) leads to a baccalaureate or graduate degree;

(B) is focused on the needs and interests of working minority students in disadvantaged areas; and

(C) in the case of an online curriculum, strives to include a mix of—

(i) online lectures, including guest speakers;

(ii) reference material;

(iii) quiz and test preparation; and

(iv) class room participation.

(2) Permissive uses.—An eligible educational institution receiving a grant under this section may use the grant funds—

(A) to assist in establishing the technical capacity of the eligible educational institution to provide online or distance learning; and

(B) to develop curriculum, including pod broadcasts.

(3) Limitation on use of funds.—Grant funds made available under this section shall not be used—

(A) for any purpose other than a purpose associated with the direct costs incurred by the eligible educational institution in developing the curriculum or services described in paragraph (1) or (2); or

(B) for building expenses, administrative travel budgets, or other expenses that are not directly related to the costs described in subparagraph (A).

(d) Matching Not Required.—The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this section.

(e) Report.—

(1) In general.—Not later than November 1 of each year, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report evaluating the progress, during the preceding fiscal year, of the pilot program assisted under this section.

(2) Contents.—Each report under paragraph (1) shall include a description of each of the programs of study developed with the grant funds provided under this section, including—

(A) the date of the grant award;

(B) statistics on the marital status, employment status, and income level of students participating in a program of study assisted under this section; and

(C) the degree objectives of students participating in a program of study assisted under this section.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section—

(A) $4,500,000 for fiscal year 2008;

(B) $3,000,000 for each of the fiscal years 2009 through 2012; and

(C) $500,000 for fiscal year 2013.

(2) Availability.—Funds appropriated under paragraph (1) shall remain available until expended.

(g) Limitation on Use of Other Funds.—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 684. A bill to clarify the authority of the Secretary of the Interior with respect to the management of the elk population located in the Theodore Roosevelt National Park; to the Committee of Energy and Natural Resources.

Mr. DORGAN. Mr. President, last week I was in my State of North Dakota where we have a wonderful national park. It is named after Teddy Roosevelt. He is the conservation-minded President who established the National Park System. What a remarkable man he was. What a remarkable leader for this country.

We have a national park in the Badlands called the Theodore Roosevelt National Park. I picked up a newspaper to read that there are too many elk in the park, an overpopulation of elk, which is going to be a serious problem for the national park. The Park Service has had some discussion about what they might want to do to thin out or cull the elk herd in the national park. It has grown dramatically. They were talking in the newspaper article I read about considering hiring Federal sharpshooters to kill some elk and then use helicopters to remove their carcasses from the national park, for meat, I guess.

It occurred to me there are times when the Government is completely devoid of common sense. I understand the Park Service says there is a prohibition on hunting in the national parks. On the other hand, it seems to me if you are hiring Federal sharpshooters to kill elk, they are going to be hunting those elk. It would make a lot more sense, to me, for a limited opportunity for qualified hunters to be able to hunt the elk in cooperation with Federal and State authorities. You do not need Federal sharpshooters to be paid. You do not need helicopters to haul the carcasses out of the park. All you need are hunters with a pickup truck or two, and you will be fine.

Today I am introducing a piece of legislation that would allow the Park Service to allow local hunters in my State to work on a cooperative basis with the Federal and State authorities to thin that elk herd. Culling or thinning the elk herd, apparently, is a necessity. It is going to happen. The question is how. Do we spend a lot of money hiring sharpshooters and helicopters or do we do this in a commonsense way and allow hunters to go in, in a coordinated way and a careful way, to thin and cull that elk herd? It seems to me the latter is the better approach.

The Park Service, by the way, at the moment also says my State is short of prairie dogs. Of course, that is not the case. We have far more prairie dogs than we know what to do with. The prairie dogs were born—I should say luckily for them—with a button nose and fur on their tail. Otherwise, they would essentially look like a rat. But we have a lot of prairie dogs.

We are told by Federal authorities we need more prairie dogs, not because they think prairie dogs are cute, but apparently because they want to reintroduce something called the black-footed ferret in my State. The last person to spot a black-footed ferret in my State allegedly spotted a black-footed ferret some 20 years ago and was widely thought, according to local folklore, to have been drinking at the time.

So there apparently are no black-footed ferrets that live in my State. They apparently went to warmer climates in the South some long time ago. Now we are told by Federal authorities we need more prairie dogs as food for black-footed ferrets who are going to be reintroduced to North Dakota.

It is no small wonder, then, I look at some of these Federal agencies and wonder if there is any reservoir of common sense left. That is what persuaded me, last week, as I read the newspaper article about hiring Federal sharpshooters to shoot elk and hiring helicopters to take the deer meat out of our national park—a national park proudly named after one of the great hunters ever to occupy the White House, Teddy Roosevelt—I wondered whether there might be any common sense that might be applied that very simply says if we are going to thin or cull the elk herd in the Teddy Roosevelt National Park, let's do it the way Teddy Roosevelt would have anticipated it be done.

No, I do not suggest opening up all national parks to hunting. I suggest in this limited circumstance that thinning and culling the elk herd in the Theodore Roosevelt National Park can best be done without a massive cost to the taxpayers and with an opportunity for qualified hunters who live in my State.

I recognize that these issues pale in comparison to larger issues like the Iraq war and the health care crisis and fiscal policy that is off track, but it seems to me there are times when we ought to call attention even to comparatively small things that do not seem right.

What I read last week about sharpshooters and helicopters not only reminded me of the lack of common sense with respect to this little issue, but it annoyed me once again with respect to the subject of prairie dogs. I spoke about prairie dogs long ago on this Senate floor when the prairie dogs took over a small picnic area, and the response of the Park Service was to decide to spend a quarter of a million dollars to move the picnic area rather than hire a couple of 16-year-old kids to tell the prairie dogs they have to be elsewhere.

But having said all that, I am introducing a piece of legislation dealing with the Theodore Roosevelt National Park—a park I am enormously proud of—and an elk herd that needs thinning and an opportunity for qualified North Dakota hunters who will use a substantial amount of common sense to solve a problem that can be solved quickly and easily.

By Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 685. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am pleased to be joined by the Senator from South Carolina, Mr. GRAHAM, in introducing legislation that requires Congress to act on what may be the most pressing domestic policy issue of our time, namely health care reform.

I believe we can find a way to make universal coverage work in this country. Universal coverage doesn't have to be defined by what's in place in other countries or by what's been attempted in the past. What universal coverage does mean is ending a system where more than 46 million Americans are uninsured, and where too many of those who are insured are struggling to pay their premiums, struggling to pay for prescription drugs, and struggling to find long term care.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go.

I favor an American-style health care reform, where we encourage creative solutions to the health care problems facing our country, without using a one-size-fits-all approach. I believe that States have a better idea about what the health care needs of their residents are, and that they understand what types of reform will work best for their State. So I am in favor of a State-based universal health care system, where States, with the Federal Government's help, come up with a plan to make sure that all of their residents have health care coverage, and I am working with Senator GRAHAM to develop a bipartisan bill that will help States do just that. If we are finally going to fix our broken health care system, we need to be open to good, new ideas.

And this brings us to the legislation Senator GRAHAM and I are introducing today, because, the reason we haven't reformed our health care system isn't because of a lack of good ideas. The problem is that Congress and the White House refuse to take this issue up. Despite the outcry from businesses, from health care providers, and from the tens of millions who are uninsured or underinsured or struggling to pay their premiums, the Federal Government refuses to address the problem in a comprehensive way.

That is why we are introducing this bill. Our legislation will force Congress to finally address this issue. It requires the Majority and Minority Leaders of the Senate, as well as the Chairs of the Health, Education, Labor, and Pensions Committee and the Finance Committee, to each introduce a health care reform bill in the first 30 days of the session of Congress following enactment of the bill. This bill provides an expedited process for considering reform legislation. Similar procedures are established for House consideration.

I want to emphasize that my bill does not prejudge what particular health care reform measure should be debated. There are many worthy proposals that would qualify for consideration, and this bill does not dictate which proposal, or combination of proposals, should be considered.

But what my bill does do is require Congress to act.

It has been over 10 years since the last serious debate over health care reform was killed by special interests. I am disappointed that Congress still has not acted to reform our health care system, and businesses and workers are crying out as never before for Congress to address the country's health care crisis.

It has been over 10 years since we've had any debate on comprehensive health care reform. We cannot afford any further delay. The cost of inaction is too great. I urge my colleagues to support the Reform Health Care Now Act of 2007.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reform health Care Now Act".

SEC. 2. SENATE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 10 calendar days after the commencement of the session of Congress that follows the date of enactment of this Act, the chair of the Senate Committee on Health, Education, Labor, and Pensions, the Chair of the Senate Committee on Finance, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may instead introduce a bill that will qualify for the expedited procedure provided in this section.

(3) QUALIFIED BILL.—

(A) IN GENERAL.—In order to qualify as a qualified bill—

(i) the title of the bill shall be "To reform the health care system of the United States and to provide insurance coverage for Americans.";

(ii) the bill shall reach the goal of providing health care coverage to 95 percent of Americans within 10 years; and

(iii) the bill shall be deficit neutral.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Chair of the Senate Budget Committee, relying on estimates of the Congressional Budget Office, subject to the final approval of the Senate.

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the Senate Committee on Finance shall be referred to that Committee and the bill introduced by the Chair of the Senate Committee on Health, Education, Labor, and Pensions shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of a 60-calendar-day period beginning on the date of referral, the committee is, as of that date, automatically discharged from further consideration of the bill, and the bill is placed directly on the chamber's legislative calendar. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the Senate Majority Leader and the Senate Minority Leader shall, on introduction, be placed directly on the Senate Calendar of Business.

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice shall first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(3) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) CONSIDERATION OF QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber shall immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the Senate until disposed of. A motion to limit debate is in order and is not debatable.

(2) ONLY BUSINESS.—The qualified bill is not subject to a motion to postpone or a motion to proceed to the consideration of other business before the bill is disposed of.

(3) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

SEC. 3. HOUSE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the session of Congress that follows the date of enactment of this Act, the chair of the House Committee on Energy and Commerce, the chair of the House Committee on Ways and Means, the Majority Leader of the House, and the Minority Leader of the House shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may, within the following 30 days, instead introduce a bill that will qualify for the expedited procedure provided in this section.

(3) QUALIFIED BILL.—

(A) IN GENERAL.—To qualify for the expedited procedure under this section as a qualified bill, the bill shall—

(i) reach the goal of providing healthcare coverage to 95 percent of Americans within 10 years; and

(ii) be deficit neutral.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Speaker's ruling on a point of order based on a Congressional Budget Office estimate of the bill.

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the House Committee on Energy and Commerce shall be referred to that committee and the bill introduced by the Chair of the House Committee on Ways and Means shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of 60-days of consideration beginning on the date of referral, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed directly on the Calendar of the Whole House on the State of the Union. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the House Majority Leader and House Minority Leader will, on introduction, be placed directly on the Calendar of the Whole House on the State of the Union.

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice must first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(3) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) CONSIDERATION OF A QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber will immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the House until disposed of.

(2) COMMITTEE OF THE WHOLE.—The bill will be considered in the Committee of the Whole under the 5-minute rule, and the bill shall be considered as read and open for amendment at any time.

(3) LIMIT DEBATE.—A motion to further limit debate is in order and is not debatable.

(4) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. MENENDEZ, Mr. REED, Mr. BIDEN, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. DODD, and Mr. SPECTER):

S. 686. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail; to the Committee on Energy and Natural Resources.

Mr. LIEBERMAN. Mr. President, 225 years ago, on October 17, 1781, a few thousand American and French soldiers laid siege to Yorktown, forced the surrender of General Cornwallis and his British regulars, and won American independence.

Although we often remember the victory at Yorktown, too often we lose sight of the heroic efforts that made it possible. Too often we forget that this victory was the culmination of a miraculous campaign—when two nations, two armies, and two great men put aside their differences and worked together for a common purpose.

I, along with my colleagues, Senators WARNER, BIDEN, CLINTON, DODD, MENENDEZ, REED, SPECTER, and WHITEHOUSE, am privileged to call for the commemoration of the events leading to our victory at Yorktown and the end of the American Revolution with the designation of the Washington-Rochambeau Revolutionary Route as a National Historic Trail.

The Washington-Rochambeau Revolutionary Route is 600 miles of history, winding from Providence, RI, to Yorktown, VA. In the opinion of my colleagues and me, it is worthy of designation as a National Historic Trail. Let us document the events in the cities and towns all along the road to Yorktown and the birth of this great Nation. Let us celebrate the unprecedented Franco-American alliance and the superhuman efforts of Generals George Washington and Jean Baptiste de Rochambeau to preserve that alliance in the face of seemingly insurmountable odds. Let us create a National Historic Trail along whose course we can pause and remember these heroes, their travels, and sacrifices—from the journey's beginning when Rochambeau led the French army out of Newport and Providence, RI, into New York where he joined Washington's troops, and through a cross section of colonial America to its culmination at Yorktown.

Each of the nine States on the trail makes its own unique contribution to the tale of the journey. In my own State of Connecticut—the two generals met and through a translator planned their strategy. In Phillipsburg, NY, the French and American armies first joined together and faced off against the British in New York City. Here, Washington and Rochambeau planned their high risk strategy—abandoning established positions in the north and racing hundreds of miles south to surprise and trap an unsuspecting British army. In Chatham, New Jersey, the French made a show of storing supplies and building bread ovens in order to disguise their march towards Cornwallis in Virginia. They moved on through Princeton and Trenton, New Jersey—sites of previous colonial victories against great odds.

The trail goes through Philadelphia, PA—then capital of the colonies. Here Washington and Rochambeau stopped their men outside town, had them clean off the dirt of the trail and marched them through town with drums beating and flags unfurled before the Continental Congress and the people of Philadelphia. The grandeur of their new European ally helped restore the spirit of America during this very uncertain time.

A few days later in Chester, PA, Washington, the normally reserved commander-in-chief, literally danced on the dock when he learned the French fleet had arrived in the Chesapeake and trapped the British at Yorktown. For the first time, it seemed that victory for the colonies was possible. The armies marched on to Wilmington, DE and Elkton, MD, where American troops were finally paid for some of their efforts, using money borrowed by the bankrupt Continental Army from General Rochambeau.

Our Nation's capital region also played its part in this story. Troops camped in Baltimore near the site of today's Camden Yards. Some crossed the Potomac near Georgetown, while others camped in Alexandria, VA. Along the way, General Washington made a triumphal return to Mount Vernon, and hosted a celebration for his French allies. All along the route, towns were touched and thrilled by the passage of the army and events swirling around them.

The armies marched on through Williamsburg, VA until they reached positions outside Yorktown in late September. Washington and Rochambeau and their troops went on to win this battle and the war. Let us take the time to better remember the heroes of our past, those who sacrificed so much for our freedom today, deserve no less. This bill ensures that this history, in all its rich detail, is not forgotten.

Mr. WARNER. Mr. President, I rise today to join the Senator from Connecticut, Mr. JOE LIEBERMAN, in introducing legislation to designate the historic route undertaken by General George Washington and General Jean-Baptiste de Rochambeau to trap the British army at Yorktown, VA, as a national historic trail.

This proposed national historic trail traces the 600-mile route that French troops under the command of General Jean-Baptiste de Rochambeau took from Newport, RI, to Yorktown, VA, during the Revolutionary War. American troops under the command of General George Washington joined the French force outside of New York City and, later that year, on October 17, the combined armies defeated British General Charles Cornwallis at Yorktown with the help of the French fleet commanded by Admiral Francois de Grasse.

This historic trail would celebrate the Franco-American alliance and the heroic effort undertaken by these two great nations to ensure American independence. Led by their courageous and brilliant leaders, Generals Washington and Rochambeau, these two armies changed the course of history with their victory over the British at Yorktown. This national historic trail would recognize this historic route and educate the public at large about the contributions of these men and their armies.

I urge my colleagues to join me in support of this legislation, and I thank you for this opportunity to speak on behalf of the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 28, 2007, at 9:30 a.m., to conduct a markup of the Omnibus Budget for Senate Committees.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224-6352.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, the Chairman would like to inform the Members that the Committee on Small Business & Entrepreneurship will hold a hearing entitled "The President's Fiscal Year 2008 Budget Request for the Small Business Administration," on Wednesday, February 28, 2007 at 10:00 a.m. in Russell 428A.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session, to the consideration of the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table; that any statements be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN106 COAST GUARD nomination of Thomas W. Denucci, which was received by the Senate and appeared in the Congressional Record of January 9, 2007.

PN149 COAST GUARD nomination of Edward J. Mosely, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN150 COAST GUARD nomination of Teresa K. Peace, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senator as chairman of the Senate delegation to the NATO Parliamentary Assembly during the 110th Congress: the Honorable JOSEPH R. BIDEN, Jr., of Delaware.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as chairman of the Senate delegation to the British-American Interparliamentary Group during the 110th Congress: the Honorable PATRICK J. LEAHY of Vermont.

MEASURE PLACED ON THE CALENDAR—H.R. 976

Mr. REID. Madam President, I understand that H.R. 976 is at the desk and is due for a second reading.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

Mr. REID. Madam President, I ask that any further proceedings at this time not proceed. In fact, I object.

The PRESIDING OFFICER. Objection is heard.

The measure will be placed on the calendar.

ORDERS FOR TUESDAY, FEBRUARY 27, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, February 27; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then be in a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the first 30 minutes under the control of the Republican leader or his designee and the second 30 minutes under the control of the majority leader or his designees; that at 12:30 p.m. the Senate stand in recess until 2:15 p.m. in order to accommodate a meeting of the respective caucuses; further, that at 2:15 p.m. the Senate resume consideration of the motion to proceed to S. 184 and the time until 2:30 p.m. be equally divided and controlled between the majority and Republican leaders or their designees; that the live quorum required under rule XXII with respect to this cloture motion be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. Tomorrow, the Senate will conduct a period of morning business until the time when the Senate recesses for the conference work periods.

Madam President, we had a vote scheduled for 9:30 on cloture of the Commerce aspect of the homeland security work we are going to be doing in the next couple weeks. Because of various clerical problems and just the way the Senate works, the bulk of the homeland security work we are going to be doing—probably 65 percent of it—deals with the Homeland Security Subcommittee, chaired by Senator LIEBERMAN. The ranking member is Senator COLLINS. About 15 percent of what we are going to be doing deals with Banking and about 20 percent or thereabouts—these are all rough estimates—deals with the Commerce Committee.

We are going to invoke cloture on the Commerce aspect—an effort to move it forward by 1 day—because with the first amendment, after we got on this legislation, we would move to put the homeland security legislation in, which basically has it all in it anyway.

I have spoken at some length with the distinguished Republican leader, and it was felt by both of us it would be better if we could speak to our two caucuses tomorrow during the lunch hour to see how we should proceed tomorrow afternoon. That is why we changed the time for voting from in the morning until 2:30 tomorrow afternoon.

ORDER OF PROCEDURE

Madam President, I ask unanimous consent that the cloture vote occur tomorrow at 2:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Tomorrow, the Senate will conduct a period of morning business until the time when the Senate recesses for the conference work periods. I will continue to discuss the schedule with the Republican leader with respect to the 9/11 Commission legislation, as I indicated. So for scheduling purposes, Members should be here at 2:30 for the cloture vote. If we are able to vitiate that vote, Members will be notified in a timely fashion.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate today and if the Republican leader has no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Tuesday, February 27, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 2007:

DEPARTMENT OF DEFENSE

S. WARD CASSCELLS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE WILLIAM WINKENWERDER, JR.

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE JOSEPH E. SCHMITZ, RESIGNED.

DEPARTMENT OF ENERGY

WILLIAM CHARLES OSTENDORFF, OF VIRGINIA, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE JERALD S. PAUL, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. VICTOR E. RENUART, JR., 0278

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS J. MASIELLO, 8449

CONFIRMATIONS

Executive nominations confirmed by the Senate February 26, 2007:

IN THE COAST GUARD

COAST GUARD NOMINATION OF THOMAS W. DENUCCI, 3271, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF EDWARD J. MOSELY, 9449, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF TERESA K. PEACE, 1300, TO BE LIEUTENANT.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 27, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 28

9:30 a.m.

Rules and Administration

To hold hearings to examine Senate Committee budget Requests.

SR–301

Joint Economic Committee

To hold hearings to examine meeting the challenge of income instability.

SD–562

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the President's budget request for fiscal year 2008 for the USDA Forest Service.

SD–366

10 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Insurance, and Automotive Safety Subcommittee

To hold hearings to examine vehicle safety for children.

SR–253

Judiciary

To hold hearings to examine comprehensive immigration reform.

SH–216

Small Business and Entrepreneurship

To hold hearings to examine the President's Budget Request for Fiscal Year 2008 for the Small Business Administration.

SR–428A

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Terrorism Risk Insurance Program.

SD–538

Appropriations

Defense Subcommittee

To hold hearings to provide an overview of the President's proposed budget for fiscal year 2008 for defense-related matters.

SD–192

Appropriations

Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine AMTRAK 2008.

SD–138

Aging

To hold hearings to examine the aging workforce, focusing on its meaning for businesses and the economy.

SD–628

2 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine one year after the Sago and Alma coalmining disasters relating to efforts to improve mine safety.

SD–124

2:30 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine the President's budget request for fiscal year 2008 for the National Aeronautics and Space Administration (NASA).

SR–253

MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine Afghanistan.

SH–216

Energy and Natural Resources

To hold hearings to examine the Energy Information Adminsitration's Annual Energy Outlook 2007.

SD–366

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for defense and war costs.

SD–608

Appropriations

Commerce, Justice, Science and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Commerce.

SD–192

Commerce, Science, and Transportation

To hold hearings to examine universal service.

SR–253

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine asbestos, focusing on efforts to better protect the health of American workers and their families.

SD–430

Environment and Public Works

To hold hearings to examine state, local, and regional government approaches to address global warming.

SD–406

Finance

To hold hearings to examine Medicare payments for physician services, focusing on new approaches.

SD–215

Judiciary

Business meeting to consider S. 236, to require reports to Congress on Federal agency use of data mining, S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, S. 442, to provide for loan repayment for prosecutors and public defenders, S. 261, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. Res. 78, designating April 2007 as "National Autism Awareness Month" and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism, S. Res. 81, recognizing the 45th anniversary of John Hershel Glenn, Jr.'s historic achievement in becoming the first United States astronaut to orbit the Earth, and the nominations of Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, John Preston Bailey, to be United States District Judge for the Northern District of West Virginia, Otis D. Wright II, to be United States District Judge for the Central District of California, and George H. Wu, to be United States District Judge for the Central District of California.

SD–226

2 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 380, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

SD–366

2:30 p.m.

Intelligence

Closed business meeting and hearing regarding certain intelligence matters.

SH–219

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services and International Security Subcommittee

To hold hearings to examine improving federal financial management, focusing on the progress that has been made and the challenges ahead.

SD–342

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MARCH 2

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Office of the Architect of the Capitol.
SD–138

MARCH 5

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold an oversight hearing to examine the Transportation Security Administration Personnel System, focusing on proposed legislation relating to the personnel system.
SD–342

MARCH 6

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine child nutrition and the school setting.
SH–216

Armed Services
To hold hearings to examine the care, living conditions, and administration of outpatients at the Walter Reed Army Medical Center.
SD–106

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
345 CHOB

10 a.m.
Commerce, Science, and Transportation
To hold oversight hearings to examine the Corporate Average Fuel Economy (CAFE) Program.
SR–253

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine identity theft, focusing on innovative solutions for an evolving problem.
SD–226

MARCH 7

9:30 a.m.
Veterans' Affairs
Administration adjudication process.
To hold an oversight hearing to examine the Veterans
SR–418

10 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine policy implications of pharmaceutical reimportation from Canada.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine national imperatives for Earth Science research.
SR–253

MARCH 8

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Admiral Timothy J. Keating, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, Lieutenant General Victor E. Renuart, Jr., USAF, for appointment to be general and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command, and Lieutenant General Robert L. Van Antwerp, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers/Commanding General, United States Army Corps of Engineers.
SH–216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Paralyzed Veterans of America, Jewish War Veterans, and Blinded Veterans Association.
SD–106

MARCH 14

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on education and training.
SR–418

10 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SH–216

MARCH 27

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

MARCH 28

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine transitioning to a next generation Human Space Flight System.
SR–253

MARCH 29

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, Ex-POWs, Military Order of the Purple Heart, and Fleet Reserve Association.
SD–106

SENATE—*Tuesday, February 27, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, to whom we must account for all our powers and privileges, guide the Members of this body so that they will be faithful stewards of Your will. Give them understanding and integrity that human rights may be safeguarded and justice served. Teach them to rely on Your strength and to serve You with honor. May each Senator in her or his daily work know the joy of partnership with You.

Lord, we pray today also for the men and women of our Armed Forces. Defend them with Your heavenly grace and give them courage to face perils with trust in You. Give them a sense of Your abiding presence wherever they may be. Strengthen and sustain their loved ones.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. During the period of morning business, Senators will be permitted to speak for up to 10 minutes each. The first 30 minutes will be controlled by the Republicans and the second 30 minutes will be controlled by the majority.

At 12:30, the Senate will recess until the hour of 2:15. Upon reconvening at 2:15, the Senate will resume debate on the motion to proceed to S. 184. The cloture vote will occur at 2:30, with the time until then equally divided and controlled between the two leaders and their designees.

As I indicated yesterday prior to the Senate adjourning, the Republican leader and I have had discussions about the 9/11 Commission recommendations legislation, and while the time has been set for the cloture vote on the motion to proceed to S. 184, we will continue our discussions to ascertain whether we can vitiate that cloture vote. If we are able to do that, we would switch to S. 4, which is the Homeland Security-reported matter reported by Chairman LIEBERMAN and Ranking Member COLLINS.

I would say, as I said last night, whichever vehicle comes to the floor—I would hope we could speed things up by 30 hours by doing S. 4—we need to get to this legislation. I had indicated prior to the recess, and indicate today, it is open to amendment. I, in fact, even have the first Democratic Senator who wants to offer an amendment. I am sure the minority has a lot of amendments they want to offer.

9/11 COMMISSION RECOMMENDATIONS

Mr. President, I want to bring to the attention of the body letters Senator MCCONNELL and I received. They are dated yesterday. The letter to me states:

> It has been exactly 14 years since the first attack on the World Trade Center; over 5 years since the terrorist attacks of 9/11; and over 2 years since the 9/11 Commission released a blueprint for strengthening America's security. The pace of Congressional response to these wake-up calls has been glacial.

Now, I am not going to read the other three paragraphs of this letter other than to say this letter is signed by different groups—widows and orphans—Carol Ashley, representing a group called VOICES of September 11th, who is the mother of Janice, who was killed in that 9/11 occurrence; Beverly Eckert, representing a group called Families of September 11, and who is the widow of Sean Rooney, who was 50; Mary Fetchet, the founding director and president of VOICES of September 11th, who is the mother of Brad, who was 24, who was killed in the incident; and Carie Lemack, the cofounder and president of Families of September 11, who is the daughter of Judy Larocque, who was 50 years old, who died in that terrorist attack.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 26, 2007.

Hon. HARRY REID,
Senate Majority Leader U.S. Senate,
Washington, DC.

DEAR SENATOR REID: It has been exactly 14 years since the first attack on the World Trade Center; over 5 years since the terrorist attacks of 9/11; and over 2 years since the 9/11 Commission released a blueprint for strengthening America's security. The pace of Congressional response to these wake-up calls has been glacial.

The House of Representatives has validated its commitment to improving national security by passing H.R.1. When S. 4 goes to conference, its provisions must match or surpass the strength and comprehensiveness of H.R.1. Failure to act ratchets up the danger for America. The longer critical security issues remain unresolved, the more time and options the terrorists have.

S. 4 should be a clean bill, limited to implementing the remaining 9/11 Commission recommendations. This legislation is far too important to be politicized by the introduction of non-germane, controversial amendments and debate, particularly those relating to Iraq. Attention to both issues is critically important. As such, each deserves separate deliberation.

We urge you to act now to protect America by passing stand-alone, comprehensive security legislation under S. 4 based on the 9/11 Commission blueprint without complications regarding Iraq. The legacy of those whose lives have been taken by terrorists on American soil is in your hands. Prove to the families of those killed in 1993 and 2001, and to all Americans, that this is a new day in Washington, and that safety and security will finally take precedence over special interest groups and politics.

Respectfully,

CAROL ASHLEY,
Mother of Janice, 25, VOICES of September 11th.
BEVERLY ECKERT,
Widow of Sean Rooney, 50, Families of September 11.
MARY FETCHET,
Mother of Brad, 24, Founding Director and President, VOICES of September 11th.
CARIE LEMACK,
Daughter of Judy Larocque, 50, Co-

founder and President, Families of September 11.

Mr. REID. I say to my friend, the distinguished Republican leader and people on his side of the aisle, if people are concerned about going to S. 4 because of not being allowed to offer amendments, I have stated publicly—and I understand because there were no amendments on the continuing resolution—and I will state again, I appreciate very much the cooperation of the Republicans. Even though there were no amendments, this was an issue this Congress, this Senate had to complete. None of the Members of the body here are responsible for what took place prior to this Congress. The 110th Congress is our responsibility, and that is why I am very happy the Democrats and Republicans joined together and got the continuing resolution passed. We were able to work our way through the contentious matters we had dealing with the Iraq war. I stated at the time we were doing that the 9/11 legislation will be subject to amendments.

Senator MCCONNELL and I are working our way through this issue to determine when the next debate will take place regarding Iraq. I hope it can be done on an agreement between the two of us. We are working on that. But I do say, don't anyone suggest the 9/11 legislation will not be open to amendment; it will be. We are going to work our way through that. There will not be cloture filed on this legislation until—hopefully, it won't have to be done. I think this is a piece of legislation for which it would not be necessary. There certainly will not be anything in the next 10 days. We will take a look at it.

I will work in conjunction with the distinguished Republican leader to find out if cloture ever has to be filed on the 9/11 bill. But I would hope we could gain this extra 30 hours and move to it right away. We could get the opening statements out of the way and some amendments offered today.

I had a leadership meeting at 9 o'clock this morning. I told the Senators there they better be ready for some votes Friday, that we are not going to be finished by 10 o'clock Friday morning. We have to finish this bill and finish it in a way that is appropriate.

So we have a lot of work to do. When we finish the 9/11 legislation, we have stem cells, we have the budget, we have the supplemental during this work period. We have a lot to do. We will need the cooperation of both sides.

I spoke out here last night, and I did my utmost to lay out the facts. We have been able to get a lot done this last work period. It was a long work period. We were able to do some good things. We were able to pass the most comprehensive ethics and lobbying reform in the history of the country. We passed minimum wage legislation for the first time in 10 years. We got the country's financial house in order by completing that. We have done some good work. As I said last night, it has been done on a bipartisan basis. We have worked together. So I hope we can continue to do that.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

9/11 BILL AND IRAQ

Mr. MCCONNELL. Mr. President, I indicated to my good friend, the majority leader, yesterday, and I now reiterate publicly, our desire to go to the measure reported by the Committee on Homeland Security. I think we will be able to work that out in the next few hours. We have also had a good conversation about how to structure a debate on Iraq to follow the 9/11 bill. There are a number of important amendments that Members on this side of the aisle want to offer to the 9/11 bill.

The majority leader has indicated there will be no desire on his part, and reiterated it here this morning, to prevent any of those amendments from being acted upon. So we expect a free-wheeling, Senate-style debate on the 9/11 bill in which a number of important amendments related to the measure are offered. I think we will be able to work out a way to go forward in the next few hours that will accommodate our mutual desire to have the right bill before the Senate regarding 9/11, and, hopefully, sometime shortly thereafter some kind of agreement to structure the debate on Iraq in a way that will be mutually acceptable to both sides of the aisle.

The ACTING PRESIDENT pro tempore. The majority leader.

EASTER RECESS

Mr. REID. Mr. President, finally, let me say this. I have had a number of people come to me during the last several days. In fact, I got a call in Nevada. The House is having 2 weeks during the Easter recess. The Senate is going to have 1 week. Everyone should understand that. We are going to work—we cannot move as fast as the House. We have rules here that simply do not allow that. While we would all like to be able to go home and spend time in our respective States, that will not happen. We are going to have only a 1-week recess for Easter.

I would say during the rest of the year there are no set times. I have been as forewarning as possible to the distinguished Republican leader, telling him of the days we would not have votes, days we would have votes. I am going to do my very best not to have surprises in the schedule. One of the surprises we will not have is 2 weeks for the Easter break. We are going to have to work through that. Up until August, I am hopeful and confident we can get our work done. But the August recess is a long one, and everyone should understand that is not automatic. We have to get our work done or we may have to shorten that also.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I appreciate the clarity the majority leader brought to the issue of the Easter work period. I think that is very helpful to Members on our side of the aisle for planning purposes, and I appreciate his bringing up that matter this morning.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first 30 minutes will be controlled by the Republican leader or his designee.

The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I am aware of two speakers during our period, the minority period of 30 minutes in morning business. As a result, I ask unanimous consent to be allowed to speak for up to 20 minutes out of that 30-minute period of time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

IRAQ

Mr. CORNYN. Mr. President, I come to the floor this morning to express my concerns about the growing politicization of the debate over the war in Iraq. The reason I am concerned is because I think the revolving door of resolutions we have seen emanating from Washington, DC, has caused confusion. Now, I would be happy if the confusion were limited to our enemies. But, unfortunately, I think that confusion extends to our allies and perhaps even to the troops who are now serving in that war-torn country.

I do not believe that confusion is called for; rather, clarity is what we ought to be producing here. But this revolving door of resolutions being produced by those primarily on the other side of the aisle has seemed to contribute to our inability to speak with one voice on the one subject where we ought to be speaking with one voice; that is, our Nation's security. We ought not to be playing politics of any kind when talking about the lives of our troops or the resolutions which might have the unintended consequence of undermining their morale or causing our friends and allies confusion as to whether we are willing to stay the course in this battle of wills. This is a battle of wills.

If my colleagues on the other side of the aisle feel so strongly—as some of them clearly do—about the conflict in Iraq, then I believe they have an obligation to cut off funding. We have at least two Senators who have offered those kinds of resolutions—Senator DODD and Senator FEINGOLD. I would put it this way: If my colleagues really believe all is lost in Iraq and there is no possible way to succeed, then I think Senators could justly reach the conclusion that the only moral decision would be to deny funding to send them into harm's way. But instead what we see is an uncontrollable desire to tinker with our military operations, deciding in some cases what individual Members of Congress think should be done on the ground and then on the other hand what kind of decisions ought to be left to commanders. I suggest to my colleagues that strategy will lead us nowhere. Congress should not be involved in micromanaging the day-to-day tactics of military commanders on the ground. Our Constitution provides for a single Commander in Chief, not 535 chieftains who can make tactical decisions about something as sensitive and challenging as war operations in Iraq.

We have heard there are between 5,000 and 6,000 members of al-Qaida in Iraq, primarily in Anbar Province. It makes no sense to me for us to pull out our troops until we have defeated those terrorists. Certainly, I disagree with those who say we ought to pull out our troops before we are able to stabilize Iraq in a way that it can sustain itself, defend itself, and govern itself because I think we know what will happen if Iraq becomes just another failed state in the Middle East, particularly with those 5,000 to 6,000 members of al-Qaida present in Iraq: It will become another Afghanistan.

As we all know, when the Soviet Union left Afghanistan, Afghanistan became a failed state, giving rise to the Taliban and al-Qaida in Iraq, the likes of Osama bin Laden among them. Of course, it was because they had a safe haven in Afghanistan that they could then plot and plan and train and recruit and finance their terrorist operations, and it allows them the safety and convenience to plan an attack against the United States, which they did on September 11, 2001.

Of course, we know, because they have told us, that one of al-Qaida's major goals in Iraq is to increase sectarian violence between the Sunnis and the Shias. Al-Qaida cannot defeat us on the battlefield; we know that and they know that. The only way they can prevail is if we give up, if we pull our combat troops out of Iraq until al-Qaida is no longer a threat there. We know that Sunni extremists, including al-Qaida, want to create a civil war that will tear the country apart. The only way al-Qaida will be successful in doing that is if we allow them to do so.

We need to let our military do the job in Iraq. We can't pretend to be able to make the best decisions from here in Washington, DC, about what kinds of tactics are likely or reasonably calculated to be successful several thousand miles away.

As recently as Sunday, the chairman of the Senate Armed Services Committee appeared on a weekend talk show. I would like to read a little bit of the questions and answers which were produced from that interaction because I think it demonstrates exactly the kind of confusion I am talking about that I think ill-serves our troops and ill-serves our Nation during a time of war.

The question was this:

> Will you set a goal for withdrawing combat troops?

Senator LEVIN says:

> We would. We would follow basically the pattern that was set or proposed by the Iraq Study Group, which was to set a goal for the removal of combat troops, as you put it correctly, by March of next year.

Mr. Russert:

> So how many troops would that be by March of next year would be taken out?

Mr. LEVIN said:

> We don't have a specific number, nor did the study group, but it would be most. There would be a limited number of troops that would be left.

Mr. Russert said:

> So out of 150,000, we would take out how many?

Mr. LEVIN:

> I would say most.

Mr. Russert:

> What would be left behind?

Senator LEVIN said:

> It would be a limited number, which would—

Mr. Russert said:

> Ten thousand, 20,000?

Senator LEVIN said:

> I don't want to put a specific number on it because that really should be left to the commanders to decide how many would be needed to carry out these limited functions.

I think this brief Q-and-A demonstrates the kind of confusion that occurs when Members of the Senate, notwithstanding their best intentions, tinker with tactical decisions made with fighting a war several thousand miles away.

We know the power Congress has under our Constitution, and if, in fact, there are those, as I said earlier, who believe that all is lost, then I believe the only appropriate action to take would be for those people who hold that belief to try to bring a resolution to the floor that would cut off funding for this ill-fated, in their view, conflict. But my colleagues can't have it both ways. On the one hand, they can't say we should leave it to our commanders in the field to determine the number of troops, and yet when General Petraeus says he needs 21,500 troops to fight the terrorists in Iraq, these same individuals would tell him: No, you can't have them.

This is a question and answer from the nomination hearing for GEN David Petraeus.

Senator MCCAIN asked him:

> Suppose we send you over there to your new job, General, only we tell you that you can't have any additional troops. Can you get your job done?

General Petraeus said:

> No, sir.

The kind of confusion I think we have seen emanating from Capitol Hill is directly related to the revolving door of resolutions we have seen since the beginning of the year.

First, there was the Biden resolution. Senator REID, the distinguished majority leader, said, "Tomorrow the Senate will proceed to S. Con. Res. 2, the bipartisan Iraq resolution." He said that on January 31, 2007. Then Senator REID said later the same day, "There will be a bipartisan group of Senators who believe the more appropriate matter is the Warner resolution."

So first we had the Biden resolution, then we had the Warner resolution, and then there was the Levin resolution. Senator REID said, on January 31, 2007, "In my caucus there was near unanimity for the Levin resolution." Then—I mentioned this a moment ago—there are those such as Senator FEINGOLD who said: "I oppose the weak Warner-Levin resolution as currently written because it misunderstands the situation in Iraq and shortchanges our national security interests." He said that on February 1.

Then there was the Reid-Pelosi resolution. This was the one on which the majority leader said, "I think it is so much more direct. We support the troops. We are opposed to the surge. Perfect." He was asked this question: I was asking you why you prefer the House resolution to move forward. This is the press asking the majority leader. He said, "I think it is so much more direct. We support the troops. We are opposed to the surge. Perfect." That is the majority leader on February 13, 2007.

Then one of the Democratic candidates for President, Senator CHRIS DODD of Connecticut, made this observation, and I happen to think he is exactly right. He said: "We have a sense of Senate resolution on asparagus. They don't mean a whole lot."

Well, I have heard a lot from my constituents back in Texas who just wonder what in the world are we doing here in Washington debating a series of nonbinding resolutions. Senator DODD has it exactly right. To show the dignity of these nonbinding resolutions, we even have a Senate resolution on asparagus. It is demeaning and inappropriate, in my view, for us to be talking in those kinds of terms when it comes to something as serious as Iraq.

Then there was the Murtha plan, named after Representative JACK MURTHA, the Democrat from Pennsylvania. This is Representative MURTHA's plan. He said:

> They won't be able to continue. They won't be able to do the deployment.

This is his plan.

> They won't have the equipment, they won't have the training, and they won't be able to do the work. There is no question in my mind. We have analyzed this and we have come to the conclusion that it can't be done.

So this is what the Democrats in the House have had to offer in terms of resolutions: Let's not vote to cut off funding, but let's tie our troops in so much redtape and deny them the ability to be successful with the new plan the President has proposed in Iraq. That was on February 15.

Representative JIM COOPER, a Democrat from Tennessee, I think tagged it right, tagged Representative MURTHA's plan correctly. He said on MURTHA's clumsy strategy:

> Congress has no business micromanaging a war, cutting off funding or even conditioning these funds.

That was what Representative JIM COOPER said on February 23 in the Washington Post.

Congressman CHET EDWARDS from my State of Texas, another Democrat, said:

> If you strictly limit a commander's ability to rotate troops in and out of Iraq, that kind of inflexibility could put some missions and some troops at risk.

He said that on February 23 in the Washington Post.

The latest resolution, the Biden-Levin proposal, was described by Senator JOE BIDEN of Delaware, the chairman of the Foreign Relations Committee in the Senate, another Democrat candidate for President: "And that resolution can be simply entitled: Revoke the authorization."

What he is talking about is revoking the authorization of the use of military force that Congress passed in 2001. He is talking about, in 2007, going back to 2001 and revoking the original authorization for use of military force that has resulted in 130,000 American troops currently in Iraq.

Senator BIDEN said this:

> The next best step is to revoke the authorization the United States Congress gave to the President to go to war in the first place.

He said that in Des Moines, IA, on February 17.

Senator LEVIN, the chairman of the Senate Armed Services Committee, a Democrat of Michigan, said:

> We should limit the mission. One thought is that we should limit the mission to a support mission. In other words, an anti-terrorist mission to go after al-Qaida in Iraq, to support and train the Iraqi Army, to protect our own diplomatic personnel and other personnel in Iraq.

So Senator LEVIN's proposal would be to limit the mission, to put conditions on our troops and on the rules of engagement that would deny them the ability to be successful, if they were otherwise able to be successful. He said that on September 19.

Representative CHET EDWARDS, again of Texas, a Democrat, I think nailed it. He said:

> I think Congress begins to skate on thin ice when we start to micromanage troop deployment and rotation.

He said that on February 23, 2007.

Then there are other resolutions by other candidates for President.

The Senator from Illinois, Mr. OBAMA, on his resolution said:

> The time for waiting in Iraq is over. The days of our open-ended commitment must come to a close. The need to bring this war to an end is here, and that is why today I am introducing the Iraq War Deescalation Act of 2007.

That was on January 30, 2007. He wanted to cap troops who could be deployed into Iraq and opposed the President's plan.

Then Senator CLINTON, on her proposal, said:

> I don't want to defund our troops, I am against that, but I want to defund Iraqi troops.

Just remember, a moment ago Senator LEVIN in his resolution said he wanted to train and equip the Iraqis, and now Senator CLINTON says she wants to defund the Iraqi troops. She said:

> I want to defund the private security going for the Iraqi government if they don't meet these certain requirements.

She said that on FOX News, a special report with Brit Hume on January 18, 2007.

I could go on and on. I know the Senator from Florida is here and wants to speak on the same topic. But the plethora of resolutions that seem to be emanating from the other side of the aisle can't do anything but engender confusion about our aims in Iraq and in the Middle East, not only for our troops who put themselves in harm's way but for Iraqis who have allied themselves with us, who have helped us. I would think that out of the new majority, at least there ought to be a consensus on what it is we ought to be doing there, that we ought not to be leaving our troops with any doubt in their minds about our commitment to support them. We ought not to be leaving any of our friends in Iraq, who have allied themselves with us by helping us, to doubt, wondering whether we would pull our troops out precipitously and leave them exposed to a huge humanitarian crisis and a huge ethnic cleansing by the violence that would ensue.

My hope is we will give this new plan a chance. As the Iraq Study Group said, they believe they could support a surge, under appropriate conditions, on page 73 in that report—a bipartisan report of a group who have been given great weight in Congress. They have studied the issue and made recommendations to the President. The President has consulted broadly with a large number of people, military experts, people on both sides of the aisle, and has come up with not only a new commander but a new plan, and we have a new Secretary of Defense.

I fail to understand, and I cannot understand, why it is there are so many people who are determined to see that plan be unsuccessful by not providing the troops, by not providing the funding, and by tying our troops' hands with redtape, in terms of the rules of engagement and the conditions under which they fight.

Mr. President, I ask our colleagues on the other side of the aisle to work with us and come up with some plan that can have the support of the Members of Congress. As I said, it used to be that differences between political parties stopped at the water's edge, particularly on a matter so important as our national security. A confusing message is sent by these revolving-door resolutions that are mutually contradictory and inconsistent and do nothing to help us win the war there, to stabilize Iraq, and to bring our troops home as fast as we can.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I follow the remarks of my colleague from Texas regarding the situation in Iraq and our own situation as it relates to that effort. I wish to pick up on what he said, which is that for so long in the history of our Nation, politics ended at the water's edge. I wish we could go back to the days when we would look at our troops fighting overseas in an effort as significant as this is—the current war against radical Islam—as something that could unite us all as Americans, where we might shed party labels and also shed personal political ambition.

I cannot help but notice, as the Senator from Texas was recounting all of the various plans that have been proposed from the other side, that most of them seemed to come from those labeled as a Presidential candidate. It seems everybody tried to have a different nuance on yet another micromanaging strategy to satisfy their personal political goals.

So how do we serve our national interests best? We should not be fighting a war from the political landscape of Washington. That is a recipe for defeat. We should follow the strategy of General Petraeus, who is in the field, who is the allied commander of our troops in Iraq, who does believe the current strategy we are following is one that has a reasonable chance for success. There is no guarantee, but it has a reasonable chance for success. That strategy has now been unfolding for several days. There has been a change on the ground. It is a strategy I know many forget, but it has multiprongs to it. It is not just the military reinforcements over Baghdad and the Iraqi forces taking the lead in Baghdad with our support, but it also has a political and an economic component. The political component—and I had to look for it because it was not on the front page—was that the Iraqi Cabinet approved yesterday an oil-sharing agreement for their country, which now goes to the Iraqi Parliament for their approval. That is one of the key cornerstones of beginning to achieve a political settlement—reaching an accord on the sharing of oil revenue—so there can be a sense of nationhood, so there can be a coming together of the different factions within Iraq. It is a very important component of a political settlement. I know other settlements are being added to the military and, at the same time, we understand some of those folks we would not want to be partners with. There are elements from the old Baathist Army that can be incorporated. Most of these are Sunnis, which is leading to a greater sense of confidence in the Sunni population. We see shifting and changing on the ground. We see that al-Sadr is taking a slightly different approach. He is anti-American, but at the same time the streets of Baghdad seem to be a tad quieter.

We have a long way to go, but we are making some progress. I believe it is important we note even the small measures of progress. I know our troops on the ground, our brave men and women fighting in Iraq, do notice these changes and understand they make a difference in the lives of the Iraqis. When our men and women who volunteer to serve our Nation are deployed and they go into battle, they should never for a moment have any hesitation in their minds or wonder whether they will have the tools they need to successfully perform their mission while defending themselves and the civilians they are working to protect.

The concept of opposing the war but supporting our troops seems untenable, when part of that same plan is one that will not allow reinforcements into battle, will not allow the equipment necessary, and has been described as a slow-bleed strategy. That kind of a strategy accomplishes nothing toward victory, and it does damage our troops, their morale and their mission.

Our President is the Commander in Chief. He is the leader of our Nation's military. Congress voted to authorize the President under the present circumstances. Resolutions in Washington of all flavors and varieties might make for good politics, but they do not make good sense as a military policy and a strategy for success. We only have one Commander in Chief at a time. Our Nation only has one Commander in Chief, and to micromanage our troops in the field is not what was ever intended by the constitutional responsibilities that divide the powers within our Government.

My colleague from Texas talked about Chairman LEVIN's comments. He made other comments in that interview. This was Sunday on "Meet The Press." He said:

> We are trying to tie the hands of the President and his policy.

I will repeat that:

> We are trying to tie the hands of the President and his policy. We are trying to change the policy. And if someone wants to call that "tying the hands" instead of changing policy, yes, the President needs a check and balance.

I don't think that is a check and balance that was envisioned by our Constitution and Founding Fathers—tying the hands of the Commander in Chief in a time of war, while our troops are deployed and are shedding blood in battle. That is not what our Constitution ever intended.

Is it appropriate for Congress to tie the hands of the Commander in Chief in a time of war? I would say no. I believe most Floridians would agree with that—that this is not the time to tie the hands of the Commander in Chief. Should we keep the Commander in Chief from reinforcing our troops? In the judgment of military leaders, such as General Petraeus, the reinforcements are necessary, needed, and they are part of what will give us an opportunity for success. Should we keep the Commander in Chief from reinforcing these troops? The answer to that is also no. Under article I, section 8, of the Constitution, with regard to the Armed Forces, Congress is given the power of the purse and only the power of the purse. We have the responsibility to fully provide funding for our military forces, especially when they are at war and in harm's way, defending our Nation.

So what is the President's role in all of this? Article II, section 2, of the Constitution says the President is the "Commander in Chief of the Army and Navy of the United States." He has command over the Armed Forces. He has the power and authority to deploy troops. He has the power and authority to direct military campaigns during wartime. For the Congress to tie the President's hands is not the right thing to do. It is outside the scope of what the Congress is supposed to do. This is not the checks and balances intended by our Founding Fathers. In a time of war, the Congress should only support our President, try to unite behind our troops and unite behind our effort. Our job is not to micromanage the handling of a war.

Another theory that has been advanced is we should continue to fight al-Qaida but not be involved in a civil war. I have not understood how we can have a strategy in a place that is as complex as Iraq is today to fight against one set of insurgents and not against another. We do know that a chaotic Iraq would be nothing but a haven for al-Qaida. We know that al-Qaida is resurging and reorganizing; our recent intelligence reports indicate that. Nothing would be more appealing or pleasing to them than to, first of all, validate their strategy, which is to create such an uproar in American politics through the deaths of our men and women in uniform and to end the resolve of our Nation so we would not continue to be steadfast in our resolve. This has been their avowed and professed strategy.

I believe for us to do anything other than continue forward in this hopeful effort for a victorious outcome would be nothing short of giving in to al-Qaida's strategy—their professed strategy. There is only one option, which has to do with the funding of our troops. I go back to the Gregg resolution. Senator GREGG had a resolution, and it was simply that we would support our troops. Our troops are in battle; we are in a time of war. This Congress sent them into battle by allowing the President to have the authority to do so. So at this time, the only resolution that I think is appropriate is the Gregg resolution, which has been discussed but not debated on the floor of the Senate. I look forward to an opportunity to have a full debate on that resolution. Hopefully, the leadership will allow it to come to the floor for a full debate and a vote.

The ACTING PRESIDENT pro tempore. Under the previous order, the next 30 minutes will be under the control of the majority leader or his designee.

The Democratic whip is recognized.

IRAQ

Mr. DURBIN. Mr. President, I am glad we are discussing this issue. I am glad we are on the floor of the Senate to discuss the war in Iraq. I think this is an issue that is being discussed across America—over coffee pots in offices, in doughnut shops in the morning, at schools, in living rooms, and in churches. Everybody is thinking about this war, as they should. Those of us who are fortunate enough to live in the safety of America know full well that we have over 130,000 of our best and bravest sons and daughters, brothers and sisters, husbands and wives, risking their lives at this very moment in Iraq.

I have listened carefully to my colleagues from the other side of the aisle as they have come to the floor, including the last two, Senator CORNYN of Texas and Senator MARTINEZ of Florida. I have the highest respect for both of my colleagues. I count them as friends. I work with them on many issues. I respectfully disagree with them on their views on this war.

Senator CORNYN mentioned earlier he felt there should be a consensus among Democrats about what to do with this war, that if we have 50 or 51 Members on the floor, we ought to have a point of view. I say to the Senator from Texas that there are some things we agree on, on this side of the aisle. For example, when there was a vote 10 or 11 days ago on whether we should escalate the number of troops we are sending to Iraq, whether we should follow the President's proposed plan to send anywhere from 21,000 to 48,000 more soldiers into harm's way, 49 of 50 Democrats voted no.

We were joined by seven Republicans who crossed the aisle. Is there a consensus on the Democratic side on the President's plan? Yes. And it isn't just a consensus on the Democratic side; it is a consensus across the Nation.

This morning's Washington Post on the front page has the disclosure of an ABC News poll. Some 53 percent of the American people think it is time for a deadline for withdrawing forces from Iraq, and an overwhelming majority think the President's strategy is wrong.

To argue that the Democrats don't have a consensus position is not an accurate statement. It does not reflect what occurred in a vote that just took place a few days ago.

I am also troubled by the continuing reference to support of our troops. May I put that to rest for just a moment. Twenty-three of us in the Senate voted against this war in Iraq—1 Republican and 22 Democrats. But I will tell you, Mr. President, when the President came and then asked for funds to support our troops in Iraq, this Senator, and the overwhelming majority of those of us who oppose the policy, gave the President every penny he asked for. Our thinking was very clear: Though we may disagree with the policy, we can't put the burden of what we consider bad policy on the backs of our soldiers. We cannot shortchange them in any way in battle, even if we disagree with the battle plan of the Commander in Chief. So I voted not for $1 billion, not for $100 billion, but hundreds of billions of dollars for this war that I think is the wrong war. Why? Quite simply, if it were my son or daughter in uniform in this war risking his life, I would want him to have everything necessary to be safe and to come back home safely.

So, yes, we support our troops. Whether we disagree with this foreign policy or agree with it, Members of the Senate support our troops. But one cannot overlook the obvious. When it comes to the support of our troops, it goes way beyond a speech on the floor of the Senate.

On Sunday, February 18, Dana Priest and Anne Hull of the Washington Post wrote an article which has seared the conscious of America. It was part of a series about a military hospital, Walter Reed. I visited that hospital many times to visit our soldiers, marines, airmen, and sailors who were in recovery. I have been so impressed with the men and women, the medical professionals who perform medical miracles for these men and women who come home injured from the wars.

I listen to the soldiers and their families, and they are so grateful for what they have received at Walter Reed. As the article says at one point, Walter Reed has always been viewed as "a surgical hospital that shines as the crown jewel of military medicine." And so it should be. Our men and women in uniform who have made the sacrifice deserve the very best.

If that were the message of this series in the Washington Post, it wouldn't have been noted or remembered by anyone because it would have been repeating the obvious. But, sadly, this series tells us something different.

Just a few minutes' drive away from where we are meeting in this Senate Chamber, at Walter Reed Hospital, there are buildings which are in deplorable condition. There are veterans and soldiers who are being treated in ways that are absolutely unacceptable. Let me quote a few words from this series in the Washington Post describing one of the buildings at Walter Reed Hospital:

> . . . [P]art of the wall is torn and hangs in the air, weighted down with black mold. . . . Signs of neglect are everywhere: mouse droppings, belly-up cockroaches, stained carpet, cheap mattresses.

The article goes on to say:

> The common perception of Walter Reed is as a surgical hospital that shines as the crown jewel of military medicine. But 5½ years of sustained combat have transformed the venerable 113-acre institution into something else entirely—a holding ground for physically and psychologically damaged outpatients. Almost 700 of them—the majority soldiers, but some Marines—have been released from hospital beds but still need treatment or are awaiting bureaucratic decisions before being discharged or returned to active duty.
>
> They suffer from brain injuries, severed arms and legs, organ and back damage, and various degrees of post-traumatic stress. Their legions have grown so exponentially—they outnumber hospital patients at Walter Reed 17 to 1—that they take up every available bed on post and spill into dozens of nearby hotels and apartments leased by the Army. The average stay is 10 months, but some have been stuck there for as long as two years.
>
> Disengaged clerks, unqualified platoon sergeants and overworked case managers fumble with simple needs: feeding soldiers' families who are close to poverty, replacing a uniform ripped off by medics in the desert sand or helping a brain-damaged soldier remember his next appointment.

Here is a quote from Marine SGT Ryan Groves, 26 years old, an amputee who lived at Walter Reed for 16 months. Here is what he says:

> We've done our duty. We fought the war. We came home wounded. Fine. But whoever the people are back here who are supposed to give us the easy transition should be doing it. . . . We don't know what to do. The people who are supposed to know don't have the answers. It's a nonstop process of stalling.

Walter Reed Hospital, the crown jewel of medical care for our soldiers who are giving everything in Iraq.

So now let's ask the question: Who is working to support our troops? Who is working at Walter Reed to support our troops? Rhetoric is easy on the floor of the Senate, but for these troops and for the families, it will take more than words of loyalty and respect.

I can recall when this debate started. As a Senator, I faced the toughest vote any Senator can face—a vote on a war. You know at the end of the day, if you go forward with the war, people will die—not just the enemy but our brave soldiers, as well as many innocent people. It is the kind of vote that costs you sleep, and it should.

I remember it so well. It was October 11, 2002, within weeks of the election. We had been subjected to a steady barrage of statements from the President and the administration about why this war was necessary. We had been told of weapons of mass destruction which not only threatened the region but even threatened the United States. We had been told of a ruthless dictator in Saddam Hussein who had gassed and killed his own innocent people. We had been told there was a connection between Saddam Hussein and the terrible events of 9/11 in the United States. We had been told even of nuclear weapons and the possibility of mushroom-shaped clouds if we didn't respond, and quickly, in Iraq.

But what we were told turned out not to be true. What we were told as the reason for the war turned out to be wrong. I was a member of the Senate Intelligence Committee, and I sat behind closed doors at confidential hearings and heard disputed evidence about statements being made by the administration. I was sworn to secrecy. I couldn't walk outside the room and say: Wait a minute, this morning's headline about mushroom-shaped clouds is about nuclear weapons that even this administration is not agreed on. I couldn't say it because of my oath of loyalty to make certain I didn't disclose classified information. But I knew when it came time to vote that giving the President the authority to start this war was a bad decision, and that is why I voted against it. I think it was the worst foreign policy decision in my time in Congress. It is one that will haunt us for years to come.

Iraq has not become the last battle in the war on terrorism. Sadly, it has become a proving ground, a testing ground, a preparation place for training even more terrorists. Those are not my conclusions; those are the conclusions of our intelligence agencies.

When I listen to the Members on the other side say what we need to do in Iraq is send more Americans into that battleground, I ask myself: To what end? We were asked to do several things by this President, and we did them and did them well. We deposed that dictator, dug him out of a hole in the ground and held him accountable in the courts of his own nation. We searched high and low for weapons of mass destruction to destroy and could find none. We gave to the Iraqi people a chance for a free election, something they never had in their history. Our soldiers stood guard at the polling places so the Iraqi people could finally have their own voice and their own future. We let them choose their own leaders. We let their leaders form their own Government. We gave them more opportunities at the cost of American lives, American blood, and American treasure than any nation has ever given to Iraq in its history. We have achieved those things. We should be proud of those successes. But, unfortunately, despite all we have done, the Iraqis have not faced their own political responsibilities. After all of the years, after all of the money, after all of the training, and all of the time, they still don't have a police force that can stand up and defend the people of Iraq in the streets of Baghdad. If there is a threat of terrorism anywhere in the world, it isn't the army that has the major responsibility, it is the police force.

What do we know of the Iraqi police force in this surge, in this escalation? The press report over the weekend was troubling. We are sending American soldiers into the meanest streets and toughest neighborhoods of Baghdad where death is at every corner, death is at every door. They are searching these houses to try to find the insurgents who are causing the civil war. They are looking for weapons. They are looking for evidence of these bombs that are being set off and blowing through our humvees and armored vehicles, killing and disabling our soldiers. That is what our American soldiers are doing now, house by house, street by street, in this dangerous part of Baghdad, and they are accompanied by Iraqi policemen.

It sounds like a good thing until one hears the details. The details are that the Iraqi police are preceding American soldiers to the homes, warning the people in the homes to hide their weapons because the Americans are right behind them. We know this because our translators are telling our soldiers the Iraqi police are not helping. The Iraqi police are trying to cover up the insurgents' tracks.

So one wonders why some of us believe it is time for the American soldiers to start to come home? I think it is past time, it is long overdue. It is time for the Iraqis to stand up and defend their own country, to put their lives on the line, the lives of their policemen and their soldiers, to make the political decisions that need to be made that Iraq can someday stand on its own. As long as the Iraqis believe they can dial 9-1-1 and order up American soldiers to come and stand and fight and die in their streets, they will not accept their own responsibility for their own future.

Those on the other side say give this plan a chance. I regret to say we have given this plan a chance three different times. This is the fourth time the Bush administration has proposed sending more American troops in for a surge to end the war. I think there is reason to be skeptical, particularly when it is at the risk of more American lives.

Incidentally, when they make reference to the Iraq Study Group, this bipartisan group headed by former Secretary of State James Baker and former Congressman Lee Hamilton, when they talk about their proposal for a surge or escalation of troops, they forget to add the one important or two important elements: That was part of a surge in diplomacy, something this administration is loath to enter into. See, they believe we should be sitting down as a nation with nations in the region and trying to work out some stable resolution to this conflict in Iraq. The Bush administration has been reluctant to do that, but the study group called for it and, yes, they did call for the possibility of a surge in troops but only if we are bringing our troops out as of the end of March in 2008. They had a definite timetable for the removal of most American troops from this theater. The other side doesn't talk about that point, and certainly the President doesn't either.

One of the Senators came to the floor and said those of us who are critical of the President's policy are micromanaging the war. Somebody needs to manage this war. Somebody needs to manage a war which, as of this morning, has claimed 3,154 American lives.

We have been losing about three American soldiers every single day while we have been debating this war. I looked through this morning's list of soldiers, and I watch it on the newscast, and it is heartbreaking:

> Specialist Christopher Boone, 34 years old, of Augusta, Georgia; Sergeant Richard L. Ford, 40 years old, of East Hartford, Connecticut; Specialist Louis Kim, 19 years old, of West Covina, California; Staff Sergeant David R. Berry, 37 years old, Wichita, Kansas; PFC Travis Buford, 23 years old, Galveston, Texas; Staff Sergeant Joshua Hager, 29 years old, of Broomfield, Colorado; and PFC Rowan D. Walter, 25, of Winnetka, California.

That is this morning's list. Sadly, every morning there is a list.

If there is a sense of impatience on this side of the aisle, if there is a sense of impatience across this land, it is because we know each and every one of those lives is so valuable to their families and to every single one of us. We want the day to come when soon these soldiers who are serving us so nobly and gallantly in Iraq can come home safely to the hero's welcome they deserve for serving their country so well.

Those of us who question this policy are being criticized because we are trying to micromanage this war. I wish I could. I wish I had the power. I do have the power, as a Senator, to speak up on this floor, to appeal to my colleagues to stand up, to ask them on a bipartisan basis to reach a compromise which will start to bring these troops home.

It is true we only have one Commander in Chief, but we also only have one constitution, and the Constitution makes it clear that the President, despite all of his power, doesn't have all the power in this town or this Nation. His power is shared, shared with the American people through their elected representatives in Congress, and that power gives us the authority to stand and debate.

Much has been said about Senator CARL LEVIN, who spoke on a television show, "Meet the Press," this last Sunday. I watched that show, and I couldn't have been prouder of my colleague from Michigan. I respect CARL LEVIN so much. As chairman of the Armed Services Committee, he takes his job so seriously. I don't know of a more conscientious Member, carefully weighing every word of every bill, trying to make the right judgment not just for the moment but for the Nation. When he spoke on that bill about reauthorizing, about questioning the authority given to the President in October of 2002, I think he was right. I know what that resolution said. We passed it in October of 2002. It addressed two challenges and two threats that no longer exist. There is no Saddam Hussein and there were no weapons of mass destruction.

I think it is appropriate that we address this issue again and that we try to decide what we are going to do to move forward; first, revoking any authority given in a previous resolution that no longer exists; and, second, carefully defining the way we will bring our troops home, making certain we understand the assignments and responsibilities they will have into the future.

This is an awesome responsibility to discuss this war, to debate it on the floor of the Senate, and to do it in a constructive and positive way. I sincerely hope my colleagues on the other side of the aisle, those who are loyal to the President and those who are loyal to the President's policy, will encourage this debate, that they won't stop us with procedural obstacles, that they will allow the Senate to speak, to debate, and to express its will. We have tried before unsuccessfully, but we are going to try again. I believe this is an extremely important priority, perhaps the highest we face.

Having said that, the first bill that is likely to come up tomorrow, maybe later today, is on the 9/11 Commission recommendations. The 9/11 Commission, my colleagues will recall, was an effort to assess America's vulnerabilities after the attack on 9/11. That commission published a report that was widely read and applauded because of the leadership of Republican Governor Kean of New Jersey and Congressman Lee Hamilton, a Democrat of Indiana. They cochaired a panel, a very distinguished bipartisan panel, which came up with recommendations to make America safer.

Some several years later, we have not lived up to their recommendations and we haven't carried out their agenda. There is much we can do to make this country safer and we want to move immediately to considering their recommendations and implementing them, whether it is port security, whether it is a communication system in Illinois or other States that allows the police, firefighters, first responders, and the medical community to communicate quickly in the midst of an emergency, whether it is a matter of mass evacuation drills, which I have been asking for and which are included in this legislation. There are many things we can do, and specific things.

There are many who think we should move immediately to the debate on the war. We are only going to postpone it long enough to discuss these 9/11 Commission recommendations. The families of the survivors of 9/11 have appealed to us to make this a high priority. For that reason, and for that reason only, we may set aside the Iraq debate for a few days but not indefinitely. This debate needs to take place for the very simple reason that as we debate on the floor of the Senate, unfortunately, our sons and daughters are still in peril in Iraq. They are still caught in the crossfire of a civil war, and we are still losing too many good American lives every single day because of this confrontation taking place in Iraq.

In the meantime, we will be stepping forward to do something about Walter Reed Hospital, but we won't stop there. Walter Reed has to meet its obligation not just for inpatients, where they do a magnificent, an excellent job, but for those who are outpatients as well. We have to take this issue to the veterans hospitals and we have to ask the hard questions about whether the veterans of this war and all of our wars are being treated with the dignity and respect and care they deserve.

I salute the Washington Post and those who wrote these articles. I am sure they will receive recognition for bringing this to our attention. This will be a clear example and a clear opportunity for those of us who stand on the floor and give speeches about supporting our troops to prove we mean it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR KENNEDY'S 75TH BIRTHDAY

Ms. LANDRIEU. Mr. President, I come to the floor today to join many of our colleagues in honoring one of our colleagues who celebrated a very special birthday last week; Senator KENNEDY from Massachusetts turned 75. He was congratulated and applauded and heralded throughout these last few days on that milestone. I have come to the floor to give a few brief remarks in honor of this tremendous achievement because it has been 75 years well lived, in dedication to this country.

He has been an inspiration to me and to many of us in the Senate. His energy, his commitment to his work, his constant thinking about new approaches and innovation is a testament to his presence and his service in the Senate.

I also wish to acknowledge that, at first, coming to the Senate I felt very close to the Senator. Mr. President, you would appreciate this because you are from a large Catholic family yourself. Senator KENNEDY was raised some years before I was but in a similar kind of situation, in a large and loving Catholic family, with strong parents and a real focus on community service and service to the family. That is apparent in his work. His Catholic upbringing and his deep religious beliefs are reflected in the teachings of the Catholic Church, about thinking not of yourself but of others, of service, of sacrifice. Many people talk about religious values, and I am getting somewhat skeptical the more I hear people talk. I am never skeptical of Senator KENNEDY because he actually lives the values he preaches. Sometimes some of the greatest things I see him do are not evident to the camera. I would like to share one of them. I could give plenty of examples.

Many people might be surprised to know that not only is Senator KENNEDY a champion of education, but he actually, for over 2 years, took time out of what is an extraordinarily busy and hectic Senate schedule to tutor a child, teaching him how to read. How would I know this? Because, on occasion, I had the great honor of sitting next to him in the library down the street, where I was trying to keep up with him and thinking if Senator KENNEDY can carve an hour out of his schedule, certainly I could try to do that as a freshman Senator. Needless to say, I could never keep up with the schedule. But I watched him and observed him one-on-one with a child no more than 10 years old, patiently teaching him how to read. The next year it was a little girl.

One particular day, he even had the foresight or kindness to bring his pet bunny from home. He has many pets—Splash the dog, being one, and Sonny. He brought his pet rabbit to the school, to the joy of the children perhaps to encourage them to read about animals, which is a good way to get kids interested in reading, to actually show them. He knew this instinctively. Maybe that is because of the family he is from or because of the kind of guy he is. He is an extraordinary and a very different kind of Senator. I have been inspired by him, and I am confident our colleagues have been as well.

I also wish to acknowledge the tremendous partner he has in Victoria Reggie Kennedy, a daughter of Louisiana. I have watched this couple grow in love and support of one another. I think they are a model for couples who are in public office. We could not find a better couple, in terms of their commitment to each other, to this body, to the Nation, and to the State of Massachusetts and, when they have extra time, to Louisiana. That was brought home when we experienced the last two hurricanes, Katrina and Rita. As you know, they struck our State in the latter part of the year 2005.

These storms were of historic proportion. It was hard to describe the damage—which I still struggle with trying to describe to this body. But there was one Senator to whom I did not have to take too long to describe the damage, and that was Senator KENNEDY, who got it immediately, perhaps because he has walked through south Louisiana with Vicki Reggie, his wife; perhaps he just has a big heart and great mind that can grasp situations fairly quickly; and perhaps because he leans forward always in his ability and his desire to help people in need. He didn't need the situation to be explained to him. He understood.

Not only did he help us pass one of the most extraordinary pieces of legislation in that whole confusing time of the first 6 months when we didn't know what levees had broken, where they had broken, whose they were, whose fault it was, and everyone was blaming everyone, but Senator KENNEDY focused on getting 330,000 children into school, and he focused on getting them into the best school, any school, that would take them.

He passed legislation I think will serve this country significantly and powerfully in the decades to come. If any major catastrophe, whether manmade or natural, hits our country again, at least the families with children from K through 12 and the children who are in those grades will know they have a champion in Senator KENNEDY, who was not in the majority, but with Senator ENZI as chairman of the Education Committee and with a group of us who were committed to being their helpers, we passed an extraordinary piece of legislation that, with 1 million people having been evacuated from their homes, 250,000 homes destroyed, hundreds of schools, hospitals closed, literally within a few weeks, children were, for the most part, safely ensconced. Even those who found themselves in shelters for weeks and months at times were allowed and encouraged and welcomed into schools because of legislation that Senator KENNEDY passed.

In addition to showing up on this floor day after day fighting for that legislation and fighting against the extremes who wanted to turn it into a political football and vouchers, he held steady to allow children to go to public schools or Catholic schools—to allow children from Catholic schools to go to public schools and children from public schools to Catholic schools, which seems simple, but at the time it wasn't—he personally delivered to our office some nourishment and encouragement to my staff who were overworked and under tremendous stress and didn't call me to let me know he was coming, didn't call the news media to make sure they saw him bringing these things, but just showed up. To me and to my staff, that meant the world.

I thank him for his great service to this country on his 75th birthday. I will submit a lot more for the public record because his legislative achievements are quite long. Since they are well known, I thought I would add some points people might not know about this extraordinary public servant and Senator who turned 75. I only wish medicine would keep up with us so that he could serve another 75. That is unlikely, but I am sure in the final years, in the final chapters of his life, he will continue extraordinary service and will probably go down in history as one of the finest Senators to ever serve in this body.

TRIBUTE TO DR. CECIL J. PICARD

Ms. LANDRIEU. Mr. President, my remarks about Senator KENNEDY were for a happy occasion, but this is on a sad occasion. Last week—very close, actually, around the Senator's birthday—we lost our superintendent of education, Dr. Cecil Picard. Cecil Picard died prematurely of Lou Gehrig's disease, but he died in the arms of his loving wife of many years, surrounded by his children and his grandchildren.

We knew for a time—and he knew, of course—that the disease that he had been diagnosed with 2 years earlier was going to be fatal. Although he fought it bravely and courageously, it took his life last week.

My husband, Frank Snellings, served on the board of elementary and secondary education, and I want to say publicly what an inspiration Dr. Picard was to us, to our family but, more importantly, what an outstanding leader he was in the area of education reform in a State that he loved, a community which he loved and in which he served as a teacher, principal, superintendent, and then as superintendent of education of our State.

His passion and commitment to early childhood education was contagious. In fact, in the last several years of my knowing Dr. Picard, I never had a conversation with him when he did not mention this subject to me. He would say: Senator, when is the next meeting with the Department of Education? Senator, do the other Senators understand how important early childhood is to this country? Do they really understand that without this, our children will never be ready to learn and will never be able to access the great benefits of the education infrastructure that we put together for them? Don't they understand?

I would say to him: Cecil, unfortunately, they don't understand it the way you do. If everybody in this country had your passion and intellectual grasp of early childhood education, we would not be so grossly underfunded. Because of his work in Louisiana, we now have—and it is his legacy—LA4, Louisiana 4, which the majority—not all, not because of his lack of trying—our 4-year-olds in Louisiana are almost covered for early childhood opportunities. So when they show up and knock at that kindergarten door and that teacher welcomes them with open arms, those children can sit down at that desk or at that table and open a book and begin to really grasp and understand the letters and the meanings of words because they have been taught up to that point how to get their education started.

Of course, learning those early language symbols and numbers and social interaction is so important in those early years. Cecil knew this. His life was committed to education, to being a leader and an advocate for children, a champion for the profession of teaching, with his enthusiasm and ability as a legislator, which is where I met him as a State senator and as a legislator before he was a superintendent.

So as a father, a grandfather, a coach, a teacher, a principal, a senator, and as an education advocate, we cannot say strongly enough in Louisiana that we have truly lost a champion. We have truly lost someone who, in my lifetime, probably cannot be replaced. Hopefully, another Cecil Picard will come along, but they are few and far between.

So I wanted to say on behalf of the 4.5 million people I represent—and I can say this without fear of being contradicted—that he will be missed, but his legacy will be long remembered, not only in our hearts and minds but in the way people live. His legacy will be reflected in their life, in their productivity, and their contributions to our State and to our Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

UNANIMOUS-CONSENT AGREEMENT—S. 184

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to withdraw the request to proceed to S. 184.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING AMERICA'S SECURITY BY IMPLEMENTING UNFINISHED RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. BINGAMAN. Mr. President, I now move to proceed to S. 4 and send a cloture motion to the desk for consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 4, a bill to implement recommendations of the 9/11 Commission.

Joe Lieberman, Russell D. Feingold, Ben Cardin, Robert P. Casey, Jr., Byron L. Dorgan, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, John Kerry, Ken Salazar, Ben Nelson, Carl Levin, Jack Reed, Chuck Schumer, Jeff Bingaman, Barbara Boxer, Dick Durbin, Mark Pryor.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the cloture vote occur at 2:30 p.m., with the time between now and then equally divided, and that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum, with the quorum being equally charged to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of cloture on the upcoming vote on S. 4, which is the bill relating to the 9/11 Commission implementation.

I just saw, as I came into the Senate Chamber, outside in the reception room a handful of people whom I would call American heroes. These are women who lost loved ones on September 11, 2001, when terrorists brutally attacked innocent Americans here on our shores, in our homeland. They have taken their grief and worked very hard with many of us here, first to get the Congress and the administration to agree on the 9/11 Commission and then, when that Commission came in with its extraordinary findings and report, worked with us to see that legislation was passed which would implement so many of its recommendations. That was a remarkable bipartisan achievement which I believe has made our Nation safer from terrorist attack but not as safe as we need to be.

In the time that followed, the 9/11 Commissioners themselves asked us to come back and implement the unimplemented parts of their original report or to go back and take another look at the parts they believed and we believed were not adequately implemented or funded, such as homeland security grants or money for interoperable communication systems that in a time of emergency, after a terrorist attack or a natural disaster, enable our first responders to speak to each other in order to adequately and promptly protect us.

These women who are outside the Chamber, whom I saw as I came in, are here today to persuade the Senate to begin debate on legislation to fulfill the recommendations made by the 9/11 Commission. The legislation, S. 4, came out of our committee, and it was an honor and a pleasure, as always, to work with Senator COLLINS. The bill passed our committee with 16 votes in the affirmative and one abstention. It is a very significant, solid piece of work and will make America and the American people even safer.

Is it a perfect piece of work? No. We expect that many of our colleagues will look at different parts of the bill and will want to offer amendments. That is the nature of this process, and we look forward to a good, healthy debate. There is a sense of urgency, however. We are talking about homeland security. We are talking about continuing to raise our guard against the terrorists who attacked us on September 11th, 2001 and who we know are planning and intending to attack us again in this most unconventional and deadly warfare on behalf of a totalitarian ideology, radical Islam, which threatens us as much as the totalitarian ideologies we defeated in the last century. Together, both here at home and throughout the world, we will defeat this threat.

I wish to indicate that most of the bill before us, S. 4, came out of the Homeland Security and Governmental Affairs Committee. There are other parts that came out of the Commerce and Banking Committees, and they, in the ongoing process, will be blended with our bill.

I hope all of the Members of the Senate will vote for cloture so we can proceed to the debate, consider the amendments, get the bill passed, meet with the House in conference, and get a good bill to the President to sign that will build on the security enhancements we have achieved since that dark day of 9/11.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of invoking cloture on the motion to proceed to S. 4, the Improving America's Security Act of 2007. This legislation will strengthen our homeland security and will do so in the spirit that shaped the recommendations of the 9/11 Commission.

I have worked very closely with the committee's chairman, Senator LIEBERMAN, as well as with the Presiding Officer, a valued member of the committee, and with all of our committee members to shape this important legislation. Indeed, the committee voted unanimously on February 15 to report this bill. The bill before the Senate now is the product of careful collaboration among the members of our committee, State, local, and tribal governments, emergency response providers, the private sector, the administration, and other stakeholders. It has produced legislation that builds on the earlier work of the Committee on Homeland Security over the last 3 years.

During that time, the committee has produced numerous pieces of legislation implementing the recommendations of the 9/11 Commission and otherwise strengthening our homeland security. In the Intelligence Reform and Terrorism Prevention Act of 2004, Congress enacted many significant measures to achieve the goals of the 9/11 Commission. In fact, that bill implemented the most sweeping changes in our intelligence community in more than 50 years.

More recently, in the last Congress, we passed measures that greatly strengthened protections for America's cargo ports and chemical facilities—again addressing vulnerabilities highlighted in the Commission report. We also approved an overhaul and reform of FEMA that will help improve our emergency response and prepared negotiation, whether it is through terrorist attack or a natural disaster.

As reported by the Homeland Security Committee, S. 4 builds upon these past successes. It would authorize a comprehensive homeland security grant program that includes four vital programs to assist State, local, and tribal governments in safeguarding our lives and property. Our approach to this bill reflects our belief that homeland security is a partnership and that our State and local partners are vital to accomplishing this goal.

I will have much more to say about this bill as the debate proceeds. I will reserve the remainder of my time, if any does remain, and I urge my colleagues to vote to invoke cloture on the motion to proceed to this important bill.

As always, it has been a great pleasure to work with the committee chairman and others, including the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Mr. President, I yield back all the remaining time, and I ask for a vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I yield back the remaining time on this side.

The PRESIDING OFFICER. All time is yielded back.

Without objection, the cloture motion on the motion to proceed to S. 184 is vitiated.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the motion to invoke cloture, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 4, a bill to implement recommendations of the 9/11 Commission.

> Joe Lieberman, Russell D. Feingold, Ben Cardin, Robert P. Casey, Jr., Byron L. Dorgan, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, John Kerry, Ken Salazar, Ben Nelson, Carl Levin, Jack Reed, Chuck Schumer, Jeff Bingaman, Barbara Boxer, Dick Durbin, Mark Pryor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 4, a bill improving America's security by implementing unfinished recommendations of the 9/11 Commission Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Dodd
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, if no one is seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

TRIP TO IRAQ

Mr. KYL. Madam President, a colleague of mine asked a little earlier if I would give a brief report of a trip to Iraq, from which I just returned, and I thought I would take this time to do that. Several of my colleagues, both from the House of Representatives and the Senate, Democrat and Republican, were able to make this trip, and I want to report primarily on what we found when we went to Iraq.

I will start by saying we were in Israel the same day Secretary Rice met with Prime Minister Ehud Olmert and Palestinian President Mahmoud Abbas, and so we had an opportunity to speak with a lot of leaders in Israel as well about the status of the negotiations that had been thought to proceed there, but with Hamas now likely being a part of the Palestinian Government they are likely going to come to a halt. This is most unfortunate.

Obviously, neither Israel nor the United States can have direct dealings with a government which is dominated by a faction that refuses to recognize Israel's right to exist or renounce terrorism or agree to previous Palestinian agreements. This will complicate the process of reaching a permanent accord that the people in the Palestinian areas particularly want to have and the people of Israel also want to have in order to bring violence to a close against them.

So, unfortunately, the news out of Israel is pretty much the same as it has been year after year after year after year: Israel simply does not have a partner for peace at this time. Obviously, Secretary of State Rice is continuing to pursue the situation as best she can to try to help the Israelis achieve that situation.

With regard to the Iraq situation, I took away three primary points from our visit, and I want to discuss them briefly. The first is that after having talked to our commanders on the ground, General Petraeus and General Odierno, and a variety of other general officers as well as troops of other rank, and Iraqi leaders, there is a sense of cautious optimism about the new plan that has been announced and, in fact, is already being implemented. Our troops have begun to arrive, Iraqi troops arriving in greater numbers than before, primarily in the city of Baghdad, and a new military strategy and a political, economic, and diplomatic strategy has begun to play out.

Early signs are encouraging, though everyone cautioned that there will be signs of progress, because they think it is a plan that can succeed, but there will also be bad days.

Nobody should declare victory simply because things seem to be going well for a while. An illustration of this is for about 3 days prior to our arrival there had been no major incidences of violence in the city of Baghdad, yet they were not willing to applaud that too loudly. Good thing, because as we were leaving the country, a couple of car bombs exploded. Clearly, it will be a matter of progress that is not necessarily obvious and certainly will take a while to achieve.

Nonetheless, progress is possible this time because things are now different. In fact, the Deputy Prime Minister of Iraq told us that in his visits with people on the streets of Baghdad he was seeing something new, and he said it was an attitude that this time things are different; that there is an opportunity here for success, for a plan to succeed, where it didn't exist before. It is not simply because of greater American presence, it is also because the Iraqis are beginning to do things differently than they had done in the past.

Whereas some people call this a troop surge, I think it is important to note there are many other factors involved in addition to the addition of Iraqi and American troops. For example, the Iraqis are now going to be much more involved in maintaining control of an area after it has been secured. Sometimes in the past the Iraqi or American troops would take an area, would clear it of terrorists or militias, only to have those people infiltrate back when we left. Clearly, an Iraqi presence must be maintained in order for stability to be preserved, and that is what we are now beginning to see.

The Iraqi Shiite death squads and militia activity have gone way down. Again, this is, we believe, partially because of some things the Iraqi Government has done, rounding up about 600 of the Shiite troublemakers and working with the people in places such as Sadr City to persuade them it is better to not resist control by the Iraqi Army than it would be to fight. These are positive signs, but they are certainly not an end of the problems.

There are little things that are being done, for example, to prevent car bombs from going into marketplaces and blowing up a lot of people. They are beginning now to create what are in effect pedestrian malls such as we have in the United States, where vehicles are not permitted. It might still be possible for a single suicide bomber to go into a market and cause destruction but certainly not as much as a car bomb.

The point is, from a military tactical standpoint, the rules of engagement, the activities of the Iraqis, as well as what the United States is doing, all are working together to consolidate the gains that have been made there and to preserve them.

There is also a diplomatic, economic, and political aspect. The newly announced legislation to distribute the oil revenues of the nation to the people of the country is a very important political step that will give the people of Iraq more confidence in their Government. This was mentioned by our Ambassador Khalilzad when we were there. So from the military standpoint there are some signs this is already beginning to work, and I certainly hope our colleagues here in the Congress will do their best to allow this plan to work.

That brings me to the second point. Our commanders, both in Kuwait and Iraq, were very clear that it was important the Congress pass the supplemental appropriations bill to provide the necessary equipment and reinforcements and not to tie down the tactics of the people on the ground. They are very concerned that we will somehow put limits on the kind of equipment that goes into theater or the number of troops or where the troops go or how they are deployed. Clearly, Congress should not be trying to micromanage a war, and I hope my colleagues who have discussed that in some preliminary way will see the detriment to such an action and will not offer resolutions that would change the way these commanders are able to do their job. This is something specifically that General Petraeus asked of us.

The third and final point is the Iranian influence in Iraq cannot be denied. It is true, I cannot read Farsi, the language of Iran. On the other hand, when General Odierno holds up an item, one of those explosive devices, and says, in Farsi this says "made in Iran," I can't verify that, but I believe General Odierno. He pointed to batch and serial numbers on a variety of other weaponry and said, this can all be traced back to Iran.

We are clearly in a situation where we must make it crystal clear to the Iranian leaders this will not be tolerated. We have a right to protect our troops in Iraq and their interference will be intolerable. We have to find a way to get the Iranians to back off of that.

Those were three of the key impressions we took from our trip to Iraq, and I think it boils down to this: Some of our colleagues like to point to the Baker-Hamilton report and say that is what we should be doing instead of what we are doing. Remember what Lee Hamilton said in testimony before the Senate not too long ago. He said, the President's announced strategy should be given a chance to succeed. He specifically said, give it a chance to succeed.

I think there was some discussion of elements of the study commission's recommendations, such as a temporary troop surge, which is not inconsistent with what we are now doing. That is what I think we should do, give this plan a chance to succeed. Our troops in theater, our commanders, and the Iraqi leaders all believe they can see early signs of success in this program, even though it has just begun, and they are cautiously optimistic that it can succeed. I think it would be unconscionable for the Congress, seeing the beginnings of success here, to then act in any way that would pull the rug out from under our troops and make it impossible for them to achieve their mission.

I deliberately did not raise the question of the debate back here in Washington with the troops I met, but they raised it with me. They can see what is going on. They watch television. They are very well aware of what is being debated here. They are proud of what they are accomplishing. Their morale is high. Yet I submit to my colleagues that were we to pass legislation that would undercut their ability to perform their mission as they see it, clearly that situation could change, and this bothers our troops. It certainly, I think, would have the effect of causing our enemies to ask whether we have the will to see this through. As General Petraeus said, this is all about a test of will. Secretary Gates, I believe, and General Petraeus said it as well—in this war, it is a test of wills, and the United States has to make it clear we have the will to see it through.

From our perspective as legislators, we can take the example of the young men and women whom we put in harm's way to achieve a message. The example I take from them is they have the will. They understand what is at stake. They are proud of what they are doing, and they want us to help them achieve the mission. I think that is the least we can do under these circumstances. I hope my colleagues, as we debate in the ensuing days, will keep in mind what these folks in Iraq who are on the ground looking at this every day have to say about the situation and that we won't do anything to undercut them but that we will do everything in our power to support their mission.

Mr. LIEBERMAN. Madam President, I rise to speak about S. 4, but I thank my friend and colleague from Arizona, Senator KYL, for his report. It was very interesting for me to hear, and he will probably not be surprised to hear I was both encouraged and in agreement with a lot of what he had to say. I particularly heard that Senator KYL found in the field the first reactions to the implementation of the new plan for Iraq have been encouraging. We all understand it is early, but it conforms with what I have heard from people I have spoken to from Iraq, in that particularly in the neighborhoods in which the joint United States-Iraqi security forces have established dominance in Baghdad, there has been a remarkable and significant drop in the sectarian violence via death squads. Obviously, it is still possible, if someone is crazy enough to be prepared to blow themselves up in a car in a crowd, that the bombings will occur, but I appreciate that encouragement.

I also agree with Senator KYL that both Houses of Congress spoke on these nonbinding resolutions. My colleague and I were both against them. So I suppose what it shows is at this point there is a majority in both Chambers, although not 60 votes here, that is prepared to say in a nonbinding resolution they don't support the new plan, which Senator KYL and I would say is a new plan to achieve success in Iraq, but that there clearly, in my opinion, are not the votes, not a majority in either Chamber, to do anything else, and certainly not to cut off funding for the new plan, which is the specific authority Congress is given in the Constitution.

So I want to echo what I heard Senator KYL say, which is that I think this is the moment for a pause over on this side for what I have called a truce in the political war here about the war in Iraq.

Let's give General Petraeus and his troops an opportunity to make this work. If, God forbid, they don't, then there will be plenty of time for amendments and resolutions and all the rest because between now and then—General Petraeus said to us, when he was here before the Armed Services Committee, that by the summer he would have an idea, based on some evidence, of whether the new plan was working, and he would report to us. He will begin to report quite soon, I think, on what he is seeing.

Since I don't see that there is anything that will pass both Houses, certainly nothing that will pass both Houses and be signed by the President to try to block the carrying out of this new strategy, then I think everybody would gain if we just did something that doesn't come naturally to us, which is to remain silent for a while—particularly if the sound and the fury will ultimately accomplish nothing between now and then.

I thank my friend from Arizona.

Madam President, I rise to speak about S. 4. I thank my colleagues for voting overwhelmingly to invoke cloture on S. 4. The bill, if I understand the state of parliamentary play now, actually will not be formally before the Senate for debate and amendments until tomorrow morning. But I thought I might expedite the matter—because this is a big bill, it is an important bill, there will be many amendments; I think we will be on it several days—if I came over and offered my opening statement on the bill today. I believe Senator COLLINS, the ranking Republican member on the committee, may intend, as her schedule allows, to do the same.

Incidentally, Senator COLLINS and I have—what was for me an honor—worked very closely together on this bill to bring it out of committee. I am very pleased the final vote was across party lines: 16 in favor, 1 abstention. So we bring the bill to the floor with a real sense of bipartisanship.

The bill represents the hard work of the membership of the Homeland Security and Governmental Affairs Committee and includes provisions that are in the jurisdictions of other key committees as well, particularly Commerce and Banking, during which occasions Senator INOUYE and Senator DODD may exercise their right, with my encouragement, to manage those parts of the debate.

I thank the majority leader, Senator REID, for working with all of the committees that have contributed to this effort in bringing before the Senate this comprehensive legislation that I am convinced will make our country safer. I look forward to working in the days ahead with my colleagues on both sides of the aisle to move the legislation through the Senate, into conference committee, and then ultimately to the President's desk for signature.

September 11, 2001, shocked us. It was a tragedy of unspeakable proportions and human loss. It showed us, in that loss, how we had suffered from what the 9/11 Commission itself called a failure of imagination. By that they meant an inability to imagine that there were people in the world who would do something this outrageously inhuman, striking buildings, symbols of America, but without regard to the diversity of human beings in those buildings and the lives that they were leading.

Someone said that on 9/11 the terrorists showed that they hate us more than they love their own lives. That awakened us to our vulnerability and brought us into a new age.

I spoke, when I spoke on behalf of cloture, of the families of those we lost on 9/11 who have been persistent and honorable and inspiring advocates for closing the vulnerabilities that compromised and ended the lives of so many of their loved ones. They fought with us on behalf of the bill that Senator McCAIN and I introduced to create the 9/11 Commission. They then worked very hard to advocate for the recommendations of the 9/11 Commission. They deserve a lot of credit, as do a lot of other people in Congress and in the administration, for the passage of the 2004 intelligence reform legislation that adopted so many of the recommendations of the 9/11 Commission.

In that bill we created a strong Director of National Intelligence to forge greater unity of effort among our intelligence agencies as they moved forward to inform us about the plans and activities and intentions of our enemies, to stop them before they strike us again.

There are many reasons on this day we can be grateful that America has not been the victim of terrorist acts again. Some of it is just plain good fortune. Some of it, however, I think is the work of the agencies created by the 9/11 legislation in 2004. Some of it is, without doubt, a result of the grace of God. We created in that bill also a National Counterterrorism Center to improve interagency planning to achieve goals in the war against terrorism.

One of the most exciting moments I have had as a Senator was to go out to the National Counterterrorism Center. I urge my colleagues to take the time. Established by the 9/11 legislation in 2004 to make sure, to use a very simplistic metaphor for a very complicated situation, that never again would our Government fail to connect the dots that would have presented the warning that a terrorist attack was coming.

This National Counterterrorism Center is out there. It has all the relevant agencies, they are constantly streaming information, receiving information from around the country, around the world, and cooperating with one another to protect our security. We mandated in the 2004 legislation the development of an information sharing environment to facilitate the sharing of national-security-related information among the different branches and agencies of the Federal Government and also to make sure that the Federal, State, and local governments were cooperating. When you think about it, State and local first responders are not just first responders, they have the ability, with the hundreds of thousands of eyes and ears that they bring to law enforcement, to be also first preventers. That was a goal of the information sharing environment we established.

In the 2004 legislation we made significant improvements to border and transportation security, focusing on aviation security, of course; building on legislation passed in the immediate aftermath of 9/11, because of our obvious anger that the existing systems of our aviation structure were used to attack the American people directly.

This is only a partial list of some of the significant achievements that resulted from that legislation that I am convinced improved our Nation's intelligence capability and the security of the American people at home. But we know from ongoing congressional oversight, from the work of the members of the 9/11 Commission who continued to be focused on our homeland security, and from common sense, that there is more to be done. Senator REID made adoption of this 9/11 implementation legislation a priority for this Congress.

At a hearing in January that I was privileged to call as the new chairman of our committee, Homeland Security, 9/11 Commissioners and family members of 9/11 victims urged us to go forward and finish the job that we started with the 2004 legislation: to implement parts of the report that were unimplemented by that legislation and to go back and look at some things that were not quite working right or were not fully implemented and see if we could do a better job to close some of the gaps that we left after 2004.

Some of the important Commission recommendations we included in the Senate legislation in 2004 were taken out or diluted in conference. Other provisions that Congress did enact have unfortunately been implemented poorly.

How important is it that we go ahead with this legislation to finish the job we started after the 9/11 Commission report? Let me quote from the 9/11 Report:

> The men and women of the World War II generation rose to the challenges of the 1940s and 1950s. They restructured the government so it could protect the country.
>
> That is now the job of the generation that experienced 9/11. Those attacks showed emphatically, that ways of doing business rooted in a different era are just not good enough. Americans should not settle for incremental, ad hoc, adjustments to a system designed generations ago for a world that no longer exists.

This bill that we will begin considering in the Senate tomorrow continues the process of securing our Nation in this new era where our enemies don't wear the uniforms of soldiers or follow any traditional laws of combat but, rather, move silently among us, probing for weaknesses while plotting attacks on innocent civilians.

This bill will strengthen our ability to respond to not just terrorist attacks but also preparing our Federal, State, and local governments to better respond to natural disasters. We are trying to create an attitude in this bill, an "all hazards" attitude that increases our homeland security against the threat of terrorist attack, but also, in doing so, prepares our Government to respond better to natural disasters—of course, thinking now of the extent to which our Government at all levels showed that it was incapable of responding adequately during Hurricane Katrina.

Let me now discuss some of the important provisions in the bill. The first I want to talk about is information sharing. The 9/11 Report showed us that the different agencies had different pieces of information that should have aroused suspicion about the attack that came on 9/11, but because those pieces were never pulled together, there was no way to assemble that monstrous mosaic and to see the full picture it created so as to be able to stop it. One of the most important innovations since 9/11 is the establishment of fusion centers to share information within and between States. This legislation would improve the crucial sharing of intelligence and information both within the Federal Government and with State, local, and tribal governments, as well as creating standards for those State, local, and regional fusion centers that will be tied to the allocation of homeland security grants.

While preserving the authority of State and local governments over fusion centers, this legislation, S. 4, requires DHS, the Department of Homeland Security, to provide essential elements of support and coordination to the centers. It authorizes the assignment of homeland security intelligence analysts to the centers to lend their expertise and to serve as a channel for information to and from the Federal Government. It also creates a program for State, local, and tribal officials to spend time at the Department of Homeland Security's Office of Intelligence and Analysis to learn about its intelligence information sharing functions and to serve as a link to the State and local governments.

This legislation also will strengthen the information sharing environment which we created in the 2004 legislation. It will enhance the authority of the Program Manager for that environment by allowing the issuance of Government-wide standards whereby all agencies of the Federal Government would be required to operate under the same rules and guidelines and would not be permitted to conceal information.

The legislation, S. 4, would encourage the elimination of principles such as "need to know" which allow the holder of information in a given Federal agency to control its dissemination to other governmental agencies and, thus, act as a bureaucratic barrier to effective information sharing. We, instead, aim to encourage, through this legislation, the development of a "need to share information" culture in which information is made available—with appropriate safeguards, of course—to all who could make use of it in the war against terror.

Let me go now to homeland security grants. This legislation will enhance homeland security grants to State and local governments and first responders. We simply have underfunded this critical element of homeland security. The first responders, first preventers, need more help to better protect their constituents, those who live in the areas they serve, from potential terrorist attacks and natural disasters.

Our proposal, S. 4, would authorize over $3.5 billion for each of the next 3 years for key grant programs. It turns around a precipitous decline in funding for homeland security. It provides for a comprehensive system of both terrorism-oriented and all-hazards grants. It will ensure that grants primarily intended to bolster prevention of and preparedness for terrorist attacks will be distributed overwhelmingly based on the risk to an area from a terrorist attack.

Our committee believes we have achieved a balanced proposal that gives most of the money out based on risk but still recognizes there is risk in this new post-9/11 age everywhere and that in an all-hazards approach, first responders everywhere need to be assisted to protect their citizens not just from a potential terrorist attack but from the consequences of a natural disaster.

Interoperable communications: We have known for decades we needed to improve communications operability and interoperability at the different levels of Government. Yet tragically the inability of fire and police to communicate with one another at the World Trade Center after the attacks of 9/11 cost lives. That is a painful fact. Hurricane Katrina showed us once again how important it is to have communications that can both survive the initial disaster and have the capabilities to allow different first responding agencies to talk to each other by sharing voice as well as data communications.

Under this grant program, States would be required to demonstrate that the grants they are applying for and receive would be used in a way that is consistent with their statewide communications interoperability plans and the National Emergency Communications Plan. In other words, this is not going to be just ad hoc proposals from every first responder for some money to use as he or she desires for their vision of interoperability. It has to be part of a statewide plan connected to the national plan.

The States receiving the money would be required to pass at least 80 percent of the total amount of the grants they receive on to local and tribal governments. The legislation authorizes $400 million for interoperability improvements—lifesaving, in my opinion—in 2008; $500 million in 2009; $600 million in 2010; $800 million in 2011; and $1 billion in 2012.

Let me go on to terrorist travel. The legislation contains provisions to improve our ability to disrupt terrorists' travel and infiltration of the United States, which the 9/11 Commission said was just as important as crippling their financial networks. That certainly makes sense.

It requires the Department of Homeland Security and the Department of State to implement security enhancements to the so-called visa waiver program. It also is increasingly clear that serious vulnerabilities exist within the visa waiver program. There are enhancements to the program that, if adopted in this bill, will close many of those vulnerabilities, including mandating improved reporting by foreign countries on the visa waiver program of lost or stolen passports, requiring countries to share information about prospective visitors who may pose a threat to the U.S., and authorizing an electronic travel authorization system which would require travelers to apply in advance for authorization to visit America, thus allowing their names to be checked against terrorist watch lists well before they board airplanes.

I note Senator COLLINS is on the floor of the Senate, our ranking member. I am going to yield to her in a few minutes. But she has considerably strengthened this section of the bill to protect America from people with the intent to harm us through acts of terrorism using this visa waiver program.

Next, privacy and civil liberties: This legislation also makes important steps forward to ensure that as we fight terrorism, we do not trample on the rights of Americans we are pledged to defend. The legislation includes provisions very similar to those included in the Senate-passed version of the Terrorism Prevention Act with regard to the Privacy and Civil Liberties Board.

I now move on to biosurveillance. The legislation enhances sharing of critical information by authorizing and improving upon an existing effort within the Department of Homeland Security to establish a National Biosurveillance Integration Center.

Next, private sector preparedness: The 9/11 Commission found that the private sector remains largely unprepared and that ignoring private sector preparedness could come at a huge cost because so much infrastructure, so many targets of terrorists are in private hands. To address this critical problem, S. 4 will promote private sector preparedness, without a mandate, by creating a voluntary certification program that will allow private sector entities to become certified as being in compliance with recommended national preparedness standards. This is an important step forward and will quite sensibly promote, for instance, evacuation plans and steps beyond that.

The legislation also strengthens private sector preparedness by requiring that the Department of Homeland Security establish and report on a list of critical infrastructure across the Nation that would cause catastrophic damage if disrupted, or destroyed. This will strengthen and clarify what is a murky process right now and will focus our attention on protecting those parts of critical infrastructure.

Our legislation also improves upon the existing National Strategy for Transportation Security by ensuring that risk-based priorities identified by the Department are based on the risk assessments conducted by the Department.

The legislation also requires the President and Congress to publicly disclose the total amounts of appropriations requested, authorized, and ultimately appropriated for the American intelligence community. This responds directly to a recommendation of the 9/11 Commission and will improve Congress's ability to oversee the conduct and progress of our intelligence agencies creating standards of accountability.

I stress, this is the bottom line of the budget: to give Members of Congress and the American people an idea of how much we are investing in intelligence to protect their security and give us some sense of the accountability that we should apply to the intelligence community in delivering that funding.

TSA screeners: This will be debated at some length, I am sure. The legislation includes a provision which I was pleased to cosponsor with the occupant of the Chair, Senator MCCASKILL from Missouri, which will ensure that screeners at the Transportation Security Administration—with whom we have become very familiar as we come and go from airports—have the same employment rights as others in TSA and the Department of Homeland Security. There is no good reason to deny these rights to these people. We are only applying to them the same rights as other people within TSA and others in law enforcement in the Department of Homeland Security have, with no negative effect on their performance of those responsibilities.

Madam President, as you can see, this is a very comprehensive bill. I have not touched on many parts of it in this statement. I have tried to focus on the most important. What I am convinced of is that if this bill passes and becomes law, the American people will be safer from both terrorism and the consequences of natural disasters, such as Hurricane Katrina, than they are today.

All of the hard work of the committee members, including particularly my ranking member, Senator COLLINS, gives me some sense of confidence, along with the work done by our staffs on both sides of the aisle, that this bill really will achieve the goals the 9/11 Commission stated in their report and the hopes that the families of those who were lost on 9/11 have that we act in a way on their behalf and on behalf of all the American people to be able to say we have done everything possible to make sure no other Americans suffer the tragic pain and continuing loss that these American heroes suffered when their loved ones' lives were ended in the brutal terrorist attacks of 9/11.

I have a sense of urgency about this bill. I believe every day we do not do some of the things this bill would enable and establish and support financially is another day in which we are not as secure at home as we should be. This is the carrying out of the first constitutional responsibility we have to ensure domestic tranquility and provide for the common defense, to do so in a way that those who wrote the Constitution could never have dreamed we would have to do. But that is the world we live in today. That is the reality we must face. This is the action we must summon and carry out together to dispatch our responsibility.

Madam President, in the preface to the 9/11 Report, Chairman Kean and Vice Chairman Hamilton wrote:

> We hope our report will encourage our fellow citizens to study, reflect—and act.

Well, we have studied and we have reflected. Now is the time, once again, to act to build a safer and more secure America for the generations to come.

I look forward to a good, spirited debate. I hope when we are done, the bill will be even stronger than it is today. We will start tomorrow. I urge my colleagues to come to the floor, even this afternoon, to file amendments because Senator COLLINS and I would like, when we move to this bill tomorrow morning—having carried out our managers' responsibility to make opening statements—to move right to the amendments.

I thank the Chair.

I think Senator COLLINS was called from the Senate floor momentarily, but I know she will be back before I yield.

Madam President, the consent request I am about to propound has been cleared on both sides.

I ask unanimous consent that following morning business on Wednesday, February 28, the Senate proceed to the consideration of Calendar No. 57, S. 4, the 9/11 Commission recommendations legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, on behalf of the leader, I am happy to announce there will be no further rollcall votes today. I know Senator COLLINS will return soon and make her opening statement on the bill.

I thank the Chair very much, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I rise to support S. 4, the Improving America's Security Act of 2007. This legislation would strengthen our homeland security and would do so in the spirit that shaped the recommendations of the 9/11 Commission.

As my colleague and friend Senator LIEBERMAN has already indicated, the Committee on Homeland Security voted unanimously on February 15 to report this bill. The bill before us is the product of careful collaboration among members of our committee; State, local, and tribal governments; emergency response providers; the private sector; the Administration, particularly the Department of Homeland Security; and other stakeholders. This collaboration has produced legislation that builds on the work of the Homeland Security Committee over the last 3 years. During that time, the committee has produced numerous bills implementing the recommendations of the 9/11 Commission and otherwise strengthening our homeland security. This bill helps to complete the picture.

The vast majority of the 9/11 Commission's recommendations were enacted in 2004 as part of the Intelligence Reform and Terrorism Prevention Act. There were, however, some recommendations that did not make it through the process or were not incorporated into that bill, and those are reflected in the legislation before us.

The Intelligence Reform Act was a bipartisan effort by the Homeland Security Committee, and it made possible the most significant reforms in the structure and operations of our intelligence community in more than 50 years—in fact, since the CIA was created after World War II. Indeed, approximately 39 of the 9/11 Commission's 41 recommendations have been acted on in one form or another. More recently, Congress passed measures that greatly strengthen the protections for America's cargo ports and its chemical facilities—again addressing vulnerabilities highlighted in the Commission's report and by other experts on terrorism. So during the past 3 years, in fact, a great deal has been done to help make our Nation more secure and to improve our defenses and capacity to respond to terrorism attacks.

The Homeland Security Committee also conducted a comprehensive, bipartisan investigation of the Federal, State, and local preparation for and response to Hurricane Katrina, our country's first real test of its homeland security apparatus since the attacks on September 11 of 2001. Our investigation found significant failures in emergency planning, preparation, and response at all levels of government. As a result, we issued a comprehensive report that summarized our investigation. Our investigation included 24 public hearings, interviews of more than 400 people, and the review of literally hundreds of thousands of investigations. It also included the issuance of subpoenas because we wanted to make sure we had access to all the information we needed. As a result of this investigation, the committee issued a detailed report and drafted legislation based on those recommendations. That legislation was incorporated into the Homeland Security appropriations bill which the President signed into law last year.

The FEMA Reform Act built upon the 9/11 Commission recommendations already enacted by reforming the structure of FEMA, enhancing its regional role throughout the country, and giving FEMA a primary place within the Federal Government for planning, training, and exercising with State and local officials.

As reported by the Homeland Security Committee then, S. 4 builds upon our past successes. The legislation before the Senate would authorize a comprehensive homeland security grant program. It includes four vital grant programs to assist State, local, and tribal governments in safeguarding our lives and properties in all catastrophes, whether natural or manmade. Taken together, these four grant programs—the Urban Area Security Initiative, the State Homeland Security Grant Program, the Emergency Management Performance Grant Program, and the Emergency Communications and Interoperability Grant Program—will ensure significant and predictable Federal funding for our State and local partners.

The program will support error-prevention activities such as fusion centers, all-hazards planning, training exercises, and the installation of reliable interoperable emergency communications systems. The bill will help to strengthen emergency preparedness and response. It also strikes the right balance between targeting funding to jurisdictions the Department determines to be at the highest risk and ensuring a baseline of adequate funding for prevention and preparedness across the country because we know that our Nation's homeland security is only as strong as its weakest link.

Let me comment in more detail on these programs. With respect to the Urban Area Security Initiative, also known as UASI, the bill retains the current practice directing the Secretary of Homeland Security to award grants based solely on risk of terrorist attacks. Clearly, our largest urban areas present attractive, high-value targets to terrorists. Our legislation, the Lieberman-Collins legislation, recognizes that fact, but it makes one sensible change. The Department's eligibility criteria for UASI grant applications has been, to say the least, arbitrary and controversial. For that reason, our bill would expand the potential pool of applicants beyond the current limit of 45. Instead of requiring the Department to select which cities are eligible to apply, S. 4 would expressly permit the largest 100 metropolitan areas to make their case for funding.

Unfortunately, terrorist attacks do not respect city limits. A major attack could affect—or at least require—responses from many neighboring or regional jurisdictions. We also know that when we take a more regional approach, we have a more effective response. Our bill raises funding for the State Homeland Security Grant Program to $913 million from the $525 million appropriated in fiscal year 2007. This funding increase would also correct a serious deficiency in the proposed budget for fiscal year 2008. Unfortunately, the administration is calling for only $250 million for this important program. As with the UASI grants, each State would receive funding on the basis of risk but with a minimum award of 0.45 percent of the program funds. This will, once again, ensure a baseline level of preparedness and response activities across the country.

Hurricane Katrina illustrated that many of the actions required to respond to terrorist attacks are identical to those required for natural disasters. That is precisely why S. 4 would expand the emergency management performance grants. The EMPG has been a vital part of our national preparedness for years. Our bill seeks to increase its stature and importance by providing more funding and by authorizing States to use EMPG funds to construct and enhance emergency operation centers. The EMPG emphasizes all-hazards preparation, and the .75 percent minimum allocation and the population-based distribution of the remainder ensures that every State will receive assistance with planning, training, and exercises for vital functions such as evacuation, logistics, continuity of operations of government, and recovery. Those are skills which all States need to develop. Those are minimal levels of preparedness and response essential for every State. Every State has the potential for either a natural disaster or a terrorist attack or some other catastrophe or emergency. That is why it is important we develop that capacity in every State.

It is important for me to emphasize that S. 4 does not change EMPG's allocation formula; it merely codifies existing practice. The EMPG is basic insurance. As the DHS manual for the program observes:

> An all hazards approach to preparedness, including the development of a comprehensive program of planning, training, and exercises, encourages an effective and consistent response to any threatened or actual disaster or emergency regardless of the cause.

This view is consistent with the expert testimony before the Homeland Security Committee during our investigation of the failed response to Hurricane Katrina.

Now, some people have suggested that guaranteeing minimum funding for State and local preparedness is just another example of pork barrel politics. These people could not be more mistaken. As the Rand Corporation noted in a 2004 report on the preparedness of State and local law enforcement after the terrorist attacks of September 11, 2001:

> Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas.

Again, I make the point that we need to bring up all areas to a certain baseline level of preparedness. That doesn't mean we don't factor in risk; we do. Indeed, the majority of the funds in this bill would be allocated based on risk, and we provide more risk-based funding than is the case in current law.

The RAND report went on to recognize that much of our Nation's infrastructure and potential high-value targets are located in rural areas. We also cannot assume a precise calculation of risk. A Federal building in Oklahoma City was not an obvious target for a terrorist bombing. Yet, we know a tragic attack occurred in that city. Rural flight schools were not obvious training grounds for hijackers, nor was the Portland, ME, jetport an obvious departure point for terrorist pilots as they began their journey of death and destruction on September 11.

My point is that terrorists can shelter, train, recruit, prepare, or attack in unlikely places. In view of this cold reality, our bill requires that at least 25 percent of the funding from the UASI and State homeland security grant programs—that is at least $548 million—be used for terrorism prevention activities by law enforcement agencies.

Sometimes I think we forget the basic truth that if we can prevent a terrorist attack from happening in the first place, that is the best possible approach. We do need to be prepared to respond effectively, but how much better if we can detect and interdict the attack before it occurs. We know from experience here, as well as in other countries, that terrorists can be spotted and attacks intercepted by well-trained local police. The prevention of attacks through better policing must be a focus of our grant programs. The last grant program our bill creates is an emergency communications and interoperability grants program. These grants will help to close the alarming and persistent gaps in our first responders' ability to simply communicate with one another. As the tragic events of 9/11 and Hurricane Katrina demonstrated, this is often not the case.

Before the second tower of the World Trade Center collapsed on 9/11, the police received a radio message to evacuate, but, tragically, the firefighters never received that message because they used different radios and an incompatible frequency. The result was even more loss of lives. In the immediate aftermath of Hurricane Katrina, the first responders resorted to the use of runners to carry messages by hand from one command center to another because the communications infrastructure was so badly damaged. Well, the events of the magnitude of 9/11 or Hurricane Katrina, fortunately, do not occur every day. There are daily incidents, such as fires, rescues, and hazardous material spills that require different agencies and different jurisdictions to communicate with one another in real time and on demand. This is precisely why the emergency communications grants program is so important.

I will tell you it was very disturbing to hear, during our investigation of Hurricane Katrina, the same kinds of interoperability problems that occurred during 9/11. This is a problem we simply must solve.

Let me comment on some other important features of the bill. It improves protection against terrorists traveling to our country under the visa waiver program by requiring more timely notice from participating countries of lost or stolen passports. It also requires those countries to share more information about travelers who could pose a threat to our security. The bill improves information sharing, establishes multijurisdiction fusion centers in order to encourage information to be shared, and allows the assignment of DHS intelligence analysts to those centers. The bill expands upon a requirement in the Homeland Security Act by requiring DHS to create a prioritized list of critical infrastructure and highest risks for terrorist attacks and other disasters. This list will help protect these critical assets from attacks and enable more effective response when disaster strikes.

The bill also requires that risk assessments be completed for each sector of the economy. Recognizing the need to exercise good stewardship of our taxpayers' money, our bill also includes strong protections against waste, fraud, and abuse. By now, we have all heard the disturbing stories of misspent homeland security grants. In fact, when I was chairman of the Homeland Security Committee, we held hearings looking at how homeland security grants have been spent in some States. Along with Senator LIEBERMAN, I asked the GAO to do an investigation into this area, and GAO testified before our committee. At a time when the needs are so great for equipment, for training, and for more preparedness to strengthen our homeland security, it was very disturbing to hear the GAO testify that money had been wasted.

Let me give you a couple of examples. In the District of Columbia—yes, right here in Washington, DC, surely a high-risk area, an area attacked on 9/11—we found that leather jackets were purchased for the local police using homeland security grant money. In Newark, NJ, homeland security funds were used to purchase air-conditioned garbage trucks. This is totally inexcusable, when we have such great needs for new communications equipment, for training and exercises, and for help for our first responders. We simply cannot afford to have money frittered away. It is outrageous.

Our bill would help to eliminate those abuses. It would strictly prohibit the use of grant funds on items that don't relate to securing our homeland. It requires States to have an approved plan and for funds to be allocated, distributed, and spent according to that plan, and to achieve certain baseline preparedness goals. It requires DHS to set minimum performance standards for agency grants, and it provides for audits to ensure accountability.

I know that last safeguard is near and dear to the Presiding Officer's heart and that she understands, perhaps better than anyone in this body, the importance of regular, thorough, and timely audits.

Madam President, I acknowledge the work of Senator COBURN, and many other members of our committee, to strengthen the provisions of our bill. I offered an amendment to make sure that homeland security funds were not used for social or recreational purposes. In short, I think we have tightened up the safeguards and put new measures in to ensure accountability.

I mentioned earlier that our bill proceeds in the spirit of the 9/11 Commission; its provisions for increased and more effective information sharing, for strengthening the privacy and civil liberties oversight board, and for disclosing the total sums requested, authorized, and appropriated for intelligence programs all testified to that amendment.

There are many provisions of the bill reported by the Homeland Security Committee that will improve our security in other ways. I want to note once again, however, that this bill is not a sudden, new, or unusual manifestation of congressional determination to strengthen our security. The bill before us today continues the work of Congress in taking proper notice of the 9/11 Commission's recommendations. I am proud to be part of the bipartisan deliberations that shaped this bill, and I urge all of my colleagues to support it.

I want to also acknowledge the tireless efforts of the families of the victims of 9/11. They have worked with Senator LIEBERMAN and me every step of the way when we were drafting the Intelligence Reform and Terrorist Prevention Act in 2004. They were our inspiration and they kept us going. They ensured that the bill got through to the President's desk and signed into law. They have continued to work with us on the bill before us today. I want to publicly thank them for their effort. They inspired our work.

Our legislation's broad-front attack on the threats we face will ensure good value for every dollar our Nation spends to improve our defenses at the Federal and State and local levels. It will provide appropriate transparency and accountability into the Government's security decisions, and it will strike an appropriate balance between increased security and our cherished civil liberties. The passage of this bill will benefit every American.

Let me close by saying I am certain this bill will be improved even further as we proceed with the deliberations this week. I do not support every single provision in this bill. But on balance, it is yet another step forward as we seek to protect the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS COMMITTEE ON RULES OF PROCEDURE

Mr. BYRD. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have the attached rules and subcommittee memberships for the 110th Congress printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEES

Senator Byrd, as chairman of the Committee, and Senator Cochran, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Bennett, Cochran, Specter, Bond, McConnell, Craig, Brownback. (8–7)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski, Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Shelby, Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander. (9–8)

DEPARTMENT OF DEFENSE

Senators Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison. (10–9)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici, Cochran, McConnell, Bennett, Craig, Bond, Hutchison, Allard. (9–8)

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin, Murray, Landrieu, Lautenberg, Nelson, Brownback, Bond, Shelby, Allard. (5–4)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd, Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson, Cochran, Gregg, Stevens, Specter, Domenici, Shelby, Craig, Alexander. (9–8)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Craig, Stevens, Cochran, Domenici, Bennett, Gregg, Allard, Alexander. (9–8)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Specter, Cochran, Gregg, Craig, Hutchison, Stevens, Shelby. (8–7)

LEGISLATIVE BRANCH

Senators Landrieu, Durbin, Nelson, Allard, Alexander. (3–2)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Hutchison, Craig, Brownback, Allard, McConnell, Bennett. (7–6)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg, McConnell, Specter, Bennett, Bond, Brownback, Alexander. (8–7)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond, Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, Allard. (11–10)

SENATE APPROPRIATIONS COMMITTEE RULES—110TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 110th Congress. The committee rules for the 110th Congress are identical to the rules adopted by the committee for the 109th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the

Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2)(A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term "sworn complaint" means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term "preliminary inquiry" means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term "adjudicatory review" means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e)(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d)(1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e) (1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART—PUBLIC LAW 93–191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United State Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

SEC. 7342. Receipt and disposition of foreign gifts and decorations.

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

"(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

"(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

"(D) a member of a uniformed service;

"(E) the President and the Vice President;

"(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

"(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

"(2) 'foreign government' means—

"(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

"(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

"(C) any agent or representative of any such unit or such organization, while acting as such;

"(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

"(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

"(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

"(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

"(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

"(6) 'employing agency' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

"(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2),(d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

"(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

"(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

"(b) An employee may not—

"(1) request or otherwise encourage the tender of a gift or decoration; or

"(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

"(c)(1) The Congress consents to—

"(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

"(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

"(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

"(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

"(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

"(A) deposit the gift for disposal with his or her employing agency; or

"(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

"(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

"(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

"(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

"(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

"(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

"(2) Such listings shall include for each tangible gift reported—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance;

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

"(D) the date of acceptance of the gift;

"(E) the estimated value in the United States of the gift at the time of acceptance; and

"(F) disposition or current location of the gift.

"(3) Such listings shall include for each gift of travel or travel expenses—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance; and

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

"(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

"(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

"(2) Each employing agency shall—

"(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

"(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

"(C) take any other actions necessary to carry out the purpose of this section.

"(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

"(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

"(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies."

Part II: Supplementary Procedural Rules

RULE 1: GENERAL PROCEDURES

(a) Officers.—In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules.—The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings.—

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3) (A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum.—

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business.—Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements.—The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS.—Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION.—An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS.—

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC.—No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF.—

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES.—Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS.—

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES.—During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of rule XXXIV.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS.—With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) COMPLAINT, ALLEGATION, OR INFORMATION.—Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION.—Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) FORM AND CONTENT OF COMPLAINTS.—A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY.—A "preliminary inquiry" is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) BASIS FOR PRELIMINARY INQUIRY.—The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) SCOPE OF PRELIMINARY INQUIRY.—

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) OPPORTUNITY FOR RESPONSE.—A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) STATUS REPORTS.—The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT.—When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION.—As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW.—An "adjudicatory review" is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW.—When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT.—The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING.—The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE.—The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE.—Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION.—

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL.—

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING.—The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS.—The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS.—The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER.—The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) NOTICE OF HEARINGS.—The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER.—The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES.—

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY.—Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES.—The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES.—

(1) NOTICE OF HEARINGS.—A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS.—

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES.—All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL.—Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES.—

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE.—

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES.—The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS.—

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS.—

(1) AUTHORIZATION FOR ISSUANCE.—Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE.—All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA.—The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS.—

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS.—Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES.—Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS.—Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE.—Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS.—Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW.—Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) PERJURY.—Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations.—The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate.—The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) Applicable Rules and Standards of Conduct.—

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials.—

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) Procedures for Handling Classified Materials.—

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents.—

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-Disclosure Policy and Agreement.—

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED.—

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST.—A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT.—

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION.—

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS.—

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS.—Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING.—A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING.—

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS.—The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS.—Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF.—The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS.—The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS.—

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS.—Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS.—The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS.—A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING.—The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS.—A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) Committee Policy.—

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff.—

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff.—A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as Whole.—All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons To Testify.—Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules.—The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) Publication.—Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with rule XXVI(2) of the Standing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

Part III—Subject Matter Jurisdiction

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5 (b) to (d) of rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 12 of rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

HONORING OUR ARMED FORCES

SERGEANT KEITH E. FISCUS

Mr. CARPER. Mr. President, I rise today to reflect on the life and service of Army SGT Keith E. Fiscus. Keith epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Keith reminds each of us just how good we can be.

Keith was born to Pamela and Darrell Fiscus in Glendale, CA, in 1980. His family moved to Townsend, DE, in 1998. He was the second oldest of four children and is survived by an 18-year-old brother, Jordan, and two sisters, Korrie, 16, and Dena, 28. My heart goes out to each of them.

Keith finished his senior year at Glasgow High School in Newark, DE, and graduated in 1998. After his graduation, Keith took a job in the produce department at Genuardi's supermarket in Glasgow, DE, and then worked as a customer service representative for a major credit card company. He enrolled in business classes at Delaware Technical & Community College but soon decided that his interests didn't include sitting behind a desk in an office or classroom.

Inspired by his grandparents' service in the Armed Forces, Keith joined the Army in 2002. After graduating from boot camp, he was assigned to the 1st Battalion, 27th Infantry Regiment, 3rd Brigade, 25th Infantry Division based out of Schofield Barracks in Hawaii. He was deployed to Iraq and served with distinction for the duration of his 14-month tour.

While serving in Iraq, Keith decided to reenlist in the Army. After returning to the States, Keith received training on how to identify and disarm explosives. Keith volunteered to serve a second tour of duty in Iraq and was deployed again in August of 2006. He was scheduled to return home in February of 2007.

On December 2, 2006, Keith was serving as a machine gunner for an explosive ordinance disposal team on their way to clear a suspected roadside bomb near the city of Taji. An improvised explosive device was triggered near the humvee he was riding in, and Sergeant Fiscus was killed instantly.

Contrary to his tough-looking tattoos and love of heavy metal music, Keith was a fun-loving, caring, and sensitive young man. He was described by those that knew him as a hopeless romantic who loved the camaraderie of the Army and spending time with family and friends. He was also an avid golfer and fisherman.

Sergeant Fiscus was also an excellent soldier. He was an expert rifleman who received numerous recognitions during his Army career: Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Combat Infantryman Badge. The Purple Heart and the Bronze Star were awarded posthumously.

I rise today to commemorate Keith, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

SPECIALIST TRAVIS VAUGHN

Mr. GRASSLEY. Mr. President, today I would like to honor SPC Travis Vaughn, who died on February 18, 2007, in a helicopter crash while fighting in Afghanistan. A Cedar Falls, IA, native, Travis served proudly and with distinction during Operation Enduring Freedom.

With bravery and valor, Travis accepted the call to defend America against those who seek to undermine our values, our democracy, and our way of life. In Afghanistan, he and others from the 160th Special Operations Aviation Regiment out of Fort Campbell, KY, served their country in a dangerous part of the world, helping to make the rest of the world a safer place. Sadly, Travis's service to his country cost him his life, forever earning him the gratitude of the American people.

Travis is remembered fondly and will be greatly missed. A longtime friend of Travis recently said of him, "He was always there to help anybody that he could and do whatever he could to make people happy." Still other friends recalled Travis's fondness for adventurous recreational activities. These qualities made Travis well-suited for military service, and certainly we were fortunate to have a man of such drive and ability serving in the U.S. Army.

On behalf of all Iowans and people throughout this country, I offer my heartfelt condolences to Travis Vaughn's friends and family. In particular, my thoughts and prayers go out to his wife Heather, his stepson Taylin, his father Brad, and mother Christine. They should know that the entire Nation stands behind them during this time of mourning. His loss is indeed tragic, but he will be remembered as a hero and a patriot.

STOLEN VALOR ACT

Mr. CONRAD. Mr. President, I would like to comment today on the Stolen Valor Act of 2005 that was signed into law by President Bush on December 20, 2006. I am extremely proud of authoring the Senate version of this legislation that ultimately became law. The new law that has resulted from the Stolen Valor Act strengthens and expands the protections for our Armed Forces military service awards and decorations.

Since the Stolen Valor Act was signed into law, there have been reports of concerns raised by medal collectors, historians, museums, family members that inherit medals, and persons legitimately possessing, shipping, or selling military service awards and decorations. I would like to make it clear for the RECORD that the intent and effect of my legislation and the resulting law is only to provide the tools law enforcement need to prosecute those fraudulently using military service awards they did not earn through service to our Armed Forces. It does not in any way restrict legitimate possession, use, shipment, or display of these awards and decorations.

Before the law was enacted, my legislation was reviewed by the Senate Judiciary Committee, the House Judiciary Committee, the Department of Justice, and the Congressional Research Service's American Law Division. All concluded that the Stolen Valor legislation does not negatively impact those legitimately in possession of military service awards and decorations.

Although the new law modifies title 18 USC, section 704, it does not impact the legitimate purchase, sale, or possession of medals. The key part of this passage is the phrase, "except when authorized under regulations made pursuant to law." That exception refers to 32 Code of Federal Regulations (CFR), section 507. I believe the concerns raised by collectors and dealers of military medals and memorabilia may stem from lack of familiarity with the CFR and its relationship to statutory law. The CFR is the regulation that implements and administers statutory provisions, in this case, the provisions of 18 USC section 704 as amended by the Stolen Valor Act.

The CFR specifically states in section 507.12(b), "Mere possession by a person of any of the articles prescribed in Sec. 507.8 of this part is authorized provided that such possession is not used to defraud or misrepresent the identification or status of the individuals concerned." According to numerous legal experts consulted on the drafting of the Stolen Valor legislation, "mere possession" would include family members who inherit medals, museums, collectors, approved medals dealers, historians, and other persons in possession or selling medals that do not use them for fraudulent purposes. In addition, CFR Sec. 507.8(a) indicates, "the articles listed in paragraphs (a) (1) through (10) of this section are authorized for manufacture and sale when made in accordance with approved specifications, purchase descriptions or drawings."

The articles listed as authorized for manufacture and sale in Sec. 507.8(a) include decorations, service medals, ribbons, lapel buttons, and badges with the exception of the Medal of Honor. The CFR allows for the sale of all U.S. medals, except the Medal of Honor, and insignia, provided that an official government manufacturer has made them and that the Institute of Heraldry, IOH, approved those pieces. Thus, the Stolen Valor Act does not in any way stop collectors or dealers from selling or collecting officially made medals and insignia, whether they were made yesterday or 50 years ago.

In closing, I again want to assure those legitimately in possession of selling, displaying, or shipping military service awards that the Stolen Valor Act is only directed at those who fraudulently use military service awards and decorations. I have been to Walter Reed Hospital, Bethesda Naval Hospital, and have awarded numerous awards and decorations to soldiers and veterans. These brave men and women have given so much to ensure our freedoms. I strongly believe protecting the meaning and valor of military service awards is a very important way we can continue to honor their service and sacrifice.

I ask unanimous consent that a memo from the American Law Division at Congressional Research Service supporting this analysis be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, September 21, 2006.

To: Hon. Kent Conrad; Attention: Shawn Ferguson.
From: John R. Luckey, Legislative Attorney, American Law Division.
Subject: The Stolen Valor Act of 2005.

This memorandum is furnished in response to your request for a review of the impact of enactment of the Stolen Valor Act of 2005 upon collectors of military service medals who are currently acting in compliance with federal regulations. The Bill would amend the federal criminal code expand the prohibition against wearing, manufacturing, or selling military decorations or medals without legal authorization to prohibit purchasing, soliciting, mailing, shipping, importing, exporting, producing blank certificates of receipt for, advertising, trading, bartering, or exchanging such decorations or medals without authorization. It would prohibit falsely representing oneself as having been awarded any decoration or medal authorized by Congress for the Armed Forces or any of the service medals or badges. The penalties for violations, if the offense involves a distinguished service cross, an Air Force Cross, a Navy Cross, a silver star, or a Purple Heart, would be increased.

The current provision of title 18 states:

"SEC. 704. Military medals or decorations

"(a) IN GENERAL.—Whoever knowingly wears, manufactures, or sells any decoration or medal authorized by Congress for the aimed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both."

The Bill would not affect the exception for acts authorized by regulation. Therefore, it appears accurate to conclude that if the action of the collector was authorized by regulation, the enactment of the Bill would not affect that authorization.

We hope this information is responsive to your request. If we may be of further assistance, please call.

JOHN R. LUCKEY,
Legislative Attorney.

NATIONAL EYE DONOR MONTH

Mr. BROWN. Mr. President, March is National Eye Donor Month, an opportunity to celebrate the gift of sight, to honor past donors and their families, and to raise public awareness regarding the importance of eye donation. We in the Senate can help ensure a sufficient supply of precious corneas by educating the public about the importance of eye donation and encouraging more Americans to become organ donors.

Last year, more than 46,000 Americans had their lives renewed and reinvigorated through the miracle of corneal transplantation. This surgical procedure gives those people who have lost, or are losing, their vision the life-changing gift of restored sight.

For more than 30 years, Teresa Walton, an Ohio resident, lived without depth perception and with the stigma of an altered appearance, because a viral infection stole the vision in her left eye. At the age of 15, while most other children were enjoying high school sports and anxiously awaiting the day they could earn their driver's license, Teresa was unable to recognize when someone approached her from the left, nor could she easily navigate a set of stairs.

Finally, in her forties, Teresa decided it was time for a transplant. Because of the transplant she received in Springfield, OH, the vision in Teresa's left eye was restored. With the return of her depth perception, Teresa can now easily light the candles on her three daughters' birthday cakes. She is no longer self-conscious about the appearance of her left eye. And as a teacher, she can now recognize when one of her students is standing next to her.

Through the tireless efforts of the eye banks located throughout the country, and the coordinated efforts of the Eye Bank Association of America, Teresa Walton and thousands upon thousands of Americans like her have rediscovered the many joys full vision affords.

The power of cornea transplantation is evident in Teresa's story, but it is only possible if concerned Americans register as an organ donor and, subsequently, inform their family members and loved ones of their intention to donate.

That is why, as National Eye Donation Month approaches, I encourage my colleagues to work with their local eye banks, and the Eye Bank Association of America, to promote eye donation and provide more people, like Teresa Walton, with the miracle cornea transplantation provides. There is no gift more meaningful, or more profoundly important, than the gift of sight.

TRIBUTE TO W. DON NELSON

Mr. NELSON of Nebraska. Mr. President, I rise today to express my best wishes and appreciation to a staff member who is leaving my office after many years of public service.

W. Don Nelson has served with distinction as my State director in Lincoln, NE, since I was elected in 2000, which is no small job in a State that stretches 500 miles.

Although we share the same last name, we do not share a family relationship. We do share a passion for public service. W. Don, as he is known throughout Nebraska, has a long history of bipartisan government service at the highest levels.

Mr. Nelson worked for former Congressman Douglas Bereuter when he was director of the Nebraska State Office of Planning and Programming. He also served as a chief policy adviser for former Nebraska Governors Norbert Tiemann, Jim Exon, and former Wyoming Governor Ed Herschler and was chief of staff for Nebraska Governor Bob Kerrey. Before Don became my State director he was in the private sector serving as managing director for the Nebraska office of a major national securities firm.

To say that W. Don Nelson was an important and vital part of the staff for those of us whom he served is an understatement. His background as a lawyer and investment banker made him invaluable in government service but his abilities stretched far beyond that.

W. Don Nelson is one of the most fiercely loyal and completely trustworthy individuals I have ever had the privilege to know. His intellect and depth of knowledge on virtually any issue is uncanny. He has the courage to confront adversaries at the highest levels and the compassion to help those who are less fortunate. He is a gracious host and gentleman to friends, and a devoted father and husband to a loving family.

W. Don may be retiring but not to a rocking chair. The W. Don Nelson that so many Nebraskans know will never sit back and rest on his laurels. His so-called retirement will be in front of a computer screen and stalking the halls of government buildings visiting with elected and appointed officials from the other side of the desk, as a reporter.

After answering questions from reporters for much of his career, he will be asking the questions. He is crossing over to start his own newspaper, called Prairie Fire, in Lincoln, NE. Its objective is to be the progressive voice of the Great Plains offering thoughtful, bipartisan public discourse about all matters relating to politics and the arts and, I imagine, Don's passion, the environment.

All of us will miss Don, his quirky sense of humor, his vintage neckties, his sports cars, and even his outward display of pride in Cornhusker Country for his alma maters, the University of Florida and Florida State University.

We wish him every success in his new role as editor, publisher, and writer.

ADDITIONAL STATEMENTS

BIG SKY HIGH SCHOOL SCIENCE PROGRAM RECOGNITION

• Mr. BAUCUS. Mr. President, I am honored to speak to you today about the wonderful work being done in a school in my home State—Big Sky High School in Missoula, MT. Big Sky High School is a leader in science education and a wonderful example of how creativity and innovation can prepare students for the 21st century.

To the students, teachers, parents, and administrators at Big Sky High School, I commend you for your dedication and imagination. Big Sky High School should be an example to schools all over the country of what we can do if we make a real commitment to teaching our students the skills necessary to keep America competitive in the global economy.

Big Sky's science programs emphasize real-world applications and collaboration. For example, in the elective "Advanced Problems in Science," students work on research projects and learn how to document their results and present them to the community. Many of these projects are featured in science fairs and other competitions, giving students experience and connecting them to the scientific community.

Science teacher Jim Harkins, who has taught at Big Sky for 24 years, is an example of how a great teacher can inspire students to go into the sciences. Let me tell you about Jim's goals for science class in his own words. "I try to tell the students that the classroom, text book setting is not real science," he said. "Science is not learned in books while sitting at desks. In this class, Advanced Problems in Science, our goal is to simulate their curiosity in a real-life science setting. This program provides Montana students with competitiveness on national and international levels."

To see the success of this program, you need to look no further than the students themselves. Big Sky alumnus Jayce Getz was an active participant in these science programs and he was recently honored with one of only 30 mathematical sciences postdoctoral research fellowships from the National Science Foundation. Jayce will begin a professorship at Princeton next fall. Jayce attributes some of his current success to his participation in Big Sky's science program. "Kids in Missoula, Montana, can and do get involved with important research in the sciences," he said. "The trick is to get started early on."

Yet at Big Sky, kids do start early. The halls are filled with the future scientific leaders of America. Students study the genetic code of a cyanobacterial strain and test sail designs in wind tunnels by using an innovative interdisciplinary approach.

By nurturing the curiosity and creativity of these students, Big Sky teachers like Jim Harkins ensure America's youth are given the education and tools necessary to succeed in the 21st century. I applaud Jim and his students. They are examples of what makes Montana's school system the best in the Nation.

To Mr. Harkins and students of Big Sky High School, I extend my congratulations.•

RETIREMENT OF RICK SHAPIRO

• Mr. BINGAMAN. Mr. President, today I wish to honor Rick Shapiro, who recently retired as executive director of the Congressional Management Foundation.

I became acquainted with Rick early in my Senate career, when I asked Rick to help me and my staff strengthen the management of my Senate office. That began a very useful relationship with Rick and CMF.

Under his leadership, CMF grew in size, scope, and impact. Rick has made CMF an integral part of the early organization of nearly every new House and Senate office, through CMF's practical publications and its role in new office orientations.

For many offices like mine, Rick used his skills in organizational management to help members and their senior staff improve how they run their offices and serve their constituents. His confidential counsel and evaluation, and that of a strong staff that he recruited and supported, has allowed many Senators and Members of Congress to focus on their jobs as legislators, with the confidence that their offices would be well run.

Rick also used his extensive knowledge of strategic planning to ensure offices have a strategic vision and the means to deliver on that vision. He and his staff have facilitated hundreds of staff retreats, helping House and Senate offices produce ambitious, but realistic, plans for their work.

Rick was the driving force behind CMF's research into cutting edge topics. For example, CMF's research and guidance on the Internet and electronic communications has been the single most important force in bringing many offices into the 21st century in their use of new technology.

Before joining CMF, Rick worked in the U.S. House of Representatives, first as a staff investigator and later as the staff director of two House committees. He brought his significant knowledge of the workings of the Congress to CMF and it progressed under his leadership.

All of us who know him and have benefited from his work wish him well, and look with interest to his next project.●

REMEMBERING MIKE HALL

● Mr. DOMENICI. Mr. President, I would like to take a moment to pay tribute to the memory of Mike Hall, who sadly passed away this last Friday.

Mike was a longtime sportswriter, editor, and columnist with the Albuquerque Journal. Though he was born in Muskogee, OK, and began his career writing in California, there is no doubt Mike was a great New Mexican. Mike first came to New Mexico in 1983 to serve as sports editor at the Albuquerque Tribune, and in 1988 he joined the staff at the Albuquerque Journal. In his 24 years of reporting in New Mexico, both his readers and those he wrote about came to appreciate and respect Mike for his knowledge and his humor. He will be truly missed by New Mexicans.

I would also like to offer my deepest condolences to Mike's family, his wife Sondra and children Dionne, Jason, Michael, and Kathryn and his six grandchildren.

I ask that an article from the Albuquerque Journal celebrating Mike's life and career be printed in the RECORD.

The material follows.

[From the Albuquerque Journal, Feb. 24, 2007]

JOURNAL EDITOR/WRITER DIES AT 61

VETERAN OF SPORTS DEPARTMENT LIVED IN ABQ. SINCE '83; COVERED BOXING, UNM WOMEN'S HOOPS

(By Lloyd Jojola)

Mike Hall, a veteran New Mexico journalist who was best known as a sports editor, writer and columnist, died early Friday.

Most recently, Hall held the title of associate sports editor at the Albuquerque Journal and covered Lobo women's basketball.

UNM women's basketball coach Don Flanagan said Hall established an "excellent relationship" between himself and the players and staff.

"Once he got the position of our beat reporter I knew that it was going to help our program immensely just because of his background, how well he was thought of," Flanagan said. "I thought throughout his time his intention was always very positive With our program, and I appreciated the recognition that he brought to the program."

Flanagan said Hall did his homework. The coach was often "amazed" Hall knew who the staff was recruiting without being told.

Flanagan might not have always liked the stories that were printed, he said, but Hall was still highly regarded.

"I respected him as a reporter and as somebody that would give us honest and fair coverage," he said.

Hall joined the Albuquerque Journal staff in 1988.

"Mike Hall was a real pro," said Journal Editor Kent Walz. "He loved what he did, and it showed.

"In nearly 20 years here, Mike was a good colleague and a good friend. We'll, miss him." Hall died of pneumonia, his family said. The 61-year-old Albuquerque resident had battled lung cancer in recent years and had recovered.

A memorial service is scheduled for 10 a.m. Feb. 28 at French Mortuary, 10500 Lomas NE.

Hall launched his newspaper career in the San Francisco Bay Area as a sports reporter for the Berkeley Gazette, covering such teams as the Oakland A's and the Oakland Raiders. He then served as sports news editor at the Wichita Eagle-Beacon before leaving in 1979 to become weekend editor and assistant news editor at The Clarion-Ledger in Jackson, Miss., according to past news stories.

Hall was named sports editor at The Albuquerque Tribune in 1983 and also served as the evening newspaper's city editor and as a columnist, before moving to the Albuquerque Journal to become sports editor.

He became a Journal associate sports editor in 1996 and focused his reporting on UNM women's basketball and boxing.

Local boxer Danny Romero said Hall had been writing about him since he was a very young, unknown fighter.

Romero's skills in the ring helped, he said, but Hall's "the one who made me famous."

While stories can sometimes generate contentious relationships between reporters and their subjects, Romero said respect was never lost for Hall.

"You didn't always have to have your guard up. As an athlete, you always have to watch out with you guys," the fighter said, referring to newspaper reporters. "With him, you didn't. It was always open arms. He would let you speak your mind and make you sound good."

Born in Muskogee, Okla., in 1945, Hall was raised in Wichita, Kan., and studied journalism at Wichita State University, said Sondra Hall, his wife.

Hall played a lot of sports in his younger days, including boxing as an amateur, added Kathryn Hall, his daughter.

"He was never very good at it, he always told me, but he liked it," she said.

Hall loved the crunch of sports reporting: the road trips, the demanding game-time coverage, the interviews and simply getting the story.

But ultimately, "he liked to write," Kathryn Hall said.

"I always thought he just liked to write (newspaper) articles but it turned out he wrote a lot of stuff," she said, referring to journals the family found. "We were reading a lot of it last night."

"He just wrote all the time."

Hall's work., with his easygoing style, was recognized multiple times by his peers.

Among his awards, in 1990 Hall received, along with now Tribune Editor Phill Casaus, the best sports story award from the Albuquerque Press Club for stories on the NCAA's investigation surrounding a UNM track sprinter. The following year, he picked up the top sports writing award from the New Mexico Press Association for stories on athletic spending at UNM. And in 1993, the press association again honored Hall with a first-place award for two sports columns.

"He was humorous and fun-loving," Kathryn Hall said, "and very strong and courageous." Hall was preceded in death by his parents, Harold Rea Hall and Jewell Gray. His survivors include his wife of 30 years, Sondra; children, Dionné Mantaoni, Jason Hall, Michael Bolton and Kathryn Hall; and six grandchildren.

Contributions can be made to St. Jude Children's Research Hospital, 501 St. Jude Place, Memphis, Tenn., 38105.●

CONGRATULATING CONSUL SERGIO AGUILERA

● Mr. LUGAR. Mr. President, today I wish to recognize the important service of Consul Sergio Aguilera upon his retirement from the Mexican Foreign Service.

During his leadership of the Mexican Consulate in Indianapolis, my staff and I have enjoyed working closely with Consul Aguilera to strengthen the political, economic, social, and cultural ties between our two nations. By working closely with the Federal, State, and local governments, as well as schools, businesses, and community organizations, Consul Aguilera has ably represented the people of Mexico and served the needs of the Mexican community in the Midwest.

In addition to his official duties, Consul Aguilera has given generously of his time in service to the Indianapolis community through work with the Mexican Scholarship Fund and the Central Indiana Community Foundation. The Indianapolis community will continue to benefit from Consul Aguilera's leadership as he seeks to expand his charitable work in retirement.

I am especially pleased that Consul Aguilera and his wife Lori have chosen to remain in Indianapolis as they pursue new and exciting experiences together.

I appreciate this opportunity to congratulate Consul Aguilera and wish him good health and success upon his retirement.●

TRIBUTE TO MARY BURKS

● Mr. SESSIONS. Mr. President, today I pay tribute to Mary Burks, founder of the Alabama Conservancy, mother of the wilderness movement, and champion of the Sipsey Wilderness in the Bankhead National Forest.

Last week, Mary Burks passed away in Birmingham, at the age of 86.

Her passing is a loss, not just for Alabama or the conservation movement, but for every person who has ever explored and enjoyed Alabama's vast wilderness. She helped protect those natural areas, and, without her, our children might not be as able to enjoy them as they do today.

Her lifelong struggle to protect and conserve sensitive lands provides a record of accomplishment that deserves both recognition and celebration.

John Randolph, author of a book titled The Battle for Alabama Wilderness, described Mary Burks's passion for what she did. Randolph says, "If one believes in fate, then surely Mary Burks was fated to become the mother of Alabama wilderness preservation.

Passionate, tough, and resilient, a lover of all things wild and natural . . .''

Mary Burks did not simply sit and dream. She led a 6-year campaign in the early 1970s to designate the Sipsey Wilderness area in the Bankhead National Forest as wilderness. In doing so, she won the support of the entire Alabama congressional delegation.

That is not always an easy thing to do.

After the campaign, not only was the Sipsey Wilderness created, but the Eastern Wilderness Area System was established when President Gerald Ford signed the Eastern Wilderness Act. It is fair to assume that this success would not have been achieved without Mary Burks' tireless efforts.

Today, Alabama is home to more than 41,000 acres of wilderness, including the Cheaha and Dugger Mountain Wilderness Areas. As you know, hundreds of thousands of acres have now been designated as wilderness in the Eastern United States.

All of these accomplishments have roots in Mary Burks's original push to preserve wilderness in Alabama.

Describing the importance of Mary's efforts and the organization that she founded, the Alabama Conservancy, Floyd Haskell, former U.S. Senator from Colorado, stated ''If not for the Alabama Conservancy, there would be no concept of Eastern Wilderness.''

There is a difference between thinking that things ought to be a certain way, and actually making them so. Too often we are quick to do the former, and slow to do the latter. But the protected resources in my home State and others are larger in size, great in quantity, and more secure in their protection because Mary Burks fought for them all her life. She left a lasting legacy in Alabama that will forever be felt by all who care about wilderness and natural places.•

AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

• Mr. MENENDEZ. Mr. President, I would like to offer my sincere congratulations to the American Hellenic Educational Progressive Association, AHEPA, on their 85th anniversary this year. Since 1922, AHEPA has diligently served the Hellenic community and all Americans through a variety of programs and outreach endeavors.

Initially created to combat discrimination and hate, AHEPA's mission has expanded during its distinguished history. As the largest and oldest American-based, Greek heritage grassroots membership organization, AHEPA works to promote the Greek ideals of philanthropy, education, civic responsibility, and family and individual excellence within the community. Such principles can be appreciated by people of all backgrounds, and I commend AHEPA for inspiring and supporting generations of Americans.

AHEPA's work has touched people from all walks of life. The organization raised funds for U.S. war bonds during World War II, and currently contributes more than $2,000,000 each year to educational, medical, and other philanthropic causes. AHEPA's positive contributions stem from both the organization and the outstanding people involved. Members of AHEPA have served in the U.S. Armed Forces and have held positions in local, State, and Federal Government throughout the years.

As we honor AHEPA's many successes, we also celebrate the contributions of the more than 1 million Greek-Americans in this country, some 61,000 of whom live in my home State of New Jersey. The Hellenic community in America contributes daily to the economic, political and cultural fabric of this Nation, and the United States shares a close relationship with Greece and the Republic of Cyprus. I look forward to working with my colleagues and AHEPA to strengthen America's relationship with our Hellenic friends.

I commend AHEPA's commitment to serving the United States and the Hellenic community. I congratulate them on their 85 years of advocacy, and I look forward to their bright future.•

RECOGNIZING T. DENNY SANFORD

• Mr. THUNE. Mr. President, today I recognize T. Denny Sanford for his generosity recently represented by the gift of $400 million to Sioux Valley Hospitals and Health System. This gift is the second largest donation to any medical institution since 2001 and will help Sioux Valley transform itself into a world-class research institution. In recognition of the donation and in honor of Mr. Sanford, the health care system has been renamed Sanford Health.

Since his birth in St. Paul, MN, in 1935, T. Denny Sanford has reached many outstanding milestones that deserve recognition and praise. After starting work at age 8 in his father's clothing distribution company, he spent most of his teen years selling his father's clothing to retail stores. He later graduated with a degree in psychology from the University of Minnesota and was recruited for a sales and marketing management position with Armstrong Cork Company.

In the 1960s, Mr. Sanford established a manufacturers' representative company and a regional distribution company. Then in 1971, he bought Contech, a specialty chemical company, from Sears & Roebuck and took it public the following year. After selling Contech in the 1980s, he created a venture capital fund to provide financing to young entrepreneurs. Out of the 28 companies he has financed, 18 have become public corporations.

In 1986, Mr. Sanford purchased United National Bank in Sioux Falls, SD. The bank, now named First Premier Bank, has expanded throughout South Dakota and includes Premier Bankcard Inc., which is a national leader in the credit card industry.

Although Mr. Sanford is well-known for his business achievements, he is even more distinguished for his philanthropy. He has donated millions to organizations that are close to his heart and even started the Sanford Foundation for charitable giving. In 2005, he gave over $70.5 million to charitable causes in the United States and ranked 14th on the Chronicle of Philanthropy's list of America's most-generous donors. Additionally, in 2006, he was named to the Business Week Top 50 list of most-generous philanthropists in the United States.

Before his most recent donation, Mr. Sanford had contributed $20 million to Sioux Valley for expansion with South Dakota's medical school and $16 million for Sanford Children's Hospital, which plans to open in 2009. This recent gift of $400 million will be used to achieve four major goals. These goals are to build 5 pediatric clinics around the country, to expand research, to build a health care campus with over 20 separate facilities, and to specialize in a specific line of medical research that will result in a cure.

T. Denny Sanford's generous gift to Sioux Valley will encourage prosperity and growth for South Dakota by generating an estimated 9,200 new jobs, adding approximately $1.2 billion to the economy, drawing patients from around the world, and improving the wellness of our citizens. This donation will reach people from across the country and make South Dakota a leader and magnet in medical research.

T. Denny Sanford is a giving man with a passion for making a difference in the lives around him. He is even known to have a goal to ''die broke.'' Because of his profound generosity and desire to help others, T. Denny Sanford's influence will be evident for many generations to come.

On behalf of the State of South Dakota, I am honored to rise and say: Thank you, Denny. Your significant gift will have a lasting influence not only on the people of South Dakota but on people throughout the world that will be affected by your selfless generosity.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–758. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to authorize construction of a classical Chinese Garden on the grounds of the National Arboretum; to the Committee on Agriculture, Nutrition, and Forestry.

EC–759. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to its 2007 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–760. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision to conduct a public-private competition including ocean terminal operations and maintenance services in Norfolk, Virginia; to the Committee on Armed Services.

EC–761. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision to conduct a public-private competition including administrative support services; to the Committee on Armed Services.

EC–762. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Emergency Acquisitions" (DFARS Case 2006–D036) received on February 22, 2007; to the Committee on Armed Services.

EC–763. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Notification Requirements for Critical Safety Items" (DFARS Case 2004–D008) received on February 22, 2007; to the Committee on Armed Services.

EC–764. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Berry Amendment Restrictions—Clothing Materials and Components Covered" (DFARS Case 2006–D031) received on February 22, 2007; to the Committee on Armed Services.

EC–765. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Kenya; to the Committee on Banking, Housing, and Urban Affairs.

EC–766. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC–767. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–768. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the undermining of democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–769. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's 2007 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–770. A communication from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks" (RIN3064–AD13) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–771. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Global Terrorism Sanctions Regulations" (31 CFR Part 594) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–772. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 1461) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–773. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to the Export Administration Regulations and to the Defense Priorities and Allocations System Regulation" (RIN0694–AD88) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–774. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "North Korea: Imposition of New Foreign Policy Controls" (RIN0694–AD97) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–775. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 2783) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–776. A communication from the Office Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Export and Import of Nuclear Materials; Exports to Libya Restricted" (RIN3150–AI02) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–777. A communication from the Chief Operating Officer and President, Resolution Funding Corporation, transmitting, pursuant to law, a report relative to the Corporation's system of internal controls and the 2006 Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–778. A communication from the Chief Operating Officer and President, Financing Corporation, transmitting, pursuant to law, a report relative to the Corporation's system of internal controls and the 2006 Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–779. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security , transmitting, pursuant to law, a report relative to a contract entered into with a private security screening company to provide screening services; to the Committee on Commerce, Science, and Transportation.

EC–780. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 A and B Season Allowances of Pollock in Statistical Area 620 in the Gulf of Alaska" (ID No. 010807A) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–781. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 Aleutian Islands Atka Mackerel Total Allowable Catch Amounts" (ID No. 010807B) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–782. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (ID No. 011107A) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–783. A communication from the Director, Office of Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–784. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (ID No. 011107F) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–785. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's biennial report relative to the regulatory status of certain open safety recommendations; to the Committee on Commerce, Science, and Transportation.

EC–786. A communication from the Director, National Park Service, Department of the Interior, transmitting, pursuant to law, the Service's report relative to Preservation Technology and Training for fiscal year 2005; to the Committee on Energy and Natural Resources.

EC–787. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers 2005"; to the Committee on Energy and Natural Resources.

EC–788. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final Rule Designating the Western Great Lakes Population of Gray Wolves as a Distinct Population Segment; Removing the Western Great Lakes Distinct Population Segment of the Gray Wolf From the List of Endangered and Threatened Wildlife" (RIN1018–AU54) received on February 16, 2007; to the Committee on Environment and Public Works.

EC–789. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List Lepidium Papilliferum (Slickspot Peppergrass)" (RIN1018–AU99) received on February 16, 2007; to the Committee on Environment and Public Works.

EC–790. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for North Dakota" (FRL No. 8274–6) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–791. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference" (FRL No. 8273–7) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–792. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8281–3) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–793. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Halosulfuron-methyl; Pesticide Tolerance" (FRL No. 8113–8) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–794. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Orthosulfamuron; Pesticide Tolerance" (FRL No. 8113–4) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–795. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sethoxydim; Pesticide Tolerance" (FRL No. 8115–8) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–796. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State Operating Permit Programs; West Virginia; Amendment to the Definitions of a 'Major Source' and 'Volatile Organic Compound'" (FRL No. 8280–8) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–797. A communication from the Chairman, Board of Director, Tennessee Valley Authority, transmitting, pursuant to law, a report relative to the Board's conflict-of-interest policy; to the Committee on Environment and Public Works.

EC–798. A communication from the Secretary of Transportation, transmitting, a bill entitled "The Next Generation Air Transportation System Financing Reform Act of 2007"; to the Committee on Finance.

EC–799. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Tax Treatment of Cross Licensing Arrangements" (Rev. Proc. 2007–23) received on February 16, 2007; to the Committee on Finance.

EC–800. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—December 2006" (Rev. Rul. 2007–11) received on February 16, 2007; to the Committee on Finance.

EC–801. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Obsoleting Income Rulings" (Rev. Rul. 2007–14) received on February 22, 2007; to the Committee on Finance.

EC–802. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the number of projects that will be conducted under the Medicare Hospital Gainsharing Demonstration; to the Committee on Finance.

EC–803. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an addition to the Certification to the Congress; to the Committee on Finance.

EC–804. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Study on Donor Advised Funds and Supporting Organizations" (Notice 2007–21) received on February 16, 2007; to the Committee on Finance.

EC–805. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Payment Option for User Fee Charges for Form 8802" (Rev. Proc. 2007–22) received on February 16, 2007; to the Committee on Finance.

EC–806. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 181—Deduction for Qualified Film and Television Production Costs" ((RIN1545–BF95)(TD 9312)) received on February 16, 2007; to the Committee on Finance.

EC–807. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement: Compliance Resolution Program for Employees Other Than Corporate Insiders for Additional 2006 Taxes Arising Under Section 409A Due to the Exercise of Stock Rights" (Announcement 2007–18) received on February 16, 2007; to the Committee on Finance.

EC–808. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payroll Taxes on Deferred Compensation" (Rev. Rul. 2007–12) received on February 16, 2007; to the Committee on Finance.

EC–809. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2007 Prevailing State Assumed Interest Rates" (Rev. Rul. 2007–10) received on February 16, 2007; to the Committee on Finance.

EC–810. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—March 2007" (Rev. Rul. 2007–15) received on February 21, 2007; to the Committee on Finance.

EC–811. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "LMSB Tier II Issue—Field Directive on the Examination of IRC Section 172(f) Specified Liability Losses #1—Industry Directive" (LMSB–04–02070–009) received on February 21, 2007; to the Committee on Finance.

EC–812. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Investor Control and General Public" (Rev. Rul. 2007–13) received on February 21, 2007; to the Committee on Finance.

EC–813. A communication from the Chairman, Broadcasting Board of Governors, transmitting, proposed legislation to authorize appropriations for the Board for fiscal years 2008 and 2009; to the Committee on Foreign Relations.

EC–814. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Alternative Fuel Vehicle program report for fiscal year 2006; to the Committee on Foreign Relations.

EC–815. A communication from the Chief Operating Officer, U.S. Agency for International Development, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency; to the Committee on Foreign Relations.

EC–816. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a quarterly report relative to the obligations and outlays of fiscal year 2004, 2005, and 2006 funds; to the Committee on Foreign Relations.

EC–817. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–818. A communication from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule Relating to Amendments to Safe Harbor for Distributions from Terminated Individual Account Plans and Termination of Abandoned Individual Account Plans to Require Inherited Individual Retirement Plans for Missing Nonspouse Beneficiaries" (RIN1210–AB16) received on February 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–819. A commmunication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, the Ombudsman's Annual Report for 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–820. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–821. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Mortality Assumptions" (RIN1212–AB08) received on February 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–822. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled "Food Labeling: Nutrient Content Claims, Expansion of the Nutrient Content Claim 'Lean'" ((RIN0910–ZA27)(Docket No. 2004P–0183)) received on February 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–823. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interesting Assumptions for Valuing and Paying Benefits" (Docket No. 2006N–0335) received on February 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–824. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to preventing loss of life due to extreme indoor temperatures; to the Committee on Health, Education, Labor, and Pensions.

EC–825. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's annual report on the administration of the Government in the Sunshine Act for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–826. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report relative to its compliance with the Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–827. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, (6) reports relative to vacancy announcements within the Department, received on February 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–828. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–829. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Board's annual report relative to its compliance with the Sunshine Act for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–830. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–831. A communication from the Deputy Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–832. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the Organization's competitive sourcing efforts during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–833. A communication from the President and CEO, Inter-American Foundation, transmitting, pursuant to law, a report relative to the Organization's competitive sourcing efforts during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–834. A communication from the Controller, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, two reports relative to federal financial management; to the Committee on Homeland Security and Governmental Affairs.

EC–835. A communication from the Archivist of the United States, transmitting, pursuant to law, an annual report on category rating for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–836. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of action on a nomination for the position of Director of National Intelligence, received on February 22, 2007; to the Select Committee on Intelligence.

EC–837. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Applicability of the Sex Offender Registration and Notification Act" (RIN1105–AB22) received on February 16, 2007; to the Committee on the Judiciary.

EC–838. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Alabama Advisory Committee; to the Committee on the Judiciary.

EC–839. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Mississippi Advisory Committee; to the Committee on the Judiciary.

EC–840. A communication from the Clerk of Court, United States Court of Federal Claims, transmitting, pursuant to law, the Court's Annual Report for the year ended September 30, 2006; to the Committee on the Judiciary.

EC–841. A communication from the Regulatory Management Specialist, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Consular Notification for Aliens Detained Prior to an Order of Removal" (RIN1653–AA53) received on February 22, 2007; to the Committee on the Judiciary.

EC–842. A communication from the Under Secretary and Director, United States Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Priority Document Exchange Between Intellectual Property Offices" (RIN0651–AB75) received on February 22, 2007; to the Committee on the Judiciary.

EC–843. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Office's Performance and Accountability Report for fiscal year 2006; to the Committee on Rules and Administration.

EC–844. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, a report entitled "Great Leaders/Great Solutions"; to the Committee on Rules and Administration.

EC–845. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Home Schooling and Educational Institution" (RIN2900–AM37) received on February 16, 2007; to the Committee on Veterans' Affairs.

EC–846. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Priority for Partial Grants to States for Construction or Acquisition of State Home Facilities" (RIN2900–AM42) received on February 16, 2007; to the Committee on Veterans' Affairs.

EC–847. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a standard competition of the Communications Operations and Maintenance function at Scott Air Force Base, Illinois; to the Committee on Armed Services.

EC–848. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting, pursuant to law, a report relative to the Army National Guard and Army Reserve; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 316. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning with Brigadier General Shelby G. Bryant and ending with Colonel Paul G. Worcester, which nominations were received by the Senate and appeared in the Congressional Record on

January 29, 2007. (minus 2 nominees: Brigadier General Michael D. Dubie; Colonel Travis D. Balch)

Army nomination of Maj. Gen. Benjamin C. Freakley, 0002, to be Lieutenant General.

Marine Corps nominations beginning with Colonel David H. Berger and ending with Colonel Robert R. Ruark, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2007.

Marine Corps nomination of Col. Tracy L. Garrett, 7668, to be Brigadier General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Gino L. Auteri and ending with Jesus E. Zarate, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Brian E. Bergeron and ending with Lolo Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Brian D. Affleck and ending with Lorna A. Westfall, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with William R. Baez and ending with Michael D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Kent D. Abbott and ending with An Zhu, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Anthony J. Pacenta and ending with Charles J. Malone, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Tansel Acar and ending with David A. Zimliki, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Brian G. Accola and ending with David H. Zonies, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Jeffrey M. Klosky and ending with Robert W. Ross III, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Army nomination of Todd A. Plimpton, 7389, to be Colonel.

Army nominations beginning with Perry L. Hagaman and ending with William A. Hall, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with David W. Admire and ending with D060341, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with James A. Adamec and ending with Vanessa Worsham, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with Dennis R. Bell and ending with Kent J. Vince, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with Ronald J. Aquino and ending with D060343, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nomination of Miyako N. Schanely, 5496, to be Colonel.

Army nominations beginning with Anthony C. Adolph and ending with Kaiesha N. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Army nominations beginning with Andrew W. Aquino and ending with Paul J. Willis, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Army nomination of Susan M. Osovitzoien, 4744, to be Lieutenant Colonel.

Army nomination of Tom K. Staton, 7158, to be Major.

Army nomination of Evan F. Tillman, 1630, to be Major.

Army nominations beginning with Michael A. Clark and ending with Janet L. Norman, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Army nominations beginning with Edward W. Trudo and ending with Ming Jiang, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Donald E. Evans, Jr. and ending with Elliott J. Rowe, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nomination of Jorge L. Medina, 8975, to be Lieutenant Colonel.

Marine Corps nominations beginning with Douglas M. Finn and ending with Ronald P. Heflin, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Charles E. Brown and ending with David S. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Steven P. Couture and ending with Jesse Mcrae, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Jonathan G. Allen and ending with John W. Wiggins, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Charles E. Daniels and ending with Timothy O. Evans, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nomination of Brian T. Thompson, 6676, to be Major.

Marine Corps nomination of Michael R. Cirillo, 7216, to be Major.

Marine Corps nominations beginning with Vernon L. Dariso and ending with Richard W. Fiorvanti, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Leonard R. Domitrovits and ending with Robert W. Sajewski, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Samson P. Avenetti and ending with Francisco C. Ragsac, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Jason B. Davis and ending with Peter M. Tavares, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Darren L. Ducoing and ending with Kenneth L. Vanzandt, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Robert T. Charlton and ending with Brian A. Tobler, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Navy nomination of Mark A. Gladue, 5228, to be Commander.

Navy nomination of Terry L. Rucker, 0803, to be Captain.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 687. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mr. GRAHAM:

S. 688. A bill for the relief of Griselda Lopez Negrete; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mrs. LINCOLN):

S. 689. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

By Ms. LANDRIEU:

S. 690. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business and Entrepreneurship.

By Mr. CONRAD:

S. 691. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 692. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Veterans Affairs hospitals; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 693. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the

Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. SUNUNU, Mr. REED, Mr. KERRY, Mr. DURBIN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. LAUTENBERG):

S. 694. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. 695. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. 696. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 697. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. HAGEL, and Mr. WARNER):

S. 698. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. BROWN, Mr. KERRY, and Mr. AKAKA):

S. Res. 86. A resolution designating March 1, 2007, as "Siblings Connection Day"; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mrs. CLINTON, Mr. BROWNBACK, and Mrs. FEINSTEIN):

S. Res. 87. A resolution expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 23

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 23, a bill to promote renewable fuel and energy security of the United States, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 242

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 316

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 329

At the request of Mr. CRAPO, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 394

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 433

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 433, a bill to state United States policy for Iraq, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 547

At the request of Mr. VOINOVICH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 547, a bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 561

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 562

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 562, a bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes.

S. 575

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 575, a bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes.

S. 583

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 583, a bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 601

At the request of Mr. COBURN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Vermont (Mr. SANDERS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 634

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 655

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 655, a bill to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American Red Cross in the 21st century, and for other purposes.

S. 684

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 684, a bill to clarify the authority of the Secretary of the Interior with respect to the management of the elk population located in the Theodore Roosevelt National Park.

S. RES. 33

At the request of Mr. LUGAR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 33, a resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

S. RES. 84

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 84, a resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 687. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Commercial Fishermen Safety Act of 2007, a bill to help fishermen purchase the life-saving safety equipment they need to survive when disaster strikes. I am pleased to be joined by my colleague from Massachusetts, Senator Kennedy, in introducing this legislation.

Everyday, members of our fishing communities struggle to cope with the pressures of running a small business, complying with burdensome regulations, and maintaining their vessels and equipment. Added to these challenges are the dangers associated with fishing.

Year-in and year-out, commercial fishing ranks among the Nation's most dangerous occupations. Last August, when the Bureau of Labor Statistics released the most recent National Census of Fatal Occupational Injuries, fishing was the most dangerous occupation. While the national rate of occupational-related fatalities dropped by 1 percent in 2005, I am saddened to say that the fishing community saw an increase of almost 14 percent from the previous year. I have introducd similar measures in previous sessions of Congress, but these tragic statistics illustrate why this piece of legislation is absolutely needed right now.

And as we know, these statistics have a very real face to them. And sadly, the New England fishing community is certainly no stranger to the pain and loss of their own.

Last November, the small fishing community of Port Clyde saw the tragic loss of one their own. The Taylor Emily, a 48-foot fishing boat, capsized and sank about 80 miles east of Portland, ME. Tragically, long-time fisherman Jim Weaver perished in this incident. Another fisherman aboard the boat, Christopher Yattaw, was saved when the Taylor Emily sank. Chris treaded the frigid waters for almost an hour, but finally, the boat's life raft inflated. Almost 8 hours later, Chris was rescued from the life raft by a passing fishing vessel. This incident could have been even more tragic if the critical live-saving equipment had not been aboard.

Coast Guard regulations require all fishing vessels to carry safety equipment. The requirements vary depending on factors such as the size of the vessel, the temperature of the water, and the distance the vessel travels from shore to fish. Required equipment can include a life raft that automatically inflates and floats free, should the vessel sink. This is what saved Christopher Yattaw's life. Other live-saving equipment includes: personal flotation devices or immersion suits which help protect fishermen from exposure and increase buoyancy; EPIRBs, which relay a downed vessel's position to Coast Guard Search and Rescue Personnel; visual distress signals; and fire extinguishers. When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining this equipment must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance.

The Commercial Fishermen Safety Act of 2007 provides a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1,500. Items such as EPIRBs and immersion suits cost hundreds of dollars, while life rafts can reach into the thousands. The tax credit will make life-saving equipment more affordable for more fishermen, who currently face limited options under the Federal tax code.

We have seen far too many tragedies in this occupation. Please, let us support fishermen who are trying to prepare in case disaster strikes. Safety equipment saves lives. By providing a tax credit for the purchase of safety equipment, Congress can help ensure that fishermen have a better chance of returning home each and every time they head out to sea.

I ask unanimous consent that the text of the bill be put in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Fishermen Safety Act of 2007".

SEC. 2. CREDIT FOR PURCHASE OF FISHING SAFETY EQUIPMENT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45O. FISHING SAFETY EQUIPMENT CREDIT.

"(a) General Rule.—For purposes of section 38, in the case of an eligible taxpayer, the fishing safety equipment credit determined under this section for the taxable year is 75 percent of the amount of qualified fishing safety equipment expenses paid or incurred by the taxpayer during the taxable year.

"(b) Limitation on Maximum Credit.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed $1,500.

"(c) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means a taxpayer engaged in a fishing business.

"(d) Definitions.—For purposes of this section—

"(1) Fishing business.—The term 'fishing business' means the conduct of commercial fishing as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

"(2) Qualified fishing safety equipment expenses.—

"(A) In general.—The term 'qualified fishing safety equipment expenses' means an amount paid or incurred for fishing safety equipment for use by the taxpayer in connection with a fishing business.

"(B) Fishing safety equipment.—The term 'fishing safety equipment' means—

"(i) lifesaving equipment required to be carried by a vessel under section 4502 of title 46, United States Code, and

"(ii) any maintenance of such equipment required under such section.

"(e) Special Rules.—

"(1) In general.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.

"(2) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as one person for purposes of subsection (a).

"(f) Denial of Double Benefit.—No deduction shall be allowed under this chapter (other than a credit under this section) for any amount taken into account in determining the credit under this section.

"(g) Basis Adjustment.—For purposes of this subtitle, if a credit is allowed under this section with respect to any equipment, the basis of such equipment shall be reduced by the amount of the credit so allowed.".

(b) Conforming Amendments.—

(1) Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) the fishing safety equipment credit determined under section 45O(a).".

(2) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) in the case of equipment with respect to which a credit was allowed under section 45O, to the extent provided in section 45O(g).".

(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45O. Fishing safety equipment credit.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. LUGAR (for himself and Mrs. LINCOLN):

S. 689. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

Mr. LUGAR. Mr. President, on behalf of myself and Senator LINCOLN, I rise today to introduce the "Good Samaritan Hunger Relief Tax Incentive Extension Act of 2007". This important legislation extends and expands the food bank donation provisions that were included in the Pension Protection Act of 2006 (Public Law 109–280). The Pension Protection Act allows farmers and small business owners to receive a tax deduction for donation of food products contributed to food banks, pantries and homeless shelters for 2006 and 2007.

The new law permits businesses a deduction from their taxes for a donation equal to either (1) twice cost basis; or (2) the difference of cost basis plus one half the difference between cost basis and fair market value. Food donations of all sizes from all businesses can qualify for this type of donation. The bill that I am introducing today increases the valuation to full market value of the donation and makes this provision a permanent part of the Internal Revenue Code.

Demand on food banks has been rising, and these tax deductions would be an important step in increasing private donations to the non-profit hunger relief charities playing a critical role in meeting America's nutrition needs. It is estimated that food banks provide meals to more than 23 million Americans and that 13 million children are hungry or at risk of hunger.

As I have traveled around Indiana, I have visited many food banks in our State. They have confirmed the results of a study by the U.S. Conference of Mayors that showed demand for food at food banks has risen one hundred percent. Forty-eight percent of the people requesting emergency food assistance are either children or their parents. The number of elderly persons requesting food assistance has increased by ninety-two percent. The success of welfare reform legislation has moved many recipients off welfare and into jobs. In many States, welfare roles have been reduced by more than half. But we need to recognize that these individuals and their families are living on modest wages. As unemployment rates have risen, as with the fluctuation of the price of gas and heating oil, the demand placed on the food banks and soup kitchens has also increased.

Private food banks provide a key safety net against hunger. According to a report by the U.S. Department of Agriculture, 31 million Americans are living on the edge of hunger. USDA statistics show that up to 96 billion pounds of food go to waste each year in the United States. If a small percentage of this wasted food could be redirected to food banks, we could make important strides in our fight against hunger.

I have been especially impressed by the remarkable work of food banks in Indiana. In many cases, they are partnered with churches and faith-based organizations and are making a tremendous difference in our communities. We should support this private sector activity, which not only feeds people, but also strengthens community bonds and demonstrates the power of faith, charity, and civic involvement.

Each citizen can make an important contribution to the fight against hunger at a local level. It is important to make sure that none of us forget those who find themselves having to utilize the services of the food banks. In order to ensure that hunger relief organizations are meeting the greater demand they are seeing, we must make food drives a part of everyday activities. People should get in the habit of buying extra cans or boxes of food on every trip to the grocery store, not just around the holiday season.

I am committed to work with Chairman BAUCUS and Ranking Member GRASSLEY to find an offset to pay for this change to the tax code. I would like to thank them for their past support of this initiative and commend them on their efforts in helping America's charities meet their funding goals, and assist those individuals who take advantage of the services provided by these groups.

I believe the enactment of this legislation would be a great incentive in redirecting this food from being discarded to being distributed to hungry families.

By Ms. LANDRIEU:

S. 690. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to highlight the ongoing needs of our small businesses and homeowners in the gulf coast who were devastated by Hurricanes Katrina and Rita. In Louisiana alone, these disasters claimed 1,464 lives, destroyed more than 200,000 homes and 18,000 businesses and inflicted $25 billion in uninsured losses.

Many of my colleagues here in the Senate have been down to Louisiana and have seen firsthand the size and scope of the destruction. The Congress has been very generous in providing billions of Federal recovery dollars as well as valuable Gulf Opportunity, GO, Zone tax incentives to help spur recovery in the region. These resources will be key in the recovery of the region but there are additional needs on the ground that still must be addressed. That is why I am proud to introduce a bill today, the Catastrophic Disaster Recovery Improvements Act of 2007, which I believe, addresses a specific problem which is impacting homeowners throughout the gulf coast.

Katrina was the most destructive hurricane ever to hit the United States. The next month, in September, Hurricane Rita hit the Louisiana and Texas coast. It was the second most powerful hurricane ever to hit the United States, wreaking havoc on the southwestern part of my State and the east Texas coast. This one-two punch devastated Louisiana lives, communities and jobs, stretching from Cameron Parish in the west to Plaquemines Parish in the east.

We are now rebuilding our State and the wide variety of communities that were devastated by Rita and Katrina, areas representing a diverse mix of population, income and cultures. We hope to restore the region's uniqueness and its greatness. To do that, we need to rebuild our local economies now and far into the future. We cannot succeed, however, if our homeowners are being buried under Federal red tape and regulations.

The people who work for the Small Business Administration and FEMA are dedicated and interested to help in the recovery of our region. However, these individuals are operating under a system which is inadequate and, in some cases, unresponsive to needs on the ground.

I come to the floor today to introduce a bill which provides a commonsense solution to get the Federal assistance to our struggling homeowners. If we don't help them now, building a strong gulf coast will be all the more difficult if residents cannot rebuild their homes and businesses cannot open their doors.

For homeowners in Louisiana, the State is doing its part by setting up the Louisiana Road Home program, to provide homeowners with up to $150,000 in grant proceeds for uninsured losses on their properties. This program is State-administered, but supplemental CDBG-funded. However, many applicants are concerned because under the Stafford and Small Business Acts, the SBA is required to ensure there are no "duplication of benefits" provided to disaster victims. This means that SBA must review every file which received an SBA Disaster Loan, and if there is deemed to be duplication, deduct the duplication amount from the grant proceeds. As I said, I want the SBA to ensure taxpayers funds are used wisely, but at the same time, I want to ensure that all residents are able to get the funds they need to rebuild their homes.

Under the current scenario, some residents who have additional uninsured losses, are being required to still pay back these grant proceeds. This is because many SBA loss inspections were done right after the storms in 2005, but since then building/labor costs have increased dramatically, and this is not reflected in the SBA verified loss. Borrowers are able to request a loan modification from SBA, but many residents who waited months and months for SBA to respond are wary to go through the process again, especially if there is a prospect they will be declined for the increased loan amount. I can't blame them because there is enough uncertainty down there right now. Personally, I would also be hesitant to go through the SBA loan process again if I had to fill out as much paperwork as my constituents have had to fill out, and to receive constant requests for more information once they think they are done with submitting information.

For this reason, this bill provides the SBA administrator the flexibility to waive, partially or fully at the discretion of the administrator, this "duplication of benefits" rule. This provides borrowers with additional funds for rebuilding while retaining the Federal Government's financial responsibility to taxpayers. I believe this commonsense fix for major disasters corrects a major problem occurring in Louisiana right now and gives SBA some flexibility for future major disasters. The current SBA interpretation of these regulations overlooks the fact that a grant, with no repayment, has a different value to homeowners than loans, which require repayment. In effect, disaster victims are being penalized for getting an SBA loan before they received their Road Home grant and that is not how the Federal Government should respond to victims, who in many cases, lost everything. We should not allow victims to "double-dip" or benefit from the disaster, but the Federal Government should be responsive to needs on the ground and adjust as necessary to allow disaster victims to fully recover.

In introducing this bill today, I am hopeful it sends the signal to gulf coast residents that Congress has not forgotten about them and that we are doing our part to reduce red tape and bureaucracy. Congress did a great deal during the 109th Congress to help victims of the 2005 storms, but that does not mean we should just write off recurring problems to the responsibility of States or disaster victims themselves. I believe that both the leadership on the Senate Committee on Small Business and Entrepreneurship as well as the new SBA administrator, Steve Preston, are receptive to addressing ongoing needs in the gulf coast. I look forward to working closely with them in the coming weeks to provide substantive and lasting solutions for our small businesses and homeowners.

I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catastrophic Disaster Recovery Improvements Act of 2007".

SEC. 2. WAIVER OF PROHIBITION ON DUPLICATION OF CERTAIN BENEFITS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) WAIVER OF PROHIBITION ON DUPLICATION OF CERTAIN BENEFITS.—For any major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), in providing assistance under paragraph (1) or (2), the Administrator may waive, in whole or in part, the prohibition on the duplication of benefits, including whether damage or destruction has been compensated for by, credit is available from, activities are reimbursable through, or funds have been made available from any other source.".

(b) APPLICABILITY AND RETROACTIVITY FOR VICTIMS OF HURRICANES KATRINA, RITA, AND WILMA.—The amendment made by this section shall apply to any assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) provided on or after August 29, 2005.

By Mr. CONRAD:

S. 691. A bill to amend title XVIII of the Social Security act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am pleased to introduce the Kidney Care Quality and Education Act. For the over 400,000 Americans living with kidney disease, the time has come to modernize and improve the Medicare End Stage Renal Disease (ESRD) program. They simply can't wait any longer.

When Congress enacted the Medicare ESRD program, we recognized that this disease was unique and deserved special consideration. Unfortunately, since that time, Congress has fallen behind in its commitment, and the program has not kept pace with changes in treatment. My bill would take needed steps to modernize and improve the program to recognize quality and encourage education on kidney disease to better prevent and control ESRD.

The Kidney Care Quality and Education Act establishes education programs to assist patients with kidney disease to learn important self-management skills that will help them manage their disease more effectively and improve their quality of life. The bill also seeks to help individuals before they develop irreversible kidney failure by teaching individuals about the factors that lead to chronic kidney disease, the precursor to kidney failure, and how to prevent it, treat it, and, most importantly, avoid it. Additionally, the bill seeks to establish uniform training requirements for dialysis technicians and to identify barriers to accessing the home dialysis benefit.

Improving the ESRD program payment system and ensuring continued high quality care is also a critical component of modernizing the ESRD program. Medicare established the first prospective payment system (PPS) in the ESRD program in the early 1980s. Yet, the ESRD program remains the only Medicare PPS that does not receive an annual update. As a result, dialysis facilities have experienced difficulties in hiring qualified health care professionals and purchasing new technology.

It is time for the dialysis community to receive annual payment updates; however, it is also critically important that increased payments are tied to high quality. My bill addresses both of these issues by creating a three-year Continuous Quality Improvement Initiative to link payments with quality. First, the three-year initiative would create an annual update mechanism to fairly pay providers. Second, it would ask providers to report on quality measures developed through consultation with key stakeholders. Finally, it would withhold a certain percentage of the annual update to fund a quality bonus pool from which payments would be made to those providers who provide the best quality of care.

Congress must reaffirm its commitment to Americans with kidney failure by improving the program through new educational programs, quality initiatives, and payment reform. The Kidney Care Quality and Education Act is a comprehensive bill that moves the program in that direction. I urge my colleagues to join with me in supporting this important legislation.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 693. A bill to amend the Public health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am pleased to be joined by the Senator from Maine, Ms. COLLINS, in introducing the reauthorization of the Automated Defibrillators in Adam's Memory Act, or the ADAM Act. This bill is modeled after the successful Project ADAM that originally began in Wisconsin, and will reauthorize a program to establish a national clearing house to provide schools with the "how-to" and technical advice to set up a public access defibrillation program.

Sudden cardiac death from coronary heart disease occurs over 900 times per day in the United States. By improving access to automated external defibrillators, or AEDs, we can improve the survival rates of cardiac arrest in our communities.

In my home State of Wisconsin, as in many other States, heart disease is the number one killer. In 2004, 35.4 percent of all deaths in Wisconsin were caused by heart disease and stroke. Overall, heart disease kills more Americans than AIDS, cancer and accidents combined.

Cardiac arrest can strike anyone. Cardiac victims are in a race against time, and unfortunately, for too many of those in rural areas, Emergency Medical Services are unable to reach people in need, and time runs out. It's simply not possible to have EMS units next to every farm and small town across the Nation.

Fortunately, recent technological advances have made the newest generation of AEDs inexpensive and simple to operate. Because of these advancements in AED technology, it is now practical to train and equip police officers, teachers, and members of other community organizations.

An estimated 164,600 Americans experience out-of-hospital sudden cardiac arrests each year. Immediate CPR and early defibrillation using an AED can more than double a victim's chance of survival. By taking some relatively simple steps, we can give victims of cardiac arrest a better chance of survival.

Over the past 6 years, I have worked with Senator SUSAN COLLINS, a Republican from Maine, on a number of initiatives to empower communities to improve cardiac arrest survival rates. We have pushed Congress to support rural first responders—local police and fire and rescue services—in their efforts to provide early defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices program allows community partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. I'm pleased to say that grants have already put defibrillators in rural communities in 49 States, helping those communities be better prepared when cardiac arrest strikes.

Approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital. Every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only 8 minutes, the victim's survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly sad. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. In fact, we have seen a number of examples in Wisconsin where early CPR and access to defibrillation have saved lives.

Seventy miles away from Milwaukee, a 14-year-old boy collapsed while playing basketball. Within 3 minutes, the emergency team arrived and began CPR. Within 5 minutes of his collapse, the paramedics used an AED to jump start his heart. Not only has this young man survived, doctors have identified his father and brother as having the same heart condition and have begun preventative treatments.

These stories help to underscore some important issues. First, although cardiac arrest is most common among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives. Third, some individuals who are at risk for sudden cardiac arrest can be identified to prevent cardiac arrest.

After Adam Lemel suffered his cardiac arrest, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths and save lives.

Today, Project ADAM has introduced AEDs into several Wisconsin schools, and has been a model for programs in Washington, Florida, Michigan and elsewhere. Project ADAM provides a model for the Nation, and now, with the enactment of this new law, more schools will have access to the information they seek to launch similar programs.

The ADAM Act was passed into law in 2003, but has yet to be funded. Should funding be enacted, the program will help to put life-saving defibrillators in the hands of people in schools around the country. I have been very proud to play a part in having this bill signed into law, and it is my hope that the reauthorization of the Act will quickly pass through the Congress and into law, and that funding will follow. It would not take much money to fund this program and save lives across the country.

The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow's pediatric cardiac arrest victims a fighting chance at life.

This act exists because a family that experienced the tragic loss of their son was determined to spare other families that same loss. I thank Adam's parents, Joe and Patty, for their courageous efforts and I thank them for everything they have done to help the ADAM Act become law. Their actions take incredible bravery, and I commend them for their efforts.

By making sure that AEDs are available in our Nation's rural areas, schools and throughout our communities we can help those in a race against time have a fighting chance of survival when they fall victim to cardiac arrest. I urge Congress to pass this reauthorization, and to fund this Act. We have the power to prevent death—all we must do is act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automated Defibrillation in Adam's Memory Reauthorization Act".

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 312(e) of the Public Health Service Act (42 U.S.C. 244(e)) is amended in the first sentence by striking "fiscal year 2003" and all the follows through "2006" and inserting "for each of fiscal years 2003 through 2011".

By Mrs. CLINTON (for herself, Mr. SUNUNU, Mr. REED, Mr. KERRY, Mr. DURBIN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. LAUTENBERG):

S. 694. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, today I am reintroducing with my colleague Senator SUNUNU The Cameron Gulbransen Kids and Cars Safety Act, a bill to improve the child safety features in new vehicles.

While we hear a great deal about automobile accidents, we don't hear nearly as much about non-traffic automobile accidents, which can be just as tragic. This bill is named in honor of a 2-year-old Long Island boy who was killed when his father accidentally backed over him in his driveway. Since 2000, over 1,150 children have died in non-traffic, non-crash incidents, and this number has been steadily rising. The average age of victims in these cases is just 1 year old, and in 70 percent of backover cases, a parent, relative or close friend is behind the wheel. This bill is aimed at preventing other families from suffering this fate.

The Cameron Gulbransen Kids and Cars Safety Act would make new passenger motor vehicles safer in three important ways. First, it requires a detection system to alert drivers to the presence of a child behind the vehicle. Second, it will ensure that power windows automatically reverse direction when they detect an obstruction—preventing children from being trapped, injured or killed. And finally, the bill will require the vehicle service break to be engaged in order to prevent vehicles from unintentionally rolling away.

The bill also establishes a child safety information program administered by the Secretary of Transportation to collect non-traffic, non-crash incident data and disseminate information to parents about these hazards and ways to mitigate them.

This bill proves that with modest, cost-effective steps, we can prevent many tragic car-related accidents from occurring. Power window sensors, for example, cost around $10 a window. Brakeshift interlocks are already standard in most passenger vehicles, but will cost only $5 where needed. Backover warning systems cost approximately $300 a car, far cheaper than DVD and stereo systems. This inexpensive technology could save thousands of children's lives.

I fought long and hard into the last hours of the 109th Congress to get this bill through and I know that families, advocates and many of my colleagues are poised to continue that momentum in the new Congress.

I am proud to be reintroducing the Cameron Gulbransen Kids and Cars Safety Act of 2007 and urge all my colleagues to join me in supporting this bill. Together, we can ensure that we have safer cars and safer kids across our country.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. 695. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, as you may know, Turkey invaded the northern area of the Republic of Cyprus in the summer of 1974. At that time, less than 20 percent of the private real property in this area was owned by Turkish Cypriots, with the rest owned by Greek Cypriots and foreigners. Turkey's invasion and subsequent occupation of northern Cyprus displaced people who are to this day prevented by the Turkish Armed Forces from returning to and repossessing their homes and properties.

A large proportion of these properties were distributed to, and are currently being used by, the 120,000 Turkish settlers brought into the occupied area by Turkey. It is estimated that 7,000 to 10,000 U.S. nationals today claim an interest in such property.

Adding urgency to the plight of Greek-Cypriots and Americans who lost property in the wake of the invasion is a recent property development boom in the Turkish-occupied north of Cyprus. As an ever-increasing number of disputed properties are transferred or developed, the rightful owners' prospects for recovering their property or being compensated worsen.

In 1998, the European Court of Human Rights found that Turkey had unlawfully deprived Greek Cypriot refugees of the use of their properties in the north of the island. The Court ruled that the Government of Turkey was obliged to compensate the refugees for such deprivation, and to allow them to return home.

It is to provide similar redress to the American victims of Turkey's invasion and occupation of Cyprus that my colleague Senator MENENDEZ and I today introduce the "American-Owned Property in Occupied Cyprus Claims Act".

This act would direct the U.S. Government's independent Foreign Claims Settlement Commission to receive, evaluate and determine awards with respect to the claims of U.S. citizens and businesses that lost property as a result of Turkey's invasion and continued occupation of northern Cyprus. To provide funds from which these awards would be paid, the act would urge the President to authorize the Secretary of State to negotiate an agreement for settlement of such claims with the Government of Turkey.

The act would further grant U.S. Federal courts jurisdiction over suits by U.S. nationals against any private persons, other than Turkey, occupying or otherwise using the U.S. national's property in the Turkish-occupied portion of Cyprus. Lastly, the act would expressly waive Turkey's sovereign immunity against claims brought by U.S. nationals in U.S. courts relating to property occupied by the Government of Turkey and used by Turkey in connection with a commercial activity carried out in the United States.

This bill represents an important step toward righting the internationally recognized wrong of the expropriation of property, including American property, in northern Cyprus in the wake of the 1974 invasion by the Turkish Army. I strongly urge my colleagues to promptly consider and pass this critical piece of legislation.

By Mr. BAUCUS:

S. 696. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, energy is once again one of the top two or three domestic issues facing the Congress this year.

Prices for gasoline, heating oil, electricity, and natural gas have soared in recent years, hitting working families hard. Our energy security has been threatened on many fronts: We have seen a terrorist attack on Saudi Arabian oil facilities, oil workers kidnapped in Nigeria, Venezuelan President Hugo Chavez threatened to cut off our supply of oil from his country, and some question whether Iran's role as an oil supplier keeps other countries from properly addressing Iran's nuclear proliferation threat. Recently we learned that Russia and Iran are talking about creating an OPEC-like organization for natural gas—a cartel that could put even more pressure on natural gas prices.

Energy provides one of America's greatest challenges for the 21st century. Our economy has been dependent on oil and coal for about 100 years. And since World War II, natural gas has become part of the equation. Will we continue to rely on these energy sources for the next 100 years?

The cost of energy will profoundly affect the future competitiveness of the American economy. As the Chinese and Indian economies grow, so will their demand for energy. And that will add further upward pressure to energy prices.

Global climate change is another issue that demands that we take a fresh look at our energy future. While we address the issue of energy security, we must also keep an eye on the effect that new energy development will have on carbon dioxide emissions and global warming.

We are essentially trapped in an energy box. It is a box characterized by high imports, wildly fluctuating prices for oil and natural gas, and environmental danger. As a Nation, we must experiment with ways to break out of that box. To break out, we need an energy research effort modeled after the Manhattan project, or the Apollo mission to the moon.

America has a brilliant record of gathering the best minds. We have consistently met challenges that at first seemed to be impossible. During World War II, the Manhattan project brought together brilliant physicists and engineers to build an atomic bomb in 3 short years. And after President Kennedy described his vision to a joint session of Congress in May of 1961, the Apollo space program put a man on the moon in just 8 years.

Looking back, these achievements look stunning. Both projects started out with no guarantee of success. Each could have ended in utter failure. Yet because of the talent, ingenuity, and focus of creative minds, they both succeeded.

Breaking out of the energy box poses a similar challenge. Success is not guaranteed. But we have got to give it our best shot.

Today I am reintroducing legislation to create an ARPA–E, Advanced Research Projects Agency—Energy. My legislation would create a new energy research agency to help our nation face the challenges of a newly competitive global economy. It will help us to move into a new energy future.

We have the greatest research scientists on the planet. We have the most technically-talented workforce in the world. But we do not have the vigor that we need in energy research. Energy research is a backwater, compared to other research efforts in biotechnology, medicine, computers, and defense-oriented projects.

With the Manhattan project and the Apollo space program, America proved that we can gather the best talent for a focused mission and succeed. It is time that we began a similar effort on energy.

We need to create a new agency to initiate cutting-edge, innovative energy research and development aimed at taking us to a new energy future. Doing so is essential to our effort to improve our economic competitiveness.

The new agency is modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionary technologies that DARPA has developed are the internet and stealth technology for aircraft. DARPA has been a tremendous success.

The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the committee. Based on DARPA's achievements, the committee recommended the creation of an ARPA–E: Advanced Research Projects Agency—Energy.

This was one of a number of recommendations that the committee made in its impressive 2005 report on the future competitive challenges that America faces. The committee recommended that ARPA–E be designed to conduct transformative, out-of-the-box energy research.

My bill proposes that ARPA–E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff. A director of the agency and four deputies would lead ARPA–E. I propose that ARPA–E be funded at $300 million in fiscal year 2008, $600 million in 2009, $1.1 billion in 2010, $1.5 billion in 2011, and $2.0 billion in 2012.

We would require that the staff have a technical background. The agency would use the Experimental Personnel Authority designed for DARPA. That authority authorizes higher salaries than for typical Federal employees, and faster hiring, so that the agency could get to work quickly.

To keep the intense, innovative focus that we want, technical staff would be limited to 3 to 4 years at the agency. Managers would be limited to 4 to 6 years. The director could give both groups extended terms of employment if the director so chose.

For contracts, the agency would use the DARPA procedure. That procedure allows more flexible contracting arrangements than are normally possible under the Federal Acquisition Regulations. To ensure that ARPA–E would conduct innovative research, 75 percent of research projects initiated by ARPA–E would not be peer reviewed.

The ARPA-E would be authorized to award cash prizes to encourage and accelerate energy research accomplishments.

Finally, the bill would require a report by the end of fiscal year 2008 on whether ARPA–E would need its own energy research lab.

Congress enacted an important companion piece to ARPA–E last December in the Tax Relief and Health Care Act of 2006. That law extended the credit for electricity from renewable resources, added $400 million to the Clean Renewable Energy Bond program, extended the deduction for energy efficient buildings and the credit for energy efficient homes, and provided incentives for cellulosic biomass ethanol facilities.

On the energy agenda this year is consideration of President Bush's proposal to increase Federal targets for use of renewable and alternative fuels. And additional tax incentives to encourage the development and use of alternative energy are being contemplated.

We are seeing exciting new efforts in America to strengthen our energy competitiveness. We need to build on this foundation by creating an aggressive energy research agency that will push the limits of new technology and discover alternative energy sources.

America has massive coal reserves. So coal gasification is receiving greater attention. Gasification involves breaking down coal under heat and pressure to create synthetic natural gas. We must address the environmental issues. But if this technology can be improved, then America will be able to take a huge step toward energy independence.

There are exciting developments in wind energy. In Montana, the Judith Gap Wind Farm has been generating power at full capacity, using 90 wind turbines. Each turbine can produce enough electricity for roughly 400 homes. The entire farm can produce the electricity needed to supply 300,000 customers. And my State ranks in the top 15 States in the Nation for wind power capacity. Nationwide, wind power generating capacity increased 27 percent in 2006.

Fusion is another possible area where aggressive research could lead to huge payoffs. Continuing research will help us to determine whether energy production through fusion is a practical option.

Ethanol is also gaining as an alternative energy option. The Nation's first cellulosic ethanol pilot facility has opened in Jennings, Louisiana. This 1.4 million gallons-per-year, demonstration-scale facility will produce cellulosic ethanol from sugarcane plant residue and specially-bred energy cane by the end of 2007.

There are also exciting developments in nanotechnology, solar power, energy-efficient materials, biomass, and green buildings.

All of these are examples of possible directions for our Nation's energy future. But we need a more aggressive and focused research and development effort to push these alternatives. And we need an effort to create scientific breakthroughs to supplement existing technologies.

We have got to give it our best shot. As President Franklin Roosevelt said, we must conduct "bold, persistent experimentation."

Our economic security is at stake. Our ability to compete in the new world economy is at stake.

ARPA-E will help us to move forward on existing technologies. It will help us to find new technologies that are not even imaginable today.

I urge my Colleagues to look closely at this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Research Act of 2007".

SEC. 2. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as "ARPA-E").

(b) GOALS.—The goals of ARPA-E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA-E shall be headed by a Director (referred to in this section as the "Director") appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, Advanced Research Projects Administration-Energy.".

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established under this section, to the maximum extent practicable, in a manner that is similar to the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA-E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA-E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA-E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA-E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) EXPERIMENTAL PERSONNEL AUTHORITY.—In appointing personnel for ARPA-E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note).

(4) MAXIMUM DURATION OF EMPLOYMENT.—

(A) PROGRAM MANAGERS AND SENIOR TECHNICAL MANAGERS.—

(i) IN GENERAL.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) EXTENSIONS.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) TECHNICAL PROGRAM MANAGERS.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) LOCATION.—The office of an officer or employee of ARPA-E shall not be located in the headquarters of the Department of Energy.

(f) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To carry out projects through ARPA-E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) PEER REVIEW.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the mission of ARPA-E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) COORDINATION OF ACTIVITIES.—The Director—

(1) shall ensure that the activities of ARPA-E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) REPORT.—Not later than September 30, 2008, the Director shall submit to Congress a report on the activities of ARPA-E under this section, including a recommendation on whether ARPA-E needs an energy research laboratory.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $600,000,000 for fiscal year 2009;

(3) $1,100,000,000 for fiscal year 2010;

(4) $1,500,000,000 for fiscal year 2011; and

(5) $2,000,000,000 for fiscal year 2012.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 697. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation along with my colleague from Pennsylvania, Senator Casey, that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the "Steel Industry National Historic Site" to be operated by the National Park Service in southwestern Pennsylvania.

The importance of the steel industry to the development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great nation. The National Park Service has reported that Congress should make remnants of the U.S. Steel Homestead Works an affiliate of the national park system, rather than a full national park, an option which had been considered in years prior, and which I proposed in the 107th Congress. Due to the backlog of maintenance projects at national parks, the legislation offered today instead creates a national historic site that would be affiliated with the National Park Service. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America and continues today.

I have long supported efforts to preserve and enhance the historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the city of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny; Armstrong, Fayette, Greene, Washington and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of roughly $1 million annually since fiscal year 1998. I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition needed for this important heritage. That is why I am introducing this legislation today.

It is important to note why Pennsylvania should be the home of the national site that my legislation authorizes. The combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace Complex, the Hot Metal Bridge, and the United States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation. As testimony of the area's historic significance, on September 20, 2006, the Carrie Furnaces were designated as a National Historic Landmark by the Secretary of the Interior.

Highlights of such a national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national site under this bill includes the location of the Battle of the Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of the Homestead marked a crucial period in our nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the Federal Government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative DOYLE, who has been a longstanding leader in this preservation effort and who has consistently sponsored identical legislation in the U.S. House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, President and Chief Executive Officer of the Steel Industry Heritage Corporation, in order to bring this national historic site to fruition. We came very close to passing this bill in the 108th Congress with its passage in various forms in the House and the Senate. However, Congress adjourned prior to final passage of the same bill in both chambers during the 108th and 109th Congresses. Therefore, today we reintroduce this legislation and urge its swift passage.

By Mr. DURBIN (for himself, Mr. HAGEL, and Mr. WARNER):

S. 698. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, today I am introducing the Veterans' Survivor Education Enhancement Act. This legislation would expand education benefits for the survivors and dependents of fallen servicemembers.

Specifically, the legislation would adjust the Survivors' and Dependents' Educational Assistance Program by increasing the dependent benefit to $80,000 which the dependent can draw against for any period between the ages of 17 and 30. This benefit may be used for any expenses incurred while pursuing an education, including: tuition, fees, books, room, and board. Education benefits may be used for degree and certificate programs, apprenticeship, and on-the-job training. The surviving spouse benefit also will rise to $80,000 and may be used by the spouse for 20 years after the death of the servicemember.

Of the 24.3 million veterans currently alive, nearly three-quarters served during a war or an official period of conflict. About a quarter of the Nation's population, approximately 63 million people, are potentially eligible for veterans' benefits and services because they are veterans, family members or survivors of veterans. Since the dependents program was enacted in 1956, the Department of Veterans Affairs (VA) also has assisted in the education of more than 700,000 dependents of veterans whose deaths or total disabilities were service-connected. In 2005, VA helped pay for the education or training of 336,347 veterans and active-duty personnel, 87,589 reservists and National Guardsmen and 74,360 survivors.

Surviving families of veterans have already given so much to our Nation. We need to give the widowed spouses and children a helping hand. Therefore, in honor of these families and our brave fallen servicemembers, I encourage my colleagues to support the Veterans' Survivor Education Enhancement Act and cosponsor this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Survivors Education Enhancement Act of 2007".

SEC. 2. EXPANSION AND ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS OF VETERANS.

(a) TERMINATION OF DURATIONAL LIMITATION ON USE OF EDUCATIONAL ASSISTANCE AND RESTATEMENT OF CONTINUING REQUIREMENTS.—

(1) IN GENERAL.—Subsection (a) of section 3511 of title 38, United States Code, is amended to read as follows:

"(a)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of educational assistance described in paragraph (2) shall not be charged against the entitlement of any individual under this chapter.

"(2) The payment of educational assistance referred to in paragraph (1) is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10 or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32; and

"(B) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the course pursuit.".

(2) CONFORMING AMENDMENTS.—Such title 38 is further amended as follows:

(A) In section 3511, by amending the heading to read as follows:

"§3511. Treatment of certain interruptions in pursuit of programs of education".

(B) In section 3532(g)—

(i) in paragraph (1), by striking "paragraph (3)" and inserting "paragraph (2)";

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(C) By striking section 3541 and inserting the following new section:

"§3541. Special restorative training

"(a) The Secretary may, at the request of an eligible person—

"(1) determine whether such person is in need of special restorative training; and

"(2) if such need is found to exist, prescribe a course that is suitable to accomplish the purposes of this chapter.

"(b) A course of special restorative training under subsection (a) may, at the discretion of the Secretary, contain elements that would contribute toward an ultimate objective of a program of education.".

(D) In section 3695(a)(4), by striking "35,".

(b) EXTENSION OF DELIMITING AGE OF ELIGIBILITY FOR DEPENDENTS.—Section 3512(a) of such title, is amended by striking "twenty-sixth birthday" each place it appears and inserting "thirtieth birthday".

(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 3532 of such title is amended to read as follows:

"§3532. Amount of educational assistance

"(a) The aggregate amount of educational assistance to which an eligible person is entitled under this chapter is $80,000, as increased from time to time under section 3564 of this title.

"(b) Within the aggregate amount provided for in subsection (a), educational assistance under this chapter may be paid for any purpose, and in any amount, as follows:

"(1) A program of education consisting of institutional courses.

"(2) A full-time program of education that consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

"(3) A farm cooperative program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months that is pursued by an eligible person who is concurrently engaged in agricultural employment that is relevant to such institutional agricultural courses as determined under standards prescribed by the Secretary.

"(4) A course or courses or other program of special educational assistance as provided in section 3491(a) of this title.

"(5) A program of apprenticeship or other on-job training pursued in a State as provided in section 3687(a) of this title.

"(6) In the case of an eligible spouse or surviving spouse, a program of education exclusively by correspondence as provided in section 3686 of this title.

"(7) Special restorative training as provided in section 3542 of this title.

"(c) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, any educational assistance for such person under this chapter shall be paid at the rate of $0.50 for each dollar.

"(d)(1) Subject to paragraph (2), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the available entitlement for the individual under this chapter.".

(2) CONFORMING AMENDMENTS.—Title 38, United States Code, is amended as follows:

(A) By striking section 3533 and inserting the following new section:

"§3533. Tutorial assistance

"An eligible person shall, without any charge to any entitlement of such person to educational assistance under section 3532(a) of this title, be entitled to the benefits provided an eligible veteran under section 3492 of this title.".

(B) Section 3534 is repealed.

(C) In section 3542—

(i) in subsection (a), by striking "computed at the basic rate" and all that follows through the end of the subsection and inserting a period; and

(ii) in subsection (b), by striking "an educational assistance allowance" and inserting "educational assistance".

(D) In section 3543(c)—

(i) in paragraph (1), by adding "and" at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(E) In section 3564, by striking "rates payable under sections 3532, 3534(b), and 3542(a)" and inserting "aggregate amount of educational assistance payable under section 3532".

(F) In section 3565(b), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) educational assistance payable under section 3532 of this title, including the special training allowance referred to in subsection (b)(7) of such section, shall be paid at the rate of $0.50 for each dollar; and".

(G) In section 3687—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1), by striking "or an eligible person (as defined in section 3501(a) of this title)"; and

(II) in the flush matter following paragraph (2), by striking "chapters 34 and 35" and inserting "chapter 34";

(ii) in subsection (c), by striking "chapters 34 and 35" and inserting "chapter 34"; and

(iii) in subsection (e), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) In this subsection, the term 'individual' means an eligible veteran who is entitled to monthly educational assistance allowances payable under section 3015(e) of this title.".

(d) OTHER CONFORMING AMENDMENTS.—Title 38, United States Code, is further amended as follows:

(1) In section 3524, by striking "the educational assistance allowance" each place it appears and inserting "educational assistance".

(2) In section 3531—

(A) in the heading, by striking "**allowance**";

(B) in subsection (a), by striking "an educational assistance allowance" and inserting "educational assistance"; and

(C) in subsection (b), by striking "allowance".

(3) In section 3537(a), by striking "additional".

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 35 of such title is amended as follows:

(1) By striking the item relating to section 3511 and inserting the following new item:

"3511. Treatment of certain interruptions in pursuit of programs of education.".

(2) By striking the items relating to section 3531, 3532, and 3533 and inserting the following new items:

"3531. Educational assistance.
"3532. Amount of educational assistance.
"3533. Tutorial assistance.".

(3) By striking the item relating to section 3534.

(4) By striking the item relating to section 3541 and inserting the following new item:

"3541. Special restorative training.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ANNUAL ADJUSTMENTS FOR FISCAL YEAR 2008.—Notwithstanding the effective date under paragraph (1) of the amendment to section 3564 of title 38, United States Code, made by subsection (c)(2)(E), the Secretary of Veterans Affairs shall make the first increase in the aggregate amount of educational assistance under section 3532 of such title as required by such section 3564 (as so amended) for fiscal year 2008.

SUMITTED RESOLUTIONS

SENATE RESOLUTION 86—DESIGNATING MARCH 1, 2007, AS "SIBLINGS CONNECTION DAY"

Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. BROWN, Mr. KERRY, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 86

Whereas sibling relationships are among the longest-lasting and most significant relationships in life;

Whereas brothers and sisters share history, memories, and traditions that bind them together as family;

Whereas it is estimated that over 65 percent of children in foster care have siblings, many of whom are separated when placed in the foster care system, adopted, or confronted with different kinship placements;

Whereas children in foster care are at greater risk than their peers of having emotional disturbances, problems in school, and difficulties with relationships later in life;

Whereas the separation of siblings while children causes additional grief and loss;

Whereas organizations and private volunteer efforts exist that advocate for preserving sibling relationships in foster care settings and that give siblings in foster care the opportunity to reunite;

Whereas Camp to Belong, a nonprofit organization founded in 1995 by Lynn Price, heightens public awareness of the need to preserve sibling relationships in foster care settings and gives siblings in foster care the opportunity to be reunited; and

Whereas Camp to Belong has reunited over 2,000 separated siblings across the United States, the United States Virgin Islands, and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2007, as "Siblings Connection Day";

(2) encourages the people of the United States to celebrate sibling relationships on Siblings Connection Day; and

(3) supports efforts to respect and preserve sibling relationships that are at risk of being disrupted by the placement of children in the foster care system.

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD IMPLEMENT A COMPREHENSIVE INTERAGENCY PROGRAM TO REDUCE THE LUNG CANCER MORTALITY RATE BY AT LEAST 50 PERCENT BY 2015

Mr. HAGEL (for himself, Mrs. CLINTON, Mr. BROWNBACK, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 87

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), coordinated and comprehensive research has raised the 5-year survival rates for breast cancer to 88 percent, for prostate cancer to 99 percent, and for colon cancer to 64 percent;

Whereas the 5-year survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer cases are now diagnosed in nonsmokers or former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as Black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the baby boomer generation are entering their sixties, the most common age at which people develop cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact";

Whereas the Report of the Lung Cancer Progress Review Group identified as its "highest priority" the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the lung cancer mortality rate by 50 percent by 2015;

(2) direct the Secretary of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs as part of a coordinated strategy with defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state-of-the-art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint a Lung Cancer Scientific and Medical Advisory Committee, comprised of medical, scientific, pharmaceutical, and patient advocacy representatives, to—

(A) work with the National Lung Cancer Public Health Policy Board described in paragraph (5); and

(B) report to the President and Congress on the progress toward and the obstacles to achieving the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015; and

(5) convene a National Lung Cancer Public Health Policy Board, comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, to oversee and coordinate all efforts to accomplish the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015.

AMENDMENTS SUBMITTED AND PROPOSED

SA 268. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 269. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 270. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 184, to provide improved rail and surface transportation security; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 268. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "rural" means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

SA 269. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. VACANCIES.

(a) IN GENERAL.—Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—

(A) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(i) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(ii) 120 days after the date of enactment of this Act.

(B) EXPIRED APPOINTMENTS.—If an appointment expires under subparagraph (A), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this section.

SA 270. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 184, to provide improved rail and surface transportation security; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. VACANCIES.

(a) IN GENERAL.—Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—

(A) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(i) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(ii) 120 days after the date of enactment of this Act.

(B) EXPIRED APPOINTMENTS.—If an appointment expires under subparagraph (A), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this section.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled "Credit Card Practices: Fees, Interest Rates, and Grace Periods." It is the first of several subcommittee hearings that will examine a variety of credit card practices that raise concerns. This hearing will focus on how credit card issuers apply interest rates and fees to consumer accounts. It will examine, for example, how credit card issuers select and apply interest rates and, for consumers carrying a balance forward, eliminate grace periods for repaid debts. It will also analyze high fees charged for late payments, over-the-limit charges, and other matters, including how those fees are assessed, how they add to increase interest costs, and how they contribute to consumer debt. In addition, the hearing will examine an industry practice requiring consumer payments to be applied first to balances with the lowest interest rates instead of to balances with the highest interest rates. The hearing will draw, in part, from a September 2006 GAO report detailing the finance charges, fees, and disclosure practices associated with 28 popular credit cards. Witnesses for the upcoming hearing will include representatives from the three largest credit card issuers, Bank of America, JPMorgan Chase, and Citigroup, as well as consumer witnesses. A final witness list will be available on Monday, March 5, 2007.

The subcommittee hearing is scheduled for Wednesday, March 7, 2007, at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, of the Permanent Subcommittee on Investigations at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 27, at 9:30 a.m., in open and closed sessions to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Tuesday, February 27, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the Passenger Rail Investment and Improvement Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, February 27, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "America's Energy Future: Bold Ideas, Practical Solutions".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 27, 2007, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, February 27, 2007 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a hearing on "Strengthening Our Criminal Justice System: The John R. Justice Prosecutors and Defenders Incentive Act of 2007" on Tuesday, February 27, 2007 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness List:

Paul A. Logli, Winnebago County State's Attorney, Chairman of the

Board, National District Attorneys Association, Rockford, Illinois; Michael P. Judge, Chief Public Defender, Los Angeles County, Founding Member, American Council of Chief Defenders, Los Angeles, California; Jessica A. Bergeman, Assistant State's Attorney, Cook County State's Attorneys Office, Chicago, Illinois; George B. Shepherd, Associate Professor of Law, Emory University School of Law, Atlanta, Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 27, 2007 at 2 p.m. in the Canon Caucus Room, to hear the legislative presentation of the Disabled American Veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Aaron Firoved and Nathan Lesser, both fellows on detail to my Homeland Security and Governmental Affairs staff, and Cherrie Daniels, a fellow on detail from my personal office, have leave to the floor for the duration of the debate on the bill, S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 562 AND S. 609

Mr. DURBIN. Mr. President, I ask unanimous consent that S. 562 and S. 609 each be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 28, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, February 28; that on Wednesday, following the prayer and the Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the majority and the second 30 minutes under the control of the Republicans; that following morning business, the Senate then begin consideration of S. 4, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:23 p.m., adjourned until Wednesday, February 28, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 2007:

DEPARTMENT OF JUSTICE

JEFFREY A. TAYLOR, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE KENNETH L. WAINSTEIN, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10. U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL J. BROWNE, 0732

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10. U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. THOMAS F. KENDZIORSKI, 3120

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10. U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. LOTHROP S. LITTLE, 1617

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KENNETH J. BRAITHWAITE, 9527

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEPHEN P. CLARKE, 3893

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JOSEPH D. STINSON, 1305

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JERRY R. KELLEY, 9193

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10. U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CYNTHIA A. DULLEA, 9603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PATRICIA E. WOLFE, 6159

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10. U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. GARRY J. BONELLI, 8971
CAPT. ROBIN R. BRAUN, 7807
CAPT. SANDY L. DANIELS, 6109
CAPT. SCOTT E. SANDERS, 9794
CAPT. ROBERT O. WRAY, JR., 6954

HOUSE OF REPRESENTATIVES—*Tuesday, February 27, 2007*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 27, 2007.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Creator of the heavens and Earth, You have endowed this planet, the ground for all our living, with innumerable gifts of nature held in delicate balance.

So many resources have been given by You to Mother Earth so that life for Your people all over the globe may be sustained and developed.

May this great Nation, led by gratitude and imagination in government, study with sincerity the laws of nature and share with others its discoveries so that a just distribution of all Earth's resources may be assured according to principles of justice and solidarity. Then will the poor and the hungry over all the Earth be given voice and sing praise and thanksgiving to You both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. SCOTT) come forward and lead the House in the Pledge of Allegiance.

Mr. SCOTT of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 20, 2007.

Hon. NANCY PELOSI,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 20, 2007, at 12:00 p.m.:

That the Senate passed S. 171.

That the Senate agreed to without amendment H. Con. Res. 67.

That the Senate passed without amendment H.R. 577.

That the Senate passed without amendment H.R. 514.

That the Senate passed without amendment H.R. 433

That the Senate passed without amendment H.R. 521.

That the Senate passed without amendment H.R. 335.

That the Senate passed without amendment H.R. 49.

Appointments:

United States-China Economic Security Review Commission.

United States Commission on Civil Rights.

Japan-United States Friendship Commission.

Commission on Security and Cooperation in Europe (Helsinki).

National Council on the Arts.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

THE TRUCKS ARE COMING, THE TRUCKS ARE COMING

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the next sound you hear will be the rumble of thousands of Mexican trucks streaming across our southern border. The U.S. Government has agreed to allow 100 Mexican trucking companies to send trucks on the highways and byways of America. Presently, Mexican trucks may only go 20 miles inside the U.S. border. The U.S. Government says they will inspect the trucks for safety and inspect the drivers as well—Yeah, right. There are already 6,000 trucks a day crossing in each direction just between Laredo, Texas, and Nuevo Laredo, Mexico; and only a fraction of these are inspected.

This country has no way of inspecting each and every Mexican truck for safety, and there is no telling what could be in them, whether it is legitimate cargo, narcotics or contaminated food. Not to mention, Mexican trucks are not up to the standards of the U.S. trucking industry. Overweight, polluting Mexican trucks driven by low paid, unqualified drivers that may not even be able to read highway signs, is a dangerous policy for the citizens of this country.

Once again, our government seems to be more concerned about Mexico than it is about our Nation, our highways or our people.

And that's just the way it is.

OUR COUNTRY MUST APOLOGIZE FOR SLAVERY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, ladies and gentlemen of the House, today I am going to introduce a bill to call on the United States Government to apologize for the history in this country of having a slave system and for Jim Crow laws that went on for a hundred additional years.

The State of Virginia is to be commended for its action this past week in making, in essence, an apology saying they regretted a system of slavery in this country.

For 246 years, our Constitution and our laws allowed a system that made people slaves, that divided people from their families and treated them as property. And for 100 years thereafter, a system of laws in many States throughout the country had Jim Crow laws that deprived people of the opportunity for equal access to education, health care, public facilities, and other types of programs. These ended by law in the sixties somewhat through the efforts of Thurgood Marshall and other attorneys in Brown v. Board of Education, but the effects are lingering.

This country needs to apologize for a brutal, inhumane system of slavery and Jim Crow laws. President Bush has made remarks similar to this in Senegal; President Clinton also in the State of Virginia most recently.

I hope we will have all our colleagues sign on and pass this unanimously, as the State of Virginia did, and make a proper apology for a harmful and unfortunate part of our history.

DIANE E. SUMPTER RECOGNIZED FOR SUCCESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during Black History Month, Diane Sumpter has earned front-page cover status in the Greater Columbia Business Monthly of South Carolina for developing one of the most prestigious minority business firms. DESA, Inc., has grown to be a nationally recognized management consultant firm.

Ms. Sumpter is a native of Jacksonville, Florida. She later moved to Columbia, where she graduated from Booker T. Washington High School and then attended the University of South Carolina, where she obtained both a B.A. in English and a master's degree in social work.

Ms. Sumpter's dedication to the growth and success of minority- and women-owned businesses is evidenced in her efforts with the South Carolina Minority Business Development Center, which is operated by her company. The center has assisted businesses by acting as a liaison to facilitate business growth for over 10 years.

Since DESA was started in 1986, it has been awarded service contracts from HHS, the Department of Commerce, the Minority Business Development Agency, the Army, the Air Force, the Small Business Administration, as well as various contracts from the private sector. DESA works with companies from the very beginning of projects until their completion.

In conclusion, God bless our troops, and we will never forget September 11 and the courageous service of Army Chief Warrant Officer II, Jason De Frenn of Barnwell, South Carolina.

ILLEGALS USING FED TO WIRE MONEY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. You know, the United States is a Nation founded on the rule of law. Those who do not follow the law are held accountable, except when you are an illegal immigrant.

We have already learned that a few of our major banks are issuing credit cards to illegal immigrants, but a recent article in the L.A. Times uncovered a program through our own Federal Reserve Bank that makes it easier for illegal entrants to send money back to Mexico, direct to Mexico. A federally sponsored program allows illegal immigrants without a Social Security number to wire money through the Federal system for a fee.

What is even more shocking is that the Fed expanded the program that allows anyone, illegal or not, to open accounts at participating banks. This is a big business. We have learned it is 27,000 transfers from illegal immigrants every month, totaling $23 billion a year, all with the help of our Federal Government.

We are sending mixed messages, Mr. Speaker. We say we want to stem the tide of illegal immigration, but once again, here we go. We will not only turn a blind eye; we will make it easy for illegal immigrants to send money back to Mexico.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR DAY

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 47) supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor.

The Clerk read as follows:

H. CON. RES. 47

Whereas the Medal of Honor is the highest award that can be bestowed to a member of the Armed Forces for valor in action against an enemy force;

Whereas the Medal of Honor is awarded by the President, in the name of the Congress, to members of the Armed Forces who have distinguished themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty;

Whereas the United States will forever be in debt to the recipients of the Medal of Honor for their bravery and sacrifice in times of war or other armed conflict;

Whereas the Medal of Honor was first awarded on March 25, 1863, during the Civil War;

Whereas, of the millions of men and women who have served in the Armed Forces in war, military operations, or other armed conflicts, only 3,443 members have thus far been awarded the Medal of Honor;

Whereas 111 Medal of Honor recipients are still living as of January 1, 2007;

Whereas it is appropriate to commemorate and honor the recipients of the Medal of Honor and to recognize their bravery and sacrifice for the United States;

Whereas the designation of a National Medal of Honor Day would raise the awareness of the American people regarding the significance and meaning of the Medal of Honor and help focus the efforts of national, State, and local organizations striving to foster public appreciation and recognition of Medal of Honor recipients; and

Whereas March 25 would be an appropriate date to observe National Medal of Honor Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the heroism and sacrifice of Medal of Honor recipients for the United States;

(2) recognizes the educational opportunity that a National Medal of Honor Day would present to the American public; and

(3) supports the goals and ideals of a National Medal of Honor Day to celebrate and honor the contributions of Medal of Honor recipients.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself as much time as I may consume.

Today I rise in support of House Concurrent Resolution 47, which I introduced to recognize the extraordinary heroism and sacrifice of the Nation's Medal of Honor recipients and to increase America's awareness of the significance and meaning of the Medal of Honor among our American citizens.

I want to thank my colleague on the House Armed Services Committee, the gentleman from North Carolina (Mr. JONES) for being here in support of this issue this afternoon.

The Congressional Medal of Honor is our Nation's highest military award for valor in action against an enemy that can be bestowed on any member of the Armed Forces.

Since the medal was created in 1861, more than 3,400 individuals who have served our Nation in uniform have been awarded the Medal of Honor.

The first medal was established by the United States Navy to recognize sailors and marines who distinguish themselves in war. President Abraham Lincoln signed Public Resolution 82 into law, and thus the first medal of valor was created. The Army shortly followed in 1862 by establishing a Medal of Honor to recognize commissioned officers and privates who distinguished themselves by their gallantry in action. The Medal of Honor became a permanent decoration in 1863. The first award was given to Army Assistant Surgeon Bernard J.D. Irwin for his bravery in rescuing 60 soldiers at Apache Pass, Arizona, in 1861.

It is very interesting, Mr. Speaker, that a Medal of Honor was awarded a

Union soldier years after the 1861 Battle of Lexington, Missouri, my hometown, for his gallantry in helping to retake the Anderson House, which was the hospital at the time of that battle, September 18, 19 and 20, 1861. His name was Palmer.

The current conflict in Iraq sadly has posthumously added two heroic and courageous individuals to the rolls, Sergeant First Class Paul Smith of the United States Army, and Corporal Jason Dunham of the United States Marines. These two individuals continue to epitomize the recipients of the Medal of Honor, whose uncommon valor and extraordinary bravery are standard characteristics.

□ 1415

It is interesting to note also, Mr. Speaker, that in the history of the medal, 19 men received a second award. 14 of them received two separate medals for separate actions, and one was awarded to a woman. Of the more than 3,400 medals awarded, 266 of those were awarded for action during World War II, and 154 were awarded for action during the Vietnam conflict. Today there are only 111 living recipients of the Medal of Honor. America is rapidly losing its greatest and true heroes.

It is also important to note that when Missouri's President, Harry Truman, awarded the Medal of Honor to a soldier at the end of the Second World War, he said he would rather have this medal than being president.

The resolution before the House seeks to recognize the heroism and sacrifice of the Nation's Medal of Honor recipients, and to urge the establishment of a National Medal of Honor Day to ensure that all Americans continue to celebrate and to honor the contributions and ideals that the Medal of Honor recipients exemplify.

Mr. Speaker, I urge the support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to thank Chairman SKELTON for giving me this great privilege of honoring these fine Americans.

Today we join together in support of H. Con. Res. 47, as the United States House of Representatives, to honor what is arguably the most select group of Americans to ever wear the uniform of this great Nation.

The Medal of Honor is this Nation's highest award bestowed on a member of the United States Armed Services who distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while engaged in an action against an enemy of the United States.

The Medal of Honor confers special privileges on its recipients, both by tradition and by law.

By tradition, all other soldiers, sailors, marines and airmen, even higher ranking officers up to the President of the United States, initiate the salute of the Medal of Honor and its recipient.

Mr. Speaker, I would like to discuss briefly the history of the Medal of Honor. The first award of the Medal of Honor was made March 25 of 1863 to Private Jacob Parrott and five others. Since then, there have been 3,463 Medals of Honor awarded for 3,456 separate acts of heroism performed by 3,443 individuals, including nine unknowns.

Today there are 112 living recipients of the Medal of Honor, out of a population of more than 301 million Americans. Forty-six percent of the living earned their medals more than 50 years ago while serving in World War II, 36, or Korea, 15. There are 61 living who performed actions in Vietnam. The youngest recipient is Gordon R. Roberts, age 56. He was born June 14, 1950. He was 19 years old when he earned this high honor.

Mr. Speaker, at this time, I would like to yield to Dr. BURGESS, the gentleman from Texas, for 4 minutes.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding, and I thank the chairman, the gentleman from Missouri, for bringing this concurrent resolution to the floor.

This is a resolution that honors the bravest of the brave, the men and women who have gone above and beyond the call of duty, who have risked their lives in fighting for our Nation, indeed, fighting for our basic freedom.

Today's resolution pays homage to the basic principles of our military, duty, honor, country. The Medal of Honor recognizes and is emblematic of great courage, selflessness and sacrifice.

It is with great pride that I stand here on the floor of Congress today, as Congress is recognizing these extraordinary members of our Armed Services by establishing March 25 as the National Medal of Honor Day. This national day of observance and remembrance is long overdue, and I urge my colleagues to vote in favor of this resolution, to vote in favor of our Armed Forces.

While a National Medal of Honor Day is a wonderful way to honor these great citizens, I would be remiss if I did not also mention another great endeavor that seeks to honor Medal of Honor recipients. The city of Gainesville, Texas established the Medal of Honor Host City Program in 2001 with this simple mission statement: It shall be the privilege and the responsibility of the city of Gainesville, Texas, to welcome our Nation's Medal of Honor recipients at every available opportunity. The Local Veterans of Foreign Wars, post number 1922, along with the community volunteers and community members, welcome all Medal of Honor recipients with open arms and provides a stipend to cover lodging, food and fuel expenses during their visit.

The recipients are invited to attend schools, clubs and local organizations, thereby imparting their own views of patriotism and duty throughout the community. It is truly a remarkable program, and the true beauty of it is that other cities can establish their own Medal of Honor Host City program to further honor and recognize those heroic recipients.

Mr. Speaker, to take a line from the Gainesville, Texas mission statement, I feel that it is Congress's privilege and Congress's responsibility to honor the Medal of Honor recipients at every opportunity. With this resolution, and with programs like the Medal of Honor Host City Program, we take a step in fulfilling that most noble and honorable of all missions.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, since I have been in Congress, America has presented this award on behalf of an extremely grateful Nation a total of 22 times, 13 of which were presented posthumously.

Some recent heroes include Tibor "Ted" Rubin for actions in Korea, between 1950 and 1953. He received the award on September 23, 2005.

Before that, the medal was awarded posthumously to the family of SFC Paul R. Smith on April 4 of 2005. For his actions in Iraq in 2003, bravely holding the enemy at bay so that the wounded could be safely carried out.

Before that, the Medal of Honor was awarded posthumously to Army MSG Gary I. Gordon and SFC Randall D. Shughart for action in Somalia in 1993.

Most recently, Cpl Jason Dunham, U.S. Marine Corps, was posthumously recognized with the Medal of Honor on Thursday, January 11, 2007 for sacrificing his life for his fellow Marines. Corporal Dunham bravely fought hand-to-hand with the enemy and selflessly hurled himself on a live grenade to protect fellow Marines.

Just yesterday, President Bush awarded LTC Bruce P. Crandall the Medal of Honor in a White House ceremony. It was just this morning when several members of the DAV, Disabled American Veterans from my district, stated very simply, after meeting Colonel Crandall, and they said this was his comment when they said congratulations; thank you for what you did for our Nation. His comment was this, he just did what his country asked him to do. He was a volunteer.

Throughout the history, there have been 19 double recipients who have twice received this high honor.

Mr. Speaker, as this resolution so clearly states, the designation of a National Medal of Honor Day will raise the awareness of the American people regarding the significance and the meaning of the Medal of Honor, and help focus the effort on our national, State and local organizations striving to foster public appreciation and recognition of Medal of Honor recipients.

Mr. Speaker, the Medal of Honor has touched the lives, directly or indirectly, of millions of Americans, but there are many more firsts or lone recipients of this award. For example:

Douglas Munro was the only Coast Guard recipient. He was awarded the Medal of Honor for his actions at Point Cruz, Guadalcanal, on September 27 of 1942.

Mary Walker was the only woman awarded the Congressional Medal of Honor at Bull Run on July 21 of 1861.

Today, Mr. Speaker, there are four Medal of Honor recipients currently living in the State of North Carolina. Throughout its history, there have been 19 Medal of Honor recipients from my great state of North Carolina.

Before I close, I would like to take just a couple of minutes, Mr. Speaker. There are many who have won this award, Medal of Honor, who are the heroes of this great Nation. One I would like to bring to mind is a friend of mine whose name is Walter Joseph Marm, Jr.

I will not read the entire citation. I just want to read part of it before I close.

Joe Marm, First Lieutenant, Army Company A, First Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile). Place: Vicinity of la Drang Valley, Republic of Vietnam, 14 November 1965. Entered service at Pittsburgh, Pennsylvania. Born 20 November 1941.

And I want to read just two or three paragraphs from the citation, Mr. Speaker, as he received the Medal of Honor.

Realizing that his platoon could not hold very long, and seeing four enemy soldiers moving into his position, he moved quickly under heavy fire and annihilated all four.

Quickly, disregarding the intense fire directed at him and his platoon, he charged 30 meters across open ground and hurled grenades into the enemy position, killing some of the eight insurgents manning it.

Although severely wounded, when his grenades were expended, armed with only a rifle, he continued the momentum of his assault on the position and killed the remainder of the enemy.

Lieutenant Marm's selfless action reduced the fire on his platoon, broke the enemy assault, and rallied his unit to continue toward the accomplishments of this mission.

Lieutenant Marm's gallantry on the battlefield and his extraordinary risk of his life are in the highest traditions of U.S. Army and reflect great credit upon himself and the Armed Forces of this country.

With that, I thank the gentleman from Missouri (Mr. SKELTON) for this privilege to be part of this debate.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I am pleased that we are able to bring this resolution to the floor. It is highly important that we recognize those very special individuals who received the Medal of Honor and will bear the recognition throughout their lives, as well as their family receiving recognition should they be awarded posthumously.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 47, supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor. The Medal of Honor is the highest award that can be bestowed on a member of the Armed Fores for his or her valiant acts of bravery while engaged in combat against an enemy of the United States.

The Medal of Honor is awarded by the President, in the name of the Congress, to members of the Armed Forces who have distinguished themselves conspicuously by gallantry and intrepidity and risked their lives above and beyond the call of duty. The first Medal of Honor was awarded on March 25, 1863 during our country's Civil War to PVT Jacob Parrott during the American Civil War for his role in Andrews Raid. He was the first of only 3,443 members in war, military operations and other armed conflicts of our Armed Forces who have received this great honor.

There are 111 Medal of Honor recipients still living and serving our country in their own capacity and I, as well as the entire Nation, will forever be indebted to all recipients of this award for their valor during armed conflict.

It is appropriate and necessary to commemorate and honor the recipients of the Medal of Honor and to recognize their valiant sacrifices for our country. That is why I support the designation of a National Medal of Honor Day which would heighten the understanding and appreciation of the American people regarding the significance and meaning of the Medal of Honor.

It is essential that our Nation celebrate and salute those members of the Armed Forces who have risked their lives to ensure our safety and the safety of our country. Designating this day will also help to focus the efforts of national, State, and local organizations striving to foster public appreciation and recognition of Medal of Honor recipients.

I sincerely appreciate the sacrifices the members of our Armed Forces make each and every day on behalf of our country. I support the designation of March 25 as National Medal of Honor Day in honor of all those members of the Armed Forces who performed valiant acts of bravery during combat against an enemy of the United States.

Mr. BUYER. Mr. Speaker, I rise in support of H. Con. Res. 47—a resolution establishing a national day of remembrance, reflection, and celebration for those citizens who so valiantly defended our Nation and protected their fellow servicemembers through extraordinary feats of courage and achievement—recipients of the Congressional Medal of Honor.

I extend a thank you to my colleagues from the House Armed Services Committee for leading the effort to commemorate the recipients of our Nation's highest military honor. As a Nation, we can never forget the sacrifices these men and women have made to keep America free.

The first Medal of Honor was awarded on March 25, 1864. As we approach this anniversary, let us reflect on the lives and deeds of those brave soldiers, sailors, airmen and Marines who have received this honor throughout our Nation's history.

In 1782, General George Washington started the tradition of recognizing the valiant actions of American soldiers by establishing what became known as the Badge of Military Merit. Washington presented a heart of purple cloth to three of his soldiers in August of that year, an act that was largely lost in history as the Revolutionary War came to a close. This honor was the predecessor to what we now know as the Purple Heart.

Though the Badge of Military Merit faded into the past, the idea of awarding a decoration to recognize the gallant efforts of our soldiers never died. In 1847, not long after the outbreak of the Mexican-American War, a "certificate of merit" was established to recognize troops who distinguished themselves in battle. No medal accompanied the certificate and the award was again discontinued at the end of that conflict.

During the Civil War another proposal arose to establish a medal, but the idea was rejected by then General-In-Chief of the Army Winifield Scott. The Navy, however, adopted this concept, and in December 1861, President Abraham Lincoln signed legislation that established a Navy medal for valor. Not to be outdone by their friendly rival, the Army quickly followed suit with their own resolution to establish a similar award, signed into law in July 1862.

In 1863, Congress established the Medal of Honor as a permanent means to recognize our Nation's most gallant warriors. Since then, it has been awarded to almost 3,400 of our Nation's bravest citizens.

Today, the number of living Medal of Honor recipients is at its lowest point in history—there remain only 111 as of February 1. This resolution is a lasting tribute to those 111 men and women, the recipients who are no longer with us, and to those to come in the future who stood up and answered the call to protect and defend this land.

Mr. REYES. Mr. Speaker, I rise in support of H. Con. Res. 47, observing National Medal of Honor Day and honoring the sacrifices of Medal of Honor recipients and their contributions to our Nation. March 25th is an appropriate day to recognize these individuals, since the first Medal of Honor was awarded on March 25, 1863.

This resolution not only salutes the bravery of Medal of Honor recipients, but also gives the American public the opportunity to learn about the history of this prestigious military distinction and the uncommon acts of courage that made recipients real-life heros.

Previous honorees include several El Pasoans. Staff Sergeant Ambrosio Guillen was posthumously awarded the Medal of Honor for going above and beyond the call of duty during the Korean War. Sergeant Guillen sacrificed his life in order to thwart an enemy attack, saving the lives of the men in his platoon. He was laid to rest at Fort Bliss National Cemetery.

Colonel Joseph C. Rodriguez was also awarded the Medal of Honor for his courageous actions in the Korean War. While facing a barrage of hostile fire and improbable odds, Colonel Rodriguez secured a strategic stronghold by killing 15 enemy soldiers occupying well-fortified positions. He later moved to El Paso following his retirement from the Army and served as Facilities Director at the University of Texas at El Paso for over 10 years.

Most recently, on April 4, 2005, Army Sergeant First Class Paul Ray Smith was posthumously awarded the Medal of Honor for his "extraordinary heroism and uncommon valor" while repelling an enemy attack on a prisoner of war holding area during Operation Iraqi Freedom. Sergeant Smith quickly organized two Army platoons to defend their position. In the face of enemy fire, Smith manned a .50 caliber machine gun mounted on a damaged armored vehicle. Although exposed to enemy gunfire, Sergeant Smith maintained his position. His heroism resulted in the death of over 50 enemy soldiers before Sergeant Smith was mortally wounded during this courageous act.

As a Vietnam veteran, I recognize the importance of honoring these selfless acts of courage. In order to preserve their legacy and costly sacrifices, I proudly stand in support of our Medal of Honor recipients.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 47.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROMOTING TRANSPARENCY IN FINANCIAL REPORTING ACT OF 2007

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 755) to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

The Clerk read as follows:

H.R. 755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Transparency in Financial Reporting Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Transparent and clear financial reporting is integral to the continued growth and strength of our capital markets and the confidence of investors.

(2) The increasing detail and volume of accounting, auditing, and reporting guidance pose a major challenge.

(3) The complexity of accounting and auditing standards in the United States has added to the costs and effort involved in financial reporting.

SEC. 3. ANNUAL TESTIMONY ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.

The Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board shall annually provide oral testimony by their respective Chairpersons or a designee of the Chairperson, beginning in 2007, and for 5 years thereafter, to the Committee on Financial Services of the House of Representatives on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors, including—

(1) reassessing complex and outdated accounting standards;

(2) improving the understandability, consistency, and overall usability of the existing accounting and auditing literature;

(3) developing principles-based accounting standards;

(4) encouraging the use and acceptance of interactive data; and

(5) promoting disclosures in "plain English".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Kentucky (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in support of H.R. 755, and I yield myself such time as I may consume.

□ 1430

Mr. Speaker, this Promoting Transparency in Financial Reporting Act is a bipartisan bill that the House considered last year and passed on a voice vote. The legislation, however, failed to become law during the 109th Congress; and as a result, we now must consider these matters anew in the 110th Congress.

H.R. 755 has a simple premise, Mr. Speaker. For the next 5 years, it would require annual testimony before the House Financial Services Committee by those entities most involved in establishing and implementing our Nation's financial reporting system. These parties include the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board.

Since the 1930s, the Securities and Exchange Commission has required public companies to file financial reports like income statements and balance sheets. Today, companies also rely on the generally accepted accounting principles developed by the Financial Accounting Standards Board to prepare these reporting documents. This independent accounting standard-setter came into existence in the 1970s. The tidal wave of accounting scandals at the start of this decade led Congress to reassess our Nation's financial reporting system and adopt further reforms in the Sarbanes-Oxley Act. Among other things, this landmark law created the Public Company Accounting Oversight Board. This body establishes the auditing standards used to examine public company accounting statements. It also registers and inspects the auditors of public companies.

Even without this legislation, the Financial Services Committee is already working to examine accounting and auditing issues and the work of each of these parties. Earlier this month we approved an oversight plan for the 110th Congress. Several of the action items in that plan address accounting issues. For example, the oversight plan calls for the committee to review the efforts of the Financial Accounting Standards Board to improve financial accounting standards. It also calls for us to study the progress being made on establishing international accounting standards. The plan further calls for the committee to examine the work of the Public Company Accounting Oversight Board as it implements the auditing improvements made by the Sarbanes-Oxley Act. This legislation, therefore, builds on what we had already planned to do in the 110th Congress and what other sessions of Congress should plan to do.

These proposed annual hearings over the next 5 years will help us to reassess complex accounting standards. It will help us improve the understandability of financial statements, and it will encourage the acceptance of interactive data. Even though it seems highly likely that the parties subject to this legislation would testify before the Financial Services Committee on these matters if asked, this bill will make certain that the committee remains focused on these important issues in the immediate future.

In addition, the adoption of H.R. 755 will help to encourage our regulators and standard-setters to fulfill their own roles and initiatives to achieve greater transparency, promote greater uniformity, and reduce complexity in financial reporting not only at home but also around the world.

In recent years, our financial reporting standards have become more and more complex and complicated, especially as we have sought to address more difficult issues like the accounting treatment of derivatives and hedging instruments. This complexity has created difficulties not only for the companies that operate in the United States or that access our capital markets but also the investors and advisers who read and use financial statements.

For our Nation to remain competitive, we need to have robust capital markets. For our capital markets to be strong, we need to have transparent, clear, and understandable financial reporting. We also need to ensure that the entities responsible for accounting and auditing issues continue to work smoothly together. H.R. 755 will help us to stay focused on achieving these important and desirable goals.

In conclusion, Mr. Speaker, I want to commend the hard work of the gentleman from Kentucky (Mr. DAVIS), who is the primary sponsor on this bill. And I want to commend Mr. DAVIS for introducing this measure, and I am proud to work with him as the lead cosponsor over these last years. And, hopefully, this time will be the charm.

This bill is aimed at ensuring that individuals have access to the information that they truly need to make better investment decisions. And I urge support for H.R. 755.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 755, the Promoting Transparency in Financial Reporting Act. And I also would like to thank the gentleman from Georgia for his hard work on this bill. We started nearly 18 months ago, and it is, I think, a true credit to bipartisanship in a way that it is going to help the American people, help small business, and ultimately help to create jobs and give people the opportunity to see clearly into the operation of the financial markets.

In the post-Enron financial era, transparent reporting has become an increasingly important component of promoting a healthy corporate environment. Financially stable and accountable corporations are essential for expanding the U.S. business sector, promoting investor confidence, and strengthening the economy.

However, it is important to examine ways in which such accountability and reporting standards can become both more efficient and more transparent. A cumbersome, costly system will only reduce our competitiveness in a connected world economy and ultimately cost us jobs.

I regularly hear complaints from business owners and executives in Kentucky about the costs and complexities of financial reporting requirements mandated by the Federal Government. As a former small business consultant, I know firsthand the difficulties faced during the time-consuming and costly processes of accounting and financial disclosure. Unfortunately, financial reporting remains an arduous task with too many opportunities for error and for manipulation. Reassessing outdated accounting standards and improving the ability of the average investor to understand and utilize financial documents are essential to the livelihood of American business and the protection of America's investors.

Requiring annual congressional testimony by the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board stresses that simplification, cost reduction, and transparency in accounting standards and financial reporting are public priorities. H.R. 755 will help hold the SEC, FASB, and PCAOB, as well as Congress, accountable for making progress on these important issues. H.R. 755 will give Congress a way to measure progress on the efforts of these organizations over the next 5 years and ensure they are working to streamline and to modernize the process of financial reporting.

As stated in the bill, we would like to direct attention to several areas of interest: first, we would like to reassess outdated and complex accounting standards; improve the understandability, consistency, and overall usability of the existing accounting and auditing literature; develop principles-based accounting standards; and encourage the use and acceptance of interactive data or extensible business reporting language, also known as XBRL; and, finally, to promote disclosures in plain English. I think it would be great ultimately for investors not to need a CPA and a lawyer to understand their own financial statements or the reports that they receive from companies they invest in.

H.R. 755 isn't intended to imply that these organizations have yet to move towards these goals. In fact, there are many examples of progress already. Each organization has already taken strides to improve financial reporting and the implementation of the Sarbanes-Oxley Act, and I applaud these efforts.

For example, in December, 2006, PCAOB proposed new standards for auditing of internal controls designed to focus auditors on the most important issues. The proposed standards eliminate unnecessary audit requirements and, most importantly, provide guidance on how to adjust the audit for a smaller, less complex company. I appreciate the willingness of the PCAOB to respond to feedback from Congress and the investment community.

Another example is the SEC's encouragement of the use of interactive data. Interactive data uses "tags" for key facts in financial statements so investors can quickly extract and analyze information in an easily understandable format. The SEC recently announced the expansion of the voluntary test program, which already includes two dozen companies representing more than $1 trillion of market value. Participating companies are rewarded with expedited reviews of SEC filings. In turn, the test group will help the SEC to decide how interactive data can be of most use to investors. These kinds of public and private partnerships will ultimately serve the American people best and keep our markets robust and strong.

Many have criticized the burden and cost of Sarbanes-Oxley, and particularly section 404, on small public companies. It is critical that we strike the right balance between requiring financial reporting to bolster investor confidence and keeping our markets open to both domestic and foreign investment. H.R. 755 will help Congress maintain an active and essential role in this balancing act.

Modernizing reporting processes, increasing transparency, and reducing the costs of financial reporting will help ease the regulatory burden on businesses and strengthen the ability of individual investors to make educated financial decisions. To quote SEC Chairman Chris Cox, this process is going to be "a long one, but it is worth it to make sure that the capital markets remain strong and vibrant."

The Promoting Transparency in Financial Reporting Act will hold the SEC, FASB, and PCAOB, as well as Congress, accountable for making progress on these important issues.

Let's pass this bill as a first step towards creating a process for continuous improvement that will simplify our financial reporting regulatory framework.

I would like to thank in particular Ranking Member BACHUS, Chairman FRANK, and Chairman KANJORSKI for their support and my friend from Georgia for his hard work on this to bring this to the floor now.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

This is, as we mentioned, a very important bill that will certainly increase the confidence of the American people in our financial systems and make it smoother and with less complexity.

And I want to also thank the leadership of the Financial Services Committee, Chairmen BARNEY FRANK and KANJORSKI, for their excellent leadership on this very, very important and timely issue. And, again, I want to commend the hard work of my colleague Mr. DAVIS in providing leadership on this.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 755, Promoting Transparency in Financial Reporting Act of 2007.

H.R. 755 is a simple, but important measure. It requires the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Board to provide annual testimony by their respective chairpersons or designees of the chairperson starting next year and for five subsequent years to the Committee on Financial Services on their efforts to reduce the complexity of financial reporting to provide a more accurate and clear financial information to investors, including:

Reassessing complex and outdated accounting standards; improving the understandability, consistency, and overall usability of the existing accounting and auditing literature; developing principles-based accounting standards; encouraging the use and acceptance of interactive data; and promoting disclosures in plain English.

In view of the different accounting standards being used in the private sector and government, it is clear that we need to have information that is reliable and credible. Financial information that does not meet rigorous and acceptable standards sends the wrong signals to investors as well as to the public about the real the financial condition of a business.

As we have witnessed over the past several years, the quality of financial information can make the difference between the true value of a company and what the public perceives to be its condition. H.R. 755 is an important first step towards making sure that the information being reported to investors and to the public is believable. As such, I ask my colleagues to join me in supporting this bill.

Mr. SCOTT of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 755.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS ENHANCEMENT ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1066) to increase community development investments by depository institutions, and for other purposes.

The Clerk read as follows:

H.R. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institution Community Development Investments Enhancement Act".

SEC. 2. TECHNICAL CORRECTIONS.

(a) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefiting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(b) STATE MEMBER BANKS.—The first sentence of the 23rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) (as amended by section 305(b) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefiting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

SEC. 3. INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.

(a) IN GENERAL.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

"(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

"(i) IN GENERAL.—A Federal savings association may make investments, directly or indirectly, each of which is designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

"(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

"(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

"(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

"(I) the amount any savings association may invest in any 1 project; and

"(II) the aggregate amount of investment of any savings association under this subparagraph.

"(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus, unless—

"(I) the Director determines that the savings association is adequately capitalized; and

"(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

"(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the savings association's capital stock actually paid in and unimpaired and 15 percent of the savings association's unimpaired surplus.

"(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.

"(viii) APPLICABILITY OF STANDARDS TO EACH INVESTMENT.—The standards and limitations of this subparagraph shall apply to each investment under this subparagraph made by a savings association directly and by its subsidiaries.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

"(A) [Repealed]".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1066.

It does occur to me on reflection that we should have asked the gentleman from Florida and the gentleman from Washington, Mr. HASTINGS and Mr. HASTINGS, to join in supporting this bill given its number. But in their absence, I will note that this is a bill that passed the House last year unanimously as part of a larger regulatory relief bill that came out of the Committee on Financial Services. It went to the Senate, and the Senate passed much of what we sent them but not all of it.

□ 1445

The Senate deleted some provisions. We, in the interest of getting some legislation through, accepted the Senate's proposal, and so much of what we sent originally did become law. Some pieces did not.

This is a piece that provides more flexibility for banks that are engaging in what is called, and it is a particular legal term here, public welfare investments. Banks are allowed to spend, invest up to 15 percent of their capital in what are called public welfare investments. This would allow that very good policy some more flexibility.

I would note, that, for instance, the Association of Affordable Housing Lenders, people who build subsidized housing, are in favor of this change. What it does is it broadens the definition. It doesn't change the 15 percent, but it gives more flexibility.

We have this situation where we do want these investments to be for the benefit of low and moderate income people. But it is one thing to say that they should generally be for the benefit of low and moderate income people, and another to strictly confine them to areas that have this direct benefit. What you do is you lose the flexibility we would like.

Mr. Speaker, I will include in the record at this point letters from John Reich, the Director of the Office of Thrift Supervision, and John Dugan, the Comptroller of the Currency.

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, February 23, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, D.C.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, D.C.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: I am writing to provide my support for H.R. 1066, the "Depository Institution Community Development Investment Enhancements Act," legislation that you recently introduced and that I understand will soon be considered by the House. H.R. 1066 will enhance the ability of savings associations to support important public welfare initiatives. I encourage Congress to take swift action on this bill.

Similar to Section 202 of H.R. 3505, the "Financial Services Regulatory Relief Act of 2005," which passed on a bipartisan basis in the full House of Representatives and H.R. 6062, the "Community Development Investment Enhancements Act of 2006," which also passed on a voice vote by the full House, H.R. 1066 will enable savings associations to support important community development programs.

Specifically, H.R. 1066 will increase the ability of federal savings associations to make investments primarily designed to promote the public welfare of low- and moderate-income communities and families through the provision of housing, services, and jobs. Your bill accomplishes this by raising the limits on the ability of federal thrifts to invest in entities primarily engaged in making these public welfare investments.

Thank you for your leadership in sponsoring this important legislation and your continued interest is this issue. I applaud your efforts to remove barriers to the growth and stability of low- and moderate-income communities and urge immediate consideration of H.R. 1066. If you have any questions, please do not hesitate to contact me or Kevin Petrasic, Managing Director of External Affairs, at 2012-906-6452.

Respectifully yours,
JOHN M. REICH,
Director.

COMPTROLLER OF THE CURRENCY ADMINISTRATOR OF NATIONAL BANKS,
Washington, DC, February 26, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, D.C.

DEAR CHAIRMAN FRANK: Thank you for having introduced H.R. 1066, the Depository Institution Community Development Investments Enhancement Act, which would restore the preexisting, longstanding authority of national and state member banks to make investments "designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families."

Returning to this standard will restore several major categories of public welfare investments in areas determined by federal, state and local governments to be in need of such investments. These categories of investments, which were eliminated with passage of The Financial Services Regulatory Relief Act of 2006, include investments that:

Revitalize or stabilize designated disaster areas, including areas devastated by hurricanes.

Revitalize or stabilize underserved or distressed middle-income rural communities.

Utilize New Markets Tax Credits to promote development in middle-income census tracts with greater than 20 percent poverty rates.

Finance mixed-income affordable housing in govemment targeted areas for revitalization.

Since 1992, the preexisting standard has been implemented by the OCC in a transparent manner to generate national bank community development investments in every state of the nation amounting to over $16 billion. Every approved public welfare investment made by a national bank is posted by the OCC on our public website. Further, all public welfare investments made by national banks have been, and will continue to be under the provisions of H.R. 1066, subject to key controls designed to protect against risks to the safety and soundness of the bank and to the deposit insurance fund.

Restoring the previously qualifying categories of investments, in combination with the recent increase in allowable investments to 15 percent of capital and surplus, can potentially generate as much as $30 billion in national bank investment to help revitalize local ommunities across the nation—without the use of any taxpayer funds. I urge prompt passage of H.R. 1066 to help achieve this significant impact.

Sincerely,
JOHN C. DUGAN,
Comptroller of the Currency.

Mr. Speaker, in Mr. Dugan's letter, for example, he says giving this flexibility would allow "finance mixed-income affordable housing in government targeted areas for revitalization." It maintains the purpose of helping low and moderate income people, but it provides the flexibility in doing it, which we would all support.

I know of no opposition to the bill. People might have raised the question, well, the groups that are the primary advocates, the low and moderate income people, do they think it might hit them? No, the answer is they do not. And several groups that try to promote this kind of mixed economic benefit development think this would be useful.

As I said, it is a bill the House passed last year. It is supported by banks. We have banks that want to be socially responsible, within the context of making a profit and meeting their safety and soundness requirements. We should not unduly burden them when they try to do that.

So I hope that the House will once again pass this, and that this time, looking at them alone with a little more leisure, the Senate will go along.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1066, the Depository Institution Community Development Investments Enhancement Act, and I want to commend Chairman FRANK for introducing this legislation.

The regulatory relief legislation that was signed into law last October increased the authority of banks to invest in projects that benefit low and moderate income communities. The legislation increases the allowable percentage of public welfare investments from 10 to 15 percent of a thrift's capital and surplus. Banks currently have this authority.

H.R. 1066 would expand this authority in allowing thrifts to invest in distressed areas, as well as the low and moderate income communities. This enhanced authority is important because the need for investment in government-designated disaster areas may not necessarily be confined to low to moderate income areas.

H.R. 1066 also would make it easier for banks to invest in projects in devastated and abandoned communities on the gulf coast or to revitalize rural areas that are underserved or distressed. This legislation allows greater opportunities for banks and thrifts to provide housing, community services and jobs to communities throughout our Nation. It also helps these institutions meet their obligations under the Community Reinvestment Act. Since the law was enacted in 1992, existing authority has already generated more than $16 billion of investments.

Twice last year legislation similar to H.R. 1066 passed the House overwhelmingly. H.R. 6062, the Community Development Investment Enhancement Act of 2006 passed the House by voice vote in September. The same language also was included in the House passed version of regulatory relief legislation, H.R. 3505, which cleared this body last March by a vote of 415-2, as Chairman FRANK noted.

Mr. Speaker, I urge my colleagues to support H.R. 1066.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 1066.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 644) to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

The Clerk read as follows:

H.R. 644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownfields Redevelopment Enhancement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) returning the Nation's brownfield sites to productive economic use could generate more than 550,000 additional jobs and up to $2,400,000,000 in new tax revenues for cities and towns;

(2) redevelopment of brownfield sites and reuse of infrastructure at such sites will protect natural resources and open spaces;

(3) lack of funding for redevelopment is a primary obstacle impeding the reuse of brownfield sites;

(4) the Department of Housing and Urban Development is the agency of the Federal Government that is principally responsible for supporting community development and encouraging productive land use in urban areas of the United States;

(5) grants under the Brownfields Economic Development Initiative of the Department of Housing and Urban Development provide local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development, and other activities;

(6) to be eligible for such grant funds, a community must be willing to pledge community development block grant funds as partial collateral for a loan guarantee under section 108 of the Housing and Community Development Act of 1974, and this requirement is a barrier to many local communities that are unable or unwilling to pledge such block grant funds as collateral; and

(7) by de-linking grants for brownfields development from section 108 community development loan guarantees and the related pledge of community development block grant funds, more communities will have access to funding for redevelopment of brownfield sites.

(b) PURPOSE.—The purpose of this Act is to provide cities and towns with more flexibility for brownfields development, increased accessibility to brownfields redevelopment funds, and greater capacity to coordinate and collaborate with other government agencies—

(1) by providing additional incentives to invest in the development and redevelopment of brownfield sites; and

(2) by de-linking grants for brownfields development from community development loan guarantees and the related pledge of community development block grant funds.

SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

"SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.

"(a) IN GENERAL.—The Secretary may make grants under this section, on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), only to eligible public entities (as such term is defined in section 108(o) of this title) and Indian tribes for carrying out projects and activities to assist the development and redevelopment of brownfield sites, which shall include mine-scarred lands.

"(b) USE OF GRANT AMOUNTS.—Amounts from grants under this section—

"(1) shall be used, as provided in subsection (a) of this section, only for activities specified in section 108(a);

"(2) shall be subject to the same requirements that, under section 101(c) and paragraphs (2) and (3) of section 104(b), apply to grants under section 106; and

"(3) shall not be provided or used in a manner that reduces the financial responsibility of any nongovernmental party that is responsible or potentially responsible for contamination on any real property and the provision of assistance pursuant to this section shall not in any way relieve any party of liability with respect to such contamination, including liability for removal and remediation costs.

"(c) AVAILABILITY OF ASSISTANCE.—The Secretary shall not require, for eligibility for a grant under this section, that such grant amounts be used only in connection or conjunction with projects and activities assisted with a loan guaranteed under section 108.

"(d) APPLICATIONS.—Applications for assistance under this section shall be in the form and in accordance with procedures as shall be established by the Secretary.

"(e) SELECTION CRITERIA AND LEVERAGING.—The Secretary shall establish criteria for awarding grants under this section, which may include the extent to which the applicant has obtained other Federal, State, local, or private funds for the projects and activities to be assisted with grant amounts and such other criteria as the Secretary considers appropriate. Such criteria shall include consideration of the appropriateness of the extent of financial leveraging involved in the projects and activities to be funded with the grant amounts.

"(f) DEFINITION OF BROWNFIELD SITE.—For purposes of this section, the term 'brownfield site' has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)). Such term includes a site that meets the requirements under subparagraph (D) of such section for inclusion as a brownfield site for purposes of section 104(k) of such Act (42 U.S.C. 9604(k)).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2008 through 2012.".

SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOPMENT AS ELIGIBLE CDBG ACTIVITY.

(a) TECHNICAL CORRECTION.—Subsection (a) of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) by striking paragraph (24) and all that follows through the end of the subsection and inserting the new paragraph (24) inserted by section 2(3) of Public Law 108-146 (117 Stat. 1883);

(2) by adding at the end (after the paragraph added by paragraph (1) of this subsection) the new paragraph (20) added by section 907(b)(1)(C) of Public Law 101-625 (104 Stat. 4388) and redesignating such paragraph as paragraph (25); and

(3) by adding at the end (after the paragraphs added by paragraphs (1) and (2) of this subsection) the new paragraph (21) added by section 1012(f)(3)) of Public Law 102-550 (106 Stat. 3905) and redesignating such paragraph as paragraph (26).

(b) BROWNFIELDS REDEVELOPMENT ACTIVITIES.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as in effect pursuant to subsection (a) of this section, is amended—

(1) in paragraph (24) (as added by subsection (a)(1) of this section), by striking "and" at the end;

(2) in paragraph (25) (as added by subsection (a)(2) of this section), by striking the period at the end and inserting a semicolon;

(3) in paragraph (26) (as added by subsection (a)(3) of this section), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(27) economic development and redevelopment activities related to projects for brownfields sites (as such term is defined in section 123(f)), in conjunction with the appropriate environmental regulatory agencies, except that assistance pursuant to this paragraph shall not be provided in a manner that reduces the financial responsibility of any nongovernmental party that is responsible or potentially responsible for contamination on any real property and the provision of assistance pursuant to this paragraph shall not in any way relieve any party of liability with respect to such contamination, including liability for removal and remediation costs.".

SEC. 5. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG FUNDS TO ADMINISTER RENEWAL COMMUNITIES.

Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting "and renewal communities" after "enterprise zones".

SEC. 6. APPLICABILITY.

The amendments made by this Act shall apply only with respect to amounts made available for fiscal year 2008 and fiscal years thereafter for use under the provisions of law amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill to give more flexibility to our municipalities. They are allowed to use Community Development Block Grant funds for cleaning up brownfields.

By the way, I do want to comment for a minute on brownfields. We hear a great deal about public sector-private sector, and I believe that people have unwisely seen this as if there was an opposition. In fact, we need to cooperate, and I particularly here want to call attention to an aspect of this bill that is relevant to those who tend to see the private sector as the fountain of all benefits and the public sector as somehow a source of negative activity.

What we are doing here is giving local governments the right to use Federal money to clean up messes that were left behind by the private sector. Brownfields overwhelmingly are the result of industrial activity that was once profitable and no longer is. That doesn't mean that the people that did it were bad people, necessarily. It does mean given the change in economics, private sector entities walked away in many cases and left the public sector responsible for these cleanups.

What we are doing here is giving more flexibility to local communities so that they don't have to take out a section 108 loan, which can tie up their Community Development Block Grant funds for a long time. It does give in to local judgment.

I do want to note one very important point that the gentleman from Michigan, the chairman of the Energy and Commerce Committee, has stressed, and a point on which I am in complete agreement with him, namely that the funding flexibility here should be for brownfields, not for Superfund sites.

In the Superfund situation, we have provisions for those who polluted to have to pay in to cleaning up the messes they left behind. We do not want the brownfields money here to be used in any way to diminish that liability.

So I very much agree with the point that was made by the gentleman from Michigan (Mr. DINGELL). In fact, when we sent this bill previously to the Senate, they removed the restriction that we had put in there that would have prevented this from happening, and we then would not pass the bill. We will send this again to the Senate and we hope they will accept that this is for brownfields, it is not for Superfund. It should be used in this very strict way so as to not become a substitute for private contributions that ought to be coming.

If we limit this to CDBG money for the brownfields situation, we will be doing it right. This bill is entitled the Brownfields Redevelopment Enhancement Act. We want moneys that are freed up here to be used only for that purpose.

Mr. Speaker, with that, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 644, the Brownfields Redevelopment Enhancement Act of 2007. I want to commend Congressman MILLER of California for introducing this legislation for the fourth time.

This bill aims to provide local communities greater access to the Department of Housing and Urban Development's brownfields program to clean up and redevelop contaminated sites. More importantly, the bill will help local communities create new jobs and expand their tax base.

The revitalization of brownfields sites has always been a familiar topic in Illinois, as my home State has thousands of these underused or vacant properties. Brownfields are those sites where redevelopment is complicated by potential environmental contamination. They are less seriously contaminated than those covered under the Superfund Act, and there are an estimated 500,000 of them across the country.

HUD administers a brownfields program called the Brownfields Economic Development Initiative, or BEDI. The main purpose of BEDI is to spur economic and community development of the brownfields sites. The problem is that due to a loan guarantee requirement, the program has been underutilized. Over the past 5 years, the Financial Services Committee has sought to make HUD's program more effective, specifically the BEDI program.

At hearings, we learned that many communities had been shut out of the BEDI program because they can't get a grant without going through the cumbersome process of applying for a section 108 loan. That is very hard on those smaller communities.

Under current law, HUD's brownfields redevelopment projects must be backed by those section 108 guaranteed loans. The section 108 loans require a local community to provide loan security by collateralizing its BEDI project with that community's current and future CDBG allocations. Therefore, many small communities have been hesitant to reply for BEDI because they are unwilling or unable to pledge their block grants as collateral for the guaranteed loans. In short, H.R. 644 amends the HUD Act of 1974 to permit HUD to issue BEDI grants independent of the section 108 loan guarantees.

This bill does not create a new program and would not trigger new spending or receipts. This bill will facilitate brownfields redevelopment in thousands of communities across the country, thereby encouraging economic development, expanding communities' tax bases and, most importantly, creating new jobs.

I applaud the bill's sponsors for introducing H.R. 644. I urge my colleagues to support this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS), the chair of the Housing Subcommittee, from which this bill came.

Ms. WATERS. Thank you very much, Mr. Chairman.

Mr. Speaker, I rise in support of H.R. 644, the Brownfields Redevelopment Enhancement Act, a bill of which I am an original cosponsor. I certainly applaud the distinguished chairman of Committee on Financial Services, Mr. FRANK, for working to get this bill to the floor. I also want to thank Mr. GARY MILLER, who introduced the bill and who has been working on this subject for quite some time, as well as all of the other cosponsors of this bill.

The House passed a bill identical to H.R. 644 in the 109th Congress because many of us recognized the importance of preserving a means of remedying the numerous hazardous sites that remain in this country.

Under the Brownfields Act, the Environmental Protection Agency awards grants for the assessment and cleanup of sites that pose a serious threat to human health and the environment than sites addressed by the Superfund.

Many of these sites thwart the development and revitalization of communities in distressed areas of the country, including the City of Los Angeles and Los Angeles County. In fact, it is these sites that make development efforts impossible because of the potential risks.

The Brownfields Redevelopment Enhancement Act becomes a powerful economic development tool when used in conjunction with other Federal economic redevelopment resources, CDBG and section 108 loan guarantees. It is precisely the kind of leveraging tool that we must utilize to spur development in places where development costs are uncertain given the presence of hazardous materials.

The Brownfields Redevelopment Enhancement Act, if passed, will continue to provide four types of competitive grants: Assessment grants used as planning tools by grantees to conduct due diligence related to the affected sites; revolving loan fund grants to capitalize the loans for the cleanup of the sites; cleanup grants that provide for the recipient to undertake cleanup activities; and job training grants made available to nonprofits and educational entities to develop environmental job training programs.

Mr. Speaker, we cannot afford to postpone passage of this bill any longer. It sends a bad signal to the communities across the Nation who are trying to rebuild, reinvest and strengthen their economic local economies. Any Federal tool to leverage private investment must be preserved, particularly in this pay-as-you-go economic environment. The Brownfields Enhancement Act is a tool, and therefore I urge my colleagues to support it.

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Mrs. BIGGERT. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of H.R. 644. As a former mayor of the third largest city in New Jersey, Paterson, the first planned industrial city in the Nation and home to some of the country's oldest brownfield sites, I know this bill will be beneficial to our Nation's communities.

H.R. 644 authorizes HUD to offer much-needed grants for the environmental cleanup and economic development of brownfield sites, places we drive by every day of our lives. We want to rehabilitate those sites, including inactive factories, gas stations, salvage yards, abandoned warehouses.

This bill also makes brownfield-related environmental cleanup and economic development activities eligible for Community Development Block Grants assistance. These sites drive down property values, provide little or no tax revenue, and contribute to community blight.

Since the inception of brownfield programs, Mr. Speaker, the Federal Government has allocated over $800 million in brownfield assessment and cleanup funds. In addition, this investment has leveraged over $8 billion in cleanup and redevelopment dollars, a better than 10 to 1 return on investment. It has resulted in the assessment of more than 8,000 properties and helped create over 37,000 jobs. It is a winner.

This is because the EPA and HUD grants work in conjunction with funds that come from both the State and local governments, and of course private sources, to address cleanup of brownfield sites. If we don't do this, those sites will remain abandoned and barren for years ahead of us.

This is an exciting time in the brownfields marketplace. Federal brownfields programs have provided the foundation on which State initiatives have flourished. Throughout the country, there are thousands of abandoned structures that were once thriving businesses, often part of large industrial centers. Economic development matched with environmental cleanup has resulted in the rebirth of many industrial and commercial properties and surrounding neighborhoods.

Anyone who cares about our Nation's cities celebrates these successes. HUD's particular expertise in incorporating brownfields remediation into a larger strategy for economic development and community revitalization is essential to the success we have had and will continue to have in the future. This is a stimulant to the economy, a real stimulant.

Mr. Speaker, I urge my colleagues to support this very worthwhile legislation.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to make any comments for the RECORD that they wish, and also to include extraneous material on H.R. 644 and H.R. 1066.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker and Chairman FRANK, on behalf of New York City, which I represent, I am pleased that the House is considering the Brownfields Redevelopment Enhancement Act.

I am proud to have been an original cosponsor of this legislation in every session since it was first introduced in the 107th Congress.

As you know, the primary purpose of the bill is to increase the flexibility of the Housing and Urban Development Department's Brownfields Economic Development Initiative (BEDI) and to make the program available to more local Governments.

The legislation eliminates the requirement that communities applying for BEDI grants must pledge their Community Block Development Grant (CBDG) funding as security for the loan—a rule that puts local Governments between a rock and a hard place.

Since its inception, the larger brownfields program has proven an effective Government response to a serious environmental problem, and it is important that we maximize its use.

Brownfields are abandoned, or under-used industrial and commercial facilities where further redevelopment is impeded by environmental contamination. They spot our country from coast to coast, especially in areas with high or formerly high levels of industrial activity, such as older urban areas. New York City, including my district, is full of them.

These locations have potential for economic development but are held back by the environmental problems created by former or current users. The program has successfully used a variety of financial and technical assistance to restore these sites which would otherwise be doomed to further decay.

I am very pleased to support this legislation and thank Representative GARY MILLER for introducing it again this year and Chairman BARNEY FRANK and Ranking Member BACHUS for their leadership on this bipartisan issue.

Mr. SHAYS. Mr. Speaker, as a coauthor of the original legislation which created the Brownfields program, I rise in support of H.R. 644, which makes Brownfield Economic Development Initiative, BEDI, grants far more accessible to smaller communities by eliminating a requirement for communities to guarantee their BEDI grant with their Community Development block grant funds.

I believe the Brownfields program is one of the most successful programs the Federal Government has to help revitalized urban areas. These sites, typically in the heart of urban areas, lie idle because no one wants to incur the large costs associated with Superfund cleanups.

This, in turn should encourage more-environmental cleanup and economic development of brownfield sites. As a result, cities are marked by abandoned buildings and vacant lots while developers construct new buildings on what was previously open space in the suburbs.

Though small, these grants serve as seed money, enabling dozens of communities to leverage millions of State and private dollars to move into the actual cleanup phase.

By reusing Brownfields sites, we not only rebuild blighted communities, but also target development in city centers and avoid unnecessary urbanization on the fringes of metropolitan areas.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 644.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROMOTING ANTITERRORISM COOPERATION THROUGH TECHNOLOGY AND SCIENCE ACT

Mr. THOMPSON of Mississippi. Mr. Speaker, we have a bill, but in our traditional, bipartisan way, I yield to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 884) to provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes.

The Clerk read as follows:

H.R. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Antiterrorism Cooperation through Technology and Science Act" or the "PACTS Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United

States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

SEC. 3. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 313 (6 U.S.C. 193) the following:

"SEC. 314. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

"(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

"(A) coordinated research projects, joint research projects, or joint ventures;

"(B) joint studies or technical demonstrations;

"(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

"(D) training of scientists and engineers;

"(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

"(F) exchanges or sharing of scientific and technological information; and

"(G) joint use of laboratory facilities and equipment.

"(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

"(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

"(2) DIRECTOR.—The Office shall be headed by a Director, who—

"(A) shall be selected by and shall report to the Under Secretary; and

"(B) may be an officer of the Department serving in another position.

"(3) RESPONSIBILITIES.—

"(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in consultation with the Department of State, understandings or agreements that allow and support international cooperative activity in support of homeland security research, development, and comparative testing.

"(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department of Homeland Security, and other Federal agencies, strategic priorities for international cooperative activity in support of homeland security research, development, and comparative testing.

"(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

"(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

"(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with those of other relevant research agencies, and may run projects jointly with other agencies.

"(5) CONFERENCES AND WORKSHOPS.—The Director may hold international homeland security technology workshops and conferences to improve contact among the international community of technology developers and to help establish direction for future technology goals.

"(c) INTERNATIONAL COOPERATIVE ACTIVITIES.—

"(1) AUTHORIZATION.—The Under Secretary is authorized to carry out international cooperative activities to support the responsibilities specified under section 302.

"(2) MECHANISMS AND EQUITABILITY.—In carrying out this section, the Under Secretary may award grants to and enter into cooperative agreements or contracts with United States governmental organizations, businesses (including small businesses and small and disadvantaged businesses), federally funded research and development centers, institutions of higher education, and foreign public or private entities. The Under Secretary shall ensure that funding and resources expended in international cooperative activities will be equitably matched by the foreign partner organization through direct funding or funding of complementary activities, or through provision of staff, facilities, materials, or equipment.

"(3) LOANS OF EQUIPMENT.—The Under Secretary may make or accept loans of equipment for research and development and comparative testing purposes.

"(4) COOPERATION.—The Under Secretary is authorized to conduct international cooperative activities jointly with other agencies.

"(5) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as appropriate.

"(6) EXOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, may facilitate the development of information sharing and other types of cooperative mechanisms with foreign countries, including nations in Africa, to strengthen American preparedness against threats to the Nation's agricultural and public health sectors from exotic diseases.

"(d) BUDGET ALLOCATION.—There are authorized to be appropriated to the Secretary, to be derived from amounts otherwise authorized for the Directorate of Science and Technology, $25,000,000 for each of the fiscal years 2008 through 2011 for activities under this section.

"(e) FOREIGN REIMBURSEMENTS.—Whenever the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign country on a cost-sharing basis, any reimbursements or contributions received from that foreign country to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

"(f) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—

"(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Under Secretary, acting through the Director, shall transmit to the Congress a report containing—

"(A) a brief description of each partnership formed under subsection (b)(4), including the participants, goals, and amount and sources of funding; and

"(B) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

"(2) UPDATES.—At the end of the fiscal year that occurs 5 years after the transmittal of the report under subsection (a), and every 5 years thereafter, the Under Secretary, acting through the Director, shall transmit to the Congress an update of the report required under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is amended by adding after the item relating to section 313 the following new item:

"Sec. 314. Promoting antiterrorism through international cooperation program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me thank the gentleman from Mississippi, Chairman THOMPSON, for his cooperation, not just in the previous Congress on putting this legislation together, but also today in his generosity in allowing me to go forward on it. To me, this is typical and symbolic of the bipartisanship which he has brought to the committee both as ranking member and now as chairman. I thank him for that. And more than his personal kindness and generosity, let me also say that it is so vitally important that on issues such as this that there be bipartisan cooperation working across the aisle because all of our lives changed on September 11. All of us realized we had to change the way we did business, whether it was creating the Department of Homeland Security, whether it was creating the law enforcement agencies at all levels of government to cooperate, whether it meant adopting specific legislation on chemical plants or port security, or any of the other areas included within the umbrella of Homeland Security.

But it also requires us to establish firmer relationships with our allies, finding areas of common ground among us and our allies, and that is what H.R. 884 will do. H.R. 884 is the Promoting Antiterrorism Cooperation through Technology and Science Act, PACTS.

It is an effort by us to have our Department of Homeland Security and our government work with our allies and friends around the world to find common ways to confront terrorism, to use technology to confront terrorism, and it does that initially by establishing the International Cooperation Programs Office within the Science and Technology Directorate of the Department of Homeland Security.

It also authorizes $25 million a year in fiscal years 2008, 2009, 2010, and 2011. So $25 million for each of the next four fiscal years. It specifies by name Great Britain, Singapore, Israel, Canada, and Australia as countries that we should especially work more closely with to exchange technology and research, and to work together on a common effort at the government level, at the university level, private foundations, to put aside any technical differences that may separate us, to try to work through any legal impediments there may be to the type of cooperation that we believe is absolutely essential.

This legislation did pass our committee in the last Congress and passed the House. Unfortunately, it was blocked in the Senate. We certainly hope that under the leadership of Chairman THOMPSON it will again pass the House this year, and hopefully the Senate will do the right thing this year and we can get this legislation to the President's desk.

The war on terrorism will involve many of us for many years. The more allies and partners and friends we can have working with us, the more we can share our expertise and technology that make us stronger and make the enemy weaker.

I urge the adoption of H.R. 884 and thank the gentleman from Mississippi for his cooperation.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 884, Promoting Antiterrorism Cooperation through Technology and Science Act, a bill considered in one form or another since the 108th Congress.

There is an old saying we tell school children: if at first you don't succeed, try, try again.

Although these words of encouragement may have originally applied to the grade school study of algebra or Latin, they are equally motivational to those of us serving in the 110th Congress.

I first raised the idea of this bill in January of 2005, soon after I became the ranking member. I know my Democratic colleagues had pushed for it in the 108th Congress at well.

Well, after years of trying, this Congress will succeed in sending this legislation to the President's desk. I know the other body will be taking up a similar provision attached to their bill seeking to fulfill the recommendations of the 9/11 Commission. I am very pleased that they will soon join the House in passing this legislation.

Why is this bill so important? The answer lies in the nature of the terrorist threat. Terrorism is an international threat to the democratic way of life. Though we have experienced terrible tragedies of our own, terrorist attacks occur all over the world.

Terrorists have attacked buses in London; hotels in Israel; trains in Mumbai; embassies in Indonesia; resorts in Bali; and schools in Russia. As the global threat of terrorism is evident, so too is the solution to limiting those attacks. By promoting international cooperation, we will defeat the efforts of our enemies. Cooperation in developing antiterrorism technologies should be a top priority. The different challenges faced by our friends around the world have resulted in new approaches that the United States should leverage to protect our citizens.

International cooperation is nothing new for our country. In fact, the United States has a history of productive scientific and technical collaborations with Israel, the United Kingdom, Canada, Australia and others.

The Department of Homeland Security has participated in some of these partnerships with foreign governments and other entities.

This legislation will encourage and strengthen those efforts and direct the Department to look for new partners beyond those we already have. This includes working with folks in the small business community who can bring exciting technologies to the table.

I am especially heartened that the bill will strengthen the means for protecting our Nation from exotic diseases. Active collaborations with scientists in Africa, where many of these diseases originate, should be promoted. This bill encourages that collaboration.

Too often, the United States presents a posture of unilateralism to the world. I hope that through programs like the ones authorized in this legislation, we encourage a more cooperative approach to fighting terrorism.

Mr. Speaker, I strongly support H.R. 884. I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the ranking member of the Homeland Security Committee.

Mr. Speaker, I rise today in strong support of H.R. 884, the Promoting Antiterrorism Cooperation through Technology and Science Act, a long name for a great bill and an idea whose time clearly has come.

The world knows that we changed on the morning of September 11, 2001. We found ourselves raw, exposed, attacked on our own soil, and mourning friends and loved ones killed that tragic morning. We learned the true nature of Islamic militants and the extent of their indiscriminate hatred of Americans.

But we did not sit by silently, waiting for another attack. We acted, molding our government into a new security-focused body, willing and able to help protect our citizens. And, Mr. Speaker, we partnered with other countries in the global war on terror working to weed out terrorist cells across the globe and stop them before they have a chance to harm anyone else.

This bill today builds on our partnership with international allies, directing the Department of Homeland Security to coordinate international research programs and strategic planning coalitions.

H.R. 884 enhances these cooperative tools to improve our interactions with great allies like Israel, Canada, Australia, Japan, the United Kingdom, and Singapore.

Mr. Speaker, we cannot fight the war on terror alone. We need our international partners to stand with us to stop the murderous terrorist groups wherever they spring up.

Today's bill supports and enhances these partnerships, and I am very proud to support it. I urge my colleagues to do the same. I want to commend the chairman of the committee and the ranking member of the committee for their great work on this bill.

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Mr. THOMPSON of Mississippi. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I thank the chairman and ranking member. I really commend the work that you have done, both Mr. THOMPSON and Mr. KING, in this area of reaching across the aisle and not just speaking about it, but doing something about it.

This is a very important piece of legislation, H.R. 884. It has been a product of bipartisan effort and collegial dedication by a lot of people on both sides of the aisle, the staffs of both sides of the aisle, and I am heartened at the process by which the bill has moved forward.

The commitment of Mr. THOMPSON and Mr. KING to this vitally important legislation has been unwavering, and the collaboration offered epitomizes the very best of what the homeland security can and should be. I was honored to serve on that committee for 4 years, and this is a tremendous achievement to see this proposal move forward.

This legislation will help to ensure that the Department of Homeland Security works with our allies in the war on terror to develop and share the best homeland security technologies possible, and we will all be better off because of it.

In fact, it was not that long ago that several of us went to Europe, to various capitals of Europe, to see what they were doing in terms of homeland security. That proved to be a very productive trip, and we learned from the Brits and from the Spanish and from the Italians, and they learned from us. This is a true collaboration here.

Specifically, H.R. 884 will establish what we call the Science and Technology Homeland Security International Cooperative Programs Office. Its objective will be to facilitate international cooperative activities throughout the Directorate of Science and Technology within the Department of Homeland Security.

These international cooperative activities will be supported through grants and cooperative agreements, contracts with the U.S. governmental organizations, businesses, federally-funded research and developmental centers, institutions of higher education, and foreign public and private entities.

This bill seeks to strengthen ongoing partnerships, as well as encourage new ones. As has been mentioned by both the chairman and the ranking member, the global war on terrorism is one we have joined with with Israel and the United Kingdom, Canada, Australia and Singapore and many other countries.

To be sure, the United States could greatly benefit from joint international homeland security development programs between the U.S. and our allies in this war on terror.

The fact is this: Many of our allies have substantial experience dealing with terror, and by necessity, they have become op-eds for counterterrorism research.

The bill would authorize $25 million for international cooperative activities for each of the fiscal years of 2008 to 2011. Now, that is not a lot of money when we consider the vast array of benefits that such cooperative agreements can produce.

Forming these partnerships, Mr. Speaker, and working together in a way that will ultimately help secure America is the main objective of the bill, and it should always be the main objective of this whole body. Passage of this legislation today shows that the House takes this austere responsibility seriously.

A final point, Mr. Speaker, if I may, the point of global strategy was at the center of the 9/11 Commission Report, Chapter 12. The Commission made recommendations about global strategy. The kind of partnership and cooperation at the heart of our port security, for instance, is determined by how well the other country where goods and services are coming from will cooperate with us. We can't check every ship that comes into our ports, but we certainly could get the cooperation of other countries with state-of-the-art science and technology to do that.

Once again, I commend, and I do not speak empty or hollow of the work that both Mr. THOMPSON and Mr. KING did.

Mr. KING of New York. Mr. Speaker, first let me tell the gentleman from New Jersey that we miss him on the committee. We miss his charm and his insights and his lively personality and his dedication.

With that, I yield such time as he may consume to the gentleman from Tennessee (Mr. DAVID DAVIS), a member of the committee.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I rise in support of H.R. 884. I would like to thank the chairman and the ranking member for bringing this important piece of legislation.

The development and implementation of technology to combat terrorism is critical. The United States and our allies in the war on terror share a common interest in furthering research and development of homeland security-related technology.

As such, this legislation directs the Department of Homeland Security's research and development arm, the Science and Technology Division, to coordinate international cooperative programs with our allies in the war on terror to advance this important homeland security research.

This legislation implements a 9/11 Commission recommendation that the United States should engage other Nations in developing a comprehensive coalition strategy against Islamic extremists.

H.R. 884 establishes the Science and Technology Homeland Security International Cooperative Programs Office within the Science and Technology Division to promote cooperation between entities of the United States and its allies to engage in cooperative endeavors focused on the research, development and commercialization of high-priority technologies directed at countering acts of terrorism and other high consequence events to address the homeland security needs of Federal, State and local governments.

This bill enables the Science and Technology Division within DHS to coordinate with our allies. By encouraging joint research studies, the sharing of scientific and technological information, the training and exchange of scientists and engineers, as well as the joint use of laboratory equipment and facilities, H.R. 884 further directs DHS to collaborate with their strongest allies that include Israel, the United Kingdom, Canada, Australia, and Singapore in the development of homeland security technologies.

This legislation is modeled after a partnership created by Congress in 1977 between the United States and Israel. That was called the Binational Industrial Research and Development Foundation, also known as the BIRD Foundation. In 29 years, the BIRD Foundation has invested $225 million in 690 cooperative research and development projects mutually beneficial to the United States and to Israel.

H.R. 884 will facilitate collaboration with countries which have extensive experience in combating terrorism and will enable us to benefit and tailor their technology solutions to address our needs.

Israel is a country that has developed successful models to mitigate security threats. Most notably, Israel has pioneered efforts and behavioral pattern recognition, also known as BPR. The United States has begun adopting BPR at airports and is now training police and security officers to detect people who are behaving in a suspicious manner.

It is for these reasons that I support H.R. 884, and I encourage my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further speakers. I would like to basically thank the gentleman from New York for working with me on the bill, and I encourage all Members to vote "aye" for its passage.

I also submit the following exchange of letters for the RECORD.

COMMITTEE ON SCIENCE AND
TECHNOLOGY,
Washington, DC, February 26, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 884, the Promoting Antiterrorism Cooperation through Technology and Science Act. The Committee on Science and Technology has jurisdictional interest in this bill based on the Committee's jurisdiction over the Department of Homeland Security Science and Technology Directorate ("DHS S&T") and other DHS research and development. [See Rule X(o)(14) which grants the Committee on Science and Technology jurisdiction over "Scientific research, development, and demonstration, and projects therefor."]

This bill would amend the Homeland Security Act of 2002 to establish a "Science and Technology Homeland Security International Cooperative Programs Office." All of the international cooperative activities authorized by the bill relate to homeland security research (e.g., "coordinated research projects, joint research projects, or joint ventures;" "joint studies or technical demonstrations;" "coordinated field exercises, scientific seminars, conferences, symposia, and workshops;" "training of scientists and engineers;" "visits and exchanges of scientists, engineers, or other appropriate personnel;" "exchanges or sharing of scientific and technological information;" and "joint use of laboratory facilities and equipment"). In addition, the funding for such activities is to be derived from amounts otherwise authorized to DHS S&T.

The Committee on Science and Technology acknowledges the importance of H.R. 884 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Science and Technology also expects that you will support our request to be conferees during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,
BART GORDON,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
Washington, DC, February 26, 2007.
Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Science and Technology Committee's jurisdictional interest in H.R. 884, the "Promoting Antiterrorism Cooperation through Technology and Science Act." The Committee on Homeland Security acknowledges your claim to jurisdiction over provisions contained in this bill, as amended, and appreciates your agreement not to request a sequential referral. The Committee on Homeland Security understands that nothing in the legislation or your decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science and Technology Committee, and that a copy of this letter and of our response will be included in the CONGRESSIONAL RECORD when the bill is considered on the House Floor. The Committee on Homeland Security will also support your request to be conferees during any House-Senate conference on this legislation.

Thank you for your cooperation as we work toward the enactment of H.R. 884.

Sincerely,
BENNIE G. THOMPSON,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, February 27, 2007.
BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN THOMPSON: I am writing to you concerning the bill H.R. 884, the "Promoting Antiterrorism Cooperation through Technology and Science Act." There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Foreign Affairs, including provisions relating to programs that may provide appropriated funds to foreign governments and entities.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to sequential referral on this legislation. I do so with the understanding that by waiving consideration of the bill the Committee on Foreign Affairs does not waive, reduce or otherwise affect any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you support our efforts to have Members of this Committee named to any conference committee which is formed to consider any such provisions either in this bill or in any other legislation that includes this legislation.

Please place this letter into the CONGRESSIONAL RECORD during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have addressed this matter and I look forward to working with you as H.R. 884 proceeds through the legislative process.

Cordially,
TOM LANTOS,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
Washington, DC, February 27, 2007.
TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Committee on Foreign Affairs' jurisdictional interest in H.R. 844, the "Promoting Antiterrorism Cooperation through Technology and Science Act."

The Committee on Homeland Security appreciates your willingness to work cooperatively on this important legislation. The Committee on Homeland Security recognizes your jurisdictional interest over provisions contained in this bill, as amended, and appreciates your agreement not to request a sequential referral. The Committee on Homeland Security acknowledges that your decision to forgo a sequential referral on this legislation does not waive, reduce or otherwise affect the jurisdiction of the Committee on Foreign Affairs. Accordingly, the Committee on Homeland Security will support your efforts to participate as conferees in any House-Senate conference on this legislation or in any other legislation that includes this legislation.

A copy of this letter, together with the letter you sent on this matter will be included in the CONGRESSIONAL RECORD when the bill is considered on the House floor.

Thank you for your continued cooperation and I look forward to working with you as H.R. 884 proceeds through the legislative process.

Sincerely,
BENNIE G. THOMPSON,
Chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, let me again thank Chairman THOMPSON for his efforts and his cooperation and for his generosity as far as moving this bill forward, and I, again, thank him for that. I think it speaks volumes as to the quality of leadership that he has brought to the committee.

I would also be remiss if I did not thank staff on our side, Dr. Diane Berry, Colleen O'Keefe and Adam Paulson for their work in bringing this together, and again, bring it to fruition today.

Also, Mr. Speaker, what we are doing today is really a very important continuation of what our governments and other governments have been trying to do. Just several weeks ago, the Secretary of Homeland Security signed a Memorandum of Understanding with Israel's minister of public security, again pledging cooperation. This is codifying that and making clear we want to do more; we want to keep going forward on that.

Again, I thank the chairman for his support and his cooperation, and I urge the adoption of H.R. 884.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 884, which establishes the Science and Technology Homeland Security International Cooperative Programs Office. H.R. 884 is an improved version of a similar bill, H.R. 4942, passed by the House during the 109th Congress. The purpose of these minor, non-substantive changes is to align the House bill more closely with its Senate counterpart, S. 1554, which will be considered when the Senate takes up H.R. 1, which implements the recommendations of the 9/11 Commission.

The purpose of H.R. 884 and S. 1554 is to establish an office charged with promoting cooperation between entities of the United States and its allies in the global war on terrorism in the areas of research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events. The bill also addresses the homeland security needs of Federal, State, and local governments.

The House bill authorizes $25 million per year for international cooperative activities for the fiscal years 2008 through 2011 and establishes an International Cooperative Programs Office within the Science and Technology Directorate of the Department of Homeland Security, DHS, headed by a Director. The Director is responsible for:

Promoting cooperative research between the U.S. and its allies on homeland security technologies;

Developing strategic priorities for international cooperative activity and addressing them through agreements with foreign entities;

Facilitating the matching of U.S. entities—including small businesses—engaged in homeland security research with appropriate foreign research partners;

Ensuring that activities of the office are coordinated with other relevant research agencies; and

Planning and executing conferences and workshops to improve contact among technology developers and to help establish direction for future technology goals.

H.R. 884 also establishes a Science and Technology Homeland Security International Cooperative Programs Office to facilitate international cooperative activities throughout the Directorate of Science and Technology.

The United States currently participates in similar bilateral programs such as the Bi-National Industrial Research and Development—BIRD Foundation—in which the United States and Israel cooperate on defense-related R&D. The office would conduct similar activities, but they would be run by the Department of Homeland Security rather than a private foundation.

The Director of the Office reports directly to the Under Secretary for Science and Technology and is responsible for developing understandings and agreements that allow and support international cooperative activity in support of homeland security research, development, and comparative testing. The legislation also makes the Director responsible for developing strategic priorities for international cooperative activity in support of homeland security research, development, and comparative testing.

Mr. Speaker, facilitating international cooperative activity to address strategic priorities through appropriate mechanisms such as grants, cooperative agreements or contracts with foreign public or private entities is another important objective that this legislation prudently vests in the Director. The Director shall also be mandated to identify and match domestic entities engaged in homeland security research with foreign entities so that they may partner in homeland security research activities.

Finally, the Director is obligated to work toward bringing about the coordination of the Department's international cooperative activities with the activities of other relevant research agencies and to holding international homeland security technology workshops and conferences. These international cooperative activities are to be supported through grants, cooperative agreements, or contracts with Federal governmental organizations, businesses—including small businesses, federally funded research and development centers, institutions of higher education, and foreign and private entities.

Mr. Speaker, this bill would encourage equal partnership by requiring that the foreign partner equitably match U.S. funding expended through direct funding or funding of complementary activities, or through provision of staff, facilities, material, or equipment. It strengthens ongoing partnerships and encourages new ones.

In addition, partnerships are encouraged with the nations of Africa to facilitate the development of information sharing and other types of collaboration to strengthen American preparedness against threats to our Nation's agricultural sector and public health from exotic diseases.

Mr. Speaker, I strongly support H.R. 884 and urge my colleagues to do so as well.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 884, and I commend the gentlemen from New York and Mississippi for moving this legislation forward.

In the war on terrorists, we are often racing against our enemies as they develop new threats and we develop new countermeasures. This has been true throughout the history of warfare and it remains true today, whether we are talking about improvised explosive devices, shoe bombs, or attacks using chlorine gas.

In this competition to combat new threats, cooperation on science and technology with our allies is a key force multiplier, and I commend the gentlemen for moving forward with this legislation.

But we have to make sure that these cooperative programs are properly coordinated and consistent with existing programs and law. I believe that before the Department of Homeland Security initiates a new program, the Secretary of State should be in full agreement with the proposed cooperation to ensure that there is no duplication of efforts with State Department anti-terrorism efforts. In addition, this new framework should recognize that:

In accordance with section 622(c) of the Foreign Assistance Act of 1961, the Secretary of State is responsible "for continuous supervision and general direction" of U.S. foreign assistance;

In accordance with section 504 of the Foreign Relations Authorization Act, fiscal year 1979, the Secretary of State shall have primary responsibility for coordination and oversight with respect to all major science or science and technology agreements and activities between the United States and foreign countries; and

In accordance with the Case-Zablocki Act, no international agreement may be signed or otherwise concluded without prior consultation by the Secretary of State.

While I do not believe that H.R. 844 is inconsistent with coordination with the Secretary of State or with these authorities and requirements, I look forward to working with the gentleman from Mississippi and gentleman from New York as H.R. 844 moves forward on legislative language to provide for a specific role for the Secretary of State in this process and to reflect these existing authorities. And I appreciate the gentlemen's willingness to work with me on these issues.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 884 to establish a Science and Technology Homeland Security International Cooperative Programs Office. In an ongoing effort to promote effective methods of addressing antiterrorism, this legislation would establish a Science Technology Homeland Security International Cooperative Programs Office to facilitate international cooperative activities throughout the Directorate of Science and Technology.

Terrorism is no longer confined to one country. It is now a threat to international security. The means, missions and motives of terrorism have changed, forcing the counter-terrorism community to react accordingly. Our strategies and implementations, in order to be more effective, need to be global. The most disturbing developments have been a growing partnership in organized crime between countries. As a result, and since the 9/11 attacks, the international community has focused on the issue of terrorism with renewed intensity. Gathering, coordinating and sharing of information among the international community is a critical effort to prevent and combat terrorism. H.R. 884 creates this opportunity by facilitating international cooperative activity that encourages international partnerships in the fight against terrorism.

Mr. Speaker, it is important that we join our allies on and off the battlefield. Terrorism is a global phenomenon that requires a coordinated global response. H.R. 884 provides a global response to terrorism. This legislation was passed in the House during the 109th Congress and I urge my colleagues to support it again.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 884, the PACTS Act, I am pleased we are moving quickly and considering this legislation, which implements a key 9/11 Commission recommendation that "the United States should engage other nations in developing a comprehensive coalition strategy against Islamist terrorism."

The bill enables the Department of Homeland Security to join forces with our closest international allies to develop homeland security technologies and share scientific information to help prevent terrorist attacks.

As co-chairman of the bipartisan 9/11 Commission Caucus, I know how important it is to implement the core recommendations of the 9/11 Commission and to hold the administration and relevant Federal agencies accountable to implement them.

Mr. Speaker, I urge the support of this legislation.

Mr. LANGEVIN. Mr. Speaker, I join my colleagues today in support of H.R. 884, the "Promoting Antiterrorism Cooperation through Technology and Science Act."

While touring the northeast United States in 1955, President Eisenhower spoke of the importance of international diplomacy and cooperation to solve the rising problems posed by communism in the Far East. It was Eisenhower who said "Only strength can cooperate. Weakness can only beg." Just as Eisenhower envisioned the role of international cooperation to address the communist threat in the 20th century, so too must we solicit international cooperation to solve the terrorism threat in the 21st century.

The United States must embrace the concept of bilateral cooperation in order to win the war on terrorism, and I believe that this bill is an important step in that direction. H.R. 884 will establish a Science and Technology Homeland Security International Cooperative Programs Office to facilitate international cooperative activities throughout the Directorate of Science and Technology.

This legislation does not seek to duplicate other efforts underway. Rather, it will strengthen ongoing partnerships with homeland security allies such as Israel, the United Kingdom, Canada, Australia, and Singapore, while encouraging new ones. The United States currently participates in similar bilateral programs such as the Binational Industrial Research and Development, or BIRD foundation, in which the United States and Israel cooperate on defense-related R&D. The office would conduct similar activities, but would be run by the Department of Homeland Security rather than a private foundation.

This office within the Department of Homeland Security will foster partnerships with foreign governments and businesses by requiring that the foreign partner equitably match U.S. funding expended through direct funding or funding of complementary activities, or through provision of staff, facilities, material, or equipment.

This country has a proud history of recognizing the value of and promoting international cooperation, particularly in the field of technology. I am pleased to be an original cosponsor of this bipartisan legislation, and encourage my colleagues to support H.R. 884.

Mr. KING of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 884.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING ANN RICHARDS' EXTRAORDINARY CONTRIBUTIONS TO TEXAS AND AMERICAN PUBLIC LIFE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 42) recognizing Ann Richards' extraordinary contributions to Texas and American public life.

The Clerk read as follows:

H. RES. 42

Whereas Dorothy Ann Willis Richards, the First Lady of Texas politics, an American icon and patriot, who touched the lives of Texans and Americans across the Nation, passed away September 13, 2006, after a valiant fight with esophageal cancer;

Whereas her political philosophy was one of government openness and she was a forceful champion for economic and social justice for all Americans, opening Texas government to all Texans, including African Americans, Hispanics, women, and the disadvantaged;

Whereas, before her service ended, of her nearly 3,000 appointments, 46 percent were female, 15 percent were black, 20 percent were Hispanic and 2 percent were Asian American;

Whereas her service to Texas and the Nation included teaching Texas schoolchildren, serving as County Commissioner in Travis County, serving 2 terms as Texas State Treasurer, and finally serving as the Governor of Texas;

Whereas Richards raised 4 incredible children, and 8 "almost perfect" grandchildren and touched the lives of countless friends throughout her life;

Whereas Governor Richards revitalized the Texas economy, yielding 2 percent growth when the United States economy was shrinking; she streamlined Texas's government and regulatory institutions for business and the public; she revitalized and positioned Texas's corporate infrastructure for the explosive economic growth it experienced later in the decade, and she saved Texas taxpayers more than $6 billion;

Whereas Richards reformed the Texas prison system by establishing a substance abuse program for inmates, reducing the number of violent offenders released, and increasing prison space to deal with a growing prison population;

Whereas Richards instituted the Texas lottery to supplement school finances and she sought to decentralize control over education policy to districts and individual campuses, instituting site-based management;

Whereas Richards inspired an entire generation of young women, admonishing them with the words "well-behaved women rarely make history";

Whereas, in 1989, with co-author Peter Knobler, she wrote her autobiography "Straight from the Heart", inspiring Texans with her personal story and folksy humor;

Whereas, in 2004, she authored "I'm Not Slowing Down, Winning My Battle with Osteoporosis" and became an international spokesperson for women battling the disease;

Whereas, after her diagnosis with esophageal cancer, Richards inspired all of us with her determination to win against all the odds, and her fearless battle until the very last day in her beloved Austin, Texas;

Whereas her sense of humor, delivery, and understanding of Texas's "old boy" politics was legendary, charming, and disarming; and

Whereas Governor Dorothy Ann Willis Richards was an American original, an irreplaceable public servant, a patriot who loved the Nation and its expansive land, ideas, and the Constitution: Now, therefore, be it

Resolved, That the House of Representatives recognizes and commends Ann Richards' extraordinary contributions to Texas and American public life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, at the memorial service of Ann Richards, the former mayor of Dallas, Texas, Ron Kirk, the mayor's lifelong friend said, "Ann Richards was as fierce a warrior and advocate for justice as any public servant I've ever known. She embraced every person she met, no matter their station in life, with dignity, and love, and compassion."

The former Governor of Texas was a witty, flamboyant and outspoken homemaker who captured the hearts and minds of the people of Texas, as well as the Nation. She burst into national prominence as a keynote speaker to the 1988 Democratic National Convention when she uttered the famous line about the wealthy, then-Vice President George H.W. Bush, and she said, "Poor George, he can't help it; he was born with a silver foot in his mouth." The speech set the tone for her political future as the first woman elected to treasurer, a statewide office, in Texas in 50 years.

In 1990, Ann Richards won the Democratic gubernatorial nomination against attorney general and former Congressman Jim Mattox and former Governor Mark White. Her Republican opponent was multimillionaire rancher Clayton Williams, Jr. The campaign between the two was brutal, but Richards prevailed in the election on November 6, 1990, by a margin of 49–47 percent.

As Governor, Ann Richards wanted a more inclusive Texas. She called it the "New Texas," where she made nearly 3,000 appointments, 46 percent were female, 15 percent were African American, 20 percent were Hispanic and 2 percent were Asian Americans. Among Governor Richards' appointment of firsts are: the first African American to the University of Texas regent; the first crime victim to join the State criminal justice board; the first disabled person to serve on human services board; and the first teacher to lead the State board of education. During her tenure, she oversaw the fabled Texas Rangers pin stars on their first African American and female officers.

Richards implemented an economic revitalization program to address the Texas economy that was in a slump since the mid-1980s, compounded by a downturn in the U.S. economy. Her policy initiatives yielded a 2 percent growth in 1991 for the Texas economy, while the U.S. economy as a whole shrank.

Ann Richards reformed the Texas prison system by establishing a substance abuse program for inmates in prison and reduced the number of violent offenders released back into society. She was a supporter of proposals to reduce the sale of semiautomatic firearms and cop killer bullets in the State.

□ 1530

She vetoed legislation that would allow people to carry concealed handguns and automatic weapons inside public establishments without the owner's permission. Some political analysts believe that this veto cost her her reelection bid for Governor in 1994. Richards lost her reelection bid to George W. Bush. After her unsuccessful bid for reelection, someone asked her, "What would you have done differently if you knew you would be a one-term Governor?" Richards grinned and said, "Oh, I would probably have raised more hell."

Mr. Speaker, I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to join my fellow Members of Congress in recognizing Dorothy Ann Willis Richards' really extraordinary contribution to Texas and to American public life.

A steadfast political activist who first entered the political arena as a student at the University of Texas, Ann Richards rose through the political ranks first as a volunteer in State and local political campaigns and ultimately to a national figure.

A feminist icon, Ann Richards first came to national attention to many as the Texas State treasurer, when she delivered the keynote address at the 1988 National Democratic Convention. Serving as the Governor of Texas from 1991 to 1995, Governor Richards was widely acknowledged as an inspirational national leader, civil rights advocate, and role model. Her political philosophy was one of government openness and was noted for her unprecedented appointments of women and minorities to important positions.

Throughout her life, Governor Richards had a particular interest in social interests such as advancing women's rights and equality for all groups and individuals. She believed, if given a chance, all women could perform as well or better than men, and I would emphasize she probably thought better than men. She once offered a memorable salute to the achievements of women by reminding her audience, and I love this quote, "Ginger Rogers did everything that Fred Astaire did. She just did it backwards and in high heels."

Always willing to use her upbringing as an example for others, she once said that, "Where I grew up, there wasn't much tolerance for self-importance, people who put on airs," and she lived by that philosophy.

During her tenure as Governor, she not only expanded the State's economic base through a program for economic revitalization, but created one of the most inclusive and representative governments in the history of Texas.

Soon after becoming Governor, she sought government efficiency by authorizing comprehensive audits of every State agency, that ultimately saved the taxpayers of Texas reportedly $6 billion.

As a result of her interest in law enforcement and her own personal battles with alcoholism, Governor Richards reformed the Texas prison system by establishing a substance abuse program for inmates, decreasing the number of violent offenders released, and increasing prison space.

Governor Richards was always tireless in her efforts on behalf of children and education. While Governor, she instituted the Texas lottery as a means of supplementing school funding.

After leaving office, in her final year of life, the Austin Independent School District announced, "The Ann Richards School For Young Women Leaders." Opening in the fall of 2007, this institution will serve as a college preparatory school for girls in grades 6 through 12. The curriculum will focus on math, science, and technology. This initiative is one of many lasting tributes to Governor Richards' all-encompassing devotion to the citizens of Texas.

Sadly, Ann Richards passed away from cancer on September 16, 2006. She was 73 years old, leaving behind a legacy of political achievement and a record of championing equality and justice.

I ask all Members to join by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield 3 minutes to the distinguished gentleman from Texas and the author of this legislation, Representative SOLOMON ORTIZ.

Mr. ORTIZ. Mr. Speaker, today we are here to pay tribute to the life of the late Governor of Texas, Dorothy Ann Willis Richards. And I want to thank Chairman WAXMAN, the majority leader, and my good friend, DANNY DAVIS, for bringing this bill to the floor, and my colleagues for taking time from their busy schedule to do what we are doing today.

America and the State of Texas both suffered a great loss on September 13, 2006, when Ann Richards met our Maker after a brave struggle with cancer.

Growing up as the son of migrant workers in segregated South Texas, I was painfully aware of the power dynamics in place that placed those of privilege high above the working poor. Ann Richards sought to turn that tide around. During her service as Governor of Texas, she appointed more females and minorities than any Governor by far.

It was Ann's spunk and her dedication to the people of our beloved State, all the people, that earned her love and admiration of millions of Americans.

Following her philosophy of life in public service, "well-behaved women rarely make history," Ann's charm and passion for life propelled her far in the history books.

A lifelong public servant, Ann began her career as a Texas school teacher. She later served in Austin as Travis County Commissioner and Texas State Treasurer prior to being elected State Governor in a historic campaign.

During her entire public service career, Ann remained a teacher, teaching Texans that the advantage of working together benefited the economy of our State. Even today she still teaches us.

Ann Richards is remembered today and always not only for her accomplishments, but also for the way she carried them out. Her disarming wit and wisdom won opponents time and time again. Her big as Texas hair, hearty laugh, piercing blue eyes, and smiling face are unforgettable. She was one of those people you just couldn't help but like, and today I am so happy that they gave us time to honor a great American, a great Governor, and a great friend, Ann Richards.

Mr. SHAYS. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Texas with whom I had the good fortune to spend Saturday with at Paul Quinn College where we were discussing the issues related to African American males, Representative EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the legacy of an exceptional public servant, the late Governor Ann Richards.

When Governor Richards passed away in September, I not only lost an esteemed colleague, but a dear and trusted friend. I am proud to say that our friendship endured for more than 40 years.

First, we are from the same hometown. But I didn't meet her there, I met her in Dallas, Texas when she lived there in the 1960s. And then she moved to Austin, and the first thing that she did, she always helped in everybody's campaign, but the first thing she did in Austin was manage Sarah Weddington's campaign for the Texas House, and we won at the same time. Sarah Weddington is the young lawyer that defended Rowe v. Wade before the Supreme Court.

As women in politics, and especially Ann, we shared some of the same views and many of the same colleagues, and I did encourage her that she had come to her time that she can maybe serve in elective office herself. And we knew that Texans were not that supportive of women running for office, but she ran for the County Commissioner's Court and won.

She was not afraid to be herself, and she really listened to people and she was supportive of people. Her independent spirit and charm not only won her votes, but it really generated a great deal of respect. And she often used humor to get her point across, but she did get her point across. People respected her, and they knew that she would work hard on their behalf and there was never a question about that.

She took pride in her accomplishments as Governor. First she won as Treasurer, and I had the pleasure of running her campaign in Dallas County during that time. But when she won as Governor, it was a very male-dominated situation, and she right away appointed more women and minorities to important boards than anyone else ever had done in history.

For the first time there were women and minorities on the board of regents of Texas universities all over the State and many other women positions that was on the medical examiners board. Those medical examiners didn't know what had taken place. But she was not afraid to do it.

She utilized the latest technology as Texas Treasurer. When she came into office there was a big deficit, and she hired a consultant to come down and help, and that consultant was Franklin Raines. That is when I first met him.

We did so much together. And when she was in office and was able to see how to get through those many problems, she earned the support of the business community, which was mostly white men of course. Ann broke her way from the mold.

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When Governor Richards passed away in September, I not only lost an esteemed colleague, but a dear and trusted friend.

I'm proud to say that our friendship endured for more than 40 years.

I first met Ann Richards in the sixties when she lived in Dallas and was running for Travis County Commissioner.

As women in politics, Ann and I shared many of the same views and also many of the same challenges.

Texas in the 1970's wasn't very supportive of women running for political office, so you really had to earn each and every vote.

Ann wasn't afraid to be herself, and she compelled people to listen to her.

Her independent spirit and charm not only won her votes, but it garnered respect.

People respected her, and they knew that she would work hard on their behalf.

Ann took pride in her accomplishments in the male dominated Texas politics. She had hoped that her success may serve as inspiration to young women.

She certainly served as inspiration to me.

In 1982 Ann successfully ran for Texas State Treasurer.

As State Treasurer she utilized the latest technology to transform the Texas Treasury into a modern operation.

Along the way, Ann earned the respect of the business community who appreciated her foresight and vision.

In 1990 Ann became the first woman Governor of Texas elected in her own right.

Ann broke away from the mold of previous Governors. She wasn't afraid to shake things up and speak her mind.

In her tenure as Governor she was adamant about appointing minorities on state boards and commissions.

Ann wanted the Texas Government to reflect the diversity and culture of the people of the State.

Ann was a hands-on Governor, and she didn't let much get by her.

She did her best to eliminate inefficiency and waste within the government.

She demanded that the Texas government fully serve the people, and she did everything in her power to realize that.

She had a strong will for justice and fairness for all.

Governor Richards was one of the finest of Texans that I've ever known.

She dedicated herself to the State and the people of Texas.

She broke down barriers for women, and made us believe that anything was possible.

She was truly an original, and her absence is immensely felt.

The recognition she is receiving today is very well deserved.

Her many contributions to the State of Texas and to America will not be forgotten.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield 3 minutes to an individual who had the good fortune to be a close neighbor of Governor Richards, Representative LLOYD DOGGETT of Texas.

Mr. DOGGETT. I thank the gentleman and my colleagues for this resolution honoring our friend, Ann Richards.

Despite the great sense of loss that so many of us continue to feel, I must say that the wonderful gathering that we had last year in Austin for Ann Richards was about the most joyous memorial service that I have ever participated in. There was so much to celebrate about this person, about this life.

Ann came to Austin in the 1970s. She was a true life force. She became our County Commissioner and our State Treasurer before becoming Governor. And during most of my tenure in Congress, I had the good fortune to have her as a next-door neighbor.

She had a quick wit, but she also had a very warm smile. And it was her smile, her warmth, and her sense of humor that could win over even the most ardent foe.

She believed in straight talk. Her candor about her personal life enabled her to tell hard truths in her political life. And in her waning months, she faced her battle with cancer with the same fighting spirit and the same sense of humor that defined her life.

I think that there are two places not often the focus of reflecting on Ann Richards' life where her effect is particularly notable. One is in our schools. Until January, I represented Ann Richards Middle School in La Joya, Texas. I could see how those young people from a poor economic area were enriched by their contact with Ann Richards and the inspiration that she provided them with her continued participation long after she completed her tenure as Governor. And, now in Austin, we are starting the Ann Richards School For Young Women. Its purpose is one that Ann devoted much of her personal life to—inspiring and serving as a mentor for young women. And now, in this school, many middle school girls will find that they too can fulfill their dreams and fully participate in all sectors of our society.

□ 1545

A former teacher, Ann knew what a difference quality public education could make in the lives of young women and young men, and these institutions serve to remind us of what she accomplished.

But the second place is with her family. She has two daughters, two sons, who are active participants in the life of our community and of our country. I think that they speak volumes about the kind of mother and the kind of family person that Ann Richards is, and they continue to live the legacy that she established.

She set high standards and inspired countless Americans to do the same. Her loss means that all of us who share her values must redouble our efforts.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I am proud to have been able to call Ann Richards a friend of mine and of my family. Just like she inspired millions of young women in Texas and across this Nation, she inspired my oldest daughter, Hillary, who I often took along with me to meetings in Austin.

At one meeting with the Governor, Hillary pulled out this yellowed copy of Ann's keynote address to the 1988 Democratic National Convention and proceeded to quote lines back to her. Hillary's favorite line from that speech was one that Ann had popularized in her famously wry tone: "Ginger Rogers did everything that Fred Astaire did. She just did it backwards and in high heels." To me, that line epitomizes Ann Richards: skillful, determined, and equal to any man's task.

She was a woman in what had been a man's rough and tumble world of Texas politics, but she never let anything or anyone hold her back. She believed education was the great equalizer. She believed redemption was possible, and she believed that a woman's place was in the dome. She aimed to create a new Texas; and when she broke through that glass ceiling, she reached her hand out to pull women, minorities, and the disadvantaged up with her.

Like the yellow rose of Texas, Ann was a beautiful and classic lady. She could also be thorny, though. She told you exactly what you needed to hear, using wit and candor to make her point. Her presence and her laughter could fill a room, even if all you could see was that big white hairdo peeking above the crowd.

Dorothy Ann Willis Richards is a Texas giant, and I am proud that my daughters grew up knowing such a strong, independent, and caring woman.

I want to leave you with some words from Ann, words that all of us here today should take to heart.

She said: "The public doesn't like you to mislead or represent yourself to be something you're not . . . They don't ask their public officials to be perfect. They just ask them to be smart, truthful, honest, and to show a modicum of good sense."

Ann, we'll miss you.

Mr. SHAYS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, it will come as no great surprise that on any issue of policy Ann Richards and I were probably 180 degrees out of phase; but last year, when she received her diagnosis, I sent her a little note telling her that we were thinking about her and praying for her. She sent me a little note back, and I wanted to share that with the House today.

She said: "Thank you for being so thoughtful.

"For someone who has cancer, I'm in great shape. Patience has never been my long suit, but I am learning. I am in my third week of treatment and am taking it one day at a time. The M.D. Anderson Hospital is fabulous. It's a whole lot like 'Star Wars' with more interesting machines than Buck Rogers ever imagined.

"Thanks a lot for thinking of me and praying for me. With all that energy directed toward my recovery, how can we miss?"

Mr. Speaker, there wasn't much that Ann Richards and I did agree on, but we both agreed on our love for Texas, and we both agreed we only wanted the best for our State. Texas is proud to have had a Governor like Ann Richards. Although oftentimes we were on opposite sides of the issue, she will be missed in my home State of Texas.

Mr. DAVIS of Illinois. Mr. Speaker, may I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman from Illinois has 5½ minutes. The gentleman from Connecticut has 15 minutes.

Mr. SHAYS. Mr. Speaker, I would ask unanimous consent to transfer 10 minutes over to my colleague, if there is need to use that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DAVIS of Illinois. I want to thank the gentleman from Connecticut.

Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, all of us come in contact with individuals who have a way to connect one way or another. Sometimes it is from near, and sometimes it is from afar. I shall never forget the speech that Governor Richards made at the Democratic convention in 1988. You know, speeches are things that you hear a lot of when you are involved in public activity and public office, and you don't always look for anything special when you see another one coming. I mean, sometimes, it is another speech.

But the amount of wit and charm that Ann Richards had and her ability to convey it in such a way that she could make a humorous point that was not always so humorous, but you still got the humor out of it, and whoever it was directed to and at didn't necessarily view it as being offensive, she had the ability to do that.

We have heard speaker after speaker talk about the fact that she appointed this large number of individuals to boards and commissions and made regents out of people and gave them positions that people just didn't sort of expect, because it had not been done before.

Then she took on a real tough question that some people feel caused her to lose an election, but she probably knew the risk that she was taking, because it had to do with the right of individuals to keep and bear arms, dealing with semiautomatic weapons that the normal average person wouldn't necessarily carry.

I mean, you wouldn't walk around, even if you wanted to go hunting, with a semiautomatic weapon to shoot rabbits or deer or whatever it is that you would shoot, although I have never believed in shooting that many things any way, unless they were shooting back. Therefore, I was never much of a hunter, because the animals didn't have anything to shoot back with. That was about the only way that I would see myself shooting at them.

But she knew the great political risk that she was taking, and not withstanding that risk, held to her guns, held to her position, did not waver, did not back up. That is what real leaders are made of. They don't take positions just to get elected or just to be in office. But they take them based upon principles upon which they believe, ideas and ideology that govern their lives.

That was the kind of woman that Ann Richards was, and that is why I think she was able to mean so much to so many people, not only in Texas; but she was a great advancement for the women's movement, for enticing more women to run for public office, and, of course, to be elected to public office, and to reach another level of equity, another level of having arrived at a point in history where a woman, a little girl growing up, can believe that she has the possibility of moving not only to Governor of the State of Texas, but to Speaker of the House of the United States House of Representatives.

Mr. Speaker, it is my pleasure to yield such time as she might consume to our distinguished Speaker, NANCY PELOSI.

Ms. PELOSI. Thank you very much, Congressman DAVIS, and thank you for bringing this opportunity to the fore for us to sing the praises of the great Governor of Texas, Ann Richards. I am proud to join you today, Mr. DAVIS, in honor of Ann Richards, a true pioneer and one of Texas' great daughters.

Ann Richards expanded the realm of what is possible for women. As she loved to say: "A woman's place is in the dome." She is certainly smiling down on us today. As more women than ever rise to elective office, we owe a great debt to Ann Richards for helping to blaze the trail.

So important was she to the women in Congress who serve here now, as part of my swearing-in festivities, I had a tea honoring Ann Richards in which we reviewed a film of her life in which her beautiful granddaughter, Lily, made a presentation about her grandmother, from which we all drew strength and inspiration about this woman, a true, true pioneer. Ann Richards will be remembered for her devastating wit and gigantic heart, which led her to make real and lasting improvements for all Americans.

From health care, to education, to opening the doors of government to all, Ann Richards was one of our Nation's most fierce champions for expanding opportunity. Just as Ann was an advocate for all of America's children, she was particularly proud of her own. Ann's daughter Cecile Richards was an essential member of my team when I became leader and has since become President of Planned Parenthood of America. I know Ann was equally proud of her three children, Daniel, Clark and Ellen, and her eight grandchildren, I mentioned Lily. She was proud of all of them.

I hope it is a comfort to her entire family that so many people here in the Congress, indeed in the country, remember Ann with great enthusiasm and are grateful for her leadership. She has been gone a number of months now, but it is a loss that we sorely feel. It is a memory that we greatly cherish of a great woman, a leader in our country, and a person.

As I say to all of us in Congress or in elective office, all of us owe Ann Richards a great debt of gratitude. She is the gold standard for statesmanship, man or woman. Again, we are especially proud of the leadership she provided as a woman leader in our country.

Mr. DAVIS of Illinois. I want to thank the distinguished Speaker for her remarks.

Mr. SHAYS. Mr. Speaker, all Members on this side of the aisle have a tremendous appreciation for this great lady, and we are happy to honor her and are grateful the House is, in fact, honoring her.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in proud support, and as an original cosponsor of H. Res. 42. This resolution is offered by the Texas Democratic Delegation in the House, chaired by Congressman ORTIZ, and recognizes the extraordinary contributions of Ann Richards to public life in Texas and the United States. It is both fitting and proper that the People's House pay this tribute to a pioneering and path breaking woman who devoted her life to serving the people.

Mr. Speaker, this happy moment stands in stark contrast to that sorrowful morning of September 14, 2006, when I informed the House from this podium of my sad duty to report that an American original and the First Lady of Texas politics, the great Ann Richards, had lost her long and valiant battle with throat cancer.

Mr. Speaker, Dorothy Ann Willis Richards began her career in politics in the early 1970s after having raised four children. A Democrat, she served as County Commissioner in Travis County, Texas from 1977 to 1982. Richards was elected to the first of two terms as Texas State Treasurer in 1982. We who knew and loved her will remember her always as a forcefully articulate and an amusingly folksy speaker. She first gained national prominence with her keynote address at the 1988 Democratic National Convention. In 1990 she was elected governor of Texas, the first woman chief executive of Texas in more than fifty years.

Dorothy Ann Willis was born in Lakeview, Texas. She grew up in Waco, Texas, and graduated from Waco High School in 1950, participating in Girls State. She received a bachelor's degree from Baylor University while on a debate scholarship. She married her high school sweetheart, David Richards, and moved to Austin, Texas, where she earned a teaching certificate from the University of Texas at Austin.

After graduation, she taught social studies and history at Fulmore Junior High School in Austin, Texas from 1955 to 1956. She had also two daughters and two sons in the following years, and she campaigned for Texas liberals and progressives such as Henry B. Gonzalez, Ralph Yarborough, and Sarah Weddington. One of her daughters, Cecile Richards became president of Planned Parenthood in 2006. Throughout her life Ann Richards was a forceful champion for economic and social justice for all Americans, especially women and the disadvantaged.

In 1976, Richards ran against and defeated a three-term incumbent on the Travis County, Texas Commissioner Court, holding the position for six years. She then was elected State Treasurer in 1982, becoming the first woman elected to statewide office in more than fifty years. In winning the Democratic nomination for treasurer, Richards ended the career of a Texas politician with the same name as a president (but no relation), Warren G. Harding. In 1986, she was re-elected treasurer without opposition.

Ann Richards delivered the keynote address to the 1988 Democratic National Convention, a move which put her in the national spotlight with the line "Poor George [H.W. Bush], he can't help it . . . He was born with a silver foot in his mouth." The speech set the tone for her political future; she described herself as a real Texan (in supposed contrast to George H.W. Bush), established herself as a feminist, and reached out to African-Americans and Hispanics. In 1989, with co-author Peter Knobler, she wrote her autobiography, Straight from the Heart.

In 1990, she sought and won the Democratic gubernatorial nomination besting such venerable vote getters as Texas Attorney General James "Jim" Mattox and former governor Mark White. In the general election she defeated multi-millionaire rancher Clayton Williams after a brutal campaign and was inaugurated the 45th governor of Texas in January 1991.

The Texas economy had been in a slump since the mid–1980s, compounded by a downturn in the U.S. economy. Governor Richards responded with a program of economic revitalization, yielding growth in 1991 of 2% when the U.S. economy as a whole shrank. She also streamlined Texas's government and regulatory institutions for business and the public. Her efforts helped to revitalize and position Texas's corporate infrastructure for the explosive economic growth it experienced later in the decade. Her audits on the state bureaucracy saved Texas taxpayers more than $6 billion.

Governor Richards reformed the Texas prison system, establishing a substance abuse program for inmates, reducing the number of violent offenders released, and increasing prison space to deal with a growing prison population (from less than 60,000 in 1992 to more than 80,000 in 1994). She backed proposals to reduce the sale of semi-automatic firearms and "cop-killer" bullets in the state.

The Texas Lottery was also instituted during her governorship—advocated as a means of supplementing school finances; Ann Richards purchased the first lotto ticket on May 29, 1992. However, most of the income from the lottery went into the state's general fund rather than specifically to education, until 1997, when all lottery net revenue was redirected to the state's Foundation School Fund, which supports public education. School finance remained one of the key issues of her governorship and of those succeeding hers; the famous Robin Hood plan was launched in the 1992–1993 biennium which attempted to make school funding more equitable across school districts. Richards also sought to decentralize control over education policy to districts and individual campuses; she instituted "site-based management" to this end.

In March 2006, Governor Richards announced that she had been diagnosed with esophageal cancer and will be seeking treatment at M.D. Anderson Cancer Center in Houston, Texas. The disease has a five-year survival rate of 25 percent. Despite the statistics, Governor Richards vowed to beat her illness and battled valiantly until the very last day, when she finished her journey on earth and ascended to the heavens.

None of us who knew and loved Ann Richards will ever forget her or the way she brightened the lives of all the people she served. She was one in a million and she will be deeply missed. She will never be replaced. She was an American original. She was my friend.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 42, recognizing Ann. Richards extraordinary contributions to Texas and American public life.

Ann Richards and I worked together when I served in Texas State Senate in 1991 and 1992 before I was elected to the House of Representatives in 1993. At that time, she was serving as the Governor of Texas. During our tenure in the state house we worked together to support stronger environmental laws for our district and Texas.

Governor Richards was a teacher who started out in politics as a volunteer on the campaigns of Sarah Weddington, Henry B. Gonzalez, and Ralph Yarborough. She began her own political career in 1976 when she was elected to serve as a County Commissioner in Travis County.

Six years later in 1982, she was elected Texas State Treasurer and served two terms. Ann made history by becoming the first woman elected to statewide office in Texas in fifty years.

In 1990, Ann ran for governor and promised to increase the role of minorities and women in state government as part of her plan for a "New Texas." When Governor Richards was elected she made it a priority as governor to appoint more women and minorities to state boards and commissions and followed through on her promise.

During her tenure, Governor Richards had many accomplishments including revitalizing the Texas economy, reforming the prison system, and instituting the state lottery. Once she left public office, Ann continued to be an inspiration to us all when she bravely battled osteoporosis and esophageal cancer.

Ann wasn't only the governor of one of the greatest states in America, but she was one of America's greatest governors in terms of her personality, sense of humor, and trailblazing accomplishments. Governor Richards was the First Lady of Texas politics and her extraordinary accomplishments make her not only a Texas hero, but also an American hero.

Mr. HINOJOSA. Mr. Speaker, I rise in support of H. Res. 42 offered by my colleague and neighbor Congressman SOLOMON ORTIZ. Governor Ann Richards was a woman of incomparable spirit, wit, intelligence, and heart. She was a trailblazer who opened the world of public service and politics to women and minorities in her beloved home state of Texas, as well as throughout the country.

I remember her most for her commitment to my constituents in South Texas. In 1993, Governor Richards signed the bill to create South Texas Community College, now South Texas College.

Without Governor Richards' direct insight and involvement in granting us a three year waiver in not requiring a taxing district, the creation of the school simply would not have been possible. Today, the college, with 17,000 students, is responsible for contributing to our local economy through workforce and job training programs, has directly contributed to the drop in the region's unemployment rate, and extends education opportunities for so many students. She also helped to streamline the state's government and helped create programs and opportunities for Texas' economy to flourish at a time when the country's languished.

It is incumbent upon all of US to continue the legacy started by Ann Richards decades ago. We need to lend voice to the disadvantaged and disenfranchised; give americans a leg-up, not a hand-out; and, create opportunities for all to participate in their government. It is a legacy she was proud of, and one I will not forget. She will be missed by so many, and especially by me.

I urge all of my colleagues to support this legislation honoring such a great lady.

Mr. EDWARDS. Mr. Speaker, Ann Richards was a true Texas treasure. We shall miss her dearly, but her spirit will live on to inspire generations to come. She made a positive difference for Texas and for our nation. In my book she represented the very best of political leadership.

In an era when the good ol' boy system denied opportunities to women and racial minorities, she broke down barriers to ensure that public service would be open to all. In an era when self-important politicians too often took themselves too seriously, she used good humor to keep our feet on the ground, even as we were rolling in laughter.

As Governor of the state she loved, her accomplishments were many, whether in improving education or health care or job opportunities. Yet, like the best of political leaders, her greatest legacy will be having inspired others to be their best, to reach for their dreams, and to make life better for our neighbors.

I have no doubt that after all of us in this House are gone and forgotten, the legacy of Ann Richards will be carrying on through the countless lives of those who were inspired to public service by the touch of this great American.

On a personal note, it was an honor for me to know Ann Richards, especially since she graduated from Baylor University and her parents lived in my hometown of Waco, Texas. It was back in Waco, often outside the limelight of the press, that I admired Ann Richards' deep love and respect for average working families. She understood that they are the backbone of our nation.

Those of us honored to call Ann Richards our friend, and those of us whose lives were touched by her commitment to equality and public service know that there will never be anyone quite like her. That is why we miss her so.

Somehow, I just have to believe that Governor Richards wanted to witness from a heavenly seat the swearing in of Speaker PELOSI as the first woman Speaker of the U.S. House. Or, perhaps the Good Lord just wanted Ann Richards to be by His side when that history was made.

Either way, I have no doubt that heaven is a little funnier place with Ann Richards there and that our nation is a better place because of her time here on earth.

To the Richards family, I want to express a heart-felt "thank you" for sharing your special loved one with all of us for so many years. Our memories of her will inspire us to be better, to do more for years to come.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in strong support of H. Res. 42. Anne Richards's devotion to the state of Texas deserves our highest honor and commendation. Her work to promote the rights of women in politics, devotion to equality and her never-failing drive to better the lives of her constituents made her an iconic figure in Texas politics.

Governor Richards began her political career in the 1970's fighting for equality. As an advocate for female politicians, she managed Sarah Weddington's successful bid to become a member of the Texas State House of Representatives. She then joined State Representative Weddington as a legislative assistant in 1974, during this time she also participated in Wilhelmina Delco's campaign to become the first African-American to represent Austin in the state legislature. Not content to rest there, she provided training sessions across the state for female candidates and managers. She would continue this fight for equality for the next 20 years.

In 1982 she was elected to the post of state treasurer becoming the first woman elected to state-wide office in more than 50 years. She devoted herself to the modernization of the state treasury and to earning the greatest possible interest for the state of Texas. According to one estimate, the treasury earned 1.8 billion dollars under her leadership, representing a huge improvement over her predecessor. During her tenure she displayed the incredible wit that made her such a powerful public speaker and one of the most popular figures in Texas politics.

After two terms as state treasurer she was elected Governor of the state of Texas in 1990. What she accomplished in her four years as Governor was nothing short of amazing. Among the achievements for which we are honoring her here today, she revitalized the Texan economy, achieving growth during a period of national economic decline. She revamped the Texas prison system to improve rehabilitation for inmates and to better protect the citizens of Texas by establishing a substance abuse program for inmates, working to expand capacity and reduce prison overpopulation, and reducing the number of violent offenders released. The Texas Lottery was also instituted during Governor Richards' time in office as a means to supplement school financing

Education and school financing were focal points of her Governorship. She worked tirelessly to make school funding more equitable across districts and championed "sitebased management" programs to decentralize school administration.

Of her nearly 3,000 government appointments, 46 percent were female, 15 percent were black, 20 percent were Hispanic and 2 percent were Asian American. I rise today to honor her commitment to diversity, her battle for equality, and her lifetime of service to the state of Texas and the United States of America.

Mr. AL GREEN of Texas. Mr. Speaker, it is a privilege to honor a great Texan and a great American.

Ann Richards served not only as the Governor of Texas, but as an exemplary role model for young people across the United States. She lived her life with humor, tenacity, dedication and an indomitable spirit that will be missed.

Time and time again, Ann Richards showed a true commitment to that great American ideal of equal opportunity for all. For example, nearly half of her 3,000 appointees were female, 15 percent of her appointees were African American, and 20 percent of her appointees were Latino. She was by every measure a Governor for all of the people of Texas.

During her time in office Governor Richards also developed a Robin Hood Plan for Texas schools, to ensure equitable financing for all school districts in our state. The Robin Hood Plan has substantially equalized funding for school districts across Texas and has helped those districts without high property values provide good education for their students.

Governor Richards should also be recognized for developing an innovative and remarkably effective drug treatment program for Texas prison inmates. The Texas Initiative was launched in 1991 and quickly grew into the most ambitious and aggressive prison-based drug and alcohol treatment program in the country. Under Governor Richards' watch only 7.2 percent of those who had undergone at least 3 months of treatment were reincarcerated within 1 year of being released, compared to 18.5 percent of those who received no treatment.

Ann Richards' legacy goes well beyond the state of Texas. Her famous statement that "well-behaved women rarely make history" exemplifies how she has helped inspire a generation of young women to aspire to hold the highest public offices in the land or to follow whatever their dreams may be.

Governor Richards also became a leading international spokesperson for women battling osteoporosis, authoring the book I'm Not Slowing Down: Winning My Battle with Osteoporosis, which has been described as inspirational and eye-opening.

Ann Richards lived a life full of accomplishments. She gave new opportunities to thousands of people across Texas. She inspired a generation of young women. She was a great woman, and she will be deeply missed.

I commend my colleague, the Dean of the Texas Delegation, Congressman ORTIZ for introducing this resolution.

Mr. REYES. Mr. Speaker, I rise in strong support of H. Res. 42, a bill recognizing Ann Richards' extraordinary contributions to Texas and American public life.

Before assuming the Texas Governorship, Ann Richards worked as a public school teacher; raised four children; and was heavily involved in Democratic politics. She formally entered politics in 1976, first serving as County Commissioner in Travis County, Texas. In 1982, Texans elected Ann Richards as State Treasurer, making her the first woman to hold a statewide office in 50 years. Ann Richards remained in this position until her gubernatorial win in 1991.

Ann Richards navigated Texas politics with a high level of integrity, intelligence and a legendary wit as the second female governor in the great state of Texas, where she served from 1991 to 1995. During her leadership, Governor Richards emphasized ethical reform, environmental protection, and increased diversity in state agencies. She called for a "New Texas," where the faces of Texas leadership would mirror Texas" diversity. True to her vision, she made great strides in ensuring that women, Hispanics, African-Americans, and the disadvantaged shared in Texas power and prosperity.

I knew Ann Richards personally and am honored to support this bill. Ann Richards was a trailblazer in the complete sense—she won her seat at the table by hard work and perseverance; won the affection and respect of her new colleagues; and made space for historically uninvited guests. Texas is a better state because of Ann Richards, as is our Nation. I invite my colleagues in Congress to commemorate her courage, efforts, charisma and memory, by joining me in support of H. Res. 42.

Mr. RANGEL. Mr. Speaker, I rise today in recognition of the life of Dorothy Ann Willis Richards, and in full support of H.R. 42—legislation recognizing the extraordinary contributions Ann Richards made to the great state of Texas and American public life.

Ann Richards had a zest for life that was evident and infectious. She was a wonderful public speaker and found ways to intimately connect with real people by tackling difficult issues that affected their everyday lives. Ann was tremendously tenacious but possessed a quick wit. She was well known for her zingy-one-liners and warm sense of humor.

Committed to issues of equity and inclusion, Ann spent much of her life championing causes related to the marginalization of women and minorities in particular. She dedicated herself to increasing the role of women in politics. Ann organized training sessions throughout Texas designed to empower women in politics and succeeded in improving the visibility of women in the National Democratic Party. Ann became the Governor of Texas in 1991 and continued to champion the inclusion of all people in the political process.

While in office, Ann oversaw a program of economic revitalization that grew the state's economy. As governor, Ann appointed Zan W. Holmes Jr., the first African-American appointed to the University of Texas Board of Regents; she redirected revenue from the state lottery to a school fund to support public education; and launched the Robin Hood plan, an attempt to equalize funding across school districts. Through these measures, Ann was successful in changing the ways that both Texas and our country thought about and treated women, ethnic minorities, people with disabilities, and members of the Gay, Lesbian, Transgender, and Bisexual communities. Ann once remarked that she entered politics to help those who were often ignored by the Texas' male dominated establishment.

It is with great pride that I rise in support of H.R. 42 and recognize, before all, the contributions of a wonderful woman, committed leader and champion for all.

Mr. SHAYS. Mr. Speaker, I yield back the balance of our time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank Mr. SHAYS for his accommodation and would urge passage of H. Res. 42.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 42.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PELL GRANT EQUITY ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 990) to provide all low-income students with the same opportunity to receive a Pell Grant by eliminating the tuition sensitivity provision in the Pell Grant program, as amended.

The Clerk read as follows:

H.R. 990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pell Grant Equity Act of 2007".

SEC. 2. TUITION SENSITIVITY.

Section 401(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(3)) is amended by adding at the end the following new subparagraph:

"(C) This paragraph shall not apply to the determination of a student's basic grant for the 2007–2008 academic year.".

SEC. 3. GUARANTEE AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

"(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent'; and

"(II) beginning October 1, 2007 and ending September 30, 2008, this subparagraph shall be applied by substituting '22 percent' for '24 percent'.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

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Mr. GEORGE MILLER of California. Today, Mr. Speaker, I rise in support of H.R. 990, the Pell Grant Equity Act of 2007.

This is a bill that is designed to adjust an inequity in the current law that works against the interest of many college students in those States that have low tuition.

At a time when we have seen tuition and fees of public colleges and universities increase significantly, there is a notable exception to that trend, and that is that California community colleges recently decreased their tuition and fees from $26 a credit to $20 a credit. For a student taking 13 credits for two semesters, they save $520 in tuition for the year. This is almost unheard of in a day of skyrocketing college costs. Unfortunately, a provision in the Higher Education Act penalizes students attending low-cost institutions, such as California's community colleges.

The provision known as "tuition sensitivity" reduces the Pell Grant for the neediest of students attending higher education institutions with the lowest tuition. The result is that thousands of low-income students receive a lesser Pell Grant.

The Pell Grant Equity Act eliminates this discriminating provision in the law, ensuring that students receive the full amount of the Pell Grants they are entitled to receive. This is a very important bill for these students and for their families.

This is legislation that my colleague, Mr. MCKEON, the senior Republican on the committee, worked very hard last year to get into the Higher Education Act. It was passed on the floor of the Congress. He worked very hard to bring this matter to the attention of all of the Members of Congress on both sides of the aisle, but as you know, that legislation was not passed in the end, and that is why we are here today because this has an immediate impact on those students who find themselves in this situation. And I want to thank him for all of the effort that he made to adjust this inequity in the law over the last couple of years as we have tried to deal with this within the Higher Education Act.

This bill is a 1-year fix, and we do so because we anticipate that this would cover the upcoming academic year. And we would hope to be able to make the permanent changes when we reauthorize the Higher Education Act in this Congress.

According to the Congressional Research Service, our bill will help approximately 96,000 students receive an average of $100 more in a Pell Grant aid. Sometimes that doesn't sound like a lot of money, but in grant aid to these students and these families, this is an important amount of money because it is not just the tuition that is going down, it is other costs continue to go up.

This increase will help make a real difference for these students in meeting not just their tuition costs, but the costs of their books, their supplies, transportation, room and board, and expenses that quickly add up.

We know this is an issue because we have received letters and heard stories from the community colleges, from the students and from their families. It is a situation where you can find two siblings, one at Cal State school and another at a nearby community college. Both students take similar courses, enrolled full-time, live at home, commute to colleges, both have filed Federal financial aid forms and have an expected family contribution of zero. So both qualify for the maximum Pell Grant. Due to the current rules, the sibling attending the community college will receive $402 less, even though the educational costs overall are the same for those two individuals.

That is why we need to pass this legislation today. It has strong bipartisan support. And it will keep the Pell Grant as a strong part of our Federal student aid program targeted to those in the most need.

With that, Mr. Speaker, I would like to reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I rise in strong support of H.R. 990, the Pell Grant Equity Act.

I thank my friend and colleague, Chairman MILLER, for his work on this legislation. I also thank Ranking Member KELLER of the Higher Education Subcommittee and Chairman HINOJOSA for working with us on this measure.

The Pell Grant Equity Act will repeal a Federal rule known as "tuition sensitivity." This arcane rule reduces the annual maximum Pell Grant for students attending institutions with very low tuition charges.

In a time when we are trying to keep the cost of education down, we penalize students that choose to go to a school that is charging less tuition. It seems like we have it really mixed up, and I am glad this bill is coming out to help us change that. Simply put, Mr. Speaker, a student should not be forced to sacrifice grant aid because of their choice of one institution over another.

As Congress and the President work to continue improving student aid programs, it is illogical that certain students who may otherwise be eligible for a maximum Pell Grant won't get it simply because of where they go to school. Moreover, repealing this rule takes away an incentive for some low-cost institutions to raise their tuition in order for their students to become eligible for the maximum Pell award.

The tuition sensitivity rule is estimated to impact between 90,000 and 100,000 students each year, with these students losing hundreds of dollars in grant aid annually, the students that need it the most.

With many California community colleges reducing their cost of attendance this semester, the tuition sensitivity rule is expected to have an even more substantial impact for students in that State if not corrected.

So I am especially pleased, just as I am sure Chairman MILLER is, that this measure will benefit many of those seeking postsecondary education in our home State.

Mr. Speaker, I must say that as much as I support this bill, I wish it could have been the law of the land much sooner. This measure was included in the College Access and Opportunity Act, which the House passed last year to reauthorize the Higher Education Act. Similarly, had House Republicans, or anyone else for that matter, been able to offer this as an amendment to H.R. 5 earlier this year, I would have done so.

As is often the case in Washington, it is better late than never. I am pleased to support this measure which helps students and is fully paid for in accordance with the budget rules.

Again, I thank my colleagues. And I hope we can find more opportunities for bipartisan cooperation on college access down the road.

Mr. Speaker, I yield to the ranking member of the subcommittee, Mr. KELLER, such time as he may consume.

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today as the ranking member on the Higher Education Committee and a strong supporter of the Pell Grant program to urge my colleagues to vote "yes" on the Pell Grant Equity Act of 2007.

The rationale for this legislation is pretty simple: It is unfair that 100,000 college students are penalized for attending community colleges with low tuition rates. These students will now be able to use the additional $108 in Pell funding, on average, to pay for legitimate education expenses beyond tuition, such as books and mandatory lab fees in their science classes.

At a time when college tuition is skyrocketing across the Nation, we should praise and not punish those community colleges who are doing their part to keep tuition low and reward those students who are going to those colleges who otherwise wouldn't have a chance at the American Dream of a college education.

I want to praise Chairman MILLER and Chairman HINOJOSA as well as Ranking Member MCKEON for their leadership and moving this legislation along. I think it is a great piece of bipartisan legislation that deserves all of our support, and I urge all of my colleagues on both sides of the aisle to vote "yes" on this bill.

Mr. MCKEON. Mr. Speaker, again, I want to thank Chairman MILLER for bringing this legislation, for his kind words, and the opportunity to work together, something that will benefit students who are in great need of this extra help.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, earlier in the first few hours of this session, this Congress took a bipartisan vote to cut interest rates for the neediest students who are borrowing money. Those same group of students, many of them are still eligible for the Pell Grant. This action we take today, again on a bipartisan basis, I think will be very helpful to these students and to their families as, again, they try to put together the resources necessary so that they can begin their advanced education in the higher education system in this case. Hopefully in community colleges, they will continue to try to figure out, along with the State legislatures, how to lower the cost of that college. And this would provide an additional incentive, since they know now that those students will not be punished in a sense because they are going to a lower cost college at that time.

I would like to thank the staff of both committees for all of the work they did on this, for the senior Republican, Mr. KELLER, on the subcommittee, and Mr. MCKEON on the full committee, and to Mr. HINOJOSA, the chairman of the subcommittee, for all of their work. We look forward to a quick passage here and hopefully a speedy passage in the Senate.

Mr. HARE. Mr. Speaker, part of our job in Congress is to ensure that every American has the right to a higher education. Unfortunately, a provision in the Higher Education Act makes it difficult for people of low incomes who attend schools with low tuitions to receive the assistance they need.

I rise in strong support of the Pell Grant Equity Act, which provides low-income students the opportunity to go to college by eliminating the "tuition sensitivity provision." This provision prohibits maximum Pell grant awards to students attending low-tuition institutions of higher education even if their income is low enough to otherwise qualify for the maximum award.

As implemented by the U.S. Department of Education, "tuition sensitivity" is intended to reduce the Pell grant for low-income students who attend very low tuition schools as a cost-saving measure. Unfortunately, the students most negatively impacted by this policy are the poorest students who still cannot afford the lower tuition.

As I have been saying throughout my district this past week, education is an investment not an expenditure. We must invest in our students now or be forced to pay more later. We can start this investment by passing the Pell Grant Equity Act, allowing approximately 96,000 of our poorest students to receive the financial assistance they need in the upcoming academic year.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 990—The Pell Grant Equity Act of 2007. This legislation is a simple measure to reduce the real and perceived barriers to a higher education for many low-income families across the United States.

Community colleges and other low-cost institutions offer life-changing educational opportunities for motivated students. Pell grant recipients are by definition motivated.

The Pell grant program works as a contract between the Federal Government and the individual. The Government says, "we will provide you with the means to get a higher education if you desire to invest in yourself."

Removing the tuition sensitivity provision of the Higher Education Act will help students cover the full cost of attending college, which is significantly higher than tuition alone.

For over 30 years, Congress has consistently increased funding available to the Pell grant program and increased the maximum grant that each student can receive. Why? Because the program works. Pell grant recipients regularly go on to succeed in jobs with career potential and upward mobility.

Increased access to higher education is an important goal for the Congress because having an educated workforce is essential to our country's future. As former Federal Reserve Chairman Alan Greenspan once said to me, "if our people are educated there isn't a problem we can't solve. If they aren't, there isn't one that we can." Eliminating tuition sensitivity from the Pell grant program is a positive step towards making college education available to everyone who wants one, and there isn't a higher goal than that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 990, which will provide all low-income students with the same opportunity to receive a Pell grant by eliminating the "tuition sensitivity" provision in the Pell grant program. The Federal Pell grant is need-based aid that serves as the foundation of a student's financial aid package. In fiscal year 2006, more than 5 million undergraduate students received the Pell grant scholarship, with 74 percent of these recipients having a combined family income below $30,000.

Mr. Speaker, under current law Pell grants are awarded to students based on the difference between the appropriated maximum Pell grant award and the student's expected family contribution, which is a measure of the student's and their family's ability to pay for education expenses.

The "tuition sensitivity" provision of the Pell grant comes into effect when the appropriated award is above $2,7000.00. The provision then reduces the Pell grant scholarship, received by the poorest students attending institutions with the lowest tuition. As a result of this provision, two students with the same low-income background and family expenses could be awarded different amounts for the Pell grant although they are both entitled to receive the maximum amount.

Although both students share the same economic hardships, the student attending the college with the lower tuition would receive a smaller Pell grant, thus requiring their expected personal and family expenses to the institution to rise. However, if these same two students attended universities with matching tuition expenses, the award amounts would be equal.

Just because a student attends a school with low tuition, that does not mean that he or she can expend more from their personal and family income. A needy student should receive the same amount regardless of their institution's tuition.

Mr. Speaker, I support H.R. 990, which would provide all low-income students with the same opportunity to receive a Pell grant by eliminating the tuition sensitivity provision in the Pell grant. Every student in our Nation who plans to further their education, whether at our Nation's most expensive or least expensive schools, deserves that opportunity. Our Federal Government has made the provisions to financially assist students, especially those from low-income families, in their quest to attend college and we must ensure that every student has this opportunity.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support for H.R. 990, the Pell Grant Equity Act.

This important piece of legislation would amend the Higher Education Act of 1965 to provide all low-income students with the same opportunity to receive a Pell grant by eliminating the tuition sensitivity provision in the Pell grant program.

Current law prohibits maximum Pell grant awards to students attending low-tuition higher education institutions even if their income is low enough to otherwise qualify for the maximum award.

As the husband of a retired high-school teacher, I have always been a strong advocate for education.

Unfortunately, the high costs of a college education prohibit many low-income students from receiving a higher degree.

Pell grants provide low-income students with their best opportunity to attend college, and we must support financial aid programs like this in order to help as many students as possible succeed and receive a college degree.

Higher education is the best way to ensure our children and grandchildren have a promising future regardless of socio-economic status.

I thank my colleagues for supporting this bill.

Mr. HINOJOSA. Mr. Speaker, I am pleased to join Chairman MILLER and Ranking Members MCKEON and KELLER in cosponsoring the Pell Grant Equity Act. I would like to thank them for their leadership in bringing this bill forward without delay.

Currently low-income students who attend low-cost institutions have their Pell Grants reduced because of the provision called "tuition sensitivity" in current law. It is contrary to common sense and our shared goals of providing access to higher education for low-income students to systematically reduce the grant aid for the neediest students who often attend low-cost institutions because they are more affordable.

According to the Congressional Research Service, our action today will benefit 96,000 low-income students and increase their Pell grant by an average of $108. When you are a low-income student, every penny counts and this increase will make a real difference.

The colleges in my congressional district serve some of the lowest income students and families in the Nation. They work very hard to keep tuition low and limit increases to a minimum. This legislation will ensure that their efforts to contain costs are not undone by aid policy that reduces the Pell Grant because the institution charges low tuition.

The Pell Grant Equity Act will immediately lift tuition sensitivity for the upcoming academic year. As we move towards the reauthorization of the Higher Education Act, we will make this repeal permanent and put all low-income students on an equal footing in the Pell grant program.

I look forward to continuing this spirit of bipartisanship as we consider the rest of the Higher Education Act and thank my colleagues for treating this issue with the sense of urgency it deserves.

I strongly encourage all my colleagues to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 990, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program.".

A motion to reconsider was laid on the table.

COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA TROJAN FOOTBALL TEAM FOR ITS VICTORY IN THE 2007 ROSE BOWL

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 126) commending the University of Southern California Trojan football team for its victory in the 2007 Rose Bowl.

The Clerk read as follows:

H. RES. 126

Whereas the University of Southern California (USC) Trojan football team achieved many historic accomplishments during the 2006 season;

Whereas the USC Trojan football team achieved its fifth consecutive Associated Press (AP) Top 4 finish;

Whereas USC was invited to make an unprecedented fifth consecutive Bowl Championship Series bowl appearance;

Whereas USC won an unprecedented fifth consecutive Pacific-10 Conference championship;

Whereas USC achieved its fifth consecutive season of at least 11 victories, an achievement equaled by only 3 other Division I schools in the history of National Collegiate Athletic Association (NCAA) football;

Whereas USC accomplished these feats while playing the second most difficult schedule in the Nation;

Whereas USC boasts a 33-game winning streak for all home games, as well as a 23-game winning streak for Pac-10 home games;

Whereas USC has maintained a top 10 ranking in the Associated Press College Football Poll for the past 56 editions;

Whereas USC has won 56 of its last 60 games;

Whereas during the 2006 season, USC featured 5 All-American first team players (wide receivers Dwayne Jarrett and Steve Smith, center Ryan Kalil, offensive tackle Sam Baker, and defensive tackle Sedrick Ellis);

Whereas USC head football coach Pete Carroll has the best winning percentage of any current NCAA Division I football coach with at least 5 years of experience;

Whereas the annual Rose Bowl is the oldest of all college bowl games, and its history and prestige have earned it the title "The Granddaddy of Them All";

Whereas USC has played in the Rose Bowl on 31 occasions and won 22 times, both records exceeding any other collegiate football program;

Whereas during the 2007 Rose Bowl game, USC featured a second half offensive explosion behind a game record-tying 4 touchdown passes from quarterback John David Booty;

Whereas during the 2007 Rose Bowl game, wide receiver Dwayne Jarrett caught 2 touchdown passes, was named Offensive Most Valuable Player for the game, and became USC's career receptions leader with 11 catches for 205 yards;

Whereas during the 2007 Rose Bowl game, linebacker Brian Cushing made 7 tackles, 4 tackles for losses, 2.5 sacks, and forced a fumble, and he was named the Defensive Most Valuable Player for the game; and

Whereas, under the leadership of USC's 10th president, Steven B. Sample, USC has established itself as a world-class research university, known for its leadership in the fields of communication, media, the sciences, and the arts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Southern California Trojan football team and USC President Steven B. Sample for USC's victory in the 2007 Rose Bowl; and

(2) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of Southern California win the Rose Bowl.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that each Member would have 5 days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

I want to congratulate the University of Southern California for their victory in the 2007 Rose Bowl.

On New Year's Day, college football fans, student athletes and the Nation were treated to an exceptional college bowl game. And no matter what team you support, it is always a thrill to watch the Rose Bowl.

The University of Southern California made history by appearing in its fifth consecutive Bowl Championship Series game and defeated the Michigan Wolverines by a score of 32–18.

I would like to extend my congratulations to the coaching staff, administration, and most of all to the student athletes and fans for winning the Rose Bowl.

I also want to extend my congratulations to the Michigan Wolverines and their student athletes for a great season. Winning the Rose Bowl has brought national acclaim to a university that already has a rich history as the oldest private research university in the West. USC also lays claim as the birthplace of important Internet technologies and has the only marching band in the United States of America that has earned a platinum record.

Mr. Speaker, once again, I congratulate the University of Southern California for their success in winning the Rose Bowl, and also for their great educational tradition. I urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 126. This resolution recognizes the University of Southern California football team for yet another great season, winning the PAC–10 conference as well as their dominating 32–18 victory over the University of Michigan in the granddaddy of them all, the Rose Bowl.

USC has put together one of the best coaching staffs in the country, and this game was proof. Early in the second half, Michigan had made it clear to USC that they could not establish the run. Now, former USC offensive coordinator Lane Kiffin said, "We're not running the ball for another play." And for the next 30 plays USC took to the air, rushing the ball only twice.

The ability of Coach Carroll and his coaching staff to change the game plan mid-game and make personnel adjustments is what separates USC from the rest of the country every year, and led them to their Rose Bowl victory.

Today, when you hear about USC winning the Rose Bowl and finishing the season as the fourth best team in the country, it doesn't sound like too much of an accomplishment, that is until you look at this team and see that they lost two Heisman trophy winners, six key pieces in their offense in the first three rounds of the NFL draft, and lost 11 players overall to the NFL before the season began.

I extend my congratulations to Head Coach Pete Carroll, his coaching staff, and every one of the dedicated players, the fans, and to the University of Southern California.

I am happy to join in honoring this exceptional team and also of its accomplishments and wish all involved continued success.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she might consume to the gentlelady from California, Representative DIANE WATSON.

□ 1615

Ms. WATSON. Mr. Speaker, I proudly rise today to commend the University of Southern California, located in my district, Trojan football team for its victory in the 2007 Rose Bowl. The Trojans' Rose Bowl victory puts an exclamation mark on a successful 2006–2007 season as well as years of unparalleled Trojan football excellence. Let me cite just a few examples of the football team's long list of accomplishments:

The USC Trojan football team achieved its fifth consecutive AP top 4 finish. Its appearance in the 2007 Rose Bowl marked an unprecedented fifth consecutive Bowl Championship Series bid. The team won an unprecedented fifth consecutive PAC-10 Conference championship. It maintained a top 10 ranking in the AP College Football Poll for the past 56 editions. And the football team won 56 of its last 60 games.

It is noteworthy that the USC Trojan football team accomplished these feats while playing the second most difficult schedule in the Nation.

The victory of the USC Trojan football team also exemplifies the excellence of the University of Southern California as not only an athletic powerhouse but also an academic institution of higher learning. USC has established itself as a leader in the fields of communications, media, the sciences, as well as the arts. It is home to one of the best, if not the best, schools of film in the United States. It also boasts a world-renowned school of music.

USC is the oldest private research university in the West and is a critical part of the 33rd Congressional District of California. It is home to 33,000 students, 3,100 faculty, and 7,900 employees. It is the largest private employer in the City of Los Angeles. Its physicians serve more than 1 million patients a year. Its Educational Opportunity Programs Center has provided academic enrichment and support services to thousands of neighborhood residents.

In closing, Mr. Speaker, I commend both the University of Southern California's football team for its victory in the 2007 Rose Bowl; its coach, Pete Carroll; its athletic director, Mike Garrett; as well as the coaches, students, alumni, and staff who were instrumental in USC's Rose Bowl victory.

And I just need to add this: I want to also commend the University of Southern California and its president, Steven B. Sample, for taking in 130 students from New Orleans when their university had flooded. And they not only allowed them to come there and admitted them, but they gave them room and board at a time of great need.

So USC and its president have played a major role in the continuous success of the University of Southern California; the City of Los Angeles; and the people of the Golden State, California.

Mr. MCKEON. Mr. Speaker, I am happy that Ms. WATSON talked about all the other accomplishments of SC while I just talked about the football team. The football team was great, but it is nice to see that they are doing all of these other wonderful things, and I commend them for it. I urge our colleagues to support this resolution.

Mr. Speaker I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I agree with the ranking member. It does sound like Ms. WATSON is quite proud of the University of Southern California. As a matter of fact, I want to take this opportunity also to thank her and the University of Southern California for hosting one of our State of the African American Male conferences that I had the opportunity to attend with her.

It is indeed a great institution, not only in terms of its athletic prowess but also in terms of its scholarship and academic tradition. I urge support for this resolution.

Mrs. BONO. Mr. Speaker, I thank the gentleman for yielding me time. Mr. Speaker, I rise in support of H. Res. 126, as authored by my fellow Californian, Mrs. WATSON.

As an alumnus of the University of Southern California, I've had the pleasure of watching our football teams compete against some of the best teams in the country over the years. The recent record of success is undeniable, which is why I'm happy to offer my support of my alma matter and this Resolution.

This year's Rose Bowl included USC playing against a University of Michigan football team that was nationally ranked at number three in the country. The Wolverines, though laden with their own star-power, were simply unable to match the combined efforts of the Trojans on New Year's Day in January.

The players on offense for USC displayed one reason why the Trojans were ranked so highly at the end of the season, even while playing what was one of the most difficult schedules of any collegiate team in the country. Our offense was led by the tandem of John Booty and Dwayne Jarrett, who helped the Trojans to a second-half burst that was exciting for any USC supporter, young or old.

But they were not the only reason for an impressive 32–18 victory; the Trojans defense held the University of Michigan offense to just 14 yards of total rushing, which is no simple feat given the running backs for the Wolverines.

The Trojans' win in January was part of a recent string of impressive marks, from winning a fifth consecutive Pac-10 Conference Championship to the team winning 56 of its last 60 games. Winning the 2007 Rose Bowl was an excellent way to end the team's season and should remain a motivating factor when this fall rolls around.

I'm hopeful all of our Members, and yes, even those who attended the University of Michigan, can offer their support of today's resolution that commends USC on its victory. And here's to hoping we can support a similar such Resolution next year.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 126.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE MOUNT UNION COLLEGE PURPLE RAIDERS FOR WINNING THE 2006 NCAA DIVISION III FOOTBALL NATIONAL CHAMPIONSHIP

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 103) congratulating the Mount Union College Purple Raiders for winning the 2006 NCAA Division III Football National Championship.

The Clerk read as follows:

H. RES. 103

Whereas on December 16, 2006, the Mount Union College Purple Raiders of Alliance, Ohio, won the 2006 National Collegiate Athletic Association (NCAA) Division III Football National Championship by defeating the University of Wisconsin-Whitewater Warhawks by a score of 35–16 in the Amos Alonzo Stagg Bowl;

Whereas while there are currently 231 schools playing NCAA Division III college football, during the last 14 years the Purple Raiders have won an unprecedented 9 NCAA Division III Football National Championships;

Whereas Mount Union College currently has the second longest winning streak in all of college football with 23 consecutive victories;

Whereas the Purple Raiders have won 62 consecutive games on the road;

Whereas the Purple Raiders hold college football's two longest winning streaks—55 consecutive games won from 2000 to 2003 and 54 consecutive wins from 1996 to 1999;

Whereas in winning the 2006 National Championship, Mount Union College Football Head Coach Larry Kehres completed his 21st season as head coach of the Purple Raiders;

Whereas Coach Kehres has compiled a phenomenal 246–20–3 record at Mount Union College and the best career winning percentage (.920) for a head coach—at any division level—in the history of college football;

Whereas Coach Kehres has led the Purple Raiders to all 9 of their National Championships, 17 Ohio Athletic Conference titles, and 15 undefeated regular seasons;

Whereas Coach Kehres was named the American Football Coaches Association Division III Coach of the Year for a record eighth time in 2006;

Whereas the Purple Raiders finished the 2006 season ranked first nationally in Division III football in total offense, first in scoring, first in passing efficiency, second in rushing, second in total team defense, second in scoring defense, second in rush defense, and eighth in pass efficiency defense; and

Whereas Mount Union College graduates approximately 98 percent of the student-athletes who remain in the football program for a full four years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Mount Union College Purple Raiders for winning the 2006 NCAA Division III Football National Championship; and

(2) recognizes all the players, coaches, and support staff who were instrumental in this achievement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that each Member would have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to congratulate another college for their accomplishments. Mount Union College, located in Alliance, Ohio, is not only known as one of the top liberal arts colleges in the Midwest but also more recently for winning the NCAA Division III Football National Championship.

On December 16 of last year, the Mount Union College Purple Raiders captured their ninth NCAA Division III Football National Championship by defeating the University of Wisconsin-Whitewater Warhawks.

We know that such accomplishments are achieved through a group effort. I applaud the Purple Raiders coaching staff; the administration; student athletes; and, of course, the fans for a championship season.

I also want to extend my congratulations to the Wisconsin-Whitewater Warhawks for a well-played game and a successful season.

The Purple Raiders, whose purple parrot mascot is well known in northeastern Ohio, have achieved some notable athletic accomplishments, including nine national championships in the past 14 years, along with two of the longest winning streaks in college football.

Mr. Speaker, once again I commend and congratulate Mount Union College for their dedication and success, not only for their athletic prowess but also for their academic achievement and academic reputation.

I urge support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 103. This resolution congratulates the Mount Union College Purple Raiders for winning the 2006 NCAA Division III Football National Championship.

The Purple Raiders captured the title by defeating the University of Wisconsin-Whitewater Warhawks 35–16 in the Amos Alonzo Stagg Bowl on December 16 in front of 6,051 faithful fans.

Since 1990, and under the tutelage of Head Coach Larry Kehres, the Raiders have made 16 playoff appearances while posting college football's most wins and best winning percentage. Coach Kehres completed his 21st year at the helm of the Purple Raiders football fortunes in 2006 and has built one of the most successful programs in all of college football. His teams have won 17 Ohio Athletic Conference Championships while posting 15 undefeated regular seasons and have won nine Division III National Championships in the last 14 years. Along the way, Coach Kehres has compiled a phenomenal 246–20–3 record and the best career winning percentage for a head coach, at any division level, in the history of college football. For his efforts, Kehres has been named the AFCA Division III National Coach of the Year eight times.

I extend my congratulations to Head Coach Larry Kehres, all of the hardworking players, the fans, and to

Mount Union College. I am happy to join my good friend and colleague Representative REGULA in honoring this exceptional team and all of its accomplishments and wish all involved continued success.

I ask my colleagues to support this resolution.

Mr. Speaker, I am happy to yield at this time such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank my colleague from California for yielding.

Mr. Speaker, I rise in support of H. Res. 103, congratulating the Mount Union College Purple Raiders on their 2006 Division III Football National Championship.

As you know, Ohio is quite a football State; and while most people think of teams like Ohio State when they think of Ohio football, the team with the most amazing winning record is actually Mount Union College and its Purple Raiders. In December they beat the Wisconsin-Whitewater Warhawks in the Amos Alonzo Stagg Bowl.

The Purple Raiders from Mount Union College in Alliance have been a perpetually dominant team under the reign of Head Coach Larry Kehres and staff, winning an astounding nine NCAA Division III Football Championships. The players who have come and gone through the Mount Union football program should also be honored for their superior work ethic on the football field and in the classroom. As an alumnus of Mount Union College, I take special pride that the students that remain in the football program all 4 years have an incredible 98 percent graduation rate. That is astounding, I think, everything considered in what we hear and so on. Such phenomenal scholastic and athletic achievement should not go unnoticed. These graduation rates are impressive for any higher education institution and are especially remarkable for college athletes.

The most recent NCAA victory comes as no surprise to those who have followed the Purple Raiders over the past two decades. They have had the two longest winning streaks in all of college football, with 54 consecutive victories from 1996 to 1999 and 55 victories from 2000 to 2003. The Purple Raiders also currently hold the second longest winning streak in all of college football, with 23 consecutive victories. With winning streaks like these, it is no shock that Larry Kehres has the best career winning percentage in any division level of college football ever, with a remarkable record of 246 wins, 20 losses, and 3 ties. That is a remarkable record.

Along with such incredible regular season records, the Purple Raiders have also won nine NCAA Division III championships, 17 Ohio Athletic Conference titles to go along with 15 perfect seasons. These statistics have all been achieved under the excellent coaching of Larry Kehres. His record has earned him the American Football Coaches Association Division III Coach of the Year a record eight times. Coach Kehres can certainly take great pride in the dexterity and proficiency he has instilled in the young athletes that have walked the halls of Mount Union College.

This year's players have yet again risen to the occasion and proved to be the best of Division III. The Purple Raiders finished first nationally in Division III football in total offense and second in total defense, which can only give a slight indication as to the work ethic of this team. The national title they achieved in 2006 was well earned by these athletes, coaches, and staff.

I would like to congratulate Mount Union College President Richard Giese; Coach Larry Kehres; his coaches; the faculty and staff; as well as the terrific and enthusiastic fans, and we have them, but especially all of the players for yet another undefeated year and national championship.

□ 1630

Mr. Speaker, 2006 was a great season, and I am sure it will not be the last for these Purple Raiders. As the great coach Vince Lombardi once said, "Being a champion means you are willing to go longer, work harder, and give more than anyone else." The current Purple Raiders team and those of prior seasons, along with Coach Kehres, have proven the wisdom of this statement time and time again.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to be here to sing the praises of the Purple Raiders. When I heard Mr. REGULA talk about all of their accomplishments and then the 98 percent graduation rate, that really is impressive. I would like to meet Coach Kehres one day.

Mr. Speaker, I urge passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to congratulate Mr. REGULA for having such an outstanding institution in his district to represent. When you consider all of the football games that they have won, as well as the graduation rate and the kind of academics that they display, he has to indeed be proud. I am proud for him.

Mr. Speaker, I urge passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 103.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 990, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF ARTERIAL ROAD IN ST. LOUIS COUNTY, MISSOURI

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The Clerk read as follows:

H.R. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROJECT DEFINED.

In this Act, the term "project" means only the portion of St. Louis County, Missouri, arterial road 1151 that is deed-restricted property, which specifically applies to approximately 0.3 acres and 540 lineal feet and is identified as the "FEMA" route in the document entitled "Lemay Connector Road for Long-Term Recovery, Recreational Enhancements, & Community, & Economic Development", dated June 1, 2006, on file with the St. Louis County department of highways and traffic.

SEC. 2. APPLICABLITY OF CERTAIN FEDERAL LAW.

The St. Louis County arterial road 1151, known as the "Lemay Connector Road" in St. Louis City and County, Missouri, may be constructed, operated, and maintained over the deed-restricted property described in section 1, notwithstanding section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) or Public Law 103–211 and any easement or other similar restriction pursuant to those Federal laws on the development of property that requires the property be maintained for open space, recreation, or wetland management.

SEC. 3. NO DETRIMENTAL EFFECT ON FLOOD PLAIN.

For the project, St. Louis County, Missouri, shall ensure that the project is constructed, operated, and maintained in such a manner that would not cause any future additional flood damage that would not have occurred without the project. Prior to constructing the project, St. Louis County or its assignee must identify and agree to restrict a nearby parcel of land of equal or greater size to the deed restricted land used for the project so that such parcel is maintained for open space, recreation, or wetland management.

SEC. 4. LIABILITY FOR FLOOD DAMAGE.

The Federal Government shall not be liable for future flood damage that is caused by the project. St. Louis County, Missouri, or its assignee shall be liable for any future flood damage that is caused by the project.

SEC. 5. NO FUTURE DISASTER ASSISTANCE.

The deed-restricted property described in section 1 is not eligible for any future disaster assistance from any other Federal source.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1129.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us would authorize St. Louis County, Missouri, to build a road over three-tenths of an acre of deed-restricted property. The road that they would build will lead to a development project along the Mississippi River adjacent to St. Louis.

In the aftermath of the 1993 Mississippi River flood, which many of us can vividly remember, and I recall so much part of that tragedy our then majority leader, Mr. Gephardt, passing sandbags down along the riverfront to halt the onslaught of the river, it was a very compelling moment in flood history in America. St. Louis was particularly hard hit.

FEMA, under the Hazard Mitigation Grant Program, acquired property, took it out of development and protected the floodplain from development for uses that would be inconsistent with the need to protect the area against flood.

FEMA requires that properties purchased under the Hazard Mitigation Grant Program be maintained in perpetuity for uses consistent with open space, recreation or wetlands management. The law generally does not allow new structures to be built on such property, but exceptions are permitted under existing law, including projects preapproved in writing by the director of FEMA. FEMA has promulgated regulations to spell out those restrictions.

The property which is the subject of this legislation, was not purchased with hazard mitigation funds, but with Community Development Block Grant funds. But those funds were subjected to the same FEMA Hazard Mitigation Grant Program easement restrictions for open space.

All parties tried in the current situation to find an exception in the historic application of FEMA law and regulation, but the project didn't fit any of the historic examples or exceptions. So the State and the county both are seeking a waiver of the easement so that both entities can proceed with construction of a road that will create access to a complex development project of housing, retail, commercial space and open and recreational space.

Now, this project itself is not within nor will it be built anywhere on restricted property, property restricted by FEMA under the Hazard Mitigation Grant Program funds. And to be sure that there are no escape clauses or escape hatches, if you will, the bill includes requirements to ensure that the road authorized to be developed will not increase the danger of flooding and that the road will not subject the Federal Government to any additional exposure or liability.

The bill requires the county in which the road will be constructed, and that is St. Louis County, Missouri, we have one also in Minnesota, to ensure that the construction, operation and maintenance of the road will not cause any future additional flood damage that would not have occurred without the project. It is very important to spell those conditions out.

The bill also requires the county or its assignee to mitigate the project by adding to the flood protection area a nearby parcel of land of equal or greater size to the deed-restricted land used for the road.

Further, the bill provides that the Federal Government shall not be liable for future flood damage that may be caused by the project and that the county will be liable for such damage.

The bill also provides that the deed restricted property on which the road will be built, and only the road, will not be eligible for any future disaster assistance from any other Federal source.

I think with those very precise, very carefully crafted constraints, we can and should approve this legislation to allow the other development to go forward, a development that is not within the hazard area.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 1129, introduced by Representative RUSS CARNAHAN of Missouri, provides for the construction, operation and maintenance of an arterial road in St. Louis County, Missouri, over deed-restricted property and requires that county to restrict a nearby parcel of land for open space, recreation or wetland management. The bill allows construction of a surface road across property purchased with Federal funds.

Following the 1993 Midwest floods, this property was purchased for the purpose of clearing the floodplain of homes to prevent future flood losses. The bill requires St. Louis County to ensure that this project will not cause future flood damage. If there is flood damage caused by this project, the bill assigns liability to St. Louis County. This property will remain permanently ineligible for Federal disaster assistance. The Federal interest in reducing Federal disaster costs remains protected.

This project is not setting precedent. In the past, exceptions have been made to allow for road and public works development on deed restricted properties.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to express my great appreciation to the gentleman from Wisconsin and to the staff on the Republican side for their splendid cooperation throughout the crafting of this legislation. It took a great deal of time and effort to get to this point and it was a bipartisan initiative. We very much appreciate their consideration.

Mr. PETRI. Mr. Speaker, I thank the chairman of our committee, and I yield back the balance of my time.

Mr. OBERSTAR. I yield such time as he may consume to the gentleman from Missouri (Mr. CARNAHAN), the author of the legislation, and within whose district this project and development will occur. I also want to express my appreciation and perhaps admiration for his persistence in following through on this very difficult, complex initiative. The gentleman has certainly worked hard on behalf of his constituency.

Mr. CARNAHAN. Chairman OBERSTAR, thank you and Ranking Member MICA and the gentleman from Wisconsin here today for working with me to move this important legislation along. Also, special thanks to your staff and committee staff on both sides that have been helpful in moving this legislation. On behalf of myself and the citizens the Third District in Missouri, I want to thank them all.

This bill, H.R. 1129, means a great deal to the congressional district I represent in Lemay, St. Louis County, Missouri. It will allow the construction, maintenance and operation of a road to a community in South St. Louis County hard hit by the great flood of 1993. This Lemay Connector Road, as it is called, is vital to the long-term recovery of that community. It will bring badly needed jobs and tax revenues to the area, support the cleanup of brownfields sites, and create new parks and recreational opportunities.

The transformation taking place in this area is the type communities dream about, turning environmentally contaminated idle property into hundreds of millions of dollars in economic development, thousands of new jobs, and wonderful recreational opportunities alongside a national treasure, the Mississippi River.

In 1993, Lemay, Missouri, just south of St. Louis, was hard hit by the flood of 1993. In the aftermath, Community Development Block Grant funds were used to acquire certain parcels of land which carried with them FEMA deed restrictions. St. Louis County has since acquired the land, but deed restrictions still apply.

Years ago, this area was home to businesses providing thousands of jobs for this community. Unfortunately, byproducts heavily polluted the area, and since the closure of businesses, four specific sites, including the former National Lead Site, which closed in 1978, the Carondolet Coke site, which closed in 1992, the Stupp Brothers site, which closed in 1998, and the National Imaging and Mapping Agency site, closed in 1994, have since been designated as brownfields. Thankfully, clean up and redevelopment of the land will come to fruition as the Lemay connector road is built.

Since 1993, the Federal Government has invested more than $33 million in South St. Louis City and County region for the purpose of revitalizing these communities. In addition, the State and local community have come together to plan the redevelopment of this area. Plans include new businesses, which will generate thousands of new jobs, a bandshell, ice skating rink, bowling alley, multi-screen movie complex, a new county park with soccer and baseball fields. The proposed Lemay connector road will provide access to all this, the four abandoned brownfield sites, and complete the link to the Great Rivers Greenway regional ring of trails.

In 2003, the Missouri Department of Transportation conducted a federally funded survey with regard to the area and decided it was one of the top priorities for the region.

□ 1645

The planned road is authorized by this legislation and has been identified by means of an environmental assessment as the environmentally preferred route.

The road is considered safe by the Missouri Department of Transportation, has been endorsed by its officials, and also the local police and fire departments, because it will enable city and county to reduce first responder times. Most importantly, the planned road has the unwavering support of community leaders.

In addition to the public access benefits already stated, the road will include dedicated bicycle paths and sidewalks, and provide improved access to schools, community institutions and parks, and I want to name a few in the area: Hancock Place School District, Notre Dame High School, Metropolitan Sewer District, St. Louis Enterprise Center in South County, Lemay Child and Family Center, Jefferson Barracks National Cemetery, and a park and planned military history complex. In addition, park areas include the Black Forest Park, Lemay Park, and the Great Rivers regional system of interconnected parks and trails.

The bill costs the Federal Government nothing. The cost of the road will be incurred by the county in cooperation with local developers. This legislation has broad bipartisan support in Missouri and here in the Congress among our congressional delegation, including my Missouri colleague on the Transportation Committee, Mr. GRAVES. The legislation specifically authorizes the Lemay connective road to be built over deed-restricted parcels of land.

In an attempt to avoid the same disastrous consequences of the flood of 1993, the bill requires the county to take appropriate flood mitigation efforts upon constructing the road. It is the intent of Congress that prior to constructing the road, adjacent or nearby land of approximately equal size and value of the easement necessary to build the road, about 0.3 acres, will be designated for open space, recreational use, or wetlands management.

Finally, consistent with existing law, the Federal Government will not be liable for any flooding caused by the construction, maintenance and operation of the road.

My colleagues, this is a good bill that will have remarkably positive impacts on the Lemay community in Missouri. I urge your support and passage of H.R. 1129.

I want to conclude by giving special thanks to our St. Louis County executive, Charlie Dooley, and his staff in St. Louis County, and all those working with the county for their impressive work on this project.

I can't wait to travel on the new Lemay connector road, to take a tour of the newly opened businesses, community center, and take a bike ride along the Great Rivers Greenway.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I certainly look forward to doing a bike ride along that area, if it is a long enough road, and look forward to the project moving forward with the construction of this road and the development and the investment and the job creation that the gentleman has cited.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 1129.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ST. JOSEPH MEMORIAL HALL CONVEYANCE ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 494) to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan, as amended.

The Clerk read as follows:

H.R. 494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term "St. Joseph Memorial Hall" means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 494.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

This bill authorizes conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan, to the city of St. Joseph, Michigan. In the 109th Congress, an identical bill was introduced, moved through committee, and passed the House as H.R. 4700. Unfortunately, no action was taken on that bill by the other body.

The bill would complete a land transfer between the Federal Government and the city of St. Joseph, Michigan, that is very long standing. It goes back to 1935. The city in that year received a nonhistoric building and property with a restriction limiting use of the property to a public park. In 1954, the public use restriction was lifted on the parcel just north of the building through Public Act 348.

H.R. 494, the bill presently before us and its predecessor in the last Congress, conveys to the city of St. Joseph any interest in St. Joseph Hall that is retained by the United States. This legislation has the effect of removing the restriction requiring use of the property for a park.

City officials have asked for this transfer in order to permit the city to complete a redevelopment plan for the downtown that would utilize this parcel of land and the building. The city is further prepared to pay $10,000 to the General Services Administration for the transfer.

This legislation has been advocated by the gentleman from Michigan (Mr. UPTON) who has been very persevering in pursuit of this legislation. I have come to know the gentleman from Michigan very well personally through our work on Great Lakes issues and on the U.S.-Canada Interparliamentary Group in which we have both participated. He is very earnest about this project, and has been a very effective advocate for it. I am hopeful that with our action again in this body that we will be able to persuade the other body to move forthwith on the legislation and get it enacted.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, introduced by the gentleman from Michigan (Mr. UPTON) on January 16, 2007, conveys the final interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

St. Joseph, Michigan, is in the process of redeveloping an area of town that will link downtown with the beautiful lakefront district. Removing the deed restriction will allow St. Joseph to create a recreational, educational, and cultural district that benefits the entire community.

This redevelopment will make the city a more attractive place to work, live and play while improving the local economy.

H.R. 494 will allow St. Joseph Memorial Hall to be incorporated into these redevelopment plans. Under the current restriction, redevelopment of the area may be impeded by a deed restriction placed on the property by the Federal Government more than 70 years ago. The deed restriction on Memorial Hall has remained despite the fact that similar deed restrictions in the city have been lifted. If not lifted, limitations on this tiny parcel of land located in the center of the redevelopment will significantly jeopardize the city's plan.

The bill before us is a commonsense solution that will allow the city of St. Joseph to proceed with redevelopment. In the 109th Congress, the House recognized this as a sensible, simple solution and passed the same language in H.R. 4700. I support this measure, and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 494, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 52) supporting the goals and ideals of American Heart Month.

The Clerk read as follows:

H. CON. RES. 52

Whereas heart disease affects adult men and women of every age and race in the United States;

Whereas heart disease continues to be the leading cause of death in the United States;

Whereas an estimated 79 million adult Americans, nearly one in every 3, have 1 or more types of heart disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease;

Whereas these studies have identified the following as major risk factors that cannot be changed: age (the risk of developing heart disease gradually increases as people age; advanced age significantly increases the risk); gender (men have greater risk of developing heart disease than women); and heredity (children of parents with heart disease are more likely to develop it themselves; African Americans have more severe high blood pressure than Caucasians and therefore are at higher risk; the risk is also higher among Latina Americans, some Asian Americans, and Native Americans and other indigenous populations);

Whereas these studies have identified the following as major risk factors that Americans can modify, treat or control by changing their lifestyle or seeking appropriate medical treatment: high blood pressure, high blood cholesterol, smoking tobacco products and exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas these studies have identified the following as contributing risk factors that Americans can also take action to modify, treat or control by changing their lifestyle or seeking appropriate medical treatment: individual response to stress, excessive consumption of alcoholic beverages, use of certain illegal drugs, and hormone replacement therapy;

Whereas more than 72 million adult Americans have high blood pressure;

Whereas more than 36.6 million Americans have cholesterol levels of 240 mg/dL or higher, the level at which it becomes a major risk factor;

Whereas an estimated 46 million Americans put themselves at risk for heart disease every day by smoking cigarettes;

Whereas data released by the Centers for Disease Control and Prevention shows that more than 60 percent of American adults do not get enough physical activity, and more than 25 percent are not physically active at all;

Whereas 66 percent of adult Americans are overweight or obese;

Whereas 20 million adult Americans have diabetes and 65 percent of those so afflicted will die of some form of heart disease;

Whereas the American Heart Association projects that in 2007 1.2 million Americans will have a first or recurrent heart attack and 452,000 of these people will die as a result;

Whereas in 2007 approximately 700,000 Americans will suffer a new or recurrent stroke and 150,000 of these people will die as a result;

Whereas advances in medical research have significantly improved our capacity to fight heart disease by providing greater knowledge about its causes, innovative diagnostic tools to detect the disease, and new and improved treatments that help people survive and recover from this disease;

Whereas the Congress by Joint Resolution approved on December 30, 1963, (77 Stat. 843; 36 U.S.C. 101) has requested that the President issue an annual proclamation designating February as "American Heart Month"; and

Whereas every year since 1964 the President has issued a proclamation designating the month February as "American Heart Month": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of American Heart Month;

(2) invites the chief executive officers of the States, territories, and possessions of the United States to issue proclamations designating American Heart Month and recognizing the goals and ideals of American Heart Month;

(3) commends the efforts of States, territories and possessions of the United States, localities, non-profit organizations, businesses, and other entities, and the people of the United States who support the goals and ideals of American Heart Month;

(4) recognizes and reaffirms our Nation's commitment to fighting heart disease by promoting awareness about its causes, risks, and prevention and by promoting new education programs, supporting research, and expanding access to medical treatment;

(5) recognizes all Americans battling heart disease, expresses gratitude to their family members and friends who are a source of love and encouragement to them as they combat this disease, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments; and

(6) encourages each and every American to take to heart the four simple healthy life, healthy heart goals identified by the HealthierUS Initiative of the U.S. Department of Health and Human Services: exercise regularly and maintain a healthy weight; develop good eating habits; avoid tobacco products, drugs and excessive alcohol; and have regular medical checkups to take advantage of screenings that can detect heart-disease related problems early.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oklahoma (Mr. SULLIVAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 52 supporting the goals and ideals of American Heart Month. February is American Heart Month, and each year since 1963 Congress has charged the President to claim February American Heart Month.

The goal of American Heart Month is to raise funds, conduct research, and promote education about heart disease and stroke.

According to the Centers for Disease Control and Prevention, heart disease is the leading cause of death in the United States and the major cause of disability. The most common heart disease in the U.S. is coronary heart disease, which often first appears as a heart attack. Almost 1.2 million people in the U.S. will have a heart attack and about 700,000 people die of heart disease annually.

Each of us should continue to take steps to prevent and control factors that put us at greater risk. Prevention measures certainly help to reduce the risks for heart disease and its effects. Additionally, knowing the signs and symptoms of heart attack are crucial to the most positive outcomes after having a heart attack. Recognizing and responding quickly to symptoms and receiving appropriate care can limit heart damage. People who have survived a heart attack can also work to reduce their risk of another heart attack or a stroke in the future. Research has shown a healthy diet and life style are the best weapons you have to fight heart disease.

I would like to thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for her work on this issue. I certainly urge my colleagues to support H. Con. Res. 52.

Mr. Speaker, I reserve the balance of my time.

Mr. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 52, a resolution supporting the goals and ideals of American Heart Month. I commend Ms. MILLENDER-McDONALD for her efforts in bringing this resolution to the floor.

Beginning in 1964, the President has issued a proclamation every year designating the month of February as American Heart Month. It is important to recognize the need for greater heart health. Heart disease is the leading cause of death in America. This year alone, over 1.2 million Americans are expected to experience a heart attack. American Heart Month renews the need to recognize and respond to symptoms of heart damage.

Great work is being done by the American Heart Association to reach out into communities and help provide instructional programs on heart disease. It is important to have policies in place that ensure access to screening, referral, and counseling services for stroke and heart disease risk factors.

I believe Congress should continue to support the goals of American Heart Month. This resolution is important in that it continues to encourage Americans to take a healthy approach to living and protecting their hearts.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding to me on this important issue.

On December 30, 1963, Congress requested that the President issue an annual proclamation designating February as American Heart Month. House Concurrent Resolution 52, supporting the goals and ideals of American Heart Month, reaffirms the Federal Government's commitment to fighting heart disease, recognizes Americans struggling with this illness, and encourages Americans to take preventive measures to protect themselves from heart disease.

□ 1700

I want to recognize the sponsor of this resolution, Representative JUANITA MILLENDER-McDONALD, and thank her for her leadership on this and other critical health issues.

Over 79 million, or one in three, American adults have cardiovascular disease, including high blood pressure, coronary heart disease, heart failure, stroke and congenital cardiovascular defects.

The lifetime risk for cardiovascular disease for an individual aged 40 is two in three of men, and over one in two for women.

Cardiovascular disease was the underlying cause of death for well over a third of all the 2.4 million deaths in the United States in 2004. Cardiovascular disease accounts for more deaths than any other single cause of death in the United States. Nearly 2,400 Americans die of cardiovascular disease each day, an average of one death each 36 seconds.

The estimated direct and indirect costs of cardiovascular disease in 2007 are $431.8 billion. Heart disease is a significant factor in driving up medical costs in the United States. About two-thirds of unexpected cardiac deaths occur without prior recognition of cardiac disease.

This is an important point to underscore, and it highlights the need for American Heart Month. Public education can help raise awareness, encourage preventive measures, discourage unhealthy behaviors and persuade more Americans to get regular medical exams. By doing so, we will be able to reduce the incidences of heart disease.

We can lower those numbers that I have just mentioned, but we can also improve and extend the lives of real people, our family members, friends and neighbors. That is what American Heart Month is all about.

We know the risk factors that lead to heart disease: high blood pressure, high blood cholesterol, tobacco use, physical inactivity, unhealthy diet, obesity and diabetes.

Cigarette smoking results in a two- to threefold increased risk of dying from coronary heart disease.

We also know the way to manage risk and prevent heart disease: regular exercise and maintaining a healthy weight; healthy eating habits; avoidance of tobacco, drugs and excessive alcohol; getting regular checkups to be screened for signs of heart disease risk.

American Heart Month is particularly important in getting the word out to those who are disproportionately affected by heart disease and who too often fail to receive the treatment they need. Women and minorities may have atypical symptoms when suffering a heart attack or angina, and if they are sent home undiagnosed, they are about twice as likely to die from these symptoms as those who are admitted.

Heart disease is the number one killer of women in this country, claiming over 349,000 American women each year. Raising awareness and improving treatment and screening can save many lives.

Forty-two percent of women who have heart attacks die within 1 year, compared with 24 percent of men. This may be because, on average, women are older than men when they have a heart attack. It also may be because heart disease is not typically diagnosed as or treated as aggressively as that in men.

Cardiovascular disease, including heart disease, hypertension, and stroke, is the number one killer of women in the United States. Experts estimate that one in two will die of heart disease or stroke, compared with one in 25 of women who will die of breast cancer.

Existing heart disease is undiagnosed in half of women who have a first heart attack.

Management of chest pains differ by sex and race. Men are more likely than women to receive definitive diagnoses of angina as opposed to vague chest pain. Women and blacks typically receive fewer cardiovascular medications than men and whites.

Lack of studies on women limits usefulness of research on coronary heart disease. Although CHD causes more than 250,000 deaths in women each year, much of the research on CHD in the last 20 years has either excluded women or included very few women. As a result, many of the tests and therapies used to treat women for CHD are based on studies conducted predominantly in men and may not be as effective in women.

Again, I want to thank Representative MILLENDER-MCDONALD for her leadership, and I urge all of my colleagues to support H. Con. Res. 52.

Ms. JACKSON-LEE. Mr. Speaker, I rise in support of H. Con. Res. 52, to support the goals and ideals of American Heart Month. The leading cause of death in the United States is not murder or gang violence or any other violent crime; it is heart disease. The statistics are staggering. One-third of adult Americans have 1 or more of the following heart diseases: high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects. While some of the major risk factors of heart disease like advanced age, gender, and heredity cannot be changed, minorities are at a greater risk than whites to die from heart disease and die at higher rates. Heart disease also is devastating to women. In 2003 a total of 685,089 people died of heart disease; 51 percent of these victims were women. Nearly twice as many women in the United States die of heart disease and stroke as from all forms of cancer, including breast cancer.

Turning to African Americans, the numbers are even more shocking. Out of the five largest U.S. racial/ethnic groups, the death rate of 300 per 100,000 population for African Americans is the highest.

It is essential for all Americans to be aware of the risk factors associated with heart disease and to take the necessary precautions to reduce those risks. Fortunately, there are things Americans can do to reduce the risk of heart disease. They can reduce stress, increase physical activity, consume alcoholic beverages in moderation, refrain from using illegal drugs or smoking or hormone replacement therapy.

Mr. Speaker, I support H. Con. Res. 52 because we need to take the steps necessary to encourage Americans to fight the causes of heart disease and to take to heart the four simple "healthy life, healthy heart goals" identified by the Healthier US initiative of the U.S. Department of Health and Human Services:

Regular exercise regularly and maintain a healthy weight; good eating habits; avoidance of tobacco, drugs and excessive alcohol; and regular checkups and screenings.

Mr. Speaker, we must not allow heart disease to become a silent killer. Let us support the goals and ideals of American Heart Month. I thank my colleague, Representative MILLENDER-MCDONALD for introducing this important legislation. I urge my colleagues to join me in supporting H. Con. Res. 52.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 52.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SENSE OF CONGRESS REGARDING NEED FOR ADDITIONAL RESEARCH INTO HYDROCEPHALUS

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 74) expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes.

The Clerk read as follows:

H. CON. RES. 74

Whereas hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas there is no known cure for hydrocephalus;

Whereas hydrocephalus affects an estimated one million Americans;

Whereas 1 or 2 in every 1000 babies are born with hydrocephalus;

Whereas over 375,000 older Americans have hydrocephalus, which often goes undetected or is misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas with appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives;

Whereas the standard treatment for hydrocephalus was developed in 1952, and carries multiple risks including shunt failure, infection, and overdrainage;

Whereas there are fewer than 10 centers in the United States specializing in the treatment of adults with normal pressure hydrocephalus;

Whereas each year, the people of the United States spend in excess of $1 billion to treat hydrocephalus;

Whereas a September 2005 conference sponsored by 7 institutes of the National Institutes of Health—"Hydrocephalus: Myths, New Facts, Clear Directions"—resulted in efforts to initiate new, collaborative research and treatment efforts; and

Whereas the Hydrocephalus Association is one of the Nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress commends the Director of the National Institutes of Health for working with leading scientists and researchers to organize the first-ever National Institutes of Health conference on hydrocephalus; and

(2) it is the sense of the Congress that—

(A) the Director of the National Institutes of Health should continue the current collaboration with respect to hydrocephalus among the National Eye Institute; the National Human Genome Research Institute; the National Institute of Biomedical Imaging and Bioengineering; the National Institute of Child Health and Human Development; the National Institute of Neurological Disorders and Stroke; the National Institute on Aging; and the Office of Rare Diseases;

(B) further research into the epidemiology, pathophysiology, disease burden, and improved treatment of hydrocephalus should be conducted or supported; and

(C) public awareness and professional education regarding hydrocephalus should increase through partnerships between the Federal Government and patient advocacy organizations, such as the Hydrocephalus Association.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oklahoma (Mr. SULLIVAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill that we are considering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 74, expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus.

Hydrocephalus simply means water on the brain. The term "hydrocephalus" defines a condition characterized by an excessive accumulation of fluid in the brain. This buildup of fluid inside the skull causes the brain to swell, infections of the nervous system, lesions or tumors of the brain or spinal cord, and decreased mental function among other symptoms.

The causes of hydrocephalus are not all well understood. It may result from genetic inheritance or developmental disorders. Other possible causes include complications of premature birth, diseases or infections caught before birth, and injury before, during or after childbirth.

Hydrocephalus is believed to affect approximately one in every 500 children. At present, most of these cases are diagnosed prenatally, at the time of delivery, or in early childhood. Advances in diagnostic imaging technology allow more accurate diagnoses in individuals with atypical presentations, including adults with conditions such as normal pressure hydrocephalus.

The National Institute of Neurological Disorders and Stroke, a part of the National Institutes of Health, is the leading support of research on hydrocephalus within the Federal Government. NINDS works collaboratively with other institutes at NIH to further research on the influence of hydrocephalus on development and on the more general issue of the effect of early brain injury. The knowledge gained from this research will foster hope for new methods to treat and prevent developmental brain disorders such as hydrocephalus.

I would like to thank Congressman MIKE THOMPSON of California for his work to bring this resolution before us today, and I would urge my colleagues to support H. Con. Res. 74.

Mr. Speaker, at this time I reserve the balance of my time.

Mr. SULLIVAN. Mr. Speaker, I yield myself as much time as I may consume.

I stand here today in support of this resolution, House Concurrent Resolution 74, addressing the need for additional research into the chronic neurological condition hydrocephalus.

This disease, for which there is no cure, affects an estimated 1 million Americans. Often the symptoms of hydrocephalus are confused with those of dementia, Alzheimer's disease or Parkinson's disease. When the disease is properly identified, people with hydrocephalus are able to live full and productive lives.

The National Institutes of Health has responded to the needs of the hydrocephalus community by working with scientists and researchers to organize a conference in September of 2005 called "Hydrocephalus: Myths, New Facts, Clear Directions."

Demonstrating the need for collaborative research at the National Institutes of Health, seven institutes were able to work together and initiate new research and treatment efforts for hydrocephalus.

I thank Representative MIKE THOMPSON for his work in bringing awareness to this issue.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. THOMPSON), the sponsor of the House concurrent resolution.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

I am here today to ask all of my colleagues to support this resolution. Hydrocephalus is an abnormal buildup of fluid in the brain, and it affects nearly 1 million Americans. Without treatment, hydrocephalus is fatal, but when treated, most people with this condition can lead full and productive lives.

I became aware of this condition through a constituent and a friend of mine, Cynthia Solomon, who has a family member who suffers from this condition. Cynthia struggled to find information about hydrocephalus and wanted to connect with other affected families. So she cofounded the first patient advocacy organization for this condition, the Hydrocephalus Association.

As anyone who has been affected by this condition can tell you, the symptoms are many and they vary from person to person. Excess fluid in the brain can cause head enlargement, blurred vision, seizures, learning disabilities and impaired physical development. In older adults, symptoms can mimic dementia, Alzheimer's disease and Parkinson's disease, often leading to a misdiagnosis and a delay in receiving critical and proper treatment.

Doctors do not yet understand the specific causes of hydrocephalus. However, the current treatment was developed back in 1952 and involves surgically inserting a shunt into the brain. This carries serious risk of shunt failure, infection and obstructions. Overdrainage is also a threat. This can trigger a vertical collapse, causing blood vessels to tear and possibly resulting in a subdural hematoma.

Improvement in this treatment is long overdue, and with additional research, we can make it happen.

The National Institutes of Health recognizes this need and recently organized their first ever conference on hydrocephalus. This has resulted in efforts to initiate new collaborative research projects and an expansion of their focus on the development of new treatments.

This resolution commends the NIH for their action and encourages them to continue their collaborative efforts. It also calls for additional research into this serious condition.

However, we cannot depend solely on Federal efforts to expand awareness about hydrocephalus. I commend the Hydrocephalus Association and other groups for their commitment to patient advocacy and public education. Partnerships between these groups, health care providers and the government will bring us closer to our common goal: improved treatment of this condition.

I would like to say a special thanks to Dory Kranz, who is the current director of the Hydrocephalus Association, for her help in putting this resolution together and her ongoing work in this regard.

I ask my colleagues for their support of this resolution so we can further research into this very serious and important condition and we can bring about improved treatment to those individuals who are affected by this very, very serious and debilitating condition.

Ms. PELOSI. Mr. Speaker, I rise in strong support of H. Con. Res. 74 which has been introduced by my colleague from California, Congressman MIKE THOMPSON, and co-sponsored by Democratic and Republican Members alike.

H. Con. Res. 74 encourages additional support for research into the prevention and treatment of the neurological condition hydrocephalus. It is a chronic medical condition that, like other conditions affecting a relatively small number of people, receives inadequate attention and resources, which delays research that could achieve great breakthroughs. Passage of H. Con. Res. 74 will demonstrate the support of the Congress for aggressive research to find improved methods for detecting and treating hydrocephalus not only among children, but within the increasingly large number to adults who are affected by late onset of the condition.

I am especially proud that the Hydrocephalus Association is headquartered in my congressional district in San Francisco, and that the couple whose pioneering efforts have encouraged and supported so many people with hydrocephalus and their families are San Franciscans—Emily and Russell Fudge, as is the Association's Executive Director, Dory Kranz.

Under their leadership, together with the board composed of leading physicians and researchers, parents and people with hydrocephalus, the Hydrocephalus Association has raised public awareness of this condition and the enormous impact it has on over one million Americans. Because of the medical advances and the advocacy efforts promoted by the Association, most of these children and adults are able to lead full and productive lives and make enormous contributions to our society.

These successes have inadvertently complicated the efforts to advance research, diagnosis and treatment. The typical surgical treatment—the insertion of a shunt to carry away excessive cerebral fluid from the brain—was developed over 50 years ago. Because shunting has alleviated many of the more grave aspects of pre-shunt hydrocephalus, many believe it represents a cure. But it does not. Shunt surgery and the frequent repairs, which are well known to those with hydrocephalus and their families, are not only serious operations, but cost a billion dollars a year, much of which might well be averted with development of advanced treatment strategies.

Promoting additional research through increased federal support is the goal of this resolution. Those advances will benefit not only those with hydrocephalus, but will help to reduce excessive costs in our health care system, and allow hundreds of thousands of people with hydrocephalus to live even fuller lives freed from the anxieties and costs associated with shunt failure and related complications.

Seven of the institutes of the National Institutes of Health—including the Office of Rare Diseases—sponsored a major national conference in September 2005 on "Hydrocephalus: Myths, New Facts, Clear Directions" which has encouraged aggressive action in the areas of research and treatment. Now it is time for the Congress to join the campaign to expand our understanding of the causes and modernize the treatment of hydrocephalus. I call upon my colleagues to support H. Con. Res. 74 to encourage our nation's leading medical institutions and researchers to expand their focus on achieving breakthrough research in the diagnosis and treatment of hydrocephalus.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 74. This resolution will encourage research into Hydrocephalus, a chronic and often devastating neurological condition.

Hydrocephalus affects an estimated one million Americans—which classifies it as a rare disease. And, unfortunately, like so many other rare diseases, insufficient resources have been directed toward it. Individuals with this disease are forced to undergo "shunting," a highly invasive surgical procedure that carries with it serious safety risks. This procedure also takes a heavy toll on our entire health-care system, costing an average of $35,000 per procedure.

We can avoid paying this price. With more research and focus on this disease, better treatment—and perhaps even a cure—is within our reach. Patients can be spared the trauma of brain surgery and American citizens can avoid paying more than a billion dollars each year for this treatment.

The NIH has already taken some positive steps toward this goal. By initiating a collaborative effort among 7 NIH institutes and sponsoring a major national conference, the NIH has begun the work that must be done. Now we need to send a strong statement that we want this work to continue.

Cures for rare diseases like Hydrocephalus will never be found unless we increase our effort and follow the scientific promise. We can start with this vote today.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to express my support for H. Con. Res. 74 sponsored by Congressman MIKE THOMPSON. Passage of this bill will express federal support for Hydrocephalus research.

Hydrocephalus, a chronic neurological condition that causes cerebrospinal fluid to build up in the brain cavity instead of being reabsorbed into the body, is a disease that affects over one million Americans. This disease can cause head enlargement and blurred vision, learning disabilities and impaired physical development and is fatal if untreated.

Like many other diseases that affect a relatively small portion of our population, Hydrocephalus research lacks proper funding. It is deplorable that the current standard treatment, which requires the insertion of a shunt into the brain to drain out the fluid, was designed in 1952. Shunts are extremely prone to infections and frequently require repair through major surgery.

Modern medicine can do better. I am certain that with federal support for additional research we can develop a better treatment, if not a cure, for those suffering from Hydrocephalus and help them live healthier, fuller lives.

I applaud my colleague, Mr. THOMPSON, for his efforts in this area and I encourage my colleagues to support this resolution.

Mr. PALLONE. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 74.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 14 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res 47, by the yeas and nays;

H.R. 755, by the yeas and nays;

H.R. 884, by the yeas and nays.

The vote on H. Con. Res 52 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 47.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 47, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 103]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave

Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Brady (TX)
Brown, Corrine
Clay
Cubin
Davis, Jo Ann
Davis, Tom
DeFazio
Emanuel
Hastert
Hastings (WA)
Hunter
Kingston
Lewis (CA)
Meeks (NY)
Moran (KS)
Ross
Rothman
Rush
Smith (TX)
Space
Stark
Wexler

☐ 1903

Mr. REICHERT and Mr. FLAKE changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROMOTING TRANSPARENCY IN FINANCIAL REPORTING ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 755.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 755, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 104]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Brady (TX)
Brown, Corrine
Carney
Clay
Cubin
Davis, Jo Ann
Davis, Tom
DeFazio
Hastert
Hastings (WA)
Hunter
Kingston
Lewis (CA)
Meeks (NY)
Moran (KS)
Ross
Rothman
Rush
Space
Stark
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised that 2 minutes remain in this vote.

☐ 1910

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PASSING OF FORMER REPRESENTATIVE GENE SNYDER

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Mr. Speaker, I have the sad duty as the dean of the Kentucky delegation to inform the Members of the passing of our former colleague from Kentucky's Fourth District, Gene Snyder, who served some 20 years in this body until he retired in 1986. He passed away on February 16 of this year in Florida. His funeral and interment in Louisville took place last Saturday.

For those who would desire, there will be a Special Order taken out by his successor in that district, GEOFF DAVIS, tonight around 8:45. If you would like to participate in the Special Order, time will be available.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROMOTING ANTITERRORISM COOPERATION THROUGH TECHNOLOGY AND SCIENCE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 884.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 884, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 16, not voting 21, as follows:

[Roll No. 105]

YEAS—396

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—16

Abercrombie
Barrett (SC)
Blackburn
Cannon
Conaway
Deal (GA)
Duncan
Flake
Foxx
Goode
Manzullo
Paul
Petri
Sensenbrenner
Shadegg
Tiahrt

NOT VOTING—21

Brady (TX)
Brown, Corrine
Clay
Cubin
Davis, Jo Ann
Davis, Tom
DeFazio
Gilchrest
Hastings (WA)
Hunter
Kingston
Lewis (CA)
Meeks (NY)
Moran (KS)
Ross
Rothman
Rush
Simpson
Space
Stark
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1919

Mr. BARRETT of South Carolina changed his vote from "yea" to "nay."

Mr. WAMP changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 556, NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–25) on the resolution (H. Res. 195) providing for consideration of the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING JOHN J. MCNULTY, JR.

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, I rise to salute a very special constituent of mine on the occasion of his 85th birthday, which is today. He has been an outstanding son, husband, father, grandfather and great grandfather, and he has also been an outstanding public servant, having first been elected to public office in the year 1949 and having been elected to office in seven different decades. He served as a town supervisor and mayor, a sheriff, a member of the New York State Commission of Corrections.

Mr. Speaker, I want to salute and pay tribute to him today on the occasion of his 85th birthday, the Honorable John J. McNulty, Jr., and, yes, Mr. Speaker, he is my dad.

CONGRESSIONAL INACTION JEOPARDIZES JEFFERSON COUNTY'S AWARD WINNING JUVENILE PROGRAM

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act amounts to a breach of faith to more than 600 forested counties and 4,400 school districts across America, including Jefferson County in Oregon, where more than 50 percent of the land is in Federal ownership, which means the county's Community Work Service program for primarily juvenile offenders will be eliminated.

Under the program, juvenile community service work crews remove trash from public lands, rehabilitate hiking trails, revegetate denuded areas, and repair resource damage due to vandalism. In 2004 alone, these young people removed more than 150 tons of garbage and more than 2 miles of old barbed wire fence from BLM lands.

In fact, the Bureau of Land Management awarded this program the National Volunteer Award for making a difference on the public lands in 2005. It has been very successful in addressing recidivism and introducing a new generation to America's forests.

Former Madras Mayor Rick Allen said: "Loss of these funds will cripple community services."

My colleagues, Congress must keep the Federal Government's promise to timbered communities. Pass H.R. 17. Time is running out.

HONORING DR. JAMES L. COLEMAN, JR.

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, it is understood that overall America's health care facilities face a decline in the quality of their staff. But South Carolina is graciously blessed with Dr. James L. Coleman, Jr., whose mission it is to improve the ways we provide the best and accessible primary and preventive health care to folks in our State who lack the means for quality medical care.

Currently serving as chief executive officer of the Margaret J. Weston Medical Center, Dr. Coleman is known for providing a message of diversity in health care. He and his staff at the medical center understand that in order to have healthy citizens, it is essential to provide affordable health care services.

With degrees from Winthrop, Central Arkansas and a doctorate of education from the University of Tennessee, Knoxville, Dr. Coleman is a teacher and local crusader for the improvement of lives by the improvement of health services.

During February's Black History Month, I would like to recognize Dr. Coleman. His efforts to provide better health care to underprivileged South Carolina citizens has not gone unnoticed.

BIG READ, AN EXCERPT FROM "THE GRAPES OF WRATH"

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, today my community celebrates the birthday of John Steinbeck, one of our famous native sons, born in Salinas and raised in and around Monterey Bay. At home in my district this month, the National Steinbeck Center will get the whole community to read one book together, "The Grapes of Wrath," one of the best, well-known tomes by Steinbeck.

The book is being read across the country as part of NEA's Big Read program, designed to bring reading for pleasure back into our lives. Since I am a citizen of Monterey County myself, I would like to offer my own participation in this celebration by reading the following passage from "The Grapes of Wrath":

"The people came out of their houses and smelled the hot stinging air and covered their noses from it . . . Men stood by their fences and looked at the ruined corn, drying fast now, only a little green showing through the film of dust. The men were silent and they did not move often. And the women came out of the houses to stand beside their men—to feel whether this time the men would break. The women studied the men's faces secretly, for the corn could go, as long as something else remained . . . The children sent exploring senses out to see whether men and women would break . . . After a while, the faces of the watching men lost their bemused perplexity and became hard and angry and resistant. Then the women knew that they were safe and that there was no break. Then they asked, What'll we do? And the men replied, I don't know. But all was all right. The women knew it was all right and the watching children knew it was all right . . . The men sat still—thinking—figuring."

This is Steinbeck at his best.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.S. MUST FOCUS EFFORTS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to discuss more recent developments regarding the U.S. involvement in Afghanistan and Pakistan. The Taliban and al Qaeda seem to be growing in strength, and the evidence shows that they are in the planning stages for a spring offensive.

Mr. Speaker, I have spoken on the floor many times about the forgotten war in Afghanistan. It was promising to see the Bush administration finally wake up and bring the issue to the forefront this weekend with Vice President DICK CHENEY making a trip to Afghanistan and Pakistan. I was relieved to hear that Vice President CHENEY was not hurt after a deadly suicide bombing took place near the U.S. military base he was visiting in Afghanistan.

A few hours after the attack, a Taliban official took credit for the tragic bombing and claimed that it was an attack on the Vice President, and this incident only underscores the recent resurgence the Taliban and al Qaeda have seen in Afghanistan and Pakistan.

The details of Vice President CHENEY's trip to Afghanistan and Pakistan were kept extremely classified. This is in contrast with last year, when President Bush and Secretary of State Condoleezza Rice both visited Pakistan with far less secrecy. The increased level of confidentiality for Vice President CHENEY's trip illustrates the growing strength of al Qaeda in Afghanistan and Pakistan and shows that the administration is obviously aware of the increased dangers that al Qaeda poses in the region.

During his trip to Pakistan, the Vice President apparently delivered a stiff message, as he said, to Pakistani President Musharraf. The administration will not provide details of the encounter between the two leaders, but reports claim that the Vice President warned President Musharraf that American aid to Pakistan could be in jeopardy.

The Vice President is obviously referencing provisions in H.R. 1, a bill crafted by Democrats in Congress, that implements the recommendations of the bipartisan 9/11 Commission. These provisions will end U.S. military assistance and armed sales licensing to

Pakistan unless the Pakistani President certifies that the Islamabad Government makes all possible efforts to end Taliban activities in Pakistan.

Now, President Musharraf responded to these comments from Vice President CHENEY by claiming that "Pakistan does not accept dictation from any side or any source."

☐ 1930

It is unacceptable though, in my opinion, Mr. Speaker, for the Pakistani President to completely disregard the numerous accounts that show al Qaeda training camps flourishing in the western region of his country.

The Pakistani President seems to forget that the U.S. has sent over $10 billion in aid to Pakistan over the last 5 years alone. It is my opinion that unless President Musharraf takes necessary steps to eradicate al Qaeda training camps in Pakistan, this aid should be put to an end.

It is encouraging to see the Bush administration increase the focus on Afghanistan and Pakistan, but more needs to be done to ensure the Taliban doesn't reach the level of power it achieved prior to the U.S. invasion in 2001. Taliban commanders are already claiming that they have 10,000 fighters and thousands of suicide bombers at their disposal.

The U.S. and NATO must also work to support local elders in towns such as Musa Qala, where a failed peace deal between town leaders and NATO troops has allowed the Taliban regime to regain control of the town. It is clear that the Taliban has regrouped and that peace deals, such as the one in Musa Qala, are dangerous and cannot be relied upon without proper support from U.S. and NATO troops.

Furthermore, our country must focus the humanitarian assistance we are sending to Afghanistan on rural development efforts that give Afghan farmers an alternative to the illicit opium trade.

Mr. Speaker, President Bush wrongly continues the war in Iraq at the expense of the largely forgotten war in Afghanistan. I urge my colleagues to keep the attention on where the real war on terror is happening, and that is in Afghanistan.

CONGRESSIONAL CONSTITUTION CAUCUS

The SPEAKER pro tempore (Mr. ALTMIRE). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to announce and renew our hope to be a regular occurrence on the House floor for the 110th Congress. The members of the Congressional Constitution Caucus will use this opportunity to emphasize for our colleagues and for the Nation as well the necessity of ensuring that our government is operating according to the intent of the our Founding Fathers. As the 10th amendment affirms, the authority over most domestic issues belong to the States and local governments and the people themselves.

But before I begin, let me express my sincere gratitude to my friend Utah who has led this important education effort in the past and this year as well. He has faithfully championed the notion of a limited, effective and efficient Federal Government, and continues to fight for the authority granted to his home State and the other 49 states as well when each was admitted into this most cherished Nation.

I look forward to working with other like-minded Members of this Congress who share the sentiment that our Federal Government has seized control of programs that State governments have traditionally been much more effective in administering. I invite my colleagues to consider joining this important effort regularly as well.

This Congressional Caucus, I strongly believe that this body must begin to focus on the principles delineated in the 10th amendment. Our Founders were precise when they established our system of government. They intended to set up a republic of sovereign, self-governing States with a small central government operating under clearly defined, limited powers.

Dividing sovereignty between the Federal Government and those of the States prevents an unhealthy concentration of powers at any one level of government. As James Madison in the Federalist Number 51 said, this arrangement is a double security in protecting the rights of the people.

Throughout the last few generations in particular, the intent of the 10th amendment, that of a limited and efficient central government, has been fading away. There are those I know who support a bigger, more centralized government. They believe a central government run bureaucracy can make the best decisions for the American people.

They believe in the public good of higher taxes. But on that I strongly disagree. As a member of the House Committee on the Budget, I am very much aware of where such faulty reasoning leads our Nation. It leads to our current situation, a bloated Federal Government consumed by a deficit upwards of $400 billion, which, in turn, delivers sub par public services.

Now then, to be fair, much of the spending that recently caused this deficit to increase is temporary relief on the gulf coast region and the global war on terror. It may not show up on the bottom line. And while this eases the short-term picture, the bigger problem is still one that must be addressed. And if we do not curb this foolish Federal spending habit now, our children will have to pay the price.

Congress, you see, on almost a daily basis allows, our government to grow, pushing it is further into deficit. And we are swiftly drifting away from the limits set by our Founding Fathers.

Each time a Member slides his card to cast a vote, he needs to ask himself this one question: Does the bill that I am voting for violate the Constitution? Does it take away rights promised to our constituents and put them in the hands of a bureaucracy in Washington instead?

I remind this body that the Constitution does not only protect the rights of the people though. It also protects the rights of the states. In Federalist number 45, James Madison wrote, "The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which will remain in the states governments are numerous and indefinite."

I have long served in this House long enough to know that it makes our lives easier at home when we come to D.C. and support increased funding for every conceivable type of program. Yet James Madison and his colleagues were less concerned about their ability to write glittering press releases than they were in developing an efficient system of government, one that would operate at the lowest cost to the people paying it, the people at home.

That is what this caucus is all about and what these weekly information sessions are about as well. We must turn a critical eye on the Federal Government. This is how we will lower the deficit, grow the economy and assure that America remains that beacon on a hill.

Aside from being informational, this Caucus also seeks to make specific legislative gains in the name of governmental efficiency and Constitutional adherence. So we will support legislation that seeks to return power and authority back where it belongs, to the States, local governments and to the people.

And so tonight, I specifically ask all Members to consider supporting the Reaffirmation of American Independence resolution that will soon be reintroduced by Congressmen FEENEY and GOODLATTE. This is a resolution I know our Founding Fathers would be original cosponsors of, were they able. Article VI of the U.S. Constitution states, "This Constitution and the laws of the U.S. shall be made in pursuance thereof; shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws or any state or the country notwithstanding."

This legislation goes in the direction to ensure that all such laws abide with our Constitution and not by foreign governments.

MESSAGE TO THE PRESIDENT: END THE OCCUPATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week British Prime Minister Tony Blair announced that more than 1,600 British soldiers would be sent home from Iraq. By recalling troops from Iraq, the British government has sent a very clear message that increasing the number of troops is not the right strategy. In fact, the British government has come to the same conclusion that many Americans have reached almost 4 years ago. We should be ending the military occupation of Iraq, not expanding it. We should be supporting the men and women who have served bravely in Iraq by sending them home, not sending them back for their fourth or their fifth tour of duty after only a very few months of spending time with their families.

The British government's decision to scale back its military commitment in Iraq should have been another important wake up call to President Bush. However, the President has continued his course to go it alone, regardless of the staggering costs to our Nation.

President Bush has drained America's reservoir of goodwill by ignoring the facts on the ground, the advice of his generals, and the will of the American public. By stubbornly pursuing the same misguided policies over and over again, he has left it to Congress to stop him.

Two weeks ago, the House took an important first step by overwhelmingly passing a bipartisan resolution condemning the President's decision to send more than 20,000 additional American soldiers to the front lines. I commend the Democratic leadership, and I commend my colleagues on both sides of the aisle for having the courage to stand up to the President and to oppose his escalation. This vote, however, is only the first step.

Now that the House has stood up to disagree with the President, we must use this consensus to take on the urgent job of bringing our troops safely home.

As a member of the Foreign Affairs Committee and a co founder of the Out of Iraq Caucus, I have introduced a comprehensive and detailed plan to end the occupation while ensuring that we achieve security and stability in Iraq. My bill, H.R. 508, the Bring the Troops Home and Iraq Sovereignty Restoration Act, now has 47 cosponsors.

H.R. 508 will provide for a fully funded withdrawal of U.S. troops and contractors from Iraq within a 6-month period. During the time of that 6-month passage, our troops will return home to receive the full health care benefits they deserve because we owe them, we owe them no less for their sacrifices. And while they are coming home, we will be putting those laws into place, ensuring they get their benefits.

Also during that 6-month withdrawal period, our government will accelerate the training and equipping of Iraqi security forces, and if requested by the Iraqi government, we will work with the international community to provide a stabilization force to enhance Iraq's security.

Additionally, my bill would prohibit the establishment of permanent U.S. bases in Iraq, and we would return control of Iraq's oil resources to the Iraqi people. The only way to restore stability to Iraq is to return the country to the Iraqis, and we must work with our allies to achieve this. But when the Bush administration, in spite of all the advice to the contrary, decides to escalate the occupation, and the British government takes the sensible path of withdrawal, they both can't be right.

Mr. Speaker, we cannot afford to wait for the President to realize his mistake. Too many brave men and brave women have died and suffered to continue this occupation. We must stand up, we must demand, we must bring our troops home. That is how we can protect our troops.

PUBLICATION OF THE RULES OF THE COMMITTEE ON FINANCIAL SERVICES, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, In accordance with clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, I am reporting that the Committee on Financial Services adopted the following rules for the 110th Congress on January 31, 2007, and as amended on February 13, 2007, in open session, a quorum being present, and submit those rules for publication in the CONGRESSIONAL RECORD:

RULES OF THE COMMITTEE ON FINANCIAL SERVICES,
U.S. House of Representatives,
110th Congress,
First Session

RULE 1—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the "Committee") and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2—MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least two calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least two calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) The agenda and materials required under this subsection shall be provided to each member of the Committee at least three calendar days before the time of the meeting where the measure or matter to be considered was not approved for full Committee consideration by a subcommittee of jurisdiction.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee, or by the Chair with the concurrence of the ranking minority member.

RULE 3—MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes

each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In accordance with clause 2(e)(1)(B) of rule XI, a record of the vote of each member of the Committee on each record vote on any measure or matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any record vote on any motion to report or on any amendment, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

(5) POSTPONED RECORD VOTES.—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote;

(C) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of 5 minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special Procedures

(f)(1)(A) COMMEMORATIVE MEDALS AND COINS.—It shall not be in order for the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) TESTIMONY OF CERTAIN OFFICIALS.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

(B) Notwithstanding subsection (a)(4), at any hearing of the Committee for the purpose of receiving testimony (other than testimony described in clause (i) or (ii) of subparagraph (A)), the Chair may, in consultation with the ranking minority member, limit the duration of opening statements to ten minutes, to be divided between the Chair and Chair of the pertinent subcommittee, or the Chair's designee, and ten minutes, to be controlled by the ranking minority member, or his designee. Following such time, the duration for opening statements may be extended by either the Chair or ranking minority member for an additional ten minutes each, to be divided at the discretion of the Chair or ranking minority member. The Chair shall provide that the opening statements for all members of the Committee shall be made a part of the hearing record.

(C) At any hearing of a subcommittee, the Chair of the subcommittee may, in consultation with the ranking minority member of the subcommittee, limit the duration of opening statements to ten minutes, to be divided between the majority and minority. Following such time, the duration for opening statements may be extended by either the Chair of the subcommittee or ranking minority member of the subcommittee for an additional ten minutes each, to be divided at the discretion of the Chair of the subcommittee or ranking minority member of the subcommittee. The Chair of the subcommittee shall ensure that opening statements for all members be made part of the hearing record.

(D) If the Chair and ranking minority member acting jointly determine that extraordinary circumstances exist necessitating allowing members to make opening statements, subparagraphs (B) or (C), as the case may be, shall not apply to such hearing.

Rule 4—Procedures for Reporting Measures or Matters

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been flied with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members."

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chair considers it appropriate.

Rule 5—Subcommittees

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be 5 subcommittees of the Committee as follows:

(A) SUBCOMMITTEE ON CAPITAL MARKETS, INSURANCE, AND GOVERNMENT SPONSORED ENTERPRISES.—The jurisdiction of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities, including business capital formation and venture capital;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) the Securities and Exchange Commission;

(v) secondary market organizations for home mortgages, including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(vi) the Office of Federal Housing Enterprise Oversight;

(vii) the Federal Home Loan Banks;

(viii) the Federal Housing Finance Board;

(ix) terrorism risk insurance; and

(x) insurance generally.

(B) SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL MONETARY POLICY, TRADE, AND TECHNOLOGY.—The jurisdiction of the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design. the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing;

(vi) development of new or alternative forms of currency;

(vii) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(viii) international trade, including but not limited to the activities of the Export-Import Bank;

(ix) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(x) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(C) SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iii) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(iv) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(v) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vi) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(vii) deposit insurance; and

(viii) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) SUBCOMMITTEE ON HOUSING AND COMMUNITY OPPORTUNITY.—The jurisdiction of the Subcommittee on Housing and Community Opportunity includes—

(i) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(ii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards, but not including terrorism risk insurance; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises shall be comprised of 49 members, 26 elected by the majority caucus and 23 elected by the minority caucus.

(B) The Subcommittee on Domestic and International Monetary Policy, Trade, and Technology shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Consumer Credit shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(D) The Subcommittee on Housing and Community Opportunity shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(E) The Subcommittee on Oversight and Investigations shall be comprised of 20 members, 11 elected by the majority caucus and 9 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

In General

(a) (1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7—BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8—COMMITTEE ADMINISTRATION

Records

(a) (1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

REAFFIRMATION OF AMERICAN INDEPENDENCE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, when I was young, growing up, I would often ask my mother if I could go to my friend's house to play, and she would say no. And instinctively I would then say, well, Billy's mom lets him go. And my mom would then say, I know, but I am not Billy's mom and I don't care what Billy's mom lets Billy do.

Well, that was an important lesson that I learned. Unfortunately, some of our courts have failed to learn that specific lesson, and that is why I feel honored to be able to stand here and talk about the Reaffirmation of American Independence Resolution, which my good friend, the distinguished gentleman from New Jersey, briefly introduced in his remarks.

This bill states that "judicial determinations regarding the meaning of laws of the United States should not be based in whole or in part on judgments, laws or pronunciations of foreign institutions unless those foreign judgments, laws and pronouncements inform an understanding of the original meaning of the Constitution of the United States."

Now, why would we do this? This only sounds logical. We are doing it simply because one Supreme Court majority admitted that they referred to laws of other countries and to international authorities as instructive for its interpretation of our 8th amendment.

Another case, the Court once again took into account the European Court of Human Rights in establishing the belief systems that they came up with.

Now, you may ask, once again, so what? What does that mean?

Justice Scalia made a good answer on what that means. "It lends itself," as he said, "to manipulation." In fact, it invites manipulation. If I am a judge who wants, in some way, to overturn a decision, I need some reason for it. I have to sound in some way like an attorney. I need to cite something. You can't cite something that is American because what I am trying to do is overturn two centuries of American precedent. So you find some intelligent man living in Zimbabwe or Poland or somewhere else in the world and cite his examples, and it looks very lawyerly. But it is, of itself, a manipulation.

Precedent is extremely important in our system of justice. Having a standard that does not change is important for the judge so that he realizes the standard he used in case A and case B will always be the same. It is even more important for citizens, for individuals, so that they know whether they go before judge one or judge two it will once again be the same standard that will be used in that situation. When we break those precedents, when we allow foreign precedents to take over, what we are simply doing is opening up the process for arbitrary and capricious decisions to be made. We are not in the process of, as someone once said of evolving our standards of decency as a mark of the progress of the maturing society. Because as Justice Scalia again said, sometimes society does not mature; it simply rots.

And the purpose of the Bill of Rights was to prevent change, not to encourage it, so that you leave people guessing as to what is appropriate, what is politically correct and what is indeed legal.

Satchel Paige used to talk to young pitchers when they were trying to learn how to pitch and being too cute at the plate by hitting the corners and were walking people. And he simply said, "throw strikes. Home plate don't move."

☐ 1945

If we allow the court system to base their decisions on foreign opinions as opposed to American precedent, then home plate moves and home plate moves in a way that hurts citizens of the United States.

Now, there are some lawyers, maybe Supreme Court Justices, and others who would say that my comparison of my mom's reasoning to foreign law used in an American court would be inaccurate or oversimplistic. Perhaps so because, after all, they say, didn't our Founding Fathers look to foreign law when they were forming the Constitution? Indeed, if you read the Federalist Papers, you will see lots of references to the Swiss system and the German system. It is full of it. But the issue at hand is, once the Constitution is established, then our job is to try to understand what it meant when it was adopted, not search for some hook to find an alternate opinion for personal reasons or personal pique. Now, that is the key.

We shouldn't care what Billy's mom or foreign courts let Billy do because our court is not Billy's mom.

MOURNING AND HONORING DETECTIVE KEITH DRESSEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I am deeply saddened to stand before our House today to announce the tragic death of Detective Keith Dressel of the Toledo Police Department and offer deepest condolences on behalf of our entire community to his wife, Danielle, and their children.

Detective Dressel, who was only 35 years old, was fatally shot on the morning of Wednesday, February 21, while on routine patrol in North Toledo, the first Toledo police officer to lose his life in service to our community since 1970.

In reality, though, there is nothing routine or common about Detective Dressel's extraordinary service or that of the men and women with whom he served. Every day Detective Dressel sacrificed his safety so that he might protect all of ours.

As a member of the vice squad, Detective Dressel engaged in dangerous work that frequently placed him in high-risk environments. He did this not for glory or praise, but to serve and protect residents from all walks of life.

Charlotte Bronte's poem "Life" teaches us:

"What though Death at times steps in
And calls our Best away?
What though sorrow seems to win,
O'er hope, a heavy sway?
Yet hope again elastic springs, unconquered, though she fell;
Still buoyant are her golden wings,
Still strong to bear us well.
Manfully, fearlessly,
The day of trial bear,
For gloriously, victoriously
Can courage quell despair!"

On the fateful day when lives were changed forever, the painful call went out: "Attention all units. Detective Keith Dressel has answered his final call."

The Toledo Blade newspaper reports today: "The final radio call to the slain Toledo police vice detective, a taped broadcast played at the conclusion of his funeral Mass yesterday, broke somber faces into tears."

The impact of this terrible tragedy has touched every corner of our community and beyond. We have all been moved by Keith Dressel's sacrifice, commitment, and courage, as well as that of his family.

On behalf of the citizens of Toledo, Ohio, and all of the lives Detective Dressel has touched, I offer our deepest sympathy to Detective Dressel's loved ones, colleagues, and friends. May their faith sustain them through the difficult journey ahead as they remember the words of Psalm 46, versus 1 and 2: "God is our refuge and our strength, a very present help in trouble. Therefore, we will not fear, though the Earth be removed and though the mountains be carried into the midst of the sea." May their strength as a family and their memories of their husband, father, brother, nephew, uncle, grandson, son, and friend sustain them as they mourn his loss and celebrate his selfless legacy of patriotism, purpose, and service to his fellow citizens. His children should be comforted by the knowledge that life is not measured in years but in deeds.

Detective Keith Dressel lived as a man for others, despite the danger and sacrifice to his own. May he rest in peace in God's house as an archangel watching over and guiding our earthly pursuits.

The Blade describes this hero's funeral: "Two lines of officers—at least two people deep—wove through the parking lot. Three to four other lines of officers stood at the front doors of the church, including Toledo police Chief Mike Navarre and Toledo fire Chief Mike Bell.

"After a private ceremony for the family, Detective Dressel's flag-draped casket was escorted from the funeral home to a white hearse with a small American flag on the driver's side door. White-gloved Toledo police honor guard members stood on both sides of the hearse. Three rows of Cleveland Police Pipes and Drums members in full garb played and led the slow procession to the church. Officers lining the way saluted as the hearse passed.

"At the church, pallbearers in dark suits slowly pulled the casket from the hearse. The casket was blessed with Holy Water before being wheeled into the sanctuary. Inside, the U.S. flag covering the casket was removed and replaced with a white pall. . . More than 2,000 people filled Our Lady of Mount Carmel Catholic Church in Temperance for a funeral Mass for the 35-year-old husband and father of two. Detective Dressel's wife, Danielle, 32, held the couple's 4-year-old son, Noah, as the family was escorted inside the church.

The Mass ended with Detective Dressel's last call, bagpipes, a prayer, and a hymn.

Law enforcement officers streamed out of the church and formed more than a dozen rows in front of the front doors. Music from bagpipes and drums filled the background. The officers saluted as the casket was placed inside the hearse.

The procession from the church to St. Anthony's Cemetery involved more than 1,500 police cars and other vehicles from dozens of states. Dozens of firefighters from the Toledo Fire Department and other area communities stood single file along the west side of Jackman Road leading to two fire aerial trucks forming an arch at Jackman and Temperance Road. The firefighters saluted the passing hearse and procession. The extended aerial ladders held an American flag, which blew south to north in the wind. The Toledo police mounted patrol unit joined the solemn procession, including for a time a riderless horse with boots backward in the stirrups, and led it to the cemetery.

Along the way, residents stood at the ends of their driveways and schoolchildren stood with their hands over their hearts. Across the road from the cemetery, citizen mourners and officers stood silently in the cold, sometimes biting breeze, for the hearse and the clip-clop of the horses. Mrs. Dressel acknowledged those standing along the side of the road.

The start of the graveside ceremony was delayed to allow mourners—many of them law enforcement officers—to park and walk more than a mile to the small, fenced cemetery for a final tribute to the fallen hero. A shorter service included The Lord's Prayer, which many officers said aloud. The American flag on Detective Dressel's casket was folded into a triangle and given to his widow.

Seven officers fired a three-volley shotgun salute as officers snapped their own salute.

"Taps" echoed through the air. "Amazing Grace" was played on the bagpipes as snowflakes slowly fell from the sky.

As the Dressel family shared a last, private moment near the detective's casket, red-cheeked officers sniffled as they filed out of the cemetery.

Detective Dressel was hired by the Toledo Police Department in 1993. Held in high esteem by his colleagues, this fallen hero will be remembered as a devoted public servant who was committed to his work and to his family. Despite his challenging work, Detective Dressel never compromised his integrity or sacrificed his sense of humor. Evidence of his legacy is clear in the heartfelt eulogies:

Officiating at the Mass, his priest, Father Nusbaum said, "Before Keith's laughter will fade away from this Earth, we'll hear it in a blink of an eye. That wonderful laugh."

His police chief Michael Navarre said, "We honor a true hero, a young man who dedicated his life to this community . . . "I salute you [Keith]. We all salute you and a life well lived."

It is reported that "Ken Dressel, Detective Dressel's uncle, said one of the happiest days of his nephew's life was when he was accepted into the police academy. Only second to his family, the slain detective was most proud of his badge. 'As much of a cop as he was—doing some of the most dangerous work in Toledo—we would often see him sitting on the floor playing with the children at family gatherings.'"

The impact of this terrible tragedy has touched every corner of our community and beyond. We have all been moved by Keith Dressel's sacrifice, commitment, and courage as well as that of his family's.

We recall in excerpt the lines of Longfellow's poem, What the heart of the young man said to the psalmist.

Life is real! Life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.

Not enjoyment, and not sorrow,
Is our destined end or way;
But to act, that each to-morrow
Find us farther than to-day.

Art is long, and Time is fleeting,
And our hearts, though stout and brave,
Still, like muffled drums, are beating
Funeral marches to the grave.

In the world's broad field of battle,
In the bivouac of Life,
Be not like dumb, driven cattle!
Be a hero in the strife!

Trust no Future, howe'er pleasant!
Let the dead Past bury its dead!
Act,—act in the living Present!
Heart within, and God o'erhead!

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time;

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.

On behalf of the citizens of Toledo, Ohio, and of all the lives Detective Dressel has touched, I offer my deepest condolences to Detective Dressel's loved ones, colleagues and friends. Without a doubt, our community is better because he served. Detective Dressel will not be forgotten. May their faith sustain them through the difficult journey ahead as they remember the words of Psalm 46, verses 1–2: "God is our refuge and our strength, a very present help in trouble. Therefore, we will not fear, though the earth be removed, and though the mountains be carried into the midst of the sea." May their strength as a family and their memories of their husband, father, brother, nephew, uncle, grandson, son and friend sustain them as they mourn his loss and celebrate his legacy.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, later this week, in our Committee on Energy and Commerce's Subcommittee on Health, we will be having a hearing called "Covering the Uninsured Through the Eyes of a Child, Part Two." Now, having sat through part one of this hearing, a hearing dealing with the reauthorization of CHIP funding this year, I really think the title of the hearing should be "Covering the Uninsured Through the Guise of a Child" because if some deception is implied in that title, indeed, I believe some deception is taking place within the SCHIP program.

Now, most of my colleagues in this body, having heard from medical professionals and hospital groups this past month up here on the Hill, are aware of the need for reauthorizing the Children's Health Insurance Program this year. It is a good program. It has provided needed health insurance to millions of needy children across our country. And both the House and the Senate are discussing funding options. And we are concerned about the rising cost of health care in general but in particular, specifically, the rising cost for the SCHIP program.

Fourteen States are going to expect budgetary shortfalls in their SCHIP program. For some of those States, they are their own worst enemy. They are the reason for their own problem. They are using children's funding to cover adults.

In fiscal year 2005, the adult enrollment in the SCHIP program exceeded the number of children enrolled in the program in four States: in Arizona we had over 113,000 adults in the program and just over 88,000 children; in the State of Michigan, over 101,000 adults and under 90,000 children; in Minnesota 35,000 adults and just over 5,000 children; in Wisconsin 108,000 adults, just over 57,000 children.

Now, why does this matter? Well, if you look at what it costs to cover a child versus what it costs to cover an adult, for every dollar you spend on the adult, you only need to spend about 60 cents on the child. They are generally healthier. A dollar spent on children's health insurance goes a lot farther because children tend to be a healthier population, and if you provide them a modicum of preventative care, they are going to be healthier still. And after all, if we can attenuate a disease in its early stages in childhood, we will avoid the larger expenditures of allowing that disease to go on unchecked over years.

I can think of a number of diseases that would fall into this category. Childhood obesity immediately comes to mind, an area where we need to devote significant time, energy, and resources. But if we are spending the money elsewhere, we are not going to be able to spend it on the children.

And the real deception, in my mind, is that this is a method of expanding a single-payer government-run health care system through the SCHIP program. And, again, that subverts the entire concept of why this program was created in the first place almost 10 years ago.

I would ask my colleagues to remember a dollar spent on a nonpregnant adult is a dollar that is not spent on a needy child. Indeed, States should prioritize spending on needy children and live within their annual allocations instead of looking to other States from which to take their moneys when their programs run a shortfall.

To ensure that States are not using children-specific funding for nonpregnant adults, I have introduced H.R. 1013, the SCHIP Equity Act. There are four principles to the bill:

It prohibits future HHS approval of any State waiver submitted by a State for SCHIP coverage of nonpregnant adults.

The bill terminates portions of State waivers that HHS has approved that extend coverage to nonpregnant adults.

States must eliminate coverage of nonpregnant adults by January 1, 2008.

And if the coverage of a nonpregnant adult was part of a multipurpose waiver, those components not dealing with the coverage of the nonpregnant adult will remain in effect for the duration of the waiver.

SCHIP has been a success story for so many States, for so many children. I am asking you to consider supporting my bill, H.R. 1013.

I want to remind all Members of Congress that "C" in CHIP stands for "children." Let's keep it that way.

AMERICAN HEART MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, let me first offer my warmest thanks to my dear friend and colleague, the gentlewoman from Illinois, who led the debate on the floor today in my absence on my bill that is recognizing this month as American Heart Month. I was told that she did a great job, and I am very grateful to her for that. Traveling from California to Washington sometimes is quite a task, and we appreciate our friends for standing in for us.

Mr. Speaker, I would like to speak briefly in support of this resolution, as heart disease is an issue of great importance to our Nation's health, especially women who many have felt for years that breast cancer was the number one killer for women.

For over 40 years, the Federal Government has recognized February as American Heart Month, and during this time we have made great strides in fighting heart disease in this country. New medical innovations have improved the treatment of heart disease, and public education campaigns have made Americans more aware of the importance of prevention.

Nonetheless, heart disease is still the number one killer of Americans, both men and women. One in three Americans has some form of heart disease, whether it be high blood pressure, coronary heart disease, heart failure, stroke, or congenital cardiovascular defects. And while men are more likely to suffer from heart disease in their lives, women are not far behind.

While women may have a lower incidence of heart disease than men, women with heart disease are less likely to receive the proper preventative, diagnostic, and treatment interventions. This could be due to the fact that medical professionals consider heart disease to be primarily an affliction of men and are therefore slower to recognize it in women.

Additionally, women suffering from a heart attack or angina are more likely to have atypical symptoms. In fact, women with atypical heart attack symptoms who are sent home undiagnosed from the hospital are about twice as likely to die from a heart attack as individuals who are admitted.

Another problem with managing heart disease in women is that most of the research on coronary heart disease has been exclusively or primarily done on men. As a result, test and treatments developed from these studies may be less effective in women. This is why there is an urge to test more women and do more research on coronary heart disease with women.

Mr. Speaker, American Heart Month is a time to remember how far we have come, as well as how far we need to go. Heart disease is not just a man's disease, and one of the next big frontiers in battling heart disease involves improving its management in women. Additionally, men and women alike need to remember that preventing heart disease early is preferable to treating it later. A healthy diet, regular exercise, and avoidance of smoking all reduce a person's risk for heart disease. By enhancing both treatment and prevention of heart disease, we will go a much further way, a long way, to improving the health and the hearts of all Americans.

I urge all of my colleagues to support this legislation when it comes to the floor tomorrow for a vote.

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CELEBRATING THE LIFE AND LEGACY OF THE HONORABLE GENE SNYDER

The SPEAKER pro tempore (Mr. ALTMIRE). Under a previous order of the House, the gentleman from Kentucky (Mr. CHANDLER) is recognized for 5 minutes.

Mr. CHANDLER. Mr. Speaker, I rise tonight to honor the memory of one of our former colleagues who passed away on February 16th of this year. He was a former Member from my home State of Kentucky, and, among other things, had the unusual distinction of representing two different congressional districts in the Commonwealth of Kentucky.

Former Congressman Gene Snyder was a man of steadfast conviction. He could always be counted on to fight for his constituents, and you always knew where he stood on the issues. Congressman Snyder had a way with people and a memorable sense of humor. He loved to tell stories and he used those stories to foster close relationships with Republicans and Democrats alike.

We often talk about a different time in Congress, when Members discussed policy over dinner with their families, when Washington was more cordial, and when there was a sense of kinship among fellow legislators. Gene Snyder was one of those Members committed to fostering that kinship, which is far too rare in these halls today.

Most Kentuckians will remember Gene Snyder by the freeway that bears his name. And while one road certainly doesn't sum up a man, in many ways, it is appropriate. While Gene Snyder was never afraid to vote against what he thought was a wasteful appropriations bill, few Members have fought harder to provide the seeds of economic growth for their home region.

Before Gene Snyder got to Congress, his district faced numerous age-old problems; transportation deficits, traffic issues and flooding from the Ohio River to name a few. I can remember hearing stories about people floating through the streets of Louisville in boats during the historic flood of 1937.

These problems, and many more, were tackled by Gene Snyder. He helped complete the Jefferson County floodwall. He showed great leadership in the construction of a new terminal at Standiford Field in Louisville. And he helped secure funding for the Clay Wade Bailey Bridge in Northern Kentucky, better connecting Covington and Cincinnati and helping to drive economic growth in that region.

There were countless other projects that Congressman Snyder developed, and all the bridges he built, the highways he paved and the buildings he raised have helped provide jobs to thousands of our fellow Kentuckians.

These jobs, and the opportunities that resulted from his efforts, will be

Gene Snyder's lasting contribution to the constituents who he took such pride in serving. It is my honor this evening to celebrate Gene Snyder's life and his legacy.

HONORING THE LIFE AND SERVICE OF THE HONORABLE GENE SNYDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Mr. Speaker, like my colleague from Kentucky, I rise to honor former Congressman Gene Snyder. Because we find ourselves both as a Congress and a country working to dig ourselves out of a divisive partisan trench, which in recent years has been characterized by petty attacks and contentiousness, my constituents may be surprised to know that I counted Gene Snyder as a friend.

Gene, who was always more interested in the public than publicity, told me a story about a persistent reporter who badgered him about a meeting he wanted to cover. Gene didn't want the reporter at the meeting and refused to disclose the location. So when Gene spotted the reporter in his rearview mirror tailing him to the meeting, Gene said to heck with it. He told his aide to head for the mountains, and led the reporter on a 100-mile wild goose chase through Virginia.

Now, as a former member of the news media, I won't applaud that tactic, but I admire the competitive spirit it exemplified. In any event, that was the last time that reporter tried to get the best of Gene.

Although Gene and I enjoyed each other's company, you would be hard-pressed to find more than a handful of issues upon which the honorable Gene Snyder and I agreed in the political arena. But political issues are only one part of this job, the other being serving one's constituents.

As far apart as we sat on the ideological spectrum, Gene Snyder's model of constituent service is one I aspire to closely emulate. In his three decades of service, Congressman Snyder set the example of how to serve a district. He set the bar, and he set it high.

When Gene held my seat, we in Louisville knew that we had a representative with an open door and an open ear for all of us. If it concerned our community, no matter, big or small, was unworthy of his attention. He welcomed us warmly, shared a laugh, and left us with a feeling that something would soon be done to address anything from a clerical glitch to the need for a new highway. Inevitably, and remarkably, for an age when distrust of a power-hungry government dominated, the issue would be handled effectively and expediently.

As I now work to institute my own open door policy, I am consistently cognizant that I follow the example set by a predecessor and a friend, Gene Snyder. I look to him has a fervent believer that democracy stems not from politicians, but from the citizens we represent, and I endeavor to capture that spirit as he did.

Gene Snyder was my representative, he was my friend, and he will be greatly missed. I hope my colleagues will join me in honoring his life and service to his constituents.

THE BUDGET, DEBT AND THE BLUE DOG'S IRAQ ACCOUNTABILITY LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. SCOTT) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCOTT of Georgia. Mr. Speaker, we are gathered here this evening to talk about the budget, to talk about the debt and to talk about the Blue Dogs' Iraqi accountability legislation. This is a very, very important time for us, and we hope that this hour will be illuminating and be very informative for everyone.

We are accustomed having my good friend, MIKE ROSS, in this position. MIKE ROSS is from Arkansas, and, as we know, there was a tornado that went through there. MIKE ROSS and a group of us just came back yesterday from Europe. MIKE ROSS had to jump on a plane and go down to Arkansas to see about his constituents, and we want to make sure that we send our prayers down to the folks in Arkansas.

Of course, MIKE knows that we stand ready to help in every way we can to make sure that they get the services that they need. So we are here to carry on.

We have a great lineup and array of Blue Dogs here tonight to carry on and to talk about the budget, we want to talk about the debt, we want to talk about our Iraq resolution that we have before us, and the whole issue of accountability.

Mr. Speaker, as we get started, I want to call your attention to our chart. As you know, one of the hallmarks of the Blue Dogs is fiscal responsibility and accountability. Let's look at the national debt and what it is today.

If we look at it correctly, it is now $8.773 trillion. The share for each individual in this Nation is $29,000, and it continues to go up. We want to talk about that tonight. The Blue Dogs have a plan. We want to talk about our 12-point plan to bring down this debt. It is one of the most horrendous areas that we have to deliberate on.

We want to get started with some of our Blue Dogs that are here. First, I want to recognize our distinguished co-chair from the great State of Tennessee, Representative COOPER. I yield to the gentleman.

Mr. COOPER. Mr. Speaker, I thank my good friend from Georgia. Mr. SCOTT does an outstanding job, not only representing his constituents, but also helping our Nation get on the right track.

As the gentleman has mentioned, every single Blue Dog has that sign outside his or her office. It is a troubling sign, because it shows that in our 230-plus year history, our Nation has borrowed $8.7 trillion. That is a lot of money. Sadly, $3 trillion-plus have come in the last several years. So we are on an accelerating borrowing pace. That means the interest bills, the interest we are putting on our kids and grandkids, is mounting very rapidly.

Since that number is so hard for anyone to understand, it is important that you drill down and see what your individual share is. Every listener tonight, everyone in this Chamber and back home, their individual share, man, woman or child, even an infant in this country is born with a $29,000 debt before they are even able to breathe their first breath of air.

But as troubling as that number is, I am worried that doesn't tell the whole story, because there is a Treasury document here that is called The Financial Report of the United States Government, put out by the U.S. Treasury. It says that using modern business-like accounting, unlike the accounting that the Federal Government traditionally uses, it says that according to modern accounting, our real debt burden isn't $8.7 trillion, as massive as that is, this document from the U.S. Treasury Department says the real debt burden is $50 trillion. That is our fiscal exposure.

It goes on to say that our individual share of that massive debt is not $29,000. I wish it were that small. This document says that your individual share, even the moment you are born in this country, is $170,000. $170,000. That is a terrific burden.

I hope that this accounting isn't right, but I am worried that this is the right accounting. Most Americans know already that today the U.S. stock market fell over 400 points. As a percent, that is not great. It is 3.3 percent. But it is still a worrisome fall. The Chinese stock market fell even more today. It fell at least 9 percent, or at least the Shanghai market.

We live in an interconnected global economy. That means to me we need Blue Dog commonsense now more than ever, because the Blue Dogs are for a strong economy, we are for a growing economy, we are for sensibly living within our means and applying commonsensical economic principles to our budget and economic matters.

So I want to congratulate the gentleman from Georgia for leading this Special Order and leading our Nation to a path of better prosperity for our kids and grandkids.

Mr. SCOTT of Georgia. Thank you much. Would the gentleman share with us that document, where it came from, who wrote it and what it means?

Mr. COOPER. This is called The Financial Report of the United States Government. It is an official U.S. Government document. You can get it on the Web if you go to the U.S. Treasury Web site. It has an introductory letter by the Secretary of Treasury, who is now Henry Paulson, a former Goldman Sachs investment banker.

This document interests me, if is not that long, it describes all the Federal document, but it is the only government document that uses modern, business-like accounting.

Every business back home in our districts, every business with revenues over $5 million, is required by law to use this accounting. That is what businessmen and women and Rotary Clubs, Lions Clubs, Optimist Clubs all over America understand. And they are pretty shocked when they learn that the Federal Government doesn't abide by those accounting rules. We cook the books.

We pretend that we can just use what is called cash accounting, which is very simplistic. Only the smallest businesses in America are even allowed to use that. But here the Federal Government with a budget of $3 trillion a year uses cash accounting.

This is the President's budget. This is what it looks like. You can also get this on the Web. But it won't tell you anywhere in this document they are using simplistic cash accounting. They want you to believe that you are getting the true story.

But even if you read this document, you will see that according to the President's numbers and, of course, they put it on the very last page here, it is on page 372, that the debt in the next 5 years, even though the President has promised us that he is going to balance the budget, this says the debt is going up $3 trillion more.

So it won't be $8.7 trillion when Bush leaves office, when his successor is elected, it will be closer to $11 trillion or $12 trillion. That is fundamentally irresponsible and it means that the burden on our kids and grandkids is going to be even more massive than we can imagine.

So whether you use the President's budget or his own Secretary of Treasury's budget, we need to be focusing on these matters.

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The Blue Dogs are the leading group in Congress to focus on this. No constituent passes our doors without seeing that sign and reminding them that the Federal Government is borrowing way too much money and putting way too much of an obligation on our kids and our grandkids.

Mr. SCOTT of Georgia. The gentleman mentioned what happened today in the stock market. It is very interesting to note that this whole change happened and started early in the morning in China. When you look at how much money we are borrowing from foreign governments, needless to say China with $360 billion in debt, the interconnectedness of this, and our liability to these other countries, make us so dependent on them. In some cases when they sneeze, we are getting a cold, which is what happened today.

Mr. COOPER. The gentleman is exactly right. I believe the Chinese currently hold almost $1 trillion in U.S. Treasury bonds. They are our fastest growing lender. They have aggressively purchased U.S. Treasury bonds, and that means increasingly we are paying interest to the Chinese. Our economies are interconnected. I worry that it is a national security issue. It is not just an economic issue anymore because when you get that beholden to another country, if they have any instability or problem or any reluctance to loan us more money, then we have a much bigger problem in this country.

I hope that won't come to pass. I hope that we can get our Nation on a sounder footing. I wish the President had offered us a sounder budget when he gave us one just a few weeks ago in his State of the Union message. We need to work hard on this in the next several weeks to improve it and make sure our Nation is on a stronger course in the future.

Mr. SCOTT of Georgia. I thank the gentleman from Tennessee. You brought some very significant wisdom, that our debt burden is $50 trillion, and a very important piece of information from the Treasury Department which gave great expanse to what our burden is: $8.73 trillion in national debt, and our share for each individual in this country is $29,000.

I would like to call on a distinguished Blue Dog, one of our hardworking Blue Dogs, and one of my fellow travelers. We just returned from an extraordinary trip abroad with NATO, had some very interesting meetings there, BEN CHANDLER, a Representative from the great State of Kentucky.

Mr. CHANDLER. Mr. Speaker, it is a pleasure to be here with Mr. SCOTT tonight, to be a member of the Blue Dog Coalition, and to hear the wonderful presentation by Mr. COOPER of Tennessee who does a tremendous job in this Congress, and who is one of the real consciences of the people here in Washington. Even though some of the news he has to relate to us is not the best of news, the people of this country need to hear the truth, and that is what Mr. COOPER so eloquently gives us on a regular basis.

I very much enjoyed the opportunity to travel this past week with my fellow members of the NATO Parliamentary Assembly, and there are several Blue Dogs who are represented on that very important task force that we have to try to foster cooperation in a very important alliance we have. The alliance that United States has with NATO and the other 25 countries in NATO is extremely important to our national security. I don't think people realize how important it is.

It was a pleasure to have an opportunity to travel with Mr. SCOTT, a newly appointed member to that commission, and Ms. BEAN from Illinois who is also here with us tonight. I know she will have a few words to say in a little while. She was with us on that trip.

You know, when we go abroad like that and we talk with our allies, we talk about a lot of things. On this particular occasion, of course, the subject continually came up of Iraq and Afghanistan. NATO is helping us in Afghanistan. We of course in Iraq don't have as many allies as we do in Afghanistan. Some of the countries in NATO have a different view about Iraq than they do about Afghanistan, but we are proud to have their help in Afghanistan. It is very, very important to us because that is an engagement there I think that most of the American people are united, that we have to have success, certainly in Afghanistan.

But whatever anybody thinks about that war or about the war in Iraq, one thing I believe we can all agree upon is that the taxpayer money that is being used for those efforts needs to be used accountably. It needs to be accounted for. That certainly has not been the case.

We in the Blue Dog Coalition came out with a plan not too long ago, a resolution that would require essentially accountability for the use of that money, would make an effort to try to stop the war profiteering that we believe is going on, certainly in Iraq. I hope we can set up a commission in this government, very much like the Truman Commission of World War II, which would look at the expenditure, would actually hold this administration accountable for the expenditures in Iraq.

Now, the importance of that I think is pretty obvious for everybody. Every dollar that we misspend or waste in Iraq is a dollar that cannot be used efficiently to protect our troops, it cannot be used efficiently to get the job done over there, and it is also money taken away from needed programs and services right here in this country.

I don't need to mention all of those programs one by one. We all know what they are, from education, health care, right on down the line. We need those dollars, and those dollars need to be spent appropriately.

But we can even go so far, if you can believe this, to apply some of that wasted money on the national debt. That is what the Blue Dogs talk about all of the time, the national debt in this country.

Mr. SCOTT of Georgia. If the gentleman would yield, you bring up a very good point. The waste that has happened in Iraq with our military is just astounding. It is very important that the American people realize this is the trust of our legislation. We are going to support the troops. We are going to have a military and we are going to spend more on our military. We are going to enlarge our military. Under our Democratic leadership, we are going to make our military stronger.

In order to do that, there are two important points, as the gentleman pointed out, in our legislation that will address and act as a catch to stop some of this waste, and that is under our legislation, we will require that the Inspector General in the Defense Department report to Congress quarterly on exactly how the money that Congress is allocating is being spent. And the Inspector General in Iraq for the Reconstruction of Iraq will also report to Congress on how that money is being spent.

So our financial accountability act for Iraq accountability is very important, and I want to just take a minute to point those things out that address how we are going to respond to the concerns of waste and fraud that you have just spoken about.

Mr. CHANDLER. Thank you, Mr. SCOTT. What those points bring to mind is it is the least we can do. As representatives of the people of the United States of America, I believe it is our job to spend their money efficiently. It is right at the top of the list of the important responsibilities that we have and that is what we are trying to do as Blue Dogs.

Now I don't know about you, but I grew up going to church.

Mr. SCOTT of Georgia. Oh, yes.

Mr. CHANDLER. I suspect you did, too.

Mr. SCOTT of Georgia. You are absolutely right, my friend.

Mr. CHANDLER. And during some of those church services, I would hear time and time again about the notion of stewardship. Is that a word that is familiar to you?

Mr. SCOTT of Georgia. It is a word that is very familiar to me.

Mr. CHANDLER. And that is what we are talking about here. We are talking plain and simple about stewardship, are we going to be good stewards of our country. All we have got is our country and the money, the hard work that our citizens do and the money that they contribute to our national government. The least we can do is make sure that the Federal Government spends it properly.

I am concerned about this debt: $8.7 trillion. And what really is amazing is what Mr. COOPER told us a little earlier tonight, that not only is the debt $8.7 trillion, this is the debt that the government insiders are familiar with. The public I don't think is really aware of how dramatically large this debt is. But what Mr. COOPER told us was that this doesn't even warm it up. The real debt is more in the neighborhood of $50 trillion.

Mr. SCOTT of Georgia. And it comes directly from this administration's Treasury Department. That is why I wanted Mr. COOPER to make sure he pointed out the authorship. This is not our report to Mr. COOPER. This was put together by the Treasury Department.

Mr. CHANDLER. The $50 trillion figure comes directly from this administration. What is unfortunate is that this administration has been a large part of the reason that the debt is that high. It is terribly unfortunate. One figure that I saw not too long ago, and you talked about it a little earlier, about our interrelatedness to China, well, we have that connection with many countries all over the world in one way or another, but the number that troubles me is the fact that the Bush administration has borrowed more money from foreign governments in the 6 years that this administration has been in office than all 42 previous administrations combined.

Now, Mr. SCOTT, I don't know about you, but that is one of the more astonishing figures that I have been privy to since I have been in the United States Congress. I am shocked about that.

What I hope we can accomplish as we go forward, and certainly in the effort that we are making tonight, is bring to light a little bit to the American people what kind of financial situation we have in this country and that we have got to get our act together. It is high time that we behave accountably to the American people, that we hold this administration accountable for how they have spent the money. That is what the Blue Dogs want to do. That is why I am proud to be a Blue Dog and proud to be here tonight.

Mr. SCOTT of Georgia. Mr. CHANDLER, I want to make sure that the American people got what you just said. Now, just to make sure that they get it, what you said was that in the last 6 years under this administration this country has borrowed more money from foreign governments than all of the previous administrations going all of the way back to 1789, counting all of the wars, counting the Depression, World War I and World War II, all of the way up to now. From 1789 to 2001, we didn't borrow as much money as we have borrowed in the last 6 years. That is very important.

And the other staggering point about that is just the interest that we are paying on this loan is the fastest growing segment of our budget, and just the interest that we are paying to these countries is more than we are collectively spending on our veterans, on homeland security, and on education. That is a remarkable state of financial irresponsibility; and the Blue Dogs are providing the leadership, have been for many years, and finally we got a first step into this process during the first 100 days under the leadership of Speaker NANCY PELOSI in passing the PAYGO legislation.

Mr. CHANDLER. I am just going to say one more thing and then allow some of my other fine colleagues to have a word on this subject.

When I get ready to tell some of my constituents the nature of this spending problem and particularly the point about this administration borrowing more in 6 years than our country has borrowed in the entirety of its history previous to these 6 years, I advise them to please sit down before they hear this information because they are not going to believe it. It is that extraordinary. I can't believe it. I still can't really get my arms around the fact that we are doing that.

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I think one of the most important points is, when you borrow to that extent and when you get yourself in debt to that extent, it makes you less secure. We are looking for security in this country. That is what the American people want. When you are deeply in debt, I would submit to you that you are, in fact, less secure, and that is what we are getting in this country.

I thank you for the time.

Mr. SCOTT of Georgia. Thank you, and the gentleman brought up some very interesting points. We are going to talk a little bit more about that, but I know the Americans may be asking, well, what are the Blue Dogs going to do? What is their plan?

We have a 12-point plan for budget reform. I want to briefly hit the points right quick. One, require a balanced budget; two, do not let Congress buy on credit; three, put a lid on spending; four, require agencies to put their fiscal house in order; five, make Congress tell taxpayers how much they are spending; six, set aside a rainy day fund; seven, do not hide votes to raise the debt limit; eight, justify spending for all projects; nine, ensure that Congress reads the bills that it is voting on; ten, require honest cost estimates for every bill that Congress votes on; eleven, make sure new bills fit the budget; and twelve, make Congress do a better job of keeping tabs on government programs.

Now, I want to yield to my distinguished friend from Tennessee who is just one of the hardest working Members up here and a leader in the Blue Dogs, Congressman LINCOLN DAVIS from Tennessee. I yield to the gentleman.

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I can assure my good friend from Georgia that I will not bore the folks for 35 minutes in this House Chamber, nor will I bore you that much, but it is certainly an honor to be with you here in this House Chamber, this historic Chamber.

I asked one of the freshmen Members as we traveled from the Chamber after voting recently through the tunnel going to the Cannon Building, and I said, well, your first 6 weeks, how does it feel? He said, LINCOLN, I want to be honest with you. He said, I never knew how it felt to work in a museum, but I do now.

Working here in this Capitol, where those statues of the tremendous leaders of the past, inside the House Chamber where many decisions have been made, where on December 8 we declared war on Japan in 1941 and then two or 3 days later, after being declared war on by the Axis Nations, Germany and Italy, and that declaration occurred here, declaration of war, really the last declaration of war that has been held inside this House Chamber and declaration of war that only Congress, quite frankly, can declare.

So, being here at this time of history and being on the floor with you and other members of the Blue Dogs certainly is an honor, not a privilege, but an honor that the folks back in my district have given me, and I believe that they expect us to come here and be bipartisan in our efforts, that we are not here to be demagoguing the other side or critical, but you have to try to work in a harmonious way to find solutions to whatever difficulties we have in this Nation.

I had a Member ask me when I first came here, LINCOLN, what did you want to change when you came up here? And I thought real hard, and it really did not take a lot of thought. My answer was I did not want to change America. No country in the world has reached the level of helping its citizens the way that this government of the United States of America has. I do not want to change it, but there are problems. We need to fix those, and we can do it by working together.

So, for me, my challenge to my colleagues on the other side of the aisle and colleagues here on this side of the aisle, let us start being a little more civil with each other.

I left from this House Chamber after the debate we had on whether or not to agree with the President's plan for a surge in Iraq is something we wanted to do in this Chamber, and it got to the point where the questions of someone's patriotism became a part of that debate and dialogue. Of course, some may obviously follow suit with that, but we had a debate about whether or not we supported the troops. The resolution said we do. We had a debate about whether we agreed with the strategy, apparently the new strategy of this President to engage an additional numbers of troops in Iraq.

Now I want to talk a moment about that budget we looked at and at the deficit. I remember I was elected in 1980 to the State House in Tennessee. As I was travelling from my home of Byrdstown in Pall Mall to Nashville to the State capital, it came across the radio that we had just increased the national debt ceiling to a trillion dollars. That frightened me. A trillion dollars in the early 1980s. I remember that as we talked about increasing that debt ceiling by $20 billion or $15 billion how difficult it was in this House Chamber. Now we increase it by hundreds of billions of dollars without even really having an up-or-down vote on that particular debt ceiling increase.

I thought how ironic it was that in 1980 how difficult it was for a debt ceiling to be increased, and now it just seems to be as if a snap of the finger and all of the sudden, we reach that level.

Then I watched for the next 8 years, the next 12 years, as that debt not gradually, but very rapidly rose in the 3 and 4 trillions of dollars. I am thinking in a 12-year period of time, how is that possible. If we look back basically almost 200 years, we reached a trillion, and suddenly we had doubled and quadrupled what we had in that period of time.

Since 2001, even with the surpluses that were applied to reduce the debt that this country owed, for a period of almost 4 years, out 4 years of surplus budgets where we had more than we spent, we took in more than we spent, and started paying down the debt, I am surprised that almost $3 trillion in the last 5 years has been added to that figure down there.

I often hear people talk about the first thing a baby does—my chief of staff just recently had a newborn son in early December, and they nicknamed him Willis, a pretty little thing, handsome little fellow. He came to one of my open meetings with him. On Saturday, we had 24 throughout the district. I represent 24 counties. The first thing little Willis did when he came to this earth, he started crying. I know now why he was crying. He realizes that this country, that these leaders in this Chamber, that this Nation has handed him a $29,000-plus debt, that he does not even have a job yet to pay off, and if we continue to go as we are going, before he gets his first job, he will owe more money than five times the first house cost me that I bought for our family in the late 1960s.

I want to talk now about Iraq for a moment. I hear people in this Chamber talk about cut and run being the policy of Democrats and staying the course being the policy of the White House. Both of those are wrong. I do not think standing the course is going to get it done, and cut and run is something, quite frankly, that I go back in history, and I cannot find that example, except some folks might say Vietnam.

But I saw Vice President CHENEY in Japan early last week thanking our troops, and it dawned upon me that, let me say now we have troops in Japan after World War II. We have troops in Germany after World War II. I went back and looked at the tens of thousands of troops we have in Korea and South Korea after the Korean War; I go to Kosovo and in Bosnia and in Serbia and in the Balkans, and I realize that we have forces there from the late 1990s, although there were those in this Chamber on the other side of the aisle that called that Nation building and wanted to know when then-President Clinton was going to give us a time certain, even I think the presidential candidate at that time as well who later became the President in 2001, even he was talking about Nation building and a time certain that our troops should be pulled out.

As we debate this issue, it is ironic to me that anyone would accuse someone else of asking for some of the same considerations that they asked for a certainty of. But we are still in Bosnia and Kosovo and, quite frankly, this President that is here now and this Congress saw fit to stay there, that we should keep the peace with our friends of NATO.

But I look at other parts of the world. We are in Turkey. Our ally in NATO, the Turks, we still have bases there. But then I got to thinking, well, now, we had a war in the Middle East, a U.N.-sanctioned, totally supported, my understanding is we probably had three or four times the number of troops that went in 1991 to remove Saddam Hussein from his aggressive actions in Kuwait, and we forced him back into his country. Then we had north and south no-fly zones, had him pretty much contained. But we still have troops in Riyadh, Saudi Arabia. We still have troops in Kuwait. We still have troops in places like United Arab Emirates. Are we going to have troops in Iraq when this is over? This is never going to be over.

Mr. SCOTT of Georgia. You make a very good point, and I think it is tantamount and the American people have seen through and are seeing through the rhetoric of the Bush administration. They are not buying cut and run. The American people went to the polls in November and they did not go to the polls to cut and run. They went to the polls to change direction, a new direction.

There is no question about the fact that we have a vital interest in the Middle East. We know that for the foreseeable future, clearly 45 percent of all of the known oil reserves would be under that region and certainly under Iran alone. All of the geologists have pointed out that 25 percent is under that region. There is a great responsibility for us all there. Nobody is talking about cut and run.

We are talking about what is happening here is a civil war, and these

Iraqis have got to fight that out for themselves, just as surely as it would not have been right for Germany or France to come and plop a hundred or 200,000 troops in the middle of our civil war. That had to be settled by us. They have got to settle their civil war. We have got to contain the situation, and that is how this new direction needs to evolve.

I yield back to the gentleman.

Mr. LINCOLN DAVIS of Tennessee. I thank my friend from Georgia.

I think, what my hope is, all of us become a little bit more civil in this debate that we are having and realize that this is about America. We want security and we want peace. We want the Iraqis to win. What we have done is destroyed an Army in Iraq and I agree with that, we have destroyed an Army in Iraq that was able to defend, or at least to resist the Iranian Army with three times the population they have for a period of over 10 years. We now have to be the Army for the Iraqis.

It is our responsibility to defend Iraq. In essence, I think we have to put our troops along the Syrian and Iranian border to be sure that no one interferes with Iraq and let the Iraqis settle their own differences. Twelve million Iraqis voted in December of 2005. They established their government; it is there. Departments elected. It is time we let them govern themselves, but we must protect them.

You have been very kind to allow me to be here participating in this Blue Dog conversation.

Before I leave, one thing I want to say, one of the reasons we have been in the Middle East since shortly after World War II, quite frankly, we were there to keep Germany from getting all the oil that could have helped them delay the war much longer in World War II, maybe even have won some territories. Europe may have looked totally different if Hitler and his Nazis had been able to get control of the oil fields in the Middle East. We have been there and have been invited by governments in the Middle East for some time. Folks may or may not have agreed with us, but the leaders who were there invited us to help them. Quite frankly, there was fear in the Cold War that that might go to the Communist Nations of Russia and perhaps even China. So we have been there for a reason.

We now are there we say to protect ourselves from terrorists. My opinion is that we have to stay there to protect the Iraqis from other aggressor Nations and let them solve their problems and then we can bring our troops home. We will be there for a long time. The American public understands that.

Thank you for allowing me to speak.

Mr. SCOTT of Georgia. Well, thank you. The gentleman from Tennessee brings a lot of depth to his thinking, and we appreciate his contribution tonight.

Now I want to recognize and yield time to my distinguished friend from the great State of Ohio, the sixth district. He serves on the House Committee on Financial Services and the House Committee on Science and Technology, my good friend, Congressman CHARLIE WILSON. I yield to the gentleman.

□ 2045

Mr. WILSON of Ohio. Mr. Speaker, I am here this evening to support the Blue Dog Coalition, and ask for a realistic and responsible budget as we move forward.

I believe that for so long, we have been out of touch, and I believe that the debt that has been created by this administration has been overwhelming. And I know that more people in America need to understand what really has happened and how there has been wasteful spending, not accountability, difficulties that have just been swept away and we need to stop and look at it.

So I am pleased as a new Member of Congress from Ohio to be a member of the Blue Dog Coalition. I believe that, as we take a closer look at what is going on with this budget that has been submitted to us, that we realize that there are not only numbers that don't add up, but there are assumptions that are made that really would go against any principle of gap accounting and any type of realistic obligations that we have to the American people to explain to them.

The numbers show that while real fiscal responsibility is so sorely needed, this is not what we have in this budget. And it becomes important that we have people like the Blue Dogs who have, and I have my new sign outside my new door in the Cannon Building at 226, of which I am very proud to be a member of the Blue Dog Coalition to show that every man, woman, and child in this country is in debt $29,000 as of today. And that number may be realistically much lower than what it actually is.

The numbers also show that we need accountability. In 2004 alone, the Federal Government spent $25 billion that cannot be accounted for. I have heard other rumors and other stories of money that just disappeared.

This is not fair. It is not fair to the people, the taxpayers whose money it belongs to. It is not fair for the programs that we could be doing for our seniors, for the education of our children, the health care that we could provide, and to help those in middle America, the working families to help with opportunities for them.

We were able in this new Congress, to move forward. And just yesterday, Congressman SCOTT, I did a TV interview in Youngstown, Ohio. And the person interviewing me asked why did we prohibit the other side from being able to amend and change in our first 100 hours. And I said, quite frankly, that I thought we needed to do that in order to be able to get the issues taken care of that we did. And it was with this kind of responsibility that we moved forward, and that I believe now we can work together and accomplish what needs to be accomplished, but certainly looking at the realism of what is going on with our national debt.

We need to work together, not a Democrat or a Republican, but rather an American initiative, to make sure that every dollar we spend, every decision we make is for the betterment of our country.

Mr. SCOTT of Georgia. If the gentleman will yield for a point. I think it is very important, you pointed out that in 2004, if I heard you correctly, $24 billion of Federal Government spending went absolutely unaccounted for. But the other point of that is that this Congress, or the Republican-controlled Congress during that time, did not hold the executive branch accountable for the omission. So not only was the money unaccounted for, there was no means of putting forward accountability by the executive branch.

Mr. WILSON of Ohio. I thank you for that observation.

I truly believe this is what the American people said in this November's election. They said: We need accountability. We need people to be responsible. And that is why the election turned the way it did. And I believe now that it is important for us to pursue every opportunity to make sure that we have fiscal responsibility, to make sure that we are doing the right things for the people, and keeping an eye on our national debt.

Just last week, I received a graph in my office, and the amount of debt that we are paying to foreign countries is huge in comparison to what we are spending on education or health care for our seniors. That is the thing that is most difficult to understand about this, is how we can let the really important things go and spend all this money on interest. I know as a businessman, I could not run my business that way. As a person, I couldn't run my personal finances that way. And so there is no reason to think that we should run our government that way.

Moving forward, I just think that we need to be sure that this Congress is responsible. And one of the primary ways of doing that, that the Blue Dogs are advocating, is PAYGO, and that is as we pay as we go, just like you and I do in our budgets at home. If we are going to buy a new car, we need to make a sacrifice of something else. If we are going to go on a vacation, there needs to be something traded for that. PAYGO, quite frankly, Mr. SCOTT, says that what we really have to do is to make sure, if we are going to pay forward, that we eliminate something that we are doing now, and then we pay as we go.

Mr. SCOTT of Georgia. I certainly thank the gentleman for his observations. They have been very illuminating to us especially on the budget. We have a number of other Blue Dogs here we want to bring into this.

I want to now recognize my good friend from Illinois and one of my fellow travelers. We just returned together from NATO, and she has some refreshing observations, I am sure, from that trip of how it relates. She is a good friend and one of the hard-working Blue Dogs who is making a great contribution to this Congress, and that is Ms. Melissa Bean of Illinois. I yield the young lady as much time as she may need.

Ms. BEAN. I thank the gentleman from Georgia for yielding. It is always an honor to join you here on the floor as it was an honor to join you during the NATO parliamentary assembly that we attended together. And one thing that didn't come up that you mentioned earlier with Congressman CHANDLER was that, in addition to visiting NATO headquarters in Brussels, we also visited the Landstuhl Medical Facility in Germany where our returning wounded are coming from both Iraq and Afghanistan. And it was important to meet with them and hear from them their firsthand experiences and what brought them there, why they are fighting so hard, and their concern for those in the platoons that are still fighting. And one of the things I wanted to talk about is bringing some accountability to that process.

And I will also mention that there has been a lot in the press recently about Walter Reed and some concerns about infrastructure and investment that I know we are working to address as we look at appropriations. But it was encouraging to see the medical professionals, their commitment to facilities and just the top-notch care that our returning men and women who have been wounded are getting and hear how pleased they were with the level of medical support they are getting.

But the Iraqi War Cost Accountability Resolution which we in the Blue Dogs introduced is what I wanted to touch on, because several of my Blue Dog colleagues and yourself, Mr. SCOTT, have mentioned accountability, and I think it certainly what our constituents expect of us. And one of the reasons we supported this bill is it provides accountability across four different disciplines. It provides spending accountability; it enforces transparency, and requires the Department of Defense Inspector General to provide regular reports on exactly what spending has taken place, what spending hasn't taken place, what projects we are working on, what the status of those projects are, what the contracting process is. And also, not just what we in this country are providing, but also what are other countries that are allied with us are providing to what is going on there as well. It provides contracting accountability in addition to spending accountability, with a commission akin to the Truman Commission that was done in the past to oversee the contracting process, the policies, how they are being carried out, and whether those contractors are fulfilling their obligations as well. And it also puts sanctions in place for any kinds of fraud or abuse that can be happening.

It also provides budget accountability. As you and I know, and we have talked about this in our Blue Dog meetings, there have been six emergency supplementals, and those emergency supplementals have all been for war spending. Given the number of years we have all been engaged in this process in Iraq, it is no longer an emergency. This is an unaccounted for spending; this isn't something that we are surprised by. And so what we are requiring in this bill is on budget war appropriations. And it also requires Iraqi accountability. So let me go through all four of those, and then I will describe what I mean by the Iraqi accountability.

Spending accountability, contracting accountability, budgeting accountability, and Iraqi accountability.

And that means that we need to hold accountable not only the Prime Minister al-Maliki, but the Iraqi government, to be accountable first and foremost to protecting themselves on a sovereign basis. And as you alluded to earlier, it is our job to help contain the situation from insurgents outside, but they need to, for their own security, be first and foremost in assuming a higher degree of responsibility, as many of us supported the President when he said, as the Iraqi people and the Iraqi military stand up, we can stand down. And so we have to hold them accountable to doing that so we can.

I am going to lastly talk about the budget in general and why I am a Blue Dog. You have your sign up there, we all do, and it talks about the $9 trillion of debt that we are now at. And I think Congressman COOPER alluded to the fact that the foreign borrowing that we are doing is contributing to that. We are now borrowing, as a Nation, $7 billion to $8 billion per working day from foreign countries; $2 billion to $3 billion of that is just the government alone. And at that rate, we are going to continue to exacerbate this debt and the individual share that we are passing on to every American.

I think, as a parent, I often remind myself that tough love is important. It is not my job as a parent to tell my kids what they want to hear, but to tell them what they need to hear. And I think the Blue Dogs bring that same kind of tough love to our constituents and to our Nation, and hopefully to our Congress, because we need to be talking about what Americans need to hear, not what they want to hear. And so I am glad to be joining you tonight.

Mr. SCOTT of Georgia. If the gentlewoman would yield for a moment. I would like very much to engage you in the feeling of that trip. And it was so important to gather with representatives of those 26 other nations and 13 associate nations with NATO, because we have got to understand, we can't go it alone.

Ms. BEAN. Absolutely.

Mr. SCOTT of Georgia. One of the fundamental charges I felt and responsibilities I felt going, and you did, too, we talked about it, was we have got to improve the image of working with other nations to move forward. But I think that the highlight to me and I think to you was that visit with the soldiers.

Ms. BEAN. Very much so.

Mr. SCOTT of Georgia. And you and I have talked about that, and I just want to share for a moment the touching experience that we shared going and flying into Ramstein Air Base and going to Landstuhl to the medical center and going from room to room. We went and we talked with soldiers fresh off the battlefield in very serious conditions, and it was a remarkable experience. And I know you joined me in saying that on the floor, we salute those soldiers.

Ms. BEAN. Absolutely we do.

Mr. SCOTT of Georgia. And we just want to say thank you personally to those soldiers for their sacrifice, for their service, and express to them a great gratitude for a very, very grateful Nation.

Ms. BEAN. Our entire Nation.

Mr. SCOTT of Georgia. We are so proud to do that.

Ms. BEAN. I would agree. Our entire Nation is grateful to them, and to their families who were there supporting them through their injuries.

And on that note I will yield back, because I know we have Congresswoman SANCHEZ, who is also anxious to speak.

Mr. SCOTT of Georgia. We certainly thank you. And I hope you might hang around a little bit. We may get into a little soliloquy here.

I would like very much to now recognize one of our longstanding Blue Dogs, certainly established as a leader in this Congress, one who befriended me, one who makes a sterling contribution as a leader of the United States Congress, the young lady from California, Ms. LORETTA SANCHEZ. I yield the young lady as much time as she may need.

Ms. LORETTA SANCHEZ of California. I thank my colleague for putting together this hour to discuss what I think is something that is very important; that is, what the Blue Dogs are thinking about in this Congress and what we have been trying to do.

Now, I will tell you that I have been in the Congress for 11 years. This is my 11th year. I have been a Blue Dog the entire time. And that really comes from the fact that before I came to the Congress, I was an investment banker. I am an MBA, I have been in the international finance arena for 14 years before coming to this Congress.

So people ask me, what is the thing that you worry about the most when you go to sleep at night? And the answer is always the same for me: The structural financial debt and deficit that we have in Washington, D.C., because most people have not looked and seen and realized what has been going on here in Washington, D.C., but I have seen it in the last 11 years.

☐ 2100

That is why, as a Blue Dog, I also have that sign up that says what today's national debt is and how much of that $29,000, if every man, child, woman in America, would give us $29,000 today, we would be able to bring down the national debt. But the fact of the matter is, we don't. We don't, and the debt keeps climbing.

So a few years ago, we were trying to think about, well, how is it that this has happened? Because when I came, it was in 1997. I had 4 years under President Clinton, and at that time, the debt of this Nation, the interest payments on that, was 18 cents of every dollar that we collected, 18 cents.

That means if we collect a dollar from you in taxes, 18 cents of it we don't spend because we are paying the interest cost on that. Imagine if you did that in your home for every dollar.

So what did we do? We worked hard. We instituted PAYGO. What does that mean? Well, it means you don't make any new spending unless you are going to tax, put in an amount of money for it, or you are going to take it away from some other area you are already spending on in order to spend in your new priority area, much the way people do it at home when we have to decide among the priorities.

Okay, well, this month, September, I have to get the shoes for the kids for school, so that means that there are going to be no days out of that month that we get to go out and eat at a restaurant. I mean, you just make up for it in one way or another.

But the Congress and the United States do not do this. They keep spending, even when they give tax cuts. So that means if your boss told you we are going to give you a 70 percent cut in the amount of money you take home, and you go home and you tell your husband that, but he still keeps spending the same amount of money every month, he doesn't bring his expenses down.

So it is a problem. So we spend, I would say, honestly, about 700 to $800 billion more a year than the monies we take in.

Now, we will throw numbers around, to $143 billion, deficit, $400 billion, deficit, $358 billion. No, no, no, no, no. The reality is that we are overspending by anywhere between 700 and $800 billion every year. That is why this number goes up, because we cannot get this under control.

Mr. SCOTT of Georgia. If the gentlelady would yield for a moment, I think it very important for us to realize, you also alluded to it, you might want to hit on it a little more, the unfairness of it all, the war being paid on borrowed money. Every dime we are spending in our government, for our services, on borrowed money, it is not going to last that long. Many civilizations and nations have gone down because of ballooning debt.

If you look at all of them that have gone down, ballooning debt is what played such a great part, and the selfishness of the tax cuts, the war, whatever we are doing, and we are selfishly doing that and putting the burden, as you alluded to, on the backs of our children and our grandchildren. I think you make an excellent point there.

Ms. LORETTA SANCHEZ of California. Absolutely. So I started in this Congress 11 years ago, and we spent 18 cents of every dollar just on paying interest on interest payments. Then we tightened our belts; we did PAYGO. President Clinton and others, we worked together, we brought it down. In the year 2000 when President Bush took over, we were paying 11 cents of every dollar on interest. So we had brought it down.

Then, of course, the President decided to give tax breaks to some of the wealthiest Americans. I know, because I got a tax break, but not everybody got a tax break. The real people who really needed the tax breaks, I think, did not receive them. That is why I didn't vote for it. I received it because the majority, the Republicans at that time voted it in, but I didn't vote for it because I know what fair is fair.

If you get opportunity in this country and you work hard, and you get a few breaks and a little bit of luck along the way, that can happen in America for almost anybody. And some of it is luck, and you happen to make money. I think you should understand that to keep America full of opportunities, we need to pay our taxes.

So I am willing to do that, but not this President, because he cut the taxes on the people who had lots of money and who were making lots of money. His own comptroller told us several years ago that 70 percent of the deficit every year in this country is due to the tax breaks that the President gave. In other words, we kept spending even though we didn't take in revenue. In fact, we returned back revenue.

Then, of course, we have the $3 billion a week of money we spend in Iraq. I will not tell you the way I feel. This President went into Iraq on the cheap. He didn't think that Americans would really want to spend the kind of money it took to put in 200,000 or 300,000 troops to do the job the day we went in. So he told his Secretary of Defense, despite what the generals told him, Shinseki, who said we need at least 200,000 or more troops in there, they did it at the level of 110, and now we are paying for it. Now we have been in a war much longer than we ever anticipated, much longer than the President ever anticipated.

Mr. SCOTT of Georgia. Especially what was most disheartening was the buildup to that war, to use the credibility of General Colin Powell, and then to abandon what you refer to, with the huge number of troops, the Powell doctrine. You are going to go in, you go in with force.

Ms. LORETTA SANCHEZ of California. So we find ourselves there longer than we are supposed to be, and we ask ourselves, how much longer, $3 billion a week on the credit card? Wait till America really figures out that they have not paid for this war. I think they are going to be very angry at that point. I see I have taken most of your time.

Mr. SCOTT of Georgia. We thank the young lady from California for your excellent insight on this, and your commentary was certainly well received, and it helped to shed the light on the debt and the importance of it.

So we appreciate this hour, the Blue Dog hour, as we continue each Tuesday night to talk about the budget, to talk about bringing fiscal responsibilities and being good stewards to the taxpayers' money. It has been a good evening.

HONORING FORMER CONGRESSMAN GENE SNYDER

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. The subject of our Special Order tonight is to remember a great man of this Chamber and a great Kentuckian and a great person, a friend to virtually all who knew him. Mr. Speaker, I rise tonight to pay tribute to my friend and fellow Kentuckian, Congressman Gene Snyder.

Born in Louisville, Gene Snyder began his political career in 1954 as a city attorney for Jeffersontown, Kentucky, at the age of 26. In 1962 he ran for Congress and was elected to represent the Third District of Kentucky. After losing his bid for reelection in 1964, he turned right around and ran again in 1966. This time, he was elected to the seat that I now hold from Kentucky's Fourth District.

He went on to serve Kentucky and the Nation for another 20 years until his retirement in 1986, bringing a record of credit upon his office and doing great service to the people of Kentucky's Fourth District. Gene had a tireless work ethic, both in Washington and in Kentucky's Fourth District. He was a master political operator and strategist, and his dedication to the conservative cause was without equal in the 1960s and 1970s.

He stood by Barry Goldwater for President and was swept out of office in the 1964 Johnson landslide, only to return 2 years later.

I can personally relate to that and Gene's character and his persistence, having lost my first election and announcing on election night that I was running again and getting up the next morning and going to work for 2 more years to win and to make a difference.

Gene was a great example with his work ethic, with his character, with his devotion and his tenacity. He enjoyed campaigning, and he relayed to me stories of many people who cut their proverbial teeth on his campaigns. I have heard stories literally from hundreds of people across the old Fourth District who remember him, who remember meeting with him.

He worked and reaped the benefits for those who followed him in office. He laid a foundation for those of us in the delegation who came after him. Ground work for a strong Republican Party in the Fourth District, campaigning was not something that Gene did every 2 years. It was a life-style for him.

He was in a constant state of campaigning, reaching out, building friendships, reaching across the aisle, reaching across the fence on an arm, across the wire at the county fair, meeting people in storefronts. He used to tell me how on Saturdays he would often get in his car when he was back in the district and drive Highway 42 from Pewee Valley where he lived on up towards northern Kentucky, stopping in small coffee shops, in storefronts to visit with ordinary people.

He was a man without pretense, one who people simply knew as Gene. Everyone from our region still remembers Gene's famous campaign jingle, and more than one person has nostalgically sung the whole song to me word for word since I got into politics in 2001. We have heard those words: "Vote for Gene Snyder. He is your working Congressman."

In fact as recently as the last few years, that jingle, which has not been used in a campaign since 1984, was still considered the best political song in the radio stations in Louisville. Gene thoroughly enjoyed interacting with his constituents, and his enthusiasm for his job showed in his ability to recall the names of thousands with whom he came in contact.

Even more telling was the fact that many of his constituents simply knew him as Gene. They never knew the fact that their Gene was considered by columnist Jack Anderson here in Washington as one of the 10 most influential Members of the House of Representatives because of his work ethic, because of his knowledge of the rules, his knowledge of policy and procedure, and the commitment that he made to the citizens of his district and to this country.

During his time in the House, Gene was an unyielding force whose visionary efforts laid the groundwork to improve our region and the lives of Kentuckians for generations to come. Though a fiscal conservative through and through, he worked tirelessly to bring Federal funds back to Kentucky and the Fourth District.

He did this for one purpose: he understood the value of investment and meaningful infrastructure for economic growth, to lay a foundation for job creation in the future. The key to that is what we see today, areas that were farm fields 25 years ago, 20 years ago, 15 years ago have born the fruits of his investment, the seeds of his vision that were planted in economic development and economic growth that has made this area the Fourth District from the eastern part of Louisville up through northern Kentucky one of the greatest technology growth corridors in the Commonwealth and also in the Ohio Valley.

When my friend Rick Robinson, the new legislative director for Gene's successor, now Senator JIM BUNNING, attended a Congressional Research Service briefing on policy and procedure as a new congressional staffer, he told me recently that many of the examples that were cited by the instructors on parliamentary procedure, on the rules, on the way the House of Representatives works were all centered around Gene Snyder and his efforts, his example of being able to build momentum, his example of being able to force an issue when it was necessary or deter or slow one down and that it was not going to be productive for his party or for the citizens of the Fourth District.

It is rumored that when he would walk into the committee with the Jefferson rules, the rules of the House under one arm, the chairman would simply lean over and ask him, Well, Gene, what do you want this time? As a member of the Public Works and Transportation Committee, he helped secure Federal funding for critical transportation infrastructure in Kentucky.

Some of Gene's projects included the Big Mac Bridge of I–471 from Newport over to Cincinnati dedicated in 1981, Clay Wade Bailey Bridge from Covington to Cincinnati, which opened in 1971. He also secured Federal dollars to protect Bellevue and Dayton from flood waters of the Ohio River. He was responsible for creative engineering to bring about, from a legislative perspective, the construction of the bridge over the Markland Dam.

I would like to highlight his creativity on these for a moment. Gene was a man who built relationships and friendships on both sides of the aisle. He was known for his card games. He was known for a happy hour that he ran out of his office in the days of the old House.

In fact, he told me late one night at his house years ago, the story of how the I–471 bridge came about. He said to me, he said, Geoff, how do you think we got that bridge? Answering as somebody from the outside, I said, Well, I figure you had the studies from the Corps of Engineers and the economic impact and the designs and the budget. He laughed and he said, No, it was the happy hour that got Newport, Kentucky, that bridge.

He told me how Tip O'Neill, who was a good friend of his, would regularly come by, the Speaker of the House, to his office, sit with him, play cards, have an occasional drink. One night he had come by, had a few drinks and sat back in Gene's chair, and the Speaker put his feet up on the desk and said, Gene, you've got your bridge. He built relationships to get results. He built partnerships for success on both sides of the aisle in the House of Representatives.

□ 2115

Markland Lock and Dam is another area that illustrates his creativity in legislation. He made a comment to me on another conversation and he said, you have got to make sure you have got a legislative director who knows how to read the rules and the laws governing every aspect of projects or investments that you want to make in your district, on guiding legislation that will benefit our citizens. And he cited this as an example. Southern Indiana and the Central Part of the Fourth District near Carrollton and Gallatin County were suffering economically. He was seeking for a way to link that north and south commerce across the river.

What was there was the Markland Lock and Dam, a Corps of Engineers structure that had no bridge. He set his legislative director to work, and his legislative counsel researched for several weeks and came about with an arcane statute from the late 1800s that stated that not a bridge, but an access road could be placed across a Corps of Engineers structure. So laughingly, late in the night he said to me, GEOFF, that is not a bridge down there on the Markland Dam that links Indiana and Kentucky. That is an access road. And if you go and look carefully you will see that.

Well, I drove down there after that conversation just to see for myself, and I started to laugh as I looked and I saw a freestanding bridge simply bolted to the dam. And I think it was is that type of creativity that made a difference, and that dam still today is creating jobs and creating commerce and linking communities on both sides of the Ohio River to the benefit of generations that have come after him.

He secured Federal dollars for a wide variety of projects. Probably the two of his better known legacies are the beltway around Louisville and the Federal courthouse that both bear his name.

Gene was an extremely down-to-earth man. He was without pretense. Literally, what you saw was what you got with him. The only thing that he ever wanted to be named for him was the Federal courthouse in Louisville. This was situated directly across the street from the Louisville Courier Journal, his long time media nemesis and frankly, the media nemesis of Republicans for over a generation. Gene told me that he was thrilled that day and when that opportunity came along, that the editors who so longed to opine against him and his fellow Republicans would have to look at the name of Gene Snyder every day as they left the employees entrance of the Louisville Courier Journal to see the Gene Snyder United States Courthouse.

Ironically, not long after that conversation, one of those editors who was still working for the Courier Journal told me he figured Gene had the building named after himself just to aggravate that specific editor at the Journal.

In 2005, I was proud to carry on the Gene Snyder tradition with a legacy for him to name a new intern fellowship program after him. Working in conjunction with Kentucky University, Northern Kentucky University and Thomas Moore College, my office has had the privilege of bringing talented students interested in politics to work full-time for a semester in Washington, D.C. to see the people's House from the inside, to see that it is not all the writings in a civics book, but it is relationships, it is friendships, it is a process that the Founders gave us to move our government forward and to move the Nation forward.

I thought long and hard about approaching him on the name, and I finally called him and I asked him if I could use his name. And I said, Congressman, we would be honored if we could name this program after you, the Gene Snyder Congressional Internship. He stopped for a moment and he said, well that sounds mighty fine. And then he said, you know, no, GEOFF, you need to name that after yourself. And I was taken aback as a freshman congressman when he said that.

We talked back and forth for a little bit and I finally shared with him that I felt it would be not only somewhat ostentatious and vain for a first time congressman to name an internship program after himself, I just felt it would be inappropriate because of the legacy that Congressman Snyder had. And he stopped and he said, you know, you are right, GEOFF. Naming it after yourself may cause you some problems. So you go ahead and name it after me. I burst out laughing on the phone and I said Congressman, I said Gene, you are just shameless, to which he responded wryly, he said no, GEOFF, I am just looking out for your best interest for the future.

And even today we have Gene Snyder interns working in our office, carrying on the legacy that that man began when he was elected to the Fourth Congressional District of Kentucky in 1966. It is my hope that this program will continue for many years to come and will help foster that spirit of civic service that would make Gene Snyder proud.

In October, 2006, I was part of a historic event that took place in Oldham County, Kentucky during the latter part of my campaign. It was a meeting between Senator JIM BUNNING, Gene Snyder and myself, and it was a humble privilege to be part of the final gathering of three Members of Congress who served the Fourth District of Kentucky. Gene Snyder and Senator BUNNING have been constant encouragers to me and have helped make the Fourth District what it is today.

I am forever in debt to their hard work and service to the commonwealth and to our Nation. To me, the newest person to inherit a piece of this great legacy that Gene gave us, I can share that the highest compliment that I could pay to him is to say that he was real. I became a better campaigner and certainly a better and more effective Member of Congress listening to Gene's advice. In fact, just today we passed our first piece of bipartisan legislation in this new Congress, and I have put the legacy back to the advice that he gave me before I got elected, of building those friendships and those relationships to benefit the people of this country. And I say thank you to Gene Snyder for that legislation that passed today.

At one event when we were together I was trying to talk to him at length because it was just so exciting to see him. In his last years, he was not in good health and was in constant pain and I cherished the few moments that we had. But he leaned on me and he grabbed my arm and leaned over and whispered in my ear he said Geoff, you have got my vote. Now go get theirs, and pushed me towards a crowd of new people that I hadn't talked to yet. Always the campaigner, always the consummate politician, always caring for the stewardship of the office.

As we look at these times and the legacy that was given, I think there is no better person to share a perspective on Gene Snyder than the dean of our delegation. Hal Rogers was elected to Congress in 1980. He knew Gene Snyder during his time coming up in Kentucky politics. He knew him as a colleague here in the House, and many Members have learned from him. And I would like to yield as much time as the gentleman from Kentucky's Fifth District would consume to just share his perspective.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding this time, and I want to say to him how much I appreciate him taking this Special Order out as the successor to Gene Snyder in that district to allow us to pay tribute to this legendary figure.

I came here in January of 1981, and Congressman Snyder had been here, of course, long before I got here, had been here at that time I guess 14 or so years. But he took me under his arm and taught me many of the same lessons that the gentleman has just referred to. A kind, gentle soul. But when he had a project on his mind you better get out of the way because he was tough, and he knew what he was doing. And he carried in his pocket a list of those who voted against his bill so that if you wanted a favor from Gene Snyder you had better be on his list that he always carried with him. He would always refer to that list when he was thinking about helping his colleagues. And that made him very, very effective.

He was a dear friend and a mentor of all of us. He was particularly helpful to me as a freshman Member of this body. And I was very, very sad to see him leave the body in 1986. But he deserved a retirement. But we never could get him to come back to Washington to see his friends. When he finished his work here, he was finished with his work here and he retired to his home in Florida.

At his funeral last Saturday in Louisville, a beautiful ceremony, Senator MITCH McCONNELL, the Republican leader in the Senate, from Louisville, an intern in Gene Snyder's office, that is where he got his start, paid Gene Snyder one of the most beautiful tributes that I think I have ever heard. The eulogy that Senator McCONNELL gave to Gene Snyder is memorable.

In fact, Mr. Speaker, I am going to quote that eulogy because it says what

I would like to say myself, except it has been said so well by the Senator. So if you will bear with me, I am going to quote the eulogy that Senator MCCONNELL gave at the funeral Saturday.

"Twenty years have passed since Gene Snyder said goodbye to Washington. We gave him back to Pat, and she took good care of him until the end. We honor you, Pat, for your devotion to Gene on the wonderful journey that was marked by much suffering in these last years, and we share your grief.

"Kentucky politics has been known to produce some fine storytellers. Marion Gene Snyder was one of the best. You wouldn't want to share all of these stories with the League of Women Voters, or the Plague of Women Voters as he called it. But when Gene died last week, one of the greatest Kentucky stories of all time came to a close.

"Born in West Louisville to Marion and Lois Snyder, Gene came of age in a time and a place where you worked hard, went to church on Sunday, and always voted democratic. His dad worked a number of jobs to support the family. Gene summed up his childhood like this: I was a poor boy, he said from the other side of the tracks in a cold water flat.

"But what he lacked in privilege he made up for in smarts. Politics called at an early age and Gene responded in the only way he knew how. He gave it everything he had. He enrolled at the University of Louisville, went to law school. He volunteered as precinct captain before he was old enough to vote and he won his first political appointment as Jeffersontown City Attorney in 1954 at the age of 26.

Continuing to read now from Senator MCCONNELL's eulogy at the funeral, he says, "party officials saw his talents right away, and 8 years later, they tapped him as a candidate for Congress.

"Youth wasn't the only obstacle he faced. Let's not forget that back then, "conservative" was a bad word. When Gene was preparing his run, a famous Harvard economist summed up the national mood. These are the years of the liberal, he said. Almost everyone now so describes himself,

"Not Gene. He was conservative before being conservative was cool. And he made no apologies for it. Most people would have excused him for moderating his views until he got his feet under him. But he wasn't the type to bend in the direction of the crowd. He stood still and watched as the rest of the country bent toward him.

Now, continuing from the eulogy that Senator MCCONNELL paid tribute to Gene on Saturday at the funeral, "he was 35 when he arrived in Washington with the rest of the class of '63. He had a lot to say and a way of saying it. He saw a lot that year. A President assassinated, a new administration and the stirrings of an anti-American counter culture that he would battle, always with good humor, for much of the rest of his life.

"It was a difficult time, but it was exhilarating too. Young conservatives were quietly developing the ideas that would one day drive the political culture in Washington, and men like Gene Snyder, who dared to speak those ideas in a hostile crowd, gave all of them reason to hope.

"Those were the thoughts that were going through my mind at least, Senator MCCONNELL says, when I applied to be an intern in Gene's office after my junior year at U of L. Like most interns, I spent most of that summer in the mailroom. But I was working for a man who knew what he believed. That appealed to me.

"It appealed to me even more when I saw him lose his seat the following year. Most Republicans were running away from their party's presidential nominee, Barry Goldwater. Gene stood still. He embraced Goldwater, even when it was clear that Lyndon Johnson was about to destroy him in the general election. He brushed off the loss with customary good humor. He took out an ad in The Washington Post that read, "caught in the LBJ landslide. Congressman must sell three bedroom, one and a half bath home on large lot near schools and churches."

"When a curious reporter called the number on the ad, Gene picked up on the other end. Johnson carried my district by 64,000 votes, he said. I lost by 16,000. That means I was 48,000 ahead of Goldwater.

"I wouldn't have done anything differently in that campaign, he said. I don't think you should rise above principle just to win an election.

"So he came back home, started over and won again 2 years later as a proud conservative. And for the next 20 years the people around Louisville and Northern Kentucky knew they were home when they heard Gene's campaign jingle come over the radio. I think most folks felt the same way about that jingle as the customer who walks on to the screen in that Head-On commercial and says, the commercial is annoying, but the product is great.

"The gentleman from Kentucky made the most of his time in Washington. He threw himself into his work with the enthusiasm of a child. It was a different time. Slower, more congenial, more fun. Gene Snyder was the perfect man for those times.

Now, continuing from the eulogy that Senator MCCONNELL gave at the funeral Saturday, "the people around here learned the art of politics by watching him lean over fences and shake hands with tobacco farmers in Carrollton.

□ 2130

They learned to enjoy it, too, the way he did, riding up Dixie Highway in a Lincoln car on warm summer nights, stapling his campaign fliers to telephone poles until the sun went down.

"A master of the practical joke, Gene once told a staffer to find a reception room in the Capitol that hadn't been cleaned up from the night before and to bring back the flowers. A little while later, one of the female staffers on the Public Works Committee found the flowers on her desk with a love note. Gene wrote the note, but he signed it with the name of an unsuspecting male staffer.

"His humor even found its way into legislation. The Kennedy Center was supposed to be a self-sustaining institution. But when it couldn't pay its bills, it would ask the Public Works Committee to help out. Gene was the top Republican on that committee, and he didn't like the idea at all. So he introduced a bill proposing Friday night wrestling at the Kennedy Center as a way of boosting ticket sales.

"A visitor to the House of Representatives in the late 1970s might have noticed a large man in a brightly colored sports coat. Gene liked to dress himself when Pat was out of town. Well, C-SPAN put an end to that. One day three worried viewers from Kentucky called Gene's office to say their Congressman was on fire. The camera made his cranberry and orange jacket look like he was engulfed in flames.

"Gene always enjoyed a relaxing atmosphere. After a late night at the Capitol, Members always knew where they could relax or have a drink. The third floor of the Rayburn House Office Building was a good bet. You might find Gene there playing gin rummy with friends or telling a story. You would just follow the laughter.

"By 1979 most of the Nation had moved firmly in Gene's direction. Goldwater finally won his election in the person of Ronald Reagan, and Republican officials in Louisville were excited. I remember because there were about two of us back then, me and Gene. We announced our support for Reagan together, and Kentucky voters would give our 40th President their endorsement a year later."

Now, continuing from the eulogy that Senator MCCONNELL gave at the funeral Saturday:

"Gene's good humor was matched by his skills as a lawmaker, though he didn't like to admit it. 'I'm a lawyer,' he'd say, 'but not enough to hurt.'

"Yet anyone who worked with him knew he was one of the great parliamentarians of his day, someone who brought a staggering knowledge of the rules to the Public Works Committee and a lot of good things back to Kentucky.

"He was instrumental in building the Jefferson County Floodwall, the Markland Dam Bridge, the Clay Wade Bailey Bridge in Covington, and the Banklick Creek Watershed Flood Control

Project. He was responsible for the Dayton Floodwall; the Falls of the Ohio Wildlife Conservation Area; the renovation of the Louisville Post Office and the Louisville Courthouse; and a new terminal at Standiford Field; new bridges in Covington and Newport; the Gene Snyder Airport at Falmouth; and, of course, the freeway. That is what Gene called it anyway. Just the freeway.

"Gene embodied the old rule that Members of Congress should be friends after 5 o'clock. He was a committed conservative, but even liberal Members lined up to thank him in his last days in Washington. One of them had this to say: 'Gene Snyder has been devoted to building things like bridges across rivers and streams, but he has also devoted himself to devoting goodwill among people.'

"When the last staffer turned off the lights and pulled the door shut on Gene's Capitol Hill office, an era in Washington ended. The people in the Fourth District saw a lot more of him and Pat. The members of Owl Creek Country Club would hear his stories now. The people at Concordia Lutheran saw him quite a bit.

"But Washington would miss, and still misses, his common touch, his lack of pretense, his principle.

"Age and illness would take their toll in the last years of Gene's remarkable life, but his humor remained. Old friends would call just to hear the recordings on his answering machine.

"But now death has done its work, and a great American story comes to an end. Yet we know it continues. This husband, father, lawmaker, mentor, and friend goes to the Father's house now.

"We take comfort in trusting him to the Lord of Mercy, who tells us that in the life to come, every question will be answered. Every tear wiped away. And we look forward to the day when we see Marion Gene Snyder again, upright, restored in body, healthy and strong, reaching across the fence to take our hands."

So, Mr. Speaker, that is the eulogy that Senator MITCH MCCONNELL of Kentucky, the senior Senator from Kentucky, the Republican leader in the Senate, as he delivered the eulogy to our friend Gene Snyder Saturday at the funeral in Louisville. I read the eulogy because I could not say it any better.

Gene Snyder was a legend in his own time. He is a legendary Member of this body. He was one of the most powerful Members of this body for many years. But beneath that sometimes publicly crusted personality was that warm, gentle spirit and warm, gentle heart; that helpful person who reached out a hand to help those who needed it, whether it be a Member of Congress or a person back home looking for help on a Social Security claim or a veteran's pension or the like.

We won't see his kind again, unfortunately, but I am glad that I had the honor and privilege of knowing Gene Snyder for many, many years, listening to his advice, laughing at his stories, and enjoying the companionship that we did. God rest his soul.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman.

Congressman ROGERS, I think you captured the emotion and the power of that funeral, the eulogies, the reminiscences that brought so many to laughter. Sitting with Gene and Pat Snyder was always a wonderful journey back to the old House in the days before C–SPAN, before 24-hour news cycles, before multimillion dollar campaigns.

The one thing that struck me about him when I first met him was his complete lack of pretense. As a young man, I couldn't believe this was a Congressman, compared to the image that one would have on TV, somebody so approachable, so transparent, and his great gift of humor. He could teach with humor. He could scold with humor and make his point very clearly. He was a man who built friendships that transcended partisan differences.

As Congressman ROGERS mentioned from Senator MCCONNELL's eulogy, one of his great friends in the House was Congressman Carl Perkins, who represented what is now the western part of the Fourth District, centered in Ashland, Kentucky, in Boyd County. He and Carl Perkins could fight on the floor, fight in the hallways on issues, but at 5 o'clock they were friends, and they were strong friends committed to the Commonwealth, committed to the future of Kentucky.

He was a strong leader. And probably the highest compliment that I could pay him is that he was real. And that fact is never lost on those who knew him. Those who were his foes in legislation had tremendous respect for him and invariably they liked him.

The real fruit in a person's life comes from the seeds that are sowed in many lives, the fruit that is born from that. I think of several names to mention here that come to mind. Congressman ROGERS shared his perspective on Gene's influence in his life. I have shared mine on his influence on me. My wife, Pat, and I used to live in La Grange, Kentucky, down near the Louisville suburbs. My first campaign chairman in Olden County was Harold Smith. Harold Smith, as a young attorney in 1966, managed Gene's first campaign for Congress in the Fourth District, and then he helped manage my first campaign for Congress in 2002 and then again in 2004 and again in 2006. I think about that legacy of friendship and how he reached out and was known by so many in the community.

Another was his staff director on the Public Works Committee, Mike Toohey, who also was with us on Saturday. Mike left government at the time that Gene retired and had a long and distinguished career in government relations, helping Ashland Oil, later Ashland Inc., to reach out and communicate its needs and the needs of our citizens in Kentucky legislatively and was a great friend to the Commonwealth and was also one of those products of Gene's influence and his mentorship.

Another was Joe Whittle, who met Gene the first time in 1975 when he was running for attorney general in Kentucky at a time that it wasn't cool for Republicans to be running on a statewide ticket. Gene called him up on the phone. Joe was a little taken aback to get a phone call from the famed Congressman Gene Snyder, but he invited him to come up to meet him in Louisville and then drive up to Northern Kentucky to give a talk at the Beverly Hills Supper Club to a large group of Republicans there. When Gene got up to introduce Joe Whittle, he used his humor to make that strong point about how he had sized up Joe's character, and he said, This is Joe Whittle. He is a lawyer but not enough to hurt. And they instantly became friends and were close and intimate friends until a week ago when Gene left this Earth. Later Joe Whittle became the United States Attorney for Western Kentucky.

The investment that Gene made in so many lives has transcended their immediate impact and gone to other generations.

Anne Gernstein, who is now the chairman of the Olden County Republican Party, was his office manager at his office in Louisville. And before I first met Gene, I met Anne. She was helping with the local campaign, and I walked in the door as a new volunteer, just wanting to get involved in politics, and I would have never thought at that time that I would have the great honor and privilege to follow in the legacy of that great man.

Gene, we will miss your humor and that twinkle in your eye right before you are about to spring a joke on someone.

To Pat and the children, thank you for sharing this great man with us. Your hospitality and kindness are remembered by so many that you have touched throughout the years.

Gene Snyder left an indelible imprint on Kentucky and our country. With his passing, Kentucky has lost, and the Nation has lost, a great leader and a true statesman; but his legacy continues to live on.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House.

And to my colleagues on the Republican side of the aisle, it sounds like our past colleague Mr. SNYDER and his family served our country well, and we appreciate his contributions to our country in serving in public service.

Mr. Speaker, as you know, this is the first night of business, returning back from the Presidents Day break. Before we left we had a week-long debate on the question of Iraq, a nonbinding resolution opposing the troop escalation that the President has put forth at this time.

And the discussion continues, Mr. Speaker, as we start, Democrats and Republicans, molding out the direction that we have to head in in this country. The American people, Mr. Speaker, voted for change and a new direction. And to bring about that kind of change and new direction, there are going to have to be some votes here on this floor that are going to speak volumes back home of how we are going to proceed from this point on and how we are going to assist our men and women in harm's way and how we are going to deal with this issue in Iraq and in Afghanistan and other domestic issues that we have here.

I am very pleased to not only share with the Members, Mr. Speaker, but also with the American people the fact that 246 Members of the House voted in the affirmative to disagree with the President as it relates to the recent troop escalation of some 20,000 combat troops and anywhere from 3,000 to 4,000 support personnel being sent to Iraq, which was announced by the President on January 10 of this year.

□ 2145

I think it is very, very important to note that that was a nonbinding resolution. Even though it was nonbinding, it really set the course for the Congress to play a role.

I think the reason why we are in the majority, and when I say "we," the Democrats are in the majority right now, Mr. Speaker, is not the fact that our message was better than the Republican message in the last election. I think the American people were counting on change and heading in a new direction.

So it is important, and I am encouraging the Members in a bipartisan way, that we work very hard to give the American people what they want and to give the men and women in uniform what they need. I think that is a Congress having oversight hearings; a Congress debating the issues as it relates to troop readiness; a Congress that is willing to take the tough votes when they need to be taken; to be able to provide the kind of leadership from the congressional oversight end.

The President is the commander-in-chief. That is outlined in the Constitution. No one is really trying to bother that or hinder that. We just want to make sure that the troops have what they need when they go into harm's way, need it be Iraq or Afghanistan.

I mentioned a little earlier in my talk about readiness. I think it is important that we identify this, because it is used a lot here on the floor. Being a member of the Armed Services Committee and having had an opportunity to travel to Iraq twice, and looking forward to going back soon and going to Afghanistan and other areas where we have a military presence, readiness is very, very important.

Readiness is almost like if you have an illness and you are going in for a major operation, you want to make sure that that doctor has what he or she needs to be able to carry out your procedure.

I think it is important as we look at our National Guard and we look at our Reservists and we look at our active duty that they have what they need to carry out the mission if they are sent to Iraq. You can't go unless you have up-armored Humvees that are going to match the mission. You should not go and we should not send them if they don't have the Kevlar vests that they need. They should not go and we should not send them if they don't have the kind of backing that they need from a support standpoint that is trained and ready for the mission in Baghdad, need it be door-to-door searches, need it be guerilla warfare, need it be the general equipment one may need to carry out that mission.

There is nothing wrong with the word "readiness." I put it in the category, Mr. Speaker, of responsibility. I think it is important. I think it is irresponsible for us to send men and women into harm's way without the necessary tools that they need.

Now, there are some Members that are saying, well, why do you have Members concerned? A colonel told us or the President told us or I read somewhere in a news release or I saw on the news that they have everything they need, and why would we send them over there in the first place? We all have their best interests at heart.

I am going to share with Members, Mr. Speaker, that being a member of the Armed Services Committee in the last two Congresses and this Congress too, I have seen the Secretary of Defense say they have what they need. "Anything the troops need, we will give it to them." And later I will pick up a news account that they don't have what they need, or go to Walter Reed and talk to a soldier that ended up being blown up in a Humvee because of an improvised explosive device, because that Humvee did not have the up-armor that it needed. It is the total opposite of what I hear here on Capitol Hill and what I have seen at Walter Reed.

Let's take Walter Reed out. I have gone to Germany, Mr. Speaker. I have seen service men and women without legs. They didn't have what they needed. We were told they had what they needed, but they didn't have it.

Just 2 weeks ago, last week during the debate, I think it was on Tuesday or Wednesday, I was at the White House for a meeting and we had an opportunity to ask the President questions and I had an opportunity to ask the President a question. And I shared with the President, we talked the nonbinding resolution. The President agreed he thought that it would pass here on the floor because the votes were there. He has people that are counting these votes.

I said, "Mr. President, I think it is important as we look at this as being a nonbinding resolution, there will be a binding resolution or a binding supplemental, emergency supplemental for the war in Iraq and Afghanistan, and there will be language in there, and you shouldn't have a problem with it, to say that we should not send the troops unless they are ready. I am not talking about mentally, I am talking about having the equipment they need to carry out the mission and not find themselves in harm's way without having the kind of backing that they need to be able to carry out the mission once again."

Of course, the President came back in a very roaring voice saying, "KENDRICK, do you believe that I would send men and women into harm's way? I hear about the funerals. I write the letters and I call the families. You believe that I would do that?"

I don't believe that the President would do that. But let me just share this with you: It has happened, and I think it is important that we realize that it is happening.

Yes, if I am talking to a friend of mine and they are saying, well, you know, I know there have been reports of the new car that I bought, that it has some sort of problem with the engine that has come out in the auto report or what have you, but I am going to be okay regardless.

Maybe it is not the best analogy that I can come up with at this point, but we have been told that the troops have what they need, we have been told they are ready for the mission that they are being sent to, and we found out otherwise later.

Now, Mr. Speaker, it gives me no pleasure, and Members, it gives me no pleasure, we are at 3,154 men and women in uniform that are dead now. We appreciate their contributions to our country and we appreciate the way that they have applied themselves on behalf of what we sent them over to do. But I will tell you standing here as a Member of Congress, that some of these deaths could have been prevented if they had what they needed.

Now, Members can go back and forth on how you feel about leadering up, manning up and womaning up to be able to do what you need to do as a Member of Congress to fight on behalf of these individuals. I am not questioning anyone's patriotism. I am not questioning anyone's integrity. I am not even questioning any Member of Congress' will or desire to make sure that we give the troops what they need.

I believe we all are well-intended. But we have to make sure that when that man or woman leaves their family on a tarmac, need it be at an active duty military camp or at a commercial airport where you have Reserve and National Guard individuals that are leaving to go into harm's way, it is our duty and our responsibility as Members of Congress that have oversight of the taxpayer dollars to make sure, even though someone has said it is going to be okay, but to make sure that they have what they need. It is that simple.

So, I was not shocked, Mr. Speaker, by seeing the bipartisan vote before we left on President's break. I am definitely not a prophet and I am not a psychic, but I knew, based on the message from the American people, Democrats and Republicans, I am not just talking about proud Democrats kind of got together and said hey, let's do this. We don't have 246 Members here in this House on the majority right now, so it took 17 Republicans to come along with Democrats or to be with Democrats or to be with individuals that understood that message last November from the American people.

As far as I am concerned, in the 30-something Working Group, we don't focus on issues, "let's go to the floor and make sure we gain a greater majority." Not when it comes to national security. Not when it comes to the very heartbeats and the way of life of those individuals that put their lives on the line and those that have put their lives on the line in the past, and I am going to talk about them a little later, Mr. Speaker.

You don't play politics with that. That is national security. That is someone's daddy, that is someone's mother, that is someone's son, that is someone's daughter that may not come home because someone told someone else in Washington, D.C. that it was going to be okay.

Now, there are a lot of folks around here editorializing on what Mr. MURTHA is talking about from Pennsylvania, who is an outstanding Member of the Congress and also happens to be the chairman of the Defense Appropriations subcommittee.

I think it is important that we look at someone who is a decorated Marine, that has fought for us to salute one flag, who served in Congress double digit years, that still is willing to serve this country. We have someone that is willing to say I voted for the war, as Mr. MURTHA did, and to say that I have been to Iraq, I have had oversight hearings, and I must add that he has had more oversight hearings since this Congress has been active in the last 2 months than they had in the entire 109th Congress with 2 years combined and then some.

And that the committee is hard at work to make sure that when those family members look at those men and women that are going into harm's way, that they know, not maybe, not, well, you know, I am trying to get there.

I heard what the President said. I heard what the Secretary of Defense said. I even heard a member of the brass say it. When they go out on patrol, and I am not a military person and I am not going to represent myself as someone who has served in uniform. I have just been a State trooper and I have been an elected official for 13 years, and I have served here in this Congress for the last 4 years and a couple of months. And I have been federalized by the people that elected me from the Seventeenth Congressional District.

I will tell you this: I know what my job is, and I know what Mr. MURTHA's job is, and I know what the job of all of the Members of Congress, including the Members of the Senate and the President of the United States and the people that he appoints, that we need to make sure, we need to make sure beyond 100 percent, we need to make sure 160 percent, if we can, 200 percent, that those men and women that go into war, that their chance to come back to this country the way they left is our paramount duty.

So, I am not really tied up in a debate, Mr. Speaker, and I don't think here on this side of the aisle and even some of the Members on the other side of the aisle are tied up in the debate about the details of the obvious.

The obvious is, Mr. Speaker, the fact that the troops should have what they need when they go into harm's way. Why are we even talking about that? Why are some Members objecting to that being in the emergency supplemental, to say that they should have what they need to go into war? If it wasn't so serious, it would be funny. So I think the Members, we need to kind of put that to the side and say that there are other issues that we have to deal with.

Profiteering of the war, reams and reams of paper, Inspector General reports of how U.S. contractors have been fleecing of the U.S. taxpayer dollar. Our paramount, one of our fiscal paramount responsibilities is to make sure that the Federal tax dollar is not only appropriated, but disseminated in the right way to make sure that ultimate accountability is paramount once again.

So I am excited about what is happening here, Mr. Speaker, I am excited about the debate that is taking place, and I am excited about the forward progress that we are making in that area.

I just want to address one more thing before I turn it over to my colleague, Ms. WASSERMAN SCHULTZ.

Mr. Speaker, I was very disturbed last week and have been disturbed, and here in the 30-Something Working Group, we have been talking quite a bit about our veterans. Now, I mentioned that a little earlier because the veterans, we say we are the 30-something Working Group. A lot of those veterans are 30-something now. Many of them are even 20-something, because of their service. Some of them are 40 and 50-something. And they are coming back.

In the last Congress, in the 109th and 108th, those were the only two Congresses I can account for, because beyond that it was my mother serving here, and I am pretty sure that I can get a good account from her about what happened or I can research in the CONGRESSIONAL RECORD, we have Members coming to the floor chest-beating, "Oh, I support the men and women in uniform and our veterans, and I am going to be in the veterans parade and I am going to wave and carry on and I am going to let them know that I love them."

Well, let me just say this: In the 108th and the 109th Congresses, veteran benefits were cut, period. They were cut. And as we continue to talk about it, as we continue to dissect the President's budget, this document here, as we continue to dissect this budget here, find out what is in it and what is not in it, what is going to be given to the American people and what is going to be taken away, we are going to find out where this administration falls and the old majority in this House falls on the issue of veterans.

☐ 2200

Now, I can speak, and I know we can speak, in a very bold voice when we talk about our commitment to veterans. I have a veterans hospital in my district. I have actually two. When I go and visit, I look at those men and women. They could have served back in Korea, World War II. I even met a gentleman who served in Grenada, Haiti, 82nd Airborne. You have these individuals that are there. Vietnam, that are there. Some folks may not know that they served, but we know they served.

Our responsibility in Congress is not to just carry on and talk about how we support the men and women in uniform and those who have served, and we honor them and we appreciate them; but I think it is important that we speak with our dollars and our commitment here as Members of Congress.

In January of 2003, the Bush administration cuts off veterans health care for 164,000 veterans. That is on our Web site.

March 2003, the Republican budget cuts $14 billion from veterans health care. That was passed by Congress with 199 Democrats voting against that measure of cutting the $14 billion.

In March 2004, the Republican budget shortchanged veterans health care again by $1.5 billion. That was passed by the Congress, 201 Democrats voting against that measure.

March 2005, President Bush's budget shortchanges veterans health care again by more than $2 billion. Again, 201 Democrats voted against that. This was House Resolution 95. The vote number was 98.

In the 30-Something Working Group, we actually pull information from the CONGRESSIONAL RECORD. I think it is important that Members and the American people realize that.

Again, November 2005, the Bush administration as it relates to the shortfall, Democrats fought that summer to be able to get back the $2.7 billion that was taken out. And we have a member of the Appropriations Committee here, but in the last continuing resolution because the Republicans did not do their job, Mr. Speaker, in making sure that the work was done when the Democratic Congress took over, they couldn't get all of the bills passed. They just kept punting down the street. In our continuing resolution, we retooled Members' projects and other nonissues that weren't a priority because of the thirst that veterans have and the Department of Veterans has to provide the services for our men and women that serve. The Democrats increased the VA health care budget by $3.6 billion in a joint funding resolution. I say all of that to indicate it is important that we do this.

One last point. While we were on break, The Washington Post: "Soldiers face neglect and frustration at Army top medical facility" here in Washington, D.C., Walter Reed Hospital. This is a Washington Post article, Sunday, February 18, 2007. It was dropped here on my doorstep in Washington, D.C. I read this, and it was a follow-up article. I think it is important that the American people and Members of Congress pay close attention to what is happening.

You have patients and outpatients that are saying that Walter Reed, they are encountering a messy bureaucratic battlefield that reminds them of the real one that they faced overseas.

It also talks in this article about rats and mice and dead insects in this hospital. Smells and carpet stains.

Again, Mr. Speaker, our job, yes, we say we support the troops. Yes, we say we support veterans. We are supposed to say that. But when we come here and we take our voting card out and we go to these committees, we have to make sure that we follow through on what we say.

So I am excited by the fact that by reading everything that I have read about what has happened in the last two Congresses and beyond, that we have already put $3.6 billion, and we haven't had a full cycle to be able to even dissect the budget and to appropriate. So saying that, I want to pass it over to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), a good friend of mine. I am glad she is here to shed light on our message here tonight.

Ms. WASSERMAN SCHULTZ. Thank you so much. It is a pleasure to join my 30-something colleagues, Mr. MEEK and Mr. MURPHY.

Mr. MEEK, you started talking about the travesty that was revealed by The Washington Post just before last weekend about what is going on at Walter Reed Medical Center and the campus and its facilities.

I had the privilege of going to visit our men and women that are at Walter Reed who have come back from Iraq injured. Almost every soldier I met with was an amputee and went through a devastating experience, devastating injury. But the ward that they take you through, like this article says, is spit-polished and brand-spanking clean. There is not a shadow of what is described in this third-party validator, which is how we refer to our information that we bring out here to demonstrate the facts.

I want to read just a paragraph from the article. I want to highlight some of the things, and we have been joined by our good friend Mr. ALTMIRE from Pennsylvania.

This article hit me like a ton of bricks: "Life beyond the hospital bed," and this is what is going on at Walter Reed that is not what they show us as Members of Congress and that they show the President and Vice President about what is going on at Walter Reed. "Life beyond the hospital bed is a frustrating mountain of paperwork. The typical soldier is required to file 22 documents with eight different commands, most of them off post, to enter and exit the medical processing world, according to government investigators. Sixteen different information systems are used to process the forms, but few of them can communicate with one another. The Army's three personnel databases cannot read each other's files and can't interact with the separate pay system or the medical record keeping databases. The disappearance of necessary forms and records is the most common reason soldiers languish at Walter Reed longer than they should," and it goes on.

That is just unbelievable. A mountain of red tape and bureaucracy is what our troops come back to the United States to and have to deal with. I thought we well established after 9/11 that interoperability and communication between systems was an obstacle that was intolerable.

How could we allow this to happen and just let our veterans, who fought for us so valiantly, and the analogy I will make is while our troops might not come home, and thank good they are not coming home to the same reaction as our Vietnam veterans came home to, how is this not as bad? It is actually worse, in a way, because instead of just having to suffer the wrath of their fellow Americans, which was a travesty and certainly hurtful and harmful, instead they come home and suffer the wrath of their government, the benign wrath of their government. "Benign" meaning not specifically intended to harm, but it is like death by a thousand cuts.

Mr. MURPHY of Connecticut. If the gentlelady would yield for a moment, let us also think about what this message is to those that would sign up for this volunteer military force being sent to defend our country overseas. Not only is this unconscionable to those who have sacrificed everything to fight for this country in Afghanistan and Iraq, but think about those who we are asking to join the Armed Forces. We don't have a draft any more, and many people are thankful for that. We rely on the decisions by courageous men and women across this country to join voluntarily our Armed Forces.

So when they see people coming back from these wars, being treated without the basic dignity that any of us would expect those men and women to be treated with, I would think, I hope it doesn't, but I would think it might give pause to those that would join our military.

So I think of this from a point of conscience deep inside me, and I also think about it from a standpoint of national security. What kind of signal are we sending to those who are going to be the next generation of troops when this is how we treat them when they come back.

Ms. WASSERMAN SCHULTZ. Thank you. That is a very important and valid point.

I want to read a quote, and that quote is this: "So let's get something straight right now. To point out that our military has been overextended, taken for granted and neglected, that is no criticism of the military, that is a criticism of the President and Vice President and their record of neglect."

Who do you think said that? I will tell you who said that, George W. Bush, as a candidate, said that on November 3, 2000, in an interview on CNN.

I think it is pretty clear that he was right almost 7 years ago, and it is just sad that he didn't mean it. It is sad that he didn't actually do anything more than say those words instead of taking to heart what he supposedly believed at the time and making sure that it didn't happen when he became President.

Clearly Walter Reed, the lack of body armor and preparation and training that we are sending, that we have been sending and he was willing to send our troops over to Iraq and Afghanistan without, is clearly still something that he is willing to do. Unfortunately, all the President has been is a candidate who spews words with really not too much meaning behind them. It looks like Mr. ALTMIRE would like to say something.

Mr. ALTMIRE. I thank the gentlewoman from Florida and the 30-something Working Group.

I was in my office doing some work after the district work period, and I heard the gentleman from Florida (Mr. MEEK) speaking on veterans and the problems at Walter Reed. I had to come down here and join in the conversation, and I appreciate your offer to do so.

I want to tell you about a few things that happened in my district back home. I had several meetings with organizers and folks in the veterans community in my district. I toured a VA hospital that is undergoing a major expansion. As we were doing this throughout the week last week, the articles from The Washington Post about what was happening at Walter Reed appeared.

I have to tell you that the veterans community in my district, and I am sure in other districts around the country, my veterans were outraged at what was happening there because there has been a lot of talk during the debate on Iraq and other forums that certain individuals are not supporting the troops and not displaying the right commitment to the troops, and there is a partisan affiliation with that. But I want to tell you, we have a situation taking place at Walter Reed where we have veterans returning from Iraq and from Afghanistan, as has been pointed out, with severe injuries. These are 19 and 20 year olds, with severe, long-term, lifelong injuries. These are the people that we are talking about when we are having the debate on Iraq and Afghanistan and who is supporting the troops and who is not.

I would leave it to others to determine who is at fault here. That is not what this is all about. What this is about is protecting our veterans and finding a way to improve the system.

I have to say I shared the outrage of the veterans in my communities when I heard about these articles because these are the people that are fighting for us overseas that are in harm's way, and the situation in Iraq and Afghanistan is going to be the subject of another debate coming up on funding and we are going to hear some rhetoric thrown around I am sure on this floor and other places about support of our troops and who has been supportive of our troops.

As the gentlewoman from Florida knows, during the debate on the budget, the continuation resolution, I was one who pushed very hard for increased funding for our Nation's veterans. I want to say that our leadership was able to put in $3.6 billion in funding increases for the VA health system. I have said many times, and I will say it here again tonight, Mr. Speaker, that I will never support a budget bill that does not fund the VA health system to maintain the current level of services every year that that budget funds.

□ 2215

They have been neglected for far too long, and we have seen what has happened at Walter Reed. We have seen the situation as outlined in great detail, and I do want to commend The Washington Post for the job that they did in putting forward these facts because these are things that needed to be known.

We have a backlog in the VA of 400,000 cases. A 400,000-case backlog in the VA health care system. Mr. Speaker, that is just unacceptable in this time.

So I will yield back, but I did want to say that I was in my office, and I just could not resist the opportunity to come down one more time and say that I share the frustration of the Members here, the 30-something Working Group, on this issue because I personally am a little bit tired of the rhetoric that certain people are not supporting the troops. I agree that there are people who are not supporting the troops, and I will leave it to others to determine who that is, but I do not think that that has a place in the debate when we have a situation at Walter Reed that has been outlined. We have a budget situation where we have not funded our veterans as we should have in past years, but we are going to make up for it with this year's budget and continuing budgets.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank Mr. ALTMIRE. Your veterans in your district and veterans across this country have you to thank, along with others, that you helped rally to the cause to make sure that the continuing resolution that we passed here, which is effectively the Act that keeps the government operating, that provides the resources to different agencies, including the Veterans Administration, you made sure that that bill had the proper resources in it for our veterans.

Here is the good news. We are talking about what is past and we also have to talk about the prologue as well. A new sheriff is in town, and the good news for veterans and for the American people is that we are going to make those investments in veterans health care. We are going to change things in this Congress. Mr. ALTMIRE and I ran in part to make those changes, and Mr. MEEK and Ms. WASSERMAN SCHULTZ stood up here night after night after night making the case for that change.

If the American people spoke out about many things, one of them certainly was that part of our change in foreign policy had to be doing justice to those veterans. So I hope that when people hear us talk about some of the bad things happening within our veterans system here, they understand that we are only saying it because we are part of the movement which is going to change that.

The Disabled Veterans of America were in my office today, and they shared with me a pretty remarkable statistic, and I hope I get it right. In previous foreign conflicts, the ratio of those killed to those that were wounded in battle was 3 to 1 wounded to killed in action. In this conflict, it is 16 to 1. Now, that is great news, that we have made advances in protection for our soldiers, in armor, in the ability of our medical professionals to intervene on the battlefield that we are saving that many lives. It is a tragedy that one is lost, never mind the 3,000.

The stress, though, that that puts on our system is a great one. We have more and more wounded, more severely wounded coming into our hospitals, and it means that we have to step up to meet that new obligation. We are so lucky to have people coming back that can still go on to lead productive lives, but only if we provide them with those resources.

The other story that they told me was of the number of young soldiers just back from this war who are ending up in in-patient care in our State veterans hospitals, those that have been afflicted not just by the physical wounds, but by the mental wounds as well.

Our obligation has to be not just to treat the broken bones, the damaged bodies, but also to the mental stress that these brave men and women have come back with.

I just want to talk for a minute about who we are talking about here, because we have fought previous battles in a very different way. We have relied largely on our enlisted men and women to fight these wars, and I think we need to remember who we are asking to go over to Iraq and to Afghanistan to fight because no longer is it just our enlisted men.

We are treating our National Guard basically like they are our normal Army today. Sometimes we forget that. It is good we are the 30-something Working Group here because sometimes young people that have only seen this conflict think that that is how things are, that the National Guard and the Reserve are sort of like everybody else and they get sent over there, and that is what they signed up for. Well, that is not what they signed up for. That is not how we have conducted our military interventions in the past.

We have zero active duty or Reserve brigades in the United States right now that are considered combat ready. We have 84,000 members of the National

Guard and Reserve that have been deployed two times or more since 2001. The average mobilization for a Reserve or National Guard member is 18 months, and now, as we are learning that the President is once again going to rely on National Guard forces to be part of this new escalation in Iraq, we are finding out that these forces, as they get ready in their hometowns and their home States, are not even close to combat ready in terms of the equipment they need.

The Oklahoma National Guard reports that one-third of their members do not have the M-4 rifles.

Ms. WASSERMAN SCHULTZ. On that point, just to focus on the National Guard and how correct you are about how they are being treated versus what they signed up for, there are now 14,000 National Guard troops being deployed earlier than they were originally scheduled to meet the demands of the President's proposed plans to escalate the war.

National Guard and Army units are being called up sooner than previously scheduled, and that is even though some of these units do not have the equipment that they need. They do not have the training, and some of them are having to go over there foregoing the training.

Mr. MEEK and I are going to be meeting with our general, who is in charge of our National Guard in Florida very soon. I just saw the request today, and I am looking forward to meeting with him. I met with him in my district in Florida as well last year, and the conversations that I have had with him and with others about the condition of the equipment, not just the condition of the equipment that is going over there, but what happens to the equipment once it comes back because we are not replacing the equipment and sending them new equipment after it has been through 5, 6 years of an Iraq War.

So the equipment that they are working on and that they are utilizing has been through war literally. I mean, we are not making sure that they have the equipment that they need. We are sending them over there two, three and four times now.

When I went to Walter Reed a couple of weeks ago, every single guy I met had been through three tours, three. One of the guys I met, his little boy was there, and literally his dad had been on three tours. His little boy was six, which means that this dad missed half of his child's life already, half. I mean, that is just inexcusable. That is not what our volunteers sign up for. I mean, even if you signed up for the regular standing Army, it is unreasonable to expect that they would have to have that kind of pressure, physical, mental, emotional pressure put on them as well as their families, especially in the middle of the situation in a war that we are involved in under dubious circumstances to begin with.

I do not know if Mr. MEEK wants to jump in here now, but he is still sitting so I imagine not. So I will go back to Mr. MURPHY.

Mr. MURPHY of Connecticut. We are talking about the best of the best. If anyone was able to operate and achieve under the strain, it is the men and women in our Armed Forces, and so we expect a lot of them because we know the training they have been through. We know the kind of people they are, but we have asked so much of them that we can ask very little more.

We do differentiate at some level between our enlisted men and our National Guard and Reserve troops, and I think it is appropriate because when you are talking about them, you are talking about ripping somebody out of a family, out of a community.

These are not just fathers and mothers. These are small businessmen. These are employees. These are employers. These are members of the PTA. These are members of the Elks Club. These are people who hold communities together. That is the type of people that our members of the Armed Forces are. Those people that sign up for the Reserve and National Guard do that because they have this commitment to their community, and it does not end with their commitment to their military service. They are part of the community in ways that a lot of other people are not.

So when you talk about bringing people out two or three times to serve in the Reserve and National Guard, you are breaking up families and communities. That is why we had an enlisted service.

I think one of the discussions that we will have going forward, and one that I think will be bipartisan agreement on, as there has been with most everything we have done here, is that we need to have an honest conversation about increasing the troop strength of our military, increasing numbers of troops that are enlisted and doing this as a permanent job, because it has gotten to the end of the limit of a lot of the people who are serving in our National Guard and our Reserve.

Mr. ALTMIRE. I would add to that, the gentleman from Connecticut has eloquently outlined the types of people that we are talking about, that find themselves in this situation in our veterans hospitals. We are talking about people who really are American heroes. These are the best and brightest of our society. These are people who have left their families, as the gentlewoman from Florida has outlined. They have left their children. They are taking three, sometimes more, four tours, and they come back home.

They find themselves in a military hospital. They find themselves backlogged on waiting lists. It takes 6 months to 2 years to access your health benefits at the VA. This is shameful treatment for people who are our heroes in this country. We need to have a national commitment to supporting our veterans.

These are people who put their lives on the line for us. These are people who have left their family, as we have talked about, and we have had a situation in recent years where we had not given them the help that they need on the VA health side. We have made a commitment in the new Congress that we are going to make up for that as we have talked about.

But I do want to make clear that everyone in this House realizes, both Republican and Democrat, that these are the heroes of our society. Nobody is going to argue with that. These are folks that we applaud them for their efforts. We thank them and we cannot show our gratitude in any more forceful way than to give them the funding that they need when they come back home and find themselves in a VA health care facility or receiving treatment at the veterans facility, even on an outpatient basis.

Ms. WASSERMAN SCHULTZ. I want to follow up on what you are saying and emphasize and demonstrate what we are doing to our best, and I do mean doing to our best and brightest once they have come back. You have been an eloquent champion of our veterans.

I think it is important to recall a private conversation that you and I had on the floor during the run-up to the adoption of the supplemental. It happens that I am a member of the whip team, and you were my assignment that day. I had an opportunity to talk to you about whether we could count on your support for the supplemental and how important it was.

Your answer, which was the appropriate answer, was, well, Debbie, the answer is no, unless you can assure me that there was an increase for veterans health care. Because at that moment, I could not assure you because I did not have the information at my fingertips, I had to get back to you and was proud to be able to report that we did provide a significant increase that we were able to bump up beyond the continuing resolution significantly the health care we are providing to our veterans. But it is to your constituents' credit and the veterans that you represent that you do that.

But let us just go through some facts that we know. The percentage of Army servicemembers receiving medical retirement and permanent disability benefits back in 2001 was 10 percent. The percentage of the same Army servicemembers receiving medical retirement and permanent disability benefits in 2005 down to 3 percent. Army Reservists receiving medical retirement and permanent disability in 2001, 16 percent; same group in 2005, 5 percent.

Let us go to the case backlog at the Veterans Administration on new benefit claims in fiscal year 2006. 400,000-case backup. This is from the Army Times, third party validator. Average length of time veterans wait before receiving monthly benefits, 6 months to 2 years. That was in the Los Angeles Times.

The number of soldiers at Walter Reed navigating the medical and physical evaluation process since 2001 has doubled. The average length of time it takes for Army soldiers to convalesce and go through the military medical and physical evaluations, nine to 15½ months.

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The increase in the Army's physical disability caseload since 2001, 80 percent. The number of veterans from the global war on terror expected to enter the military and veterans health care systems in the coming years, 700,000. And I will just read the quote again from Candidate Bush: "So let's get something straight right now. To point out that our military has been overextended, taken for granted, and neglected, that's no criticism of the military; that is the criticism of a President and a Vice President and their record of neglect."

Well, it sure is. And these statistics from the time that this President has been in the office are evidence of that.

I would be happy to yield to one of the three gentlemen here.

Mr. MURPHY of Connecticut. I thank you, Ms. WASSERMAN SCHULTZ. I just want to bring up one other topic here as well before we yield back to Mr. MEEK, and that is also, when we ask our men and women to go over there and fight, and then when they come home and they are not taken care of, we also need to remember who we are sending over there, our Reservists and National Guard, but who is joining them over there. This is a tangential but important topic. President Bush has talked a lot about this coalition of the willing, and we need to understand that the American people, when they hear about the allied forces over there, know who they are now, because people are jumping ship faster than the evening news can keep up with it. Great Britain, Poland, Lithuania, South Korea. By the week, somebody else walks away. And as we make decisions in Iraq, like this plan for escalation in which there is not even a pretext of reaching out and forming some international consensus, remember when we went into Iraq in the first place, at least we tried to pretend that we were going to go through some international decision-making process. At least we sort of gave some faint illusion of using the United Nations as a forum for which to have this discussion. You didn't even hear a conversation about trying to reach out to our allies with this plan to escalate this war. I mean, we didn't. Because why? Because we knew if we asked Great Britain or Poland or South Korea or Lithuania to be part of this force, the answer would be pretty simple.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for a question. It is somewhat rhetorical, but if you know the answer, feel free to tell me what it is. Do you know what percentage of the troops that are over in Iraq that we will have as a Nation once Great Britain pulls out?

Mr. MURPHY of Connecticut. If you sort of listen to the rhetoric coming out of the administration, you would think this grand coalition has, what, 50 percent American troops, 60 percent, 70 percent, 80 percent? No. Ninety-two percent. Ninety-two percent of the troops on the ground in Iraq are American forces. We went from a high of coalition troops, those are non-American troops, of 25,000, and now down to almost below 15,000 troops and dropping by the day.

So I think that is just a point of information that we have now decided on a path that isn't even going to have a hint of coalition-building. We have decided to go this on our own. And, frankly, I think that has grievous consequences for what is happening on the ground in Iraq, frankly has just as important consequences for the future of foreign policy when we have gotten to a point where we don't even talk to our allies about our strategy there.

And I would be happy to yield to the gentleman from Florida.

Mr. MEEK of Florida. I thank you so very much for yielding. I think it is important for us to also realize that the next action that we will probably, no probably, we will have on Iraq, Mr. Speaker and Members, will be the $99.6 billion emergency supplemental to the war. And I think it is important that we pay very close attention to this vote that is coming up and what leads up to that vote.

I spoke earlier about making sure that troop readiness, that troops have what they need when they go. I spoke of going to get a procedure done. You have a medical procedure that needs to be done, the first thing you want to check and make sure is the doctor has what he or she needs to be able to complete the procedure, because you do want to get up from that table one day.

This is very, very important. And I think that as we continue to talk about this issue of Iraq, it is our responsibility; we cannot critique the present administration or the past majority in this House if we do the same thing they did and expect different results. That is just not going to happen. We know that those that have come before us, whatever authority they might have been from the executive branch, and said they have what they need, we have the up-armored Humvees, we have all the things that they need when they get there. We were told that. And, better yet, we still have men and women at Walter Reed and other veterans hospitals, military hospitals throughout this country and even in Germany, and I visited twice, that are without legs because they didn't have the up-armored Humvees that they needed.

So saying all of that, the debate is going to be: Are we going to do the same thing that the Republican majority did, saying that we talk a good game about standing up on behalf of the troops and we disagree with the President on certain issues as it relates to Iraq? But if we do what they did, which was very little, then what happened in November will not reach its full potential in making sure that we head in a new direction.

So I think it is important that we take this in a very strong way, and I am glad that we had 17 Republicans join us on a nonbinding resolution before we left here, the last big action that we took before we left on Presidents' break. And I encourage more of my Republican colleagues to be a part of this movement in the new direction. I think it is very, very important. I think there have been a lot of things that have been highlighted. I know that the whole coalition of the willing will soon be the coalition of one, because we are going to be the only country that is left. There is a lot of rhetoric going on, we have to be there because we have to fight them over there so we don't have to fight them here. I don't hear Great Britain saying that. I don't hear some of the other countries that have announced their departure and those that have left Iraq.

I am one to believe, just as a single Member, that there will be a U.S. presence for some time in the region. But at the levels that we are now, over 143,000 troops and counting, it is going to be very difficult for us to continue to sell to the American people that there is a great need to keep those kinds of levels there. And as you spoke earlier about the readiness issue, this is very, very important. This is very, very important. I mean, we wouldn't want to get the word out to the undesirables here in the United States of America to say that law enforcement here is not ready to deal with major crimes here in the United States of America. We definitely don't want to get the word out to the rest of the world that we are not prepared to defend ourselves in a way that we should and need to be prepared to be able to defend ourselves or help our allies in the future.

So I think that is important. It is something not to take lightly. A lot of work has to be done here. A lot of tough votes have to be taken. And we have to communicate with the Members and the American people to not let them fall behind as we go through reforming this House and reforming the legislative presence in this whole debate on Iraq.

Mr. ALTMIRE. Could the gentleman yield for a moment? And then I will yield to the gentlewoman from Florida. On that point, I wanted to tell another story that happened when I was back in the district.

I was at a fire hall meeting some folks, volunteer firemen and firewomen, and we were discussing the budget and one of them talked about how there needed to be support for our first responders. And I said, well, I completely agree, and I was disappointed to see that in the budget that the President submitted he cut funding for first responders, and in fact he cut fire grants by 55 percent. And the people around just couldn't believe that. They said, well, that can't possibly be true. That is not what they had heard; that is not what they had been led to believe. So, thankfully, the miracle of modern technology, I had my BlackBerry in my pocket and I pulled up the House Budget Committee, and Chairman SPRATT has put together a wonderful Web site. If you go to house.gov, any of your constituents can pull up the Budget Committee's Web site and look at the President's budget, and there is a specific page on there on what the President's cuts proposed are for first responders. And sure enough, there is a 54.7 percent reduction in grants for firefighters. He almost completely zeroes out the COPS program.

So when the gentleman from Florida talks about how important it is that we have homeland security funding back home and we fund our first responders, well, somewhere along the line there is a disconnect when it comes to what they are proposing down on the other end of Pennsylvania Avenue, because they don't seem to be getting that message.

So I did want to tell that anecdote, that our men and women who are courageous in the communities and serving as volunteer firefighters depend on these grants and they depend on the help that they need, and we in the Democratic majority are going to make sure that they get it. But there does seem to be a disconnect on some sides as to what has been the case.

I would yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you. Just to quickly help close us out, the bottom line is that our veterans come home and face devastating treatment from their government. We have outlined that tonight. We send them over there with equipment that in many cases is faulty. We are not adequately preparing them and giving them enough time to be well trained to do their best over there. And they are doing their level best given the assignment that we give them. We are not providing them with the resources, and we are not providing them with the equipment. And, fortunately, we have a Democratic Congress now that is not going to give this President a blank check any longer, not going to let him run roughshod over our duty to be a check and balance on the administration. And that is what the 30-something Working Group is designed to outline. We are going to make sure that we get the message out and that we help our colleagues and anyone who might also hear this conversation between us understand what is really going on.

Mr. MURPHY, I would yield to you to give out the Web site and Mr. MEEK for closing.

Mr. MURPHY of Connecticut. I think the real lesson from Mr. ALTMIRE's story is that he is like a Boy Scout, he is always prepared. He has the information at his fingertips that his constituents need. You can learn something every day from our colleagues.

To get in touch with the 30-something Dems, the e-mail is 30SomethingDems@mail.house.gov. And then on the Web site where a lot of the information we are talking about here tonight and in previous nights can be found is www.speaker.gov/30Something. And with that, I will yield for final thoughts back to Mr. MEEK.

Mr. MEEK of Florida. Thank you so very much, Mr. MURPHY. And I want to thank Mr. ALTMIRE for joining us and also Ms. WASSERMAN SCHULTZ. I want to thank the Democratic leadership for allowing us to have one more 30-something Working Group hour.

With that, Mr. Speaker, it was an honor addressing the House of Representatives.

IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Western Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I am privileged to be recognized by the gentleman from Eastern Iowa and privileged to have the opportunity and the honor to address you, Mr. Speaker, on the floor of the United States Congress.

A lot of things have transpired since we took the week off from this Congress for the Presidents' recess, we call it, which was really a work period back in the district. And our constituents and those in the State of Iowa and in some of the areas north and east of us went through a severe, severe ice storm that tens of thousands of them are without power as we speak. And I know that you and I have an eye on that very closely, and we do though have a great confidence in the resiliency of the human spirit back in the Midwest, and friends and neighbors will step forward to do all they can. And what is within human possibility will be done and things will be taken care of there, Mr. Speaker.

So having that off my mind, I take up the subject matter that I came to address this evening. And it has been some time since I stepped here on the floor of the House of Representatives, Mr. Speaker, to talk about an issue that is the number one issue as I go around western Iowa and Iowa and other places in the country and have meetings with individuals, town hall-type meetings.

Whenever a group of people come together, if you ask questions, stand and listen, eventually the subject of immigration will come up. And it has been the most intensely watched subject and discussed subject perhaps over the last 3 years or a little more, Mr. Speaker.

I recall when President Bush gave his speech that laid out his vision on the immigration reform, and I believe the date was January 6 of 2004. I am not off by more than a day, if that. And that speech started us down this path and this Nation of having an open dialogue about what kind of a Nation we are and what kind of a Nation we are to become. And this is something that has embroiled most of the discussion across the country. Everybody has an opinion. It is a good thing, Mr. Speaker, a healthy debate.

I recall when Pat Buchanan ran for the Presidency back in 1996, he said: I will call for hearings. I will force a debate on this country. We have got to have a national debate so that we can come to a consensus and put this country down the path towards its future.

☐ 2245

We have been intensively debating this issue of immigration for the last 3 years, and that would be all of 2004, 2005 and 2006 and we find ourselves now into 2007. So I would say we are about 38 months into this intense discussion, and the results we have from this are hard to measure at this point. One of the reasons is because it is a very convoluted and complicated issue.

We have a configuration here in America that doesn't necessarily promote the right kind of policy. I say that, I am cautious about how I address it, because first of all, I will recognize that there are employers who have premised their business plan on hiring illegal labor.

I can recall in an agricultural hearing that I attended in Stockton, California last year, there was a lady there, there was a witness, before our Agriculture Committee who ran, I believe it was organic, a truck farming operation where they raised peppers and those kinds of vegetables down south of Yuma near the border.

Her complaint was, well, we set up these farms in processing and we need over 900 people a day to operate the harvesting and the sorting and the packaging and the shipments of this crop every day. Now that we have done a better job of enforcing the border, then her lament was that they have a turnover of 9 percent per week, 9 percent of their labor supply per week, it is about 80, and they are having trouble filling their labor supply.

So I asked the question, where did you expect your labor supply to come from when you placed your business close to the border? And the answer was, of course, well we expected our labor to come over from Mexico and come work on our farms and then go back to their homes. Well, that would be illegal labor working on farms south of Yuma with the idea that was the plan from the beginning.

Now, the request was, come to Congress and ask us to legalize this illegal behavior. It was a planned strategy from the very beginning of the setup of the business operation.

I lay this out because this is not a unique circumstance across this country. In fact, it is becoming a standard practice. I am seeing it more and more again as businesses set up to run their operation, whether it is going to be food processing or farming or maybe a dairy operation, and they decide, we are going to need labor to do this.

We would like to go forward with our plan and put our infrastructure in place, invest our capital, buy our cows, get our equipment up and get an order in. We will have to hire some illegal labor to milk the cows.

I had a dairyman tell me a couple of weeks ago that 51 percent of the milk in this country are milked by people that don't speak English. That doesn't necessarily indicate they are illegal immigrants in America, but that would indicate that a significant percentage of them most likely are.

That is some of the scenario. Some of the scenario on the one side is business interests that can capitalize on cheap labor. Believe me, when you pour millions of people into a labor market that are illiterate and unskilled that will work cheaper than anybody else, you are going to drive that labor down.

There was a report that was issued here within the last few weeks that shows that the unskilled labor in America has lost 12 percent of its earning capacity because they are flooded. There was a report on Fox News about a month ago that we have a 30 percent high school dropout rate in America, 30 percent dropout rate.

So if the students in high schools are dropping out at a 30 percent rate, and we are bringing in illegal labor that will work for the cheapest price, it seemed to me, and we know this to be a fact, that the competition between our high school dropouts and the people that didn't go to school, many of them, from foreign countries that come in, would be clashing in competition for those jobs that require a low education. Maybe they require a strong back and some resilience and persistence.

But the opportunity for undereducated, especially young people in America, those dropouts, those that go on to get a college education, those opportunities, are going to people that are living sometimes 22 or 30 to a house. They will work cheaper than anybody else.

What has happened is our young people that don't want to go off to college, maybe they are not blessed with the ability to do that, maybe they just decide, I want to punch a clock, I want to wear a blue collar, not a white collar. I am happy enough to go do some labor for my life, but leave me alone. Let me take care of my wife and my family. Let me go fishing once in a while, but I don't really want to go off to college and study. Those opportunities are diminishing significantly in America. What that spells is the narrowing of the middle class in America.

We are doing a good job of educating the people in the higher end, those that go off and get their master's and their doctorate. Those will become professional people that often start out at college at six figures and go up from there. That part, that percentage of our population is growing significantly. I am grateful that is the case. We have encouraged a lot of young people to move off into the professions, and they are doing that. That is to the credit of our educational system in this country.

So the upper class is expanding, and there is money being made. We have had unprecedented economic growth thanks to the Bush tax cuts, both rounds in 2001 and in 2003. We have had this unprecedented string of growth. That has helped lift investors up, lift entrepreneurs up, and, of course, the professionals have been lifted up also because there is more money in the market.

So the upper class of America is growing and expanding and prospering. The lower class in America, that unskilled cheap labor, is also growing in numbers, but not growing in prosperity.

As we see the stratification of this society, and think of it in terms of a healthy America that once had a growing ever-more-prosperous middle class is now becoming an America that has a growing, ever-more-prosperous upper class, a growing ever-more-prosperous lower class, and a shrinking more suppressed, more constrained middle class.

That is the scenario that is driven by illegal immigration in America, and illegal immigration in America keeps us from having a legitimate debate on the subject matter of how we might go about recruiting the best people we can find to come into the United States, those that will assimilate the most easily, those that bring their already trained skills, those that will be contributors instead of those that are drawing down off of the public system. Those will be contributors in the first day, the first week, the first month, the first year.

They are across this world with good educations, and they would love to come to America, and they fit into our economy. All you have to do is teach them their ZIP code and their area code and hand them a cell phone, and in a week you wouldn't know that they were not born here. They would assimilate into this culture and into this civilization.

But we can't carry on a reasonable discussion about how to skim the cream of the world off like we used to do, bring them into America so that we can enhance this American exceptionalism. We can't get there because the entire debate has clouded because we are not controlling our borders. We are not stopping the illegal traffic at our borders. We are not doing an adequate job of employer sanctions, although we have had some significant efforts of late, and that means that there is a magnet that draws people across the border. That is the issue that we are dealing with, and the price for Americans is horrendous.

I went back down to the border last week. I spent 2 days down there. I flew into Phoenix and then took a ride from Phoenix on down to Yuma. I joined Secretary Chertoff there at the Yuma station along with the chief of the Border Patrol, David Aguilar, and a number of Members of Congress and a couple of Senators. We went down south, just on the south edge of San Luis, which is the most southwesterly town in Arizona on the Mexican border.

There, for some time, they have had about a 12-foot high steel landing mat wall placed almost exactly on the border. That has been the only barrier that they have had between the two semiurban areas that are there.

Well, here in Congress, last fall, we passed the Secure Fence Act, and the Secure Fence Act mandates that the administration build not 700 miles of fence, but 854 miles of double fence/wall on our southern border in the most priority areas that are defined in the bill. Those priority areas, when you go back and you measure the distances there in the bill, it adds up to 854 miles. One of those priority areas is San Luis where we went to visit.

At that priority area, they are beginning to construct fencing there, and at least it is a start. I can't call it a great start or a good start, but at least it is a start. They have a start to building the kinds of structures we need to stop the illegal crossings that are taking place at our border.

There with about 12-foot high steel landing mat wall which each of us stopped and took a turn welding on there a little bit, I wish I could have stayed and gotten a little work done, it felt kind of good, but there we lent a hand to continuing construction of the wall on the border. Inside about 100 feet, they had constructed a 16-foot high steel mesh fence, and that has got a metal frame on top of it. The steel mesh is essentially impenetrable unless you take a torch or something to cut it with.

So from the steel wall on the border, 100 feet back, 16-foot high steel mesh fence or wall, and then another about 40 feet and there is about a 10-foot high chain link fence with three to four barbs on top, it looks like a playground fence, actually. As we discussed the effectiveness of the structures that they had put in place, and we are continuing to construct at San Luis, Arizona, I asked the question if anyone had made it through that area since they had gotten the triple fencing up.

The answer came back, well, we have had several that have made it through here; but 2 years ago, there were 138,000 illegal crossers who were interdicted by the Border Patrol in that area.

Since October of last year, until just last week, they were now down to 15,000 that had passed across the border. Now that is not a full year, obviously, so it is not quite apples to apples, but it is significantly fewer illegal crossings there.

But then I asked the specific question again, has anyone gone through this area where the triple fencing is? The answer is, well, we think, maybe, yes, three. How did they get through here? A couple of them perhaps went through the waterway and maybe one went around.

The next question, of course, was more finely tuned which is, has anyone defeated this triple fencing yet? The answer is, no, they have not defeated the triple fencing, but they said they will; all structures we put in place will be defeated. We have to work, we have to maintain them.

I have to agree. I think you have to maintain them. I think you have to patrol them. I think you need to put sensors on them so you can identify if somebody is trying to climb through over the top or under the bottom or cut through, and that, I believe, is in the mix.

So we did a driving tour on the border and from there, San Luis, drove along the east, along the border, and the triple fencing reduces down to double fencing. The 10-foot chain link doesn't go all that far yet. It is being extended. Then pretty soon the 16-foot high second layer of fence is under construction, but it is not there either.

You are just down to the steel wall, and not very long after that, the steel wall is gone, and you are left with the construction of the steel wall that is being put in place. It extends from San Luis off to the east. If I remember right, they were going to extend it about 19 miles to the east. We are a long ways to go on that yet.

But we got up, in a couple of Black Hawks, and flew the border then going east from there, in the southwest corner, all the way almost to Nogales and then turned around and went on up to Tucson. As you fly along the border, you will see there are places the border isn't even marked. There is just sand, not a fence. There is a little trail on our side, and there is a Highway 2 on their side. But there is not a mark of where the border is in many of those locations.

It has been an easy prospect for people on the Mexican side of the border to drive along on Highway 2 in Mexico, decide they want to go to the United States, turn the steering wheel off of Highway 2, go out across the desert to the north, and end up on a road 10 or 20 miles to the north, driving through the desert and come out on that road, and, voila, they are home free in the United States of America.

That has been going on consistently and continually. It is being done by people smugglers; it is being done by drug smugglers. So along that stretch, they are constructing also a vehicle barrier. And this vehicle barrier exists of, I believe it is 5 inch by 5 inch steel tubing that is driven in on about 5 or 6 foot centers with that tubing welded to it at about bumper high on a vehicle or on a pickup truck, and then concrete poured inside those posts.

That does keep most of those vehicles from crashing through, so it makes pedestrians of people who want to come to the United States. It is a little slower way to travel through the desert. We happen to have discovered, I don't know, 25 or 50 miles east of San Luis, a group of about 20 illegals who were perhaps about half a mile into the United States, and they had clustered around the base of a mesquite tree. As we turned the helicopters around and we turned back to take a look, the rotor wash on a Black Hawk is pretty severe in the desert, and it was something that encouraged them to head south rather briskly. So they headed south towards the Mexican border, and we apparently called for backup and then moved on.

But there in broad daylight, a half a mile north of the border with traffic going back and forth on the Mexican highway on Highway 2, were a group of about 20 illegals, working their way across the desert. If we run across them with the type of, I will say, helicopter caravan we were in, then that was not an anomaly. That was something I would say would be standard practice that goes on a daily basis.

□ 2300

But most of the activity, Mr. Speaker, takes place at night. And I have gone down on the border at night and sat on the fence in the dark and listened, and just listened, not with night vision equipment but just listened. And over time, you hear vehicles come in from the Mexican side and drive with their lights off down through the mesquite brush, stop by a big mesquite tree about 150 yards south of the border, let their cargo out, which were people and packs and you can hear them get out. You can hear them drop their pack on the ground. Presumably they pick them back up again. There will be some hushed whispers and then, Mr. Speaker, they will, single file, come walk through the mesquite brush through the fence, and I am talking about a place further east in Arizona where there is a fence, and climb through the five barbed wire fence.

You can hear the fence kind of squeak and you see the shadows. You can't really count shadows, especially when you are sitting there in the dark. It is awfully hard to be certain of what you see, but it is not that hard to be certain of what you hear in an environment like that. So I will say dozens infiltrated around me the night that I sat down there, Mr. Speaker, and perhaps 20 there in broad daylight as we flew by with the Secretary of Homeland Security and the Chief of the Border Patrol, and two Blackhawk helicopters that make a lot of noise, and you can hear them coming quite a long ways off, still didn't deter the daylight illegal crossings taking place.

And as I look at the numbers of those who are coming across that southern border, and I would direct anyone's attention to the testimony before the Immigration Subcommittee of the Judiciary Committee in the 109th Congress, Mr. Speaker, and also in the 108th Congress, where we had a number of witnesses that testified for the Border Patrol or the Border Patrol Union when asked what level of interdiction do you have of those that are crossing the border illegally, what percentage are you able to arrest? And their answer has consistently been 25 to 30 percent is all that would be interdicted.

So, Mr. Speaker, their testimony also shows that last year, the Border Patrol on the southern border, the 2000 miles of our Mexican border, intercepted, 1,188,000 illegal immigrants who were seeking to cross our southern border. Intercepted, 1,188,000, and now we are to that point where we fingerprint them all, at least that is what the testimony says, and that their fingerprints go into the record so we can track them if their's are duplicate or triplicate or have been stopped a number of times at the border. And at some point we need to be running out of patience and bringing charges against them, lock them up, make them serve their time and then deport them. Some of that is happening, but our patience level is very high.

But of the 1,188,000, I don't have the precise numbers committed to memory, but as close as I can recall, it was about 742,000 that were first time crossers, and the balance of that, the difference between 1,188,000 and 742,000, that 400-some thousand number represents those who crossed the border illegally that year more than once, two times, three times, four times, seven, eight times on up to 17 times, would be one of the numbers that I have heard as they looked at those records, Mr. Speaker. This is something that we are spending $8 billion to protect our southern border. That is $4 million a mile.

And we are getting 25 percent to 33 percent efficiency out of that. And we are picking people up over and over again. And if they voluntarily deport, we simply take their fingerprints, identify them, take a digital photograph of them and take them back to the border and let them go back through the turnstile, say, at Nogales or Naco or San Luis or wherever there might be a port of entry. This enforcement at the border has been weak and it hasn't been relentless. The year before it was a 1,159,000. And this stopping one-third, one fourth to a third calculates out to be something like four million illegal border crossers a year. Four million. If you take the 1,188,000 and you say it is a fourth, multiply it times four and then just kind of round it back to four million, that four million illegal crossers turns out to be 11,000 a night, Mr. Speaker.

And we are in a discussion across this country today about 7,000 Iraqis that the administration wants to provide refuge in the United States for by doing background checks and clearing them and bringing them here so that they will not be under the gun, so to speak, in Iraq and they can be pulled away if they happen to be targeted by the insurgents and the enemy for helping the United States.

That concerns me that we would be bringing people out of Iraq when they need people there to help rebuild their country. And it concerns me that we would have a number that large, and I would seek to reduce that number, if we could, shrink it down as much as possible, do background checks as intensively as we can because I think it is a national security issue and how many al Qaeda could be infiltrated into that 7,000 Iraqis that would want to come in here that would be authorized by the administration, and how many more might there be if we open for 7,000.

But by the same token, the relative risk of having 7,000 Iraqis that we would have identified by name, by fingerprint and been able to at least verify some of their activities over the last 5 years or longer in Iraq, the relative danger to the United States pales in comparison to 11,000 illegal immigrants a night trickling, pouring, infiltrating across our southern border. 11,000. I mean, we are approaching twice, some nights it is twice as many as the 7,000 Iraqis. The 7,000 Iraqis are still a significantly sized number. But the southern border takes on a number approaching twice that many every single night, without any background check, without any check whatsoever, people coming into this country; some to come to work, some to pick lettuce, some to get jobs working in food processing and restaurants and hotels and motels and ·you name it across the country. It is still a violation of American law. It is still a crime, Mr. Speaker.

But the worst parts of this aren't rooted in individuals that are seeking a better life, although we must enforce our laws if we are going to be a Nation that has the rule of law. But what is really chilling is the elements that come with that mass of humanity, those elements that come in with that $65 billion worth of illegal drugs that comes across our Mexican border every year.

Mr. Speaker, I repeat, $65 billion, with a B, dollars worth of illegal drugs being brought into the United States across our southern border. And the drugs are, the four major drugs, methamphetamine, heroin, cocaine and marijuana. And the sources of them work out to be about like this, the methamphetamines, many of them manufactured in Mexico, from Chinese pseudoephedrine products. Now we have taken the Sudafed off the shelves here in the United States, most places in an effective way so that we have taken the local meth cooker pretty much out of business. And the meth that was coming into my part of the country in Iowa and your part, Mr. Speaker, was about 90 percent Mexican meth until we passed the law that took those pseudoephedrines off the shelf in our pharmacies and in our grocery stores, limited those quantities.

People can still have access in limited quantities. When we did that the DEA tells me now that the methamphetamines that are being sold in our part of the country, in Iowa, Nebraska and that Midwest area, it was 90 percent Mexican. Now it is 97 percent, and the balance of that trickles in from other places, maybe a California lab, maybe a few local labs, but not much. 97 percent now out of Mexico. We expected that. And we freed up a lot of officers time that are not having to clean up the dangerous meth labs, and put those officers in a better position to interdict the drug dealers. But the meth coming from Mexico, made from Chinese pseudo ephedrine that gets brought into Mexico in numbers way beyond the level of colds that they have down there for the number of people that they have, and that ought to set off some alarm bells. But that is being smuggled in. The meth is being smuggled across the border into the United States in massive supplies, numbers at least over 90 percent of the meth that is used in the United States now coming through, the raw product, the base product out of China to Mexico, manufactured in Mexico, shipped into the United States. That is the facts of methamphetamines. Much of the marijuana comes from any place south, a lot of it raised right in Mexico, and tons and tons of it hauled across the border. I happen to have been down there, it was in the middle part of last May when we interdicted a pickup truck that had about, let's see, it had about 200 pounds of marijuana packaged up in bales and sealed up in tape that was underneath a false floor in a pickup truck, Mr. Speaker.

□ 2310

That was just simply a decoy load that was designed to pull the enforcement off so the larger load could go through. I don't know if it actually made it through, but that is the kind of thing that is going on. Tons and tons of marijuana coming into the United States across the border, Mr. Speaker, a lot of it raised right in Mexico. And then we have the heroin that is smuggled in, and that heroin, a lot of it, also comes out of China.

And those of us that have visited over in Afghanistan in the poppy fields understand how that works. We have the Taliban that are engaged in the poppy and in the opium trade. They will front the crops in Pakistan, walk out into those farming areas along on the east side of Afghanistan that match up against the border with Pakistan, and pay for half of that crop upfront to the grower, to the farmer. It is a nice little crop agreement, and they pay for half the crop upfront. They come back when the harvest is done. They load up the poppy seeds/opium and pay for the other half of the crop. The farmer comes off fine because he doesn't have to haul any crop. He doesn't have to take anything to town. He gets paid upfront for his input costs and he gets paid for his harvest.

And off goes the opium then, hauled away by the Taliban, who sell it out of Pakistan into China and out of China over into Mexico and up into the United States. And, again, we are funding our enemies, Mr. Speaker. And the smuggling routes that go from Afghanistan through Pakistan through China and across into Mexico, up into the United States, are routes that are understood pretty well by our DEA.

And let me see. I left off one other drug, Mr. Speaker, and that is cocaine. And if one would notice, a lot of that cocaine was getting into the United States perhaps through our airports before 9/11. We shut that down and provided a significant amount of security at our airports after that. Drug dog sniffers, a lot more sophisticated screening process. When that happened, the Colombians had difficulty delivering their cocaine into the United

States, and finally they cut a deal with the Mexicans so that they could use the distribution of the Mexican drug cartel families to flow their cocaine up into the United States.

So across our southern Border comes 90 percent of the illegal drugs that are used in the United States of America because those conduits that come out of Colombia, out of China, two different varieties out of China, and then the marijuana that is mostly raised in Mexico, all of that coming across the border, coming through illegal border crossings, coming across places where the border is not marked at all, and the drug cartel families that control those crossings fight for those. And the numbers that we have seen that have been killed in the drug wars in Mexico for 2006 exceed the number 2,000 deaths, the people that were murdered in the struggle for who is going to control the turf, who is going to control the profit. And the cities on the south side, Nuevo Laredo for one of those, that area has become a lawless land that is controlled by the drug cartels.

I will say that the new President of Mexico has stepped in to crack down on some of that. The jury is still out on how successful he might be. But these are important components here for us in the United States of America.

So here we are with this dynamic growing economy, the strongest economy we have seen in my lifetime. The continual growth quarter by quarter by quarter that is stimulated, of course, by having a competitive low tax environment. And with an economy that has this kind of dynamism, we are able to pay for two things that come from foreign countries that have hurt us greatly: one is the illegal drugs, the $65 billion worth coming across the Mexican border; and another one is paying for Middle Eastern oil and enriching the people over in that part of the world, many of whom are our sworn enemies, not our sworn friends. So we are funding our enemies by purchasing illegal drugs in America, and we are funding many of our enemies just simply because we are involved in purchasing oil to come into the United States. And we are more and more dependent on Middle Eastern oil, not less and less dependent.

But I am here to talk about the immigration issue, the illegal border crossing, Mr. Speaker, and the component of illegal drugs that are part of that. And I mentioned the 2,000 murder victims on the Mexican side of the border that were killed in the drug wars. And we will hear the testimony continually about how many people die in the Arizona desert trying to come into the United States. And as the weather warms up and we get into May, June, July, and August, the hotter and hotter it gets, the more victims there are in the desert. And it is sad and it is a tragedy, and we are doing some things to stop that. But I will argue that if we build some more fence, we build some more barrier, we can save some more lives down on that border. Those lives are a concern, Mr. Speaker, and we talk about them regularly and continually here in this Congress.

The lives that we don't talk about are the lives of the Americans who die at the hands of the criminal elements that come into the United States. And it has been politically incorrect to discuss such a thing as if we should just sit back and watch our citizens killed on a daily basis. Preventable crimes and we shouldn't utter a peep because somehow or another it might be interpreted as something that is based upon anything other than a love for the rule of law and the enforcement of law and the respect for the value of human life.

But I stand firmly in respect for the unique intrinsic value of human life, from conception, fertilization, to natural death. That is my record for more than 10 years in public life, Mr. Speaker, and it is my stand today. It has not changed. It will not change. And I stand for the defense of the American people so that they can be safe in their homes, on the streets in their communities, in their schools, in their workplaces, in their churches, wherever they gather. The American people need to be safe.

So I began to ask the question, Mr. Speaker: How many Americans die at the hands of those who do make it across the border and across the desert? I didn't have a concept of what that number would be, Mr. Speaker, until such time as I asked the question in the immigration hearing. I asked it a number of times of different ranks of witnesses that were there. The question again was: How many Americans die at the hands of those who do make it across the desert?

And one of the witnesses, his answer was: "I don't know the answer to that question, but I can tell you it would be in multiples of the victims of September 11." Now, that, Mr. Speaker, is a stopper when you think about such a concept. And when he uttered that concept, it started me thinking, and shortly thereafter I commissioned a GAO study, and the study was specifically designed to ask that question, how many Americans die at the hands of those who do make it illegally across the border? The study came back. It took about a year to get the study done. It wasn't quite apples to apples. That is the nature of things in government sometimes.

But it did put some facts in place that could be indexed to other existing studies and other existing data that the government has produced. So I shut myself up in the Library of Congress sometimes for several days to be able to concentrate hard enough to pull that data out of that report and use other reports and match them in so I would be able to compare apples to apples. And it comes down to something like this, Mr. Speaker: twenty-eight percent of the inmates in the prisons in the United States, Federal and State, are criminal aliens. Twenty-eight percent. Now, if you presume that those 28 percent are committing crimes in the same proportion of the rest of the inmates, since there are no records out there, you have to presume that 28 percent of the rape; 28 percent of the robberies; 28 percent of the grand theft auto; 28 percent of the first, second, and third degree murder, manslaughter, all of that is committed by criminal aliens. And there is no rationale that it could be anything else unless it would be more rather than less.

So I take that 28 percent, and I multiply it, and we have about 16,400 murders in the United States annually. And you take that times .28 and you come up with a number of something like 4,513, perhaps, would be the number of American murder victims representing that 28 percent, which is the population of our prisons that are criminal aliens. Now, that is a huge number and already that is more than the victims of September 11 on one day. But that would be an annual number.

And then if you look at some of the other fatalities out there, the highest group of fatalities are those victims of negligent homicide.

□ 2320

Most times, negligent homicide, Mr. Speaker, is the case of the victims of drunk drivers; not the drunks themselves, but the victims of the drunk drivers.

So as people come into the United States illegally, climb behind a steering wheel, drink and drive, often uninsured, not knowing our traffic laws, not having a sense of responsibility, but running into victims on the streets of America, that number is a number a little higher than the 4,500 or so that are victims of first and second degree murder and manslaughter. But the negligent homicide, mostly victims of drunk drivers, runs a little higher.

But it boils down to, when you do the math, shake it down to a day, about 12 Americans every day murdered at the hands of criminal aliens. Statistically, that is a solid number that has been tested across this country. I can tell you, Mr. Speaker, it is a number that the liberals hate to hear, but they have produced no competing data that can challenge this GAO study data that has been multiplied into other government data like crime rates to come up with these numbers: About 12 Americans a day, first and second degree murder victims or manslaughter victims, dead, buried; about 13 Americans a day die at the hands because of negligent homicide, most of them victims of drunk driving.

All of these crimes, Mr. Speaker, all of them are preventible if we enforce our immigration laws. If we would deport those people when they run afoul of the law, if we are able to control our borders, get operational control of our borders, force all traffic, all human traffic, all contraband, all cargo, everything that is coming across the border through the ports-of-entry, and then beef up the ports-of-entry, focus our surveillance there, probably have to widen them and put more personnel down so we are not backing traffic up, but if we could force all the traffic through the ports-of-entry and do a good job there, we would theoretically interdict all illegal human traffic, all illegal drug traffic.

We would also occasionally interdict a terrorist who is seeking to sneak into the United States. I happen to know of seven individuals who were persons of interest from nations of interest, which is a government euphemism, Mr. Speaker, for someone who is a likely terrorist who hails from a terrorist spawning or terrorist sponsoring country. I know of seven.

When they are identified, picked up by the Border Patrol or whatever the arresting officer happens to be, there is a little window there to find out about it. Then they are handed over to the FBI, which then makes that case classified. At that point those officers can't talk to me or anyone about it after that.

So if they told me about something that happened today and the FBI picks them up 5 minutes from now and takes them into custody and says this is now a classified case, 10 minutes from now they can no longer even repeat the things they said to me 10 minutes ago, because it is now formally a classified case. So I have a little 24 hour window to hear about this.

My network is not that good, but I know of seven. I don't know how many that is altogether. It might be 70. It is probably well more than 70 persons of interest from nations of interest, people who we think are at least likely terrorist suspects coming across our southern border, sneaking into the United States, wishing us ill will, ready to act on that ill will. That threat is there too.

The crime element, the drug element, the terrorist element, all of that is added to the depression of the value of our labor force here in the United States, in fact the lower skilled being pushed down by reducing their wages by 12 percent because of the millions who have been injected into that market. We have gotten dependent upon it over the years.

Mr. Speaker, this part about the violence perpetrated against Americans is something that I have given the broad statistics of 12 victims a day of murder, 13 of negligent homicide, 25 altogether. Almost every single day the casualties of Americans at the hands of criminal aliens, most of that preventible if we enforce our laws, those casualties are almost every day greater than the numbers of American casualties in Iraq. They absolutely total up to be something that are in multiples of the victims of September 11.

These are Americans that need to have their lives protected. We need to have our laws enforced, we need to get operational control of the border, we need to have cooperation at the local law enforcement level, Mr. Speaker.

To personalize this a little bit, statistics are one thing. We can talk about statistics. Some people understand the magnitude of that. Some people understand personal pain and evil people. So, I have picked a selection of evil people here, Mr. Speaker.

My number one evil person is this individual here. His name is Angel Maturino Resendiz. He is known as, and we will recognize his name, the Railroad Killer. This individual for nearly 2 years, a 39-year-old illegal alien from Mexico, literally followed America's railroad tracks to rape and kill unsuspecting victims.

Resendiz struck near the rail lines that he illegally rode and then he stowed away on the next freight train that came his way. He is responsible for as many as 15 serial murders, and the victims' ages range from 16 to 81. He attacked his victims with rocks, sledgehammers, shotguns and tire irons, sometimes in their homes, and sometimes he stole money for alcohol or drugs. Most of these murders took place in central Texas, but it is suspected he killed as far north as Kentucky and Illinois.

He has been apprehended by the Border Patrol in Texas and New Mexico eight times within 18 months, and he had been, and I emphasize this, voluntarily returned to Mexico each of those eight times in those 18 months.

Eight times he volunteered to return to Mexico when he was stopped by the Border Patrol, and then he would come back into the United States, and sometimes it happened quite quickly, come back to kill again.

On June 1, 1999, there were State and Federal warrants outstanding for Resendiz and there were intensive efforts underway to arrest him. Border Patrol agents in Santa Teresa, New Mexico, apprehended Resendiz. He was illegally crossing the border again, and he voluntarily was returned to Mexico, even though there were outstanding warrants on him. The Border Patrol was unaware that there were warrants out, but he was on the FBI's top 10 list. Still, picked up as an illegal border crosser and voluntarily returned, self-deportation, so-to-speak, back to Mexico.

How does this happen, that an individual that is in the FBI's top 10 most wanted list, we have him in our hands eight times, and this time, on June 1, 1999, while there were outstanding Federal warrants, we couldn't index his fingerprints to that data there with the system we had in 1999 and put this man behind bars before he killed again? But we couldn't under those circumstances.

I am advised that today, everyone that is picked up is printed and their fingerprints are run through the database, Mr. Speaker, and presumably we would catch the next Resendiz perpetrator. It didn't happen in 1999.

So they released him, and Resendiz, after he had gone back to Mexico, immediately found his way back into the United States, where within 48 hours he killed four more innocent people.

He was finally traced and captured by a determined Texas ranger in July of 1999, and then he was ultimately executed at Huntsville, Texas, June 27, 2006.

This man here, Angel Maturino Resendiz, killed at least 15 people. Now he has been executed as of June 27, 2006. But it is something that could have been prevented, Mr. Speaker, if we had had an intense effort to enforce our border. When they come through the second time, if we are not willing to use the fullest extent of the law at that point and provide a deterrent, these kind of things happen.

What was he afraid of? He surely wasn't afraid to be picked up again on the border. He knew he would be returned back to Mexico again. Finally a determined Texas ranger hunted him down. Thank God for that kind of effort and that kind of man.

Now, that is Resendiz, Mr. Speaker. That is the face of evil. It is not the only face of evil, but that is a face of evil.

□ 2330

He is one of those who contributes to those thousands of Americans who have been victimized in the fashion I have described.

This is another one, Mr. Speaker, Raul Gomez-Garcia. Many of us know this story, and this will take us into the discussion of the situation that exists in Denver and in many of the cities across America that have established a sanctuary policy.

This case has been brought to a conclusion with a conviction and a sentencing, and I can talk straight up about it. Raul Gomez-Garcia, a cop killer. He was sentenced to 80 years in prison for second degree murder, not first degree murder. But as the police officers that were guarding a family celebration which I understand was Raul Gomez-Garcia's family celebration, I believe it was a christening or a baptism of a daughter of his, Raul Gomez-Garcia left the party and went to come back in and they would not let him back in because he didn't have identification or whatever the reason was. At any rate, Gomez-Garcia lost his temper and on May 8, 2005, ambushed two officers, Officer Donnie Young who was shot in the back of the neck, I believe, and killed, and Officer Jack Bishop, whose bulletproof vest saved him when he was shot in the back by Mr. Gomez-Garcia, and who immediately escaped to Mexico.

The way I recall this case, we knew he was heading that way. As he got into Mexico, he believed he had sanctuary there. The policy was Mexico wouldn't extradite murderers to the United States if they were faced with a death penalty, which would be the case here for this kind of a crime.

And then over time because the Mexican courts had ruled that the death penalty was cruel and unusual punishment and therefore they were not going to send their citizens to the United States to face a death penalty, no matter what kind of a crime they committed, and the disrespect for the laws here in the United States that come from the courts in Mexico I think cannot be overlooked, either, Mr. Speaker, but that was the position that the Mexican courts took, that the death penalty was cruel and unusual, and so they found some people that they wouldn't encourage to come to the United States. That was those people who were provided sanctuary within Mexico who hid behind the decisions made by the Mexican courts and Mexican laws.

Then over time the same court ruled that life in prison was also cruel and unusual punishment. So what would be appropriate punishment for an individual like this, Raul Gomez-Garcia, who shot two cops, killed one, the other one saved by his bulletproof vest, ripped Donnie Young out of his family's life, left a daughter without a father, and put all of that pain and agony on the community and on the family and the neighborhood and put a wound into this Nation, and absconded to Mexico and the Mexican courts say even life in prison is too cruel and unusual for someone who commit such a cruel and unusual act?

So the prosecuting attorney had to cut a deal. He had to lower the charge to second degree murder where the maximum sentence was 80 years in prison which Raul Gomez-Garcia received at his sentencing that took place last October 26 in Denver.

But the big problem with this is Raul Gomez-Garcia had been stopped a number of times by the Denver Police Department. The sanctuary laws that they have in Denver say that they can't inquire into the lawful presence or the immigration status of anyone that they stop. Therefore, Raul Gomez-Garcia was released each time he was stopped for his traffic violations, car accidents, whatever the incidents of confrontation might have been. Gomez-Garcia was allowed to go back on the streets, back behind the steering wheel, back behind a gun, back behind the backs of two police officers and shoot them in the back, killing Officer Donnie Young.

All of this could have been prevented if we sealed our borders, stopped the bleeding at the borders; and failing that, when Gomez-Garcia arrived in Denver with his first encounter with the Denver Police Department, he should have been picked up and deported back to Mexico on the spot. That is what the law says. But Denver says they are a sanctuary city, and that means they want to be a welcoming place for people who come here illegally.

The price that is paid is the life of Donnie Young. I think it is a tragedy and it is amazing to me that the citizens of Denver will put up with a policy that will protect murderers within their midst and not enforce our Federal law. And the very idea that because you are local law enforcement and you have a few city ordinances and speed limits and issues like that to enforce, the very idea that because you are a city police officer you don't cooperate or enforce Federal law is anathema to a Nation that is founded upon the rule of law.

I grew up in a law enforcement family, and there was no concept in those years that any law enforcement officer was absolved from enforcing any of our laws.

Can you imagine a Nation or a world where only Federal agents could enforce Federal laws, and only State agents could enforce State laws, and Highway Patrol officers could only enforce the State speeding laws, not the local speed limits, and your city police officers could only enforce the city ordinances and the local traffic laws? And county officers, what are they going to do? They don't have enough ordinances to enforce anything. All they could do under this kind of rationale would be serve papers and keep the jail and maybe leave us otherwise alone. It is not conducive to a free state to have sanctuary policy or to live under the delusion that you don't have the responsibility to enforce immigration laws because you happen to be wearing a blue uniform of a Denver Police Department.

The result is Denver police officers, shot, killed by Gomez-Garcia, who had no business being in the United States and we had many opportunities to send him back to his own country and keep him there or incarcerate him here in the United States until he had paid the price for the others crimes he had committed.

Here is what is shocking to me, Mr. Speaker. Denver Police Chief Gerry Whitman said the case, Gomez-Garcia, "sends the message that Denver and its criminal justice system stand behind the police." How does that work? How can you stand behind the police when you have Gomez-Garcia standing behind the police and putting bullets into them, and you have picked up and turned the very man loose that you had the opportunity to stop before he took one of your fellow officers?

That is what happens with a sanctuary policy. Donnie Young was one of thousands. The face here is another face of evil, Mr. Speaker. And the face of the victims are not here on this floor tonight, but it is a tragedy just the same.

And I have another tragedy.

This is Jose Luis Rubi-Nava.

Now, this individual has been arrested and he has I believe been indicted on other charges, so we are going to say "allegedly." I am going to put allegedly ahead of the things I say about this individual, understanding I don't believe he has been convicted at this point. He is innocent until proven guilty, but these are the news reports that I am referencing.

He was arrested in April 2006 for other crimes. He is an illegal immigrant. He could have been deported back to his home country. He could have been incarcerated for the other violations he had, but he was released back into the community, again because of a sanctuary policy, and again this is Denver, the suburbs of Denver.

So we have Jose Luis Rubi-Nava of Glendale, Colorado, who is charged with one of the most horrendous crimes that I have heard about in my years in dealing with these things, and that is the dragging death of a female whom we believe was perhaps his common-law wife, a live-in, or a romantic friend whom he allegedly tied a rope around her neck and drug her behind the car for over a mile and left her body about 20 feet outside a driveway in a suburban area, in a suburb of Denver.

In reading the report, the gory streaks on the street were more than a mile long and they had to wash the streets to clean things up after the perpetration of this horrible crime allegedly committed by Rubi-Nava.

□ 2340

This crime is just among the most horrible things that I have ever heard, and yet the Denver police persist. They buried one of their own, Donnie Young. The mayor's sanctuary policy is what they have to live by I recognize. I am not hearing from the police department that we should stop all of these sanctuary policies. Instead, I am hearing the police chiefs say we take care of our own; we enforce the law.

But I hear things like statements made in this case, Denver police have no reason to believe someone is in the country illegally; therefore, they do not contact Immigration and Customs Enforcement agents. If they stop somebody, and any common-sense person, anyone with half a brain, could figure out that they had an illegal immigrant on their hands because of the identification, because of maybe a Mexican driver's license, maybe because of a matricula consular card, which is almost proof positive of unlawful presence in the United States. There is no reason to have a matricula consular card unless you are here illegally, Mr. Speaker.

No, the Denver police would argue we have no reason to believe he is here illegally, and therefore, we cannot take action; therefore, we will release an individual back on the streets again and hope he does not drag somebody to death or shoot somebody in the back or run over them as a drunken driver.

This kind of tragedy, this kind of evil, Mr. Speaker, has got to be stopped. I have laid out just three cases, and I have discussed perhaps about 17 murder victims in these three cases. That average, I do not know if it is high or low across the perpetrators of capital crime.

Mr. Speaker, I can tell you that if you are the family members of any of those victims, you are not thinking in terms of numbers or whether it is a high or a low number of people that were killed. You are thinking in terms of your loved one that you have lost, that devastating, wrenching that a family goes through and a that grief that goes on for a lifetime, that hole that is there for a lifetime, the hole that I talked about in the family of Donnie Young, that hole multiplied by thousands in this country because we do not have the will to enforce our immigration laws, because we do not have the will because we have people that see the massive numbers of low-income, cheap wages as a political power base. On the other side of that, we have people that are making a lot of money off of cheep labor, and they believe they have a right.

So, therefore, Mr. Speaker, I will continue this discussion in future evenings, and I appreciate the privilege to address you on the floor of the United States House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROSS (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. SPACE (at the request of Mr. HOYER) for today and February 28 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. CHANDLER, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. POE, for 5 minutes, today and February 28 and March 1.

Mr. DREIER, for 5 minutes, today and February 28.

Mr. JONES of North Carolina, for 5 minutes, today and February 28 and March 1.

Mr. BURTON of Indiana, for 5 minutes, today and February 28 and March 1.

Mr. MORAN of Kansas, for 5 minutes, February 28.

Mr. BURGESS, for 5 minutes, today and February 28.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 171. An act to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building"; to the Committee on Oversight and Government Reform.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 16, 2007, she presented to the President of the United states, for his approval, the following bill.

H.R. 742. To amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 28, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

616. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0205; FRL-8113-8] received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

617. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Orthosulfamuron; Pesticide Tolerance [EPA-HQ-OPP-2007-0010; FRL-8113-4] received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

618. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sethoxydim; Pesticide Tolerance [EPA-HQ-OPP-2006-0321; FRL-8115-8] received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

619. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for North Dakota [R08-ND-2006-0001; FRL-8274-6] received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

620. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Enhanced Inspection and Maintenance Program [Docket No. EP-R02-OAR-2006-0695, FRL-8275-5] received February 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

621. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference [WV101-6038; FRL-8273-7] received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

622. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Authorization of State Hazardous Waste Management Program Revision [FRL-8281-3] received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

623. A letter from the Director, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 01-07 informing of an intent to sign a Project Arrangement concerning the Joint Studies on Adversary Countermeasures to Ballistic Missile Defense between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

624. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

625. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

626. A letter from the Director, Defense Security Cooperation Agency, transmitting a

report in accordance with Section 25(a)(6) of the Arms Export Control Act(AECA), describing and analyzing services performed during FY 2006 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on Foreign Affairs.

627. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Department's report entitled, "Report on the Effectiveness of the United Nation to Prevent Sexual Exploitation and Abuse and Trafficking in Persons in UN Peacekeeping Missions," pursuant to Public Law 109-164, section 104(e); to the Committee on Foreign Affairs.

628. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on Foreign Affairs.

629. A letter from the Secretary, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete out mission in Iraq successfully, pursuant to Public Law 109-163, section 1227; to the Committee on Foreign Affairs.

630. A letter from the Secretary, Department of State, transmitting determination that North Korea detonated a nuclear explosive device on October 9, 2006, pursuant to section 102(b)(1) of the Arms Export Control Act and Section 129 of the Atomic Energy Act; to the Committee on Foreign Affairs.

631. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-19, "Lower Georgia Avenue Job Training Center Funding Authorization Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

632. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-17, "Ballpark Hard and Soft Costs Cap Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

633. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-18, "Exploratory Committee Regulation Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

634. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

635. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, notification for countries listed as approved for funding for the FY 2007 International Military Education and Training (IMET) program; jointly to the Committees on Foreign Affairs and Appropriations.

636. A letter from the Acting Director, Defense Security Copperation Agency, transmitting notification of program changes, pursuant to the American Serviemembers' Protection Act of 2002 as amended by Section 1222 of the John Warner National Defense Authorization Act for Fiscal Year 2007; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

[Pursuant to the order of the House of February 16, 2007, the following report was filed on February 23, 2007]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. H.R. 556. A bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; with an amendment (Rept. 110–24 Pt. 1). Ordered to be printed.

[The following report was filed on February 27, 2007]

Mr. ARCURI: Committee on Rules. House Resolution 195. Resolution providing for the consideration of the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the Untied States, and for other purposes; (Rept. 110–25). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on February 23, 2007]

Pursuant to clause 2 of rule XII, the Committees on Energy and Commerce and Foreign Affairs discharged from further consideration. H.R. 556 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself and Mr. Ramstad):

H.R. 1190. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI:

H.R. 1191. A bill to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park; to the Committee on Natural Resources.

By Mr. MEEK of Florida (for himself, Ms. Ros-Lehtinen, Mr. Lewis of Georgia, Mr. Brady of Pennsylvania, Ms. Jackson-Lee of Texas, and Mr. Ortiz):

H.R. 1192. A bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. Camp of Michigan, Mr. Bishop of Georgia, Mr. Wynn, Ms. Kilpatrick, Mr. Butterfield, and Mr. Cummings):

H.R. 1193. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. Ramstad, Mr. Boucher, and Mr. Gary G. Miller of California):

H.R. 1194. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. Mica, Mr. DeFazio, and Mr. Duncan):

H.R. 1195. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REYES:

H.R. 1196. A bill to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BILIRAKIS:

H.R. 1197. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself, Mr. Walsh of New York, Mr. Cummings, Mr. Ehlers, Mr. McHugh, Mr. McNulty, Ms. McCollum of Minnesota, Mrs. McCarthy of New York, Mr. McDermott, Mr. Grijalva, Ms. Schakowsky, Ms. Kilpatrick, Mr. Payne, Mr. Gene Green of Texas, Mr. Hinchey, Mr. Gutierrez, Mr. Fossella, Mr. Smith of New Jersey, Mr. Jefferson, Mr. Johnson of Georgia, Ms. Woolsey, Mr. Kuhl of New York, Mr. Davis of Illinois, Ms. Eshoo, and Mr. Bachus):

H.R. 1198. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. Larsen of Washington, and Ms. Hooley):

H.R. 1199. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. DELAHUNT, Mr. KUCINICH, Ms. LEE, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. DICKS, Mr. FARR, Mr. GRIJALVA, Mr. OLVER, and Mr. GUTIERREZ):

H.R. 1200. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself, Mr. DOOLITTLE, and Ms. ZOE LOFGREN of California):

H.R. 1201. A bill to amend title 17, United States Code, to promote innovation, to encourage the introduction of new technology, to enhance library preservation efforts, and to protect the fair use rights of consumers, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself, Ms. NORTON, and Mr. CARTER):

H.R. 1202. A bill to amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a winning candidate for election for Federal office which received a personal loan from the candidate from making any repayment on the loan after the date on which the candidate begins serving in such office; to the Committee on House Administration.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. UDALL of Colorado, Mr. TERRY, Mr. CARTER, and Mr. MILLER of Florida):

H.R. 1203. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of any contribution made to a candidate for election for Federal office, or any donation made to an individual as support for the individual's activities as the holder of a Federal office, for the payment of a salary to the candidate or individual or to any member of the immediate family of the candidate or individual; to the Committee on House Administration.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. GOODE):

H.R. 1204. A bill to amend the Internal Revenue Code of 1986 to impose penalties for the failure of 527 organizations to comply with disclosure requirements; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, and Mr. ABERCROMBIE):

H.R. 1205. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 1206. A bill to name the Logistics Automation Training Facility of the Army Quartermaster Center and School at Fort Lee, Virginia, in honor of General Richard H. Thompson, who is the only quartermaster to have risen from private to full general; to the Committee on Armed Services.

By Mr. GERLACH:

H.R. 1207. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on any tax-exempt organization which accepts any contribution which may be used to relocate property held by the organization if the relocation is contrary to the intent of the donor of the property; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself and Mr. BAKER):

H.R. 1208. A bill to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 1209. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on House Administration.

By Mr. MATHESON (for himself, Mr. CANNON, and Mr. BISHOP of Utah):

H.R. 1210. A bill to authorize the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Natural Resources.

By Mr. MATHESON (for himself, Mr. McINTYRE, Mr. TAYLOR, Mrs. WILSON of New Mexico, Mr. EDWARDS, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. LINCOLN DAVIS of Tennessee, Mr. DeFAZIO, Mr. DELAHUNT, Mr. ETHERIDGE, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. KUHL of New York, Mr. LATHAM, Mrs. MALONEY of New York, Ms. SCHWARTZ, Mr. UDALL of New Mexico, Mrs. CAPPS, Mr. HIGGINS, Mr. MELANCON, Mr. GRIJALVA, Mr. CUMMINGS, Mr. McGOVERN, Mr. ALEXANDER, Mr. CLEAVER, Mr. EMANUEL, Mr. WAMP, Mr. SALAZAR, Mr. CUELLAR, Mr. FATTAH, Mr. GONZALEZ, Mr. TIM MURPHY of Pennsylvania, Ms. BORDALLO, Mr. PATRICK MURPHY of Pennsylvania, Mr. HOLDEN, Mr. DOYLE, Mr. SHULER, Mr. VAN HOLLEN, Ms. MATSUI, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. LYNCH, Mr. ROSS, Mr. BOUCHER, Mr. WALZ of Minnesota, Ms. BERKLEY, Mr. HALL of New York, Ms. HOOLEY, Mrs. McCARTHY of New York, Mr. BOSWELL, Mr. ELLISON, Ms. KILPATRICK, Mr. FARR, and Mr. LANTOS):

H.R. 1211. A bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than two years of active duty service in any five year period, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON:

H.R. 1212. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business.

By Mr. POE (for himself, Mr. EDWARDS, Mr. CARTER, Mr. GONZALEZ, Mr. SOUDER, Mrs. MUSGRAVE, Mr. GOODLATTE, Mr. PITTS, Mr. LAMBORN, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. FORTUÑO, Mr. BARRETT of South Carolina, Mr. PEARCE, Mr. GINGREY, Mr. McCAUL of Texas, Mr. HARE, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mrs. MYRICK, Mr. SENSENBRENNER, Ms. BORDALLO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. LINCOLN DIAZ-BALART of Florida, Mr. McCOTTER, and Mr. TERRY):

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax equal to 50 percent of the compensation paid to employees while they are performing active duty service as members of the Ready Reserve or the National Guard and of the compensation paid to temporary replacement employees; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. TAYLOR):

H.R. 1214. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Michigan:

H.R. 1215. A bill to authorize the Secretary of Energy to make certain loan guarantees for advanced conservation and fuel efficiency motor vehicle technology projects; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself and Mr. KING of New York):

H.R. 1216. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Nebraska (for himself, Mr. HAYES, Mr. CONAWAY, and Mrs. MUSGRAVE):

H.R. 1217. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations; to the Committee on Ways and Means.

By Mr. WU:

H.R. 1218. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs and to eliminate the gap in coverage of Medicare prescription drug benefits, to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 1219. A bill to amend title XVIII of the Social Security Act to provide geographic equity in fee-for-service reimbursement for providers under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.J. Res. 38. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. HONDA):

H. Con. Res. 75. Concurrent resolution expressing the sense of Congress that the global use of child soldiers is unacceptable and that the international community should find remedies end this practice; to the Committee on Foreign Affairs.

By Mr. COHEN (for himself, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. WEXLER, Ms. KILPATRICK, Ms. WOOLSEY, Mr. PALLONE, Ms. LEE, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Mr. CONYERS, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. RANGEL, Mr. PAYNE, Mr. JEFFERSON, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Ms. WATSON, Mr. HINCHEY, Mr. CLEAVER, Ms. CARSON, Mr. ISRAEL, Mr. ACKERMAN, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. HARE, Mr. KENNEDY, Ms. BALDWIN, Mr. HODES, Mr. FILNER, Mr. HONDA, and Mr. KUCINICH):

H. Res. 194. A resolution apologizing for the enslavement and racial segregation of African-Americans; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 196. A resolution supporting the goals and ideals of World Water Day; to the Committee on Foreign Affairs.

By Mr. ENGEL:

H. Res. 197. A resolution commending Vice President Al Gore on his well-deserved recognition for the Academy Award-winning documentary, "An Inconvenient Truth"; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. LEE, Mr. BUTTERFIELD, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. CLEAVER, Mr. FATTAH, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. CARSON, Ms. CLARKE, Mr. CLAY, Mr. CONYERS, Mr. PAYNE, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. WATERS, Mr. RUSH, Mr. SCOTT of Virginia, Mr. ELLISON, Mr. THOMPSON of Mississippi, Ms. NORTON, Ms. WATSON, Mr. WYNN, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WATT, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. MEEK of Florida, Mr. JACKSON of Illinois, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Georgia, Mr. JEFFERSON, Mr. ORTIZ, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Mr. HONDA, Mrs. CAPPS, Mr. CROWLEY, Mrs. NAPOLITANO, Mr. CAPUANO, Ms. SOLIS, Ms. WASSERMAN SCHULTZ, Mr. LARSON of Connecticut, Mr. DOGGETT, Mr. SERRANO, Mr. PALLONE, Mr. HIGGINS, Mr. WU, Mr. ISRAEL, Mr. GEORGE MILLER of California, Ms. BALDWIN, Ms. LORETTA SANCHEZ of California, Mr. BACHUS, Mr. HINOJOSA, Mr. WILSON of South Carolina, Mr. POE, Mr. MCCAUL of Texas, Mr. SHAYS, Mr. SENSENBRENNER, and Mr. INGLIS of South Carolina):

H. Res. 198. A resolution recognizing the significance of Black History Month; to the Committee on Oversight and Government Reform.

By Mr. REYES (for himself and Mr. HOEKSTRA):

H. Res. 199. A resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the One Hundred Tenth Congress; to the Committee on House Administration.

By Ms. SLAUGHTER (for herself and Mr. DREIER):

H. Res. 200. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Tenth Congress; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

9. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 33 memorializing the Congress of the United States to adopt S. 520 and H.R. 1070, the Constitution Restoration Act of 2005, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God; to the Committee on the Judiciary.

10. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution 16 memorializing the Congress of the United States to adopt the Constitution Restoration Act, to limit the jurisdiction of the federal courts and preserve the right to the states and to the people to acknowledge God and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God, all as authorized by Article III, Section 2, of the United States Constitution; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LATOURETTE introduced a bill (H.R. 1220) for the relief of Michael Dvorkin; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. BRADY of Pennsylvania.

H.R. 60: Ms. CASTOR and Mr. DAVID DAVIS of Tennessee.

H.R. 65: Mr. MARCHANT.

H.R. 73: Mr. FORTENBERRY, Mr. WAMP, and Mr. BOOZMAN.

H.R. 89: Mr. JONES of North Carolina, Mr. MILLER of Florida, and Mr. JINDAL.

H.R. 140: Ms. HOOLEY.

H.R. 146: Mr. TERRY and Mr. TOWNS.

H.R. 178: Mrs. CHRISTENSEN and Mr. RUSH.

H.R. 180: Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. PASTOR, Ms. WATERS, Mr. AL GREEN of Texas, Ms. HARMAN, Mr. HODES, Ms. HIRONO, Mr. KUCINICH, Mr. MCGOVERN, and Mr. SCOTT of Georgia.

H.R. 192: Mr. NEUGEBAUER.

H.R. 201: Ms. SCHAKOWSKY.

H.R. 237: Mr. MICHAUD.

H.R. 241: Mr. BOEHNER.

H.R. 251: Mr. CARNAHAN.

H.R. 303: Mr. BOYD of Florida, Mr. JONES of North Carolina, Mr. KIRK, Mr. PRICE of North Carolina, and Ms. HERSETH.

H.R. 319: Mr. VAN HOLLEN.

H.R. 328: Mr. AL GREEN of Texas, Mr. MORAN of Virginia, and Mr. SHAYS.

H.R. 352: Ms. NORTON and Mr. HARE.

H.R. 358: Ms. HIRONO, Mr. BUTTERFIELD, Mr. MOLLOHAN, Mr. TIM MURPHY of Pennsylvania, and Mr. PETERSON of Minnesota.

H.R. 359: Ms. SUTTON.

H.R. 370: Mr. TIM MURPHY of Pennsylvania and Mr. TANCREDO.

H.R. 402: Mr. ABERCROMBIE, Mr. PASTOR, and Mr. BOUCHER.

H.R. 405: Mrs. CAPPS.

H.R. 410: Mr. CROWLEY.

H.R. 423: Mr. PASTOR and Mr. BACA.

H.R. 454: Mr. CUMMINGS, Mr. GRIJALVA, and Mr. MOORE of Kansas.

H.R. 457: Mr. BUTTERFIELD and Mr. JEFFERSON.

H.R. 464: Ms. WASSERMAN SCHULTZ and Mr. WU.

H.R. 468: Ms. KILPATRICK, Mr. ISRAEL, Mr. CUMMINGS, Mr. RUSH, and Mrs. JONES of Ohio.

H.R. 471. Mr. CARNEY, Mrs. BOYDA of Kansas, Mr. PEARCE, Mr. LAHOOD, Mrs. SCHMIDT, Mr. BOUCHER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 477: Mr. UDALL of Colorado, Ms. HOOLEY, Mr. TOWNS, Mr. EMANUEL, and Ms. ESHOO.

H.R. 493: Mrs. TAUSCHER, Mr. PICKERING, and Mr. MATHESON.

H.R. 505: Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mr. MORAN of Virginia.

H.R. 508: Mr. JACKSON of Illinois and Mr. HONDA.

H.R. 511: Mr. PORTER, Mr. HULSHOF, Mr. WALBERG, Mrs. BIGGERT, Mr. LINDER, and Mr. MANZULLO.

H.R. 522: Mr. MEEHAN and Ms. CLARKE.

H.R. 526: Mr. REICHERT.

H.R. 539: Mr. PAUL, Mrs. CUBIN, Mr. LEVIN, Mr. TERRY, Mr. LANGEVIN, Mr. LYNCH, Mr. BOOZMAN, and Mr. DAVIS of Illinois.

H.R. 552: Mr. BOUCHER, Mr. WEXLER, Mr. ROGERS of Alabama, Ms. DEGETTE, Mr. SAXTON, Mr. FRANK of Massachusetts, Mr. ALLEN, and Mr. GINGREY.

H.R. 566: Ms. HIRONO.

H.R. 579: Mr. JINDAL, Mrs. DAVIS of California, Mr. UDALL of New Mexico, Mrs. TAUSCHER, Mr. OLVER, Mr. BERRY, Mr. WELCH of Vermont, and Mr. BONNER.

H.R. 618: Mr. LINDER.

H.R. 621: Mr. KANJORSKI, Mr. BOREN, Mr. GILLMOR, Mr. BOUCHER, Mr. Tim MURPHY of Pennsylvania, Mr. HOLDEN, Mr. BISHOP of Georgia, Mr. GOODE, and Mr. CANNON.

H.R. 628: Mr. VAN HOLLEN, Mr. KUHL of New York, and Mr. GORDON.

H.R. 642: Mr. MEEK of Florida, Mr. MCHUGH, and Mr. COHEN.

H.R. 643: Mr. MEEK of Florida, Mrs. MYRICK, Mr. LATOURETTE, Mr. WELLER, Mr. SKELTON, Mr. LEWIS of Kentucky, Mr. TIBERI, and Mr. GORDON.

H.R. 644: Mr. ALTMIRE and Mr. WELCH of Vermont.

H.R. 661: Mr. INSLEE.

H.R. 662: Mr. WELLER, Mr. WEXLER, and Mr. ABERCROMBIE.

H.R. 664: Mr. ROHRABACHER.

H.R. 667: Mr. LIPINSKI.

H.R. 670: Mr. NADLER, Mr. SHAYS, Mr. MCKEON, and Mr. MCHUGH.

H.R. 676: Mr. YARMUTH, Mr. UDALL of New Mexico, Mr. BRADY of Pennsylvania, and Mrs. NAPOLITANO.

H.R. 677: Ms. HOOLEY, Mr. HOLDEN, Mr. CLAY, and Mr. LEVIN.

H.R. 684: Mr. DAVIS of Illinois, Mr. CLEAVER, and Mr. CONYERS.

H.R. 689: Mr. POE, Mr. DEAL of Georgia, and Mr. MARCHANT.

H.R. 690: Ms. BORDALLO, Mr. GERLACH, and Mr. WALSH of New York.

H.R. 694: Mr. DAVIS of Illinois.

H.R. 695: Mr. JONES of North Carolina, Mr. LEVIN, and Mr. HONDA.

H.R. 697: Mr. PEARCE.

H.R. 701: Mr. OBERSTAR.

H.R. 718: Mr. TIBERI, Mr. CONYERS, and Mr. BISHOP of New York.

H.R. 722: Mr. TERRY.

H.R. 723: Mr. ORTIZ and Mr. ROHRABACHER.

H.R. 770: Mr. JEFFERSON, Mr. GRIJALVA, Mr. DEFAZIO, Mr. MCGOVERN, Mr. DOGGETT, Mr. OLVER, Ms. WATSON, and Mr. FARR.

H.R. 784: Ms. BORDALLO, Mrs. DAVIS of California, and Mr. ABERCROMBIE.

H.R. 787: Ms. HIRONO and Ms. CORRINE BROWN of Florida.

H.R. 803: Mr. DENT, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Mr. PERLMUTTER.

H.R. 811: Mr. DAVIS of Alabama, Mr. UDALL of New Mexico, and Mr. CLEAVER.

H.R. 819: Mr. PASTOR, Mr. LEWIS of Georgia, Mr. HODES, Mr. CONYERS, Mr. BOSWELL, Mr. DEFAZIO, Mr. KUCINICH, Mr. CHANDLER, Ms. SHEA-PORTER, and Mr. THOMPSON of California.

H.R. 829: Mr. MARCHANT.

H.R. 836: Mr. PLATTS.

H.R. 837: Mr. PLATTS.

H.R. 840: Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. CLAY, Ms. HIRONO, Ms. MOORE of Wisconsin, and Mr. RUSH.

H.R. 845: Mr. PLATTS.

H.R. 846: Mr. PLATTS.

H.R. 851: Mr. CHABOT.

H.R. 854: Mr. HOLT.

H.R. 869: Ms. HERSETH and Ms. HIRONO.

H.R. 876: Mr. MCCOTTER, Mr. HUNTER, and Mr. VAN HOLLEN.

H.R. 884: Mrs. LOWEY, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. COURTNEY, Mr. TIM MURPHY of Pennsylvania, Mr. MICHAUD, and Mr. MCCOTTER.

H.R. 891: Ms. MOORE of Wisconsin, Mr. CAPUANO, Mrs. DAVIS of California, Mr. BLUMENAUER, Mr. ROTHMAN, Mr. AL GREEN of Texas, and Mr. FARR.

H.R. 897: Mr. GONZALEZ.

H.R. 901: Ms. HIRONO, Mr. NADLER, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. MCINTYRE, and Mrs. NAPOLITANO.

H.R. 910: Mrs. MCMORRIS RODGERS.

H.R. 916: Mr. KUCINICH and Mr. ISRAEL.

H.R. 926: Mr. BOUCHER and Mr. SALAZAR.

H.R. 939: Mrs. MYRICK, Mrs. CUBIN, Mr. GARRETT of New Jersey, Mr. BARTLETT of Maryland, and Mr. BOOZMAN.

H.R. 947: Mr. GONZALEZ.

H.R. 957: Mr. MCNULTY, Ms. HARMAN, and Mrs. MYRICK.

H.R. 960: Mr. FATTAH and Mr. KENNEDY.

H.R. 962: Mr. DEFAZIO, Ms. HIRONO, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. STARK.

H.R. 984: Mr. WELCH of Vermont.

H.R. 985: Mr. WELCH of Vermont.

H.R. 990: Mrs. TAUSCHER, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. COHEN, Mr. TIERNEY, Ms. MATSUI, Mr. HARE, Mr. DAVIS of Illinois, and Mr. ISRAEL.

H.R. 996: Ms. CLARKE.

H.R. 998: Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. FARR, Mr. HONDA, Mr. MORAN of Virginia, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SHULER, Mr. STUPAK, and Mr. TOWNS.

H.R. 1010: Mr. BERMAN, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. KUCINICH, Mr. BISHOP of Georgia, Mr. CUMMINGS, and Mr. PAYNE.

H.R. 1013: Mr. EVERETT.

H.R. 1014: Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mr. TERRY, Ms. HIRONO, Ms. HOOLEY, Ms. KILPATRICK, Mr. MEEHAN, Ms. SCHAKOWSKY, Mr. GRIJALVA, Ms. HERSETH, Mrs. CAPITO, Mr. CLAY, Mr. REYES, Mr. SHAYS, Mr. MCDERMOTT, Ms. NORTON, Ms. ESHOO, Mr. CUMMINGS, Mr. BOSWELL, Mr. AL GREEN of Texas, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mrs. LOWEY, Ms. BORDALLO, Mr. LYNCH, Mr. MCCOTTER, Mr. WU, Mr. VAN HOLLEN, and Mr. LANTOS.

H.R. 1023: Mr. WESTMORELAND and Mr. GOODE.

H.R. 1034: Mr. BURTON of Indiana and Ms. BORDALLO.

H.R. 1035: Mr. BROWN of South Carolina.

H.R. 1038: Mr. CONYERS and Mr. ABERCROMBIE.

H.R. 1051: Ms. HIRONO and Mr. MOORE of Kansas.

H.R. 1061: Mr. BROWN of South Carolina, Mrs. MILLER of Michigan, and Mr. LARSEN of Washington.

H.R. 1063: Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. SKELTON, Mr. MCCOTTER, Mr. WELLER, and Mr. MURTHA.

H.R. 1072: Mr. DAVIS of Illinois and Mr. LANTOS.

H.R. 1074: Mr. PASCRELL and Mr. DAVIS of Illinois.

H.R. 1076: Mr. PETRI and Mr. ALLEN.

H.R. 1077: Mr. KUHL of New York and Mrs. MUSGRAVE.

H.R. 1080: Ms. HERSETH.

H.R. 1086: Ms. HOOLEY and Mr. LIPINSKI.

H.R. 1097: Ms. HIRONO.

H.R. 1107: Mr. GORDON.

H.R. 1118: Mr. PLATTS and Mr. CHABOT.

H.R. 1120: Mr. TIM MURPHY of Pennsylvania, Mr. ISRAEL, Mr. SHIMKUS, Mr. SESSIONS, Mr. TIBERI, Mr. UPTON, Mr. REICHERT, Mr. MCHENRY, Ms. GINNY BROWN-WAITE of Florida, Mr. MANZULLO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mr. WALDEN of Oregon.

H.R. 1152: Mr. TIM MURPHY of Pennsylvania and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 1153: Mr. JONES of North Carolina, Mr. TERRY, and Mr. TANCREDO.

H.R. 1157: Mr. ALLEN, Mr. BISHOP of New York, Mr. CLEAVER, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. HOLDEN, Mr. ISRAEL, Mr. KENNEDY, Mr. KIND, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. LYNCH, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MEEHAN, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. PLATTS, Mr. RAMSTAD, Mr. REYES, Mr. RYAN of Wisconsin, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SERRANO, Mr. SHAYS, Mrs. TAUSCHER, Mr. WAXMAN, Mr. WEINER, and Mr. TIERNEY.

H.R. 1169: Mr. CONYERS.

H.R. 1188: Mr. TOM DAVIS of Virginia, Mr. MCCOTTER, and Mr. BLUMENAUER.

H.J. Res. 6: Mr. GOODE.

H.J. Res. 19: Mr. DAVID DAVIS of Tennessee.

H.J. Res. 21: Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 9: Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. JEFFERSON, Mr. RANGEL, Mr. HASTINGS of Florida, Mr. MEEK of Florida, and Mr. KUCINICH.

H. Con. Res. 19: Ms. NORTON, Mr. RUSH, and Ms. KILPATRICK.

H. Con. Res. 28: Mr. MILLER of Florida, Mr. CALVERT, and Mr. MARCHANT.

H. Con. Res. 39: Ms. WOOLSEY, Mr. ENGEL, and Mr. EMANUEL.

H. Con. Res. 40: Mr. GARRETT of New Jersey and Mr. MCCOTTER.

H. Con. Res. 45: Mr. DENT.

H. Con. Res. 47: Mr. SALAZAR, Mr. HAYES, Mr. BUYER, and Mr. BURGESS.

H. Con. Res. 53: Mr. KUHL of New York, Mr. BUTTERFIELD, and Mr. HINOJOSA.

H. Con. Res. 62: Mr. ISSA, Mr. CASTLE, Mr. PLATTS, Mr. SHAYS, Ms. FOXX, Mr. MICA, Mr. WESTMORELAND, Mr. MOORE of Kansas, Mrs. BLACKBURN, Mrs. BONO, Mr. FORTENBERRY, Mr. DUNCAN, Mr. CANNON, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. TIM MURPHY of Pennsylvania, Mr. PENCE, Mr. SESSIONS, Mr. LIPINSKI, Mr. BILBRAY, Mr. DENT, Mr. LINDFR, Mr. TURNER, Mr. GOODE, Mr. MORAN of Virginia, Mr. GOODLATTE, Mrs. JO ANN DAVIS of Virginia, and Mr. SALI.

H. Con. Res. 71: Mr. LAMBORN, Ms. HIRONO, Mr. FOSSELLA, and Mr. LANTOS.

H. Con. Res. 74: Mr. HOLDEN, Mr. GERLACH, and Mr. GEORGE MILLER of California.

H. Res. 37: Mr. CONYERS, Ms. SCHAKOWSKY, and Mr. HONDA.

H. Res. 42: Mr. BURGESS.

H. Res. 53: Mr. DAVIS of Illinois.

H. Res. 55: Mr. WEXLER and Mr. HONDA.

H. Res. 79: Mr. HOLDEN and Mr. GOODLATTE.

H. Res. 87: Mr. SPACE.

H. Res. 95: Mr. MEEK of Florida and Ms. HIRONO.

H. Res. 100: Mr. MCDERMOTT, Mr. HINCHEY, Mr. COSTA, Mr. LEVIN, Mr. MICHAUD, Mr. BERMAN, Mrs. CAPPS, Mr. MCCOTTER, Mr. FATTAH, Mr. LIPINSKI, Ms. HIRONO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 111: Mr. WALSH of New York, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. PETERSON of Minnesota, and Mr. ROSKAM.

H. Res. 118: Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. CUMMINGS, Mr. SHAYS, Mrs. TAUSCHER, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. RUSH, Mr. JOHNSON of Georgia, Mr. SERRANO, Ms. WOOLSEY, and Mr. SIRES.

H. Res. 119: Ms. CARSON, Mr. HONDA, Mr. TIM MURPHY of Pennsylvania, and Ms. BORDALLO.

H. Res. 125: Mr. DAVIS of Kentucky, Mr. WEXLER, Mr. POE, Mr. BOOZMAN, Mr. KIRK, Mr. DOOLITTLE, Mr. WILSON of South Carolina, Mr. CANNON, Mr. SESSIONS, Mr. MACK, Mr. MILLER of North Carolina, Mr. SAXTON, Mr. FRANKS of Arizona, Mr. HASTINGS of Florida, Mr. ENGEL, and Mr. FOSSELLA.

H. Res. 126: Mr. COHEN.

H. Res. 128: Mr. GONZALEZ.

H. Res. 137: Mr. BERMAN and Mr. ISRAEL.

H. Res. 143: Mrs. CAPPS, Mr. FATTAH, and Mrs. TAUSCHER.

H. Res. 146: Mr. KUCINICH, Mr. AL GREEN of Texas, Mr. MOORE of Kansas, and Ms. ZOE LOFGREN of California.

H. Res. 162: Ms. MATSUI, Mr. PASCRELL, Mr. HINOJOSA, Mr. LANTOS, Ms. CLARKE Mr. SCOTT of Georgia, Mr. COOPER and Mr. GORDON.

H. Res. 163: Mr. DOGGETT and Mr. CAPUANO.

H. Res. 169: Ms. HARMAN.

H. Res. 185: Ms. SCHWARTZ, Mr. BURTON of Indiana, and Mr. WEINER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 556

OFFERED BY: MR. BLUNT

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security Foreign Investment Reform and Strengthened Transparency Act of 2007".

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COMMITTEE.—The term 'Committee' means the Committee on Foreign Investment in the United States.

"(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

"(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

"(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

"(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

"(1) NATIONAL SECURITY REVIEWS.—

"(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or on a motion made under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee, shall review the covered transaction to determine the effects on the national security of the United States.

"(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

"(C) WRITTEN NOTICE.—

"(i) IN GENERAL.—Any party to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

"(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review unless—

"(I) a written request for such withdrawal is submitted by any party to the transaction; and

"(II) the request is approved in writing by the Chairperson, in consultation with the Vice Chairpersons, of the Committee.

"(iii) CONTINUING DISCUSSIONS.—The approval of a withdrawal request under clause (ii) shall not be construed as precluding any party to the covered transaction from continuing informal discussions with the Committee or any Committee member regarding possible resubmission for review pursuant to this paragraph.

"(D) UNILATERAL INITIATION OF REVIEW.—The President, the Committee, or any member of the Committee may move to initiate a review under subparagraph (A) of—

"(i) any covered transaction;

"(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

"(iii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A), and—

"(I) such breach is certified by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

"(II) such department or agency certifies that there is no other remedy or enforcement tool available to address such breach.

"(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the receipt of written notice under subparagraph (C) by the Chairperson of the Committee, or the date of the initiation of the review in accordance with a motion under subparagraph (D).

"(2) NATIONAL SECURITY INVESTIGATIONS.—

"(A) IN GENERAL.—In each case in which—

"(i) a review of a covered transaction under paragraph (1) results in a determination that—

"(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1); or

"(II) the transaction is a foreign government-controlled transaction;

"(ii) a roll call vote pursuant to paragraph (3)(A) in connection with a review under paragraph (1) of any covered transaction results in at least 1 vote by a Committee member against approving the transaction; or

"(iii) the Director of National Intelligence identifies particularly complex intelligence concerns that could threaten to impair the national security of the United States and Committee members were not able to develop and agree upon measures to mitigate satisfactorily those threats during the initial review period under paragraph (1),

the President, acting through the Committee, shall immediately conduct an investigation of the effects of the transaction on the national security of the United States and take any necessary actions in connection with the transaction to protect the national security of the United States.

"(B) TIMING.—

"(i) IN GENERAL.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date of the investigation commenced.

"(ii) EXTENSIONS OF TIME.—The period established under subparagraph (B) for any investigation of a covered transaction may be extended with respect to any particular investigation by the President or by a rollcall vote of at least 2/3 of the members of the Committee involved in the investigation by the amount of time specified by the President or the Committee at the time of the extension, not to exceed 45 days, as necessary to collect and fully evaluate information relating to—

"(I) the covered transaction or parties to the transaction; and

"(II) any effect of the transaction that could threaten to impair the national security of the United States.

"(3) APPROVAL OF CHAIRPERSON AND VICE CHAIRPERSONS REQUIRED.—

"(A) IN GENERAL.—A review or investigation under this subsection of a covered transaction shall not be treated as final or complete until the findings and the report resulting from such review or investigation are approved by a majority of the members of the Committee in a roll call vote and signed by the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Commerce (and such authority of each such Secretary may not be delegated to any person other than the Deputy Secretary of the Treasury, the Deputy Secretary of Homeland Security, or the Deputy Secretary of Commerce, respectively).

"(B) ADDITIONAL ACTION REQUIRED IN CERTAIN CASES.—In the case of any roll call vote pursuant to subparagraph (A) in connection with an investigation under paragraph (2) of any foreign government-controlled transaction in which there is at least 1 vote by a Committee member against approving the transaction, the investigation shall not be treated as final or complete until the findings and report resulting from such investigation are signed by the President (in addition to the Chairperson and the Vice Chairpersons of the Committee under subparagraph (A)).

"(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

"(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States of any covered transaction, including making requests for information to the Director of the Office of Foreign Assets Control within the Department of the Treasury and the Director of the Financial Crimes Enforcement Network. The Director of National Intelligence also shall seek and incorporate the views of all affected or appropriate intelligence agencies.

"(B) 30-DAY MINIMUM.—The Director of National Intelligence shall be provided no less than 30 days to complete the analysis required under subparagraph (A), except in any instance described in paragraph (2)(A)(iii).

"(C) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall not be a member of the Committee and shall serve no policy role with the Committee other than to provide analysis under subparagraph (A) in connection with a covered transaction.

"(5) RESUBMITTALS OF NOTICE AND REQUESTS FOR ADDITIONAL REVIEW OR INVESTIGATION.—

"(A) IN GENERAL.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from—

"(i) submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is on-going; or

"(ii) requesting a review or investigation of the transaction after any previous review or investigation of the same or a similar transaction has become final if information material to the prior review or investigation and not previously submitted to the Committee becomes known or if any material change in circumstances to the covered transaction has occurred since the review or investigation.

"(B) APPROVAL OF REQUEST.—In the case of a request referred to in subparagraph (A)(ii), the Committee shall determine by consensus whether to grant a request.

"(6) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

"(A) submitting any notice of a proposed or pending covered transaction to the Committee;

"(B) submitting a request to withdraw a proposed or pending covered transaction from review; and

"(C) resubmitting a notice of proposed or pending covered transaction that was previously withdrawn from review.".

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following new subsection:

"(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

"(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States established pursuant to Executive Order No. 11858 shall be a multi-agency committee to carry out this section and such other assignments as the President may designate.

"(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

"(A) The Secretary of the Treasury.

"(B) The Secretary of Homeland Security.

"(C) The Secretary of Commerce.

"(D) The Secretary of Defense.

"(E) The Secretary of State.

"(F) The Attorney General.

"(G) The Secretary of Energy.

"(H) The Chairman of the Council of Economic Advisors.

"(I) The United States Trade Representative.

"(J) The Director of the Office of Management and Budget.

"(K) The Director of the National Economic Council.

"(L) The Director of the Office of Science and Technology Policy.

"(M) The President's Assistant for National Security Affairs.

"(N) Any other designee of the President from the Executive Office of the President.

"(3) CHAIRPERSON; VICE CHAIRPERSONS.—The Secretary of the Treasury shall be the Chairperson of the Committee. The Secretary of Homeland Security and the Secretary of Commerce shall be the Vice Chairpersons of the Committee.

"(4) OTHER MEMBERS.—Subject to subsection (b)(4)(B), the Chairperson of the Committee shall involve the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (b) as the Chairperson, after consulting with the Vice Chairpersons, determines to be appropriate on the basis of the facts and circumstances of the transaction under investigation (or the designee of any such department or agency head).

"(5) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the Chairperson of the Committee without regard to section 552b of title 5, United States Code (if otherwise applicable).

"(6) COLLECTION OF EVIDENCE.—Subject to subsection (c), the Committee may, for the purpose of carrying out this section—

"(A) sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

"(B) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Chairperson of the Committee may determine advisable.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each of fiscal years 2007, 2008, 2009, and 2010, expressly and solely for the operations of the Committee that are conducted by the Secretary, the sum of $10,000,000.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The first sentence of section 721(c) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(c)) is amended—

(1) by striking "material filed with" and inserting "material, including proprietary business information, filed with, or testimony presented to,"; and

(2) by striking "or documentary material" the second place such term appears and inserting ", documentary material, or testimony".

SEC. 4. ADDITIONAL FACTORS REQUIRED TO BE CONSIDERED.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "may" and inserting "shall"; and

(B) by striking "among other factors";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(6) whether the covered transaction has a security-related impact on critical infrastructure in the United States;

"(7) whether the covered transaction is a foreign government-controlled transaction; and

"(8) such other factors as the President or the President's designee may determine to be appropriate, generally or in connection with a specific review or investigation.".

SEC. 5. NONWAIVER OF SOVEREIGN IMMUNITY.

Section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) is amended by adding at the end the following new sentence: "The United States shall not be held liable for any losses or other expenses incurred by any party to a covered transaction as a result of actions taken under this section after a covered transaction has been consummated if the party did not submit a written notice of the transaction to the Chairperson of the Committee under subsection (b)(1)(C) or did not wait until the completion of any review or investigation under subsection (b), or the end of the 15-day period referred to in this subsection, before consummating the transaction.".

SEC. 6. MITIGATION, TRACKING, AND POST-CONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (k) (as amended by section 3 of this Act) the following new subsection:

"(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

"(1) MITIGATION.—

"(A) IN GENERAL.—The Committee or any agency designated by the Chairperson and Vice Chairpersons may negotiate, enter into or impose, and enforce any agreement or condition with any party to a covered transaction in order to mitigate any threat to the national security of the United States.

"(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis of the threat to national security of the covered transaction.

"(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

"(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

"(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

"(ii) specific timeframes for resubmitting any such written notice; and

"(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

"(B) DESIGNATION OF AGENCY.—The Committee may designate an appropriate Federal department or agency, other than any entity of the intelligence community (as defined in the National Securitv Act of 1947), as the lead agency to carry out the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph.

"(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

"(A) DESIGNATION OF AGENCY.—The Committee shall designate a Federal department or agency as the lead agency to negotiate, modify, monitor, and enforce any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency.

"(B) REPORTING BY DESIGNATED AGENCY.—

"(i) IMPLEMENTATION REPORTS.—The Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction shall—

"(I) provide periodic reports to the Chairperson and Vice Chairpersons of the Committee on the implementation of such agreement or condition; and

"(II) require, as appropriate, any party to the covered transaction to report to the head of such department or agency (or the designee of such department or agency head) on the implementation or any material change in circumstances.

"(ii) MODIFICATION REPORTS.—The Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

"(I) provide periodic reports to the Chairperson and Vice Chairpersons of the Committee on any modification to any such agreement or condition imposed with respect to the transaction; and

"(II) ensure that any significant modification to any such agreement or condition is reported to the Director of National Intelligence and to any other Federal department or agency that may have a material interest in such modification.".

SEC. 7. INCREASED OVERSIGHT BY THE CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

"(g) REPORTS TO THE CONGRESS.—

"(1) REPORTS ON COMPLETED COMMITTEE INVESTIGATIONS.—

"(A) IN GENERAL.—Not later than 5 days after the completion of a Committee investigation of a covered transaction under subsection (b)(2), or, if the President indicates an intent to take any action authorized under subsection (d) with respect to the transaction, after the end of 15-day period referred to in subsection (d), the Chairperson or a Vice Chairperson of the Committee shall submit a written report on the findings or actions of the Committee with respect to such investigation, the determination of whether or not to take action under subsection (d), an explanation of the findings under subsection (e), and the factors considered under subsection (f), with respect to such transaction, to—

"(i) the Majority Leader and the Minority Leader of the Senate;

"(ii) the Speaker and the Minority Leader of the House of Representatives; and

"(iii) the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives.

"(B) NOTICE AND BRIEFING REQUIREMENT.—If a written request for a briefing on a covered transaction is submitted to the Committee by any Senator or Member of Congress who receives a report on the transaction under subparagraph (A), the Chairperson or a Vice Chairperson (or such other person as the Chairperson or a Vice Chairperson may designate) shall provide 1 classified briefing to each House of the Congress from which any such briefing request originates in a secure facility of appropriate size and location that shall be open only to the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, (as the case may be) the chairman and ranking member of each committee of the House of Representatives or the Senate (as the case may be) with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, and appropriate staff members who have security clearance.

"(2) APPLICATION OF OTHER PROVISION.—

"(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House or any committee of the Congress shall be subject to the same limitations on disclosure of information as are applicable under such subsection.

"(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of the Congress and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.".

(b) SEMI-ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (l) (as added by section 6 of this Act) the following new subsection:

"(m) SEMI-ANNUAL REPORT TO THE CONGRESS.—

"(1) IN GENERAL.—The Chairperson of the Committee shall transmit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, before January 31 and July 31 of each year on all the reviews and investigations of covered transactions conducted under subsection (b) during the 6-month period covered by the report.

"(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The report under paragraph (1) shall contain the following information with respect to each covered transaction:

"(A) A list of all notices filed and all reviews or investigations conducted during the period with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about the status of the review or investigation, information on any withdrawal from the process, any rollcall votes by the Committee under this section, any extension of time for any investigation, and any presidential decision or action under this section.

"(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and presidential decisions or actions under this section.

"(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

"(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later re-filed such notices, or, alternatively, abandoned the transaction.

"(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction.

"(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next such report, to the extent possible.

"(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

"(A) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the semi-annual report submitted under paragraph (1) the following:

"(i) An evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer.

"(ii) An evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

"(B) CRITICAL TECHNOLOGIES DEFINED.—For purposes of this paragraph, the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 or other critical technology, critical components, or critical technology items essential to national defense or national security identified pursuant to this section.

"(C) RELEASE OF UNCLASSIFIED STUDY.—That portion of the semi-annual report under paragraph (1) that is required by this paragraph may be classified. An unclassified version of that portion of the report shall be made available to the public.".

(c) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950 (as in effect before the date of the enactment of this Act).

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General.

(d) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon completion of the study under paragraph (1) or in the next semi-annual report under section 721(m) of the Defense Production Act of 1950 (as added by subsection (b)), the Secretary of the

Treasury shall submit a report to the Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study, together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (m) (as added by section 7(b) of this Act) the following new subsection:

"(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice required to be submitted, by a party to a covered transaction, to the President or the President's designee under this section and regulations prescribed under such section, and any information submitted by any such party in connection with any action for which a report is required pursuant to paragraph (3)(B)(ii) of subsection (l) with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of such subsection, or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the person's knowledge and belief—

"(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

"(2) the notice or information is accurate and complete in all material respects.".

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

"(h) REGULATIONS.—The President shall direct the issuance of regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.".

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

"(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.".

H.R. 556

OFFERED BY: MR. BLUNT

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security Foreign Investment Reform and Strengthened Transparency Act of 2007".

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a), (b), and (c) and inserting the following new subsections:

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COMMITTEE.—The term 'Committee' means the Committee on Foreign Investment in the United States.

"(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

"(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

"(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

"(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

"(1) NATIONAL SECURITY REVIEWS.—

"(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or on a motion made under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee, shall review the covered transaction to determine the effects of the transaction on the national security of the United States.

"(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

"(C) WRITTEN NOTICE.—

"(i) IN GENERAL.—Any party to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

"(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review unless—

"(I) a written request for such withdrawal is submitted by any party to the transaction; and

"(II) the request is approved in writing by the Chairperson, in consultation with the Vice Chairpersons, of the Committee.

"(iii) CONTINUING DISCUSSIONS.—The approval of a withdrawal request under clause (ii) shall not be construed as precluding any party to the covered transaction from continuing informal discussions with the Committee or any Committee member regarding possible resubmission for review pursuant to this paragraph.

"(D) UNILATERAL INITIATION OF REVIEW.—Subject to subparagraph (F), the President, the Committee, or any member acting on behalf of the Committee may move to initiate a review under subparagraph (A) of—

"(i) any covered transaction;

"(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

"(iii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A), and—

"(I) such breach is certified by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

"(II) such department or agency certifies that there is no other remedy or enforcement tool available to address such breach.

"(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the receipt of written notice under subparagraph (C) by the Chairperson of the Committee, or the date of the initiation of the review in accordance with a motion under subparagraph (D).

"(F) LIMIT ON DELEGATION OF CERTAIN AUTHORITY.—The authority of the Committee or any member of the Committee to initiate a review under subparagraph (D) may not be delegated to any person other than the Deputy Secretary or an appropriate Under Secretary of the department or agency represented on the committee or by such member (or by a person holding an equivalent position to a Deputy Secretary or Under Secretary).

"(2) NATIONAL SECURITY INVESTIGATIONS.—

"(A) IN GENERAL.—In each case in which—

"(i) a review of a covered transaction under paragraph (1) results in a determination that—

"(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1); or

"(II) the transaction is a foreign government-controlled transaction;

"(ii) a roll call vote pursuant to paragraph (3)(A) in connection with a review under paragraph (1) of any covered transaction results in at least 1 vote by a Committee member against approving the transaction; or

"(iii) the Director of National Intelligence identifies particularly complex intelligence concerns that could threaten to impair the national security of the United States and Committee members were not able to develop and agree upon measures to mitigate satisfactorily those threats during the initial review period under paragraph (1),

the President, acting through the Committee, shall immediately conduct an investigation of the effects of the transaction on the national security of the United States and take any necessary actions in connection with the transaction to protect the national security of the United States.

"(B) TIMING.—

"(i) IN GENERAL.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date of the investigation commenced.

"(ii) EXTENSIONS OF TIME.—The period established under subparagraph (B) for any investigation of a covered transaction may be extended with respect to any particular investigation by the President or by a rollcall vote of at least 2/3 of the members of the Committee involved in the investigation by the amount of time specified by the President or the Committee at the time of the extension, not to exceed 45 days, as necessary to collect and fully evaluate information relating to—

"(I) the covered transaction or parties to the transaction; and

"(II) any effect of the transaction that could threaten to impair the national security of the United States.

"(C) EXCEPTION.—Notwithstanding subparagraph (A)(i)(II), an investigation of a foreign government-controlled transaction shall not be required under this paragraph if the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Commerce determine, on the basis of the review of the transaction under paragraph (1), that the transaction will not affect the national security of the United States and no agreement or condition is required, with respect to the transaction, to mitigate any threat to the national security (and such authority of each such Secretary may not be delegated to any person other than the Deputy Secretary of the Treasury, of Homeland Security, or of Commerce, respectively).

"(3) APPROVAL OF CHAIRPERSON AND VICE CHAIRPERSONS REQUIRED.—

"(A) IN GENERAL.—A review or investigation under this subsection of a covered transaction shall not be treated as final or complete until the results of such review or investigation are approved by a majority of the members of the Committee in a roll call vote and signed by the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Commerce (and such authority of each such Secretary may not be delegated to any person other than the Deputy Secretary or an appropriate Under Secretary of the Treasury, of Homeland Security, or of Commerce, respectively).

"(B) ADDITIONAL ACTION REQUIRED IN CERTAIN CASES.—In the case of any roll call vote pursuant to subparagraph (A) in connection with an investigation under paragraph (2) of any foreign government-controlled transaction in which there is at least 1 vote by a Committee member against approving the transaction, the investigation shall not be treated as final or complete until the findings and report resulting from such investigation are signed by the President (in addition to the Chairperson and the Vice Chairpersons of the Committee under subparagraph (A)).

"(C) PRESIDENTIAL ACTION REQUIRED IN CERTAIN CASES.—In the case of any covered transaction in which any party to the transaction is—

"(i) a person of a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism;

"(ii) a government described in clause (i); or

"(iii) person controlled, directly or indirectly, by any such government,

a review or investigation under this subsection of such covered transaction shall not be treated as final or complete until the results of such review or investigation are approved and signed by the President.

"(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

"(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States of any covered transaction, including making requests for information to the Director of the Office of Foreign Assets Control within the Department of the Treasury and the Director of the Financial Crimes Enforcement Network. The Director of National Intelligence also shall seek and incorporate the views of all affected or appropriate intelligence agencies.

"(B) TIMING.—The Director of National Intelligence shall be provided adequate time to complete the analysis required under subparagraph (A), including any instance described in paragraph (2)(A)(iii).

"(C) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall not be a member of the Committee and shall serve no policy role with the Committee other than to provide analysis under subparagraph (A) in connection with a covered transaction.

"(5) SUBMISSION OF ADDITIONAL INFORMATION.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is on-going.

"(6) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

"(A) submitting any notice of a proposed or pending covered transaction to the Committee;

"(B) submitting a request to withdraw a proposed or pending covered transaction from review; and

"(C) resubmitting a notice of proposed or pending covered transaction that was previously withdrawn from review.

"(c) CONFIDENTIALITY OF INFORMATION.—Any information or documentary material, including proprietary business information, filed with, or testimony presented to, the President or the President's designee pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information, documentary material, or testimony may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of the Congress.".

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following new subsection:

"(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

"(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States established pursuant to Executive Order No. 11858 shall be a multi-agency committee to carry out this section and such other assignments as the President may designate.

"(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

"(A) The Secretary of the Treasury.

"(B) The Secretary of Homeland Security.

"(C) The Secretary of Commerce.

"(D) The Secretary of Defense.

"(E) The Secretary of State.

"(F) The Attorney General.

"(G) The Secretary of Energy.

"(H) The Chairman of the Council of Economic Advisors.

"(I) The United States Trade Representative.

"(J) The Director of the Office of Management and Budget.

"(K) The Director of the National Economic Council.

"(L) The Director of the Office of Science and Technology Policy.

"(M) The President's Assistant for National Security Affairs.

"(N) Any other designee of the President from the Executive Office of the President.

"(3) CHAIRPERSON; VICE CHAIRPERSONS.—The Secretary of the Treasury shall be the Chairperson of the Committee. The Secretary of Homeland Security and the Secretary of Commerce shall be the Vice Chairpersons of the Committee.

"(4) OTHER MEMBERS.—Subject to subsection (b)(4)(B), the Chairperson of the Committee shall involve the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (b) as the Chairperson, after consulting with the Vice Chairpersons, determines to be appropriate on the basis of the facts and circumstances of the transaction under investigation (or the designee of any such department or agency head).

"(5) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the Chairperson of the Committee without regard to section 552b of title 5, United States Code (if otherwise applicable).

"(6) COLLECTION OF EVIDENCE.—Subject to subsection (c), the Committee may, for the purpose of carrying out this section—

"(A) sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

"(B) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Chairperson of the Committee may determine advisable.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each of fiscal years 2008, 2009, 2010, and 2011 expressly and solely for the operations of the Committee that are conducted by the Secretary, the sum of $10,000,000.".

SEC. 4. ADDITIONAL FACTORS REQUIRED TO BE CONSIDERED.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "may" and inserting "shall"; and

(B) by striking "among other factors";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(6) whether the covered transaction has a security-related impact on critical infrastructure in the United States;

"(7) whether the covered transaction is a foreign government-controlled transaction; and

"(8) such other factors as the President or the President's designee may determine to be appropriate, generally or in connection with a specific review or investigation.".

SEC. 5. NONWAIVER OF SOVEREIGN IMMUNITY.

Section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) is amended by adding at the end the following new sentence: "The United States shall not be held liable for any losses or other expenses incurred by any party to a covered transaction as a result of actions taken under this section after a covered transaction has been consummated if the party did not submit a written notice of the transaction to the Chairperson of the Committee under subsection (b)(1)(C) or did not wait until the completion of any review or investigation under subsection (b), or the end of the 15-day period referred to in this subsection, before consummating the transaction.''.

SEC. 6. MITIGATION, TRACKING, AND POST-CONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (k) (as amended by section 3 of this Act) the following new subsection:

''(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

''(1) MITIGATION.—

''(A) IN GENERAL.—The Committee or any agency designated by the Chairperson and Vice Chairpersons may, on behalf of the Committee, negotiate, enter into or impose, and enforce any agreement or condition with any party to a covered transaction in order to mitigate any threat to the national security of the United States that arises as a result of the transaction.

''(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis, conducted by the Committee, of the threat to national security of the covered transaction.

''(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

''(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

''(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

''(ii) specific timeframes for resubmitting any such written notice; and

''(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

''(B) DESIGNATION OF AGENCY.—The Committee may designate 1 or more appropriate Federal departments or agencies, other than any entity of the intelligence community (as defined in the National Security Act of 1947), as a lead agency to carry out, on behalf of the Committee, the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph.

''(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

''(A) DESIGNATION OF AGENCY.—The Committee shall designate 1 or more Federal departments or agencies as the lead agency to negotiate, modify, monitor, and enforce, on behalf of the Committee, any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency.

''(B) REPORTING BY DESIGNATED AGENCY.—

''(i) IMPLEMENTATION REPORTS.—Each Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction shall—

''(I) report, as appropriate but not less than once in each 6-month period, to the Chairperson and Vice Chairpersons of the Committee on the implementation of such agreement or condition; and

''(II) require, as appropriate, any party to the covered transaction to report to the head of such department or agency (or the designee of such department or agency head) on the implementation or any material change in circumstances.

''(ii) MODIFICATION REPORTS.—Any Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

''(I) provide periodic reports to the Chairperson and Vice Chairpersons of the Committee on any modification to any such agreement or condition imposed with respect to the transaction; and

''(II) ensure that any significant modification to any such agreement or condition is reported to the Director of National Intelligence and to any other Federal department or agency that may have a material interest in such modification.

''(iii) COMPLIANCE.—The Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately assure compliance without—

''(I) unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice has been filed pursuant to subsection (b)(1)(C), and if necessary reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason; or

''(II) placing unnecessary burdens on a party to a covered transaction.''.

SEC. 7. INCREASED OVERSIGHT BY THE CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

''(g) REPORTS TO THE CONGRESS.—

''(1) REPORTS ON COMPLETED COMMITTEE INVESTIGATIONS.—

''(A) IN GENERAL.—Not later than 5 days after the completion of a Committee investigation of a covered transaction under subsection (b)(2), or, if the President indicates an intent to take any action authorized under subsection (d) with respect to the transaction, after the end of 15-day period referred to in subsection (d), the Chairperson or a Vice Chairperson of the Committee shall submit a written report on the findings or actions of the Committee with respect to such investigation, the determination of whether or not to take action under subsection (d), an explanation of the findings under subsection (e), and the factors considered under subsection (f), with respect to such transaction, to—

''(i) the Majority Leader and the Minority Leader of the Senate;

''(ii) the Speaker and the Minority Leader of the House of Representatives; and

''(iii) the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including, at a minimum, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives.

''(B) NOTICE AND BRIEFING REQUIREMENT.—If a written request for a briefing on a covered transaction, or on compliance with a mitigation agreement or condition imposed with respect to such transaction, is submitted to the Committee by any Senator or Member of Congress who receives a report on the transaction under subparagraph (A), the Chairperson or a Vice Chairperson (or such other person as the Chairperson or a Vice Chairperson may designate) shall provide 1 classified briefing to each House of the Congress from which any such briefing request originates in a secure facility of appropriate size and location that shall be open only to the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, (as the case may be) the chairman and ranking member of each committee of the House of Representatives or the Senate (as the case may be) with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including, at a minimum, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, and appropriate staff members who have security clearance.

''(2) APPLICATION OF OTHER PROVISION.—

''(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House or any committee of the Congress shall be subject to the same limitations on disclosure of information as are applicable under such subsection.

''(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of the Congress and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.''.

(b) ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (l) (as added by section 6 of this Act) the following new subsection:

''(m) ANNUAL REPORT TO THE CONGRESS.—

''(1) IN GENERAL.—The Chairperson of the Committee shall transmit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, before July 31 of each year on all the reviews and investigations of covered transactions completed under subsection (b) during the 12-month period covered by the report.

''(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The report under paragraph (1) shall contain the following information with respect to each covered transaction:

''(A) A list of all notices filed and all reviews or investigations completed during the period with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about the status of the review or investigation, information on any withdrawal from the process, any rollcall votes by the Committee under this section, any extension of time for any investigation, and any presidential decision or action under this section.

"(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and presidential decisions or actions under this section.

"(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

"(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later re-filed such notices, or, alternatively, abandoned the transaction.

"(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction, including a discussion of the methods the Committee and any lead departments or agencies designated under subsection (l) are using to determine compliance with such arrangements or condition.

"(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next such report, to the extent possible.

"(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

"(A) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the annual report submitted under paragraph (1) the following:

"(i) An evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer.

"(ii) An evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

"(B) CRITICAL TECHNOLOGIES DEFINED.—For purposes of this paragraph, the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 or other critical technology, critical components, or critical technology items essential to national defense or national security identified pursuant to this section.

"(C) RELEASE OF UNCLASSIFIED STUDY.—That portion of the annual report under paragraph (1) that is required by this paragraph may be classified. An unclassified version of that portion of the report shall be made available to the public.".

(c) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of the enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon completion of each study under paragraph (1) or in the next annual report under section 721(m) of the Defense Production Act of 1950 (as added by subsection (b)), the Secretary of the Treasury shall submit a report to the Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study described in paragraph (1), together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

(d) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950 (as in effect before the date of the enactment of this Act).

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (m) (as added by section 7(b) of this Act) the following new subsection:

"(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice required to be submitted, by a party to a covered transaction, to the President or the President's designee under this section and regulations prescribed under such section, and any information submitted by any such party in connection with any action for which a report is required pursuant to paragraph (3)(B)(ii) of subsection (l) with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of such subsection, or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the person's knowledge and belief—

"(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

"(2) the notice or information is accurate and complete in all material respects.".

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

"(h) REGULATIONS.—The President shall direct the issuance of regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.".

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

"(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.".

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall apply after the end of the 90-day period beginning on the date of the enactment of this Act.

H.R. 556

OFFERED BY MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 3: Page 20, line 12, insert ", conducted by the Committee," after "analysis".

Page 22, line 17, strike "provide periodic reports" and insert "report, as appropriate but not less than once in each 6-month period,".

Page 23, line 23, strike the closing quotation marks and the 2nd period.

Page 23, after line 23, insert the following new clause:

"(iii) COMPLIANCE.—The Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately assure compliance without—

"(I) unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice has been filed pursuant to subsection (b)(1)(C), and if necessary reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason; or

"(II) placing unnecessary burdens on a party to a covered transaction.".

Page 25, line 6, insert ", at a minimum," after "including".

Page 25, line 12, insert ", or on compliance with a mitigation agreement or condition imposed with respect to such transaction," after "covered transaction".

Page 26, beginning on line 5, strike "the Committee on International Relations" and insert ", at a minimum, the Committee on Foreign Affairs".

Page 27, beginning on line 10, strike "the Committee on International Relations" and insert ", at a minimum, the Committee on Foreign Affairs".

Page 28, line 23, insert ", including a discussion of the methods the Committee and any lead departments or agencies designated under subsection (l) are using to determine compliance with such arrangements or conditions" before the period.

Page 30, line 21, insert "and annually thereafter" after "of this Act".

Page 31, line 13, strike "completion of the study" and insert "completion of each study".

Page 31, line 21, insert "described in paragraph (1)" after "to the study".

Page 31, after line 24, insert the following new subsection:

(d) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950 (as in effect before the date of the enactment of this Act).

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General.

H.R. 556

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 4: Page 18, after line 20, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

"(7) the potential effects of the covered transaction on the efforts of the United States to curtail human smuggling (and such term, for purposes of this paragraph, means any act constituting a violation of section 274(a) of the Immigration and Nationality Act) and to curtail drug smuggling with regard to any country which is not described in paragraphs (1) and (2) of section 1003(a) of the Controlled Substances Import and Export Act.".

H.R. 556

OFFERED BY: MR. MCCAUL

AMENDMENT NO. 5: Page 30, line 17, strike the closing quotation marks and the second period.

Page 30, after line 17, insert the following new paragraph:

"(4) CONTENTS OF REPORT RELATED TO BARRIERS TO INVESTMENT INTO THE UNITED STATES.—In order to assist the Congress in its oversight role of ensuring the national security of the United States by ensuring a healthy investment climate, the President, and such agencies as the President shall designate, shall include in the annual report submitted under paragraph (1) a detailed discussion of factors, including the effective rate of taxation on entrepreneurs and businesses and other sources of capital in the United States as compared to other countries, that affect the number of filings, changes in the types of business sectors involved in filings, and changes in the number of investments originating from specific countries.".

H.R. 556

OFFERED BY: MR. MCCAUL

AMENDMENT NO. 6: Page 30, line 17, strike the closing quotation marks and the second period.

Page 30, after line 17, insert the following new paragraph:

"(4) CONTENTS OF REPORT RELATED TO BARRIERS TO INVESTMENT INTO THE UNITED STATES.—In order to assist the Congress in its oversight role of ensuring the national security of the United States by ensuring a healthy investment climate, the President, and such agencies as the President shall designate, shall include in the annual report submitted under paragraph (1) a detailed discussion of factors, including the amount of burdensome regulation in the United States as compared to other countries, that affect the number of filings, changes in the types of business sectors involved in filings, and changes in the number of investments originating from specific countries.".

H.R. 556

OFFERED BY: MR. MCCAUL

AMENDMENT NO. 7: Page 30, line 17, strike the closing quotation marks and the second period.

Page 30, after line 17, insert the following new paragraph:

"(4) CONTENTS OF REPORT RELATED TO BARRIERS TO INVESTMENT INTO THE UNITED STATES.—In order to assist the Congress in its oversight role of ensuring the national security of the United States by ensuring a healthy investment climate, the President, and such agencies as the President shall designate, shall include in the annual report submitted under paragraph (1) a detailed discussion of factors, including a detailed discussion, including trend information on the number of jobs in the United States related to foreign investment resulting from covered transactions, that affect the number of filings, changes in the types of business sectors involved in filings, and changes in the number of investments originating from specific countries.".

H.R. 556

OFFERED BY: MR. DAVIS OF KENTUCKY

AMENDMENT NO. 8: Page 11, line 2, strike "in a rollcall vote".

H.R. 556

OFFERED BY: MR. DAVIS OF KENTUCKY

AMENDMENT NO. 9: Page 11, beginning on line 7, strike "or an appropriate Under Secretary" and insert "or an appropriate Senate confirmed official".

H.R. 556

OFFERED BY: MR. DAVIS OF KENTUCKY

AMENDMENT NO. 10: Page 28, line 3, strike "in a rollcall vote".

H.R. 556

OFFERED BY: MR. BARROW

AMENDMENT NO. 11: Page 14, line 18, strike the closing quotation marks and the 2nd period.

Page 14, after line 18, insert the following new paragraph:

"(7) NOTICE TO THE CONGRESS.—

"(A) RECEIPT OF WRITTEN NOTIFICATION.—Before the end of the 5-day period beginning on the day the Chairperson of the Committee receives a written notice under paragraph (1)(C) of a proposed covered transaction, the Chairperson shall provide notice of the receipt of such written notice to the Members of Congress referred to in subparagraph (D).

"(B) COMMENCEMENT OF INVESTIGATION.—Not later than 1 day after commencing an investigation under paragraph (2) of a covered transaction, the Chairperson shall provide notice of the investigation and relevant information regarding the covered transaction, including relevant ownership records, to the Members of Congress referred to in subparagraph (D).

"(C) ACCESS TO INVESTIGATIONS.—The Chairperson of the Committee shall—

"(i) provide responses in a timely manner to any inquiries made by the Members of Congress referred to in subparagraph (D) regarding an investigation; and

"(ii) notify such Members of Congress promptly of the decision of the Committee upon completion of the investigation.

"(D) MEMBERS OF CONGRESS.—The Members of Congress referred to in this paragraph are as follows:

"(i) The Speaker and Minority Leader of the House of Representatives.

"(ii) The Majority and Minority Leader of the Senate.

"(iii) The Chairs and Ranking Members of the Committee on Financial Services, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(iv) The Chairs and Ranking Members of the Committee on Finance, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate.

"(v) The Senators representing States and the Members of Congress representing districts affected by the proposed covered transaction.".

H.R. 556

OFFERED BY: MR. BARROW

AMENDMENT NO. 12: Page 24, line 26, strike "and" after the semicolon.

Page 25, line 9, strike the period at the end and insert "; and".

Page 25, after line 9, insert the following new clause:

"(iv) Senators representing States and Members of Congress representing congressional districts that would be significantly affected by the covered transaction.".

EXTENSIONS OF REMARKS

HONORING DR. XIAODONG WANG

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Dr. Xiaodong Wang, professor of biochemistry at UT Southwestern Medical Center, for his research on cell death.

Dr. Wang has been awarded the 2007 Richard Lounsbery Award by the National Academy of Sciences for his extraordinary achievement in biology and medicine. This high honor includes a $50,000 award and a prestigious medal. As a Howard Hughes Medical Institute investigator, Dr. Wang studies apoptosis, programmed cell death, which is applicable to numerous diseases, including cancer.

Last year, I honored Dr. Xiaodong Wang for being awarded the $1 million Shaw Prize in Life Science and Medicine for his discovery of the biochemical basis of programmed cell death which is a vital process that balances cell birth and prevents cancer. His scientific breakthrough marks a turning point in the history of medicine and will indeed benefit the lives of millions around the world.

As a UT Southwestern Medical Center alumnus, it is with great honor that I am able to congratulate Dr. Xiaodong Wang on his remarkable scientific achievement. His intelligence and dedication to the field of science and medicine has proven him to be an outstanding professor and mentor. Dr. Wang is an inspiration and a role model to many, and I am proud to represent him in Congress.

CONGRATULATING AUBURN HIGH SCHOOL ATHLETES

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. ARCURI. Madam Speaker, I would like to recognize the Auburn Maroons of Auburn High School for making history in winning the Class AA New York State Football Championship on November 25, 2006—their first-ever Class AA State championship.

The athletes of Auburn High School in New York's 24th district and their coach, Dave Moskov, proved their ability and dedication as they brought 10,000 fans to Syracuse University's Carrier Dome, cheering them onto victory. In the championship game, the Maroons defeated the Monroe-Woodbury Crusaders in overtime by a score of 27–26.

Having played football at Proctor High School and later, at SUNY-Albany, I know how much hard work and commitment goes into developing a successful football team. I commend these players and Coach Moskov for their outstanding efforts. They have certainly made their families, their friends, and their community very proud.

I am honored to have such skilled athletes and committed fans as part of my constituency and would once again like to congratulate the Maroons on this notable accomplishment.

RECOGNIZING WILL DAVID MORRIS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Will David Morris, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Will has been very active with his troop, participating in many Scout activities. Over the years Will has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Will's dedication to his school work and church are outstanding. Will works hard in school, while being an active member of the Liberty United Methodist Church, where he plays guitar in "Decided," the youth praise band, sings in the JAM youth choir and participates in Sunday school and the evening youth group. Will has also contributed significantly to the community, by leading a group of Scouts, friends, and adults in landscaping the Outdoor Worship Center at Liberty United Methodist Church. Will and his crew planted more than a dozen low-maintenance bushes and shrubs.

Madam Speaker, I proudly ask you to join me in commending Will David Morris for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN PRAISE OF JACKSON, MI RESIDENT ALICE MANNING

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. WALBERG. Madam Speaker, the renowned author William Shakespeare once wrote, "How far that little candle throws his beams! So shines a good deed in a weary world."

Madam Speaker, I rise today to pay tribute to Alice Manning, an 87-year-old resident of Jackson, MI, whose example has been a shining light to her community for over 50 years.

According to a February 21, 2007 article in the Jackson Citizen-Patriot, Manning took a first-aid course through the American Red Cross in March of 1956 and began volunteering with the organization.

To this day, the dedicated mother of two, grandmother of four and great-grandmother of four hasn't stopped.

Though she has never actually donated blood due to the Red Cross' weight requirement of 110 pounds, Alice has served the organization in various capacities for more than 50 years.

One blood donation can save up to three lives, and Alice has been an integral part of American Red Cross' efforts in the Jackson area.

So we thank Alice Manning for going above and beyond the call of duty by working to save lives in south-central Michigan through her service to the American Red Cross Blood Center.

IN MEMORY OF ADJUTANT GENERAL CHARLES M. KIEFNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of Adjutant GEN Charles Kiefner.

General Kiefner was born on June 28, 1930, in Cape Girardeau, MO. Upon completion of high school, he attended Westminster College. Kiefner began his military career by enlisting in the Missouri National Guard as a private in Company F, 140th Infantry Regiment. On September 11, 1950, he entered active duty with Missouri's 175th Military Police Battalion.

General Kiefner was commissioned a second lieutenant, Infantry, on December 21, 1951. He served as a platoon leader, company commander, battalion motor officer, battalion S–2, brigade adjutant and S–3, executive officer and logistics officer on the staff of the adjutant general.

General Kiefner was appointed adjutant general by Governor Christopher "Kit" Bond on May 8, 1973, and would serve in this capacity until March 1977. As a member of the U.S. Army Reserve he served as a liaison officer to the U.S. Military Academy, West Point, from 1978 to 1980. He was re-appointed to lead the Missouri National Guard by Governor Bond in 1981 and Governor Ashcroft re-appointed him in 1989. While serving in this position, General Kiefner served as president of the National Guard Association of the United States.

General Kiefner retired from the National Guard in 1993 and was promoted to the grade of lieutenant general, Missouri National Guard Retired Listm, by Governor Mel Carnahan. His

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

decorations and awards include: the Distinguished Service Medal, Legion of Merit with Oak Leaf Cluster, Meritorious Service Medal, Army Commendation Medal, Air Force Commendation Medal, Good Conduct Medal, Army Reserve Components Achievement Medal, Humanitarian Service Medal, Armed Forces Reserve Medal, Department of Defense Identification Badge, Ranger Tab, the NGB and NGAUS Distinguished Service Medal, Missouri Meritorious Service Medal, Missouri Conspicuous Service Medal, Distinguished Service Medal: Indiana, Minnesota, and Tennessee; Minnesota Medal for Merit, 1992 Distinguished Alumni-Award-Westminster College, Field Artillery Association Order of St. Barbara, Army Engineers Association Silver Order of the de Fleury Medal, and the Sons of the American Revolution Silver Good Citizenship Award.

Madam Speaker, General Kiefner was a valuable leader who was respected by everyone who knew him. I know the Members of the House will join me in extending heartfelt condolences to his wife Marilyn and his sons, John and Keith.

IN REMEMBRANCE OF RONALD G. JONILA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Ronald G. Jonila, and to celebrate his lifelong commitment to the American worker. As the president of the United Auto Worker's Local 1005, Ron was an active proponent for worker's rights and served his union with integrity and honor.

For years, the American workforce has been confronted with numerous challenges from our economy and our world. Through it all, Ron was a model of constancy, devoting all his efforts to protecting workers' rights, fighting for workforce protections, and ensuring that Local 1005 thrived in an environment increasingly inhospitable to the American worker.

Ron never shied from a battle when his brothers and sisters of Local 1005 stood in harm's way. Whether the issue was jobs, health care, pensions, or working conditions, Ron always led the charge, and Local 1005 was well-served by his leadership.

Ron's devotion to the labor movement was exceeded in intensity and passion only by his commitment to his family. Ron was a generous and caring husband to Patricia; a loving father to Anthony, Nicholas, Thomas and Christopher; and the proud "Papa" of Jason and Thomas.

Madam Speaker and colleagues, please join me in honoring the memory of Ron Jonila. On February 20, 2007 we lost a wonderful husband, father, grandfather, friend and brother, but his unwavering commitment to family as well as the American workforce will serve as a model for us all.

IN RECOGNITION OF MIKE DE LA CRUZ

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. CARDOZA. Madam Speaker, it is with the greatest of pleasure that I rise today to honor a renowned reporter from my district, Mike De La Cruz, who retired from the Merced Sun Star on December 29, 2006 after more than 37 years on the beat.

Mike De La Cruz was the authority in and around Merced on news relating to law enforcement. He developed a great relationship with local authorities and earned the reputation of being a knowledgable and ethical reporter. He chronicled Merced County's criminals in a style that mixed straight news with a tone of mild bemusement at how people ended up on the wrong side of the law.

Throughout his career, Mike has had his share of memorable moments such as the time he broke his ankle jumping over a fence while attempting to cover a police raid on marijuana growers. Or the time he suffered a terrible sunburn after waiting for hours in an orchard for deputies to bust a cock-fighting ring. Whatever the situation, Mike utilized his extensive contacts to ensure his stories were accurate, and at the same time to assure the people of Merced that law enforcement was looking out for them. Over the 37 years that he put pen to paper, Mike always garnered respect for his balanced reporting.

Madam Speaker, journalism in Merced will never be the same without the quick witted and balanced reporting of Mike De La Cruz. He will be missed by local law enforcement and the faithful readers of the Merced Sun Star. I want to take this time to express my sincere thanks to Mike De La Cruz for his many years of dedicated service and for all that he has done for our community. I certainly hope his future is as colorful and rewarding as his past. My fellow colleagues, I ask that you please rise to join me in honoring Mike De La Cruz.

TELEPHONE FEDERAL EXCISE TAX REPEAL BILL INTRODUCTION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. LEWIS of Georgia. Madam Speaker, I rise today with my colleagues, Representative JIM RAMSTAD, Representative RICK BOUCHER, and Representative GARY MILLER to introduce the Telephone Excise Repeal Act of 2007. Our bill will repeal this 107-year-old tax that is outdated and is only paid by Americans that cannot pay for expensive communications services.

The telephone FET was introduced in 1898 as a "luxury" tax to fund the Spanish American War. While it may have made sense then, there is no question that telecommunication services today are necessities, not luxuries.

Telephone tax revenues, first collected in 1898 to help finance the Spanish-American War, are deposited in the General Fund. Unlike other excise tax revenues, these revenues are not deposited into a specific account such as the Highway Trust Fund, which is made up of gas tax revenues. Additionally, other excise taxes serve the purpose of decreasing consumption of the taxed product; the FET serves no such purpose. A telephone is a necessity for every American, and thus does not fit with this list of "luxury" and other excise tax items.

The FET is now regressive and disproportionately burdens low-income, rural and lifeline telephone subscribers who have only local telephone service. As more and more Americans buy bundled communication services, the projected tax revenue collected from the FET continues to decrease and only affect those with the least means to purchase more costly packages. CBO estimates that this tax will bring in $1.5 billion over the next 10 years.

This tax is contrary to the national goal of having an advanced, highly efficient, and low cost communications network to serve the American people. Please help us hang up on the telephone tax by joining us on this legislation.

HONORING DR. JAMES WILSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Dr. James Wilson, director of the Harold C. Simmons Comprehensive Cancer Center at UT Southwestern Medical Center.

Dr. Wilson has recently been appointed to the National Cancer Institute's board of scientific advisors due to his outstanding achievements in the field of medicine. As a medical expert on the panel, he will be advising the NCI director on a variety of issues concerning scientific program policy, as well as the progress and future direction of extramural research programs of the cancer institute. As a UT Southwestern Medical Center alumnus, it is with great honor that I am able to congratulate Dr. James Wilson on his prestigious appointment. His intelligence and dedication to the field of science and medicine has proven him to be an outstanding professor and mentor. Dr. Wilson is an inspiration and a role model to many, and I am proud to represent him in Congress.

IN RECOGNITION OF WILLIAM GRIFFEN

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. ARCURI. Madam Speaker, I would like to recognize the truly honorable life of Mr. William Griffen of Tully, NY. Mr. Griffen was a student, an educator, an activist, a writer, a father, a husband, a friend, a neighbor, and an inspiration. Mr. Griffen will be remembered for the enthusiasm and sincerity he brought to his work throughout his 78 years.

Mr. Griffen attended SUNY Cortland where he received his B.S. in Education and went on to attend Cornell University, earning his M.A. and Ed.D. Mr. Griffen taught in Brentwood and Marathon, NY, for several years before returning to Cortland to become SUNY Cortland's longest-tenured Professor of Education. A beloved institution, Mr. Griffen was also honored as a distinguished alumnus of the university, "teaching for over 40 years and diligently working for peace and social justice at the local, State, national and international levels."

Mr. Griffen aspired to influence our country on many levels, running for Congress twice, in 1968 and 1990. His extensive contribution through his writings has been seen in over 50 articles addressing war, technology, civil rights, and revolution. Additionally, he coauthored the book of Lessons of the Vietnam War—A Critical Examination of School Texts and an Interpretive Comparative History Utilizing the Pentagon Papers and Other Documents. During the Vietnam War, he was responsible for starting the Cortland Citizens for Peace organization and went on to become very active in the anti-war movement. Mr. Griffen's dedication to activism also led him to Mississippi and Tennessee with the historic, pioneering freedom riders, where he worked to register minority voters so they could have a voice in government.

Even in his later days, Mr. Griffen continued his spirit of activism, helping the American Cancer Society by participating in a new program for people diagnosed with prostate cancer. He trained volunteers in upstate New York to counsel cancer patients and served on the speakers' bureau at the Syracuse Man-to-Man Cancer Support Group.

Many say that Mr. Griffen was truly a renaissance man, with interests in baseball, jazz, nature, photography, and the environment. He and his wife, Judy, had three children: Mark, Kimberly, and Amy.

William Griffen gave his heart and soul to improve the lives of the people he touched. His contributions and his sacrifices will live on for generations in upstate New York and around our great country. Thank you, Mr. Griffen.

TRIBUTE TO MICHAEL BAHARAEEN FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Baharaeen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 354, and by earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the years, Michael has been involved in scouting, he has earned 39 merit badges and held numerous leadership positions, serving as Patrol Leader and Scribe and is a member of the Tribe of Mic-O-Say.

For his Eagle Scout project, Michael built a storage area and refurbished playground equipment at Crestview Elementary in Kansas City, MO.

Madam Speaker, I proudly ask you to join me in commending Michael Baharaeen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN PRAISE OF SCENE MAGAZINE'S "MAN OF THE YEAR," JIM HETTINGER

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. WALBERG. Madam Speaker, Jim Hettinger, a constituent of mine from Battle Creek, MI, will be recognized as Scene Magazine's "Man of the Year" this Thursday. Mr. Hettinger is receiving this honor for his work in and around the community of Battle Creek over the past three decades.

Mr. Hettinger's work has spanned all areas of community service; from education to economic development to the arts to food banks to health care. Jim Hettinger has touched many lives in his community.

In 1978, Mr. Hettinger was named president of Battle Creek Unlimited, an organization. which brings together government, non-profit and business groups for the sole purpose of furthering the development of the economy of Battle Creek and Calhoun County.

Highlights of Mr. Hettinger's leadership of Battle Creek Unlimited include saving the Federal Center in Battle Creek in 1993, the addition of Duncan Aviation and Western Michigan College of Aviation and the establishment of the West Michigan Aviation Research Foundation. As the article in Scene Magazine honoring Mr. Hettinger states, "the Research Foundation will help to promote economic development and attract research dollars to this community."

Mr. Hettinger is probably best known for his efforts and foresight in transforming Fort Custer, which was an abandoned military training base, into the 3,000-acre Fort Custer Industrial Park, the largest modem industrial park in Michigan. Today, the industrial park has over 90 companies and employs thousands of good paying, high-skilled jobs.

This is not the first award for Mr. Hettinger as he has been rightfully showered with praise for his commitment to the Calhoun County community. Mr. Hettinger received Governor Engler's first Economic Developer of the Year award in 1995. He received Certificates of Recognition for Community Service from Presidents Bill Clinton and George W. Bush in 1999 and 2001 respectively. Mr. Hettinger's community service endeavors are too expansive to list here today, and his work is best displayed by the tremendous number of lives he has touched throughout his career in Battle Creek.

I extend my sincere appreciation and offer the congratulations of the U.S. Congress to Mr. Jim Hettinger for being named Scene Magazine's "Man of the Year."

INTRODUCTION OF H. RES. 171, HONORING THE LIFE OF THE MARQUIS DE LAFAYETTE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. SKELTON. Madam Speaker, as a lifelong resident of Lafayette County, MO, it gives me great pleasure to introduce H. Res. 171, a resolution honoring the life of the Marquis de Lafayette on the occasion of the 250th anniversary of his birth.

Lafayette occupies a considerable place in the history of the United States. More than any one person, he symbolizes the assistance American colonists received from Europe in the struggle for independence from Great Britain.

Lafayette was a man of considerable military skill who sympathized with American revolutionary fighters. After withdrawing from the French army and traveling across the ocean at his own expense, the Congress voted Lafayette the rank and commission of major general in the Continental Army. His military service during the Revolutionary War was invaluable to GEN George Washington, earning him the title of "the soldier's friend." Lafayette's strategic thinking and dedication as a general officer serve as a model for present day military personnel.

After achieving military victory, Lafayette returned to France, helping the U.S. to secure trade agreements and critical loans with European nations. He also became a prominent figure in the French Revolution, speaking out in support of universal freedom and human rights.

Because of Lafayette's commitment to America, Congress honored him with awards of money and land. Congress was also presented a life-size portrait of Lafayette that hangs in the Chamber of the U.S. House of Representatives. The portrait is one of only two in the House Chamber. The other is of President George Washington, Lafayette's closest friend and role model.

At the invitation of President James Monroe, Lafayette returned to the United States in 1824 and 1825. He embarked upon a triumphant tour, during which he visited 25 States, including Missouri, and he became the first foreign dignitary to address a joint session of Congress. During this visit and thereafter, various American leaders honored Lafayette by naming many cities, towns, and counties for him. Lafayette County, MO, which is my home, is named for Lafayette.

As we take a moment this year to honor the Marquis de Lafayette on the occasion of his 250th birthday, let us remember how he helped secure American independence and helped establish the United States as an international presence. The values of democracy espoused by our Founding Fathers and by Lafayette have been the bedrock of U.S. domestic and international policymaking for generations.

I urge all Americans and especially those in the military to study Lafayette as America pays tribute to him.

IN REMEMBRANCE OF REVEREND ROBERT DRINAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of Reverend Robert Drinan. Father Drinan was a great humanitarian that showed the world that being a servant of the people was not a conflict of interest when serving the Lord.

Father Robert Drinan effortlessly assimilated pious servitude with politics, showing that the purpose of both was oftentimes the same. He was an active and prominent voice when it came to civil rights, and as the Dean of Boston College Law School he called for and supported desegregation. He also challenged the students of Boston College Law School to be active in the civil rights movement.

Father Drinan was the first Roman Catholic priest to be elected to Congress. In 1970, Father Drinan ran for Congress on an anti-war platform after a visit to South Vietnam, where he discovered that the number of political prisoners was increasing despite claims from the State Department. He later urged the Catholic Church to condemn war as "morally objectionable." Father Drinan continued to serve faithfully as he represented the constituents of Massachusetts in the House of Representatives for ten years.

His attention was not reserved to Vietnam or civil rights. Father Drinan also was an outspoken advocate for the underprivileged and, after leaving his Congressional office in 1980, he maintained his commitment to the poor and the marginalized. He served as the president for Americans for Democratic Action, and traveled the country giving speeches on hunger and the dangers of the arms race.

Madam Speaker and colleagues, please join me in honoring the memory of Reverend Robert Drinan, whose fierce devotion to the most vulnerable among us serves as a model for all of us who continue to serve those in need.

IN RECOGNITION OF JOSEPH EDWARD GALLO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. CARDOZA. Madam Speaker, it is with the greatest respect and sincerity that I rise today to honor an exceptional community leader, the late Mr. Joseph Edward Gallo. Mr. Gallo, a prominent Merced County rancher, dairyman and cheese producer, died February 17, 2007 at his home in Livingston, California at the age of 87.

Joseph Gallo started life as an immigrant's son on September 11, 1919 in Antioch, California, and ended it as one of the most successful dairymen in the country. He was the youngest of three boys to parents Joseph Sr. and Susie Gallo who moved to California from the Piedmont region of northern Italy. At a young age, Joe moved to Modesto, California with his family, and attended Franklin Grammar School. In 1937, Joseph graduated from Modesto High School and began his studies at Modesto Junior College. He then enlisted in the U.S. Army Air Corps during World War II and served in the Philippine Islands and Korea. In 1945, one year before he left the Army Joseph married Mary Ann Arata of Modesto and together they had three children: Peter Joseph, Michael David and Linda Ann. The family suffered a great loss in 1968 when 1st Lt. Peter Gallo was killed in action in Vietnam. Michael and Linda are partners in the Gallo business and farming enterprises, Michael serving as CEO since his father's retirement and Linda's husband Kenny is Ranch Operations Manager for the firm.

When Joseph returned home from the service, he became the ranch manager for his brothers' grape-growing operation, E&J Gallo Vineyards in Livingston. In 1966 Joseph married Patricia Morgan-Gardali of Modesto. Patricia and her nine year old son, Sam Gardali, joined the family, making their home in Livingston. During the 20 years he worked for his brothers' operation, he was also developing his own vineyard and cattle business. Joseph eventually accumulated 4,000 acres of vineyards, at one time becoming one of California's largest wine grape growers. In the years following, his interest in livestock developed and in 1979 Joseph built his first diary with 4,000 milking cows. Four more diaries would follow as did the founding of the Joseph Gallo Diary & Cheese Co. in 1982. In the 25 years since, Joseph's business has flourished and in addition to becoming a successful agricultural organization, it has become a leader in protecting the environment and public health for this and future generations. I remember as a child always hearing my father talk about what an amazing farmer Joe Gallo was and how impressed he was with how the Gallo operation had skillfully grown from a small ranch to one of the nation's most successful dairyman and cheese producers. His success was truly phenomenal and reflective of Joe's commitment, hard work and dedication to his business.

The Joseph Gallo Farms tradition and commitment to balancing success with environmental responsibility is unmatched and has set the standard for farming operations across the country. Joseph Gallo will be remembered as one of the early pioneers in using methane from manure as a source of electricity. He has been recognized by the U.S. Environmental Protection Agency, and was most recently named the International Dairy Foods Association's Innovative Dairy Farmer of the Year. Joseph's interest in environmentally conscious farming had much to do with his love of the outdoors, especially hunting, fishing and traveling. His work has truly helped shape the future of environmentally-friendly farming and will forever be admired and remembered for his ingenuity.

Throughout his life, Joseph has supported and been involved with countless community organizations and foundations including the Livingston Community Health Center, Mercy Medical Center Merced, St. Jude's Catholic School and Emanuel Hospital Chairman's Club of Turlock. He was also a major contributor to the Veteran's Memorial Wall in Washington, DC, in memory of his son Peter. Joseph's legacy will also be memorialized in the Joseph Edward Gallo Recreation and Wellness Center at the University of California, Merced, after his son Michael and daughter Linda donated funds to its construction in their father's name.

Joseph Gallo is survived by his wife of 41 years, Patricia; his son Michael and wife Lori; his daughter Linda and husband Kenny Jelacich; his stepson Sam Gardali and wife Kay; and six grandchildren. He was preceded in death by his son Peter, and his brother, Julio Gallo. He is also survived by his brother Ernest Gallo. Madam Speaker, it is my distinct honor and privilege to join our community and the Gallo family in honoring the life and legacy of Mr. Joseph Edward Gallo. We lost a pioneer, a community leader and a dear friend in his passing.

INTRODUCTION OF THE KIDNEY CARE QUALITY AND EDUCATION ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. LEWIS of Georgia. Madam Speaker, I rise in support of the Kidney Care Quality and Education Act that I am proud to introduce today with my colleague from Michigan, Mr. CAMP. This comprehensive legislation will help educate Americans about how to prevent and delay the onset of kidney disease and ensure high quality care for patients with irreversible kidney failure.

More than 400,000 Americans have kidney failure, which is also known as End Stage Renal Disease (ESRD). The only treatment available to these patients is a kidney transplant or renal dialysis. Because there are so few kidneys available for transplantation, most dialysis patients must undergo 3-hour treatment sessions three to four times per week.

Diabetes and hypertension are two of the leading causes of kidney disease. We continue to see the numbers of Americans with these conditions rise, and as a result, we will continue to see more Americans suffering from chronic kidney disease. Statistics show that African Americans are particularly at risk for kidney disease and kidney failure. They make up more than one third of all patients on dialysis in this country. Most alarming, the growth rate of kidney failure among African Americans age 30 to 39 has risen 26 percent since 2000 and it shows no signs of stopping. African Americans have a higher risk of developing the conditions that lead to kidney failure. For example, the American Heart Association reports that more than 40 percent of African Americans have hypertension. African Americans with diabetes experience kidney failure about four times more often than white Americans with diabetes. In addition, African Americans are less likely to receive treatment in the early stages of the disease or to learn about how they can slow the progress of kidney disease.

The Kidney Care Quality and Education Act will help address these issues by improving public awareness about kidney disease and improving access to quality care. The importance of educating our citizens about kidney disease cannot be understated. The Kidney Care Quality and Education Act will provide funding to establish critical educational programs to increase public awareness about kidney disease treatment and prevention. These programs will also help people already suffering from chronic kidney disease and kidney failure, by providing important self-management skills that will improve their quality of life and help them continue their normal activities, such as working. This legislation also takes steps to improve the quality of kidney care by creating a 3-year Continuous Quality Improvement Initiative within the Medicare ESRD Program.

I urge my colleagues to join me in supporting this important legislation, which also has the support of all sectors of the kidney care community. We should maintain our commitment to Americans with kidney failure by improving the quality of care for these patients and help slow the occurrence of chronic kidney disease and kidney failure.

CONGRATULATING MR. PAT LOBB

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Pat Lobb for being recognized as having an environmentally friendly car dealership.

Mr. Pat Lobb's dealership, Pat Lobb Toyota and Scion, was recently recognized by the National Automobile Dealers Association as a certified Leadership of Energy and Environmental Design facility. The dealership is of a unique design, having exterior panels made of recycled aluminum, a cistern that captures and reuses rainwater and condensation, and a special membrane roof. Although the facility cost 5 to 7 percent more than a conventional dealership, Mr. Lobb intends to recover the difference in 3 to 5 years from energy and water savings.

Having recently built a new eco-friendly home, I have witnessed first hand the benefits of planning to construct environmentally friendly businesses. I certainly hope that Mr. Lobb's decision encourages others to follow in his footsteps.

I would like to join Mr. Pat Lobb's family and friends in congratulating him on this outstanding achievement. His concern for energy and the environment has led to a creative design that contributes to the safety and wellbeing of our community. I am proud to represent Mr. Lobb in Washington, and may his compassion and dedication be an inspiration to us all.

BROWARD COUNTY VETERANS COUNCIL RESOLUTION ON IRAQ

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. KLEIN of Florida. Madam Speaker, I submit the following resolution on Iraq by the Broward County Veterans Council passed on January 16, 2007.

Whereas: The President of the United States has put forth a plan to the American people and to Congress which calls for an escalation of 20,000 or more of our troops going to Iraq to combat the insurrection in the Bagdad and Anbar provinces.

Whereas: The majority in Congress has put forth several plans that do not include escalation of combat troops.

Whereas: The General Election of Nov. 7th showed that the American people voted for a new direction in Iraq and Afghanistan.

Whereas: The Administration has tried four times to escalate the war with the additional troops in Iraq, all to no avail in stopping the bloodshed among the Sunnis and the Shites.

Therefore: The Broward County Veterans Council, believes that the best plan is to bring our troops home now, in a phased redeployment, and start redeploying our combat troops to the outer borders of Iraq and into Kuwait. Let's get them out of harm's way, without our troops getting involved in a bloody civil war, expedite the training of Iraqi military and police forces and let the Iraqis settle their differences among themselves. At the same time bring all the regional Arab nations to a summit meeting to discuss a final political settlement as recommended by the Iraq Study Group.

Bill Kling, Chairman, Broward County Veteran Council.

This resolution was passed by the BCVC members present at the meetings and does not necessarily reflect the views of the National Veteran organizations.

TRIBUTE TO DAVID BREWER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mrs. EMERSON. Madam Speaker, I rise today to honor the accomplishments and contributions of David Brewer to the city of Charleston, MO, in the Eighth Congressional District. Mr. Brewer is retiring from his position as city manager, a post which he has held for the last 10 years. I have personally known David for 25 years as a farmer, levee board president, a banker and then as city manager of Charleston. He has excelled in every endeavor, and I am proud to call him my friend.

As the longest-serving Charleston city manager on record, Mr. Brewer has been instrumental in attracting new business opportunities for southern Missouri and to the city of Charleston. By using Tax Increment Financing and Enhanced Enterprise Zone programs to their greatest benefit, Mr. Brewer has drastically helped to enhance the business climate in our rural part of the State. His involvement was essential to making essential city improvements, especially the new city water plant and the new wastewater lagoon, important parts of Charleston's water infrastructure.

However, I cannot sum up Dave Brewer's importance to the city and the region simply by enumerating his many accomplishments. Doing so would not adequately describe Mr. Brewer's dedication to his job and to the people he serves. Whether it was his open door policy at work or his commitment to solving problems in a fair and equitable way, Mr. Brewer took his service seriously. With a concentration on the future, Mr. Brewer volunteered his time to a number of boards and community groups. Always, Mr. Brewer thinks about how good planning and full use of the resources available to a small community can be best used to the benefit of all our citizens, present and future.

Mr. Brewer's retirement will leave a tremendous challenge for the city of Charleston to replace his expertise, his skill, and devotion to his work. Fortunately for us all, Dave Brewer has left us with an excellent head start for our future. I wish him the best of luck in his retirement and thank him for his generous years of service to our communities, our State, and our Nation.

TRIBUTE TO THE UNIVERSITY OF NEW MEXICO COLLEGE OF EDUCATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mrs. Wilson of New Mexico. Madam Speaker, I rise today to congratulate to the University of New Mexico College of Education.

This past January the UNM College of Education was ranked 8th in the national Faculty Scholarly Productivity by Academic Analytics, for its teacher education and professional development programs. The college has also won nine national awards for their outstanding quality and graduates 400 new teachers a year. The creation of the Institution of Professional Development, through the College of Education, encourages greater teacher quality for New Mexico teachers.

The College of Education provides a unique education. The college has six American Indian tenured or tenure-track faculty members, more than any other major college of education in the nation. More than 20 percent of the College of Education's members are Hispanic, and they have strong bilingual and English as a second language education programs.

I would like to congratulate the UNM College of Education for their continued excellence and outstanding performance.

IN HONOR OF VACLAV HAVEL AND THE 30TH ANNIVERSARY OF CHARTER 77

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. SMITH of New Jersey. Madam Speaker, Edmond Burke once said that, "all it takes for evil to triumph is for good men to do nothing." Thirty years ago, good men and women came together, and together, they ultimately triumphed over evil.

In 1987, I traveled to Czechoslovakia with a Helsinki Commission delegation led by my good friend, STENY HOYER, who was then Chairman of the Commission. We traveled there just ten years after the Charter 77 movement had been formed and, amazingly, in spite of persecution and imprisonment, they had managed to publish 350 documents during its first ten years. And it was clear during my visit to Prague that this organization was having an impact, especially when the communist authorities went to the trouble of preventing five independent activists, including Vaclav Havel, from meeting with us.

In spite of this, our delegation was able to meet with several other Charter 77 signatories and sympathizers: Libuse Silhanova, Josef Vohryzek, Father Vaclav Maly, Zdenek Urbanek, and Rita Klimova. Libuse Silhanova, then serving as a Charter 77 spokesperson, described her fellow Chartists as "ordinary people who happen to be part of a movement." For a group of "ordinary people," they certainly accomplished extraordinary things.

One of the most notable of these "ordinary people" was the playwright Vaclav Havel, who is today the sole surviving member of Charter 77's first three spokespersons. At a time when most Czechoslovaks preferred to keep their heads low, he held his up. When others dared not speak out, he raised up his voice. While others hid from communism in their apartments and weekend cottages, he faced it down in prison.

In 1978, Havel wrote a seminal essay entitled, "The Power of the Powerless." In it, he proposed a remarkably conspiratorial concept: the idea that those repressed by the Communist Lie actually had the power to "live for truth," and that by doing so, they could change the world in which they live.

One of the people who read this essay was Zbygniew Bujak, who became a leading Solidarity activist in Poland. Bujak described the impact of Havel's message:

> This essay reached us in the Ursus factory in 1979 at a point when we felt we were at the end of the road. Inspired by KOR [the Polish Workers' Defense Committee, which preceded Solidarity], we had been speaking on the shop floor, talking to people, participating in public meetings, trying to speak the truth about the factory, the country, and politics. There came a moment when people thought we were crazy. Why were we doing this? Why were we taking such risks? Not seeing any immediate and tangible results, we began to doubt the purposefulness of what we were doing. Shouldn't we be coming up with other methods, other ways?
>
> Then came the essay by Havel. Reading it gave us the theoretical underpinnings for our activity. It maintained our spirits; we did not give up, and a year later—in August 1980—it became clear that the party apparatus and the factory management were afraid of us. We mattered. And the rank and file saw us as leaders of the movement. When I look at the victories of Solidarity, and of Charter 77, I see in them an astonishing fulfillment of the prophecies and knowledge contained in Havel's essay.

Vaclav Havel's essay was not just the product of clever wordsmithing; it was an act of singular heroism. In fact, shortly after writing "The Power of the Powerless," Vaclav Havel found himself in prison, again. And it should be remembered that others, including philosopher Jan Patocka, Havel's close friend, and Pavel Wonka, paid with their lives for their opposition to the Czechoslovak communist regime.

Vaclav Havel is a man who has always been guided by the courage of his convictions. Remarkably, his courage did not fade upon his assumption of the presidency. Indeed, he is all the more heroic for his steadfast commitment to human rights even from the Prague Castle. From the beginning, he was a voice of reason, not revenge, as he addressed his country's communist and totalitarian past. In 1993, he rightly identified the situation of Roma as "a litmus test for civil society." And not only has he raised human rights issues in his own country but reminds the world of the abuses taking place in Cuba and China.

Throughout his presidency, he pardoned those faced with criminal charges under communist-era laws that restrict free speech. In 2001, he spoke out against the parliament's regressive religion law, which turned the clock back on religious freedom. And he has reminded other world leaders of our shared responsibility for the poor and less fortunate the world over.

On the occasion of the 30th anniversary of the founding of Charter 77, I want to join my colleagues from the Helsinki Commission in honoring Vaclav Havel and all the men and women who signed the Charter, who supported its goals, and who helped bring democracy to Czechoslovakia.

RECOGNIZING SHAUN ANDREW ROBINSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Shaun Andrew Robinson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Shaun has been very active with his troop, participating in many Scout activities. Over the years Shaun has been involved with Scouting, he has earned 30 merit badges and held numerous leadership positions, serving as patrol leader, assistant patrol leader, chaplain's aid, and den chief. He is a member of the Tribe of Mic-O-Say.

Shaun's dedication to his school work and church are outstanding. Shaun works hard in school, while being an active member of the Liberty United Methodist Church. He has also contributed significantly to the community by using his leadership skills to lead a group of boys and adults in completing a landscaping project at the Liberty United Methodist Church.

Madam Speaker, I proudly ask you to join me in commending Shaun Andrew Robinson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF TOM MOONEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Tom Mooney and his accomplishments as a champion of public education, the labor movement and social justice. A sudden and tragic loss for education advocates, Tom's December 9, 2006 passing also marks a sad day for the State of Ohio.

Tom began his career as a teacher in 1972 in Cincinnati. Quickly, though, his natural leadership brought him to represent his fellow educators as the president of the Local 1520 of the American Federation of Teachers between 1979 and 2000. During that time, he forged a reputation as a tireless and outspoken proponent of ensuring funding for public schools. Through his work with the Federation, he eventually rose to become the vice president of the national organization and served on its executive board.

A man of candor and American moxie, Tom's aggressive and enthusiastic public defense of teachers was an ongoing testament to his dedication to the idea that education is a fundamental and essential human right. Tom firmly believed that the success of the public education system rests on the will of the people to uphold its standards. Often, this meant challenging the status quo. Tom was not afraid to push forward and vehemently fight for higher standards and a higher quality of education. His strength, conviction, and outright courage to stand up steadfastly for the rights of educators have led to vast improvements in the field of education for the State of Ohio and the country.

Madam Speaker and colleagues, please join me in recognizing the life of Tom Mooney for his exemplary dedication to public education and the labor movement. Tom will be missed.

TRIBUTE TO CLARENCE SEAVERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Ms. KAPTUR. Madam Speaker, I am pleased to recognize a gentleman in our district, Mr. Clarence Seavers of Sandusky, OH, who will be presented with the Lifetime Achievement Award by the Erie County Democratic Party on February 23, 2007. Our former colleague and Ohio Governor Ted Strickland will present Clarence with the inaugural award. I know of no finer person to receive this distinguished recognition in its first year than my friend, Clarence Seavers.

Wherever one goes in Erie County OH, there will be Clarence Seavers. Well into his eighth decade of life, Mr. Seavers remains an active community participant. Not one to seek the glory of leadership, he is nonetheless a community leader in the truest sense, leading us by example to be good citizens.

A lifelong resident of Sandusky, Mr. Seavers is a World War II veteran, and was inducted into the Ohio Veterans Hall of Fame for his service with the 811th Aviation Engineering Battalion. He served the whole of U.S. involvement, 1941–1945, building airfields in the Pacific Theatre. Following military service, Mr. Seavers joined the ranks of the civil service, working as a clerk for the U.S. Postal Service for 30 years until his 1978 retirement.

In addition to his presence at many community events, Mr. Seavers has also formally given of his time in numerous ways. He has served on the boards of the YMCA, Goodwill Industries, Providence Hospital, Firelands Regional Medical Center, Erie County Board of Elections, Erie County Health Department, Chamber of Commerce, Boy Scouts and Erie Huron Community Action Commission. He is a lifetime member of the NAACP and a member of St. Stephen's AME Church. He volunteers as a baseball umpire and at the Ohio Veterans Home. His community calls him "one of Erie County's heroes and treasures," a sentiment I echo. Yet, true to the man, Clarence Seavers says of his involvement, "I just tried to give something back. As long as you're able, you can never give back too much."

Clarence Seavers has never been one to hide his light beneath a bushel. Instead, he has let his light shine forth in guidance. Quiet, humble, with graceful dignity, he is a fine example of the best that is in us. He has been a wise counsel to me, and countless others, and we dearly value his friendship. Clarence Seavers has spent his lifetime in achievement, and I am so honored to share with my colleagues a glimpse at the embodiment of a true American patriot as I congratulate Clarence Seavers on his receipt of this distinguished recognition.

RECOGNIZING SPECIAL AGENT JAMES G. MACFARLANE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. MURTHA. Madam Speaker, I rise to recognize the accomplishments of Special Agent James G. Macfarlane, currently the Deputy Inspector General and Deputy Assistant Director for the Office of Inspections of the Naval Criminal Investigative Service, NCIS. He will retire on March 1, 2007, after more than 23 years of service to our great Nation.

Jim began his career as a special agent with the then Naval Investigative Service in 1983 as a general crimes investigator at Portsmouth, VA. Special Agent Macfarlane was then selected as the Special Agent Afloat aboard the USS *John F. Kennedy* (CV–67) in June 1985. While serving aboard the *JFK*, Jim helped arrange law enforcement and force protection support required as the *JFK* was selected to participate in the rededication of the Statue of Liberty and the first naval "OPSAIL" celebration in New York City.

In 1986, Jim was selected as the Representational Resident Agent (RRA) at the Naval Investigative Service resident Unit in Misawa, Japan. In 1989, Jim was reassigned to NCIS Headquarters and worked in the Offensive Counterintelligence Operations Division, where he served with distinction for 5 years. During this time, SA Macfarlane was selected to attend Strategic Arms Reduction Training and deployed to Votkinsk, Russia, for 3 weeks in 1992 as the inspection team's CI specialist. In January 1994, Jim was selected to attend the Military Operations Training Course. In May 1994, he was reassigned as senior special agent working counterintelligence cases in Okinawa, Japan.

In 1996, Jim was selected as a Supervisory Special Agent (SSA) and began his first supervisory assignment at the NCIS Washington, DC, Field office where he provided counterintelligence support to Navy special access programs. In 1997, Jim established the NCIS office at the Naval Surface Warfare Center, Dahlgren, VA, where he was cited by DoD for setting the standard in providing Counterintelligence support to Navy Research, Development, Test, and Evaluation (RTD&E) programs. In 1999, Jim returned to the Washington, DC, field office, where he became the SSA for all offensive CI activities. In 2000, he was selected as the SSA for the Office of Special Projects and in August 2001, Jim was promoted to GS–14 and selected as the Assistant Special Agent-in-Charge (ASAC), NCIS Middle East Field Office, in Manama Bahrain.

Jim served as the sole ASAC during a period of great national interest and military activity, supporting both OPERATIONS ENDURING FREEDOM and IRAQI FREEDOM. Jim brought great credit upon himself and the NCIS during his tenure in the Middle East and was awarded the Superior Civilian Service Award.

In July 2003, Jim was promoted to GS–15 and assigned as the Senior NCIS Representative to Headquarters Marine Corps (HQMC). For his significant efforts at HQMC, he was awarded the Marine Corps' Meritorious Civilian Service Award. In 2005, Jim was selected for his current position as the Deputy Inspector General.

I wish to express my gratitude to Special Agent MacFarlane for his many years of distinguished service to this country.

IN MEMORY OF MR. ROBERT GUSTAFSON

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the life and achievements of a great business leader, teacher, and Michigander, Mr. Robert Gustafson, who passed away on February 20, 2007.

While Mr. Gustafson's career rose to great heights as CEO and Chairman of Hubert Distributors, Inc., in Pontiac, MI, his humble beginnings give insight into his future achievements. After graduating from Western Michigan University in Kalamazoo, Mr. Gustafson became a teacher at Wayland High School in Wayland, MI. An avid music fan, his leadership of the school's band program saw a threefold increase in student participation during his tenure.

After teaching, Mr. Gustafson went on to pursue his interest in aviation. He founded Michigan Air Activities, where he taught hundreds of students under the Federal G.I. flight program, as well as sold and repaired aircraft. In addition, Michigan Air Activities had a fleet of aircraft that serviced well known customers such as General Motors, Ford, and Chrysler. Mr. Gustafson would later establish Kalamazoo Aviation and serve as President of the Airport Advisory Group.

Mr. Gustafson then joined Hubert Distributors where he oversaw the construction of one of their warehouses. From there he rose up the ranks from a sales manager to the CEO and Chairman. Utilizing his teaching experience, Mr. Gustafson overhauled the employee training program at Hubert by writing, producing, and directing the training videos that are required for all new hires.

Yet Mr. Gustafson's works reach beyond the realm of business as he was actively involved in philanthropy and charitable work. The Robert Gustafson Wing of St. Joseph Mercy Oakland Hospital bears witness to his commitment to give back to the community.

Today, I remember Mr. Robert Gustafson for his lifetime of service and dedication to our community. My sincerest thoughts and prayers go out to his family and loved ones.

REMBERING STATE SENATOR ADELARD L. "ABE" BRAULT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to the passing of Virginia State Senator Abe Brault on February 13, 2007. Senator Brault served in the Virginia General Assembly for 18 years, including a term as majority leader from 1976 to 1980.

A Navy veteran who served during WWII, Abe opened a law practice in Fairfax County during the 1950s and dedicated his life to serving those in Fairfax and the surrounding area. He was a good man who served Virginia well and I was honored to know him. A family man and true Virginia gentleman, Abe died at the age of 97 and is survived by his wife, three children, and nine grandchildren, and 14 great-grandchildren.

Madam Speaker, I insert for the RECORD an obituary published in The Washington Post which details the many accomplishments of Senator Brault.

[From Washingtonpost.com, Feb. 14, 2007]

ADELARD L. 'ABE' BRAULT, 97; INFLUENTIAL N. VA. SENATOR

(By Adam Bernstein)

Adelard L. "Abe" Brault, 97, a feisty Fairfax County Democrat who retired in 1983 after 18 years in the Virginia Senate, including a term as majority leader, died Feb. 13 at his home in Front Royal, Va. He had pneumonia.

For years, Mr. Brault was considered dean of the Northern Virginia delegation, and he used his authority to push through funding for the Metro system, George Mason University and Northern Virginia Community College.

He and Sen. Omer L. Hirst (D–Fairfax-Falls Church) helped shape legislation and financing for the 13-mile Dulles Toll Road, built in 1984 to link Interstate 66 and the Capital Beltway with Dulles International Airport.

Mr. Brault was the majority leader from 1976 to 1980, largely because of a moderate-liberal coalition that successfully challenged the more conservative elements of the Senate. A conservative faction led by Hunter B. Andrews (D–Hampton) eventually removed Mr. Brault from the leadership. He described his loss as a "power play" meant to weaken Northern Virginia's influence.

Mr. Brault was known for blunt and critical commentary that he regarded as honesty and others sometimes found uncollegial. As a result, then-Gov. Charles S. Robb (D) appointed Mr. Brault to the State Board of Education in 1985, a year later than expected. The delay was attributed to Mr. Brault's criticism of the leadership ability of Sen. Clive L. DuVal II (D–Fairfax).

Adelard Lionel Brault was born in Winsted, Conn., on April 6, 1909. He grew up in Washington, where he was a 1927 graduate of Gonzaga College High School and a 1933 graduate of Columbus Law School, now part of Catholic University. He served in the Navy in the North Atlantic during World War II.

He had a private law practice in Washington before the war and opened a practice in Fairfax County in the early 1950s, where he specialized in representing insurance companies. He was president of the Fairfax County Bar Association when he was appointed to the county Board of Supervisors in 1962 to fill the unexpired term of James Keith, who years later became a Virginia Circuit Court judge.

Mr. Brault did not seek reelection to the Senate in 1983, saying at the time, "Y'all can do what you want to next year. I'll be in Florida."

In 1991, state legislators renamed the Dulles Toll Road the Omer L. Hirst-Adelard L. Brault Expressway, which, having met the fate of many other such renamings of roads, bridges and buildings, has not readily been adopted by commuters.

Survivors include his wife, Clarice Covington "Percy" Brault of Front Royal; 3 children, Adelard L. Brault, Jr., of Fairfax County, Nancy Supples of Front Royal and Mary Lynn Coleman of Moscow; 9 grandchildren; and 14 great-grandchildren.

TRIBUTE TO THE REVEREND DR. PAUL M. MARTIN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Ms. DEGETTE. Madam Speaker, I rise to honor the exceptional accomplishments and extraordinary life of the Reverend Paul Martin, Senior Pastor of the Macedonia Baptist Church in Denver, Colorado. This remarkable gentleman merits our recognition and admiration as his impressive record of spiritual leadership and invaluable service has done much to improve the lives of our people.

Reverend Martin's standing within our community is rivaled by few others. He has been on the front line of progress for decades and has used his skills and talents to advance the public good and care for the spiritual well-being of many of our citizens. As a dynamic pastor, educator, scholar and radio commentator, Paul Martin's leadership and service has made us stronger, more caring and more resilient.

Reverend Martin began his life in South Central Los Angeles where he completed his secondary education in the public schools. He graduated with honors from Pepperdine University with a bachelor's degree in Religion, Psychology and Greek. He attained his Master of Divinity from the Samuel DeWitt Proctor School of Theology at Virginia Union University and went on to earn his Doctor of Philosophy at the California Graduate School of Theology. Reverend Martin also received an Honorary Doctor of Humane Letters from the Denver Seminary and has done additional study at Fuller Seminary, the Claremont School of Theology, and the Union Theological Seminary. Dr. Martin's many educational and scholarly accomplishments prepared him for a life of spiritual leadership that has left an indelible imprint on all of us.

Under Reverend Martin's leadership, Macedonia Baptist Church has become a beacon of hope and remains a positive force in the spiritual and civic life of our community. Not only has Reverend Martin moved us from the pulpit, he has also edified us through his numerous radio ministries. While in Los Angeles, he had four radio ministries and in Denver, he created and hosted Religion in Focus on KNUS Radio and cohosted Community Focus on KRKS Radio with his wife, Dr. Agnes Martin. He is the host of two weekly radio ministries on KLDC in Denver—Focus on Live and Charisma—and is cohost of the Agnes Martin Show on Channel 58, DCTV.

Those who know Reverend Martin know it is difficult to ignore his moving and resonant voice. His words give meaning and poignancy to the spiritual aspirations we all share. Over the years, I have had the privilege of working closely with Macedonia Baptist Church as part of a church exchange with my congregation, Montview Presbyterian. As a member of Montview's choir, I have had the opportunity to lift my voice with the remarkable choir at Macedonia. I have also had the opportunity to reflect with Reverend Martin on matters of social concern and I will never forget a discussion we had concerning the War on Poverty.

He reflected on how making poverty a national priority set in motion new laws and created programs such as Head Start, work study, Medicare and Medicaid. He noted how these programs brought about real results, reduced rates of poverty and improved living standards for America's poor. But what struck me was his conclusion—that this endeavor was great because it gave Americans the opportunity to care for and serve one another and that this kind of social stewardship changed our country for the better.

Clearly, community service matters. But for Reverend Martin, community service is not just an empty catchphrase. It is personal commitment and active engagement in outcomes—it is stewardship at its finest. Under the leadership of Paul Martin, Macedonia Baptist Church has touched the community through a host of specialized programs and outreach ministries designed to enhance the spiritual and educational growth of our youth. His service to our community is extensive and includes being past president of the Urban League of Metro Denver; special advisor to former Mayor Wellington Webb and Mayor John Hickenlooper; member of the Denver Police Task Force; and Board Chair of the Stapleton Development Corporation. He is the first African American minister to serve as President of the American Baptist Region of the Rocky Mountains. He is an adjunct professor at the Denver Seminary and the Iliff School of Theology and an instructor with the Congress of Christian Education of National Baptist Convention. He has been a past trustee of the University of Sioux Falls, a member of the Committee on Ministry for the Presbytery of Denver, Vice President for Membership for the East Denver Ministerial Alliance and a lifetime member of the N.A.A.C.P., and the Southern Christian Leadership Conference.

Martin Luther King, Jr., once noted that everybody could be great because everybody can serve. Reverend Martin has burnished a reputation of spiritual leadership that I think is the opposite of what most people think. His leadership is not only guidance, it is service. It is caring for one another. It is serving along side those whom you lead. It is service which is ordinary and yet extraordinary.

Reverend Martin's tenure as Senior Pastor of Macedonia Baptist Church is quickly drawing to a close. His leadership has been exemplary and his contributions are rich in consequence. On behalf of the citizens of the 1st Congressional District, I wish to express our gratitude and extend our best wishes to Pastor Martin, Agnes Martin and their family.

Please join me in paying tribute to the Reverend Dr. Paul M. Martin, a distinguished spiritual and civic leader. His stewardship and service command our respect and they speak to the spirit of our founders and future of our country.

IN RECOGNITION OF MARGE SWEENEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life and accomplishments of Marge Sweeney, whose I tremendous dedication to her family, friends and community serves as a shining example for all who have been blessed by her presence and care.

Back in the mid-sixties, Marge started her career as a bookkeeper, but by the mid-seventies she had already worked her way up to the position of Principal's Secretary at St. Stephen's Elementary and Junior High School. In 1982 she was appointed Recreation Instructor, and since has progressively earned promotions, until she became Manager of Halloran Rink—a position she held for over 25 years.

Throughout her career, Marge had an enormous impact on local programs and organizations in the community, including: Cuyahoga Counties' Juvenile Court Victim-Aid Restitution Program; the Westtown Community Development Corporations' Night Out Against Crime; the Metro Parks Youth Programs; and many more. She has also been honored by the Mayor's Office on Volunteerism, City of Cleveland; the First District Police Community Relations Program; and the National Park and Recreation Association, with a 'Commemorative Citiation' in recognition of outstanding leadership and volunteerism to the parks and recreation movement and to advancing the quality of life in her community.

Furthermore, Marge has been a key figure in the formation of the Halloran Advisory Board—a board that contains both community and civic minded individuals, who share the interest of the positive delivery of services to the community of Halloran Skating Rink.

Along with this tremendous work, and being a wife to the late Dennis Sweeney, Marge has taken great pride in raising her eight lovely children; Dennis, Patty, Brian, Jimmy, Kevin, Shawn, Kelly, and Annie.

Madam Speaker and colleagues, please join me in honoring Marge Sweeney for her 30 years of public service to the residents of Cleveland, and for her kindness and generosity that have and will continue to inspire all who cross paths with her.

IN HONOR OF VACLAV HAVEL AND THE 30TH ANNIVERSARY OF CHARTER 77

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. HOYER. Madam Speaker, this year marks the thirtieth annivesry of the Charter 77 movement. Along with other colleagues from the Helsinki Commission, which I had the privilege of Chairing and Co-Chairing from 1985 to 1994, I rise today to commemorate Charter 77's extraordinary accomplishments, and to praise Vaclav Havel, a founding member of the Charter 77 movement and Czechoslovakia's first President after the fall of communism.

Twenty years ago this month, I led a Congressional delegation to Czechoslovakia—my first trip to that country. At that time, I was assured by Czechoslovak Government officials that Charter 77 was only a small group, and there was no need to have a dialogue with its members. In an apparent effort to underscore their point, the regime detained several Chartists to keep them from meeting with our delegation: Vaclav Havel, Petr Uhl and Jiri Dienstbier were all arrested in Prague; Miklos Duray was prevented from traveling to Prague from Slovakia; and although Petr Puspoki-Nagy made it to Prague, he was also immediately detained on his arrival.

Although I was deprived of the chance to meet these individuals in person, I was already well aware of their work. In fact, the Helsinki Commission's second hearing, held in February 1977, published the full text of the Charter 77 manifesto at the request of one of our witnesses, Mrs. Anna Faltus. We owe a special debt of gratitude to the late Mrs. Faltus, who worked tirelessly for decades as an advocate for a free Czechoslovakia. To this end, she made sure that the documents of Charter 77 and the Committee for the Defense of the Unjustly Persecuted were quickly translated and widely disseminated to policy makers and human rights advocates. Her effort made it possible for the Helsinki Commission to publish (in 1982 and in 1987) selected and representatives texts of the Charter 77 movement.

Looking back, the breadth of those documents is truly remarkably, touching on everything from the legacy of World War II to the country's economic situation; from contemporary music to nuclear energy. But the common thread that bound these diverse statements together was a commitment to promote and protect "the right of the individual to know and act upon his rights." This right was freely adopted by the Czechoslovak Socialist Republic when Gustav Husak fixed his signature to the Helsinki Final Act in 1975.

It was, of course, with great interest that I discussed Charter 77, first with Czechoslovak officials during my February 1987 trip to Prague, then with Czechoslovak parliamentarians visiting Washington in June 1988 (a delegation which included Prague Communist Party boss Miroslav Stepan), and then with the Czechoslovak delegation to the 1989 Paris Meeting of the Conference on the Human Dimension. In these meetings, as well as in correspondence with the Czechoslovak Ambassador to the United, I was told that Charter 77 didn't represent public opinion. I was warned that siding with Charter 77 would not help bilateral relations, and I was assured that democracy was coming soon to Czechoslovakia—"socialist democracy."

Needless to say, I was not convinced by my interlocutors: I was not convinced that Augustin Navratil was actually being treated for a mental health condition, rather than being persecuted for his religious activism. I was frankly disgusted when the Czechoslovak delegation to the Paris meeting baldly lied about Jiri Wolf, telling us he had been released early from his prison sentence as a "humanitarian" gesture, and then shrugging with indifference when they were caught in their lie. Most of all, I did not believe that Vaclav Havel was a criminal and Charter 77 merely an "insignificant" group.

In fact, in 1989 Senator Dennis DeConcini and I nominated Vaclav Havel for the Nobel Peace Prize. As Senator DeConcini said, "[i]n spite of relentless harassment by the authorities, including imprisonment, repeated detentions, house searches, and confiscation of property, Havel has remained active in the struggle for human rights . . . Havel is now in prison, but he is not alone in his cause. In a dramatic move . . . over 700 of his colleagues—playwrights, producers, artists, and actors—signed a petition calling for his release and the release of others [similarly imprisoned]. For these people, like many others in his country, Vaclav Havel has become a symbol of an enduring and selfless commitment to human rights."

Madam Speaker, on this 30th anniversary of the founding of the Charter 77 movement, I rise to commend and remember the courageous men and women, signatories and supporters, who paved the way for the peaceful transition from communism in Czechoslovakia and restoration of Europe, whole and free. On this anniversary, I give special tribute to Vaclav Havel, playwright and president, and his singular role in leading his country to freedom.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 100, 101 and 102.

INTRODUCTION OF THE FAIR USE ACT OF 2007

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. BOUCHER. Madam Speaker, I am pleased to be introducing the Freedom And Innovation Revitalizing U.S. Entrepreneurship Act of 2007. Like other bills I have introduced in earlier years, the FAIR USE Act of 2007 is intended to promote innovation, encourage the introduction of new technology, enhance library preservation efforts and protect the fair use rights of consumers.

As more fully described in the attached section-by-section analysis, this bill differs fundamentally from H.R. 107 and H.R. 1201, as proposed in the 108th and 109th Congresses, respectively. For example, the revised bill does not contain the provision which would have established a fair use defense to the act of circumvention. I continue to believe that there should be such an exemption in the law, but content owners have expressed concern that enactment of such a provision could lead to widespread redistribution of audiovisual and other works.

In an effort to address their concerns, I have instead crafted specific exemptions to section 1201 of the Digital Millennium Copyright Act which do not pose a comparable potential threat to their business models. For example, the proposed legislation would codify the decision by the Register of Copyrights, as affirmed in a determination made by the Librarian of Congress under section 1201(a)(1) of the DMCA, to allow consumers to "circumvent" digital locks in six discrete areas. The bill also contains six narrowly crafted additional exemptions that are a natural extension of these exemptions. For example, given the central role that libraries and archives play in our society in ensuring free speech and continuing access to creative works, the bill includes a provision to ensure that they can circumvent a digital lock to preserve or secure a copy of a work or replace a copy that is damaged, deteriorating, lost, or stolen.

The bill contains other new elements. For example, it would limit the availability of statutory damages against individuals and firms who may be found to have engaged in contributory infringement, inducement of infringement, vicarious liability or other indirect infringement. Given the increasing extent to which content companies are on the receiving end of lawsuits, I would hope they would see the value of this element of the bill.

I have more narrowly crafted the provision codifying the Supreme Court's Betamax decision to eliminate any uncertainty about a potential negative impact on the Supreme Court's holding in the Grokster case.

I look forward to working with my colleagues and all interested parties in an effort to properly balance the rights of content owners, consumers and other constructive users of content.

I will welcome their suggestions about how the measure might be further improved as it moves forward in the legislative process.

FAIR USE ACT OF 2007

Section 1 sets forth the title of the bill, the "Freedom And Innovation Revitalizing U.S. Entrepreneurship Act of 2007."

Section 2 would make two amendments to the Copyright Act.

Subsection (2)(a) would limit the availability of statutory damages against individuals and firms who may be found to have engaged in contributory infringement, inducement of infringement, vicarious liability, or other indirect infringement. Congress developed the statutory damages award process in a world of physical works, principally paper and vinyl. Today, in a world in which silicon is the principal medium of storage, statutory damages can be so large and disproportionate that entrepreneurs and consumer electronics and information technology companies are declining to bring new technology to market out of fear that they could be bankrupted by an adverse finding of secondary liability—even in cases in which they believed on the advice of counsel that their new innovative hardware or software products would be found legal if they survived costly litigation with its highly intrusive discovery. Under the bill, statutory damages would remain available for conduct that no reasonable person could have believed to be lawful. With this condition in the law, entrepreneurs, venture capitalists, and consumer electronics and information technology companies would feel more confident in going to court, if necessary, for a fair hearing on the merits, and aggrieved parties could get relief from scofflaws. Moreover, actual damages would continue to remain available to a person harmed by secondary infringement.

Subsection (2)(b) would effectively codify the Supreme Court's holding in the Betamax decision with respect to hardware devices. In *Sony Corp.* v. *Universal Ciry Studios, Inc.*, 464 U.S. 417 (1984), the Court held that because the Betamax videocassette recorder was capable of substantial, commercially significant non-infringing uses, two studios—which were concerned about consumers making in-home off-air tapes of television broadcasts—could not hold Sony contributorily liable for copyright infringement based on other possible or even predominate infringing uses. To provide greater legal certainty to legitimate CE companies bringing new products to market in the wake of the uncertainty created by the Supreme Court's decision in *Metro-Goldwyn-Mayer Studios* v. *Grokster, Ltd.*, 545 U.S. 913 (2005), subsection (b) would immunize these and other hardware companies, as well as entrepreneurs, from copyright infringement liability based on the design, manufacture or distribution of hardware devices (or components of those devices) that are capable of a substantial, commercially significant non-infringing use. The enactment of this clarifying provision, for avoidance of doubt with respect to hardware devices, is not intended to have any negative effect on the continued availability and application of the Betamax standard with respect to services and software products or to non-commercial activities.

Section 3 would amend the Digital Millennium Copyright Act.

Subsection (3)(a) would codify the decision by the Register of Copyrights, as affirmed in a determination made by the Librarian of Congress under section 1201(a)(1) of the DMCA, to allow consumers to "circumvent" digital locks in six discrete areas. The determination was made after a thorough rule making process, in which the Register took extensive testimony from rights holders, consumers, and other interested parties. By codifying the Librarian's determination, Congress would ensure that these practices may continue, without the need for extensive review by the Register and the Librarian under section 1201(a)(1) three years from now. The importance of these exemptions was demonstrated by the Register's extensive supporting analysis. Making them permanent would create greater certainty among various user communities. The need to codify the exemptions is all the more compelling now that TracFone has challenged the entire DMCA rulemaking process as an unlawful delegation of legislative authority.

As determined by the Librarian in the Final Rule published in the Federal Register on November 27, 2006, persons making non-infringing uses of the following six classes of works will not be subject to the prohibition against circumventing access controls of the DMCA:

1. Audiovisual works included in the educational library of a college or university's film or media studies department, when circumvention is accomplished for the purpose of making compilations of portions of those works for educational use in the classroom by media studies or film professors.
2. Computer programs and video games distributed in formats that have become obsolete and that require the original media or hardware as a condition of access.
3. Computer programs protected by dongles that prevent access due to malfunction or damage and which are obsolete.
4. Literary works distributed in ebook format when all existing ebook editions of the work contain access controls that prevent the enabling either of the book's read-aloud function or of screen readers that render the text into a specialized format.
5. Computer programs in the form of firmware that enable wireless telephone handsets to connect to a wireless telephone communication network, when circumvention is accomplished for the sole purpose of lawfully connecting to a wireless telephone communication network.
6. Sound recordings distributed in compact disc format and protected by technological protection measures that control access to lawfully purchased works and create or exploit security flaws or vulnerabilities that compromise the security of personal computers when circumvention is accomplished solely for the purpose of good faith testing, investigating, or correcting such security flaws or vulnerabilities.

As an extension of the Librarian of Congress's determination, subsection (3)(b) of the FAIR USE Act would enable individuals in six narrowly defined circumstances to circumvent technological protection measures:

Paragraph (i) would extend the Librarian's determination with respect to excerpts of audiovisual works for use in all classrooms (instead of just in college media studies classrooms). Under the provision, an instructor could circumvent a digital locks on audiovisual works included in the collection of a library or an archives in order to make compilations of portions of those works for educational use in a classroom at all grade levels.

Paragraph (ii) would authorize consumers to circumvent a lock on a DVD or other audiovisual work in order to skip past commercials at the beginning of it or to bypass personally objectionable content (such as pornographic scenes) contained in the work. The provision does not authorize consumers to make back up DVDs for archival or any other purpose.

Paragraph (iii) would authorize consumers to transmit a work over a home or personal network but not to circumvent for purposes of uploading that work to the Internet.

This provision would ensure that consumers can make fair use of content they have lawfully acquired, as long as they do not engage in the mass, indiscriminate redistribution of that content over the Internet.

Paragraph (iv) would allow individuals to access public domain works that are in a collection of works made up primarily of public domain works. It thus would preclude content owners from denying the public access to public domain works simply by repackaging them with one or more copyrighted works and then applying a digital lock to restrict or deny access to all of the works.

Paragraph (v) would advance long-established First Amendment rights by authorizing reporters, teachers, and others to circumvent digital locks blocking access to works of substantial public interest, when circumvention is accomplished solely for purposes of criticism, comment, news reporting, scholarship, or research.

Paragraph (vi) would authorize circumvention of technological measures that effectively control access to copyrighted works for the purpose of enabling a library or an archive to preserve or secure a copy of a work or to replace a copy that is damaged, deteriorating, lost, or stolen. This would ensure that libraries and archives can continue to engage in activities specifically authorized by section 108 of the Copyright Act.

The exceptions to the DMCA set forth in subsections (3)(a) and (b) are based on extensive comments and testimony received by the Copyright Office and the Congress. Their enactment is not intended and should not be construed as in any way limiting other rights or interpretations of either the Copyright Act or the DMCA as to which consumers and other users have had their rights vindicated in the courts or those which have not been addressed by the courts.

TRIBUTE TO MS. PHYLLIS C. CAMPBELL, SENIOR EXECUTIVE SERVICE

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. PLATTS. Madam Speaker, I rise today to pay tribute to Ms. Phyllis C. Campbell, who will retire from the Defense' Logistics Agency's, DLA, Defense Distribution Center, DDC, New Cumberland, PA, on March 3, 2007. Ms. Campbell's distinguished government career spans 40 years, and her record of achievement during this period reflects greatly upon herself and upon the organizations with which she has served. Her contributions to the national defense will be missed as she moves on to new and exciting opportunities.

Ms. Campbell was appointed to the Senior Executive Service position of deputy commander, DDC, in July 1998. The DDC is DLA's Lead Center for distribution and has management responsibility for 26 military distribution centers around the world.

Ms. Campbell hails from Steelton, PA and has followed a varied career of increasing responsibility culminating in her appointment as deputy commander. In 1966, she entered the Federal service in the Transportation Division at Defense Distribution Depot Ogden, UT, and in 1973, was selected into the Depot's Management Intern Program. In 1979, Ms. Campbell became a supply systems analyst in the newly formed Defense System Automation Center, DSAC, which later became the DLA System Design Center, DSDC. In 1982, she returned to the Ogden installation, becoming branch chief with responsibility for all operations and administrative systems and procedures. In 1985, Ms. Campbell was promoted to division chief, assuming additional responsibility for a $30 million depot modernization program. In 1989, Ms. Campbell reached a career benchmark with her selection as deputy director, Office of Technology and Information Services.

In 1990, Ms. Campbell was selected by the Office of Secretary of Defense, OSD, to be the deputy for the Corporate Information Management Distribution prototype group. This group was chartered to develop a standard distribution system for use throughout the Department of Defense. In 1991, Ms. Campbell was reassigned to DLA's Defense Distribution Systems Center as its business manager. Ms. Campbell was instrumental in selecting the migration system for deployment to the then 30 DLA distribution sites. In 1993, Ms. Campbell returned to the OSD Comptroller's Office of Financial Review and Analysis. From 1995 until her appointment to deputy commander, she served as director, Distribution Operations with the Defense Distribution Center.

Ms. Campbell attended Weber State University and is the recipient of numerous special achievement and performance awards including the 2005 Presidential Distinguished Executive Rank Award, the 2002 Presidential Meritorious Executive Rank Award, the Distinguished Order of Saint Martin, and the Military Ancient Order of Saint Christopher award in recognition of her contributions to transportation initiatives.

Madam Speaker, I am honored to ask my colleagues to join me in congratulating Ms. Phyllis C. Campbell on her retirement from Federal civil service. She epitomizes the dedication and professionalism that make our Federal Government a model all over the world.

IN HONOR OF JACK BARLICH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. FARR. Madam Speaker, I rise today to honor Mr. Jack Barlich, who passed away on January 16, 2007.

He was a firefighter for the City of Monterey for 29 years, and retired in 1992 as assistant fire chief. After his retirement he ran for mayor of Del Rey Oaks, defeating the incumbent who had served 30 years in city government. Jack was a knowledgeable firefighter and a hands-on kind of person who used those attributes to be an effective administrator.

He served on several county boards including the Waste Management Task Force and the Transportation Agency of Monterey County. He chaired the Fort Ord Reuse Authority board and was vice-chairman of the Monterey Regional Water Pollution Control Agency. As the mayor of Del Rey Oaks, his proudest accomplishment was the annexation of 360 acres of land for his small city from the former Fort Ord Army Base.

Jack's health began to decline in 2003, and in the summer of 2004, he resigned during his seventh term. Jack was tough but fair, and worked hard in the service of his community. He will be greatly missed.

Madam Speaker, I rise to honor Jack Barlich, who courageously served his community during his lifetime.

IN REMEMBRANCE OF SERGEANT MAJOR JOSEPH J. ELLIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the extraordinary life and achievements of Sergeant Major Joseph J. Ellis, the true definition of an American hero. Throughout his life, Sergeant Major Ellis displayed the highest qualities of sacrifice, patriotism, and service.

Sgt. Maj. Ellis enlisted in the Marines in 1984 and moved up in rank, mostly in reconnaissance units, and trained as a radio operator. In 1985, he was elevated to the rank of corporal and, 2 years later, joined the 3rd Reconnaissance Battalion in Okinawa, Japan, where he served as team communicator and radio supervisor in the battalion communications platoon. Later Ellis was called to Camp Pendleton, California for duty with the School of Infantry, and served as radio supervisor in the communications platoon.

When his country needed his service, Ellis answered the call and was deployed to Saudi Arabia with the 1st Force Reconnaissance Company from Camp Pendleton in 1990 for Operation Desert Shield and Operation Desert Storm.

In late 2003, Ellis again answered the call of his country and was sent to Iraq as first sergeant for the Headquarters and Service Company. Ellis was promoted to sergeant major in 2004, making him the top enlisted man with a Camp Pendleton, California-based infantry battalion.

Adlai Stevenson once said, "Patriotism is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime." Sgt. Maj. Ellis' dedication to patriotism was a lifelong commitment, which he displayed by devoting over 20 years of service to the Marine Corps. Among his many honors and decorations, Ellis was awarded the Meritorious Service Ribbon, the Navy and Marine Corp Commendation Medal with one gold star, the Navy and Marine Corps Achievement Medal with one gold star, and the Combat Action Ribbon with one gold star. Sgt. Maj. Ellis' devotion to our country and the protection of our freedoms and values deserve our most sincere appreciation.

Madam Speaker and colleagues, please join me in honoring Sgt. Maj. Ellis, who gave the ultimate sacrifice for his country on February 7, 2007. May his actions and deeds never be forgotten.

PERSONAL EXPLANATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. UDALL of New Mexico. Madam Speaker, on February 16th I missed rollcall vote No. 102, final passage of the Small Business Tax Relief Act. Had I voted, I would have voted "aye."

ON THE INTRODUCTION OF H.R. 1194, THE TELEPHONE EXCISE TAX REPEAL ACT OF 2007

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. GARY G. MILLER of California. Madam Speaker, I rise today in strong support of the Telephone Excise Tax Repeal Act of 2007. As the sponsor of this legislation in previous sessions of Congress, I thank my colleagues in the majority and members of the Ways and Means Committee for recognizing the value of this important issue. Congress must continue to work together in a bipartisan fashion, building on momentum from last year's cosponsorship by 220 members, to abolish this tax. I am proud to join with my colleagues today to introduce the Telephone Excise Tax Repeal Act in the 110th Congress, which will eliminate the three percent tax on all telecommunications services.

The federal excise tax on telecommunications services was used to pay for the

Spanish-American War in 1898. This tax was intended to tap only the wealthiest 1,400 telephone owners. However, with more telephones than people in the United States today, this excise tax represents the polar opposite of a luxury tax, and merely serves to raise prices for consumers.

Telephone tax revenues once used to pay for the Spanish-American War are deposited in the General Fund. Unlike the gas tax, which directs revenues to the Highway Trust Fund, no specific account exists to redirect money collected from the telephone "luxury" tax. Other items subject to a "luxury" tax include airplane tickets, beer and liquor, firearms and cigarettes. Obviously, a telephone is a necessity, and thus does not fit with this list of "luxury" items.

Last year, the U.S. Treasury Department conceded the legal dispute over the federal excise tax on long-distance telephone service. After 11 consecutive courtroom losses by the Internal Revenue Service (IRS), Treasury Secretary John Snow announced that collection of the three percent excise tax on long-distance and bundled services would end on July 31, 2006. In fact, the IRS is issuing refunds of tax on long-distance service for the past 3 years. This year, taxpayers may apply for refunds on their 2006 tax forms. The Treasury's action is a step in the right direction, and it is finally time for Congress to put an end to this hidden tax on local telecommunication services.

The telephone tax burdens our communication abilities and is destructive to technological innovation. It must be repealed immediately. I urge my colleagues to build upon the successes we have had in the past and to help American taxpayers win the war on their wallets once and for all.

IN HONOR OF RICHARD DEL BOCCIO

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. SIRES. Madam Speaker, I rise here today to honor an outstanding resident of the City of Hoboken. Richard Del Boccio is retiring after 40 years of dedicated service as an educator and public official.

Mr. Del Boccio, who was born and raised in Hoboken, began his career in education in the early 1960s, and for 15 years made his mark in the lives of thousands of students as Principal of the Salvatore Calabro School. Later, as Interim Superintendent, Adjunct Professor at St. Peter's College and State Appointed Principal Mentor, he continued to mold and oversee the Hoboken School System, inspiring students and faculty alike, and setting and example for young minds to follow.

Richard Del Boccio's teaching and mentoring led him to fight for the improvement of his community as a public official. Elected Hoboken Councilman at Large, he became involved in the betterment of his native city and the lives of his constituents. Mr. Del Boccio became City Council President and retires as Councilman of the Second Ward of the City of Hoboken.

Mr. Del Boccio cemented his commitment to public service by being a member of various community organizations, including the Hoboken Memorial September 11th and Pier C Park Waterfront Steering Committees, and taking active rolls as Co-Chairman of the Youth Advisory Committee and Co-Founder of the Neighborhood Block Watch Committee. His dedication won him the Christopher Columbus Award for Community Service in 2005.

It is my privilege and honor to recognize Richard Del Boccio for his dedication to Hoboken and the people of New Jersey. I ask that my colleagues join me in wishing him, his wife, children, and grandchildren continued health and happiness in the future.

COMMEMORATING 60TH ANNIVERSARY OF THE "228 INCIDENT" IN TAIWAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. TANCREDO. Madam Speaker, I rise today to commemorate the 60th anniversary of the "228 Incident" in Taiwan.

On February 28, 1947, the arrest of a cigarette vendor in Taipei triggered large-scale protests there against military repression of Taiwan's residents.

Madam Speaker, while the protests the event sparked were quashed in the days and weeks following the initial incident, the event had far reaching implications.

Over the next half-century, the movement that grew out of the event helped to pave the way for Taiwan's momentous transformation from a dictatorship to thriving and pluralistic democracy.

In some ways, the 228 incident was Taiwan's "Boston Massacre."

Madam Speaker, I hope Members will join me in commemorating this important historical event, and I look forward to the day that we can welcome Taiwan's elected President to Washington, DC.

HONORING MR. LEVI LEE SMITH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the late Mr. Levi "Lee" Smith who served his central New York community in a number of unique ways.

He founded the Onondaga Citizens League, OCL, which promotes civic education and involvement in public affairs. Organized in 1978, the OCL has offered the community studies on local government consolidation, voter participation, area health services, the quality of local arts, and community housing assessments among others.

Lee's Institute for Retired Professionals offers local retirees the opportunity to remain intellectually active in community affairs after retirement.

Perhaps most notable is Lee's work to found the Thursday Morning Roundtable, TMR, 41 years ago. The organization is a public service speaker series that was created to provide an environment where people who were interested in political and civic issues could discuss their ideas and opinions. Lee's foresight in founding TMR as a forum for thoughtful study and exchange laid the groundwork for other civic involvement initiatives in our community, like FOCUS Greater Syracuse and Syracuse University's Tomorrow's Neighborhoods Today, TNT.

Mr. Lee Smith passed on February 6 of this year at the age of 88, and his life will be celebrated at a memorial service on February 18. Lee's commitment and dedication to serving the community and educating others has been, and will continue to be, an important asset to our community. I thank his wife Alice and the entire Smith family for sharing Lee with our community all these years.

FREEDOM FOR RAMÓN VELÁZQUEZ TORANZO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Ramón Velázquez Toranzo, a political prisoner in totalitarian Cuba.

Mr. Velázquez is a pro-democracy activist and independent journalist for Libertad, a small independent news agency founded by José Luis García Paneque, a political prisoner jailed during the condemnable March 2003 "Black Spring" crackdown. His peaceful activities and truthful articles have helped expose the nightmarish reality that is the Castro regime. Unfortunately, for this very reason he has been targeted by the tyrant's machinery of repression, as part of its effort to silence the brave men and women of Cuba's pro-democracy movement.

On December 10, 2006, International Human Rights Day, Mr. Velázquez Toranzo, began a march for Cuban Dignity in Eastern Cuba at the shrine of Our Lady of Charity, Cuba's patron saint, demanding freedom for all Cuban political prisoners, respect for human rights, and the cessation of repression against peaceful pro-democracy activists. Mr. Velázquez Toranzo, who was marching with his wife, Barbara González Cruz, and his daughter, Rufina Velázquez González, intended to travel 950 kilometers by foot in hope of ending their march for freedom in Havana.

On their journey, Mr. Velázquez Toranzo, his family and other marchers were detained twice in Ciego de Ávila and Camaguey, Cuba, for peacefully advocating for the most basic freedoms for the Cuban people. Despite being detained, nearly being run over twice by State Security Thugs, and knowing full well the brutal consequences that await those who speak the truth under the nightmare that is the Castro tyranny, they continued their peaceful march for human rights and dignity.

On January 23, 2007, 18 days after beginning his peaceful march for dignity, Mr.

Velázquez Toranzo and his family were arrested for a third time in the city of Ciego de Ávila. His wife and daughter were released but Mr. Velázquez Toranzo was held at a police station and then transferred to the "El Típico" provincial prison. And there, after months of harassment by State Security thugs, Mr. Velázquez Toranzo was "sentenced" to suffer 3 years of horror in the squalor of a subhuman gulag for his supposed crime, "anti-social conduct."

Madam Speaker, Mr. Velázquez Toranzo is languishing in an infernal gulag just 90 miles from our shores. It is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, independent journalists who write the truth about totalitarianism are jailed and tortured simply for exposing truth. We must demand immediate freedom for Ramón Velázquez Toranzo and all political prisoners in totalitarian Cuba.

RECOGNIZING REV. RICHARD DRANKWALTER ON THE OCCASION OF HIS RETIREMENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the Rev. Richard Drankwalter, the outgoing Pastor of Christ Lutheran Church in Brooksville, Florida. For nearly 37 years, Pastor Drankwalter has served the Lutheran Church with honor and distinction, all in the name of Jesus Christ.

Born on July 4, 1944, in Queens, New York, Pastor Drankwalter has dedicated his life to serving the Church. Earning his Bachelor of Divinity and Master of Divinity from Concordia Theological Seminary in Springfield, Illinois in 1970, he spent an early part of his career as Pastor of the Peace Lutheran Church in Scranton, Pennsylvania. Pastor Drankwalter then moved on to serve the Church in Illinois and New York, eventually moving to Brooksville, Florida in 1986. Pastor Drankwalter has been a minister at Christ Lutheran in Brooksville for nearly 20 years.

Pastor Drankwalter joined Christ Lutheran following service as pastor of Trinity Lutheran Church in Silver Creek, New York. At the time of his appointment there were 168 members of Christ Lutheran; today there are over 600. A sure sign of his family's commitment to the area, both his wife Paula and his daughter Jennifer have served as teachers in Hernando County. The Pastor himself ran for Hernando County School Board and that is where I first met him.

In addition to this service, Pastor Drankwalter and his wife Paula have been very involved in local church and civic organizations, including the Brooksville Ministerial Association, the Hernando County Youth Association, the Brooksville Kiwanis Club, and served on the Board of Directors of the Committee Against Assaults on Law Enforcement Officers.

For nearly 37 years, Pastor Drankwalter has tended to the needs of his congregation. As a part of his ministry, he has gone above and beyond the call of duty to help families seeking guidance and support. On one occasion the Pastor dropped everything and drove to an area hospital to pray with a family following their father's stroke, even though they were not members of his congregation. His career has been built on working for Christ, not blindly following denominations and labels.

Madam Speaker, Pastor Drankwalter's dedication to the Lord and to the Lutheran Church has served as an inspiration to thousands throughout Hernando County. His ministry has touched the hearts of many, and the Church has continued to grow under his leadership. Pastor Drankwalter is to be commended for his years of service, his commitment to the Lord, and for serving the men and women who rely on his counsel and wisdom. Pastor Drankwalter is a shining example of the good that serving Jesus Christ can bring to our friends and families, and he will be sorely missed by the entire community.

SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing a resolution supporting the goals and ideals of World Water Day, along with Congresswoman EDDIE BERNICE JOHNSON, the Chair of the Transportation & Infrastructure Subcommittee Water Resources and the Environment.

Every 15 seconds, a child dies from lack of access to safe drinking water and sanitation. This resolution is intended to help us raise awareness of this leading cause of preventable death.

For the last 15 years, March 22nd has been designated as World Water Day in order to draw attention to the global water crisis and inspire action to alleviate this unnecessary tragedy. While over the past 20 years, two billion people have gained access to safe drinking water, approximately one in six people in the world are still without this most basic building block of life.

Last Congress, the House and Senate both passed the "Senator Paul Simon Water for the Poor Act," which made safe drinking water and sanitation key priorities in U.S. foreign assistance. However, much more needs to be done both at home and abroad to ensure safe, affordable, and sustainable access to water for people everywhere.

I invite my colleagues to cosponsor this important resolution.

HONORING JOSÉ ARREDONDO

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary career of José Arredondo. José has served as the Executive Director of the Spanish Speaking Citizen's Foundation (SSCF) in Oakland since 1986. Throughout his career, José has been known for his tireless work on behalf of the Latino community and the community at large. This year José celebrates his retirement after 20 years of unparalleled service to the SSCF, and many more to the entire Bay Area community.

José holds a B.A. in sociology and an M.S. in counseling from California State University, East Bay. Over the years, José has served the residents of the 9th Congressional District in a number of different roles, and his professional expertise is supplemented by his deep commitment to building and maintaining the spirit of community.

José came to the Spanish Speaking Citizens' Foundation in 1985. Under his leadership, the SSCF evolved into an organization that facilitates inclusiveness by reducing barriers to economic opportunity, healthcare and education for Latinos in our community. José broadened the scope and vision of the SSCF to empower the individual and the community to improve the quality of life, while enriching the cultural heritage of Latinos. By working with other agencies, he has not only expanded the SSCF's network of contacts, but also worked to further the organization's services. José's leadership has been crucial here in Oakland, and has made education, social services and healthcare vastly more available and accessible to all members of our community.

In addition to his stellar work leading the SSCF, José has been and continues to be heavily involved in a number of other boards and organizations here in the Bay Area and elsewhere. He has served the community through his involvement with organizations such as the Oakland Community Organizations (OCO); Educational Coalition of Hispanic Organizations (ECHO); Latinos for Affirmative Action; and the Spanish Speaking Unity Council.

Furthermore, José has been recognized for his exceptional service with numerous awards, such as the Marcus Foster Alumni Award; a Personnel Administration Certificate from California State University, East Bay; and the Hispanic Chamber of Commerce Professional Community Service Award.

Today the friends, family and colleagues of José Arredondo have come together to celebrate not only his retirement, but also his legacy of service and his permanent and positive impact on our community. On this very special day, I join all of them in thanking and saluting José for his profound contributions to California's 9th Congressional District, our country and our world.

HONORING JEREMY RABINOVITZ

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mrs. CAPPS. Madam Speaker, I rise today on behalf of my California district staff. They would like to honor Jeremy Rabinovitz as he prepares to go to the "dark side."

For the past 10 years Jeremy has led a variety of personalities with a variety of interests. He was able to take a group of passionate, idealistic former volunteers from a Congressional campaign, who in 1996 did what seemed like the impossible, won a Democratic seat in a district that had been held by a Republican for almost 50 years, and turned them into a functioning Congressional district staff.

Not all of the district staff has had the pleasure to be entertained by his top "10 things that a chief of staff doesn't want to hear from his Member of Congress." Not all of the district staff has had the opportunity to experience one of his occasional visits to the district. Nor has the district staff had the opportunity, during the Special Election, to be serenaded at 5 a.m. on Election Day by his rendition of "Sunrise, Sunset." Neither have very many staff experienced the sight of Jeremy walking a predominately Spanish speaking precinct with a 3 x 5 card that said, "A votado hoy?"

Not only did JR lead a variety of personalities, he was quite adept at impersonating a lot of leaders—religious leaders. He had an uncanny ability to invoke the Lutheran minister, the African American preacher and the Jewish rabbi. Had he stayed around a few more years, he no doubt would have mastered the Muslim imam, or become an enlightened Buddhist. Jeremy has indeed enlightened us in many ways.

There are far too many comments that staff wanted to include in this honorable document. The one sentiment, not to be confused with sediment, both of which this district has much of, was that every district staff member appreciated the confidence he had in them.

Madam Speaker, the time has come for all of us, the Capps Family of the past and present, to send our good wishes and our indescribable affection, for this remarkable man who was our "Chief of Staff." Shalom and mazel tov!

CELEBRATING THE NATURALIZATION OF BERENDINA R.H. (DIET) EMAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. EHLERS. Madam Speaker, I rise today to celebrate Ms. Berendina R.H. (Diet) Eman, who this morning became one of the newest citizens of our United States of America.

Ms. Eman is a native of The Netherlands, but has been a lawful, permanent resident of the United States in Grand Rapids, MI, for more than 4 decades. Ms. Eman deserves special recognition because during World War II, she was a member of the Dutch Underground Resistance to the Nazi occupiers of The Netherlands. As a young woman, Diet bravely and courageously saved the lives of countless Jewish Dutch citizens, helped numerous Allied soldiers escape from Axis forces and ultimately was imprisoned in the Vught concentration camp for her activities.

For these many acts of bravery, Ms. Eman was recognized immediately after the war by GEN Dwight David Eisenhower, then the Supreme Allied Commander in Europe. She received a certificate signed by General Eisenhower expressing "the gratitude and appreciation of the American people for gallant service in assisting the escape of Allied soldiers from the enemy."

Years later, Diet was recognized by the Government of The Netherlands for her acts and also received a letter of commendation from President Ronald Reagan in 1982. In that letter, President Reagan noted that she "helped write one of the great chapters in the annals of bravery," adding, "In risking your safety to adhere to a higher law of decency and morality, you have set a high and fearless standard for all those who oppose totalitarianism."

She is now nearly 87 years old, and I am humbled by her excitement to become a U.S. Citizen after first coming to our country on December 31, 1960. This morning at 10 a.m., she was sworn in as a citizen by the Hon. Robert Holmes Bell in a private oath ceremony in Grand Rapids, MI. Although I was unable to attend the ceremony due to our duties here in Washington, I hope the members of this House of Representatives will join me in thanking Ms. Eman for her incredible acts of bravery and congratulating her upon becoming a citizen of our country.

HONORING CHET AND SYLVIA MORGAN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. COURTNEY. Madam Speaker, I rise today to congratulate and honor Chet and Sylvia Morgan, of Vernon, CT. The Morgans recently celebrated their golden wedding anniversary at the Rockville Elks Carriage House in Rockville, CT.

On January 26th, 1957, Chet and Sylvia married at St. Bridget Church in Manchester, CT. Fifty years later, Chet and Sylvia are still happily married, recently renewing their wedding vows at St. Joseph Church in Rockville.

Chet and Sylvia are the proud parents of three, grandparents of eight, and great-grandparents of four. One of their grandsons, Kody, is a Connecticut National Guardsman currently serving in Iraq. I know that Chet and Sylvia are especially proud of his service to our country.

On behalf of my hometown of Vernon and Connecticut's Second Congressional District, I congratulate the Morgans and wish them all the best in the years to come.

VIOLA DeLEON MUNOZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. BACA. Madam Speaker, it is with deep affection that I tribute to the life of Viola DeLeon Munoz, long time San Bernardino community political leader and dear friend, better known by those who loved her as Vi.

Vi passed away in her Yucaipa home amongst the comfort of her family at the age of 75 on February 6, 2007.

She was born on June 22, 1931 in Houston, TX, but called the Inland Empire home for most of her life.

Vi was a dedicated public servant. She devoted herself to advancing her community, fighting injustice, and engaging herself politically by supporting Democratic and Latino candidates.

I still remember meeting with her, the day she and her husband Jess developed the Latino Chicano Democratic Club.

Vi's involvement with Democratic clubs, voter registration and her passion for improving the lives of Latinos in the Inland Empire are just a few areas in which she inspired those of us who know her.

Vi was also a business woman and financier for 37 years. The business that she and Jess owned earned her the recognition as one of the most successful business partners in the area and was the catalyst for Vi's commitment to the betterment of her community. It also served as the central point within the community, where many local leaders discussed political, economic, and social issues.

Some of her many accomplishments include: President and member of the 65th Assembly District committee, vice-chairwoman of the party's Chicano-Latino Caucus, and member of the San Bernardino County Democratic Central Committee since 1996.

Vi was also the founding member of the Yucaipa Democratic Club, the Comision Femenil Mexicana Nacional, and the Chicana Service Action Center.

She is survived by her husband of 56 years, Jesus (Jess) Munoz, Sr., sons Jesus Munoz, Jr., and Kenneth Munoz, daughter Beverly Munoz, five grandchildren and six great grandchildren.

Vi has left behind a wonderful legacy of community and political activism. The many relatives and friends who loved her dearly, know that she will be missed. Vi touched us all with her kind deeds and leadership in our community.

My wife Barbara, my family and I extend our deepest condolences to Vi's family. May God bestow his comfort upon them at this time.

RECOGNIZING THE PEACE CORPS VOLUNTEERS FROM OREGON'S 3RD DISTRICT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. BLUMENAUER. Madam Speaker, President Kennedy, speaking 46 years ago at the establishment of the Peace Corps, remarked that, "The initial reactions to the Peace Corps proposal are convincing proof that we have, in this country, an immense reservoir of such men and women—anxious to sacrifice their energies and time and toil to the cause of world peace and human progress." What was true in 1961 is true today; Peace Corps Volunteers are an outstanding group of men and women serving the cause of humanity across the globe.

During this National Peace Corps Week, I want to honor the service and commitment of the Peace Corps Volunteers from Oregon's 3rd Congressional district and express my pride in my fellow Oregonians who have chosen to devote years of their lives in service to others.

In particular, I want to recognize those Peace Corps Volunteers who have begun their service in the past year: Annie Crater (Honduras), Michelle Gerdes (Tanzania), Benjamin Grace (Niger), Eli Mechanic (Morocco), James Murphy (Mali), Nicole Probst (Malawi), Radhika Reddy (Burkina Faso), Michael Thoeresz (Belize), and Lauren Towery (Romania).

Their work to empower people and communities in developing countries is an invaluable contribution to creating a safe and prosperous world, building bridges between America and the world, and establishing a better future for people everywhere.

TRIBUTE TO THE NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES ASSOCIATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. SAXTON. Madam Speaker, I rise today to honor the Harry H. O'Claire Chapter #637 of the National Active and Retired Federal Employees Association (NARFE), on the occasion of its 50th anniversary.

Chartered in 1957 and located in Lakewood, NJ, Chapter #637 has maintained an abiding commitment to developing, promoting and implementing policies and programs to enrich the quality of life in its community. Its mission and focus has remained constant, and its efforts to protect and improve the retirement benefits of Federal retirees, employees and their families have remained strong.

Throughout my time in Congress, it has been a privilege and a pleasure to work with Chapter #637, and in particular, my good friend, Frank Spatola, the current Legislative Chair. Over the years, we have worked together on behalf of seniors and retirees in Ocean County, NJ, on a variety of issues—including health care, Social Security, and other issues of importance to this community.

I congratulate the Harry H. O'Claire Chapter of NARFE on its 50th anniversary, and salute its exemplary history as an organization of concerned, responsible and involved citizens. I wish my friends at Chapter #637 many more years of success.

HONORING THE LIFE OF DEANNE STONE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay great honor to Mrs. Deanne C. Stone, who passed away on January 28th after a year long struggle with cancer. Born in Hartford, CT, and eventually residing in the State of Massachusetts, Mrs. Stone leaves behind a great legacy through her leadership roles and tireless volunteer work in many distinguished organizations, as well as through her friends and family who loved her dearly.

Born to the late Janet and Yale Cohn, Mrs. Stone demonstrated a passion for success at a young age. As Mrs. Stone's sister Barbara Gordon recalls, she was actively involved in her years as a young woman at Weaver High School, working on the school newspaper and eventually graduating as valedictorian of her class in 1957. She went on to graduate with degrees from Brandeis University and Leslie College. Dedicating her life to helping others, Mrs. Stone served in numerous leadership roles for many different organizations, ranging from The Foundation for Children's Books to local Brownie and Cub Scout troops, and an elementary school PTA president.

Known widely throughout the Jewish communities, Deanne Stone worked tirelessly with numerous organizations closely connected with her faith. She was the Executive Director at Maimonides School and Temple Israel of Boston. She became the founding president of the Women's Division of the Greater Framingham Jewish Federation, and served with her husband, Harvey, as the co-editor of the Jewish Reporter.

Her passion for working within the Jewish community was acknowledged by receiving the honor of being named the national chair for the National Women's Department of the Council of Jewish Federations. Her faith and diligence was also recognized through an invitation to the White House to celebrate the signing of a historic peace treaty between Egypt and Israel.

Madam Speaker, I ask my colleagues to join me today in honoring the life of Mrs. Deanne C. Stone. Her tireless dedication to the local and Jewish community has touched and inspired those who knew Mrs. Stone, and will continue to resonate through her achievements. My thoughts and prayers are with her friends and family, especially her husband Harvey, and the families of her children Matthew and Allison, and sister Barbara. The Hartford community is thankful for having the honor of knowing Mrs. Deanne Stone.

HONORING CAPTAIN HARRY W. ORLADY'S CAREER AS A PIONEER IN AVIATION SAFETY HUMAN FACTORS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. OBERSTAR. Madam Speaker, I rise to honor a true pioneer in aviation safety and human factors, on his distinguished career of service to the safety of world-wide aviation. Captain Harry W. Orlady passed away peacefully in his sleep on February 7, 2007 at age 86. A memorial service and reception will be held on Friday, March 2, 2007 in Los Gatos, CA.

Captain Harry Orlady was a pioneer in the area of aero medical research and aviation human factors. He had a lifelong passion to improve aviation safety in order to, in his words, "make the system better for people who use it." He wrote and delivered more than 100 papers and presentations, conducted studies on medical disabilities, pilot incapacitation, and flight crew complement. He was the originator and principal developer of United Airlines' Flight Safety Awareness Program, the first formalized and effective non-punitive incident reporting system, which was the model for the NASA Aviation Safety Reporting System. Captain Orlady initiated work on pilot incapacitation research at United, and he was the originator of the "two communication rule" that has been a mandatory procedure for years at most of the world's airlines.

Harry Orlady initiated "human factors" research and practices before the importance of those concepts was understood and widely accepted in the aviation industry. Prior to that time, the aviation community was apt to label most accidents as "pilot error" and simply move on without understanding how the system and the equipment contributed to these errors, which were the primary cause of aircraft accidents.

Harry Orlady served as a mentor to numerous young researchers at NASA and at the Nation's colleges and universities. At a time when the airlines did not take human factors principles seriously, Harry Orlady worked tirelessly to provide access to these young researchers, with the result that human factors principles would ultimately become part of the standard curriculum at all major airlines, worldwide, and they remain so today.

As a direct result of Captain Orlady's tireless efforts to raise awareness with senior aviation decisionmakers, training concepts such as Crew Resource Management (CRM) became recognized and accepted as an essential element of all military and civilian flight training programs. Human factors training programs are now required by the Federal Aviation Administration (FAA), and by most of the world's civil aviation authorities, as well as in International Civil Aviation Organization (ICAO) Annexes.

Captain Harry Orlady was active in the Air Line Pilots Association serving multiple terms on the Negotiating Committee, System Board, as Chair of Council 12, and was founder of the Medical Committee. He strongly believed that pilots should not have to retire at age 60. To support that belief, and he completed the Honolulu Marathon at age 59 in 4 hours and 36 minutes.

Retirement from United in 1980 did not slow Harry Orlady down. He counted among his post-retirement contributions: 9 years as a senior research scientist with NASA's Aviation Safety Reporting System; an FAA consultant in the certification of the B747–400 and MD–11; and co-author, with his daughter Linda, a B767 Captain at United, of a well-received book Human Factors in Multi-Crew Operations, which has sold more than 4,000 copies.

Captain Orlady received numerous awards for his hard work including United's W. A. Patterson Award, the Aerospace Medical Association's Harry G. Mosely Award, induction into the Wisconsin Aviation Hall of Fame, and as an elected Fellow of the Aerospace Medical Association. However, Harry Orlady would tell you that the main satisfaction of his work came from his peers, from people who told him that he made a difference, and most of all, from watching those whom he coached and mentored make contributions to the industry.

Aviation aside, Harry Orlady's main interest was his family. Harry met the love of his life, Ellen, when she was a stewardess for United during the DC–3 days. At the time, stewardesses were required to be registered nurses and also could not continue to fly once married. Harry and Ellen were blessed to share 59 years of marriage. Besides Ellen, Harry is survived by 4 children: Roger and his wife Nancy; Sue and her husband, John Brown; Linda and her husband, John Cirino; and Craig; as well as his "bright lights," grandchildren: Stephanie, Steve, and Scott Brown.

Madam Speaker, Captain Harry Orlady's contributions to aviation safety will be long remembered and carried on by his many colleagues and students. He will be greatly missed, but his momentous contributions will live on forever.

HONORING ROBERT L. HARRIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life and work of Robert L. Harris, a native of Oakland, CA. Today Bob celebrates his retirement from Pacific Gas and Electric Company (PG&E), where he currently serves as the Vice President of Environmental, Health, Technical and Land Services. His outstanding contributions to his company are second only to what he has given back to our community. I am proud to have this opportunity to salute him for his many years of service.

Bob graduated from Merrit College in 1963 and the University of California, Berkeley School of Law (Boalt Hall) in 1973. There he had a memorable career, where he was an associate editor for the California Law Review. He was admitted to the California State Bar on December 13, 1972, and was a State bar examination grader from 1973–1979. He made continuing education a priority throughout his career, completing the Harvard Graduate School of Business Advanced Management Program, as well as the Management Development Program at Duke University's School of Business.

Almost immediately after his graduation from law school, Bob was invited to join the legal staff of PG&E. In 1985, he became the first and only lawyer in PG&E's history to argue and win a case for the company in the United States Supreme Court. The issue he won pertained to free speech.

In 1989, Bob was selected to become the manager of one of PG&E's major operating divisions in its East Bay region in Oakland, CA. He was the first lawyer ever appointed to such a position within PG&E. In that position, he proved his exceptional leadership skills in the face of disaster on more than one occasion. In 1989, the Loma Prieta earthquake devastated the Bay Area and damaged PG&E's facilities. Despite the severity of the situation, Bob was able to keep his division afloat and organized. Two years later, the Oakland Hills Firestorm, the largest urban firestorm in United States history, struck and devastated our region. During this crisis, Bob was once again able to lead a demonstration of commitment to Bay Area residents, and PG&E restored service to the remaining homes in record time. As a result, PG&E won accolades from throughout the East Bay for maintaining service to their customers, no matter how grave the situation.

In addition to his success with PG&E, Bob has distinguished himself in numerous endeavors within the community. He is an active longtime member of the Kappa Alpha Psi Fraternity, and has served as the Sire Archon (president) of Alpha Gamma Boulé of Sigma Pi Phi Fraternity. Bob is a former president of the Charles Houston Bar Association of the San Francisco Bay Area, and in 1970–1980, he served as president of the National Bar Association. He is one of the founders of the California Association of Black Lawyers, and served as a member of the Board of Commissioners at the Port of Oakland from 1996–2000.

Bob is also active in energy matters that impact African Americans. He is the second vice chairman and former general counsel of the American Association of Blacks in Energy. Bob is a board member of the U.S. EPA's National Advisory Council on Environmental Justice. the National Energy Policy Commission, the California EPA Advisory Committee on Environmental Justice, and the California League of Conservation Voters.

Bob is well known for his unparalleled dedication to community service and has received numerous accolades for his work. Among them is the NAACP's highest legal honor, the "William Robert Ming Award," as well as the National Bar Associations highest honor, the "C. Francis Stradford Award." In July 2005, he also received the Kappa Alpha Psi's highest honor, the "Laurel Wreath." Currently Bob chairs the United Negro College Fund's Bay Area Advisory Board, and has received its highest honor, the "Fredrick D. Patterson Award." On five different occasions, he was selected by Ebony Magazine as one of the "100 Most Influential Blacks in America."

Today, the friends, family and colleagues of Robert L. Harris have come together to celebrate his career and immeasurable contributions to our community. On this very special day, I join all of them in thanking Bob for his invaluable service, and for the profoundly positive impact his work has had on countless lives here in California's 9th U.S. Congressional District, across our country and throughout the world.

HOUSE OF REPRESENTATIVES—*Wednesday, February 28, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 28, 2007.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Tyrone Skinner, Pastor, Metropolitan Baptist Church, Altadena, California, offered the following prayer:

Dear gracious God our savior, we spend these moments reverencing You as we invoke Your presence in this place so that sound judicious decisions will be made that will benefit our democracy. We admit our shortcomings and our need for Your guidance in all that is done in this place.

We seek Your face to address racism, classism, sexism, and other discriminations that divide us and seek to devour the very core of our democracy. We lift especially the victims of Katrina and other natural disasters in our country that they may find peace and resolution to the quest for placement that should be theirs.

Finally, we pray for our troops who fight for the cause of democracy in Iraq. We know You will not allow their fighting to be in vain. Thank you for hearing our prayer, and we now listen for Your voice to direct our paths.

In the name of Him who has been given all power. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. BILIRAKIS) come forward and lead the House in the Pledge of Allegiance.

Mr. BILIRAKIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF REV. TYRONE SKINNER, GUEST CHAPLAIN

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Mr. Speaker, I rise today to recognize the Reverend Tyrone Skinner of the Metropolitan Baptist Church in Altadena, California, as guest Chaplain of the House of Representatives.

Pastor Skinner embarked on his career as a preacher at a remarkably young age. He delivered his first public sermon at the age of 10. While at Bishop College in Dallas, Texas, in pursuit of his bachelor's degree, he joined the First Baptist Church of Hamilton Park. He earned his Master's of Divinity Degree from the Perkins School of Theology at Southern Methodist University in 1989. One year later, he became pastor of Metropolitan Baptist Church.

Under Reverend Skinner's charismatic leadership, the Metropolitan Baptist Church has seen incredible transformations. Pastor Skinner has enriched the worship experience for 800 members and has overseen significant infrastructure improvements to the church facility. Pastor Skinner was instrumental in engaging church members in a Body and Soul program by serving as a judge at a men's cook-off and encouraging members to become more healthy physically as well as spiritually.

Pastor Skinner helped establish Praise Team, Praise Dancers, Soldiers for Christ Stomp Team, and several other ministries in the church. He also established a 501(c)3 nonprofit, the Metropolitan Community Action Services Corporation, which has been a sponsor of the Young African American Male Conference.

The list of Reverend Skinner's accomplishments is long, his altruism is broad. Last year, Metropolitan celebrated its 100th anniversary, and today is a fitting capstone to his service to the church, the community and now to the country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minute speeches on each side.

ADMINISTRATION WANTS TO TALK TO IRAN WHILE PLANNING WAR

Mr. KUCINICH. Mr. Speaker, the administration now says it wants to talk to Iran. At the same time it is making plans to attack Iran. By saying it wants to talk to Iran and Syria, the administration appears to be reversing course after spending 2 months pumping the media full of anonymously sourced articles reporting to link Iran to the Iraq war.

Now it says it wants to talk. Making it appear that it wants to avoid another war. Right. Think about it. Aircraft carriers to the region, mine sweepers to the Persian Gulf, arming neighboring countries with Patriot missiles, ordering an increase in a Strategic Petroleum Reserve, anticipating an oil embargo. When this administration puts the guns on the table and says let's talk, chances are it is going to shoot first and ask questions later, just like in Iraq.

Wake up, Congress. This administration is planning an attack on Iran with or without the permission of this House.

THE HURRICANE AND TORNADO MITIGATION INVESTMENT ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, my State of Florida is going through a crisis, a crisis that began with the devastating hurricanes that ripped through my State in recent years, a crisis made worse by the overwhelming tornados that plagued central Florida earlier this month.

These and other natural disasters have pushed homeowners' insurance rates to unaffordable levels. As a result, many of my constituents have been forced to leave the area they call home. It is incumbent upon this body to pass legislation that would help my State and others affected by these forces reduce the cost of skyrocketing homeowners' insurance rates.

I have introduced H.R. 913, the Hurricane and Tornado Mitigation Investment Act to do just that. My bill would provide tax incentives to home and business owners to better protect their homes and businesses from major storms to reduce the loss of innocent lives and destruction of private property. The end result would be more manageable insurance rates.

Mr. Speaker, hurricane season begins in a few months, but the tornados that

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

hit my State are a stark reminder that Mother Nature doesn't keep a calendar. I encourage my colleagues to support and help me pass H.R. 913.

THE PRESIDENT'S BUDGET AND NATIONAL DEBT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, President Bush recently released his seventh budget, and it is more of the same. The Bush administration's 2008 budget continues the same fiscal irresponsibility of the past 6 years, sending us spiraling ever further into debt while failing to address this Nation's critical issues.

During this administration and past Republican-led Congresses, they took a 10-year surplus of $5.6 trillion left over from the Clinton administration and turned it into a $8.2 trillion deficit that mortgages our children's future. Despite the President's continuous promise to balance the budget by 2012, the current budget gets us no closer.

Mr. Speaker, this budget is not only fiscally irresponsible, it is morally irresponsible. We should not be piling mounds of debt owed to foreign nations onto the backs of America's children, while giving massive tax cuts to the wealthiest few.

Democrats are working to restore fiscal responsibility, economic prosperity for all and pay-as-you-go policy to the Federal budget. It is time the President joined us. The American people already have.

CARD CHECK = PEER PRESSURE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow the House will consider the unfortunately named Employee Free Choice Act. Contrary to the title's implication, this bill will repeal employees' rights to hold secret ballot elections when deciding whether to form a union.

The so-called card check provision of the bill would force union membership by the signing of a form and thus denying employees having secret ballot elections. As citizens of a democratic Nation, Americans have the right to elect their public officials in secrecy and without coercion.

Republicans will fight to uphold a worker's rights by offering an alternative to this misguided legislation. This alternative, championed by the late Congressman Charlie Norwood, guarantees workers the right of a secret ballot election and prohibits anyone from coercively subjecting employees to a card check campaign.

In conclusion, God bless our troops, and we will never forget September 11.

BUSH ADMINISTRATION'S SPIN ON BRITISH TROOP WITHDRAWAL NOT HELPFUL FOR THE FUTURE

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, last week British Prime Minister Tony Blair announced that he plans to withdraw 1,600 British troops this summer. The administration's response, this is good news, because it shows that some good things are happening in Iraq. Nice spin. But one has to wonder why our closest ally in this war is pulling out troops at the very same time this administration wants to send 21,500 additional U.S. soldiers into Iraq.

The British say they are withdrawing their troops because the Shiite-dominated southern region is relatively calm. That is, indeed, good news. But if the British really believed, as this President does, that expanding number of troops in Baghdad would lead to the same results there, wouldn't they choose to move these troops into Baghdad rather than pull them out completely?

No matter how the Bush administration tries to spin it, the British withdrawal is not good news for the administration's troop escalation plan. Why should we be sending thousands more of our troops to Iraq when Britain and other coalition members are pulling out? It is time the administration stops spinning and instead answers these questions.

VETERANS ADMINISTRATION MISMANAGEMENT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I come to the floor today with a heavy heart and a new set of questions for the bureaucracy here in Washington, DC. I am here because it appears that our veterans, who have been wounded and are in dire need of medical care, have received shamefully substandard care by the Veterans Administration, the agency charged with treating the veterans who have sacrificed their body and soul for our country, and they have fallen short of their mission.

Reports from our government audits, and, recently, the report here in Newsweek really shines the light on the travesty that is a bureaucratic boondoggle at the VA. Many men and women who were casualties of war, they are looking for help, they are either being given the bureaucratic run around or substandard care or housed in decrepit facilities, if they are lucky.

I have repeatedly voted to increase the VA funding. They have received a lot of money. They have got plenty of it, and I think it is disgraceful that our military, many severely injured, have received anything less than stellar health care from this agency. The executive branch, starting with the administration, has fallen short.

THE PRESIDENT'S BUDGET AND NATIONAL DEBT, TIME TO RESTORE FISCAL DISCIPLINE IN WASHINGTON

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, the President's 2008 budget proposal does not properly address the concern of American families. President Bush once again proposes substantial cuts to programs so important to our districts like Medicare, Medicaid, education and the environment. He then uses those funds not to offset our country's massive debt, but instead to fund expensive tax cuts that do not grow our economy and give it to people who need it the least. Unfortunately, budgets like this are what we have come to expect from an administration with the worst financial fiscal record in our Nation's history.

During the 6 years of the Bush administration, the government has posted the highest deficits in history, squandering billions of dollars in budget surpluses and making massive cuts to vital programs. The President's misguided priorities have forced him to borrow money from foreign nations like China and Japan, more than all of 42 Presidents combined. This is not a record to be proud of.

Mr. Speaker, we simply cannot handle more of the same, and unfortunately that is what this budget proposes. I stand ready to work with Democrats and Republicans to take our Nation in a new direction of fiscal responsibility. We plan to do that.

VICTIMS OF USS "COLE" AND JUSTICE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, as the USS *Cole* patrolled the seas around Yemen, a boat piloted by al-Qaeda international criminals drew near to the Navy destroyer and bombed the ship. On that day in the year 2000, 17 American soldiers were murdered.

The families of these 17 soldiers are now suing the Sudanese Government for damages. Why? Because the Sudan funded and provided training for these terrorists. The Sudanese Government is outraged that they should be held financially responsible. However, a U.S. Federal court judge disagrees and is allowing the victims' families to continue their pursuit.

Sudan is now asking the U.S. Supreme Court to dismiss this unique lawsuit. But the Supreme Court must allow this case to proceed and the victims to obtain justice. Sudan fed the terrorist cells that attacked the *Cole*. They gave them safe harbor and let them exist.

U.S. citizens murdered by international terrorists overseas must be able to seek damages from the country responsible for the crime. The message to these nations that sponsor terror, you too will pay for your sins when you sponsor international outlaws.

And that's just the way it is.

☐ 1015

PRESIDENT BUSH'S BUDGET IS FISCALLY AND MORALLY IRRESPONSIBLE

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, it is easy to tell where President Bush's priorities lie when you look at his proposed fiscal year 2008 budget. It is with big business and the wealthiest 1 percent.

This proposed budget is fiscally irresponsible, creating trillions of dollars in new deficit, but it is also morally irresponsible for slashing funding for Medicare, education, energy, homeland security and veterans.

The President's budget slashes Medicare and Medicaid funding by about $300 billion over the next 10 years, without offering relief to millions of Americans without health insurance. The Bush budget also cuts funds for renewable energy grants, despite his State of the Union pledge to tackle our Nation's energy crisis. He even reduces State homeland security preparedness grants. Perhaps worst of all, the Bush budget cuts veterans health care by $3.5 billion.

Mr. Speaker, Democrats will put the needs of working families first in our budget in the coming weeks.

AFGHANISTAN'S OPIUM PROBLEM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, America has a drug problem, and I am not referring to the war on drugs on our streets. I am referring to the booming illegal opium trade in Afghanistan. This is our problem, Mr. Speaker, because the huge profits from growing opium in Afghanistan are being used against our troops.

Though illegal, opium production has skyrocketed in Afghanistan in recent years, and the results are deadly. Enormous profits often end up in the hands of the Taliban and local warlords who use it to buy weapons, pay fighters and bribe officials.

We must adjust our policies if we are to see sustained stability in Afghanistan. Eradicating opium must become a priority. We must crack down on the drug lords, train local law enforcement, and help build the Afghan economy to provide opportunities for making an honest living. And we must ask our friends in Afghanistan's government to help us in this effort. The safety of our troops depends on it.

INJURED TROOPS DESERVE BETTER THAN WHAT THEY GOT AT WALTER REED'S BUILDING 18

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, thanks to a 4-month investigation by the Washington Post, the world learned last week that our Nation's injured soldiers are not receiving the care they deserve once they return from active duty.

The Post investigation described conditions at Walter Reed Hospital that are deplorable. One of the buildings at the facility, Building 18, showed signs of neglect everywhere: mouse droppings, cockroaches, stained carpets, cheap mattresses and mold on the ceilings. After the Post printed its findings last week, the Pentagon finally started renovating Building 18, but it should not have taken the embarrassment of this investigation for the Pentagon to do the right thing.

American soldiers who have put their lives on the line for this Nation deserve better than what they are getting at Building 18. The Pentagon says it was forced into housing hundreds of troops there after all the other buildings were filled to capacity, and now the President wants to send more troops to Iraq.

Mr. Speaker, it is critical that this Congress ensure that the Pentagon meets the needs of our injured soldiers.

CARD CHECK BILL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise in opposition to the so-called Employee Free Choice Act which provides employees anything but free choice. Contrary to its title, the bill would strip workers of their right to privacy in union organization elections by removing the option of a secret ballot.

This paradoxical bill will kill private voting rights, making workers vote publicly through a mandatory card check where union bosses gather authorization cards supposedly signed by workers expressing their desire for a union to represent them. Such mandatory card checks make workers' personal votes known to their coworkers, their union organizers and their employers, stripping workers of the right to choose freely and anonymously whether to unionize. This leaves workers vulnerable to coercion, pressure, outright intimidation and threats.

Supporters of the bill claim it is necessary to preserve workers' rights, when, in reality, this bill is not about workers at all. Rather, it is about Big Labor's last desperate attempt to retain power.

I urge my colleagues to vote for workers' rights by voting "no" on this bill.

EMPLOYEE FREE CHOICE ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I rise today to support the Employee Free Choice Act. Too many workers are being harassed by their employers because they want to form a union. We must put an end to scare tactics. This bill restores the right of workers to bargain for a better life. It will help 6 million workers join for better wages, benefits, working conditions and improving the quality of life. No more employer harassment. Simple and fair. The card-based system is pressure free. When workers choose, bargaining results are more peaceful, worker-friendly. Please vote for this important legislation.

BLACK HISTORY MONTH

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, this is the very last day of the month of February, which is Black History Month, and today I rise to thank the many Members who have supported H. Res. 198, which recognizes the significance of Black History Month.

This piece of legislation is supported by conservatives, moderates and liberals. It is a piece of legislation that I received not one negative comment on. Every person that we requested agreed to support the legislation. So I thank those who supported it.

But I also, Mr. Speaker, want to apologize to the many that I did not approach and ask for support because my belief is that this kind of legislation will receive the support of all persons of goodwill. African Americans in the diaspora in America merit this kind of support. The Members of this House have given it to African Americans and to persons of goodwill, and I thank them all.

NEW HOUSE DEMOCRATIC CONGRESS FIGHTS FOR THE RIGHTS OF MIDDLE-CLASS FAMILIES

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, when Democrats gained the majority in this

House last November, we pledged to fight to make America better for all Americans, not just the privileged few. This Congress has already passed legislation increasing the minimum wage and making college more affordable to middle-class families.

This week, in a bipartisan fashion, we will continue our work on behalf of middle-class families by bringing legislation to the floor that would restore workers' rights to form unions and to collectively bargain for better salaries and better benefits.

At a time when corporate executives are routinely negotiating lavish pay and retirement benefits for themselves, workers have little leverage to negotiate for a better life. This has been particularly concerning over the last 6 years when wages have remained stagnant while everyday costs like housing, transportation, education and health care have increased dramatically.

The Employee Free Choice Act says that if the majority of workers at a workplace sign cards saying they want a union, they get a union. The act protects the rights of employers, too. The legislation shares bipartisan support and is supported by an overwhelming majority of Americans. Let's pass it this week.

DWINDLING INTERNATIONAL SUPPORT FOR THE WAR IN IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, what do our international friends know that the Bush administration doesn't?

It seems everywhere you turn, the "Coalition of the Willing" is concluding it is time to get out of Iraq, while the Bush administration wants to send 21,500 more U.S. troops.

Just last week our biggest ally in the Iraq war, Britain, announced that it was withdrawing 1,600 troops from Iraq in the coming months. The same day Denmark said it, too, would pull out all of its 460 troops by the end of the summer. And then South Korea decided that 1,100 of its 2,300 troops would be withdrawn from Iraq in April, with the rest following later this year.

With this news, the "Coalition of the Willing" is no longer so willing, dwindling to about 10,000 troops. What is it that these countries know that the Bush administration still can't figure out?

Could it be that they see the writing on the wall; that they have concluded, as many others have here in the United States, that the Iraq war can no longer be won militarily?

Mr. Speaker, our dwindling coalition should serve as another wake-up call to the Bush administration that it is time for a new direction in Iraq.

THE REAL WAR ON TERROR IS NOT IRAQ

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, finally, but 4 years too late, the Bush administration, with Vice President CHENEY's trip to Afghanistan, has recognized that the real war on terror is not Iraq; that Iraq has been a diversion against that war on terror; that, in fact, the real war on terror is in Pakistan and Afghanistan and in the border area. They are starting to discover that the Government of Pakistan has not been our friend as we have tried to stabilize Afghanistan and the Karzai government, as we have tried to build democracy in Afghanistan, as we have tried to root out the Taliban and al Qaeda; that, in fact, because of the diversion and our early leaving of Afghanistan for Iraq, that we have now allowed the al Qaeda to come back in command and control and to build their membership, to recruit around the world.

We have seen the Taliban come back into Afghanistan and start to threaten and overturn village leaders and democratically elected leaders in villages in various parts of Afghanistan. Only now, 4 years too late, does the Bush administration recognize that this is the real war on terror, and they have failed to fight it, failed to deal with it and failed to prepare for it.

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to my colleague from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

☐ 1030

Mr. Speaker, House Resolution 195 provides for consideration of H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2007 under an open rule with a preprinting requirement. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI. The rule makes in order the amendment in the nature of a substitute reported by the Committee on Financial Services as an original bill for purpose of amendment, which shall be considered for amendment by section with each section considered as read.

The rule provides that any amendment to the committee amendment in the nature of a substitute must be printed in the CONGRESSIONAL RECORD prior to consideration of the bill. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee or her designee and shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, foreign investment creates jobs and serves as a vital component of our Nation's economy. However, we as a Nation cannot afford to sacrifice the safety and security with a foreign investment review process that jeopardizes American lives. Take, for instance, our Nation's ports, which employ thousands of Americans and handle a large majority of U.S.-bound cargo. New Yorkers and many of my colleagues take the security of these ports very, very seriously. We as a country cannot go halfway on port security. We must take all the necessary steps to ensure the safety and security of our infrastructure and, more importantly, our constituents.

We took a giant step in the right direction on port security a few weeks ago when we approved legislation that would require screening of 100 percent of all U.S.-bound shipping containers over the next 5 years. And today we are taking another step by reforming and strengthening the interagency Committee on Foreign Investment in the United States, also known as CFIUS, process by which the Federal Government reviews foreign investments in the United States for their national security implications.

As a new Member of Congress, I am new to this institution, but the controversy surrounding the Dubai Ports scandal last year echoed far beyond the Washington Beltway. I, along with many of my constituents, was troubled by the administration's approval of a deal to allow a company owned by a government of the United Arab Emirates to manage terminal operations at six major U.S. ports. It was clear that the administration dropped the ball and that the national security review process for foreign investments had failed.

The National Security FIRST Act would significantly reform the foreign investment review process so that we never have another Dubai debacle, by ensuring that the proper steps are taken to keep our ports, our cities, and our citizens safe and secure. The National Security FIRST Act also requires the interagency Committee on Foreign Investment in the United States to conduct a 30-day review of any national security-related business transaction. After a 30-day review is conducted, it would be required to conduct a full-scale, 45-day investigation of the effects the business transaction would have on national security, if deemed necessary.

In addition, the legislation requires the committee to file semi-annual reports to Congress, keeping the American people informed and shedding some much-needed sunlight and transparency on foreign investments in the U.S. infrastructure that could have potentially devastating consequences to our security and our citizens.

And while the legislation strengthens and reforms the process, it also allows the critical flow of foreign investment into the United States economy to continue, which is critical if we are going to successfully compete with the rest of the world in this age of globalization.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, most Americans, including some Members of Congress, had never heard of the Committee on Foreign Investment in the United States, that is, until the proposed purchase of commercial operations of six U.S. ports by the Dubai Ports World, a company controlled by the United Arab Emirates.

After reviewing the way in which the Committee on Foreign Investment in the United States operates, it became clear that we must revamp the process by which foreign investments are examined for any effect that they may have on national security. The House acted and passed legislation last year, but, unfortunately, differences with the Senate were not resolved. That is why we are here again today to consider the bipartisan National Security FIRST Act, of which I am proud to be a cosponsor.

I would like to take this opportunity to thank my friends on the majority for bringing to the floor a bill that mirrors legislation championed in the last Congress by Republican whip Mr. BLUNT, the National Security FIRST Act, which passed the U.S. House of Representatives by a unanimous vote last year of 424–0.

This underlying bill would for the first time establish in law the Committee on Foreign Investment in the United States, which is currently a creation of a 1975 executive order. It would require the committee to increase its scrutiny of foreign acquisitions of U.S. assets whenever the transactions involve firms owned by foreign governments. The bill would also enhance congressional oversight of the committee by ensuring that leaders of both parties in Congress are briefed on investigative results before the committee completes its reviews of the takeover bids.

Following the tragedy of September 11, 2001, protecting our homeland must be a top priority for Congress. We face no greater challenge than protecting Americans from an enemy without borders that we all know is determined to destroy our Nation by any means necessary.

Mr. Speaker, it is vital that we act to revise and review the investigative process for foreign investment activities that may affect our national security. In the wake of the Dubai Ports World controversy, the current foreign investment process lacks confidence, predictability, and reliability, trademarks, I might say, of the U.S. securities markets.

The underlying bill, the National Security FIRST Act, restores confidence, predictability, and reliability while continuing to encourage foreign investments and preserve the over 5 million American jobs that foreign investment supports in the United States.

In my home State of Washington, Mr. Speaker, U.S. subsidiaries of foreign companies play a vital role in supporting jobs, employing over 83,000 Washingtonians. This bill has been carefully balanced so as not to discourage these important investments.

I urge my colleagues to support this open rule, and I hope this will not be the last open rule that we have providing for consideration of legislation impacting our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK), the chairman of Financial Services.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the Rules Committee's complying with our preference for this rule, which allows any amendments to be offered that are germane.

And I just want to touch a little bit on a discussion we had in the Rules Committee yesterday about whether or not it makes any sense to have an open rule. There were a couple Members, one in particular, who said, This is no big deal because, after all, this bill passed last year overwhelmingly and it could have been done on suspension. And the argument that it is an equivalent to pass a bill on a suspension and to give it an open rule if it is likely to pass by an overwhelming majority is deeply flawed and misunderstands the legislative process, and I want to make sure that people have addressed this.

The important question on a bill may not be "yes" or "no." There is a large number of bills that are going to pass. There are bills that are going to pass because politically they are perceived as impossible to oppose. There are bills that achieve a purpose that everyone is for. In many cases, and it would appear to be the case with this bill, the important question is not whether or not it passes but in what form. That is, the amending process has a relevance and an importance, whether or not the bill is ultimately going to pass. And when you rely, as it was suggested yesterday that we should, on a suspension, as long as we know the bill is going to pass because, as Members understand, a suspension does not allow for the amendment process, then you are constricting the ability of Members to legislate sensibly.

The question is not just "yes" or "no." That, as I said, is a denigration of the legislative process. And having an open rule, as opposed to a suspension, means a number of amendments are offered. I am opposing many of the amendments, as are my colleagues on the other side. I am not opposing all of the amendments. Even where an amendment is defeated, remember, our purpose is not simply to stamp out an end result. It is to participate in the democratic process of discussion and debate. The process is diminished when a bill that is important is given only 40 minutes with no amendments because it is noncontroversial. We will talk for more than 40 minutes today. We will have some amendments.

So I hope this will stand, this process today, as a repudiation of the notion that it is an equivalent to pass a bill under suspension of the rules, with no amendments and only 40 minutes of debate, and to go through this process of an open rule. Even though I expect this bill to pass overwhelmingly, as it passed last year, this House, this country, this democratic process benefit. And, of course, it is just one bill.

As a general rule, I would hope that we would not use the suspension process for bills that are complex where Members might have some difference of view not as to whether or not the bill should pass, but in what form it should pass. This process today, I think, will show the superiority of the choice we are making under the current leadership of the Congress to go ahead with a more open debate than last year when the question was simply can we get the votes to pass, and if so, let's shut down the debate and shut down the amendment process. That is ill-served democracy. Today is a much better way, and I thank the Rules Committee for it.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the gentleman from Massachusetts for making his remarks. For a minute I thought he was making an argument about the debate we had last week regarding the Iraq resolution where we were asking for an open debate.

Mr. Speaker, I would like to yield 2 minutes to my friend from Illinois (Mr. MANZULLO).

□ 1045

Mr. MANZULLO. Mr. Speaker, I rise in strong support of H.R. 556. This bill strikes the correct balance between the need to increase foreign direct investment and national security.

Let me first make clear that I am a strong supporter of foreign direct investment, which represents the insourcing of capital and local jobs to America. The congressional district that I am pleased to represent has had several manufacturing facilities that have benefited, and some have been saved as a direct result of foreign direct investment. This includes investment from businesses located in Great Britain, Sweden, Canada, Israel, Denmark, Germany, the Netherlands, Switzerland, Japan, Brazil and Italy. Even a Chinese enterprise bought a nonsecurity-sensitive manufacturing facility in my congressional district at a time when no other financing was available.

These investments have been critical for saving and creating jobs in the 16th District of Illinois. While I very much am interested in maintaining full foreign direct investments, I recognize it is important for our national security to regulate the types of businesses that receive such investment.

The bill before us ensures us that the Committee on Foreign Investments in the United States, known as CFIUS, will conduct an extended review when a foreign government tries to purchase a company within the United States. The bill also mandates greater transparency by ensuring that Congress is informed of a CFIUS investigation in a timely manner.

I encourage my colleagues to vote in favor of the rule and in favor of final passage.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentlewoman, my colleague from the Rules Committee, Ms. SUTTON.

Ms. SUTTON. I thank the distinguished gentleman from New York.

Mr. Speaker, I rise in support of H.R. 556, the National Security FIRST Act, and I believe this bill is a good example of how we can ensure our Nation's security and still encourage foreign investment to help create and maintain jobs.

While I didn't have the honor to serve in the last Congress, I can tell you that the Dubai Ports World deal was not well received in northeast Ohio. Myself, and many of our constituents, wondered how such a concerning deal could have been approved. The answer was that there was little accountability, oversight and transparency with the way the Committee on Foreign Investment and the United States, or CFIUS, worked. The DPW deal was so concerning to this Congress last year, as has been mentioned, that legislation very similar to that which we are passing today passed overwhelmingly by a vote of 424–0. H.R. 556 ensures that these matters are addressed and gives both the administration and Congress greater responsibilities for dealing with foreign investment in our Nation.

We can have oversight, accountability and transparency and still support American businesses and workers. That is the lesson of this bill. This bill enjoys broad support, including the Chamber of Commerce, the National Association of Manufacturers and other business organizations. This bill represents another bipartisan success. I am pleased to support it, and I encourage its passage to ensure our national security.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished Republican Conference chairman, Mr. PUTNAM of Florida.

Mr. PUTNAM. I thank the gentleman for yielding time, and I thank my former colleagues on the Rules Committee for bringing to the floor the second open rule of the year. I think that it yields better policy when all of us work together and hash things out on the floor and can move forward with something that is productive for the entire Nation.

The virtues of this legislation are well known to Members on both sides of the aisle. The bill brings much needed clarity and oversight to the insourcing process. More importantly, it applies a post-9/11 mindset to a pre-9/11 infrastructure.

It was about a year ago at this time that Dubai Ports World's acquisition of a stake in our ports became a very hot topic around America. When we discovered the DP World transaction, we reacted as strongly as we did not only because of the potential imminent threat being posed to our security, but because the deal was so far along in the process before it came to light. So we acted in the last Congress to pass a substantially similar bill to what we are considering today, giving CFIUS the authority necessary to review legitimate foreign transactions. The Republican bill considered last year passed the House unanimously, again, a bipartisan product, on an issue important both to national security and the national economy.

Here we are a year later with the benefit of hindsight, but our charge remains the same, to establish that balance between the momentum of the global market and the needs of our national and homeland security. Our ports remain an important example of why this legislation, which involves all foreign transactions, is so critical. The worldwide shipping industry sends to our shores over 9 million shipping containers each year. These containers are transported on megaships that can deliver 3,000 containers at a time. And at the same time our ports are critical to keeping our economy competitive in a global marketplace. These 9 million containers account for a whopping 95 percent of our imports by weight, and 75 percent by value.

Keeping foreign transactions secure is our first priority, and this legislation is a very important start because we must put in place an interagency review process that is comprehensive without being counterproductive.

This bill should not be the launching point for legislative micromanagement of foreign transactions. Unnecessary bureaucracy will certainly deter foreign companies from investing their resources here, which is precisely what we want to be, a magnet for investment from around the world.

And there is a danger of politicizing the foreign investment process. There is clearly a difference between a transaction that runs contrary to an individual's parochial priorities as opposed to one that conflicts with this body's national priorities. And we must, again, be careful not to send the wrong message to the world's investors that America is closed for business. Our citizens, also, should be aware that our national security is not for sale.

This bill should become law without delay. It strengthens our national security, while recognizing our role, America's role, in a global market. If we are diligent in seeing these reforms through, we can have both safer transactions and a stronger economy.

I thank all of the authors and the sponsors of the bill and the work that has gone into this.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding, and I thank him so much for his leadership on this bill and so many other important issues to our State and country.

Mr. Speaker, I rise in strong support for National Security FIRST, the underlying bill, and in strong support for the open rule that is before us.

Democrats have pledged a return to democracy on the floor of the House of Representatives with an open rule process, and I am very happy to support that pledge with a debate on my bill, H.R. 556.

As Congressman DREIER said last night in the Rules Committee, he said that this doubles the amount of times the Republicans allowed for an open rule on a legislative bill in the last Congress; of course this is legislative bills, not appropriations bills. And even though this bill has strong bipartisan support, we did get several amendments last night.

I appreciate deeply that Chairman FRANK supported and called for an open rule, and that in addition he asked for and obtained a preprinting requirement, since the bill is complicated, and Members on both sides of the aisle need to have time to read the amendments and put them in context.

This is the second time this bill has come to the floor. It passed overwhelmingly last year, 421–0, and it is a sound bill that strengthens national security, while encouraging safe foreign investment that helps create American jobs.

I hope and expect that the bipartisan effort that got this bill passed in the last Congress will be here today, and I believe that this open rule reflects the spirit of our bipartisan work.

I would just like to point out that a year has passed since the Dubai World's fiasco, the scandal, and if you had told me that it would take a year to pass this bill, I would not have believed it. And I think my colleagues on both sides of the aisle share this sense of urgency to get this bill done. I am deeply grateful for their support. This is not a political issue; it deserves strong bipartisan support. Nothing is more important than our national security, our homeland security and promoting American jobs.

I thank the gentleman for yielding.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the underlying legislation.

I have to say, as I listen to my good friend from New York (Mrs. MALONEY), who has worked long and hard on this, it didn't take a year for us to pass this measure through the House of Representatives; it passed, as the gentlewoman said, by a vote of 421–0 in the last Congress, and that was in response to the DPW deal, which obviously raised a number of concerns from a number of people in this institution.

Mr. Speaker, this is a Republican bill, which, as the distinguished chairman of the Committee on Financial Services pointed out in the Rules Committee last night, enjoys strong bipartisan support, and it enjoys the kind of support that motherhood and apple pie enjoy. There is no controversy to this bill whatsoever. And I am very proud of the fact, as the gentlewoman from New York said, that we are now, by passing an open rule for the second time in the 110th Congress, doubling the record that we had in the 109th Congress when it came to open rules. But the true test will come when we are dealing with a controversial issue that does not enjoy strong bipartisan support. That is where this Madisonian vision of a clash of ideas is very important, Mr. Speaker.

And so I hope very much that as we bring measures, both of which in the 110th Congress were passed by unanimous votes in the 109th Congress, to the floor, and we are very proud of the fact that they are being considered on an open rule, I hope very much that we will do everything that we possibly can to ensure that debates like the one that we had 2 weeks ago on the issue of Iraq are considered under a process that will allow maybe a chance for the minority to consider a substitute, or a process that would, again, bring that clash of ideas, because it is very clear there was complete agreement on the fuels bill that we dealt with 2 weeks ago under an open rule, extraordinarily strong bipartisan support. There is complete agreement on the goal of CFIUS reform. Yes, we know that 12 amendments were filed by seven Members last night that will be considered here on the House floor under this open amendment process, but at the end of the day, Republicans and Democrats will come together in support of this.

The true test, Mr. Speaker, will be whether or not we take up a measure where there is strong, vigorous disagreement on the part of our Members. But I will say that we need to recognize that the two most important issues that we face as Members of this institution are the issues of, first and foremost, our national security; and, second, ensuring that we create economic opportunity for all Americans and maintain the strong, bold, dynamic growth that we have in our economy.

This measure that we are addressing today actually addresses both issues, Mr. Speaker. It will strengthen the process by which our national security stakeholders in the administration, from the Defense Department to the National Security Agency, review and investigate foreign investors in the U.S. economy. It focuses in particular on those companies that are controlled by foreign governments or are based in countries that support terrorism. These are commonsense reforms that again enjoy strong bipartisan support that will provide an adequate level of scrutiny to ensure that no investment poses a national security threat to our interests. However, it also ensures a process that, while thorough, is not prohibitive. This legislation is a reflection of the need for a review process that does not close us off to the vital foreign investment that is a major source of our economic strength.

I again praise the distinguished Chair of the Committee on Financial Services who last night in the Rules Committee talked about the importance of foreign direct investment. FDI is very important to us, and if we look at our economic growth, there is a strong, strong reliance that we have had. Because economic security underpins national security, it is absolutely imperative that we work to ensure that our economy remains the world's best place to invest and do business.

Mr. Speaker, let me provide some numbers that not everyone is familiar with. Foreign companies currently employ 5.3 million Americans here in the United States. We just got the report of this Toyota plant that is going to be opening in Tupelo, Mississippi. It is important to note that those foreign investors who employ 5.3 million Americans actually pay wage rates that are 50 percent higher than the average wage paid here in the United States. Companies like Toyota, Siemens, Novartis come to the United States in order to tap into our powerful market, innovative environment and superior workforce. In the process, they generate greater economic activity, create high-paying jobs and improve our standard of living. And we have enjoyed these benefits, Mr. Speaker, because of the openness, strength and dynamism of the U.S. economy.

As we debate the need for national security reforms to our review process, we must recognize that to close off our economy to the world's investors would be to close ourselves off to the prosperity and opportunities that we have long enjoyed as the world's best investment. We cannot lose sight of the fact that we have prospered not in spite of, but because of our Nation's openness.

I believe that this bill charts a smart path that preserves both national security and our ability to attract investment and grow our economy. My colleagues, as I said, all agree with me. We have been through this process before, as I said, in the 109th Congress.

□ 1100

The bill that was passed in the last Congress was sponsored by the gentleman from Missouri (Mr. BLUNT), the distinguished minority whip, and this legislation which is virtually identical to the bill we are considering today, was considered by an overwhelming unanimous bipartisan vote.

Personally, I would very much like to see these good, well-crafted utterly noncontroversial bills where they belong, and that is on the suspension calendar where we passed it quickly and expeditiously in the last Congress.

But the fact of the matter is we are where we are, Mr. Speaker. It is important for us to recognize our priorities of national security, number one; and, number two, our economic strength and making sure that we expand that economic growth.

I urge support of this rule and the underlying legislation.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I want to make clear the flaws in the reasoning we have just heard.

Equating a suspension of the rules procedure which allows only 40 minutes of debate and no amendments with an open rule simply because the final bill will get a large vote misunderstands, indeed, denigrates the democratic process.

The gentleman says this belongs on the suspension calendar. There are amendments offered, some I will support and will improve the bill; others that will not. But for one thing, why only 20 minutes of debate on each side on an important issue. When the gentleman says noncontroversial bills belong on the suspension calendar, he undervalues the process of debate and amendment. Very often the questions are not whether the bill will pass ultimately or not, but in what form. And let us be very clear, the suspension calendar eliminates amendments.

To say because a bill can ultimately pass with a large majority Members should not be given a chance on the floor to alter it or amend it seems to me to denigrate the process.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would simply argue that the need for us to consider measures under an open amendment process is something I support. I am standing here in support of this open rule. I also would like to say that the argument for us to come forward and debate issues here on the floor is very important. The issue of Iraq was considered under an open rule.

Mr. FRANK of Massachusetts. I am reclaiming my time because the gentleman is evading the point he made. He is the one who said this should be suspension. He is the one who said suspension is where, if it is going to pass by a lot in the end, you don't need an open rule you can have suspension. He said we should put these noncontroversial bills back on the suspension calendar.

There are two separate sets of bills. There are bills that are going to be controversial in the end that you have to debate, and there are also bills that are controversial in part.

As far as the committee I chair is concerned, unlike the practice under the gentleman's chairmanship of the Rules Committee, we will be bringing out the bills from our committee that are controversial in all aspects open to amendment if I have anything to say about it, and I will fight for that. But that doesn't mean that you go for suspension and no amendments.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

I would like to thank my colleagues on both sides of the aisle for bringing this National Security FIRST Act under an open rule today.

As we move forward, Mr. Speaker, when we have important bills, and I am glad to hear my friend from Massachusetts say if there are controversial bills that come out of his committee, if he has anything to say, he will ask for an open process. I think that is good, and I commend him for that. I would hope as we move forward with bills regarding national security, health care and education, as they are brought to the Rules Committee and to the floor, I hope that all Members will be able to offer input and shape legislation through an open process.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would just say to the gentleman that I intend to make the same request for openness this year from our committee that I did last year when he was in the majority. I am hoping for a better result this time.

Mr. HASTINGS of Washington. The gentleman, I remember, I am sure he was part of the majority that when the process was closed, there was a great deal of outrage. I would hope, I would hope that if there is a more closed process under a new majority that there would be similar outrage from the gentleman.

Mr. FRANK of Massachusetts. If the gentleman would continue to yield, I am talking about the last year when the gentleman was on the Rules Committee and when the committee I was on brought forward amendments to the Rules Committee and offered amendments, the Rules Committee wouldn't allow us to vote on them on the floor.

Mr. HASTINGS of Washington. Reclaiming my time, I would just remind my friend that when that happened last year, which is acknowledged on our side, that there was a bit of outrage on your side. I am simply saying I would hope as we move forward and you ask for the same consideration as you asked last year, but say it was denied, I hope that there will be the same outrage on your side if you are denied an open process. That is all I am saying. I am looking prospective. That is all I am saying.

Mr. FRANK of Massachusetts. Well, I am hoping for votes, not outrage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, last night during the debate in the Rules Committee, some questions were raised as to the appropriateness of an open rule as opposed to bringing this bill under a suspension of the rules.

I think that question was answered clearly in that 12 amendments were filed on the bill, three by Democrats and nine by Republicans. I think that question was clearly answered, an open rule is preferable and there are amendments filed.

Protecting the safety and security of Americans is without question our top priority as Members of this institution. It is overwhelmingly clear that the current process is in place for the Federal Government to review foreign investment is broken.

The National Security FIRST Act will provide the necessary reforms to the process and keep our infrastructure, our cities, and most importantly, our constituents safe and secure.

It will also ensure that a debacle like the one that occurred last year at Dubai Ports does not happen again, while still continuing to encourage the very important foreign investment in our economy here in this country. I would strongly urge a "yes" vote on the rule, and the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 556, and insert into the RECORD extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2007

The SPEAKER pro tempore (Mr. ARCURI). Pursuant to House Resolution 195 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 556.

□ 1109

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes, with Mr. PASTOR in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Last year the Bush administration made a grave error. A proposal came from the country of Dubai to buy a company that ran our ports. The response from the administration, and there was an intergovernmental committee called the Committee on Foreign Investment in the U.S. which Members will hear us abbreviating as CFIUS, should have said to Dubai, you know, we have found you to be a reasonable group of people, but you are in an area of the world where there is great tension, where there are violent, armed people who wish us ill. You will be subjected to great pressures. There will be efforts to infiltrate and there will be assaults on your integrity, and that makes us nervous about your controlling something as sensitive to security as ports. We have been worrying about the possibility of the shipping ports being entry ports for harmful activity.

So the people of Dubai should have been told, look, we mean you no ill, but we think it is a mistake for you to buy these ports. There are, I would have thought, many other investments I think they could have made.

Instead, incredibly, a series of people from the White House's various offices, from the Departments, did not see this coming; and in consequence, they gave an approval which led to an entirely predictable outcry in the country.

Our job, Mr. Chairman, is to prevent this great lapse in judgment by the Bush administration over the Dubai situation from leading to bad public policy that would extend to restricting and discouraging foreign direct investment in general.

Members should be very clear when we talk about foreign direct investment. All three words are important. We are not talking about buying equities and we are not talking about foreign countries holding our debt, which can be problematic. We are talking about foreign investors, mostly, in some cases government, but mostly private investors, taking money and investing it in real economic activity in the U.S. That is what direct investment means.

And that inevitably, not inevitably, that, in fact, will produce more economic activity here. It is very much in our interest as a Nation to have people investing in real economic activity. That creates jobs and that creates taxation for local governments and that creates the kind of economic activity that we thrive on.

The fear again was that others in other parts of the world, seeing the reaction to Dubai would say, you know what, we better not invest there.

One of the great assets America has economically is we are about as stable a place as there is in the world to invest your money. This is a problem. It is a problem for Russia. Russia is suffering I believe legitimately because of concern from people that if they invest in Russia their investments will not be as fully protected as they should be. The security legally and in every other way of money invested in the U.S. in direct ways is an asset for us. We do not want the political fallout from the Dubai mistake to discourage this.

What we then decided to do together, and while there was an earlier reference to this being a Republican bill, which I regret because this has been a genuinely bipartisan bill and that sort of partisanship doesn't help, the gentlewoman from New York (Mrs. MALONEY) who was then the ranking member on the relevant committee; the gentlewoman from Ohio, who is with us now who was Chair of that subcommittee; the minority whip, then the majority whip; myself; the former chairman of the committee, Mr. Oxley of Ohio, we all worked together to say, look, let us give a set of rules and procedures so that people with money in other countries who want to invest it in the U.S. in ways that will be beneficial to us can get some assurance that they can make that investment and not be buffeted politically.

People say, Look what happened to Dubai. First they got approval, and then it was withdrawn. We want to have a good process so that people can invest with assurance. People who are investing money need stability and certainty.

They also need a certain amount of privacy before the fact. One of the things that we jointly did was to reject efforts to expose potential investments to wide publicity and the political process at too early a stage. There is no point in scaring these things off.

Now it should be noted that entirely independent of this bill authority exists in the President of the United States, delegated as he chooses, to reject investments that would jeopardize our national security. There are also separate statutes that limit investment in particular parts of the economy. Some of those, I think, go too far. None of those are altered. In other words, this bill does not weaken any existing statutory protection against investment that might undermine our security.

□ 1115

What it says is that the great bulk of investments not only do not undermine our security, but add to our prosperity by providing more resources here within the country for good, beneficial, economic activity. We will have a process which gives you some assurance that you can go ahead with that investment. That is what this bill does.

There are some questions about it. There will be some amendments, but that is the core of the bill. It is in the interest of our economy. It protects national security even more than currently because it does have some procedures to require a kind of inspection that would have prevented, we believe, the Dubai mistake.

I should say that this bill is widely supported. We have worked closely with the administration. The Treasury has been very helpful, and they do not like everything in this bill, but on the other hand, I do not like everything in the Treasury. In fact, if you look at the great bulk of it, we are together on this, and this is a bill which the Treasury, I am pleased to say, and you can see in the statement of administration policy, regards this as an advance. They would like some changes, but they clearly regard this bill as an advance. A broad swath of the business community is in favor of it, and all should be in favor of it.

While there are controversial aspects of international policy, this is one that should not be controversial. This is one which welcomes foreign investors who want to take money and engage in real, beneficial, safe economic activity in the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 556, the National Security FIRST Act. It makes important reforms to the process by which we ensure our national security is protected, while maintaining and welcoming a healthy flow of foreign investment into the United States.

Reform of the Nation's foreign investment vetting process became an issue last year, as we all know, when the Committee on Foreign Investment in the United States, CFIUS, received criticism for failing to question the safety and security implications stemming from the Dubai Ports World's purchase of commercial operations of American ports.

The bipartisan legislation we have before us today makes needed changes in the CFIUS process, changes that were highlighted by the Dubai Ports deal.

It promotes executive branch accountability enforced by a requirement that the chairman and vice chairman of CFIUS sign every decision. It increases interagency coordination within CFIUS and ensures that the Director of National Intelligence does a thorough analysis of any proposed transaction without becoming part of the policy-making aspects of the review. It dramatically improves CFIUS reporting to Congress on its activities so that Congress can perform regular and much-needed oversight of the process to ensure that the CFIUS process remains vigilant, but does not unnecessarily interfere with foreign investment or discourage foreign investment.

But, Mr. Chairman, of everything I would say here today, I would like to stress that the key issues we face here today transcend the Dubai Ports deal. They transcend CFIUS. They are more important than the CFIUS process.

H.R. 556 meets our challenges by advancing three important objectives, while leaving the essential sound foundation of CFIUS intact.

The first objective of this legislation is to continue to encourage opportunities for foreign investment in our economy. The surest way to ensure America remains strong and secure is to strengthen our economy and maintain global competitiveness. While we should never underestimate the threat to U.S. interests from economic espionage or from critical technologies falling into the wrong hands, we must also recognize that discouraging foreign investment or otherwise restricting global capital flows poses a very serious threat to our economic security and prosperity as well. The welcome mat for foreign investment must be out.

In fact, last year, and we hear lots about American capital going overseas and American companies investing overseas, but last year alone, over a half a trillion, $500 billion, net inflow of foreign capital in our country, more than foreign outflows of capital.

Because of the Dubai Ports situation, we have seen a fall-off on a lot of these inflows. We talk about our deficit. We talk about the need to export more. Well, in fact, foreign investment in this country, if you took away the foreign investment in this country, the recent foreign investment, it would reduce our exports by between 15 and 20 percent. The foreign-owned companies or foreign investments have created jobs in this country which result in about one-fifth of our exports today.

Also, the majority of a lot of those companies are actually owned by Americans. The Wall Street Journal talks about a company today in an editorial that 55 percent of it is owned by Americans, a Swedish company. I believe it was a Swedish company.

The second objective of this legislation, while we want to continue to say to foreigners investment in the United States, it is a good market, America is a good investment, we also want transparency in the process when they do invest. Many Members of Congress learned of the Dubai Ports deal when they picked up the newspaper or turned on the TV. This bill will ensure that as a matter of policy that does not happen again. CFIUS keeps Congress informed, this CFIUS legislation.

Third, we need empowerment of experts best qualified to assess national security issues. To that end, this bill ensures that the Director of National Intelligence can provide important and timely input into the CFIUS process based on the most current intelligence available, and guarantees the Department of Homeland Security will be a full participant in the process.

Mr. Chairman, we moved legislation very similar to this in the last session of Congress. The gentleman from Missouri (Mr. BLUNT) constructed that legislation, led that effort along with the former chairman of the committee, Mr. OXLEY, and Ms. PRYCE from Ohio, and I would like to acknowledge at this time their contributions last year. This Congress, this body, passed that legislation last year because we wanted nothing to stand in the way of people investing in our country, creating jobs here, creating capital here, and that legislation passed unanimously.

This legislation is even stronger than that legislation, and I commend Chairman FRANK for having the insight and the intellect to make this one of his first priorities in the new Congress because, as we saw yesterday, when the stock market in Shanghai fell, we are in a global economy, and the worst thing that can happen in that global economy is outflows of capital from the United States. This legislation will ensure that those outflows continue to come to America to create jobs here in America.

I will comment during the manager's amendment on some important changes in this legislation that have been proposed by the gentleman from California (Mr. HUNTER), which I believe greatly strengthens this legislation, but let me close simply by saying this.

Mr. Chairman, the world is a lot different than it was back in 1975 when President Ford first created CFIUS, and it is far different than 1988 when the outline of the current review process was established. Terrorism requires us to exercise increased vigilance, while the demands of the global economy necessitate that America compete aggressively for foreign investment capital.

The siren song of protectionism is one that must be resisted if we are to be serious about maintaining America's competitive standing in the world.

This bill modernizes the way CFIUS does business, ensuring that both our security and economic needs are met, but without fundamental changes which make this country a protectionist country.

The foreign markets and people wanting to invest in America are watching us today, waiting to see what we do. For this reason, Mr. Chairman, I congratulate the sponsors of this legislation, and I urge the Members of this body to unanimously join together and pass this legislation and send it to the other body.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 6 minutes to the gentlewoman from New York (Mrs. MALONEY), who was one of the major authors of this bill and has been a strong proponent of it to this time.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding and for his leadership.

I want to thank in particular Chairman FRANK for making this bill, the National Security FIRST Act, a priority of this Congress. Democrats and Republicans have supported this bill, demonstrating a desire to enhance national security while avoiding a freeze of beneficial and safe economic investment in our country.

I would like to thank in addition my other Democratic colleagues, LUIS GUTIERREZ and JOE CROWLEY, and my colleagues on the other side of the aisle, DEBORAH PRYCE, ROY BLUNT and Ranking Member BACHUS, for their continued support and leadership on this important legislation.

A year ago, Mr. Speaker, Americans woke up to find out that six of the largest ports in our Nation would be controlled by a foreign government, the United Arab Emirates, under the Dubai Ports World. Even worse, this deal had been approved by our government through a secretive process no one had ever heard of. In fact, Congress and senior administration officials learned about this deal by reading about it in the newspapers.

Even before the Dubai Ports World fiasco, the General Accountability Office had criticized the Committee on Foreign Investments in the United States, or CFIUS, for being overly focused on bureaucratic goals, basically getting deals done with little oversight, without causing a fuss.

Well, the Dubai Ports World deal showed the world the weaknesses in the CFIUS process. The decision was made, and when they did make that decision, they did not involve any high-level government officials. They did not report to Congress. They used a very out-of-date definition of national security.

Surely anyone in a post-9/11 world would consider our largest ports a national security concern. The 9/11 Commission called it one of the areas that we have the most problems and one that needs the most attention.

As a Representative from New York, which is both target number one for terrorism and the financial capital in our Nation, I felt very strongly that we needed to get something done.

At the time, along with DEBORAH PRYCE, I was the ranking member on the subcommittee which we both served on with jurisdiction over CFIUS, and so we had a front-line responsibility for the issue, and we worked together to put forward this legislation.

Our legislation passed the last Congress 421–0. We hope we get the same result today, and we resubmitted the bill again earlier this year. It is past time to get this done. If you had told the American people that a year after Dubai Ports World and the scandal involved with it we would still be debating CFIUS reform and had not strengthened the system already, I think they would be very surprised.

The need for reform remains even after DPW. The CFIUS process is not catching all the deals that it should.

Last year I personally called to the attention of CFIUS the fact that a company with ties to the Venezuelan Government had purchased a major voting machine manufacturer in our country. CFIUS did initiate a review, and after some time in the process, the company announced that it would withdraw from the U.S. market. Surely we would consider a foreign government owning our voting machines a national security concern.

In the end the process did work, but it worked only after prodding, and it should work better. That is what this bill would accomplish. It puts national security first, addressing the weaknesses in the Dubai Ports World.

The bill requires high-level attention and sign-off on every transaction, and particular attention to transactions involving foreign-government-owned entities.

□ 1130

The bill also creates a formal role for the intelligence community and sets up an independent intelligence assessment. It requires a broad and flexible definition of national security that includes the concerns of 12 different agencies, and it sets up a system for monitoring deals that are withdrawn from the process.

The bill contains very tough provisions to protect national security, including the ability of CFIUS to reopen reviews when companies do not comply with mitigation agreements designed to reduce security risks. This is such a severe remedy that we have hedged it with many procedural protections, and we expect CFIUS to use it only in exceptional cases.

This bill also puts Congress in the picture, making sure that we learn about these deals from CFIUS, not from the newspapers but after the decisions have been made. And by providing greater certainty and predictability in the process, we can encourage foreign investors. I am glad he yielded me this time, because a very important part of CFIUS is we build in predictability and clarity for foreign investment, so that it is not gray, but black and white of where they can go to get a swift approval for safe foreign investment.

This is critical to our economy. Over 5.1 million jobs came into our economy from foreign investment in 2004, and there were 50,000 jobs recently created in New York City after 9/11 from foreign investment. It is very important to economic growth in our country. We want to encourage it, but at the same time, we want to protect our citizens, our number one responsibility.

Mr. Chairman, may I say to Ms. PELOSI, I appreciate your making this a priority and moving it to the floor so quickly. We will be able to work with our colleagues in the Senate to get a strong bill and pass it and sign it into law. I appreciate the support from the business community, the intelligence community, and from the executive office.

I request unanimous consent to place in the RECORD the statement from the Executive.

What can I say, it is a win-win situation. It is a bipartisan bill. Let's move forward and pass it and enact it into law.

STATEMENT OF ADMINISTRATION POLICY

H.R. 556—NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY (REP. MALONEY (D) NY AND 58 COSPONSORS)

The Administration supports House passage of H.R. 556 and appreciates the efforts of the House Financial Services Committee to strengthen the Committee on' Foreign Investment in the United States (CFIUS). The Administration regards the Nation's security as its top priority. In addition, the Administration views investment, including investment from overseas, as vital to continued economic growth, job creation, and building an ever-stronger America. Therefore, the Administration seeks to improve the CFIUS process in a manner that protects national security and ensures a strong U.S. economy and an open investment environment that will serve as an example and thereby support U.S. investment abroad.

In light of the President's responsibility to ensure the Nation's security, and in the context of comity between the executive and legislative branches, we believe the President should retain substantial flexibility to determine CFIUS's membership and administrative procedures and to make adjustments when national security so requires. Accordingly, the Administration has concerns with some of the provisions of H.R. 556 and looks forward to working with Congress to address these concerns, to strengthen CFIUS, and to ensure the protection of America's homeland and the strength of our economy.

Establishment and membership of CFIUS

The President should retain the flexibility to determine and adjust the appropriate Executive Branch membership of CFIUS and their roles. H.R. 556 should not mandate that CFIUS have Vice Chairs, nor that CFIUS include members of the Executive Office of the President. Further, the President should retain the flexibility to determine roles and responsibilities of CFIUS and its members. For example, the Administration opposes any language in Section 6 that would call for the designation of a lead agency or agencies to represent other agencies or the Committee in negotiating, entering into, imposing, modifying, monitoring, or enforcing mitigation agreements.

Deliberations and decision-making of the committee

The Administration is concerned that the legislation imposes procedural requirements, such as roll call voting and motions, which are ill-suited for executive bodies such as CFIUS and are inconsistent with the vesting of the executive power in the President. Given the bill's reporting requirements, such procedures will deter the full and open interagency discussion that is required to consider CFIUS cases properly.

The Administration fully shares Congress' goal of ensuring senior-level accountability for CFIUS decisions. The Administration supports requiring the Secretary, Deputy Secretary, or an Under Secretary of the Treasury to sign CFIUS decisions at the conclusion of a second-stage (45-day) investigation, as H.R. 556 provides. With respect to cases for which CFIUS concludes its action at the end of the first-stage (30-day) investigation, the Administration supports the House Financial Services Committee's decision to authorize delegation of this authority. However, in view of the volume and variety of cases and to ensure that our most senior officials are able to focus on those cases that do raise national security concerns, this authority should be further delegable to other officials appointed by the President and confirmed by the U.S. Senate.

The Administration believes that the current 30-day and 45-day time frames for first-stage and second-stage investigations provide CFIUS with sufficient time to examine transactions. The possibility of extensions may discourage foreign investment by generating uncertainty and delay for the parties to proposed transactions. The Administration therefore opposes allowing CFIUS to extend the second stage (45-day) investigation period. The Administration notes that the current CFIUS practice of encouraging parties to transactions to consult with CFIUS prior to filing provides CFIUS with additional time and flexibility to examine complex transactions.

The Administration supports the role of the intelligence community as an independent advisor to CFIUS and appreciates the bill's inclusion of a provision that ensures that the Director of National Intelligence (DNI) is provided adequate time to complete the DNI's analysis of any threat to the national security of a covered transaction. However, language in H.R. 556 also appears to provide the DNI with the ability to force a second-stage (45-day) investigation if the DNI has identified particularly complex intelligence concerns and CFIUS was not able to satisfactorily mitigate the threat. Such a policy role would be inconsistent with the independent advisory role of the DNI envisioned in the legislation and supported by the Administration.

Notification and reports to Congress

The Administration supports enhanced communication with Congress on CFIUS matters to better facilitate Congress' performance of its functions. CFIUS should be required to notify Congress of transactions only after all deliberative action is concluded, as H.R. 556 provides. As discussed above, roll call voting, particularly if reported outside the Executive Branch, would deter the full and open interagency discussion that is required to consider CFIUS cases, and reporting on internal Executive Branch deliberations, including the positions of individual CFIUS members, should not be required.

Authorities of CFIUS

The Administration believes current law and regulations give the President and CFIUS adequate authority to gather all information needed to conduct CFIUS investigations. The Administration is concerned that provisions of the bill that provide CFIUS with additional statutory authority to collect evidence and require the attendance and testimony of witnesses and the production of documents would make the CFIUS process more adversarial and less effective.

The Administration believes its ability to protect national security would be enhanced by a statutory grant of authority to impose civil penalties for a breach of a mitigation agreement. This authority to seek civil penalties, which could be calibrated to the seriousness of the non-compliance, would be a useful and effective tool for enforcing those agreements.

Presidential review and decision

The Administration supports requiring the President to make the final decision on a case only when CFIUS recommends that a transaction be blocked or when CFIUS fails to reach a consensus after a second-stage investigation. Requiring Presidential action in a broader set of cases would undermine the President's ability to determine how best to exercise Executive Branch decision-making authority.

The Administration looks forward to working with Congress on these important issues.

Mr. BACHUS. Mr. Chairman, I would like to yield 3 minutes to the gentlewoman from Ohio. And as I do, I would like to commend her for her leadership last year when the Dubai Ports deal came to light, in shepherding that bill through.

Ms. PRYCE of Ohio. Mr. Chairman, I appreciate our ranking member yielding the time. And I want to thank Chairman FRANK and Ranking Member BACHUS for making this bill a priority in this new Congress. I want to especially thank Chairman FRANK for assuring that the goodwill and the hard work that went into this bill in the last Congress has not gone to waste. And I want to thank my good friend, CAROLYN MALONEY, for this is not the first bill that we have worked on nor will it be the last.

The National Security FIRST Act is not a compromise between Democrats and Republicans, it is a product of bipartisan consensus. We often pay lip service to bipartisanship in this Chamber, but today we have a chance to pass a sincerely bipartisan product.

Americans were appalled by the Dubai Ports fiasco, as they should have been. And the answer to the Dubai Ports problem could have been an overreacting, overreaching, protectionist response.

It is often joked that legislative bodies do two things well: Nothing and overreact. But that is not the case here. Instead, this legislation puts national security first, while not sacrificing job creation and important relationships with our trading partners. America is a good investment. The National Security FIRST Act makes important changes to CFIUS. Responsibility is restored by requiring the chairman and the vice chairman of CFIUS to put their signature on every deal. A formal intelligence assessment must be conducted for every transaction. CFIUS must be accountable to Congress through committee notification of individual deals and an annual report on every CFIUS transaction.

Investors in the United States deserve certainty that the process by which deals are reviewed is objective, thorough, and straightforward. This bill ensures that we continue to protect the United States' national and economic security while promoting beneficial foreign investment.

Mr. Chairman, in my State of Ohio, a State admittedly struggling to keep our manufacturing jobs, international employers provide jobs for more than 200,000 of us. We have seen the benefits of open markets and foreign investment. Honda Motor Corporation's capital investment alone topped $6.3 billion during its time in our State. Honda's North American plants purchased more than $6.5 billion in parts from 150 different Ohio suppliers in 2005 alone.

H.R. 556 clearly outlines an objective review process that will encourage future investment in Ohio and elsewhere, just like the Honda investment, and will help protect American companies from possible retaliatory measures by other countries. But, most importantly, the American people can feel confident that this legislation institutes the oversights and protections needed to determine if a foreign investment transaction is really in the best interests of the United States' national security and the safety of our citizens.

I want to thank once again Chairman FRANK, Ranking Member BACHUS, Ms. MALONEY, our whip Mr. BLUNT, Representative CROWLEY, and everyone who worked so hard on this issue. I urge support for a clean bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself 1 minute to simply say that as we close this debate on the main text of H.R. 556, I hope that all Members of this body recognize the benefits to our economy from the robust level of foreign investment that is coming into this country. A few minutes ago, I mentioned a company that 55 percent of it was owned by one American company, and it is Nokia, which is a Finnish company, yet 55 percent of the stock in that company is owned by American companies.

So even those foreign companies are making investments in the United States. A large percentage of those companies are American-owned. You have these foreign investments in our country, foreign-owned companies, the subsidiaries of them employ 5.5 million Americans, and the average wage for those workers is $60,000.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute just to say, before I yield back, that there has been a debate about whether or not an open rule was controversial or not. I know in today's Wall Street Journal, there is an editorial grudgingly giving us some credit for moving on this. Essentially they are surprised that, given that we are Congress, we didn't do a lot worse.

But I will note that in the Wall Street Journal editorial this morning, there are two negative references to an open rule. It is clear from this that they are among those that did not want an open rule because they said they were afraid that protectionists in the House would ruin the bill.

So I do, again, want to note the idea that the open rule was somehow something of no particular consequence. This contradicted the Wall Street Journal in its editorial today, and I urge Members to read it. I am not going to put the whole thing in the RECORD because it takes some shots at some Members that I think are unfair. But I urge Members who think that this was some sort of a slam dunk to read the Wall Street Journal.

I am submitting the following jurisdictional correspondence on H.R. 566:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to you concerning the bill, H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2007. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Foreign Affairs, including provisions relating to the Defense Production Act of 1950, as it pertains to the Committee on Foreign Investment in the United States.

In the interest of permitting your Committee to proceed expeditiously to Floor consideration of this important bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill, which fall within its Rule X jurisdiction. I request that you urge the Speaker to appoint Members of this Committee to any conference committee which is named to consider any such provisions.

Please place this letter into the Committee report on H.R. 556 and into the Congressional Record during consideration of the measure on the House Floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Cordially,

TOM LANTOS,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, February 23, 2007.
Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2007. This bill was introduced on January 18, 2007, and was referred to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs and Energy and Commerce. The bill was ordered reported by the Committee on Financial Services on February 13, 2007. It is my expectation that this bill will be scheduled for floor consideration in the near future.

I recognize that certain provisions in the bill fall within the jurisdiction of the Committee on Foreign Affairs under Rule X of the Rules of the House of Representatives. However, I appreciate your willingness to forego action on H.R. 556 in order to allow the bill to come to the floor expeditiously. I agree that your decision will not prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of correspondence in the Committee report and in Congressional Record when this bill is considered by the House. Thank you again for your cooperation in this important matter.

Yours truly,

BARNEY FRANK,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 27, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to H.R. 556, legislation to overhaul the process for reviewing foreign investment in the United States, which was reported favorably by your Committee on February 13, 2007.

As you know, the Committee on Energy and Commerce received a referral of the bill. The bill concerns section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170). The Committee, together with the Senate Committee on Commerce, wrote that section, which is the so-called "Exon-Florio Amendment" to the Act. (See section 5021 of Public Law 100-418; 102 Stat. 1425.) Additionally, the bill concerns the Committee on Foreign Investment in the United States ("CFIUS"). The membership of CFIUS includes the Secretaries of Commerce and Energy. The Secretary of Commerce is a vice chair of CFIUS. CFIUS's annual report will also be directed to the Committee on Energy and Commerce, and the Department of Commerce must be consulted on the study of foreign investment in critical infrastructure and industries affecting national security.

I have reviewed the manager's amendment that was approved by your Committee. In general, I support the passage of the bill with that amendment. I will not hold a markup of the bill in the Committee on Energy and Commerce, notwithstanding the Committee's strong jurisdictional and policy interests, because it is my understanding that you agree with me on the following:

(1) The term "national security" should not be defined in the statute. The term is meant to encompass a wide variety of circumstances, as indicated by the origins of the Exon-Florio amendment.

(2) The decision to remove from the bill the requirement of Inspector General reports should be reconsidered. The Committee on Energy and Commerce has always found IG reports to be very effective tools for accountability and oversight. The bill's requirement of annual reports, while important for the purpose that they serve, are not an adequate substitute. The Dubai Ports deal, GAO's critical report, and CFIUS's failure to file required quadrennial reports, as well as the multi-agency and department structure of CFIUS, argues in favor of having an independent entity conduct performance and systems audits and evaluations in order to identify problems quickly and efficiently.

(3) The inaction of the Committee on Energy and Commerce with respect to the bill does not in any way serve as a jurisdictional precedent as to our two Committees.

In the main, I applaud the work that your Committee has done on this bill. I request that you send me a letter confirming our agreement and that, as part of the consideration of the bill on the House floor, you insert our exchange of letters in the Congressional Record. If you wish to discuss this matter further, please contact me or have your staff contact Consuela Washington, Chief Counsel/Commerce, Trade, and Consumer Protection to the Committee on Energy and Commerce, at extension 5-2927.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, February 28, 2007.
Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2007. This bill was introduced on January 18, 2007, and was referred to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs and Energy and Commerce. The bill was ordered reported by the Committee on Financial Services on February 13, 2007. The bill is scheduled for floor consideration on February 28th.

I appreciate your input on this bill and am pleased to confirm our agreement on this bill. I recognize that certain provisions in the bill fall within the jurisdiction of the Committee on Energy and Commerce under Rule X of the Rules of the House of Representatives. However, I appreciate your willingness to forego action on H.R. 556 in order to allow the bill to come to the floor expeditiously. I agree that your decision will not prejudice the Committee on Energy and Commerce with respect to its jurisdictional prerogatives on this or similar legislation. I agree that the term "national security" should not be defined in the statute and I will offer an amendment re-instating the Inspector General reporting requirement as previously discussed.

I will include this exchange of correspondence in the Congressional Record when this bill is considered by the House. Thank you again for your cooperation in this important matter.

Sincerely,

BARNEY FRANK,
Chairman.

Mr. BARTON of Texas. Mr. Chairman, I rise in support of H.R. 556 the National Security Foreign Investment Reform and Strengthening Transparency Act of 2007. I want more foreign investment in America, not less, but I do not want the kind that threatens our security. CFIUS exists to make the distinction, and we need to know that it's doing a good job.

We don't automatically fear foreign investors here in America. The money provided by foreign investors creates jobs, growth and opportunity here at home. I just want to ensure the investment we attract does not jeopardize national security.

H.R. 556 provides consistent criteria with appropriate discretion and will improve the review process without impairing our ability to attract significant and needed foreign investment.

Mr. Chairman, I fully support the legislation before us. Importantly, it provides for mandatory review of foreign-government controlled transactions and any transaction that affects national security. Additionally, it provides clear and consistent review criteria for all other commercial investments, it adds the Secretary of Energy to the Committee, and it makes the Secretary of Commerce a co-vice chair of the Committee. Most important, it adds transparency in the process for Congressional oversight and establishes new reporting requirements many of us feel are essential to this process.

I support H.R. 556 and urge my colleagues to approve the measure.

Mr. HOLT. Mr. Chairman, I am pleased that the House is considering this measure today, and I intend to vote for it.

According to the Congressional Research Service, in 2005, direct foreign investment in the U.S. totaled some $109 billion. By year-end 2004, the latest year for which detailed data are available, foreign firms employed 5.6 million Americans (just under 4% of the U.S. civilian labor force) and owned over 30 thousand individual business establishments. While the impact of foreign investment on our economy is generally positive, last year we saw how inadequate monitoring of the foreign investment process can produce threats to our security.

It was just over a year ago that we learned from media reports that the Bush administration had quietly approved the sale of an American port operations company to Dubai Ports World (DPW), an entity owned by the government of the United Arab Emirates. The deal was approved by a little-known government entity, the Committee on Foreign Investment in the United States, or CFIUS for short. CFIUS was created by President Ford in 1975 via executive order in response to Congressional concerns over OPEC's investment activities in the United States.

In the DPW case, we subsequently learned that at least some elements of the intelligence community had expressed concerns about the security implications of the DPW transaction. In Congress, we were concerned that CFIUS had ignored or downplayed any potential security issues surrounding the transaction. We were told that DPW is well run and efficient. That may be, but there was good reason for concern.

The UAE, which owned and controlled the acquiring company in this case, had previously been identified as a key transfer point for shipments of nuclear components that were sent to Iran, North Korea, and Libya, which were sold by Pakistan's nuclear scientist A.Q. Khan. In addition, the UAE was one of only 3 countries (including Pakistan and Saudi Arabia) to recognize the Taliban as the legitimate government of Afghanistan prior to 9/11. Two of the 9/11 hijackers were UAE nationals (Fayez Banihammad and Marwan al-Shehhi), and the Federal Bureau of Investigation had previously claimed the money used for the attacks was transferred to the 9/11 hijackers primarily through the UAE's banking system. Furthermore, after the 9/11 attacks, the Department of Commerce complained of a lack of cooperation by the UAE and other Arab countries as the U.S. was trying to track down Osama bin Laden's bank accounts.

The Bush administration initially denied there were any such security concerns surrounding the DPW deal, so I worked to get a portion of the United States Coast Guard intelligence estimate declassified so the public would know the truth. The Coast Guard finally provided me with the declassified executive summary on May 25, 2006, and I want to make sure my colleagues and the public are aware of what this assessment says.

While the USCG assessment stated that the DPW deal posed no "immediate" threat to the United States, it also stated that the deal "could also provide a potential vector for Dubai-based terrorists to enter the United States, exploiting the port facilities in the same way that other terrorists have exploited individual shipping companies."

I note for the record that I spent three months pressing Coast Guard officials to declassify this single page. Congress should not have to haggle with the executive branch to get intelligence assessments on potential security threats to our people in a manner that protects intelligence sources and methods. The bill before us contains changes in the law governing CFIUS that should help prevent a repeat of the Dubai Ports World fiasco, particularly with .regards to intelligence assessments and Congressional notification.

Specifically, the bill before us requires a mandatory 45-day investigation for all acquisitions involving foreign governments, to include a requirement that the Director of National Intelligence play a direct role in evaluating the national security implications of such acquisitions. The bill also requires automatic notification of Congress within five days after the conclusion of each investigation. Finally, the bill requires the Secretaries or Deputy Secretaries of the Departments of Treasury and Homeland Security to personally approve such transactions. These are common sense reforms of the CFIUS process that are long overdue, and I urge my colleagues to join me in voting for this important legislation.

Mr. ACKERMAN. Mr. Chairman, I rise in support of H.R. 556, the National Security FIRST Act. I would like to thank the Chairman of the Financial Services Committee, Mr. FRANK, for his efforts in making this legislation one of the committee's first priorities. I would also like to commend my colleague from New York, Mrs. MALONEY, for sponsoring this important legislation.

Mr. Chairman, it's been a year since the Bush administration thought it would be a good idea to hand over commercial operations of six of our nation's ports to the government of Dubai—a country that the 9/11 Commission report named as a source of terrorist financing and which two of the 9/11 hijackers called home. We have since learned that, during the review process undertaken by the Committee on Foreign Investment in the United States, or CFIUS, administration officials did not perform a required thorough investigation of the deal to a satisfactory level and chose not to require Dubai Ports World to follow certain security conditions at some of the busiest ports in the country—over 4 years after 9/11.

Mr. Chairman, the Dubai Ports World debacle was a paragon of bureaucratic ineptitude and the shining example of why this legislation is needed. Even those who believe that DPW should currently be administering our nation's ports must concede that the process is broken.

The CFIUS process needs more transparency, better oversight and increased failsafes to ensure that the administration doesn't next absent-mindedly sell our nation's airports to Iran Airports World.

This bill mandates that any proposed deal that involves an entity owned by a foreign government trigger an automatic—and thorough—CFIUS review. To be clear, this legislation does not increase barriers for foreign governments interested in investing in the United States—H.R. 556 merely puts in place necessary safeguards to ensure that investments in the United States do not threaten our national security.

This legislation also requires that the Secuities of Treasury and Homeland Security, or their Deputy Secretaries or Under Secretaries, sign off on all deals before they are completed. We now know that, during the review of the Dubai Ports World deal, low-level bureaucrats approved the transaction without the knowledge of the relevant Cabinet members. By mandating that the under-secretary level is the lowest level authorized to approve these transactions, we will build another fail-safe into the CFIUS process, and, perhaps more importantly, we will put in place a system of accountability, rather than one of finger-pointing.

Mr. Chairman, this is a vitally important piece of legislation, which passed unanimously in the last Congress. I ask my colleagues to once again support this important national security measure.

Mr. SHAYS. Mr. Chairman, as a cosponsor of H.R. 556, I am pleased the new majority is moving quickly to consider this legislation, which passed the House in the last Congress by an overwhelming bipartisan vote. This legislation would require that all transactions involving foreign state-owned companies be automatically subject to a full 45-day investigation.

Last year, the attempt by Dubai Ports World (DP World), a port operations company owned by the government of the United Arab Emirates (UAE), to purchase operating terminals at six U.S. ports was a clear indicator we must reform the CFIUS process.

Whenever a foreign investment affects homeland security, it deserves greater scrutiny. It seems to me, this legislation strikes the proper balance between strengthening our economy and protecting the American people.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. MARKEY. Mr. Chairman, I rise in strong support of H.R. 556, the National Security FIRST Act, introduced by the Gentlelady from New York, Congresswoman CAROLYN MALONEY.

A year ago, a secretive committee at the Treasury Department that most Americans had never heard of approved a transaction to give a company owned by the United Arab Emirates control over terminal operations at 6 major U.S. ports.

The decision by the Committee on Foreign Investment in the United States—or CFIUS—to approve this purchase by Dubai Ports World shined a bright light on an obscure committee and the process it uses to make decisions that can have important consequences for the security of our country.

Clearly, the Dubai Ports World transaction did not receive the scrutiny it deserved. The 9/11 Commission had identified the government of the UAE—the same entity that would own the terminals at major U.S. ports—as a "persistent counterterrorism problem". Two of the 9/11 hijackers were from the UAE. The 9/11 Commission concluded that the UAE banking system was used as a conduit for funds for the September 11th attacks.

Moreover, the UAE was a key transfer point for illegal shipments of nuclear components to Iran, North Korea and Libya. The UAE was one of only three nations to recognize the legitimacy of the Taliban government and still does not recognize the State of Israel.

Despite all of these warning signs, the proposed port deal did not even lead the Bush Administration to conduct a 45-day investigation, which is provided in current law and should have been interpreted as being mandatory when foreign governments—whether involving the UAE, the UK, the Ukraine or any other nation—seek mergers, acquisitions or similar transactions that could affect U.S. national security.

Public outrage ultimately sunk the Dubai deal. Last March, Dubai Ports World agreed to divest itself of the U.S. port operations involved in the transaction, and AIG purchased these assets earlier this month.

I commend Congresswoman MALONEY for crafting this strong legislation. It closes the loopholes that had, unbelievably, allowed commerce to trump commonsense. Specifically, this bill requires that a transaction involving foreign governments receive extra scrutiny by mandating that the chairman and vice-chairman of CFIUS certify that the transaction poses no national security threat or the transaction must be subjected to a second-stage 45-day national security investigation; ensures that senior level officials are held accountable for CFIUS decisions by requiring that the chairman and vice chairman of CFIUS approve all transactions where CFIUS consideration is completed within the 30-day review period and mandating that the president approve all transactions that have been subjected to the second-stage 45-day national security investigation; and provides for much-needed congressional oversight by requiring CFIUS to report to the congressional committees of jurisdiction within five days after the final action on a CFIUS investigation. CFIUS also must file semi-annual reports to Congress that contain information on transactions handled by the committee during the previous six months.

Passage of this bill is an important step towards making our country safer. As we continue to learn the lessons of the Dubai Ports World transaction, we also must push forward with efforts to require that all shipping containers are scanned for nuclear bombs before they leave foreign countries bound for our shores and sealed to prevent tampering en route.

The 100 percent scanning mandate was included in the 9/11 Commission recommendations bill that passed the House last month on a bi-partisan basis. As the other body considers its version of the bill, this vital provision should be retained. In New York Times columnist Frank Rich's piece last Sunday, he reported that the former head of the C.I.A. bin Laden unit, Michael Scheuer has stated that the Taliban and Al Qaeda, having regrouped in Afghanistan and Pakistan, are "going to detonate a nuclear device inside the United States."

Mr. Scheuer is not alone in making this assessment. Harvard University arms control expert Graham Allison has said that "more likely than not" there will be a terrorist attack using a nuclear bomb in our country. He has described the detonation of a nuclear explosive device in a cargo container in one of our ports as a nightmare scenario for our nation.

Port security expert and former Coast Guard officer Stephen Flynn has written about the "catastrophic consequences of terror in a box" that would result if a nuclear device hidden in a cargo container were donated in our country. Admiral James Loy, the former Coast Guard commandant and former Deputy Secretary of Homeland Security, has said that there is evidence that al Qaeda terrorists are already involved in the maritime trades.

Through the Secure Freight Initiative, the Bush Administration has begun the process of establishing pilot programs overseas to test the feasibility and effectiveness of scanning all U.S.-bound containers before they are loaded onto container ships headed to our country.

The provision in the 9/11 Recommendations bill that Congressman NADLER and I authored would require that lessons learned during the Secure Freight Initiative are incorporated into a comprehensive 100 percent scanning and sealing policy for every container headed to our country. Our provision contains a sensible time frame—3 years for large overseas ports and 5 years for smaller ones—to implement the 100 percent scanning mandate.

Dubai Ports World—the same company that triggered the reform process that led us to consideration of the legislation before us today—is planning to incorporate the capability to perform 100 percent scanning at its operations overseas.

We have the technology. We know the risks. We need to take action to require 100 percent scanning and sealing of all U.S. bound cargo containers OVERSEAS, before they arrive at our shores. If we detect a nuclear bomb in a container once it arrives at a U.S. port, it's too late. Once again, I commend the gentlelady from New York for her leadership on this important issue, and I urge an "aye" vote.

Mr. DAVIS of Kentucky. Mr. Chairman, first I would like to commend Chairman FRANK, Ranking Member BACHUS and Congresswoman MALONEY for putting together this important bill that exemplifies the bipartisan work of the Financial Services Committee. H.R. 556 succeeds in striking a balance that ensures neither the national security of the United States nor the investment climate will be compromised.

This bill was originally introduced in the 109th Congress in response to the public outcry after the Dubai Ports World case. H.R. 556 formalizes the role of the Director of National Intelligence in the CFIUS process, establishes accountability in CFIUS by ensuring senior officials are involved in clearing transactions and establishes better communication with Congress so that we can perform our oversight function.

However, I am a strong believer in simplifying processes to achieve the best possible outcome. I do not think we should make CFIUS an overly complicated and burdensome process for foreign investment. The goal is to maintain the attractiveness of the U.S. markets as a destination for foreign investment, while protecting our national security.

While I submitted three amendments to H.R. 556 that I was unable to offer today, they address important issues that deserve consideration as the bill moves through the Senate and into a conference committee.

Two of my amendments would eliminate the roll call requirement for both the approval of a deal and as recorded in the annual report. As we have gone through the Committee process in the 109th Congress and in the 110th, I have learned a great deal about how the CFIUS process works. I think it is important that we incorporate this suggestion from the Administration on CFIUS. Currently, the different agencies that make up the CFIUS committee work as a team until they arrive at a consensus view. It is my understanding that the committee does not take roll call votes agency-by-agency on each transaction deal that is examined. The current CFIUS approach is much more holistic and fosters a team effort.

I have concerns that requiring a roll call vote on each deal could discourage one agency from raising an issue if all the others are prepared to sign off. I would not want a roll call vote to have any unintended consequences.

I do not believe we should override the way CFIUS currently works as a team. It is effective and encourages the agencies to interact and communicate throughout the examination of the deal.

The third amendment I submitted would eliminate unnecessary bureaucracy for the transaction deals that are relatively easy to approve by allowing the actual signing off process to be accomplished by a Senate confirmed official. This of course does not mean the Secretary and Deputy Secretary are unaware of the deal or left out of the loop on CFIUS matters. They are briefed on every deal on a regular basis. And they will still be required to sign off on certain cases that are of concern to Congress. However, this amendment would provide for a more expedient CFIUS process for the majority of transactions that pose no threat to national security.

Mr. HOYER. Mr. Chairman, today, the new Democratic Majority in the House has brought legislation to the Floor—the National Security FIRST Act—which will strengthen our national security by addressing a glaring deficiency that became public last year.

Many Members of Congress—and millions of Americans—were shocked when it was reported in 2006 that the Bush Administration had approved a deal allowing Dubai Ports World—a company owned by the government of the United Arab Emirates—to manage terminal operations at six major ports in the United States.

Let me be clear: There is nothing wrong with foreign investment in our nation. In fact, we have reason to encourage it. But what was shocking about the Dubai Ports World deal was that it was approved by the secretive Committee on Foreign Investment in the United States with only minimal review, and without the 45-day national security investigation that clearly should have occurred.

In fact, the deal was approved despite the fact that the Department of Homeland Security had raised security concerns. And, approval occurred without the input of senior Administration officials, such as the Secretaries of the Treasury and Homeland Security, and even the President himself.

Thus, today, I want to congratulate Chairman FRANK of the Financial Services Committee for his strong leadership on this bipartisan legislation. In short, this bill addresses key failings in the current CFIUS review process.

First, it will require that in cases involving a company controlled by a foreign government that either the CFIUS Chairman (the Treasury Secretary) or the Vice-Chairman (the Homeland Security Secretary) certify that the transaction poses no national security threat, or that a 45-day security investigation occur after the initial 30-day review period. In cases where the second stage 45-day review applies, the bill requires the President to approve such transactions.

In addition, the bill improves CFIUS accountability to Congress. Recall that last year, Congress was not notified of the Dubai Ports World deal. Now, CFIUS must report to the committees of jurisdiction within five days after the final action on a CFIUS investigation.

Finally, this legislation requires that every transaction be subjected to an investigation by the Director of National Intelligence.

Again, this is important legislation that will strengthen our national security. I urge Members on both sides of the aisle to support it.

Mr. THOMPSON of Mississippi. Mr. Chairman, I stand here today as chairman of the Committee on Homeland Security in support of H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2007. This bill provides needed reform by formalizing and streamlining the structure and duties of the Committee on Foreign Investment in the United States (CFIUS). Indeed, this bill addresses many of the concerns raised about CFIUS during the past twelve months, especially its current lack of transparency and oversight. This bill rectifies these concerns by formally establishing CFIUS and its membership, while also streamlining how and when a CFIUS review will be conducted.

Mr. Chairman, the bill formalizes the CFIUS membership and requires the following to serve: (1) Secretaries of Treasury, Homeland Security, Commerce, Defense, State, and Energy; (2) Attorney General; Chair of the Council of Economic Advisors; the U.S. Trade Representative; Director of Office of Management and Budget; Director of National Economic Council; and (3) The Director of Office of Science and Technology Policy; the President's assistant for national security affairs; and any other designee of the President from the Executive Office.

Under this bill, the Treasury Department will be the Chair with the Secretaries of Commerce and Homeland serving as the Vice Chairs. CFIUS will conduct a review of any national security related business transaction in which the outcome could result in foreign control of any business engaged in interstate commerce in the U.S. After reviewing the proposed business transaction, CFIUS will make a determination, the outcome of which could require conducting a full investigation if one of four circumstances exists: (1) Transaction involves a foreign government-controlled entity; (2) Transaction threatens to impair national security and the review cannot mitigate those concerns; (3) National Intelligence Director identifies intelligence concerns and CFIUS could not agree upon methods to mitigate the concerns; or, (4) Any one (1) CFIUS Member votes against approving the transaction.

Incidents such as the Dubai Ports World (DPW) and the China National Offshore Oil Corporation's attempted bid for control of oil company Unocal raised and increased awareness around transactions that should receive CFIUS review. These incidents highlighted the need for meaningful CFIUS reform.

The bill balances the need for continued foreign investment in the United States, but reviewing that investment to determine if it would impair or threaten national security or critical infrastructure.

This bill establishes accountability to key Cabinet level agencies and, much like other corporate reform, requires personal action by the Secretaries of Treasury, Commerce, and Homeland Security. Congressional Research Service's independent report found that for all merger and acquisition activity in 2005, 13 percent of it was from foreign firms acquiring U.S. firms. This is up from 9 percent almost 10 years before. This statistic shows that foreign investment in the U.S. is vital to the economy. Only through this legislation, will CFIUS have a formal budget, membership and clear mission—protecting American security while maintaining a free and growing economy.

In closing, let me thank my colleagues on the Financial Services Committee for their leadership on this legislation, especially my Democratic colleagues Representative CAROLYN MALONEY and JOSEPH CROWLEY of New York for their efforts.

Mr. PEARCE. Mr. Chairman, this urgently needed bipartisan legislation constitutes an important step forward in our efforts to improve homeland security. H.R. 556 injects significant doses of transparency, accountability, and oversight into how our government reviews and approves U.S. investments by foreign government-owned companies.

Before the proposed transfer of six major eastern shipping terminals to Dubai Ports World came to light last year, very few Americans had heard of the Committee on Foreign Investment in the United States, or CFIUS. The concern that greater scrutiny was not applied to this transaction and its potential impact upon the security of our ports became a source of shock and outrage—and CFIUS became synonymous for bureaucratic failure in the face of the post 9–11 challenges America confronts.

Congress began investigating the CFIUS process immediately following the resolution of this controversy. The House and Senate passed legislation last year which enhanced reporting standards while strengthening congressional oversight; yet a final conference agreement was not reached before the end of the last Congress.

H.R. 556 builds upon last year's efforts, providing the comprehensive CFIUS reform that our national security requires without overburdening the flow of commerce and capital upon which our prosperity depends.

I have listened to American business owners as they urged us to act for the sake of certainty and stability in international investment markets—and I am pleased that acting together as Democrats and Republicans, we are poised to pass legislation today that constitutes real progress toward addressing their concerns.

We must remain vigilant in our oversight of CFIUS and other long-established bureaucratic processes that can fundamentally impact our economy and our security. We can—and we must—protect our homeland while ensuring that foreign investment remains strong and New Mexico and America continue to be the best places in the world to do business.

Mr. DINGELL. Mr. Chairman, the Committee on Energy and Commerce supports the consideration of H.R. 556 by the House today. This bill adopts a number of needed reforms to the process by which the Federal government reviews foreign investments in the United States for their national security implications. The free and fair flow of capital and trade is an important goal. At the same time, we face new challenges in a complex global economy where countries increasingly have clear national strategies on how to compete in order to increase national power and their standard of living.

In 1987, the leadership of the Congress was troubled by our nation's rising trade deficit, and decided to craft an omnibus trade bill. Congress passed the Omnibus Trade Act in 1988. The so-called Exon-Florio amendment to the Defense Production Act, written by the Senate and House Commerce Committees on which Senator Exon and Congressman Florio served, authorized the President to suspend or prohibit foreign acquisitions of U.S. companies in instances where the foreign acquisition poses a threat to national security. The President delegated this authority to the Committee on Foreign Investment in the United States.

The 1988 Act's Conference Agreement made absolutely clear that the term "national security" was meant to be broadly interpreted. H.R. 556 continues in this vein by including "a security-related impact on critical infrastructure" and "whether the covered transaction is foreign-government controlled" as additional factors required to be considered. The Report filed by the Committee on Financial Services notes that: "The Committee expects that CFIUS will consider all aspects of a covered transaction to determine if the investment threatens to impair national security." I wholeheartedly agree. The Report also makes clear that national security encompasses critical energy-related infrastructure issues. The Energy and Commerce Committee appreciates this emphasis on matters within our jurisdiction and of critical concern to the security of the nation.

I also note that, under this legislation, the membership of CFIUS includes the Secretaries of Commerce and Energy, the Secretary of Commerce is a vice chair of CFIUS, the Chairman and Vice Chairmen must approve all covered transactions and must certify that foreign government transactions pose no threat to national security, CFIUS's annual report will also be directed to the Committee on Energy and Commerce, and the Department of Commerce must be consulted on the study of foreign investment in critical infrastructure and industries affecting national security. I support these changes. I further note that the Committee on Financial Services has agreed to a request from Energy and Commerce to require Inspector General reports as an important oversight and accountability check on the operations of CFIUS. This agreement is contained in an exchange of letters to be inserted in the RECORD.

I urge my colleagues to support this legislation. I look forward to working with the Committees on Financial Services and on Foreign Affairs to bring a good law to the President's desk.

Mr. CUMMINGS. Mr. Chairman, I rise today in strong support of the National Security Foreign Investment Reform and Strengthened Transparency Act of 2007, H.R. 556, of which I am also an original co-sponsor.

Last year, the proposed sale of the P&O firm—which manages terminal operations at major East Coast ports, including the Port of Baltimore—to a company controlled by the government of Dubai raised several significant issues to the attention of Congress.

In addition to making many aware for the first time that operations in American seaports are frequently managed by foreign interests, the sale brought renewed attention to the significant gaps in our port security regime.

Further, the proposed deal revealed the inadequacy of our systems for assessing the security risks that the increasingly global nature of business ownership relationships may pose—not just in the port management industry but in almost all critical industries in the U.S.

Fulfilling our unwavering commitment to the security of our homeland, the Democratic leadership has moved systematically to address the security concerns raised by the proposed sale of P&O to Dubai.

The first piece of legislation the House considered and passed this year—H.R. 1—would close an enormous gap in port security by requiring the examination of all shipping containers bound for the U.S.

The bill before us today, H.R. 556, will reform the processes of the Committee on Foreign Investment in the United States (CFIUS) to ensure that this Committee casts greater scrutiny on transactions involving entities owned by foreign individuals or governments—and to ensure that Congress receives the information it needs to oversee this process.

As the Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I understand the critical need to balance security and economics—particularly at our ports.

However, we must ensure that the CFIUS process—which is as much a part of our homeland security system as any scanner or radiation detector—is adequate to ensure that the implications of all transactions involving foreign entities are fully understood and that only those investments that pose no national security risks are allowed to move forward.

I urge my colleagues to support H.R. 556.

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act. This legislation strikes the delicate balance between the need to encourage foreign direct investment in the United States and the ability to critically review potential investment deals that threaten our national security.

I am particularly pleased that this bill formalizes the Committee on Foreign Investment in the United States (CFIUS) membership and designates the Secretary of the Treasury as the Chair. It is crucial to our economy that we continue to encourage foreign countries to freely invest in the United States, and the legislation before us will do just that.

It is, however, equally important to ensure that in cases where potential investment deals could impact our national security, we have a stopgap measure allowing us to critically review the potential ramifications and to proceed with caution. I am therefore also pleased that this legislation designates the Secretary of Homeland Security as the Vice Chair of CFIUS. The United States has historically been open to foreign direct investment and has provided foreign investors with fair, equitable and non-discriminatory treatment, and I believe this legislation will be implemented within this context.

Foreign direct investment continues to provide benefits to our economy in terms of jobs, technology, management expertise, and capital. The legislation we are considering today will continue to encourage such investment while strengthening the process through which we can ensure that none of these arrangements hinder our national security interests. I therefore urge my colleagues to join me in supporting this legislation.

Ms. WATERS. Mr. Chairman, as you know, I was a strong supporter of H.R. 5337, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2006, which passed the Financial Services Committee as well as the House in the 109th Congress. First, I want to again acknowledge the work of our distinguished chairman of the Committee of Financial Services, Mr. FRANK and Mr. GUTIERREZ, chairman of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology for supporting this bill. Let me also thank Ms. MALONEY, a member of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, for again introducing this important national security legislation, H.R. 556. In addition, the bill now has more than 50 co-sponsors.

Last year, the House approved a comprehensive set of reforms to the Committee on Foreign Investment in the United States (CFIUS) process. It is a testament to the diligence of Ms. MALONEY and other members of the Committee on Financial Services that H.R. 556 is being considered so early in this session.

It has been almost a year since we learned of the Committee of Foreign Investment's (CFIUS) activities related to Dubai World Ports and the implications of the proposed deal for national security. I can genuinely say that the members of the Committee on Financial Services have been most directly involved in this issue since that time.

The bill the House passed last year, H.R. 5337, was designed to reform the CFIUS process based on the information gleaned from earlier hearings on the subject. We have heard about the negative impact of cutting off foreign direct investment in the U.S. However, it would be foolish to assume that we would take any such steps to prohibit foreign direct investment. At the same time, we need to consider safeguards to ensure that the CFIUS process is consistent with the original intent of the Congress concerning national security and investments.

It is time that CFIUS operated within the law, and that it is made clear who is responsible for what in the decisionmaking process. Another critical issue is how decisions are actually made, and what entity is principally responsible for protecting the national security interests of this Nation as they pertain to foreign direct investment.

This bill enables CFIUS to unilaterally initiate a review where an issue of concern is raised; any foreign government backed deal would be subject to review; both the Secretaries of the Treasury and Homeland Security must sign off on reviews, while the Homeland Security Secretary would be vice-chair of the Committee; and all reviews are subject to review by the Director of National intelligence.

In addition, everyone knows that transparency and accountability were, in part, at the heart of the congressional uproar over the Dubai World Ports deal. Importantly, H.R. 556 like its predecessor bill requires that CFIUS report biannually to Congress on its activities. This is strong legislation that will only make Congress' job less difficult on the issue of national security and foreign direct investment.

I urge my colleagues to support H.R. 556 without any weakening amendments. Unfortunately, there are those who would have you believe that the bill in not balanced. I would submit that the bill represents a comprehensive well-balanced measure in view of the global situation. Indeed, this bill will not undermine foreign investment in the U.S.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 556, National Security Foreign Investment Reform and Strengthened Transparency Act of 2007, and I urge my colleagues to join me in voting in favor of it.

Many Americans were rightfully concerned in 2006 by the Dubai Ports World scandal. I support H.R. 556 because this bill provides the needed reform to the Committee on Foreign Investment in the United States (CFIUS). By reforming CFIUS, the United States can better balance the critical issue of national security with the billions of dollars in foreign investment that helps keep our economy strong. H.R. 556 formally establishes CFIUS and its membership and streamlines the process for reviews by the committee. This bill mandates a 30-day review for all national security-related business transactions and a full-scale 45-day investigation to follow if necessary. This bill also ensures these decisions are made at a senior level and requires CFIUS to report to Congress five days after their final action on an investigation. The United States Chamber of Commerce supports this bill as do other groups concerned about responsible policy for foreign investment.

I oppose any amendments that weaken H.R. 556, National Security Foreign Investment Reform and Strengthened Transparency Act of 2007. The three amendments introduced by Rep. MCCAUL all place burdensome reporting requirements on CFIUS and detract from the committee's mission. Reporting on tax issues is outside the scope and expertise of the committee. CFIUS and its resources should be focused on foreign transactions, and most importantly, on national security.

I support H.R. 556 and urge my colleagues to join me in improving our national security while safeguarding America's economy.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for purpose of amendment, and each section is considered read.

No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the bill is as follows:

H.R. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security Foreign Investment Reform and Strengthened Transparency Act of 2007".

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COMMITTEE.—The term 'Committee' means the Committee on Foreign Investment in the United States.

"(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

"(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

"(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

"(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

"(1) NATIONAL SECURITY REVIEWS.—

"(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or on a motion made under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee, shall review the covered transaction to determine the effects of the transaction on the national security of the United States.

"(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

"(C) WRITTEN NOTICE.—

"(i) IN GENERAL.—Any party to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

"(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review unless—

"(I) a written request for such withdrawal is submitted by any party to the transaction; and

"(II) the request is approved in writing by the Chairperson, in consultation with the Vice Chairpersons, of the Committee.

"(iii) CONTINUING DISCUSSIONS.—The approval of a withdrawal request under clause (ii) shall not be construed as precluding any party to the covered transaction from continuing informal discussions with the Committee or any Committee member regarding possible resubmission for review pursuant to this paragraph.

"(D) UNILATERAL INITIATION OF REVIEW.—Subject to subparagraph (F), the President, the Committee, or any member acting on behalf of the Committee may move to initiate a review under subparagraph (A) of—

"(i) any covered transaction;

"(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

"(iii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A), and—

"(I) such breach is certified by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

"(II) such department or agency certifies that there is no other remedy or enforcement tool available to address such breach.

"(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the receipt of written notice under subparagraph (C) by the Chairperson of the Committee, or the date of the initiation of the review in accordance with a motion under subparagraph (D).

"(F) LIMIT ON DELEGATION OF CERTAIN AUTHORITY.—The authority of the Committee or any member of the Committee to initiate a review under subparagraph (D) may not be delegated to any person other than the Deputy Secretary or an appropriate Under Secretary of the department or agency represented on the committee or by such member (or by a person holding an equivalent position to a Deputy Secretary or Under Secretary).

"(2) NATIONAL SECURITY INVESTIGATIONS.—

"(A) IN GENERAL.—In each case in which—

"(i) a review of a covered transaction under paragraph (1) results in a determination that—

"(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1); or

"(II) the transaction is a foreign government-controlled transaction;

"(ii) a roll call vote pursuant to paragraph (3)(A) in connection with a review under paragraph (1) of any covered transaction results in at least 1 vote by a Committee member against approving the transaction; or

"(iii) the Director of National Intelligence identifies particularly complex intelligence concerns that could threaten to impair the national security of the United States and Committee members were not able to develop and agree upon measures to mitigate satisfactorily those threats during the initial review period under paragraph (1),

the President, acting through the Committee, shall immediately conduct an investigation of the effects of the transaction on the national security of the United States and take any necessary actions in connection with the transaction to protect the national security of the United States.

"(B) TIMING.—

"(i) IN GENERAL.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date of the investigation commenced.

"(ii) EXTENSIONS OF TIME.—The period established under subparagraph (B) for any investigation of a covered transaction may be extended with respect to any particular investigation by the President or by a rollcall vote of at least 2/3 of the members of the Committee involved in the investigation by the amount of time specified by the President or the Committee at the time of the extension, not to exceed 45 days, as necessary to collect and fully evaluate information relating to—

"(I) the covered transaction or parties to the transaction; and

"(II) any effect of the transaction that could threaten to impair the national security of the United States.

"(C) EXCEPTION.—Notwithstanding subparagraph (A)(i)(II), an investigation of a foreign government-controlled transaction shall not be required under this paragraph if the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Commerce determine, on the basis of the review of the transaction under paragraph (1), that the transaction will not affect the national security of the United States and no agreement or condition is required, with respect to the transaction, to mitigate any threat to the national security (and such authority of each such Secretary may not be delegated to any person other than the Deputy Secretary of the Treasury, of Homeland Security, or of Commerce, respectively).

"(3) APPROVAL OF CHAIRPERSON AND VICE CHAIRPERSONS REQUIRED.—

"(A) IN GENERAL.—A review or investigation under this subsection of a covered transaction shall not be treated as final or complete until the results of such review or investigation are approved by a majority of the members of the Committee in a roll call vote and signed by the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Commerce (and such authority of each such Secretary may not be delegated to any person other than the Deputy Secretary or an appropriate Under Secretary of the Treasury, of Homeland Security, or of Commerce, respectively).

"(B) ADDITIONAL ACTION REQUIRED IN CERTAIN CASES.—In the case of any roll call vote pursuant to subparagraph (A) in connection with an investigation under paragraph (2) of any foreign government-controlled transaction in which there is at least 1 vote by a Committee member against approving the transaction, the investigation shall not be treated as final or complete until the findings and report resulting from such investigation are signed by the President (in addition to the Chairperson and the Vice Chairpersons of the Committee under subparagraph (A)).

"(C) PRESIDENTIAL ACTION REQUIRED IN CERTAIN CASES.—In the case of any covered transaction in which any party to the transaction is—

"(i) a person of a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism;

"(ii) a government described in clause (i); or

"(iii) person controlled, directly or indirectly, by any such government,

a review or investigation under this subsection of such covered transaction shall not be treated as final or complete until the results of such review or investigation are approved and signed by the President.

"(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

"(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States of any covered transaction, including making requests for information to the Director of the Office of Foreign Assets Control within the Department of the Treasury and the Director of the Financial Crimes Enforcement Network. The Director of National Intelligence also shall seek and incorporate the views of all affected or appropriate intelligence agencies.

"(B) TIMING.—The Director of National Intelligence shall be provided adequate time to complete the analysis required under subparagraph (A), including any instance described in paragraph (2)(A)(iii).

"(C) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall not be a member of the Committee and shall serve no policy role with the Committee other than to provide analysis under subparagraph (A) in connection with a covered transaction.

"(5) SUBMISSION OF ADDITIONAL INFORMATION.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is on-going.

"(6) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

"(A) submitting any notice of a proposed or pending covered transaction to the Committee;

"(B) submitting a request to withdraw a proposed or pending covered transaction from review; and

"(C) resubmitting a notice of proposed or pending covered transaction that was previously withdrawn from review.".

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following new subsection:

"(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

"(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States established pursuant to Executive Order No. 11858 shall be a multi-agency committee to carry out this section and such other assignments as the President may designate.

"(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

"(A) The Secretary of the Treasury.

"(B) The Secretary of Homeland Security.

"(C) The Secretary of Commerce.

"(D) The Secretary of Defense.

"(E) The Secretary of State.

"(F) The Attorney General.

"(G) The Secretary of Energy.

"(H) The Chairman of the Council of Economic Advisors.

"(I) The United States Trade Representative.

"(J) The Director of the Office of Management and Budget.

"(K) The Director of the National Economic Council.

"(L) The Director of the Office of Science and Technology Policy.

"(M) The President's Assistant for National Security Affairs.

"(N) Any other designee of the President from the Executive Office of the President.

"(3) CHAIRPERSON; VICE CHAIRPERSONS.—The Secretary of the Treasury shall be the Chairperson of the Committee. The Secretary of Homeland Security and the Secretary of Commerce shall be the Vice Chairpersons of the Committee.

"(4) OTHER MEMBERS.—Subject to subsection (b)(4)(B), the Chairperson of the Committee shall involve the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (b) as the Chairperson, after consulting with the Vice Chairpersons, determines to be appropriate on the basis of the facts and circumstances of the transaction under investigation (or the designee of any such department or agency head).

"(5) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the Chairperson of the Committee without regard to section 552b of title 5, United States Code (if otherwise applicable).

"(6) COLLECTION OF EVIDENCE.—Subject to subsection (c), the Committee may, for the purpose of carrying out this section—

"(A) sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

"(B) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Chairperson of the Committee may determine advisable.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each of fiscal years 2008, 2009, 2010, and 2011 expressly and solely for the operations of the Committee that are conducted by the Secretary, the sum of $10,000,000.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The first sentence of section 721(c) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(c)) is amended—

(1) by striking "material filed with" and inserting "material, including proprietary business information, filed with, or testimony presented to,"; and

(2) by striking "or documentary material" the second place such term appears and inserting ", documentary material, or testimony".

SEC. 4. ADDITIONAL FACTORS REQUIRED TO BE CONSIDERED.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "may" and inserting "shall"; and

(B) by striking "among other factors";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(6) whether the covered transaction has a security-related impact on critical infrastructure in the United States;

"(7) whether the covered transaction is a foreign government-controlled transaction; and

"(8) such other factors as the President or the President's designee may determine to be appropriate, generally or in connection with a specific review or investigation.".

SEC. 5. NONWAIVER OF SOVEREIGN IMMUNITY.

Section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) is amended by adding at the end the following new sentence: "The United States shall not be held liable for any losses or other expenses incurred by any party to a covered transaction as a result of actions taken under this section after a covered transaction has been consummated if the party did not submit a written notice of the transaction to the Chairperson of the Committee under subsection (b)(1)(C) or did not wait until the completion of any review or investigation under subsection (b), or the end of the 15-day period referred to in this subsection, before consummating the transaction.".

SEC. 6. MITIGATION, TRACKING, AND POST-CONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (k) (as amended by section 3 of this Act) the following new subsection:

"(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

"(1) MITIGATION.—

"(A) IN GENERAL.—The Committee or any agency designated by the Chairperson and Vice Chairpersons may, on behalf of the Committee, negotiate, enter into or impose, and enforce any agreement or condition with any party to a covered transaction in order to mitigate any threat to the national security of the United States that arises as a result of the transaction.

"(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis of the threat to national security of the covered transaction.

"(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

"(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

"(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

"(ii) specific timeframes for resubmitting any such written notice; and

"(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

"(B) DESIGNATION OF AGENCY.—The Committee may designate 1 or more appropriate Federal departments or agencies, other than any entity of the intelligence community (as defined in the National Security Act of 1947), as a lead agency to carry out, on behalf of the Committee, the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph.

"(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

"(A) DESIGNATION OF AGENCY.—The Committee shall designate 1 or more Federal departments or agencies as the lead agency to negotiate, modify, monitor, and enforce, on behalf of *the Committee, any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency.*

"(B) REPORTING BY DESIGNATED AGENCY.—

"(i) IMPLEMENTATION REPORTS.—Each Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction shall—

"(I) provide periodic reports to the Chairperson and Vice Chairpersons of the Committee on the implementation of such agreement or condition; and

"(II) require, as appropriate, any party to the covered transaction to report to the head of such department or agency (or the designee of such department or agency head) on the implementation or any material change in circumstances.

"(ii) MODIFICATION REPORTS.—Any Federal department or agency designated by the Committee as a lead agency under subparagraph (A) in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

"(I) provide periodic reports to the Chairperson and Vice Chairpersons of the Committee on any modification to any such agreement or condition imposed with respect to the transaction; and

"(II) ensure that any significant modification to any such agreement or condition is reported to the Director of National Intelligence and to any other Federal department or agency that may have a material interest in such modification.".

SEC. 7. INCREASED OVERSIGHT BY THE CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

"(g) REPORTS TO THE CONGRESS.—

"(1) REPORTS ON COMPLETED COMMITTEE INVESTIGATIONS.—

"(A) IN GENERAL.—Not later than 5 days after the completion of a Committee investigation of a covered transaction under subsection (b)(2), or, if the President indicates an intent to take any action authorized under subsection (d) with respect to the transaction, after the end of 15-day period referred to in subsection (d), the Chairperson or a Vice Chairperson of the Committee shall submit a written report on the findings or actions of the Committee with respect to such investigation, the determination of whether or not to take action under subsection (d), an explanation of the findings under subsection (e), and the factors considered under subsection (f), with respect to such transaction, to—

"(i) the Majority Leader and the Minority Leader of the Senate;

"(ii) the Speaker and the Minority Leader of the House of Representatives; and

"(iii) the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives.

"(B) NOTICE AND BRIEFING REQUIREMENT.—If a written request for a briefing on a covered transaction is submitted to the Committee by any Senator or Member of Congress who receives a report on the transaction under subparagraph (A), the Chairperson or a Vice Chairperson (or such other person as the Chairperson or a Vice Chairperson may designate) shall provide 1 classified briefing to each House of the Congress from which any such briefing request originates in a secure facility of appropriate size and location that shall be open only to the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, (as the case may be) the chairman and ranking member of each committee of the House of Representatives or the Senate (as the case may be) with jurisdiction over any aspect of the covered transaction and its possible effects on national security, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, and appropriate staff members who have security clearance.

"(2) APPLICATION OF OTHER PROVISION.—

"(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House or any committee of the Congress shall be subject to the same limitations on disclosure of information as are applicable under such subsection.

"(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of the Congress and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.".

(b) ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (l) (as added by section 6 of this Act) the following new subsection:

"(m) ANNUAL REPORT TO THE CONGRESS.—

"(1) IN GENERAL.—The Chairperson of the Committee shall transmit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including the Committee on International Relations, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, before July 31 of each year on all the reviews and investigations of covered transactions completed under subsection (b) during the 12-month period covered by the report.

"(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The report under paragraph (1) shall contain the following information with respect to each covered transaction:

"(A) A list of all notices filed and all reviews or investigations completed during the period with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about the status of the review or investigation, information on any withdrawal from the process, any rollcall votes by the Committee under this section, any extension of time for any investigation, and any presidential decision or action under this section.

"(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and presidential decisions or actions under this section.

"(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

"(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later refiled such notices, or, alternatively, abandoned the transaction.

"(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction.

"(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next such report, to the extent possible.

"(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

"(A) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the annual report submitted under paragraph (1) the following:

"(i) An evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer.

"(ii) An evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

"(B) CRITICAL TECHNOLOGIES DEFINED.—For purposes of this paragraph, the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 or other critical technology, critical components, or critical technology items essential to national defense or national security identified pursuant to this section.

"(C) RELEASE OF UNCLASSIFIED STUDY.—That portion of the annual report under paragraph (1) that is required by this paragraph may be classified. An unclassified version of that portion of the report shall be made available to the public.".

(c) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon completion of the study under paragraph (1) or in the next annual report under section 721(m) of the Defense Production Act of 1950 (as added by subsection (b)), the Secretary of the Treasury shall submit a report to the Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study, together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by inserting after subsection (m) (as added by section 7(b) of this Act) the following new subsection:

"(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice required to be submitted, by a party to a covered transaction, to the President or the President's designee under this section and regulations prescribed under such section, and any information submitted by any

such party in connection with any action for which a report is required pursuant to paragraph (3)(B)(ii) of subsection (l) with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of such subsection, or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the person's knowledge and belief—

"(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

"(2) the notice or information is accurate and complete in all material respects.".

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

"(h) REGULATIONS.—The President shall direct the issuance of regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.".

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

"(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.".

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall apply after the end of the 90-day period beginning on the date of the enactment of this Act.

AMENDMENT NO. 3 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer the manager's amendment to the bill.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FRANK of Massachusetts:

Page 20, line 12, insert ", conducted by the Committee," after "analysis".

Page 22, line 17, strike "provide periodic reports" and insert "report, as appropriate but not less than once in each 6-month period,".

Page 23, line 23, strike the closing quotation marks and the 2nd period.

Page 23, after line 23, insert the following new clause:

"(iii) COMPLIANCE.—The Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately assure compliance without—

"(I) unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice has been filed pursuant to subsection (b)(1)(C), and if necessary reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason; or

"(II) placing unnecessary burdens on a party to a covered transaction.".

Page 25, line 6, insert ", at a minimum," after "including".

Page 25, line 12, insert ", or on compliance with a mitigation agreement or condition imposed with respect to such transaction," after "covered transaction".

Page 26, beginning on line 5, strike "the Committee on International Relations" and insert ", at a minimum, the Committee on Foreign Affairs".

Page 27, beginning on line 10, strike "the Committee on International Relations" and insert ", at a minimum, the Committee on Foreign Affairs".

Page 28, line 23, insert ", including a discussion of the methods the Committee and any lead departments or agencies designated under subsection (l) are using to determine compliance with such arrangements or conditions" before the period.

Page 30, line 21, insert "and annually thereafter" after "of this Act".

Page 31, line 13, strike "completion of the study" and insert "completion of each study".

Page 31, line 21, insert "described in paragraph (1)" after "to the study".

Page 31, after line 24, insert the following new subsection:

(d) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950 (as in effect before the date of the enactment of this Act).

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report to the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives, on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General.

Mr. FRANK of Massachusetts. Mr. Chairman, this is a compendium of amendments that came from some of our sister and fellow committees. The Chair and ranking member of the Armed Services Committee, the gentleman from Missouri, the gentleman from California, collaborated on some language. They, for instance, have noted that when we say periodic reports, that means not less than every 6 months. It also clarifies that CFIUS will report to any committee having jurisdiction over any aspect of the transaction, not just the named committees. And at the insistence of the gentleman from Missouri, which we agreed with, it says that if there are risk analysis performed by mitigation agreement, they will be performed by CFIUS.

The gentleman from Michigan, the Chair of the Energy and Commerce Committee, correctly pointed out that the bill had stricken a report from the Inspector General during our markup. He believed, and his committee believed this is important to reinsert, we agree, and it is reinserted. The gentleman from California, the chairman of the IR Foreign Affairs Committee, moved that we make the one-time report on how people deal with the Israel boycott an annual report, and that has been done. So these are seven amendments that we have incorporated, all of them recommended by three other committees of jurisdiction. They are supported on both sides. We believe they enhance the bill. And I hope they are adopted en banc as one amendment.

Mr. BACHUS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend Chairman FRANK for the manager's amendment. It makes a number of changes to the bill that was passed unanimously by the Financial Services Committee 2 weeks ago.

Formerly, I thanked Mr. BLUNT and Ms. PRYCE for their leadership on the bill. I omitted at that time to include the lady from New York (Mrs. MALONEY) who obviously has been a key Member in maintaining this legislation in a proinvestment stance and ensuring that flows of capital investment are not restricted. So I thank her.

As I said, the manager's amendment makes several key changes to the legislation we passed 2 weeks ago, and they are all designed to clarify existing provisions. They are made at the suggestion, as the chairman said, of the gentleman from California (Mr. HUNTER) with the consent, cooperation, and assistance of the chairman of that committee, Chairman SKELTON. They dramatically strengthen both the way CFIUS assures itself that companies are complying with mitigation agreements imposed as a condition of permitting a transaction and the way that CFIUS assures Congress that it is staying on top of compliance.

Every single one of these changes is designed to protect national security, and it is a significant strengthening of the bill for which we all can thank Mr. HUNTER and Chairman SKELTON.

Mr. Chairman, I urge strong support for the passage of the amendment.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KING of Iowa:

Page 18, after line 20, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

"(7) the potential effects of the covered transaction on the efforts of the United States to curtail human smuggling (and such term, for purposes of this paragraph, means any act constituting a violation of section 274(a) of the Immigration and Nationality Act) and to curtail drug smuggling with regard to any country which is not described in paragraphs (1) and (2) of section 1003(a) of the Controlled Substances Import and Export Act.".

Mr. KING of Iowa. Mr. Chairman, I bring an, actually, very simple amendment to the floor here. What it does is it just adds to the list of the issues that shall be considered by the President when considering one of the covered transactions. The simple language out of the amendment is that the President shall consider the potential effects of the covered transaction on the efforts of the United States to curtail human smuggling and to curtail drug smuggling. It covers a focus on human smuggling and drug smuggling.

I support the underlying bill, and I recognize the important role played by the Committee on Foreign Investment in the United States in protecting the American people and the security interests of the United States.

One important piece of this legislation will require the President to consider certain factors relating to national security when deciding whether to prohibit the acquisitions, mergers or takeovers that this legislation is intended to scrutinize.

The provisions of the bill provide the President with good criteria to use when deciding what actions should be taken to halt a merger acquisition, but it does not go quite far enough.

Mr. Chairman, my amendment of this bill would add a simple and straightforward requirement to the subject matter of things that the President should take into consideration when making these decisions. My amendment would require that the President consider the potential effects of the transaction on our work to stop human smuggling and drug smuggling.

This bill rightfully calls for the President to consider important factors relating to our national security, but it doesn't make any mention of the two important national security issues that threaten the United States, and we face it every day, and that is human smuggling and drug smuggling.

To give us some background, in the year 2000, the Interagency Commission on Crime and Security in U.S. Seaports, reported that of the 12 major U.S. seaports that it visited, narcotics seized in commercial shipments at the 12 ports constituted 69 percent of the total weight of cocaine, 55 percent of the marijuana and 12 percent of the heroin seized at U.S. borders.

Now that is the amount seized, not necessarily the amount that crosses across the border. There has been some effectiveness there, but we know the DEA has some numbers that also are shocking and might have a little different sense of proportionality.

But not surprisingly, the commission also stated that smuggling of illegal aliens is a problem, and those same 12 ports in that period of time, 1,187 stowaways and 247 individual fraudulent documents arrived aboard sea vessels. This is something that needs to be focused on by the President, and that is just those that were caught.

Of the many threats that face the United States in the global war on terror, we must closely evaluate every merger, every acquisition and every takeover that could put our country at risk, and especially those through drug and human smuggling and especially in this time when we are faced with this global war on terror.

This amendment, I think, is an amendment that improves the bill. I support the underlying bill, and I appreciate the work that is done on the part of the Finance Committee and on the part of the chairman and the ranking member.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, sometimes people get up in the legislative body and say, Mr. Chairman, I am opposed to this amendment because it is unnecessary.

It has been my experience that no one who says that is ever telling the truth. That is, no one opposes an amendment simply because it is unnecessary or superfluous or redundant.

Many us are lawyers. We are in the most redundancy-prone profession in the world. We rarely use one word where we can use two, lewd and lascivious, although I do not suggest that this amendment is either.

I say that because I do not think this amendment is necessary. I don't think it adds a great deal, and I support it. That is, it does not detract.

The reason I say that is I do not think that an administration that was cognizant of these elements would have excluded them. The only reason I rise to say that is this, and I hope we will adopt the amendment, but I wouldn't want us to set a precedent that if a factor was not specifically enumerated, it was not to be taken into account.

This enumerates factors that clearly should be taken into account, and I will therefore be supportive. I just want to make clear there is a Latin maxim, and my English does not always translate well over this microphone, so I won't try Latin, but it is when you specify one, you exclude the others. I just want to make clear that this is not a precedent for that.

The fact that we are specifically here singling these out, I am sure the gentleman from Iowa agrees, does not, in any way, denigrate the importance of other factors not mentioned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

Mr. CROWLEY. Mr. Chairman, I rise to strike the last word.

I thank the gentleman from Arizona for yielding me this time, and I want to thank my good friend from Massachusetts, the Chair of the Financial Services Committee, Mr. FRANK, for bringing this legislation before us today.

In particular, I want to thank my colleague and friend from New York, CAROLYN MALONEY, who has done an outstanding job in moving this bill so quickly through the House this year, through the committee, and now to the floor. CAROLYN, as myself, being from New York City, understands a number of issues as they come together here on this particular issue, that is, the need to make sure that our country is secure from the interests of terror, and, at the same time, wanting to ensure that our country is open to direct foreign investment.

Direct foreign investment is for two reasons, one, because it is good for America, it is good for New York, it is good for America. But also what we do here in the House of Representatives, and how we transform and change the CFIUS process, if we don't do it quickly and do it properly it can be reciprocated in other parts of the world against the interests of American corporations.

I also want to thank my good friend and colleague on the other side of the aisle, Mr. BLUNT, a gentleman with whom I had an opportunity to work with last year on this very similar legislation, as well as Representative PRYCE, for their hard work in ensuring that this bill came to the floor in such a fashion.

I have to harken back to last year just momentarily, and that is when we look at the overall issue of what brought this legislation to the floor right now, we have to understand the historical context that brought this legislation to the floor. What happened last year, what I call the Dubai Ports debacle, in the administration's inability to explain to the American people just what was happening and why it was in the interests of the United States to walk softly here.

But we have come a long ways since then. Last year, in a very politically contentious year, we would have passed unanimously out of committee very similar legislation as we have on the floor today and then passed unanimously out of the House that legislation, again, in a very hotly contested political year.

But this issue did not fade away because we failed to reach an agreement with the Senate last year and were never able to codify into law the CFIUS process, which was an executive order put into place in the early 1970s that has been amended several times, but never codified in a way which Mr. FRANK wishes to do today, which I would certainly wholeheartedly support.

This bill is a good jobs bill, it is pro-business and it is pro-labor. That is why I want to support this bill. This bill is about keeping the flow in foreign investment coming into the United States and not driving these funds and subsequent jobs out of the United States.

But H.R. 556 includes new tough safeguards put in place to ensure the security of America first. This entire legislative initiative, which has been pursued in a bipartisan fashion, is the result of the botched handling, again, of the Dubai Ports deal. That transaction involved a government-owned company from Dubai buying into various port assets here in the United States.

As a result, a significant and appropriate focus of the committee's work has been to toughen the scrutiny for acquisition by government-owned companies, since some government-owned companies will make decisions based on government interests and not merely on commercial interests.

No job, no deal, no transaction, is worth threatening the safety of Americans, and this bill puts those conditions in place.

We all know this to be true, but, again, being from New York, it is even more true. This bill will provide strong new safeguards to ensure our Nation's security and to protect our critical infrastructure but also continues to give CFIUS the flexibility to exercise discretion, allows CFIUS to focus on the deals that raise real national security issues and not get bogged down into those deals with no national security ramifications whatsoever.

This is a good bill protecting national security, guaranteeing the continued flow of direct foreign investment in the U.S. and ensure we will not have a Dubai Ports debacle.

I therefore urge my colleagues to support this very worthy piece of legislation. Again, I want to thank the Chair of the committee, the ranking member for bringing this bill, Mr. BACHUS, for bringing this bill so quickly to the floor; the gentlelady from New York, once again, CAROLYN MALONEY, for all of her work on this issue; my good friend, the minority whip, Mr. BLUNT, for his work, as well as Representative PRYCE.

This truly is a bipartisan piece of legislation and deserves every Member's support.

Mr. BLUNT. Mr. Chairman, I move to strike the last word.

I thank the gentleman for the time, and I am particularly pleased to follow my good friend, Mr. CROWLEY, at this moment in the debate. I want to recognize others later, but he and others, as he just said, made this a real bipartisan effort for many of us in the Chamber.

September 11 fundamentally changed the way we looked at the world. It also changed a number of important and substantive ways the way we defend against and react to things that could happen that would be unthinkable. It was really within the context of that change of rural view that Americans expressed the outrage they did over the Dubai Ports World deal last year.

The Committee on Foreign Investment in the United States, a previously obscure government agency, known to some and referred to in some debate, often referred to as CFIUS, approved that acquisition, and it didn't take long for the committee to attract all sorts of critical attention.

The reason for all the concern is that the CFIUS decision brought to light some very serious national security issues with equally serious implications for the safety and protection of vital points of the American infrastructure.

Thankfully, as the Congress set last year to consider ways to shore up security protocols over at CFIUS, we found ourselves agreeing that any reform of CFIUS ought to take great care to both encourage foreign investment in the future of America while balancing the need to maintain a strong program of national security. We can, as this bill does, protect America's families physically while protecting their jobs, their investments, and their pension plans.

Congress has no more important responsibility than to ensure the security of the Nation. But I don't believe that wholesale protectionism either protects our vital national security interest or advances our economic interest in the world.

During the last Congress, Congresswoman PRYCE, Congresswoman MALONEY, Congressman CROWLEY and I crafted a responsible bipartisan bill that addressed the problems exposed in the CFIUS process during the Dubai Ports World incident. Congressman FRANK and Congressman BACHUS helped to see that we got that debate on the floor and have done so much to see that we bring that debate back.

While the bill we passed didn't have a single dissenting vote, even though we asked for and had a roll call, we weren't able to resolve our differences with the other body before the end of the Congress, and so we didn't get that bill done. Today we come back with essentially an identical bill, I think slightly improved, that Congresswoman MALONEY was the principal sponsor of. Our goal is to strike the right balance here between securing the country and open engagement in a global economy.

The bill before us today accomplishes these objectives while dealing with the main issues the Dubai Ports World incident exposed.

□ 1200

It does this in a couple of ways. First, it reaffirms congressional intent relating to the so-called Byrd rule, which mandates a 45-day investigation for companies controlled by foreign governments. Any state-owned enterprise that poses any type of security risk will trigger an automatic CFIUS investigation.

Secondly, it increases accountability in the CFIUS process by establishing CFIUS in statute and adding the Department of Homeland Security and the Department of Commerce as vice chairs of the committee.

Third, our bill greatly expands congressional oversight and includes important language protecting proprietary business information.

The administration has raised some concerns regarding how these things will impact the process operationally. I look forward to working with the administration as we move forward to achieve our shared goal of creating a reasonable framework for approving foreign investments in the United States, while at the same time protecting our national security and ensuring that the mistakes of the Dubai Ports situation are not repeated.

The other thing we don't want to do also is make it so hard to invest in this country that American businesses aren't able to invest in other countries. We don't want to start an investment war, and this bill clearly is headed in the right direction to do the things it needs to do. We are fortunate to have the bill on the floor.

Congresswomen PRYCE and MALONEY, Congressmen FRANK, BACHUS, CROWLEY, KING, HOEKSTRA and BARTON have all been instrumental in coming with a bill that doesn't just respond to the excitement of the moment, but reaches a long-term conclusion that protects Americans and also protects the value of American companies. I am pleased to support it.

AMENDMENT NO. 12 OFFERED BY MR. BARROW

Mr. BARROW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BARROW:

Page 24, line 26, strike "and" after the semicolon.

Page 25, line 9, strike the period at the end and insert "; and".

Page 25, after line 9, insert the following new clause:

"(iv) Senators representing States and Members of Congress representing congressional districts that would be significantly affected by the covered transaction.".

Mr. BARROW. Mr. Chairman, it is long past time to fix what is broke with the CFIUS process, and I want to commend all involved in bringing us thus far on the project. I want to thank Mrs. MALONEY and Mr. FRANK and the

Financial Services Committee for their work in bringing this important legislation to the floor.

Last year, in response to the Dubai business, we had sort of a reprise of the Dubai business in my district. We had yet another CFIUS deal that actually came to public light, the Doncaster's deal that affected a plant and a business in my district. In response to the concerns that were swirling then around the Dubai business, I introduced a bill in the Congress last time, the Protect America First Act. And I am pleased to say that the bill before us incorporates many of the basic features of the Protect America First Act that I drafted in the last Congress.

One important area that I want to focus on has to do with the subject of postapproval oversight, the process or the lack of process under the existing law whereby Congress knows what is going on as it happens and after it happens. Congress has had no effective postapproval oversight of the project for the last 14, 16 years, and as a result, we have had many, many transactions without anybody having any idea what is going on.

Section 7 of the bill before us greatly addresses that problem by providing some meaningful postapproval oversight, the first real, effective oversight that Congress has had in this process since it was launched back in 1988.

The purpose of my amendment is to significantly enhance the postapproval oversight of Congress by making sure that not just folks with the greatest need to know, but the folks who know the most about the deals are also provided postapproval oversight.

My amendment does one thing and one thing only; it simply expands the universe of those folks who will be told what has happened after it has happened, to include the Members of the United States Senate from the States affected; and the Members of the House, not just the chairmen of the respective committees, but the Members of the House whose districts include the businesses and the employees of the businesses involved. That is the purpose of my amendment. That is all it does. I urge approval of the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word. And I think what the gentleman from Georgia has offered is very constructive. He called this to my attention. I have discussed this with the ranking member. I certainly believe it improves the bill. He pointed out an instance where he as a Member in whose district an important transaction took place had taken initiative and come up with some information that was directly relevant that should have been shared. I regard Members as useful input sources here.

Now, again, let's understand. The way this is drafted and the gentleman agreed to offer it, no one can say that this is the kind of amendment that might jeopardize the investment. Nothing in here would in any way lead to an investment not going forward. This is postapproval. If there is disapproval, then the issue doesn't arise.

What this does is, and we have all agreed that it is important to be able to monitor these arrangements, it lets the Member of Congress in whose district a transaction took place join in the monitoring.

Frankly, I guess as the chairman of the committee, I get a lot of these reports. I want to tell the Members that the extent to which I am personally going to travel around to these areas and monitor this, I hope no one is relying heavily on that.

On the other hand, knowing that the Members in whose districts these are happening are available and then come and talk to me, talk to the ranking member and talk to others, I think that improves what we had in there. So I hope the amendment is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MCCAUL of Texas:

Page 30, line 17, strike the closing quotation marks and the second period.

Page 30, after line 17, insert the following new paragraph:

"(4) CONTENTS OF REPORT RELATED TO BARRIERS TO INVESTMENT INTO THE UNITED STATES.—In order to assist the Congress in its oversight role of ensuring the national security of the United States by ensuring a healthy investment climate, the President, and such agencies as the President shall designate, shall include in the annual report submitted under paragraph (1) a detailed discussion of factors, including the effective rate of taxation on entrepreneurs and businesses and other sources of capital in the United States as compared to other countries, that affect the number of filings, changes in the types of business sectors involved in filings, and changes in the number of investments originating from specific countries.".

Mr. MCCAUL of Texas. First, Mr. Chairman, I want to commend the chairman of the committee and the ranking member for their important work on this bill. As a member of the Homeland Security Committee, I certainly see the importance and value of what we are doing here today.

Mr. Chairman, I rise in support of this amendment which requires the Secretary of the Treasury to include in his reporting information the rate of taxation in the United States as compared to other countries and how that would affect the investments examined by CFIUS.

And while I support the underlying bill, this amendment improves on the oversight requirements included in it. It requires the report to include information on how taxation affects foreign investment in the United States. Congress will be better informed on how our actions make it harder or easier for foreign countries to invest in our critical infrastructure.

The report is also required in the text of the bill, and this amendment merely ensures that we, as a Congress, know all the information we need to perform effective and better oversight.

The underlying bill is about how foreign investment affects national security, and there is no way to understand why foreign investments would be made here, or what it would do to our economy, without understanding the economic factors such as taxes.

I ask my colleagues to support this amendment and support a thorough report that examines all the factors affecting foreign investments in the United States.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment and its siblings which are apparently to follow.

I gather, I guess, an open rule, we have had so few of them, people can't resist the temptation to take advantage of them, even on matters that are not relevant to the bill.

Now, there is a different between relevance and germaneness. You can make a bill germane with a certain amount of ingenuity, or an amendment. But ingenuity does not affect logic. It only affects parliamentary rules.

This is a requirement that the administration do a report about taxation as it affects business. It says, to be germane to this bill, that it should see how it affects the foreign businesses. But, in fact, no one thinks that foreign direct investment or foreign-owned businesses are differentially affected than others. This is a call for an annual report on the effective taxation on business.

Apparently the gentleman may think that the Council of Economic Advisors annual report doesn't do a very good job. It is the kind of subject that they are supposed to be talking about. It is an effort, I think, to introduce an ideological debate, which is an entirely legitimate one, into a bill that it really does not pertain to.

I can say we have worked closely with the administration. The Treasury, on behalf of the administration, is not supporting this. They have, in fact, been saying, please keep this to national security.

Now, national security, in the CFIUS context, is meant to be clearly defined.

It is possible, of course, to say that everything is national security. Health is a matter of national security. Farm policy, agricultural policy is a matter of national security. But if you try to do everything, you often wind up not doing anything very well.

This is a narrowly targeted bill to talk about the extent to which foreign direct investment does or doesn't affect national security in a very specific definition of national security.

This amendment, and the following amendments, say, let's require the administration to do general reports on the effect of regulation, taxation, and something else, I don't remember what it was, on the economy. And it sort of bootstraps it into here.

It is not useful. It is a diversion. If Members think such a report ought to be done, then there are other fora in which to do it. To burden the CFIUS process with this would be a mistake, and I, therefore, hope that the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCCAUL of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL of Texas:

Page 30, line 17, strike the closing quotation marks and the second period.

Page 30, after line 17, insert the following new paragraph:

"(4) CONTENTS OF REPORT RELATED TO BARRIERS TO INVESTMENT INTO THE UNITED STATES.—In order to assist the Congress in its oversight role of ensuring the national security of the United States by ensuring a healthy investment climate, the President, and such agencies as the President shall designate, shall include in the annual report submitted under paragraph (1) a detailed discussion of factors, including the amount of burdensome regulation in the United States as compared to other countries, that affect the number of filings, changes in the types of business sectors involved in filings, and changes in the number of investments originating from specific countries.".

Mr. MCCAUL of Texas. Mr. Chairman, I rise today in support of this amendment which requires the Secretary of the Treasury to include in his reporting information on the amount of regulation in the United States, as compared to other countries, and how it affects the investments, the foreign investments, examined by CFIUS.

I support the underlying bill. This amendment simply improves on the oversight requirements. By requiring the report to include information on how burdensome regulation affects foreign investment in the United States, I believe Congress will be better informed on how our actions in the Congress can either make it harder or easier for foreign countries to invest in our critical infrastructure.

It is already required in the text of the bill. This would ensure us better oversight capability.

The underlying bill again is about foreign investment. I believe foreign investment affects national security. Issues relating to taxation and regulation certainly impact the foreign investments that are made both in this country and outside.

I ask my colleagues to support this bill.

Mr. Chairman, I would like to simply conclude that, and the chairman is certainly an expert and a leader in terms of financial security issues. Certainly he would recognize that our viability as an economic superpower is vitally important in this country as we look at countries like China and India.

So I do believe it is relevant. I believe our ability to globally compete is not just an economic issue, but really is an issue of national security.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. FRANK of Massachusetts. Will the gentlewoman yield to me for 30 seconds?

Mrs. MALONEY of New York. I yield to the chairman.

Mr. FRANK of Massachusetts. I would just say to the gentleman from Texas, yes, everything is connected to everything. Everything that rises must converge. But that does not mean that you don't try to deal with it before it has risen and converged.

The fact is that if you define everything as national security, you really can't do the piece by piece that you want to. And an inability to make those distinctions gets in the way of good public policy. This grew out the Dubai Ports situation. It grew out of a fear that things that were generally good for us economically might have an element that compromised national security narrowly defined, that they might lead to physical or other kind of problems, espionage, terrorism. And it is an effort to try and harmonize those. It doesn't mean that taxation and health care and a whole range of other things, elementary and secondary education, aren't ultimately related to national security. It does mean that trying to use this specific bill, in which we try to make sure that what is our national economic interest doesn't impinge on national security, but trying to load everything into that gets in the way of the committee that is charged with it, which is why the Treasury doesn't support it, among others.

Mrs. MALONEY of New York. Reclaiming my time, I will yield to the gentleman on his own time.

Mr. Chairman, I rise in opposition to the gentleman's amendment. The CFIUS process already requires comprehensive reporting to Congress on just about every factor conceivable that is relevant to the subject of national security and foreign direct investment. That is the purpose of this bill.

This is not the place to evaluate whether our tax or our regulatory system, our jobs should be changed to encourage foreign investment. That is not the purpose of this bill, and we cannot dress it up like a Christmas tree with all these other items.

I would suggest the gentleman put forward a stand-alone bill or address it in an economic development package, but that is not the purpose of this legislation.

□ 1215

The CFIUS process is put in place and should focus on national security. And while we value foreign investment, we certainly do not want CFIUS to be weighing the value of foreign investment, as per regulation or tax burden or jobs, against any national security risk. The primary purpose is national security. And if there are national security risks that cannot be fixed with an agreement, these transactions should not go forward, period.

I would like to add that the process that we have, the CFIUS process, requires annual reporting to a board setup of a committee on, among other things, all filings with CFIUS, details on the trends in filings, investigations, withdrawals, and Presidential decisions. It requires reporting on mitigation agreements and enforcement, the impact of foreign investment on critical infrastructure, critical technologies, and whether there is a coordinated strategy by one or more countries to acquire critical technologies in the United States.

But to force CFIUS to opine on policy matters outside of its mandate and expertise, CFIUS is not the right body to report on regulation matters or tax matters that the gentleman has put forward in his amendment, and this requirement will also distract CFIUS from focusing on its prime focus, which is protecting our American citizens, our national security first.

These are legitimate issues to raise, and I compliment the gentleman on his thoughtful research and concern, but this is not the area where it should be legislated.

So I join the chairman in strongly urging a "no" vote on the gentleman's amendment.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

I, too, want to rise in opposition to my good friend from Texas's amendment, which I believe is a noble attempt to improve the legislation. I just don't think it belongs here, as the gentlewoman from New York described as well.

What you are asking for, though, that is kind of interesting, is requiring CFIUS to report on the burdens placed upon potential companies entering into the United States through direct foreign investment. Where does this end? We could have an investigation on the burdens, on the burdens, on the burdens, creating more burden for both the companies that have to be investigated, asking them to give that information to CFIUS, as well as placing additional burdens on CFIUS. As the gentlewoman has said, diverting them from the attention that they need to focus on: national security.

And as the gentleman from Massachusetts has said, what is national security? What we have thought was an issue of national security 10 years ago no longer is today, and what we think of national security today may not be an issue of national security 10 years from now. It is ever changing and in flux. But clearly, creating more burden on direct foreign investment is not helpful in this process, I really believe.

Therefore, I would ask my colleagues to reject this amendment, to vote "no" on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCCAUL of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCCAUL of Texas:

Page 30, line 17, strike the closing quotation marks and the second period.

Page 30, after line 17, insert the following new paragraph:

"(4) CONTENTS OF REPORT RELATED TO BARRIERS TO INVESTMENT INTO THE UNITED STATES.—In order to assist the Congress in its oversight role of ensuring the national security of the United States by ensuring a healthy investment climate, the President, and such agencies as the President shall designate, shall include in the annual report submitted under paragraph (1) a detailed discussion of factors, including a detailed discussion, including trend information on the number of jobs in the United States related to foreign investment resulting from covered transactions, that affect the number of filings, changes in the types of business sectors involved in filings, and changes in the number of investments originating from specific countries.".

Mr. MCCAUL of Texas. Mr. Chairman, I rise today in support of this amendment, which requires the Secretary of the Treasury to include in his report information on the net effect of foreign investment on American jobs.

While I support the underlying bill, this improves our oversight capability and gives the information to Congress that we need on how jobs will be impacted by foreign investment. Congress will be better informed on how our actions lead to the creation or outsourcing of American jobs overseas. This report is already required in the text. This amendment will ensure we have better oversight.

The underlying bill is about, again, how foreign investments affect national security. There is no way to understand why foreign investments would be made here or what it would do to our economy without information, understanding the effect on jobs that foreign investments would have. I ask my colleagues to support this amendment.

And I would like to respond, if I may, that it is hard to imagine how our taxation and regulatory process is not related to foreign investment. And when we look at taxation, regulatory policies in this country, and when we look at jobs, particularly jobs being outsourced in countries like China and India, when we talk about viability, I appreciate the chairman's arguments and the gentleman from New York and the gentlewoman from New York, but it is hard for me to differentiate and dissect how national security is not impacted by our economic security and economic viability. If we are not a global superpower anymore, if we are not economically viable in this country, if we are losing jobs in this country, if our taxation and regulatory burden is so cumbersome that we are discouraging investment, including foreign investment in this country, I would argue that we are impacting our national security.

It is hard for me to conceive why the Congress wouldn't want this kind of information in evaluating our national security policies as they relate to economics. And the chairman, again, is an expert on financial security. I don't understand why you wouldn't want this information.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

The gentleman said he is unable to differentiate. I agree. He asked why don't I want this information. Mr. Chairman, I want lunch too, but I am not asking CFIUS to bring it to me. The question is not what I want. An intelligent, mature adult has a whole set of wants but differentiates, to use a word with which the gentleman said he had difficulty, in where and how you get them.

Yes, it is important to know what the effect of taxation is on the economy, and the Ways and Means Committee should be doing a lot of work on that. It is important to know about regulation. And our committee deals with regulation. Energy and Commerce deals with regulation. Other committees deal with regulation. The point is not that these things are not at some point useful, but whether a specific governmental entity, the Committee on Foreign Investment in the U.S., which is being created for a very specific purpose, ought to be given the burden of doing all that.

We have a Council of Economic Advisers. It is charged with many of these duties. We have the Federal Reserve system. They, under the Humphrey-Hawkins bill, make a monetary report twice a year. It is not that you don't have the information.

Here is, again, the situation. As a result of the Dubai Ports, there was a fear that that reaction would discourage people, foreigners, from investing in the U.S. This has a very specific purpose: to create a system in which people can be reassured that foreign direct investment has no negative effect on national security. In the sense that the gentleman is talking about that, that is not relevant to this bill. No one thinks foreign direct investment unfairly affects the tax system or the regulatory system. The concern is that we might have foreign direct investment that would put foreigners not loyal to this country, perhaps even inimical to this country, in positions where they could do us damage, through espionage, through sabotage, through the planting of bombs. That is what this bill is about.

The gentleman said, Isn't taxation important? Of course it is. Climate change is important. Should they report on climate change? Nutrition is important. Education in the sciences is important. There are a whole lot of important issues. Burdening this particular intergovernmental committee, which has a very specific focus, with all of these other problems doesn't make any sense. That is why, as I said, it is not supported by administration. It is opposed by the business community. The business community would share many of the gentleman's views, many of them, on the specifics of taxation and regulation, but they don't want to dilute the mission of this very specific committee.

Now, in this particular bill, frankly, even in its own terms I have trouble understanding what the gentleman is getting at. He says we "shall include a detailed discussion of factors . . . including trend information on the number of jobs" that affect the filing. Now, unemployment, it is hard for me to understand how that affects the filing.

Does the gentleman mean that if unemployment goes too low, foreign investors won't come to America because wage rates may go up? I mean, this is an important datum to have. We have this problem. We have annual reports, monthly reports on jobs.

The point we are making is that you should not, for whatever purpose, ideological or whatever else, inject this into this very specific, very important function. We want these people to thoroughly vet whether or not there is a purchase by foreign investors in America that could lead to national security issues in the narrow definition. That doesn't mean that there are not broader factors, such as, as I said, education and the environment and agricultural production, that affect national security. But this is not a bill on national security in general. It is a bill to say that we want very careful vetting of foreign direct investment to make sure that that in itself doesn't do negative things to national security.

There is broad agreement within the administration, within the business community, within our committee that that is an important function. The gentleman has broader purposes. I wish the jurisdiction of the committee encompassed that. We don't have jurisdiction over taxation.

Mr. McCAUL of Texas. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I will yield.

Mr. McCAUL of Texas. You correctly state the issue and the purpose of the bill, and that is a fear of discouraging foreign investments. And I would argue that our system of taxation and regulatory burden in this country has a direct impact on foreign investments.

Mr. FRANK of Massachusetts. Excuse me. Under the rules, I reclaim my time.

Mr. McCAUL of Texas. And the loss of jobs, outsourcing of jobs is a national security issue, in my view.

Mr. FRANK of Massachusetts. Mr. Chairman, I reclaim my time.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, I would say this. He is now focused on the issue. This is not about a bill about national security in general, and it is not a bill about anything that might discourage foreign investment. That is precisely the point. We want to focus on the extent to which the fear of the Dubai situation would discourage foreign investment.

There are other issues that might affect foreign investment. Currency. The gentleman didn't mention currency exchange rates. There are a whole number of things, environmental policies and other things, that might affect foreign investment. The gentleman has stated this is not a bill about whatever might affect foreign investment. We wouldn't have the jurisdiction and nobody in the administration wants to do that particularly. They want to focus specifically on national security. And what the gentleman would do would be to the move the focus on sabotage, espionage, terrorism, those very specific issues that call that forward.

Mr. BACHUS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during this debate we have talked about, and I think correctly so, the need to attract foreign investment. And that is one thing that we bipartisanly agree on, that it is very, very important.

There are barriers to foreign investment today, and I do believe it is appropriate in this legislation because this is the committee for foreign investment in the United States to look to see if there are not barriers to that foreign investment, which is chilling those investments that are so important for the economy. For that reason, I am supporting the gentleman's amendment.

Now, I do want to say this, not about the gentleman's amendment, and I rise to say at this time we, in the CFIUS bill as it moves forward, have got to resist the temptation to load this bill up like a Christmas tree, and I am not talking about the gentleman from Texas' legislation, because every requirement that we put on foreign investment has a tendency to alienate those making those foreign investments. And most of the time they are our allies.

In fact, even with Dubai Ports, Dubai is one of our strongest allies in the Middle East, and anyone that thinks that terminating that transaction is not without risk in the Middle East is simply naive because we took a country that welcomes our Armed Forces and is one of our strongest allies, and we basically told them, We don't trust you.

And that is a problem. Alienating one's allies, scaring away investors. And as this bill moves forward, my point is national security and foreign investment are not mutually exclusive. We can have both, but we should not use this mantra of national security to undermine our economy, whether it is through a CFIUS process that foreign investors just throw up their hands and walk away from to our detriment or through regulations over excessive taxation because this money is going to go into competitive markets.

So I think the gentleman from Texas and the gentleman from Massachusetts are both right in that we need to take a serious look at anything which says to foreign investors, who are basically financing our economy today, anything that is said to them that has a chilling effect on their investments.

□ 1230

I yield to the gentleman from Texas.

Mr. McCAUL of Texas. Mr. Chairman, this is a healthy discussion, a healthy debate. This bill is about foreign investment. This bill is a reporting requirement, hardly an outrageous request; I think a very sound request to the contrary on, as the gentleman stated, what are the barriers in this country to foreign investment?

It is hard for me to completely dissect our security and viability from one of national security, which is apparently what the gentleman from Massachusetts is attempting to do. I think they go hand in hand. I think we need to look at our ability to compete globally in this country. And when we do that, we are talking about national security. And when we talk about that issue, we have to examine our taxation and regulation policies in this country. And we have to look at the impact that these investments are having on jobs in this country. It is hard to tell the American people that their job is not an area of importance; it is important to our economic viability and security, and I would argue, I know the gentleman disagrees, that it is important to our national security.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. There is room for honest disagreement, but to suggest that I in any way said jobs aren't important is simply silly. Of course jobs are important. A lot of things are important. The war in Iraq is important. Global warming is important. They don't all go in the same bill. The gentleman's inability to distinguish between what is important and what you try to accomplish in a specific piece of legislation is disappointing, although it does not quite reach the level of a threat to national security.

Mr. CROWLEY. Reclaiming my time, Mr. Chairman, can anyone argue that investment in the United States does not create jobs? I mean, that is what this is all about, encouraging direct foreign investment from other countries in helping to create jobs here in the United States.

How the job market is touched in some way by the CFIUS process by a loan from direct foreign investment is, I am sure, an issue that someone may have some desire to know more about, but that is not the role of CFIUS.

Mr. McCAUL of Texas. Will the gentleman yield?

Mr. CROWLEY. I will yield in a moment.

That is the role of the Commerce Department to do those kind of studies. They can do that. Let them spend the time. Let's not divert the attention of CFIUS, which is to allow for a steady stream of flow of foreign investment in the United States, and at the same time checking the national security interests of our country, making sure that state-owned businesses that are entering into foreign investment of the United States are not in some way compromising our national security, the private-owned industry that are making investments in the United States are not jeopardizing or compromising our national security. That is the role of CFIUS.

It is not for CFIUS to become the Commerce Department. They have a role to do as well. They can do studies on the implications of the CFIUS process and foreign investment and how it is affecting the growth or loss of jobs in the United States, not the role of CFIUS.

I would yield to the gentleman.

Mr. McCAUL of Texas. I thank the gentleman from New York.

Again, this bill is about foreign investment. Is the gentleman arguing that our economic policies in the United States have nothing to do with foreign investment?

Mr. CROWLEY. Reclaiming my time, Mr. Chairman, no one is arguing that the CFIUS process and the direct foreign investment has an implication on the jobs of the United States. I am arguing that it will actually increase opportunities for jobs in the United States.

And it is not the role of CFIUS to make those investigations, that is the job of the Commerce Department.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

I join Chairman FRANK and my colleague from New York in stressing that the CFIUS process is first and foremost for national security, and to give clear guidelines and predictability to foreign businesses to invest in America.

The CFIUS process is supported, if the gentleman is concerned about jobs and the private sector, this is supported almost unanimously by the business sector of our country. They have come out, a whole list of groups, supporting this well-balanced legislation and have called upon it not to be dressed up like a Christmas tree. My other colleague said this did not dress it up like a Christmas tree, yet it is adding unrelated items to the bill. We have bills on commerce, we have bills on education, we have bills in other areas, and that is where this should be discussed.

Foreign investment is very important to our country. It provides 5.1 million American jobs, $1.9 trillion in equity investment; and some 50,000 jobs in New York City are created at this point by foreign investment. But not one of these jobs or dollars is worth risking our national security. That is why we have CFIUS. We do not want to risk our national security for any job, and we have a template, we have a procedure placed in the CFIUS process for direct, safe foreign investment.

I join my colleague in opposing this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word, and I yield to my colleague from Texas.

Mr. McCAUL of Texas. Mr. Chairman, just in a very short conclusion, I think we are ready to move on, but it is a healthy debate that we are having.

The relevance, as the gentlelady from New York mentioned, of jobs and national security, the relevance of our taxation policies and our economic policies and regulatory policies and our economic security does directly impact our national security in this country.

I fully support the underlying bill. It is needed legislation. It is a great piece of legislation. I commended the chairman and ranking member for this bill in response to the Dubai Ports issue. But, again, I don't think we can look at this, and why wouldn't we want this information in the Congress? Our taxation policy in this country or regulatory burden, does that have an impact on foreign investment? Why wouldn't we want that information in the Congress? Wouldn't we want to know whether foreign investment one way or the other impacts jobs in this country? I would argue that is a healthy examination that is useful information for the Congress in examining our economic viability as a superpower, our economic security in this country, which again is a national security issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Let me thank the chairman of the full committee and Chairman FRANK and the ranking member of the full committee for the heavy lifting that has been done.

I rise to support H.R. 556, and in the course of it, let me try to remind my colleagues why we got here. Among many reasons, I think the incident involving the Dubai Ports was not only a shock to the very fine Financial Services Committee, but a shock to Homeland Security, it was a shock to America. And the focus was not around I don't want jobs created by foreign investment; it was around, you mean to tell me we have been exposed to the potential of terrorist activities or control? Certainly some of the suggestions and allegations were probably farblown because people are fearful. And that is why we have come together to work on these issues from a collective Financial Services perspective and a number of other jurisdictions. On the CFIUS committee is the Secretary of Commerce, is the Secretary of Homeland Security, so therefore, these diverse issues can be addressed.

I rise to support H.R. 556 because of one particular reason. There is transparency. There is no more of the shock value. Across America we are now selling roads. We don't know what else we will be selling. We may be selling doors to banks as it relates to foreign investment. Not that we disagree with foreign investment. We want it to be balanced. And the way the bill has been constructed, one, there is a wide diversity of responsibility, including the Secretaries of Treasury, Homeland Security, Commerce, Defense, State and Energy, very appropriate, Attorney General, Chair of the Council of Economic Advisers, the U.S. Trade Representative, Director of Office of Management and Budget, Director of National Economic Council, and the Director of the Office of Science and Technology Policy. I can't imagine a more inclusive group to be able to make a very studied assessment, one, of protecting us, which is the real question that Americans ask, who's in my backyard, who's at my back door, and also not to reject legitimate, forthright and job-creating opportunities.

In the transaction process that has been laid out by this bill, it is a study in thoughtfulness. And I think it will work. This determination will be assessed: whether the transaction involves a foreign government-controlled entity, whether the transaction threatens to impair national security, and the review cannot mitigate the concern. So there you are again, no coverup, transparent. The National Intelligence Director identifies concerns and if CFIUS cannot agree upon methods to mitigate these concerns, any one CFIUS member agency votes against approving the transaction. So one entity, it may be Commerce, it may be Homeland Security, can raise a concern about this transaction.

This is, I think, a fast action on a matter that could not be addressed and did not get addressed in the last Congress. But we are here today talking about ways of securing America and working financially and businesswise with the various constituencies that would be impacted. I find this as a wonderful first step. Coming from the State of Texas, I can assure you that there is a lot of busy-ness about selling roads. It again raises its head of concern about security questions. I have always made the point, do we put making money over security? I believe that we have made a very important first step to strengthen this process, of recognizing the balance. My subcommittee on this question looks forward to hearings after the fact on the actual practical aspects of the selling of infrastructure in the United States, but we now have a body of thought through H.R. 556 which we can use as a form of study and relief.

In conclusion, let me again thank the sponsors of this bill, I am a cosponsor of it as well, but the chairman and ranking member and also for moving this swiftly and quickly and really answering the question of both transparency, jobs and security, might I say security being number one. I ask my colleagues to support the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. McCAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. McCAUL of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. RUPPERSBERGER. Mr. Chairman, I move to strike the last word.

I rise today in support of H.R. 556. This bill will make national security an important factor in foreign business transactions. Last year's news that the Government of the United Arab Emirates was going to take control over a number of U.S. ports shocked many Americans and it alarmed us here in Congress as well, even though the United Arab Emirates is a close and respected ally.

Congress came to understand that the Committee on Foreign Investment in the United States, or CFIUS process is broken. This process by which the United States sells property and assets to a foreign entity is not fully disclosed, has no congressional oversight and merely glances at the national security implications before a decision is made. Today we are working on passing the National Security FIRST Act to fix this problem.

As cochairman of the Port Security Caucus and the Member who represents the Port of Baltimore, we must commit to strong security while not adversely impacting commerce. After an initial review is conducted, CFIUS would immediately conduct a full-scale investigation on the effects the transaction has on national security. Understanding the national security implications is vital to these transactions, but it must be done in a reasonable time frame. We live and conduct business in a global environment and we must remain competitive. But we need to make sure that we keep our national security at the forefront of any decision.

☐ 1245

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5 by Mr. McCAUL of Texas;

Amendment No. 6 by Mr. McCAUL of Texas;

Amendment No. 7 by Mr. McCAUL of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. McCAUL OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Texas (Mr. McCAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 228, not voting 12, as follows:

[Roll No. 106]

AYES—198

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—228

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Brady (PA)
Carson
Cubin
Culberson
Davis, Jo Ann
Honda
Hunter
Inslee
Mica
Rothman
Space
Stark

☐ 1314

Mrs. McCARTHY of New York, Mr. SIRES, Ms. GIFFORDS, Mr. MELANCON, Mrs. TAUSCHER, Messrs. SESTAK, BARROW, KAGEN, LANGEVIN, Ms. NORTON, Mr. STUPAK, Mr. DINGELL, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. JEFFERSON, AL GREEN of Texas and LEWIS of Georgia changed their vote from "aye" to "no."

Messrs. CONAWAY, SAXTON, MCHUGH, FLAKE and FRELINGHUYSEN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HONDA. Mr. Chairman, on rollcall No. 106, had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 6 offered by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 10, as follows:

[Roll No. 107]

AYES—197

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—231

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Brady (PA)
Carson
Cubin
Culberson
Davis, Jo Ann
Hunter
Inslee
Mica
Rothman
Space

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1323

Mrs. JONES of Ohio changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MCCAUL OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 10, as follows:

[Roll No. 108]

AYES—197

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk

Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—231

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Brady (PA)
Carson
Cubin
Culberson
Davis, Jo Ann
Hunter
Inslee
Mica
Rothman
Space

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1333

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, on rollcall No. 106, 107, and 108, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. MICA. Mr. Chairman, due to my attendance at the Arlington National Cemetery funeral of U.S. Army SGT John D. Rode, my constituent from Lake Mary who died from injuries inflicted by a terrorist IED in Iraq on February 14, 2007, I was unable to cast votes on rollcalls 106, 107, and 108. Had I been present, I would have voted "aye" on each of these measures.

The CHAIRMAN. There being no further amendments, the question is on the Committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. PASTOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes, pursuant to House Resolution 195, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NEUGEBAUER. In its current form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Neugebauer moves to recommit the bill H.R. 556 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

Page 30, line 17, strike the closing quotation marks and the 2nd period.

Page 30, after line 17, insert the following new paragraph:

"(4) CONTENTS OF REPORT RELATING TO BARRIERS TO INVESTMENT IN THE UNITED STATES.—In order to assist the Congress in its oversight role of ensuring the national security of the United States by assuring a healthy investment climate, the President, and such agencies as the President shall designate, shall include in the annual report submitted under paragraph (1) detailed analysis of factors in the United States, such as—

"(A) the deleterious effect of burdensome regulations;

"(B) fair, equitable and nondiscriminatory treatment of entrepreneurs, businesses and other sources of capital;

"(C) the stability of the financial markets; and

"(D) economic competitiveness driven by innovation,

that, when compared to similar conditions in other countries, may negatively impact the number of filings, cause changes in the types of business sectors involved in such filings, and adversely affect the number of investments originating from specific countries, or that may induce retaliatory actions by other countries that directly impair United States global investments.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, this motion to recommit I offer today is straightforward and simple.

If adopted, it would require the President's annual report to the Congress on CFIUS operations to analyze the factors that promote the healthy investment climate and scrutinize the aspects of our regulatory environment that discourages such investment. I hope that all Members can agree that supporting foreign investment in the United States, with appropriate exceptions to protect our national security, benefits all Americans.

I also hope that all Members recognize that just as important to welcome direct investment in the United States, it is also important to identify and address the barriers that have been erected in this country that chill such investment. Open markets and national security support one another.

The U.S. regulatory climate is driving investment away. It is time to consider broad overhaul of our Nation's rules, enforcement policies and litigation system. The annual report required by this bill, the "Report Related to Barriers to Investment into the United States," is an important venue for Congress to seek information that can lay a foundation for such examination.

National security cannot become a pretext for protectionism. As well, it must be understood that artificial barriers to foreign investment will only induce international retaliation against U.S. investments overseas.

If the United States trends towards restricted markets, others will follow. Should such scenario play out, our country has the most to lose. I urge the House to adopt this motion to recommit with instructions so that we can better understand the impediments to legitimate foreign investment and to our country, promote our interests abroad and to ensure that the United States economy remains the envy of the world.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise to speak in opposition to the recommittal.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, this is fourth effort by the minority to get exactly the same thing voted on. Apparently, this strategy has become if at first you don't succeed, try, try, again and again and again.

I am disappointed at the poverty of their ability to obstruct. Now, here is where we are. We have a bill that is strongly supported by the administration and by the business community, their erstwhile allies.

We were asked by some on the Republican side and in the business community to get a closed rule, because they were afraid of irresponsible and silly amendments.

I rejected that request, and now I see, frankly, some people who asked me to support a closed rule voting for the amendments that came forward because we had an open rule. Apparently the motto of some of my Republican colleagues, when it comes to rules is, stop me before I obstruct again.

I don't intend to do that. I don't intend to protect you from your own worst impulses. After all, no one has protected me from mine.

We have a bill which says we do not want foreign investment which is good for this country, which is job producing and economically stimulative prevented by fears that unnecessary security interests will be raised. So we set up a policy, we set up a committee to vet proposals for foreign investment to make sure that there is no threat to national security and its very specific definition of terrorism, of espionage, of a transfer of information that might hurt us. This is to undo the damage that might have come from Dubai.

Apparently, the minority is dissatisfied because we are not somehow conforming to this stereotype of us. We have brought forward a responsible and balanced bill. We worked with Treasury. We worked with the business community.

They have decided now to expand the scope. What they have asked for, frankly, here, is a report from the committee that is charged with dealing with this very specific set of issues. Does a particular foreign direct investment impinge on national security?

They want to burden that committee over the objection of the Treasury Department, which does not like this recommit and did not like the amendment before that, the amendment before that, which all said the same thing.

They are trying to dilute the work of the committee by doing what? By asking for a report, for example, on hedge funds. Look at page 2. Let's have a report on the stability of the financial markets.

So instead of focusing their energies on whether or not a particular investment is a national security threat, this committee is supposed to give us a report on hedge funds and on derivatives, the stability of the financial markets. They are supposed to talk about nondiscriminatory treatment of entrepreneurs and the deleterious effect of burdensome regulation.

Of course, that is the right-wing premise that regulation is necessarily burdensome. There might, of course, be a conflict if you are going to talk about the deleterious effect of burdensome legislation, that might be in conflict with your ability to promote the stability to promote financial markets.

They don't belong in this bill. It is an effort to bring in right-wing ideological precepts into a bill that plays an important role. Now, I guess I regret their frustration that we haven't given them a better target to shoot at. But this proposal to take the Committee on Foreign Investments in the U.S. and turn it into the Federal Reserve Board and the Council of Economic Advisers, and God knows what else, will detract from the mission of that committee, make it harder for them to focus on national security, and serves no other purpose.

I would ask the Members for the fourth time to vote against the same issue. I would say to my Republican friends, I know you are not going to be worried about our time, I know you are not going to be worried about civility and comity, but could you take boredom into account.

The next time you are being obstructive, could you be a little creative, could you think of at least a couple of variations and could you not ask for the same vote four times. I have Members asleep over here because they are so bored for what you are doing.

I ask Members to rally themselves for one more "no" vote for the fourth time. I don't think there is any other means by which you can do it again, and let's then pass this bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. NEUGEBAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to suspend the rules and agree to House Concurrent Resolution 52.

The vote was taken by electronic device, and there were—ayes 193, noes 229, not voting 11, as follows:

[Roll No. 109]

AYES—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry

McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Brady (PA)
Burton (IN)
Cubin
Culberson
Davis, Jo Ann
Hunter
Inslee
Jones (OH)
Rothman
Space
Towns

□ 1404

Mr. FILNER changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 10, as follows:

[Roll No. 110]

AYES—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf

Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Cubin
Culberson
Davis, Jo Ann
Diaz-Balart, M.
Hunter
Inslee
Rothman
Space
Sullivan

□ 1413

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 52.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 52, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 111]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Bachus
Brady (PA)
Camp (MI)
Cantor
Conyers
Cubin
Culberson
Cummings
Davis, Jo Ann
Flake
Grijalva
Hinchey
Hunter
Inslee
Pryce (OH)
Rangel
Rothman
Slaughter
Smith (WA)
Space
Sullivan

□ 1422

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 997

Mr. KING of Iowa. Madam Speaker, for my bill, H.R. 997, inadvertently and by obvious mistake, the gentleman from North Carolina (Mr. PRICE) was listed as a cosponsor of the bill in error instead of the gentleman from Georgia (Mr. PRICE). I would ask unanimous consent that we grant the request of both gentlemen, that the gentleman from North Carolina's name could be removed from H.R. 997.

And I would apologize to both the gentlemen from North Carolina and Georgia who are named Mr. PRICE.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

DEMOCRATS, DON'T BLOW OUR GREAT ECONOMY

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, you know, over the last 12 years, the Democrats have been in the minority, Republicans have been in the majority. The economy boomed in the late '90s. We had this tragic event on 9/11; it should have sent this country into a terrible depression, but this Congress, Republican majority, pushed through tax cuts that have allowed the economy to rebound and be robust and provide jobs and better standard of living. And in 2 months of talking about raising taxes and more regulation and one committee chairman talking about how he is going to undermine the President's national security policy, in just 2 months we have this terrible damage to the stock market, to the economy. Unbelievable. They were saying last night on the news that this is the biggest drop since 9/11. In 2 months of talking about all these new plans, we are going to cost people jobs.

I would just encourage my friends across the aisle, be careful. We have built a great economy. Don't blow it quite so quickly.

IN RECOGNITION OF BLACK HISTORY MONTH

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Madam Speaker, I rise today in recognition of Black History Month. This gives us an opportunity to acknowledge how far we have come as a society, and to recognize the strides and extraordinary contributions that African Americans have made throughout our history.

Today our cultural diversity is a source of strength and enrichment for our Nation, and is a particular source of pride for the State of Maryland. But Black History Month also serves as a time for us to reflect upon the progress that still needs to be made.

Thirty-eight years ago, Shirley Chisholm became the first African American woman elected to Congress. Earlier this month we saw the appointment of Lorraine Miller as the first female African American Clerk of the U.S. House of Representatives.

Madam Speaker, as long as there are still firsts to be achieved, we must be tireless in promoting the ideals and values of the civil rights movement and its leaders.

Unfortunately, our Nation's history is one that includes harsh divisions along racial lines and, in many cases, deeply institutionalized racism throughout society. As a result of strong leadership, vision and tremendous sacrifice on the part of many, we have made significant progress over time and African Americans have made remarkable and enormous contributions to every sector of our society. Today, our cultural diversity is a source of strength and enrichment for our Nation and it is a particular source of pride for the state of Maryland.

This month gives us an opportunity to acknowledge how far we have come—to recognize the strides and extraordinary contributions that African Americans have made throughout our history. It serves as a time where our museums, cinemas, schools and other community centers can showcase the work of African American artists, entrepreneurs, business leaders, scientists, public officials, teachers, and the like.

But Black History Month also serves a time for us to reflect upon the progress that needs to be made. It is a time to consider the range of experiences within African American heritage and to redouble our commitment to equality for all. Some 38 years ago, the first female African American U.S. Representative, Shirley Chisholm, was elected to this Congress. Earlier this month, we in Congress saw the appointment of Lorraine Miller, the first female African American Clerk of the U.S. House of Representatives. As long as there are still firsts to be achieved, there remains a reason to promote the ideals and values of the civil rights movement and its leaders. Indeed, the movement continues to represent a beacon for social justice in all of America's communities.

So as we remember the struggle of Dr. King and of the many others who were with him, as well as those who came before and after him, we honor those like Lorraine Miller who are still blazing trails. We honor the special contribution African Americans have made to the greatness of our Nation, reflecting on how far this country has come and reminding ourselves of how far we have to go.

DEMOCRATS' BROKEN PROMISES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, lest the American people be deceived, the House is finished for today; 2:15 this afternoon, 4 hours and 15 minutes. Yesterday we were in session for less than an hour. Monday we weren't in session at all. This week, 5 hours and 15 minutes. That is less than 2 hours a day, Madam Speaker.

Madam Speaker, Orwellian democracy is alive and well here in Washington, but just because the Democrats say that we are working 5 days a week doesn't make it so. This kind of disinformation does a disservice to our entire Nation.

Democrat broken promises are piling up, Madam Speaker, and the American people are paying attention.

DEMOCRATS' EMPTY PROMISES

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. As my colleague from Georgia just said, I was looking forward to that 5-day workweek, and so far, since January 4, I believe we have experienced one. Here it is, 2:25. And I don't know of many people from the Third District of Georgia that are home right now. Most people are working.

The chairman of the Financial Services Committee said his people were falling sleep. They must be staying up too late at night because it is not from overwork. As my colleague from Georgia said, I think in the last 2 days we have worked an hour and a half.

When the Republicans were in charge, I remember getting home at 10:30, 11 o'clock, 12 o'clock at night from a hard day's work. And when the Democrats took over, I had to really kind of refocus on how to get back to my apartment because I had never seen the daylight hours.

So I want to ask the Democrats on the other side of the aisle, if you are going to say something, let's do it. Let's make sure that we do it, and that these are not just empty promises that you told the American people to get into the majority.

CIVICS LESSONS FOR REPUBLICANS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, I had not intended to speak, but after listening to these two people talk about what the House is doing, I think we are going to have to have some civics lessons around here for Republicans. They never followed the regular order.

The way things are supposed to happen in the House is you drop in a bill and it goes to committee, and you have hearings, and you have markups, and you work off the floor before you bring things to the floor. When the Republicans were in control, they never had committee hearings, they never had anybody come in, they never had any markups. It was all written in the Speaker's Office and brought to the Rules Committee and put out on the floor without any preparation.

This Congress is preparing issues that will be brought to the floor over the next several months. We are not asleep. We are just doing the regular order, which is going to committee.

In the Ways and Means Committee today we discussed global warming. There wasn't one single hearing in this House on global warming when the Republicans were in session, and yet it is the biggest issue facing this Nation.

REV. JULIUS SCIPIO

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, the community calls him an advocate for children. However, this reverend from Pickens, South Carolina, said he just never wanted to be an elder who sat around and criticized youth; therefore he got out and helped the children at risk in his community.

A community service leader who has touched lives and strengthened faith, Rev. Julius Scipio is a lifelong minister and a pastor at Ebenezer Baptist Church in Anderson, South Carolina.

Rev. Scipio has also been a strong advocate for the African American communities in the upstate of South Carolina, specifically in Anderson, Oconee and Pickens Counties. He is said to have blessed the members of his congregation through his service.

In 1994, Rev. Scipio was awarded the national Jefferson Award for his dedication to young African American males by creating the Elephant Men of Pickens County. He created this faith-based organization to represent elephants in the wild that form a circle to surround and protect the young in trouble.

During Black History Month, I thank Rev. Scipio for dedicating himself as a public and faith-based servant to protect our at-risk youth.

☐ 1430

DEMOCRATS WORK EVEN WHEN HOUSE FLOOR NOT IN SESSION

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, I had not intended to speak either, but after listening to some of my friends from the other side of the aisle discuss how the House has finished and we have concluded business, they may be going home for the day, but I want to share with America and my constituents what I am going to be doing. I am not leaving. I am going to continue to work.

At 2:30, I will be meeting with a constituent group from my district. I am going to return to a hearing of the Energy and Water Subcommittee. I will be meeting with another group from my district at 3. I am meeting with the adjuvant general of the New York National Guard at 3:30. At 4, I am meeting with a member from the other side, Congresswoman EMERSON, to discuss the Center Aisle Caucus.

Then I have a 4:30 staff meeting, then a Humane Society meeting, then a U.S.-China Working Group meeting. Then I will be going to George Washington University to give a speech.

My friends, it is okay for you to go home at 2:00 when the legislative business is done, but many of us on this side, we are going to continue to do the work that the American people want.

DEMOCRATS WORKING HARD IN WASHINGTON, D.C.

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I had not intended to speak this afternoon either. Actually, I am late going to a military personnel subcommittee hearing where we are going to take a look at the changes that are going to happen to the Reserve Montgomery GI bill. It is running a little late because we had votes, but we are working here. I don't know where the other side is. They are in the minority now, and maybe they are going home; but we have a lot of things to get done for the American people.

When I finish with the military subcommittee, I will be going to the full Homeland Security Committee where we are going to receive a briefing on the SpyNet program. On this immigration issue that everybody in America thinks is so important, this is how we protect the borders and how we are using assets there, and we are going to get a briefing on that. That should include Republicans. I don't know if they will show up for that meeting, but they should.

After that, Madam Speaker, I have a subcommittee on oversight and investigations with respect to the House Committee on Armed Services where I also serve. And then I will meet with constituents, credit unions, and people who are in town. So we on this side of the aisle are working very hard to keep the work going on here in Washington, D.C.

DEMOCRATS WORKING HARD

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, I, too, would certainly like to share my schedule. I have been listening and passing on and was not going to speak, but I heard complaints about work not being done.

I have a 4:00 meeting with the Progressive Caucus.

I have a meeting where we are going to be discussing the Employer Free Choice Act later this afternoon.

We have the National Wildlife Federation that is coming around to talk about their issues.

We then will be talking about the whole question of North Korea which is going on right now in the Foreign Affairs Committee.

The county executive from Hudson County, Mr. Tom DeGise, is coming over to discuss problems of the county.

Later in the afternoon, the president of Monmouth University will be in my office discussing their 2008 agenda.

We will have the Assistant Secretary of State for Near Eastern Affairs to talk about peace between the Palestinians and Israelis, something that is extremely important.

I have a meeting scheduled with Ambassador Olhaye, Dean of the African Diplomatic Corps.

I could go on and on. My time has run out, but I have still 8 or 10 or 12 issues to meet on.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CIVIL WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, finally, grudgingly, the administration has agreed to talk to Syria and Iran about the civil war that is raging in Iraq. This should have happened at least 2 years ago, so why now?

Has the President finally concluded what many of us have said for a long time: That you cannot shoot your way to a peace in Iraq? That would be a hopeful sign, but it is doubtful since he continues to escalate the U.S. presence in the middle of a civil war.

The apparent movement towards diplomacy comes at a curious time. The American people told their government last November to get their soldiers out of harm's way when they gave the Democrats a 2-year contract on the majority. And it didn't take long for this House to make a down payment on rebuilding trust with the American people.

Despite repeated Presidential claims that meant nothing, the overwhelming passage of Speaker PELOSI's first step in getting U.S. soldiers out of harm's way was the shot heard round the world.

No one wants to move faster than me in getting the soldiers out of Iraq. But every journey starts with a single step, and we have done it.

The American people and other nations welcomed the Speaker's leadership in getting this country to begin to set a new course in Iraq based on a reality, and not based on the same old rhetoric from the White House. They continue to bluster; so what else is new?

There are serious mainstream Middle East leaders who believe the U.S. policy has more to do with extraction than engagement. By extraction, they don't mean U.S. soldiers being extracted out of harm's way, they are referring to extracting Iraq's oil.

The Asia Times yesterday published two commentaries that are reverberating throughout the Middle East. One is called, "U.S.'s Iraq Oil Grab is a Done Deal." And the other is entitled: "Big Oil In, Stability Out Under New Iraqi Law." I will include the two articles for the RECORD.

As many articles in recent days have pointed out, the President's representatives in Iraq used intense pressure behind the scenes to get the Iraq government to take the first step in making production-sharing agreements, PSAs, the law of Iraq. There are scenarios in which investment and production will be a benefit to the Iraq people, but the Iraq people have to be solely in charge. As it stands, and as many fear, the PSA language approved over the weekend could indenture Iraq's oil wealth to U.S. oil interests for decades to come.

As passed by the Iraq parliament, a new centralized government agency in Iraq, closely tied to the U.S., would have ultimate control over who gets access to Iraq's vast oil resources.

The oil industry itself says it costs one single dollar to extract a barrel of oil in Iraq, but that barrel brings $60 today on the world market. How does big oil, closely aligned to the President and Vice President, spell conservation? It is spelled I-R-A-Q.

Here is the U.S.-Iraq equation as seen by people from the Middle East: Billions of barrels of oil, billions of dollars in profits, dozens of U.S. military bases across Iraq, and thousands of U.S. soldiers remaining in Iraq.

The bottom line is this: Is the President hoping Iraq will import democracy, or will it export oil under the thumb of U.S. oil interests?

The production-sharing agreements have not yet been enacted into law. The outcome is still uncertain. But one thing is certain, production-sharing agreements that favor the U.S. means the U.S. will be in Iraq for decades. The President has expressed a new found interest in diplomacy.

Are we going to negotiate with Iran at the same time we push for PSA agreements to become law? A lot of people in the Middle East wonder. The U.S. needs to state its intentions if there is any hope for a diplomatic solution in Iraq.

We not only need to extract U.S. soldiers from Iraq, we also need to extract U.S. oil interests from dictating the oil future for the Iraqi people. The deeper the U.S. goes in influencing the distribution of Iraq oil wealth, the more we inflame the tensions and suspicions about why we invaded Iraq in the first place.

Remember weapons of mass destruction and Osama bin Laden and al Qaeda and democracy? Now it becomes clear what it is really all about: Getting control of Iraq oil.

Madam Speaker, we have got to have the President come clean. Perhaps he will do a White House speech on this.

[From the Asia Times, Feb. 27, 2007]

U.S.'s Iraq Oil Grab Is a Done Deal

(By Pepe Escobar)

"By 2010 we will need [a further] 50 million barrels a day. The Middle East, with two-thirds of the oil and the lowest cost, is still where the prize lies."—U.S. Vice President Dick Cheney, then Halliburton chief executive officer, London, autumn 1999.

U.S. President George W. Bush and Vice President Dick Cheney might as well declare the Iraq war over and out. As far as they—and the humongous energy interests they defend—are concerned, only now is the mission really accomplished. More than half a trillion dollars spent and perhaps half a million Iraqis killed have come down to this.

On Monday, Prime Minister Nuri al-Maliki's cabinet in Baghdad approved the draft of the new Iraqi oil law. The government regards it as "a major national project". The key point of the law is that Iraq's immense oil wealth (115 billion barrels of proven reserves, third in the world after Saudi Arabia and Iran) will be under the iron rule of a fuzzy "Federal Oil and Gas Council" boasting "a panel of oil experts from inside and outside Iraq". That is, nothing less than predominantly U.S. Big Oil executives.

The law represents no less than institutionalized raping and pillaging of Iraq's oil wealth. It represents the death knell of nationalized (from 1972 to 1975) Iraqi resources, now replaced by production sharing agreements (PSAs)—which translate into savage privatization and monster profit rates of up to 75% for (basically U.S.) Big Oil. Sixty-five of Iraq's roughly 80 oilfields already known will be offered for Big Oil to exploit. As if this were not enough, the law reduces in practice the role of Baghdad to a minimum. Oil wealth, in theory, will be distributed directly to Kurds in the north, Shi'ites in the south and Sunnis in the center. For all practical purposes, Iraq will be partitioned into three statelets. Most of the country's reserves are in the Shi'ite-dominated south, while the Kurdish north holds the best prospects for future drilling.

The approval of the draft law by the fractious 275-member Iraqi Parliament, in March, will be a mere formality. Hussain al-Shahristani, Iraq's oil minister, is beaming. So is dodgy Barnham Salih: a Kurd, committed cheerleader of the U.S. invasion and occupation, then deputy prime minister, big PSA fan, and head of a committee that was debating the law.

But there was not much to be debated. The law was in essence drafted, behind locked doors, by a U.S. consulting firm hired by the Bush administration and then carefully retouched by Big Oil, the International Monetary Fund, former U.S. deputy defense secretary Paul Wolfowitz' World Bank, and the United States Agency for International Development. It's virtually a U.S. law (its original language is English, not Arabic).

Scandalously, Iraqi public opinion had absolutely no knowledge of it—not to mention the overwhelming majority of Parliament members. Were this to be a truly representative Iraqi government, any change to the legislation concerning the highly sensitive question of oil wealth would have to be approved by a popular referendum.

In real life, Iraq's vital national interests are in the hands of a small bunch of highly impressionable (or downright corrupt) technocrats. Ministries are no more than political party feuds; the national interest is never considered, only private, ethnic and sectarian interests. Corruption and theft are endemic. Big Oil will profit handsomely—and long-term, 30 years minimum, with fabulous rates of return—from a former developing-world stalwart methodically devastated into failed-state status.

In these past few weeks, U.S. Ambassador Zalmay Khalilzad has been crucial in mollifying the Kurds. In the end, in practice, the pro-U.S. Kurds will have all the power to sign oil contracts with whatever companies they want. Sunnis will be more dependent on the Oil Ministry in Baghdad. And Shi'ites will be more or less midway between total independence in the south and Baghdad's dictum (which they control anyway). But the crucial point remains: nobody will sign anything unless the "advisers" at the U.S.-manipulated Federal Oil and Gas Council say so.

Nobody wants to colonial-style PSAs forced down their throat anymore. According to the International Energy Agency, PSAs apply to only 12% of global oil reserves, in cases where costs are very high and nobody knows what will be found (certainly not the Iraqi case). No big Middle Eastern oil producer works with PSAs. Russia and Venezuela are renegotiating all of them. Bolivia nationalized its gas. Algeria and Indonesia have new rules for future contracts. But Iraq, of course, is not a sovereign country.

Big Oil is obviously ecstatic—not only ExxonMobil, but also ConocoPhillips, Chevron, BP and Shell (which have collected invaluable info on two of Iraq's biggest oilfields), TotalFinaElf, Lukoil from Russia and the Chinese majors. Iraq has as many as 70 undeveloped fields—"small" ones hold a minimum of a billion barrels. As desert western Iraq has not even been exploited, reserves may reach 300 billion barrels—way more than Saudi Arabia. Gargantuan profits under the PSA arrangement are in a class by themselves. Iraqi oil costs only US$1 a barrel to extract. With a barrel worth $60 and up, happy days are here again.

What revenue the regions do get will be distributed to all 18 provinces based on population size—an apparent concession to the Sunnis, whose central areas have relatively few proven reserves.

The Sunni Arab muqawama (resistance) certainly has other ideas—as in future rolling thunder against pipelines, refineries and Western personnel. Iraq's oil independence will not go down quietly—at least among Sunnis. On the same day the oil law was being approved, a powerful bomb at the Ministry of Municipalities killed at least 12 people and injured 42, including Vice President Adel Abdul Mahdi. Mahdi has always been a feverish supporter of the oil law. He's a top official of the Shi'ite party, the Supreme Council for the Islamic Revolution of Iraq (SCIRI).

A whole case can be made of SCIRI delivering Iraq's Holy Grail to Bush/Cheney and Big Oil—in exchange for not being chased out of power by the Pentagon. Abdul Aziz al-Hakim, the SCIRI's leader, is much more of a Bush ally than Maliki, who is from the Da'wa Party. No wonder SCIRI's Badr Organization and their death squads were never the target of Washington's wrath—unlike Muqtada al-Sadr's Mehdi Army (Muqtada is fiercely against the oil law). The SCIRI certainly listened to the White House, which has always made it very clear: any more funds to the Iraqi government are tied up with passing the oil law.

Bush and Cheney got their oily cake—and they will eat it, too (or be drenched in its glory). Mission accomplished: permanent, sprawling military bases on the eastern flank of the Arab nation and control of some of largest, untapped oil wealth on the planet—a key geostrategic goal of the New American Century. Now it's time to move east, bomb Iran, force regime change and—what else?—force PSAs down their Persian throats.

[From the Asia Times, Feb. 27, 2007]

Big Oil In, Stability Out Under New Iraqi Law

(By Antonia Juhasz and Raed Jarrar)

While debate rages in the United States about the military in Iraq, an equally important decision is being made inside Iraq—the future of its oil. A draft Iraqi law proposes to open the country's currently nationalized oil system to foreign corporate control. But emblematic of the flawed promotion of "democracy" by the administration of U.S. President George W. Bush, this new law is news to most Iraqi politicians.

A leaked copy of the proposed hydrocarbon law appeared on the Internet at the same time that it was introduced to the Iraqi Council of Ministers (cabinet). The law is expected to go to the Iraqi Council of Representatives within weeks. Yet the Internet version was the first look that most members of Iraq's Parliament had of the new law.

Many Iraqi oil experts, such as Fouad al-Ameer, who was responsible for the leak, think this law is not an urgent item on the country's agenda. Other observers and analysis share Ameer's views and believe the Bush administration, foreign oil companies and the International Monetary Fund are rushing the Iraqi government to pass the law.

Not every aspect of the law is harmful to Iraq. However, the current language favors the interests of foreign oil corporations over the economic security and development of Iraq. The law's key negative components harm Iraq's national sovereignty, financial security, territorial integrity and democracy.

The new oil law gives foreign corporations access to almost every sector of Iraq's oil and natural-gas industry. This includes service contracts on existing fields that are already being developed and that are managed and operated by the Iraqi National Oil Co (INOC).

For fields that have already been discovered, but not yet developed, the proposed law stipulates that INOC will have to be a partner on these contracts. But for as-yet-undiscovered fields, neither INOC nor private Iraqi companies receive preference in new exploration and development. Foreign companies have full access to these contracts.

The exploration and production contracts give firms exclusive control of fields for up to 35 years, including contracts that guarantee profits for 25 years. A foreign company, if hired, is not required to partner with an Iraqi company or reinvest any of its money in the Iraqi economy. It's not obligated to hire Iraqi workers, train Iraqi workers or transfer technology.

The current law remains silent on the type of contracts that the Iraqi government can use. The law establishes a new Iraqi Federal Oil and Gas Council with ultimate decision-making authority over the types of contracts that will be employed. This council will include, among others, "executive managers from important related petroleum companies". Thus it is possible that foreign oil-company executives could sit on the council. It would be unprecedented for a sovereign country to have, for instance, an executive of ExxonMobil on the board of its key oil-and-gas decision-making body.

The law also does not appear to restrict foreign corporate executives from making decisions on their own contracts. Nor does there appear to be a "quorum" requirement. Thus if only five members of the Federal Oil and Gas Council met—one from ExxonMobil, Shell, ChevronTexaco and two Iraqis—the foreign company representatives would apparently be permitted to approve contacts for themselves.

Under the proposed law, the council has the ultimate power and authority to approve and rewrite any contract using whichever model it prefers if a "two-thirds majority of the members in attendance" agree. Early drafts of the bill, and the proposed model by the US, advocate very unfair, and unconventional for Iraq, models such as production sharing agreements (PSAs), which would set long-term contracts with unfair conditions that may lead to the loss of hundreds of billions of dollars of the Iraqi oil money as profits to foreign companies.

The council will also decide the fate of the existing exploration and production contracts already signed with the French, Chinese and Russians, among others.

The law does not clarify who ultimately controls production levels. The contractee—the INOC, foreign or domestic firms—appears to have the right to determine levels of production. However, a clause reads, "In the event that, for national policy considerations, there is a need to introduce limitations on the national level of petroleum production, such limitations shall be applied in a fair and equitable manner and on a pro rata basis for each contract area on the basis of approved field-development plans." The clause does not indicate who makes this decision, what a "fair and equitable manner" means, or how it is enforced. If foreign companies, rather than the Iraqi government, ultimately have control over production levels, then Iraq's relationship to the Organization of Petroleum Exporting Countries and other similar organizations would be deeply threatened.

Many Iraqi oil experts are already referring to the draft law as the "Split Iraq Fund", arguing that it facilitates plans for splitting Iraq into three ethnic/religious regions. The experts believe that the law undermines the central government and shifts important decision-making and responsibilities to the regional entities. This shift could serve as the foundation for establishing three new independent states, which is the goal of a number of separatist leaders.

The law opens the possibility of the regions taking control of Iraq's oil, but it also maintains the possibility of the central government retaining control. In fact, the law was written in a vague manner to help ensure passage, a ploy reminiscent of the passage of the Iraqi constitution. There is a significant conflict between the Bush administration and others in Iraq who would like ultimate authority for Iraq's oil to rest with the central government and those who would like to see the nation split in three. Both groups are powerful in Iraq. Both groups have been mollified, for now, to ensure the law's passage.

But two very different outcomes are possible. If the central government remains the ultimate decision-making authority in Iraq, then the Iraq Federal Oil and Gas Council will exercise power over the regions. And if the regions emerge as the strongest power in Iraq, then the council could simply become a silent rubber stamp, enforcing the will of the regions. The same lack of clarity exists in Iraq's constitution.

The daily lives of most people in Iraq are overwhelmed with meeting basic needs. They are unaware of the details and full nature of the oil law shortly to be considered in Parliament. Their parliamentarians, in turn, have not been included in the debate over the law and were unable even to read the draft until it was leaked on the Internet. Those Iraqis able to make their voices heard on the oil law want more time. They urge postponing a decision until Iraqis have their own sovereign state without a foreign occupation.

Passing this oil law while the political future of Iraq is unclear can only further the existing schisms in the Iraqi government. Forcing its passage will achieve nothing more than an increase in the levels of violence, anger and instability in Iraq and a prolongation of the US occupation.

HONORING BRIAN JAMES IVORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Madam Speaker, we are all so proud on both sides of the aisle of the work that our servicemembers are doing in military theaters abroad, in Iraq and Afghanistan and so many places around the world. And we should be just as proud of the work they do when they come home.

I rise today to share with my colleagues the extraordinary heroism of Brian James Ivory. Mr. Ivory was a very proud member of the United States Marine Corps. He served in Iraq. He crewed aircraft flying in and out of some very dangerous places.

He was also stationed in North Carolina where he assisted in search and rescue missions, and he came home to Long Island when his deployment ended.

On December 17, he was driving home from work at night and he saw a vehicle in front of him hit a utility pole and erupt into flames. This young man, who had already served and sacrificed for his country, who had already paid his dues, rather than driving on and just calling the police, stopped his car, called the authorities and then pulled the driver out of the car, risking his life one more time, not in Iraq, but on the Long Island Expressway.

I want to commend this gentleman for his heroism. This is a story that I know is not unique. The point here is that we not simply celebrate the sacrifices and the heroism of our servicemembers when they go abroad to fight our battles, but we also keep in mind their bravery, their courage, their commitment, their dedication, their loyalty to protecting human life when they return home.

REGULAR ORDER LACKING UNDER DEMOCRATS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Speaker, I just wanted to come back and talk a little bit more about the majority and the work schedule and the work ethics that they seem to be putting forth. I could come up and read my BlackBerry and my schedule to you. I don't know if that is exactly what our constituents had in mind, was electing us and paying us to come up here and go to receptions and go to dinners and travel around ourselves. That is understandable. I think what they sent us up here to do was to do the people's business.

The gentleman from Washington (Mr. MCDERMOTT) came up and talked about regular order. I just had to come back, Madam Speaker, to address regular order. I have almost forgotten what regular order is because since we have taken over, since the Democrats took over January 4, I guess we have had maybe this bill and one other bill that actually went through regular order.

We had an organizational meeting for my committees, and I think I have had one other meeting in one of the committees, two hearings or three hearings in another committee, not actually about any of the specific legislation.

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In fact, the bills that have come to the floor have been taken out of two of the committees that I serve on to be brought directly to the floor without any kind of markup.

So I nicknamed this Congress, Madam Speaker, the smoke and mirrors Congress, and I think that they have done, and I am talking about the majority party that is in control now, have done a wonderful job with smoke and mirrors and fooling the American people.

We did a smoke and mirrors on the minimum wage. We did a smoke and mirrors on the war resolution. We have done several smoke and mirrors, and we continue to do smoke and mirrors.

It is just like the 5-day work week. They never address the 5-day work week. Where is the 5-day work week? Since the first week of January, we have had one 5-day work week. We may be going to have committee hearings, and we may be going to go to all these parties and receptions and other things, but when are we going to work? Because most of my constituents are at work right now. In fact, most of them, some of them, possibly started at 6 o'clock this morning. A lot of the airline people work a 5:00 a.m. shift. A lot of them start at 7:00, but we start at 10:00, and I have not had a hearing earlier than 10 o'clock, and today we finished the legislative business at 2:15.

So, Madam Speaker, I hear all these things, and I hear some good ideas, and I think the people do want us to work, but let us not campaign on one thing and then come to Washington and do something else. I think the people deserve more than that.

Also, I wanted to address the regular order thing. I am elected by 700,000 people in the Third District of Georgia, and they expect some representation up here, and I do my best to do that. They want a voice in the things that happen on this floor, but yet I have been unable to offer an amendment, unable to offer an amendment when the rules of the House clearly state that every Member of this body has the right to amend a piece of legislation. But when the Rules Committee meet, they waive that rule.

It is like the smoke and mirrors PAYGO that we got. People are like, oh, yeah, I like that PAYGO. They cannot increase the deficit or anything without making sure that the money is there to pay it. So, man, we love that PAYGO. The problem is that the Rules Committee, in the bill that came that involved that, waived that rule. Smoke and mirrors.

So, Madam Speaker, I am going to let people rest now. I see that Mrs. BLACKBURN is here to start her Special Order, but I just want the people, Madam Speaker, to understand that we are up here to do the people's business and not just to talk a good game, but to act a good game. So hopefully they will see that we want to earn ourself back into the majority, and they will have the confidence in us to lead this country once again.

THE EMPLOYEE FREE CHOICE ACT: RESTORING FAIR ELECTIONS IN THE WORKPLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Madam Speaker, I rise in support of the Employee Free Choice Act. It is natural to believe, as most Americans do, that since workplace elections have secret ballots, they are similar to the elections we have for municipal, State and national offices. Unfortunately, choosing to join a union is not like the choices we all make at voting booths in November.

Americans rightly expect not to be fired or harassed for the way they vote. They do not expect to hear that their jobs may be shipped overseas or that they may lose their health care coverage.

On the other hand, the law gives employers that oppose unions with illegal means a chance to do such things. Employers that want to fire or threaten the union-friendly worker can calculate ahead of time that it will only cost them a few thousand dollars in fines if they are caught. And wronged employees might not be reinstated for years, long after the union effort has run its course.

Other tactics are legal but unfair, such as mandatory meetings for employees to listen to their employer's antiunion views with no similar opportunities for unions to respond.

Workers are subject to intimidation so effective that many are afraid to vote for a union against the wishes of their employer, even in private, even in a secret ballot.

One study recently conducted by the University of Illinois found that 30 percent of employers fire prounion workers, 49 percent threaten to close a workplace, and 51 percent coerce employees with bribes or favoritism.

These acts are not legal under the National Labor Relations Act, but the fines are so paltry and the legal process so slow that unscrupulous employers are undeterred. People are afraid to vote for a union because they are afraid to lose their jobs and because the law does not adequately protect them.

These are not the kind of elections Americans expect at their polling places. The Employee Free Choice Act would bring our workplaces closer to the democratic ideals we do expect.

The Employee Free Choice Act would strengthen employees' ability to choose. It would discourage the firing of employees by increasing fines and penalties during the election process. It would require mediation and arbitration to end delays and make sure that the first contract negotiations do not drag out for years.

The Employee Free Choice Act would also replace secret ballots with a card check procedure in which a majority of workers, not just the majority of voters, sign cards authorizing a union.

Why is it so important to ensure access to unions? Inequality is rising in our country. Two years ago, Alan Greenspan said, "A free-market society is ill-served by an economy in which the rewards are distributed in a way which too many of our population do not feel is appropriate."

Whether or not you believe that increasing inequality in our country is tied to declining union membership, one thing is clear. Union workers have better rates of health care coverage, better wages, and are five times more likely to have a pension.

Access to health care, better wages, secure pensions, these are things Congress is trying to give back to the middle class in America. Making our economy work for everyone is a complicated, ongoing process. I believe the Employee Free Choice Act is one important step toward accomplishing that goal.

In most American workplaces, the process of forming a union is contentious. Yet, though they may differ over issues like wages, health care and pension benefits, employers, employees, supervisors and company owners are all striving for the same goal: American competitiveness in a global economy.

Finding a middle ground on the question of compensation, training and health care boosts American productivity, innovation and competitiveness. By giving the lion's share of the power to employers, we not only cheat workers, we cheat our economic future.

As we approach 2020, our income distribution is trending toward 1920. Americans do not want to be left to the market-based whims of health savings accounts, privatized Social Security, or personal job retraining accounts. They want a government that helps individuals provide for themselves and their families.

Senator Wagner wrote the National Labor Relations Act in 1934 to ensure that workers would have an unambiguous, unmitigated right to representation in the workplace. He said then that "the denial or observance of this right means the difference between despotism and democracy."

Let us give Americans a fair shot at organizing again. They deserve protection under the law. I urge my colleagues to support the Employee Free Choice Act.

THE CONSEQUENCES OF THE DEMOCRATS' ACTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Madam Speaker, I appreciate the opportunity to stand before the body today and talk about what we are seeing happen with some of the actions our colleagues on the other side of the aisle, the Democrats, have taken and what those actions, the consequences that they are having on our Nation's economy and the Nation's health.

Madam Speaker, we all feel like that one of the defining, iconic, fundamental items of this great Nation is our free-enterprise system. It is an imperative that individuals have the opportunity to show up to a proper job, to work hard, to get that job, to succeed and then to share that success with their families. We all call that the American dream, when you can work hard and build a life and build a nest egg and retire and enjoy the benefits of that.

It has been of tremendous concern to us, as we have seen the actions of this Congress and the effect that some of those actions are having on our Nation's economy. We have seen spending go up. There was a continuing resolution, supposed to be, that was passed by this body, but it turned out to be a head scratcher for most Americans because it was not level funding. It was not continued funding. It was $10 billion more in increased funding than had been there previously.

Now, where I come from in Tennessee, if you have one number and you add to it, you end up with more. That is an increase. It is an increase, and I think most Americans see it just that way.

What we also saw was that departments and agencies did not end up getting what they had had last year. There was some creative bookkeeping, some sleight of hand, if you will, that was taking place in smoke-filled rooms, not on the floor of the House, but with comments being made like, I am going to pick up the phone and call over to an agency and tell them how I want them to spend that money.

So that meant picking winners and losers out of the pot of money, and, of course, in my district, where I come from in Tennessee, we were very, very concerned that the loser was military construction. The loser was our men and women in uniform who are fighting to defend our freedom so that everything we do here is relevant. How shameful, how shameful that it is their projects that hit the chopping block.

So we saw that spending in that budget go up. Then we have been able to see what has happened with tax increases. All the language through the campaign of we are not going to increase your taxes, but we are going to do all these things, but we are not going to increase your taxes.

Well, I did a little figuring today to see what had happened with mandates and taxes and where we were on this issue, and, Madam Speaker, just to do a quick little checklist, as we have them, we have H.R. 2, the minimum wage bill. That was a $17 billion mandate on this Nation's small businesses, 17 B, billion, mandate on small businesses. That does not sound like something that is very friendly to our Nation's free-enterprise system.

Then we had H.R. 5, the student loan. That was a $7.1 billion repeal of lender subsidies, $7.1 billion more that the taxpayers then have to pick up the bill on.

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Oh, and I know it is sometimes fun to say, wink-wink, nod-nod, fees and user fees aren't always taxes. But, yes, indeed they are, because, as Ronald Reagan said, It's the taxpayer that pays. It's coming out of their pocket. So we see $17 billion on small businesses. We see $7.1 billion on lender subsidies and student loans. That is going to make education more expensive. H.R. 6, the CLEAN Energy bill, $7.6 billion in tax increases. And then, to add insult to injury, $314 million in repeal of tax credits on those that are out there trying to make certain that we become independent of foreign oil.

Now, some things are not only counterintuitive but they are counterproductive. And as we look at this, certainly raising taxes on those that are working to find alternative energy, raising taxes on our businesses who are working for clean energy, it just doesn't make good sense. It defies common sense. We see that in the CLEAN Energy Act.

Continuing on through the list, H.R. 976, the small business bill, actually is a $45 million increase in taxes. So what we have is since we have been here and since our colleagues across the aisle have taken control of the majority, they have increased taxes on their constituents by $32 billion. That is just tax increases. That doesn't count the added spending that is coming to this floor day after day after day, and we know that as we begin to work on budgets in coming years that that is going to continue to mount up. Because what we have learned is that the bill always comes due. Isn't it amazing, Madam Speaker, the bill always comes due. Somebody has to pay the bill. Or, as my used car dealership in my town says, Somebody's got to tote the note. And unfortunately it is the American taxpayer that is toting the note for the Democrats' spending habits.

You can go back to the Great Society and the New Deal and you can look at the way this bureaucracy has grown and grown and grown in this town. Madam Speaker, I would guess that many of this body are like me. They have individuals and constituents from different agencies that are coming in and visiting with them this week and what we are hearing is good programs, veterans programs, conservation programs, the money is not making it to the local level. And why isn't it? It is because the bureaucracy is soaking up all of the money right here in D.C. and our constituents' money is not leaving town. So we look at this $32 billion that has been raised in taxes since the Democrats took control, and we know that there is more note that we are going to have to tote on this budget, but we know they are going to come along and try to raise taxes again to pay for their spending habits.

We have got the spending that is increasing, we have got the taxes that they are increasing, and lo and behold this week we have a bill. It is called, well, you know, I kind of forget the name of it sometimes. Employer, some kind of name they have for it, or Card Check. I actually, Madam Speaker, prefer to call it the Worker Intimidation Act. I think it is a very fitting name for this legislation because it is not employee friendly, it is not security friendly, it is not job friendly. What it does allow is intimidation. And I find it so unfortunate that we see that embodied in this piece of legislation. I had read a poll that had taken place over the weekend, and it seems that most Americans, about nine out of 10 Americans, agree with me on this issue, Madam Speaker. What we see is that most people agree that an employee should be able to have a secret ballot. That it is something that as our Secretary of Labor has said, it is an intrinsic right. It is something that we hold very, very dear, the right to cast that ballot, to express our opinion, and to do it without fear and to do it without intimidation. Every worker deserves the right to cast their ballot and express their opinion.

So this Card Check bill, we are going to hear more about this this hour as we talk about the actions that have been taken and as we talk about the consequences that those actions have on the productivity of this Nation, the actions that those have on those consequences that affect this Nation's health and its economy.

At this time I would like to yield to the gentleman from Georgia as he is joining us in this Republican Study Committee hour to talk about this issue and the Republican Study Committee.

Mr. WESTMORELAND. Thank you, Ms. Blackburn. I really want to ask you a couple of questions, if I could, just to have a little conversation here. You talked about taxes and what was being done. How about the alternative minimum tax, the AMT, that was put in under the Democratic majority back in the late sixties or early seventies, that was really targeted to try to get 28 millionaires out of 250 million people that live in this country, to target 28 people, to come up with this alternative minimum tax that says, you know, if you fill out your 1040 and we don't feel like you paid enough tax, in other words, if you had too many deductions or if your tax really wasn't where we thought it needed to be, then you have to pay the alternative minimum tax.

I think the lady from Tennessee may have some numbers. I don't know. I have heard the number that as high as 32 million people are going to be affected, 10 percent of our population or over 10 percent of the population is going to be affected by something that the Democrats did to get 28 people to pay taxes. It should have been a little more simple than that, shouldn't it?

Mrs. BLACKBURN. Yes. That is one of the things we have seen with these unintended consequences or maybe intended consequences, because we know for the liberal elite, you can never pay enough tax. And one of the things when somebody says, well, we need to be taxing somebody more, I say, you know what, walk on up here, write out a check for what you think you owe and put it in the box. And I will offer to Madam Speaker and my colleagues, I have never had anybody say, "I am not paying enough." I have never had one single person offer to write out that check and give the government a little bit more. But it is so easy to say, pay more, when it's not you, it's not me, it's the guy behind the tree. And that, many times, is where they go, always wanting more money, because government never gets enough of your money. They always want more. They think they have a better idea. They think they're smarter. They think they're brighter. They think that they know more than anybody else. And the liberal elites do that.

We can go back and look at the beginning of the Federal income tax in 1913. It started in February 1913. Just 1 percent. Just on the few millionaires in the country to make them pay for a war. And look where it got us. And with the AMT, it was just going to be on 28 people, just for a little while, just to get a little bit more out of their pocket. And now, as you said, estimates of 30 million Americans, men and women who are both working in order to be able to provide for their children and their families so that they have that little piece of the American Dream. And then they are affected by the AMT. They are affected by the small business tax that has been paid, going to take another $45 million out of their pocket. They are affected by H.R. 2, that minimum wage bill, that is going to put another $17 billion worth of mandates on them. We see it just never stops. You give them an inch, they're going to take a mile. And it is the hang onto your wallet Congress. They just are coming for everybody's wallet and can't get to it fast enough.

We want everyone to stay in touch with us on this issue, and as I yield to the gentleman, I would like to call attention to our poster there so they can stay in touch with us on the Card Check bill and on different issues that are coming before us.

I yield to the gentleman from Georgia.

Mr. WESTMORELAND. That is exactly right. Here is the Web site right here: rsc@mail.house.gov. And you can go to the Hensarling Web site, our chairman, and let us know how you feel about the AMT. If this thing has affected you, we want to know about it, because we are going to make sure that we do everything that we can to make sure that this AMT does not continue to affect more and more of our taxpayers that go out every day and work hard for their money. And, by the way, they are probably still at work right now trying to earn some money.

Getting back to the Employee Intimidation bill, is it going to be an open rule or a closed rule? I don't want to talk inside baseball or get down in the weeds here, but are we going to be able to offer amendments? Am I going to be able to offer an amendment to perfect this bill? Or is it going to be a closed rule like we have been having where the people of the Third District of Georgia or some of the people from the lady from Tennessee's district or the gentleman from Texas' district that has no say-so in the process? Have you heard if we are going to be able to perfect this bill? Or is this bill perfect? Is this bill perfect and doesn't really need any perfecting?

Mrs. BLACKBURN. I think that what we are hearing from the other side, they think that they have a perfect piece of legislation. It probably in their minds would be something that they considered to be perfect. As I said, they name it the Employee Choice or something but it is indeed the Worker Intimidation bill, and they don't want anybody to really bring this, they want it on and off the floor as fast as they can get it.

One of the questions that we are asked a lot is wouldn't this give employees more choice over their employment decisions? And we know that the answer to that is a big "no." It will not. It is going to have the opposite effect.

We know that just as they don't want a lot of discussion on this floor about this bill, they don't want employees to have more choice and more freedom in how they choose to construct their work situations.

I would like to yield to the chairman of the Republican Study Committee, Mr. HENSARLING from Texas, who is joining us. Again, anyone who would like to be in contact with us and talk about what they are seeing in the workplace, talk about the increased taxes that the Democrats have brought forward, talk about the increased spending that our Democratic colleagues have brought forward, we would encourage them to be in touch with us at rsc@mail.house.gov.

At this time I yield to the gentleman from Texas.

Mr. HENSARLING. I certainly thank the gentlelady from Tennessee for yielding. I particularly appreciate her leadership not only within the Republican Study Committee, the conservative caucus in the House of Representatives, but also her great leadership on issues that impact the family budget, spending, because we know in this institution that you can't increase some Federal budget without decreasing some family budget.

At the moment we are talking about this thing, what most people call Card Check, which sounds innocent enough on its face, but I would note, as my colleagues have said, that it took the Democrats about 2 days to go ahead and waive their own pay-as-you-go provision that supposedly made sure we weren't going to get deeper in debt, it took them about 2 weeks to raise taxes on the American people, and, also, almost took them 2 full months before they started to try to repudiate the right to a secret ballot of American workers, before they try to take back the franchise from American workers. They have been very busy since they took over the House.

Now, the formal title of this piece of legislation that we are speaking about this afternoon is the Employee Free Choice Act. Now, Madam Speaker, we know that somewhere running around here in the Capitol are people who are paid to come up with clever titles for pieces of legislation. Well, whoever came up with that title surely deserves a bonus.

San Francisco, California, not exactly known as a bastion of conservative thought in America, one of their daily newspapers, the San Francisco Examiner, called that title exquisitely Orwellian, in referring to the famous author George Orwell and his book, 1984.

□ 1515

Madam Speaker, I don't know about you, but I know when I was in high school many, many years ago in College Station, Texas, that was required reading. For those who have read it either voluntarily or involuntarily, they may recall that to be Orwellian meant to turn things on their head to call black, white; to call up, down; to call good, bad. I must admit that the Orwell estate must be doing well, because people are still clearly buying his works.

This proposed Act has nothing to do with freedom. This proposed Act has nothing to do with choice. This proposed Act is nothing less, nothing less than a full frontal assault, a full, frontal assault of a worker's fundamental right to cast a secret ballot to choose whether or not they want to be a member of a labor union.

What is more fundamental to our democracy than the secret ballot? It is one of the pillars. It is one of the pillars of democracy, and yet the Democrats, in this cleverly titled bill, they want to take that away.

I might suggest that if they want to take that away, that Members of Congress who are going to vote for this Act, which will be on the floor tomorrow, maybe they ought to think about cosponsoring some companion legislation, and let's go ahead and just spread it all over America. Why don't we just go ahead and provide for card check for congressional elections?

Let's get rid of that secret ballot booth. Instead, why don't you publicly have to come down and take a little card and check in front of your friends, your neighbors, not to mention those who may not be too friendly to you, and just say who you are voting for. If it is good enough for congressional elections, it ought to be good enough for labor union elections.

Yet, again, Democrats are going to come to this floor tomorrow and vote on a piece of legislation to fundamentally take away the right to a secret ballot from workers all across America. By the way, poll after poll of labor union members say they are against this. They say it is fundamentally unfair to take away their secret ballot.

Now the labor union bosses making the six-figure salaries out of their dues, they have a different opinion. In fact, one was quoted saying "there is no reason to subject the workers to an election." No reason to subject the workers to an election. Kind of sounds like something Hugo Chavez might say in Venezuela.

You know, there is just no reason to subject the people to an election. But it does appear to be every single reason to subject workers to pressure and intimidation, and that is what this bill is all about. There have been card check campaigns in the recent past. This is known, you can go to public sources.

Now there was a union organizing at MGM in Las Vegas and union organizers threatened those people who would not check that they wanted to join a union. They said if we want to take over, we will get your job one way or another. We will get your job.

There was a United Steel Workers official. He was told to threaten migrant workers with deportation if they would not pick up the card and check that they wanted to be in the labor union. I don't know where the freedom is. I don't know where the choice is, but I certainly know where the pressure and the intimidation is.

Recently, just this last week, we had testimony from a worker in Oregon who said that when she would not publicly check the card that she wanted to join a labor union, that her work life became miserable, miserable when she refused to do this. Again, this is nothing more than assault on a fundamental right to a secret ballot in a labor union election.

This overturns decades and decades of custom and practice and law in America on how people can choose.

Now, listen, we live in a free society. We should live in a free society. Workers ought to be able to choose if they want to be part of a labor union. That is not a question. There is only one question that is going to be before the floor and that question is, should workers have the right to a secret ballot? Are they going to be open to intimidation, pressure and shakedown? Not one worker in America, not one worker in America is going to be benefited by this.

Now, I can think of others who are going to be benefited by this, because all of a sudden, labor union bosses are automatically going to have access to hard-working Americans' paychecks where they used to not have that, to source the money, and unfortunately, so many of these issues come down to money.

Indeed, follow the money. It may be instructive. The Pew Foundation has indicated that over half a billion dollars of labor union money has gone to the Democrat party since 1994. You know, even in Washington DC, a half a billion dollars is a lot of money. Seven out of the top ten political contributors in America are organized labor. The American people don't want this, workers don't want this, even unionized workers don't want this, but labor union bosses do. They want a fundamental assault on the right, the right to a secret ballot. What a day of infamy it will be in this House, should we approve that.

Mrs. BLACKBURN. I thank the gentleman from Texas for those well-structured remarks. Again, we are talking about a bill, a piece of legislation that would be a big win for big labor. It is something that they have wanted for a long time. It is something that they have said would strengthen them, the labor union, and, as my colleague from Texas said, the labor union bosses. This is where they want to go to build some power, to have access to those paychecks and access to the information of what their members are doing.

Now, we have a couple of documents that some of our friends may want to actually log on and get. Again, at www.house.gov/hensarling/rsc, you can come to these documents and pull them down. One is the card check issue, the end of secret ballots in America. I think this is very instructive.

It is important for individuals to read, and as my colleague from Texas said, are Members of Congress ready to do away with secret ballots in their elections? If it is good enough for the American worker, should it be considered for Members of Congress?

Now, in this document that I have just shown you, there is a list of groups that are opposed to card check and a list of groups that support it. Those that support it are ACORN, AFL-CIO, Americans for Democratic Action, Center for American Progress, Council on American Islamic Relations, the Democratic Leadership Council, the Democratic National Committee, Earthwatch, Human Rights Watch, NAACP, Sierra Club, Unitarian Universalist Association of Congregations in Washington, DC, and UNITE HERE!

Now, the groups that are in opposition to the card check proposal, the American Hospital Association, the American Hotel and Lodging Association, Associated Builders & Contractors, Associated General Contractors, Independent Electrical Contractors, International Council of Shopping Centers, International Food Service Distributors' Association, International Franchise Association, National Association of Manufacturers, National Restaurant Association, National Retail Federation, Printing Industries of America, U.S. Chamber of Commerce.

I also have in front of me the statement that has come to us from the Fraternal Order of Police. The Fraternal Order of Police in this great Nation stands against the card check bill. They are not for this, and their national president has called on Congress to reject the bill.

A couple things I would like to read to be certain that we get these in the RECORD, because the men and women who are members of our local law enforcement communities are there on the front line every single day defending our streets and our communities and keeping our homeland safe.

I think that it is worthy that we listen to them and that we heed what they tell us. There is some wisdom in the thoughts that they present to us. I am quoting from this press release. It says, "The legislation as proposed would replace the current democratic process of secret ballots with the card check system that invites coercion and abuse."

Under this process, the identity of workers who signed or refused to sign union organizing cards would be made public to the union organizers as well as to the workers' employer and co-workers, leaving these individuals vulnerable to threats and intimidation from union leaders, management or both.

The most common method for determining whether or not employees want a union to represent them is a private ballot election overseen by the National Labor Relations Board.

Then going on further and quoting from Mr. Canterbury's release, without the anonymity of the secret ballot, the FOP would probably not exist today. The only way to guarantee worker protection from coercion and intimidation is through the continued use of secret ballot elections so that personal decisions about whether to join a union remain private.

That is just comments from one of the organizations that understand how harmful this piece of legislation, the card check bill, or, as I have called it, the worker intimidation bill, would be on our Nation's business structure. This is something that we need to think very, very carefully about.

Another document that I would love to call attention to, from our Republican Study Committee, and, again, send us your thoughts at rsc@mail.house.gov, and you can go to our Web site, www.house.gov/hensarling/rsc, and you can pull this information down. But it is a Q&A on the card check issue, with some of the myths and some of the facts, the rights and the wrongs that spell this out, what it would mean to our Nation's law enforcement community, what it would mean to our Nation's business community.

Mr. HENSARLING. I wanted to follow up on the gentlelady's point, again. We are trying to preserve the fundamental right to the secret ballot in labor union elections. No matter what the opposition says that this is going to do, what we know is from the actual people, actual workers who are subjected to this card check procedure, we know intimidation and harassment is taking place.

Madam Speaker, I submit for printing in the RECORD a statement from Mike Ivey, materials handler at Freightliner Custom Chassis Corporation in Gaffney, South Carolina.

STATEMENT OF MIKE IVEY, MATERIALS HANDLER, FREIGHTLINER CUSTOM CHASSIS CORPORATION

My name is Mike Ivey, and I appreciate the opportunity to share with the committee my experiences under an abusive card check organizing drive which is still ongoing after 4½ years.

Freightliner Custom Chassis Corporation (FCCC) in Gaffney, South Carolina, has employed me for approximately 7 years. We are a non-union facility and more than the majority of employees are extremely proud of that fact. The problems we have started in the fall of 2002.

During contract negotiations for their union facilities, the UWA and Daimler Chrysler Corporation reached a card check agreement to allow the UAW to try to organize their non-union facilities. This agreement prevents FCCC from doing anything positive for their employees, or discussing the situation with the employees. This agreement also allows the union to recruit and pay FCCC employees at this facility to handle their card check system.

The card check system consists of coercing employees to sign a card for the union. If enough cards are signed, 50 percent + 1, then the facility is considered to be a union facility. In this process of obtaining the needed signatures, there are a lot of untruths told.

Early on, the employees for a non-union FCCC signed and submitted a petition which clearly states that they want no union representation at this facility. More than 70 percent of all employees signed this petition. The UAW and Daimler Chrysler Corporation received these petitions with no response, nor any halt in the card check drive.

In April 2003, the CEO of Daimler Chrysler promised the employees of FCCC a wage increase at a plant-wide meeting. In August 2003, when the time came to make good on that promise, the union threatened a lawsuit against Daimler Chrysler if the wage increase was implemented. They feared that if employees got the wage increase they had long been promised, it would reduce support for the union. We obtained free legal aid from the National Right to Work Legal Defense Foundation, and only after we filed charges at the National Labor Relations Board, did the union allow the pay increase.

Employees are told at off-site meetings that signing a card only certifies that they attended the meeting. Employees are also offered a free t-shirt if they sign a card. What they are not told is that these cards are a legally binding document, which states that the employee is pro union—thus placing the union one step closer to their goal of complete control of the employees' workplace lives without the employees even realizing it.

In the workplace, the employees running the organizing campaign for the UAW are relentless in trying to get the employees to sign union cards. This has created a hostile work environment, with employees who once were friends who are now at odds with each other.

The employees who are not in support of the union should have the right to go to work and not be harassed every day. This harassment has been going on more than 4 years with no end in sight. Faced with this neverending onslaught, we employees feel that the UAW is holding our heads under water until we drown.

In April 2005, the UAW obtained the personal information of each employee. It wasn't enough that employees were being harassed at work, but now they are receiving phone calls at home. The UAW also had union employees from other facilities actually visit these employees at their homes. The union's organizers refuse to take "no" for an answer. If you told one group of organizers that you were not interested, the next time they would send someone else.

Moreover, in many instances, employees who signed cards under pressure or false pretenses later attempted to retrieve or void this card. The union would not allow this to happen, telling them that they could not do so.

After 4½ years of trying to organize our facility, the majority of employees are still against the union by roughly a 3 to 1 ratio.

We feel that the aggressive behavior of UAW organizers will only escalate in 2007. All the union Freightliner facilities are facing major layoffs in the coming months. We expect the UAW to turn up the heat at our Gaffney facility to make up for the dues revenue shortfalls at the union facilities.

I understand that some members of Congress would like to mandate this abusive card check process for selecting a union so that employees everywhere will go through what we continue to experience: Rather than increasing this coercive practice, Congress should ban it.

Everyone in public office is elected by secret ballot vote. Please give us a chance in our workplace to make the decision on representation in the same manner.

I will read from it in part, "My name is Mike Ivey, and I appreciate the opportunity to share with the committee my experiences under an abusive card check organizing drive which is still ongoing after 4½ years."

So 4½ years this fight has been going on in Gaffney, South Carolina. Apparently it is dating back to fall 2002. This gentleman talks about what is going on in these 4½ years.

To quote from his letter, "The employees who are not in support of the Union should have the right to go to work and not be harassed every day. This harassment has been going on more than 4 years with no end in sight. Faced with this never-ending onslaught, we employees feel that the United Auto Workers is holding our heads under water until we drown."

Quoting from his statement further, "In April of 2005, the UAW obtained the personal information of each employee. It wasn't enough that employees were being harassed at work, but now they are receiving phone calls at home. The UAW also had Union employees from other facilities actually visit these employees at their homes." The organizers would not take no for an answer. "Some employees have had five or more harassing visits from these union organizers. The only way, it seems, to stop the badgering and pressure is to sign the card." That's the pressure, that's the intimidation.

I would quote further from this statement, "Moreover in many instances, employees who signed cards under pressure or false pretenses later attempted to retrieve or void this card."

☐ 1530

The union would not allow this to happen. After 4½ years of trying to organize the facility, 4½ years, Madam Speaker, the majority of employees are still against it by roughly a 3–1 ratio.

He goes on to say, and imploring this body, Madam Speaker, "Rather than increasing this coercive practice, Congress should ban it. Everyone in public office is elected by secret ballot. Please give us a chance in our workplace to make the decision on representation in the same manner."

Madam Speaker, again, every single person who comes to the floor of the House, the Members of this institution, are elected by secret ballot. Our constituents, our workers, both union and nonunion, cry out for the same fundamental fairness and the same fundamental democratic rights.

But since labor union bosses helped the Democrats, since labor union bosses need more money in their coffers, they have found a new and innovative way to get money, and that is through this thing called "card check."

And what is interesting, also, Madam Speaker, if you will look at those who are bringing this legislation to the floor, for example, the gentleman from California, the chairman of the Education and Labor Committee, well, he seems to have done a bit of a flip-flop on the issue. He and several other lead sponsors of this legislation, just a few years ago, for whatever reason, counseled the Mexican Government about labor union elections. Let me quote from their letter.

"We understand that the secret ballot is allowed for, but not required by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may otherwise not choose."

I mean, this was sent by the sponsor of this legislation. So 5, 6 years ago, he believed that Mexicans fundamentally should have the right to a secret ballot in labor union organizing. But now, in 2007, he wants to deny that very same fundamental right to American workers. I don't get it, Madam Speaker. What has changed?

Well, what has changed is clearly, number one, declining union membership and an election. And I understand elections have consequences, but the American people need to be watching very, very closely, very closely what this is all about, because my guess is most of them did not vote to fundamentally deny Democrat rights to American workers, to fundamentally strip them of their right to a secret ballot on whether or not they care to join a labor union. And so I hope, Madam Speaker, that the entire attention of America will be on this body tomorrow.

Again, 90 percent of Americans believe fundamentally you ought to have the right to a secret ballot in these elections. Survey after survey of workers, including unionized workers, believe this as well. But apparently the Democrat majority and labor union bosses who put all kinds of money into these races believe otherwise. And so it will be a very significant vote on this House floor tomorrow.

Will this body stand for democracy? Will this body stand for the secret ballot? Will this body stand for American workers? Or will this body stand for labor union bosses who want to get their hands on more worker money?

And with that I would be happy to yield back to the gentlelady.

Mrs. BLACKBURN. I thank the gentleman from Texas.

And, Madam Speaker, as he said, it took 2 days to go about raising spending. Within a couple of weeks taxes were raised. We have seen those taxes be raised on the American worker to the tune of $32 billion that the Democrat majority has passed since taking control as the majority party in this body; $32 billion in tax increases. We have seen spending increased. And now what we are seeing is within the first couple of months they are going to come along and they are going to compromise the workplace. And they are going to push a piece of legislation on the American worker that the American worker does not want.

And again, looking at the poll that I have quoted from, when you ask the question, tell me if you agree or disagree with the following statement, every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union, and nearly 9 out of 10 individuals think that the worker deserves that right.

You know, Madam Speaker, it is so interesting. We have moved away from the days of coercion and intimidation and union bosses that would beat up on people. That is how the National Labor Relations Board came about, when people sought to have relief from that type of coercive, intimidating activity that would strike fear in the hearts of families and fear in the hearts of workers.

And how sad, how very, very sad that in this year and in this time, and in this 110th Congress, we would take steps that would return to those ways that would limit the freedom of men and women who have chosen a profession, chosen a career, chosen a job that they want to perform and would place them under the heavy-handed fist of a union boss who would seek to challenge their viability in the workplace and who would seek to challenge their freedom.

It is my hope that more of our Members will become familiar with the statistics on this issue, and the desires of the American people, and will realize there is nothing in this legislation that speaks to free choice at all. That is a fancy, dressed-up name for card check, which is a fancy, dressed-up name for a return to worker intimidation and coercion. And it is unfortunate that we see it happening here in this body.

One of the things that we do, that we put a focus on when we talk about our job here and our work here, and those of us in the Republican Study Committee as we gather and we talk, we talk a lot, Madam Speaker, about what are we going to do to preserve this great union. What are we going to do to protect its sovereignty? What are we going to do to extend individual freedoms? How do we make decisions that are going to be so that we are certain that we extend the opportunity for prosperity to future generations?

And I can honestly say, increasing government spending doesn't do that. Increasing taxes on our families does not do that. Increasing taxes on our children and increasing the debt that they are going to bear does not do that.

History shows us that when you create a government program, a government program continues to grow. I have said many times on this floor, as Ronald Reagan said, there is nothing so close to eternal life on Earth as a Federal Government program.

We have 141 programs that we would like to see eliminated or reduced this year. Unfortunately, we don't see that happening. What we do see happening is they are increasing your taxes, they are increasing spending, and now they are going to limit your freedom in the workplace.

And I yield to the gentleman from Texas.

Mr. HENSARLING. I thank the gentlelady for yielding once again. And we are going to have a very important debate tomorrow in this institution about whether or not the Democrat majority will strip workers of their fundamental right to the secret ballot in labor union organizing elections.

But beyond that we know what is next on their agenda. It didn't take them too long, about 2 weeks, to first raise taxes on the American people; and that is the next big debate that will be taking place in this institution. It is all about the budget.

Now, everybody in this House, both Republican and Democrat alike, will all tell you they want to balance the budget. And you know what? I believe each and every one of them. But there is a very, very different way to go about it.

Today the debate in the House tends to be whether or not tax relief that has been granted over the last 5 years was a good thing or bad thing. Well, guess what? We put tax relief into the economy on this end, and let's see what comes out on the other end: 7.2 million jobs; 7.2 million Americans who used to not have work now have work. How many of them used to have to settle for a welfare check, but now they have a paycheck?

How many took from the system, from unemployment and food stamps and Aid to Families with Dependent Children, who now get to pay in the system because they have a paycheck?

We have one of the strongest economies that we have had in decades. We have one of the lowest unemployment rates we have had. All of that was due to tax relief.

And, Madam Speaker, for purposes of this debate, and this is a very important point, and don't take my word for it, go to the United States Treasury. Tax rates have been lowered, and guess what? We have more tax revenue. We have more tax revenue than we have ever had in the history of the United States of America.

Now, how can that happen? Well, maybe it is difficult to understand in Washington, D.C., but it is pretty easy to understand in Tennessee Colony in Anderson County, Texas, that I have the pleasure of representing in the United States Congress. If you will allow farmers and ranchers, if you will allow small business people, if you will allow American families to keep more of what they earn, guess what? They will save. They will invest. They will go out and create their American dream and put a new automobile transmission shop on one street corner. They will add another couple of jobs at a barbecue stand. And guess what? They create jobs of the future, and we have more revenue.

Now, Madam Speaker, some people may reject this theory. You can't, you may have your own opinion, but you are not entitled to your own facts. You cannot debate that we have more tax revenue. But some people don't see a link between job creation and tax relief.

Even if I am wrong, Madam Speaker, if you will look at the Federal budget, if you will look at the Federal budget, if we had a line item called tax relief in the Federal budget, it is 1 percent, a little more than 1 percent of the entire Federal budget. Even if that money was wasted, burned, buried and didn't do any good to the economy, had no connection to job creation, to home ownership, to people being able to send their kids to college, it is about 1 percent of the budget.

My point is if you want to do something about the deficit, your focus needs to be on the spending side. We have a deficit not because we are undertaxed; we have a deficit because we are spending too much.

And listen, I take a back seat to no one as far as my concern about passing debt on to future generations. I am the father of a 5-year old and the father of a 3-year old. But even if we were to balance the budget today, and thanks to Republican progrowth economic policies, we will balance the budget, it has very little to do with spending discipline. We know we don't find any of that among our Democrat colleagues. It has everything to do with tax revenue growth.

But even if we were to balance the budget in the next few years, as my colleague from Tennessee has indicated, in Washington, D.C., tax relief is temporary, but spending is forever. So much spending has been put on automatic pilot. And it just doesn't grow horizontally, it grows exponentially.

If we don't do something now to reform the spending patterns in Washington, D.C., the next generation will face a nasty fiscal fork in the road. And don't take my word for it. Go to the General Accountability Office, the Office of Management and Budget, the Congressional Budget Office. They will all tell you the same thing. We are on the verge of either having to double taxes on the next generation or practically cut out the entirety of the Federal Government except Medicare, Medicaid and Social Security.

Just think about it, Madam Speaker. There will be no United States Marines. There will be no Border Patrol. There will be no student loans. There will be no airport security.

If we don't take fundamental steps now to end wasteful, unaccountable, runaway spending in Washington, D.C., that is the future we are facing. The Comptroller General of the United States has said in testimony before the Budget Committee that we may be on the verge of being the first generation in America's history to leave the next generation with fewer opportunities and a lower standard of living.

□ 1545

Madam Speaker, I don't plan to be a part of that, and I am going to do everything I can to fight this on this House floor. So those who go around saying we must balance the budget and those who won't do anything to try to find ways to get better retirement security and better health care at a lower cost, what they are really telling you, Madam Speaker, is, I want to double taxes on the next generation. I want to leave your children and your grandchildren with less freedom and less opportunity.

Madam Speaker, how anybody can look themselves in the mirror and do that, I don't know. Again, that is the magnitude of the tax increase that Democrats are going to have to have if they won't join us in a bipartisan fashion and do something about out-of-control entitlement spending. It will be a massive tax increase the likes of which America has never seen before. And once they impose that tax increase on the American people, how many of our children will be able to send their children to college? How many of our children will be able to realize their American Dream and start their first business? How many of our children will be able to buy their first home when this body doubles their taxes for refusing, refusing, to do anything to stop runaway spending?

So, Madam Speaker, that is where the fight is. That is where the fight is. Republicans want to try to reform. Democrats want to raise taxes, but they don't own up to the magnitude of the tax increases. But the future of our country is resting upon this debate, and I hope the American people will watch very, very closely.

Mrs. BLACKBURN. Madam Speaker, reclaiming my time, I thank the gentleman. As he has pointed out, in the 2006 budget we had reduced spending by $40 billion. It was called the Deficit Reduction Act, a first step. Our colleagues across the aisle immediately increased spending in what was to have been a continuing resolution.

Then we look at taxes. We reduced taxes, which stimulated the growth of the economy and growth of jobs. Our colleagues across the aisle have already raised taxes by $32 billion.

And as my colleague from Texas said, we have more workers than ever in the American workforce at this point in time. There are more Americans than ever holding a job and getting a paycheck. And over the past 4 years, we have seen the addition of 7.2 million new jobs to the U.S. economy. Now, these are not new hires. These are new jobs, newly created jobs. And, Madam Speaker, I think that that is important for us to put the attention on. These are jobs where a business owner sits down and says, "I can create a new position. We have our taxes down. We have seen some regulatory relief. We are doing well. We see growth in this business. We see a future that indicates growth." So they create a new position, and they hire someone to fill that position. That is how we get business growth. That is how we get business expansion.

And now we find that on top of increasing spending and on top of increasing taxes, our friends across the aisle are saying, We want to let the union bosses get another hit at those workers. We want to take away the workers' right to a secret ballot. We want to infringe on that freedom in the workplace that American workers enjoy that was a hard-fought battle decades ago, and we want to compromise that and give big labor a win."

And that, Madam Speaker, is how the liberal elites couch this battle. It is, as was said in the letter that I read, a return to coercion and intimidation. It is something that in the 21st century we should not do. I do personally consider it an inappropriate step for this House. This House should be focused on how do we expand freedom? How do we expand hope? How do we expand opportunity? And how do we make certain that every man, woman, and child has their shot at the American Dream in a safe, free, and productive country.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity to be here on the House floor to kick off another segment of the 30-something Working Group Special Order, soon to be joined by a group of 30-somethings in the Democratic Caucus to address issues pertaining to not only young people throughout the country, but citizens of our country and the kind of leadership that the Democratic Congress is providing here. So I appreciate the opportunity to be here.

Several issues that have been discussed prior to this by our friends on the other side that I would like to at least comment on. The first one is: The economy is going great.

I read an article with great interest today out of The New York Times. The title is "Growth in U.S. Economy is Slower Than Thought." This economy is only growing at 2.2 percent, in large measure, due to the fact that we haven't balanced our budget. We are nowhere near balancing our budget because of the Republican leadership in the House since 1994, and in the Senate and also in the White House. For many, many years, the Republican answer to balancing the budget or trying to make our payments is to go off to China and go to the banks in China and borrow money from the Chinese government in order to fund the increase in spending that the Republican House, Republican Senate, and Republican White House were pursuing.

And one friend, Madam Speaker, the gentleman from Texas, said that the economy has created 7.2 million new jobs.

When President Clinton was in and the Democrats balanced the budget in 1993 without one Republican vote, the expansion years under President Clinton, we created 20 million jobs. Welfare rolls were the lowest they had been. So you have to balance your budget, so you stop borrowing money from China.

And we have got a lot of other issues dealing with China as well. They are manipulating their currency, Madam Speaker, and we are starting to generate some support in the Democratic Congress for addressing this issue. China is not giving the proper alignment to their currency, and it gives them a 40-percent advantage to goods that they ship over here. And so if you have a company in the United States of America, like I do in Warren, Ohio, called Wheatland Tube, and Mr. ALTMIRE, who may join us here later, their raw materials cost as much as the product from China when it hits the shores of the United States, final product, because there is a 40-percent advantage that the Chinese have, Madam Speaker.

So because these issues haven't been addressed, Wheatland Tube is laying off 30 or 40 people, white collar jobs. So our friends have not addressed any of the issues.

But they have been talking about an issue that is near and dear to my heart, and that is the Employee Free Choice Act. This is a wonderful piece of legislation that is going to allow members of a workforce to merely sign if they want to start a union or not. And I hope that our friends recognize why. And I am from Youngstown, Ohio; so I find it funny when our friends start talking about these big labor bosses, to try to portray good, hardworking Americans who want to work for a decent wage and have health care, that somehow that is wrong and somehow that is unAmerican.

So this Employee Free Choice Act will allow our folks, our workers, to merely sign a card. And if half sign that they want to start a union, it is basic democracy at the workplace. You will be able to start a union.

Here is the reason why there is so much anxiety in the United States of America: We have had economic growth, but if you are not in the top 1 percent, you are getting squeezed. If you don't have a lot of money in the stock market, you are getting squeezed. And it took us almost 10 years to raise the minimum wage for average workers, and one of the first things the Democratic Congress did under the leadership of the Speaker, Speaker PELOSI, was to raise the minimum wage to try to get everybody in on the game.

But here is what has happened: This is from 2000 to 2004. The red line that is increasing is productivity, the change in productivity, the growth in productivity percentage-wise from 2000 to 2004. You see a tremendous increase in productivity.

Median income is the black line. It has actually gone down. So for the first time in history, increased levels of productivity have led to the decrease in median income. That means that our globalization, although it may benefit certain people and certain sectors of the economy, is leaving a lot of people behind.

So if workers want to join together to say how do we be a part of the solution here, how do we try to increase income? I think we should allow them to do that. We are not saying they have to. There is nobody intimidating anybody.

And my friend from Tennessee made a mistake, Madam Speaker, when she spoke. She was saying that the National Labor Relations Act and the National Labor Relations Board were there so workers didn't intimidate other workers to join unions.

The whole premise of the National Labor Relations Act is because business folks in that time had a tremendous advantage on firing workers and threatening workers. So we don't run from the fact that we want to allow people in the workplace to be empowered, and this is the reason we need to do it.

Now, as we do this, we also need an expansion of our international standards that we have. We have clean air in the United States, and it needs to be a lot cleaner, but we have made great progress. We need clean water in the United States. I am from the State of Ohio where the Cuyahoga River caught on fire because there was so much industry and pollution that it literally caught on fire.

We need to make sure that these standards that we have here in the United States somehow are transferred to the global economy so that when we are dealing with China, when we are dealing with India, when we are dealing with some of the Asian Pacific countries, we try to lift up the standards. It doesn't do us much good to clean the air in the United States of America and have dirty air in China. We are not making progress. So we have a long way to go. And I think what we are doing this week is making sure that our workers in the United States of America are allowed to do what we all do on election day, and that is join together and vote, and they should be allowed to join together and to vote as well.

One of the myths that we have with the Employee Free Choice Act is, well, you are going to have to sign a card and someone is going to know.

If you want to sign a card or a petition to even have an election, you have to sign a card or a petition in order to even have an election to start a union anyway. So we are not doing anything that is not already going on. You are either going to sign a petition to vote on it or you are going to sign a petition to actually create a union. And if you are willing to stick your neck out to have the vote, you are certainly going to be willing to stick your neck out to sign the petition in order to cast a ballot to create a union.

☐ 1600

So I think we are dealing with very troubling times. We need to make sure that we are representing all of our country because, quite frankly, Madam Speaker, for the longest time in this country, the last decade or so, at least from this institution here that we represent in the House of Representatives, there has been such a tilt, such an emphasis on cutting taxes for the top 1 percent. And you are not going to see the Democratic Party raise taxes on the middle class at all.

But if we have a choice to make between borrowing the money from the Chinese in order to fund our government or asking people who are billionaires to pay a little bit more in taxes so that we can provide health care for children, we are going to ask the millionaires and the billionaires in the United States to pay a little bit more and to meet their obligation and to meet their responsibility to society. They have benefited from the United States stock market. They have benefited from the protection of the United States military. They have benefited from the infrastructure. They have benefited from the Internet, which was developed from public research. They benefit from the vaccines. They benefit from the Centers for Disease Control. They benefit from public education. So if we ask the wealthiest to meet their obligation and their responsibility, as a beneficiary of this great society, to put back into our society in order to keep the game going, we are going to need to do that.

And if you question the priorities of the Democrats, all you need to do is look at what is going to happen in our supplemental, where there is going to be an additional millions of dollars, to the tune of $750 million, for health care for children, Children's Health Insurance Program. Do you want to talk about priorities, Madam Speaker? Under the Republican leadership, 6 million children were eligible for the SCHIP program, but weren't registered.

So all we are saying is we are going to take every opportunity we can possibly get to make sure that those kids get the kind of health care that they need and they deserve in the wealthiest country on the face of this Earth in the entire history of our planet, Mr. MURPHY.

And we don't shrink from these. I would be happy to talk about our decisions that we have made here in this Congress since we started several months ago to anybody who wants to listen. We passed the minimum wage increase out of this House with $1.3 billion in tax credits for small businesses so that they can reinvest back into their companies to keep the game going, to keep the economy going.

We reduced and cut in half the interest rates on student loans, which will save the average person who takes out a student loan almost $4,500 over the course of the loan. That is what the Democrats did in the first 100 hours. We increased the minimum wage. We cut student loan interest rates in half. We repealed corporate welfare by about $13 billion. We are going to take that money and we are going to invest it into alternative energy research.

We put PAYGO on because we are signaling that we are going to make a balanced budget a priority in this House. Got to be done. Got to be done. We have implemented some of the recommendations from the 9/11 Commission report to make the country safer, and we allowed the Secretary of Health and Human Services to negotiate down drug prices on behalf of the Medicare recipients.

That is what you call governing. That is what you call moving an agenda forward. And that includes making sure that these workers who work every day, work hard every day, go to work every day, work overtime, lead increases in productivity, that they can at least benefit a little bit from it.

And I would be happy to yield to our fearless leader from Connecticut, the fighting Irishman, Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you, Mr. RYAN. And it is quite an honor to be able to share the floor with a gentleman as articulate as yourself.

I know where you are from, and I can imagine that you have a lot of families, probably including your own, that shares the story of my family. My great-grandfather and my grandfather both worked at Fafnir Ball Bearing, which was a massive ball bearing factory in New Britain, Connecticut. It employed thousands of people in the New Britain area and partnered together with the Stanley Tool factory. Those two together employed over 10,000 people in New Britain in its heyday.

The city looks very different today. Those sites are either brownfields with nobody in them, or now sort of struggling office parks. My office, which I inherited from Congresswoman JOHNSON, is in actually a site that used to be owned by those manufacturers.

But the story that we are talking about today is not necessarily a story of manufacturing, it is a story of the workers that were there. It is no coincidence to me that as you chart the history of our middle class in this country, as you chart the growing disparity between those that are doing very, very well and those that are struggling just to get by and cope with the daily cost of their lives, I don't think that it is just a coincidence that during that time, as we have seen a middle class vanish before our eyes, or at least become on the precipice of vanishing, and you see that disparity, that gap between rich and poor grow bigger and bigger, that that has happened during the same time that we have seen unionization rates drop through the floor. Because the middle class that my family came up through, which is that working-class middle class, the folks that are making enough money to get by, enough money to give their kids a little bit better chance at life than they had, but they are not doing enough to buy a second home, they are not doing enough to buy many luxuries, that group of Americans, diminishing by the year, doesn't have a lobbyist up here. That group of Americans doesn't have a pool of money in which they can employ people to advocate on their behalf here in this Chamber.

The group that has done that historically over time have been unions. They advocate to make sure that their ranks are swelled as well, but they also have been, frankly, the people that have been advocating year in and year out up here in this House to make sure that we have a healthy middle class.

And so I am fairly unapologetic about my support for the bill tomorrow, that we are going to basically level the playing field. I think that is what you were talking about, Mr. RYAN, is that we are not giving any unfair advantage to workers, we are simply saying that we want to level the playing field when it comes to organization in this country. And I think that is the right thing to do for workers. But as a member of a family that only has survived because of a society and an economy that once produced jobs that had real pensions and real health care benefits attached to them, we need to start figuring out a way to make sure that those folks get advocated for here in this House.

And as you recited that long and important list of achievements here in the House during the first 100 hours, that is all about that group of people. That is all about making this House a place where those middle-class, working-class folks get a voice: again, minimum wage; taking away the big tax breaks for the oil companies; starting to lower the cost of health care; investing in life-saving research. That is bread-and-butter work for the middle class.

The gist of it is this: This bill, the Employee Free Choice Act, tomorrow is going to level the playing field to allow some of these folks that have been before Congress fighting for a very long time for that healthy middle class to be able to continue to emphasize and increase that voice. And that is as important as anything we do here because, as Mr. RYAN and Mr. MEEK and Ms. WASSERMAN SCHULTZ have been talking about on this floor night in and night out for far too long, the voices that have mattered here have been the folks that have the big wallets that can pay the high-priced lobbyists to come in this building. And we don't begrudge the work that people who advocate on behalf of people do here, but frankly, we need advocates here for folks that don't have those dollars. And whether we like it or not, unions in this country have done that job, and they have done it well with decreased numbers because of a system we have set up that ends up making it very difficult for workers to organize.

Mr. RYAN of Ohio. And this is not by any stretch of the imagination are we saying that workers don't need to be flexible, unions don't need to be flexible. We are now competing with the globe. And our workers now, as we have seen in large measure through the suppression of wages and everything else, this is a global workforce where just from 1985, where it was 2.5 billion people, now it is up to almost 6 billion in the global workforce. So that in and of itself increases the level of competition for our own workers, which has led to the wage issue that we have to deal with and everything else.

So we are not saying that unions don't need to be flexible. I come from an area of the country where we had a lot of steel mills. Now there is just one or two left of the integrated variety, and the tremendous, tremendous changes that the steelworkers have gone through. And I have a good friend, Gary Steinbeck, Madam Speaker, a friend back home who is subdistrict director for the United Steelworkers in Ohio, and the tremendous changes in work rules that the steelworkers have made in order to keep the industry afloat. These folks are ready to sit down and figure this out, and they know that.

But our point is look what has been happening here. This is a chart, "Change in Share of National Income from 2003 to 2004." The bottom 99 percent has had negative 2 percent change in their share of the national income; the top 1 percent has seen almost a 2 percent increase in their share of national income. This is a structure that cannot stand, man. It cannot stand, man. This cannot stay the way it is. This cannot continue.

You can't have this separation where the top 1 percent is increasing their share of the pie and everybody else is getting reduced. You can't have it. And so what we have tried to do here is bring some equity to the system and, since we have been in Congress, increasing the minimum wage; cutting student loan interest rates in half; investing in stem cell research to try to open up another industry where we can create jobs for our kids, the next generation; making sure we repeal the corporate welfare for the oil companies and invest that money in alternative energy sources so we can open up a new sector of our economy with research and health care and biotechnologies and alternative energy sources. We have a long-term agenda here by helping people today and open up these two new sectors. This can't go on. We can't continue like this, Mr. MURPHY, and call ourselves the greatest democracy in the world.

And when you go around the world and you are trying to sell democracy and capitalism, that is not a very good argument. You know, that is kind of what a lot of countries in a lot of other parts of the world look like, where the top 1 percent get all the benefits, and the rest of the rest of their country doesn't see the progress.

Can I make one final point, because I am getting worked up. We only have 300 million people in the country. We don't have the luxury of having a billion people like they do in India. We don't have the luxury of 1.3- or 1.4 billion like they do in China. We only have 300 million people. So we need to make sure that everybody is on the field playing for us, educated, skilled, and moving the country forward. This cannot stand, man.

Mr. MURPHY of Connecticut. Here is what we are talking about here. So how do we take that chart that you are showing there, which I agree cannot continue to be the way that our society operates. We cannot be a flourishing democracy, we cannot be a flourishing economy if we have so many people doing so poorly and a small group of people doing very well. So how do we go about changing that?

And I think the message is that we are not talking in this Chamber about big new government programs. We are not talking about creating new departments and new bureaucracies. All we are talking about is take the existing programs, take the existing set of rules and make them fair. Make them fair. Give everybody a chance to compete. That is what increasing the minimum wage is. I mean, 10 years, while every other cost goes up and the minimum wage stays where it is? Just bring it up to where it needs to be. Just match inflation with your minimum wage.

Student loan rates. As the cost of college goes up 41 percent since 2001, well, let's help families match that increasing cost of higher education.

And the same thing with the Employee Free Choice Act.

□ 1615

Let us have our eyes open to what the reality is on the ground for those who want to organize. Let us recognize how employers have changed some of their tactics, and let us give employees the opportunity to operate on that same level playing field.

That is what this is all about. This is about taking the rules that we have and making them fair, not coming in and creating big new government bureaucracies to help these folks.

One of the most important things we did here was the bill in the first 100 hours that allows the Federal Government to negotiate lower prices with the drug companies. That is a great example of one of the few instances where this Congress did create a new bureaucracy, and when they created it, they set rules that disadvantaged regular, average taxpayers and the senior citizens who were supposed to benefit. They created this big new health care program and created the rules to tilt the playing field in favor of those people who needed no extra help.

This Congress has to be about taking those programs that are right there in front of our faces and making them work again. I think if we do that, we will live up to your mandate that we cannot let this stand.

Mr. RYAN of Ohio. It cannot stand, man. It cannot stand. I totally agree with you.

The fact that our friends, and can you imagine our friends on the other side of the aisle, our Republican friends, who are deficit hawks, and they are still talking about it. It is hilarious to hear, Madam Speaker, the contradictory aspects of their words and their deeds. There is still a lot of talk about, you know, being a deficit hawk and balancing the budget.

It was the Republican party, Madam Speaker, that started the Medicare prescription drug bill. They originally said it was $400 billion, then it was $700 billion, and then it was a trillion. And the night we voted on it at 3 in the morning, it was a $400 billion bill. That was a good deal. Then we find out months later it was actually a trillion dollars, and that the actuaries that knew it was going to cost a trillion dollars, they weren't allowed to tell anybody.

So this Congress voted on legislation without all of the facts, and a major fact was the cost. But the point here is our friends not only passed that bill without telling us all of the information, they also put, as you said, a provision in there that explicitly would not allow the Secretary of Health and Human Services to negotiate down drug prices on behalf of the Medicare recipients. They didn't leave it ambiguous, they stated in the bill you're not allowed to negotiate down drug prices on behalf of all of these millions of seniors who want to participate in this new drug benefit.

Now did it have anything to do with the pharmaceutical lobby being up here so much and donating all kinds of money, I will leave that for the American people to decide. But the fact of the matter is, within the first 100 hours that we got in, we changed that provision. Once we passed it out of here, we need to get it through the Senate and hopefully the President will sign it. But in our legislation we allowed the Secretary of Health and Human Services to negotiate down drug prices.

We hear a lot about the free market, but what is a better representation of the free market than allowing all these consumers to join together and negotiate down drug prices or anything else on behalf of the recipients.

Mr. MURPHY of Connecticut. You spoke earlier about the need for unions to be flexible. I couldn't agree more. This is an inexorable march to a very new global economy, and nobody can deny that is happening, and we have to ask our workers and the unions that represent them, just like we ask our employers, to figure out a way so America can compete in that new environment.

You talked about the steel industry. That is a remarkable instance. Actually, not that remarkable; it happens more than I think people are given credit for, of workers and industry really coming together before this body and singing a very similar tune.

We have to remember that as much press might be given to unions and the companies that they work for fighting over contracts, when it comes down to it, both of them only are able to prosper if the economy is strong and if their company is strong. So on the vast majority of this that they are going to come and talk to this Congress about, they are going to advocate in their communities for, they are going to be on the same page.

When you talk about that, maybe there is no better example than our health care system. You are talking about it in the context of our new Medicare prescription drug program, but if we want to figure out a way to compete in this world, we have to figure out why $1,500 of every car sold in this country goes for retiree health care benefits compared to only a couple of hundred dollars in Japanese manufacturing plants. We have to figure out a way to deal with the fact that 16 percent of every dollar spent in this country goes to health care costs compared to 9 or 10 cents in most of the countries that we compete with. We put an exorbitant amount of money into employee benefits and health care in general, which puts us at a tremendous competitive disadvantage compared to the rest of the world. That is something that employers, workers, government officials, we should all be able to agree on. We should all sit here and try to tackle that very grave question of how do we get health care costs under control. That is the salvation of American manufacturers and American small businesses. Frankly, it is also the salvation of American workers and unions. If we can figure out a way to have that conversation, that benefits everybody.

We have given a lot of emphasis and put a lot of light on the fact that everything we have done here as part of that 100-hours agenda has had very large numbers of our friends from the Republican side of the aisle supporting us here. You have the numbers right in front of you. You can tell the story, Mr. RYAN.

Sometimes government gets shed in a light that tries to accentuate controversy, just as sometimes the relationship between workers and their employers tends to be told in a manner that accentuates adversity and strife.

Well, in this Chamber, in my first 8 weeks as a Member of Congress, it has been remarkable the amount of bipartisan cooperation we have seen. It shows in the vote totals. Maybe it doesn't show in the headlines, but it shows in the vote totals.

I think the same story can be told about the relationship between workers and employers in this country. I think there will be a bunch of people grousing about what comes out of this House tomorrow, but I think in the end, by leveling that playing field, we will stimulate a lot of productive cooperative relationships in our economy.

I thank the Members of the 30-something Working Group who have over the last 2 to 3 years stood up on this House floor to talk about the fact that this place had to work together. I think a lot of sectors of our economy, a lot of members of our community takes cues from what happens in Washington. I think to the degree they see this place just being about Democrats and Republicans fighting, then I think they may reflect that in their operations and in their daily life. I thank members of the 30-something Working Group and other Members who have talked about bipartisanship. I think what has happened here in the past several weeks is going to be instructive to a lot of relationships in our country and in our economy going forward.

Mr. RYAN of Ohio. To further our point, this is real median household incomes as to why we need to do this. The Free Choice Act that we are going to pass out of this House tomorrow, it is not for the employers who treat their workers well which most are. It is for a few people that are obviously getting mistreated and they want to join together. Now that seems to me a basic principle of our democratic society.

This is real median incomes from 2000. In 2000, they were $47,500. In 2005, it is $46,300, a decline. This is what we are talking about.

Now you can either be in a position of power and say that is fine and you are not going to do anything about it, or you are going to be in a position of power and say we are going to try to help, we are going to try to fix this. Do we have all the answers, no. But we are going to try to raise the minimum wage so this person may get a pay raise. We are going to pass the Employee Free Choice Act, so maybe if you are having a problem and want to join together and try to affect this situation, you can. We are not saying you have to, we are saying you can.

And if you happen to be this same family who has seen a decline and you have a kid in school and you are taking out loans, we are going to cut the interest rate loan in half to try to close this gap a little bit because we are in a position of responsibility. We are not here to give away the store, but we are here to say there are issues where we can help people.

You know what, if we have to ask somebody who makes a million dollars a year to help us do this, to invest in education, invest in the stem cell research and invest in alternative energy resources, we have to do it.

As a politician, as a Member of Congress, I would love to go to all of my constituents and say you all get a tax cut, and we are going to lower your tuition costs, we are going to provide health care for poor kids, we are going to retrain workers, and we are going to build roads and bridges, we are going to provide for the defense of the country to make all this possible, and we are going to have stable financial markets, but we are also going to give you a tax cut. We are going to put a court system in place so that we have the rule of law.

You know, one of the most expensive things to do is have a justice system with police and sheriff departments and courts and judges and attorneys and public defenders and prosecutors to make this whole thing go, to enforce contract law. That is all expensive stuff. All we are saying is we are trying to keep this thing rolling, man. We have had a pretty good thing going on. We just want to keep it going, and you can't see the top 1 percent do well and the bottom 99 percent, as I was showing in the earlier chart, not do well, actually see a decline in income by 2 percent.

So what we need to do is move forward in a very comprehensive way, not in a radical way, but some of the stuff we have already done.

Mr. MURPHY of Connecticut. I was asked a question at a Chamber of Commerce meeting that I went to back in my district last week. Someone challenged me and asked a question that went something like this. They said if you had the choice to take a dollar and put it back into the economy through the private sector or through the public sector, which one do you think does a better job at stimulating our economy. I kind of didn't understand the gist of the question.

What he was getting at was this idea, I think, that he thinks that people on this side of the aisle somehow think that government spending should be done for the purposes of stimulating our economy. Listen, that couldn't be further from the truth. What we want to do is decide on a set of services and a set of priorities that the government will be a part of, and then find the money that is sufficient to pay for that.

We all agree that if we have our choice, every extra dollar goes right back into people's pockets. Every extra dollar we have goes right back into the economy. All we need to agree on here, and it is a big all, is what those set of priorities and services are. People in my district think one of them should be investing in stem cell research. That is just my district. But they think you know what, one of the things that we can probably do better together rather than separately, rather than simply through philanthropic contributions, is to take on some of the most insidious and terrible diseases known to man. That is something they think we should do.

It wasn't agreed upon by this Chamber until the Democrats took back this House and NANCY PELOSI took over the Speaker's chair, but now we include it in the group of things that we think we are going to do better together.

I think we all agree that every extra dollar we have goes right back into this economy. But let us think about this. When we are talking about putting dollars back into the lands of middle class folks, lower middle class folks, working class folks, whether it is through tax breaks to small businesses that employ them, whether it is through a cut in the student loan interest rate, or whether it is through a minimum wage bill that gives them a little more every week, we know that every single one of those dollars is going right back into the economy.

Now that is, in part, because there is not a lot of flexible income for people in that situation today. Every dollar they get has to go back into the economy. When you talk about tax cuts and where they should go, you talk about new government programs and whether they should benefit the pharmaceutical companies or whether they should benefit senior citizens, I will take middle class workers, I will take senior citizens every time, not just because I think they are who we should be here sticking up for, but because I know that every dollar we put back in their pocket is going to end up at the local florist, is going to end up at the local grocery store, is maybe going to end up being put into a local charity or community group. We are talking about recycling good community money when we are talking about trying to give a leg up, Mr. RYAN.

Mr. RYAN of Ohio. There was a funny article in, I think it was Roll Call when we first got in how frightened the banks were about the whole student loan deal.

□ 1630

Because we have been talking about possibly doing just direct student loans, here is the government money, here is a student, you give him the money, he takes it and he pays you back with a little bit of interest, boom, done. That sounds pretty efficient to me.

Well, the banks are upset because they were worried that if we changed the system as it was, that they were not going to make money, the banks, thanks to the student loans. And I am sorry, but we are not here to make you money. You want to talk about welfare, you want to talk about getting on the public dole, my God, you go out and compete with everybody else. We are not here to pay you 6 percent or 8 percent on a student loan. We are here to get a kid into college that cannot afford it otherwise. That is our responsibility, and this kid is going to get a degree and then a master's degree, and he is going to help us create this new economy.

Here is what we are talking about with cutting student loan interest rates in half, the stem cell bill for stem cell research, and alternative energy, repealing the corporate welfare.

We have got to create new industries. Whether you vote for the free trade agreements or not, we are in a global economy, and we are competing with China and India and the rest of the world. As we see some of the traditional manufacturing move offshore, some legitimately, some not so legitimately, because of what China's doing with their currency, we have got to come up with what the new industries are. So what we have tried to do is invest in the stem cell research and invest in alternative energies, the future job creators, and then also make sure that college is affordable by increasing the Pell Grant and making sure we cut student loan interest rates in half so kids will go to college and then have these long-term sectors of the economy that are growing that they can move into.

But if we do not have healthy, educated citizens moving in, getting educated, moving into college and helping us create this economy, all this is for naught. We need a lot more people creating a new economy than we did 50 years ago.

My grandfather worked in a steel mill. He went to high school until 10th or 11th grade. That was another world ago, and unfortunately in this institution, if we start playing the same game we have been playing for 50 years, and I think both sides, and I think we have recognized this because the minimum wage bill that we passed had $1.3 billion in tax cuts for small businesses to reinvest back into their companies.

So the idea of if you cut taxes for the rich, they are going to invest back in the United States and create jobs, that is done. We know that. They get a tax cut, and they invest it in Asia, okay. It is your money; do what you want with it. But let us not pretend they are going to somehow build a factory in Niles, Ohio, and hire a thousand people. Not going to happen.

And the Democratic philosophy, old one, not the one as we know from what we have already done here, was if you write a bigger check, somehow the problem is going to go away.

I think the king of leadership that the Speaker is providing, and STENY HOYER and Blue Dogs and JIM CLYBURN and some of the newer members in the 30-something Working Group is there is a middle way here. There is a way where we can raise the minimum wage and give small business tax cuts. We can cut student loan interest rates in half and do stem cell research. We can repeal corporate welfare that is going to energy companies who seem to be doing okay, they do not really need our $13 billion, and put that in alternative energy research.

There is a middle way here that we are trying to negotiate that I think is 21st century government.

Mr. MURPHY of Connecticut. You are exactly right, and that is where the American people are. There are folks out there that are far to this side of the political and ideological spectrum, and there are people out there that are far to this side, but you know where the majority of bread-and-butter Americans lie. They lie in that place where they are seeking some solutions here that are part of that middle way, a part of that third way.

In Connecticut, I spent 4 years as the chairman of the Health Committee. In Connecticut, we have a lot of pharmaceutical companies, and we found a way to try to mitigate some of the deleterious influences that that structure imposes on citizens, while trying to partner with them to do some of the good work that can grow that new economy.

I disagreed day and night with the pharmaceutical industry when I tried to get Connecticut to be part of reimporting prescription drugs from Canada, but you know what, we fought hand in hand, arm in arm, linked together when we were trying to make Connecticut one of the first three States to invest in stem cell research because we knew that our pharmaceutical industry, we knew that our biotech industry were going to flourish if we helped plant some of the seeds with government funding because we know in today's economy that venture capitalists are not terribly interested in funding some of those new biotech ideas, funding those new baseline pharmaceutical research. So government in that instance can spend a couple cents to grow a couple private dollars.

So there is that way to sort of say enough is enough, we are going to do something about trying to help citizens get some cheaper drugs from Canada, we are going to talk about trying to use the power of the Federal Government to negotiate lower prices, but there are so many places we can cooperate. There are so many places that you as a pharmaceutical industry, you as an information technology industry can be part of growing this country.

You know as well as I do that the reason that businesses are still here in the United States and the reason why businesses come to a high-cost area like the Northeast is the workforce. We still have the best trained, most highly educated and, most importantly, most productive workforce in the Nation. So when we are investing in the minimum wage, when we are investing in higher education funding, I mean, we are investing in what is the current and the future of this economy.

Mr. RYAN of Ohio. I agree, and there are so many fields that we need to explore. It is nice to say, well, everyone is going to go to college and do this and do that, has my boy not done well, but there are a lot of other things that I think have great dignity and great contributions to our economy.

By the year 2010, we are going to need 200,000 welders that pay pretty well, and in my community I met with a vocational school. They are starting at 13, 14, 15 bucks an hour. People told me a story of a guy making 30 bucks an hour as a welder with full health care benefits.

So as we pursue this college, we also have to remember the community college pipeline, the vocational school pipeline for truck drivers and welders and a lot of these other industries that we continue to figure out how does this company, as China is expanding, how do we export and sell them something and grow our employment base here.

So there are a lot of different things that I think we need to talk about that the approach is so much different from what we are doing than our friends on the other side.

Mr. MURPHY of Connecticut. If the gentleman would yield for a moment, a story for you.

Mr. RYAN of Ohio. A good Irish story.

Mr. MURPHY of Connecticut. I like sharing stories, an Irish story from my Polish mother.

She tells a story about she was going back to school to get some classes for her degree in teaching. She was getting some classes at the local community college, and she told this story to me when she came back from registration.

She was in a line to register for her course, and there were a number of different lines to register for different courses. About three or four lines down from her, there was a gentleman who was waiting in line sort of nervously, thumbing through his pockets, sort of counting the money in his pockets. He got to the head of the line, and she could sort of see what was happening over there and realized that he was maybe $30, $40 short of the cost of that particular class. He fumbled through his pockets. A couple of people behind him tried to help him come up with the money. He did not have it and walked away, walked out that door.

What my mother said, and I agreed with her, was you can imagine the courage that it took that young guy who maybe had not been to school in a very long time, decided this is it, I am going to go back, I am going to start down that path again, I am going to go to my local community college, I am going to have the courage to step up and restart my education, and gets in the line and realizes he does not have the $380 that it costs to get that class. That right there, that could be that welder. That could be that information technology worker. That could be somebody using the stepladder of education to become part of this incredibly productive economy.

Because we still have barriers to increasing your educational opportunities, to being a more productive member of our workforce, we handicap ourselves. We handicap ourselves.

And I think of the story of that guy over and over again when I think about higher education funding, when I think about not only what that would mean for him personally, but what that means for our economy in general. Our strength is our workforce, and if we do not start investing in it, we are going to have even more trouble than we are competing in this global economy.

Mr. RYAN of Ohio. There is no question, and the more you get into this, the more you see, and again it is not that government is the only answer, but I will give you an example.

We had today in our Health Appropriations Committee, there is a tremendous nursing shortage, health care shortage, and there are some programs that will help nurses with low-interest loans. If you are going to go into nursing, you get these low-interest loans to try to get minority and low-income nurses and health care workers into the field. So there is another program that will go in and try to recruit and get people in and help them pay for it in order for us to get nurses and health care workers in the underserved areas.

That program, I think this is the one that was zeroed out by the President in his budget. Now, does that make any sense at all? We have a nursing shortage, and we have tremendous health issues for our kids and poor families that we need. As I said earlier, we have only got 300 million people. We need them all on the field playing against China and India, that we are not going to make this little bit of investment into making sure that we get health care workers in underserved areas?

The health care system is already getting skewed to the suburbs where a lot of these health care systems can make money in the suburbs, and the level of charity care in the cities are going through the roof.

So it does not make any sense not to make those investments because the yield that we are going to get is going to be tremendous. Not only are you getting someone that otherwise would be less productive to be more productive, they are in a field of nursing. They are going to make decent bucks, going to pay taxes. Their kids are probably going to go to college. I mean, this cycle continues.

Let us get it going in a positive way, not dissimilar to what is happening, like you mentioned, with the college tuition costs. Four hundred thousand kids in this country qualify and have the grades to go to college but do not because they feel they cannot afford it or they can afford it, one or the other, but either way it is an impediment for 400,000 Americans going into college. Now, would that not be great?

These are the kind of issues that I think we need to fix, and to ask a millionaire to pay a little bit more, I think, is a lot better than borrowing it from China, which is what we are doing now, and there is a real decision that we need to make.

We are talking about in our committee about streamlining the SCHIP program, you know, like when you qualify for free and reduced lunch, you just sign your name, how many members of your family and what your income is, and you qualify for free and reduced lunch. Well, we want to do that for SCHIP so we make sure we are covering all our kids, that they have health care.

You can argue about the situation of parents and everything else, but you do not blame the kids for that, and you make sure they have got the kind of health care that they need. And how do we make sure that my goal, and I do not know how long this is going to last, but my goal is to make sure we have nurses and doctors and clinics in some of these schools. You have some of these schools where 80, 90 percent of the kids qualify for free and reduced lunch, qualify for SCHIP. Let us put a clinic in there and tie it to the health care program, tie it to the wellness program, make sure these kids are getting the kind of attention that they need, and in all the while, make sure that we demand as elected leaders and leaders in our community, demand from the parents to send your kids to school ready to learn, and you as a parent do your share, too.

This is not a one-way ticket where we are going to do everything, or the teachers are somehow going to have to do everything, but both sides. We need to be innovative. We need to create these new ideas and implement them and reform government and make proper investments in a balanced way, but the parents and the schools need to also step up, and the parents especially. The basic fundamental structure of our society is the family. They need to step up, send their kids ready to learn, and provide their own personal leadership.

So I yield to my friend for some closing remarks.

Mr. MURPHY of Connecticut. Thank you, and I do not know how long my career will last either, but it is starting here in my first 8 weeks in the House only because me and 100,000 other people in northwestern Connecticut decided things had to change, there was no choice; that we could not sit back any longer and let the status quo go on; that we could not watch the disparity between rich and poor, those doing well and those struggling to make ends meet, could not watch that get any worse.

So what this election was about, what this first 100 hours was about, what everything that comes after that is about is about restoring that balance. So for all of the challenges that we put before this House during the time we spend here, for as many charts that paint a gloomy picture, I mean, there is light on the horizon. The work we have already done here means something.

You talked about the 400,000 kids that did not go to college because they could not afford it. Well, if we can get this student loan bill through the Senate and to the President's desk, that is almost $5,000 in savings. I bet you there is a good percentage of those 400,000 families that if they knew that college ultimately, after they paid back all their loans, was going to cost $5,000 less, they would make the choice to go.

Things are happening here which are going to make those concerns of middle-class families tomorrow with the Employee Free Choice Act and later as the bills in the 100 hours come through this process, they are going to make a difference.

Mr. RYAN of Ohio. I agree with you. One more, with the SCHIP thing, I get excited about this stuff because it is really cool, but with the SCHIP thing you will fill out your form, you do your free and reduced lunch, you will do your SCHIP deal and also start to get letters from the Department of Education at third, fourth grade as to what Pell Grant number you will get as far as how much you will be able to receive from Pell Grant based on your income. So these kids, this is the new way of doing things. This is you do not just spend the money. You change the psychology of the kid and the family.

If a kid in third grade who would never think of going to college starts getting this Pell Grant, you qualify for $4,000 or $5,000 a year in a Pell Grant when you go to college, not if, when, you know that kind of kid all of a sudden is now thinking about college or trade or something.

☐ 1645

So we are trying to do this all in the same way. And I hope that we recognize, I think as NANCY PELOSI has, Madam Speaker, that America was great because we were the ones who wanted to be the best at everything. So why don't we have the best health care? Why don't we have the best education? And let's get down to business and start doing it.

Any questions for Members who are listening, www.speaker.gov/30something is our Web site. E-mail is 30SomethingDems@mail.house.gov.

And I have got to confess, I did not know your mom is Polish. I just figured you were 100 percent Irish.

Mr. MURPHY of Connecticut. It is not a secret, Mr. RYAN. I am very proud of my Polish heritage. I'm glad that it has come out into the open this afternoon.

Mr. RYAN of Ohio. It is now public.

And we yield back the balance of our time.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

IMMIGRATION REFORM

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Welcome to the Speaker's chair and the gavel of the United States Congress. It is a big and important thing to serve in this place, and it is always an honor to walk down here on the floor. It is absolutely an honor to be seated there in the Speaker's chair that has seated so many esteemed colleagues on both sides of the aisle. And the kind of leadership that has come from there back through history, the halls and the floor here echo with their influence, and the destiny of America has absolutely been redirected by that seat and by that gavel, and will continue to do so. And I very much look forward to continuing to work in this capacity.

I come to the floor this afternoon, Madam Speaker, to raise an issue here and carry on a discussion that is the most intense discussion item across America. And I would challenge anyone to walk into a coffee shop or a place of work or anyplace where Americans gather to talk about the issues of the day, and you don't have to change the subject, just stop and listen, ask a question and see what comes up first. Maybe the weather, maybe a sports team.

But when it shakes down to it, Madam Speaker, and we have talked about all of the amenities and the niceties and the general discussion topics that don't have a lot of substance but carry on the day, in the end, in America we get down to one of two subjects, and that is either the global war on terror on which Iraq is a principle battleground, or it is immigration. And sometimes it is both.

And having just come back from another trip to the border last week about now a week ago, and having been flush full of the things that I learned down there, I am compelled to come here to the floor, Madam Speaker, and raise the issue and begin to examine this subject and topic a little bit more.

We have now, for about 3 years, had an intense debate and discussion on immigration, and there are those of us here in this Chamber, in fact, this House of Representatives last fall voted to build a double fence/wall on the southern border, and laid out the distances, the locations and the distances from those locations. And, when calculated and totaled up, it becomes clear that Congress has mandated, the House and the Senate has mandated that there be 854 miles of at least double-walled fencing, a double fencing or a double fencing and wall constructed upon our southern border in priority areas, Madam Speaker. And last week, I went down to review some of the beginnings of that construction.

It also establishes a mandate that the Secretary of Homeland Security, Mr. Chertoff, will establish interlocking cameras and other technology along the border, and he has until May 31 of this year to complete the construction of the interlocking technology according to authorization of the Secure Fence Act, and another year to complete the construction of the double fencing and that 854 miles of that priority area. And then, with the exception of an area at Laredo that is 15 miles, that are 15 miles of either side of Laredo, and that those 15 miles can be constructed in the 2008 construction season on up until December 30 of 2008, that is the congressional mandate, Madam Speaker.

That is the mandate that was passed by a significant majority here in the House of Representatives, and a mandate that was passed by a vote that I do remember in the Senate that was 80–19. It was bipartisan, obviously. It had very solid support. And the reason that it had such solid support is this physical barrier that is mandated by Congress and signed by the President, bipartisan mandate, House and Senate, Madam Speaker; these physical barriers or these pairs of physical barriers, double fencing and walls, are something that is not an administrative decision; it is not something that is necessarily prone to human failure or human error or human lack of will to enforce. If you put those barriers in there, they are going to do some good regardless of whether there is anyone there that is maintaining and manning and guarding them or not, which, of course, we need to do.

And any kind of a structure that we put in place must be maintained, it must be guarded, it must be manned. It needs to have sensors on it. But these barriers will allow our Border Patrol officers and other backup enforcement officers that we have to be able to respond in a more effective fashion. And if they are going to defeat the barriers, it will take time to do that. And if they trip the sensors, and they should, that will give our Border Patrol officers an opportunity to descend upon that site and make the kind of arrests that are necessary so that the word gets out that there are areas of this border at least that you had better not try to cross.

Now, this area in San Luis, Arizona is just south of Yuma. It is a community on the U.S. side that is as far southwest as you can get on the border in Arizona. This is a location that has had some rather permanent steel wall right on the border that has been there for some time, and we have added to that. Now, this permanent steel wall, this is a steel landing mat, interlocking landing mat that is welded together along that border, is being extended in both directions from San Luis. And I reflect also in hearing the remark from the gentleman from Ohio (Mr. RYAN) that we need some 200,000 welders by the year 2010 or 2012, I forget which exact year that was.

I have heard those kinds of cries for help before, and I have lived through those deadlines, and we always seem to come up with the number of people we need to do the job that is necessary. One of the things we do is we just simply pay people what it is worth and they show up to do the job. But if they are short about 6 or 7 welders in 2010, they can get ahold of Secretary Chertoff who picked up a welder down there and welded some of that steel wall together right on the border of San Luis, Arizona. And that also was the case with Senator JOHNNY ISAKSON, Senator BEN NELSON, Congressman MIKE PENCE. And I am not sure, that is the ones that I saw, there were probably others that also lended a hand, as I did, to weld some of that fencing and wall together. It was more symbolic than production, but symbolism does matter in this business, and it helps encourage the people that are down there building those barriers.

And particularly, our National Guard that are down on the border, approaching 6,000 strong, they freed up at least 500 on-line slots for Border Patrol agents that can be up-front patrolling. And they are constructing fence and wall with the time that they have down there on the border. Their morale seems to be good. They act like they believe in their mission. I believe in their mission. I am encouraged by the fact that they are there, hands on, building, constructing, putting barriers in place, because this Congress mandated and the President signed, however unenthusiastically, he did sign the authorization of the Secure Fence Act that mandates 854 miles of double fence wall on our border.

And then, after the mandate and the authorization, the authorization which is the mandate, then we heard continually from the critics across the country, well, you will never fund it. And if you never fund it, then it will never be built. So it was only, the allegation that it was only the part of Congress to just simply make a promise that we didn't intend to fulfill. And I heard that criticism all the way through the campaign season to November 7 and all the way beyond that well into December, and I have heard smatterings of it since then and questions that come from the media. And at some point last month, Congressman DUNCAN HUNTER, who is the ranking member of the Armed Services Committee and former chairman, and a real leader on this fence on the border, and I and several others, did a press conference. Actually, it was DUNCAN HUNTER and myself on that particular press conference. And we talked about how this fence will be built and needs to be built and must be built, and it is a congressional mandate.

And I pointed to the line item in the appropriations bill that funds the Department of Homeland Security, and their overall appropriation is 34 point something billion dollars. And in that 34 point something billion dollars is a line item for double fence and wall and the technology that goes with it, the interlocking cameras and the other devices, and some of them now are ground based radar, funding for all of that to the tune of $1,187,000,000 and change.

Now, that is the line item that has been appropriated. That money goes to only one thing, and that is securing our border with either technology or fence, and then the necessary support that it takes to get that done.

We followed through, we mandated 854 miles of fence and wall, double, and we have appropriated $1,187,000,000. Now that is probably not enough to complete the whole 854 miles, but, Madam Speaker, it is a great start. And we have given a great start here in Congress and created this inertia and provided the mandate, and now the Department of Homeland Security working with the National Guard has got a beginning.

I won't say they have a great start or that they have even a good start, but they have a beginning. And it is great to have a beginning. We are able to do hands-on on the beginning. It is a triple fence there south of Yuma in San Luis.

So as I ask the question, Madam Speaker, of how effective are these barriers that we are putting here in place, the answer that I get back down there is: In that area they had interdicted 2 years ago 138,000 illegal border crossers in that area. And, since October, they had interdicted 15,000. Now, that is not quite apples to apples. You have to calculate it out so much per month, but you get the idea that it has been about two-thirds effective at this point. And as I ask the question, has anyone come through the area where we have this triple fence, this 12-foot high steel wall made out of landing mat steel, the 16-foot high steel mesh wall. And that is about 100 feet apart, and then as you come into the United States going north, then there is a 10-foot high chain-link fence like a school playground fence with about three or four bars on top, barbwire. Shorthand in Iowa as barbs.

And there, they said that maybe about three people had gotten through that area. And upon further questioning, one or two through the waterway, one or so around the end. Had anybody defeated the area where it is triple fencing? And the answer was, they will defeat anything we build. They will find a way to get over, under, or through it. And, of course, then the follow-up question is: Has anyone defeated it yet, this fence we are looking at? And the answer is no. To date, no one has gone over, under, or through the triple fencing that is constructed there south of Yuma at San Luis.

Now, I would like to hold that record intact. I don't know that we will be able to hold it intact, but I think it is important to note that that fencing has not been defeated yet. And, that as long as illegal border crossers have an option to go someplace else to go around, they are not going to try to go over, under, or through. And that will be the case as long as we have a fence that doesn't extend the full length of the border. Now, it is possible for us to supplement those areas where there isn't a lot of concentration of pressure on the border with technology, with ground-based radar, with interlocking cameras, with a quick response force, with teams that can go out and pick people up in the deserts that have 25 miles to walk to get anywhere where they can pick up any transportation mode once they get across the border. So we can use some of those kinds of methods, too, until it becomes inefficient in that approach and we have to go back to extending the fence, extend the wall, give the people on the ground some tools to work with.

But continually, Madam Speaker, I get this answer when I ask our Border Patrol about the effectiveness of structures like fences and walls, and that they need more boots on the ground. And the answer is always: Whatever you will do to fencing, there are places where we need to do it in urban areas. We don't need to do it in rural areas. This is their answer. And, we always need more boots on the ground. That is the answer. The answer really isn't to build structure or to build wall.

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Well, I take issue with that philosophy, and I do so because of looking at it from a bit of a different perspective. That bit of a different perspective comes along like this. If we were to award contracts to companies and pay them according to the level of efficiency of being able to stop all human traffic coming across their sector of the border, stop all contraband from coming across their sector of the border, force all products, all contraband, all people, legal or illegal, through the ports of entry, that is our objective. That is what the laws that are established here in this Congress are about is forcing all that traffic through the ports of entry.

In fact, that is what the law presumes that they go through a port of entry. So anything we do to direct traffic through the port of entry is the right thing to do. It has been a piece of wisdom for this country for a long, long time, well over 100 years. Yet we have people that argue well, no, we should just leave the border open, leave it unmarked. I plead sometimes, can't we at least string up a number 9 wire and mark the border, so if you are out in the desert you don't wander across into another country.

There are miles and miles and miles of our southern border that are not marked in any way whatsoever, not a wire, not a post, not a fence are not a road, not a wall, certainly, and not a double fence, and not a virtual fence, virtually nothing is there. In fact, literally nothing is there.

If you go into some areas of New Mexico, when they laid out the border, the border is marked by a concrete pylon that is about 5 feet high, poured on a base, about this big square, 5 feet high, tapers up, and has a little insignia on it that says this is a border. That concrete pylon will be standing on a ridge line, and then if you look way down the border, you probably cannot see it from the naked eye, miles away. Over on the next ridge line will be another concrete pylon, and that is another mark for the border.

I will say that I think many people have crossed through that area and never known that there was a mark for the border because they didn't know where too look. These pylons, these markers were set up back in those old days with an old brass transit, with whatever power they had to set the cross hairs up, dial it in and look down range and then give the motion to the fellow on the other end, who did not have a walkie-talkie, did not have much optical equipment, but simply hand signals.

Go ahead, drive your stake in here. We will put the pylon there. That is good enough for this border. But that is all we marked it with, is just concrete pylons from ridge line to ridge line, and there is not a barrier, obviously.

So, if I were a contractor, and I were given the job to, say, guard 10 miles of border, and if the benchmark are for the amount of money that I would be paid for that job would be the amount that we are spending on the border today, that being $8 billion to protect our southern border, and that amounts to $4 million a mile, let's just say I were in the business of guaranteeing border security for 10 miles across the desert, and I went in and bid that at the going rate of $4 million a mile.

Well, that would mean the Federal Government would pay me $40 million a year to guard that 10 miles of border. Now, what would a rational person do if that were their job to get 100 percent efficiency? If they had a contract, the amount of that contract would be deducted by the number of failures that you have?

Let's just say the average crossing of interdictions last year across our southern border, 1,188,000. I mean, that was the number reported by the Border Patrol of border interdictions, that many fingerprinted and returned back to their home countries. Perhaps 155,000 of them were other than Mexicans. Most of the rest were returned back to Mexico.

That many fingerprinted, you could divide that out, and I have not done the math. But you could figure out how many came through each mile on average, and then determine that if your mile was successful, we are going to pay you at your $4 million. Or if your 10 miles were successful, we will pay you at your $4 million a mile. If you didn't let anybody through, you are going to get to keep the whole $40 million, this year, next year, every year that you have the contract.

We would be getting far more for our money than we are getting today for the $4 million a mile that we are paying and the $8 billion that it costs us to guard that southern border. I can tell you that I would go down, and I would bid my 10 miles or whatever link it was that I thought I could manage and handle.

Then I would look at my contract for $40 million, and I would think, you know, for about $1.2 million a mile, I could build a concrete wall on here. I could put double fencing in. Maybe by the time I added interlocking cameras and some sensors and some interlocking ground radar, I may be even up to even $2 million a mile to build my double-wall fence with interlocking cameras and sensors. Now what do I have to do to make sure that no one gets through my 10 miles of border?

I would simply have to sit back and watch my monitors, have somebody that is out there ready to respond if anybody does get through, but monitor the situation, and we can monitor into Mexico. We can monitor when they get over, if they should get over the wall, in the United States, and do a quick response and interdiction.

I don't think you are going to spend a lot of money out of the remaining $30-some million. I may have to back up here, for 10 miles, if you built 10 miles, and you invest it all together up to $2 million a mile, then you have $20 million invested in that 10 miles. But you have a $40 million contract every year.

Then you have got $20 million to work with in order to hire personnel to drive around in Humvees and react, respond, interdict. I would submit that you could hire a helicopter for that 10 miles and do that if you needed to guard it that way. There is plenty of money left over to apply the labor and the patrolling and the maintenance for the fencing that would be necessary.

In fact, it would be minimal. It would be minimal. It would take far less labor, far less manpower, far less equipment, to monitor a border that has sealed barriers, barriers. Some of those barriers, to date, have not been breached by anyone.

That is far more effective than simply an open desert that will allow people to run through, drive through, ride through on a motorcycle or a horse or a donkey or a Humvee or an ATV or walk or run, daylight or dark, winter, well, not much winter down there, but in rain, when it rains, or in a sandstorm when the wind blows. I will be far more effective to put the barrier in place.

Yet when I ask the question of the Border Patrol, be it the union or be it the representatives of the Border Patrol and the administration themselves, their answer always is, we can take some structures like some fences in urban areas, because that gives us more time to react when they jump the fence, but it is going to take more boots on the ground.

I have tried and tried in hearings to ask the question in a way that I can get an objective answer, what do we have to do so it takes fewer boots on the ground? I will pose this question this way, and that is, if we created an impermeable curtain that could not be cut, it could not be torn, it could not be penetrated, but a magic kryptonite impermeable curtain that would go from all the way up to the heavens all the way down to hell, and all the way, 2,000 miles from San Diego to Brownsville, if we could hang that there on the border, couldn't be penetrated, couldn't be cut, couldn't be gone over, and it couldn't be dug under, how many Border Patrol would it take then to patrol the border? I would submit that answer then becomes none except for any place where we would have ports of entry.

I hope I have illustrated the logic of why we need to build a fence and a wall. This Congress understands it. They voted overwhelmingly to support it here in the House of Representatives just a few months ago, and the Senate, as slow as they are, to be proactive. As much as they like to let the hot coffee cool in the saucer of the Senate, they also moved, and three times they had votes on the floor last year to put a fence on the southern border. My very liberal Iowa Senate counterpart three times voted to put a fence on the border, and that vote in the Senate was 80–19.

Yet I am watching the undermining that is taking place on the part of, to some degree, the administration. Also the chairman of the Homeland Security Committee is using his chairmanship to undermine current law. I am watching the undermining that goes on the part of some of the Democrat candidates for the presidency and people who essentially don't appear to believe in American sovereignty.

Well, something that we need to simply know in America is that you have to make a decision if you are going to be a nation. If you are going to be a nation, and I will submit that over the last 200 years, the most successful institution of government has been the nation state. Can you imagine going to something other than the nation state?

Can you imagine going to the city states that we had at the beginning of the industrial revolution when Machiavelli wrote his books, and when the cities became the center point of government and control, and everything revolved around the cities? What happened was that common languages sprung up, and they began to be formed and shaped by the people that had trade in commerce and travel in a common region. As the languages defined themselves, the borders of the nations also defined themselves along the lines of language.

There came from that, the nation states, a common belief, a common history, a common form of communications currency, language, tied people together. They voluntarily moved together and established the nation states. Of course, the nation states have changed and shifted over time.

We have tried to create unnatural nation states. Yet here in America, we came together in these 50 States of the Nation State of the United States of America, and we are unique in all of history. We are unique because what we have done is we have welcomed people from all over the world.

Let me point out that we continually hear the statement America is a nation of immigrants, and it is stated to us over and over again, as if because we are a nation of immigrants, then therefore we cannot have a rational immigration policy that is designed to enhance the economic, the social and the cultural well-being of the United States of America.

No, we simply have to open our borders, because immigrants came here and helped build America. If some is good, more is better. If some from anywhere is good, more from anywhere is better. That seems to be the logic and the rationale.

I would submit there is a lot more to building an American exceptionalism than simply saying we are a nation of immigrants and that is all we need to know about this subject matter. No, this is a very deep, very complicated subject matter that ties together everything we know about history, everything we know about human nature, everything we know about sociology and biology, and the common sense of geographical origins that come along, and the commonalities of language, common interests, those things all tie us together.

But what we have done here in America, founded a nation upon the rule of law, perhaps I will get to that a little bit later.

But we are tied together by a common language. That is something that is not unique to the United States, a common language has defined nation states from the beginning. When we get away from the common language that fractures the nation state, and you become squabbling minorities that are bickering against each other, forming and shaping ourselves in ethnic enclaves and pitted against each other because one side of this aisle believes in rights of group rights and victimhood.

The other side of the aisle over here believes in individual rights and personal responsibility and the commonalities of equal justice under the law.

But the things that tie us together are a common history, common experiences, common goals, a common cause. But we couldn't understand those things if we didn't have a common language. This great experiment of America has been founded upon a common language. This common language ties us together.

Then as we look across the vitality that we have within this country, this American exceptionalism that I mentioned a little bit earlier, you would be thinking in terms of where did this American exceptionalism come from? Why do we have it here, and why is that vitality nonexistent in many of the other countries that were donor countries to the United States in the form of the immigrants that they sent to us over the years, over the 200 to 300 years that we have received, accepted and welcomed immigrants into America?

I would look back at that and think about my oldest ancestor that we can trace back, at least on my mother's side of the family. One of them would have been a gentleman by the name of Samuel Powell who came here, and he was a Welshman who came over here in 1757 to become an indentured servant.

He landed in Baltimore. He had nothing. He pledged to work for 7 years to work off his passage to the United States. So he worked in the stables to work off his passage. This gentleman was kicked by a horse, crippled for life. We know that as there is a little hardbound book about it.

Still, through the course of his lifetime, he was the father of 17 children, and those descendents fanned out across the country, and they added to the vitality of America, as many of the children of immigrants and the children of immigrants have.

But there was something in the vitality of Samuel Powell, that vitality that is a component that exists within many, many of, and I will say most of, and perhaps almost all of those who come to America. That vitality gives them the courage and the confidence, the fortitude and the adventuresome spirit to get on a ship with everything that they have, mortgage their future for their passage, and come here to reach for their dreams in the United States of America.

That vitality that gave them that courage and that confidence, that boldness of spirit was like a filter that skimmed the vitality off of the other civilizations and cultures around the world. As they got out of Ireland and Sweden and out of Germany and out of Italy, and as they came from other places around the globe and came here, and certainly out of Scotland and England as well, and this goes back to our history 100 years ago, as they came over here, they brought that vitality with them. Often we saw that vitality within them, and we identified that as a national characteristic that came from the country that they came from.

□ 1715

One of the questions that I ask in my district, I have a wonderful Dutch region in the northwestern part of my district there in Iowa, and it is idyllic communities that are the best combination that anyone could ask for, the absolutely ideal combination of churches to banks to bars in a community. Plenty of churches and a lot of capital in the banks and just a few bars, not hardly any. And their quality of life, and it is strong, and the young children grow up and they expect to build their future in those communities. They are not taking that diploma and going somewhere else in the world to cash it in for the biggest paycheck they can get. Some do. Many come home. Many stay home, rebuild and build their lives there and have their children there, raise their parents' grandchildren right there within the same neighborhood. That is an ideal circumstance that they have.

And I ask them, how is it that you have got such ideal communities here in the Dutch areas of Iowa, and I go over to Holland, and there they have abortion on demand, euthanasia, they have prostitution, they have legalized drugs. They have one of the most liberal countries in the world, one of the most permissive, but yet one of the most closed societies in the world where you could never go over there and become a Dutchman. And yet so many things that they do permit in that very liberal society are things that we would reject in our communities, and I have listed some of them. Why is it then that we have such a wholesome, rich community in an area that I have described in western Iowa, and we have the different environment in Holland entirely, and especially in the communities like Amsterdam? And their answer to me, with only a little bit of sense of irony is, well, the good Dutch came here.

And, Mr. Speaker, I tell this story because it identifies the source of American exceptionalism. The good Dutch came here. So did the good English, so did the good Spanish, so did the good French, so did the good Norwegians and Swedes and Germans and Irish and all the way down the line. Western Europe were the first big donors to this American society that we have here. And we have also picked up a significant amount of exceptionalism and vitality from our neighbors to the south.

And so I want to point this out and emphasize in a very serious way how important it is that we be smart and we be careful with our immigration policy and understand that we are defining an immigration policy that should enhance our economic, our social and our cultural well-being here in the United States of America in a selfish way. Any nation state should have that kind of an immigration policy. It should be promoting them. They should be building their future, whatever country they might be.

We need to do it here. We need to set this American destiny on a glide path that soars way beyond the aspirations that I hear here in this place and that I even hear out in the streets of America where there is more optimism than there is here in this Congress, Mr. Speaker. We need to set our destiny and control it from here, and we have got to have a vision, we have got to have a dream, and we need to understand the foundations of what has made us great as a Nation. And we need to be looking for new things, new principles, new ideas, new tools that might, just might, supplement the time-honored tradition and principles and tools that were gifted to us from God through our Founding Fathers that are the foundation of this great Nation.

But American exceptionalism is one of them. The foundation of the rule of law is another one, Mr. Speaker. And in spite of all of the things that we read about in our history and so much of the glorious past and some of the marginal, shameful events that took place in our history, this Nation has been a Nation that has been grounded on, built upon, rooted in and a pillar of which is the rule of law. The rule of law is sacrosanct in America. And when we set aside the rule of law, it diminishes us all. It erodes everyone's constitutional rights when someone else is given a pass by the law. And so if we are allowed to drive down the highway at 70 miles an hour in a 55-mile-an-hour zone, and if we pass the Highway Patrol, and even if they happen to pull us over and they say, well, you know, everybody breaks the law, so I am not going to write you up on this 70 in a 55 zone, then pretty soon everybody drives 70, and they will push it up to 75. If they don't get a ticket at 75, then they may go 80. They will drive as fast as they can until they get scared. Then they will slow down a little. That is human nature, and we have known that from the studies on our highways. But too low a speed limit breeds contempt for the rule of law, but enforcement of any speed limit breeds respect for the rule of law.

The same is so with our immigration laws, Mr. Speaker, if we have immigration laws that are not enforced, or the foundation of this rule of law is it applies to everyone equally. So if our immigration laws are not enforced equally to all people in this country, then also it breeds contempt for the law. And if we allow the contempt for the law to be bred, then it undermines the rule of law, it undermines this Constitution, and it weakens the rights of individuals.

This Constitution I carry in my pocket all days. I have sworn to uphold this Constitution, and I will do so. It is an oath that I take seriously, and, in fact, in spite of some of the news that has come down here, that we don't swear in to the new Congress on the Bible, some of us do bring our Bible down here and do swear in on the Bible, and we take that seriously, as did George Washington. And some of us, in fact, all of us, should add "so help me God" when we take that oath.

But this Constitution is the foundation for our law. And, in fact, it is the descendant of the Declaration of Independence, the foundation for our law. It is the framework of justice in America writ large. It is the framework of government in America writ large. And we need to adhere to the language that is here and the intent that is here and the original text that is here in this Constitution, Mr. Speaker.

And I continue to intend to do that, and I am sworn to uphold this rule of law. And so when I go back to my district, and we have had a finally, at long last, a Department of Homeland Security raid on some of the meat packing around my neighborhood, within the adjoining States and within the State of Iowa, and about 1,282 individuals were picked up and loaded up, and charges were brought against many of them for immigration violations and also for fraudulent documents and document theft. When that happens, and there were truckloads of hogs that were stacked up waiting to go into the packing plant, and there wasn't enough labor there, and actually the plants were temporarily shut down. The hogs had to stay on the trucks. There were a few that were lost. Most were not so badly treated. That is one of the elements we don't talk about so much. But also families were affected, children were affected, and we have debated across that.

But when I go before the pork producers and they say, we need to have people in these packing plants to process our livestock, we have got to have a market for the livestock that we raise, we have got to make sure that they can harvest on the days they are supposed to be, and that meat can be processed, packaged and delivered to the meat case so we have got a continuous supply and a continuous flow of our product, however urgent they sense that to be, however focused they are on the problem that is in front of them, and remember, people have a tendency to look at the world through their straw. It is rare for us to step back and look at the big picture and try to add up all the components, or look at the world through somebody else's eyes, let alone look at the world through everybody else's eyes if we would could possibly do that. And that is partly my job is to ask people to look at the world through somebody else's eyes.

And so as they say, we need that labor, we can't be shutting down plants because of illegal labor, we have got to find another solution, that is no solution. I ask them, point blank, I understand how important this is to your industry, but are you willing to sacrifice the rule of law in America to be sure that it is convenient, and that you don't have to go out and recruit for labor someplace other than outside the United States for people that will come into the plant?

Wouldn't you rather maybe pay a couple bucks more an hour and hire people that are already here, hire some of the 30 percent of America that are high school dropouts; hire some of the 69 million people in America that are simply not in the workforce, but are of working age?

We only have about 6.9 million working illegals in America, Mr. Speaker, and we have 69 million nonworking, not in the workforce, Americans. So wouldn't a logical Nation just look around and say, well, let's try and hire? First we would go hire some of those folks that are on unemployment. And we are not at a historically low unemployment level. That was 1.3 during World War II. And I recognize that was all hands on deck. But still we have quite a ways to go, and we can drop more than 3 points before we get down to the levels of unemployment that we had during World War II. But that is not enough to fill the gap. And if we take the people that are on welfare now and that are hirable, and maybe if that is half, and that might be a lot, you put those together with those that are unemployed. If you take the 4.4 percent unemployment and take that down to 1.3 percent, World War II levels, and then reach in and hire half of those that are on welfare and put them to work, you still don't have enough people there to replace the 6.9 million working illegal immigrants in the American workforce. But where you can find them is to go into the 69 million nonworking Americans that are not in the workforce, many of whom are presumably healthy and can be hired.

And the answer that I get when I propose that is, well, they aren't in the right place. They don't live where we need them. They are not sitting there next to the job. And so therefore, we should what? Let's go 2,000 or 3,000 miles away and go get some people out of a different country and bring them here, against the law, to replace the need for a workforce that you could replace if you just simply went someplace else in America and put some people in a car, on a bus, on a plane or on Amtrak and send them down there.

I mean, I can give you an example, Mr. Speaker. When the raid came in on the Swift and Company at Marshalltown, Iowa, and they picked up about 90 workers there, so presumably there were 90 jobs that were open at that moment, there was a couple, an

African American couple, from down in the Dallas area that loaded up and drove from Texas all the way up to Marshalltown, Iowa, went to the H.R. office at Swift and Company and said, we would like to have a job working here processing this meat. We drove a long ways to get here, and now we would like to resettle to Texas, to Marshalltown, middle of the winter, Texas to Marshalltown for those jobs.

That kind of answers the questions that there are jobs that Americans won't do. At least there is a personalized example of it, Mr. Speaker. And statistically there are many. But the argument that the people aren't in the right place doesn't hold up. In fact, the Okies weren't in the right place in the '30s, and they loaded up the things that they had, like the Clampetts in a way, and went on off to California and built the economy out there, and they must have been pretty good because the economy blossomed in California after the arrival of the Okies. And so people can be transferred for labor.

There was a mass migration from the American South to the industrial areas in the Northern States that took place also about that era. And I recall that as that migration took place, we saw concentrations of African Americans moving into the industrial cities. Detroit would be a good example of that. Cleveland would be another good example of that. They came and they took the jobs and went to work. They were good-paying jobs. They did their jobs, and they raised their families there. And some of those young people went off to college, became professionals and moved off. Others went back and went to work in the same plants that their parents did.

But I recall, Mr. Speaker, reading an article in the Des Moines Register some years ago. They had gone into Milwaukee and picked a 36-square-block neighborhood in Milwaukee, and it was a neighborhood that was totally inhabited by people or descendants of that migration from the gulf coast Mississippi area that came up into Milwaukee to take the brewery jobs that were good-paying jobs then. Now, that was back in the '30s, and now, by this time, oh, about the turn of the last millennia, I will say, maybe 1998 or '99, they surveyed those, every house in that 36-square-block area. There wasn't a single working head of household in all homes in that 36-block area. And the article was full of lament as to why government couldn't figure out a way to move some jobs up there to Milwaukee and establish those jobs close enough to the people that lived there that didn't have work that they could then have jobs again.

Well, how did government fail the people that are sitting in that 36-square-block area, 6 blocks by 6 blocks in Milwaukee? How did government fail was the focus of the article. And, Mr. Speaker, I will point out that government didn't fail. It never was government's job. It wasn't government that moved them from the gulf coast up to Milwaukee in the '30s, and it wasn't government that moved the Okies from Oklahoma to California in the '30s. It was the promise of jobs that relocated people. They did it on their own.

I mean, after all, that is how the illegal immigrants got here, wasn't it? Billboards in Mexico. People migrated up and took the jobs. People move for jobs. I have done it. Many of us have done it. In fact, most of us have done it. And to imagine that Americans can't relocate to take a job is a pretty weak position to take if you are going to set the direction for the destiny of America.

But the rule of law, the rule of law is a pillar, it is a foundation, it is essential. And we are embroiled in a central debate here in America on this rule of law.

Now, the Senate will be introducing legislation next week that will be comprehensive immigration reform. That is White House language for we are going to take some people that are here, and we are going to give them the path to citizenship. And you are going to hear an argument and a debate about what is the right, the just, the true, the appropriate path for us as a Nation, a compassionate Nation, yes, a Nation that cares about all people, not just within the borders of the sovereign State of the United States of America. We care about the well-being of people all over the globe.

□ 1730

No Nation has been generous as the United States of America has been. We have provided more resources for more people. We have sacrificed more lives for liberty and freedom. We have poured more treasure out to the rest of the world than any nation in history by any model or comparison that anyone can create or come up with or convolute, for that matter. And yet we are being accused of being a cold hearted, unkind Nation because we have an obligation to control our borders so we can define ourselves as a Nation.

And I will argue that if we give amnesty to the people that have broken our laws and who are in violation of our laws and unlawfully present here on the soil of the United States, if we grant them amnesty, we have kicked aside the rule of law. We have knocked the pillar out, the foundational pillar, from underneath this great citadel of the United States of America. And if the rule of law is gone, what then holds up our values here?

What then supports this Constitution that I have put back in my pocket, Mr. Speaker? How do we argue ever again that there is a foundation that exists that we should adhere to the rule of law, that we should respect and protect and defend it, how could we, if this Congress granted amnesty to law breakers in America, gave them a free pass at the encouragement and behest of the White House and the administration, who are focused on this, at the encouragement of the left wing liberals in the United States Senate that are advocating for open borders because they know they can count the masses of illegals whether they are here legally or not, whether they are ever allowed to vote or not, they know that it provides representation here on the floor of the United States Congress.

There are Members of this Congress that won't need more than 30,000 votes to be re-elected or elected to this Congress. They are the ones that represent districts that are full of illegal immigrants that are counted in the census for reapportionment purposes. So my 600,000 people, where it takes over 100,000 votes to get re-elected in my district even in a nonpresidential year, has less representation per capita, the citizens in my district have less representation per capita than the citizens in the districts that have high concentrations of illegal immigrant population, because we draw the lines around about 600,000 people.

And if there are 400,000 illegals in a single district, that means there are only 200,000 citizens. And if they go to the polls and register and vote, that means there might only be 50,000 of them that will actually vote that are of the age to vote and that will take the trouble to do so. That is a gross distortion of the intent of our Framers, and it is clearly a distortion of the concept of our Constitution and it is a distortion of the understanding of equal representation that the taxpayers and the citizens of America expect from us. We need to address that. But before we do that, we are going to need to address this amnesty issue, this amnesty question, that will be before the Senate shortly and expecting to come over here to the House some weeks or months after that.

What is amnesty, Mr. Speaker? Well, it is a simple question for a person from my perspective. If you have a law and the law exists and someone breaks that law, if you reduce or eliminate the penalty for the law that they have broken after the fact, you have provided them amnesty, whether you do it en masse in a group or whether you do it as an individual. I guess as an individual you could call it a pardon. I will say amnesty is a mass pardon for people who have violated an existing law for which there is an existing penalty, and if that penalty is eliminated or reduced, then that is amnesty.

Now, that is not a hard concept to understand. Something that I think the vast majority of the American people will understand. I am very confident that Ronald Reagan would have understood. He signed an amnesty bill in 1986. It was one of only about two or three times that that great man let me down. But at least he had the clarity and the conscience to say this is an amnesty bill. He called it an amnesty bill. He signed it, and he also said, and we expected, that there would be enforcement of existing laws. And what happened from 1986 was the enforcement of existing laws diminished gradually over time to the point where in 2005 only three employers were sanctioned for hiring illegal employees. Only three.

Now, in this virtual world, I call that virtually no enforcement in the workplace. Virtually none. In fact, when I went down and welded on the fence, I really wanted a virtual welder and a virtual welding rod and a virtual hood so that I could weld some of that virtual fence that I think will only virtually stop people in the end if we don't have the manpower in there to do the job. And I think we have to put up literal barriers to get this done and we can't rely on virtual anything because we will virtually go through a lot of semantics, linguistic semantics, to be able to reach our political goals, but the subject matter and the efficiency is what we need to be after here, the rule of law.

Amnesty. There can be no amnesty, and that is where this fight will turn. That is where this debate will turn. That is where it is going to turn in the Senate, and I said last year that those that supported an amnesty bill will be marked with the scarlet letter "A" for "amnesty," and they will be held accountable by the voters in the ballot box. And the House and the Senate heard that call and the threat and the danger of those that came close to losing their jobs over there and the ones that are worried about it in 2008. And yet I heard we lost people here because they were for border control, and it is interesting to me that those couple of Members, only two that I can think of, were very strong on border security lost elections last fall. Their opponents, the ones who defeated them, also were advocating for strong border enforcement and employment enforcement in the workplace.

So I don't think there is a case that anyone lost an election because they were for border security. I think there were those that were jeopardized because they came late to the subject or they didn't understand the conviction of it. But most, if not all, made some commitment at some level that they are going to support it. Stop the bleeding at the border. Get it under control. Push all traffic through the ports of entry; all human traffic, legal and illegal; all product, both contraband and legal product, through the ports of entry we should support that in this Congress unequivocally.

There should be no effort to undermine that and there should be no effort to create a scenario by which we can turn a blind eye to illegal crossings on the border. That is something that is sacrosanct that all of us should agreed to. And I would challenge anyone to stand up now or later, and I would be happy to yield: Do you oppose the idea that we secure our borders and seal them so that all traffic will go through the ports of entry? If anybody wants to oppose that, I will be happy to yield. I don't think that is going to happen. That is number one.

Number two means we have got to enforce our employer sanctions, and employers have to understand that if they are going to knowingly and willfully hire illegals, then we are going to have to knowingly and willfully, with our enforcement mechanisms, go in there and punish the employers that have a business plan that is premised upon the hiring of illegal labor. And that happens all over this country.

I am watching it happen and it is permeating us more and more, and our resistance is breaking it down more and more. Do we have an amnesty plan for employers that are paying corporate income tax off the profits that they made off the backs of cheap labor at the expense of America's middle class? This middle class is forever shrinking because we are growing an upper class. The elitists believe they have a right to cheap labor, the servant class, as they see it, whether they admit it or not, and the growth of this lower class, this servant class that is coming.

No nation ever failed because of a lack of cheap labor. Can anybody look back at history and name a single nation that didn't have enough cheap labor; so their economy collapsed? I would say none. It has never happened in all of history. But many nations have descended into a squabbling cacophony of minorities that couldn't get along, that didn't have a sense of nationhood, didn't have a sense of common history, didn't have a common language, didn't have literacy skills or job skills but simply pulled the whole system down and put pressure on the social services.

The wait that is there, we are growing our lower class, that class that the elitists see as a servant class, and we are growing our upper class because of the prosperity that comes really from the Bush tax cuts that we have had for 2001 and 2003. And as this growth continues, the upper class grows, they think it is all to their credit. Now, they earned a lot of it. They got their education. They invested their money wisely. They worked hard and smart and they made money, and I am glad they are building their million dollar mansions. Maybe one day an older used one will be a good place for me to spend my retirement. I am happy for them.

And they will move out of a modest home so someone with a more modest income can move in there. It is a natural progression. But they have no right and essentially have no birth right to cheap labor to enrich them.

America has been about expanding the middle class, making it broader and making it more prosperous. And this immigration policy, or, I should say, a lack of enforcement on this immigration policy, is shrinking the middle class, compressing them so they can't make the upward mobility, and it is narrowing the middle class because these 30 percent of the high school dropouts that don't have a high school education and a greater percentage that don't have a college education as a cumulative total at least, those people are dropping off into the lower class too.

And where are their opportunities, Mr. Speaker? Where do they go to get a job? How does someone with, say, my background, only the age of 17 or 18 or 19 or 20, get started in where my life has been, in the construction business? If I had walked out on the pipeline at age 19 and asked for a job to swamp on the bending crew so I could run 10 miles a day in the dust with a hard hat on my head and get thrown around on the end of a piece of pipe in August going through the cornfields, they wouldn't give a job to a kid today, some blue-eyed white kid that walked up there and wanted a job, because there would already be some people there who had arrived in the United States that were cheap illegal labor that would work cheaper and give them less trouble and those that wouldn't have a workers' comp claim because they would be afraid they would be deported. There wouldn't be an unemployment claim. They wouldn't be any unemployment, any workers' comp. There wouldn't be any lawsuits. They would either show up on time or somebody else would show up to take the job.

It is a lot less trouble to work with people that are living in the shadows because they are afraid that the spotlight will come on them. And so you have a meek, docile labor force, and an employer that is making a rational decision with his capital is going to go that route. And we have enabled it here in the United States of America, and now we have become dependent upon a pretty good size supply of illegal labor. And every day that goes by, another person, another company figures out a way to make some profit off of the illegal population that is here in the United States.

And I feel a little guilty that I sold my construction business to my oldest son because he has to compete against competitors who will be knowingly and willfully finding that avenue to hire that cheap illegal labor, and he has to find a way to be more efficient so he can compete against them because he is going to follow the law. I know he will follow the law. That is the way he is raised, that is the way he believes, and that is his conviction. Those that follow the law are at a disadvantage today because they are being undermined by people who premise their business on hiring illegal labor.

And here we come to the financial institutions that are issuing credit cards to people that don't have a Social Security number. What an outrageous thing, to see large banking companies decide they can find a way to turn a profit and undermine our immigration laws in the United States and essentially provide another avenue that is going to encourage people to continue to break the law, come here, stay here.

But amnesty, Mr. Speaker, is a central question that is before us. Will we uphold the rule of law or will we kick the pillar out from underneath the United States of America? Will we stand on the principle of no amnesty no time for people who have come in here illegally that we will uphold the rule of law, we will enforce it? And the people who are going to advocate for amnesty, and it will be coming out of the Senate and it is coming to this floor in here in the House of Representatives sometime within the next few months, that path to amnesty needs to be a trail of tears.

And that is a trail of tears that needs to be created by people on the streets of America, in the homes, in the backyards, in the schools, in the churches, in the workplaces. They need to get on their phones. They need to get on their e-mail. They need to call their Members of Congress. They need to write letters to the editor. They need to call the talk radio shows, write articles and get them printed. They need to gin up their neighbors. They need to come to the streets and stand up for the rule of law and oppose amnesty and put that scarlet letter "A" for "amnesty" and brand those that stand up for amnesty here because if you stand for amnesty, you are opposed to the rule of law, and there is no other way to measure this.

And you can't say to someone you are going to go to the back of the line. They are not going to send them to the back of the line. That is not in the heart or the head of the White House. It is not going to happen. Those that are here illegally, the only way they could go to the back of the line would be to have to go back to their home country and get into the line behind the people that are legally in the line from their home country. No one has advocated that, Mr. Speaker. That is not going to happen. They don't want to disturb the lives of the people who came here to live in the shadows. They want to offer that they come out into the sunlight and grant them a path to citizenship. And if that isn't a blatant definition of amnesty, I have no idea what is.

But there is actually a serious discussion about how we could make them pay a fine. We could penalize them by making them learn English.

Penalize them by making them learn English? I think that should be a privilege and a goal because that will give access to the American Dream. But if you are here as a criminal, and there is an objection to that term, but if people have come into the United States illegally, then they have violated a criminal misdemeanor for illegal border crossing, unlawful presence in the United States, and that is punishable by deportation. That is the punishment that needs to be there. There can't be anything less. And to have them pay a fine of $1,500 when a coyote is going to charge $2,000 to $3,000 for a trip into the United States just says, well, the path to citizenship is for sale for $1,500. If you can scratch up the scratch to do that, we can give you a path to citizenship.

And the United States Senate and a lot of the liberals here in the United States House would say, Fine. Here is your green card. Here is your path to citizenship. Forget about that part about breaking the law and getting your reward for breaking the law, but be a good citizen otherwise. How can anyone who is given a reward for breaking the law and gets to go to the front of the line, how can they respect the rule of law?

□ 1745

How can anyone who is given a reward for breaking the law and gets to go to the front of the line, how can they respect the rule of law? How can it be when you get stopped for speeding, if they give you a ticket to speed, or if you get arrested for robbing a bank and they say, well, okay, but we are going to give you amnesty, take the loot and go, be happy; but just forget that one time we didn't enforce the law on you, and so for now on respect the rule of law? Madam Speaker, it does not work that way. That is not the nature of humanity. Humanity is going to follow this path of least resistance; if they see an opening, they are going to go. And if they have an opportunity that we give them, that we grant them, they are going to take it.

And not only they will have contempt for the rule of law, a million back in 1986, that turned into 3 million because of the phony identification and the corruption in the Reagan amnesty, they and their descendants and their friends and their neighbors, almost all of them believe that amnesty is a good idea because they were the beneficiaries of amnesty; just like a bank robber that gets to keep the loot thinks robbing banks is a good idea and will go back and do it again if he runs out of money.

Now, think about doing that with 12 million or 20 million or, by the numbers that came out of the Senate the last time, 66.1 million would be legalized by the Senate version. That would be the cumulative total of all who were naturalized in the United States in all of our history.

I thank you for your focus, Mr. Speaker.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-16)

The SPEAKER pro tempore (Mr. DAVIS of Alabama) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2007.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2007.*

IMMIGRATION CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was certainly listening to my friend express himself on important issues. I believe it is important for this floor and this Congress to really turn on the light and have a transparent government. And so I will attempt this evening to share some of my concerns as they relate to a number of issues that I believe we have both the interest of the American people in making it transparent in its debate, but also an obligation, in some instances, to even save lives.

First let me say that with all of the missteps on immigration issues, there is no route left for this Congress to take other than to begin a debate on comprehensive immigration reform, because until we get an orderliness with the individuals that are in this country and the securing of the border, all of the frustration will continue. And so I think it is the right step to make to save lives of those who would come into this country undocumented, fleeing for an economic opportunity; for the needs of the Border Patrol agents in the northern and southern border, what I consider to be a plus-up. Inasmuch as the support system provided by the National Guard has a time certain to end, we need to be constructive and look toward comprehensive immigration reform.

I want to add to that discussion what I think is an injustice that has occurred to two particular Border Patrol agents who now languish in jail because they have been prosecuted by the Department of Justice and the U.S. Attorney's Office. After the U.S. attorney prosecuted, he was heard to have said, I am sorry I had to do it, I wish there was another way. Well, Mr. Speaker, there was another way, and that is, of course, there could have been administrative action. And that is the issue surrounding the Border Patrol agents who fired at a fleeing alien, undocumented, across the border, wounded that individual, none of which I applaud, none of which I believe that any comments I make tonight sanction, but the harshness of 12- and 13-year sentences for what could have been an administrative proceeding to fire those individuals inasmuch as they were in the line of duty, this act of a prosecution and jailing does not speak to the sensibleness of addressing this question of inappropriate behavior, or, if you will, out-of-procedure behavior that might have occurred in this instance.

The real question is why did the U.S. attorney proceed for a criminal prosecution? That needs to be corrected. And I have asked the Attorney General for an explanation and a reason why his U.S. attorney proceeded in that manner. Prosecutorial discretion was used wrongly.

Let me conclude by suggesting that we are also wrongly in the Iraq war. There will be an opportunity forthcoming to make a very serious and deliberative decision about whether we continue the funding of this Iraq war. This is not in any way a diminishing of the heroics and the work of our United States military. I frankly believe, through my legislation, the U.S. Military Success Act, and the plussing up of diplomacy affirms that these individuals have done their job.

It is now time for methodical, deliberative debate on how we do not interfere with the leadership of the United States military and brass and leaders on the ground in Iraq, but begin to give them the assignment of a strategic redeployment of our troops. It is the right decision to make when you look at the debacle of housing conditions for returning injured troops, when you see the mounting numbers of 22,000, 23,000, 25,000 severely injured troops, many of them with brain injury, as we saw very eloquently put forward by Bob Woodruff, who did a wonderful exposé after himself being a real miracle of recovery, to show the imploded brain injuries of these soldiers.

We are not there to babysit the insurgent violence and civil war violence and possibly al Qaeda violence. We should be engaged in the war on terror, but not as, in essence, a sitting symbol for them to abuse and misuse. And frankly, that is what the Iraq war has become.

I applaud some of the diplomatic successes, determining how to organize the oil revenues, and some of the other steps that the Iraqi Government has made. They can continue to make that so that their reconciliation and the downing of the violence can be based upon a reconciliation diplomatic act. If there is a deployment time set, redeployment, it will give the generals on the ground the opportunity to secure the area and as well make sense of this terrible, terrible incident. We need to end the war now and bring our troops home.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1900

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida) at 7 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 800, EMPLOYEE FREE CHOICE ACT

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–26) on the resolution (H. Res. 203) providing for consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. INSLEE (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for the week of February 27 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

(The following Members (at the request of Mr. WESTMORELAND) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, March 5, 6, and 7.

Mr. GINGREY, for 5 minutes, today and March 1.

Mr. PENCE, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WESTMORELAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Thursday, March 1, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

637. A letter from the White House Liaison and Executive Director, White House Commission on the National Moment of Remembrance, transmitting the fifth Annual Report

of the White House Commission on the National Moment of Remembrance, pursuant to 36 U.S.C.116 note Public Law 106-579, section 6 (b)(1); to the Committee on Oversight and Government Reform.

638. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the Inspector General for the period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

639. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

640. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2006 to September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

641. A letter from the Chairman, Broadcasting Board of Governors, transmitting in accordance with the requirements of the Accountability of Tax Dollars Act of 2002 (Pub. L. 107-289), the Board's FY 2006 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

642. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's Annual Report for 2006 on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5 (113 Stat. 1488); to the Committee on Oversight and Government Reform.

643. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

644. A letter from the Under Secretary for Management, Department of Homeland Security, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

645. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

646. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2006, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

647. A letter from the Chairman, National Transportation Safety Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's Report to Congress on the Fiscal Year (FY) 2006 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

648. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting pursuant to the Office of Management and Budget Memorandum M-07-01, the Office's Report to Congress on FY 2006 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

649. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, Virginia [CGD05-06-008] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

650. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-06-053] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

651. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-06-010] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

652. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Tampa Bay, FL. [COTP St. Petersburg 06-036] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

653. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-06-037] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

654. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kingsmill Resort Marina, James River, Williamsburg, VA [CGD06-06-010] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

655. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-06-003] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

656. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pearl Harbor and adjacent waters, Honolulu, HI [COTP Honolulu 06-001] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

657. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay and Sacramento, CA [COTP San Francisco Bay 06-616] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SUTTON: Committee on Rules. House Resolution 203. Resolution providing for consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes (Rept. 110-26). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILLMOR:

H.R. 1221. A bill to provide for cancellation of removal and adjustment of status for certain long-term residents who entered the United States as children; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself, Mr. EDWARDS, Mr. MILLER of Florida, and Mr. JONES of North Carolina):

H.R. 1222. A bill to restore health care coverage to retired members of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. EDWARDS, Mr. MILLER of Florida, and Mr. JONES of North Carolina):

H.R. 1223. A bill to amend part B of title XVIII of the Social Security Act to waive Medicare part B premiums for certain military retirees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself, Mr. KIND, and Mr. INSLEE):

H.R. 1224. A bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. RAMSTAD, Mr. PAYNE, Mr. SHAYS, and Mr. OBERSTAR):

H.R. 1225. A bill to amend the Foreign Assistance Act of 1961 to improve voluntary family planning programs in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Illinois:

H.R. 1226. A bill to amend title 38, United States Code, to expand eligibility for the basic educational assistance program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself and Mr. Frank of Massachusetts):

H.R. 1227. A bill to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina; to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself and Mr. Wicker):

H.R. 1228. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama (for himself and Mr. English of Pennsylvania):

H.R. 1229. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. Gutierrez, Mr. Wicker, Mr. Duncan, Mr. Rangel, Mr. Conyers, Mr. Oberstar, Mrs. Christensen, Mr. Bishop of Georgia, Mr. Costello, Mr. Sires, Mr. Udall of New Mexico, Mr. Honda, Ms. Jackson-Lee of Texas, Mr. Fattah, Mr. Meeks of New York, Mr. DeFazio, Mr. Faleomavaega, and Ms. Solis):

H.R. 1230. A bill to recognize the right of the People of Puerto Rico to call a Constitutional Convention through which the people would exercise their natural right to self-determination, and to establish a mechanism for congressional consideration of such decision; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Wu, and Mr. Gingrey):

H.R. 1231. A bill to enable the awarding of the Malcolm Baldrige National Quality Award to a greater number of qualified enterprises; to the Committee on Science and Technology.

By Ms. BALDWIN (for herself and Mr. Pickering):

H.R. 1232. A bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research; to the Committee on Energy and Commerce.

By Mrs. BONO:

H.R. 1233. A bill to amend the Internal Revenue Code of 1986 to allow a bad debt deduction to doctors to partially offset the cost of providing uncompensated care required to be provided under the amendments made by the Emergency Medical Treatment and Labor Act; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 1234. A bill to end the United States occupation of Iraq immediately; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. Crowley, Mr. Engel, Mr. Serrano, Mr. Weiner, Mr. Nadler, Mrs. Maloney of New York, Mr. Meeks of New York, and Mr. Rangel):

H.R. 1235. A bill to amend section 9 of the United States Housing Act of 1937 to ensure that operating and capital assistance is provided for certain previously assisted public housing dwelling units; to the Committee on Financial Services.

By Mr. CLAY:

H.R. 1236. A bill to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. Price of Georgia, Ms. Foxx, Ms. Herseth, and Mr. Deal of Georgia):

H.R. 1237. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 1238. A bill to amend title XIX of the Social Security Act with respect to meeting the citizenship documentation requirement for children born in the United States; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. Castle, Mr. Lewis of Georgia, Mr. Rangel, Mr. Conyers, Mr. Shimkus, Mr. Towns, Ms. Waters, Mr. Thompson of Mississippi, Mr. Bishop of Georgia, Ms. Carson, Mr. Fattah, Mr. Cummings, Mr. Payne, Ms. Jackson-Lee of Texas, Mr. Scott of Virginia, Mr. Patrick Murphy of Pennsylvania, Mr. Wynn, Ms. Moore of Wisconsin, Mr. Kuhl of New York, Mr. Clay, Mr. Butterfield, Mr. Cohen, Mr. Johnson of Georgia, Mr. Al Green of Texas, Mr. Moore of Kansas, Mr. Meek of Florida, and Ms. Corrine Brown of Florida):

H.R. 1239. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Lantos, and Mr. Cummings):

H.R. 1240. A bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; to the Committee on Veterans' Affairs.

By Mr. HERGER:

H.R. 1241. A bill to establish the Sacramento River National Recreation Area consisting of certain public lands administered by the Bureau of Land Management in Tehama and Shasta Counties, California, and for other purposes; to the Committee on Natural Resources.

By Mr. HULSHOF:

H.R. 1242. A bill to authorize reference to the Winston Churchill Memorial and Library in Fulton, Missouri, as the "National Churchill Museum"; to the Committee on Education and Labor.

By Mr. JEFFERSON (for himself, Mr. Melancon, and Mr. Taylor):

H.R. 1243. A bill to address ongoing small business and homeowner needs in the Gulf Coast States impacted by Hurricane Katrina and Hurricane Rita; to the Committee on Small Business, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1244. A bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself and Mr. McDermott):

H.R. 1245. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself, Mr. Smith of Washington, Mr. Wynn, Mr. Hastings of Florida, Ms. Schwartz, Mr. Weiner, Ms. Lee, Mr. Frank of Massachusetts, Ms. McCollum of Minnesota, Mr. Pascrell, Mr. Filner, Mrs. Maloney of New York, Mr. Fattah, Mr. Rangel, Mr. Shays, Mr. Van Hollen, Ms. Corrine Brown of Florida, Mr. Davis of Illinois, Mr. Wu, Ms. Wasserman Schultz, Mr. Kucinich, Ms. Watson, Mr. Payne, Ms. Matsui, Mr. Blumenauer, Mr. Pastor, Ms. Eddie Bernice Johnson of Texas, Mr. Towns, Mr. Markey, Ms. Norton, Mr. Cummings, Mr. Engel, Mrs. Tauscher, Mr. Cleaver, Mr. Pallone, Mr. Ackerman, Mr. George Miller of California, Mrs. Napolitano, Mr. Meeks of New York, Ms. Moore of Wisconsin, Mr. Johnson of Georgia, Mr. Waxman, Ms. Solis, Mr. Berman, Ms. Ros-Lehtinen, Mr. Langevin, Mr. Moran of Virginia, Mr. Oberstar, Ms. Schakowsky, Ms. Harman, Mr. Inslee, Mr. Nadler, Mr. McDermott, Mr. McGovern, Mr. Dingell, Mr. Larson of Connecticut, Mr. Lewis of Georgia, Mr. Olver, Mr. Tierney, Mr. Serrano, Mr. Crowley, Ms. Carson, Ms. Castor, Mr. Ellison, Ms. Linda T. Sánchez of California, Mrs. Capps, Ms. Slaughter, Ms. Roybal-Allard, Mr. Gutierrez, Ms. Woolsey, Mr. Udall of Colorado, Mr. Hinchey, Ms. Waters, Ms. Hirono, Mr. Capuano, Mr. Doyle, Mr. Honda, Mr. Michaud, Mr. Abercrombie, Mrs. Lowey, Ms. Velázquez, Mr. Kennedy, Mr. Stark, Mr. DeFazio, Mr.

WELCH of Vermont, Mr. HARE, Mr. EMANUEL, Mr. GRIJALVA, Mr. NEAL of Massachusetts, Mr. BRADY of Pennsylvania, Mr. WEXLER, Ms. DELAURO, Mr. HOLT, Mr. FARR, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. LYNCH, Mr. COHEN, Mr. ISRAEL, Mr. ROTHMAN, Mrs. DAVIS of California, Ms. BALDWIN, Mr. ALLEN, Mr. LANTOS, Mr. GILCHREST, Mr. DELAHUNT, Mr. CLAY, Mr. BECERRA, and Ms. ZOE LOFGREN of California):

H.R. 1246. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell", with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. NADLER (for himself, Mr. ACKERMAN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CROWLEY, Ms. DELAURO, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLT, Mr. ISRAEL, Mr. KUCINICH, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MEEHAN, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. OBERSTAR, Mr. PASCRELL, Mr. RUSH, Mr. SERRANO, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. WEINER, Mr. BISHOP of New York, and Mr. CONYERS):

H.R. 1247. A bill to amend title XVIII of the Social Security Act to provide for comprehensive health benefits for the relief of individuals whose health was adversely affected by the 9/11 disaster; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 1248. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Transportation and Infrastructure.

By Mr. ROSKAM:

H.R. 1249. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. TIAHRT, Mr. MCCAUL of Texas, Mr. CONAWAY, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, and Mrs. MUSGRAVE):

H.R. 1250. A bill to amend the Internal Revenue Code of 1986 to repeal certain limitations on the expensing of section 179 property, to allow taxpayers to elect shorter recovery periods for purposes of determining the deduction for depreciation, and for other purposes; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 1251. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Natural Resources.

By Mr. STUPAK (for himself, Mr. BOUCHER, Mr. ENGEL, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. DOYLE, Ms. BALDWIN, Mr. HILL, Ms. HOOLEY, Mr. WEINER, Mr. ROSS, Ms. HARMAN, Mr. MCHUGH, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Ms. HERSETH, Mr. ACKERMAN, Mr. BAIRD, Mr. BISHOP of New York, Mr. KILDEE, Mr. BOSWELL, Mr. DEFAZIO, Mr. BRADY of Pennsylvania, Mr. CARNEY, Ms. KILPATRICK, Mr. OBERSTAR, Ms. CLARKE, Mrs. NAPOLITANO, Mr. CLEAVER, Ms. MCCOLLUM of Minnesota, Mr. COHEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. FARR, Mr. VISCLOSKY, Mr. FATTAH, Mr. BERRY, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HIGGINS, Ms. SUTTON, Ms. HIRONO, Mr. HOLDEN, Mr. CARNAHAN, Mr. HOLT, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. LANTOS, Ms. LINDA T. SÁNCHEZ of California, Mr. LIPINSKI, Mr. LYNCH, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. BERMAN, Mr. MCGOVERN, Mr. MCNULTY, Mr. TAYLOR, Mrs. MALONEY of New York, Ms. MATSUI, Ms. LORETTA SANCHEZ of California, Mr. MICHAUD, Mr. TIERNEY, Mr. GEORGE MILLER of California, Mr. ALTMIRE, Mr. PATRICK MURPHY of Pennsylvania, Ms. BORDALLO, Mr. PASCRELL, Ms. SCHWARTZ, Mr. SERRANO, Mr. UDALL of Colorado, Mr. WEXLER, Mr. CAPUANO, Ms. BERKLEY, Ms. WOOLSEY, Mr. NADLER, and Mr. RYAN of Ohio):

H.R. 1252. A bill to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota:

H.R. 1253. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Rochester, Minnesota, as the "Charles W. Lindberg Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Ms. MILLENDER-MCDONALD (for herself and Mr. EHLERS):

H. Res. 201. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Tenth Congress; to the Committee on House Administration.

By Ms. MILLENDER-MCDONALD (for herself and Mr. EHLERS):

H. Res. 202. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress; to the Committee on House Administration.

By Mrs. JONES of Ohio:

H. Res. 204. A resolution expressing support for the first annual America Saves Week; to the Committee on Financial Services.

By Ms. KAPTUR:

H. Res. 205. A resolution recognizing the 15th anniversary of the Future Leaders Exchange (FLEX) program, a program funded by the Government of the United States to provide an opportunity for high school students from the countries of the former Soviet Union to study and live in the United States in order to promote democratic values and institutions in Eurasia, and supporting the mission, goals, and accomplishments of the FLEX program; to the Committee on Foreign Affairs.

By Ms. LEE (for herself and Mr. THOMPSON of Mississippi.

H. Res. 206. A resolution honoring the life, legacy, and contributions of Fannie Lou Townsend Hamer on the 30th anniversary of her death for her dedication to freedom and justice; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

February 28, 2007

H.R. 25: Mr. HOEKSTRA.

H.R. 40: Mr. ELLISON.

H.R. 101: Mr. HOLT.

H.R. 109: Mr. GOODLATTE.

H.R. 136: Mr. FRANKS of Arizona.

H.R. 211: Mrs. TAUSCHER and Mr. KILDEE.

H.R. 251: Ms. ESHOO.

H.R. 260: Mr. FARR and Ms. HIRONO.

H.R. 273: Mrs. SCHMIDT.

H.R. 279: Mr. MARCHANT.

H.R. 281: Mr. HOLT.

H.R. 327: Ms. BORDALLO, Mr. STUPAK, Ms. DEGETTE, Mr. ABERCROMBIE, and Mr. KLINE of Minnesota.

H.R. 367: Mr. TIM MURPHY of Pennsylvania and Mr. SESSIONS.

H.R. 380: Ms. HOOLEY, Ms. GIFFORDS, and Mr. LANTOS.

H.R. 410: Mr. ELLISON.

H.R. 458: Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Ms. HIRONO, Mr. STARK, and Mr. JOHNSON of Georgia.

H.R. 473: Mr. HENSARLING and Mr. PENCE.

H.R. 489: Mr. GOODLATTE and Mr. WALBERG.

H.R. 506: Mrs. DRAKE, Mr. HARE, and Mr. YOUNG of Alaska.

H.R. 526: Mr. MILLER of North Carolina.

H.R. 549: Mr. BOUCHER and Mr. TIM MURPHY of Pennsylvania.

H.R. 563: Mr. PRICE of Georgia, Mr. LINCOLN DAVIS of Tennessee, and Mr. WICKER.

H.R. 581: Ms. GINNY BROWN-WAITE of Florida.

H.R. 582: Mr. DAVIS of Illinois and Mr. CONYERS.

H.R. 590: Mr. WALBERG.

H.R. 592: Mr. NADLER and Mr. DAVIS of Illinois.

H.R. 620: Ms. LORETTA SANCHEZ of California, Ms. HIRONO, Ms. WASSERMAN SCHULTZ, Mr. WEINER, and Mr. RANGEL.

H.R. 621: Mr. WALBERG and Mrs. MUSGRAVE.

H.R. 624: Mr. STARK, Mr. GONZALEZ, Mr. CONYERS, Mr. PETERSON of Minnesota, Mr. FATTAH, Mr. BERMAN, Ms. DELAURO, and Mrs. TAUSCHER.

H.R. 634: Mr. WEXLER, Ms. MATSUI, Mr. CUELLAR, and Mr. BILIRAKIS.

H.R. 654: Ms. WATERS, Mr. STARK, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Mr. GONZALEZ, Mr. PETERSON of Minnesota, Mr. MATHESON, Mr. OLVER, Mr. CONYERS, Mr. KUCINICH, Mr. PRICE of North Carolina, Mr. WALZ of Minnesota, Ms. DELAURO, Mr. TANNER, Mr. MORAN of Virginia, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. ALLEN, Ms. ZOE LOFGREN of California, Mr. WELCH of Vermont, Mr. FATTAH, Mr. MEEHAN, and Mrs. TAUSCHER.

H.R. 656: Mr. YOUNG of Florida.

H.R. 667: Mr. CONYERS, Ms. ESHOO, and Mrs. NAPOLITANO.

H.R. 687: Mr. TERRY, Mr. CASTLE, Mr. SHAYS, and Mr. STUPAK.

H.R. 688: Mr. TIM MURPHY of Pennsylvania and Mr. WELLER.

H.R. 690: Mr. MORAN of Kansas.

H.R. 694: Mr. FATTAH.

H.R. 725: Mr. BARRETT of South Carolina and Mr. FORBES.

H.R. 741: Mr. WOLF, Mr. ALLEN, Mr. STARK, Mr. BARTLETT of Maryland, and Mr. GERLACH.

H.R. 743: Mr. NEUGEBAUER and Mr. SESSIONS.

H.R. 757: Mr. CONYERS and Mr. GORDON.

H.R. 768: Mr. WICKER.

H.R. 769: Mr. WICKER.

H.R. 787: Mr. FATTAH.

H.R. 797: Mr. YARMUTH, Mr. MCCOTTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Mr. JONES of North Carolina, Mr. HOLDEN, Mr. PAYNE, Mr. SPACE, Ms. HIRONO, and Ms. MCCOLLUM of Minnesota.

H.R. 821: Mr. TIM MURPHY of Pennsylvania and Mr. WAXMAN.

H.R. 873: Mr. ELLISON.

H.R. 876: Mr. BUCHANAN.

H.R. 887: Mr. FATTAH.

H.R. 891: Mr. UPTON.

H.R. 909: Mr. SAXTON and Mr. HOEKSTRA.

H.R. 913: Mr. CARNAHAN, Mrs. MYRICK, Mr. ENGLISH of Pennsylvania, and Mr. WILSON of South Carolina.

H.R. 938: Mr. LAMBORN, Mr. HOEKSTRA, and Mr. FEENEY.

H.R. 971: Mr. WEXLER, Mr. GORDON, Mr. PETERSON of Pennsylvania, Mr. BONNER, Mr. HIGGINS, Mr. COOPER, Mr. JONES of North Carolina, Mr. ISRAEL, Mr. TERRY, Mrs. MCCARTHY of New York, Mr. PITTS, Mr. HOLDEN, Mr. DELAHUNT, Mr. JOHNSON of Georgia, Mr. BERRY, Ms. HIRONO, Ms. WOOLSEY, Mr. FATTAH, Mr. REYES, and Mr. MILLER of North Carolina.

H.R. 1045: Mr. BRALEY of Iowa, Mr. LOEBSACK, and Mr. LATHAM.

H.R. 1055: Mr. FILNER, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. HODES, Mr. BERMAN, and Ms. HARMAN.

H.R. 1065: Mr. AL GREEN of Texas, Mr. YOUNG of Florida, Mr. BOSWELL, and Mr. SIRES.

H.R. 1076: Mr. EHLERS, Mr. OBEY, and Mr. WALBERG.

H.R. 1115: Mr. COHEN, Mr. HODES, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. FILNER, Ms. KILPATRICK, and Mr. MCGOVERN.

H.R. 1117: Mr. MORAN of Virginia, Mr. ABERCROMBIE, and Mr. HASTINGS of Florida.

H.R. 1118: Mr. SENSENBRENNER.

H.R. 1120: Mr. MCCAUL of Texas, Mr. KLINE of Minnesota, Mr. PLATTS, Mr. BARTLETT of Maryland, Mr. BOUSTANY, Mr. HASTERT, Mrs. BLACKBURN, Mr. CARTER, Mr. WILSON of South Carolina, Mr. CHABOT, and Mrs. MUSGRAVE.

H.R. 1132: Mr. BERMAN, Mr. SHAYS, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. MCDERMOTT, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. BURTON of Indiana, Mr. HIGGINS, Mr. ALLEN, Mrs. NAPOLITANO, Ms. HERSETH, Mr. UDALL of New Mexico, Ms. CORRINE BROWN of Florida, Mr. TERRY, and Mr. SAXTON.

H.R. 1150: Mr. ROGERS of Michigan and Mr. COHEN.

H.R. 1188: Mr. MILLER of North Carolina.

H.J. Res. 3: Ms. HERSETH and Mr. SOUDER.

H. Con. Res. 9: Mr. HINOJOSA, Mr. WATT, Mr. WYNN, Ms. WATSON, Mr. HINCHEY, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 21: Mr. BRADY of Pennsylvania and Mr. FRELINGHUYSEN.

H. Con. Res. 26: Mr. BISHOP of Georgia.

H. Con. Res. 62: Mr. WOLF, Mr. BURTON of Indiana, Mr. ROYCE, Mr. FORBES, Mr. GERLACH, Mr. HASTERT, Mr. REHBERG, Mr. MCCAUL of Texas, Mr. BARRETT of South Carolina, Mr. UPTON, Mr. SAXTON, Mr. LOBIONDO, Mrs. WILSON of New Mexico, Mr. ENGLISH of Pennsylvania, Mrs. DRAKE, Mr. COBLE, Mr. GILCHREST, Mr. MCCOTTER, Mr. WALSH of New York, Mr. RAMSTAD, Mr. CANTOR, and Mr. SHUSTER.

H. Con. Res. 75: Ms. WOOLSEY and Mr. CONYERS.

H. Res. 64: Mr. VAN HOLLEN and Mr. FALEOMAVAEGA.

H. Res. 97: Mr. GONZALEZ and Ms. MOORE of Wisconsin.

H. Res. 98: Mr. TANCREDO.

H. Res. 105: Mr. BOREN, Ms. KILPATRICK, and Mr. ROGERS of Alabama.

H. Res. 113: Mr. KUCINICH and Mr. PAYNE.

H. Res. 118: Mr. DREIER and Mr. COHEN.

H. Res. 121: Mrs. NAPOLITANO, Mr. BECERRA, Mr. SIRES, Mr. GARRETT of New Jersey, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. STARK, and Mr. WOLF.

H. Res. 136: Ms. WOOLSEY and Ms. HOOLEY.

H. Res. 137: Ms. WOOLSEY.

H. Res. 146: Ms. WOOLSEY, Mr. GRIJALVA, and Mrs. MALONEY of New York.

H. Res. 186: Mr. CARDOZA, Mr. GRIJALVA, Mr. FORTUÑO, Mr. KILDEE, Mrs. TAUSCHER, Mr. CASTLE, Mr. HINCHEY, Mr. LYNCH, Mr. MACK, Mr. FOSSELLA, and Mr. BARTLETT of Maryland.

H. Res. 198: Mr. BACA, Mr. BECERRA, Ms. BORDALLO, Mrs. DAVIS of California, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Mr. VAN HOLLEN, and Mr. WEINER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 997: Mr. PRICE of North Carolina.

SENATE—*Wednesday, February 28, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, some of us are able to give much, yet we give little. Some of us would give more, but we have little. Inspire us today to give You our best. Help us to focus on serving You and bringing honor to Your Name.

Guide our lawmakers in their challenging work. Open their minds and hearts to be ready to do Your bidding. Use them as instruments of Your purposes, shining Your light through them to dispel the shadows in our world. Help them to live to please You, demonstrating conclusively with actions that they follow You. Empower them to live in a manner that will glorify You. Give them the wisdom to encourage and help each other in the important work of guarding our freedom.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes. The first 30 will be controlled by the majority, and the remaining 30 minutes will be under the control of the Republicans.

Following this period of morning business, the Senate will begin consideration of S. 4, the 9/11 legislation. This is a very important piece of legislation. That is why it has a low number. It is one of the 10 that I thought we should complete as soon as possible. I am happy we are there. I thank the Republican leader for his cooperation in allowing consent to be granted for us to switch the cloture vote from the Commerce Committee-reported legislation to S. 4, which is, of course, the measure reported by the Homeland Security Committee. I hope Members will be here early to offer amendments to the legislation.

Once I have laid down the substitute amendment, which will encompass provisions from several committees—Homeland Security, Banking, and Commerce—we will be ready for the amendment process. Members should expect rollcall votes throughout the day. We could go into late evening sessions. We really need to complete this bill. As I told Members yesterday, except for Friday late in the day, because of Senator LIEBERMAN, our manager of the bill—he starts his Sabbath at sundown on Friday—we are going to move this bill. We could very likely have Friday afternoon votes. So everyone who has airplane reservations should cover themselves because we may have to be here. If progress is not sufficient to finish this bill next week, we will have to start working longer hours. I hope we can get things available Monday so that we have more than one vote Monday night. We really need to start legislating. We have had, in my mind, too much time off.

I see the distinguished Senator from Colorado. We have the first time, but we have no one here at this stage; they are on their way. If he would like to speak now, we will use part of his time now.

Mr. ALLARD. I thank the majority leader for that opportunity. I have a bill I would like to introduce briefly this morning and talk about it for a few minutes. If somebody shows up from his side, I will yield.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first 30 minutes will be controlled by the majority leader or his designee.

The Senator from Colorado is recognized.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 699 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. DURBIN. Mr. President, if one travels across the States of Maryland or Illinois and stops at any business, large or small, and has a conversation about how the business is going, it won't take long for the conversation to move to the issue of health care. Virtually every business I have visited in Illinois in the last 10 or 20 years—or labor union, for that matter—wants to talk about health care. There is a growing concern that the cost of health insurance keeps going up and coverage keeps going down. It is affecting our competitive edge in America. It compromises the security many families want to feel when it comes to medical care necessary for their loved ones.

Yesterday, I was visited by a spokesman for the Business Roundtable. They are infrequent visitors in the offices of Democratic Senators, but it was a good, positive meeting. We talked about a number of issues and started with their concern and our growing concern about the limited availability of health care and its cost.

We now have some 47 million uninsured Americans and many who are underinsured and more and more who are vulnerable each year. There was a disturbing story in this morning's Washington Post about a young mother who lost her son because she had no way to pay for the extraction of a tooth. The child's tooth became decayed, abscessed, and led to a terrible condition which ultimately cost him his life. So for an $80 tooth extraction, this little boy gave up his life. It is unthinkable, in a great country such as America, that such could occur. It is one small example of a life that has been lost because of a lack of concern we have about extending health care coverage.

It has been a long time since we have had a real conversation about this issue. One has to go back to the previous administration, when President Clinton came forward with a plan. It was complicated. It was controversial. I joined in the debate on the plan because I thought it was long overdue. After some months, the forces in the health care industry, which is very profitable today, came together and killed the idea. So for 10 years nothing has happened except the situation has disintegrated and we are now facing a real crisis.

Recently, President Bush put forward a health coverage proposal that claims to make health coverage more affordable, make the tax treatment of health benefits more equitable, and create incentives for people to enroll in lower cost health plans. I welcome the President's proposal as a sign that he, too, believes the status quo of health care in America is unacceptable and we need to begin the hard work to reform it. But when you take a close look at the President's proposals, some questions arise, and some concerns.

The heart of the plan is a proposal to equalize the tax treatment of health benefits, whether you obtain health coverage through an employer or purchase it yourself in the individual insurance market. On the surface, it sounds very appealing. After all, some people simply do not have access to employer-sponsored coverage. But such a change would not provide people with two equally good options for obtaining health insurance.

Employer-sponsored health coverage is far superior to the individual insurance market for the vast majority of people, even if they have access to a tax deduction. Unless you are in perfect health, individual-market insurance is often unaffordable or unavailable. To a much greater extent than employer coverage, insurers in the individual market can deny you coverage if you have a preexisting medical condition or can refuse to cover you at all. Insurers in the individual market also can charge much higher premiums if you are older or sicker. In short, if you are not in perfect health, you do not want to be in the individual market. Recognizing this, the President's proposal to equalize tax treatment is really not as appealing as it sounds unless you happen to be one of those very young, very healthy people who can go to an individual market and find a competitive rate.

The President's plan has an even more alarming implication. The way he has constructed it, equalizing the tax treatment of benefits could weaken employer-sponsored coverage, which is the bedrock of our current health coverage system. He could do it in two ways.

First, offering the same tax deduction, for either employer-provided coverage or individual coverage, could create an incentive for some employers to drop coverage. They can just basically say: Now you are on your own. We are finished providing health coverage. Use the tax deduction to buy your own plan. Given the current state of the individual insurance market, this could be terrible news for everyone but the youngest and healthiest workers. Most people losing employer coverage would likely end up with insurance that costs more and covers less—if they are lucky to find a policy at all.

The second adverse effect is that even if an employer maintains health coverage, young and healthy employees would have an incentive to leave their employer plan for individual coverage. You know what that means: When the younger and healthier workers leave the pool, there is more risk and higher premiums for those who remain.

Another major element of the President's plan is a proposal to cap the tax deduction for health benefits at $15,000 for families and $7,500 for individuals. Those with health benefits above this cap would face a new tax on the health benefits exceeding this threshold. The President says capping the tax deduction would dissuade people from enrolling in "gold-plated" or "Cadillac" health plans, which the administration has fixated on as a major cause of rising health care costs. Some have gone so far as to characterize this part of the President's plan as a way to tax the rich and their expensive health benefits in order to help lower income people.

What a curious juxtaposition, that for 6 years this administration has argued for tax breaks for people at the highest income categories, saying they must be rewarded, even at the expense of middle-income and lower income families and now, when it comes to health insurance, the tables are turned and the administration is arguing that we should not be rewarding expensive health benefits, we should be, in fact, trying to help lower income people, though his approach does not achieve that.

A closer look at his plan raises even more serious questions. It rests on a shaky premise that large numbers of Americans have an overabundance of health insurance. The President believes Americans are overinsured when it comes to health care protection. There may be some people out there who fit in that category, but most of the people I talk to do not. They are very anxious about their coverage. They are anxious about the cost of their premiums, their deductibles, and their copayments. We find a lot of important health services are not covered.

We know what is happening in bankruptcy courts. Those who can make it through the new maze that has been created by this Congress and this administration usually are there primarily for medical bills. The real problem is not the overinsured but the 16 million Americans who are underinsured. Their health coverage is not adequate to protect them if they have a serious problem. Forty-seven million Americans have no coverage at all. The President's focus on the overinsured seems misplaced, to put it mildly.

Part of the problem stems from this notion of "Cadillac" health plans. The phrase suggests that buying health coverage is like buying a car: You can buy the basic model, which allows you to get to work, pick up the kids, and go to the store, or, if you have some extra money, you can buy the high-end model with lots of extras—leather seats, more horsepower, some electronics, and a fancy stereo. Health coverage just does not work that way. The cost of health coverage typically has more to do with the characteristics of who is being covered: How old are you? Do you have a medical problem? Where do you live? These are some of the factors which are taken into consideration when people assess the cost of a health care plan.

I am concerned that the new health tax the President proposes would hit many people who are older, with chronic conditions, medical problems, those who live in high-cost coverage areas. If this is the case, the tax is highly unfair. It raises the taxes on the people who can afford to pay them the least.

It also is going to hit people who have sacrificed wage increases in the past for comprehensive health care coverage. I cannot tell you how many labor unions I visit where they say their members have to make a hard call: take-home pay or better health care protection. If they chose better health care protection, the President's approach is going to penalize them. That is not fair.

To make matters worse, the $15,000 cap the President proposes could increase only at the rate of general inflation, even though the cost of health benefits usually rises much faster than inflation. For example, since 2000, premiums for family coverage for health insurance have increased five times faster than general inflation—a 73-percent increase in premiums for family coverage for health insurance in the last 6 years; and the overall inflation rate, up 14 percent—73 percent to 14 percent. So when the President says he is going to index the $15,000 in health coverage, it is not going to keep up with the actual increase in health care costs.

The administration estimates that 20 percent of people would be subject to this new tax. But that number could grow considerably over time. Before long, people with below-average coverage would start to pay the tax. That approach only makes sense if the goal of the administration is actually to reduce health care coverage in America—hardly a worthy goal of this Nation.

The President's plan also misses another critical point. A tax deduction really does not help people with low or moderate incomes. The value of a tax deduction increases with income. Someone with a high income receives a large deduction under the President's plan. Someone with a lower income, even people with moderate incomes, has little to look forward to. The President should have proposed a tax credit.

The last piece of the President's health plan—called the Affordable Choices Initiative—is the part about which we know the least. Under this initiative, funds that now go to help hospitals care for low-income and uninsured patients would be taken away and used instead for the purchase of basic private insurance. The plan would snip away the existing safety net without guaranteeing health insurance for everyone. Even by the administration's own estimates, only a fraction of the uninsured would gain coverage. Already hard-pressed safety net providers would still be responsible for caring for the uninsured and underinsured, yet they would have fewer funds to do so.

It appears those who would gain private health insurance would be enrolled in health plans that may not meet their needs. The President's proposal makes reference to changing State benefit requirements and premium-setting rules, which could make health insurance more expensive or provide less coverage for those who need it.

I appreciate the President has put forward a plan. My vision of health reform differs from his. We should have a health system that covers everyone regardless of income or health status. We should make sure everyone has the health benefits they need to prevent illness and to obtain care when they get sick. We should conduct the research that tells us which medical interventions work best and create incentives for physicians to provide recommended care, and we need to do a better job of managing chronic disease.

On the insurance front, the starting point should be legislation I have introduced with Senator BLANCHE LAMBERT LINCOLN of Arkansas. Here is a radical concept: What if we established a standard across America that small businesses would be able to offer the same type of health insurance that is available to Members of Congress? How about that for a revolutionary statement?

It turns out that Members of Congress are part of the Federal Employees Health Benefits Program. In other words, we are in the same pool with 8 million Federal employees and their families all across America. Of course, that employee pool includes younger workers, older workers, workers who are healthy and those who are not, and people who live all across our Nation in large cities and small, in rural areas and urban areas. It is a plan that has worked for 40 years. For 40 years, we have pooled together Federal employees and we have asked private insurance companies to bid for their business, and they do.

We have the best deal as Federal employees. Every year, there is an open enrollment period. Think about this in your own family situation. Let's assume you are unhappy with the health insurance you have at work or what you had to buy in the individual market. Sometimes you are stuck with it, you have no choice in changing it. A Federal employee has a decision each and every year at the end of the calendar year: Did you like the way you were treated last year by your health insurance company? If you did not, chose another one.

In my State of Illinois, my wife and I have nine choices. We can choose from nine different health care plans that could protect us. Well, of course, we take a look at what the cost might be, what the coverage might be, and pick the one best for our circumstances. If we pick a plan with more coverage, they take more out of my paycheck; lower coverage, less out of my paycheck—just as it should be.

These are private insurance companies bidding for the business of Federal employees. The Federal Government administers this plan with an overhead cost of less than 2 percent. It is widely popular. It is successful. It has worked for 40 years. Why couldn't we take the same model—that is what Senator LINCOLN and I believe—and apply it to small businesses across America and say no matter where you are, you can join a pool of small businesses, and you as a small business employer and your employees would be sought after by the same private insurance companies?

We sat down with some of the major health insurance companies and said: We don't want to write the bill like legislators. We want to write the bill like insurance companies. We want to make sure, when it is all said and done, there is some potential business for you here. Well, they helped us write the bill.

We do provide some tax incentives in the bill which I think are entirely appropriate. If you have a small business, low-income employees, you still want to have health insurance for the owners of the business and the people who work for you, and you want to offer this and provide a little toward paying those costs, I think we ought to reward you. I think the Tax Code ought to create incentives for that to happen.

Now, we have had a debate within the last year on the floor. Senator MIKE ENZI of Wyoming is my colleague and friend. He sees this issue the same as I do in terms of needing a solution. Our approaches have been different. We have sat down to speak since then about how we might merge our two approaches. I hope we can.

It would be good for us around here once in a while to cooperate, to compromise, and to come up with a bipartisan approach that says to families across America: We are just not coming to the floor to score political points; we are just not coming here to disagree; we are going to try to find areas of agreement and try to move forward so that at the end of the day we can point to a positive accomplishment.

I think this bill Senator LINCOLN and I have introduced is a good starting point. I believe if a President of the United States said to the American people: We are going to eliminate Americans being uninsured in America in just a certain number of years—4 or 5 or 10 years—that would be a positive step forward. We could set a goal, and then it would be up to us in Congress to work with the President each year to reduce the 47 million uninsured even more. I think we can do it. I think we have to do it. We cannot be competitive as a nation, we cannot have a compassionate policy when it comes to health protection for our fellow citizens unless we show initiative and leadership in the area of health care.

Our vision differs from the President's that I described earlier, but the goal is important and affects every American. I welcome the President's interest in health care. Let's begin the debate.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

VETERANS HEALTH CARE

Mrs. MURRAY. Mr. President, since this body recessed 10 days ago, I have been outraged to see report after report detailing this administration's complete failure to care for our troops and for our veterans. What is worse, since we returned on Monday, I have heard several of our Republican colleagues attempt to question our patriotism and our support for those troops. So I felt compelled this morning to come to the floor to speak up.

For more than 4 years, this administration has failed to plan for the true cost of the war in Iraq and Afghanistan. They have demanded blind loyalty from Congress, asking us for rubberstamps for their emergency budgets, avoiding oversight, and pursuing their own strategy in the face of criticism from Members of Congress, from generals, and the American public. Yesterday Senator MARTINEZ, I thought, encapsulated the White House position better than I ever could. He said:

> At a time of war, the Congress should do only one thing, which is to support our President, to try to unite behind our troops and unite behind our effort.

I couldn't disagree more. As elected Members of Congress, and even as mere citizens of this country, we can and we must question the policies implemented by our Government. That is our job. It is our responsibility. At no time is that more important than in a time of war when the lives of our bravest men and women are on the line.

But my colleagues don't have to take my word for it. General Pace, the chairman of the Joint Chiefs of Staff, told a congressional hearing recently:

> Our troops understand the need for debate back home and are sophisticated enough to know that debate does not equate to lack of support.

But that important debate, that important discussion, and all oversight was stifled for years. Unfortunately for everyone, for the first years of this war Congress was under Republican control and that led to a stunning lack of oversight, an outrageous number of rubberstamps, and an impotence from this Congress that should shame us all.

Well, those days are over.

I don't have the time this morning to outline each and every failure I have seen by the administration. I don't have the time to detail the many ways the administration has failed our troops, our men and women who are serving us. I don't have time to detail how many ways the administration has failed the men and women who serve us when they come home and go into the VA system.

So instead I want my colleagues to know I am going to be here on this floor speaking frequently and loudly, because I think it is so important to get this administration once and for all to pay the troops and our veterans the attention they deserve 4 years into this war in Iraq. My Democratic colleagues and I are committed to supporting our troops from the battlefield all the way back to their local VA and everywhere in between. We have worked very hard to ensure they get the care they deserve, the care they have earned.

My real worry is that this administration continues to be slow to react to these problems and rarely, if ever, takes proactive measures to stop the many problems before they even begin. From sending our troops to war without the critical armor they need to protect themselves, to housing them in squalor at Walter Reed as we heard about a week ago, to leaving them to fend for themselves when they need mental health care, this administration is utterly failing our servicemembers, our veterans, and all of their families.

Nowhere is that failure more apparent than in the handling of what will one day, I believe, become known as the signature wound of this war, and that is traumatic brain injury. Right now it is estimated that 10 percent of our Iraq and Afghanistan veterans have suffered from these traumatic brain injuries because of their service. One of the big problems with traumatic brain injury, or TBI, is it is an unseen wound and too often it is misdiagnosed. Many times, unless a servicemember is involved directly in an IED incident and is bleeding, he or she won't be documented as having been involved in that explosion. Even if they are two or three tanks behind where the IED exploded, they can get the impact and be a victim of TBI and not know it. As a result, I believe the actual number of Iraq and Afghanistan veterans with TBI will be even higher than the statistics we are now seeing.

We owe it to these men and women in uniform to come on this floor and say: We are going to do everything we can to help you. We should say: We will screen for TBI, we will document TBI, and we will not fail to treat veterans suffering from the signature wound of this war. It is clear our system today is not catching all of the TBI patients this war is producing.

I hope every one of my colleagues saw the special broadcast last evening. ABC News anchor Bob Woodruff detailed his own experience with a traumatic brain injury. I was personally moved by Bob Woodruff's struggle with his injury, by his family's unrelenting hope for recovery, and their ongoing work toward triumph over this horrible situation.

While Bob Woodruff has seen a tremendous recovery from his horrendous injury, I fear the care he received has not been duplicated for thousands of other troops when they return home. He detailed several cases of soldiers who were suffering from injuries not unlike his own, and the lack of care they received was clear when they left our flagship care centers for some of the smaller local hospitals. While so many of us know this injury has become the signature wound of this war, I fear last night's program once again showed us that this administration and the VA in particular has not stepped to the plate to handle the crush of troops with brain injuries who are returning from war each and every day.

What is worse, I am very concerned that we do not even know today the real number of troops who are suffering from traumatic brain injury. The Defense and Veterans Brain Injury Center, the place that gathers all of this information on these injuries, has so far refused—refused—to release it publicly. That information is collected at taxpayer expense, and that information, I hope, could provide us with a baseline of how many of our troops have suffered from a traumatic brain injury. That is a critical and important starting point for dealing with these terrible injuries.

What we do know is that while the Department of Defense claims that less than 30,000 troops have been injured during this war, 205,000 troops have enrolled for care at the VA. Let me say that again. The Department of Defense claims that only 30,000 troops—only? That is a big number, 30,000 troops—have been injured, but 205,000 troops have enrolled for care at the VA. To me, those numbers don't add up. So yesterday I asked Defense Secretary Robert Gates to provide us with the data that has been compiled by the Defense and Veterans Brain Injury Center on the actual number of TBI victims. We don't have this information yet, but I see no reason why it shouldn't be shared with Congress and the American people.

In addition, I was heartened to hear, I have to say, yesterday that the Department of Veterans Affairs, in a long overdue step forward, finally announced they will begin screening every recent combat veteran for TBI. But we have to do a lot more. We can't simply take the Department of Veterans Affairs at their word. Their record of care and openness has left a lot to be desired. As every Member of the Senate knows, we went through that debate several years ago where they denied time and time again they were short-funded and then came and told us: Yes, they were indeed billions of dollars short, and we had to provide additional dollars in the supplemental to make sure our veterans were getting the most basic care. The lines are still long. Veterans are not getting care. We are now dealing with a high number of TBI victims of this war and we are not dealing with it realistically.

We have to develop a system to address traumatic brain injuries, from the battlefield all the way back to the VA hospitals and beyond. Screening is absolutely critical. Pre- and post-deployment screening has to be done. This signature wound has to be a top priority at each and every step along the path to recovery for these wounded members of the armed services.

The bottom line is we have not yet offered our brave men and women a real plan to take care of them when they come home. The Department of Defense and Veterans Affairs must come together to solve these problems plaguing the system. Too many of our men and women get lost in the transition between the Department of Defense and Veterans Affairs. I pledge to them and I pledge to our fighting men and women and to all of their families that this new Democratic Congress is going to hold them accountable for their inaction and finally ensure that we are going to give these men and women what they deserve when they come home.

We hear a lot in this body about who supports the troops. Well, I say to my colleagues that each and every one of us has a responsibility to support these troops, particularly those who are injured, particularly those who come home with TBI and other injuries, not just when they come home but far into the future, and we have not yet budgeted responsibly to do that. We have not provided the programs to do that. We have not done everything we can. This is one Senator who is going to keep talking until we get it done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

IRAQ

Mr. ISAKSON. Mr. President, in approximately half an hour we begin proceeding to debate on the 9/11 bill. Saturday a week ago we concluded without resolution a debate on an Iraq resolution. I come to the floor of the Senate this morning to share with my colleagues my thoughts on Iraq and where we are, and to do so in the context of 9/11.

When I collected my thoughts about what I would say this morning, I thought back to a lot of lessons I learned from a great Georgian. In fact, on Saturday of last week, the day we had that debate, it was the 75th birthday of former Senator Zell Bryan Miller of Towns County, GA. I learned a lot from Zell Miller in my lifetime. I learned humility when he beat me for Governor of Georgia in 1990. I learned respect for class in 1996 when he came back and asked me to chair the State Board of Education after he taught me a lesson in humility 6 years earlier. When I read his book, "Corps Values: Everything You Need to Know I Learned in the Marines," I learned about commitment.

Also in the final debate I had with Zell Miller in 1990, I learned about how you snatch victory when somebody else thought they had it. In the closing debate, 48 hours before the general election when the cameras went on each of us for our last 60 seconds, Zell Miller's closing remarks were simply this. He said:

> You know, ladies and gentlemen, we are going to have a race for governor in 2 days and it's all up to you. But I want you to remember something. Zell Miller knows one thing. If you ever walk down a country road and you see a turtle sitting on a fence post, there is one thing you know for sure. He did not get there by himself.

In taking that remark, I would remind my colleagues we didn't get to where we are by ourselves. We got here together at least in terms of Iraq. After 9/11 happened, within days, the United States of America changed and the President announced to the Congress we would no longer as a nation have a defense policy based on reaction. We would have a defense policy based on preemption. We learned on 9/11 you can't wait to find the smoking gun in terrorism to react, because if you do, it is too late. In the case of 9/11, there were 3,000 dead citizens of this world because we didn't preempt. The United Nations, 171 countries, voted unanimously in favor of resolution 1441 which authorized or threatened military action against Saddam Hussein if he didn't cooperate with the disclosures and the inspectors that the U.N. was prompting. When the U.N. failed to act and this President, George W. Bush, wanted to act, he came to this Congress and we voted overwhelmingly to support using force to hold Saddam Hussein accountable and to go after weapons of mass destruction and to go after those sanctuaries of terrorism.

One would think, in listening to the debate in the Senate in the last few weeks, that some people have bad memories. They forgot about those votes. They forgot about the fact that George Bush didn't get there by himself. He got there with us. Now, are we disappointed in some of the things that have happened? Yes. Do we want to change some things? Yes. Do we differ? Yes, and the Senate is the place we differ. But while we differ, we should not discourage our troops. We should not discourage the people who are deployed in Iraq and Afghanistan and around the world in terms of our resolve.

So I would suggest as we go to the debate on the 9/11 bill, we consider it as a wonderful opportunity to make a simple statement, a statement that while we may differ, there is one thing we don't differ on: We don't differ on the fact that we will give our troops the support and the finances and everything they need to carry out the mission to which they are assigned. That is precisely what Senator JUDD GREGG of New Hampshire wanted to do in his resolution that never could come to the floor in that 2 weeks of debate on the Iraq resolution that failed to get enough votes to get a final vote. It is time, with a bill as relevant as this 9/11, which is the genesis of all we deal with today, that we send that clear message. While we may differ on some policies, we do not differ on the financial support and the absolute commitment to our men and women in harm's way.

I wish to put one other thing into perspective. As much bad news as we always talk about, a lot of good things happen. While some people may differ with the President's commitment to a surge in Iraq, even in the anticipation of that surge, there are some good things that have happened. Moqtada al-Sadr left Sadr City. He saw what was coming. Prime Minister al-Maliki already called for—and there are now talks about it—a regional conference on Iraq, including all the neighbors in the region—something many in here have called for, and I support, including getting the Iranians and Syrians into dialog.

Last week, the Iraqi council approved the foundation of a hydrocarbon bill, oil revenue sharing with the people and provinces of Iraq. That is soon to go to that assembly. Think of something; the people of Iraq are on the doorstep of having equity for the very first time in their history.

There are also disappointing things that have happened. Yes, we wish we were home with a victory already. But we have accomplished a lot, and we are this close to accomplishing the ultimate goal, which is a peaceful democracy in Iraq, terrorism without a sanctuary, and a statement that people are more important than power and dictators and terror.

The United States is the country that has, in history, led and today needs to lead as well. I encourage our colleagues, as we get into this 9/11 debate, let's not forget about the debate we had on Iraq. We ought to send a clear message of support to our troops, understanding that we may differ on the policy. It should be clear and precise that this Congress and this country will see to it that our men and women have the finances and resources to carry out the orders to which they are responsible and they take on without any reservation.

I began my remarks by acknowledging my friend, Zell Miller, and his 75th birthday and all of the lessons I have learned from him. He preceded me in this Senate, and I extend to him a belated birthday wish today in this speech. I also want us to be reminded of Zell Miller's many speeches on the U.S. Marine Corps, service to our country, patriotism, and commitment. Zell Miller knew as a soldier, he knew as the Governor of a State commanding the National Guard, and as a member of the Senate that while there may be political differences on the end result, there should be no difference in the support for the men and women who defend us and fight for freedom every day.

As this debate unfolds, it is my hope we will have the opportunity to bring the Gregg amendment to the floor and vote to send a clear message to our men and women in harm's way that we support them, the funding will be there, and we will stay with them as they pursue the cause on behalf of peace, liberty, freedom, and democracy in Iraq, Afghanistan, and around the world.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I recently came to the Senate floor to express my views relative to the deliberations this body was undertaking approving and disapproving of the President's way forward in Iraq. I am strongly in favor of this body debating the U.S. policy relative to Iraq and believe all my colleagues are as well.

However, as I stated in my earlier speech, it is not appropriate to allow the majority party to completely dictate the terms of that debate, as they have tried to do over the last several weeks. That is why I voted against cloture on the motion to proceed to the Reid resolution on February 17, along with a vast majority of my Republican colleagues.

Mr. President, since that time, a new strategy relative to this debate has come forward. The strategy is essentially an attempt to deauthorize or restrict U.S. military action in Iraq by revoking or altering the Iraq war resolution, which passed this body by a vote of 77 to 23 on October 11, 2002. I don't agree with this tactic.

On January 26, the Senate unanimously approved GEN David Petraeus for his fourth star and to be commander of the multinational forces, Iraq. No Senator opposed his nomination. General Petraeus supports President Bush's plan and new strategy in Iraq and has embarked on the mission for which President Bush chose him and for which this body unanimously confirmed him. Once again, now we are being asked to disapprove and deauthorize the very mission we have unanimously confirmed him to execute. Hopefully, my colleagues can see the irony, as well as the inconsistency, in the choice they are presenting before this body.

As I have said before, we need to give the new strategy in Iraq a chance to work. If General Petraeus comes and says it is not working, then I am prepared to change course. President Bush's current strategy is not guaranteed to work. However, no approach I have seen or heard discussed in the past several months has any greater chance of success than the course we are now taking. Therefore, this strategy deserves a chance.

In talking with some of my colleagues, on the Republican side as well as the Democratic side, who recently returned from Iraq, I am very hopeful that based on the comments they have made, per their visual inspection of what is going on in Iraq today, based upon their conversations with General Petraeus, we are seeing some successes, even though they are minimal at this point. But there is now hope and encouragement that this strategy is going to work.

If Members of Congress truly don't support our efforts in Iraq and believe we should withdraw troops, they should vote to cut off funds for the war, which is the primary authority Congress has in this area. However, having refused to allow the Senate to vote on protecting funding for our troops serving in harm's way, the Democrats are now proposing another symbolic resolution.

This is the fourth resolution that the Senate Democratic leadership has backed to address the troop increase, and the Democrats still insist on avoiding the fundamental issue of whether they will cut off funds for troops serving in Iraq.

As the Wall Street Journal wrote in an editorial:

> Democrats don't want to leave their fingerprints on defeat in Iraq by actually voting to bring the troops home. So instead, they're hoping to put restrictions on troop deployments that will make it impossible for the Iraq commander, General David Petraeus, to fulfill his mission.

This is essentially an attempt to ensure the policy does not succeed. Logically, the Senate should be giving General Petraeus everything he needs to succeed, both in terms of financial as well as political support. But that is not what the majority party is trying to do.

Democrats in the House of Representatives have undertaken a plan that would tie war funding in a supplemental spending bill to strict new standards for resetting, equipping, and training troops. This strategy to choke off resources and the Senate plan to revise the use of force authorization are attempts to make the war in Iraq unwinnable while avoiding political responsibility.

As Charles Krauthammer has said:

> Slowly bleeding our forces by defunding what our commanders think they need to win or rewording the authorization of the use of force so that lawyers decide what operations are to be launched is no way to fight a war. It is no way to end a war. It is a way to complicate the war and make it inherently unwinnable—and to shirk the political responsibility for doing so.

There is nothing easy or pretty about war, and this war is no exception. Not a day passes that I don't consider the human cost of our attempt to defeat the terrorists and eradicate extremism in Iraq and replace it with a self-reliant and representative government.

The debate, as we move forward, should focus on how we can most quickly and effectively achieve the victory that all of us desire. It is not about political posturing. It is about what Congress can do to support our young men and women in Iraq and help them accomplish this critical mission.

Losing the global war on terrorism is not an option. Failure in Iraq would be devastating to our national security, entangling the Middle East in a web of chaos that breeds terror and extremism. The Iraq Study Group and countless expert witnesses have testified that simply leaving Iraq, without stabilizing the country, would be disastrous.

As the senior Senator from my State, my support of our mission and our troops includes a responsibility to examine the tactics and question the steps that we take to reach our goal. I will continue to do that in a very deliberate way, but I intend to be constructive in my approach and criticism in order to do everything we can to ensure that our troops and our mission succeed, rather than doing whatever I can to make sure they fail.

When this motion to deauthorize or micromanage the war in Iraq comes to the floor of the Senate, I urge my colleagues to oppose it.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007".

[SEC. 2. SENSE OF CONGRESS.

[It is the sense of Congress that Congress should enact, and the President should sign, legislation to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively and to improve homeland security.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Security Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 111. Homeland Security Advisory System and information sharing.
Sec. 112. Information sharing.
Sec. 113. Intelligence training development for State and local government officials.
Sec. 114. Information sharing incentives.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 121. State, Local, and Regional Fusion Center Initiative.
Sec. 122. Homeland Security Information Sharing Fellows Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 131. Interagency Threat Assessment and Coordination Group.

TITLE II—HOMELAND SECURITY GRANTS

Sec. 201. Short title.
Sec. 202. Homeland Security Grant Program.
Sec. 203. Technical and conforming amendments.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

Sec. 301. Dedicated funding to achieve emergency communications operability and interoperable communications.
Sec. 302. Border Interoperability Demonstration Project.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

Sec. 401. Modernization of the visa waiver program.
Sec. 402. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 403. Enhancements to the Terrorist Travel Program.
Sec. 404. Enhanced driver's license.
Sec. 405. Western Hemisphere Travel Initiative.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

Sec. 501. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 502. Privacy and civil liberties officers.
Sec. 503. Department Privacy Officer.
Sec. 504. Federal Agency Data Mining Reporting Act of 2007.

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

Sec. 601. National Biosurveillance Integration Center.
Sec. 602. Biosurveillance efforts.
Sec. 603. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

Sec. 701. Definitions.
Sec. 702. Responsibilities of the private sector office of the Department.
Sec. 703. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.
Sec. 704. Sense of Congress regarding promoting an international standard for private sector preparedness.
Sec. 705. Report to Congress.
Sec. 706. Rule of construction.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 801. Transportation security strategic planning.
Sec. 802. Transportation security information sharing.
Sec. 803. Transportation Security Administration personnel management.

TITLE IX—INCIDENT COMMAND SYSTEM

Sec. 901. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 902. Credentialing and typing to strengthen incident command.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

Sec. 1001. Critical infrastructure protection.
Sec. 1002. Risk assessment and report.
Sec. 1003. Use of existing capabilities.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Sec. 1101. Availability to public of certain intelligence funding information.
Sec. 1102. Response of intelligence community to requests from Congress.
Sec. 1103. Public Interest Declassification Board.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

Sec. 1201. Promoting antiterrorism capabilities through international cooperation.
Sec. 1202. Transparency of funds.

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Deputy Secretary of Homeland Secretary for Management.
Sec. 1302. Sense of the Senate regarding combating domestic radicalization.
Sec. 1303. Sense of the Senate regarding oversight of homeland security.
Sec. 1304. Report regarding border security.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

SEC. 111. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

"(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide warnings regarding the risk of terrorist attacks on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such warnings.

"(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

"(1) establish criteria for the issuance and revocation of such warnings;

"(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such warnings;

"(3) provide, in each such warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to that risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately; and

"(4) whenever possible, limit the scope of each such warning to a specific region, locality, or economic sector believed to be at risk.

"SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

"(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary shall integrate and standardize the information of the intelligence components of the Department, except for any internal protocols of such intelligence components, to be administered by the Chief Intelligence Officer.

"(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Chief Intelligence Officer regarding coordinating the different systems used in the Department to gather and disseminate homeland security information.

"(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

"(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Chief Intelligence Officer shall—

"(A) establish Department-wide procedures for the review and analysis of information gathered from sources in State, local, and tribal government and the private sector;

"(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

"(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

"(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that gathers information and provides such information to the Department.

"(d) TRAINING AND EVALUATION OF EMPLOYEES.—

"(1) TRAINING.—The Chief Intelligence Officer shall provide to employees of the Department opportunities for training and education to develop an understanding of—

"(A) the definition of homeland security information; and

"(B) how information available to such employees as part of their duties—

"(i) might qualify as homeland security information; and

"(ii) might be relevant to the intelligence components of the Department.

"(2) EVALUATIONS.—The Chief Intelligence Officer shall—

"(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information, sharing information within the Department, as described in this subtitle, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) provide a report regarding any evaluation under subparagraph (A) to the appropriate component heads.

"SEC. 205. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

"All activities to comply with sections 203 and 204 shall be—

"(1) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(2) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

"Sec. 203. Homeland Security Advisory System.
"Sec. 204. Homeland Security Information Sharing.
"Sec. 205. Coordination with information sharing environment.".

(b) INTELLIGENCE COMPONENT DEFINED.—

(1) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(A) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(B) by inserting after paragraph (8) the following:

"(9) The term 'intelligence component of the Department' means any directorate, agency, or other element or entity of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 501(11) of the Homeland Security Act of 2002 (6 U.S.C. 311(11)) is amended by striking "section 2(10)(B)" and inserting "section 2(11)(B)".

(B) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking "section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))" and inserting "section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))".

(c) RESPONSIBILITIES OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting ", in support of the mission responsibilities of the Department and consistent with the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 50 U.S.C. 404o)," after "and to integrate such information"; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A) of this section, and inserting the following:

"(7) To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and among the Federal Government and State, local, and tribal government agencies and authorities, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.".

SEC. 112. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) HOMELAND SECURITY INFORMATION.—The term 'homeland security information' has the meaning given that term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).";

(C) in paragraph (5), as so redesignated—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margin accordingly;

(ii) by striking "'terrorism information' means" and inserting the following: "'terrorism information'—

"(A) means";

(iii) in subparagraph (A)(iv), as so redesignated, by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(B) includes homeland security information and weapons of mass destruction information."; and

(D) by adding at the end the following:

"(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term 'weapons of mass destruction information' means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including chemical, biological, radiological, and nuclear weapons) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.";

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking "and" at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

"(K) integrates technologies, including all legacy technologies, through Internet-based services;

"(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

"(M) permits analysts to collaborate both independently and in a group (commonly known as 'collective and noncollective collaboration'), and across multiple levels of national security information and controlled unclassified information;

"(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

"(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.";

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking "during the two-year period beginning on the date of designation under this paragraph unless sooner" and inserting "until"; and

(ii) by striking "The program manager shall have and exercise governmentwide authority." and inserting "Except as otherwise expressly provided by law, the program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located."; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

"(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

"(iii) issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

"(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and";

(4) in subsection (g)—

(A) in paragraph (1), by striking "during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner" and inserting "until";

(B) in paragraph (2)—

(i) in subparagraph (F), by striking "and" at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

"(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

"(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and";

(C) in paragraph (4), by inserting "(including any subsidiary group of the Information Sharing Council)" before "shall not be subject"; and

(D) by adding at the end the following:

"(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).";

(5) in subsection (h)(1), by striking "and annually thereafter" and inserting "and not later than June 30 of each year thereafter"; and

(6) by striking subsection (j) and inserting the following:

"(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the

House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

"(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, unless the President has—

"(i) specifically exempted categories of information from such elimination; and

"(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

"(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment relating to citizens and lawful permanent residents;

"(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment for a particular purpose that the Federal Government, through an appropriate process, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and

"(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, in any cases in which—

"(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

"(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

"(2) DEFINITION.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

"(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

"(1) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv); and

"(2) other activities associated with the implementation of the information sharing environment, including—

"(A) implementing the requirements under subsection (b)(2); and

"(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.".

SEC. 113. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material.

(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct the training.

(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Chief Intelligence Officer shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 114. INFORMATION SHARING INCENTIVES.

(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in sharing information within the scope of the information sharing environment established under that section in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to engage in the information sharing environment, including—

(1) promotions and other nonmonetary awards; and

(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 121. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 206. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department;

"(2) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

"(3) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

"(4) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

"(5) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

"(6) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485).

"(b) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

"(c) DEPARTMENT SUPPORT AND COORDINATION.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

"(1) coordinate with the principal officer of each State, local, or regional fusion center and the officer designated as the Homeland Security Advisor of the State;

"(2) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

"(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

"(4) conduct exercises, including live training exercises, to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

"(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

"(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

"(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

"(8) provide management assistance to State, local, and regional fusion centers;

"(9) serve as a point of contact to ensure the dissemination of relevant homeland security information;

"(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

"(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

"(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

"(13) carry out such other duties as the Secretary determines are appropriate.

"(d) PERSONNEL ASSIGNMENT.—

"(1) IN GENERAL.—The Chief Intelligence Officer may, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to State, local, and regional fusion centers.

"(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to fusion centers under this subsection may be assigned from the following Department components, in consultation with the respective component head:

"(A) Office of Intelligence and Analysis, or its successor.

"(B) Office of Infrastructure Protection.

"(C) Transportation Security Administration.

"(D) United States Customs and Border Protection.

"(E) United States Immigration and Customs Enforcement.

"(F) United States Coast Guard.

"(G) Other intelligence components of the Department, as determined by the Secretary.

"(3) PARTICIPATION.—

"(A) IN GENERAL.—The Secretary may develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

"(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

"(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

"(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

"(iii) whether the fusion center has—

"(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

"(II) the ability to share and analytically exploit that data for authorized purposes;

"(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

"(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

"(4) PREREQUISITE.—

"(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

"(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

"(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

"(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar regulation or ruling);

"(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

"(iii) such other training prescribed by the Chief Intelligence Officer.

"(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Chief Intelligence Officer shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

"(i) has been previously assigned in the geographic area; or

"(ii) has previously worked with intelligence officials or emergency response providers from that State, locality, or region.

"(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Chief Intelligence Officer—

"(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate clearance to contribute effectively to the mission of the fusion center; and

"(B) may request that security clearance processing be expedited for each such officer or intelligence analyst.

"(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Chief Intelligence Officer may prescribe.

"(e) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—

"(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using Federal homeland security information to develop a comprehensive and accurate threat picture;

"(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

"(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department;

"(4) assist in the dissemination of such products, under the coordination of the Chief Intelligence Officer, to law enforcement agencies and other emergency response providers of State, local, and tribal government; and

"(5) assist in the dissemination of such products to the Chief Intelligence Officer for collection and dissemination to other fusion centers.

"(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (e), each officer or intelligence analyst assigned to a fusion center under this section shall have direct access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

"(g) CONSUMER FEEDBACK.—

"(1) IN GENERAL.—The Secretary shall create a mechanism for any State, local, or tribal emergency response provider who is a consumer of the intelligence or other information products described under subsection (e) to voluntarily provide feedback to the Department on the quality and utility of such intelligence products.

"(2) RESULTS.—The results of the voluntary feedback under paragraph (1) shall be provided electronically to Congress and appropriate personnel of the Department.

"(h) RULE OF CONSTRUCTION.—

"(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

"(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

"(i) GUIDELINES.—The Secretary, in consultation with the Attorney General of the United States, shall establish guidelines for fusion centers operated by State and local governments, to include standards that any such fusion center shall—

"(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

"(2) create a representative governance structure that includes emergency response providers and, as appropriate, the private sector;

"(3) create a collaborative environment for the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) among Federal, State, tribal, and local emergency response providers, the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

"(4) leverage the databases, systems, and networks available from public and private sector entities to maximize information sharing;

"(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

"(6) ensure appropriate security measures are in place for the facility, data, and personnel;

"(7) select and train personnel based on the needs, mission, goals, and functions of that fusion center; and

"(8) offer a variety of intelligence services and products to recipients of fusion center intelligence and information.

"(j) AUTHORIZATION OF APPROPRIATIONS.—Except for subsection (i), there are authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 205, as added by this Act, the following:

"Sec. 206. State, Local, and Regional Information Fusion Center Initiative.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 206 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "program") has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date on which the program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department

and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the program.

SEC. 122. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 207. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Chief Intelligence Officer, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

"(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

"(i) the relevant missions and capabilities of the Department and other Federal agencies; and

"(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

"(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

"(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

"(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers, emergency response providers, and intelligence analysts; and

"(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal emergency response providers, law enforcement officers, and intelligence analysts and designed to prepare for and thwart terrorist attacks.

"(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

"(A) have homeland security-related responsibilities;

"(B) be eligible for an appropriate national security clearance;

"(C) possess a valid need for access to classified information, as determined by the Chief Intelligence Officer;

"(D) be an employee of an eligible entity; and

"(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note).

"(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

"(A) a State, local, or regional fusion center;

"(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

"(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

"(D) a tribal law enforcement or other authority; or

"(E) such other entity as the Secretary determines is appropriate.

"(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

"(d) PROCEDURES FOR NOMINATION AND SELECTION.—

"(1) IN GENERAL.—The Chief Intelligence Officer shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

"(2) LIMITATIONS.—The Chief Intelligence Officer shall—

"(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

"(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department; and

"(2) the term 'Office of Intelligence and Analysis' means the office of the Chief Intelligence Officer.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 206, as added by this Act, the following:

"Sec. 207. Homeland Security Information Sharing Fellows Program.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 207 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "Program") the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the Program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 131. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) IN GENERAL.—As part of efforts to establish the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the program manager shall oversee and coordinate the creation and ongoing operation of an Interagency Threat Assessment and Coordination Group (in this section referred to as the "ITACG").

(b) RESPONSIBILITIES.—The ITACG shall facilitate the production of federally coordinated products derived from information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and intended for distribution to State, local, and tribal government officials and the private sector.

(c) OPERATIONS.—

(1) IN GENERAL.—The ITACG shall be located at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall assign a senior level officer to manage and direct the administration of the ITACG.

(B) DISTRIBUTION.—The Secretary, in consultation with the Attorney General and the heads of other agencies, as appropriate, shall determine how specific products shall be distributed to State, local, and tribal officials and private sector partners under this section.

(C) STANDARDS FOR ADMISSION.—The Secretary, acting through the Chief Intelligence Officer and in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall establish standards for the admission of law enforcement and intelligence officials from a State, local, or tribal government into the ITACG.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The ITACG shall include representatives of—

(A) the Department;

(B) the Federal Bureau of Investigation;

(C) the Department of Defense;

(D) the Department of Energy;

(E) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(F) other Federal entities as appropriate.

(2) CRITERIA.—The program manager for the information sharing environment, in consultation with the Secretary of Defense, the Secretary, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall develop qualifying criteria and establish procedures for selecting personnel assigned to the ITACG and for the proper handling and safeguarding of information related to terrorism.

(e) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The ITACG and any subsidiary groups thereof shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—HOMELAND SECURITY GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Homeland Security Grant Enhancement Act of 2007".

SEC. 202. HOMELAND SECURITY GRANT PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XX—HOMELAND SECURITY GRANTS

"SEC. 2001. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) COMBINED STATISTICAL AREA.—The term 'combined statistical area' means a combined

statistical area, as defined by the Office of Management and Budget.

"(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

"(A) any Indian tribe that—

"(i) is located in the continental United States;

"(ii) operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

"(iii) is located—

"(I) on, or within 50 miles of, an international border or a coastline bordering an ocean or international waters;

"(II) within 10 miles of critical infrastructure or has critical infrastructure within its territory; or

"(III) within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; and

"(iv) certifies to the Secretary that a State is not making funds distributed under this title available to the Indian tribe or consortium of Indian tribes for the purpose for which the Indian tribe or consortium of Indian tribes is seeking grant funds; and

"(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

"(4) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means the following:

"(A) IN GENERAL.—A combination of 2 or more incorporated municipalities, counties, parishes, or Indian tribes that—

"(i) is within—

"(I) any of the 100 largest metropolitan statistical areas in the United States; or

"(II) any combined statistical area, of which any metropolitan statistical area described in subparagraph (A) is a part; and

"(ii) includes the city with the largest population in that metropolitan statistical area.

"(B) OTHER COMBINATIONS.—Any other combination of contiguous local or tribal governments that are formally certified by the Administrator as an eligible metropolitan area for purposes of this title with the consent of the State or States in which such local or tribal governments are located.

"(C) INCLUSION OF ADDITIONAL LOCAL GOVERNMENTS.—An eligible metropolitan area may include additional local or tribal governments outside the relevant metropolitan statistical area or combined statistical area that are likely to be affected by, or be called upon to respond to, a terrorist attack within the metropolitan statistical area.

"(5) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

"(6) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

"(7) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

"(8) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(9) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

"(10) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

"(11) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

"SEC. 2002. HOMELAND SECURITY GRANT PROGRAM.

"(a) ESTABLISHMENT.—There is established a Homeland Security Grant Program, which shall consist of—

"(1) the Urban Area Security Initiative established under section 2003, or any successor thereto;

"(2) the State Homeland Security Grant Program established under section 2004, or any successor thereto;

"(3) the Emergency Management Performance Grant Program established under section 2005 or any successor thereto; and

"(4) the Emergency Communications and Interoperability Grants Program established under section 1809, or any successor thereto.

"(b) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments under the Homeland Security Grant Program for the purposes of this title.

"(c) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(2) Except as provided in subsection (d), all grant programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the Urban Search and Rescue Grant Program.

"(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

"(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

"(5) Grant programs other than those administered by the Department.

"(d) RELATIONSHIP TO OTHER LAWS.—

"(1) IN GENERAL.—The Homeland Security Grant Program shall supercede—

"(A) all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714); and

"(B) the Emergency Management Performance Grant authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762).

"(2) PROGRAM INTEGRITY.—Each grant program described under paragraphs (1) through (4) of subsection (a) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

"(A) identifying activities funded under the Homeland Security Grant Program that are susceptible to significant improper payments; and

"(B) reporting the incidence of improper payments to the Department.

"(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

"(e) MINIMUM PERFORMANCE REQUIREMENTS.—

"(1) IN GENERAL.—The Administrator shall—

"(A) establish minimum performance requirements for entities that receive homeland security grants;

"(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

"(i) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

"(ii) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

"(C) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under subparagraph (A) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

"(i) establishing a plan for the achievement of the minimum performance requirements under subparagraph (A), including—

"(I) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

"(II) conducting additional simulations and exercises; and

"(ii) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under subparagraph (A).

"(2) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under paragraph (1)(B).

"(3) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

"(A) the performance of grantees under paragraph (1)(A);

"(B) lessons learned through the simulations and exercises under paragraph (1)(B); and

"(C) efforts being made to remedy failed performance under paragraph (1)(C).

"SEC. 2003. URBAN AREA SECURITY INITIATIVE.

"(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk metropolitan areas in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

"(b) APPLICATION.—

"(1) IN GENERAL.—An eligible metropolitan area may apply for grants under this section.

"(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(3) INFORMATION.—In an application for a grant under this section, an eligible metropolitan area shall submit—

"(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the eligible metropolitan area;

"(B) the name of an individual to serve as a metropolitan area liaison with the Department and among the various jurisdictions in the metropolitan area; and

"(C) such information in support of the application as the Administrator may reasonably require.

"(c) STATE REVIEW AND TRANSMISSION.—

"(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan area applying for a grant under this section shall submit its application to each State within which any part of the eligible metropolitan area is located for review before submission of such application to the Department.

“(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan area under paragraph (1), each such State shall transmit the application to the Department.

“(3) STATE DISAGREEMENT.—If the Governor of any such State determines that an application of an eligible metropolitan area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

“(A) notify the Administrator, in writing, of that fact; and

“(B) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

“(d) PRIORITIZATION.—In allocating funds among metropolitan areas applying for grants under this section, the Administrator shall consider—

“(1) the relative threat, vulnerability, and consequences faced by the eligible metropolitan area from a terrorist attack, including consideration of—

“(A) the population of the eligible metropolitan area, including appropriate consideration of military, tourist, and commuter populations;

“(B) the population density of the eligible metropolitan area;

“(C) the history of threats faced by the eligible metropolitan area, including—

“(i) whether there has been a prior terrorist attack in the eligible metropolitan area; and

“(ii) whether any part of the eligible metropolitan area, or any critical infrastructure or key resource within the eligible metropolitan area, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

“(D) the degree of threat, vulnerability, and consequences to the eligible metropolitan area related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

“(E) whether the eligible metropolitan area is located at or near an international border;

“(F) whether the eligible metropolitan area has a coastline bordering ocean or international waters;

“(G) threats, vulnerabilities, and consequences faced by the eligible metropolitan area related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

“(H) the most current threat assessments available to the Department;

“(I) the extent to which the eligible metropolitan area has unmet target capabilities;

“(J) the extent to which the eligible metropolitan area includes—

“(i) all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan statistical area or combined statistical area; and

“(ii) other local governments and tribes that are likely to be called upon to respond to a terrorist attack within the eligible metropolitan area; and

“(K) such other factors as are specified in writing by the Administrator; and

“(2) the anticipated effectiveness of the proposed spending plan for the eligible metropolitan area in increasing the ability of that eligible metropolitan area to prevent, prepare for, protect against, respond to, and recover from terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the metropolitan area, the State, and the Nation.

“(e) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

“(f) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan and relevant local and regional homeland security plans, through—

“(1) developing and enhancing State, local, or regional plans, risk assessments, or mutual aid agreements;

“(2) purchasing, upgrading, storing, or maintaining equipment;

“(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

“(4) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event, including payment of overtime and backfill costs;

“(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

“(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

“(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

“(8) any other activity relating to achieving target capabilities approved by the Administrator.

“(g) DISTRIBUTION OF AWARDS TO METROPOLITAN AREAS.—

“(1) IN GENERAL.—If the Administrator approves the application of an eligible metropolitan area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which the eligible metropolitan area is located.

“(2) STATE DISTRIBUTION OF FUNDS.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

“(3) MULTISTATE REGIONS.—If parts of an eligible metropolitan area awarded a grant are located in 2 or more States, the Secretary shall distribute to each such State—

“(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

“(B) if no agreement on distribution has been reached, a portion of the grant funds in proportion to each State's share of the population of the eligible metropolitan area.

“SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

“(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

“(b) APPLICATION.—

“(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

“(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

“(c) PRIORITIZATION.—In allocating funds among States applying for grants under this section, the Administrator shall consider—

“(1) the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

“(A) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

“(B) the population density of the State;

“(C) the history of threats faced by the State, including—

“(i) whether there has been a prior terrorist attack in an urban area that is wholly or partly in the State, or in the State itself; and

“(ii) whether any part of the State, or any critical infrastructure or key resource within the State, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

“(D) the degree of threat, vulnerability, and consequences related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan;

“(E) whether the State has an international border;

“(F) whether the State has a coastline bordering ocean or international waters;

“(G) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the State's need to respond to terrorist attacks arising in adjacent States;

“(H) the most current threat assessments available to the Department;

“(I) the extent to which the State has unmet target capabilities; and

“(J) such other factors as are specified in writing by the Administrator;

“(2) the anticipated effectiveness of the proposed spending plan of the State in increasing the ability of the State to—

“(A) prevent, prepare for, protect against, respond to, and recover from terrorism;

“(B) meet the target capabilities of the State; and

“(C) otherwise reduce the overall risk to the State and the Nation; and

“(3) the need to balance the goal of ensuring the target capabilities of the highest risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

“(d) MINIMUM ALLOCATION.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

“(1) except as provided for in paragraph (2), no State receives less than an amount equal to 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program; and

“(2) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive not less than 0.08 percent of the amounts appropriated for the State Homeland Security Grant Program.

“(e) MULTISTATE PARTNERSHIPS.—

“(1) IN GENERAL.—Instead of, or in addition to, any application for funds under subsection (b), 2 or more States may submit an application under this paragraph for multistate efforts to prevent, prepare for, protect against, respond to, or recover from acts of terrorism.

“(2) GRANTEES.—Multistate grants may be awarded to either—

“(A) an individual State acting on behalf of a consortium or partnership of States with the consent of all member States; or

“(B) a group of States applying as a consortium or partnership.

“(3) ADMINISTRATION OF GRANT.—If a group of States apply as a consortium or partnership such States shall submit to the Secretary at the time of application a plan describing—

“(A) the division of responsibilities for administering the grant; and

“(B) the distribution of funding among the various States and entities that are party to the application.

“(f) FUNDING FOR LOCAL AND TRIBAL GOVERNMENTS.—

“(1) IN GENERAL.—The Administrator shall require that, not later than 60 days after receiving grant funding, any State receiving a grant under this section shall make available to local and tribal governments and emergency response providers, consistent with the applicable State homeland security plan—

“(A) not less than 80 percent of the grant funds;

“(B) with the consent of local and tribal governments, the resources purchased with such grant funds having a value equal to not less than 80 percent of the amount of the grant; or

“(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the amount of the grant.

“(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request, and may extend such period for an additional period, if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments and emergency response providers is necessary to promote effective investments to prevent, prepare for, protect against, respond to, and recover from terrorism, or to meet the target capabilities of the State.

“(3) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities achieve target capabilities. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

“(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

“(g) GRANTS TO DIRECTLY ELIGIBLE TRIBES.—

“(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may award grants to directly eligible tribes under this section.

“(2) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under this section by submitting an application to the Administrator that includes the information required for an application by a State under subsection (b).

“(3) STATE REVIEW.—

“(A) IN GENERAL.—To ensure consistency with State homeland security plans, a directly eligible tribe applying for a grant under this section shall submit its application to each State within which any part of the tribe is located for review before submission of such application to the Department.

“(B) DEADLINE.—Not later than 30 days after receiving an application from a directly eligible tribe under subparagraph (A), each such State shall transmit the application to the Department.

“(C) STATE DISAGREEMENT.—If the Governor of any such State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

“(i) notify the Administrator, in writing, of that fact; and

“(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

“(4) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the directly eligible tribe. The funds shall not be distributed to the State or States in which the directly eligible tribe is located.

“(5) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under this section shall designate a specific individual to serve as the tribal liaison who shall—

“(A) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

“(B) develop a process for receiving input from Federal, State, local, regional, and private officials to assist in the development of the application of such tribe and to improve the access of such tribe to grants; and

“(C) administer, in consultation with State, local, regional, and private officials, grants awarded to such tribe.

“(6) TRIBES RECEIVING DIRECT GRANTS.—A directly eligible tribe that receives a grant directly under this section is eligible to receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State.

“(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this section.

“(h) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

“(i) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan, through—

“(1) developing and enhancing State, local, tribal, or regional plans, risk assessments, or mutual aid agreements;

“(2) purchasing, upgrading, storing, or maintaining equipment;

“(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

“(4) responding to an increase in the threat level under the Homeland Security Advisory System, including payment of overtime and backfill costs;

“(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers, that comply with the guidelines established under section 206(i);

“(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

“(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

“(8) any other activity relating to achieving target capabilities approved by the Administrator.

“SEC. 2005. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

“(a) ESTABLISHMENT.—There is established an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, recovering from, and mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

“(b) APPLICATION.—

“(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

“(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

“(c) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

“(1) BASELINE AMOUNT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

“(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

“(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

“(d) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan or a catastrophic incident annex developed under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) through—

“(1) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

“(2) any other activity approved by the Administrator that will improve the capability of a State, local, or tribal government in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

“(e) COST SHARING.—

“(1) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this section shall not exceed 75 percent.

“(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

“(f) LOCAL AND TRIBAL GOVERNMENTS.—

“(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

“(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

“SEC. 2006. TERRORISM PREVENTION.

“(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

“(1) IN GENERAL.—The Administrator shall designate not less than 25 percent of the combined amount appropriated for grants under sections 2003 and 2004 to be used for law enforcement terrorism prevention activities.

“(2) USE OF FUNDS.—Grants awarded under this subsection may be used for—

“(A) information sharing to preempt terrorist attacks;

‘‘(B) target hardening to reduce the vulnerability of selected high value targets;

‘‘(C) threat recognition to recognize the potential or development of a threat;

‘‘(D) intervention activities to interdict terrorists before they can execute a threat;

‘‘(E) overtime expenses related to a State homeland security plan, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement;

‘‘(F) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

‘‘(G) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

‘‘(H) any other terrorism prevention activity authorized by the Administrator.

‘‘(b) OFFICE FOR THE PREVENTION OF TERRORISM.—

‘‘(1) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

‘‘(2) DIRECTOR.—

‘‘(A) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

‘‘(B) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other antiterrorist functions.

‘‘(3) ASSIGNMENT OF PERSONNEL.—

‘‘(A) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

‘‘(B) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act as liaisons between that component and the Office for the Prevention of Terrorism.

‘‘(4) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

‘‘(A) coordinate policy and operations between the Department and State, local, and tribal government agencies relating to preventing acts of terrorism within the United States;

‘‘(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

‘‘(C) in coordination with the Office of Intelligence and Analysis, develop better methods for the sharing of intelligence with State, local, and tribal law enforcement agencies;

‘‘(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under this title, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs are adequately focused on terrorism prevention activities; and

‘‘(E) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

‘‘(5) PILOT PROJECT.—

‘‘(A) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Administrator, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

‘‘(B) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this paragraph shall form the basis of a national network of standardized law enforcement resources to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disaster.

‘‘(6) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

‘‘SEC. 2007. RESTRICTIONS ON USE OF FUNDS.

‘‘(a) LIMITATIONS ON USE.—

‘‘(1) CONSTRUCTION.—

‘‘(A) IN GENERAL.—Grants awarded under this title may not be used to acquire land or to construct buildings or other physical facilities.

‘‘(B) EXCEPTIONS.—

‘‘(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of grants awarded under this title to achieve target capabilities through—

‘‘(I) the construction of facilities described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); or

‘‘(II) the alteration or remodeling of existing buildings for the purpose of making such buildings secure against terrorist attacks or able to withstand or protect against chemical, radiological, or biological attacks.

‘‘(ii) REQUIREMENTS FOR EXCEPTION.—No grant awards may be used for the purposes under clause (i) unless—

‘‘(I) specifically approved by the Administrator;

‘‘(II) the construction occurs under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(8)); and

‘‘(III) the amount allocated for purposes under clause (i) does not exceed 20 percent of the grant award.

‘‘(2) PERSONNEL.—

‘‘(A) IN GENERAL.—For any grant awarded under section 2003 or 2004—

‘‘(i) not more than 25 percent of the amount awarded to a grant recipient may be used to pay overtime and backfill costs; and

‘‘(ii) not more than 25 percent of the amount awarded to the grant recipient may be used to pay personnel costs not described in clause (i).

‘‘(B) WAIVER.—At the request of the recipient of a grant under section 2003 or section 2004, the Administrator may grant a waiver of any limitation under subparagraph (A).

‘‘(3) RECREATION.—Grants awarded under this title may not be used for recreational or social purposes.

‘‘(b) MULTIPLE-PURPOSE FUNDS.—Nothing in this title shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Administrator.

‘‘(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

‘‘(d) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this title shall be used to supplement and not supplant other State, local, and tribal government public funds obligated for the purposes provided under this title.

‘‘SEC. 2008. ADMINISTRATION AND COORDINATION.

‘‘(a) ADMINISTRATOR.—The Administrator shall, in consultation with other appropriate offices within the Department, have responsibility for administering all homeland security. grant programs administered by the Department and for ensuring coordination among those programs and consistency in the guidance issued to recipients across those programs.

‘‘(b) NATIONAL ADVISORY COUNCIL.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council established under section 508 on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies.

‘‘(c) REGIONAL COORDINATION.—The Administrator shall ensure that—

‘‘(1) all recipients of homeland security grants administered by the Department, as a condition of receiving those grants, coordinate their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments, as appropriate; and

‘‘(2) all metropolitan areas and other recipients of homeland security grants administered by the Department that include or substantially affect parts or all of more than 1 State, coordinate across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans, as a condition of receiving Departmentally administered homeland security grants.

‘‘(d) PLANNING COMMITTEES.—

‘‘(1) IN GENERAL.—Any State or metropolitan area receiving grants under this title shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities.

‘‘(2) COMPOSITION.—

‘‘(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

‘‘(i) local and tribal government officials; and

‘‘(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

‘‘(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or metropolitan areas, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

‘‘(e) INTERAGENCY COORDINATION.—The Secretary, through the Administrator, in coordination with the Attorney General, the Secretary of Health and Human Services, and other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, responding to, and recovering from natural disasters, acts of terrorism, and other man-made disasters, and not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, shall—

‘‘(1) compile a comprehensive list of Federal programs that provide assistance to State, local, and tribal governments for preventing, preparing for, and responding to, natural disasters, acts of terrorism, and other man-made disasters;

‘‘(2) develop a proposal to coordinate, to the greatest extent practicable, the planning, reporting, application, and other requirements and

guidance for homeland security assistance programs to—

"(A) eliminate redundant and duplicative requirements, including onerous application and ongoing reporting requirements;

"(B) ensure accountability of the programs to the intended purposes of such programs;

"(C) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients; and

"(D) make the programs more accessible and user friendly to applicants; and

"(3) submit the information and proposals under paragraphs (1) and (2) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"SEC. 2009. ACCOUNTABILITY.

"(a) REPORTS TO CONGRESS.—

"(1) FUNDING EFFICACY.—The Administrator shall submit to Congress, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752), an evaluation of the extent to which grants Administered by the Department, including the grants established by this title—

"(A) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

"(B) have led to the reduction of risk nationally and in State, local, and tribal jurisdictions.

"(2) RISK ASSESSMENT.—

"(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed and comprehensive explanation of the methodology used to calculate risk and compute the allocation of funds under sections 2003 and 2004 of this title, including—

"(i) all variables included in the risk assessment and the weights assigned to each;

"(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

"(iii) any change in the methodology from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

"(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

"(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

"(i) October 31; or

"(ii) 30 days before the issuance of any program guidance for grants under sections 2003 and 2004.

"(b) REVIEWS AND AUDITS.—

"(1) DEPARTMENT REVIEW.—The Administrator shall conduct periodic reviews of grants made under this title to ensure that recipients allocate funds consistent with the guidelines established by the Department.

"(2) GOVERNMENT ACCOUNTABILITY OFFICE.—

"(A) ACCESS TO INFORMATION.—Each recipient of a grant under this title and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this title.

"(B) AUDITS AND REPORTS.—

"(i) AUDIT.—Not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, and periodically thereafter, the Comptroller General of the United States shall conduct an audit of the Homeland Security Grant Program.

"(ii) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

"(I) the results of any audit conducted under clause (i), including an analysis of the purposes for which the grant funds authorized under this title are being spent; and

"(II) whether the grant recipients have allocated funding consistent with the State homeland security plan and the guidelines established by the Department.

"(3) AUDIT REQUIREMENT.—Grant recipients that expend $500,000 or more in grant funds received under this title during any fiscal year shall submit to the Administrator an organization-wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

"(4) RECOVERY AUDITS.—The Secretary shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of $1,000,000 or greater.

"(c) REMEDIES FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Administrator finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this title has failed to substantially comply with any provision of this title, or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

"(A) terminate any payment of grant funds to be made to the recipient under this title;

"(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this title; or

"(C) limit the use of grant funds received under this title to programs, projects, or activities not affected by the failure to comply.

"(2) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this title or with applicable guidelines or regulations of the Department.

"(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this title or with applicable guidelines or regulations of the Department, including failing to provide local or tribal governments with grant funds or resources purchased with grant funds in a timely fashion, a local or tribal government entitled to receive such grant funds or resources may petition the Administrator, at such time and in such manner as determined by the Administrator, to request that grant funds or resources be provided directly to the local or tribal government.

"SEC. 2010. AUDITING.

"(a) AUDIT OF GRANTS UNDER THIS TITLE.—

"(1) IN GENERAL.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use of funds under such grant program by such entity.

"(2) TIMING.—The date described in this paragraph is the later of 2 years after—

"(A) the date of enactment of the Improving America's Security Act of 2007; and

"(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

"(3) CONTENTS.—Each audit under this subsection shall evaluate—

"(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit;

"(B) whether funds under that grant program were used by that entity as required by law; and

"(C)(i) for each grant under the Urban Area Security Initiative or the State Homeland Security Grant Program, the extent to which funds under that grant were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

"(ii) for each grant under the Emergency Management Performance Grant Program, the extent to which funds under that grant were used to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

"(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

"(5) REPORTING.—

"(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

"(B) CONTENTS.—Each report submitted under this paragraph shall describe—

"(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

"(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

"(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law; and

"(iii)(I) for grants under the Urban Area Security Initiative or the State Homeland Security Grant Program audited, the extent to which, during the period described in clause (i) that is applicable to such report, funds under such grants were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

"(II) for grants under the Emergency Management Performance Grant Program audited, the extent to which funds under such grants were used during the period described in clause (i) applicable to such report to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

"(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

"(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

"(2) TIMING.—The date described in this paragraph is the later of 2 years after—

"(A) the date of enactment of the Improving America's Security Act of 2007; and

"(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

"(3) CONTENTS.—Each audit under this subsection shall evaluate—

"(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

"(B) whether funds under each such grant program were used by that entity as required by law; and

"(C) the extent to which such funds were used to enhance preparedness.

"(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

"(5) REPORTING.—

"(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

"(B) CONTENTS.—Each report submitted under this paragraph shall describe—

"(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

"(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

"(ii) whether funds under each grant audited were used as required by law; and

"(iii) the extent to which funds under each grant audited were used to enhance preparedness.

"(c) FUNDING FOR AUDITS.—

"(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, and the Emergency Management Performance Grant Program for audits under this section.

"(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

"(A) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

"(B) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

"(C) Amounts withheld from grants under the Emergency Management Performance Grant Program shall be made available for audits under this section of entities receiving grants under the Emergency Management Performance Grant Program.

"SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—

"(1) IN GENERAL.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title for each of fiscal years 2008, 2009, and 2010, $3,105,000,000, to be allocated as follows:

"(A) For grants under the Urban Area Security Initiative under section 2003, $1,278,639,000.

"(B) For grants under the State Homeland Security Grant Program established under section 2004, $913,180,500.

"(C) For grants under the Emergency Management Performance Grant Program established under section 2005, $913,180,500.

"(2) SUBSEQUENT YEARS.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

"(b) PROPORTIONATE ALLOCATION.—Regardless of the amount appropriated for the Homeland Security Grant Program in any fiscal year, the appropriated amount shall, in each fiscal year, be allocated among the grant programs under sections 2003, 2004, and 2005 in direct proportion to the amounts allocated under paragraph (a)(1) of this section.".

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking "section 1802" and inserting "section 1902"; and

(4) in section 1906, as so redesignated, by striking "section 1802(a)" each place that term appears and inserting "section 1902(a)".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1903. Hiring authority.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.

"TITLE XX—HOMELAND SECURITY GRANTS

"Sec. 2001. Definitions.
"Sec. 2002. Homeland Security Grant Program.
"Sec. 2003. Urban Area Security Initiative.
"Sec. 2004. State Homeland Security Grant Program.
"Sec. 2005. Emergency Management Performance Grants Program.
"Sec. 2006. Terrorism prevention.
"Sec. 2007. Restrictions on use of funds.
"Sec. 2008. Administration and coordination.
"Sec. 2009. Accountability.
"Sec. 2010. Auditing.
"Sec. 2011. Authorization of appropriations.".

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

SEC. 301. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.

(a) EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.—

(1) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) (relating to emergency communications) is amended by adding at the end the following:

"SEC. 1809. EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS GRANTS.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) EMERGENCY COMMUNICATIONS OPERABILITY.—The term 'emergency communications operability' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, agencies, and government officers from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, act of terrorism, or other man-made disaster, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

"(b) IN GENERAL.—The Administrator shall make grants to States for initiatives necessary to achieve, maintain, or enhance Statewide, regional, national and, as appropriate, international emergency communications operability and interoperable communications.

"(c) STATEWIDE INTEROPERABLE COMMUNICATIONS PLANS.—

"(1) SUBMISSION OF PLANS.—The Administrator shall require any State applying for a grant under this section to submit a Statewide Interoperable Communications Plan as described under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

"(2) COORDINATION AND CONSULTATION.—The Statewide plan submitted under paragraph (1) shall be developed—

"(A) in coordination with local and tribal governments, emergency response providers, and other relevant State officers; and

"(B) in consultation with and subject to appropriate comment by the applicable Regional Emergency Communications Coordination Working Group as described under section 1805.

"(3) APPROVAL.—The Administrator may not award a grant to a State unless the Administrator, in consultation with the Director for Emergency Communications, has approved the applicable Statewide plan.

"(4) REVISIONS.—A State may revise the applicable Statewide plan approved by the Administrator under this subsection, subject to approval of the revision by the Administrator.

"(d) CONSISTENCY.—The Administrator shall ensure that each grant is used to supplement and support, in a consistent and coordinated manner, any applicable State, regional, or urban area homeland security plan.

"(e) USE OF GRANT FUNDS.—Grants awarded under subsection (b) may be used for initiatives to achieve, maintain, or enhance emergency communications operability and interoperable communications, including—

"(1) Statewide or regional communications planning, including governance related activities;

"(2) system design and engineering;

"(3) system procurement and installation;

"(4) exercises;

"(5) modeling and simulation exercises for operational command and control functions;

"(6) technical assistance;

"(7) training; and

"(8) other appropriate activities determined by the Administrator to be integral to achieve, maintain, or enhance emergency communications operability and interoperable communications.

"(f) APPLICATION.—

"(1) IN GENERAL.—A State desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

"(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

“(B) describe how—

“(i) the proposed use of funds—

“(I) would be consistent with and address the goals in any applicable State, regional, or urban homeland security plan; and

“(II) unless the Administrator determines otherwise, are—

“(aa) consistent with the National Emergency Communications Plan under section 1802; and

“(bb) compatible with the national infrastructure and national voluntary consensus standards;

“(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among participating local and tribal governments and emergency response providers;

“(iii) the State plans to allocate the grant funds on the basis of risk and effectiveness to regions, local and tribal governments to promote meaningful investments for achieving, maintaining, or enhancing emergency communications operability and interoperable communications;

“(iv) the State intends to address the emergency communications operability and interoperable communications needs at the city, county, regional, State, and interstate level; and

“(v) the State plans to emphasize regional planning and cooperation, both within the jurisdictional borders of that State and with neighboring States;

“(C) be consistent with the Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

“(D) include a capital budget and timeline showing how the State intends to allocate and expend the grant funds.

“(g) AWARD OF GRANTS.—

“(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

“(A) the nature of the threat to the State from a natural disaster, act of terrorism, or other man-made disaster;

“(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of natural disasters, acts of terrorism, or other man-made disasters;

“(C) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

“(D) the population density of the State;

“(E) the extent to which grants will be utilized to implement emergency communications operability and interoperable communications solutions—

“(i) consistent with the National Emergency Communications Plan under section 1802 and compatible with the national infrastructure and national voluntary consensus standards; and

“(ii) more efficient and cost effective than current approaches;

“(F) the extent to which a grant would expedite the achievement, maintenance, or enhancement of emergency communications operability and interoperable communications in the State with Federal, State, local, and tribal governments;

“(G) the extent to which a State, given its financial capability, demonstrates its commitment to achieve, maintain, or enhance emergency communications operability and interoperable communications by supplementing Federal funds with non-Federal funds;

“(H) whether the State is on or near an international border;

“(I) whether the State encompasses an economically significant border crossing;

“(J) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters;

“(K) the extent to which geographic barriers pose unusual obstacles to achieving, maintaining, or enhancing emergency communications operability or interoperable communications;

“(L) the threats, vulnerabilities, and consequences faced by the State related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural disasters, acts of terrorism, and other man-made disasters arising in those jurisdictions;

“(M) the need to achieve, maintain, or enhance nationwide emergency communications operability and interoperable communications, consistent with the National Emergency Communications Plan under section 1802;

“(N) whether the activity for which a grant is requested is being funded under another Federal or State emergency communications grant program; and

“(O) such other factors as are specified by the Administrator in writing.

“(2) REVIEW PANEL.—

“(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

“(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

“(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include—

“(i) individuals with technical expertise in emergency communications operability and interoperable communications;

“(ii) emergency response providers; and

“(iii) other relevant State and local officers.

“(3) MINIMUM GRANT AMOUNTS.—The Administrator shall ensure that for each fiscal year—

“(A) no State receives less than an amount equal to 0.75 percent of the total funds appropriated for grants under this section; and

“(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.25 percent of the amounts appropriated for grants under this section.

“(4) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications operability or interoperable communications shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

“(h) STATE RESPONSIBILITIES.—

“(1) PASS-THROUGH OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—The Administrator shall determine a date by which a State that receives a grant shall obligate or otherwise make available to local and tribal governments and emergency response providers—

“(A) not less than 80 percent of the funds of the amount of the grant;

“(B) resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant; or

“(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant.

“(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Any State that receives a grant shall certify to the Administrator, by not later than 30 days after the date described under paragraph (1) with respect to the grant, that the State has made available for expenditure by local or tribal governments and emergency response providers the required amount of grant funds under paragraph (1).

“(3) REPORT ON GRANT SPENDING.—

“(A) IN GENERAL.—Any State that receives a grant shall submit a spending report to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

“(B) MINIMUM CONTENTS.—At a minimum, each report under this paragraph shall include—

“(i) the amount, ultimate recipients, and dates of receipt of all funds received under the grant;

“(ii) the amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or under mutual aid agreements or other intrastate and interstate sharing arrangements, as applicable;

“(iii) how the funds were used by each ultimate recipient or beneficiary;

“(iv) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application have been achieved, maintained, or enhanced as the result of the expenditure of grant funds; and

“(v) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application remain unmet.

“(C) PUBLIC AVAILABILITY ON WEBSITE.—The Administrator shall make each report submitted under subparagraph (A) publicly available on the website of the Federal Emergency Management Agency. The Administrator may redact such information from the reports as the Administrator determines necessary to protect national security.

“(4) PENALTIES FOR REPORTING DELAY.—If a State fails to provide the information required by the Administrator under paragraph (3), the Administrator may—

“(A) reduce grant payments to the State from the portion of grant funds that are not required to be passed through under paragraph (1);

“(B) terminate payment of funds under the grant to the State, and transfer the appropriate portion of those funds directly to local and tribal governments and emergency response providers that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the use of funds by the State under the grant, which may include—

“(i) prohibiting use of such funds to pay the grant-related expenses of the State; or

“(ii) requiring the State to distribute to local and tribal government and emergency response providers all or a portion of grant funds that are not required to be passed through under paragraph (1).

“(i) PROHIBITED USES.—Grants awarded under this section may not be used for recreational or social purposes.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

“(1) $400,000,000 for fiscal year 2008;

“(2) $500,000,000 for fiscal year 2009;

“(3) $600,000,000 for fiscal year 2010;

“(4) $800,000,000 for fiscal year 2011;

“(5) $1,000,000,000 for fiscal year 2012; and

“(6) such sums as necessary for each fiscal year thereafter.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 1808 the following:

“Sec. 1809. Emergency communications operability and interoperable communications grants.”.

(b) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) include information on the governance structure used to develop the plan, such as all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

"(7) describe the method by which multi-jurisdictional, multi-disciplinary input was provided from all regions of the jurisdiction and the process for continuing to incorporate such input."; and

(2) in subsection (g)(1), by striking "or video" and inserting "and video".

(c) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector will achieve interoperable communications as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1).".

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project (referred to in this section as "demonstration project").

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select no fewer than 6 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) PROGRAM REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of emergency response providers and the National Guard;

(2) foster interoperable emergency communications systems—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to a natural disaster, act of terrorism, or other man-made disaster; and

(B) with similar agencies in Canada or Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable emergency communications equipment;

(5) identify solutions that will facilitate interoperable communications across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State shall make the funds available to the local and tribal governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(d) REPORTING.—

(1) IN GENERAL.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(2) CONTENTS.—Each report under this subsection shall contain the following:

(A) The name and location of all communities involved in the demonstration project.

(B) The amount of funding provided to each State for the demonstration project.

(C) An evaluation of the usefulness of the demonstration project towards developing an effective interoperable communications system at the borders.

(D) The factors that were used in determining how to distribute the funds in a risk-based manner.

(E) The specific risks inherent to a border community that make interoperable communications more difficult than in non-border communities.

(F) The optimal ways to prioritize funding for interoperable communication systems based upon risk.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2007, 2008, and 2009 to carry out this section.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

SEC. 401. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Secure Travel and Counterterrorism Partnership Act".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should modernize the visa waiver program by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism; and

(2) the expansion described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

"(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

"(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

"(i) the country meets all security requirements of this section;

"(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

"(iii) there has been a sustained reduction in visa refusal rates for aliens from the country and conditions exist to continue such reduction; and

"(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue.

"(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—

"(A) IN GENERAL.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

"(i) airport security standards in the country;

"(ii) whether the country assists in the operation of an effective air marshal program;

"(iii) the standards of passports and travel documents issued by the country; and

"(iv) other security-related factors.

"(B) OVERSTAY RATES.—In determining whether to permit a country to participate in the program, the Secretary of Homeland Security shall consider the estimated rate at which nationals of the country violate the terms of their visas by remaining in the United States after the expiration of such visas.".

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a)—

(i) by striking "Operators of aircraft" and inserting the following:

"(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft"; and

(ii) by adding at the end the following:

"(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission, electronically provide basic biographical information to the system. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.";

(B) in subsection (c), as amended by subsection (c) of this section—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

"(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement."; and

(II) by adding at the end the following:

"(E) REPATRIATION OF ALIENS.—The government of a country accepts for repatriation any citizen, former citizen, or national against whom a final executable order of removal is

issued not later than 3 weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

"(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.";.

(ii) in paragraph (5)—

(I) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking "and" at the end;

(bb) in subclause (III), by striking the period at the end and inserting "; and"; and

(cc) by adding at the end the following:

"(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8)."; and

(iii) by adding at the end the following:

"(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section.";

(C) in subsection (f)(5), by striking "of blank" and inserting "or loss of"; and

(D) in subsection (h), by adding at the end the following:

"(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

"(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, is authorized to develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such basic biographical information as the Secretary of Homeland Security determines to be necessary to determine, in advance of travel, the eligibility of an alien to travel to the United States under the program.

"(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

"(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

"(ii) available to pay the costs incurred to administer the System.

"(C) VALIDITY.—

"(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State shall prescribe regulations that provide for a period, not to exceed 3 years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

"(ii) LIMITATION.—A determination that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

"(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

"(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the System to—

"(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(ii) the Committee on the Judiciary of the Senate;

"(iii) the Select Committee on Intelligence of the Senate;

"(iv) the Committee on Appropriations of the Senate;

"(v) the Committee on Homeland Security of the House of Representatives;

"(vi) the Committee on the Judiciary of the House of Representatives;

"(vii) the Permanent Select Committee on Intelligence of the House of Representatives; and

"(viii) the Committee on Appropriations of the House of Representatives.".

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii) shall take effect on the date which is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) EXIT SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

(A) match biometric information of the alien against relevant watch lists and immigration information; and

(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such individuals have departed the United States.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes—

(A) the progress made in developing and deploying the exit system established under this subsection; and

(B) the procedures by which the Secretary will improve the manner of calculating the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such visas.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 402. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking "address" and inserting "integrate and disseminate intelligence and information related to";

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

"(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

"(e) STAFFING OF THE CENTER.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

"(A) The Office of Intelligence and Analysis.

"(B) The Transportation Security Administration.

"(C) The United States Citizenship and Immigration Services.

"(D) The United States Customs and Border Protection.

"(E) The United States Coast Guard.

"(F) The United States Immigration and Customs Enforcement.

"(G) The Central Intelligence Agency.

"(H) The Department of Defense.

"(I) The Department of the Treasury.

"(J) The National Counterterrorism Center.

"(K) The National Security Agency.

"(L) The Department of Justice.

"(M) The Department of State.

"(N) Any other relevant agency or department.

"(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity set out under paragraph (1), shall ensure that the detailees provided to the Center under paragraph (1) include an adequate number of personnel with experience in the area of—

"(A) consular affairs;

"(B) counterterrorism;

"(C) criminal law enforcement;

"(D) intelligence analysis;

"(E) prevention and detection of document fraud;

"(F) border inspection; or

"(G) immigration enforcement.

"(3) REIMBURSEMENT FOR DETAILEES.—To the extent that funds are available for such purpose, the Secretary of Homeland Security shall provide reimbursement to each agency or department that provides a detailee to the Center, in such amount or proportion as is appropriate for costs associated with the provision of such detailee, including costs for travel by, and benefits provided to, such detailee.

"(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.".

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as redesignated by subsection (a)(2), is amended—

(1) in the heading, by striking "REPORT" and inserting "INITIAL REPORT";

(2) by redesignating such subsection (g) as paragraph (1);

(3) by indenting such paragraph, as so designated, four ems from the left margin;

(4) by inserting before such paragraph, as so designated, the following:

"(g) REPORT.—"; and

(5) by inserting after such paragraph, as so designated, the following new paragraph:

"(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

"(A) the roles and responsibilities of each agency or department that is participating in the Center;

"(B) the mechanisms used to share information among each such agency or department;

"(C) the staff provided to the Center by each such agency or department;

"(D) the type of information and reports being disseminated by the Center; and

"(E) any efforts by the Center to create a centralized Federal Government database to store information related to illicit travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared.".

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as amended by this section, $20,000,000 for fiscal year 2008.

SEC. 403. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

"SEC. 7215. TERRORIST TRAVEL PROGRAM.

"(a) Requirement To Establish.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

"(b) Head of the Program.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

"(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

"(2) an official appointed by the Secretary who reports directly to the Secretary.

"(c) Duties.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

"(1) developing relevant strategies and policies;

"(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

"(3) making recommendations on budget requests and on the allocation of funding and personnel;

"(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

"(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

"(i) the United States Customs and Border Protection;

"(ii) the United States Immigration and Customs Enforcement;

"(iii) the United States Citizenship and Immigration Services;

"(iv) the Transportation Security Administration; and

"(v) the United States Coast Guard; and

"(B) between the Department of Homeland Security and other appropriate Federal agencies; and

"(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

"(d) Report.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.".

SEC. 404. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than 1 State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry."; and

(2) by adding at the end the following:

"(C) Report.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and Secretary of State shall submit to the appropriate congressional committees a report, which includes—

"(i) an analysis of the impact of the pilot program on national security;

"(ii) recommendations on how to expand the pilot program to other States;

"(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

"(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists; and

"(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.".

SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before publishing a final rule in the Federal Register, the Secretary shall conduct—

(1) a complete cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note); and

(2) a study of the mechanisms by which the execution fee for a PASS Card could be reduced, considering the potential increase in the number of applications.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

SEC. 501. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) Modification of Authorities.—Section 1061 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 5 U.S.C. 601 note) is amended to read as follows:

"SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

"(a) In General.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

"(b) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

"(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

"(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

"(c) Purpose.—The Board shall—

"(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

"(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

"(d) Functions.—

"(1) Advice and Counsel on Policy Development and Implementation.—The Board shall—

"(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

"(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

"(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

"(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

"(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

"(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

"(iii) that there are adequate guidelines and oversight to properly confine its use.

"(2) Oversight.—The Board shall continually review—

"(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are protected;

"(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

"(C) other actions by the executive branch related to efforts to protect the Nation from terrorism to determine whether such actions—

"(i) appropriately protect privacy and civil liberties; and

"(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

"(3) Relationship with Privacy and Civil Liberties Officers.—The Board shall—

"(A) review and assess reports and other information from privacy officers and civil liberties officers under section 1062;

"(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

"(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

"(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

"(e) REPORTS.—

"(1) IN GENERAL.—The Board shall—

"(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

"(B) periodically submit, not less than semiannually, reports—

"(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

"(II) to the President; and

"(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

"(A) a description of the major activities of the Board during the preceding period;

"(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

"(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

"(D) each proposal reviewed by the Board under subsection (d)(1) that—

"(i) the Board advised against implementation; and

"(ii) notwithstanding such advice, actions were taken to implement; and

"(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

"(f) INFORMING THE PUBLIC.—The Board shall—

"(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(g) ACCESS TO INFORMATION.—

"(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

"(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

"(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee;

"(C) request information or assistance from any State, tribal, or local government; and

"(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

"(2) REVIEW OF SUBPOENA REQUEST.—

"(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

"(i) issue the subpoena as requested; or

"(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

"(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

"(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

"(h) MEMBERSHIP.—

"(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.

"(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

"(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

"(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

"(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

"(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

"(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

"(C) the members first appointed under this subsection after the date of enactment of the Improving America's Security Act of 2007 shall serve terms of two, three, four, five, and six years, respectively, with the term of each such member to be designated by the President.

"(5) QUORUM AND MEETINGS.—After its initial meeting, the Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

"(i) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—

"(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

"(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

"(j) STAFF.—

"(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

"(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

"(k) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

"(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

"(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

"(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

"(1) For fiscal year 2008, $5,000,000.

"(2) For fiscal year 2009, $6,650,000.

"(3) For fiscal year 2010, $8,300,000.

"(4) For fiscal year 2011, $10,000,000.

"(5) For fiscal year 2012, and each fiscal year thereafter, such sums as may be necessary.".

(b) CONTINUATION OF SERVICE OF CURRENT MEMBERS OF PRIVACY AND CIVIL LIBERTIES BOARD.—The members of the Privacy and Civil Liberties Oversight Board as of the date of enactment of this Act may continue to serve as

members of that Board after that date, and to carry out the functions and exercise the powers of that Board as specified in section 1061 of the National Security Intelligence Reform Act of 2004 (as amended by subsection (a)), until—

(1) in the case of any individual serving as a member of the Board under an appointment by the President, by and with the advice and consent of the Senate, the expiration of a term designated by the President under section 1061(h)(4)(C) of such Act (as so amended);

(2) in the case of any individual serving as a member of the Board other than under an appointment by the President, by and with the advice and consent of the Senate, the confirmation or rejection by the Senate of that member's nomination to the Board under such section 1061 (as so amended), except that no such individual may serve as a member under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination of that individual to be a member of the Board has been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted; or

(3) the appointment of members of the Board under such section 1061 (as so amended), except that no member may serve under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination to fill the position on the Board shall have been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

SEC. 502. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) In General.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

"(a) Designation and Functions.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

"(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

"(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

"(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

"(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

"(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

"(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

"(C) that there are adequate guidelines and oversight to properly confine its use.

"(b) Exception to Designation Authority.—

"(1) Privacy officers.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

"(2) Civil liberties officers.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

"(c) Supervision and Coordination.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

"(1) report directly to the head of the department, agency, or element concerned; and

"(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

"(d) Agency Cooperation.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

"(1) has the information, material, and resources necessary to fulfill the functions of such officer;

"(2) is advised of proposed policy changes;

"(3) is consulted by decision makers; and

"(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

"(e) Reprisal for Making Complaint.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(f) Periodic Reports.—

"(1) In general.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

"(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

"(ii) to the head of such department, agency, or element; and

"(iii) to the Privacy and Civil Liberties Oversight Board; and

"(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) Contents.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

"(A) information on the number and types of reviews undertaken;

"(B) the type of advice provided and the response given to such advice;

"(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

"(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

"(g) Informing the Public.—Each privacy officer and civil liberties officer shall—

"(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(h) Savings Clause.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.".

(b) Clerical Amendment.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

"Sec. 1062. Privacy and civil liberties officers.".

SEC. 503. DEPARTMENT PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting "(a) Appointment and Responsibilities.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Authority To Investigate.—

"(1) In general.—The senior official appointed under subsection (a) may—

"(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

"(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

"(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

"(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

"(2) Enforcement of subpoenas.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

"(3) Effect of oaths.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

"(c) Supervision and Coordination.—

"(1) In general.—The senior official appointed under subsection (a) shall—

"(A) report to, and be under the general supervision of, the Secretary; and

"(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

"(2) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

"(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

"(B) include in any such notification the reasons for the removal or transfer.

"(d) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—

"(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

"(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

"(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

"(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.".

SEC. 504. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Federal Agency Data Mining Reporting Act of 2007".

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term "data mining" means a query, search, or other analysis of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the query, search, or other analysis to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals; and

(B) the query, search, or other analysis does not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data mining in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(H) Any necessary classified information in an annex that shall be available, as appropriate, to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 601. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. et seq.) is amended by adding at the end the following:

"SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

"(a) DEFINITIONS.—In this section—

"(1) the term 'biological event of national significance' means—

"(A) an act of terrorism that uses a biological agent, toxin, or other product derived from a biological agent; or

"(B) a naturally-occurring outbreak of an infectious disease that may result in a national epidemic;

"(2) the term 'Member Agencies' means the departments and agencies described in subsection (d)(1);

"(3) the term 'NBIC' means the National Biosurveillance Integration Center established under subsection (b);

"(4) the term 'NBIS' means the National Biosurveillance Integration System established under subsection (b); and

"(5) the term 'Privacy Officer' means the Privacy Officer appointed under section 222.

"(b) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center, headed by a Directing Officer, under an existing office or directorate of the Department, subject to the availability of appropriations, to oversee development and operation of the National Biosurveillance Integration System.

"(c) PRIMARY MISSION.—The primary mission of the NBIC is to enhance the capability of the Federal Government to—

"(1) rapidly identify, characterize, localize, and track a biological event of national significance by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both national and international); and

"(2) disseminate alerts and other information regarding such data analysis to Member Agencies and, in consultation with relevant member agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national significance.

"(d) REQUIREMENTS.—The NBIC shall design the NBIS to detect, as early as possible, a biological event of national significance that presents a risk to the United States or the infrastructure or key assets of the United States, including—

"(1) if a Federal department or agency, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC, consolidating data from all relevant surveillance systems maintained by that department or agency to detect biological events of national significance across human, animal, and plant species;

"(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

"(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national significance in as close to real-time as is practicable;

"(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

"(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

"(6) alerting relevant Member Agencies and, in consultation with relevant Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national significance.

"(e) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall—

"(A) ensure that the NBIC is fully operational not later than September 30, 2008;

"(B) not later than 180 days after the date of enactment of this section and on the date that the NBIC is fully operational, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the progress of making the NBIC operational addressing the efforts of the NBIC to integrate surveillance efforts of Federal, State, local, and tribal governments.

"(f) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

"(1) IN GENERAL.—The Directing Officer of the NBIC shall—

"(A) establish an entity to perform all operations and assessments related to the NBIS;

"(B) on an ongoing basis, monitor the availability and appropriateness of contributing surveillance systems and solicit new surveillance systems that would enhance biological situational awareness or overall performance of the NBIS;

"(C) on an ongoing basis, review and seek to improve the statistical and other analytical methods utilized by the NBIS;

"(D) receive and consider other relevant homeland security information, as appropriate; and

"(E) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIS.

"(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

"(A) on an ongoing basis, evaluate available data for evidence of a biological event of national significance; and

"(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event of national significance has occurred.

"(3) INFORMATION SHARING.—

"(A) IN GENERAL.—The Directing Officer of the NBIC shall—

"(i) establish a method of real-time communication with the National Operations Center, to be known as the Biological Common Operating Picture;

"(ii) in the event that a biological event of national significance is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event of national significance to appropriate Federal response entities and, in consultation with relevant member agencies, regional, State, local, and tribal governmental response entities in a timely manner;

"(iii) provide any report on NBIS assessments to Member Agencies and, in consultation with relevant member agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national significance; and

"(iv) share NBIS incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(B) COORDINATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) in coordination with the program manager for the information sharing environment of the Office of the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

"(g) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

"(1) IN GENERAL.—Each Member Agency shall—

"(A) use its best efforts to integrate biosurveillance information into the NBIS, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national significance;

"(B) participate in the formation and maintenance of the Biological Common Operating Picture to facilitate timely and accurate detection and reporting;

"(C) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually-agreed protocols that maintain patient confidentiality and privacy;

"(D) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing; and

"(E) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC.

"(h) ADMINISTRATIVE AUTHORITIES.—

"(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIS.

"(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

"(i) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Directing Officer of the NBIC shall—

"(1) establish an interagency coordination council to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

"(2) invite Member Agencies to serve on such council.

"(j) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

"Sec. 316. National Biosurveillance Integration Center.".

SEC. 602. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit a report to Congress describing—

(1) the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) the integration of biosurveillance systems to allow the maximizing of biosurveillance resources and the expertise of Federal, State, local, and tribal governments to benefit public health.

SEC. 603. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by adding after section 1906, as redesignated by section 203 of this Act, the following:

"SEC. 1907. JOINT ANNUAL REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

"(A) each relevant agency, office, or entity—

"(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture;

"(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) that are related to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats related to nuclear or radiological weapons of mass destruction; and

"(B) each agency, office, or entity deploying or operating any technology acquired by the Office—

"(i) evaluates the deployment and operation of that technology by that agency, office, or entity;

"(ii) identifies detection performance deficiencies and operational or technical deficiencies in that technology; and

"(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

"(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of technology by the Office.

"(b) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall submit a report regarding the compliance of such officials with this section and the results of the reviews required under subsection (a) to—

"(A) the President;

"(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(C) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

"(2) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

"(c) DEFINITION.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 203 of this Act, the following:

"Sec. 1907. Joint annual review of global nuclear detection architecture.".

TITLE VII—PRIVATE SECTOR PREPAREDNESS

SEC. 701. DEFINITIONS.

(a) IN GENERAL.—In this title, the term "voluntary national preparedness standards" has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(b) HOMELAND SECURITY ACT OF 2002.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

"(17) The term 'voluntary national preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).".

SEC. 702. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

(a) In General.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) providing information to the private sector regarding voluntary national preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary national preparedness standards;".

(b) Private Sector Advisory Councils.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by adding "and" at the end; and

(3) by adding at the end the following:

"(C) advise the Secretary on private sector preparedness issues, including effective methods for—

"(i) promoting voluntary national preparedness standards to the private sector;

"(ii) assisting the private sector in adopting voluntary national preparedness standards; and

"(iii) developing and implementing the accreditation and certification program under section 522;".

SEC. 703. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

(a) In General.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 522. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

"(a) Accreditation and Certification Program.—Not later than 120 days after the date of enactment of this section, the Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall—

"(1) support the development, promulgating, and updating, as necessary, of voluntary national preparedness standards; and

"(2) develop, implement, and promote a program to certify the preparedness of private sector entities.

"(b) Program Elements.—

"(1) In general.—

"(A) Program.—The program developed and implemented under this section shall assess whether a private sector entity complies with voluntary national preparedness standards.

"(B) Guidelines.—In developing the program under this section, the Secretary shall develop guidelines for the accreditation and certification processes established under this section.

"(2) Standards.—The Secretary, in consultation with the American National Standards Institute and representatives of appropriate voluntary consensus standards development organizations and each private sector advisory council created under section 102(f)(4)—

"(A) shall adopt appropriate voluntary national preparedness standards that promote preparedness, which shall be used in the accreditation and certification program under this section; and

"(B) after the adoption of standards under subparagraph (A), may adopt additional voluntary national preparedness standards or modify or discontinue the use of voluntary national preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

"(3) Tiering.—The certification program developed under this section may use a multiple-tiered system to rate the preparedness of a private sector entity.

"(4) Small business concerns.—The Secretary and any selected entity shall establish separate classifications and methods of certification for small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this section.

"(5) Considerations.—In developing and implementing the program under this section, the Secretary shall—

"(A) consider the needs of the insurance industry, the credit-ratings industry, and other industries that may consider preparedness of private sector entities, to assess the preparedness of private sector entities; and

"(B) ensure the program accommodates those needs where appropriate and feasible.

"(c) Accreditation and Certification Processes.—

"(1) Agreement.—

"(A) In general.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

"(B) Contents.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

"(2) Procedures and requirements for accreditation and certification.—

"(A) In general.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

"(B) Contents and use.—The procedures and requirements developed under subparagraph (A) shall—

"(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

"(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

"(C) Disagreement.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

"(3) Designation.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

"(4) Third parties.—To be accredited under paragraph (3), a third party shall—

"(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

"(B) agree to perform certifications in accordance with such procedures and requirements;

"(C) agree not to have any beneficial interest in or any direct or indirect control over—

"(i) a private sector entity for which that third party conducts a certification under this section; or

"(ii) any organization that provides preparedness consulting services to private sector entities;

"(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

"(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

"(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

"(5) Monitoring.—

"(A) In general.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

"(B) Revocation.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

"(i) revoke the accreditation of that third party to conduct certifications under this section; and

"(ii) review any certification conducted by that third party, as necessary and appropriate.

"(d) Annual Review.—

"(1) In general.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

"(2) Review of standards.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

"(e) Voluntary Participation.—Certification under this section shall be voluntary for any private sector entity.

"(f) Public Listing.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

"(g) Definition.—In this section, the term 'selected entity' means any entity entering an agreement with the Secretary under subsection (c)(1)(A).".

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

"Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.".

SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 705. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and

Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards or requirements established under any other provision of Federal law.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) In General.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.".

(b) Contents of the National Strategy for Transportation Security.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting ", based on risk assessments conducted by the Secretary of Homeland Security," after "risk based priorities";

(2) in subparagraph (D)—

(A) by striking "and local" and inserting ", local, and tribal"; and

(B) by striking "private sector cooperation and participation" and inserting "cooperation and participation by private sector entities and nonprofit employee labor organizations";

(3) in subparagraph (E)—

(A) by striking "response" and inserting "prevention, response,"; and

(B) by inserting "and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems" before the period at the end;

(4) in subparagraph (F), by adding at the end the following: "Transportation security research and development projects initiated by the Secretary of Homeland Security shall be based on such prioritization."; and

(5) by adding at the end the following:

"(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

"(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

"(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected transportation system to its normal performance level preceding a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).".

(c) Periodic Progress Reports.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting ", including the transportation modal security plans" before the period at the end; and

(B) by striking clause (ii) and inserting the following:

"(ii) Content.—Each progress report submitted under this subparagraph shall include the following:

"(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

"(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

"(III) An accounting of all—

"(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

"(bb) personnel working on transportation security issues, including the number of contractors.

"(iii) Written Explanation of Transportation Security Activities Not Delineated in the National Strategy for Transportation Security.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity."; and

(2) in subparagraph (E), by striking "Select".

(d) Priority Status.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking "and" at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

"(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and".

(e) Coordination and Plan Distribution.—Section 114(t) of such title is amended by adding at the end the following:

"(6) Coordination.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

"(7) Plan distribution.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.".

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) In General.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) Transportation Security Information Sharing Plan.—

"(1) Establishment of plan.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan.

"(2) Purpose of plan.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

"(3) Content of plan.—The Plan shall include—

"(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments;

"(B) an assignment of a single point of contact for and within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders;

"(C) a demonstration of input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

"(D) a reasonable deadline by which the Plan will be implemented; and

"(E) a description of resource needs for fulfilling the Plan.

"(4) Coordination with the information sharing environment.—The Plan shall be—

"(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(5) Reports to congress.—

"(A) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

"(B) Annual report.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

"(6) Survey.—

"(A) In general.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

"(B) Information sought.—The annual survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

"(7) Security clearances.—The Secretary, to the greatest extent practicable, shall facilitate the security clearances needed for public and private stakeholders to receive and obtain access to classified information as appropriate.

"(8) Classification of material.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

"(9) Definitions.—In this subsection:

"(A) Appropriate congressional committees.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

"(B) Plan.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

"(C) Public and private stakeholders.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal

governments, and appropriate private entities, including nonprofit employee labor organizations.

"(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the threats to and vulnerabilities and consequences of transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.".

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 803. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) TSA EMPLOYEE DEFINED.—In this section, the term "TSA employee" means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department the duties and responsibilities of which include carrying out 1 or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(b) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified under such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in paragraph (1) or (2) of subsection (e).

(c) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(2).—Section 9701(b) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) provide for the uniform treatment of all TSA employees (as that term is defined in section 803 of the Improving America's Security Act of 2007).".

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect on the later of 90 days after the date of enactment of this Act and the commencement date of the system involved.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees under section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

TITLE IX—INCIDENT COMMAND SYSTEM

SEC. 901. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

"(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, or other manmade disasters;

"(J) assisting State, local, or tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system can be quickly established and operated from, if the need for such a system arises; and".

SEC. 902. CREDENTIALING AND TYPING TO STRENGTHEN INCIDENT COMMAND.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by striking section 510 and inserting the following:

"SEC. 510. CREDENTIALING AND TYPING.

"(a) CREDENTIALING.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel, including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

"(B) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created under this subsection and assigning such individual a qualification under the standards developed under this subsection; and

"(C) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this subsection.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, to collaborate on establishing nationwide standards for credentialing all personnel who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) CONTENTS.—The standards developed under subparagraph (A) shall—

"(i) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State, local, and tribal government;

"(ii) be compatible with the National Incident Management System; and

"(iii) be consistent with standards for advance registration for health professions volunteers under section 3191 of the Public Health Services Act (42 U.S.C. 247d–7b).

"(C) TIMEFRAME.—The Administrator shall develop standards under subparagraph (A) not later than 6 months after the date of enactment of the Improving America's Security Act of 2007.

"(3) CREDENTIALING OF DEPARTMENT PERSONNEL.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel and individuals in the Surge Capacity Force established under section 624 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 711)) who are likely to respond to a natural disaster, act of terrorism, or other manmade disaster are credentialed.

"(B) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 90 days after completion of the credentialing under subparagraph (A), the Administrator shall evaluate whether the workforce of the Agency complies with the strategic human capital plan of the Agency developed under section 10102 of title 5, United States

Code, and is sufficient to respond to a catastrophic incident.

"(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

"(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

"(B) CREDENTIALING OF AGENCIES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

"(i) ensure that all employees or volunteers of that agency who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed; and

"(ii) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

"(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the credentialing process of that agency.

"(5) DOCUMENTATION AND DATABASE SYSTEM.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

"(C) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a natural disaster, act of terrorism, or other man-made disaster.

"(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall—

"(A) in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the credentialing of State, local, and tribal emergency response providers commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

"(B) in coordination with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers (and the organizations that represent such providers), and appropriate national professional organizations, assist State, local, and tribal governments with credentialing the personnel of the State, local, or tribal government under the guidance provided under subparagraph (A).

"(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and level of qualification of Federal personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(b) TYPING OF RESOURCES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'typed' means an asset or resource that has been evaluated for a specific function under the guidelines created under this section; and

"(B) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and organizations that represent such providers, to collaborate on establishing nationwide standards for typing of resources commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster.

"(B) CONTENTS.—The standards developed under subparagraph (A) shall—

"(i) be applicable to Federal, State, local, and tribal government; and

"(ii) be compatible with the National Incident Management System.

"(3) TYPING OF DEPARTMENT RESOURCES AND ASSETS.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall ensure that all resources and assets of the Department that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed.

"(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

"(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

"(B) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

"(i) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed; and

"(ii) submit to the Secretary a list of all types resources and assets.

"(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the typing process of that agency.

"(5) DOCUMENTATION AND DATABASE SYSTEM.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (A) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

"(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator, in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, shall—

"(A) provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the typing of the resources and assets of State, local, and tribal governments likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

"(B) assist State, local, and tribal governments with typing resources and assets of State, local, or tribal governments under the guidance provided under subparagraph (A).

"(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and type of Federal resources and assets ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section."; and

(2) by adding after section 522, as added by section 703 of this Act, the following:

"SEC. 523. PROVIDING SECURE ACCESS TO CRITICAL INFRASTRUCTURE.

"Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall create model standards or guidelines that States may adopt in conjunction with critical infrastructure owners and operators and their employees to permit access to restricted areas in the event of a natural disaster, act of terrorism, or other man-made disaster.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 522, as added by section 703 of this Act, the following:

"Sec. 523. Providing secure access to critical infrastructure.".

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

SEC. 1001. CRITICAL INFRASTRUCTURE PROTECTION.

(a) CRITICAL INFRASTRUCTURE LIST.—Not later than 90 days after the date of enactment of this Act, and in coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary shall establish a risk-based prioritized list of critical infrastructure and key resources that—

(1) includes assets or systems that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts, including—

(A) significant loss of life;

(B) severe economic harm;

(C) mass evacuations; or

(D) loss of a city, region, or sector of the economy as a result of contamination, destruction, or disruption of vital public services; and

(2) reflects a cross-sector analysis of critical infrastructure to determine priorities for prevention, protection, recovery, and restoration.

(b) Sector Lists.—In coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary may establish additional critical infrastructure and key resources priority lists by sector, including at a minimum the sectors named in Homeland Security Presidential Directive–7 as in effect on January 1, 2006.

(c) Maintenance.—Each list created under this section shall be reviewed and updated on an ongoing basis, but at least annually.

(d) Annual Report.—

(1) Generally.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report summarizing—

(A) the criteria used to develop each list created under this section;

(B) the methodology used to solicit and verify submissions for each list;

(C) the name, location, and sector classification of assets in each list created under this section;

(D) a description of any additional lists or databases the Department has developed to prioritize critical infrastructure on the basis of risk; and

(E) how each list developed under this section will be used by the Secretary in program activities, including grant making.

(2) Classified information.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

SEC. 1002. RISK ASSESSMENT AND REPORT.

(a) Risk Assessment.—

(1) In general.—The Secretary, pursuant to the responsibilities under section 202 of the Homeland Security Act (6 U.S.C. 122), for each fiscal year beginning with fiscal year 2007, shall prepare a risk assessment of the critical infrastructure and key resources of the Nation which shall—

(A) be organized by sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive–7, as in effect on January 1, 2006; and

(B) contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment.

(2) Reliance on other assessments.—In preparing the assessments and reports under this section, the Department may rely on a vulnerability assessment or risk assessment prepared by another Federal agency that the Department determines is prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection and partnerships between the government and private sector, if the Department certifies in the applicable report submitted under subsection (b) that the Department—

(A) reviewed the methodology and analysis of the assessment upon which the Department relied; and

(B) determined that assessment is reliable.

(b) Report.—

(1) In general.—Not later than 6 months after the last day of fiscal year 2007 and for each year thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a summary and review of the risk assessments prepared by the Secretary under this section for that fiscal year, which shall be organized by sector and which shall include recommendations of the Secretary for mitigating risks identified by the assessments.

(2) Classified annex.—The report under this subsection may contain a classified annex.

SEC. 1003. USE OF EXISTING CAPABILITIES.

Where appropriate, the Secretary shall use the National Infrastructure Simulation and Analysis Center to carry out the actions required under this title.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 1101. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) Amounts Requested Each Fiscal Year.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) Amounts Authorized and Appropriated Each Fiscal Year.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) Study on Disclosure of Additional Information.—

(1) In general.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) Requirements.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) Report.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

(d) Definitions.—In this section—

(1) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term "National Intelligence Program" has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 1102. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS.

(a) Response of Intelligence Community to Requests From Congress for Intelligence Documents and Information.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"Sec. 508. (a) Requests of Committees.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

"(b) Requests of Certain Members.—(1) The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) Assertion of Privilege.—In response to a request covered by subsection (a) or (b), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

"(d) Independent Testimony of Intelligence Officials.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

"(1) to receive permission to testify before Congress; or

"(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to Congress if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.".

(b) Disclosures of Certain Information to Congress.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by subsection (a), is amended by adding at the end the following new section:

"DISCLOSURES TO CONGRESS

"Sec. 509. (a) Authority To Disclose Certain Information.—An employee of a covered agency or an employee of a contractor carrying out activities pursuant to a contract with a covered agency may disclose covered information to an authorized individual without first reporting

such information to the appropriate Inspector General.

"(b) Authorized Individual.—(1) In this section, the term 'authorized individual' means—

"(A) a Member of the Senate or the House of Representatives who is authorized to receive information of the type disclosed; or

"(B) an employee of the Senate or the House of Representatives who—

"(i) has an appropriate security clearance; and

"(ii) is authorized to receive information of the type disclosed.

"(2) An authorized individual described in paragraph (1) to whom covered information is disclosed under the authority in subsection (a) shall be presumed to have a need to know such covered information.

"(c) Covered Agency and Covered Information Defined.—In this section:

"(1) The term 'covered agency' means—

"(A) any department, agency, or element of the intelligence community;

"(B) a national intelligence center; and

"(C) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

"(2) The term 'covered information'—

"(A) means information, including classified information, that an employee referred to in subsection (a) reasonably believes provides direct and specific evidence of a false or inaccurate statement—

"(i) made to Congress; or

"(ii) contained in any intelligence assessment, report, or estimate; and

"(B) does not include information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

"(d) Construction With Other Reporting Requirements.—Nothing in this section may be construed to modify, alter, or otherwise affect—

"(1) any reporting requirement relating to intelligence activities that arises under this Act or any other provision of law; or

"(2) the right of any employee of the United States to disclose information to Congress, in accordance with applicable law, information other than covered information.".

(c) Clerical Amendment.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new items:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.
"Sec. 509. Disclosures to Congress.".

SEC. 1103. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking "If requested" and inserting the following:

"(1) In general.—If requested"; and

(B) by adding at the end the following:

"(2) Authority of board.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

"(3) Reporting.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations."; and

(2) in section 710(b), by striking "8 years after the date of the enactment of this Act" and inserting "on December 31, 2012".

TITLE XII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

SEC. 1201. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) Findings.—The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) Promoting Antiterrorism Through International Cooperation Act.—

(1) In general.—The Homeland Security Act of 2002 is amended by inserting after section 316, as added by section 601 of this Act, the following:

"SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

"(a) Definitions.—In this section:

"(1) Director.—The term 'Director' means the Director selected under subsection (b)(2).

"(2) International cooperative activity.—The term 'international cooperative activity' includes—

"(A) coordinated research projects, joint research projects, or joint ventures;

"(B) joint studies or technical demonstrations;

"(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

"(D) training of scientists and engineers;

"(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

"(F) exchanges or sharing of scientific and technological information; and

"(G) joint use of laboratory facilities and equipment.

"(b) Science and Technology Homeland Security International Cooperative Programs Office.—

"(1) Establishment.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

"(2) Director.—The Office shall be headed by a Director, who—

"(A) shall be selected (in consultation with the Assistant Secretary for International Affairs, Policy Directorate) by and shall report to the Under Secretary; and

"(B) may be an officer of the Department serving in another position.

"(3) Responsibilities.—

"(A) Development of mechanisms.—The Director shall be responsible for developing, in coordination with the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activity in support of homeland security research.

"(B) Priorities.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department (including the Office of the Assistant Secretary for International Affairs, Policy Directorate), the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, strategic priorities for international cooperative activity.

"(C) Activities.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

"(D) Identification of partners.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

"(4) Coordination.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

"(c) Matching Funding.—

"(1) In general.—

"(A) Equitability.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

"(B) Grant matching and repayment.—

"(i) In general.—The Secretary may require a recipient of a grant under this section—

"(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

"(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

"(ii) Maximum amount.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

"(2) Foreign partners.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

"(d) Funding.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

"(e) Foreign Reimbursements.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis,

any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 316, as added by section 601 of this Act, the following:

"Sec. 317. Promoting antiterrorism through international cooperation program.".

SEC. 1202. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

"(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

"(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

"(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.".

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking "**UNDER SECRETARY**" and inserting "**DEPUTY SECRETARY OF HOMELAND SECURITY**";

(2) in subsection (a)—

(A) by inserting "The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary";

(B) by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management";

(C) by striking paragraph (7) and inserting the following:

"(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(D) by striking paragraph (9), and inserting the following:

"(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; and

(B) in paragraph (2), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

"(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) strong leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) shall—

"(A) serve for a term of 5 years; and

"(B) be subject to removal by the President if the President—

"(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

"(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

"(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

"(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

"(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).".

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

"Sec. 701. Deputy Secretary of Homeland Security for Management.".

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Deputy Secretary of Homeland Security for Management.".

SEC. 1302. SENSE OF THE SENATE REGARDING COMBATING DOMESTIC RADICALIZATION.

(a) FINDINGS.—The Senate finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists seeking to exploit the religion of Islam through violent means to achieve ideological ends.

(2) The radical jihadist movement transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the war on terror.

(5) United States law enforcement agencies have identified radicalization as an emerging threat and have in recent years identified cases of "homegrown" extremists operating inside the United States with the intent to provide support for, or directly commit, a terrorist attack.

(6) The alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization.

(7) Radicalization cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization and extremism by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending the American Muslim community;

(4) developing and implementing, in concert with the Attorney General and State and local

corrections officials, a program to address prisoner radicalization and post-sentence reintegration;

(5) pursuing broader avenues of dialogue with the Muslim community to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate these leaders on the threat of radicalization and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to the American Muslim community and develop partnerships between all faiths, including Islam.

SEC. 1303. SENSE OF THE SENATE REGARDING OVERSIGHT OF HOMELAND SECURITY.

(a) FINDINGS.—The Senate finds the following:

(1) The Senate recognizes the importance and need to implement the recommendations offered by the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the "Commission").

(2) Congress considered and passed the National Security Intelligence Reform Act of 2004 (Public Law 108–458; 118 Stat. 3643) to implement the recommendations of the Commission.

(3) Representatives of the Department testified at 165 Congressional hearings in calendar year 2004, and 166 Congressional hearings in calendar year 2005.

(4) The Department had 268 representatives testify before 15 committees and 35 subcommittees of the House of Representatives and 9 committees and 12 subcommittees of the Senate at 206 congressional hearings in calendar year 2006.

(5) The Senate has been unwilling to reform itself in accordance with the recommendation of the Commission to provide better and more streamlined oversight of the Department.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Senate should implement the recommendation of the Commission to "create a single, principal point of oversight and review for homeland security.".

SEC. 1304. REPORT REGARDING BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress regarding ongoing initiatives of the Department to improve security along the northern border of the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit a report to Congress that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

Mr. LIEBERMAN. Mr. President, with the authority of the Homeland Security and the Governmental Affairs Committee—that is, the consent of a majority of the Members—I now withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The majority leader is recognized.

AMENDMENT NO. 275

Mr. REID. Mr. President, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. INOUYE, and Mr. DODD, proposes an amendment numbered 275.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, the substitute I have just offered encompasses the provisions of S. 4, also legislation on surface transportation security, aviation security, and rail security from the Commerce Committee, as well as transit security legislation from the Banking Committee.

As I said yesterday, I deeply appreciate, as does the distinguished Republican leader, the work done by the two committee managers. Senator LIEBERMAN and Senator COLLINS have worked together for a number of years, and they work well together. This is an extremely important piece of legislation, and so we ask Members if there is something about the bill that has just been laid down that they don't like, they should come and try to change it and not wait around because they will be disappointed. We have to move through this bill.

We have been told there are a number of amendments people have to offer, and we want them to do that. I asked the Democratic manager, Chairman LIEBERMAN, if people offer amendments, to have a reasonable debate. We are not going to mess around here for a long time. With appropriate debate, Senator LIEBERMAN is going to move to table if it is something we don't like, and I think it is important that Members know that.

I have been told there are a lot of amendments on both sides. It is our goal to finish this legislation as soon as we can next week. That is going to be difficult. We could have some late nights, and as I indicated this morning, we might have to work into Friday sometime. Monday night, I hope we can stack votes so that we have a number of votes. As I have indicated, we will not have votes starting before 5:30, but I hope we can have a number of votes at 5:30 so we can dispose of them that night.

This is what we do. We are legislating now, and I look forward to a good piece of legislation when we finish.

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader. We have a number of amendments on this side, and we are prepared to offer them in the next few hours. I believe the first amendment is going to come from the Democratic side. Senator COLLINS is either here or on her way, and she is certainly going to manage the bill on our side, but then we will follow the Democratic amendment with an amendment on our side.

I also want to remind everyone that at 2 p.m. this afternoon the Transportation Security Administration will hold an all-Members briefing related to the provisions of S. 4, the bill we are now discussing, which will be pending today. A notice was sent to all offices, and Senators should be made aware that this briefing will be held in S407 of the Capitol.

Mr. REID. Mr. President, I would also say this: We are going to alternate back and forth. If there is not a Democrat here, a Republican will offer two amendments in a row, and vice versa. In other words, we need expedition. There are a number of amendments, and we are not going to wait while somebody is coming from their office to offer an amendment. If somebody is here ahead of someone, then they will proceed.

Our first amendment, if she is here on time, will be from Senator FEINSTEIN; otherwise, Senator COLLINS, I understand, has an amendment.

Mr. LIEBERMAN. Mr. President, while the two leaders are here, I want to thank Senator REID for designating this urgent legislation which would implement the previously unimplemented or inadequately implemented recommendations of the 9/11 Commission. I also thank Senator MCCONNELL, the Republican leader, for his cooperation and consent to moving this forward quickly on the Senate floor.

This bipartisan cooperation, obviously, is justified by the subject matter, homeland security, and in that regard I want to thank, again, Senator COLLINS. We switched titles in this session of Congress, but as I said to her when that happened, nothing else will change but our titles. She has been a wonderful partner and coworker on this measure once again, and it is in that spirit that we invite amendments, as Senator REID said, from our colleagues who may think that, as good as the bill is, it could be better, and we urge them to come forward quickly.

In our committee, only one amendment was divided on a party-line vote. The rest were totally nonpartisan, and I hope that is generally the way things will go on the Senate floor as we consider the amendments brought forth.

Yesterday, to expedite matters, Senator COLLINS and I both made our opening statements, so we do not have those opening statements now. Therefore, we look forward to the Senator from California coming to the floor as soon as she can to offer an amendment, which I note will concern visa waiver sections of the measure. Senator COLLINS has another amendment which we will go to if Senator FEINSTEIN does not come soon.

I thank the Chair and, for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 271 TO AMENDMENT NO. 275

Mr. LIEBERMAN. Mr. President, on behalf of the Senator from California, Mrs. FEINSTEIN, I call up amendment No. 271.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Mrs. FEINSTEIN, proposes an amendment numbered 271 to amendment No. 275.

Mr. LIEBERMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit a foreign country with a visa refusal rate of more than 10 percent or that exceeds the maximum visa overstay rate from participating in the visa waiver program)

Strike subsection (c) of section 401 and insert the following:

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

"(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

"(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country—

"(i) if the country meets all security requirements of this section;

"(ii) if the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

"(iii) if there has been a sustained reduction in the rate of refusals for nonimmigrant visitor visas for nationals of the country and conditions exist to continue such reduction;

"(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue; and

"(v)(I) if the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than 10 percent; or

"(II) if the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once it is established under subparagraph (C).

"(C) MAXIMUM VISA OVERSTAY RATE.—

"(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security and the Secretary of State jointly shall use information from the air exit system referred to in subparagraph (A) to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B).

"(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

"(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during a fiscal year and who remained in the United States unlawfully beyond the such period of stay; to

"(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during such fiscal year.

"(iii) REPORT AND PUBLICATION.—Secretary of Homeland Security shall submit to Congress and publish in the Federal Register a notice of the maximum visa overstay rate proposed to be established under clause (i). Not less than 60 days after the date such notice is submitted and published, the Secretary shall issue a final maximum visa overstay rate.

"(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

"(A) airport security standards in the country;

"(B) whether the country assists in the operation of an effective air marshal program;

"(C) the standards of passports and travel documents issued by the country; and

"(D) other security-related factors.".

Mrs. FEINSTEIN. Mr. President, I rise today to voice my concern about the efforts to expand the Visa Waiver Program in the 9/11 commission report bill and to offer an amendment that will cap the unlimited expansion of this program.

I believe the bill as offered on the floor will make us less safe, not more safe with respect to this huge program called Visa Waiver.

The bill would allow the Department of Homeland Security and the Department of State to expand the Visa Waiver Program without limits. My amendment would limit this discretion based on a 10 percent visa refusal rate or on the actual visa overstay rate.

The Visa Waiver Program provides an extraordinary exception to our immigration laws. It allows the citizens of 27 nations to visit this country by merely showing up on the day of departure with a passport from their home country. In 2004, the State Department reported that 15.6 million people came to this country as part of this program. I am told that in 2005, unofficially, the number was at least 15.5 million and in 2006, the number was at least 15.6 million.

We have no way of knowing how many left because we do not have an exit system.

The bill on the floor today changes the Visa Waiver Program in a number of key ways.

First, it adds some good security measures, such as the expedited reporting of lost and stolen travel documents; and the exchange of information on terrorist watchlist. It also authorizes the Department of Homeland Security to develop an electronic travel authorization program so that all persons entering the U.S. will have to apply for clearance to enter the U.S. in advance of their trip. And it requires the Department of Homeland Security to develop a system to track all the foreign visitors who leave the U.S. via our airports—but not our seaports or land ports. This has been an unmet goal, however, year after year.

I welcome and support the enhanced security measures included in the bill. They are long overdue.

Second—and here is the problem—the bill allows the Department of Homeland Security and the Department of State to fundamentally change the way countries are admitted into the visa waiver program, and thus, who can come into the U.S. without getting a visa.

Under current law, a country is eligible for this program so long as the vast majority—at least 97 percent—of its nationals can get a visa when they apply for one. The percentage of people who are rejected when they apply for a visa is called the "visa refusal rate" and that percentage must be under 3 percent for a country to participate in the program.

The rationale is that if the overwhelming majority of visitors satisfy requirements for a U.S. visa when they apply, we should not waste our resources and the time of U.S. consular officers to evaluate every single visa application. The 3 percent rate means that 97 percent of these applicants will return to their home country for one reason or another. They have family and earn a satisfactory living.

But even with a 3 percent rejection rate, the Visa Waiver Program is a security problem.

Convicted terrorist Zacarias Moussaoui from France and "shoe-bomber" Richard Reid from Great Britain both boarded flights to the United

States with passports issued by Visa Waiver Program countries.

On August 10 of this past year, British police charged 17 suspects with a terrorist plot to detonate liquid explosives carried on board several airliners traveling from the United Kingdom to the United States. The key suspects were reported to be British-born Muslims, eligible to travel to the U.S. with just a passport in hand.

For that reason, I believe that the current Visa Waiver Program is the soft underbelly of our national security.

But this bill undermines even the scant protection afforded by our current laws in that it allows the administration to admit new countries into the program with complete disregard for how many people were previously rejected when they applied for a U.S. visa. My amendment would provide a meaningful limit to that discretion.

This bill does not affect just a handful of countries. It would affect any and every country whose nationals travel to the United States.

As a matter of fact, the "roadmap" countries—or countries that the administration is currently talking to about inclusion in the Visa Waiver Program—total 19. So the Departments of State and Homeland Security are actively talking with 19 countries for acceptance into this Program.

A significant number of these 19 countries have visa rejection rates that are well above 3 percent. They are marked with an asterisk, and total 13 of the 19. I ask unanimous consent to have printed in the RECORD a chart showing by country the rejection rates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Country Name	*2006 Refusal Rate (Percent)*
Argentina*	6.7
Brazil*	13.2
Bulgaria*	17.5
Cyprus	2.2
Czech Republic*	9.4
Estonia*	7.1
Greece	2.2
Hungary*	12.7
Israel	4.2
Korea, South	3.6
Latvia*	21.6
Lithuania*	27.7
Malta	2.8
Poland*	26.2
Romania*	34.1
Slovakia*	16.0
Taiwan	3.1
Turkey*	15.4
Uruguay*	12.6

Mrs. FEINSTEIN. Mr. President, today, 544 million people are eligible to travel into the U.S. without a visa as part of the Visa Waiver Program. If we add these "roadmap" countries to the program, we will add 162 million more people who can travel into the United States without a visa—a 30 percent increase.

And if these 19 additional "roadmap" countries can come into the program, what is to preclude any other country from coming into the program? How do we say "no" to India, also a good ally, when its refusal rate—19.5 percent—is lower than 4 of the roadmap—countries? The rejection rate for China—24.5 percent—is lower than those coming from Romania. Indonesia, at 35.1 percent just exceeds Romania. So this bill will likely set up some real conflicts and create additional problems.

The administration has argued that the expansion of the visa waiver countries should be limited to our allies. But what does it mean to be an ally? According to this administration, when we invaded Iraq we counted Colombia with a 33.3 percent visa rejection rate, and Nicaragua, with a 48 percent rejection rate among our allies because they had provided some assistance in war.

Do we, in Congress, really want to give the administration unfettered flexibility to allow nationals from any country to travel to the U.S. without a visa, simply because their governments have cooperated with ours?

Does that mean that those nationals should be allowed to come to the United States with no advance screening?

We can only assume that we will also significantly increase the number of people who will not leave the United States after their visa expires. In this manner, this bill, if enacted into law, will likely add many thousands, if not millions, to the undocumented or illegal population.

Remember, today, 30 to 40 percent of the illegal population are, in fact, visa overstays—people who come with temporary or visitor visas and do not return to their countries.

I believe we should not expand this program without a good hard look at how it will compromise our national security, law enforcement, and immigration goals and without ensuring that safety measures are in place to make the program strong.

First, whenever the United States adds new countries to the program, it increases the demand for, and the availability of, fraudulent travel documents.

The value of lost, stolen or fraudulent Visa Waiver Program documents is enormous. A person carrying a visa waiver country passport has virtually unlimited access into and out of the United States.

No doubt, the expansion of the program will increase the use of fraudulent border documents which are sold on the black market in the tens of thousands: passports, international driver's licenses, and other forms of identification from new visa waiver countries will flood the market.

According to the July 2006 GAO report on improving the security of the Visa Waiver Program, visa waiver travel documents have been used by criminals and terrorists seeking to disguise their true identity.

In 2004, more than 15 million people from 27 countries traveled in and out of the United States with no visa.

And from January through June 2005—a 6-month period—the Department of Homeland Security reported that it confiscated 298 fraudulent or altered passports issued by Visa Waiver Program countries that travelers were attempting to use to enter the United States. And these are just the ones who got caught.

In fact, Interpol reports that they have records of more than 12 million stolen and lost travel documents in their database, but that there are 30 to 40 million travel documents have been stolen worldwide.

We can extrapolate that tens of thousands of those documents are from visa waiver countries.

As the 9/11 Commission report demonstrates, individuals with fraudulent documents pose a far greater threat to our national security than those traveling with no documents at all.

For that reason, Senator SESSIONS and I have introduced a bill this Congress to crack down on people who traffic in lost and stolen travel documents.

The second problem is that some countries have very weak policies on who can become a citizen—and therefore legally obtain travel documents. Not every country has the same strict controls on who can become a citizen as the U.S. does.

For example, Romania, one of the "road map" countries, extends citizenship to many citizens of Ukraine or Moldova as a matter of course without prior residency requirements. Ukraine and Moldova are not slated to participate in the visa waiver program, and in fact, have visa rejection rates of 38.7 percent and 34.2 percent, respectively. Adding Romania is like adding Ukraine and Moldova. How would their inclusion impact national security?

Finally, this bill does not go far enough to protect U.S. borders.

The bill requires the development of an air exit system, but it does nothing to track who comes and goes by way of our land and sea ports.

It also requires the Department of Homeland Security to track how many people overstay their visas, but it does not require them to use this information to determine who can participate in the program.

For example, even if we learn that one out of four Lithuanian visitors never returns to Lithuania when their visa expires, Lithuania could still participate in the Visa Waiver Program.

Again, experts estimate that between 30 percent and 40 percent of those undocumented people living in the U.S. today are here because they ignored the time limits on their visa and just never went back home.

At a time when this country is torn about how to handle the 12 million undocumented people currently living here, we must consider who plays by the rules when we talk about who participates in the program.

If a high number of travelers from countries overstay their visas, then those countries should not be allowed the benefit of permitting their nationals to enter the U.S. without a background check and a consular interview.

The amendment I am proposing today offers a way to limit the expansion of the Visa Waiver Program in light of our immigration and national security concerns.

The amendment I am offering would increase the visa rejection rate under the current law from 3 percent to 10 percent for countries that agree to these enhanced security measures.

The result is that countries such as South Korea, 3.6 percent, Taiwan, 3.1 percent, Estonia, 7.1 percent, and the Czech Republic, 9.4 percent could be eligible to participate in the program provided they pass the security requirements this bill imposes.

Then, once the U.S. has statistics on which foreign nationals regularly overstay their visa, the government should use those statistics to decide who can participate in the program.

My amendment would require the Departments of Homeland Security and State, in consultation and with the approval of Congress, to set a meaningful overstay rate once they have that data. Then countries with a proven track record—those with nationals who go home when they are supposed to go home—could be eligible for the program.

The answer is not to entirely remove the visa rejection rate, 3 percent, as this bill does with no suitable replacement, but to enact a fair system across the board that recognizes that the screening of those who wish to come to our country is important, both for the security of the country, as well as to ensure that visitors do what their "visa waiver" provides—and that is to return to their country of origin at the end of the 90-day period.

Mr. LIEBERMAN. Mr. President, there are discussions going on between the Senator from California and others to answer a question or two about the amendment, so for the moment we are going to leave it pending, and I yield for my colleague from Maine.

Ms. COLLINS. Mr. President, I have only had a brief time to look at the amendment offered by the Senator from California, but it would, in my judgment, enhance certain provisions in the underlying bill on the visa waiver program. There are discussions going on with key Senators on our side of the aisle, such as Senator KYL of Arizona, who has also a great interest in this area.

We are not prepared on this side to proceed with a full discussion of the amendment at this time or to dispose of it at this time, but I would inform my colleagues that I am optimistic that the discussions will produce a fruitful result. At this time, we cannot proceed to disposing of the amendment, however.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, Parliamentary inquiry: Am I correct that the Feinstein amendment, No. 271, is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. LIEBERMAN. I have been informed the questions one Member was raising about the amendment of Senator FEINSTEIN have been resolved. I now urge we adopt the amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Maine.

Ms. COLLINS. Mr. President, to clarify for our colleagues, the objection or the clarification I mentioned earlier has been resolved on this side of the aisle. I know of no objection to adopting the amendment of Senator FEINSTEIN. I believe it strengthens the provisions in the underlying bill and I urge its adoption.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 271) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 277

Ms. COLLINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, and Ms. MIKULSKI, proposes an amendment numbered 277.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes)

On page 145, strike line 21 and insert the following:

SEC. 404. IDENTIFICATION DOCUMENTS.

(a) MINIMUM DOCUMENT REQUIREMENTS.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking "3 years after the date of the enactment of this division" and inserting "2 years after the promulgation of final regulations to implement this section".

(b) AUTHORITY TO EXTEND COMPLIANCE DEADLINES.—Section 205(b) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) LACK OF VALIDATION SYSTEMS.—If the Secretary determines that the Federal or State electronic systems required to verify the validity and completeness of documents under section 202(c)(3) are not available to any State on the date described in section 202(a)(1), the requirements under section 202(c)(1) shall not apply to any State until adequate electronic validation systems are available to all States.".

(c) NEGOTIATED RULEMAKING.—

(1) NEGOTIATED RULEMAKING COMMITTEE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall reconvene the committee originally established pursuant to section 7212(b)(4) of the 9/11 Commission Implementation Act of 2004 (49 U.S.C. 30301 note), with the addition of any new interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law, to—

(A) review the regulations proposed by the Secretary to implement section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

(B) review the provisions of the REAL ID Act of 2005;

(C) submit recommendations to the Secretary regarding appropriate modifications to such regulations; and

(D) submit recommendations to the Secretary and Congress regarding appropriate modifications to the REAL ID Act of 2005.

(2) CRITERIA.—In conducting the review under paragraph (1)(A), the committee shall consider, in addition to other factors at the discretion of the committee, modifications to the regulations to—

(A) minimize conflicts between State laws regarding driver's license eligibility;

(B) include procedures and requirements to protect the Federal and State constitutional rights, civil liberties, and privacy rights of individuals who apply for and hold driver's licenses and personal identification cards;

(C) protect the security of all personal information maintained in electronic form;

(D) provide individuals with procedural and substantive due process, including rules and right of appeal, to challenge errors in data records contained within the databases created to implement section 202 of the REAL ID Act of 2005;

(E) ensure that private entities are not permitted to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share, or trade such information with third parties;

(F) provide a fair system of funding to limit the costs of meeting the requirements of section 202 of the REAL ID Act of 2005;

(G) facilitate the management of vital identity-proving records; and

(H) improve the effectiveness and security of Federal documents used to validate identification.

(3) RULEMAKING.—To the extent that the final regulations to implement section 202 of the REAL ID Act of 2005 do not reflect the modifications recommended by the committee pursuant to paragraph (1)(C), the Secretary shall include, with such regulations in the Federal Register, the reasons for rejecting such modifications.

(4) REPORTS.—Not later than 120 days after reconvening under paragraph (1), the committee shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

(A) the list of recommended modifications to the regulations that were submitted to the Secretary under paragraph (1)(C); and

(B) a list of recommended amendments to the Real ID Act of 2005 that would address any concerns that could not be resolved by regulation.

(d) ENHANCED DRIVER'S LICENSE.—

Ms. COLLINS. Mr. President, I rise today to introduce an amendment to address the growing concern among States regarding the implementation of the REAL ID Act of 2005. This law requires States to meet minimum security standards before citizens can use their driver's licenses for Federal purposes, such as boarding an airplane. I am very pleased to have several cosponsors of this amendment, including Senator ALEXANDER, Senator CARPER, Senator CANTWELL, Senator SNOWE, and Senator MIKULSKI. All of them have expressed concerns about the impact on their States. I particularly wish to single out Senator ALEXANDER, who has long been a leading voice in raising concerns about the costs imposed upon States by the REAL ID Act.

As the deadline for compliance for the REAL ID Act rapidly approaches, States are beginning to send a very clear message that they are deeply concerned they simply will not be able to meet these standards. The amendment I introduce today recognizes those concerns by allowing more time to devise a way to make driver's licenses more secure without unduly burdening State governments and without threatening privacy and civil liberties.

To begin with, perhaps some background information would be useful. The 9/11 Commission's investigation found that all but one of the 9/11 terrorists had acquired some form of U.S. identification—in most cases a State driver's licenses. The Commission recommended that the Federal Government should set standards for the issuance of driver's licenses to make them more secure, to ensure the person was, in fact, entitled to a driver's license, and to make certain the driver's license has certain security features to ensure the individual is who he or she claims to be.

To implement that recommendation, which was indeed in response to a very real concern identified by the 9/11 Commission, I worked with a bipartisan group of Senators, most notably my colleague, Senator LIEBERMAN, to craft a provision in the 2004 Intelligence Reform Act that would accomplish the goal of the Commission. It called for the creation of a committee of experts from the Federal Government, from State governments, from privacy groups, from technology information organizations, to come together in a negotiated rulemaking process and to develop a means of providing secure identification, while protecting privacy and civil liberty rights, and also respecting the role of the States, which have always had the primary responsibility in this area.

The language we came up with also provided for some grants that would help the States bear this cost—not the whole cost but to help them out.

This committee was indeed appointed—indeed, at my recommendation, Maine's secretary of state was one of the members—and they began diligently working on this task. Unfortunately, before the committee could complete its work, the House of Representatives attached the REAL ID Act of 2005 to an emergency war supplemental, a bill that was truly urgent. There was not a lot of consideration in the Senate nor debate over this provision. It was inserted into the emergency war appropriations bill.

The effect of that was to repeal the negotiated rulemaking provisions that we had worked so hard to craft and to put into the Intelligence Reform Act of 2004. The further effect, therefore, was to halt the very productive and worthwhile progress this committee was making in devising standards to improve security without imposing unnecessary burdens and costs on State governments.

Unlike our Intelligence Reform Act, the REAL ID Act of 2005 did not include States and other interested parties, whether privacy advocates or technological experts, in the rulemaking process. Instead, the REAL ID Act simply instructed the Department of Homeland Security to write its own regulations. It has been almost 2 years since the REAL ID Act was passed, and the Department has yet to issue the detailed guidance the States need to comply with the law. We expect these regulations are just about to be published, that they are about to be issued under the formal notice and comment period later this week.

The problem is, the States are facing this looming May of 2008 deadline for being in full compliance with the REAL ID Act. That is an enormously constricted period for the States to comply, when the regulations have not yet been issued.

As States begin work this year on their 2008 budgets, they still have no idea what the final regulations will require of them, but they do know that the costs are likely to be substantial based on a study released in 2006 by the National Governors Association. The NGA estimated that the costs to States to implement the REAL ID Act could total more than $11 billion over the next 5 years. This is a substantial amount. Perhaps the cost will be less than that, but the point is, we don't know because the regulations with the detailed guidance have still not been issued, even as we speak.

The State of Maine reports that the costs of implementation of the REAL ID Act could total $158 million. The Secretary of State tells me that is more than six times the normal operating budget of the Maine Bureau of Motor Vehicles.

The result has been an increasing rebellion by States over this unfunded, very difficult mandate. Some States, including my home State of Maine, have passed resolutions that have sent the message to Washington that they cannot and will not implement the REAL ID Act by the May 2008 deadline. So what do we do?

Here is what my amendment proposes. I have had extensive consultations with the National Governors Association, the National Council of State Legislatures, and other experts on this issue.

My amendment has two primary objectives. The first is to give the Federal Government and States the time and flexibility they need to come up with an effective but practical system to provide secure driver's licenses.

Second, my amendment would ensure the involvement of experts from the States, from the technology industry, and privacy and civil liberties advocates, by bringing them back to the table and giving them a chance to review these regulations and make them work.

There are three major provisions in the amendment we are offering. First, the amendment provides that States would not have to be in full compliance with the REAL ID Act until 2 years after the final regulations are promulgated. That is reasonable. This is a difficult task, and it is important that we get it right. It is important for our security, but it is also important for the States that have been burdened with the task. That means no matter how long it takes for the Department of Homeland Security to finish these regulations, States will have a full 2 years to implement them. Most likely, the impact of that is to delay from May of next year to May of 2010 the compliance date. That is the likely timeframe about which we are talking.

Second, the amendment would give the Secretary of Homeland Security more flexibility to waive certain requirements of REAL ID, if an aspect of the program proves to be technically difficult to implement. I have talked with some technology experts. Some of them say it can be done. Some of them say this is an enormous task because we are talking about having interlocking databases so that States can check with other States on whether an individual is licensed there. That is a very complex project because, not surprisingly, each State has its own system. So there are questions about the technology and the feasibility of all of the requirements of the REAL ID Act. We want to give the Secretary some flexibility in that area.

It is possible that some of the technological links necessary for REAL ID may not be fully in place at the time that compliance is required. On the other hand, if the technology is there and the systems are up and running, it will be easier for the States to proceed. That is another advantage of the extension in time. The technology is only going to get better and become more effective.

This also gives us more time to address privacy concerns because there are a lot of questions, if you have people throughout the country working in motor vehicle bureaus who are now going to have access to databases and are going to need training in evaluating the underlying documents, whether they are birth certificates or visas, in determining their validity. So this is a complicated task.

Third, the amendment reconstitutes the committee that we created in 2004, and that was making such good progress in its deliberations before these provisions were repealed by the REAL ID Act. This committee would be required to look at the regulations published by the Department of Homeland Security and to make suggestions for modifications to meet the concerns of States, privacy advocates, and other interested parties. Within 120 days of convening, the committee would report its recommendations to the Department of Homeland Security and to Congress. So we are not throwing out the work that has already been done by the Department of Homeland Security. It doesn't make sense to go back to square one, to go back to scratch, as the 2004 bill had proposed. Instead, we create this committee, bringing all the stakeholders to the table. They would take a rigorous look at the regulations that are issued, and they would make recommendations to the Department and to us so that we could exercise our oversight.

The Department of Homeland Security would then either have to make the recommendations recommended by this committee or explain why it chose not to. So we would have much more transparency and accountability in the process.

In addition, the committee could recommend to Congress, if they believed that statutory changes are needed to mitigate concerns that could not be addressed by modifications to the regulations. That is an important safeguard as well.

The amendment we are offering would give us time, the information that Congress and the Department of Homeland Security need to better implement the recommendations of the 9/11 Commission in order to make our driver's licenses secure so that they cannot again be used to facilitate a plot to attack our country.

There is a real problem. The 9/11 Commission was correct in identifying the ease with which the hijackers were able to secure driver's licenses. But let's come up with not only an effective solution to the problem identified but also a practical one. We don't have to choose one versus the other. We can come up with a cost-effective, efficient, effective way to achieve this goal. This bill does so in a way that does not rewind the clock 3 years but instead keeps us moving to a more secure America.

I look forward to working with my colleagues on both sides of the aisle to address REAL ID and to put us back on the right track to protect our country, to protect our privacy, to protect our liberty, and to do so in a practical way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Ms. COLLINS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is the Collins amendment.

Ms. COLLINS. Madam President, it is actually a Collins-Alexander amendment, along with several of our colleagues. I am very pleased to note the Senator from Tennessee, who has been such a leader and such an early voice raising concerns about the implications of the REAL ID Act for State governments, is here on the floor. As a former Governor, he has a better appreciation than many of us of the burden this act imposes on the States. So I am very pleased the Senator is here and I yield to him such time as he may need.

The PRESIDING OFFICER. The Senator from Tennessee, the coauthor of the amendment, is recognized.

Mr. ALEXANDER. Madam President, I thank the Senator from Maine and I salute the Senator from Maine. She is paying close attention not just to the security of our country but the fact that we need strong States and cities in our country at the same time. She, obviously, is in tune with the people in Maine because they, like people in Tennessee and other States, have taken a look at the so-called REAL ID law and wondered what we are doing up here.

She has made a very thoughtful and sensible suggestion, which is that we delay for 2 years the implementation of the so-called REAL ID law, and let's make sure we know what we are doing.

Senator COLLINS, because she is ranking member of the committee that deals with homeland security and a former chairman, and because she served in State government, is more sensitive to this issue than perhaps some of our colleagues. But she understands it is very easy for those of us in Washington to stand up here and come up with a big idea and think it might be a good idea, and then turn it into a law and hold a press conference and take credit for it, and then send the bill to the Governor and the legislature and say: You pay for it.

Senator COLLINS is more polite about this than I might be. Nothing used to make me madder when I was Governor than for legislators and Congressmen to do just that: to pass a big bill, take credit for it, and send the bill to the State. Then that same Congressman would usually be back in Tennessee making a Lincoln Day speech or a Jefferson Day speech or a Jackson Day speech about local control and saying how we need strong States and strong cities, but they dumped a big unfunded mandate on top of us.

So let me see if I can be in support of Senator COLLINS, who has made a very reasonable, sensible amendment: First, to think about what we are doing with REAL ID and to make sure if we want to continue down this path, we do it in a way that respects the privacy of Americans. We are, after all, for the first time in our history actually creating a national identification card with all the ramifications of that. That is what the REAL ID law did. Second, to make sure that we don't create an unfunded mandate. The Republican Congress in 1994 was ushered in claiming no more unfunded mandates. The Congressmen stood on the steps over there in the House and said: If we break our promise, throw us out. Well, they threw us out this past election, so why would we persist with unfunded mandates?

This is an $11 billion unfunded mandate on State governments over the next 5 years. What does that mean? Higher property taxes, higher tuition costs, less funding for higher education so we can stay competitive with China and India, less money for lower classroom sizes, and less money for rewarding outstanding teachers. That is what unfunded mandates will mean, so we shouldn't do that.

Then the third thing that is unfortunate about this REAL ID law that passed is we didn't have the opportunity to say anything about it over here in the Senate. Now, we are not always the wisest people in Washington, DC, but we have half the say. The REAL ID Act came up in the House of Representatives. It was stuffed into the supplemental appropriations bill for Katrina and the troops in Iraq. So of course we had to vote for the bill. We had no chance to amend it, no debate, no hearings, and no consideration of other alternatives. Yet we impose on every State in this country a total of $11 billion worth of unfunded mandates, and we create for the first time in the history of a liberty-loving nation a national identification card. I would say we wouldn't be doing our job if we didn't stop and think about what we have done. Fortunately, we have time to stop and think about it, because while the law has been passed, it is not implemented yet.

Here is what Senator COLLINS has done, and I give her great credit for this. For her to introduce this amendment is especially useful because of her position as former chairman of the affected committee and now its ranking member. She has quickly attracted several cosponsors, Republicans and Democrats. She would extend the deadline for compliance with REAL ID to 2 years after final regulations are issued by the Department of Homeland Security.

Now, from the point of view of a Governor, that makes sense. If I were sitting back in Nashville, I would say: Well, now, Madam Congressman or Mr. Congressman, you are not going to expect me to take 3 or 4 million Tennesseans and run them through the State driver's license offices and find out if they are terrorists or if they are illegally here, or send them back home to grandma's attic and dig up their birth certificates, are you? I mean how many Tennesseans have their birth certificates handy? How many want to go back to the driver's license office and stand in line? That is a lot of people, 3 or 4 million people, and that is only Tennessee. There are over 196 million people with driver's licenses in the United States.

There is another section or two in Senator COLLINS' amendment. She gives a little more discretion to the Secretary of DHS to waive State deadlines. That is a reasonable approach. She reestablishes the negotiated rulemaking committee that was created as part of the National Intelligence Reform Act of 2004. That means in plain English that States that have the job of implementing this law will have a chance to come to the Federal Government and say: Well, in Minnesota, we have longer lines during this part of the year because it snows and shorter lines during that part of the year because there is ice. And in other times of the year people are fishing on their lakes, and so we have some local conditions here. This gives more time to take into consideration the local conditions.

Also, it requires figuring out what a fair system of reimbursement is. Here are the figures I have seen: Apparently we have appropriated $40 million for this. The Senator from Maine is nodding her head. Yet, the Governors tell us it is going to cost $11 billion. We have appropriated $40 million. They say it is going to cost $11 billion. We have a 60-vote point of order against unfunded Federal mandates. We couldn't even raise that when this went through like a freight train in the middle of a Katrina and troops-in-Iraq bill. There would have to be 60 votes in order to impose on the States this kind of financial burden.

So that is basically it. This amendment says let's stop and think about this since this is the first national identification card we have ever had in this country. And since it is a massive unfunded mandate that would have the effect, if the Governors are right, of raising State taxes, raising tuition, cutting the amount of money available for colleges and competitiveness, cutting money for reducing classroom size, and cutting money for State health care plans.

Then the third thing is we had no discussion—I don't believe there was a single hearing anywhere in the Senate—about this bill. I am delighted to have a chance to be a cosponsor of this legislation that Senator COLLINS has introduced.

I will say one other thing about this idea of a national identification card. I have lived long enough to have changed my mind a few times on important issues. When I was Governor of Tennessee, I vetoed twice the photo identification card I now carry in my billfold because I thought it was an infringement on civil liberties and I didn't think it was anybody's business to have my picture on the identification card. Well, the retailers wanted it for check cashing, and law enforcement people wanted it so they could catch more criminals. So the legislature overrode me. Plus, when I tried to get into the White House one time as Governor, they wouldn't let me in because I didn't have a photo identification card and I said: Well, I vetoed it, and they didn't think that was a good reason. The Governor of Georgia had to vouch for me, and after that indignity, Tennessee finally got a photo identification card.

We have a right in America to be skeptical of national identification cards. We love liberty more than anything in this country, and that could infringe on our liberty. We have seen what happened in South Africa when people carried around passports and they were classified based on race, and their lives, their activities, everything about them was regulated that way. We can think back on Nazi Germany and other totalitarian countries where so much information was on a single card that it gave the Government a good chance to keep up with every single person.

I have changed my mind after 9/11. I believe we need a national identification card of some kind, and we, in fact, have one now. It is a de facto identification card. We call it the driver's license, but it is completely ineffective. It gets stolen. It gets copied. We show it when we go through the line at an airport. For a long time, mine said on the front that it expired in the year 2000, but if you turn it over, it said 2005. Well, at the airport they never turned it over so it is not a very effective identification card, and that is the impetus for the REAL ID. I understand that.

The first thought was let's take all of these 196 million driver's licenses and turn them into identification cards, but that might not be the best thought. There are other options. For example, we might need a work card in the United States. A lot of the impetus for this came from immigration problems. Since many of the immigration problems are the result of people wanting to come here and work, maybe one way to think about identity theft is to say: Let's have a Social Security card that is biometric and let people apply for that; let people who get new cards get that, and let's have a work card. Or maybe we need a travel card for people who want to travel on airplanes, and they would have a travel card. Maybe we need to expand the number of passports. Twenty-five percent of us have passports. I am not sure what the right answer is. My instinct is that probably a work card would be a good card to have. Maybe we ought to have two or three cards that meet certain Federal requirements, any of which could be used for other identification purposes. That way we would technically avoid having the national identification card, but for convenience, people could have a work card, a travel card, and a passport. All of those are just ideas. But I wouldn't suggest that the Senate wait until midnight and take Senator ALEXANDER's ideas, ram them through, and send them to the House and tell them to pass them with the next Iraq supplemental bill just because we thought of it.

I think it would be better to let Senator LIEBERMAN and Senator COLLINS and others consider all of these options very carefully. I think it might be best when we get to the immigration bill and we talk about having an employer identification system, because that is going to be an essential part of the comprehensive immigration bill. Well, if that is the case, then we are probably going to need some kind of work card. If that is the case, we might end up with a secure Social Security card. If that is the case, we might not need REAL ID at all.

So that is an even better reason to adopt the Collins amendment, because between now and the expiration of 2 years, we should pass a comprehensive immigration bill here in Congress. In fact, if we don't, we should all be severely criticized, because it is our job to do it. So I urge my colleagues respectfully to look at the Collins amendment and see it as a reasonable approach. It says: Let's delay 2 years. Let's hold some hearings. Let's ask the States to be more involved in what the cost is. Let's think about any privacy issues that might result from a de facto national identification card, and let's even make sure, if we are going to have an identification card, that the idea of using driver's licenses is the best way to do it.

As my last comment, I would underscore the fact that there are a number of States already considering taking the action Maine has already taken, the Senator's State, in passing a resolution rejecting the REAL ID card. Those are Hawaii, Georgia, Massachusetts, New Mexico, Oklahoma, Vermont, and Washington State. If the REAL ID card were to go into effect in those States in May, next spring, and they didn't have the REAL ID card, according to the law they can't fly on a commercial airplane. Well, that is going to create a situation I don't think any Member of this Senate wants to see.

So I am here to salute the Senator from Maine for being diligent in protecting our liberty and in protecting the rights of State and local governments, and making sure that if we are going to have some kind of more secure card, whether it is a driver's license or a work card, a travel card, or even a passport, that we do it right after we have suitable hearings.

I am proud to be a cosponsor of the Collins amendment, and I thank the Senator for yielding time to me.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I thank the Senator from Tennessee for his excellent statement. He outlined the issue very well.

I emphasize two points the Senator made. First is the cost. The National Governors Association has estimated that compliance with the requirements of the REAL ID card will impose $11 billion of costs on State governments over the next 5 years. Yet we have appropriated only $40 million to be used toward that cost, and of that amount the Department of Homeland Security has only allocated $6 million, so only a tiny fraction of the expected cost.

The second point I emphasize is the Department of Homeland Security has yet to issue the regulations detailing how States are to comply with the law. So to expect the States to comply by May of next year with regulations that have yet to be issued is simply unfair and will add another layer of costs because of the short time for compliance. This 2 years will allow a more careful review. It will allow more input by the States when DHS does issue the regulations, and it will allow us to devise a cost-effective way of achieving a goal all of us have, and that is to make driver's licenses more secure.

I am very grateful for the insights of the Senator from Tennessee, for his support, and for his very early leadership on this issue.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, the provisions included in the Commerce Committee title, title 13 of the substitute amendment, reflect the Commerce Committee's relentless efforts to tackle emerging issues and building upon existing security transportation legislation. The provisions included in the Commerce title improve and enhance our security efforts across all modes: rail, truck, motor carrier, pipeline, and aviation.

Senator STEVENS and I, and our colleagues on the Commerce Committee are no strangers to the issue of transportation security. In fact, the Commerce Committee responded and the Congress enacted immediately in the aftermath of the 9/11 attack landmark aviation and maritime security laws.

Last year, the Congress took its first step in 4 years, to significantly improve the Nation's transportation security system by enacting the Commerce Committee's SAFE Port Act, which strengthened the security of our Nation's ports and maritime vessels.

While significant in terms of the protections provided to our ports and maritime system, the Congress failed during conference to seize the opportunity to enact comprehensive transportation security legislation that would have addressed many of the gaps in other modes of the transportation system.

Today we begin to correct that shortcoming with the proposed legislation before us.

The Commerce title to the substitute amendment before the Senate addresses transportation security for our rail, motor carrier, and pipeline industries. The economic importance of these three industries can not be overstated.

While 95 percent of the Nation's cargo comes through our ports, our rail system and our motor carriers move these goods from our coasts and borders, through the interior of this country, to their final destinations. Together, these systems are the backbone that sustains our economy.

In terms of rail security, the Nation's 560-plus freight railroads own more than 140,000 miles of track over which nearly 30 million carloads are transported annually. This network transports 42 percent of all domestic intercity freight, the majority of coal used in electricity generation, more than 12 million trailers and containers, and two million carloads of chemicals. Meanwhile, U.S. trucking hauled 9.1 billion tons of freight and employed 5.6 million people in trucking related fields in 2003.

Equally important is the contribution that these modes make in moving passengers throughout our Nation. Approximately 24 million passengers ride Amtrak annually, and there are nearly 3.4 billion passenger and commuter rail trips in this country each year. Similarly, over-the-road buses transport approximately 600 million passengers annually and are the only viable means of public transportation for many people throughout the country.

The recent attacks on the passenger trains and transit systems in Madrid, London, and Mumbai all demonstrate that railroads and surface transportation systems are vulnerable targets for terrorists, and are a constant reminder of what can happen in our communities.

We must address the risks facing our essential surface and rail transportation systems here at home in a comprehensive and coordinated way before we become the next victim of a successful attack.

Toward this goal, Senator STEVENS and I, along with Senators LAUTENBERG, ROCKEFELLER, KERRY, BOXER, SNOWE, PRYOR, CARPER, DORGAN, HUTCHISON, KLOBUCHAR, CANTWELL, and others, introduced the Surface Transportation and Rail Security Act of 2007, or STARS Act. This bill has 22 cosponsors to date.

The STARS Act incorporates updated versions of provisions within the Rail Security Act of 2004, which the Senate passed by unanimous consent in the 108th Congress, and the Senate version of the SAFE Port Act which we passed in the 109th Congress.

The Commerce Committee unanimously reported this bill along with S. 509, the Aviation Security Improvement Act, and S. 385, the Interoperable Emergency Communication Act, on February 13, 2007, and these provisions are included in the substitute amendment before us today as title 13.

The surface and rail provisions in title 13 require the Department of Homeland Security and the Transportation Security Administration to expand existing security initiatives and develop grant programs to assist private-sector surface transportation security efforts. The title authorizes $1.1 billion over fiscal years 2008 through 2011.

The rail title of the substitute amendment requires railroad risk assessments and plans for improving rail security. It also authorizes grants to Amtrak, freight railroads and others to upgrade passenger and freight rail security, undertake research and development, and improve tunnel security.

Additionally, the title encourages the deployment of rail car tracking equipment for high-hazard material shipments, requires railroads to create a railroad worker security-training program, and provides whistleblower protection for rail workers who report security concerns.

The surface transportation security provisions in title 13 of the substitute amendment promotes tracking technology for truck shipments of high-hazard materials and requires new guidance and assessments pertaining to hazardous materials truck routing.

The title also establishes programs for reviewing and enforcing hazardous materials and pipeline security plans and requires the TSA to develop pipeline incident recovery plans.

Additionally, the title authorizes the existing grant program for improving intercity bus and bus terminal security.

Finally, the title clarifies, at the TSA's request, the Secretary of Homeland Security's legal authority for initiating an administrative enforcement proceeding for violations of security regulations relating to nonaviation modes of transportation.

Regarding aviation security, title 13 addresses all the recommendations in the 9/11 Commission's report, including cargo and baggage screening, explosive detection at airport checkpoints, passenger prescreening, airport access controls, and general aviation security. The title requires the TSA to provide for the screening of all cargo being carried on commercial passenger aircraft within 3 years. The system must allow for a level of screening "comparable" to that of checked baggage screening and ensure the security of all cargo that is shipped on passenger aircraft.

The aviation provisions in title 13 advance the deployment of electronic Explosive Detection Systems, EDS, at airports across the nation by extending the Aviation Security Capital Fund that is used to integrate such machines into the baggage conveyor process.

The title also bolsters the existing grant program through changes in funding allocation requirements requiring a prioritized schedule for such projects that will increase flexibility for funding options.

Our legislation recognizes the threat presented by passengers transporting explosives through security checkpoints and promotes key changes to address this risk.

Title 13 requires the TSA to produce a strategic plan to deploy explosive detection equipment at airport checkpoints and fully implement that plan within 1 year of its submission. They must also provide specialized training to the screener workforce in the areas of behavior observation, and explosives detection. To address ongoing problems in developing an advanced passenger prescreening system, the aviation provisions in title 13 would ensure a system is in place to coordinate passenger redress for those individuals misidentified against the "no-fly" or "selectee" watchlists. The TSA must also submit a strategic plan to Congress for the testing and implementation of its advanced passenger prescreening system.

To increase General Aviation, GA, security, the title will require a threat assessment program that is standardized and focused on GA facilities. It will further require foreign based GA aircraft entering U.S. airspace to have their passengers checked against appropriate watchlists to determine if there are any potential threats on board.

Title 13 of the substitute amendment includes a number of additional provisions that will take significant steps toward strengthening aviation security generally.

Title 13 will also authorize research and development spending for aviation security technology, remove the arbitrary cap of 45,000 full-time equivalent—FTE—employees currently imposed on the TSA's screener workforce, and mandate security rules for foreign aircraft repair stations.

In addition, this title will require the TSA to develop a system by which the Administrator will provide blast-resistant cargo containers to commercial passenger air carriers for use on a random or risk-assessed basis, implement a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints, and require a doubling of the DHS's existing dog team capacity used for explosive detection across the Nation's transportation network.

In addition to transportation security, title 13 also includes the text of S. 385, the Interoperable Emergency Communications Act, which I introduced earlier this year with Senators STEVENS, KERRY, SMITH, and SNOWE. Under the foresight and leadership of Senator STEVENS, during the Deficit Reduction Act, the Commerce Committee created a new $1 billion fund administered by the National Telecommunications and Information Administration—NTIA—to support state and local first responders in their efforts to talk to one another during emergencies.

The interoperable provisions in title 13 provide congressional direction on the implementation of that fund.

Since its creation, NTIA has served as the principal telecommunications policy advisor to the Secretary of Commerce and the President, and manages the Federal Government's use of the radio spectrum.

In this capacity, NTIA has historically played an important role in assisting public safety personnel in improving communications interoperability and recognizing that effective solutions involve attention to issues of spectrum and government coordination as well as funding.

Today, our first responders continue to struggle in their efforts to improve the interoperability of their systems. The statutory guidance provided to NTIA in this legislation will help them in these efforts.

First, the provision would make clear that proposals to improve interoperable communications are not solely limited to systems or equipment that utilize new public safety spectrum that will be vacated following the digital television transition.

In a letter to the majority leader earlier this year, Mayor Bloomberg of New York City noted the significant efforts of his city to improve communications interoperability for first responders utilizing systems in other public safety spectrum bands, and urged Congress to eliminate the apparent eligibility restriction in current law. As a result, our provisions make clear that if the project will improve public safety interoperability, it is eligible for funding.

In addition, the provisions provide the NTIA Administrator to direct up to $100 million of these funds for the creation of State and Federal strategic technology reserves of communications equipment that can be readily deployed in the event that terrestrial networks fail in times of disaster.

Recently, an independent panel created by FCC Chairman Kevin Martin to review the impact of Hurricane Katrina on communications networks noted the impact that limited pre-positioning of communications equipment had in slowing the recovery process. As a result, these provisions will help to ensure that our focus on interoperability also considers the importance of communications redundancy and resiliency.

Second, the provisions ensure that funding allocations among the several States result in a fair distribution by requiring a base amount of funding—.75 percent—to be distributed to all States.

On top of these minimum allocations, the provision would further require that prioritization of these funds be based upon an "all-hazards" approach that recognizes the critical need for effective emergency communications in response to natural disasters, such as tsunami, earthquakes, hurricanes, and tornadoes, in addition to terrorist attacks.

Finally, NTIA's administration of the grant fund will not only help to integrate the disparate elements that must be a part of effective interoperability solutions, but will also ensure greater program transparency and oversight. Given the myriad of different grant programs administered by the Department of Homeland Security, it is critical that these funds—specifically allocated by Congress to speed up our efforts to improve communications interoperability for first responders—not get lost in the shuffle of other disaster and nondisaster grants.

As a result, the provisions not only devote NTIA's attention to the success of this program, but also require the inspector general of the Department of Commerce to annually review the administration of this program.

The terrorists that seek to do us harm are cunning, dynamic, and most of all, patient. While they have not successfully struck our homeland since September 11, 2001, it does not mean they are not preparing to do so.

They work 24 hours a day, studying every move we make, looking for some weakness to exploit. It is imperative that we stay ahead of them.

We must recruit, train, and deploy a skilled and dedicated security force. We must research and implement the most effective and cutting edge technologies to enhance the capabilities of that security force. And we must provide communications equipment to our first responders that is interoperable and accessible in the immediate aftermath of a disaster.

Simply put, our entire economy relies on a well-functioning, secure transportation system, and we must ensure that the system, and the passengers and cargo that use it, are well protected.

The steps we take in the coming months will impact our safety, security, and one of our most essential freedoms—movement—for years to come. We must commit ourselves to ensuring that our transportation security remains a priority and is as strong and effective as possible.

The provisions before the Senate this week that were reported out of the Commerce Committee make that commitment.

We have worked over the past several years with our colleagues and with the TSA and DHS and with the FCC and NTIA to address concerns, improve on initial efforts, and plan for the future. Now, it is time to act and to pass these provisions, so we can continue to move forward.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I thank Senator INOUYE for his extraordinary leadership in these matters. The committees have differing jurisdictions, all aimed at supporting homeland security. The Commerce Committee sections we are proud to have put together with the parts that came out of the Homeland Security Committee, as well as parts that came out of the Banking Committee.

It is always an honor and pleasure to work with Senator INOUYE. I thank him for the contributions he and Senator STEVENS and their committee have made to the overall movement in the Senate to improve our homeland security. I thank the Senator very much.

Mr. INOUYE. Madam President, I thank the chairman for his kind words.

I yield the floor.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I yield to the Senator from South Carolina, who has come to the floor to offer an amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 279 TO AMENDMENT NO. 275

Mr. DEMINT. Madam President, I ask to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Madam President, I thank the managers of this bill for the time and effort they have put into it. It is almost 400 pages long, and it contains numerous provisions. I look forward to working with the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Maine, Ms. COLLINS, in the coming days to make this bill better. I call up amendment No. 279.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 279 to amendment No. 275.

The amendment is as follows:

(Purpose: To specify the criminal offenses that disqualify an applicant from the receipt of a transportation security card)

At the appropriate place, insert the following:

SEC. . PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

"(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

"(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

"(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

"(viii) Murder.

"(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

"(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

"(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnapping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

"(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) DETERMINATION OF ARREST STATUS.—

"(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

"(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

"(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

"(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

"(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

"(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

"(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

"(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.".

Mr. DEMINT. Madam President, the amendment I have offered, No. 279, is very simple. It codifies the recent regulations issued by the Department of Homeland Security which bans certain criminals from gaining security access to our seaports. My amendment is needed to protect these regulations from outside groups that may challenge them in court, as well as from future administrations that may repeal or weaken them.

My amendment is also bipartisan and should not be controversial. It was unanimously adopted by this body last year as part of the SAFE Port Act which passed 98 to 0. Unfortunately, it was gutted by the conference committee behind closed doors, and that is why I am offering it again today.

As my colleagues know, the Maritime Transportation Security Act requires the Transportation Security Agency, TSA, to develop a biometric security card for port workers at our seaports that can be used to limit access to sensitive areas within a seaport. The security card is called a transportation worker identification card or, as we sometimes call it, a TWIC.

The law requires that the Secretary issue this card to any individual requesting it unless the Secretary determines that the individual poses a terrorism security risk or if the individual has been convicted of treason, terrorism, sedition, or espionage. To clarify who poses a security risk, the Department of Homeland Security recently issued regulations that bar certain serious felons from receiving these TWICs. Specifically, the regulations permanently bar from our ports criminals convicted of espionage, sedition, treason, terrorism, crimes involving transportation security, improper transport of hazardous material, unlawful use of an explosive device, bomb threats, murder, violation of the RICO Act, where one of the above crimes is a predicate act, and conspiracy to commit any of these crimes.

The Department of Homeland Security regulations also bar recent felons—defined as those convicted within the last 7 years or incarcerated in the last 5 years—from gaining access to our ports if they have been convicted of any of the following felonies: assault with intent to murder, kidnapping or hostage-taking, rape or aggravated sexual abuse, unlawful use of a firearm, extortion, fraud, bribery, smuggling, immigration violations, racketeering, robbery, drug dealing, arson, or conspiracy to commit any of these crimes.

These regulations were developed after an extensive process that included consultation with the Department of Justice and Transportation to identify individuals who have a propensity to engage in unlawful activity, specifically activity that places our ports at risk. These regulations governing who can gain access to our seaports are nearly identical to the regulations that govern those who can gain access to our airports as well as those who can transport hazardous material in our country.

These prohibitions are crucial because individuals who engage in this type of unlawful activity have a greater likelihood to engage in these acts or in acts that put American ports and American lives at risk. Our law enforcement officials understand this risk. They understand the threat our ports face when traditional criminals, particularly organized criminals, work with terrorists. For example, the FBI recently apprehended a member of the Russian mafia attempting to sell missiles to an FBI agent who he believed was acting as a middleman for terrorists.

Joseph Billie, Jr., the FBI's top counterterrorism official, recently commented that the FBI is continuing to look at a nexus between organized crime and terrorists, and they are looking at this very aggressively. The threat not only comes from criminals working directly with terrorists, it also comes from criminals who may look the other way when a suspect container comes from a port. Joseph King, a former Customs Service agent and now a professor at the John J. College of Criminal Justice, outlined the concern very clearly: "It is an invitation to smuggling of all kinds," he said. "Instead of bringing in 50 kilograms of heroin, what would stop them from bringing in 5 kilograms of plutonium?" The nightmare scenario here is where a criminal at one of our ports who may think he is just helping a friend smuggle in drugs inadvertently helps smuggle in a weapon of mass destruction. That is a risk we cannot take.

I offered this amendment last year to address this threat and to ensure that serious felons are kept out of our ports. My amendment codified in statute the then-proposed TWIC regulations. As I said earlier, my amendment was unanimously adopted and was included in the Senate-passed version of the SAFE Port Act that passed 98 to 0. Unfortunately, my amendment was also completely gutted behind closed doors in the conference committee. The provision went from addressing a list of 20 serious felons to a list of just 4. These

4 felonies are so rare that the conference committee made the provision almost meaningless.

I am extremely disappointed by the stealth opposition to this measure. I cannot understand who would oppose banning serious felons from gaining secure access at our American ports. While no Senator has been willing to publicly oppose this measure, the longshoremen's labor union was more than happy to take credit for gutting the provision. Late last year, the International Longshore and Warehouse Union claimed credit for killing the provision in the SAFE Port conference committee. They stated in their newsletter:

> We have heard rumors that Senator DEMINT is particularly angry with the union's successful lobbying effort to strip his anti-labor provision. He may attempt to amend another piece of legislation, so the union will stay on guard to protect its members' interests.

Apparently, this union has stayed on guard because it was able to get five Senators to object to this vital homeland security measure when I tried to pass it the second time late last year.

I wish I could say that the unions would stop at fighting this legislation on the Senate floor, but they are also gearing up to mount a legal battle against Department of Homeland Security regulations. In response to a Wall Street Journal editorial on the subject, the union stated that the TWIC security regulations were " . . . double jeopardy and unconstitutional." This is a clear indication that they have a legal challenge in mind. It seems clear that once longshoremen start applying for TWIC cards and some members are rejected because they are convicted felons, the labor unions are going to take the Department of Homeland Security to court and try to bog the regulations down in lengthy legal battles. The consequence will be that as we continue to fight this global war on terror, America's ports will be staffed by serious felons who cannot be trusted.

Some of my colleagues may be tempted to come to the defense of the longshoremen. They will say that the individuals in question have paid their debt to society and barring them is gutting our port workforce. They may also claim that the crimes listed in the Department of Homeland Security regulations are somehow not related to homeland security. These objections are just plain wrong.

I don't disagree that convicted felons should be given a second chance. I hope they get back on their feet and become productive members of their communities. What I disagree with is that we should give serious felons a pass, literally and figuratively, to access the most secure areas of America's port infrastructure. When they are fresh out of prison, we should not trust them with the most vulnerable areas of our ports. The stakes here are simply too high.

As for the concern that barring these individuals will empty the ranks of the port workforce, the facts don't agree. When the Department of Homeland Security issued nearly 350,000 ID cards for hazmat truckdrivers and subjected them to the same background check that is required by my amendment, only 3,100 were rejected. That is less than 1 percent. The fact is, we are talking about an isolated group of serious felons here, and the workforce in the United States is dynamic enough to supply the few thousand longshoremen who may be needed to replace those we let go.

Finally, some may say these felonies do not represent serious crimes. To that, I would ask any of my colleagues to tell me which individual he or she wants working at our ports where security is so important: Murderers? Extortionists? Drug dealers? Bomb makers? I just want to hear the rationale for trusting these criminals with our national security.

The bottom line is this: My amendment applies nearly the same protections to seaports that are already applied at our airports. It will make us safer by keeping individuals who have shown a willingness to break the law outside our ports. This is extremely important. We can spend all the money in our Treasury trying to screen cargo, but if we don't screen the people who work at our ports, we cannot expect to be safe.

I do wish to thank several people for supporting this important policy. First, I thank the Senator from Maine, Ms. COLLINS, who was very helpful to me during the debate on the SAFE Port Act last year. I also thank the Senator from Connecticut, Mr. LIEBERMAN, for his support. I should also say that the Senator from Hawaii, Mr. INOUYE, was also helpful in getting this provision into the bill.

This is a bipartisan proposal, and it should not be controversial. Americans expect us to check and verify the nature of the people who work at our seaports, and we have a responsibility to ensure that happens even if it upsets a labor union that feels compelled to protect the jobs of a small group of serious felons. My amendment codifies in statute these important security regulations, and I hope all of my colleagues will support it.

I appreciate the opportunity to speak on this important measure, and I will be happy to work with the bill managers to arrange a time to come back to the floor if further debate is needed.

I thank the Chair for this time, and I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank our friend from South Carolina for the amendment he has offered. We worked together when last this subject came before the Senate to bring about a result that I believe was a good one and in the public interest, which was that the Secretary of Homeland Security issued regulations to create an identity card. The card has a marvelous acronym, which doesn't sound as serious as it is. The acronym is TWIC, transportation worker identification card. This is one of the necessities of the post-9/11 age, that we need to move toward some filter for people working in areas that now have become higher vulnerability areas and are more likely targets for terrorism. Unfortunately, that includes our ports and, obviously, includes our airports as well, which have a separate ID program on which they are working.

I know there is some hope within the Department of Homeland Security that we are moving toward a more common program for a similar background check and card for postal workers at a host of different transportation-related locations to protect them and us from potential terrorist attacks.

Senator DEMINT, I gather from his statement—and I appreciate his intentions here—intends by this amendment to codify in law the regulations the Department of Homeland Security has established for these identification cards for workers at our ports. I want to take a look at it. I know Senator COLLINS does as well. We want to work with Senator DEMINT.

Clearly, the intention here is one we all share, which is to do everything we can, within reason and respectful of common sense and constitutional rights, to secure our critical transportation facilities, including our ports. I rise now to simply thank the Senator for offering his amendment, to tell him we will consider it with some thoughtfulness and look forward to working with him as we move toward a vote on this amendment.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The DeMint amendment is the pending business.

Mr. CHAMBLISS. I ask unanimous consent that amendment be set aside and I be allowed to speak on the Collins amendment, No. 277, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 277

Mr. CHAMBLISS. Mr. President, I rise today in support of the amendment offered by my colleague from Maine, Senator COLLINS, relative to the issue of REAL ID. I was back in my State last week, as most of us were, and I had the opportunity to speak to our legislature and visit with members of both the State house and the State senate in Atlanta, and I cannot tell you the angst and apprehension that I saw among members of my legislature over this issue of REAL ID.

When I got back I did not understand why there would be that much concern about the issue. I was not sure how this thing came about. When I checked with my staff I found out, as Senator ALEXANDER said this morning in his comments, that this was a measure that was stuck into the Katrina appropriations bill that did not go through committee, we did not have debate on it on the floor of this body, and I don't think anybody here understood the real consequences of it.

When the 19 hijackers came to this country and carried out the horrific attack on September 11, they were in possession of 63 driver's licenses issued by various States around the country. That should never have happened, and we need to make sure it does not happen again. But the fact is, I don't think anybody understood the consequences of this REAL ID Act as it pertains to that particular issue of driver's licenses.

In 1994, when I was elected to the House of Representatives, we talked a lot about unfunded mandates. The Presiding Officer was a Member of that body. He remembers well we had a lot of conversations about unfunded mandates coming out of Washington to our State and local officials and organizations that were required to fund those mandates that we passed. There is no bigger unfunded mandate that we have passed lately that is more atrocious than this particular mandate.

I applaud Senator COLLINS for looking at this issue, for deciding that it is a real, practical problem. It is an issue that needs to be dealt with. Her amendment makes a lot of sense. It does not repeal the law. What it does is to say that the law is not going to be implemented until 2 years following the issuance of the regulations. Here we are, with this law supposed to be implemented by our State legislatures this year, and we don't even have the regulations coming out of the Department of Homeland Security yet. They don't know how to carry out the provisions of this law.

I support the Collins amendment, No. 277. I think it makes an awful lot of sense. It allows us to go back in and take a more thorough look at this particular issue and decide how we can accomplish the results that the REAL ID Act wants to accomplish but at the same time not burden our States with a mandate that none of us intended to impose upon them.

I do support this amendment. I hope when the time comes it will receive not only passage but significant numbers to support the passage of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Georgia for his support and his excellent comments. This is a carefully drafted amendment. It doesn't rewind the clock in terms of throwing out the work that the Department has done, but it recognizes that it is simply unreasonable to expect States to comply by May of next year with complex and costly regulations that the Department has yet to issue. The Department has yet to issue the detailed guidance that the States need.

It also recognizes that the quality of the final regulations will be improved by the formation of a committee with State officials, privacy advocates, technological experts, and Federal officials sitting down, looking at the regulations, and providing input to the Department on their proposed regulations and also providing that input to us.

The third provision of the amendment would increase the waiver authority that the Secretary can have if it proves that there are technological barriers to complying with certain provisions of the law. I think this is a reasonable approach to a real problem.

Finally, let me say to my colleagues, the estimates for the cost of compliance with this law are as high as $11 billion over the next 5 years. This is a huge unfunded mandate on the States. My hope is through our approach we can come up with more practical, cost-effective means of achieving a goal that all of us share and that is improving the security of driver's licenses that are used for Federal identification purposes, such as boarding an airplane. There is a real need to have a secure driver's license, but let's do it in a practical, collaborative way, and let's make sure there is adequate time to comply.

I thank the Senator from Georgia for his support and for his excellent comments.

I ask unanimous consent that the Senator from Georgia, Mr. CHAMBLISS, be added as a cosponsor of the Collins amendment, No. 277.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes. I don't think I will use all that time. If I need more time, I will ask for it.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXES

Mr. GRASSLEY. Mr. President, as everybody who follows Congress on a regular basis knows, when you get close to the month of March, we are in budget season. The President sent his budget to the Hill, which he does regularly, the first week of February, about a month ago. So now it is up to the Congress. In the next few days the Senate Budget Committee will be marking up our budget resolution.

For the public at large, don't confuse a budget resolution, which is a discipline for Congress on budgeting, with appropriations bills that actually give the President the authority to spend money. They come along a little bit later in the year.

At a minimum, the budget resolution will lay out the fiscal priorities of the next 5 years. As everyone knows, the American people spoke last November and sent a Democratic majority to both Houses of Congress. For the first time in 12 years, Democrats will take the initiative on the Senate budget. As ranking Republican on the Finance Committee, which deals with taxes, trade, Social Security, Medicare, and Medicaid, and also as the senior Republican on the Budget Committee, which is the committee that sends the budget to the Senate, I am eager to see the direction the new Democratic majority wants to take on fiscal policy for this year, but the budget also has long-term implications of 5 years.

There are a lot of questions I am waiting to get answered. What will be their plan on pay-go, which means pay as you go? With spending at higher-than-average levels of our economy, what kind of spending discipline will the Democratic majority show? On the revenue side of the ledger, will Democrats look to prevent a tax increase on virtually every American taxpayer a few years down the road, when the present tax policy sunsets, or will the Democratic majority, without a vote, set in motion, then, the largest Federal tax increase of all time? This is a fact. It will happen. When we have a sunsetting of tax law, it is possible to have a tax increase without Congress voting it. In this particular instance, this would put in place the biggest Federal tax increase ever.

Over the next few days, I want to talk about the tax issues—I want to do it topic by topic—that are going to come up during debate on the process of the budget. There are probably many ways to do it, but this is how I split the general subject into topics: One, the importance of preventing a tax hike on virtually all American taxpaying families and individuals. That is what I want to visit about today. Next is the negative economic consequences of sunsetting the bipartisan tax relief plan that will be the biggest tax increase in the history of the country without a vote of the people, if we don't do something about it. Then another time, I am going to review Democratic tax increase offset proposals with a specific focus on the limits and problems associated with those tax increases.

Next I will focus on one particular ill-defined but often mentioned offset; that is, reducing the tax gap. Everybody is for reducing the tax gap, and I am working with Senator BAUCUS to do that. He is chairman of our committee. But there has to be realism brought into that debate, and I hope to provide that realism. Then fifth and last, tax reform and simplification, its necessity and bipartisan opportunities to do so.

These discussions are meant to be about the revenue side of the budget. But before we get into the revenue side of the budget, I want to issue a challenge to my friends on the other side of the aisle. It is a challenge I have made over the last few years. It is in the context of intellectually honest budgeting. It is also in the context of the bipartisan record of the Finance Committee on tax policy over the last few years. That tax policy has been led by this Senator, when I was chairman, and by Senator BAUCUS working with me during that period of time, or Senator BAUCUS, now leading the committee and, hopefully, my always working with him as he worked with me.

That bipartisan record of the Senate Finance Committee shows about $200 billion of revenue raisers from antitax shelter measures and corporate loophole closures, basically doing something about abuse of the Tax Code, unintended by Congress, by people who can hire very sophisticated lawyers to find ways around paying taxes. We have closed $200 billion of those, and it has been bipartisan. So when I hear from self-styled deficit hawks, or from the media, who are sympathetic to those points of view that we need higher taxes to reduce the deficit, I believe the Finance Committee has anted up in terms of producing revenue raisers without raising general levels of taxation on the American people.

Here is my challenge, and I will ask my friends to listen up. Anyone on the other side who considers themselves a deficit hawk needs to prove it, then, on the spending side. Compared to our committee already raising revenue by $200 billion by closing tax loopholes and tax abuse, show me, then, a spending restraint proposal for deficit reduction. I issued that challenge several years ago and have issued it repeatedly. No one from the other side has stepped up. We can look and look and look and we won't find such a proposal. All of those liberal think tanks that oppose tooth and nail any kind of tax relief are usually advocates of spending increases, all of this under the guise of fiscal responsibility. We won't find any proposals to restrain spending from these liberal think tanks.

If we look at the media sources that are sympathetic to the views of the Democratic leadership or the liberal think tanks, we will find hard-line opposition to tax relief and a lot of tax increase proposals but, likewise, no proposal reining in spending. They will claim the mantle of fiscal responsibility but won't show anything on the spending side other than spending increases. For these folks, when it comes to deficit reduction, there is only one side of the Federal ledger. That is raising taxes.

We have a Federal Government that is projected to spend $2.7 trillion for this fiscal year alone and is projected to spend $33.7 trillion over the next 10 years. Yet leadership on the other side of the aisle, the liberal think tanks that back them up, and the media that helps them get their message out so easily and is sympathetic to their views, can't find a dollar of savings on the spending side. To these folks, with all due respect, I want to call them out. They won in November. The Congress is in their hands. Let's see some credibility on the spending side of the ledger. Show the taxpayers the money. Show me a proposal to restrain spending and put it to deficit reduction. That is a preliminary point.

Now I will move to talk about preventing tax hikes. The same group's position on current law tax relief is radically different than its position on spending restraint. Back in 2001 and 2003, Congress approved, and the President signed, legislation that provided across-the-board tax relief to nearly every American taxpayer. The Democratic leadership, liberal think tanks, and sympathetic east coast media criticized tax relief on a couple of grounds. One charge was that the tax relief was a tax cut for the rich. The other charge was that the bipartisan tax relief was fiscally irresponsible.

Nonpartisan Joint Committee on Taxation distribution tables actually put a lie to that first charge. The record levels of revenue show that the growing economy, the expanding U.S. economy, and economic stimulus from tax relief better the Nation's fiscal situation, bringing in more tax dollars, not depriving the Federal Treasury of dollars.

This debate on preventing tax increases is often couched only in macroeconomic terms. We will hear what it "costs" to extend bipartisan tax relief. We will hear very big numbers. For instance, the Joint Committee on Taxation projects that the revenue loss from making the bipartisan tax relief permanent is $1.9 trillion over the next 10 years. That is the way the Democratic leadership, liberal think tanks, and sympathetic east coast media will define proposals to prevent a tax hike. We won't see them talk about the number of families who benefit from the extension of the $1,000 child tax credit. You won't see them talk about the number of married couples who benefit or the average family benefit from marriage penalty relief.

Today I am going to take a few minutes and shed some light on the side of the debate about extending bipartisan tax relief. Lord only knows, there is not much light shed on these important facts, because everybody is talking about tax relief for the rich. I will acknowledge the critics' point on the macro cost of extending tax relief. But keep in mind, a liberal's tax relief cost is a conservative's tax hike, when we are talking about extending current law. They are the two sides of the same taxpayer's coin. I will agree to that number, but call it a $1.9 trillion tax increase.

So I am going to follow the Democratic leadership plan and dismantle the bipartisan tax relief package bit by bit. I am also going to challenge the Democratic leadership to show us the money by indicating whether they want to scrap each piece as I move through the package. Which pieces would they scuttle? I will work through the bipartisan tax legislation piece by piece.

Let's start, then, with the basis for the 2001 bipartisan tax relief measure. That is the new 10-percent bracket. The revenue loss for this part of the package is $299 billion over 10 years, according to the Joint Committee on Taxation. The 10-percent bracket is a huge piece of tax relief for low-income people. The 10-percent bracket does that. No wonder 100 million families and individual taxpayers benefit from the 10-percent bracket. I do not think anybody wants to dismantle that piece. But I want to hear that from the Democratic leadership because that is a compromise of their position of whether the 2001 tax increases ought to sunset.

Where do we go next, then? The marginal tax rate cuts, which include the 10-percent bracket, lose $852 billion over 10 years, according to the Joint Committee on Taxation. That proposal reduces the taxes of approximately 100 million families and individuals across America. It appears some folks think 35 percent is too low of a top rate. Well, guess what. Repealing the marginal rate cuts hits small business—the biggest source of new jobs in this great country of ours—and it hits small business the hardest.

The Treasury Department estimates 33 million small business owners who are taxed on their business income at individual rates benefit from the marginal rate cuts. Repealing these cuts would cause 33 million small business owners to pay a 13-percent penalty. Do the Democratic leaders want to raise taxes on these small business taxpayers, restricting the ability of small business to create jobs?

Treasury also projects that small business gets over 80 percent of the benefits of the cuts in the top two rates. Do we want to raise the tax rates on these people—small businesses for the most part—by 13 percent? Does that make any sense? So to the Democratic leadership, what do you say?

How about the death tax relief package? The Joint Committee on Taxation scores that package at $499 billion over 10 years. Most of the revenue loss is attributable to increasing the exemption amount and dropping the rate to 45 percent on already taxed property. Is it unreasonable to provide relief from the death tax or should we raise the death tax on small businesses and family farms? That is what will happen if the bipartisan tax relief package is not extended. So to the Democratic leadership, what is your take on that provision?

Do the opponents want to repeal the proposal to double the child tax credit, which the 2001 bill does? Mr. President, 31.6 million families benefit from the child tax credit, according to the Joint Committee on Taxation. Or how about the refundable piece that helps 16 million kids and their families? That proposal loses $135 billion over 10 years. I do not think we would have a lot of takers on that one. They are going to want to extend that. Democratic leadership, do you agree?

How about the lower rates on capital gains and dividends? Thirty-three million Americans—a good number of them low-income seniors—benefit from the lower tax rates on capital gains and dividends, according to the Joint Committee on Taxation. Does the Democratic leadership think we should raise taxes on these 33 million Americans benefiting from these lower tax rates? That would be families and individuals.

On a side note, in another speech, I will be talking about the worrisome Goldman Sachs economic report on the adverse economic effects of failing to extend lower rates on capital gains—this line right here, as shown on the chart—when it expires.

There are consequences to what Congress does. When you have a booming economy, there could be very detrimental consequences to the country when you take away the incentives that have had this economy exploding like not any time since the early 1990s.

Let's take a look at the marriage penalty piece. It is the first marriage penalty relief we delivered in over 30 years. The Joint Committee on Taxation scores this proposal at $52 billion over 10 years, and Treasury estimates that in 2004, nearly 33 million married couples benefited from this tax relief. Again, I do not think many folks would want to raise taxes on people because they decided to be married. I hope the Democratic leadership would agree with that statement.

Another proposal is expensing for small businesses; in other words, writing everything off in 1 year instead of stretching it out over 10 years. This is a commonsense, bipartisan proposal and directed specifically to small business—the engine that creates new jobs. According to IRS Statistics of Income, 6.7 million small businesses across the country benefited from this expensing provision in 2004. If we do not make it permanent, small businesses face a tax increase of $19 billion over 10 years and probably sputtering the engine that creates so many jobs in America. Does the Democratic leadership think small business expensing is an unwise tax policy?

Continuing on through the bipartisan tax relief package, let's take a look at education tax relief. This package, which will help Americans deal with college education costs, scores at $12 billion over 10 years by the Joint Committee on Taxation. IRS Statistics of Income show nearly 16 million families and students benefited from this tax relief in 2004.

In this era of rising higher education costs, should we gut tax benefits for families to send their kids off to college? Does the Democratic leadership think that is the way to go, which would be the way we would go if Congress does nothing and you let this tax law sunset?

Finally, families where both parents work have to deal with childcare expenses. The tax relief package includes enhanced incentives for childcare expenses. Mr. President, 5.9 million families across America benefit, according to the Joint Committee on Taxation. Does the Democratic leadership think we ought to take away these childcare benefits? That is what would happen if the tax cuts of 2001 were sunset. It would happen without a vote of the Congress either.

Now, I have taken you through about $1.9 trillion of tax relief. It sounds like a lot in abstraction, but it provides relief to every American who pays income tax. I would ask any of those who want to adjust or restructure—and those are words that are used around here about this tax relief package passed in 2001—do you want to adjust it or restructure it? Where would you cut in this package?

Would you hit the 10-percent bracket, driving up the taxes of low-income people? Would you hit small business tax relief and sputter the growth machine, the job machine of America; or the now refundable child tax credit, and hurt low-income people; or the death tax relief; or the marriage penalty relief; dividends and capital gains relief; education tax relief; or childcare tax relief? I hope not. Because in a recovering economy, with above-average levels of individual income tax, as a percentage of GDP, even with the tax relief package in place, which areas would you adjust, which areas would you restructure?

Why, then, undo bipartisan—with emphasis upon "bipartisan"—tax cuts that make the Tax Code actually more progressive? Now get that, not regressive; it is more progressive now than before the tax bill of 2001.

As folks on both sides of the aisle say, budgets are about priorities. As the Democratic leadership draws up its budget, we will hear a lot of talk about a big number for extending tax relief. It is a big number. It is the biggest tax increase ever. It is going to affect nearly every American taxpayer.

If leadership now in the majority of this body, because of the results of the last election, decides to propose the biggest tax increase in history in the name of deficit reduction, I will be looking for that one, single dollar of spending restraint I never see. Now, maybe we will see it, but I will bet we would not. Only time will tell, and it will be within the next 2 or 3 weeks.

Mr. President, I yield the floor. I do not think I see any colleagues who wish to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPACE STATION SAFETY REPORT

Mr. NELSON of Florida. Mr. President, there was a space station task force safety report released yesterday which points out a number of hazards as we are now in the process of completing the space station. Remember that we have this multibillion-dollar structure about 300 miles above the Earth, with a crew of three, and eventually it will have more of a complement, of five or six, which will have the ongoing, full-time responsibility of scientific experiments. Right now it is about two football fields long. During the completion, which will occur over the next 3 years, it will have all the additional appendages, including the international laboratory we need to conduct all of the experiments that we want. Yet the task force that released its report yesterday says there are certain inherent hazards that we have always known about, such as meteorites striking and/or space debris.

The U.S. Air Force catalogs all of the space debris. Therefore, we have the ability, if something really got in the way, to actually maneuver the space station out of the way of that debris—if we know where that debris is. The same is true with weather and reconnaissance satellites. I don't need to say anything about weather satellites here. Everybody knows because it is obvious what technology we have today to see the approaching storms, and if you live on the coast and it is during the summer, it is all the more important, because of an inbound hurricane, that everybody is prepared.

Well, what is preparing us? It is not only that airplane that is flying into the hurricane, it is those satellites that are constantly tracking the position of that hurricane. Those are threatened by this space debris, which brings me to share with my colleagues: Isn't it interesting that there has almost been a strange silence throughout the world for the last 6 weeks after the Chinese tested their antisatellite missile, which created a debris field that is 100 times more than any debris that has been created, and because of its altitude, some 500 miles, it is going to be years before all of that debris is pulled back to Earth by the gravitational pull of the Earth?

It is that debris field of thousands of particles, as a result of the Chinese rocket destroying a Chinese satellite by hitting it and exploding all of the kinetic energy in parts into the vacuum of space, that now we have a new threat not only to our space station but also to all of our weather satellites and our reconnaissance satellites. So my colleagues can imagine the headache now for the U.S. Air Force of trying to track all of that Chinese debris, much more so I think just from that one explosion, more debris than all the other debris that is up there. It is going to take several years before it ever comes down because of the altitude where the kinetic energy occurred when the vehicle slammed into the target, which was an old Chinese weather satellite.

So as we are looking at the future of NASA and the completion of the space station and the saving of the Hubble space telescope, which has opened vast vistas of new knowledge to us about the heavens and about the origin of the universe, thanks to the Chinese, as we do this we now have to worry about something that could be lethal to our astronauts and cosmonauts who are onboard the space station.

Some of the things they are talking about in this report released yesterday include some kind of special curtains they put over the windows that would give extra protection to the glass of the space station windows. Others are talking about protective blankets they might put over very sensitive areas of the space station that could be hit by debris. This debris could be coming at a velocity of 10,000 miles per hour because, if it is in a different orbit and suddenly it crosses the orbit of the space station and hits it—remember, going around the Earth in orbital velocity is 17,500 miles an hour. If that debris hits at right angles, you are going to have a velocity of 17,500 miles an hour. With the space station going at a different orbit, you start to see the kind of kinetic energy that could rain from such a collision. So it complicates it, and it complicates it not only for the American space program but for every space program on planet Earth, and that is the problem.

That is what the Chinese have done for us. Yet there has been a suspicious silence of anybody speaking out in the world community about what the Chinese have done in space. There was an intellectual discussion about China having shown they have the capability of targeting an antisatellite to hit a satellite, which is a significant feat. But in the process, they ignored the threats now to all of the human and nonmanned assets that are up there, not just for our country but for every country in the world that depends on a satellite or a spacecraft of some kind.

That is what we are facing. That is what we have to figure a plan for. I hope the Chinese who have had singular success—and this Senator has invited their Chinese astronaut to come here and visit, and he did. This Senator has congratulated them on their space accomplishments. But this time China has done something in accomplishing something technologically that has endangered the other nations of the world with the manned and the unmanned programs.

That is what is facing us. This is only the first the Chinese have heard from this Senator about how they have endangered the interests of planet Earth.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise to speak about two parts of the bill that is before us, the Improving America's Security Act, which is really the attempt by our committee and the Senate to finish the job the 9/11 Commission gave us to protect the security of the American people from terrorist attack and also to adopt for the first time a national all-hazards defense strategy that would set up a system that would not only be aimed at preventing and, if, God forbid, necessary, responding to a terrorist attack but also being ready and preparing every level of government to be ready to respond to a natural disaster.

The amendment offered by the Senator from South Carolina is pending. I wanted, in the interim, hoping others will come to the floor to offer other amendments or speak on that pending amendment, to speak about these two parts of the bill.

The first is about what is one of the most significant changes the bill would make; that is, to establish for the first time a dedicated grant program to assist States and localities in creating interoperable communications systems to be used to protect the American people in time of emergency. The ability of first responders to communicate with one another is fundamental at a time of disaster. Yet time and time again over the years, disasters have occurred, and police, firefighters, and emergency medical workers are unable to exchange critical information with one another, even indications of their location. Sometimes, as we saw in Katrina, certainly, not only is this a problem of their not being able to communicate with one another, it is a problem of their not being able to communicate at all. There is a painful and tragic cost to this failure to communicate or to interoperate with others in law enforcement, and that is that lives are lost.

This is a problem which was intensely made clear to all of us on September 11, 2001 and again during Katrina, but it is not new. In 1982, the record shows, communications difficulties frustrated the recovery efforts in response to the crash of the Air Florida plane right here in Washington, DC. In 1995, again the record shows communications difficulties complicated the response to the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, OK. In 1999, communications difficulties again slowed the response to the shootings at Columbine High School near Littleton, CO.

Then came 9/11. The story of the communication breakdown among New York City's first responders is well known. It is well known because it cost the lives of some of the bravest Americans, some on duty and some off duty, who rushed to the aid of their fellow citizens and fellow first responders. But there were other communications breakdowns on September 11, 2001, as well—less well known but also breakdowns that hampered the response at the Pentagon and in Shanksville, PA.

After an in-depth look at the three incidents I have described—the Pentagon, the World Trade Center, and the plane that went down in Pennsylvania on 9/11—the 9/11 Commission wrote:

> The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State, and Federal level remains an important problem.

That was the 9/11 Report which came out in 2004. We are now at the end of February 2007, and that problem remains as real and intense as ever.

The Commission recommended expediting and increasing the assignment of radio spectrum for public safety purposes. In 2005, as part of the Deficit Reduction Act, Congress set February

2009 as the deadline for broadcasters to transition to digital signals, which will free up much-needed spectrum for first responders. A lot of us, including myself, believed that delay to February 2009 was too long. The occupant of the chair remembers that well; we stood together on that. But so be it, that is what it is.

Since that time, Hurricane Katrina devastated the gulf coast, particularly the great city of New Orleans, and reminded us again how much more needs to be done to improve communications operability, to sustain the very operation of an emergency communications system, and interoperability, the ability of different first responders to communicate with one another.

The communications infrastructure in Louisiana and Mississippi at the time of Hurricane Katrina was decimated. Once again, difficulties in communicating among officials and first responders significantly impeded rescue and relief efforts. Mississippi Governor Haley Barbour drove the point home when he said the chief of the National Guard in Mississippi "might as well have been a Civil War general for the first 2 or 3 days" because in order to get information, he had to use runners. His runners had helicopters instead of horses, but the point was clear. The lack of operable or interoperable communications equipment put first responders in that disaster back about a century and a half.

The Homeland Security and Governmental Affairs Committee, which is proud to claim the Presiding Officer as a member, investigated the preparations for and response to Hurricane Katrina, a 9-month investigation that produced a 700-page report and almost 90 recommendations. We enacted some of those recommendations last fall as part of the Post-Katrina Emergency Management Reform Act. That legislation, which I am proud has largely become law, included ways to improve planning and coordination, establish a much needed national emergency communications plan, and strengthen technical guidance and assistance to local first responders. The newly created Office of Emergency Communications, which was created therein, will be responsible for carrying out many of those responsibilities. Like many of the homeland security challenges we face, achieving nationwide operability and interoperability of communications will require significant resources, a lot of money. One estimate from our Government several years ago put the figure at $15 billion. Testimony before the Senate Commerce Committee this past month estimated that the cost may be as high as $50 billion to create a genuinely interoperable, disaster-resistant communications system for our country. We don't know the exact price tag, but we do know the costs will be significant. We do know they are beyond the ability of State and local government themselves to provide. That is why title III of the legislation before the Senate, the Improving America's Security Act, establishes a dedicated interoperability grant program for first responders which will put us on the path to nationwide operability and interoperability, capable of surviving and helping America survive a potential terrorist attack or a natural disaster.

This is an important investment, a kind of leverage for the Federal Government to create in partnership with the States and local governments. Of course, part of the reason there is not only financial need but programmatic policy justification for this. The kinds of attacks, the kinds of natural disasters we are talking about, as we saw most painfully in Katrina, have national consequences. The Federal Government needs to be there to make some additional investments on which the State and local governments will build.

The legislation, S. 4, before the Senate today authorizes $3.5 billion over 5 years, beginning in the coming fiscal year. That is on top of the $1 billion interoperability grant program to be administered by the Department of Commerce during this fiscal year, the result of previous legislation. This is the beginning of moving toward a genuine national system, if we can adopt this and fund it, a call to the States and localities to match that money, each in their own way, so we can build this survivable network of communications.

Individual States will be able to apply for grants under this new program, which will be administered by FEMA, with assistance from the Office of Emergency Communications. The committee was very anxious, as the Presiding Officer knows, to not only create a fund of money and throw it out there for every local official who had some idea about how to create interoperable communications—all applications will have to be consistent with each State's communications plan and the national emergency communication plan which is being developed and expanded by the new Office of Emergency Communications. In other words, to get money, you have to prove you are going to fit into a statewide and national plan for interoperability of communications.

Incidentally, the national element of this is pretty obvious. In Katrina, you had a lot of first responders streaming into the gulf coast, and New Orleans particularly, when local first responders were overwhelmed. They were all bringing their own communications systems with them. A similar response occurred—a really moving patriotic response—after 9/11 to New York City, with first responders from all over the country coming in.

What do we want at that point? A Tower of Babel, where people cannot communicate with one another, or the ability, easily, as part of a national communications plan, to do so? Obviously, the latter is what we want.

States, incidentally, which would be the recipients of this money, would be required to pass at least 80 percent of the grant funding to local and tribal governments. The money could then be used for a range of activities: planning, system design, engineering, training, exercises, procurement, and installation.

We also include a minimum amount of funding for each State because interoperability is an all-hazards concern. In other words, we are having a well-intentioned, good-faith debate about homeland security grants and to what extent—as some would say—should they all be distributed based on risk or be distributed with a minimum amount going to each State?

In this case of interoperability of communications, it seems to me the argument is compelling there ought to be some element that gives a minimum to each State because what we are trying to establish is a national emergency communications system that will be ready to respond not just to a potential terrorist attack, but to natural disasters which, obviously, can occur anywhere in the country. In other words, the ability for first responders and other emergency responders to communicate with one another, either by voice or through data sharing, is necessary regardless of the nature of the emergency.

In short, we owe it to the memory of the firefighters and police officers who gave their lives on 9/11, some of whom lost their lives because of the absence of interoperable communications, and to the commitment of first responders who struggled under such adverse circumstances to do their jobs in the aftermath of Hurricane Katrina, and to first responders and emergency managers today all across our country who are ready to respond in the time of our need to pass this legislation, to provide the funding necessary for this critical effort, and to move the Nation's first responders toward real 21st century operable and interoperable communications in the face of disaster.

I have one more topic I want to discuss at this time. The one I have just talked about—a dedicated fund for interoperable communications—I think is one of the most significant parts of the bill. It is the beginning of a transformational partnership between the Federal, State, local, and tribal governments that I am convinced will have a measurable, significant effect on the security of the American people.

This next topic I want to talk about has to do with a provision in the committee bill which extends employee rights and protections to airport screeners who work for the Transportation Security Administration. Frankly, I do not consider this to be a major part of the bill. To me, it is correcting an inequity that exists in current law. I honestly do not know why anybody would oppose it. I will listen to the arguments, but I want to contrast it with the section I just described, because if the last 24 hours are any indication, this section may receive more attention than any other section of the bill. The White House has indicated it will veto the bill if this section is in it. I respectfully do not understand that.

Colleagues, I know, are preparing to come to the floor to try to strike this section from the bill. I think this section is an act of elemental fairness, granting quite limited employee rights to airport screeners who are now denied—I am using this term beyond its judicial meaning—equal protection that is enjoyed by most every other Federal employee, including most every other Federal employee involved in security.

So I hope, one, we do not spend a disproportionate amount of time on this section; and, two, we do not allow it to get in the way of us fulfilling our urgent responsibility to finish the job of enacting the recommendations of the 9/11 Commission, which S. 4, the legislation before us, would do.

I wish to spend a few moments talking about this section of the bill. The fact is, since the Transportation Security Administration was created in 2001, TSA screeners have been denied the same employment rights and protections as almost all of their fellow workers in TSA. In fact, they have been denied the same rights and protections that are enjoyed by most of their fellow employees at the Department of Homeland Security, such as the Border Patrol and Customs and Immigration officers.

TSA screeners—often also known as TSOs, transportation security officers—are familiar to most Americans because we see them at every airport across our country. Thanks, in part, I believe to their hard work and diligence, we have been spared a repeat of September 11, and air travel generally is safer than it was before that day.

They deserve to be treated equally in their employment rights. It is long past time to provide the same protections to TSA screeners as are enjoyed by their colleagues.

I wish to take just a moment to review the history of how this inequality came to exist. Shortly after the September 11 attacks, Congress federalized the work of passenger and baggage screeners at U.S. airports. TSA was created within the Department of Transportation. It was subject generally to the same personnel rules as the Federal Aviation Administration. Responding to the sense of emergency at the time, however—remember, this was right after 9/11—Congress gave the head of TSA broad authority to set personnel rules at his own discretion for airport screeners.

In 2002, when Congress established the Department of Homeland Security to coordinate and strengthen our defenses against manmade and natural disasters, TSA was removed from the Department of Transportation and put into the Department of Homeland Security.

At that time, Congress engaged in extensive debate with quite serious partisan and political overtones about how to apply civil service law to employees at the new Department. This was an amalgam of 22 different agencies, almost 180,000 employees, most of whom were coming already with their own employee rights—their own rights—most particularly, to join a union.

Ultimately, and contrary to my own position, Congress authorized the Department of Homeland Security Secretary to waive certain provisions of civil service law which Congress and the President believed were necessary for national security purposes.

Meanwhile, since 2001, TSA has declared itself exempt from laws enforcing the most basic employee protections, including the Whistleblower Protection Act, the Rehabilitation Act protecting Federal employees with disabilities, the Federal Sector Labor-Management Relations statute, appeal of adverse personnel actions to the Merit Systems Protection Board, and veterans preference laws.

In each case, the Transportation Security Agency has devised its own version of these fundamental employee protections substantially below the standard that Congress and the President decided were appropriate generally for DHS employees.

So now you have this anomaly because of this unusual statutory history where TSA screeners have a much lower level of employee protection than most of the other employees at the Department of Homeland Security.

It is now 5 years after the agency was established, and TSA screeners still lack those basic rights that are available to their colleagues at DHS and throughout the Federal Government. That is exactly the inequity this small provision in this bill, S. 4, aims to overcome.

For example, TSA screeners have no individual right to appeal to the Merit Systems Protection Board when they believe they have been subject to unlawful retaliation for protected whistleblowing activity. OK, this is exactly what we want employees of the Federal Government to do. They are our representatives. We are paying them. If they see something wrong going on, we want them to blow the whistle, and we do not want them to be punished as a result.

But under the current state of the law, TSA screeners do not have any right to an outside appeal when they believe they have been subject to unlawful retaliation because they blew the whistle on something or someone else they saw doing something they thought was wrong.

Second, TSA is not bound and the screeners are not protected by the Rehabilitation Act. So TSA is not bound to make reasonable accommodations for a disabled screener still able to perform his duties. This is the basic mindset we have overcome in recent decades, that somebody who may be disabled in one way is—if I can make up a word—abled in many other ways and perhaps, therefore, able to carry out the responsibilities of a screener at one of the security checkpoints we have all gone through. We have all gone through them, so we know there are a number of those functions that could be performed by somebody who may have a disability. But there is no right to appeal if an employee, a screener, thinks they have been discriminated against based on that.

TSOs—that is, screeners—are allowed to join a union, but they cannot collectively bargain as other security forces at DHS and throughout the Federal Government can do. Nor can TSOs claim an unfair labor practice with the independent Federal Labor Relations Authority.

I want to stress something. Screeners at TSA can join a union. They cannot strike. There is nothing in this small provision in S. 4 that will give them the right to strike. There is nothing in this provision that will give them the right to strike. I fear people hearing about this provision may think we want to extend some employee rights to TSA screeners and may think, oh, my God, at a time of crisis these people will just walk off their jobs and strike. It is illegal. They cannot do it. It is the same limitation that is on Federal employees who have collective bargaining rights generally. It is just that these screeners have much less, many fewer rights than others do. They cannot claim an unfair labor practice with the independent Federal Labor Relations Authority.

Finally, unlike the rest of the Federal Government, TSA limits the veterans preference in hiring and other personnel decisions to veterans who retired from the Armed Services, and denies the preference to those who were honorably discharged. Of course, it is the vast majority of men and women who have served our country in uniform who are honorably discharged as opposed to serving until the time of their retirement. But they do not get any veterans preference in hiring and other personnel decisions at the TSA. Is that a big deal? It is if you are a veteran. One of the things this provision in this bill would say is that, the full veterans preference should apply for TSA screeners.

So that is the amendment we adopted, the literal effect of which is to instruct the Secretary of Homeland Security to include TSA screeners, either under the departmentwide human resources management system or under the specialized system that now applies to TSA employees other than the screeners, in the most specific way, which leaves no ground—no gaps for misunderstanding. Although there are people, I fear, who are misunderstanding or misstating it, this amendment simply and directly says that TSA screeners have to be included under the departmentwide DHS human resources management system, or under the specialized system that applies to TSA employees other than the screeners.

I know critics of this provision are arguing right now that TSA needs flexibility to manage the screener workforce in a way that provides security when, where, and how it is needed, such as when the threat level is raised, or when a new threat becomes evident, or when unexpected problems arise at a particular location so the Administrator of TSA would want to move screeners from one airport to another. This argument is not based on fact. The concerns are misplaced: The committee bill, in this small section, retains flexibility for the TSA Administrator to promptly redeploy employees, change their assignments, or otherwise respond to problems as they arise. The bill recognizes this is a department which has to have the flexibility, the management flexibility, to respond to emergencies. In granting these TSA screeners the same employee rights most everybody else within the Department, including people involved in border patrol, for instance, and other security functions, we retain nonetheless the flexibility of the administrator to redeploy his forces at a time of crisis.

There is another reason to do this, I believe, apart from equity, and that goes to the effectiveness of the TSA screeners and the Department of Homeland Security employees generally. Personnel management at TSA, the record will show, has been troubled since its inception. The record will show the agency has experienced unusually high rates of attrition—people leaving, unusually high rates of workplace injury, high rates of absenteeism, and other indications of low employee morale. Anybody in the private sector will tell you if you have high attrition, high workplace injury, absenteeism, and low morale, you have a problem, and the problem is going to mean the service you are intending to provide is not going to be what you want it to be.

I would say those problems interfere with establishing and maintaining the core of experienced and professional screeners we need, that the American people need to ensure aviation security. From conversations I have had with screeners, simply taking a step to put them on an equal plane with everybody else in TSA or DHS in terms of their employee rights will go a long way toward creating the kind of morale, devotion to work, and avoidance of workplace injury that will better serve our Nation. I know the Administrator of TSA, Kip Holley, has recently made some efforts to improve personnel management, but I believe they haven't gone far enough, and this amendment will take them a large step forward.

I want to say finally that when the Homeland Security and Government Affairs Committee marked up the bill, there was apparently a Transportation Security Agency screener by the name of A.J. Castilla who was there in the public section of the room. Later he wrote a note of thanks in which he said:

> We TSOs aren't asking for special treatment, merely to be made whole and equal again in the eyes of the law.

A.J. Castilla is committed to his job, is as committed as any other employee of the Department of Homeland Security or the Transportation Security Administration, and it is time to give him and every other TSA screener parity with those other Federal employees so that they may better do the critical work we ask and need them to do.

I appreciate the opportunity to speak at some length about these two provisions. Both are, I think, important. One is a dedicated grant program for interoperable communications that, as I said, I think will have a critical effect and I hope we will discuss the positive effect. The second, I am afraid, will be discussed more than it deserves. That provision is fair. It is simple equity. It treats working people with the fairness they deserve, and in fact will improve our security, not hamper it, as its critics say. I urge my colleagues to look at both carefully, and particularly when an amendment is offered, as I fear it will be, to strike the section that would correct the inequity now suffered by transportation screeners, when it comes to the floor, that my colleagues will come, will listen, and ultimately will vote to reject that amendment.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 269

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 269.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Mr. President, for the moment I am going to object on behalf of Senator COLLINS who is co-managing the bill with me because no one has looked at the amendment.

The PRESIDING OFFICER. Objection is heard.

The Senator from California has the floor.

Mrs. FEINSTEIN. Thank you very much, Mr. President. The amendment I am seeking to bring up is a bill that has been reported out of the Judiciary Committee, and essentially what it would do is ensure the confirmation of all U.S. attorneys by the Senate.

What happened was that in 2006, an amendment went into the PATRIOT Act that allowed the administration to appoint an interim U.S. attorney indefinitely without confirmation. In the early part of this year, I believe it was on January 6, I learned that six U.S. attorneys had been called and summarily told they were to resign effective a specific date in January. I was told by the person who gave me the information that there was something suspicious about that. I didn't know, so I began tc look into it.

Well, I received a new story today about one of those U.S. attorneys, and if I might, I will read it to this body. It is an article by Marisa Taylor of the McClatchy Newspapers:

> The U.S. Attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's congressional elections.
>
> David Iglesias said two Members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the Members of Congress because he said he feared retaliation.
>
> Two months later, on December 7, Iglesias became one of six U.S. Attorneys ordered to step down for what administration officials have termed "performance-related issues." Two other U.S. Attorneys also have been asked to resign.
>
> Iglesias, who received a positive performance review before he was fired, said he suspected he was forced out because of his refusal to be pressured to hand down an indictment on the ongoing probe:
>
> I believe that because I didn't play ball, so to speak, I was asked to resign, said Iglesias, who officially stepped down on Wednesday.
>
> Iglesias acknowledged that he had no proof that the pressure from the congressional members prompted his forced resignation, but he said the contact in and of itself violated one of the most important tenets of a U.S. Attorney's Office: Don't mix politics with prosecutions. The article goes on.

Now this is only one element of this story. The matter has been the subject of a hearing in the Judiciary Committee. Legislation is ready to come before the floor. I have introduced it as an amendment. We approved it in the

Judiciary Committee with a bipartisan vote. I think the time has come to do two things. One would be for the Judiciary Committee—and I hope it will, and I believe the chairman of the Subcommittee on Administrative Oversight and The Courts, Senator SCHUMER, is interested in doing this—to issue subpoenas to have these U.S. attorneys come before the Committee to answer questions about how their demanded resignations took place.

Generally, a U.S. attorney is appointed for a term of four years, but serves at the pleasure of the President. If he wants to fire them he can. However, U.S. attorneys have very complicated and very difficult cases and I believe they must have some level of independence. The FBI, as we have heard in our oversight hearings, has raised the level of public corruption in their investigations.

So if the FBI investigates a case and comes up with the evidence, a U.S. attorney is obviously bound to prosecute that case. How this affects David Iglesias, I don't know. But the fact that these people all had very good performance reviews causes me a great concern. I wish to read from those performance reviews.

The performance review for John McKay of the Western District of Washington says:

> "McKay is an effective, well-regarded and capable leader of the [U.S. attorney's office] and the District's law enforcement community," according to the team of 27 Justice Department officials.

David Iglesias, about whom I read the news story, of the District of New Mexico, got this performance review:

> The [U.S. Attorney] had a highly effective firearms violence initiative and active and effective program to address drug trafficking.

Daniel Bogden, District of Nevada:

> United States Attorney Bogden was highly regarded by the federal judiciary, the law enforcement and civil client agencies, and the staff of the United States Attorney's Office. He was a capable leader of the [office].

Bud Cummins, who many of us know, in the Eastern District of Arkansas:

> The U.S. Attorney had an active, well managed anti-terrorism program . . . The Project Safe Neighborhoods initiatives were being effectively implemented and successfully managed.

Carol Lam, Southern District of California, including San Diego, whom I am very familiar with:

> Carol Lam was an effective manager and respected leader in the District . . . Appropriate management procedures and practices were in place to ensure a quality written work product.

These are some of the snippets from the reviews. But clearly, the performance of these U.S. attorneys was not a reason to fire them.

I truly believe what the Department of Justice intended to do was what they did in the Eastern District of Arkansas—bring in bright, young Republican political operatives to assume these roles to give them a leg up and fire or require the resignation of these U.S. attorneys.

When I began to inquire into it, I asked whether interviews for replacements were taking place within these offices, particularly in San Diego. At that time, no one in the office was being interviewed as a replacement. Since these hearings have begun, individuals within the office have been interviewed. In fact, one has been appointed to fill in for former U.S. Attorney Carol Lam.

I truly believe there was an effort to use this section of the PATRIOT Act reauthorization to bring political operatives into these offices, and I think it is a matter of urgency for us to pass the legislation that was marked up by the Judiciary Committee. Absent that, there is no recourse, other than to issue subpoenas, to have these former U.S. attorneys come before the committee and be able to ask them some hard questions.

I think when a U.S. attorney who has served, and served well, is summarily dismissed for no real reason, it is a problem. We all know the U.S. attorney in San Diego brought the prosecution of a Member of the House of Representatives who is serving consequential time for major felonies and had subpoenas outstanding for other Members of the House and was summarily told in December that she should resign—in this case—by the end of January. That is not right.

So the only way I know to right the wrong is to restore the law to where it was before the PATRIOT Act reauthorization. That law is this amendment and the amendment is very simple. It simply says that the Attorney General may appoint an interim U.S. attorney to a vacancy for 120 days. After 120 days, if a nominee has not been confirmed by the Senate, the district court in the district where the vacancy exists can make an appointment. This provides the incentive for the administration to move a nominee. I should say there are 13 vacancies, of which only 3 nominees have presently been sent to the Senate. If you combine those 13 vacancies with the seven new vacancies, then over 20 percent of the U.S. attorney positions could be filled without Senate confirmation if we assume the intent was not to send a nominee to the Senate. Of course, the administration will decry this and say that is not the case. Nonetheless, there were 13 vacancies and now seven new vacancies with only 3 nominees before the Judiciary Committee for review and for approval by the full Senate.

If the law is left as it is, any Attorney General or President could essentially appoint every single U.S. attorney as an interim U.S. attorney, not subject to confirmation. If you consider the work of the U.S. attorneys—the public corruption, the major narcotics cases, the immigration cases, the complicated Federal law they carry out—I think every Member of this body would believe that confirmation by the Senate for every U.S. attorney should be assured. This amendment will carry that forward.

I was shocked to read about David Iglesias. I don't know whether it is accurate. I know it appeared in the news. Based on that, he has said he believes he was forced out for a political reason. There is only one way to find out, and that is for the Judiciary Committee to issue subpoenas, have these U.S. attorneys come before us, and ask a number of hard questions.

I am hopeful this body will see fit to pass this amendment. It is simple, short, direct, and it solves the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, knowing the Senator from California as I do, I am certain a lot of the issues she has raised are serious ones, deserving of scrutiny. They are, however, under the jurisdiction of the Judiciary Committee and not the Homeland Security Committee. As such, I don't feel that I, at this time, have the expertise or the knowledge to evaluate the amendment that has been filed by the Senator from California. That is why I am objecting to the amendment. It is not because of its merits but because it is not relevant to this debate. I have not had a chance to look at it, and it is not in the jurisdiction of the Homeland Security Committee.

I will say to my colleagues that the Senator from Connecticut and I have been working very hard in a bipartisan way to try to keep the focus of this bill on issues to improve our homeland security. We were very pleased that, despite the overwhelming importance of the debate on Iraq, there had been an agreement by our leaders to try to keep that debate for the next issue to come before the Senate, rather than having it tied in with this bill. Similarly, the families of the victims of 9/11 have made a plea to all of us to focus on this bill and to keep extraneous issues off this bill and rather focus on issues the 9/11 Commission raised. That is what we are attempting to do. I have no doubt this is an important issue, an issue that is worthy of debate, an issue that is worthy of scrutiny by the Judiciary Committee, based on the explanation of the Senator from California, for whom I have a great deal of respect. But it is an issue that is completely outside the jurisdiction of the Homeland Security Committee.

For that reason, my hope is the Senator from California will look at this as an opportunity to educate us on the issue but will not proceed with this amendment because it is not at all relevant to the bill before us.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise to follow up on the comments of my friend from California, who has legislation I am proud to cosponsor on the general issue of the fired U.S. attorneys.

Mr. President, it is said that "where there is smoke there is fire." As we look at the case of the U.S. attorneys, that is more and more likely to be true.

Today, according to the McClatchy Newspapers, one of the fired U.S. attorneys from New Mexico said that "two Members of Congress separately called in mid-October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans."

That is a quote in an article by Marisa Taylor of the McClatchy Newspapers. Frankly, it comes as no surprise to me. That is because David Iglesias, the U.S. attorney, told my staff the same thing the day before. He asked, in fact, that he be brought to Washington—was willing, rather, to be brought to Washington, under the power of subpoena, to tell his story. We have inquired of the fired U.S. attorneys. The overwhelming majority of them want to tell more but feel honor-bound not to do it, except if they were brought under the power of subpoena to Washington.

So I join certainly in the request of my colleague from California and others. I have already spoken to Senator LEAHY, and we are examining how that can be accomplished. Senator LEAHY is very mindful of the fact that the Judiciary Committee doesn't issue subpoenas willy-nilly. But given the fact that some of the U.S. attorneys expressed a desire to testify, and others said they would be willing to testify, and now with these new revelations, the fear many of us had that these U.S. attorneys were summarily fired not for no reason and not for a good reason but for a bad reason is coming closer to reality.

Mr. President, we must get to the bottom of this issue. The U.S. attorney is the lead enforcer of the law in his or her jurisdiction. Fortunately, for decades, the U.S. attorneys, almost without exception, have been insulated from the political process, even though they are chosen in part by the political process. So when six were fired in one evening, and when it later became clear in hearings I held that at least one, by the admission of the Deputy Attorney General, was fired for no reason, and a call from the White House to suggest a replacement who was someone with very little legal experience but someone who had worked for both Karl Rove and the RNC, I believe it was, you can imagine the concern that not only the Senator from California and I had but the concern throughout the country in law enforcement—nonpolitical, simply a desire to protect the integrity of the U.S. attorneys. So we must do two things now.

These new revelations are extremely troubling. They would show politics at its worst—the long hand of the Justice Department reaching out to fire U.S. attorneys who would not do what was politically asked. At least that is a very real suspicion. So we must get to the bottom of this. The only way to do that is to call before us the fired U.S. attorneys and hear their side of the story.

I remind my colleagues that we did have a briefing—the Senator from California was there, the Senator from Rhode Island was there—and then were shown the evaluation reports, the EARS reports, and almost to a person the fired U.S. attorneys received very good evaluations from their peers and from everybody else. If you read those evaluations, you would say: Oh, they will keep that person in office for as long as he or she wants to stay. But instead, they were fired.

In private conversations my staff has had with them, they have grave suspicions as to why—some of them more than grave suspicions. Today, Mr. Iglesias said publicly what he told my staff privately, that he has a very troubling view that he may well have been fired because he refused to bend his U.S. attorney's office to politics of the worst sort.

So there are two imperatives here. One, as I said, is to get to the bottom of this and get to the bottom of it quickly. The second is to pass legislation that restores the appointment of U.S. attorneys away or at least removes it somewhat from the political realm because when the Senate must confirm or when an independent judge must temporarily appoint, there is a check, there is a balance that was removed, unbeknownst to almost all of us, in the PATRIOT Act. The minute that passed, people were surprised and wondered: Why did it happen? The explanation from the administration didn't quite ring true. Then, on the evening of December 7, when six U.S. attorneys were called at once and fired and not given any reason, suspicions went further. The investigations my subcommittee has had, with the help of our chairman, the Senator from Vermont, and the Senator from California, who has taken a keen interest in this issue and is lead sponsor of the legislation, have gotten worse every day.

As I said at the beginning of my remarks, the expression goes: Where there is smoke, there is fire. Every day, not only is there more smoke in this investigation of the firing of the U.S. attorneys, but there seems to be, unfortunately, a real fire. We will not rest until we get to the bottom of this matter, to see what happened, to see if possibly any rules, regulations, or even laws were broken. By bringing it to light, it will importune this body, the other body, and the White House to pass legislation so that it cannot happen again.

Mr. President, in sum, this is serious stuff. When U.S. attorneys are fired for political reasons, fired to stand in the way of justice rather than promote justice, it puts a dagger into the heart of the faith Americans have in their Government and in their system of justice. That faith, fortunately, is long and deep, but if we don't get to the bottom of this, if we don't change the law to make sure it doesn't happen again, we will be weakening permanently our system of justice and the faith the public has in it.

We will move forward in whatever way we can. Hopefully, we will find it is possible to subpoena these attorneys and subpoena them quickly and then take the necessary action in these cases and prevent future cases from occurring, which justice and the faith the people have in the American system demand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, the remarks the Senator from California and the Senator from New York have made today are very well taken, and I rise to express my shared concern with them and my support for their initiative to get to the bottom of what took place. In May of 1994 I had the honor to be sworn in as Rhode Island's U.S. attorney. It was one of the great honors of my life, equivalent to the great honor of being sworn in with you, Mr. President, into this extraordinary body. I knew when I took that oath that I would be forced to make very hard decisions and that my independence and my integrity would be my strongest allies as I discharged the extraordinarily difficult and powerful responsibilities of a U.S. attorney.

Last December, seven U.S. attorneys were fired by the Department of Justice, all on the very same day. That is unprecedented. Never, to my knowledge, in the history of the Department have so many heads of U.S. attorneys rolled all on the same day. These men and women had been confirmed in this great Chamber. By all indications, they were well qualified and performing well in their jobs. Several of them were involved in ongoing public corruption investigations. Yet in this unprecedented step, this administration showed them all the door. It suggests to us all the question: why might such an extraordinary act have taken place; why were they told their services were no longer required?

The Attorney General, Alberto Gonzales, told us this:

> What we do is make an evaluation about the performance of individuals, and I have a responsibility to the people in your district that we have the best possible people in these positions.

Deputy Attorney General Paul McNulty testified that "turnover in the position of U.S. attorney is not uncommon."

So the two suggestions that were made were that this was performance related, that a performance evaluation had been done of these individuals and they had not measured up, and that it was just turnover. It is hard to accommodate both of those stories, but when one looks into each of them, it makes even less sense.

The committee, through Senator SCHUMER and Senator FEINSTEIN, asked to see the Evaluation and Review Staff reports, what is called an EARS evaluation. When I was a U.S. attorney in Rhode Island, I lived through an EARS evaluation. All the local agencies were interviewed by career U.S. attorney services staff, detailed to Rhode Island just for the purpose of doing these evaluations. They happen in every office every 3 years. They are a significant part of the oversight and management practice of the Department of Justice, and they are extremely thorough.

We asked to see the reports. When it was clear that we were going to ask to see these performance evaluations, the Department began to back down. Mr. MCNULTY told the committee:

> We are ready to stipulate that the removal of the U.S. attorneys may or may not be something supported by an EARS report because it may be something performance related that isn't the subject of what the evaluators saw or when they saw it or how it came up, and so forth.

There isn't much that an EARS evaluation doesn't look at, and contrary views began to emerge from the Department very shortly.

In an article published February 4, the Washington Post reported that:

> [O]ne administration official, who spoke on the condition of anonymity in discussing personnel issues, said the spate of firings was the result of "pressure from people who make personnel decisions outside of Justice who wanted to make some things happen in those places."

Let's look at some of those places. In Arkansas, H.E. Bud Cummins III was a 5-year veteran U.S. attorney serving in Arkansas's Eastern District. Last June, he was asked to resign. The man chosen to replace the well-respected Mr. Cummins was Tim Griffin. Mr. Griffin is 37 years old. He served as Special Assistant to Assistant Attorney General Michael Chertoff in the Criminal Division of the Department of Justice, where he was sent as a detailee to the Arkansas U.S. Attorney's Office.

What Mr. Griffin lacked in prosecutorial experience, he more than made up for in political experience. Mr. Griffin is a former aide to Presidential adviser Karl Rove. He is also a former Republican National Committee research director. As those of us who have been through this sort of thing know, "research director" is not about looking up old statutes; it is about prying into personal lives of other candidates in order to try to dig up dirt on them.

A more partisan choice could not have been made to replace Mr. Cummins. Remember, Mr. MCNULTY said:

> The Department is committed to having the best person possible for discharging the responsibilities of that office at all times in every district.

It is just hard to believe that Mr. Tim Griffin was the best person possible, at least not as we ordinarily define those terms. At the end of our Judiciary hearing, Mr. MCNULTY admitted that Mr. Cummins, the Government's chief prosecutor in Little Rock, Arkansas, was fired to give Mr. Griffin the opportunity to have the appointment.

In San Diego, U.S. attorney Carol Lam successfully prosecuted Duke Cunningham, who pled guilty and resigned in 2005. She subpoenaed the House Armed Services, Appropriations, and Intelligence Committees in connection with a probe into Defense Department contracts. Her office indicted Kyle "Dusty" Foggo, the CIA's former Executive Director, and Brent Wilkes, a defense contractor and top Republican fundraiser.

In her district, former Reagan U.S. attorney Peter Nunez—another Republican political appointee familiar with the world of U.S. attorneys because he served there himself; he served from 1982 to 1988—said this:

> It's just like nothing I have ever seen before in 35-plus years. To be asked to resign and to be publicly humiliated by leaking this to the press is beyond any bounds of decency and behavior. It shocks me. It is really outrageous.

San Diego's top-ranking FBI official, Dan Dzwilewski, also commented on Lam's firing. Bear in mind, this is the Director of the FBI office that is operating as lead agency in these public corruption investigations. His quote:

> I guarantee politics is involved . . . It will be a huge loss from my perspective.

Other U.S. attorneys, such as David Iglesias of New Mexico and John McKay of Seattle, said they had no idea why they were being asked to step down.

That changed recently. Today was posted a story from which I will quote:

> The U.S. attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's Congressional elections.
>
> David Iglesias said two members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the members of Congress because he said he feared retaliation. . . .
>
> "U.S. Attorney Daniel Bogden, who also stepped down Wednesday after being asked to leave in December" had it recently reported in the Wall Street Journal that the FBI was investigating in his district allegations "whether Nevada Governor Jim Gibbons performed any official acts on behalf of a contract in exchange for gifts or payments. Gibbons, a Republican, has denied any wrongdoing."
>
> Bogden said he hoped that the ongoing case did not have anything to do with his ouster.

This is his quote:

> You would like to think that the reason you're put in the position as U.S. attorney is because you are willing to step up to the plate and take on big cases, Bogden said.
>
> It's not a good thing if you begin to wonder whether you'll lose your job if you pursue them.

Last month, a Las Vegas newspaper reported:

> a GOP source said . . . the decision to remove U.S. attorneys, primarily in the West, was part of a plan to "give somebody else that experience" to build up the back bench of Republicans by giving them high-profile jobs.

These are extremely troubling facts. The New York Times has recently editorialized on this subject and hypothesized three reasons for why these well-qualified attorneys were fired. As the New York Times said, "all political and all disturbing." The first reason: helping friends; the second, candidate recruitment; the third, Presidential politics.

The newspaper concluded that the politicization of Government over the last 6 years has had tragic consequences in New Orleans, in Iraq, and elsewhere, but allowing politics to infect U.S. Attorney's Offices takes it to a whole new level. Congress should continue to pursue the case of the fired U.S. attorneys vigorously, both to find out what really happened and to make sure that it does not happen again.

I would like to highlight two further concerns that come from my experience as a U.S. attorney. One concern is how this alters the balance between U.S. Attorney's Offices and what we used to call main Justice, and the second concern is the chilling effect on prosecutions of public corruption.

There is constant tension between the U.S. attorneys in the field and main Justice. The U.S. attorneys know their districts, they have practiced before those judges, they know their office's capabilities very well, and they have their own local priorities. Of course, the Department of Justice also has its own priorities, its national priorities set by the President, and the tension between those two is healthy and is constant. In getting its message out to the U.S. attorneys, the Department has a wide array of ways to send its signals and make its wishes known, but to take six or seven well-performing U.S. attorneys and sack them all at once ends that dialogue. It brings the blunt instrument of, not even persuasion any longer, but brute force, to bear.

Now, there can very well be policy differences between the Department of Justice and local offices, but this would be a first for the Department of Justice, to say: You haven't emphasized this enough so we are going to have your head. It will squash the healthy tension between U.S. attorneys and between the Department, and at least in my experience, the greater wisdom of the Department of Justice versus that of all the U.S. attorneys in the field was not such that it justifies this level of force in emphasis and enforcement and in the demand for conformity with its policy positions.

I submit there is long-term damage to the capabilities of the Department of Justice as this tension is disrupted. We live in a country of checks and balances, and tensions like these are very often the best things for the public we serve when they are allowed to be maintained in a healthy fashion.

The second point I would make is the chilling effect on prosecutions of public corruption. This applies particularly with respect to Ms. Lam in California. In many respects, she had become the leading edge of the Federal Government's sword point on public corruption investigation because of the investigations that I mentioned earlier in my remarks. Her office was leading the biggest public corruption cases in the Nation, with more to come it appears. U.S. Attorney Lam was personally at the helm of these investigations, and she was well qualified for that role. Her unceremonious expulsion from office will send a shockwave through the offices of her fellow U.S. attorneys, and that shockwave will carry a very unfortunate message because these cases are not easy ones.

Public corruption cases are resource intensive for the office involved. They are extraordinarily challenging. Witnesses are scarce and difficult, significant agent expertise is required, internal procedures governing the investigation itself are complex and onerous, and launching one's office at established political figures is a decision with potentially serious consequences not only for the U.S. attorney but for the career people in that office. Someone who has come through all of that and moved out onto the leading edge of public corruption investigation for this country, I believe, merits the active support of the Department of Justice not just for the good work done but as a message and a signal to U.S. attorneys around the country that when they step out into that public corruption arena, we will back them up.

The signal to the contrary is a dangerous one. When a U.S. attorney gets fired, and one who was deep into a public corruption investigation and is leading it so well that their termination draws a public rebuke from the FBI chief, antennae will go up across the country.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter that the Attorney General has received from the National Association of Former United States Attorneys.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. WHITEHOUSE. Madam President, the sentence in that letter which strikes me as the most significant is:

> We are concerned that the role of the United States Attorneys may have been undermined by what may have been political considerations which run counter to the proper administration of justice and the traditions of the Department of Justice.

This is not a good day. This is not the sort of thing that we need to be discussing. This is not the sort of thing that we should be discussing. As Senator SCHUMER earlier said, there is a lot of smoke in the air right now, and it looks as if there is actually some fire. It is truly incumbent on this body, the body which confirmed these individuals to their offices and which has oversight responsibility with the Department of Justice, to look into what is happening and to reestablish the procedures to prevent this from happening again.

I yield the floor, and I thank the Chair.

EXHIBIT 1

THE NATIONAL ASSOCIATION OF FORMER UNITED STATES ATTORNEYS,

February 14, 2007.

Hon. ALBERTO R. GONZALES,
Attorney General of the United States, United States Department of Justice, Washington, DC.

Re: Media Reports of Termination of United States Attorneys

DEAR ATTORNEY GENERAL GONZALES, We are the President and Executive Director of the National Association of Former United States Attorneys ("NAFUSA"). NAFUSA was founded in March 1979 to promote, defend and further the integrity and the preservation of the litigating authority and independence of the Office of the United States Attorney. Our membership includes United States Attorneys from every administration back to President Kennedy and includes former United States Attorneys from every state in the union. It is with this mission and with our cumulative experience as United States Attorneys that we write.

We are very troubled with recent press accounts concerning the termination of a sizable number of United States Attorneys. Historically, United States Attorneys have had a certain degree of independence because of the unique and integral role the United States Attorneys play in federal law enforcement Among other things, the United States Attorney establishes and maintains working and trusting relationships with key federal, state and local law enforcement agencies. In many respects, while the United States Attorney is a representative of the Department of Justice in each district, the United States Attorney also brings to bear his,or her experience and knowledge of the law enforcement needs of the district in establishing priorities and allocating resources. Most importantly, United States Attorneys have maintained a strong. tradition of insuring that the laws of the United States are faithfully executed, without favor to anyone and without regard to any political consideration. It is for these reasons that the usual practice has been for United States Attorneys to be permitted to serve for the duration of the administration that appointed them.

We are concerned that the role of the United States Attorneys may have been undermined by what may have been political considerations which run counter to the proper administration of justice and the tradition of the Department of Justice. While we certainly recognize that the United States Attorneys serve at the pleasure of the President, we would vigorously oppose any effort by any Attorney General to remove a United States Attorney as a result of political displeasure or for political reward. Any such effort would undermine the confidence of the federal judiciary, federal and local law enforcement agencies, the public, and the thousands of Assistant United States Attorneys working in those offices.

We do not mean to suggest that we know the reasons for each of the terminations or, for that matter, all of the relevant facts. Indeed, we encourage the Department of Justice and Congress to make as full and as complete a disclosure of the facts surrounding these firings as is permissible. Still, the reported facts are troubling, perhaps unique in the annals of the Department of Justice, and certainly raise questions as to whether political considerations prompted the decision to terminate so many United States Attorneys. It may well be that legislative attention or a written policy of the Department of Justice is necessary to deal with this and similar situations in the future to afford continuity and protection to United States Attorneys. We will be happy to assist the Department or Congress in any such effort.

Sincerely yours,

ATLEE W. WAMPLER III,
President.
B. MAHLON BROWN,
Executive Director.

AMENDMENT NO. 279, AS MODIFIED

Mr. DEMINT. Madam President, I ask for regular order in regards to my amendment No. 279. I have a modification of that amendment that I would like to send to the desk.

The PRESIDING OFFICER. The Senator's amendment is pending. He has the right to modify it. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To specify the criminal offenses that disqualify an applicant from the receipt of a transportation security card)

At the appropriate place, insert the following:

SEC. . PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

"(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

"(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

"(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

"(viii) Murder.

"(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

"(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

"(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnapping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

"(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) DETERMINATION OF ARREST STATUS.—

"(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

"(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

"(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

"(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

"(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

"(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

"(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

"(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add the offenses described in paragraph (1)(A) or (B).".

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

"(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.".

Mr. DEMINT. Madam President, if I can make a couple of comments about the modification, many will recall that this amendment is focused on our ports and the security of our ports. I think all of us are well aware that as a nation we see that our ports of entry, whether they be in Seattle, New York, or Charleston, SC, could be our most vulnerable points when it comes to smuggling in a weapon of mass destruction. We have committed many resources and lots of technology to try to detect radiation and other types of weapons that might be smuggled into our country that could hurt Americans and destroy American cities, and we are making some progress. But there is a lot more to be done.

All the spending, all the technology, all the equipment in the world will make no difference at all if we don't have the right people working in the secure areas of our ports. We need to make sure those people are the most trusted we have, just as we do in our airports. Our responsibility, whether it is homeland security as an administration or we as the Congress, is to make sure these people are screened and that we have the best and the most trusted individuals working in our secure areas. This is very important.

My amendment focuses on just that subject. It prohibits convicted felons from working in the secure areas of our ports. This is common sense to most Americans, and I think it is common sense to most in this Senate because when this exact same amendment was offered last year, when we were dealing with port security specifically, everyone voted for this amendment in the Senate. Unfortunately, that amendment was stripped out when we had a conference with the House.

Many of my colleagues have encouraged me to reintroduce this amendment, Republicans and Democrats alike, and that is exactly what I have done. I understand the Senator from Hawaii is considering introducing a modification that would allow the Secretary to eliminate some of these felonies that we have listed in our amendment. Please keep in mind that the listed felonies are the exact same ones that homeland security has listed in the regulation that they have put in force at their agency. So this amendment puts in law what homeland security has already put into regulation.

The importance of putting it in law is that we already suspect this legislation will be contested; that there will be delays, there will be challenges, and we need to make sure that our ports are secure. The modification of my amendment would allow the Secretary to add felonies in the future which may become important but that are not now listed. We think it would be a huge mistake if we put in law something that allowed future administrations to eliminate felonies that are specifically laid out in regulation and in this amendment I am offering.

If anyone in the Senate would like to eliminate some of the felonies that we have listed, I would encourage them to come to the Senate floor and let's discuss those that they would like to eliminate. Maybe they would like to have some of these folks working in the secure areas of our ports, folks who have committed espionage, sedition, treason, terrorism, crimes involving transportation security, improper transport of hazardous material, unlawful use of an explosive device, bomb threats, or murder. These are specifically listed. If there are some of these that we think should be eliminated, let's discuss them.

Homeland Security has evaluated this and has listed these, just like we have for our airports, to keep our ports secure.

I am offering this modification that would allow our Secretary to add felonies but prohibit the elimination of these felonies which we think are so important to our security.

I thank the Chair for the opportunity to offer this modification, and I yield the floor.

Mr. LIEBERMAN. Madam President, I thank the Senator from South Carolina for his modification. We talked about this briefly. I think he is heading in the right direction. We are taking a look at the amendment as it is offered, and we look forward to working together. I think the purposes are very important.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I ask unanimous consent to add Ms. MURKOWSKI, a Senator from Alaska, as a cosponsor to the Collins amendment No. 277.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 277

Ms. COLLINS. Madam President, speaking of the Collins amendment on REAL ID, cosponsored by Senators ALEXANDER, MIKULSKI, CARPER, CANTWELL, SNOWE, CHAMBLISS, and MURKOWSKI, I bring to my colleagues' attention the several groups representing Governors, State legislatures, and others who are now speaking in favor of passage of this amendment. In addition, as the Presiding Officer so ably represents the State of New York, there was a Newsday editorial today also endorsing the amendment with its 2-year delay.

The National Governors Association has also issued a statement that says:

> Senator Collins' bipartisan amendment recognizes the need to give state officials and other interested parties the right to review regulations and suggest modifications.

It goes on to say:

> This proposal would provide states a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

We have also heard from the American Federation of State, County and Municipal Employees, a union that is affiliated with the AFL–CIO, which has written a letter as well. It says:

> It is clear that the states do not have the capacity to comply with the REAL ID Act by the 2008 deadline and that a number of serious concerns related to privacy must be addressed. The Collins amendment provides the opportunity to address these matters.

Similarly, another group with whom we have worked closely is the National Conference of State Legislatures. In fact, it was a high-ranking official of the NCSL who sat next to me on a plane going to Maine some time ago and suggested that what States needed most was a delay in the compliance time. I worked very closely with the NCSL in drafting our amendment. I am very grateful for their advice.

I ask unanimous consent that the letters and editorials I have mentioned be printed in the RECORD so we may share them with our colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Governors Association, Feb. 28, 2007]

NGA PRAISES CONGRESSIONAL MOVEMENT TO CORRECT REAL ID

WASHINGTON.—On behalf of the nation's governors, the National Governors Association (NGA) issued the following statement regarding the introduction of an amendment to delay implementation of Real ID.

"Governors praise Senator Susan Collins, ranking member of the Senate Homeland Security Committee, for introducing an amendment to address the issues raised by the Real ID Act of 2005. This proposal would provide states a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

"Improving the security and integrity of their drivers' license systems is vital; however, the substantial costs and looming implementation deadline make Real ID unworkable and unreasonable. NGA has called on the Department of Homeland Security and Congress to fix the law by providing additional time, resources and flexibility for states to enhance their systems.

"Senator Collins' bipartisan amendment recognizes the need to give state officials and other interested parties the right to review regulations and suggest modifications. This allows governors and state legislators to help create reasonable standards and ensure the act is implemented in a cost-effective and feasible manner with maximum safety and minimum inconvenience for all Americans."

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, February 27, 2007.

DEAR SENATOR: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing with respect to the Senate debate over S. 4, legislation to implement 9/11 Commission recommendations.

We understand that an amendment may be offered, possibly by Senator DeMint, to strike or weaken a provision in the bill that gives Transportation Security Administration (TSA) screeners collective bargaining and other civil service protections. We strongly urge you to oppose this amendment. In addition, we urge you to support an amendment to be offered by Senator Collins that would delay implementation of requirements under the REAL ID Act and to reopen negotiated rulemaking of the Act.

With respect to the DeMint amendment, it is important to highlight that civil service protections, backed up by collective bargaining, ensure that federal employment is efficient, fair, open to all, free from political interference and staffed by honest, competent and dedicated employees. Civil service protections and collective bargaining rights ensure that federal employees are able to fulfill their assignments with professional integrity and a commitment to the public interest. The decision to take away civil service protections and collective bargaining rights has resulted in a demoralized workforce, with injury and illness rates that are six times higher than the federal average and an attrition rate that is more than ten times higher than the federal employee average. Clearly, the removal of civil service protections and collective bargaining rights has jeopardized the public, not made it safer.

With respect to the Collins amendment, we have previously expressed our concern over the costs to the states to implement the requirements under the REAL ID Act. It is clear that states do not have the capacity to comply with the Act by the 2008 deadline and that a number of serious concerns related to privacy must be addressed. The Collins amendment provides the opportunity to address these matters.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

[From NCSL News, Feb. 20, 2007]

State Lawmakers Encouraged by REAL ID Activity in U.S. Senate

SENATOR COLLINS' MEASURE TO PROVIDE EXTRA TIME, STATE INPUT INTO THE REGULATORY PROCESS

WASHINGTON, DC.—The National Conference of State Legislatures praises Maine Senator Susan Collins for introducing legislation (S. 563) to address state concerns over the Real ID Act, a measure which creates national standards for state-issued drivers licenses and identification cards.

S. 563 addresses some of the recommendations for change called for by NCSL, governors and motor vehicle administrators in a September 2006 report—The REAL ID: National Impact Analysis. Legislators throughout the country support REAL ID's goal of making drivers licenses more secure, but are frustrated by the rigidity of the law's approach, the high costs it imposes on states and the inordinately long time it has taken the Department of Homeland Security to issue the regulations needed to implement REAL ID.

NCSL is encouraged that Senator Collins, ranking member of the Senate Homeland Security and Governmental Affairs Committee, and other members of Congress are taking steps to correct the problems associated with the law. S. 563 provides a longer time frame to comply with the federal standards and to ensure that necessary systems are operational. Senator Collins' legislation also establishes a committee of state officials and other interested parties to. review the draft DHS regulations and to submit recommendations for regulatory and legislative changes.

NCSL's official policy statement calls for repeal of Real 10 if, by December 31 of this year, Congress fails to adopt the necessary changes as outlined in the September 2006 report and if they fail to provide full funding for the law. Senator Collins' legislation, therefore, is especially timely and NCSL looks forward to working with her and her colleagues to fix and fund the law.

NCSL is the bipartisan organization that serves the legislators and staff of the states, commonwealths and territories. It provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system.

[From Kennebec Journal Morning Sentinel]

Addressing the Real Problems of REAL ID

The REAL ID Act was passed by Congress in 2005. Part of a suite of measures to beef up homeland security, the act requires that by mid-2008, Americans must have a federally approved ID card—most likely an enhanced driver's license—to travel on airplanes, collect government payments or use government services and open a bank account. The national ID cards would have to be machine-readable.

As the deadline approaches for compliance with the act, opposition to the mandate has grown. Late last month, the Maine Legislature became the first in the nation to pass a measure against the requirement, unequivocally refusing to implement the act and urging Congress to repeal it. Too expensive, too fast, too much of an invasion of privacy and too burdensome to administer, said a bipartisan coalition of Maine lawmakers. Estimate of the cost of compliance in Maine alone is $185 million.

The Legislature's rejection made news around the nation. What Maine started threatened to become a tidal wave of state opposition. In an effort to stem the momentum and salvage what she considers good about the requirement, U.S. Sen. Susan Collins Friday announced she's introducing legislation to delay implementation of the act and provide states with a more reasonable time frame for complying with its new standards for drivers' licenses. "The costs of complying with REAL ID are enormous and overly burdensome to states, including Maine," said Collins.

We agree. Collins' legislation puts the brakes on a mandate that raises significant concerns, as well as the broader question of whether the REAL ID would ultimately be effective.

Her bill would give the Department of Homeland Security the ability to delay or waive REAL ID requirements if states don't have the technical capability to comply with it, or the money.

It furthermore calls to the discussion table the right group of people to hammer out an alternative: federal and state officials, privacy advocates and others with a stake in the matter. We're encouraged that this senator, who has made her name as an advocate of effective and real security measures, has focused on finding a solution to the real problems posed by REAL ID.

[From the Bangor Daily News]

Needed ID Delay

By introducing a bill to slow the pace of new federal identification rules, Sen. SUSAN COLLINS today is expected to offer a way out of a growing confrontation between Washington and the states. The bill would extend the deadline for REAL ID by two years and recognize the cost burden currently imposed on states. Additionally, it reopens the question of how much information the federal government should centralize.

This pause is needed. Last week, for instance, Georgia looked at REAL ID's expected price tag of between $30 million and $60 million and declined to fund it. That follows Maine's resolution to reject the program and likely precedes work in about a dozen states that have legislation against REAL ID before their legislatures. The Collins bill would reconvene the panel that made recommendations on this issue and review problems raised by the states, the standards for protecting constitutional rights and civil liberties and the security of the electronic information, among other issues.

Under the current regulations, all Americans would have a federally approved ID card by the end of next year. Usually seen as a machine-readable driver's license, the card would be needed not only for driving but all the standard uses—to board airplanes, do business with the federal government, open a bank account. One estimate put the cost to states for transitioning to these new IDs at $11 billion.

Besides cost, opponents of the standardized identification program fear that REAL ID will result in a national database, which the federal government may not be equipped to protect. In particular, one provision would require states to verify all documents required for the issuance of a driver's license or identification card. That would require each state to have agreements with all other states or, more likely, have a single national agreement.

Given the government's track record on securing private information, states are reasonably worried. Not long ago, the House Government Reform Committee looked at 19 agencies going back to 2003 and found 788 separate cases of confidential data being either lost or stolen. Most of the lost data, the report concluded, was due to "unauthorized use of data by employees."

The extended deadline proposed by the Collins legislation would give officials an opportunity to improve security at both federal and state levels. And it should find ways for Washington to help pay for this expensive program.

[From the Portland Press Herald]

Real ID program Is a Real Mess; How Can States Standardize Driver's Licenses by 2008 When Standards Haven't Been Set?

Maine's "revolt" against a federal mandate to create an expensive, high-tech driver's license that meets new standards set by the federal government is catching on.

Since state legislators overwhelmingly approved a resolution objecting to the Real ID Act of 2005 in late January, lawmakers in Vermont, Georgia, Wyoming, Montana, New Mexico and Washington state have followed suit.

The Real ID Act was an effort to enhance and standardize the information on state driver's licenses so they could double as a national identification card.

Such a sensitive federal-state issue ought to have been the subject of negotiations including the states. But the House of Representatives forged ahead with the Real ID Act, which simply ordered the Department of Homeland Security to write its own requirements. The measure passed the Senate attached to a supplemental spending bill.

A very real set of concerns revolve around the security of the machine-readable personal information that will be included in the high-tech card, as well as the security of the linked national database that will house this information. One recent study found more than 700 instances of confidential data being stolen from the federal government since 2003.

Also problematic is the notion that state transportation workers will be essentially conscripted to the front line of this federal program.

Across the country, states will begin working on their 2008 budgets this year. A 2006 study by the National Governors Association tabbed the cost of compliance at $11 billion over five years. Secretary of State Matt Dunlap estimates Maine's share will be $185 million.

Yet despite Real ID's looming May 2008 deadline for compliance, states still haven't seen the law's requirements.

On Monday, Sen. SUSAN COLLINS introduced a bill that would delay the compliance date for two years to 2010 so the federal government can get its act straightened out.

Her bill would convene a panel of federal and state stakeholders to examine issues raised by the states around cost, privacy and feasibility.

Rep. TOM ALLEN intends to offer a bill that would repeal the law entirely.

If Congress feels homeland security requires that all Americans carry an internal passport, then it ought to administer the program.

It ought to pay for it as well.

[From Newsday (NY), Feb. 28, 2007]

Go Slow on New Driver's Licenses

U.S. SHOULD TAKE TIME TO GET IT RIGHT

It's a sad sign of the times, but a national identification card, a new gold standard for proof of identity, may be needed in the battle against terrorism. The 9/11 Commission urged tighter security for driver's licenses and Congress has asked the Department of Homeland Security to develop rules for standardizing licenses and other state issued identification into what would be, essentially, a national ID card.

But establishing a system that will make it appreciably harder for terrorists to operate without exacerbating the problem of identity theft or compromising what's left of privacy in the digital age won't be quick or easy. The current May 2008 implementation date is unrealistic. And there's the question state officials are already asking: Who will pay?

Washington hasn't gotten off to a very promising start in dealing with these concerns. In 2004, Congress established a committee of state and federal officials and others to craft regulations for making licenses more uniform and secure. It preempted that process in 2005 when it tacked the Real ID Act to a spending bill, giving the rule-making job to the Department of Homeland Security. It's been almost two years and no rules have been announced, although officials say they may come as soon as this week.

But creating a secure, standardized national ID card involves more than deciding on such things as digital photographs and bar codes. Clerks everywhere would need ready access to nationwide databases to verify vital records such as birth certificates, immigration status and driver's license records in all 50 states. Integrating that data, securing it, controlling access and correcting errors will be no small task.

Sen. SUSAN COLLINS (R–Maine) wants to give states more time to comply. That's advisable and probably inevitable.

Ms. COLLINS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 285 TO AMENDMENT NO. 275

Mr. INOUYE. Madam President, I rise today to offer an amendment that incorporates Senator DEMINT's amendment No. 279 regarding the Transportation Worker Identification Credential, known as TWIC.

I am pleased to advise my colleagues of this amendment. It is cosponsored by Senator STEVENS, Senator LIEBERMAN, and Senator MURRAY.

The amendment offered by Senator DEMINT codifies in statute the list of permanent and interim disqualifying offenses for individuals applying for a TWIC that the Department of Homeland Security has already codified in final regulations this January.

While I understand Senator DEMINT's desire to ensure we do not allow individuals who could pose a terrorism security risk to have access to our ports, Senator DEMINT's language restricts the authority of the Secretary to identify, adopt, and modify criminal offenses that may pose a terrorist security threat.

We are all aware of the fact the war on terrorism continues to evolve with emerging threats. We need to ensure the Department has the flexibility to adjust their procedures accordingly. I, along with my fellow cosponsors, believe such a responsibility is best left to the intelligence, terrorist, and law enforcement experts at the Department of Homeland Security rather than Members of Congress. Therefore, this amendment preserves the authority of the Secretary to modify the offenses accordingly.

I ask my colleagues to support our amendment and help ensure we improve the security of our port facilities in a fair and effective manner.

Madam President, I call up my amendment.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY, proposes an amendment numbered 285 to amendment No. 275.

The amendment is as follows:

(Purpose: To specify the criminal offenses that disqualify an applicant from the receipt of a transportation security card)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

"(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

"(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

"(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

"(viii) Murder.

"(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

"(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

"(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnapping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

"(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) DETERMINATION OF ARREST STATUS.—

"(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

"(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

"(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

"(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

"(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

"(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

"(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.

(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add or modify the offenses described in paragraph (1)(A) or (B).".

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

"(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.".

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

U.S. ECONOMIC SOVEREIGNTY

Mrs. CLINTON. Mr. President, we are in the middle of an ongoing discussion and debate over our homeland security, and certainly, as all of us know, this remains a matter of grave concern. Homeland security means many things, and it certainly does mean that we fully and appropriately fund our police and our fire. It means we guard our ports and our infrastructure such as our tunnels and bridges, all of which are going to be the subject of the authorization legislation brought forward by the chairman and ranking member. But it also means we have to remain strong at home and we have to have the economic resources to spend on protecting ourselves.

Yesterday, the Dow Jones Industrial Average plummeted 416 points—the largest single drop since the markets reopened after the September 11 attacks. While our markets were reeling, alarm bells were ringing once again over the irresponsible fiscal and economic policies of this administration that continue to surrender the economic sovereignty of our country to foreign banks, investors, and governments piece by piece.

Yesterday's stock market disruption came on the heels of pessimistic economic news on the homefront and ominous comments about recession by former Fed Reserve Chairman Alan Greenspan. So while it can and will be debated whether yesterday's market fluctuation was a blip or a larger indicator of our economy's vulnerabilities, it is clear that what happened underscores the exposure of our economy to a combination of economic developments in countries such as China and economic policies here at home. A scare in the Chinese stock market, based on rumors within that country, sent economic reverberations around the world.

In terms of our fiscal stability, we are in uncharted waters. Markets, to a certain degree, will always be volatile and, to a great extent, we are fortunate that our domestic markets are deep enough to absorb certain shocks. But there is no precedent in U.S. history for an economy as large as ours to be as heavily in debt to its trading partners as the United States is to countries such as China, Japan, and others.

When it comes to the fiscal recklessness and economic fatalism of the current administration, the writing may not be on the wall, but yesterday the writing was on the "Big Board." In the face of this challenge, the economic policies of the last 6 years have contributed to an erosion of U.S. economic sovereignty and have made us more dependent on the economic decisions of other nations. As I have proposed, and continue to support, we need to take steps to restore fiscal responsibility and sound economic policies based on the facts, not ideology.

I will continue to support legislative steps to require that the Bush administration address mounting fiscal and trade imbalances. Today I sent letters to Treasury Secretary Hank Paulson and Federal Reserve Chairman Ben Bernanke urging them to address many of our underlying economic vulnerabilities resulting from our debt and deficits.

Our Nation has been running record deficits and digging a massive fiscal hole of nearly $8.8 trillion as foreign countries have been buying our debt and in essence becoming our bankers. According to the most recent Treasury statistics, foreign nations now hold more than $2.2 trillion, or 44 percent, of all publicly held U.S. debt. Japan and China alone hold nearly $1 trillion. To put it plainly: 16 percent of our entire economy is being loaned to us by the Central Banks of other nations. I know other Members of this Chamber, such as Senator CONRAD, the chairman of our Budget Committee, share my concern over the implications of this massive foreign debt.

While the foundations of our fiscal house are eroded by our fiscal policies, our failure to pursue smart economic policies has added strain on our economy. Every single year since President Bush took office we have had a record trade deficit. Last year the deficit was $764 billion. One of the ramifications of that trade deficit to foreign interests is the control by foreign interests of more and more of our assets.

How can we negotiate fair, pro-American trade agreements and ensure foreign countries uphold these agreements when we sit across the negotiating table not only from our competitor but from our banker as well? While ceding our economic sovereignty, we also sow the seeds of economic vulnerability. Precipitous decisions by any country holding our debt could create much graver economic problems than what we saw yesterday.

I believe in smart, pro-American trade, and globalization does hold incredible promise to continue to improve our standard of living and to create economic growth. But for too long, the choices have been painted far too starkly and with a broad political brush. In fact, we can protect our economic interests while promoting trade. We can secure our economic sovereignty while promoting policies that secure our global economic position. Trade does not have to be a zero sum game.

The choice is not between fatalism and protectionism. The choice is between policies that work and policies that are not working. We have to curb these deficits and ensure foreign governments do not own too much of our Government debt. We need a firewall that keeps our economic future more in our own hands.

In years past I have worked with other Members of Congress who share my concerns. For example, during the last session of Congress I supported legislation by Senator DORGAN and then-Congressman Cardin that rings an alarm bell when U.S. foreign-owned debt reaches 25 percent of GDP or the trade deficit reaches 5 percent of GDP. It would require the administration to develop a plan of action to address these conditions and report their findings to Congress. At the very least this proposal would compel our Government to deal with these economic issues while they are problems but before they become crises. I believe proposals such as these need to be considered in order to put our economic house in order, as we can too easily be held hostage to the economic policies that are being made not in Washington and not in the markets of New York but in Beijing, Shanghai, Tokyo, and elsewhere.

Yesterday it was the selloff of foreign stocks that had reverberations in U.S. markets. But if China or Japan made a decision to decrease their massive holdings of U.S. dollars, there could be a currency crisis and the United States would have to raise interest rates and invite conditions for a recession. Precipitous decisions by any country holding our debt could create far graver economic consequences than what we witnessed yesterday.

While it is clear we should take reasonable steps now to ensure that the economic problems of today do not become the crises of tomorrow, we are awaiting some action by the administration that gives us a clear signal that we can begin to restore responsibility. This is a long-term problem, but it is one that I think we must respond to. We ignore it at our peril. As we saw yesterday, the United States is interconnected with globalized markets. They are not going to leave anyone out. We will all be impacted by decisions that we have nothing to do with making, even if they are rumors or quickly reversed.

It is my hope what happened yesterday, which gave us headlines across the world, will open our eyes to what we need to do to take action to put ourselves in a much more competitive position and to begin to move away from the loss of economic sovereignty we have seen over the last years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Inouye amendment to S. 4 is pending.

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BUNNING are printed in today's RECORD under "Morning Business.")

Ms. COLLINS. Mr. President, I ask unanimous consent that at 5:20 today, the Senate proceed to a vote in relation to the Inouye amendment No. 285, to be followed by a vote in relation to the DeMint amendment No. 279, as modified; with the time until then for debate to run concurrently on both amendments, with the time equally divided and controlled between Senators Inouye and DeMint or their designees; that no amendments be in order to either amendment prior to the vote and that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I concur with the statement just issued, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 285

Mr. DEMINT. Mr. President, I wish to comment on the second-degree amendment that has been offered by my colleague from Hawaii, Senator INOUYE.

The PRESIDING OFFICER. All time has expired under the previous agreement.

Mr. DEMINT. I ask unanimous consent——

Ms. COLLINS. Mr. President, to clarify the unanimous consent request, I believe there were 2 minutes between the votes, am I correct, for debate?

The PRESIDING OFFICER. The Senator is correct. The Senator from South Carolina may proceed.

Mr. LIEBERMAN. Mr. President, may I ask the Senator through the Chair, how much time does the Senator from South Carolina need?

Mr. DEMINT. Three or 4 minutes.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senator be given 4 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I thank the Senator. I appreciate the Senator fitting me in. Again, I am speaking on the second degree to my amendment that is related to port security.

As we talked about here several times on the floor, and actually passed last year, it is important that the people who are working at our ports are people we can trust to use the equipment and technology they are given to keep the people of America safe.

The amendment I have offered is consistent with—in fact, it is identical to—the regulations that the Secretary and the homeland defense agency have put together so that we will not have convicted felons working in our ports around this country, so that we know the people who are operating our most secure areas are people who have not proven to be susceptible to crimes.

Senator INOUYE is offering a second degree to my amendment that would allow the Secretary to change some of these crimes or felony convictions or to modify the rules. The Secretary of Homeland Security has not asked for this. In fact, he is supporting the amendment we have. I cannot imagine any future Secretary or future administration wanting to eliminate some of these felonies. The whole point of having this amendment and putting it into law is so that our agencies are not subject to lawsuits and constant harassment to change the criteria for working in the secure areas of our ports.

So I appeal to my fellow colleagues, a vote for this second-degree amendment is a vote to gut my amendment. It is a vote to allow in the future any administration or this administration to eliminate certain felonies that would keep convicted criminals from working in our ports. I encourage my colleagues not to vote for this second degree. Vote for my amendment, which everybody in this body has voted for unanimously in the past.

Again, I thank the Senator from Connecticut and Senator COLLINS for the opportunity to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the amendment I introduced is not a second-degree amendment. However, it incorporates Senator DEMINT's amendment.

It doesn't in any way minimize the matter of security. It just says the Secretary shall have flexibility with changing times. As we all concur, times do change.

Thirdly, in the other areas where security threats are common, such as airports, the Department of Transportation has not asked for anything like this, with no flexibility.

Fourth, if rules are to be made to differ from the present rules as set forth in the DeMint amendment and the Inouye amendment, it will have to go through the rulemaking process. I can assure my colleagues that we will not let felons be in charge of our security.

I thank the Chair.

Mr. DEMINT. Mr. President, may I have an additional 60 seconds?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DEMINT. I thank the Senator from Hawaii. I need to make an important point. The whole point of my amendment is to put a regulation in law so it cannot be changed and contested. The amendment offered by Senator INOUYE basically guts the amendment and eliminates the reason for the amendment. It moves from being a law to something that is subject to the whims of any future administration or Secretary.

Our job here is certainly to be fair to workers, but our first priority is to protect the American people. Please, let's not allow convicted felons to work in our ports. Our job is to protect our ports. The second degree completely guts the whole idea of an amendment that makes this law.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 285.

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—58

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—37

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Roberts
Sessions
Shelby
Snowe
Sununu
Thomas
Thune
Vitter

NOT VOTING—5

Biden
Brownback
Johnson
McCain
Reed

The amendment (No. 285) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 279, AS MODIFIED

The PRESIDING OFFICER. Under a previous order, there will now be 2 minutes of debate equally divided on the DeMint amendment No. 279.

Who yields time?

Mr. LIEBERMAN. Mr. President, I am prepared to yield back the time on our side and go right to the vote.

Mr. BYRD. Let's hear something about the amendment.

Mr. LIEBERMAN. The proponent of the amendment is the Senator from South Carolina, and he has 1 minute to describe it, if he so chooses.

Ms. COLLINS. Mr. President, if the Senator from West Virginia is seeking an explanation of the amendment, I believe I can provide that.

The amendment offered by the Senator from South Carolina would give authority to the Secretary of the Department of Homeland Security to add certain advances to the list of disqualifying crimes that would prevent someone from working at our seaports.

Mr. BYRD. I thank the Senator from Maine.

Ms. COLLINS. Mr. President, I yield back the remaining time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 279, as modified.

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Snowe
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—2

Smith
Specter

NOT VOTING—4

Biden
Brownback
Johnson
McCain

The amendment (No. 279), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, because of these two votes coming together as they did, there was some confusion. That is why this vote took longer. Everyone should understand, we will not make a habit of this. We have been very strict in enforcing the 20-minute rule, and we will continue to do so.

For the benefit of all Senators, we had a productive day today but, in my opinion, not as productive as it should have been. For Senators who have amendments, tomorrow is Thursday. We are not having votes until 5:30 on Monday night. We are going to have some amendments offered or I am going to get the idea there are not any amendments to offer, and we will have to either move to third reading or move to cloture or something. If Members have amendments, we said this would be an open process. This is a very important piece of legislation. I hope they are not waiting until the last minute because the last minute may arrive more quickly than they think. It is important legislation. In our cloakroom, we sent out a hotline today to find out what amendments my caucus has. I hope the Republicans will follow up on that so we may have a list of amendments so we know whom to call.

We have had a lot of dead time today. If this bill is open to amendment and people have concerns with it, they should offer those amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 281 TO AMENDMENT NO. 275

Mr. BINGAMAN. Madam President, I call up amendment No. 281 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 281 to amendment No. 275.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

At the appropriate place, insert the following:

TITLE ___—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2007".

SEC. ___02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. ___03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. ___04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Madam President, this is an amendment I am offering on behalf of myself and Senator DOMENICI, my colleague. It is to provide funds to local law enforcement agencies along our very substantial borders with Canada and Mexico to assist them with criminal activity, problems of enforcement of the laws, and dealing with criminal activity in those border communities. This is an amendment that sets up a $50 million-a-year grant program. It is an amendment we have passed twice in the Senate, but it has not become law as yet.

It calls upon the Department of Homeland Security to establish a competitive grant program to assist local law enforcement located along the border or other local law enforcement agencies that are determined by the Homeland Security Department to be heavily impacted, high-impact areas elsewhere in the country.

The border with Canada is 5,525 miles long. Our border with Mexico is nearly 2,000 miles long. We have had serious problems on the New Mexico-Mexico border, as has the State of Arizona. In fact, last year the States of Arizona and New Mexico declared states of emergency in order to provide local law enforcement with immediate assistance in dealing with criminal activity along the border. The Federal Government needs to step up and do its part in helping these local law enforcement agencies. This amendment helps to do that.

I hope when the time comes for a vote on the amendment, my colleagues will agree to support it, and we can pass it with a unanimous vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, the Improving America's Security Act is not only about unfinished business, it is not only about doing what others have failed to do, it is about living up to the responsibilities we have as a Congress and a government to protect our Nation and its people and to do everything possible to prevent what was once unthinkable from happening again.

As a Senator from New Jersey, I take that responsibility as a solemn promise to the 700 New Jerseyans who lost their lives on September 11 and their families who survived them.

More than 5 years ago, it became painfully clear that we, as a Nation that believed it was the most secure in the world, were unprotected. In the glimpse of a few minutes and over the course of a few short horrific hours, our Nation and the security we thought we had was changed forever. We entered into the stark reality of a post-September 11 world.

On that day, glaring gaps in our security were exploited, lax systems were taken advantage of, and a trusting nation paid the price. Thousands of innocent lives, everyday Americans whom this Nation has grieved every day since, were lost. We can never go back to rectify past mistakes that could have prevented that day, but we can work to better secure our Nation moving forward.

We have a roadmap of how to get there. The 9/11 Commission laid out a plan, provided guidance, and delivered 41 specific and wide-ranging recommendations. Yet more than 2 years after the Commission issued those recommendations, many of them remain just that—recommendations that have not been acted on or fully implemented.

This legislation already comes before this body far later than it should. But the fact that it is on the floor of this Chamber just 2 short months into a new Congress speaks boldly of our new leadership and how important finishing the 9/11 Commission's work is to our leadership. I commend both Majority Leader REID and Chairman LIEBERMAN for making this a top priority for this Congress, as well as Chairman INOUYE and Chairman DODD for their roles in crafting this legislation.

Many of us have been pushing for a long time to see all 41 recommendations fully implemented and to make significant improvements to our Nation's security that have been under the radar screen for far too long.

As a former Member of the House of Representatives, I fought to see that all 41 recommendations were fully implemented in the 2004 intelligence reform legislation. I was proud to serve as the lead Democratic negotiator in the House on the conference committee that created the final intelligence bill. While that legislation made essential and urgently needed reforms to our Nation's intelligence, unfortunately, it fell far short on implementing all of the recommendations.

I have also since introduced legislation that ensures that all of these recommendations will be fully implemented and to hold the executive branch accountable for implementing each recommendation. It is my hope that with the bill we are working on now before the Senate, and with the vigorous oversight under the leadership of Chairman LIEBERMAN and Ranking Member COLLINS, we will be able to see all these recommendations enacted and implemented.

It was just over a year ago the 9/11 Public Discourse Project, led by former members of the 9/11 Commission, published its disturbing report card, giving far more Fs than As on the implementation of those 41 recommendations.

There is no excuse left for Congress, the White House, or our Federal agencies for not finishing what is so direly needed: improving the security of our Nation. Yes, we have made some great steps forward. Yes, we have made some significant improvements that have likely saved lives and stopped terrorists in their tracks. But no one—no one—should use the lack of another catastrophic attack on our soil as proof that we have succeeded in fully meeting our goals.

The fact is, so long as we do not heed the advice of the 9/11 Commissioners who spent months examining how we could improve our Nation's security, so long as we do not make dramatic improvements to our security—at our Nation's ports, on our trains and buses, around our chemical plants, and in how we allocate homeland security funding—we continue to leave our Nation at risk.

I cannot imagine talking about the security of our Nation without the 41 recommendations of the 9/11 Commission. The Commission's findings and recommendations are integral to understanding our deepest flaws, the complexity of our intelligence and security networks, the obstacles that lie ahead and, most of all, what needs to be done.

Yet if some in our Government had had their way, there would have been no Commission, there would have been no digging into the secrecy and ineffectiveness of our Nation's security, no poring over thousands upon thousands of documents, no reviewing of every action Federal agencies took or did not take to prevent and respond to the attacks of September 11, no asking of some of the toughest questions our Nation has had to bear.

So once we pass this final legislation, have it signed into law and implemented, we will come to the day—I hope sooner rather than later—when our Nation's security funding is based more on risk, when our ports are fully secure because of 100 percent scanning, when we are making the necessary investments in mass transit security, and when our first responders have a strong emergency communications system that works in interoperable ways, so that those who are sworn to protect us can speak to each other effectively.

These are only a few of the dimensions in this fight. Unfortunately, this is a fight that would not have taken place without the commitment and strength of the families of the victims of September 11.

When the loved ones of those who were lost on September 11 have to become full-time advocates, spending every possible hour lobbying Congress, when they have to be the constant reminder for our Government to do its job, we know we have failed them. Many of them are here and have been here today watching this body, waiting to finally see this legislation become law, hoping that all their suffering, their work, and their tireless advocacy will not be in vain.

Let us not only fulfill their wishes but the wishes of all Americans to have a nation as secure as possible for their families and neighbors. Let's work to pass this legislation and make sure it is fully enacted. Let's finally accomplish what should have been finished several years ago.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARION "GENE" SNYDER

Mr. BUNNING. Mr. President, on February 16, the Commonwealth of Kentucky lost a favorite son. Marian "Gene" Snyder was born on January 26, 1928 in Louisville, KY, to a working-class family. He would often say he was "a poor boy from the other side of the tracks in a cold-water flat." His upbringing during the Great Depression and the work ethic taught to him by his mother and father would serve Gene well in future years.

Gene worked his way through college and law school and earned a law degree from the University of Louisville at the ripe young age of 26. He was appointed to his first political post as Jeffersontown city attorney.

In 1962, Louisville Republican leaders saw they had a great young candidate and backed him for his first race for Congress. Gene won that race and represented the people of Kentucky's third congressional district for the next 2 years. Gene unfortunately lost reelection in 1964, but as he did all of his life, he bounced back and in 1966 he won the fourth congressional seat. He would serve and hold that seat with distinction for the next 20 years.

Gene was instrumental in bringing a number of important infrastructure projects back to Kentucky while serving on the Public Works Committee. One of his greatest achievements is a freeway that bears his name in Louisville, KY.

Gene Snyder worked hard to make sure Kentucky got its fair share from the Federal Government. But I think the most important thing he did was to validate conservatism in the Commonwealth of Kentucky. Back in the early 1960s, you couldn't count on one hand the number of Republicans in Kentucky. Gene Snyder was the first brick in the foundation of what the Republican Party is today in Kentucky.

Gene had something lacking in today's world of weekly polls and political consultants. Gene had conservative principles and never wavered from those principles. Gene Snyder actually stood for something. That is why I consider Gene Snyder one of my political mentors. I would not be standing here in the well of this great Senate if it were not for Gene Snyder.

My wife Mary and I extend our thoughts and prayers to Pat, Gene's beloved wife, and the entire Snyder family. Gene was a true patriot and a great American who loved the Commonwealth of Kentucky and the citizens he represented.

AMERICAN ASSOCIATION OF INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association of Intellectual & Developmental Disabilities in recognizing the recipients of the 2007 Direct Service Professional Award. These individuals are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They do their work every day with little public recognition, providing valued care and assistance that is unknown except to those with whom they work.

It is my honor and privilege to recognize the Illinois recipients of AAIDD's 2007 Direct Service Professional Award: Rachel Bailey, Chuck Biggs, Bonnie Brunk, Dave Davis, Debra Jargstorf, Vanessa Kochevar, Carolyn Linnert, Nikki Miller, Donzetta Ragsdale, John Ramos, Tony Rogers, Ylanza Stockweather, Jill Tyszko, and Yvonne Wright.

I know my fellow Senators will join me in congratulating the winners of the 2007 Direct Service Professional Award. I applaud their dedication and thank them for their service.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. On February 27, 2007, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, today I ask unanimous consent to have printed in the Record a copy of the rules of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

There being no objection, the material was ordered to be printed in the Record, as follows:

Rules of Procedure of the Committee on Homeland Security and Government Affairs; Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia

(1) Subcommittee rules.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) Quorums.

(A) Transaction of routine business.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

(B) Taking testimony.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) Proxies prohibited in establishment of quorum.—Proxies shall not be considered for the establishment of a quorum.

(3) Subcommittee subpoenas.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. On February 27, 2007, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have printed in the RECORD a copy of the rules of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS; SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

(2) QUORUMS.—

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 16, 2007, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of the rules of the Permanent Subcommittee on Investigations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

110TH CONGRESS—RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AS ADOPTED FEBRUARY 16, 2007

(1) No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or the approval of a Majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member or the Minority counsel. Preliminary inquiries may be undertaken by the Minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the Ranking Minority Member with notice of such approval to all Members.

No public hearing shall be held if the Minority Members unanimously object, unless the full Committee on Homeland Security and Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

(2) Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

(3) The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

(4) If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(5) For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that one member of the minority is present.

(6) All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

(7) If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his or her representative or any law enforcement official to eject said person from the hearing room.

(8) Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates

a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

(9) DEPOSITIONS.—

(9.1) NOTICE.—Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

(9.2) COUNSEL.—Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

(9.3) PROCEDURE.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him or her. If the Chairman or designated Member overrules the objection, he or she may refer the matter to the Subcommittee or he or she may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Subcommittee.

(9.4) FILING.—The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

(10) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

(11) A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights, shall not be directed at him or her. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

(12) An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her own testimony, whether in public or executive session, shall be made available for inspection by witness or his or her counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests.

(13) Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

(14) Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

(15) Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or her or otherwise adversely affect his or her reputation, may (a) request to appear personally before the Subcommittee to testify in his or her own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests the filing of his or her sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his or her sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

(16) All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

(17) No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members.

(18) The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff members and clerical assistants as he or she deems advisable. The total compensation allocated to such Minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff members shall work under the direction and supervision of the Ranking Minority Member. The Chief Counsel for the Minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

(19) When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 21, 2007, in Boulder, CO, a Naropa University lesbian student was attacked by two men. These two men made sexual advances towards the student. When she informed them that she was a lesbian, they attacked her. She was kicked and punched several times and had to be treated for serious body injuries at a nearby hospital. The police are investigating this as a possible hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO HENRY WADSWORTH LONGFELLOW

Mr. KENNEDY. Mr. President, yesterday, February 27 marked the 200th anniversary of the birth of one of America's greatest and best loved poets, Henry Wadsworth Longfellow. His magnificent poems portray the unique character of the Nation and its history and are an essential part of our cultural legacy.

He is especially beloved in Massachusetts. He was a member of the Harvard faculty for many years, and the beautiful Longfellow House and the Longfellow National Historic site are among the most popular sites in our State for residents and tourists alike.

He was famed throughout the world for his extraordinary narrative poems, and in his later years he was known as "the grand old man of American letters." One of his classic poems in the genre was "The Building of the Ship," which drew on his love of the sea and knowledge of ship building from his early years in Portland, ME. Two lines near the end are some of his most famous "Thou, too, sail on, O Ship of State! Sail on, O Union, strong and great!" which President Abraham Lincoln found immensely inspiring.

Another of his most famous narrative poems is "Paul Revere's Ride," which has always been a special favorite of mine. It tells the remarkable story of that early American patriot and his dramatic ride from Boston to Lexington and Concord at the beginning of the Revolutionary War. It is one of the most well-known poems in America, which students have memorized for generations.

On this bicentennial anniversary of his birth, I would like to share that poem with my colleagues. I ask unanimous consent that it be printed in the RECORD.

PAUL REVERE'S RIDE

Listen my children and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.

He said to his friend, "If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal light,—
One if by land, and two if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm."

Then he said "Good-night!" and with muffled oar
Silently rowed to the Charlestown shore,
Just as the moon rose over the bay,
Where swinging wide at her moorings lay
The Somerset, British man-of-war;
A phantom ship, with each mast and spar
Across the moon like a prison bar,
And a huge black hulk, that was magnified
By its own reflection in the tide.

Meanwhile, his friend through alley and street
Wanders and watches, with eager ears,
Till in the silence around him he hears
The muster of men at the barrack door,
The sound of arms, and the tramp of feet,
And the measured tread of the grenadiers,
Marching down to their boats on the shore.

Then he climbed the tower of the Old North Church,
By the wooden stairs, with stealthy tread,
To the belfry chamber overhead,
And startled the pigeons from their perch
On the sombre rafters, that round him made
Masses and moving shapes of shade,—
By the trembling ladder, steep and tall,
To the highest window in the wall,
Where he paused to listen and look down
A moment on the roofs of the town
And the moonlight flowing over all.

Beneath, in the churchyard, lay the dead,
In their night encampment on the hill,
Wrapped in silence so deep and still
That he could hear, like a sentinel's tread,
The watchful night-wind, as it went
Creeping along from tent to tent,
And seeming to whisper, "All is well!"
A moment only he feels the spell
Of the place and the hour, and the secret dread
Of the lonely belfry and the dead;
For suddenly all his thoughts are bent
On a shadowy something far away,
Where the river widens to meet the bay,—
A line of black that bends and floats
On the rising tide like a bridge of boats.

Meanwhile, impatient to mount and ride,
Booted and spurred, with a heavy stride
On the opposite shore walked Paul Revere.
Now he patted his horse's side,
Now he gazed at the landscape far and near,
Then, impetuous, stamped the earth,
And turned and tightened his saddle girth;
But mostly he watched with eager search
The belfry tower of the Old North Church,
As it rose above the graves on the hill,
Lonely and spectral and sombre and still.
And lo! as he looks, on the belfry's height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he turns,
But lingers and gazes, till full on his sight
A second lamp in the belfry burns.

A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the dark,
And beneath, from the pebbles, in passing, a spark
Struck out by a steed flying fearless and fleet;
That was all! And yet, through the gloom and the light,
The fate of a nation was riding that night;
And the spark struck out by that steed, in his flight,
Kindled the land into flame with its heat.
He has left the village and mounted the steep,
And beneath him, tranquil and broad and deep,
Is the Mystic, meeting the ocean tides;
And under the alders that skirt its edge,
Now soft on the sand, now loud on the ledge,
Is heard the tramp of his steed as he rides.

It was twelve by the village clock
When he crossed the bridge into Medford town.
He heard the crowing of the cock,
And the barking of the farmer's dog,
And felt the damp of the river fog,
That rises after the sun goes down.

It was one by the village clock,
When he galloped into Lexington.
He saw the gilded weathercock
Swim in the moonlight as he passed,
And the meeting-house windows, black and bare,
Gaze at him with a spectral glare,
As if they already stood aghast
At the bloody work they would look upon.

It was two by the village clock,
When he came to the bridge in Concord town.
He heard the bleating of the flock,
And the twitter of birds among the trees,
And felt the breath of the morning breeze
Blowing over the meadow brown.
And one was safe and asleep in his bed
Who at the bridge would be first to fall,
Who that day would be lying dead,
Pierced by a British musket ball.

You know the rest. In the books you have read
How the British Regulars fired and fled,——
How the farmers gave them ball for ball,
From behind each fence and farmyard wall,
Chasing the redcoats down the lane,
Then crossing the fields to emerge again
Under the trees at the turn of the road,
And only pausing to fire and load.

So through the night rode Paul Revere;
And so through the night went his cry of alarm
To every Middlesex village and farm,——
A cry of defiance, and not of fear,
A voice in the darkness, a knock at the door,
And a word that shall echo for evermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

—Henry Wadsworth Longfellow.

ADDITIONAL STATEMENTS

WE THE PEOPLE NATIONAL FINALISTS

• Mrs. LINCOLN. Mr. President, from April 28 to 30, 2007, more than 1,200 students from across the country will visit Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People Program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the State of Arkansas will be represented by a class from Pottsville High School at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that results of independent studies of this nationally acclaimed program reveal that We the People students have knowledge gains that are superior to students who have not participated in the program. Students also display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With many reports and surveys indicating a lack of civic knowledge and civic participation, I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

The names of these outstanding students from Pottsville High School are Jimmy Freeman, Amber Fuentes, Dustin Harrell, Zach Murdoch, Brent Pless, James Schell, Hannah Walker, Hannah Williamson, and Tyler Winchell.

I also wish to commend the teacher of the class, James Wagner, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Jeff Wittingham, the State coordinator, and Marilyn Friga, the district coordinator, who are among those responsible for implementing the We the People Program in my State.

I wish these students much success as they prepare to compete at the We the People national finals and applaud their exceptional achievement.•

COMMENDING DICK MUNSON

• Mr. REED. Mr. President, on behalf of the 29 members of the Northeast-Midwest Senate Coalition, I commend Richard Munson for his distinguished service as the director of the Northeast-Midwest Institute. For more than two decades through four Presidential administrations, 10 Congresses, and dramatic changes in our Nation's political landscape—Mr. Munson's leadership has kept the institute at the forefront of policy innovations to benefit our region.

Formed in the mid-1970s, the institute works with the bipartisan Northeast-Midwest Senate and Congressional Coalitions to develop and implement policies that promote the economic vitality and environmental quality of the region's 18 States. As the institute's lead strategist, Mr. Munson has collaborated with the coalitions' leaders and task forces to identify the region's pressing concerns, deliver high quality research about policies to address them, and provide information that made a compelling case for legislation.

Mr. Munson brought to the institute an unparalleled grasp of the internal workings of Congress. In 1993, he authored the Cardinals of Capitol Hill, a story about the men and women who control government spending which former House Budget Committee Chairman James Jones said "should be required reading for those who want to understand our government." Mr. Munson also provided expertise in energy efficiency and utility regulation, demonstrated in his book, "The Power Makers," and more recently, "From Edison to Enron: The Business of Power and What It Means for the Future of Electricity."

To complement his own skills and knowledge, Mr. Munson enlisted a staff of seasoned policy entrepreneurs, affording them the flexibility and latitude to launch groundbreaking initiatives from Great Lakes restoration to brownfields revitalization to community-based agriculture. Much of the institute's success has been rooted in Mr. Munson's conviction that economic progress and environmental enhancement are inextricably linked.

His extensive legacy includes the institute's work to help craft the Nation's first pollution prevention law instituting the paradigm shift to acknowledge that waste generation not only pollutes the environment but also exacts economic costs. In 1991 the Institute held the first national conference on salvaging the Nation's abandoned and underused brownfield sites. The conference spurred a decade of research and education that paved the way for passage of the Brownfield Revitalization and Environmental Restoration Act in 2002.

Under Mr. Munson's leadership, the institute also concentrated relentlessly on Great Lakes restoration, leading to passage of the Great Lakes Legacy Act. He was instrumental in launching the Great Lakes Cities Initiative, enabling the region's mayors to share best practices and obtain a seat at the policymaking table. And in direct response to the critical threat of invasive species to the Great Lakes, the Institute created the Great Ships Initiative to engage ports, shipping companies, and shippers in combating the problem.

With the 2002 farm bill, the institute began collaborating with states and policy partners to promote entrepreneurial agriculture, private lands conservation, and community-based approaches to reducing hunger and improving public health. The institute continues advancing these principles by facilitating the Farm and Food Policy Project, a collaborative effort working toward a more sustainable food and agricultural system for the United States.

In addition to advancing policy initiatives, Mr. Munson has helped the coalitions resist pressure from other regions to cut funding for programs that are most important to the Northeast and Midwest—and oversaw the institute's hallmark reports that reveal the flow of Federal funds to States. His leadership in the perennial fight for the Low—Income Home Energy Assistance Program, LIHEAP, helped the coalitions sustain funding for the program and add an extra $1 billion for LIHEAP in 2006. Working with the coalitions and Senate and House manufacturing task forces, the institute helped rescue the Manufacturing Extension Partnership from elimination preserving a program that boosts manufacturing capacity throughout our region.

Mr. Munson came to the institute from the Center for Renewable Resources and Solar Lobby, where he served as executive director from 1979 to 1983. With his departure from the institute, I wish him luck on his new endeavor as a cofounder of a new company—Recycled Energy Development—that seeks to bring to fruition many of the ideas that have been his passion for 30 years.•

2007 WE THE PEOPLE NATIONAL FINALS

• Mr. SMITH. Mr. President, today I wish to recognize the more than 1,200 students from across the country who will visit Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights.

I am proud to announce that the State of Oregon will be represented by Grant High School from Portland at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. With many reports and surveys indicating the lack of civic knowledge and civic participation I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

Mr. President, the names of these outstanding students from Grant High School are:

Phoebe Anderson-Dana, Alex Barbour, Rachael Bortin, Rachael Bosworth, Andrew Carlson, Alma Chapa, Daniel Cruse, Casey Daline, Camille Faulkner, Rebecca Fischer, Laura Harris, Tiffany Harrison, Kristin Ivie, Mark Johnston, Madeline Jones, Jennifer Kemp, Sally Larkins, Sarah Lazzeroni, Julia Liedel, Benjamin MacCormack-Gelles, Edward Maisha, Zachary Mayer, Eamon McMahon, Asumi Ohgushi, Phung Phan, Stephanie Phoutrides, Hugh Runyun, Riley Scheid, Emily Schorr, Cassidy Slaughter-Mason, Annie Soga, Jack Stephens, Annabelle Thomas, Annika Tohlen, and Kathleen Ward.

I also commend the teacher of the class, Mr. Geoff Henderson, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Ms. Marilyn Cover, the State coordinator, and Ms. Diane Thelen-Sager, the district coordinator, who are among those responsible for implementing the We the People program in my State.

This group of students from Grant High School has brought pride to the State of Oregon, and I ask my colleagues to join me in congratulating them for their exceptional achievement.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN ACTIONS AND POLICIES INTENDED TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2007.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2007.*

MESSAGE FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 494. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

H.R. 644. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brown fields.

H.R. 755. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

H.R. 884. An act to provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes.

H.R. 990. An act to provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program.

H.R. 1066. An act to increase community development investments by depository institutions, and for other purposes.

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 47. Concurrent resolution supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor.

H. Con. Res. 74. Concurrent resolution expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 494. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan; to the Committee on Homeland Security and Governmental Affairs.

H.R. 644. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 755. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 884. An act to provide for the establishment of the Science and Technology Homeland Security International Cooperative Programs Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 990. To provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1066. An act to increase community development investments by depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 74. Concurrent resolution expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-849. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft on February 24, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-850. A communication from the Assistant Secretary (Community Planning and Development), Department of Housing and Urban Development, transmitting, pursuant to law, the first Annual Homeless Assessment Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-851. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting, pursuant to law, the Corporation's Grant and Legislative Request for fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-852. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Report to Congress on Implementing the Children's Online Privacy Protection Act (February 2007)"; to the Committee on Commerce, Science, and Transportation.

EC-853. A communication from the Secretary of Energy, transmitting, the report of legislation that authorizes the Secretary to use expedited procedures to promulgate rules establishing energy conservation standards; to the Committee on Energy and Natural Resources.

EC-854. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf and Oil Spill Financial Responsibility for Offshore Facilities—Civil Penalties" (RIN1010-AD39) received on February 27, 2007; to the Committee on Energy and Natural Resources.

EC-855. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf—Incorporate API RP 65 for Cementing Shallow Water Flow Zones" (RIN1010–AD19) received on February 27, 2007; to the Committee on Energy and Natural Resources.

EC–856. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Tennessee Federal Regulatory Program" (RIN1029–AC50) received on February 27, 2007; to the Committee on Energy and Natural Resources.

EC–857. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Statute of Limitations on Assessment Concerning Certain Individual Filing Income Tax Returns With the USVI" (Notice 2007–19) received on February 26, 2007; to the Committee on Finance.

EC–858. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Notice 2007–31) received on February 26, 2007; to the Committee on Finance.

EC–859. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revised Housing Cost Amounts Eligible for Exclusion or Deduction" (Notice 2007–25) received on February 26, 2007; to the Committee on Finance.

EC–860. A communication from the Acting Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Optometrists as 'Acceptable Medical Sources' to Establish a Medically Determinable Impairment" (RIN0960–AG05) received on February 27, 2007; to the Committee on Finance.

EC–861. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the authorization of the use of funds in Peacekeeping Operations; to the Committee on Foreign Relations.

EC–862. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the exports that fall under the Arms Export Control Act considered eligible for approval by the Administration; to the Committee on Foreign Relations.

EC–863. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–864. A communication from the U.S. Global Aids Coordinator, Department of State, transmitting, pursuant to law, a report entitled "The Power of Partnerships"; to the Committee on Foreign Relations.

EC–865. A communication from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Electrical Standard" (RIN1218–AB95) received on February 27, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–866. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a proposal for a human resources demonstration project within the National Nuclear Security Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–867. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–19, "Lower Georgia Avenue Job Training Center Funding Authorization Temporary Act of 2007" received on February 27, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–868. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–18, "Exploratory Committee Regulation Temporary Amendment Act of 2007" received on February 27, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–869. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–17, "Ballpark Hard and Soft Costs Cap Temporary Act of 2007" received on February 27, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–870. A communication from the Principal Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR Part 61 Preparation of Rolls of Indiana" (RIN1076–AE44) received on February 27, 2007; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Committee on Rules and Administration, without amendment:

S. Res. 89. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 699. A bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. BAUCUS, Mr. GRASSLEY, Mr. ALLARD, Mr. SALAZAR, Mr. SMITH, Mr. REID, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENZI, Mr. PRYOR, Mr. CRAIG, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COCHRAN, and Mr. BROWNBACK):

S. 700. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 701. A bill to amend the Internal Revenue Code of 1986 to impose a temporary oil profit fee and to use the proceeds of the fee collected to provide a Strategic Energy Fund and expand certain energy tax incentives, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. KENNEDY, and Mr. DURBIN):

S. 702. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 703. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Ms. SNOWE):

S. 704. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself, Mr. THOMAS, Ms. STABENOW, Mr. GRASSLEY, and Mr. HARKIN):

S. 705. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 706. A bill to amend title XVIII of the Social Security Act to repeal the MA Regional Plan Stabilization Fund; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 707. A bill to provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. COCHRAN, and Mr. DURBIN):

S. 708. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. COCHRAN, Mr. DURBIN, Mrs. LINCOLN, and Mr. CRAIG):

S. 709. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 710. A bill to reauthorize the programs for the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

By Mr. SMITH (for himself, Mr. DORGAN, and Mr. PRYOR):

S. 711. A bill to amend the Communications Act of 1934 to expand the contribution base for universal service, establish a separate account within the universal service fund to support the deployment of broadband service in unserved areas of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 712. A bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes; to the Committee on Finance.

By Mr. OBAMA (for himself, Mrs. MCCASKILL, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SANDERS, Ms. SNOWE, and Mr. CONRAD):

S. 713. A bill to ensure dignity in care for members of the Armed Forces recovering from injuries; to the Committee on Armed Services.

By Mr. AKAKA:

S. 714. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. LANDRIEU (for herself, Mr. KERRY, Ms. SNOWE, and Mr. VITTER):

S. 715. A bill to amend the Small Business Act to provide expedited disaster assistance, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. COLEMAN (for himself, Mr. REID, Mr. MARTINEZ, Mr. SMITH, and Mr. KOHL):

S. 716. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. TESTER):

S. 717. A bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. CRAPO):

S. 718. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. KENNEDY, and Mr. REED):

S. 719. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. KENNEDY):

S. Res. 88. A resolution honoring the extraordinary achievements of Massachusetts Governor Deval Patrick; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. Res. 89. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009; from the Committee on Rules and Administration; placed on the calendar.

By Ms. COLLINS (for herself, Mr. OBAMA, Mr. DOMENICI, Mr. THOMAS, and Mr. COCHRAN):

S. Res. 90. A resolution commending students who participated in the United States Senate Youth Program between 1962 and 2007; considered and agreed to.

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 91. A resolution designating March 2, 2007, as "Read Across America Day"; considered and agreed to.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. Con. Res. 14. A concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 185

At the request of Mr. SPECTER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 185, supra.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 241

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 241, a bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. SMITH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 336

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 336, a bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes.

S. 378

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 431

At the request of Mr. McCAIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 485

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 485, a bill to amend the Clean Air Act to establish an economy-wide global warming pollution emission cap-and-trade program to assist the economy in transitioning to new clean energy technologies, to protect employees and affected communities, to protect companies and consumers from significant increases in energy costs, and for other purposes.

S. 535

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 558

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 576

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 579

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), the Senator from Nevada (Mr. ENSIGN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 634

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 659

At the request of Mr. HAGEL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 678

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. BOXER), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. RES. 78

At the request of Mr. HAGEL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 78, a resolution designating April 2007 as "National Autism Awareness Month" and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 84

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 84, a resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

S. RES. 86

At the request of Mr. SALAZAR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 86, a resolution designating March 1, 2007, as "Siblings Connection Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 699. A bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes; to the Committee on the Judiciary.

Mr. ALLARD. Mr. President, I will be introducing a piece of legislation today which is a bill to cut at the heart of a rampant problem in this country; that is, identity theft.

Last month, a bipartisan group of Senators and I met with Secretary Chertoff on this very issue. Secretary Chertoff explained that under current law, Government agencies are prevented from sharing information with one another that, if shared, could expose cases of identity theft. My bill tears down the wall that prevents the sharing of existing information among Government agencies. It permits the Commissioner of Social Security to secure information with the Secretary of Homeland Security where such information is likely to assist in discovering identity theft, Social Security number misuse, or violations of immigration law.

Specifically, it requires the Commissioner to inform the Secretary of Homeland Security upon discovery of a Social Security account number being used with multiple names or where an individual has more than one person reporting earnings for him or her during a single tax year. It seems logical that we would already be doing this, but we are not. In the meantime, identity theft is plaguing innocent victims all across the country. We were reminded of the pervasiveness of this problem by the recent ICE raids of six Swift and Company meat-packing plants across the country last December. In total, agents apprehended 1,282 illegal alien workers on administrative immigration violations. Of these, 65 have also been charged with criminal violations related to identity theft or other violations.

Unfortunately, for the victims of identity theft, by the time the identity theft is discovered, the damage has already been done. Ranked fifth in the Nation for identity theft, citizens of Colorado are no strangers to identity theft. For instance, an 84-year-old Grand Junction woman was deemed ineligible for Federal housing assistance because her Social Security number was being used at a variety of jobs in Denver, making her income too high to qualify. A 10-year-old child in Douglas County had his identity stolen, and his Social Security number was being used at 17 different jobs. Others get stuck with big tax bills for wages they never earned.

Clearly, identity theft is an issue that affects people of all ages and walks of life. Yet when the Social Security Administration has reason to believe that a Social Security number is being used fraudulently, they are prevented from sharing it with the Department of Homeland Security. Withholding this information effectively enables thieves to continue to perpetrate the crime of identity theft against innocent victims. By simply sharing this information, cases of identity theft could be discovered much sooner. Victims of identity theft deserve to have this existing information acted on, and my bill allows for this to happen. I urge colleagues to support this commonsense legislation.

Later on, when we are on S. 4, called Improving America's Security Act, which deals with implementation of more of the 9/11 Commission recommendations, I plan on offering an amendment that has similar language to this bill. This is an issue which is extremely important to victims. It is something we should address. I will give the Senate plenty of opportunity to deal with this issue.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. BAUCUS, Mr. GRASSLEY, Mr. ALLARD, Mr. SALAZAR, Mr. SMITH, Mr. REID, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENZI, Mr. PRYOR, Mr. CRAIG, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COCHRAN, and Mr. BROWNBACK):

S. 700. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today with my colleagues, 16 bipartisan cosponsors, to introduce the S. 700. Approximately 1 year ago, Senator LINCOLN and I introduced the Collaboration for the Recovery of the Endangered Species Act, or CRESA, an earlier bill to amend the Endangered Species Act or ESA. S. 700 is an updated version of the Endangered Species Recovery Act or ESRA, which we introduced on December 6, 2006. Like ESRA, S. 700 does not amend the current ESA, but builds on ideas set forth in the original CRESA. It creates policies that finance the recovery of endangered species by private landowners. S. 700 makes it simpler for landowners to get involved in conservation and reduces the conflict that often emanates from the ESA. It will be an important codification of much-needed incentives to help recover endangered species. And, since the introduction of CRESA 1 year ago, I'm proud to count over 100 different species and landowner organizations and advocates that have partnered with us in support of this important tax legislation.

Over 80 percent of endangered species live on private property. Under the current law, however, there are too few incentives and too many obstacles for private landowners to participate in conservation agreements to help recover species. S. 700, like the voluntary farm bill conservation programs that inspired its creation, will make it more attractive for private landowners to contribute to the recovery of species under the ESA.

This bill resulted from effective and inclusive collaboration among key stakeholders most affected by the implementation of the ESA. Landowner interests include farmers, ranchers, and those from the natural resource-using communities. For example, some current supporters of S. 700 who contributed invaluable advice are the American Farm Bureau and the Society of American Foresters. This could not rightly be called a collaborative project without the vital and necessary input received from the Defenders of Wildlife, Environmental Defense and the National Wildlife Federation—key environmental groups that made significant contributions. They understand that landowner must be treated as allies to ensure success in the long-run for the conservation of habitat and species. Finally, while the genesis of this bill has many roots, a passionate catalyst was James Cummins of Mississippi Fish and Wildlife Foundation, whose great concern for the outdoors provided inspiration to move these ideas forward.

These experts worked together to craft S. 700, which provides new tax incentives for private landowners who voluntarily contribute to the recovery of endangered species. The tax credits will reimburse landowners for property rights affected by agreements that include conservation easements and costs incurred by species management plans.

For landowners who limit their property rights through conservation easements, there will be 100 percent compensation of all costs. That percentage declines to 75 percent for 30-year easements and 50 percent for cost-share agreements.

It is worth noting that this is the same formula that works successfully for farm bill programs such as the Wetlands Reserve Program. Private property owners are appropriately rewarded for crucial ecological services that they provide on their property. The public benefits from these services, which ensure biodiversity. While the primary returns from this investment are protection and recovery of endangered species, the public will also undoubtedly gain additional benefits such as aesthetically pleasing open space, a reduction in the number of invasive species and enhanced water quality.

The legislation provides a list of options that give landowners a choice—a crucial element for the success of this proposal. For some landowners, a conservation easement will be the most attractive option. Easements are flexible tools that can be tailored to each landowner and species' interests. An easement restricts certain activities, but it still works well with traditional rural activities such as ranching and farming. For agreements without easements, there is flexibility to do what is necessary for the concerned species without the need to sacrifice property rights into perpetuity.

The tax credits provide essential funding that is necessary to respect private property rights. Wildlife should be an asset rather than a liability, which is how it has sometimes been viewed under the ESA. With wildlife becoming valuable to a landowner, those who may have been reluctant to participate in recovery efforts in the past will be more likely to contribute with these new incentives. When people want to take part in the process and do not fear it, the likelihood of conflict and litigation is reduced. For years, this type of conflict has proven costly not only financially to individuals and the government, but also in terms of relationships between people who share the land and natural resources. With a new trust and new model for finding conservation solutions, we can improve and expand our conservation work.

Provisions have been made to accommodate landowners whose taxes may be less than the tax credit provides. Partnerships in the agreements will allow any party to an agreement to receive a credit as long as they pay or incur costs as a result of the agreement. This language will allow creative collaboration among governments, landowners, taxpayers and environmentalists, further increasing the number of people involved in finding new solutions for conservation.

Furthermore, this bill also expands tax deductions for any landowner who takes part in the recovery plans approved under the ESA, and allows landowners to exclude from taxable income certain Federal payments under conservation cost-share programs. This will allow both individuals and businesses to deduct the cost of recovery work without bureaucratic obstacles.

This bill not only sets forth the financing for private landowners, but it also makes it easier to implement the agreements. Landowners will receive technical assistance to implement the agreements. Also, to remove some legal disincentives to recover species, liability protection may be provided to protect the landowners from penalties under the ESA. This removes the fear of trying to help endangered species. Currently, more species usually just means more liability for a landowner.

As a result of these incentives, I expect to see a phenomenal increase in the number of success stories. These stories will sound familiar to those creative collaborators working on the ground now where we have learned that the types of tools provided in this bill can work if offered consistently.

The Endangered Species Recovery Act is very exciting to those of us who value protecting our natural resources. It provides collaborative, creative ways to balance conservation with economic uses of our natural resources. It also preserves rural ways of life. I look forward to working with my colleagues in the Senate and House to move ahead with this legislation which will provide a new model for conservation to do better work. I look forward to working with my colleagues in the Senate and House to move ahead with this legislation.

I am deeply grateful to my colleagues from Arkansas, Iowa and Montana for their essential expertise and support to create S. 700. I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. KOHL (for himself, Mr. KENNEDY, and Mr. DURBIN):

S. 702. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with Senator KENNEDY and Senator DURBIN, to introduce the State Court Interpreter Grant Program Act of 2007. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective State court interpreter programs, helping to ensure fair trials for individuals with limited English proficiency.

States are already legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Unfortunately, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding State court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 19 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than "very well" was more than 21 million, approaching twice what the number was ten years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a committee established by the Supreme Court called the State's interpreter program "backward," and said that the lack of qualified interpreters "undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly." When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation, and because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court. In recent testimony before the Judiciary Committee, Justice Kennedy described a particularly alarming situation where bilingual jurors can understand what the witness is saying and then interrupt the proceeding when an interpreter has not accurately represented the witness's testimony. Justice Kennedy agrees that the lack of qualified court interpreters poses a significant threat to our judicial system and emphasized the importance of addressing the issue.

This legislation does just that by authorizing $15 million per year, over five years, for a State Court Interpreter Grant Program. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for states that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a perfect example of that. When Wisconsin's program got off the ground in 2004, using State money and a $250,000 Federal grant, certified interpreters were scarce. Now, just two years later, it has 43 certified interpreters. Most of those are Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language and Russian. The list of provisional interpreters—those who have received training and passed written tests—is much longer and includes individuals trained in Arabic, Hmong, Korean, and other languages. All of this progress in only two years, and with only $250,000 of federal assistance.

This legislation has the strong support of state court administrators and state supreme court justices around the country.

Our States are facing this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them have been unable to keep up with the demand. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier, so I strongly urge my colleagues to support this critical legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Court Interpreter Grant Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 36 States have developed, or are developing, qualified court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that are required to be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

(4) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this section—

(A) the District of Columbia shall be treated as a State; and

(B) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2008 through 2012 to carry out this Act.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 703. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator KENNEDY to introduce the Family Reunification Act, a measure designed to remedy a regrettable injustice in our immigration laws. A minor oversight in the law has led to an unfortunate, and likely unintended, consequence. Parents of U.S. citizens are currently able to enter the country as legal permanent residents, but our laws do not permit their minor children to join them. Simply put, the Family Reunification Act will close this loophole by including the minor siblings of U.S. citizens in the legal definition of "immediate relative." This legislation will ensure that our immigration laws can better accomplish one of the most important policy goals behind them—the goal of strengthening the family unit.

Congress took an important first step in promoting family reunification when it enacted the Immigration and Nationality Act. By qualifying as "immediate relatives," this law currently offers parents, spouses and children of U.S. citizens the ability to obtain an immigrant visas to enter the country.

We can all agree that this is good immigration policy. Unfortunately, an oversight in this law has undermined the effectiveness of the important principle of family reunification. Each year, a number of families—in Wisconsin and across the country—are finding that they cannot take advantage of this family reunification provision.

Today, U.S. citizens often petition for their parents to be admitted to the United States as "immediate relatives." As I have said, that is clearly allowed under current law. It is not always quite that simple, though. In a small number of cases, a problem arises when these U.S. citizens have minor siblings. Since they do not qualify as an "immediate relative," the minor siblings are denied admission. So, a young man or woman can bring his parents into the country, but not his or her five year old brother or sister. Because the parents are unable to leave a young child behind, the child is not the only family member who does not come to the United States. The parents—forced to choose between their children—are effectively prevented from coming to this country as well. The result, then, is that we are unnecessarily keeping families apart by excluding minor siblings from the definition of immediate relative.

For example, one family in my home State of Wisconsin is truly a textbook example of what is wrong with this law. Effiong and Ekom Okon, both U.S. citizens by birth, requested that their parents, who were living in Nigeria, be admitted to as "immediate relatives." The law clearly allows for this. Their father, Leo, had already joined them in Wisconsin, and their mother, Grace, was in possession of a visa, ready to join the rest of her family. However, Grace was unable to join her husband and sons in the United States because their six-year-old daughter, Daramfon, did not qualify as an "immediate relative." Because it would be unthinkable for her to abandon her small child, Grace was forced to stay behind in Nigeria, separated from the rest of her family. That is not what this law was intended to accomplish.

It is difficult to determine the full extent of this problem. Because minor siblings do not qualify for visas, the Department of Homeland Security (DHS) does not keep track of how many families have been adversely affected. What we do know, however, is that the cases in my home State are not unique. Though the number is admittedly not large, DHS has notified us that they run into this problem regularly, with the number reaching into the hundreds each year. So, this change will not lead to an influx of many immigrants, but it will reunite a number of families who have unnecessarily been kept apart.

If only one family suffers because of this loophole, I would suggest that changes should be made. The fact that there have been numerous cases, probably in the hundreds, demands that we address this issue now.

Many parts of our immigration laws are outdated and in need of repair. The definition of "immediate relative" is no different. Congress's intent when it granted "immediate relatives" the right to obtain immigrant visas was to promote family reunification, but the unfortunate oversight which Senator KENNEDY and I have highlighted has interfered with many families' opportunity to do just that. The legislation introduced today would expand the definition of "immediate relative" to include the minor siblings of U.S. citizens. By doing so, we can truly provide our fellow citizens with the ability to reunite with their family members. This is a simple and modest solution to an unfortunate problem that too many families have already had to face. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF IMMEDIATE RELATIVE.

Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting "For purposes of this subsection, a child of a parent of a citizen of the United States shall be considered an immediate relative if the child is accompanying or following to join the parent." after "at least 21 years of age.".

By Mr. NELSON of Florida (for himself and Ms. SNOWE):

S. 704. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, American consumers and public safety officials increasingly find themselves confronted by scams in the digital age. The latest scam is known as caller I.D. "spoofing." Today, I am introducing a bipartisan bill with Senator SNOWE—The Truth in Caller I.D. Act of 2007—to put an end to fraudulent caller I.D. spoofing.

It seems like every week we hear of new threats to our privacy and new ways to use telecommunications networks to endanger consumers' financial security and physical safety. For several years now, I have been fighting back against these threats, pushing legislation to combat frauds such as identity theft, the unauthorized sale of consumer telephone records and spyware. It's now time to put an end to the practice of caller I.D. spoofing.

What is caller I.D. spoofing? It's a technique that allows a telephone caller to alter the phone number that appears on the recipient's caller I.D. system. In other words, spoofing allows someone to hide behind a misleading telephone number to try to scam consumers or trick law enforcement officers.

Let me give you a few shocking examples of how caller I.D. spoofing has been exploited during the past two years:

In one very dangerous hoax, a sharpshooting SWAT team was forced to shut down a neighborhood in New Brunswick, NJ, after receiving what they believed was a legitimate distress call. But what really happened was a caller used spoofing to trick law enforcement into thinking that the emergency call was coming from a certain apartment in that neighborhood. It was all a cruel trick perpetrated with a deceptive telephone number.

In another example, identity thieves bought a number of stolen credit card numbers. They then called Western Union, set up caller I.D. information to make it look like the call originated from the credit card holder's phone line, and used the credit card numbers to order cash transfers, which the thieves then picked up.

In other instances, callers have used spoofing to pose as government officials. In recent months, there have been numerous instances of fraudsters using caller I.D. fraud to pose as court officers calling to say that a person has missed jury duty. The caller then says that a warrant will be issued for their arrest, unless a fine is paid during the call. The victim is then induced to provide credit card or bank information over the phone to pay the "fine."

Furthermore, while these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone, giving out personal information, or telling the person on the other end of the line about their current whereabouts. The results could be tragic.

According to experts, there are a number of Internet websites—with names like Tricktel.com and Spooftel.com—that sell their services to criminal and identity thieves. Any person can go to one of these websites, pay money to order a spoofed telephone number, tell the website which phone number to reach, and then place the call through a toll-free line. The recipient is then tricked when he or she sees the misleading phone number on his or her caller I.D. screen.

In essence, these websites provide the high-tech tools that identity thieves need to do their dirty work. Armed with a misleading phone number, an identity thief can call a consumer pretending to be a representative of the consumer's credit card company or bank. The thief can then ask the consumer to authenticate a request for personal account information. Once a thief gets hold of this sensitive personal information, he can access a consumer's bank account, credit card account, health information, and who knows what else.

Furthermore, even if a consumer does not become a victim of stalking or identity theft, there is a simple concept at work here. Consumers pay money for their caller I.D. service. Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and trust the person on the other end of the line.

If the caller I.D. says that my wife is calling me, when I pick up the phone I expect my wife to actually be on the other end of the line. Instead, we have fraudsters and others who want to abuse the system and disguise their true identities. That defeats the whole purpose of caller I.D.

Unfortunately, the Federal Communications Commission and the Federal Trade Commission have been slow to act on this latest scam. In the meantime, many spoofing companies and the fraudsters that use them believe their activities are, in fact, legal. Well, it's time to make it crystal clear that spoofing is a scam and is not legal.

How does the bipartisan Truth in Caller I.D. Act of 2007 address the problem of caller I.D. spoofing?

Quite simply, this bill plugs the hole in the current law and prohibits fraudsters from using caller identification services to transmit misleading or inaccurate caller I.D. information. This prohibition covers both traditional telephone calls and calls made using Voice-Over-Internet (VoIP) service.

Anyone who violates this anti-spoofing law would be subject to a penalty of $10,000 per violation or up to one year in jail, as set out in the Communications Act. Additionally, this bill empowers States to help the Federal Government track down and punish these fraudsters.

I invite my colleagues to join Senator SNOWE and myself in supporting the Truth in Caller I.D. Act of 2007. We should waste no time in protecting consumers and law enforcement authorities against caller I.D. spoofing.

I ask unanimous consent that the text of the Truth in Caller I.D. Act of 2007 be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Caller ID Act of 2007".

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

"(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, unless such transmission is exempted pursuant to paragraph (3)(B).

"(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

"(3) REGULATIONS.—

"(A) IN GENERAL.—Not later than 6 months after the enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

"(B) CONTENT OF REGULATIONS.—

"(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines appropriate.

"(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

"(I) any authorized activity of a law enforcement agency; or

"(II) a court order that specifically authorizes the use of caller identification manipulation.

"(4) REPORT.—Not later than 6 months after the enactment of this subsection, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

"(5) PENALTIES.—

"(A) CIVIL FORFEITURE.—

"(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed $10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act.

"(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

"(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

"(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

"(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than $10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

"(6) ENFORCEMENT BY STATES.—

"(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

"(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

"(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission may intervene in such civil action and upon intervening—

"(i) be heard on all matters arising in such civil action; and

"(ii) file petitions for appeal of a decision in such civil action.

"(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(E) VENUE; SERVICE OR PROCESS.—

"(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

"(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

"(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

"(F) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted an enforcement action or proceeding for violation of this subsection, the chief legal officer or other State officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

"(7) DEFINITIONS.—For purposes of this subsection:

"(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

"(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

"(C) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.

"(8) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection."

By Mr. LEVIN (for himself, Mr. THOMAS, Ms. STABENOW, Mr. GRASSLEY, and Mr. HARKIN):

S. 705. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I am pleased to join with Senators CRAIG THOMAS, DEBBIE STABENOW, CHUCK GRASSLEY and TOM HARKIN in introducing the Federal Prison Industries Competition in Contracting Act. Our bill is based on a straightforward premise: it is unfair for Federal Prison Industries to deny businesses in the private sector an opportunity to compete for sales to their own government.

We have made immeasurable progress on this issue since I first introduced a similar bill ten years ago. It may seem incredible, but at that time, Federal Prison Industries (FPI) could bar private sector companies from competing for a Federal contract. Under the law establishing Federal Prison Industries, if Federal Prison Industries said that it wanted a contract, it would get that contract, regardless whether a company in the private sector could provide the product better, cheaper, or faster.

Six years ago, the Senate took a giant step toward addressing this inequity when we voted 74–24 to end Federal Prison Industries' monopoly on Department of Defense contracts. Not only was that provision enacted into law, we were able to strengthen it with a second provision a year later. In 2004, we took another important step, enacting an appropriations provision which extends the DOD rules to other Federal agencies. This means that, for the first time, private sector companies should be able to compete against for contracts awarded by all Federal agencies.

Despite this progress, work remains to be done. We have heard reports from Federal procurement officials and from small businesses that FPI continues to claim that it retains the mandatory source status that protected it from competition for so long. This kind of misleading statement may undermine the right to compete that we have fought so hard for so long to establish.

In addition, FPI continues to sell its services into interstate commerce on an unlimited basis. I am concerned that the sale of prison labor into commerce could have the effect of undermining companies and work forces that are already in a weakened position as a result of foreign competition. We have long taken the position as a Nation that prison-made goods should not be sold into commerce, where prison wages of a few cents per hour could too easily undercut private sector competition. It is hard for me to understand why the sale of services should be treated any differently than the sale of products.

The bill that we are introducing today would address these issues by making it absolutely clear that FPI no longer has a mandatory source status, by reaffirming the critical requirement that FPI must compete for its contracts, and by carefully limiting the circumstances under which prison services may be sold into the private sector economy.

I look forward to working with my colleagues on these important issues.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 707. A bill to provide all low-income students with the same opportunity to receive a Pell Grant by suspending the tuition sensitivity provision in the Pell Grant program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator BOXER as a co-sponsor of the "Pell Grant Equity Act of 2007" that would provide all low-income students with the same opportunity to receive a Federal Pell Grant by eliminating the current tuition sensitivity provision in the Pell Grant Program.

Federal Pell Grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

However, the Pell Grant program's eligibility formula penalizes low-income students who attend very low-cost colleges by reducing the amount of the Pell Grant they can receive.

The formula bases eligibility for Pell Grant awards on the amount of tuition charged by the college and provides a lower "alternate" amount for low tuition colleges, known as the "tuition sensitivity" provision.

Community college students are significantly impacted by the tuition sensitivity provision because of low student tuition fees.

In California, due to a drop in tuition fees from $26 per unit to $20 unit, community college students enrolling this spring will otherwise be penalized with a $56 reduction in their 2007 Pell Grants and will endure another $112 hit in the 2007–2008 academic year if the tuition sensitivity provision is not eliminated.

Community college students represent approximately 46 percent of higher education students in California receiving Pell Grants and are the only ones negatively impacted by this provision.

Any reduction of these vital grants to our lowest income students would have a major impact in their ability to afford college and continue their education, and we cannot allow this to happen.

This bill would ensure that our nation's community college students are not unduly penalized for receiving an affordable education at a low-cost college.

We must continue to do all we can to make a college education more accessible and affordable for all of our Nation's students.

I urge my colleagues to join Senator BOXER and I in supporting this important legislation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 710. A bill to reauthorize the programs for the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a bill to reauthorize Title VIII of the Native American Housing Assistance and Self-Determination Act. Senator AKAKA joins me in sponsoring this measure. Title VIII provides authority for the appropriation of funds for the construction of low-income housing for Native Hawaiians and further provides authority for access to loan guarantees associated with the construction of housing to serve Native Hawaiians.

Three studies have documented the acute housing needs of Native Hawaiians—which include the highest rates of overcrowding and homelessness in the State of Hawaii. Those same studies indicate that inadequate housing rates for Native Hawaiians are amongst the highest in the Nation.

The reauthorization of Title VIII will support the continuation of efforts to assure that the native people of Hawaii may one day have access to housing opportunities that are comparable to those now enjoyed by other Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaiian Homeownership Opportunity Act of 2007".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243), as added by section 513 of Public Law 106–569 (114 Stat. 2969), is amended by striking "fiscal years" and all that follows and inserting the following: "fiscal years 2008, 2009, 2010, 2011, and 2012.".

SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), as added by section 514 of Public Law 106–569 (114 Stat. 2989), is amended as follows:

(1) AUTHORIZATION OF APPROPRIATIONS.—In subsection (j)(7), by striking "fiscal years" and all that follows and inserting the following: "fiscal years 2008, 2009, 2010, 2011, and 2012.".

(2) AUTHORITY.—In subsection (b), by striking "or as a result of a lack of access to private financial markets".

(3) ELIGIBLE HOUSING.—In subsection (c), by striking paragraph (2) and inserting the following new paragraph:

"(2) ELIGIBLE HOUSING.—The loan will be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing and are located on Hawaiian Home Lands.".

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAIIAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended as follows:

(1) HEADING.—In the heading for the title, by inserting "**AND NATIVE HAWAIIAN**" after "**TRIBAL**".

(2) AUTHORITY AND REQUIREMENTS.—In section 601 (25 U.S.C. 4191)——

(A) in subsection (a)—

(i) by inserting "or by the Department of Hawaiian Home. Lands," after "tribal approval,"; and

(ii) by inserting "or 810, as applicable," after "section 202" ; and

(B) in subsection (c), by inserting "or VIII, as applicable" before the period at the end.

(3) SECURITY AND REPAYMENT.—In section 602 (25 U.S.C. 4192)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "or housing entity" and inserting ", housing entity, or Department of Hawaiian Home Lands"; and

(ii) in paragraph (3)—

(I) by inserting "or Department" after "tribe";

(II) by inserting "or VIII, as applicable," after "title I"; and

(III) by inserting "or 811(b), as applicable" before the semicolon; and

(B) in subsection (b)(2), by striking "or housing entity" and inserting ", housing entity, or the Department of Hawaiian Home Lands".

(4) PAYMENT OF INTEREST.—In the first sentence of section 603 (25 U.S.C. 4193), by striking "or housing entity" and inserting ", housing entity, or the Department of Hawaiian Home Lands".

(5) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—In section 605(b) (25 U.S.C. 4195(b)), by striking "1997 through 2007" and inserting "2008 through 2012".

By Mr. OBAMA. (for himself, Mrs. MCCASKILL, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SANDERS, Ms. SNOWE, and Mr. CONRAD):

S. 713. A bill to ensure dignity in care for members of the Armed Forces recovering from injuries; to the Committee on Armed Services.

Mr. OBAMA. Mr. President, I rise today to speak about the "Dignity for Wounded Warriors Act," which I am proud to introduce with Senator MCCASKILL.

Last week, the Nation learned of the serious problems at Walter Reed Army Medical Center including decaying, cockroach-infested facilities and an overwhelmed patient-care bureaucracy. As described in a series of articles in the Washington Post by Dana Priest and Anne Hull, wounded soldiers are returning home from the battle in Iraq only to face a new battle to get the care and benefits they have earned.

These stories should not have come as a complete surprise to those who have followed the issue closely. We have long known that troops returning from battle face numerous bureaucratic hurdles when they get home. That's why I introduced legislation last year to smooth the transition from active duty to civilian life. The Lane Evans Bill expands and improves electronic medical records, face-to-face physical exams, better tracking of veterans, and other approaches to make life easier for returning veterans.

However, the stories out of Walter Reed last week did shock my conscience because, like many Senators, I have made the half-hour trek from the Capitol to visit Walter Reed. And I saw what the Army wanted the world to see: a shining world-class facility where the wounded can heal with state-of-the-art care. I never saw mold growing on the walls, or broken elevators, or the lack of adequate support for soldiers and their families. Walter Reed was supposed to be the flagship of military health care. Instead it has become an emblem of much that is wrong with the system, and a harbinger of more severe problems that may be hiding at other military hospitals and facilities that are not in the spotlight.

The problems at Walter Reed stem from complex causes, the most important of which is that the military and VA have not yet prepared for the growing flood of casualties from the Iraq war. Our injured troops did not hesitate to fight for us on the battlefield—we shouldn't make them fight again at home in order to receive the care they deserve. That is why Senator MCCASKILL and I are introducing the bipartisan Dignity for Wounded Warriors Act today. The bill will fix the problems at Walter Reed and improve care at our military hospitals and facilities.

Our bill would fix deplorable conditions at outpatient residence facilities by setting high standards and increasing accountability. Under this bipartisan measure, the standards will be clear. First, recovering soldiers' rooms will be as good or better as the best standard rooms for active-duty troops. Second, our injured heroes will not have to wait more than two weeks for maintenance problems to be repaired. Third, we will have zero tolerance for pest infestations. And finally, emergency medical personnel and crisis counselors will be available to recovering troops 24 hours a day.

The bill also tackles accountability problems. In the days following the Post stories, the Army vice chief of staff, and the Assistant Secretary of Defense for Health Affairs both said they were surprised by conditions at Walter Reed and directed blame on lower-ranking officers and noncommissioned officers. I also read in the Army Times that soldiers at Walter Reed have been warned not to talk to the media. Under our bill, we won't have to rely on the media to inform the Congress and the American people of the conditions at military hospitals. It requires that the Inspector General inspect facilities twice a year and report conditions to high-level officials and the public. Under our bill, military leaders will no longer be able to use the excuse that they didn't know conditions on the ground.

When injured servicemembers return home, they along with their family members face a mountain of paperwork and bureaucracy. From the moment a doctor determines a soldier may be unable to return to duty, it takes an average of 209 days for the military to figure out what to do with the soldier. The system is broken, and soldiers and their families are the ones who pay the price. Our bill addresses this problem by bringing the far flung parts of the military's Physical Disability Evaluation System (PDES) under one roof in each branch of the military. It also puts much of the system online so that caseworkers and servicemembers can manage their documents electronically. Today, students can apply to go to law school or business school online, without ever having to touch a piece of paper. Navigating the Pentagon bureaucracy should be that easy.

Our bill also calls for injury-specific procedures so that the most severely injured servicemembers can skip unnecessary steps. There's no reason why a soldier with a gunshot injury to the spine should face the same procedural hurdles in order to prove his injury was service-related as a soldier with less severe injuries. At the same time, nothing in our bill will prevent those servicemembers who wish to stay in the military from appealing decisions. Our bill also helps soldiers and their families navigate the PDES system with new hotlines, manuals, and an ombudsman to help answer questions.

Another problem at Walter Reed is casework. The caseworkers are doing amazing work helping soldiers schedule medical appointments, prepare paperwork, and obtain their everyday needs. However, the caseworkers are overwhelmed. Some have to care for 50 or more recovering soldiers at a time, more than double the ideal ratio. The Dignity for Wounded Warriors Act fixes this problem by forcing the Pentagon to work with each military hospital to set the ideal ratio of caseworkers to patients based on the particular needs of that facility. In the interim, our bill requires a temporary ratio of 1 caseworker for every 20 recovering servicemembers. This will push the Pentagon to begin hiring and training caseworkers right away.

This legislation also provides important new support for family members who often have to endure economic and emotional hardship to accompany their loved one through the recovery process and the currently flawed PDES process. It clarifies that non-medical attendees and family members on invitational orders may receive medical care and mental health counseling while caring for injured loved ones at military facilities. It extends employment and job placement training services to family members. And most important, this bipartisan legislation provides federal protections against a family member on invitational orders being fired. I think we can all agree that a mother should never have to choose between caring for a wounded son or daughter and keeping her job.

Secretary Gates promised a thorough investigation by outside experts and accountability for those responsible. Our bill builds on that model by establishing an Oversight Board of outside experts to review the Pentagon's progress in implementing this bill. The Board would be appointed by Congress and the executive branch and be made up of veterans, wounded soldiers, family members and experts on military medicine. The Oversight Board will be an important check to make sure the Defense Department is following through to care for recovering troops.

We cannot move fast enough to make sure our wounded troops are getting the care they need. No cost is too great. We must pass the Dignity for Wounded Warriors Act quickly and follow up with the adequate resources to ensure the men and women recovering at military hospitals across the world get the best care we can offer.

Mrs. McCASKILL. Mr. President, it is my honor to join my distinguished colleague from Illinois, Senator OBAMA, today in introducing the Dignity for Wounded Warriors Act, a bill that serves to better the experience so many recovering military servicemembers and their families have in dealing with the military healthcare system and its bureaucracy.

It is not often that you read something in the paper that makes you sick, but this is precisely the feeling I had just over a week ago as I read a Washington Post article that spoke of awful living conditions and an interminable bureaucracy being experienced by our war wounded who are receiving outpatient care at Walter Reed Army Medical Center.

I will not stand aside as those who have fought for our country come home to fight new battles against a crippling bureaucracy just to get the compensation they have more than earned. They shouldn't have to live in substandard conditions while they are recovering from their injuries.

Our legislation directly tackles these problems. The principle is simple: our wounded and recovering servicemembers must receive the best treatment. They can't live in substandard housing as they recover. And they must have a user-friendly system to help them apply for the appropriate disability and benefits compensation. It's the least we can do for all they have done for us.

For example, each military department has a standard for their dormitories and barracks. I know that not every dormitory or barracks meets the highest standard that the service sets, but that each service is steadily working to reach this standard across their facilities. It is my belief, and this bill serves to establish, that the lowest standard acceptable for a returning wounded servicemember should be the highest existing standard in each military service. Facing the daunting challenge of recovering from war wounds—both psychological and physical—our returning servicemembers should not be living among vermin and mold. They should not be placed in temporary, cramped, makeshift, ancient or transient quarters. We're not demanding the Taj Mahal. We are demanding decent living conditions to help these injured men and women.

Further, when problems exist in the living quarters of our recovering servicemembers, they should be identified and repaired quickly. This bill establishes strict measures to facilitate reporting of unsatisfactory living conditions and to mandate timely repair. It also establishes measures to ensure that independent parties are inspecting living quarters in order to prevent any syndrome whereby those closely engaged in dealing with these facilities are overly focused on completing the mission with what they have as opposed to what they should have.

I was also appalled to learn of the extensive, confusing bureaucracy that greeted our recovering servicemembers in the outpatient care process. With numerous commands, organizations, advocates, doctors, commanders and any number of others involved in the process, recovering servicemembers found themselves navigating a complicated process and often without a map. They also have to fill out numerous forms, request records, check off bureaucratic blocks, get the right language in their doctor's evaluations, document their illnesses, capture the symptoms they are experiencing and more. It is safe to say that the process poses a daunting challenge to even a fully healthy individual—but imagine the challenge for someone far from home and facing the realities of the wounds of war.

Complicating the challenges, those tasked to provide these servicemembers and their families with assistance have been faced with large caseloads and insufficient resources. This legislation requires responsible caseloads for military leaders and caseworkers—and it requires that those providing this assistance not just have a caseload that guarantees a recovering servicemember the attention they need and deserve, but that these caseworkers are well trained.

I also learned that those who come to military treatment facilities like Walter Reed to help their loved ones often face uphill battles. I am proud that this legislation reaches out to protect those loved ones who risk their livelihood to care for our recovering servicemembers by providing them medical care as well as protections to secure the jobs they leave behind.

Today, I visited Walter Reed, talked with our recovering servicemembers, toured the facilities and discussed these issues with Walter Reed's leaders. I can confidently say that those treating our servicemembers are with me—they want the very best for our recovering servicemembers and for their families. I know that the quality of care being provided at Walter Reed and at many other military hospitals is exceptional and I applaud the caregivers.

But I also know that we have all failed to provide the best service and support to many during the outpatient care process. Their living quarters were not the best. The Physical Disability

Evaluation System they experience is too bureaucratic. It is time to deliver the best. This legislation seeks to provide it.

This is fair legislation. It balances requiring immediate changes with letting the Department of Defense study what is necessary and to subsequently implement incremental change. It empowers our physicians by not requiring random timelines for medical processing or medical care, but it requires that care and processing happen with manageable, understandable and streamlined procedures that equally empowers the servicemember. And this bill requires that trained, professional and caring providers be available to recovering servicemembers and their families in sufficient numbers and in the appropriate places throughout the care process.

In closing, I want to thank Senator OBAMA for his efforts in teaming with me to produce this important legislation. But mostly I want to thank all those serving our nation in uniform today. Their sense of duty is remarkable. Their sacrifice is great. Their heroism unmatched. They have given their best to our country and our country is committed to giving them the best in return.

By Mr. AKAKA:

S. 714. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Protection Act of 2007. In 1966, Congress passed the Animal Welfare Act to prevent the abuse and mistreatment of animals and to provide assurance that family pets would not be sold for laboratory experiments. Although the Animal Welfare Act provides a solid foundation to stop the mistreatment of animals, more needs to be done to protect pets and pet owners from the actions of Class B animal dealers, also known as "random source" dealers.

Across the Nation, random source animal dealers acquire tens of thousands of dogs and cats, many of them family pets, through deceit and fraud. Some of their tactics include tricking animals owners into giving away their dogs and cats by posing as someone interested in pet adoption and the outright theft of family pets left unattended. The treatment of the animals captured and sold by random source dealers is often shocking and cruel. Hundreds of animals are kept in squalid conditions with just enough food and water to keep them alive until sold.

This bill does not address the larger issue of whether animals should or should not be used in research facilities. Medical research is one of our primary weapons in the discovery of new drugs and surgical techniques that help develop cures for life-threatening diseases and animal research has been, and continues to be, a fundamental part of scientific advances. Instead, this legislation targets the unethical practice of selling stolen pets and stray animals to research facilities. While I do not believe that research laboratories intentionally seek out fraudulently obtained animals, it does happen. And it does need to be stopped.

My bill will strengthen the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories by making funds unavailable to research facilities that purchase animals from a dealer that holds a Class B license under the Animal Welfare Act. In doing so, it also simultaneously encourages the use of legitimate sources such as USDA-licensed Class A dealers. I urge my colleagues to join me in my efforts to curb the abusive practices of random source dealers by supporting this bill.

By Ms. LANDRIEU (for herself, Mr. KERRY, Ms. SNOWE, and Mr. VITTER):

S. 715. A bill to amend the Small Business Act to provide expedited disaster assistance, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita last year. Things are better now and the region is slowly recovering. But, having luckily survived the 2006 hurricane season with no major storms, and with the 2007 season a few months away, we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred in 2005.

Today, I am proud to sponsor legislation to improve the disaster response of one agency that had a great deal of problems last year, the Small Business Administration (SBA). This bill, the "Small Business Disaster Recovery Improvement Act," makes a major improvement to the SBA's disaster response and provides them with an essential tool to ensure that they are more efficient and better prepared for future disasters—big and small. I should note that this bill is a result of intensive bipartisan work over the past couple of months on a larger SBA Disaster Reforms bill, S. 137, the "Small Business Disaster Response and Loan Improvements Act," which was introduced early in the 110th Congress. I feel strongly that this provision, an Expedited Disaster Assistance Loan Program for businesses, should be passed during this session of Congress, therefore I wanted to also introduce it in separate legislation for the 110th Congress. That said, I will continue to work with my colleagues on the Small Business Committee, Senators KERRY and SNOWE, respectively Chair and Ranking Member of the Senate Small Business Committee, as well as with my colleague Senator VITTER to include this provision along with more comprehensive SBA Disaster Assistance reforms that we hope to enact in the coming months.

After Hurricanes Katrina and Rita hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. What these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to set up an expedited disaster assistance business loan program to make short-term, low- interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA Disaster Loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricanes Katrina or Rita or 9–11, to an ice storm or drought. This legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with the storms of 2005—these expedited business loans would be very helpful.

The Small Business Disaster Recovery Improvement Act will provide an essential tool to make the SBA more proactive, flexible, and most important, more efficient during future disasters. If SBA is not in the business of short-term assistance for future disasters, I feel that we will again see businesses fail while waiting for SBA to get its act together. The agency has implemented some major changes to its Disaster Assistance Program but, if the storms of 2005 taught us anything it was that the best laid plans can fail. This Expedited Disaster Assistance Loan Program would ensure that SBA has a backup tool to provide immediate assistance to impacted businesses. Again, I look forward to working with both Senator SNOWE and Senator KERRY during the coming weeks to ensure that the SBA has everything it needs to respond to future disasters.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Disaster Recovery Assistance Improvement Act of 2007".

SEC. 2. BUSINESS EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "immediate disaster assistance" means assistance provided during the period beginning on the date on which a disaster declaration is made and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources;

(3) the term "program" means the expedited disaster assistance business loan program established under subsection (b); and

(4) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(B) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(C) shall have no prepayment penalty;

(D) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act; and

(E) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

By Mr. COLEMAN (for himself, Mr. REID, Mr. MARTINEZ, Mr. SMITH, and Mr. KOHL):

S. 716. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that my legislation, Consortium on the Impact of Technology in Aging Health Services Act of 2007, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consortium on the Impact of Technology in Aging Health Services Act of 2007".

SEC. 2. ESTABLISHMENT OF CONSORTIUM.

(a) ESTABLISHMENT.—There is established a Consortium to be known as the "Consortium on the Impact of Technology in Aging Health Services" (referred to in this Act as the "Consortium").

(b) PURPOSE.—The purpose of the Consortium is to evaluate the potential of new technologies to help the United States prepare for the unprecedented demographic changes that will occur during the next 10 years in the Nation's healthcare system.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Consortium shall be composed of 17 members, of whom—

(A) 1 member shall be appointed by the President and designated by the President as Chairperson of the Consortium;

(B) 4 members shall be appointed by the Majority Leader of the Senate;

(C) 4 members shall be appointed by the Minority Leader of the Senate;

(D) 4 members shall be appointed by the Speaker of the House of Representatives; and

(E) 4 members shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Appointments to the Consortium shall be made from individuals who are senior-level executives from the Federal Government or the private-sector who have demonstrated experience as—

(i) providers of senior, geriatric, and other assistive services, including housing, nursing care, home-and-community based services, and assisted living and caregiver organizations;

(ii) technology developers or producers of products for aged individuals;

(iii) Federal, State, or academic researchers that focus on aging issues;

(iv) physicians and other health care providers;

(v) insurers and other payer organizations; and

(vi) representatives of the pharmaceutical industry.

(B) INCLUSION OF SENIORS AND INDIVIDUALS WITH DISABILITIES.—At least 2 appointees shall be—

(i) age 65 or older; or

(ii) an individual with a disability.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Consortium shall be made not later than 30 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Consortium.

(2) VACANCIES.—A vacancy on the Consortium—

(A) shall not affect the powers of the Consortium; and

(B) shall be filled, not later than 30 days after the Consortium is given notice of the vacancy, in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Consortium have been appointed, the Consortium shall hold the initial meeting of the Consortium.

(f) MEETINGS.—The Consortium shall meet at the call of the Chairperson.

(g) QUORUM.—A majority of the members of the Consortium shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 3. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Consortium shall conduct a study of all matters relating to the potential use of new technology to assist older adults and their caregivers throughout the aging process.

(2) MATTERS TO BE STUDIED.—The matters to be studied by the Consortium shall include—

(A) methods for identifying technology that can be adapted to meet the needs of seniors, individuals with disabilities, and the caregivers of such seniors and individuals across all aging services settings;

(B) methods for fostering scientific innovation with respect to aging services technology within the business and academic communities;

(C) identifying barriers to innovation in aging services technology and devising strategies for removing such barriers ;

(D) developments in aging services technology in other countries that may be applied in the United States;

(E) methods for ensuring that businesses in the United States have a leadership role in the rapidly expanding global market of aging services technology; and

(F) identifying barriers to the adoption of aging services technology by health care providers and consumers and devising strategies to removing such barriers.

(b) RECOMMENDATIONS.—The Consortium shall develop recommendations with respect to the following:

(1) Identification of developments in current aging services technologies that may result in increased efficiency and cost savings to the healthcare system.

(2) Opportunities for ongoing research and development by the public and private sectors to accelerate the development and adoption of aging services technology in order to—

(A) promote the independence of seniors and individuals with disabilities;

(B) facilitate early disease detection;

(C) delay the physical, cognitive, social, and emotional decline resulting from disease and the aging process;

(D) support wellness activities and preventive behaviors;

(E) promote greater support to community- and facility-based caregivers;

(F) develop systems that improve the quality and efficiency of facility-based care, such as pharmacy distribution programs and secure electronic clinical records;

(G) enhance the utilization of technology by caregivers to reduce the burden of paperwork ;

(H) minimize caregiver burnout; and

(I) reduce medication errors and improve overall compliance.

(3) Identification of methods to ensure that necessary technology infrastructure is in place to deliver aging services to rural and urban areas.

(4) Whether to establish—

(A) a permanent Federal interagency task force that will facilitate the development and distribution of aging services technology; and

(B) a National Resource Center that would stimulate research, oversee demonstration projects, and provide training and technical assistance to Federal, State, and private sector organizations and entities that provide aging services.

(5) Assignment of responsibilities for aging services with respect to jurisdiction, funding, and reporting relationships.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Consortium shall submit to the President and the appropriate committees of Congress a report that contains the recommendations of the Consortium with respect to the following:

(1) DEVELOPMENT OF NATIONAL POLICY.—The development of a national policy to address issues with respect to technology and assistive health services for seniors, including the appropriate roles and responsibilities for the Federal Government, State and local governments, and the private sector.

(2) LEGISLATIVE AND PROGRAM CHANGES.—The specific legislative and regulatory changes with respect to Federal laws and programs that would support and encourage the private sector to develop and make widely available consumer-empowered technology solutions.

(3) ESTABLISHMENT OF NATIONAL RESOURCE CENTER.—The establishment of a National Resource Center on Aging Services Technologies to offer training and assistance to the Federal Government, State and local governments, and the private sector in the application of technology in pilots and trials with respect to assistive health services for seniors.

SEC. 4. POWERS.

(a) HEARINGS.—The Consortium may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Consortium considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Consortium may secure directly from a Federal agency such information as the Consortium considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—Except as otherwise provided by law, on request of the Chairperson of the Consortium, the head of the agency shall provide the information to the Consortium.

(c) POSTAL SERVICES.—The Consortium may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) CONTRACT AUTHORITY.—The Consortium may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Consortium may, if authorized by the Consortium, take any action which the Consortium is authorized to take by this section.

(f) GIFTS.—The Consortium may accept, use, and dispose of gifts or donations of services or property.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Consortium shall be deemed to be a committee of Congress.

SEC. 5. CONSORTIUM PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Consortium shall receive no additional pay, allowances, or benefits by reason of their service on the Consortium.

(b) TRAVEL EXPENSES.—A member of the Consortium shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Consortium.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Consortium may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Consortium to perform the duties of the Consortium.

(2) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be paid the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) OTHER STAFF.—The staff shall be appointed subject to the provisions of title 5, United States Code, government appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Consortium without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Consortium may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(f) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Consortium. The facilities shall serve as the headquarters of the Consortium and shall include all necessary equipment and incidentals required for the proper functioning of the Consortium.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,500,000, for the period of fiscal years 2008 through 2011, to remain available until expended.

SEC. 7. TERMINATION OF CONSORTIUM.

The Consortium shall terminate 180 days after the date on which the Consortium submits the report required under section 3(c).

Mr. REED. Mr. President, I am pleased to join my colleagues, Senator COLEMAN, and Representatives ESHOO and RAMSTAD, in reintroducing the Consortium on the Impact of Technology in Health Services Act.

We face a challenging and exciting time in the evolution of America's health care system. Today, roughly 45 million men and women are over age 65. A full doubling of the elderly population is predicted to occur by the year 2030—with the first of the baby boom generation turning 65 in the year 2011—only four years from now.

Nowhere is the aging of the population more apparent than in my home State of Rhode Island. We exceed the national average in terms of citizens over the age of 65 as well as those over the age of 85. In a State of slightly more than a million people, almost 15 percent of the population is over the age of 65 today. According to Census Bureau estimates, the number of elderly is expected to increase to 18.8 percent of Rhode Island's population by 2025.

Dramatic increases in life expectancy over the last century can be attributed to tremendous advances in health and medical research. These demographic changes also pose new challenges to our health care system that require creative and innovative solutions.

In addition to Americans living longer, keeping up with advancements in medical science poses unique burdens and challenges for our health care system. We are facing shortages in a number of critical health care fields—nurses, primary care physicians, and geriatricians—to name a few. These workforce issues further hinder our ability to keep up with the health care needs of aging Americans.

Greater use of technology has the potential to enhance the quality of care to our aging population and enable seniors to remain healthy and live independently longer. The overwhelming majority of seniors in my State and across the Nation want to "age in place"—in their homes—close to their loved ones. Indeed, a growing number of the baby boom generation support funding aging services technology research, and believe technology will allow them to live longer and more independently.

The application of technology in the aging health care services field would also help mitigate the burden on providers, by allowing physicians, home health care workers, and family members to keep in regular contact with patients and loved ones. Better monitoring of elderly patients would also serve to identify changes in their health condition before a serious problem arises.

The bill we are introducing today would build on groundbreaking research and public-private partnerships to find evidence-based approaches to behavioral assessment and non-intrusive health monitoring. Improving in-home monitoring technologies and remote diagnostics will provide seniors and their caregivers with greater independence and flexibility. A recent study found that Americans, particularly those with chronic conditions, are already utilizing the Internet and online tools to better manage their health. Using technology to enhance health care professionals ability to access vital health information will not only improve diagnosis and treatment, but it will also inform the health decisions of seniors and their families.

Smarter applications of technology in caring for the aged could also address some of the growing concerns with skyrocketing budget deficits. As we grapple with Medicare and Medicaid taking up a growing proportion of overall federal spending, we need to carefully balance health care expenditures while also improving the quality of care. We need to use precious health care dollars wisely and prudently as we seek creative ways to continue to provide quality health services to the elderly.

The Consortium on the Impact of Technology in Health Services Act will bring together experts from the medical, aging, and technology fields to build a vision and a framework for the development and implementation of a 21st century health care system able to meet the needs of our burgeoning aging population.

We need to change the way we think about health care for our Nation's seniors. We need a model that is oriented toward health promotion and disease prevention. This legislation gives us a jumpstart on developing and implementing the tools and strategies to serve the senior population of America more effectively and with greater cost savings.

I am pleased to join with my colleagues in introducing this important initiative and hope the Senate will give it careful consideration.

By Mr. AKAKA (for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. TESTER):

S. 717. A bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today with my colleagues from New Hampshire, Vermont, and Montana, Senators SUNUNU, LEAHY and TESTER, to reintroduce legislation to address problems with the REAL ID Act of 2005.

Last year, Senator SUNUNU and I introduced S. 4117, the Identity Security Enhancement Act, which would repeal the REAL ID Act and reinstitute the shared rulemaking process and more reasonable guidelines established in the Intelligence Reform and Terrorism Prevention Act of 2004. We joined together to convey our concerns with REAL ID to the Department of Homeland Security (DHS) and to urge the Department to ensure that the forthcoming regulations implementing REAL ID addressed our concerns. Now, on the eve of DHS releasing the proposed REAL ID regulations, we once again introduce our legislation as a placeholder as Congress and the American people review how DHS proposes to implement this costly and controversial law.

I plan to hold a hearing on the REAL ID regulations in the Oversight of Government Management Subcommittee shortly, and I will develop comprehensive legislation to address any privacy and civil liberties issues arising under the Act and any unrealistic burdens placed on the states.

From the time the REAL ID Act became law nearly two years ago, hundreds of organizations—ranging from the National Governor's Association (NGA) to the American Civil Liberties Union (ACLU)—have voice their strong opposition to REAL ID. None of these groups were heard by Congress before the bill was passed in May 2005 as there were no hearings to understand the repercussions of such sweeping legislation.

Rather, the REAL ID Act was attached to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (P.L. 109-13) in Conference. It was wrong to include the legislation that has such a massive impact on State and local governments without their input. Not having a full debate on the measure to determine its impact has led an increasing number of State legislatures to introduce and pass legislation to condemn REAL ID and, in some cases, prohibit the state from spending money to implement the Act.

My two primary concerns with REAL ID are that the law places an unrealistic and unfunded burden on state governments and erodes Americans' civil liberties and privacy rights.

There is nothing realistic about REAL ID. The extremely costly and complex set of electronic systems that will be required to connect the thousands of local Departments of Motor Vehicles (DMVs) to one another and to a host of Federal agencies as required under REAL ID may not be practical. This would cost $1.42 billion according to a September 2006 report issued by the NGA, the National Conference of State Legislatures (NCSL), and the American Association of Motor Vehicle Administrators (AAMVA). In addition, the costs to re-issue every current driver's license under the new screening process is estimated to cost approximately $8 billion over five years. Combined with the other requirements imposed on states by REAL ID, such as new design requirements for the ID cards and on-site security, REAL ID will cost over $11 billion. Congress has appropriated only $40 million for REAL ID implementation, which leaves a hefty price tag for the states, especially for legislation that was passed with no review.

In addition to the unrealistic burden REAL ID places on states, REAL ID is a serious threat to our privacy rights and civil liberties.

As I said last year, the REAL ID Act will require every driver's licensing agency to collect and store substantial numbers of records containing licensees' most sensitive personally identifiable information, including one's social security number, proof of residence, and biometric identifiers such as a digital photograph and signature. If the state databases are compromised, they will provide one-stop access to virtually all information necessary to commit identity theft.

Moreover, the sharing of the aggregated personally identifiable information of licensees between and amongst various government agencies and employees at the federal, state, and local level, as contemplated by the REAL ID Act, potentially allows millions of individuals access to that information without protections or safeguards.

Despite these obvious threats to Americans' privacy, the REAL ID Act fails to mandate privacy protections for individuals' information nor does it provide states with the means to implement data security and anti-hacking protections that will be required to safeguard the new databases mandated by the Act.

REAL ID exacerbates the threat of identity theft which threatens our security by giving us a false sense of security.

Unfunded mandates and the lack of privacy and security requirements are real problems that deserve real consideration and real solutions. Congress has a responsibility to ensure that driver's licenses and ID cards issued in the United States are secure—both from would-be terrorists and identity thieves—affordable, and practical.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identification Security Enhancement Act of 2007".

SEC. 2. REPEAL.

Title II of the REAL ID Act of 2005 (division B of Public Law 109-13; 49 U.S.C. 30301 note) is repealed.

SEC. 3. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

(a) DEFINITIONS.—In this section:

(1) DRIVER'S LICENSE.—The term "driver's license" means a motor vehicle operator's license (as defined in section 30301(5) of title 49, United States Code).

(2) PERSONAL IDENTIFICATION CARD.—The term "personal identification card" means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(1) IN GENERAL.—

(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card newly issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

(B) DATE FOR FULL CONFORMANCE.—

(i) IN GENERAL.—Except as provided under clause (ii), beginning on the date that is 5 years after the promulgation of minimum standards under paragraph (2), no Federal agency may accept, for any official purpose, a driver's license or personal identification card issued by a State unless such driver's license or personal identification card conforms to such minimum standards.

(ii) ALTERNATIVE DATE FOR FULL CONFORMANCE.—If the Secretary determines that it is impracticable for States to replace all State-issued driver's licenses and personal identification cards before the deadline set forth in clause (i), the Secretary, in consultation with the Secretary of Transportation, may set a later, alternative deadline to the extent necessary for States to complete such replacement with reasonable efforts.

(C) STATE CERTIFICATION.—

(i) IN GENERAL.—Each State shall certify to the Secretary that the State is in compliance with the requirements of this section.

(ii) FREQUENCY.—Certifications under clause (i) shall be made at such intervals and in such a manner as the Secretary, with the concurrence of the Secretary of Transportation, may prescribe by regulation.

(iii) AUDITS.—The Secretary may conduct periodic audits of each State's compliance with the requirements of this section.

(2) MINIMUM STANDARDS.—Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall by regulation, establish by minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

(A) standards for documentation required as proof of identity of an applicant for a driver's license or personal identification card;

(B) standards for the verifiability of documents used to obtain a driver's license or personal identification card;

(C) standards for the processing of applications for driver's licenses and personal identification cards to prevent fraud;

(D) standards for information to be included on each driver's license or personal identification card, including—

(i) the person's full legal name;

(ii) the person's date of birth;

(iii) the person's gender;

(iv) the person's driver's license or personal identification card number;

(v) a photograph of the person;

(vi) the person's address of principal residence; and

(vii) the person's signature;

(E) standards for common machine-readable identity information to be included on each driver's license or personal identification card, including defined minimum data elements;

(F) security standards to ensure that driver's licenses and personal identification cards are—

(i) resistant to tampering, alteration, or counterfeiting; and

(ii) capable of accommodating and ensuring the security of a photograph or other unique identifier; and

(G) a requirement that a State confiscate a driver's license or personal identification card if any component or security feature of the license or identification card is compromised.

(c) NEGOTIATED RULEMAKING.—

(1) IN GENERAL.—Before publishing the proposed regulations required by subsection (b)(2) to carry out this title, the Secretary shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 561 et seq.).

(2) TIME REQUIREMENT.—The process described in paragraph (1) shall be conducted in a timely manner to ensure that—

(A) any recommendation for a proposed rule or report—

(i) is provided to the Secretary not later than 9 months after the date of the enactment of this Act; and

(ii) includes an assessment of the benefits and costs of the recommendation; and

(B) a final rule is promulgated not later than 12 months after the date of the enactment of this Act.

(3) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—Any negotiated rulemaking committee established by the Secretary pursuant to paragraph (1) shall include equal numbers of representatives from—

(A) among State offices that issue driver's licenses or personal identification cards;

(B) among State elected officials;

(C) the Department of Transportation; and

(D) among interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law.

(4) CONTENT OF REGULATIONS.—The regulations required by subsection (b)(2)—

(A) shall facilitate communication between the chief driver licensing official of a State, an appropriate official of a Federal agency and other relevant officials, to verify the authenticity of documents, as appropriate, issued by such Federal agency or entity and presented to prove the identity of an individual;

(B) may not infringe on a State's power to set criteria concerning what categories of individuals are eligible to obtain a driver's license or personal identification card from that State;

(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of State criteria concerning the categories of individuals that are eligible to obtain a driver's license or personal identification card from that State;

(D) may not require a single design to which driver's licenses or personal identification cards issued by all States must conform; and

(E) shall include procedures and requirements to protect the privacy rights of individuals who apply for and hold driver's licenses and personal identification cards.

(F) shall include procedures and requirements to protect the federal and state constitutional rights and civil liberties of individuals who apply for and hold driver's licenses and personal identification cards;

(G) shall not permit the transmission of any personally identifiable information except for in encrypted format;

(H) shall provide individuals with procedural and substantive due process, including promulgating rules and rights of appeal, to challenge errors in data records contained within the databases created to implement this Act;

(I) shall not permit private entities to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share or trade that information with any other third parties, nor shall private entities be permitted to store the information collected for any other than fraud prevention purposes;

(J) shall not preempt state privacy laws that are more protective of personal privacy than the standards, or regulations promulgated to implement this Act; and

(K) shall neither permit nor require verification of birth certificates until a nationwide system is designed to facilitate such verification.

(d) GRANTS TO STATES.—

(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall award grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

(2) ALLOCATION OF GRANTS.—The Secretary shall award grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

(3) MINIMUM ALLOCATION.—Notwithstanding paragraph (2), each State shall receive not less than 0.5 percent of the grant funds made available under this subsection.

(4) SEPARATE FUNDING.—Funds appropriated for grants under this section may not

be commingled with other grant funds administered by the Department and may not be used for any purpose other than the purpose set forth in paragraph (1).

(e) EXTENSION OF EFFECTIVE DATE.—The Secretary may extend the date specified under subsection (b)(1)(A) for not more than 2 years for driver's licenses issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under such subsection but was unable to do so.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $300,000,000 for each of the fiscal years 2007 through 2013 to carry out this Act.

By Mr. DURBIN (for himself and Mr. CRAPO):

S. 718. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, why hold off for tomorrow what we can do today? The current healthcare crisis in our Nation did not happen overnight. It has been accumulating as a result of a lack of serious attention to the most pressing healthcare issues, including healthcare workforce shortages. As a husband and a parent, I pray every day that my wife and children will have access to the quality healthcare they deserve when they need it. As a public official, I believe that it is my responsibility to help make that care available for not only my own family, but also for the families in the State of Illinois and across the Nation.

The growing shortage of critical care physicians undermines the quality and availability of health care services in the United States. This shortage can be expected to disproportionately impact rural and other areas of the United States that already often suffer from a sub-optimal level of critical care services. When a loved one needs a critical care doctor, would we not want one to be available? If research tells us that their recovery may be better and their recovery time faster, would we not want our loved one to have access to a critical care doctor?

The Leap Frog Group has clearly documented that significant improvement in outcomes—in both quality and cost—result when a critically ill or injured patient is seen by an intensivist. With a greater use of intensivists, an estimated 54,000 deaths that currently occur in ICUs could be avoided. Unfortunately, only one-third of our critically ill citizens are treated by physicians and nurses specifically trained to manage their complex health issues.

In June 2003, Congress asked the Health Resources and Services Administration—HRSA—to examine the healthcare needs of a growing population and the availability of pulmonary and critical care physicians. In its May 2006 report to Congress entitled "The Critical Care Workforce: A Study of the Supply and Demand for Critical Care Physicians," HRSA found that the country does not have enough physicians trained in critical care medicine to treat all those in need of the care. The report projected future demand for these services and found that, as a result of having to staff ICUs with critical care doctors, a total of 4,300 intensivist physicians will be needed when only 2,800 are available. The HRSA report recognized that the demand in the United States for critical care medical services is rising sharply and will continue to do so.

To proactively address the healthcare needs of our nation, I am pleased to join with my colleague Senator CRAPO today to introduce legislation to address the looming shortage of critical care providers. Our bill, The Patient-Focused Critical Care Enhancement Act authorizes a series of modest and sensible measures that—if enacted now instead of waiting for this shortage to worsen—can help to obviate the problem.

First, the Patient-Focused Critical Care Enhancement Act would direct the Agency for Health Research and Quality to assess the current state of and recommend "best practices" for critical care medicine. The authorization of demonstration projects on innovations in ICU services and on family-centered, multi-disciplinary approaches to critical care services are important for determining how to improve the quality of the care delivered and how to best make use of our existing resources of critical care doctors.

Our bill would also expand telemedicine opportunities for critical care physicians to promote efforts relating to critical care and ensure that all communities have greater access to this important, lifesaving care. For our rural communities and medically underserved areas, the need for critical care doctors is exacerbated. This bill will hopefully expand the effectiveness of existing critical care providers in environments where intensivists are in short supply.

Finally, to address the supply problem, the bill would allow for the National Health Service Corps to support and encourage critical care providers to practice in medically underserved areas.

The Patient-Focused Critical Care Enhancement Act is strongly endorsed by the key medical specialty societies and patient groups involved in critical care medicine, including the American College of Chest Physicians, the American Thoracic Society, the Society for Critical Care Medicine, the Association of Critical Care Nurses and the Acute Respiratory Distress Syndrome Foundation.

This multipronged approach is to look at both short term and long term solutions to a growing concern. But in today's complex healthcare situation, multiple solutions are a necessity. We do not want to face this shortage in the future in a direr situation as the nursing shortage currently is.

The answer to the opening question is simple. We must not hold off for tomorrow what we can do today, and we must not wait for our healthcare crisis to worsen. Our country will face a critical care workforce shortage. I want my family to have access to the best quality care when they need it, and this includes having access to a critical care doctor. Passage of the Patient-Focused Critical Care Enhancement Act is a step in that direction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient-Focused Critical Care Enhancement Act".

SEC. 2. PURPOSE.

The purpose of this Act is to optimize the delivery of critical care medicine and expand the critical care workforce.

SEC. 3. FINDINGS.

Based on the Health Resources and Services Administration's May 2006 Report to Congress, The Critical Care Workforce: A Study of the Supply and Demand for Critical Care Physicians, the Senate makes the following findings:

(1) In 2000, an estimated 18,000,000 inpatient days of ICU care were provided in the United States through approximately 59,000 ICU beds in 3,200 hospitals.

(2) Patient outcomes and the quality of care in the ICU are related to who delivers that care and how care is organized.

(3) The demand in the United States for critical care medical services is rising sharply and will continue to rise sharply largely as a result of the following 3 factors:

(A) There is strong evidence demonstrating improvements in outcomes and efficiency when intensive care services are provided by nurses and intensivist physicians who have advanced specialty training in critical care medicine.

(B) The Leapfrog Group, health care payors, and providers are encouraging greater use of such personnel in intensive care settings.

(C) Critical care services are overwhelmingly consumed by patients over the age of 65 and the aging of the United States population is driving demand for these services.

(4) The future growth in the number of critical care physicians in ICU settings will be insufficient to keep pace with growing demand.

(5) This growing shortage of critical care physicians presents a serious threat to the quality and availability of health care services in the United States.

(6) This shortage will disproportionately impact rural and other areas of the United States that already often suffer from a sub-optimal level of critical care services.

SEC. 4. RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services, through the Agency for

Healthcare Research and Quality, shall conduct research to assess—

(1) the standardization of critical care protocols, intensive care unit layout, equipment interoperability, and medical informatics;

(2) the impact of differences in staffing, organization, size, and structure of intensive care units on access, quality, and efficiency of care; and

(3) coordinated community and regional approaches to providing critical care services, including approaches whereby critical care patients are assessed and provided care based upon intensity of services required.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Agency for Healthcare Research and Quality shall submit a report to Congress, that, based on the review under subsection (a), evaluates and makes recommendations regarding best practices in critical care medicine.

SEC. 5. INNOVATIVE APPROACHES TO CRITICAL CARE SERVICES.

The Secretary of Health and Human Services shall undertake the following demonstration projects:

(1) OPTIMIZATION OF CRITICAL CARE SERVICES.—

(A) IN GENERAL.—The Administrator of the Centers for Medicare & Medicaid Services shall solicit proposals submitted by inpatient providers of critical care services who propose to demonstrate methods to optimize the provision of critical care services to Medicare beneficiaries through innovations in such areas as staffing, ICU arrangement, and utilization of technology.

(B) FUNDING OF PROPOSALS.—The Administrator of the Centers for Medicare & Medicaid Services shall fund not more than 5 proposals, not less than 1 of which shall focus on the training of hospital-based physicians in rural or community, or both, hospital facilities in the provision of critical care medicine. Such projects shall emphasize outcome measures based on the Institute of Medicine's following 6 domains of quality care:

(i) Care should be safe.

(ii) Care should be effective.

(iii) Care should be patient-centered.

(iv) Care should be timely.

(v) Care should be efficient.

(vi) Care should be equitable.

(2) FAMILY ASSISTANCE PROGRAMS FOR THE CRITICALLY ILL.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall solicit proposals and make an award to support a consortium consisting of 1 or more providers of inpatient critical care services and a medical specialty society involved in the education and training of critical care providers.

(B) MEASUREMENT AND EVALUATION.—A provider that receives support under subparagraph (A) shall measure and evaluate outcomes derived from a "family-centered" approach to the provision of inpatient critical care services that includes direct and sustained communication and contact with beneficiary family members, involvement of family members in the critical care decision-making process, and responsiveness of critical care providers to family requests. Such project shall evaluate the impact of a family-centered, multiprofessional team approach on, and the correlation between—

(i) family satisfaction;

(ii) staff satisfaction;

(iii) length of patient stay in an intensive care unit; and

(iv) cost of care.

(C) OUTCOME MEASURES.—A provider that receives support under subparagraph (A) shall emphasize outcome measures based on the Institute of Medicine's following 6 domains of quality care:

(i) Care should be safe.

(ii) Care should be effective.

(iii) Care should be patient-centered.

(iv) Care should be timely.

(v) Care should be efficient.

(vi) Care should be equitable.

SEC. 6. USE OF TELEMEDICINE TO ENHANCE CRITICAL CARE SERVICES IN RURAL AREAS.

(a) AMENDMENT TO RURAL UTILITIES SERVICE DISTANCE LEARNING AND TELEMEDICINE PROGRAM.—Chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) is amended by adding at the end the following:

"SEC. 2335B. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR TELEMEDICINE CRITICAL CARE INITIATIVES.

"In addition to amounts authorized under section 2335A, there is authorized to be appropriated $5,000,000 in each of fiscal years 2008 through 2013 to carry out telemedicine initiatives under this chapter whereby 1 or more rural providers of inpatient critical care services propose, through collaboration with other providers, to augment the delivery of critical care services in the rural inpatient setting through the use of telecommunications systems that allow for consultation with critical care providers not located in the rural facility regarding the care of such patients.".

(b) AMENDMENT TO TELEHEALTH NETWORK GRANT PROGRAM.—Section 330I(i)(1)(B) of the Public Health Service Act (42 U.S.C. 254c-14(i)(1)(B)) is amended by striking the period at the end and inserting ", or that augment the delivery of critical care services in rural inpatient settings through consultation with providers located elsewhere.".

SEC. 7. INCREASING THE SUPPLY OF CRITICAL CARE PROVIDERS.

Section 338B of the Public Health Service Act (42 U.S.C. 2541-1) is amended by adding at the end the following:

"(i) CRITICAL CARE INITIATIVE.—

"(1) ESTABLISHMENT.—The Secretary shall undertake an initiative that has as its goal the annual recruitment of not less than 50 providers of critical care services into the National Health Service Corps Loan Repayment Program. Providers recruited pursuant to this initiative shall be additional to, and not detract from, existing recruitment activities otherwise authorized by this section.

"(2) CLARIFYING AMENDMENT.—The initiative described in paragraph (1) shall be undertaken pursuant to the authority of this section, and for purposes of the initiative—

"(A) the term 'primary health services' as used in subsection (a) shall be understood to include critical care services; and

"(B) 'an approved graduate training program' as that term is used in subsection (b)(1)(B) shall be limited to pulmonary fellowships or critical care fellowships, or both, for physicians.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $5,000,000 for the research to be conducted under section 4; and

(2) $4,000,000 for the demonstration projects authorized under section 5.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. KENNEDY, and Mr. REED):

S. 719. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise today to re-introduce legislation that will close an egregious loophole in federal law. Currently, this loophole permits solid waste management facilities operated near railroads to go unregulated—free from meeting any minimum level of safety, health, and environmental standards. Basically, this loophole prevents state or local law from regulating the operation of these facilities on property owned or controlled by railroads.

In fact, just last week, a United States District Court judge declared this loophole alive and well. By shutting down the State of New Jersey's efforts to regulate solid waste rail facilities, this ruling allows the continuing proliferation of these unregulated facilities—which are already spreading quickly throughout the Northeast United States.

These unregulated facilities present an imminent threat to public health and the environment. My bill, the Clean Railroads Act of 2007, will close this loophole once and for all. Almost 2 years ago, I first introduced legislation to address this problem, and I renew that effort today.

This problem could easily be solved by proper interpretation of current federal law. Such an interpretation could be made by the federal Surface Transportation Board (STB), an independent board charged with economic regulation of railroads. However, despite several opportunities, the STB has chosen not to define a clear position on this issue. I have urged the Board members to address this problem, as the loophole in federal law has allowed even more of these unregulated facilities to operate.

Last week's court ruling has highlighted the need to find a solution to this problem immediately, and my bill would do just that.

Let me be clear that my concern is not the transport of solid waste by rail. Railroads provide a vital role in commerce in the United States and the benefits of rail transportation are numerous, as we in New Jersey know. Further, the transportation of waste via rail is not at issue here, and I am not opposed to the operation of solid waste management facilities on property owned or controlled by railroads.

My chief concern is the lawful management of solid waste facilities. If a solid waste management facility is to be operated on rail property, it must be regulated like any other such facility. That is not happening today.

The threats posed by unregulated waste management facilities operating on property owned or controlled by railroads are so great that a broad and diverse coalition of public and private sector entities have been formed to oppose these rogue operations. I thank these coalition members for their continued efforts, and will be looking forward to the day in which their fears over this issue can be permanently assuaged.

Responsible management of solid waste requires safeguards to protect public health and the environment. As Chairman of the Commerce Committee's Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, which has jurisdiction over railroads and the Surface Transportation Board, I will work to ensure this loophole does not continue to let the hazards of unregulated solid waste rail facilities affect the lives of New Jerseyans and other Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Railroads Act of 2007".

SEC. 2. AMENDMENTS TO EXCLUDE SOLID WASTE FACILITIES FROM THE JURISDICTION OF THE BOARD.

Section 10501 of title 49, United States Code, is amended—

(1) by striking "facilities," in subsection (b)(2) and inserting "facilities (except solid waste management facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903))),"; and

(2) by striking "over mass transportation provided by a local governmental authority." in subsection (c)(2) and inserting "over—

"(A) mass transportation provided by a local governmental authority; or

"(B) the processing or sorting of solid waste.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 88—HONORING THE EXTRAORDINARY ACHIEVEMENTS OF MASSACHUSETTS GOVERNOR DEVAL PATRICK

Mr. KERRY (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 88

Whereas February is widely recognized as Black History Month;

Whereas Deval Patrick was born in Chicago, Illinois but, after receiving what he has described as a life-changing education at Milton Academy, has made Milton, Massachusetts his home;

Whereas Deval Patrick is the second African American elected Governor in the history of the United States;

Whereas Deval Patrick has been a pioneer his entire life and was the first member of his family to attend college;

Whereas Deval Patrick graduated with honors from Harvard College in 1978;

Whereas Deval Patrick was elected president of the Legal Aid Bureau while attending Harvard Law School and worked to defend poor families in Middlesex County, Massachusetts during law school;

Whereas Deval Patrick spent many successful years at the National Association for the Advancement of Colored People Legal Defense Fund, devoting his efforts to antidiscrimination and voting rights cases;

Whereas Deval Patrick served as a partner at the Boston law firm of Hill and Barlow and took on many pro bono cases, including a landmark lending scam case filed on behalf of the Commonwealth of Massachusetts;

Whereas Deval Patrick was appointed Assistant Attorney General for Civil Rights, the Nation's top civil rights enforcement post, by President Bill Clinton;

Whereas Deval Patrick served with distinction as Assistant Attorney General for Civil Rights, investigating church burnings, prosecuting hate crimes and abortion clinic violence, holding public employers accountable for job discrimination, ensuring access to housing free of discrimination, protecting the right to vote, and enforcing the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and other important civil rights laws;

Whereas Deval Patrick returned to private practice with the Boston law firm Day, Berry, and Howard in 1997;

Whereas Deval Patrick was appointed by a Federal district court in 1997 to serve as the first chairperson of Texaco's Equality and Fairness Task Force, and was charged with rebuilding the company's system of employment practices following the settlement of a significant race discrimination case against the company;

Whereas, beginning in 1999, Deval Patrick served as president and general counsel of Texaco and subsequently executive vice president and general counsel of Coca-Cola before returning to Massachusetts to run for Governor;

Whereas Deval Patrick shows great promise as the Commonwealth's new Governor; and

Whereas Deval Patrick is aided in his service to Massachusetts by his loving wife Diane and his daughters Sarah and Katherine: Now, therefore, be it

Resolved, That the Senate—

(1) honors the extraordinary achievements of Massachusetts Governor Deval Patrick;

(2) offers its appreciation for Deval Patrick's continuing devotion to the people of Massachusetts; and

(3) congratulates Deval Patrick on his historic election as Governor of Massachusetts and becoming the second African-American Governor in the history of the United States.

Mr. KERRY. Mr. President, I would like to take a moment to honor an extraordinary man, a dedicated public servant, and, now, the Governor of my home State, Massachusetts: Deval Patrick. It is particularly fitting that we honor Deval today—during Black History Month—because not only is Deval an outstanding choice to lead our State, but he is only the second African American to be elected governor in American History.

Think about that: the second African American to be elected governor in any of the 50 States of our great Nation. That is pretty amazing. But what is more amazing is that the people of Massachusetts did not elect him because they wanted to make history, they elected him because they knew he was the best man for the job. They recognized that "Together We Can" was more than just a catchy campaign slogan—it's a philosophy about how to treat people and how to lead them. And it embodies the kind of leadership our State and our Nation are crying out for at this time.

Throughout his entire life, Deval Patrick has been pushing the envelope, striving to achieve what many thought was impossible, overcoming obstacles that might have made others of lesser conviction or determination turn back. After all, this is a man who went from the South Side of Chicago to the Harvard Law Review.

This is a man who was elected President of the Legal Aid Bureau while attending Harvard Law School and who defended poor families in Middlesex County, MA prior to graduation. Let me tell you something, I attended law school, and I worked in the DA's office prior to my graduation. It is no easy task to balance these competing demands, to work with families day in and day out on issues that their lives depend on. It is a truly remarkable achievement.

Yet, Deval's commitment to public service did not end there. In fact, it was just beginning. Deval went on to spend many successful years at the NAACP Legal Defense Fund, devoting his efforts to discrimination and voting rights cases. Then, after serving as a Partner at the Boston law firm of Hill & Barlow, he was appointed Assistant Attorney General for Civil Rights by President Bill Clinton.

At the Justice Department, Deval served with distinction in this—the Nation's top civil rights post—investigating church burnings, prosecuting hate crimes and abortion clinic violence; holding public employers accountable for job discrimination; ensuring access to housing free of discrimination; protecting the right to vote; and enforcing the Americans with Disabilities Act, and other important civil rights laws.

During his time at Justice, Deval proved that he would fight for justice, that he would fight for individual rights, and that he was not afraid to hold people accountable, even if others found it politically difficult or distasteful.

These are just a few of Deval Patrick's tremendous career accomplishments that lead him to this point in time as my state's newest Governor.

For generations, too many young Americans have grown up with a gnawing sense of doubt: that maybe the best that America has to offer doesn't really apply to them. That's why I am so happy that a generation of children will see men like Deval Patrick in great positions of leadership. And it is my great hope that positive examples like his will lead a new generation of people of color to push this country to ever greater heights.

SENATE RESOLUTION 89—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2007, THROUGH SEPTEMBER 30, 2007, AND OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2008, AND OCTOBER 1, 2008, THROUGH FEBRUARY 28, 2009

Mrs. FEINSTEIN submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 89

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2007, through September 30, 2007, in the aggregate of $55,446,216, for the period October 1, 2007, through September 30, 2008, in the aggregate of $97,164,714, and for the period October 1, 2008, through February 28, 2009, in the aggregate of $41,263,116, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2007, through September 30, 2007, for the period October 1, 2007, through September 30, 2008, and for the period October 1, 2008, through February 28, 2009, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,204,538, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $3,862,713, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,640,188, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,073,254, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $7,139,800, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,032,712, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,370,280, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,905,629, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,507,776, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,554,606, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,230,828, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,646,665, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,652,467, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,400,560, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,718,112, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,083,641.

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,404,061.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,295,042.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,841,799, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $4,978,284, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,113,516, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration,

to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,970,374, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,956,895, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,954,095, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,265,283, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,721,937, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,429,876, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,393,404, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,451,962, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $4,014,158, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) Investigations.—

(1) In general.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) Extent of inquiries.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) Special committee authority.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2007, through February 28, 2009, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) Authority of other committees.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) Subpoena authority.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 50, agreed to February 17, 2005 (109th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,794,663, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $8,402,456, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,568,366, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,220,177, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,150,340, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,886,766, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,461,012, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,561,183, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,087,981, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,373,063, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,405,349, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,021,186, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,259,442, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,207,230, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $937,409, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) General Authority.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,524,019, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,670,342, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,133,885, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) General Authority.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,220,932, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,643,433, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,396,252, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,183,262, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,071,712, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $879,131, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2007, 2008, and 2009, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2007, through September 30, 2007; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2007, through September 30, 2008; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2008, through February 28, 2009.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

SENATE RESOLUTION 90—COMMENDING STUDENTS WHO PARTICIPATED IN THE UNITED STATES SENATE YOUTH PROGRAM BETWEEN 1962 AND 2007

Ms. COLLINS (for herself, Mr. OBAMA, Mr. DOMENICI, Mr. THOMAS, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas the students who have participated in the United States Senate Youth Program (referred to in this preamble as the "Senate Youth Program") over the past 45 years were chosen for their exceptional merit and interest in the political process;

Whereas the students demonstrated outstanding leadership abilities and a strong commitment to community service and have ranked academically in the top 1 percent of their States;

Whereas the Senate Youth Program alumni have continued to achieve unparalleled educational and professional success and have demonstrated a strong commitment to public service on the local, State, national, and global levels;

Whereas the Senate Youth Program alumni have demonstrated excellent qualities of citizenship and have contributed to the Nation's constitutional democracy, both professionally and in volunteer capacities, and have made an indelible impression on their communities;

Whereas each State department of education has selected outstanding participants for the Senate Youth Program;

Whereas the Department of Defense, Department of State, and other Federal departments, as well as Congress, have offered support and provided top level speakers who have inspired and educated the students in the Senate Youth Program; and

Whereas the directors of the William Randolph Hearst Foundation have continually made the Senate Youth Program available for outstanding young students and exposed them to the varied aspects of public service: Now, therefore, be it

Resolved, That the Senate congratulates, honors, and pays tribute to the more than 4,500 exemplary students who have been selected, on their merit, to participate in the United States Senate Youth Program between 1962 and 2007.

SENATE RESOLUTION 91—DESIGNATING MARCH 2, 2007, AS "READ ACROSS AMERICA DAY"

Mr. REED (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2007, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 10th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 14—COMMEMORATING THE 85TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION, A LEADING ASSOCIATION FOR THE 1,300,000 UNITED STATES CITIZENS OF GREEK ANCESTRY AND PHILHELLENES IN THE UNITED STATES

Ms. SNOWE (for herself and Mr. MENENDEZ) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 14

Whereas the American Hellenic Educational Progressive Association (AHEPA) was founded on July 26, 1922, in Atlanta, Georgia, by 8 visionary Greek immigrants to help unify, organize, and protect against the bigotry, discrimination, and defamation faced by people of all ethnic, racial, and religious backgrounds perpetrated predominantly by the Ku Klux Klan;

Whereas the mission of AHEPA is to promote the ideals of ancient Greece, which include philanthropy, education, civic responsibility, and family and individual excellence through community service and volunteerism;

Whereas, since its inception, AHEPA has instilled in its members an understanding of their Hellenic heritage and an awareness of the contributions made by Greece to the development of democratic principles and governance in the United States and throughout the world;

Whereas AHEPA has done much throughout its history to foster patriotism in the United States;

Whereas members of AHEPA have served in the Armed Forces to protect the freedom of the United States and to preserve the democratic ideals that are part of the Hellenic legacy;

Whereas, in World War II, members of AHEPA were parachuted behind enemy lines in Nazi-occupied Greece to help liberate the country;

Whereas AHEPA raised more than $253,000,000 for United States war bonds during World War II, for which AHEPA was named an official Issuing Agent for United States War Bonds by the Department of Treasury, an honor that no other civic organization was able to achieve at the time;

Whereas the members of AHEPA donated $612,000 for the restoration of the Statue of Liberty and Ellis Island, New York, for which AHEPA received special recognition by the Department of the Interior;

Whereas the AHEPA National Housing Program was awarded $500,000,000 by the Department of Housing and Urban Development for its Section 202 Program, which has yielded 4,370 units in 80 properties across 21 States and 49 cities and has provided dignified, affordable housing to senior citizens;

Whereas AHEPA was recognized by the Department of State as an organization that has engaged in "Track Two Diplomacy" to foster reconciliation and rapprochement in the Eastern Mediterranean, which is in the best interest of the United States;

Whereas members of AHEPA raised $110,000 for the George C. Marshall Statue to be erected on the grounds of the United States Embassy in Athens, Greece, in celebration of the historic relationship between the United States and Greece, and in tribute to an outstanding statesman and Philhellene, General Marshall;

Whereas AHEPA financially supports scholarships, educational chairs, medical research, and countless other charitable and philanthropic causes by contributing more than $2,000,000 annually from its national, district, and local levels collectively;

Whereas, in the spirit of their Hellenic heritage and in commemoration of the Centennial Olympic Games held in Atlanta, Georgia, members of AHEPA raised $775,000 for the Tribute to Olympism Sculpture, the fan-like structure of which helped to save lives during the bombing at Centennial Olympic Park;

Whereas members of AHEPA have been Presidents and Vice Presidents of the United States, United States Senators and Representatives, and United States Ambassadors, and have served honorably as elected officials at the local and State levels throughout the United States; and

Whereas President George H.W. Bush cited AHEPA as one of the "thousand points of light": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the significant contributions of United States citizens of Hellenic heritage to the United States;

(2) commemorates the 85th anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), applauds its mission, and commends the many charitable contributions of its members to communities around the world; and

(3) encourages the people of the United States to observe the 85th anniversary of the founding of AHEPA and celebrate its many accomplishments.

Ms. SNOWE. Mr. President, this year marks the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, AHEPA. I rise today to submit with my colleague, Senator MENENDEZ, a concurrent resolution honoring AHEPA's history of service, not only to Americans of Greek descent, but to Americans of all backgrounds and to the United States itself.

AHEPA was founded in 1922 to combat the bigotry encountered by Greek immigrants to this country, and to assist these new Americans with building and protecting their livelihoods in our great Nation. Eighty-five years later—decades in which generations of Greek-Americans worked tirelessly in commerce and fought patriotically on the battlefield to make the United States the prosperous and peaceful land it is today—AHEPA continues its mission to promote the shared Hellenic and American values of education, philanthropy, civic responsibility, and family and individual excellence.

This is more than a mission statement, it is a commitment to action that has been fulfilled time and again. AHEPA today awards more than half a million dollars in academic scholarships annually. Its philanthropic efforts have contributed to the restoration of the Statue of Liberty and Ellis Island. It has enhanced the civic participation of its members and other U.S. citizens through seminars and conferences on key domestic and international policy issues. And, together with three affiliated organizations—the Daughters of Penelope, the Sons of Pericles and the Maids of Athena—AHEPA has contributed to over a billion dollars in funding for youth- and family-focused projects across the country.

As the first Greek-American woman elected to both the House and Senate, I am often reminded that the connection between the U.S. Congress and the Greek people is not limited to the Greek Americans who have served as members, or the foreign policy issues debated in its halls. Rather, the very inspiration for the Congress as a legislative body are the democratic chambers of ancient Greece.

The myriad ties between our two countries—be they cultural, economic or geopolitical—comprise a bond that can and should only strengthen. AHEPA's long record of service to Greek-Americans and their countrymen are both a testament and critical component of that historical bond. It is accordingly an honor and a pleasure to submit this concurrent resolution recognizing the accomplishments of AHEPA's first 85 years. May there be many, many more.

AMENDMENTS SUBMITTED AND PROPOSED

SA 271. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

SA 272. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 273. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 274. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 275. Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) proposed an amendment to the bill S. 4, supra.

SA 276. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 277. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, Ms. MIKULSKI, Mr. CHAMBLISS, and Ms. MURKOWSKI) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 278. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 279. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 280. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 281. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 282. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 283. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 284. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 285. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 286. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 287. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 271. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

Strike subsection (c) of section 401 and insert the following:

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

"(A) CERTIFICATION.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

"(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country—

"(i) if the country meets all security requirements of this section;

"(ii) if the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

"(iii) if there has been a sustained reduction in the rate of refusals for nonimmigrant visitor visas for nationals of the country and conditions exist to continue such reduction;

"(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue; and

"(v)(I) if the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than 10 percent; or

"(II) if the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once it is established under subparagraph (C).

"(C) MAXIMUM VISA OVERSTAY RATE.—

"(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security and the Secretary of State jointly shall use information from the air exit system referred to in subparagraph (A) to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B).

"(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

"(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during a fiscal year and who remained in the United States unlawfully beyond the such period of stay; to

"(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during such fiscal year.

"(iii) REPORT AND PUBLICATION.—Secretary of Homeland Security shall submit to Congress and publish in the Federal Register a notice of the maximum visa overstay rate proposed to be established under clause (i). Not less than 60 days after the date such notice is submitted and published, the Secretary shall issue a final maximum visa overstay rate.

"(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

"(A) airport security standards in the country;

"(B) whether the country assists in the operation of an effective air marshal program;

"(C) the standards of passports and travel documents issued by the country; and

"(D) other security-related factors.".

SA 272. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

"(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require an individual to provide the individual's social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.".

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for each individual who used that social security account number.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of the each person reporting earnings for that individual.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, a search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security account numbers, who are sharing a single valid name and social security account number among multiple individuals, who are using the social security account number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

"(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).".

(c) FALSE CLAIMS OF CITIZENSHIP BY NATIONALS OF THE UNITED STATES.—Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)) is amended by inserting "or national" after "citizen".

SA 273. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

SA 274. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CABLE CARRIAGE OF TELEVISON BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 342. CARRIAGE OF SIGNALS TO CERTAIN TELEVISION MARKET AREAS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, each cable operator providing service in an eligible area may elect to carry the primary signal of any network station located in the capital of the State in which such area is located.

"(b) DEFINITIONS.—As used in this section:

"(1) ELIGIBLE AREA.—The term 'eligible area' means 1 of 2 counties that—

"(A) are all in a single State;

"(B) on the date of enactment of this section, were each located in—

"(i) the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

"(ii) a designated market area comprised principally of counties located in another State; and

"(C) as a group had a total number of television households that when combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.

"(2) NETWORK STATION.—The term 'network station' has the same meaning as in section 119(d) of title 17, United States Code.".

SEC. . SATELLITE CARRIAGE OF TELEVISION BROADCAST SIGNALS.

Section 119(a)(2)(C) of title 17, United States Code, is amended—

(1) by redesignating clause (v) as clause (vi);

(2) by inserting after clause (v) the following:

"(v) FURTHER ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

"(I) the 2 counties are located in the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

"(II) the total number of television households in the 2 counties combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research."; and

(3) in clause (vi) as redesignated, by striking "and (iv)" and inserting "(iv), and (v)".

SA 275. Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) proposed an amendment to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Security Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 111. Homeland Security Advisory System and information sharing.
Sec. 112. Information sharing.
Sec. 113. Intelligence training development for State and local government officials.
Sec. 114. Information sharing incentives.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 121. State, Local, and Regional Fusion Center Initiative.
Sec. 122. Homeland Security Information Sharing Fellows Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 131. Interagency Threat Assessment and Coordination Group.

TITLE II—HOMELAND SECURITY GRANTS

Sec. 201. Short title.
Sec. 202. Homeland Security Grant Program.
Sec. 203. Technical and conforming amendments.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

Sec. 301. Dedicated funding to achieve emergency communications operability and interoperable communications.
Sec. 302. Border Interoperability Demonstration Project.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

Sec. 401. Modernization of the visa waiver program.
Sec. 402. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 403. Enhancements to the Terrorist Travel Program.
Sec. 404. Enhanced driver's license.
Sec. 405. Western Hemisphere Travel Initiative.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

Sec. 501. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 502. Privacy and civil liberties officers.
Sec. 503. Department Privacy Officer.
Sec. 504. Federal Agency Data Mining Reporting Act of 2007.

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

Sec. 601. National Biosurveillance Integration Center.
Sec. 602. Biosurveillance efforts.
Sec. 603. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.

TITLE VII—PRIVATE SECTOR PREPAREDNESS

Sec. 701. Definitions.
Sec. 702. Responsibilities of the private sector office of the Department.
Sec. 703. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.
Sec. 704. Sense of Congress regarding promoting an international standard for private sector preparedness.
Sec. 705. Report to Congress.
Sec. 706. Rule of construction.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 801. Transportation security strategic planning.
Sec. 802. Transportation security information sharing.
Sec. 803. Transportation Security Administration personnel management.

TITLE IX—INCIDENT COMMAND SYSTEM

Sec. 901. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 902. Credentialing and typing to strengthen incident command.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

Sec. 1001. Critical infrastructure protection.
Sec. 1002. Risk assessment and report.
Sec. 1003. Use of existing capabilities.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Sec. 1101. Availability to public of certain intelligence funding information.
Sec. 1102. Response of intelligence community to requests from Congress.
Sec. 1103. Public Interest Declassification Board.

TITLE XII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

Sec. 1201. Promoting antiterrorism capabilities through international cooperation.
Sec. 1202. Transparency of funds.

TITLE XIII—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

Sec. 1301. Short title.

Subtitle A—Surface Transportation and Rail Security

Sec. 1311. Definition.

PART I—IMPROVED RAIL SECURITY

Sec. 1321. Rail transportation security risk assessment.
Sec. 1322. Systemwide Amtrak security upgrades.
Sec. 1323. Fire and life-safety improvements.
Sec. 1324. Freight and passenger rail security upgrades.
Sec. 1325. Rail security research and development.
Sec. 1326. Oversight and grant procedures.
Sec. 1327. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 1328. Northern border rail passenger report.
Sec. 1329. Rail worker security training program.
Sec. 1330. Whistleblower protection program.
Sec. 1331. High hazard material security risk mitigation plans.
Sec. 1332. Enforcement authority.
Sec. 1333. Rail security enhancements.
Sec. 1334. Public awareness.
Sec. 1335. Railroad high hazard material tracking.
Sec. 1336. Authorization of appropriations.

PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

Sec. 1341. Hazardous materials highway routing.
Sec. 1342. Motor carrier high hazard material tracking.
Sec. 1343. Memorandum of agreement.
Sec. 1344. Hazardous materials security inspections and enforcement.
Sec. 1345. Truck security assessment.
Sec. 1346. National public sector response system.
Sec. 1347. Over-the-road bus security assistance.
Sec. 1348. Pipeline security and incident recovery plan.
Sec. 1349. Pipeline security inspections and enforcement.
Sec. 1350. Technical corrections.
Sec. 1351. Certain personnel limitations not to apply.
Sec. 1352. Maritime and surface transportation security user fee study.

Subtitle B—Aviation Security Improvement

Sec. 1361. Extension of authorization for aviation security funding.
Sec. 1362. Passenger aircraft cargo screening.
Sec. 1363. Blast-resistant cargo containers.
Sec. 1364. Protection of air cargo on passenger planes from explosives.
Sec. 1365. In-line baggage screening.
Sec. 1366. Enhancement of in-line baggage system deployment.
Sec. 1367. Research and development of aviation transportation security technology.
Sec. 1368. Certain TSA personnel limitations not to apply.
Sec. 1369. Specialized training.
Sec. 1370. Explosive detection at passenger screening checkpoints.
Sec. 1371. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 1372. Strategic plan to test and implement advanced passenger prescreening system.
Sec. 1373. Repair station security.
Sec. 1374. General aviation security.
Sec. 1375. Security credentials for airline crews.
Sec. 1376. National explosives detection canine team training center.

Subtitle C—Interoperable Emergency Communications

Sec. 1381. Interoperable emergency communications.
Sec. 1382. Rule of construction.
Sec. 1383. Cross border interoperability reports.
Sec. 1384. Extension of short quorum.

TITLE XIV—PUBLIC TRANSPORTATION TERRORISM PREVENTION

Sec. 1401. Short title.
Sec. 1402. Findings.
Sec. 1403. Security assessments.
Sec. 1404. Security assistance grants.
Sec. 1405. Public transportation security training program.
Sec. 1406. Intelligence sharing.
Sec. 1407. Research, development, and demonstration grants and contracts.
Sec. 1408. Reporting requirements.
Sec. 1409. Authorization of appropriations.
Sec. 1410. Sunset provision.

TITLE XV—MISCELLANEOUS PROVISIONS

Sec. 1501. Deputy Secretary of Homeland Secretary for Management.
Sec. 1502. Sense of the Senate regarding combating domestic radicalization.
Sec. 1503. Report regarding border security.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

SEC. 111. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

"(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide warnings regarding the risk of terrorist attacks on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such warnings.

"(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

"(1) establish criteria for the issuance and revocation of such warnings;

"(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such warnings;

"(3) provide, in each such warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to that risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately; and

"(4) whenever possible, limit the scope of each such warning to a specific region, locality, or economic sector believed to be at risk.

"SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

"(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary shall integrate and standardize the information of the intelligence components of the Department, except for any internal protocols of such intelligence components, to be administered by the Chief Intelligence Officer.

"(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Chief Intelligence Officer regarding coordinating the different systems used in the Department to gather and disseminate homeland security information.

"(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

"(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Chief Intelligence Officer shall—

"(A) establish Department-wide procedures for the review and analysis of information gathered from sources in State, local, and tribal government and the private sector;

“(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

“(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

“(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that gathers information and provides such information to the Department.

“(d) TRAINING AND EVALUATION OF EMPLOYEES.—

“(1) TRAINING.—The Chief Intelligence Officer shall provide to employees of the Department opportunities for training and education to develop an understanding of—

“(A) the definition of homeland security information; and

“(B) how information available to such employees as part of their duties—

“(i) might qualify as homeland security information; and

“(ii) might be relevant to the intelligence components of the Department.

“(2) EVALUATIONS.—The Chief Intelligence Officer shall—

“(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information, sharing information within the Department, as described in this subtitle, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

“(B) provide a report regarding any evaluation under subparagraph (A) to the appropriate component heads.

“SEC. 205. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

“All activities to comply with sections 203 and 204 shall be—

“(1) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

“(2) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

“Sec. 203. Homeland Security Advisory System.
“Sec. 204. Homeland Security Information Sharing.
“Sec. 205. Coordination with information sharing environment.”.

(b) INTELLIGENCE COMPONENT DEFINED.—

(1) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(A) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(B) by inserting after paragraph (8) the following:

“(9) The term ‘intelligence component of the Department’ means any directorate, agency, or other element or entity of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 501(11) of the Homeland Security Act of 2002 (6 U.S.C. 311(11)) is amended by striking “section 2(10)(B)” and inserting “section 2(11)(B)”.

(B) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking “section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))” and inserting “section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))”.

(c) RESPONSIBILITIES OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting “, in support of the mission responsibilities of the Department and consistent with the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 50 U.S.C. 404o),” after “and to integrate such information”; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A) of this section, and inserting the following:

“(7) To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and among the Federal Government and State, local, and tribal government agencies and authorities, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.”.

SEC. 112. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) HOMELAND SECURITY INFORMATION.—The term ‘homeland security information’ has the meaning given that term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).”;

(C) in paragraph (5), as so redesignated—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margin accordingly;

(ii) by striking “‘terrorism information’ means” and inserting the following: “‘terrorism information’—

“(A) means”;

(iii) in subparagraph (A)(iv), as so redesignated, by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(B) includes homeland security information and weapons of mass destruction information.”; and

(D) by adding at the end the following:

“(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term ‘weapons of mass destruction information’ means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including chemical, biological, radiological, and nuclear weapons) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.”;

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking “and” at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

“(K) integrates technologies, including all legacy technologies, through Internet-based services;

“(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

“(M) permits analysts to collaborate both independently and in a group (commonly known as ‘collective and noncollective collaboration’), and across multiple levels of national security information and controlled unclassified information;

“(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

“(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.”;

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “during the two-year period beginning on the date of designation under this paragraph unless sooner” and inserting “until”; and

(ii) by striking “The program manager shall have and exercise governmentwide authority.” and inserting “Except as otherwise expressly provided by law, the program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located.”; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

“(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

"(iii) issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

"(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and";

(4) in subsection (g)—

(A) in paragraph (1), by striking "during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner" and inserting "until";

(B) in paragraph (2)—

(i) in subparagraph (F), by striking "and" at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

"(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

"(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and";

(C) in paragraph (4), by inserting "(including any subsidiary group of the Information Sharing Council)" before "shall not be subject"; and

(D) by adding at the end the following:

"(5) Detailees.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).";

(5) in subsection (h)(1), by striking "and annually thereafter" and inserting "and not later than June 30 of each year thereafter"; and

(6) by striking subsection (j) and inserting the following:

"(j) Report on the Information Sharing Environment.—

"(1) In general.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

"(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, unless the President has—

"(i) specifically exempted categories of information from such elimination; and

"(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

"(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment relating to citizens and lawful permanent residents;

"(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment for a particular purpose that the Federal Government, through an appropriate process, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and

"(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, in any cases in which—

"(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

"(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

"(2) Definition.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

"(k) Additional Positions.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

"(1) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv); and

"(2) other activities associated with the implementation of the information sharing environment, including—

"(A) implementing the requirements under subsection (b)(2); and

"(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment.

"(l) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.".

SEC. 113. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

(a) Curriculum.—The Secretary, acting through the Chief Intelligence Officer, shall develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material.

(b) Training.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct the training.

(c) Consultation.—In carrying out the duties described in subsection (a), the Chief Intelligence Officer shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 114. INFORMATION SHARING INCENTIVES.

(a) Awards.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in sharing information within the scope of the information sharing environment established under that section in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

(b) Other Incentives.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to engage in the information sharing environment, including—

(1) promotions and other nonmonetary awards; and

(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 121. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) In General.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 206. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

"(a) Definitions.—In this section—

"(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department;

"(2) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

"(3) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

"(4) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

"(5) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

"(6) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485).

"(b) Establishment.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

"(c) Department Support and Coordination.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

"(1) coordinate with the principal officer of each State, local, or regional fusion center and the officer designated as the Homeland Security Advisor of the State;

"(2) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

"(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

"(4) conduct exercises, including live training exercises, to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

"(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

"(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

"(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

"(8) provide management assistance to State, local, and regional fusion centers;

"(9) serve as a point of contact to ensure the dissemination of relevant homeland security information;

"(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

"(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

"(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

"(13) carry out such other duties as the Secretary determines are appropriate.

"(d) Personnel Assignment.—

"(1) In general.—The Chief Intelligence Officer may, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to State, local, and regional fusion centers.

"(2) Personnel sources.—Officers and intelligence analysts assigned to fusion centers under this subsection may be assigned from the following Department components, in consultation with the respective component head:

"(A) Office of Intelligence and Analysis, or its successor.

"(B) Office of Infrastructure Protection.

"(C) Transportation Security Administration.

"(D) United States Customs and Border Protection.

"(E) United States Immigration and Customs Enforcement.

"(F) United States Coast Guard.

"(G) Other intelligence components of the Department, as determined by the Secretary.

"(3) Participation.—

"(A) In general.—The Secretary may develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

"(B) Criteria.—Any criteria developed under subparagraph (A) may include—

"(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

"(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

"(iii) whether the fusion center has—

"(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

"(II) the ability to share and analytically exploit that data for authorized purposes;

"(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

"(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

"(4) Prerequisite.—

"(A) Intelligence analysis, privacy, and civil liberties training.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

"(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

"(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

"(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar regulation or ruling);

"(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

"(iii) such other training prescribed by the Chief Intelligence Officer.

"(B) Prior work experience in area.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Chief Intelligence Officer shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

"(i) has been previously assigned in the geographic area; or

"(ii) has previously worked with intelligence officials or emergency response providers from that State, locality, or region.

"(5) Expedited security clearance processing.—The Chief Intelligence Officer—

"(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate clearance to contribute effectively to the mission of the fusion center; and

"(B) may request that security clearance processing be expedited for each such officer or intelligence analyst.

"(6) Further qualifications.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Chief Intelligence Officer may prescribe.

"(e) Responsibilities.—An officer or intelligence analyst assigned to a fusion center under this section shall—

"(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using Federal homeland security information to develop a comprehensive and accurate threat picture;

"(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

"(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department;

"(4) assist in the dissemination of such products, under the coordination of the Chief Intelligence Officer, to law enforcement agencies and other emergency response providers of State, local, and tribal government; and

"(5) assist in the dissemination of such products to the Chief Intelligence Officer for collection and dissemination to other fusion centers.

"(f) Database Access.—In order to fulfill the objectives described under subsection (e), each officer or intelligence analyst assigned to a fusion center under this section shall have direct access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

"(g) Consumer Feedback.—

"(1) In general.—The Secretary shall create a mechanism for any State, local, or tribal emergency response provider who is a consumer of the intelligence or other information products described under subsection (e) to voluntarily provide feedback to the Department on the quality and utility of such intelligence products.

"(2) Results.—The results of the voluntary feedback under paragraph (1) shall be provided electronically to Congress and appropriate personnel of the Department.

"(h) Rule of Construction.—

"(1) In general.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

"(2) Participation.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

"(i) Guidelines.—The Secretary, in consultation with the Attorney General of the United States, shall establish guidelines for fusion centers operated by State and local governments, to include standards that any such fusion center shall—

"(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

"(2) create a representative governance structure that includes emergency response providers and, as appropriate, the private sector;

"(3) create a collaborative environment for the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) among Federal, State, tribal, and local emergency response providers, the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

"(4) leverage the databases, systems, and networks available from public and private sector entities to maximize information sharing;

"(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

"(6) ensure appropriate security measures are in place for the facility, data, and personnel;

"(7) select and train personnel based on the needs, mission, goals, and functions of that fusion center; and

"(8) offer a variety of intelligence services and products to recipients of fusion center intelligence and information.

"(j) AUTHORIZATION OF APPROPRIATIONS.—Except for subsection (i), there are authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 205, as added by this Act, the following:

"Sec. 206. State, Local, and Regional Information Fusion Center Initiative.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 206 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "program") has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date on which the program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the program.

SEC. 122. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 207. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Chief Intelligence Officer, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

"(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

"(i) the relevant missions and capabilities of the Department and other Federal agencies; and

"(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

"(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

"(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

"(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers, emergency response providers, and intelligence analysts; and

"(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal emergency response providers, law enforcement officers, and intelligence analysts and designed to prepare for and thwart terrorist attacks.

"(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

"(A) have homeland security-related responsibilities;

"(B) be eligible for an appropriate national security clearance;

"(C) possess a valid need for access to classified information, as determined by the Chief Intelligence Officer;

"(D) be an employee of an eligible entity; and

"(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note).

"(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

"(A) a State, local, or regional fusion center;

"(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

"(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

"(D) a tribal law enforcement or other authority; or

"(E) such other entity as the Secretary determines is appropriate.

"(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

"(d) PROCEDURES FOR NOMINATION AND SELECTION.—

"(1) IN GENERAL.—The Chief Intelligence Officer shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

"(2) LIMITATIONS.—The Chief Intelligence Officer shall—

"(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

"(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department; and

"(2) the term 'Office of Intelligence and Analysis' means the office of the Chief Intelligence Officer.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 206, as added by this Act, the following:

"Sec. 207. Homeland Security Information Sharing Fellows Program.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 207 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "Program") the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the Program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the Program.

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 131. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) IN GENERAL.—As part of efforts to establish the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the program manager shall oversee and coordinate the creation and ongoing operation of an Interagency Threat Assessment and Coordination Group (in this section referred to as the "ITACG").

(b) RESPONSIBILITIES.—The ITACG shall facilitate the production of federally coordinated products derived from information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and intended for distribution to State, local, and tribal government officials and the private sector.

(c) OPERATIONS.—

(1) IN GENERAL.—The ITACG shall be located at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall assign a senior level officer to manage and direct the administration of the ITACG.

(B) DISTRIBUTION.—The Secretary, in consultation with the Attorney General and the heads of other agencies, as appropriate, shall determine how specific products shall be distributed to State, local, and tribal officials and private sector partners under this section.

(C) STANDARDS FOR ADMISSION.—The Secretary, acting through the Chief Intelligence Officer and in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall establish standards for the admission of law enforcement and intelligence officials from a State, local, or tribal government into the ITACG.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The ITACG shall include representatives of—

(A) the Department;

(B) the Federal Bureau of Investigation;

(C) the Department of Defense;

(D) the Department of Energy;

(E) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(F) other Federal entities as appropriate.

(2) CRITERIA.—The program manager for the information sharing environment, in consultation with the Secretary of Defense, the Secretary, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall develop qualifying criteria and establish procedures for selecting personnel assigned to the ITACG and for the proper handling and safeguarding of information related to terrorism.

(e) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The ITACG and any subsidiary groups thereof shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—HOMELAND SECURITY GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Homeland Security Grant Enhancement Act of 2007".

SEC. 202. HOMELAND SECURITY GRANT PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XX—HOMELAND SECURITY GRANTS

"SEC. 2001. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) COMBINED STATISTICAL AREA.—The term 'combined statistical area' means a combined statistical area, as defined by the Office of Management and Budget.

"(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

"(A) any Indian tribe that—

"(i) is located in the continental United States;

"(ii) operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

"(iii) is located—

"(I) on, or within 50 miles of, an international border or a coastline bordering an ocean or international waters;

"(II) within 10 miles of critical infrastructure or has critical infrastructure within its territory; or

"(III) within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; and

"(iv) certifies to the Secretary that a State is not making funds distributed under this title available to the Indian tribe or consortium of Indian tribes for the purpose for which the Indian tribe or consortium of Indian tribes is seeking grant funds; and

"(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

"(4) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means the following:

"(A) IN GENERAL.—A combination of 2 or more incorporated municipalities, counties, parishes, or Indian tribes that—

"(i) is within—

"(I) any of the 100 largest metropolitan statistical areas in the United States; or

"(II) any combined statistical area, of which any metropolitan statistical area described in subparagraph (A) is a part; and

"(ii) includes the city with the largest population in that metropolitan statistical area.

"(B) OTHER COMBINATIONS.—Any other combination of contiguous local or tribal governments that are formally certified by the Administrator as an eligible metropolitan area for purposes of this title with the consent of the State or States in which such local or tribal governments are located.

"(C) INCLUSION OF ADDITIONAL LOCAL GOVERNMENTS.—An eligible metropolitan area may include additional local or tribal governments outside the relevant metropolitan statistical area or combined statistical area that are likely to be affected by, or be called upon to respond to, a terrorist attack within the metropolitan statistical area.

"(5) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

"(6) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

"(7) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

"(8) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(9) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

"(10) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

"(11) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

"SEC. 2002. HOMELAND SECURITY GRANT PROGRAM.

"(a) ESTABLISHMENT.—There is established a Homeland Security Grant Program, which shall consist of—

"(1) the Urban Area Security Initiative established under section 2003, or any successor thereto;

"(2) the State Homeland Security Grant Program established under section 2004, or any successor thereto;

"(3) the Emergency Management Performance Grant Program established under section 2005 or any successor thereto; and

"(4) the Emergency Communications and Interoperability Grants Program established under section 1809, or any successor thereto.

"(b) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments under the Homeland Security Grant Program for the purposes of this title.

"(c) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(2) Except as provided in subsection (d), all grant programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the Urban Search and Rescue Grant Program.

"(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

"(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

"(5) Grant programs other than those administered by the Department.

"(d) RELATIONSHIP TO OTHER LAWS.—

"(1) IN GENERAL.—The Homeland Security Grant Program shall supercede—

"(A) all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714); and

"(B) the Emergency Management Performance Grant authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762).

"(2) PROGRAM INTEGRITY.—Each grant program described under paragraphs (1) through (4) of subsection (a) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

"(A) identifying activities funded under the Homeland Security Grant Program that are susceptible to significant improper payments; and

"(B) reporting the incidence of improper payments to the Department.

"(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

"(e) MINIMUM PERFORMANCE REQUIREMENTS.—

"(1) IN GENERAL.—The Administrator shall—

"(A) establish minimum performance requirements for entities that receive homeland security grants;

"(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

"(i) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

"(ii) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

"(C) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under subparagraph (A) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

"(i) establishing a plan for the achievement of the minimum performance requirements under subparagraph (A), including—

"(I) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

"(II) conducting additional simulations and exercises; and

"(ii) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under subparagraph (A).

"(2) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under paragraph (1)(B).

"(3) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

"(A) the performance of grantees under paragraph (1)(A);

"(B) lessons learned through the simulations and exercises under paragraph (1)(B); and

"(C) efforts being made to remedy failed performance under paragraph (1)(C).

"SEC. 2003. URBAN AREA SECURITY INITIATIVE.

"(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk metropolitan areas in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

"(b) APPLICATION.—

"(1) IN GENERAL.—An eligible metropolitan area may apply for grants under this section.

"(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(3) INFORMATION.—In an application for a grant under this section, an eligible metropolitan area shall submit—

"(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the eligible metropolitan area;

"(B) the name of an individual to serve as a metropolitan area liaison with the Department and among the various jurisdictions in the metropolitan area; and

"(C) such information in support of the application as the Administrator may reasonably require.

"(c) STATE REVIEW AND TRANSMISSION.—

"(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan area applying for a grant under this section shall submit its application to each State within which any part of the eligible metropolitan area is located for review before submission of such application to the Department.

"(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan area under paragraph (1), each such State shall transmit the application to the Department.

"(3) STATE DISAGREEMENT.—If the Governor of any such State determines that an application of an eligible metropolitan area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(A) notify the Administrator, in writing, of that fact; and

"(B) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

"(d) PRIORITIZATION.—In allocating funds among metropolitan areas applying for grants under this section, the Administrator shall consider—

"(1) the relative threat, vulnerability, and consequences faced by the eligible metropolitan area from a terrorist attack, including consideration of—

"(A) the population of the eligible metropolitan area, including appropriate consideration of military, tourist, and commuter populations;

"(B) the population density of the eligible metropolitan area;

"(C) the history of threats faced by the eligible metropolitan area, including—

"(i) whether there has been a prior terrorist attack in the eligible metropolitan area; and

"(ii) whether any part of the eligible metropolitan area, or any critical infrastructure or key resource within the eligible metropolitan area, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

"(D) the degree of threat, vulnerability, and consequences to the eligible metropolitan area related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

"(E) whether the eligible metropolitan area is located at or near an international border;

"(F) whether the eligible metropolitan area has a coastline bordering ocean or international waters;

"(G) threats, vulnerabilities, and consequences faced by the eligible metropolitan area related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

"(H) the most current threat assessments available to the Department;

"(I) the extent to which the eligible metropolitan area has unmet target capabilities;

"(J) the extent to which the eligible metropolitan area includes—

"(i) all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan statistical area or combined statistical area; and

"(ii) other local governments and tribes that are likely to be called upon to respond to a terrorist attack within the eligible metropolitan area; and

"(K) such other factors as are specified in writing by the Administrator; and

"(2) the anticipated effectiveness of the proposed spending plan for the eligible metropolitan area in increasing the ability of that eligible metropolitan area to prevent, prepare for, protect against, respond to, and recover from terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the metropolitan area, the State, and the Nation.

"(e) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

"(f) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan and relevant local and regional homeland security plans, through—

"(1) developing and enhancing State, local, or regional plans, risk assessments, or mutual aid agreements;

"(2) purchasing, upgrading, storing, or maintaining equipment;

"(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

"(4) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event, including payment of overtime and backfill costs;

"(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

"(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

"(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

"(8) any other activity relating to achieving target capabilities approved by the Administrator.

"(g) Distribution of Awards to Metropolitan Areas.—

"(1) In general.—If the Administrator approves the application of an eligible metropolitan area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which the eligible metropolitan area is located.

"(2) State distribution of funds.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

"(3) Multistate regions.—If parts of an eligible metropolitan area awarded a grant are located in 2 or more States, the Secretary shall distribute to each such State—

"(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

"(B) if no agreement on distribution has been reached, a portion of the grant funds in proportion to each State's share of the population of the eligible metropolitan area.

"SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

"(a) Establishment.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

"(b) Application.—

"(1) In general.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

"(2) Annual applications.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(c) Prioritization.—In allocating funds among States applying for grants under this section, the Administrator shall consider—

"(1) the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

"(A) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

"(B) the population density of the State;

"(C) the history of threats faced by the State, including—

"(i) whether there has been a prior terrorist attack in an urban area that is wholly or partly in the State, or in the State itself; and

"(ii) whether any part of the State, or any critical infrastructure or key resource within the State, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

"(D) the degree of threat, vulnerability, and consequences related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan;

"(E) whether the State has an international border;

"(F) whether the State has a coastline bordering ocean or international waters;

"(G) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the State's need to respond to terrorist attacks arising in adjacent States;

"(H) the most current threat assessments available to the Department;

"(I) the extent to which the State has unmet target capabilities; and

"(J) such other factors as are specified in writing by the Administrator;

"(2) the anticipated effectiveness of the proposed spending plan of the State in increasing the ability of the State to—

"(A) prevent, prepare for, protect against, respond to, and recover from terrorism;

"(B) meet the target capabilities of the State; and

"(C) otherwise reduce the overall risk to the State and the Nation; and

"(3) the need to balance the goal of ensuring the target capabilities of the highest risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

"(d) Minimum Allocation.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

"(1) except as provided for in paragraph (2), no State receives less than an amount equal to 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program; and

"(2) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive not less than 0.08 percent of the amounts appropriated for the State Homeland Security Grant Program.

"(e) Multistate Partnerships.—

"(1) In general.—Instead of, or in addition to, any application for funds under subsection (b), 2 or more States may submit an application under this paragraph for multistate efforts to prevent, prepare for, protect against, respond to, or recover from acts of terrorism.

"(2) Grantees.—Multistate grants may be awarded to either—

"(A) an individual State acting on behalf of a consortium or partnership of States with the consent of all member States; or

"(B) a group of States applying as a consortium or partnership.

"(3) Administration of grant.—If a group of States apply as a consortium or partnership such States shall submit to the Secretary at the time of application a plan describing—

"(A) the division of responsibilities for administering the grant; and

"(B) the distribution of funding among the various States and entities that are party to the application.

"(f) Funding for Local and Tribal Governments.—

"(1) In general.—The Administrator shall require that, not later than 60 days after receiving grant funding, any State receiving a grant under this section shall make available to local and tribal governments and emergency response providers, consistent with the applicable State homeland security plan—

"(A) not less than 80 percent of the grant funds;

"(B) with the consent of local and tribal governments, the resources purchased with such grant funds having a value equal to not less than 80 percent of the amount of the grant; or

"(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the amount of the grant.

"(2) Extension of period.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request, and may extend such period for an additional period, if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments and emergency response providers is necessary to promote effective investments to prevent, prepare for, protect against, respond to, and recover from terrorism, or to meet the target capabilities of the State.

"(3) Indian tribes.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities achieve target capabilities. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"(4) Exception.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

"(g) Grants to Directly Eligible Tribes.—

"(1) In general.—Notwithstanding subsection (b), the Secretary may award grants to directly eligible tribes under this section.

"(2) Tribal applications.—A directly eligible tribe may apply for a grant under this section by submitting an application to the Administrator that includes the information required for an application by a State under subsection (b).

"(3) State review.—

"(A) In general.—To ensure consistency with State homeland security plans, a directly eligible tribe applying for a grant under this section shall submit its application to each State within which any part of the tribe is located for review before submission of such application to the Department.

"(B) Deadline.—Not later than 30 days after receiving an application from a directly eligible tribe under subparagraph (A), each such State shall transmit the application to the Department.

"(C) State disagreement.—If the Governor of any such State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(i) notify the Administrator, in writing, of that fact; and

"(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

"(4) Distribution of awards to directly eligible tribes.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the directly eligible tribe. The funds shall not be distributed to the State or States in which the directly eligible tribe is located.

"(5) Tribal liaison.—A directly eligible tribe applying for a grant under this section shall designate a specific individual to serve as the tribal liaison who shall—

"(A) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

"(B) develop a process for receiving input from Federal, State, local, regional, and private officials to assist in the development of the application of such tribe and to improve the access of such tribe to grants; and

"(C) administer, in consultation with State, local, regional, and private officials, grants awarded to such tribe.

"(6) TRIBES RECEIVING DIRECT GRANTS.—A directly eligible tribe that receives a grant directly under this section is eligible to receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State.

"(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this section.

"(h) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

"(i) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan, through—

"(1) developing and enhancing State, local, tribal, or regional plans, risk assessments, or mutual aid agreements;

"(2) purchasing, upgrading, storing, or maintaining equipment;

"(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

"(4) responding to an increase in the threat level under the Homeland Security Advisory System, including payment of overtime and backfill costs;

"(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers, that comply with the guidelines established under section 206(i);

"(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1001 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

"(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

"(8) any other activity relating to achieving target capabilities approved by the Administrator.

"SEC. 2005. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

"(a) ESTABLISHMENT.—There is established an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, recovering from, and mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

"(b) APPLICATION.—

"(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

"(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(c) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

"(1) BASELINE AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

"(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

"(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

"(d) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan or a catastrophic incident annex developed under section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) through—

"(1) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

"(2) any other activity approved by the Administrator that will improve the capability of a State, local, or tribal government in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

"(e) COST SHARING.—

"(1) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this section shall not exceed 75 percent.

"(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(f) LOCAL AND TRIBAL GOVERNMENTS.—

"(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

"(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preventing, preparing for, protecting against, responding to, recovering from, or mitigating against all hazards, including natural disasters, acts of terrorism, and other man-made disasters. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"SEC. 2006. TERRORISM PREVENTION.

"(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

"(1) IN GENERAL.—The Administrator shall designate not less than 25 percent of the combined amount appropriated for grants under sections 2003 and 2004 to be used for law enforcement terrorism prevention activities.

"(2) USE OF FUNDS.—Grants awarded under this subsection may be used for—

"(A) information sharing to preempt terrorist attacks;

"(B) target hardening to reduce the vulnerability of selected high value targets;

"(C) threat recognition to recognize the potential or development of a threat;

"(D) intervention activities to interdict terrorists before they can execute a threat;

"(E) overtime expenses related to a State homeland security plan, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement;

"(F) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

"(G) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

"(H) any other terrorism prevention activity authorized by the Administrator.

"(b) OFFICE FOR THE PREVENTION OF TERRORISM.—

"(1) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

"(2) DIRECTOR.—

"(A) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

"(B) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other antiterrorist functions.

"(3) ASSIGNMENT OF PERSONNEL.—

"(A) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

"(B) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act as liaisons between that component and the Office for the Prevention of Terrorism.

"(4) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

"(A) coordinate policy and operations between the Department and State, local, and tribal government agencies relating to preventing acts of terrorism within the United States;

"(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

"(C) in coordination with the Office of Intelligence and Analysis, develop better methods for the sharing of intelligence with State, local, and tribal law enforcement agencies;

"(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under this title, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs are adequately focused on terrorism prevention activities; and

"(E) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

"(5) PILOT PROJECT.—

"(A) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Administrator, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

"(B) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this paragraph shall form the basis of a national network of standardized law enforcement resources to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disaster.

"(6) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

"SEC. 2007. RESTRICTIONS ON USE OF FUNDS.

"(a) LIMITATIONS ON USE.—

"(1) CONSTRUCTION.—

"(A) IN GENERAL.—Grants awarded under this title may not be used to acquire land or to construct buildings or other physical facilities.

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of grants awarded under this title to achieve target capabilities through—

"(I) the construction of facilities described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); or

"(II) the alteration or remodeling of existing buildings for the purpose of making such buildings secure against terrorist attacks or able to withstand or protect against chemical, radiological, or biological attacks.

"(ii) REQUIREMENTS FOR EXCEPTION.—No grant awards may be used for the purposes under clause (i) unless—

"(I) specifically approved by the Administrator;

"(II) the construction occurs under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(8)); and

"(III) the amount allocated for purposes under clause (i) does not exceed 20 percent of the grant award.

"(2) PERSONNEL.—

"(A) IN GENERAL.—For any grant awarded under section 2003 or 2004—

"(i) not more than 25 percent of the amount awarded to a grant recipient may be used to pay overtime and backfill costs; and

"(ii) not more than 25 percent of the amount awarded to the grant recipient may be used to pay personnel costs not described in clause (i).

"(B) WAIVER.—At the request of the recipient of a grant under section 2003 or section 2004, the Administrator may grant a waiver of any limitation under subparagraph (A).

"(3) RECREATION.—Grants awarded under this title may not be used for recreational or social purposes.

"(b) MULTIPLE-PURPOSE FUNDS.—Nothing in this title shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Administrator.

"(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"(d) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this title shall be used to supplement and not supplant other State, local, and tribal government public funds obligated for the purposes provided under this title.

"SEC. 2008. ADMINISTRATION AND COORDINATION.

"(a) ADMINISTRATOR.—The Administrator shall, in consultation with other appropriate offices within the Department, have responsibility for administering all homeland security grant programs administered by the Department and for ensuring coordination among those programs and consistency in the guidance issued to recipients across those programs.

"(b) NATIONAL ADVISORY COUNCIL.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council established under section 508 on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies.

"(c) REGIONAL COORDINATION.—The Administrator shall ensure that—

"(1) all recipients of homeland security grants administered by the Department, as a condition of receiving those grants, coordinate their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments, as appropriate; and

"(2) all metropolitan areas and other recipients of homeland security grants administered by the Department that include or substantially affect parts or all of more than 1 State, coordinate across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans, as a condition of receiving Departmentally administered homeland security grants.

"(d) PLANNING COMMITTEES.—

"(1) IN GENERAL.—Any State or metropolitan area receiving grants under this title shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

"(i) local and tribal government officials; and

"(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

"(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or metropolitan areas, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

"(e) INTERAGENCY COORDINATION.—The Secretary, through the Administrator, in coordination with the Attorney General, the Secretary of Health and Human Services, and other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, responding to, and recovering from natural disasters, acts of terrorism, and other man-made disasters, and not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, shall—

"(1) compile a comprehensive list of Federal programs that provide assistance to State, local, and tribal governments for preventing, preparing for, and responding to, natural disasters, acts of terrorism, and other man-made disasters;

"(2) develop a proposal to coordinate, to the greatest extent practicable, the planning, reporting, application, and other requirements and guidance for homeland security assistance programs to—

"(A) eliminate redundant and duplicative requirements, including onerous application and ongoing reporting requirements;

"(B) ensure accountability of the programs to the intended purposes of such programs;

"(C) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients; and

"(D) make the programs more accessible and user friendly to applicants; and

"(3) submit the information and proposals under paragraphs (1) and (2) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"SEC. 2009. ACCOUNTABILITY.

"(a) REPORTS TO CONGRESS.—

"(1) FUNDING EFFICACY.—The Administrator shall submit to Congress, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752), an evaluation of the extent to which grants Administered by the Department, including the grants established by this title—

"(A) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

"(B) have led to the reduction of risk nationally and in State, local, and tribal jurisdictions.

"(2) RISK ASSESSMENT.—

"(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed and comprehensive explanation of the methodology used to calculate risk and compute the allocation of funds under sections 2003 and 2004 of this title, including—

"(i) all variables included in the risk assessment and the weights assigned to each;

"(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

"(iii) any change in the methodology from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

"(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

"(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

"(i) October 31; or

"(ii) 30 days before the issuance of any program guidance for grants under sections 2003 and 2004.

"(b) Reviews and Audits.—

"(1) Department review.—The Administrator shall conduct periodic reviews of grants made under this title to ensure that recipients allocate funds consistent with the guidelines established by the Department.

"(2) Government accountability office.—

"(A) Access to information.—Each recipient of a grant under this title and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this title.

"(B) Audits and reports.—

"(i) Audit.—Not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, and periodically thereafter, the Comptroller General of the United States shall conduct an audit of the Homeland Security Grant Program.

"(ii) Report.—The Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

"(I) the results of any audit conducted under clause (i), including an analysis of the purposes for which the grant funds authorized under this title are being spent; and

"(II) whether the grant recipients have allocated funding consistent with the State homeland security plan and the guidelines established by the Department.

"(3) Audit requirement.—Grant recipients that expend $500,000 or more in grant funds received under this title during any fiscal year shall submit to the Administrator an organization-wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

"(4) Recovery audits.—The Secretary shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of $1,000,000 or greater.

"(c) Remedies for Noncompliance.—

"(1) In general.—If the Administrator finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this title has failed to substantially comply with any provision of this title, or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

"(A) terminate any payment of grant funds to be made to the recipient under this title;

"(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this title; or

"(C) limit the use of grant funds received under this title to programs, projects, or activities not affected by the failure to comply.

"(2) Duration of penalty.—The Administrator shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this title or with applicable guidelines or regulations of the Department.

"(3) Direct funding.—If a State fails to substantially comply with any provision of this title or with applicable guidelines or regulations of the Department, including failing to provide local or tribal governments with grant funds or resources purchased with grant funds in a timely fashion, a local or tribal government entitled to receive such grant funds or resources may petition the Administrator, at such time and in such manner as determined by the Administrator, to request that grant funds or resources be provided directly to the local or tribal government.

"SEC. 2010. AUDITING.

"(a) Audit of Grants Under This Title.—

"(1) In general.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use of funds under such grant program by such entity.

"(2) Timing.—The date described in this paragraph is the later of 2 years after—

"(A) the date of enactment of the Improving America's Security Act of 2007; and

"(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

"(3) Contents.—Each audit under this subsection shall evaluate—

"(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit;

"(B) whether funds under that grant program were used by that entity as required by law; and

"(C)(i) for each grant under the Urban Area Security Initiative or the State Homeland Security Grant Program, the extent to which funds under that grant were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

"(ii) for each grant under the Emergency Management Performance Grant Program, the extent to which funds under that grant were used to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

"(4) Public availability on website.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

"(5) Reporting.—

"(A) In general.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

"(B) Contents.—Each report submitted under this paragraph shall describe—

"(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

"(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

"(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law; and

"(iii)(I) for grants under the Urban Area Security Initiative or the State Homeland Security Grant Program audited, the extent to which, during the period described in clause (i) that is applicable to such report, funds under such grants were used to prepare for, protect against, respond to; or recover from acts of terrorism; and

"(II) for grants under the Emergency Management Performance Grant Program audited, the extent to which funds under such grants were used during the period described in clause (i) applicable to such report to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

"(b) Audit of Other Preparedness Grants.—

"(1) In general.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

"(2) Timing.—The date described in this paragraph is the later of 2 years after—

"(A) the date of enactment of the Improving America's Security Act of 2007; and

"(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

"(3) Contents.—Each audit under this subsection shall evaluate—

"(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

"(B) whether funds under each such grant program were used by that entity as required by law; and

"(C) the extent to which such funds were used to enhance preparedness.

"(4) Public availability on website.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

"(5) Reporting.—

"(A) In general.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

"(B) Contents.—Each report submitted under this paragraph shall describe—

"(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

"(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

"(ii) whether funds under each grant audited were used as required by law; and

"(iii) the extent to which funds under each grant audited were used to enhance preparedness.

"(c) Funding for Audits.—

"(1) In general.—The Administrator shall withhold 1 percent of the total amount of each grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, and the Emergency Management Performance Grant Program for audits under this section.

"(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

"(A) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

"(B) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

"(C) Amounts withheld from grants under the Emergency Management Performance Grant Program shall be made available for audits under this section of entities receiving grants under the Emergency Management Performance Grant Program.

"SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—

"(1) IN GENERAL.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title for each of fiscal years 2008, 2009, and 2010, $3,105,000,000, to be allocated as follows:

"(A) For grants under the Urban Area Security Initiative under section 2003, $1,278,639,000.

"(B) For grants under the State Homeland Security Grant Program established under section 2004, $913,180,500.

"(C) For grants under the Emergency Management Performance Grant Program established under section 2005, $913,180,500.

"(2) SUBSEQUENT YEARS.—There is authorized to be appropriated for the Homeland Security Grant Program established under section 2002 of this title such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

"(b) PROPORTIONATE ALLOCATION.—Regardless of the amount appropriated for the Homeland Security Grant Program in any fiscal year, the appropriated amount shall, in each fiscal year, be allocated among the grant programs under sections 2003, 2004, and 2005 in direct proportion to the amounts allocated under paragraph (a)(1) of this section.".

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking "section 1802" and inserting "section 1902"; and

(4) in section 1906, as so redesignated, by striking "section 1802(a)" each place that term appears and inserting "section 1902(a)".

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1903. Hiring authority.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.

"TITLE XX—HOMELAND SECURITY GRANTS

"Sec. 2001. Definitions.
"Sec. 2002. Homeland Security Grant Program.
"Sec. 2003. Urban Area Security Initiative.
"Sec. 2004.. State Homeland Security Grant Program.
"Sec. 2005. Emergency Management Performance Grants Program.
"Sec. 2006. Terrorism prevention.
"Sec. 2007. Restrictions on use of funds.
"Sec. 2008. Administration and coordination.
"Sec. 2009. Accountability.
"Sec. 2010. Auditing.
"Sec. 2011. Authorization of appropriations.".

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

SEC. 301. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.

(a) EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.—

(1) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) (relating to emergency communications) is amended by adding at the end the following:

"SEC. 1809. EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS GRANTS.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) EMERGENCY COMMUNICATIONS OPERABILITY.—The term 'emergency communications operability' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, agencies, and government officers from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, act of terrorism, or other man-made disaster, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

"(b) IN GENERAL.—The Administrator shall make grants to States for initiatives necessary to achieve, maintain, or enhance Statewide, regional, national and, as appropriate, international emergency communications operability and interoperable communications.

"(c) STATEWIDE INTEROPERABLE COMMUNICATIONS PLANS.—

"(1) SUBMISSION OF PLANS.—The Administrator shall require any State applying for a grant under this section to submit a Statewide Interoperable Communications Plan as described under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

"(2) COORDINATION AND CONSULTATION.—The Statewide plan submitted under paragraph (1) shall be developed—

"(A) in coordination with local and tribal governments, emergency response providers, and other relevant State officers; and

"(B) in consultation with and subject to appropriate comment by the applicable Regional Emergency Communications Coordination Working Group as described under section 1805.

"(3) APPROVAL.—The Administrator may not award a grant to a State unless the Administrator, in consultation with the Director for Emergency Communications, has approved the applicable Statewide plan.

"(4) REVISIONS.—A State may revise the applicable Statewide plan approved by the Administrator under this subsection, subject to approval of the revision by the Administrator.

"(d) CONSISTENCY.—The Administrator shall ensure that each grant is used to supplement and support, in a consistent and coordinated manner, any applicable State, regional, or urban area homeland security plan.

"(e) USE OF GRANT FUNDS.—Grants awarded under subsection (b) may be used for initiatives to achieve, maintain, or enhance emergency communications operability and interoperable communications, including—

"(1) Statewide or regional communications planning, including governance related activities;

"(2) system design and engineering;

"(3) system procurement and installation;

"(4) exercises;

"(5) modeling and simulation exercises for operational command and control functions;

"(6) technical assistance;

"(7) training; and

"(8) other appropriate activities determined by the Administrator to be integral to achieve, maintain, or enhance emergency communications operability and interoperable communications.

"(f) APPLICATION.—

"(1) IN GENERAL.—A State desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

"(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

"(B) describe how—

"(i) the proposed use of funds—

"(I) would be consistent with and address the goals in any applicable State, regional, or urban homeland security plan; and

"(II) unless the Administrator determines otherwise, are—

"(aa) consistent with the National Emergency Communications Plan under section 1802; and

"(bb) compatible with the national infrastructure and national voluntary consensus standards;

"(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among participating local and tribal governments and emergency response providers;

"(iii) the State plans to allocate the grant funds on the basis of risk and effectiveness to regions, local and tribal governments to promote meaningful investments for achieving, maintaining, or enhancing emergency communications operability and interoperable communications;

"(iv) the State intends to address the emergency communications operability and interoperable communications needs at the city, county, regional, State, and interstate level; and

"(v) the State plans to emphasize regional planning and cooperation, both within the jurisdictional borders of that State and with neighboring States;

"(C) be consistent with the Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

"(D) include a capital budget and timeline showing how the State intends to allocate and expend the grant funds.

"(g) Award of Grants.—

"(1) Considerations.—In approving applications and awarding grants under this section, the Administrator shall consider—

"(A) the nature of the threat to the State from a natural disaster, act of terrorism, or other man-made disaster;

"(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of natural disasters, acts of terrorism, or other man-made disasters;

"(C) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

"(D) the population density of the State;

"(E) the extent to which grants will be utilized to implement emergency communications operability and interoperable communications solutions—

"(i) consistent with the National Emergency Communications Plan under section 1802 and compatible with the national infrastructure and national voluntary consensus standards; and

"(ii) more efficient and cost effective than current approaches;

"(F) the extent to which a grant would expedite the achievement, maintenance, or enhancement of emergency communications operability and interoperable communications in the State with Federal, State, local, and tribal governments;

"(G) the extent to which a State, given its financial capability, demonstrates its commitment to achieve, maintain, or enhance emergency communications operability and interoperable communications by supplementing Federal funds with non-Federal funds;

"(H) whether the State is on or near an international border;

"(I) whether the State encompasses an economically significant border crossing;

"(J) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters;

"(K) the extent to which geographic barriers pose unusual obstacles to achieving, maintaining, or enhancing emergency communications operability or interoperable communications;

"(L) the threats, vulnerabilities, and consequences faced by the State related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural disasters, acts of terrorism, and other man-made disasters arising in those jurisdictions;

"(M) the need to achieve, maintain, or enhance nationwide emergency communications operability and interoperable communications, consistent with the National Emergency Communications Plan under section 1802;

"(N) whether the activity for which a grant is requested is being funded under another Federal or State emergency communications grant program; and

"(O) such other factors as are specified by the Administrator in writing.

"(2) Review panel.—

"(A) In general.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

"(B) Recommendations.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

"(C) Membership.—The review panel established under subparagraph (A) shall include—

"(i) individuals with technical expertise in emergency communications operability and interoperable communications;

"(ii) emergency response providers; and

"(iii) other relevant State and local officers.

"(3) Minimum grant amounts.—The Administrator shall ensure that for each fiscal year—

"(A) no State receives less than an amount equal to 0.75 percent of the total funds appropriated for grants under this section; and

"(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.25 percent of the amounts appropriated for grants under this section.

"(4) Availability of funds.—Any grant funds awarded that may be used to support emergency communications operability or interoperable communications shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

"(h) State Responsibilities.—

"(1) Pass-through of funds to local and tribal governments.—The Administrator shall determine a date by which a State that receives a grant shall obligate or otherwise make available to local and tribal governments and emergency response providers—

"(A) not less than 80 percent of the funds of the amount of the grant;

"(B) resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant; or

"(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant.

"(2) Certifications regarding distribution of grant funds to local and tribal governments.—Any State that receives a grant shall certify to the Administrator, by not later than 30 days after the date described under paragraph (1) with respect to the grant, that the State has made available for expenditure by local or tribal governments and emergency response providers the required amount of grant funds under paragraph (1).

"(3) Report on grant spending.—

"(A) In general.—Any State that receives a grant shall submit a spending report to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(B) Minimum contents.—At a minimum, each report under this paragraph shall include—

"(i) the amount, ultimate recipients, and dates of receipt of all funds received under the grant;

"(ii) the amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or under mutual aid agreements or other intrastate and interstate sharing arrangements, as applicable;

"(iii) how the funds were used by each ultimate recipient or beneficiary;

"(iv) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application have been achieved, maintained, or enhanced as the result of the expenditure of grant funds; and

"(v) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application remain unmet.

"(C) Public availability on website.—The Administrator shall make each report submitted under subparagraph (A) publicly available on the website of the Federal Emergency Management Agency. The Administrator may redact such information from the reports as the Administrator determines necessary to protect national security.

"(4) Penalties for reporting delay.—If a State fails to provide the information required by the Administrator under paragraph (3), the Administrator may—

"(A) reduce grant payments to the State from the portion of grant funds that are not required to be passed through under paragraph (1);

"(B) terminate payment of funds under the grant to the State, and transfer the appropriate portion of those funds directly to local and tribal governments and emergency response providers that were intended to receive funding under that grant; or

"(C) impose additional restrictions or burdens on the use of funds by the State under the grant, which may include—

"(i) prohibiting use of such funds to pay the grant-related expenses of the State; or

"(ii) requiring the State to distribute to local and tribal government and emergency response providers all or a portion of grant funds that are not required to be passed through under paragraph (1).

"(i) Prohibited Uses.—Grants awarded under this section may not be used for recreational or social purposes.

"(j) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) $400,000,000 for fiscal year 2008;

"(2) $500,000,000 for fiscal year 2009;

"(3) $600,000,000 for fiscal year 2010;

"(4) $800,000,000 for fiscal year 2011;

"(5) $1,000,000,000 for fiscal year 2012; and

"(6) such sums as necessary for each fiscal year thereafter.".

(2) Technical and conforming amendment.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 1808 the following:

"Sec. 1809. Emergency communications operability and interoperable communications grants."

(b) Interoperable Communications Plans.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) include information on the governance structure used to develop the plan, such as all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

"(7) describe the method by which multi-jurisdictional, multi-disciplinary input was provided from all regions of the jurisdiction and the process for continuing to incorporate such input."; and

(2) in subsection (g)(1), by striking "or video" and inserting "and video".

(c) National Emergency Communications Plan.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector will achieve interoperable communications as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1).".

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) In General.—

(1) Establishment.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project (referred to in this section as "demonstration project").

(2) Minimum number of communities.—The Secretary shall select no fewer than 6 communities to participate in a demonstration project.

(3) Location of communities.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) Program Requirements.—The demonstration projects shall—

(1) address the interoperable communications needs of emergency response providers and the National Guard;

(2) foster interoperable emergency communications systems—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to a natural disaster, act of terrorism, or other manmade disaster; and

(B) with similar agencies in Canada or Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable emergency communications equipment;

(5) identify solutions that will facilitate interoperable communications across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(c) Distribution of Funds.—

(1) In general.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) Other participants.—Not later than 60 days after receiving funds under paragraph (1), a State shall make the funds available to the local and tribal governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(d) Reporting.—

(1) In general.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(2) Contents.—Each report under this subsection shall contain the following:

(A) The name and location of all communities involved in the demonstration project.

(B) The amount of funding provided to each State for the demonstration project.

(C) An evaluation of the usefulness of the demonstration project towards developing an effective interoperable communications system at the borders.

(D) The factors that were used in determining how to distribute the funds in a risk-based manner.

(E) The specific risks inherent to a border community that make interoperable communications more difficult than in non-border communities.

(F) The optimal ways to prioritize funding for interoperable communication systems based upon risk.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2007, 2008, and 2009 to carry out this section.

TITLE IV—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

SEC. 401. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) Short Title.—This section may be cited as the "Secure Travel and Counterterrorism Partnership Act".

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States should modernize the visa waiver program by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism; and

(2) the expansion described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) Discretionary Visa Waiver Program Expansion.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) Nonimmigrant visa refusal rate flexibility.—

"(A) Certification.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

"(B) Waiver.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

"(i) the country meets all security requirements of this section;

"(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

"(iii) there has been a sustained reduction in visa refusal rates for aliens from the country and conditions exist to continue such reduction; and

"(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue.

"(9) Discretionary security-related considerations.—

"(A) In general.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

"(i) airport security standards in the country;

"(ii) whether the country assists in the operation of an effective air marshal program;

"(iii) the standards of passports and travel documents issued by the country; and

"(iv) other security-related factors.

"(B) Overstay rates.—In determining whether to permit a country to participate in the program, the Secretary of Homeland Security shall consider the estimated rate at which nationals of the country violate the terms of their visas by remaining in the United States after the expiration of such visas.".

(d) Security Enhancements to the Visa Waiver Program.—

(1) In general.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a)—

(i) by striking "Operators of aircraft" and inserting the following:

"(10) Electronic transmission of identification information.—Operators of aircraft"; and

(ii) by adding at the end the following:

"(11) Eligibility determination under the electronic travel authorization system.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission, electronically provide basic biographical information to the system. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.";

(B) in subsection (c), as amended by subsection (c) of this section—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

"(D) Reporting lost and stolen passports.—The government of the country enters into an agreement with the United States to report, or make available through Interpol, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement."; and

(II) by adding at the end the following:

"(E) Repatriation of aliens.—The government of a country accepts for repatriation any citizen, former citizen, or national against whom a final executable order of removal is issued not later than 3 weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

"(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.";.

(ii) in paragraph (5)—

(I) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking "and" at the end;

(bb) in subclause (III), by striking the period at the end and inserting "; and"; and

(cc) by adding at the end the following:

"(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8)."; and

(iii) by adding at the end the following:

"(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section.";

(C) in subsection (f)(5), by striking "of blank" and inserting "or loss of"; and

(D) in subsection (h), by adding at the end the following:

"(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

"(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, is authorized to develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such basic biographical information as the Secretary of Homeland Security determines to be necessary to determine, in advance of travel, the eligibility of an alien to travel to the United States under the program.

"(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

"(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

"(ii) available to pay the costs incurred to administer the System.

"(C) VALIDITY.—

"(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State shall prescribe regulations that provide for a period, not to exceed 3 years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

"(ii) LIMITATION.—A determination that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

"(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

"(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the System to—

"(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(ii) the Committee on the Judiciary of the Senate;

"(iii) the Select Committee on Intelligence of the Senate;

"(iv) the Committee on Appropriations of the Senate;

"(v) the Committee on Homeland Security of the House of Representatives;

"(vi) the Committee on the Judiciary of the House of Representatives;

"(vii) the Permanent Select Committee on Intelligence of the House of Representatives; and

"(viii) the Committee on Appropriations of the House of Representatives.".

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii) shall take effect on the date which is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) EXIT SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

(A) match biometric information of the alien against relevant watch lists and immigration information; and

(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such individuals have departed the United States.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes—

(A) the progress made in developing and deploying the exit system established under this subsection; and

(B) the procedures by which the Secretary will improve the manner of calculating the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such visas.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 402. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking "address" and inserting "integrate and disseminate intelligence and information related to";

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

"(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

"(e) STAFFING OF THE CENTER.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

"(A) The Office of Intelligence and Analysis.

"(B) The Transportation Security Administration.

"(C) The United States Citizenship and Immigration Services.

"(D) The United States Customs and Border Protection.

"(E) The United States Coast Guard.

"(F) The United States Immigration and Customs Enforcement.

"(G) The Central Intelligence Agency.

"(H) The Department of Defense.

"(I) The Department of the Treasury.

"(J) The National Counterterrorism Center.

"(K) The National Security Agency.

"(L) The Department of Justice.

"(M) The Department of State.

"(N) Any other relevant agency or department.

"(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity set out under paragraph (1), shall ensure that the detailees provided to the Center under paragraph (1) include an adequate number of personnel with experience in the area of—

"(A) consular affairs;

"(B) counterterrorism;

"(C) criminal law enforcement;

"(D) intelligence analysis;

"(E) prevention and detection of document fraud;

"(F) border inspection; or

"(G) immigration enforcement.

"(3) REIMBURSEMENT FOR DETAILEES.—To the extent that funds are available for such purpose, the Secretary of Homeland Security shall provide reimbursement to each agency or department that provides a detailee to the Center, in such amount or proportion as is appropriate for costs associated with the provision of such detailee, including costs for travel by, and benefits provided to, such detailee.

"(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.".

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as redesignated by subsection (a)(2), is amended—

(1) in the heading, by striking "REPORT" and inserting "INITIAL REPORT";

(2) by redesignating such subsection (g) as paragraph (1);

(3) by indenting such paragraph, as so designated, four ems from the left margin;

(4) by inserting before such paragraph, as so designated, the following:

"(g) Report.—"; and

(5) by inserting after such paragraph, as so designated, the following new paragraph:

"(2) Follow-up Report.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

"(A) the roles and responsibilities of each agency or department that is participating in the Center;

"(B) the mechanisms used to share information among each such agency or department;

"(C) the staff provided to the Center by each such agency or department;

"(D) the type of information and reports being disseminated by the Center; and

"(E) any efforts by the Center to create a centralized Federal Government database to store information related to illicit travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared.".

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as amended by this section, $20,000,000 for fiscal year 2008.

SEC. 403. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

"SEC. 7215. TERRORIST TRAVEL PROGRAM.

"(a) Requirement to Establish.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

"(b) Head of the Program.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

"(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

"(2) an official appointed by the Secretary who reports directly to the Secretary.

"(c) Duties.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

"(1) developing relevant strategies and policies;

"(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

"(3) making recommendations on budget requests and on the allocation of funding and personnel;

"(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

"(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

"(i) the United States Customs and Border Protection;

"(ii) the United States Immigration and Customs Enforcement;

"(iii) the United States Citizenship and Immigration Services;

"(iv) the Transportation Security Administration; and

"(v) the United States Coast Guard; and

"(B) between the Department of Homeland Security and other appropriate Federal agencies; and

"(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

"(d) Report.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.".

SEC. 404. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than 1 State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry."; and

(2) by adding at the end the following:

"(C) Report.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and Secretary of State shall submit to the appropriate congressional committees a report, which includes—

"(i) an analysis of the impact of the pilot program on national security;

"(ii) recommendations on how to expand the pilot program to other States;

"(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

"(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists; and

"(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.".

SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before publishing a final rule in the Federal Register, the Secretary shall conduct—

(1) a complete cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note); and

(2) a study of the mechanisms by which the execution fee for a PASS Card could be reduced, considering the potential increase in the number of applications.

TITLE V—PRIVACY AND CIVIL LIBERTIES MATTERS

SEC. 501. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) Modification of Authorities.—Section 1061 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 5 U.S.C. 601 note) is amended to read as follows:

"SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

"(a) In General.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

"(b) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

"(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

"(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

"(c) Purpose.—The Board shall—

"(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

"(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

"(d) Functions.—

"(1) Advice and Counsel on Policy Development and Implementation.—The Board shall—

"(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

"(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

"(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

"(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

"(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

"(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

"(iii) that there are adequate guidelines and oversight to properly confine its use.

"(2) Oversight.—The Board shall continually review—

“(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are protected;

“(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

“(C) other actions by the executive branch related to efforts to protect the Nation from terrorism to determine whether such actions—

“(i) appropriately protect privacy and civil liberties; and

“(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

“(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—

“(A) review and assess reports and other information from privacy officers and civil liberties officers under section 1062;

“(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

“(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

“(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

“(e) REPORTS.—

“(1) IN GENERAL.—The Board shall—

“(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

“(B) periodically submit, not less than semiannually, reports—

“(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(II) to the President; and

“(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

“(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

“(A) a description of the major activities of the Board during the preceding period;

“(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

“(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

“(D) each proposal reviewed by the Board under subsection (d)(1) that—

“(i) the Board advised against implementation; and

“(ii) notwithstanding such advice, actions were taken to implement; and

“(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

“(f) INFORMING THE PUBLIC.—The Board shall—

“(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

“(g) ACCESS TO INFORMATION.—

“(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

“(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

“(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee;

“(C) request information or assistance from any State, tribal, or local government; and

“(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

“(2) REVIEW OF SUBPOENA REQUEST.—

“(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

“(i) issue the subpoena as requested; or

“(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

“(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

“(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

“(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

“(h) MEMBERSHIP.—

“(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.

“(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

“(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

“(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

“(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

“(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

“(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

“(C) the members first appointed under this subsection after the date of enactment of the Improving America's Security Act of 2007 shall serve terms of two, three, four, five, and six years, respectively, with the term of each such member to be designated by the President.

“(5) QUORUM AND MEETINGS.—After its initial meeting, the Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

“(i) COMPENSATION AND TRAVEL EXPENSES.—

“(1) COMPENSATION.—

“(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

“(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

“(j) STAFF.—

“(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

"(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

"(k) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

"(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

"(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

"(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

"(1) For fiscal year 2008, $5,000,000.

"(2) For fiscal year 2009, $6,650,000.

"(3) For fiscal year 2010, $8,300,000.

"(4) For fiscal year 2011, $10,000,000.

"(5) For fiscal year 2012, and each fiscal year thereafter, such sums as may be necessary.".

(b) CONTINUATION OF SERVICE OF CURRENT MEMBERS OF PRIVACY AND CIVIL LIBERTIES BOARD.—The members of the Privacy and Civil Liberties Oversight Board as of the date of enactment of this Act may continue to serve as members of that Board after that date, and to carry out the functions and exercise the powers of that Board as specified in section 1061 of the National Security Intelligence Reform Act of 2004 (as amended by subsection (a)), until—

(1) in the case of any individual serving as a member of the Board under an appointment by the President, by and with the advice and consent of the Senate, the expiration of a term designated by the President under section 1061(h)(4)(C) of such Act (as so amended);

(2) in the case of any individual serving as a member of the Board other than under an appointment by the President, by and with the advice and consent of the Senate, the confirmation or rejection by the Senate of that member's nomination to the Board under such section 1061 (as so amended), except that no such individual may serve as a member under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination of that individual to be a member of the Board has been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted; or

(3) the appointment of members of the Board under such section 1061 (as so amended), except that no member may serve under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination to fill the position on the Board shall have been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

SEC. 502. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

"(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

"(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

"(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

"(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

"(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

"(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

"(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

"(C) that there are adequate guidelines and oversight to properly confine its use.

"(b) EXCEPTION TO DESIGNATION AUTHORITY.—

"(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

"(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

"(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

"(1) report directly to the head of the department, agency, or element concerned; and

"(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

"(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

"(1) has the information, material, and resources necessary to fulfill the functions of such officer;

"(2) is advised of proposed policy changes;

"(3) is consulted by decision makers; and

"(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

"(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(f) PERIODIC REPORTS.—

"(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

"(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

"(ii) to the head of such department, agency, or element; and

"(iii) to the Privacy and Civil Liberties Oversight Board; and

"(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

"(A) information on the number and types of reviews undertaken;

"(B) the type of advice provided and the response given to such advice;

"(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

"(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

"(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

"(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(h) Savings Clause.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.".

(b) Clerical Amendment.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

"Sec. 1062. Privacy and civil liberties officers.".

SEC. 503. DEPARTMENT PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting "(a) Appointment and Responsibilities.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Authority To Investigate.—

"(1) In general.—The senior official appointed under subsection (a) may—

"(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

"(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

"(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

"(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

"(2) Enforcement of subpoenas.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

"(3) Effect of oaths.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

"(c) Supervision and Coordination.—

"(1) In general.—The senior official appointed under subsection (a) shall—

"(A) report to, and be under the general supervision of, the Secretary; and

"(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

"(2) Notification to congress on removal.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

"(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

"(B) include in any such notification the reasons for the removal or transfer.

"(d) Reports by Senior Official to Congress.—The senior official appointed under subsection (a) shall—

"(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

"(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

"(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

"(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.".

SEC. 504. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) Short Title.—This section may be cited as the "Federal Agency Data Mining Reporting Act of 2007".

(b) Definitions.—In this section:

(1) Data mining.—The term "data mining" means a query, search, or other analysis of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the query, search, or other analysis to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals; and

(B) the query, search, or other analysis does not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases.

(2) Database.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) Reports on Data Mining Activities by Federal Agencies.—

(1) Requirement for report.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) Content of report.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data mining in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(H) Any necessary classified information in an annex that shall be available, as appropriate, to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(3) Time for report.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

TITLE VI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 601. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) In General.—Title III of the Homeland Security Act of 2002 (6 U.S.C. et seq.) is amended by adding at the end the following:

"SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

"(a) Definitions.—In this section—

"(1) the term 'biological event of national significance' means—

"(A) an act of terrorism that uses a biological agent, toxin, or other product derived from a biological agent; or

"(B) a naturally-occurring outbreak of an infectious disease that may result in a national epidemic;

"(2) the term 'Member Agencies' means the departments and agencies described in subsection (d)(1);

"(3) the term 'NBIC' means the National Biosurveillance Integration Center established under subsection (b);

"(4) the term 'NBIS' means the National Biosurveillance Integration System established under subsection (b); and

"(5) the term 'Privacy Officer' means the Privacy Officer appointed under section 222.

"(b) Establishment.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center, headed by a Directing Officer, under an existing office or directorate of the Department, subject to the availability of appropriations, to oversee development and operation of the National Biosurveillance Integration System.

"(c) Primary Mission.—The primary mission of the NBIC is to enhance the capability of the Federal Government to—

"(1) rapidly identify, characterize, localize, and track a biological event of national significance by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both national and international); and

"(2) disseminate alerts and other information regarding such data analysis to Member Agencies and, in consultation with relevant member agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national significance.

"(d) REQUIREMENTS.—The NBIC shall design the NBIS to detect, as early as possible, a biological event of national significance that presents a risk to the United States or the infrastructure or key assets of the United States, including—

"(1) if a Federal department or agency, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC, consolidating data from all relevant surveillance systems maintained by that department or agency to detect biological events of national significance across human, animal, and plant species;

"(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

"(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national significance in as close to real-time as is practicable;

"(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

"(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

"(6) alerting relevant Member Agencies and, in consultation with relevant Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national significance.

"(e) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall—

"(A) ensure that the NBIC is fully operational not later than September 30, 2008;

"(B) not later than 180 days after the date of enactment of this section and on the date that the NBIC is fully operational, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the progress of making the NBIC operational addressing the efforts of the NBIC to integrate surveillance efforts of Federal, State, local, and tribal governments.

"(f) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

"(1) IN GENERAL.—The Directing Officer of the NBIC shall—

"(A) establish an entity to perform all operations and assessments related to the NBIS;

"(B) on an ongoing basis, monitor the availability and appropriateness of contributing surveillance systems and solicit new surveillance systems that would enhance biological situational awareness or overall performance of the NBIS;

"(C) on an ongoing basis, review and seek to improve the statistical and other analytical methods utilized by the NBIS;

"(D) receive and consider other relevant homeland security information, as appropriate; and

"(E) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIS.

"(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

"(A) on an ongoing basis, evaluate available data for evidence of a biological event of national significance; and

"(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event of national significance has occurred.

"(3) INFORMATION SHARING.—

"(A) IN GENERAL.—The Directing Officer of the NBIC shall—

"(i) establish a method of real-time communication with the National Operations Center, to be known as the Biological Common Operating Picture;

"(ii) in the event that a biological event of national significance is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event of national significance to appropriate Federal response entities and, in consultation with relevant member agencies, regional, State, local, and tribal governmental response entities in a timely manner;

"(iii) provide any report on NBIS assessments to Member Agencies and, in consultation with relevant member agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national significance; and

"(iv) share NBIS incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(B) COORDINATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) in coordination with the program manager for the information sharing environment of the Office of the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

"(g) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

"(1) IN GENERAL.—Each Member Agency shall—

"(A) use its best efforts to integrate biosurveillance information into the NBIS, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national significance;

"(B) participate in the formation and maintenance of the Biological Common Operating Picture to facilitate timely and accurate detection and reporting;

"(C) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually-agreed protocols that maintain patient confidentiality and privacy;

"(D) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing; and

"(E) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC.

"(h) ADMINISTRATIVE AUTHORITIES.—

"(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIS.

"(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

"(i) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Directing Officer of the NBIC shall—

"(1) establish an interagency coordination council to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

"(2) invite Member Agencies to serve on such council.

"(j) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

"Sec. 316. National Biosurveillance Integration Center.".

SEC. 602. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit a report to Congress describing—

(1) the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) the integration of biosurveillance systems to allow the maximizing of biosurveillance resources and the expertise of Federal, State, local, and tribal governments to benefit public health.

SEC. 603. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by adding after section 1906, as redesignated by section 203 of this Act, the following:

"SEC. 1907. JOINT ANNUAL REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the

Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

"(A) each relevant agency, office, or entity—

"(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture;

"(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) that are related to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats related to nuclear or radiological weapons of mass destruction; and

"(B) each agency, office, or entity deploying or operating any technology acquired by the Office—

"(i) evaluates the deployment and operation of that technology by that agency, office, or entity;

"(ii) identifies detection performance deficiencies and operational or technical deficiencies in that technology; and

"(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

"(2) Technology.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of technology by the Office.

"(b) Annual Report.—

"(1) In general.—Not later than March 31 of each year, the Secretary, in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall submit a report regarding the compliance of such officials with this section and the results of the reviews required under subsection (a) to—

"(A) the President;

"(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(C) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

"(2) Form.—Each report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

"(c) Definition.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.".

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 203 of this Act, the following:

"Sec. 1907. Joint annual review of global nuclear detection architecture.".

TITLE VII—PRIVATE SECTOR PREPAREDNESS

SEC. 701. DEFINITIONS.

(a) In General.—In this title, the term "voluntary national preparedness standards" has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(b) Homeland Security Act of 2002.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

"(17) The term 'voluntary national preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).".

SEC. 702. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

(a) In General.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) providing information to the private sector regarding voluntary national preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary national preparedness standards;".

(b) Private Sector Advisory Councils.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by adding "and" at the end; and

(3) by adding at the end the following:

"(C) advise the Secretary on private sector preparedness issues, including effective methods for—

"(i) promoting voluntary national preparedness standards to the private sector;

"(ii) assisting the private sector in adopting voluntary national preparedness standards; and

"(iii) developing and implementing the accreditation and certification program under section 522;".

SEC. 703. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

(a) In General.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 522. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

"(a) Accreditation and Certification Program.—Not later than 120 days after the date of enactment of this section, the Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall—

"(1) support the development, promulgating, and updating, as necessary, of voluntary national preparedness standards; and

"(2) develop, implement, and promote a program to certify the preparedness of private sector entities.

"(b) Program Elements.—

"(1) In general.—

"(A) Program.—The program developed and implemented under this section shall assess whether a private sector entity complies with voluntary national preparedness standards.

"(B) Guidelines.—In developing the program under this section, the Secretary shall develop guidelines for the accreditation and certification processes established under this section.

"(2) Standards.—The Secretary, in consultation with the American National Standards Institute and representatives of appropriate voluntary consensus standards development organizations and each private sector advisory council created under section 102(f)(4)—

"(A) shall adopt appropriate voluntary national preparedness standards that promote preparedness, which shall be used in the accreditation and certification program under this section; and

"(B) after the adoption of standards under subparagraph (A), may adopt additional voluntary national preparedness standards or modify or discontinue the use of voluntary national preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

"(3) Tiering.—The certification program developed under this section may use a multiple-tiered system to rate the preparedness of a private sector entity.

"(4) Small business concerns.—The Secretary and any selected entity shall establish separate classifications and methods of certification for small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this section.

"(5) Considerations.—In developing and implementing the program under this section, the Secretary shall—

"(A) consider the needs of the insurance industry, the credit-ratings industry, and other industries that may consider preparedness of private sector entities, to assess the preparedness of private sector entities; and

"(B) ensure the program accommodates those needs where appropriate and feasible.

"(c) Accreditation and Certification Processes.—

"(1) Agreement.—

"(A) In general.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

"(B) Contents.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

"(2) Procedures and requirements for accreditation and certification.—

"(A) In general.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

"(B) Contents and use.—The procedures and requirements developed under subparagraph (A) shall—

"(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

"(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

"(C) Disagreement.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

"(3) Designation.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

"(4) Third parties.—To be accredited under paragraph (3), a third party shall—

"(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

"(B) agree to perform certifications in accordance with such procedures and requirements;

"(C) agree not to have any beneficial interest in or any direct or indirect control over—

"(i) a private sector entity for which that third party conducts a certification under this section; or

"(ii) any organization that provides preparedness consulting services to private sector entities;

"(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

"(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

"(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

"(5) Monitoring.—

"(A) In general.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

"(B) Revocation.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

"(i) revoke the accreditation of that third party to conduct certifications under this section; and

"(ii) review any certification conducted by that third party, as necessary and appropriate.

"(d) Annual Review.—

"(1) In general.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

"(2) Review of standards.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

"(e) Voluntary Participation.—Certification under this section shall be voluntary for any private sector entity.

"(f) Public Listing.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

"(g) Definition.—In this section, the term 'selected entity' means any entity entering an agreement with the Secretary under subsection (c)(1)(A).".

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

"Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.".

SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 705. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards or requirements established under any other provision of Federal law.

TITLE VIII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) In General.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.".

(b) Contents of the National Strategy for Transportation Security.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting ", based on risk assessments conducted by the Secretary of Homeland Security," after "risk based priorities";

(2) in subparagraph (D)—

(A) by striking "and local" and inserting ", local, and tribal"; and

(B) by striking "private sector cooperation and participation" and inserting "cooperation and participation by private sector entities and nonprofit employee labor organizations";

(3) in subparagraph (E)—

(A) by striking "response" and inserting "prevention, response,"; and

(B) by inserting "and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems" before the period at the end;

(4) in subparagraph (F), by adding at the end the following: "Transportation security research and development projects initiated by the Secretary of Homeland Security shall be based on such prioritization."; and

(5) by adding at the end the following:

"(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

"(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

"(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected transportation system to its normal performance level preceding a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).".

(c) Periodic Progress Reports.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting ", including the transportation modal security plans" before the period at the end; and

(B) by striking clause (ii) and inserting the following:

"(ii) Content.—Each progress report submitted under this subparagraph shall include the following:

"(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

"(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

"(III) An accounting of all—

"(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

"(bb) personnel working on transportation security issues, including the number of contractors.

"(iii) Written explanation of transportation security activities not delineated in the National Strategy for Transportation Security.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity."; and

(2) in subparagraph (E), by striking "Select".

(d) Priority Status.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking "and" at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

"(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and".

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

"(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

"(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.".

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

"(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan.

"(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

"(3) CONTENT OF PLAN.—The Plan shall include—

"(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments;

"(B) an assignment of a single point of contact for and within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders;

"(C) a demonstration of input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

"(D) a reasonable deadline by which the Plan will be implemented; and

"(E) a description of resource needs for fulfilling the Plan.

"(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

"(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(5) REPORTS TO CONGRESS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

"(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

"(6) SURVEY.—

"(A) IN GENERAL.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

"(B) INFORMATION SOUGHT.—The annual survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

"(7) SECURITY CLEARANCES.—The Secretary, to the greatest extent practicable, shall facilitate the security clearances needed for public and private stakeholders to receive and obtain access to classified information as appropriate.

"(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

"(9) DEFINITIONS.—In this subsection:

"(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

"(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

"(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.

"(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the threats to and vulnerabilities and consequences of transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.".

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 803. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) TSA EMPLOYEE DEFINED.—In this section, the term "TSA employee" means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department the duties and responsibilities of which include carrying out 1 or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(b) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified under such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in paragraph (1) or (2) of subsection (e).

(c) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(2).—Section 9701(b) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) provide for the uniform treatment of all TSA employees (as that term is defined in section 803 of the Improving America's Security Act of 2007).".

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect on the later of 90 days after the date of enactment of this Act and the commencement date of the system involved.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees under section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

TITLE IX—INCIDENT COMMAND SYSTEM

SEC. 901. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

"(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, or other man-made disasters;

"(J) assisting State, local, or tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system can be quickly established and operated from, if the need for such a system arises; and".

SEC. 902. CREDENTIALING AND TYPING TO STRENGTHEN INCIDENT COMMAND.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by striking section 510 and inserting the following:

"SEC. 510. CREDENTIALING AND TYPING.

"(a) CREDENTIALING.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel, including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

"(B) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created under this subsection and assigning such individual a qualification under the standards developed under this subsection; and

"(C) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this subsection.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, to collaborate on establishing nationwide standards for credentialing all personnel who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) CONTENTS.—The standards developed under subparagraph (A) shall—

"(i) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State, local, and tribal government;

"(ii) be compatible with the National Incident Management System; and

"(iii) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d–7b).

"(C) TIMEFRAME.—The Administrator shall develop standards under subparagraph (A) not later than 6 months after the date of enactment of the Improving America's Security Act of 2007.

"(3) CREDENTIALING OF DEPARTMENT PERSONNEL.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel and individuals in the Surge Capacity Force established under section 624 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 711)) who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed.

"(B) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 90 days after completion of the credentialing under subparagraph (A), the Administrator shall evaluate whether the workforce of the Agency complies with the strategic human capital plan of the Agency developed under section 10102 of title 5, United States Code, and is sufficient to respond to a catastrophic incident.

"(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

"(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

"(B) CREDENTIALING OF AGENCIES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

"(i) ensure that all employees or volunteers of that agency who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed; and

"(ii) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

"(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the credentialing process of that agency.

"(5) DOCUMENTATION AND DATABASE SYSTEM.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

"(C) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a natural disaster, act of terrorism, or other man-made disaster.

"(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall—

"(A) in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the credentialing of State, local, and tribal emergency response providers commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

"(B) in coordination with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers (and the organizations that represent such providers), and appropriate national professional organizations, assist State, local, and tribal governments with credentialing the personnel of the State, local, or tribal government under the guidance provided under subparagraph (A).

"(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and level of qualification of Federal personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(b) TYPING OF RESOURCES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'typed' means an asset or resource that has been evaluated for a specific function under the guidelines created under this section; and

"(B) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and organizations that represent such providers, to collaborate on establishing nationwide standards for typing of resources commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster.

"(B) CONTENTS.—The standards developed under subparagraph (A) shall—

"(i) be applicable to Federal, State, local, and tribal government; and

"(ii) be compatible with the National Incident Management System.

"(3) TYPING OF DEPARTMENT RESOURCES AND ASSETS.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall ensure that all resources and assets of the Department that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed.

"(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

"(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

"(B) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

"(i) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed; and

"(ii) submit to the Secretary a list of all types resources and assets.

"(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the typing process of that agency.

"(5) DOCUMENTATION AND DATABASE SYSTEM.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (A) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

"(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator, in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, shall—

"(A) provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the typing of the resources and assets of State, local, and tribal governments likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

"(B) assist State, local, and tribal governments with typing resources and assets of State, local, or tribal governments under the guidance provided under subparagraph (A).

"(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and type of Federal resources and assets ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section."; and

(2) by adding after section 522, as added by section 703 of this Act, the following:

"SEC. 523. PROVIDING SECURE ACCESS TO CRITICAL INFRASTRUCTURE.

"Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall create model standards or guidelines that States may adopt in conjunction with critical infrastructure owners and operators and their employees to permit access to restricted areas in the event of a natural disaster, act of terrorism, or other man-made disaster.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 522, as added by section 703 of this Act, the following:

"Sec. 523. Providing secure access to critical infrastructure.".

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

SEC. 1001. CRITICAL INFRASTRUCTURE PROTECTION.

(a) CRITICAL INFRASTRUCTURE LIST.—Not later than 90 days after the date of enactment of this Act, and in coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary shall establish a risk-based prioritized list of critical infrastructure and key resources that—

(1) includes assets or systems that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts, including—

(A) significant loss of life;

(B) severe economic harm;

(C) mass evacuations; or

(D) loss of a city, region, or sector of the economy as a result of contamination, destruction, or disruption of vital public services; and

(2) reflects a cross-sector analysis of critical infrastructure to determine priorities for prevention, protection, recovery, and restoration.

(b) SECTOR LISTS.—In coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary may establish additional critical infrastructure and key resources priority lists by sector, including at a minimum the sectors named in Homeland Security Presidential Directive–7 as in effect on January 1, 2006.

(c) MAINTENANCE.—Each list created under this section shall be reviewed and updated on an ongoing basis, but at least annually.

(d) ANNUAL REPORT.—

(1) GENERALLY.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report summarizing—

(A) the criteria used to develop each list created under this section;

(B) the methodology used to solicit and verify submissions for each list;

(C) the name, location, and sector classification of assets in each list created under this section;

(D) a description of any additional lists or databases the Department has developed to prioritize critical infrastructure on the basis of risk; and

(E) how each list developed under this section will be used by the Secretary in program activities, including grant making.

(2) CLASSIFIED INFORMATION.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

SEC. 1002. RISK ASSESSMENT AND REPORT.

(a) RISK ASSESSMENT.—

(1) IN GENERAL.—The Secretary, pursuant to the responsibilities under section 202 of the Homeland Security Act (6 U.S.C. 122), for each fiscal year beginning with fiscal year 2007, shall prepare a risk assessment of the critical infrastructure and key resources of the Nation which shall—

(A) be organized by sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive–7, as in effect on January 1, 2006; and

(B) contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment.

(2) RELIANCE ON OTHER ASSESSMENTS.—In preparing the assessments and reports under this section, the Department may rely on a vulnerability assessment or risk assessment prepared by another Federal agency that the Department determines is prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection and partnerships between the government and private sector, if the Department certifies in the applicable report submitted under subsection (b) that the Department—

(A) reviewed the methodology and analysis of the assessment upon which the Department relied; and

(B) determined that assessment is reliable.

(b) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the last day of fiscal year 2007 and for each year thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a summary and review of the risk assessments prepared by the Secretary under

this section for that fiscal year, which shall be organized by sector and which shall include recommendations of the Secretary for mitigating risks identified by the assessments.

(2) CLASSIFIED ANNEX.—The report under this subsection may contain a classified annex.

SEC. 1003. USE OF EXISTING CAPABILITIES.

Where appropriate, the Secretary shall use the National Infrastructure Simulation and Analysis Center to carry out the actions required under this title.

TITLE XI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 1101. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

(d) DEFINITIONS.—In this section—

(1) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term "National Intelligence Program" has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 1102. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS.

(a) RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

"(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

"(d) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

"(1) to receive permission to testify before Congress; or

"(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to Congress if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.".

(b) DISCLOSURES OF CERTAIN INFORMATION TO CONGRESS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by subsection (a), is amended by adding at the end the following new section:

"DISCLOSURES TO CONGRESS

"SEC. 509. (a) AUTHORITY TO DISCLOSE CERTAIN INFORMATION.—An employee of a covered agency or an employee of a contractor carrying out activities pursuant to a contract with a covered agency may disclose covered information to an authorized individual without first reporting such information to the appropriate Inspector General.

"(b) AUTHORIZED INDIVIDUAL.—(1) In this section, the term 'authorized individual' means—

"(A) a Member of the Senate or the House of Representatives who is authorized to receive information of the type disclosed; or

"(B) an employee of the Senate or the House of Representatives who—

"(i) has an appropriate security clearance; and

"(ii) is authorized to receive information of the type disclosed.

"(2) An authorized individual described in paragraph (1) to whom covered information is disclosed under the authority in subsection (a) shall be presumed to have a need to know such covered information.

"(c) COVERED AGENCY AND COVERED INFORMATION DEFINED.—In this section:

"(1) The term 'covered agency' means—

"(A) any department, agency, or element of the intelligence community;

"(B) a national intelligence center; and

"(C) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

"(2) The term 'covered information'—

"(A) means information, including classified information, that an employee referred to in subsection (a) reasonably believes provides direct and specific evidence of a false or inaccurate statement—

"(i) made to Congress; or

"(ii) contained in any intelligence assessment, report, or estimate; and

"(B) does not include information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

"(d) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect—

"(1) any reporting requirement relating to intelligence activities that arises under this Act or any other provision of law; or

"(2) the right of any employee of the United States to disclose information to Congress, in accordance with applicable law, information other than covered information.".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new items:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.

"Sec. 509. Disclosures to Congress.".

SEC. 1103. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking "If requested" and inserting the following:

"(1) IN GENERAL.—If requested"; and

(B) by adding at the end the following:

"(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section

703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

"(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations."; and

(2) in section 710(b), by striking "8 years after the date of the enactment of this Act" and inserting "on December 31, 2012".

TITLE XII—INTERNATIONAL COOPERATION ON ANTITER-RORISM TECHNOLOGIES

SEC. 1201. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—

(1) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 316, as added by section 601 of this Act, the following:

"SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

"(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

"(A) coordinated research projects, joint research projects, or joint ventures;

"(B) joint studies or technical demonstrations;

"(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

"(D) training of scientists and engineers;

"(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

"(F) exchanges or sharing of scientific and technological information; and

"(G) joint use of laboratory facilities and equipment.

"(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

"(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

"(2) DIRECTOR.—The Office shall be headed by a Director, who—

"(A) shall be selected (in consultation with the Assistant Secretary for International Affairs, Policy Directorate) by and shall report to the Under Secretary; and

"(B) may be an officer of the Department serving in another position.

"(3) RESPONSIBILITIES.—

"(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activity in support of homeland security research.

"(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department (including the Office of the Assistant Secretary for International Affairs, Policy Directorate), the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, strategic priorities for international cooperative activity.

"(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

"(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

"(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

"(c) MATCHING FUNDING.—

"(1) IN GENERAL.—

"(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

"(B) GRANT MATCHING AND REPAYMENT.—

"(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

"(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

"(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

"(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

"(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

"(d) FUNDING.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

"(e) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 316, as added by section 601 of this Act, the following:

"Sec. 317. Promoting antiterrorism through international cooperation program.".

SEC. 1202. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XIII—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Transportation Security and Interoperable Communication Capabilities Act".

Subtitle A—Surface Transportation and Rail Security

SEC. 1311. DEFINITION.

In this title, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, anhydrous ammonia, and other hazardous materials that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

PART I—IMPROVED RAIL SECURITY

SEC. 1321. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) RISK ASSESSMENT.—The Secretary shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a risk assessment of freight and passenger rail transportation (encompassing railroads, as that term

is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities described in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of risks to those assets and infrastructures;

(D) identification of risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of risks to passenger and cargo security, transportation infrastructure (including rail tunnels used by passenger and freight railroads in high threat urban areas), protection systems, operations, communications systems, employee training, emergency response planning, and any other area identified by the assessment;

(F) an assessment of public and private operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected freight or passenger rail transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and

(G) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) Recommendations.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service or on operations served or otherwise affected by rail service;

(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, preparedness, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads regarding security;

(E) deploying surveillance equipment;

(F) identifying the immediate and long-term costs of measures that may be required to address those risks; and

(G) public and private sector sources to fund such measures.

(3) Plans.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal Government to provide adequate security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in coordination with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) Consultation; Use of Existing Resources.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, offerers of hazardous materials, public safety officials, and other relevant parties. In developing the risk assessment required under this section, the Secretary shall utilize relevant existing risk assessments developed by the Department or other Federal agencies, and, as appropriate, assessments developed by other public and private stakeholders.

(c) Report.—

(1) Contents.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report containing—

(A) the assessment, prioritized recommendations, and plans required by subsection (a); and

(B) an estimate of the cost to implement such recommendations.

(2) Format.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) Annual Updates.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) Funding.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.

SEC. 1322. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) In General.—

(1) Grants.—Subject to subsection (c) the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) General purposes.—The Secretary may make such grants for the purposes of—

(A) protecting underwater and underground assets and systems;

(B) protecting high risk and high consequence assets identified through systemwide risk assessments;

(C) providing counter-terrorism training;

(D) providing both visible and unpredictable deterrence; and

(E) conducting emergency preparedness drills and exercises.

(3) Specific projects.—The Secretary shall make such grants—

(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;

(B) to secure Amtrak trains;

(C) to secure Amtrak stations;

(D) to obtain a watch list identification system approved by the Secretary;

(E) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(F) to hire additional police officers, special agents, security officers, including canine units, and to pay for other labor costs directly associated with security and terrorism prevention activities;

(G) to expand emergency preparedness efforts; and

(H) for employee security training.

(b) Conditions.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary. Amtrak shall develop the security plan in consultation with constituent States and other relevant parties. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training and shall be consistent with State security plans to the maximum extent practicable.

(c) Equitable Geographic Allocation.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1321, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) Availability of Funds.—

(1) In general.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(A) $63,500,000 for fiscal year 2008;

(B) $30,000,000 for fiscal year 2009; and

(C) $30,000,000 for fiscal year 2010.

(2) Availability of appropriated funds.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1323. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation, in consultation with the Secretary, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New Jersey, Maryland, and Washington, DC.

(b) Authorization of Appropriations.—Out of funds appropriated pursuant to section 1336(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide

adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2008;

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 1336(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak.

(2) INCOMPLETE OR DEFICIENT PLAN.—If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review.

(3) APPROVAL OF PLAN.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall—

(A) identify in writing to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives the portions of the plan the Secretary finds incomplete or deficient;

(B) approve all other portions of the plan;

(C) obligate the funds associated with those other portions; and

(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 1324. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies or officials, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials offerers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security risks identified under section 1321, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 1321, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk as determined under section 1321, and shall encourage non-Federal financial participation in projects funded by grants awarded under this section. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether stations or facilities are used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 1322(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 1321 the Secretary determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made cumulatively over the period authorized by this title—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009; and

(C) $100,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1325. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the risk of terrorist attacks on rail transportation, including risks posed by explosives and hazardous chemical, biological, and radioactive substances to intercity rail passengers, facilities, and equipment;

(2) test new emergency response techniques and technologies;

(3) develop improved freight rail security technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 1311 of this title); and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address risks identified under section 1321.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 1324(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section—

(A) $33,000,000 for fiscal year 2008;

(B) $33,000,000 for fiscal year 2009; and

(C) $33,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1326. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary may award contracts to audit and review the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 180 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

(c) ADDITIONAL AUTHORITY.—The Secretary may issue nonbinding letters under similar terms to those issued pursuant to section 47110(e) of title 49, United States Code, to sponsors of rail projects funded under this title.

SEC. 1327. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Transportation Security and Interoperable Communication Capabilities Act, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor Amtrak may release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak under this section in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—Out of funds appropriated pursuant to section 1336(b) of the Transportation Security and Interoperable Communication Capabilities Act, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2008 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents".

SEC. 1328. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 1329. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers and shippers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements appropriate to passenger and freight rail service that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology, behavior, and methods of terrorists.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 90 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 90 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 1330. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§ 20118. Whistleblower protection for rail Security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A railroad carrier engaged in interstate or foreign commerce may not discharge or in any way discriminate against an employee because the employee, whether acting for the employee or as a representative, has—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters".

SEC. 1331. HIGH HAZARD MATERIAL SECURITY RISK MITIGATION PLANS.

(a) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 1311 of this title, to develop a high hazard material security risk mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security risk mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security risk mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary that includes an operational recovery plan to expedite, to the maximum extent practicable, the return of an adversely affected rail system or facility to its normal performance level following a major terrorist attack or other security incident; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term "high-consequence target" means property, infrastructure, public space, or natural resource designated by the Secretary that is a viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life;

(B) significant damage to national security or defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 1332. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, as amended by section 1336 of this title, is further amended by adding at the end the following:

"(v) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY ISSUED UNDER THIS TITLE.—

"(1) APPLICATION OF SUBSECTION.—

"(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title other than a provision of chapter 449.

"(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

"(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

"(i) Paragraphs (2) through (5) of this subsection do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

"(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

"(II) by a member of the armed forces of the United States when performing official duties; or

"(III) by a civilian employee of the Department of Defense when performing official duties.

"(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

"(2) CIVIL PENALTY.—

"(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under this title.

"(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

"(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

"(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under this title. The Secretary shall give written notice of the finding of a violation and the penalty.

"(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, the court may not re-examine issues of liability or the amount of the penalty.

"(C) JURISDICTION.—The district courts of the United States have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—

"(i) the amount in controversy is more than—

"(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or

"(II) $50,000, if the violation was committed by an individual or small business concern;

"(ii) the action is in rem or another action in rem based on the same violation has been brought; or

"(iii) another action has been brought for an injunction based on the same violation.

"(D) MAXIMUM PENALTY.—The maximum penalty the Secretary may impose under this paragraph is—

"(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or

"(ii) $50,000, if the violation was committed by an individual or small business concern.

"(4) COMPROMISE AND SETOFF.—

"(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection. If the Secretary compromises the amount of a civil penalty under this subparagraph, the Secretary shall—

"(i) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security of the compromised penalty and explain the rationale therefor; and

"(ii) make the explanation available to the public to the extent feasible without compromising security.

"(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

"(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 of this title shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

"(6) DEFINITIONS.—In this subsection:

"(A) PERSON.—The term 'person' does not include—

"(i) the United States Postal Service; or

"(ii) the Department of Defense.

"(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).".

(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code is amended by striking "or another requirement under this title administered by the Under Secretary of Transportation for Security".

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 1333. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under"; and

(2) by adding at the end the following:

"(b) ASSIGNMENT.—A rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second rail carrier in carrying out law enforcement duties upon the request of the second rail carrier, at which time the police officer shall be considered to be an employee of the second rail carrier and shall have authority to enforce the laws of any jurisdiction in which the second rail carrier owns property to the same extent as provided in subsection (a).".

(b) MODEL STATE LEGISLATION.—By no later than September 7, 2007, the Secretary of Transportation shall develop model State legislation to address the problem of entities that claim to be rail carriers in order to establish and run a police force when the entities do not in fact provide rail transportation and shall make it available to State governments. In developing the model State legislation the Secretary shall solicit the input of the States, railroads companies, and railroad employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.

SEC. 1334. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 1335. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 1325 and consistent with the results of research relating to wireless tracking technologies, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 1311 of this title) with technology that provides—

(A) car position location and tracking capabilities; and

(B) notification of rail car depressurization, breach, unsafe temperature, or release of hazardous materials.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 1336 of this title, there shall be made available to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1336. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

"(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

"(1) $205,000,000 for fiscal year 2008;

"(2) $166,000,000 for fiscal year 2009; and

"(3) $166,000,000 for fiscal year 2010.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $121,000,000 for fiscal year 2008;

(2) $118,000,000 for fiscal year 2009;

(3) $118,000,000 for fiscal year 2010; and

(4) $118,000,000 for fiscal year 2011.

PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 1341. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security risks associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 1342. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the tracking of motor carrier shipments of high hazard materials as defined in this title with communications technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1343. MEMORANDUM OF AGREEMENT.

Similar to the other security annexes between the 2 departments, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary shall execute and develop an annex to the memorandum of agreement between the 2 departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 1344. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by an offerer, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the offerer, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials offerers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions of the highest risk hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008;

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 1345. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security;

(4) an assessment of industry best practices to enhance security; and

(5) an assessment of the current status of secure motor carrier parking.

SEC. 1346. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009; and

(3) $1,000,000 for fiscal year 2010.

SEC. 1347. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for the purposes of emergency preparedness drills and exercises, protecting high risk/high consequence assets identified through system-wide risk assessment, counter-terrorism training, visible/unpredictable deterrence, public awareness and preparedness campaigns, and including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security risks, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading emergency communications tracking and control systems; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security risks to bus passengers and the ability of the funded project to reduce, or respond to, that risk.

(c) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(d) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has reviewed or approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(e) OVER-THE-ROAD BUS DEFINED.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(f) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report in accordance with the requirements of this section.

(2) CONTENTS OF REPORT.—The report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver;

(F) an assessment of industry best practices to enhance security; and

(G) an assessment of school bus security, if the Secretary deems it appropriate.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(g) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $12,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009; and

(C) $25,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1348. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed on August 9, 2006, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1349—

(A) at severe security threat levels of alert; or

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers, State pipeline safety agencies, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. 1349. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the memorandum of understanding annex signed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008; and

(2) $2,000,000 for fiscal year 2009.

SEC. 1350. TECHNICAL CORRECTIONS.

Section 5103a of title 49, United States Code, is amended—

(1) by inserting "of Homeland Security" after "Secretary" each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i), and inserting the following after subsection (g):

"(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.".

SEC. 1351. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 1352. MARITIME AND SURFACE TRANSPORTATION SECURITY USER FEE STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, maritime and surface transportation security. In developing the study, the Secretary shall consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons as determined by the Secretary. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—.

(1) the results of the study;

(2) an assessment of the annual sources of funding collected through maritime and surface transportation at ports of entry and a detailed description of the distribution and use of such funds, including the amount and percentage of such sources that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, carriers, and other persons who use United States ports of entry compared with the fees and charges imposed on Canadian and Mexican ports, Canadian and Mexican port terminal operators, shippers, carriers, and other persons who use Canadian or Mexican ports of entry; and

(B) an assessment of the impact of such fees, charges, and standards on the competitiveness of United States ports, port terminal operators, railroads, motor carriers, pipelines, other transportation modes, and shippers;

(4) an assessment of private efforts and investments to secure maritime and surface transportation modes, including those that are operational and those that are planned; and

(5) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term by section 2(1) of the SAFE Port Act (6 U.S.C. 901(1)).

(2) PORT OF ENTRY.—The term "port of entry" means any port or other facility through which foreign goods are permitted to enter the customs territory of a country under official supervision.

(3) MARITIME AND SURFACE TRANSPORTATION.—The term "maritime and surface transportation" includes oceanborne, rail, and vehicular transportation.

Subtitle B—Aviation Security Improvement

SEC. 1361. EXTENSION OF AUTHORIZATION FOR AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking "and 2006" and inserting "2006, 2007, 2008, and 2009".

SEC. 1362. PASSENGER AIRCRAFT CARGO SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) AIR CARGO ON PASSENGER AIRCRAFT.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Secretary of

Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a system to screen all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

"(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that the equipment, technology, procedures, personnel, or other methods determined by the Administrator of the Transportation Security Administration, provide a level of security comparable to the level of security in effect for passenger checked baggage.

"(3) REGULATIONS.—

"(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

"(B) FINAL RULE.—

"(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than 1 year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

"(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the Secretary shall submit a report to the Congress explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Congress containing updated information every 60 days thereafter until the final rule is issued.

"(iii) SUPERSEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

"(4) REPORT.—Not later than 1 year after the date on which the system required by paragraph (1) is established, the Secretary shall transmit a report to Congress that details and explains the system.".

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, through the Administrator of the Transportation Security Administration, shall submit a report to Congress and to the Comptroller General containing an assessment of each exemption granted under section 44901(i) of title 49, United States Code, for the screening required by section 44901(g)(1) of that title for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(B) CONTENTS.—The report shall include—

(i) the rationale for each exemption;

(ii) a statement of the percentage of cargo that is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating such exemption; and

(v) a statement of any plans, and the rationale, for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report required under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology used for determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 1363. .BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, as amended by section 1362, is amended by adding at the end the following:

"(j) BLAST-RESISTANT CARGO CONTAINERS.—

"(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

"(A) evaluate the results of the blast-resistant cargo container pilot program instituted before the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act;

"(B) based on that evaluation, begin the acquisition of a sufficient number of blast-resistant cargo containers to meet the requirements of the Transportation Security Administration's cargo security program under paragraph (2); and

"(C) develop a system under which the Administrator—

"(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation on a random or risk-assessment basis as determined by the Administrator, in sufficient number to enable the carriers to meet the requirements of the Administration's cargo security system; and

"(ii) provide for the storage, maintenance, and distribution of such containers.

"(2) DISTRIBUTION TO AIR CARRIERS.—Within 90 days after the date on which the Administrator completes development of the system required by paragraph (1)(C), the Administrator of the Transportation Security Administration shall implement that system and begin making blast-resistant cargo containers available to such carriers as necessary.".

SEC. 1364. PROTECTION OF AIR CARGO ON PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security shall expedite research and development for technology that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall include blast resistant cargo containers and other promising technology and will be used in concert with implementation of section 1363 of this title.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technology to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section, such funds to remain available until expended.

SEC. 1365. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking "2007." and inserting "2007, and $450,000,000 for each of fiscal years 2008 and 2009.".

(b) REPORT.—Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit the report the Secretary was required by section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note) to have submitted in conjunction with the submission of the budget for fiscal year 2006.

SEC. 1366. ENHANCEMENT OF IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) by striking "may" in subsection (a) and inserting "shall";

(2) by striking "may" in subsection (d)(1) and inserting "shall";

(3) by striking "2007" in subsection (h)(1) and inserting "2028";

(4) by striking paragraphs (2) and (3) of subsection (h) and inserting the following:

"(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

"(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, with priority given to small hub airports and nonhub airports."; and

(5) by redesignating subsection (i) as subsection (j), and inserting after subsection (h) the following:

"(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.".

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator shall create a prioritization schedule for airport security improvement projects described in section 44923(b) of title 49, United States Code, based on risk and other relevant factors, to be funded under the grant program provided by that section. The schedule shall include both hub airports (as defined in section 41731(a)(3) of title 49, United States Code) and nonhub airports (as defined in section 41731(a)4) of title 49, United States Code).

(2) AIRPORTS THAT HAVE COMMENCED PROJECTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

SEC. 1367. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note) is amended—

(1) by striking "2002 through 2006," and inserting "2006 through 2009,";

(2) by striking "aviation" and inserting "transportation"; and

(3) by striking "2002 and 2003" and inserting "2006 through 2009".

SEC. 1368. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) In General.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) Aviation Security.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1369. SPECIALIZED TRAINING.

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

SEC. 1370. EXPLOSIVE DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) In General.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue the strategic plan the Secretary was required by section 44925(a) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

(b) Deployment.—Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) Full deployment.—The Secretary shall fully implement the strategic plan within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act.".

SEC. 1371. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) In General.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

"SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

"(a) In General.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

"(b) Office of Appeals and Redress.—

"(1) Establishment.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

"(2) Records.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

"(3) Information.—To prevent repeated delays of an misidentified passenger or other individual, the Office of Appeals and Redress shall—

"(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

"(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.".

(b) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 431 the following:

"Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight".

SEC. 1372. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Congress a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator of the Transportation Security Administration, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

(b) GAO Assessment.—No later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Homeland Security that—

(1) describes the progress made by the Transportation Security Administration in implementing the Secure Flight passenger pre-screening program;

(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by the Bureau of Customs and Border Protection;

(4) provides a realistic determination of when the system will be completed; and

(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.

SEC. 1373. REPAIR STATION SECURITY.

(a) Certification of Foreign Repair Stations Suspension.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such 90th day unless the station was previously certified by the Administration under that part.

(b) 6-Month Deadline for Security Review and Audit.—Subsections (a) and (d) of section 44924 of title 49, United States Code, are each amended by striking "18 months" and inserting "6 months".

SEC. 1374. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, as amended by section 1363, is amended by adding at the end the following:

"(k) General Aviation Airport Security Program.—

"(1) In general.—Within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator of the Transportation Security Administration shall—

"(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47135(m)); and

"(B) implement a program to perform such assessments on a risk-assessment basis at general aviation airports.

"(2) Grant program.—Within 6 months after date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to general aviation airport operators for projects to upgrade security at general aviation airports (as defined in section 47135(m)). If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

"(3) Application to foreign-registered general aviation aircraft.—Within 180 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall develop a risk-based system under which—

"(A) foreign-registered general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information to the Transportation Security Administration before entering United States airspace; and

"(B) such information is checked against appropriate databases maintained by the Transportation Security Administration.

"(4) Authorization of appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out any program established under paragraph (2).".

SEC. 1375. SECURITY CREDENTIALS FOR AIRLINE CREWS.

Within 180 days after the date of enactment of this Act, the Administrator of the

Transportation Security Administration shall, after consultation with airline, airport, and flight crew representatives, transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of its efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted. The Administrator shall begin full implementation of the system or method not later than 1 year after the date on which the Administrator transmits the report.

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary of Homeland Security shall enhance and maximize the Department of Homeland Security's National Explosives Detection Canine Team Program by doubling its existing capacity so that up to 100 additional canine teams can be brought on each year, a certain number of which shall be dedicated to high risk areas, as determined by the Secretary.

(b) Deployment.—The Secretary shall use the canine teams as part of the Department's layers of defense across all modes of the transportation network and in other areas, as deemed appropriate by the Secretary.

(c) Canine Procurement.—The Secretary of Homeland Security is encouraged to consider the potential benefits of establishing new canine procurement partnerships throughout the United States in order to provide a reliable and consistent source of dogs for the Department's national explosive detection canine team program.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 and 2009.

Subtitle C—Interoperable Emergency Communications

SEC. 1381. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) In General.—Section 3006 of Public Law 109-171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

"(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

"(B) in supporting the design and engineering of interoperable emergency communications systems;

"(C) in supporting the acquisition or deployment of interoperable communications equipment, software, or systems that improve or advance the interoperability with public safety communications systems;

"(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

"(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93-288 (42 U.S.C. 5122)); and

"(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than $100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).";

(2) by redesignating subsections (b), (c), and (d) as subsections (l), (m), and (n), respectively, and inserting after subsection (a) the following:

"(b) Expedited Implementation.—Pursuant to section 4 of the Call Home Act of 2006, no less than $1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

"(c) Allocation of Funds.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

"(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

"(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness and that takes into account the risks associated with, and the likelihood of the occurrence of, terrorist attacks or natural catastrophes (including, but not limited to, hurricanes, tornados, storms, high water, winddriven water, tidal waves, tsunami, earthquakes, volcanic eruptions, landslides, mudslides, snow and ice storms, forest fires, or droughts) in a State.

"(d) Eligibility.—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

"(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

"(2) assurance that the equipment and system would—

"(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

"(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D)) to the extent that such standards exist for a given category of equipment; and

"(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

"(e) Criteria for Certain Grants.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

"(f) Criteria for Strategic Technology Reserve Grants.—

"(1) In general.—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

"(2) Requirements and characteristics.—A reserve established under paragraph (1) shall—

"(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

"(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite-enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

"(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

"(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

"(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

"(3) Additional characteristics.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

"(4) Consultation.—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

"(5) Allocation and use of funds.—The Assistant Secretary shall allocate—

"(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

"(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

"(g) Voluntary Consensus Standards.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

"(h) Use of Economy Act.—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

"(i) Inspector General Report.—Beginning with the first fiscal year beginning after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(j) Deadline for Implementation Program Rules.—Within 90 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate final program rules for the implementation of this section.

"(k) Rule of Construction.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard."; and

(3) by striking paragraph (3) of subsection (n), as so redesignated.

(b) FCC Report on Emergency Communications Back-up System.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) Factors to be evaluated.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) Report.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(c) Joint Advisory Committee on Communications Capabilities of Emergency Medical Care Facilities.—

(1) Establishment.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of Federal Communications Commission, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee shall be composed of individuals with expertise in communications technologies and emergency medical care, including representatives of Federal, State and local governments, industry and non-profit health organizations, and academia and educational institutions.

(2) Duties.—The joint advisory committee shall—

(A) assess specific communications capabilities and needs of emergency medical care facilities, including the including improvement of basic voice, data, and broadband capabilities;

(B) assess options to accommodate growth of basic and emerging communications services used by emergency medical care facilities;

(C) assess options to improve integration of communications systems used by emergency medical care facilities with existing or future emergency communications networks; and

(D) report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment of this Act.

(d) Authorization of Emergency Medical Communications Pilot Projects.—

(1) In general.—The Assistant Secretary of Commerce for Communications and Information may establish not more than 10 geographically dispersed project grants to emergency medical care facilities to improve the capabilities of emergency communications systems in emergency medical care facilities.

(2) Maximum amount.—The Assistant Secretary may not provide more than $2,000,000 in Federal assistance under the pilot program to any applicant.

(3) Cost sharing.—The Assistant Secretary may not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(4) Maximum period of grants.—The Assistant Secretary may not fund any applicant under the pilot program for more than 3 years.

(5) Deployment and distribution.—The Assistant Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(6) Transfer of information and knowledge.—The Assistant Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

SEC. 1382. RULE OF CONSTRUCTION.

(a) In General.—Title VI of the Post-Katrina emergency Management Reform Act of 2006 (Public Law 109–295) is amended by adding at the end the following:

"SEC. 699B. RULE OF CONSTRUCTION.

"Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.".

(b) Effective Date.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

SEC. 1383. CROSS BORDER INTEROPERABILITY REPORTS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the re-banding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the "Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding" (WT Docket No. 02–55; ET Docket No. 00–258; ET Docket No. 95–18, RM–9498; RM–10024; FCC 04–168,) including the status of any outstanding issues in the negotiations between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;

(4) the annual rejection rate for the last 5 years by the United States of applications for new channels and frequencies by Canadian private and public entities; and

(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.

(b) Updated Reports to Be Filed on the Status of Treaty of Negotiations.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—

(1) Canada; and

(2) Mexico.

SEC. 1384. EXTENSION OF SHORT QUORUM.

Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the 6-month period beginning on the date of enactment of this Act.

TITLE XIV—PUBLIC TRANSPORTATION TERRORISM PREVENTION

SEC. 1401. SHORT TITLE.

This title may be cited as the "Public Transportation Terrorism Prevention Act of 2007".

SEC. 1402. FINDINGS.

Congress finds that—

(1) 182 public transportation systems throughout the world have been primary target of terrorist attacks;

(2) more than 6,000 public transportation agencies operate in the United States;

(3) people use public transportation vehicles 33,000,000 times each day;

(4) the Federal Transit Administration has invested $84,800,000,000 since 1992 for construction and improvements;

(5) the Federal Government appropriately invested nearly $24,000,000,000 in fiscal years 2002 through 2006 to protect our Nation's aviation system;

(6) the Federal Government has allocated $386,000,000 in fiscal years 2003 through 2006 to protect public transportation systems in the United States; and

(7) the Federal Government has invested $7.53 in aviation security improvements per passenger boarding, but only $0.008 in public transportation security improvements per passenger boarding.

SEC. 1403. SECURITY ASSESSMENTS.

(a) Public Transportation Security Assessments.—

(1) Submission.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary.

(2) Review.—Not later than July 31, 2007, the Secretary shall review and augment the security assessments received under paragraph (1).

(3) Allocations.—The Secretary shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 1404, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) Security improvement priorities.—Not later than September 30, 2007, the Secretary, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 1404.

(5) Updates.—Not later than July 31, 2008, and annually thereafter, the Secretary shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) Use of Security Assessment Information.—The Secretary shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) Bus and Rural Public Transportation Systems.—Not later than July 31, 2007, the Secretary shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 1404. SECURITY ASSISTANCE GRANTS.

(a) Capital Security Assistance Program.—

(1) In general.—The Secretary shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 1403(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) Operational Security Assistance Program.—

(1) In general.—The Secretary shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 1403(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 1403(a)(4); and

(F) other appropriate security improvements identified under section 1403(a)(4), excluding routine, ongoing personnel costs.

(c) Coordination With State Homeland Security Plans.—In establishing security improvement priorities under section 1403(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary shall ensure that the actions of the Secretary are consistent with relevant State homeland security plans.

(d) Multi-State Transportation Systems.—In cases where a public transportation system operates in more than 1 State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1403(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) Congressional Notification.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify the Committee on Homeland Security and Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) Public Transportation Agency Responsibilities.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Secretary on the use of grant funds received under this section.

(g) Return of Misspent Grant Funds.—If the Secretary determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 1405. PUBLIC TRANSPORTATION SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of public transportation owners and operators, and nonprofit employee organizations that represent public transportation workers, shall develop and issue detailed regulations for a public transportation worker security training program to prepare public transportation workers, including front-line transit employees such as bus and rail operators, mechanics, customer service employees, maintenance employees, transit police, and security personnel, for potential threat conditions.

(b) Program Elements.—The regulations developed under subsection (a) shall require such a program to include, at a minimum, elements that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself.

(4) Use of protective devices.

(5) Evacuation procedures (including passengers, workers, and those with disabilities).

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(8) Any other subject the Secretary considers appropriate.

(c) Required Programs.—

(1) In general.—Not later than 90 days after the Secretary issues regulations under subsection (a) in final form, each public transportation system that receives a grant under this title shall develop a public transportation worker security training program

in accordance with those regulations and submit it to the Secretary for approval.

(2) Approval.—Not later than 30 days after receiving a public transportation system's program under paragraph (1), the Secretary shall review the program and approve it or require the public transportation system to make any revisions the Secretary considers necessary for the program to meet the regulations requirements. A public transit agency shall respond to the Secretary's comments within 30 days after receiving them.

(d) Training.—

(1) In general.—Not later than 1 year after the Secretary approves the training program developed by a public transportation system under subsection (c), the public transportation system owner or operator shall complete the training of all public transportation workers in accordance with that program.

(2) Report.—The Secretary shall review implementation of the training program of a representative sample of public transportation systems and report to the Senate Committee on Banking, Housing and Urban Affairs, House of Representatives Committee on Transportation and Infrastructure, the Senate Homeland Security and Government Affairs Committee and the House of Representatives Committee on Homeland Security, on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—

(1) In general.—The Secretary shall update the training regulations issued under subsection (a) from time to time to reflect new or different security threats, and require public transportation systems to revise their programs accordingly and provide additional training to their workers.

(2) Program revisions.—Each public transit operator shall revise their program in accordance with any regulations under paragraph (1) and provide additional training to their front-line workers within a reasonable time after the regulations are updated.

SEC. 1406. INTELLIGENCE SHARING.

(a) Intelligence Sharing.—The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) Public transportation agency participation.—The Secretary—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 1407. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) Grants and Contracts Authorized.—The Secretary, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) Use of Funds.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) Reporting Requirement.—Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section.

(d) Return of Misspent Grant or Contract Funds.—If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 1408. REPORTING REQUIREMENTS.

(a) Semi-Annual Report to Congress.—

(1) In general.—Not later than March 31 and September 30 each year, the Secretary shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 1403 through 1406;

(B) the amount of funds appropriated to carry out the provisions of each of sections 1403 through 1406 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) Annual Report to Governors.—

(1) In general.—Not later than March 31 of each year, the Secretary shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) Contents.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 1409. AUTHORIZATION OF APPROPRIATIONS.

(a) Capital Security Assistance Program.—There are authorized to be appropriated to carry out the provisions of section 1404(a) and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $536,000,000 for fiscal year 2008;

(3) $772,000,000 for fiscal year 2009; and

(4) $1,062,000,000 for fiscal year 2010.

(b) Operational Security Assistance Program.—There are authorized to be appropriated to carry out the provisions of section 1404(b)—

(1) such sums as are necessary in fiscal year 2007;

(2) $534,000,000 for fiscal year 2008;

(3) $333,000,000 for fiscal year 2009; and

(4) $133,000,000 for fiscal year 2010.

(c) Intelligence.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 1405.

(d) Research.—There are authorized to be appropriated to carry out the provisions of section 1407 and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $30,000,000 for fiscal year 2008;

(3) $45,000,000 for fiscal year 2009; and

(4) $55,000,000 for fiscal year 2010.

SEC. 1410. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2011.

TITLE XV—MISCELLANEOUS PROVISIONS

SEC. 1501. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) Establishment and Succession.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Deputy Secretary" and inserting "Deputy Secretaries";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) Vacancies.—

"(1) Vacancy in office of secretary.—

"(A) Deputy secretary.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

"(B) Deputy secretary for management.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

"(2) Vacancy in office of deputy secretary.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

"(3) Further order of succession.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.".

(b) Responsibilities.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking "**UNDER SECRETARY**" and inserting "**DEPUTY SECRETARY OF HOMELAND SECURITY**";

(2) in subsection (a)—

(A) by inserting "The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary";

(B) by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management";

(C) by striking paragraph (7) and inserting the following:

"(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(D) by striking paragraph (9), and inserting the following:

"(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; and

(B) in paragraph (2), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(c) Appointment, Evaluation, and Reappointment.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

"(c) Appointment, Evaluation, and Reappointment.—The Deputy Secretary of Homeland Security for Management—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) strong leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) shall—

"(A) serve for a term of 5 years; and

"(B) be subject to removal by the President if the President—

"(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

"(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

"(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

"(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

"(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).".

(d) Incumbent.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) References.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) Technical and Conforming Amendments.—

(1) Other reference.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(2) Table of contents.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

"Sec. 701. Deputy Secretary of Homeland Security for Management.".

(3) Executive schedule.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Deputy Secretary of Homeland Security for Management.".

SEC. 1502. SENSE OF THE SENATE REGARDING COMBATING DOMESTIC RADICALIZATION.

(a) Findings.—The Senate finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists seeking to exploit the religion of Islam through violent means to achieve ideological ends.

(2) The radical jihadist movement transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the war on terror.

(5) United States law enforcement agencies have identified radicalization as an emerging threat and have in recent years identified cases of "homegrown" extremists operating inside the United States with the intent to provide support for, or directly commit, a terrorist attack.

(6) The alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization.

(7) Radicalization cannot be prevented solely through law enforcement and intelligence measures.

(b) Sense of Senate.—It is the sense of the Senate that the Secretary, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization and extremism by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending the American Muslim community;

(4) developing and implementing, in concert with the Attorney General and State and local corrections officials, a program to address prisoner radicalization and post-sentence reintegration;

(5) pursuing broader avenues of dialogue with the Muslim community to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate these leaders on the threat of radicalization and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to the American Muslim community and develop partnerships between all faiths, including Islam.

SEC. 1503. SENSE OF THE SENATE REGARDING OVERSIGHT OF HOMELAND SECURITY.

(a) Findings.—The Senate finds the following:

(1) The Senate recognizes the importance and need to implement the recommendations offered by the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the "Commission").

(2) Congress considered and passed the National Security Intelligence Reform Act of 2004 (Public Law 108-458; 118 Stat. 3643) to implement the recommendations of the Commission.

(3) Representatives of the Department testified at 165 Congressional hearings in calendar year 2004, and 166 Congressional hearings in calendar year 2005.

(4) The Department had 268 representatives testify before 15 committees and 35 subcommittees of the House of Representatives and 9 committees and 12 subcommittees of the Senate at 206 congressional hearings in calendar year 2006.

(5) The Senate has been unwilling to reform itself in accordance with the recommendation of the Commission to provide better and more streamlined oversight of the Department.

(b) Sense of Senate.—It is the sense of the Senate that the Senate should implement the recommendation of the Commission to "create a single, principal point of oversight and review for homeland security.".

SEC. 1504. REPORT REGARDING BORDER SECURITY.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress regarding ongoing initiatives of the Department to improve security along the northern border of the United States.

(b) Contents.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) Government Accountability Office.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit a report to Congress that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

SA 276. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 12, strike all through the matter preceding page 106, line 7, and insert the following:

TITLE II—RISK-BASED FUNDING FOR HOMELAND SECURITY

SEC. 201. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) Risk-Based Funding in General.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

"SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

"(a) Risk-Based Funding.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

"(b) Covered Grants.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

"(1) State homeland security grant program.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) Urban area security initiative.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) Law enforcement terrorism prevention program.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(4) Citizen corps program.—The Citizen Corps Program of the Department, or any successor to such grant program.

"(c) Excluded Programs.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) Nondepartment programs.—Any Federal grant program that is not administered by the Department.

"(2) Fire grant programs.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(3) Emergency management planning and assistance account grants.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"(d) Effect on Covered Grants.—Nothing in this Act shall be construed to require the elimination of a covered grant program.".

(b) Covered Grant Eligibility and Criteria.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

"SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) Grant Eligibility.—

"(1) In general.—

"(A) General eligibility.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

"(B) Urban area security initiative.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

"(C) State homeland security grant program.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) Other grant applicants.—

"(A) In general.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

"(B) Consideration.—Applications for such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

"(3) Certification of regions.—

"(A) In general.—The Secretary shall certify a geographic area as a region if—

"(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

"(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

"(B) Existing urban area security initiative areas.—Notwithstanding section 2007(10)(B) and (C), a geographic area that, on or before the date of enactment of the Improving America's Security Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

"(b) Grant Criteria.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

"(c) State Homeland Security Plans.—

"(1) Submission of plans.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

"(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

"(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

"(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

"(D) describes how the State intends—

"(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

"(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

"(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

"(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

"(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

"(2) Approval by secretary.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(d) Consistency With State Plans.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

"(e) Application for Grant.—

"(1) In general.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) Deadlines for applications and awards.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants for all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) Availability of funds.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

"(4) Minimum contents of application.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

"(iii) a designation of a specific individual to serve as regional liaison; and

"(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

"(5) REGIONAL APPLICATIONS.—

"(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

"(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. In no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) TRIBAL APPLICATIONS.—

"(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

"(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

"(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"(f) HOMELAND SECURITY GRANTS BOARD.—

"(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

"(A) the Secretary;

"(B) the Deputy Secretary of Homeland Security;

"(C) the Under Secretary for Emergency Preparedness and Response;

"(D) the Under Secretary for Border and Transportation Security;

"(E) the Under Secretary for Information Analysis and Infrastructure Protection;

"(F) the Under Secretary for Science and Technology; and

"(G) the Director of the Office of State and Local Government Coordination.

"(2) CHAIRMAN.—

"(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

"(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

"(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

"(A) PRIORITIZATION OF GRANTS.—The Board—

"(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

"(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

"(B) MINIMUM AMOUNTS.—

"(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

"(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

“(4) Functions of Under Secretaries.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.”.

SEC. 202. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by section 201, is amended by adding at the end the following:

“SEC. 2003. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

“(a) Establishment of Essential Capabilities.—

“(1) In general.—For purposes of making covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

“(A) the Task Force on Essential Capabilities established under section 2004;

“(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

“(C) the Secretary of Health and Human Services;

“(D) other appropriate Federal agencies;

“(E) State and local first responder agencies and officials; and

“(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

“(2) Deadlines.—The Secretary shall—

“(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

“(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

“(3) Provision of essential capabilities.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

“(b) Objectives.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

“(1) Specificity.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

“(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

“(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

“(C) the principles of regional coordination and mutual aid among State and local governments.

“(2) Flexibility.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

“(3) Measurability.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

“(4) Comprehensiveness.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

“(c) Factors To Be Considered.—

“(1) In general.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

“(2) Critical infrastructure sectors.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

“(A) Agriculture.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Food.

“(H) Government.

“(I) Postal and shipping.

“(J) Public health.

“(K) Information and telecommunications networks.

“(L) Transportation.

“(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

“(3) Types of threat.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber threats.

“(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) Consideration of additional factors.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

“SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

“(a) Establishment.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

“(b) Report.—

“(1) In general.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

“(2) Contents.—The report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

“(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

“(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) Consistency with Federal working group.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)).

“(4) Comprehensiveness.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(5) Prior measures.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

“(c) Membership.—

“(1) In general.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

“(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

“(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

"(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

"(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

"(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

"(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

"(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

"SEC. 2005. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

"(a) EQUIPMENT STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 2002(e)(7). Such standards—

"(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

"(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

"(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

"(D) shall cover all appropriate uses of the equipment.

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

"(A) Thermal imaging equipment.

"(B) Radiation detection and analysis equipment.

"(C) Biological detection and analysis equipment.

"(D) Chemical detection and analysis equipment.

"(E) Decontamination and sterilization equipment.

"(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

"(G) Respiratory protection equipment.

"(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

"(I) Explosive mitigation devices and explosive detection and analysis equipment.

"(J) Containment vessels.

"(K) Contaminant-resistant vehicles.

"(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

"(b) TRAINING STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

"(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

"(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

"(A) Regional planning.

"(B) Joint exercises.

"(C) Intelligence collection, analysis, and sharing.

"(D) Emergency notification of affected populations.

"(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

"(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

"(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

"(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

"(1) the National Institute of Standards and Technology;

"(2) the National Fire Protection Association;

"(3) the National Association of County and City Health Officials;

"(4) the Association of State and Territorial Health Officials;

"(5) the American National Standards Institute;

"(6) the National Institute of Justice;

"(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

"(8) the National Public Health Performance Standards Program;

"(9) the National Institute for Occupational Safety and Health;

"(10) ASTM International;

"(11) the International Safety Equipment Association;

"(12) the Emergency Management Accreditation Program;

"(13) the National Domestic Preparedness Consortium; and

"(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

"(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.".

SEC. 203. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201 and 202, is amended by adding at the end the following:

"SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

"(a) IN GENERAL.—A covered grant may be used for—

"(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

"(2) exercises to strengthen terrorism preparedness and response;

"(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

"(4) developing or updating response plans;

"(5) establishing or enhancing mechanisms for sharing terrorism threat information;

"(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

"(7) additional personnel costs resulting from—

"(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

"(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

"(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

"(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

"(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

"(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

"(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

"(A) $1,000,000 per project; or

"(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

"(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, determines best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

"(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

"(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

"(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

"(15) other appropriate activities as determined by the Secretary.

"(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

"(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

"(2) to construct buildings or other physical facilities, except for—

"(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

"(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

"(3) to acquire land; or

"(4) for any State or local government cost-sharing contribution.

"(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

"(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary pays the costs directly attributable to transporting and operating such equipment during such response.

"(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

"(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

"(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination of funds and resources having value equal to at least 80 percent of the amount of the grant, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

"(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds under paragraph (1).

"(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

"(A) the amount obligated to that recipient in that quarter;

"(B) the amount expended by that recipient in that quarter; and

"(C) a summary description of the items purchased by such recipient with such amount.

"(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

"(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

"(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

"(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

"(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

"(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

"(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

"(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

"(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

"(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

"(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

"(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

"(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

"(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

"(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

"(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

"(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2002(e)(5)(E) or paragraph (1) of this subsection for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

"(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

"(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

"(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

"(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

"(iii) the local government complies with subparagraph (B).

"(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

"(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

"(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

"(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

"(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

"(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

"(i) shall not affect any payment to another local government under this paragraph; and

"(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

"(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

"(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

"(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

"(2) containing information on the use of such grant funds by grantees; and

"(3) describing—

"(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 2003(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

"(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 2003(a).".

(b) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(c) REQUIRED COORDINATION.—The Secretary shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(d) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) coordinating industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.".

(e) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(f) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of "National Capital Region" applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(g) STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(h) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 204. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.".

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase "by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,".

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002, as amended by sections 201, 202, and 203 is amended by adding at the end the following:

"SEC. 2007. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Homeland Security Grants Board established under section 2002(f).

"(2) CONSEQUENCE.—The term 'consequence' means the assessment of the effect of a completed attack.

"(3) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 2001(b).

"(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

"(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

"(9) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(10) REGION.—The term 'region' means any geographic area—

"(A) certified by the Secretary under section 2002(a)(3);

"(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

"(C) that, for purposes of an application for a covered grant—

"(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

"(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

"(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

"(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 2004.

"(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

"(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.".

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

"TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

"Sec. 2001. Risk-Based funding for homeland security.
"Sec. 2002. Covered grant eligibility and criteria.
"Sec. 2003. Essential capabilities for homeland security.
"Sec. 2004. Task Force on Essential Capabilities.
"Sec. 2005. National standards for first responder equipment and training.
"Sec. 2006. Use of funds and accountability requirements.
"Sec. 2007. Definitions.".

On page 116, line 8, strike "0.75 percent" and insert "0.25 percent".

On page 116, line 13, strike "0.25 percent" and insert "0.08 percent".

On page 347, strike lines 19 through 22, and insert the following:

"(1) result in distributions to public safety entities among the several States that ensure that for each fiscal year—

"(A) no State receives less than an amount equal to 0.25 percent of the total funds appropriated for such grants; and

"(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.08 percent of the amounts appropriated for such grants; and

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SA 277. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. CARPER, Ms. SNOWE, Ms. CANTWELL, Ms. MIKULSKI, Mr. CHAMBLISS, and Ms. MURKOWSKI) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 145, strike line 21 and insert the following:

SEC. 404. IDENTIFICATION DOCUMENTS.

(a) MINIMUM DOCUMENT REQUIREMENTS.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking "3 years after the date of the enactment of this division" and inserting "2 years after the promulgation of final regulations to implement this section".

(b) AUTHORITY TO EXTEND COMPLIANCE DEADLINES.—Section 205(b) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) LACK OF VALIDATION SYSTEMS.—If the Secretary determines that the Federal or State electronic systems required to verify the validity and completeness of documents under section 202(c)(3) are not available to any State on the date described in section 202(a)(1), the requirements under section 202(c)(1) shall not apply to any State until adequate electronic validation systems are available to all States.".

(c) NEGOTIATED RULEMAKING.—

(1) NEGOTIATED RULEMAKING COMMITTEE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall reconvene the committee originally established pursuant to section 7212(b)(4) of the 9/11 Commission Implementation Act of 2004 (49 U.S.C. 30301 note), with the addition of any new interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law, to—

(A) review the regulations proposed by the Secretary to implement section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

(B) review the provisions of the REAL ID Act of 2005;

(C) submit recommendations to the Secretary regarding appropriate modifications to such regulations; and

(D) submit recommendations to the Secretary and Congress regarding appropriate modifications to the REAL ID Act of 2005.

(2) CRITERIA.—In conducting the review under paragraph (1)(A), the committee shall consider, in addition to other factors at the discretion of the committee, modifications to the regulations to—

(A) minimize conflicts between State laws regarding driver's license eligibility;

(B) include procedures and requirements to protect the Federal and State constitutional rights, civil liberties, and privacy rights of individuals who apply for and hold driver's licenses and personal identification cards;

(C) protect the security of all personal information maintained in electronic form;

(D) provide individuals with procedural and substantive due process, including rules and right of appeal, to challenge errors in data records contained within the databases created to implement section 202 of the REAL ID Act of 2005;

(E) ensure that private entities are not permitted to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share, or trade such information with third parties;

(F) provide a fair system of funding to limit the costs of meeting the requirements of section 202 of the REAL ID Act of 2005;

(G) facilitate the management of vital identity-proving records; and

(H) improve the effectiveness and security of Federal documents used to validate identification.

(3) Rulemaking.—To the extent that the final regulations to implement section 202 of the REAL ID Act of 2005 do not reflect the modifications recommended by the committee pursuant to paragraph (1)(C), the Secretary shall include, with such regulations in the Federal Register, the reasons for rejecting such modifications.

(4) Reports.—Not later than 120 days after reconvening under paragraph (1), the committee shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that includes—

(A) the list of recommended modifications to the regulations that were submitted to the Secretary under paragraph (1)(C); and

(B) a list of recommended amendments to the Real ID Act of 2005 that would address any concerns that could not be resolved by regulation.

(d) Enhanced Driver's License.—

SA 278. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . HEALTH CARE SCREENING, MONITORING, AND TREATMENT FOR EMERGENCY SERVICES PERSONNEL.

Of the unexpended balances made available for the "Department of Labor, Employment Training Administration Training and Employment Services" by the President on September 21, 2001, under the authority of the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38; 115 Stat. 220), $3,600,000 shall be transferred to the Centers for Disease Control and Prevention and made available to provide health care screening, monitoring, and treatment for emergency services, rescue and recovery personnel responding to the attacks of September 11, 2001, under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148; 119 Stat. 2814).

SA 279. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) In General.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) Disqualifications.—

"(A) Permanent disqualifying criminal offenses.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

"(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

"(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

"(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

"(viii) Murder.

"(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

"(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

"(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

"(B) Interim disqualifying criminal offenses.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnapping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

"(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(C) Under want warrant, or indictment.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) Determination of arrest status.—

"(i) In general.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

"(ii) Burden of proof.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

"(iii) Notification of disqualification.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

"(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

"(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

"(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

"(E) Other potential disqualifications.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

"(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.".

SA 280. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "rural" means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

SA 281. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2007".

SEC. 02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. ___03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. ___04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 282. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 22 through 25 and insert the following:

"(I) the extent to which the State has unmet target capabilities;

"(J) the presence or transportation in the State of special nuclear material or transuranic waste (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) or waste derived from special nuclear material or transuranic waste; and

"(K) such other factors as are specified in writing by the Administrator;

SA 283. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 151, line 16, strike "information" and insert "information use, collection, storage, disclosure, and".

SA 284. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1505. HOMELAND SECURITY TRUST FUND.

(a) DEFINITIONS.—In this section:

(1) TRUST FUND.—The term "Trust Fund" means the Homeland Security and Neighborhood Safety Trust Fund established under subsection (b).

(2) COMMISSION.—The term "Commission" means the National Commission on Terrorist Attacks upon the United States, established under title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 6 U.S.C. 101 note).

(b) HOMELAND SECURITY AND NEIGHBORHOOD SAFETY TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Homeland Security and Neighborhood Safety Trust Fund", consisting of such amounts as may be appropriated or credited to the Trust Fund.

(2) RULES REGARDING TRANSFERS TO AND MANAGEMENT OF TRUST FUND.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

(3) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2008 through 2012 to meet those obligations of the United States incurred which are authorized under subsection (d) for such fiscal years.

(4) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which—

(A) increases revenues to the Treasury in the amount of $53,300,000,000 during taxable years 2008 through 2012 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the taxable incomes of taxpayers in excess of $1,000,000, and

(B) appropriates an amount equal to such revenues to the Homeland Security and Neighborhood Safety Trust Fund.

(c) PREVENTING TERROR ATTACKS ON THE HOMELAND.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTING LAW ENFORCEMENT.—There are authorized to be appropriated from the Trust Fund—

(A) $1,150,000,000 for each of the fiscal years 2008 through 2012 for the Office of Community Oriented Policing Services for grants to State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counterterrorism units;

(B) $900,000,000 for each of the fiscal years 2008 through 2012 for the Justice Assistance Grant; and

(C) $500,000,000 for each of the fiscal years 2008 through 2012 for the Law Enforcement Terrorism Prevention Grant Program.

(2) AUTHORIZATION OF APPROPRIATIONS FOR RESPONDING TO TERRORIST ATTACKS AND NATURAL DISASTERS.—There are authorized to be appropriated from the Trust Fund—

(A) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for Fire Act Grants; and

(B) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for SAFER Grants.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ACTIVITIES FOR HOMELAND SECURITY.—There are authorized to be appropriated from the Trust Fund such sums as necessary for—

(1) the implementation of all the recommendations of the Commission, including the provisions of this section;

(2) fully funding the grant programs authorized under this section and any grant program administered by the Department;

(3) improving airline passenger screening and cargo scanning;

(4) improving information sharing and communications interoperability;

(5) supporting State and local government law enforcement and first responders, including enhancing communications interoperability and information sharing;

(6) ensuring the inspection and scanning of 100 percent of cargo containers destined for ports in the United States and to ensure scanning of domestic air cargo;

(7) protecting critical infrastructure and other high threat targets such as passenger rail, freight rail, and transit systems, chemical and nuclear plants;

(8) enhancing the preparedness of the public health sector to prevent and respond to acts of biological and nuclear terrorism;

(9) the development of scanning technologies to detect dangerous substances at United States ports of entry; and

(10) other high risk targets of interest, including nonprofit organizations and in the private sector.

SA 285. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mrs. MURRAY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

"(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

"(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

"(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

"(viii) Murder.

"(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

"(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

"(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnapping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

"(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) DETERMINATION OF ARREST STATUS.—

"(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

"(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

"(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

"(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

"(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

"(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

"(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

"(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may by rulemaking, add or modify the offenses described in paragraph (1)(A) or (B).".

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

"(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.".

SA 286. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.".

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

SA 287. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CABLE CARRIAGE OF TELEVISON BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 342. CARRIAGE OF SIGNALS TO CERTAIN TELEVISION MARKET AREAS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, each cable operator providing service in an eligible area may elect to carry the primary signal of any network station located in the capital of the State in which such area is located.

"(b) DEFINITIONS.—As used in this section:

"(1) ELIGIBLE AREA.—The term 'eligible area' means 1 of 2 counties that—

"(A) are all in a single State;

"(B) on the date of enactment of this section, were each located in—

"(i) the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

"(ii) a designated market area comprised principally of counties located in another State; and

"(C) as a group had a total number of television households that when combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research.

"(2) NETWORK STATION.—The term 'network station' has the same meaning as in section 119(d) of title 17, United States Code.".

SEC. . SATELLITE CARRIAGE OF TELEVISION BROADCAST SIGNALS.

Section 119(a)(2)(C) of title 17, United States Code, is amended—

(1) by redesignating clause (v) as clause (vi);

(2) by inserting after clause (v) the following:

"(v) FURTHER ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in subparagraph (A) shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

"(I) the 2 counties are located in the 46th largest designated market area for the year 2005 according to Nielsen Media Research; and

"(II) the total number of television households in the 2 counties combined did not exceed 30,000 for the year 2005 according to Nielsen Media Research."; and

(3) in clause (vi) as redesignated, by striking "and (iv)" and inserting "(iv), and (v)".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 7, 2007, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to investigate market constraints on large investments in advanced energy technologies and investigate ways to stimulate additional private-sector investment in the deployment of these technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Michael Carr at 202–224–8164 or Rachel Pasternack at 202–224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 28, 2007, at 10:30 a.m. to conduct a hearing on "Examining the Terrorism Risk Insurance Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Wednesday, February 28, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate vehicle safety for children.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to hold a hearing during the sessions of the Senate on Wednesday, February 28, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss and evaluate the Fiscal Year 2008 budget for the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, February 28, 2007, at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the President's fiscal year 2008 budget request for the USDA Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a hearing on "Comprehensive Immigration Reform" on Wednesday, February 28, 2007 at 10 a.m. in Hart Senate Office Building Room 216.

Witness List: The Honorable Carlos M. Gutierrez, Secretary, U.S. Department of Commerce, Washington, DC; The Honorable Michael Chertoff, Secretary, U.S. Department of Homeland Security, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 28, 2007, at 9:30 a.m., to conduct a markup on the Omnibus Budget for Senate Committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "The President's Fiscal Year 2008 Budget Request for the Small Business Administration," on Wednesday, February 28, 2007, beginning at 10 a.m. in Room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. LIEBERMAN. Mr President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 562 of the Dirksen Senate Office Building, Wednesday, February 28, 2007, from 9:30 a.m. to 12:30 p.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, February 28, 2007, from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing. Re: The Aging Workforce: What Does It Mean for Businesses and the Economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Madam President, I ask unanimous consent that Stanford Swinton of Senator GRASSLEY's Finance Committee staff be given floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that the privilege of the floor be provided to Melissa Porter and Rich Swazey, two detailees assigned to the Commerce Committee, during consideration of S. 184 and S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that Pamela Friedmann and John Hennigan, both detailees to the Commerce Committee, be granted floor privileges for the duration of the 110th Congress.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 30 and 31; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

UNITED STATE SENTENCING COMMISSION

Dabney Langhorne Friedrich, of Virginia, to be a member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2009.

Beryl A. Howell, of the District of Columbia, to be a member of the United States Sentencing Commission for a term expiring October 31, 2011 (Reappointment), to which position she was appointed during the last recess of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 110th Congress: the Honorable MICHAEL D. CRAPO of Idaho.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 110th Congress: the Honorable JOHN CORNYN of Texas.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 110th Congress: the Honorable GORDON H. SMITH of Oregon.

The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 110th Congress: the Honorable THAD COCHRAN of Mississippi.

SIBLINGS CONNECTION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 86, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 86) designating March 1, 2007, as "Siblings Connection Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 86) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 86

Whereas sibling relationships are among the longest-lasting and most significant relationships in life;

Whereas brothers and sisters share history, memories, and traditions that bind them together as family;

Whereas it is estimated that over 65 percent of children in foster care have siblings, many of whom are separated when placed in the foster care system, adopted, or confronted with different kinship placements;

Whereas children in foster care are at greater risk than their peers of having emotional disturbances, problems in school, and difficulties with relationships later in life;

Whereas the separation of siblings while children causes additional grief and loss;

Whereas organizations and private volunteer efforts exist that advocate for preserving sibling relationships in foster care settings and that give siblings in foster care the opportunity to reunite;

Whereas Camp to Belong, a nonprofit organization founded in 1995 by Lynn Price, heightens public awareness of the need to preserve sibling relationships in foster care settings and gives siblings in foster care the opportunity to be reunited; and

Whereas Camp to Belong has reunited over 2,000 separated siblings across the United States, the United States Virgin Islands, and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2007, as "Siblings Connection Day";

(2) encourages the people of the United States to celebrate sibling relationships on Siblings Connection Day; and

(3) supports efforts to respect and preserve sibling relationships that are at risk of being disrupted by the placement of children in the foster care system.

COMMENDING PARTICIPANTS IN THE SENATE YOUTH PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 90.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The resolution (S. Res. 90) commending students who participated in the United States Senate Youth Program between 1962 and 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas the students who have participated in the United States Senate Youth Program (referred to in this preamble as the "Senate Youth Program") over the past 45 years were chosen for their exceptional merit and interest in the political process;

Whereas the students demonstrated outstanding leadership abilities and a strong commitment to community service and have ranked academically in the top 1 percent of their States;

Whereas the Senate Youth Program alumni have continued to achieve unparalleled educational and professional success and have demonstrated a strong commitment to public service on the local, State, national, and global levels;

Whereas the Senate Youth Program alumni have demonstrated excellent qualities of citizenship and have contributed to the Nation's constitutional democracy, both professionally and in volunteer capacities, and have made an indelible impression on their communities;

Whereas each State department of education has selected outstanding participants for the Senate Youth Program;

Whereas the Department of Defense, Department of State, and other Federal departments, as well as Congress, have offered support and provided top level speakers who have inspired and educated the students in the Senate Youth Program; and

Whereas the directors of the William Randolph Hearst Foundation have continually made the Senate Youth Program available for outstanding young students and exposed them to the varied aspects of public service: Now, therefore, be it

Resolved, That the Senate congratulates, honors, and pays tribute to the more than 4,500 exemplary students who have been selected, on their merit, to participate in the United States Senate Youth Program between 1962 and 2007.

READ ACROSS AMERICA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 91.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 91) designating March 2, 2007, as "Read Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 91

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2007, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 10th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

ORDERS FOR THURSDAY, MARCH 1, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 9:30 a.m. tomorrow morning, Thursday, March 1; that on Thursday, following the prayer and the Pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; finally, that there be a period for morning business for 60 minutes with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority; that following morning business, the Senate then resume consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I made a plea earlier today for Members to come to the floor and offer amendments so we can complete action on this important legislation in timely fashion. I would further editorialize, we are going to finish the bill, and I hope it is not necessary to file cloture. The Republican leader and I do not want to have to file cloture on this bill. We want people to come forward and offer amendments.

When we resume consideration of the bill tomorrow, we will have a Democratic amendment ready to offer at that time.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before this body today, and if the Republican leader has no comments, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, March 1, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, February 28, 2007:

UNITED STATES SENTENCING COMMISSION

DABNEY LANGHORNE FRIEDRICH, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2009, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THEUNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. HUGO M. MORALES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. SERRANO. Madam Speaker, it is both an honor and a privilege to rise in recognition of Dr. Hugo M. Morales, an illustrious member of the proud Dominican community here in the United States. During this month as we reflect on and commemorate the contributions that Dominicans have—and continue to make—to our great nation, we can take heart that as the years pass and the landscape of the United States undergoes further transformation, we have pillars in our community like Dr. Morales, whose accomplished medical career and selfless ethic can serve to show others the way.

Earning his medical degree in the Dominican Republic at the University of Santo Domingo in 1956, and later doing post graduate work at the New York Polyclinic Medical School and Hospital from 1961 until 1963, Dr. Morales is a specialist in the field of Psychiatry. From 1957 through 1961, Dr. Morales underwent residency training beginning at Morrisania Hospital in the Bronx, and later at both Harlem Valley State Hospital and Grasslands Hospital, where he was named Chief Medical Resident. From 1962 until 1999, Dr. Morales practiced medicine at several medical facilities, spending the majority of his career however at Bronx Mental Health Center, where he attained the position of Medical Director.

Over the years, Dr. Morales has been licensed to practice medicine in four different U.S. states, and holds numerous board certified licenses. In addition, Dr. Morales has held a teaching appointment as Instructor of Psychiatry at Harlem Hospital, and has been the Attending Psychiatrist at both Grace Hospital Center and Bronx Lebanon Hospital's Fulton Division.

Belonging to more than a dozen professional medical societies, and having been appointed to an even greater number of consultation assignments over the years, Dr. Morales' extensive medical background and expertise has been called upon repeatedly by learning institutions throughout the U.S. and by government agencies on the city, state, and federal level. He has grappled with issues from repairing the foster care system to addressing post-traumatic stress disorder in the aftermath of the September 11th attacks.

Moreover, Dr. Morales has received over a dozen honors for his work, including the Christopher Columbus Award—presented to him by the President of the Dominican Republic in 1992—and the Ellis Island Medal of Honor, which he received in 1996. In 2002, Dr. Morales was appointed to the Board of Trustees of the City University of New York (CUNY) by then Governor George Pataki—making Dr. Morales the first and only Dominican to ever hold this position. Through his work with CUNY, Dr. Morales has spearheaded an initiative very close to my heart—that of archiving the migration experience of Hispanic populations to this country. His historical study focuses on the Dominican community, and documents the resilient, inventive, and dignified manner through which Dominicans have bridged our two great countries.

Madam Speaker, on occasions like today, when I have the opportunity to honor such a venerated member of the Dominican community as Dr. Morales, I realize that words alone are incapable of truly conveying all that this individual means—not only to Dominicans in the United States—but also to the larger Hispanic community, as well. That being said, this is also a deeply touching moment for me, as I have had the pleasure of calling Dr. Morales a personal friend of mine for over thirty years. Madam Speaker, the constellation of Hispanics living in this country continues to bring light and richness to the American experience. That constellation undoubtedly shines brighter today because of individuals like Dr. Hugo Morales.

TRIBUTE TO CONGRESSMAN MICHAEL BILIRAKIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to commend my friend, former Representative Michael Bilirakis, for his dedication and service to the Congressional Caucus on Hellenic Issues during his tenure in Congress. Because we represented large Hellenic communities, together we cofounded the Hellenic Caucus in 1996. The caucus now includes more than 120 bipartisan Members of Congress.

Together, Representative Bilirakis and I sought justice for Cyprus and fought for the protection of the Hellenic Islands. The caucus has served to bring a renewed congressional focus on diplomatic, military, and human rights issues in a critical part of the world.

Representative Bilirakis represented Clearwater, Tarpon Springs, and Newport Richie in Florida, where he has contributed to the preservation of the Hellenic community. He is a member and supporter of the American Hellenic Educational Progressive Association, AHEPA, which works on an international level to promote Hellenism, education, philanthropy, civic responsibility, and family and individual excellence.

Representative Bilirakis was a valued Member of Congress, and it was a privilege working with him these past several years. I will miss his friendship, guidance and support. I am thrilled that his son, GUS BILIRAKIS, was elected to Congress and has taken his father's place as the new Republican cochair of the caucus in the 110th Congress. I am looking forward to working with Representative GUS BILIRAKIS in continuing the important work of the Hellenic Caucus.

REMEMBERING DOMINICAN INDEPENDENCE DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. RANGEL. Madam Speaker, I rise today, on this 28th of February, to join with the hundreds of thousands of Dominican residents of my congressional district and the millions of Dominicans around the world in celebrating the 163rd anniversary of their motherland's independence.

The road to freedom and independence is not perfect. It can be just as hard, if not harder, to maintain it as it was to secure it. The Dominican people know this lesson first-hand. Their history includes two wars of independence—first from Haiti in 1844 and then from Spain in 1865—as well as struggles against dictators and oppressive governments. And while self-determination has produced a proud nation, various problems still exist, particularly those that stem from poverty and economic despair.

Yet today is a day that all Dominicans are united in celebrating, regardless of their political affiliations. It is a day that we remember the ideals of the Nation, thankful that there is still hope of a better future. It is a day to honor the sacrifices of our heroes in the only appropriate way—by rededicating ourselves to a more just land for all residents, at home and abroad.

The Dominican Republic has been, and always will be, a land rich in history and culture. The spirit of its people has energized our community, our city and our Nation. So it gives me great pride to congratulate Dominicans around the world on their Independence Day. Any day that we can take to celebrate and rededicate ourselves to freedom and justice is not just a good one, but a necessary one.

IN HONOR OF THE VIETNAMESE NEW YEAR: TET, 2007—YEAR OF THE BOAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Vietnamese New

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Year: Tet, 2007—Year of the Boar. To celebrate this joyous event, the Vietnamese Community in Greater Cleveland, Inc., will gather at Bo Loong Chinese Restaurant to rejoice with family and friends and enjoy Vietnamese culture and performances.

The Tet celebration will include recognition of volunteer leaders, Vietnamese culinary offerings, dancing and entertainment by Vietnamese youth of Cleveland. Tet is the time of year to pay homage to ancestors, reconnect with friends and family, and celebrate the hope and possibility within the rising of a new year.

This year also marks the 32nd anniversary of the establishment of the Vietnamese Community in Greater Cleveland, Inc.—reflecting more than three decades of this agency's superior commitment, service and community outreach to Americans of Vietnamese heritage. The Vietnamese community in Cleveland reflects a vibrant layer within the colorful fabric of our culturally diverse city and plays a significant role in preserving and promoting the ancient cultural and historical traditions that spiral back throughout the centuries—connecting the old world to the new, extending from Vietnam to America.

Madam Speaker and Colleagues, please join me in honor and recognition of Le Nguyen, President of the Vietnamese Community in Greater Cleveland, Inc., and all members, past and present, for their dedication and support of Americans of Vietnamese heritage within our Cleveland community. As we join in celebration of the Vietnamese New Year, the Year of the Boar, may every American of Vietnamese heritage hold memories of their past forever in their hearts and find happiness and peace with the dawning of each new day.

HONORING DR. KENITA CARTER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Kenita Carter, M.D., who was awarded the 2006 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Group.

Dr. Carter is a compassionate and dedicated physician who provides patient care for over 1,000 veterans. She has been an innovator at the Department of Veterans Affairs Loch Raven Campus Community Based Outpatient Center and has worked untiringly to improve the lives of Maryland's veterans.

Dr. Carter developed a MOVE program at the Loch Raven Campus on the grounds of the Baltimore Rehabilitation and Continuing Care Facility. MOVE is a national initiative of the Department of Veterans Affairs to address the problem of diabetes and obesity among the veteran population. Dr. Carter established and chaired a planning committee that developed the program that included exercise, nutritional planning and healthy lifestyle challenges in a group setting. In the voluntary program, the first 14 participants lost 187 pounds collectively while they developed healthier lifestyles. Dr. Carter constantly works with veterans on ways to improve the weight loss program to encourage maximum participation.

Even though the MOVE program is a national initiative, Dr. Carter was the first and only physician to embrace the project throughout the entire Department of Veterans Affairs' Maryland Health Care System. She made the program fun for veterans on a shoestring budget by. taking walks with the veterans, playing shuffleboard with the veterans and providing lectures on healthy lifestyle habits to keep the veterans motivated throughout the program.

Dr. Carter managed this program in addition to her regular patient caseload. Her passion and excitement to see patients succeed is matched only by her compassion for her patients. The veterans who complete this program receive a framed certificate as recognition of their efforts to improve their own lives.

Madam Speaker, I ask that you join with me today to honor Dr. Kenita Carter. She is a remarkable volunteer for Maryland's veterans. Through her onoing efforts, she has helped hundreds of veterans receive their medical care from the Department of Veterans Affairs. She has gone above and beyond the call of duty to aid those who have dedicated their lives to serve our great country.

HONORING ROBIN SCHAEF OF SONOMA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. THOMPSON of California. Madam Speaker, together with my colleague, Ms. WOOLSEY from California, I rise today to recognize the outstanding career of Robin Schaef of Petaluma, California. Ms. Schaef is retiring after 21 years of service with the County of Sonoma.

Robin began her career of service in Sonoma County as the Executive Director of Petaluma People Services Center where she increased the budget from $255,000 to $600,000 in less than five years.

She then accepted the position of Director of the Sonoma County Multipurpose Senior Services Program. This newly formed county case management program served a caseload of 200 clients.

Ms. Schaef's strong leadership and management skills were a determining factor in her promotion to Director of the Sonoma County Area Agency on Aging in 1987. When the County reorganized eight years later, her vision and skills made her the natural choice to become the Department Head of the Sonoma County Area Agency on Aging. In this capacity she oversaw five programs with a staff of 60: the Area Agency on Aging and its 21 member Advisory Council, In-Home Support Services, Adult Protective Services, the Multipurpose Senior Services Program and the Veterans Services Office.

In addition to her work for the County of Sonoma, Ms. Schaef has served in leadership positions in professional organizations at the local, state and national level. These include the California Association of Area Agencies on Aging, the National Association of Area Agencies on Aging and C4A.

Madam Speaker, Robin has dedicated herself to developing and delivering essential social services to the elders of our county and persons with disabilities. She has set an example of visionary leadership that has been invaluable to Sonoma County. Ms. WOOLSEY and I wish to thank her for all she has meant to so many, and wish her much happiness and fulfillment as she retires.

TRIBUTE TO ROBIN SCHAEF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

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A PIONEER PASSES; THE WORK GOES ON

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. ELLISON. Madam Speaker, it is with a good deal of sadness, and a great deal of respect and admiration, that I recognize the passing of the influential gay rights activist Barbara Gittings.

I submit the following celebration of her life published in The Washington Post into the Congressional Record. I draw attention to Barbara's life and work as one of our country's finest civil rights advocates. Ms. Gittings exhibited an amazing amount of courage, tenacity, resiliency, and generosity in her fight for equal rights spanning a remarkable 50-year career. I am tremendously thankful for her efforts on behalf of all Americans, and hope the occasion of her passing provides a small moment of reflection on our collective fight for equal rights.

A gay activist long before people were even calling themselves "gay," Barbara provided the first face for the burgeoning gay rights movement in the 1960s when she took an active part in protesting federal employment discrimination.

She was instrumental in having homosexuality removed from the American Psychiatric Association's list of mental disorders in 1973 and worked tirelessly within the American Library Association to make materials with GLBT content more accessible to the reading public.

When told she was the Rosa Parks of the gay rights movement, this modest activist stated that any success she enjoyed was always the result of a collaborative effort.

I think Barbara's lifelong accomplishments provide an important measure of how far we've come in the fight for equal rights for all Americans. To be sure, Madam Speaker, her death also serves to remind us that there is work yet to be done in ensuring all citizens can live lives free of discrimination, prejudice, fear, and the threat of violence. Sadly, today there is one less champion to do it.

[From the Washington Post, Feb. 20, 2007]

GAY RIGHTS PIONEER BARBARA GITTINGS, 75

(By Adam Satariano)

Barbara Gittings, 75, one of the earliest activists to push the U.S. government to provide gay men and lesbians with equal rights, died Feb. 18 at an assisted living center in Kennett Square, Pa. She had breast cancer.

In 1965, Ms. Gittings and several gay men and lesbians were the first to hold demonstrations outside the White House for equal rights for homosexuals. She later played a key role in the American Psychiatric Association's removal of homosexuality from its list of mental disorders in 1973.

"Gay people didn't have a face until Barbara started demonstrating in 1965," said Mark Segal, publisher of Philadelphia Gay News. "Up until that point, no gay face had been seen in the newspaper, on television or in the movies."

Her involvement in the gay rights movement started in the 1950s, when she helped form the New York City chapter of the early lesbian organization Daughters of Bilitis.

Around the same time, Ms. Gittings became estranged from her family, which did not approve of her championing of gay rights, Segal said.

Ms. Gittings headed the American Library Association's Gay Task Force to attract more attention to gay literature and urge libraries to provide more information on sexuality and gay issues.

William Kelley, a Chicago lawyer who first attended a national gay rights gathering with Ms. Gittings in the 1960s, said he remembered her saying that when she was young, she had to look in the encyclopedia to find out more about her sexuality. "It was her thought that libraries should be encouraged to offer more information to people about sexuality," he said.

Ms. Gittings also was an editor of the lesbian journal the Ladder in the mid-1960s.

In Ms. Gittings's lifetime, she saw a change in the perception of the gay rights movement. In the 1960s, she picketed in front of Independence Hall in Philadelphia on the Fourth of July. In 2005, she attended a ceremony at which the Pennsylvania Historical and Museum Commission placed a historical marker recognizing the gay rights struggle across the street from Independence Hall.

Ms. Gittings was born in Vienna, Austria, where her father worked as a U.S. diplomat. She was raised in Delaware.

Survivors include her partner of 46 years, Kay Lahusen, and a sister.

TRIBUTE TO MR. ANTHONY RONALD JORDAN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. SERRANO. Madam Speaker, as we celebrate the legacies of greatness of so many African Americans throughout our country's history, I rise today to pay tribute to a local hero and true people's champion in the Bronx, Mr. Anthony Ronald Jordan.

Born and raised in the South Bronx, the ethic of selflessness and compassion which guides so many of Mr. Jordan's professional endeavors today was instilled in him at an early age by his mother—the late Ruby Lee Jordan. Educated as a young man in the New York City public school system, Mr. Jordan continued his education at Monroe College, and later earned an advanced degree from Hunter College, part of the City University of New York. Mr. Jordan currently serves as the president and CEO of St. Benedict the Moor Neighborhood Center, as well as the founder and president of the Moor House Gardens HDFC. During his tenure as president of St. Benedict the Moor Neighborhood Center, the organization has thrived; for example, in 2006 alone the center proudly served over 84,000 individuals, families and children. Highly regarded throughout New York City for offering courteous and heartfelt support to people battling substance abuse, homelessness, and hunger, St. Benedict the Moor Neighborhood Center serves as a beacon of light for many in the South Bronx.

In addition to his work at St. Benedict the Moor Neighborhood Center, Mr. Jordan also holds the distinction of being president of the Congregational Council at the Evangelical Lutheran Church of St. Peter's in the Bronx—a place of worship for him and His family for more than 25 years.

Madam Speaker, what fills me with hope as I reflect on Mr. Jordan's service to the Bronx to date, is the fact that his journey as a community leader is far from over. Residents of the South Bronx, myself included, are proud of this enormously talented individual; and we take heart in the belief that he will be able to continue to provide hope and work for change in our community for years and years to come. I am therefore pleased to recognize Mr. Anthony Ronald Jordan.

HONORING THE CHINESE NEW YEAR

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise today to honor the start of the Chinese New Year. Approximately 40,000 Chicagoans enjoy a Chinese heritage, and I wish to celebrate with them the turning of year 4705, the year of the Fire Boar.

The year of the Fire Boar starts Sunday, February 18. The New Year brings a time for cleansing the home to sweep away misfortune and welcoming in the New Year with hopes of prosperity and good luck. I look forward to the Chinese New Year because it reflects the end of winter and marks the beginning of spring. Indeed, the Spring Festival, as it also is known, is a time to give thanks for one's blessings, celebrate family, resolve arguments, and prepare the community to embark on a new year with hope and charity. We should all take advantage of the opportunity to explore and share in this treasured tradition with family and friends. Embracing this tradition honors the richness of our diversity as Americans. Also, it stands to reason, that as we benefit from the year of the Fire Pig, we should all make a pledge to donate some good fortune to others less fortunate than ourselves.

This year will be the 24th annual Chinese Lunar New Year celebration in Chicago's Chinatown, which I am proud to say, resides in my Congressional District. I am honored to participate in Chinese New Year celebrations, and I wish all a Gong Hay Fat Choy.

RECOGNIZING SECRETARY OF STATE CONDOLEEZZA RICE FOR HER COMMITMENT TO LIBERIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. RANGEL. Madam Speaker, I rise today in recognition of the wonderful work done by Secretary of State Condoleezza Rice in hosting the Liberia Private Sector Investment Forum, a part of a collective effort to ensure debt relief and economic revitalization for Liberia.

Now is a time for optimism in Liberia. Following 14 years of boorish dictatorship and ravenous civil conflict, Liberia has the opportunity to restore democracy, economic stability and social harmony. With the recent election of President Ellen Johnson-Sirleaf, Africa's first female head of state, Liberia is well-positioned to step out of the shadow of a history of violence and destruction; however, Liberia continues to be bound to its past in the form of severe debt accrued over the years.

It is important for us all to follow Secretary Rice's example and encourage our President to forgive Liberia of its debt in full. Liberia simply cannot pay its debt to the United States in particular; a debt incurred when civil war ensued following the forceful ascension to power by Samuel Doe and Charles Taylor. A recent United Nations development report on Liberia found that more than 85% of the population is unemployed; nearly 75% of the population miserably subsist on less than $1 per day. A third of the population is illiterate, almost 10% suffer from HIV and AIDS and life expectancy hovers somewhere around 50 years of age. Liberia's economy and infrastructure was nearly demolished during decades of fighting and tyranny. Those living in Liberia today still have limited access to clean water and electricity. It will take tremendous resources to rebuild schools, roads and power grids; however, many of Liberia's existing resources are required to repay the enormous debt burden.

The fiscal and structural resources necessary to repair a country whose economy and social fabric have been torn apart due to enduring violence, war that persisted for more than a decade, and debt incurred by misguided and corrupt leaders are tremendous. Moreover, establishing institutions and systems designed to ensure that a country will not fall back into a cycle of indebtedness, while simultaneously attempting to repay an existing debt, is an extremely lofty task. In Liberia debt and monetary conditions are debased and the demands of an increasingly global market economy continue to threaten the fragile base upon which Liberia's current economy stands. More than simply being unable to pay back the debt owed to other countries, unsustainable debt will perpetuate Liberia's inability to achieve economic independence, social harmony, or to realize a truly democratic state, now or in the future.

I commend Secretary Rice for her effort to bring much needed relief to the people of Liberia; her participation in the Liberia Partners' Forum as well as her continued work in the region serves as a shining example for us all. Let us not forget the work that remains to be done in helping to rebuild Liberia. Let us begin by calling for complete debt forgiveness.

IN RECOGNITION OF RICHARD E. PINKSTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Richard E. Pinkston for his 25 years of federal service to this country, and to celebrate the expertise and enthusiasm he has brought to the Federal Aviation Administration, the Cleveland Hopkins Air Traffic Control Tower, and the National Air Traffic Controllers Association.

Richard began his federal career as an Air Traffic Control Specialist with the Federal Aviation Administration in 1982, and in June 1982 he started working for the Indianapolis Air Route Traffic Control Center in Indianapolis, Indiana. After a year, he transferred to Grand Forks Air Traffic Control Tower in Grand Forks, North Dakota, before he started working for the Cleveland Hopkins Air Traffic Control Tower in 1988.

Richard is a highly valued colleague due to his multiple skills and personality. His vast knowledge and experience in air traffic skills, management style, leadership skills and problem resolution has made him an invaluable asset to the Cleveland Hopkins Air Traffic Control Tower.

Throughout his career, Richard has been an outstanding team player. He has been elected the union facility representative and has served on numerous national, regional and local committees, as well as work groups for both the Federal Aviation Administration and the National Air Traffic Controllers Association. During his career he has received numerous performance awards, letters of commendation, and incentive awards.

Madam Speaker and colleagues, please join me in honoring Richard E. Pinkston for his 25 years of federal service. His expertise and team spirit is an inspiration to all who cross paths with him.

HONORING HAROLD LEE DAVIS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Harold Lee Davis, who was awarded the 2006 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Group.

For over 18 years, Mr. Davis has provided a variety of activities and amenities for the veterans at the Department of Veterans Affairs Baltimore Rehabilitation and Extended Care Center. From monthly entertainment shows to cookouts, crab feasts and puppet shows, Mr. Davis puts smiles on the faces of many veterans each month. During the long periods of a veteran's stay at the center, he often brings his grandson along to brighten their day. They work as a team to pass out snacks, provide some bedside entertainment and friendly smiles to the veterans they visit. Mr. Davis truly has the ability to communicate with veteran patients in a very caring and compassionate way.

Mr. Davis began his volunteer work for veterans by pushing wheelchair-bound veterans from the Fort Howard Community Based Outpatient Clinic to the local area carnival. He quickly learned of the veterans' needs for a friendly smile and someone to talk to during their stay at a veteran's facility. He now spends days assisting veterans at the Department of Veterans Affairs downtown Baltimore Medical Center, the Baltimore Rehabilitation and Extended Care Center and the Perry Point Medical Center. He often travels to the USO International Gateway Lounge at Baltimore-Washington International Airport, Dover Air Force Base, the Charlotte Hall Veterans Home and the Elsmere, Delaware VA Hospital.

Madam Speaker, I ask that you join with me today to honor Harold Lee Davis. He is a remarkable volunteer for Maryland's veterans. Through his tireless efforts, he has helped hundreds of veterans receive their medical care from the Department of Veterans Affairs. He has gone above and beyond the call of duty to aid those who have dedicated their lives to serve our great country.

BLACK HISTORY MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. BACA. Madam Speaker, I ask for unanimous consent to revise and extend my remarks.

I rise today in strong support of H. Res. 198, a resolution commemorating Black History Month.

Black History Month is a time for us to explore, highlight, and create awareness about the history of African Americans. It is an opportunity to celebrate their development and growth as a community, as well as a chance to recognize their contributions to society. Black History Month is also a time to acknowledge that the struggle for social justice and equality for all is a battle we continue to fight.

The Association for the Study of African American Life and History (ASALH) founded Black History Month. They have chosen this year's theme to be, "From Slavery to Freedom." This theme is dedicated to the struggles of peoples of African descent to achieve freedom and equality in the Americas during the age of emancipation. It is also a time to recognize the achievements of countless African Americans that influenced our Nation's history throughout the periods of reconstruction, the Harlem Renaissance, the Great Depression; the civil rights movement, and to present day.

Individuals such as Harriet Tubman, who led the Underground Railroad, Frederick Douglas, who launched a newspaper to advocate abolition, Hiram Revels, who became the first Black U.S. Senator in 1870, W.E.B. Du Bois, the NAACP forerunner, the artists and writers of the Harlem Renaissance, Thurgood Marshall, who became the first Black Supreme Court Justice, and civil rights leader Dr. Martin Luther King Jr. are just a few African Americans who have helped provide a path to freedom.

During the month of February, we should remember and learn from the past, while continuing to learn in the present to prepare for a brighter future. Knowing and understanding Black history is important not only for African Americans, but also for our entire nation. Black history is American history, so let us recognize these individuals for their great contributions.

I urge the rest of my colleagues to stand with me and support H. Res. 198.

INTRODUCTION OF THE TEACHING GEOGRAPHY IS FUNDAMENTAL ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Teaching Geography is Fundamental Act, a bill to help ensure that all young people acquire the vital global knowledge they need to compete in today's increasingly-connected world. I thank my colleague, ROGER WICKER, for his leadership and hard work on this issue.

Madam Speaker, our nation is facing a crisis in geographic knowledge. Sixty-three percent of young adults cannot locate Iraq on a map of the Middle East. Seventy-five percent cannot find Iran. Half cannot locate New York on a map of the United States.

These statistics are emblematic of a general lack of knowledge about the world that is troubling in a time when the United States must compete in a global marketplace. We need Americans to know and understand the countries and cultures that are or could become our political and economic partners. It is unacceptable that seventy-one percent of young Americans do not know that the United States is the world's largest exporter of goods. It is unacceptable that, despite the fact that it is the world's largest democracy, nearly half of young adults do not know where India is located.

We need to improve our children's understanding of their world both within and beyond our country's borders. The Teaching Geography is Fundamental Act will do just that. It would authorize federal funding to improve student achievement, increase teacher training, encourage education research, and develop effective instructional materials and strategies for geography education. It will leverage and expand support for geography education partnerships. And it will prepare America's students to move forward and succeed in a rapidly-changing, competitive, global economy.

It is time to be sure that American citizens are informed citizens of the world. I ask my colleagues to join Congressman WICKER and me and support the Teaching Geography is Fundamental Act.

RECOGNIZING THE 116TH AIR CONTROL SQUADRON

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Ms. HOOLEY. Madam Speaker, today I rise to praise the courage, dedication, and selflessness of the following 116th Air Control Squadron volunteers.

The "Fighting Longracks" from Camp Rilea, Warrenton, Oregon answered the call of service and stood up, so their active duty counterparts could temporarily stand down for the holidays.

From September 2006 through January 2007 the Oregon Air National Guard in association with citizen-airmen from Air National Guard units from Hawaii, Ohio, Puerto Rico, and Wisconsin provided tactical command and control for all combat assets within Afghanistan.

Unfortunately, too often we stand here in this chamber to publicly acknowledge the contribution of our military and their families after a tragedy—we honor our fallen—and often forget the living, our veterans.

Lieutenant Colonel Timothy Olson, Lieutenant Colonel Jim Gregory, Major Paul Evans, Major Keith Townsend, Captain Leon McGuire, Captain Bryan Habas, Captain Victoria Habas, Senior Master Sergeant Robert Birman, Senior Master Sergeant Ralph Lehman, Senior Master Sergeant Leslie Wright, Master Sergeant William Baer, Master Sergeant Randy Dickenson, Master Sergeant Donald Hillgaertner, Master Sergeant Gary Gudge, Master Sergeant Cory Jackson, Master Sergeant Albert Luquette, Master Sergeant Adam Melerski, Master Sergeant Troy Mitchell, Master Sergeant Richard Murren, Technical Sergeant Ann Chancey, Technical Sergeant Edwin Corcoran, Technical Sergeant Carl Domingo, Technical Robert Foreman, Technical Sergeant Bryan Garret, Technical Sergeant Matthew Gudge, Technical Sergeant George McMahan, Staff Sergeant Michelle Nelson, and Staff Sergeant Laurence Rose raised their hands, willingly accepted duties in war-torn Afghanistan, and served us with honor.

These airmen worked with our allies in the region to provide command and control that sustained complex, time critical air sovereignty missions in support of International Stabilization Assistance Force (ISAF) priorities. Their contributions cannot be overstated, nor in truth measured.

As a Congresswoman from Oregon, I am proud of what these citizen-airmen accomplished, and humbled by their continued willingness to answer the call of a nation that is in need far more often than anyone expected.

I ask this chamber to recognize and applaud these airmen who like hundreds of thousands of their peers ask for little, give everything they can, and believe our America is worth the sacrifice.

Thank you for standing a post that few even know exists.

TRIBUTE TO MR. DAVID GIBSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. SERRANO. Madam Speaker, as the nation reflects and commemorates the myriad of ways in which African Americans have shaped the social, economic, cultural and political landscape of our nation, I rise today in honor of Mr. David Gibson—a distinguished human service professional whose daily stewardship of people's health related needs reminds us of the impact a single individual can have in improving the lives of many.

Presently, Mr. Gibson serves as the Director of the Highbridge Facility at Samaritan Village, a leading substance abuse center in the Bronx. Educated at the Hunter College School of Social Work, Mr. Gibson graduated with honors and was later accepted into Hunter's prestigious Doctoral Program. A New York State Licensed Clinical Social Worker and a Credited Alcoholism and Substance Abuse Counselor, Mr. Gibson brings to Samaritan Village more than twenty-five years of experience within the social and human services field.

In addition to his daily work as an administrator, Mr. Gibson's extensive involvement in the community and civic life of both the Bronx and New York City is reflected in his numerous educational and organizational affiliations. Mr. Gibson acts as an adjunct professor at both the City and State University of New York, the College of New Rochelle, and the Metropolitan College of New York City. Moreover, he is presently affiliated with: the Health and Human Services Committee of Community Board 4 (Member); the Morrisania Revitalization Corporation (Member, Board of Directors); and the Association of Substance Abuse Providers of New York State (Executive Board Member, former Chair of the Cultural Diversity Committee).

Madam Speaker, Frederick Douglass is quoted as saying, "Man's greatness consists in his ability to do and the proper application of his powers to things needed to be done." This statement, seemingly so self-evident, nevertheless reminds us that those who act righteously in support of others face the prospect of one day realizing their own greatness. Madam Speaker, for a life dedicated to honorably serving people in need, I am pleased to recognize Mr. David Gibson.

RECOGNIZING NATIONAL MENTORING MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. DAVIS of Illinois. Madam Speaker, as we celebrate February as National Mentoring Month, I am reminded of the words of Martin Luther King, Jr.: "Occasionally in life there are those moments of unutterable fulfillment which cannot be completely explained by those symbols called words. Their meanings can only be articulated by the inaudible language of the heart."

Mentoring is one of those moments in life that cannot be truly appreciated with words. It is a valuable activity that gives all involved a sense of happiness and connection that material things cannot. By reaching into the hearts of children, mentoring opens young people's eyes to a brighter future, and every young person deserves that opportunity.

A mentor, of course, is often an adult who, along with parents, gains a sense of fulfillment when making a positive difference in the quality of life for that young person. The average mentor spends about 8 to 10 hours a month with his or her mentee on activities such as reading a good book aloud, visiting museums, or going to the playground.

I am proud of the many mentoring programs that are already in place in the Chicagoland area, such as Mercy Home's Friends First Program and Sinai Mentoring Program, which links Mount Sinai Hospital professionals with youth from North and South Lawndale High Schools.

I also want to commend the Chicago Public School system and the Board of Education for the development of a program called Cradle to the Classroom. This program involves mentors who work individually with young parents and students who are pregnant and who have children. These youth, with the help of a mentor, finish their high school education and graduate.

When a young person is matched with a caring, responsible individual, this relationship often makes for a counsel, friendship, and constructive example. For too long we have focused on providing remedies to problems that only address negative behavior, rather than looking at ways to promote the positive and healthy development of our young people. National Mentoring Month focuses on what children need in order to grow into healthy, safe, and well-educated adults.

In Chicago and across the country, it is clear that the mentoring framework is in place. Now we just need more people to volunteer their time to help change the life of a child. Research shows that young people who are mentored have a stronger attachment to school, higher graduation rates, and decreased involvement with drugs, gangs, and violence.

Mentoring is a strong investment in our children and in the future of our country. Therefore, Madam Speaker, I am indeed pleased to join with my colleagues in celebrating the essential role that mentoring plays in the lives of our young people during this National Mentoring Month.

HONORING NEIL KOSKI

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Neil Koski, who was awarded the 2006 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Group.

Mr. Koski is a dedicated volunteer at the Department of Veterans Affairs' Fort Howard Community Based Outpatient Clinic. He provides morning coffee to the out patients at the clinic five days a week. He helps complete the mission at Fort Howard by providing a supplemental service to the veterans which could not have otherwise be provided through normal operations at the clinic.

Relying upon his experience as a veteran, he provides companionship and camaraderie that few can supply to the veterans attending the clinic. Mr. Koski is a Disabled American Veteran who, because of his experiences overcoming his physical disability, is able to provide unique encouragement and friendship to the veteran patients at the Fort Howard clinic. His ability to share stories and tales of his accomplishments is legendary.

Mr. Koski is also a member of the National Honor Guard for the Veterans of Foreign Wars. He serves as the VAVS Representative for the Veterans of Foreign Wars at the Department of Veteran Affairs Baltimore Rehabilitation and Extended Care Center. Mr. Koski ensures that members are volunteering to provide services to patients as well as making monetary and in-kind donations to support patient needs at the Center. The pride that Mr. Koski feels representing the Veterans of Foreign Wars is constantly evident in his work as a volunteer.

Madam Speaker, I ask that you join with me today to honor Mr. Neil Koski. He is a remarkable volunteer for Maryland's veterans. Through his tireless efforts in 34 years and 9,000 hours of volunteering, he has helped improve the lives of hundreds of veterans as they receive their medical care from the Department of Veterans Affairs. He has gone above and beyond the call of duty to aid those who have dedicated their lives to serve our great country.

TRIBUTE IN HONOR OF BLACK HISTORY MONTH

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. RAHALL. Madam Speaker, as Black History Month again draws to a close, it is the perfect time to reflect on the accomplishments of so many black figures who were intimately connected to the Mountain State.

To fully appreciate the breadth and depth of the contributions of these heroes, we need only to imagine what life in the Mountain State—what life across America—would be like without them.

We might not even be celebrating this special month, for example, were it not for the efforts of Carter G. Woodson, referred to by many as the "father of black history," a son of slaves who came to Huntington, West Virginia, and worked in our coal mines until he could afford enough money for an education. Once firmly established in a successful academic career which included West Virginia State College and Howard University in Washington, D.C., Cater used this education to bring to life the story of black Americans missing from many of our history books. In 1926, he gained helped establish "Negro History Week," and in 1976 Woodson's week was expanded into the Black History Month we celebrate today.

And where would America be without the contributions of Booker T. Washington, undoubtedly West Virginia's most famous African American? Poverty stricken but free at last, young Washington and his family made a perilous journey on foot through deep forests and across the New River Gorge, from Franklin County, Virginia to Kanawha County, West Virginia. Alongside his father, Booker T. Washington went to work in the salt furnaces at Malden when he was only nine and later in a coal mine along Campbell's Creek. Naturally intelligent and starved for an education, Washington left Malden at 16 and walked the 200 miles to Hampton Institute in Virginia. Upon graduation, he returned to Malden to teach school for both black children and adults.

Like Carter G. Woodson, Booker T. Washington rose to national prominence. He established the Tuskegee Institute in Alabama, which still educates many today, and he helped set up the National Negro Business League. Washington wrote twelve books, the most famous of which, Up From Slavery, recounted his early life in Malden, still read widely in our schools today.

Other West Virginia sons and daughters, too, have made lasting contributions that have changed the landscape of our land and our intellect:

J.R. Clifford, born in Grant County, fought in the Civil War and then came back home to fight for civil rights. A lawyer and a journalist, he brought the first legal challenge of the state's segregated school system to court, and worked with his friend W.E.B. Dubois to found the Niagara Movement of 1905.

Christopher Harrison Payne, born a slave in Monroe County, broke ground in black journalism, establishing three newspapers, The West Virginia Enterprise, The Pioneer and the Mountain Eagle. In 1896 he was elected to the state legislature as a Republican delegate from Fayette County, the first black to serve in the West Virginia legislature.

Minnie Buckingham Harper of Keystone, the first African American woman to become a member of a legislative body in the United States, broke ground for countless women in 1928 when she was appointed to fill the term of her late husband.

Leon Sullivan, born in Charleston, was brought up in a dirty alley in one of the city's most poverished sections, worked in a steel mill to pay his tuition at West Virginia State College, and rose from poverty to found the Opportunity Industrialization Center, a job-training organization with branches around the world.

Helen Dobson of Raleigh County, well-known throughout West Virginia for her beautiful voice, performed at the inauguration of two of West Virginia's governors and served as public school teacher for many years. Her spirit is still strong in southern West Virginia and it was with Ms. Dobson in mind that I signed on as a co-sponsor of a bill that designates the African American spiritual as a national treasure. This bill passed the House of Representatives earlier this month.

This, of course, is just a small sampling of so many strong African Americans who have made a difference. Add to this list the countless men and women who worked long hours for less pay to provide for a better future for their children, the many men and women who fought and continue to fight for our liberties in the armed forces, the men and women who through their compassion and quiet strength, were role models by which we all can live. Also add to this list the many African Americans who continue today to work for a better West Virginia.

We are deeply indebted to our educators, folks like Bluefield State President Albert

Walker; Maurice Cooley, Director of African American Programs at Marshall University; Betty Jane Cleckley, Vice President for Marshall University Multicultural Affairs; Loretta Young, Vice President for Development at Concord University; and Roslyn Clark-Artis, Chief Advancement Officer at Mountain State University. These men and women, and so many others, like Thomas Evans, Raleigh County educator and principal of Stratton High School and Rev. William Law, founder of the Beckley World Mission, whom both passed away recently, have raised the torch that Carter T. Woodson lit so many years ago.

Too often, the history of black Americans is not fully taught or remembered. Let this annual return of black history month spur us all to celebrate African-American contributions to the greatness of West Virginia and to commend those carrying on this proud tradition of service today.

HONORING THE HUNTINGTON JEWISH CENTER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. ISRAEL. Madam Speaker, I rise today to recognize the 100th anniversary of the Huntington Jewish Center.

In 1907, some of Long Island's first Jewish families arrived in the Huntington area bringing with them a rich spirit and culture. Their desire to set down roots and to belong to a community has led to the creation of one of the nation's most enduring religious establishments. These Jewish families gathered to pray, learn and socialize in the old firehouse on Main Street and the Huntington Jewish Center was born.

The current building, located on Park Avenue was completed in 1961. It was designed to meet the diverse needs of the membership. The elegantly modern building houses two sanctuaries, a Hebrew school and nursery school, a family life center, youth wing, social hall, library, meeting rooms and an office.

One hundred years later it is celebrating its centennial anniversary. The devotion and dedication of its generations of members has translated into 100 years of worship in the Huntington community. The Huntington Jewish Center is now the oldest synagogue in Suffolk County, in my district, yet it remains a vibrant spiritual, cultural and social center.

HONORING THE LIFE AND POLITICAL CAREER OF BOB HOWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. HIGGINS. Madam Speaker, I rise today to commemorate the political career of one of Western New York's most colorful and most effective political leaders—Robert "Bob" Howard, of the town of Orchard Park.

Bob Howard is a dear friend of many years standing—so many years, in fact, that Bob's political influence with me and my family stretches back over many years. Bob Howard was a trusted campaign advisor to my father in his campaigns for the Buffalo Common Council's South District seat in the 1960s and 1970s. Bob later provided tremendous assistance in my own campaigns for that same councilmanic seat in the 1980s and 1990s.

Bob was probably most helpful to me during a very difficult race I had in 1998—my initial run for the New York State Legislature. Bob was tremendously committed to my success, practically leading me from one end of the district to the other, and his advice and counsel throughout the campaign was invaluable.

Bob has many political successes to his credit, but I suspect that the campaign that he was most proud of was the successful campaign waged by Toni Cudney for Supervisor of the town of Orchard Park. Orchard Park, long dominated by Republicans, was treated to Toni's effective and dedicated stewardship for eight years as Supervisor, and her campaigns were assisted greatly by Bob's tireless efforts.

Older in age and slower of step now, Bob Howard will be feted by family and close friends on Sunday, March 4 at the home of Toni and Jim Cudney, where a celebration of Bob's political career will take place. It is altogether fitting and proper that his work be honored in such a way, as Bob's efforts made government work better for local taxpayers, homeowners and businesses. Bob's sole purpose in his political life was to produce a better, stronger and more vibrant community, and all local residents owe him a tremendous debt of gratitude for the tireless dedication he demonstrated over the years. I thank you, Madam Speaker, for allowing me the opportunity to speak today to extol the virtues of Western New York's own Bob Howard, and to honor his many contributions to our local community.

HONORING THE TUSKEGEE AIRMEN AND THE U.S. AIR FORCE ACADEMY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise not only as a Member of Congress but also as a member of the Board of Visitors for the United States Air Force Academy, to acknowledge the contributions to freedom made by the famous Tuskegee Airmen during World War II.

Each year at the Air Force Academy in Colorado Springs, Colorado, people gather to remember and honor the African-American airmen, and their families, who sacrificed so much as part of their service in the formation of an all-African-American fighting unit known as the "Tuskegee Airmen." From across the country and all walks of life, these young volunteers were trained at the Tuskegee Army Air Field in Alabama. They were among the most decorated and successful fighter pilots in American history.

My father, Mo Udall, also served in the U.S. Army Air Corps during World War II. He was not engaged with the Tuskegee Airmen, but he commanded the 75th Air Squadron, an African-American unit. His experience with these men led him to a lifelong and passionate commitment to racial equality, and I know that if he were alive today, he would want to join me in keeping the flame of remembrance alive for the brave African-American aviators and soldiers who fought for their country when their country still denied them equal rights.

As people gather in Colorado Springs at the Air Force Academy in a few days to rededicate the Tuskegee Airmen Memorial and honor the memory of men like Clarence Shivers, who was not only a member of the unit but also the sculptor of the memorial, I believe they should attend this ceremony with the full support and appreciation of Congress.

Let us also use the occasion of this event to rededicate ourselves to building a nation that honors duty, service, and sacrifice and works for the preservation of civil rights and liberties for all people.

CENTENNIAL CELEBRATION OF THE TOWN OF BROADWAY, NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the centennial celebration of the town of Broadway, North Carolina, in my congressional district. Broadway was settled in 1870 and became a charter town in Lee County in 1907.

When Broadway was settled in 1870 it was an area of houses, a few stores, and small businesses. Two of the first people to settle in Broadway were Hugh Matthews and Grissom Thomas, and their descendents still reside there. In March 1905, the Atlantic and Western Railroad system connected Broadway to other towns and cities throughout the state of North Carolina. In 1907 M. A. McLeod became the first mayor of the town, followed in 1912 by A. P. Thomas, who established streets and street lights in Broadway. The Town's longest serving mayor was Ralph Hunter. He was a write-in candidate in the 1963 election and served until 1993. While under Mayor Hunter's leadership, Broadway began using a modern water system as well as a sewage plant that was completed in 1986. Mayor Hunter was a dedicated public servant who worked hard for the town of Broadway and its residents.

After the tragedy of September 11, 2001 the city of New York wanted to give back to the country. Organizers planned "New York loves America," a tour of stage actors. It was a show that made stops in major U.S. cities as well as Broadway, North Carolina. During the performance the organizers gave a fire hat signed by firemen from New York, former New York mayor Rudy Guliani, and Mayor Michael Bloomberg. It was given to the town and is on display in the Broadway Town Hall.

Madam Speaker, the town of Broadway has always been dear to my family since it is the hometown of my lovely wife, Faye Etheridge. It is fitting that we take a moment today to honor the centennial celebration of the town of Broadway.

TRIBUTE TO MS. DESIREE PILGRIM-HUNTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. SERRANO. Madam Speaker, as we give pause to commemorate the innumerable contributions that African Americans have—and continue to make—to our Nation, it gives me great pleasure to rise in honor of a Bronx activist, organizer and impassioned voice for community empowerment, Ms. Desiree Pilgrim-Hunter.

Born in London, England, by the age of twenty, Ms. Pilgrim-Hunter had lived in six countries across Europe, Africa and North America. The roots of Ms. Pilgrim-Hunter's activism in the Bronx date back to 1995, when she first attended community meetings surrounding the redevelopment of the Kingsbridge Armory in the Bronx. In the twelve years since first taking an interest in this project, Ms. Pilgrim-Hunter's passion for the Armory has resulted in her emergence as a local leader on the issue.

In January of 2006, Ms. Pilgrim-Hunter began to lead Community Action Meetings in her Fordham Hill neighborhood regarding the redevelopment plans, and later that year she participated in the Kingsbridge Armory Redevelopment Alliance's Community Forum. Ms. Pilgrim-Hunter was present when New York City Deputy Mayor Daniel Doctoroff announced the formation of the Kingsbridge Armory Task Force, and not long after this announcement, Ms. Pilgrim-Hunter was invited to serve on the Task Force as my Community Representative.

In addition to her work around the Armory, over the years, Ms. Pilgrim-Hunter has also been an advocate for issues ranging from fair labor standards to improving Bronx public schools; she has even founded a group known as Concerned Shareholders of Fordham Hill—a coalition of area residents organized around the idea of ensuring that their building management company acts in the best interest of its tenants.

Madam Speaker, the esteemed author Alice Walker writes, "The most common way people give up their power is by thinking they don't have any." On behalf of the many individuals in the Bronx who look to Ms. Pilgrim-Hunter to provide leadership, I am very proud to be able to acknowledge and honor the power, conviction, and selflessness behind Ms. Pilgrim-Hunter's continuing efforts to advance meaningful social change in the Bronx. I am therefore pleased to recognize Ms. Desiree Pilgrim-Hunter.

HONORING TOMMIE HAWKINS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Tommie Hawkins, who was awarded the 2006 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Group.

Mr. Hawkins coordinates scheduling, maintains vehicles and manages volunteer drivers who drive Disabled American Veterans vans, pick up veteran patients and transport them to the Glen Burnie Community Based Outpatient Clinic. He continually solicits new volunteer drivers, maintains driving records and files all reports required by the U.S. Department of Veterans Affairs.

Mr. Hawkins, despite the challenges, effectively manages the maintenance and rotation of an aging transportation fleet for veterans. He ensures that volunteer drivers are available on a moment's notice for veterans' transportation requests. In addition to driving a regular shift himself, he never hesitates to cover unscheduled driving assignments. He has significantly improved the efficiency and effectiveness of the Disabled American Veterans' transportation operations by automating the driver management procedures. Upon receipt of a veteran's request for transportation assistance, he confirms the request with the Department of Veterans Affairs and provides the veteran with a reminder phone call with pick up confirmation.

Mr. Hawkins truly has the ability to communicate with veteran patients in a very caring and compassionate way. It would be hard to find an individual that contributes more than Mr. Hawkins to guarantee the success of the Disabled American Veterans' transportation program.

Madam Speaker, I ask that you join with me today to honor Tommie Hawkins. He is a remarkable volunteer for Maryland's veterans. Through his tireless efforts, he has helped hundreds of veterans receive their medical care from the Department of Veterans Affairs. He has gone above and beyond the call of duty to aid those who have dedicated their lives to serve our great country.

IN HONOR OF CAPTAIN TODD M. SIEBERT

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to honor Captain Todd M. Siebert, a Marine who was killed while on active duty in Iraq on February 16, 2007. As a member of the 3rd Battalion of the 6th Marines, he was on patrol in Al Anbar Province when his armored military vehicle was hit with an unidentified explosive device. A veteran of Afghanistan, he had served only six weeks in Iraq and was expecting his 35th birthday next month.

Captain Siebert was born and raised in Franklin Park, Pennsylvania and graduated from North Allegheny High School. He joined the Junior Reserve Officer Training Corps program while in high school and enlisted in the Army soon after he graduated. He later joined the Marines and received his commission from the Marine Corps in 1999 when he graduated from Penn State University with a degree in criminal justice.

Captain Seibert was awarded the Purple Heart, the Navy and Marine Corps Commendation Medal, the Navy and Marine Corps Achievement Medal, and numerous other military awards for his service to our country. He will be remembered for his bravery and dedication.

On behalf of my family, the Fourth Congressional District of Pennsylvania, and the U.S. House of Representatives, I extend our heartfelt sympathy and eternal gratitude to Captain Siebert's family. Our thoughts and prayers are with his wife, Darcy, two young children, Alicia and Nicholas, as well as two sisters, a brother, and his parents, Thomas and Dorothy Siebert.

IN RECOGNITION OF COLONEL CHRISTOPHER E. HOLZWORTH IV, UNITED STATES MARINE CORPS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to congratulate COL Christopher E. Holzworth IV on a successful tour as the Commanding Officer of MATSG–21 in Pensacola, Florida. He assumed command in July of 2005, and will be relieved in August of this year.

During his tour I had the pleasure of interacting with the Colonel on numerous occasions. "Caveman," as he prefers to be called, was kind enough to invite me to lunch at his command and educate me on the training of our young Marines. These young men and women are preparing for combat against our Nation's enemies and Caveman does not let them forget it.

I was especially impressed with his initiative to have the MATSG students drive Humvees on Naval Air Station Pensacola so they could better prepare for their follow-on assignments in Iraq. Caveman's performance as the senior Marine onboard the Air Station during President Bush's November 2006 visit was nothing short of remarkable, and his work with the White House staff and my staff resulted in a flawless visit.

Although Caveman is not originally from Pensacola, our residents will gladly claim him as one of their own. He was raised in Ft. Lauderdale, Florida and after graduating from the University of Virginia, he attended Marine Corps Officer Candidate School, OCS, and was commissioned a Second Lieutenant in April 1983. Upon completing The Basic School, he reported to Naval Air Training Command, Pensacola, FL, and was designated a Naval Aviator in 1985.

He had served in numerous operational and staff positions, including: a November 1990 deployment for "Operations Desert Shield/Storm," as well as counterinsurgency operations in Southwest Asia, and an August 1994 deployment for "Operations Uphold Democracy/Support Democracy" in Cape Haitian, Haiti.

Colonel Holzworth received his Master's in National Security and Strategic Studies in November of 2003, and from November of 2003 to June of 2005, he served as Expeditionary Policy Branch Head, Operations Division, for the Plans, Policies and Operations Department of Headquarters Marine Corps.

Colonel Holzworth was selected for command of MATSG–21 in summer 2004 and was promoted to his present rank in January 2005.

His personal decorations include the Defense Meritorious Service Medal, Meritorious Service Medal with 2 gold stars, Air Medal with numeral "1," Navy/Marine Corps Commendation Medal with gold star, and the Navy/Marine Corps Achievement Medal.

Caveman has served the United States Marine Corps and his country well since his commissioning in 1983, and he has made the Northwest Florida community proud. Vicki and I wish him the best of luck in his future assignment. On behalf of the United States Congress and the residents of Pensacola, I wish to thank Colonel Holzworth for his service and lastly, "Semper Fidelis."

TRIBUTE TO SISTER ALICIA FLORENCE ALLICK-GOUDIE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. SERRANO. Madam Speaker, in memory of so many distinguished Black leaders in our nation's history who migrated to the United States from the islands of the Caribbean, I rise today in recognition of Sister Alicia Florence Allick-Goudie—a selfless individual of unwavering faith in the importance of community, education and family.

Born and raised in St. Thomas of the U.S. Virgin Islands, Sister Goudie came to New York City as a fifteen-year-old in 1965. Attending Louis D. Brandeis High School and later Medgar Evers College, Sister Goudie's early academic pursuits gave rise to a lifelong commitment to fostering intellectual growth in others—evidenced by her work as an educator in the New York City public school system, local Head Start Programs, and her church's Vocational Bible and Sunday Schools.

In addition to Sister Goudie's teaching work, she has also demonstrated an abiding dedication to civic participation. A member of both Community Board 11 and the New York City Police Department's 25th Precinct since 1996, Sister Goudie has received numerous accolades and held several positions of responsibility—currently she is the Sergeant-of-Arms for the 25th Police Precinct through 2008.

One constant theme throughout Sister Goudie's life has been her deep spiritual conviction. After joining the Third Moravian Church, which later became United Moravian Church, Sister Goudie became an active member of the Usher Board, the Intermediate Choir, the Liturgical Dance Group and the Moravian Community Center.

Madam Speaker, for her deeply rooted devotion to improving the lives of those around her, it gives me great pleasure to recognize Sister Alicia Florence Allick-Goudie.

ON THE INTRODUCTION OF THE REVISED "KEEP OUR PROMISE TO AMERICA'S MILITARY RETIREES ACT" AND THE NEW "KEEPING FAITH WITH THE GREATEST GENERATION MILITARY RETIREES ACT"

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. VAN HOLLEN. Madam Speaker, today, with my colleagues CHET EDWARDS, JEFF MILLER and WALTER JONES, I am re-introducing the Keep Our Promise to America's Military Retirees Act, a bill to fulfill promises made to young men and women when they entered the service that quality health care would be available to them when they retired after a career in uniformed service to their country. In addition, we are introducing a new bill, the Keeping Faith with the Greatest Generation Military Retirees Act, legislation addressing a specific obligation Congress has to military retirees who entered the uniformed services prior to 1956 under one set of rules but retired under a different set of rules that stripped them of health care that had been provided routinely to them. It was this class of military retirees for whom a Federal Appeals Court cited the moral obligation of Congress to address a remedy.

America's military retirees and their families have sacrificed much for their nation. The last thing they need is to contend with the government's failure to deliver health care that was promised and earned. For generations, military recruits were told they would receive health care at military facilities when they retired, and for generations this was routinely the case. However, beginning in 1956 laws and administrative policies gradually made this care less available, so that ultimately many military retirees had no access to health care under the military system. Military downsizing made access to military bases more difficult for retirees, military treatment facilities were no longer required to provide—and in some cases stopped providing—retiree health care, and many retirees who could not get care at military bases could not find private doctors willing to participate in the off-base plan known as Tricare Standard.

The original version of the Keep Our Promise to America's Military Retirees Act was introduced in 1999, with two legislative goals:

To ensure that military retirees under age 65 who were ill-served by the Tricare military health care system could have the option to enroll in the Federal Employees Health Benefit (FEHB) plan; and

To ensure that military retirees who qualify for Medicare (generally those over age 65) would retain coverage under the military system, just as federal civilian retirees could retain FEHB coverage as a second payer.

One year later Congress authorized the program known today as Tricare for Life (TFL) in the FY2001 National Defense Authorization Act. TFL was a major victory for Medicare-eligible military retirees, offering Defense Department coverage as a second payer to Medicare.

Unfortunately, Congress did not address the needs of other groups of military retirees for whom the military health care system continues to be broken. While the Tricare system works well for many military retirees, some younger retirees, especially those under age 65 who do not yet qualify for TFL, still do not have access to promised—and earned—health care. Many military facilities will not treat military retirees on a timely basis, if at all, and many continue to have difficulty finding private doctors who participate in Tricare Standard.

And even though TFL addressed the health care needs of Medicare-eligible retirees over age 65, there remained an outstanding broken promise to a class of the most elderly retirees from the World War II and Korean War eras. These military retirees joined the service under one set of rules with a promise and expectation that fully paid health care would be theirs upon retirement, but when they retired they discovered that intervening laws forced them to operate under a different set of rules that took away that promised care. Many of them were forced to expend significant life savings on health care and they believe that the government literally owes them. A breach-of-contract lawsuit filed by some of these pre-1956 retirees went all the way to a Federal Appeals court, which ruled in 2003 against the plaintiffs on a technicality but made it clear that the plaintiffs had a legitimate moral claim:

> Accordingly, we must affirm the district court's judgment and can do no more than hope Congress will make good on the promises recruiters made in good faith to plaintiffs and others of the World War II and Korean War era—from 1941 to 1956, when Congress enacted its first health care insurance act for military members, excluding older retirees. . . .
>
> We cannot readily imagine more sympathetic plaintiffs than the retired officers of the World War II and Korean War era involved in this case. They served their country for at least 20 years with the understanding that when they retired they and their dependents would receive full free health care for life. The promise of such health care was made in good faith and relied upon. Again, however, because no authority existed to make such promises in the first place, and because Congress has never ratified or acquiesced to this promise, we have no alternative but to uphold the judgment against the retirees' breach-of-contract claim. . . .
>
> Perhaps Congress will consider using its legal power to address the moral claims raised by [the plaintiffs] on their own behalf, and indirectly for other affected retirees.

Recent versions of the Keep Our Promise to America's Military Retirees Act have enjoyed strong support in Congress. Most recently it had 260 bipartisan cosponsors in the 109th Congress. The bill addressed the ongoing broken promises to military retirees with two main legislative provisions:

As with the original version of the bill, the bill in the 109th Congress offered military retirees under age 65 who were ill-served by the Tricare military health care system the option to enroll in the Federal Employees Health Benefit (FEHB). The FEHB provision offered a proven and effective health care option that can take effect very quickly without creating a new bureaucracy; and

Addressed Congress' moral obligation to make good on broken promises to the pre-

1956 retirees, who were forced to spend significant sums for health care despite assurances when they joined the service that no-cost retirement health care would be provided, by exempting them from paying the Medicare Part B premiums required to enroll in Tricare for Life.

The exemption from Part B premiums for the pre-1956 retirees was a fair and just matter of principle. But the high costs of that provision prevented the bill from moving forward. Many Members of Congress believed we had addressed the health care needs of elderly military retirees by enacting TFL in the FY2001 defense bill, and even if the Federal Court had rightfully noted that Congress needed to further address broken promises to the most elderly military retirees, the federal budget simply could not accommodate exempting one and one-half million military retirees, spouses and dependents from paying Medicare Part B premiums.

In addition to the cost issue, there remained another significant legislative hurdle for the Keep Our Promise Act. Because of its impact on the delivery of health care generally and its direct impact on three different health care systems—Tricare, FEHB and Medicare—the bill was referred to four separate congressional committees, which makes consideration and passage of any legislation much more difficult.

An old axiom says that "politics is the art of the possible." We hope this year to prove that axiom right, by dividing the Keep Our Promise Act into two distinct pieces of legislation, to improve the chances that at least one of the bills' legislative provisions can soon become law.

So today we are introducing a revised Keep Our Promise to America's Military Retirees Act, which has the sole purpose of offering the FEHB options to military retirees so they have a way to get quality health care underwritten by the U.S. government if the military health care system doesn't work for them. This is a legislative remedy that keeps the government's promise that military retirees will have quality health care without creating a new bureaucracy.

We are also introducing a new companion measure, the Keeping Faith with the Greatest Generation Military Retirees Act, which fulfills the country's moral obligation to the most elderly military retirees for whom the rules were changed in the middle of the game and to whom we continue to owe back debts.

While the financial cost of this bill is high, the moral costs of not enacting it are far higher. It is our hope that this bill will get the hearing it deserves and that Congress will acknowledge its moral obligation that was made so clear by the Federal Courts.

Madam Speaker, today we set a course that we believe is politically viable—the art of the possible. Our new legislation has significant revisions that will rectify injustices and hardships for America's greatest heroes that we have allowed to fester for far too long. This is the year we can and must make health care available to many military retirees for whom the military health care system is broken. This is the year we must Keep Our Promise to America's Military Retirees.

HONORING MR. HAROLD Y. PYON

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. Harold Y. Pyon upon receiving the honorable Suk Ryu Award from the Republic of Korea.

The Honorable Suk Ryu Award is presented from the Office of the President Roh Moo-hyun to an individual who through community service and outreach most helps in the assimilation of Korean Americans into the mainstream population of the United States. It is given annually to a Korean American demonstrating this type of dedication to his community.

Mr. Pyon has a long and distinguished career of service to his community, the Republican Party, and the United States. Mr. Pyon started his career as a medic and medical laboratory specialist in the 15th Combat Support Hospital in Ft. Belvoir, Virginia. After that, he went on to receive his B.S. in chemistry from Virginia Commonwealth University and completed his M.S. in chemical engineering from the University of Virginia. After a stint in the private sector as a technical services manager and Vice President of a real estate company, Mr. Pyon moved on to work in the public sector as a supervisory examiner in the Patent and Trademark Office. Currently, he is detailed to the U.S. Department of Commerce, Technology Administration as a senior advisor to the Under Secretary.

Outside of his professional role, he has a long record of public service. Mr. Pyon has served on the Board of Directors of the Fairfax County Economic Recovery Commission, the Annandale Chamber of Commerce, the Fairfax County Park Authority Board, the Fairfax County Small Business Commission and as a member of the American Heart Association. Also, he has been active in fundraising efforts on behalf of the Muscular Dystrophy Association, the American Heart Association, the American Leukemia Association, the Korean American Community Service Center, and the Korean American Foundation.

Additionally, Mr. Pyon has been active in supporting the Republican Party through his roles as chairman of the Korean American Republican Party, chairman of the Springfield district for the Fairfax County Republican Party, and vice chair of the Fairfax County Republican Party.

A further demonstration of his commitment to the Korean community was shown through his efforts encouraging the passage of H. Res. 487 and S. Res. 283 supporting the designation of a Korean American Day.

Madam Speaker, in closing, I would like to commend and congratulate Mr. Harold Y. Pyon for being awarded the Honorable Suk Ryu Award in recognition of these numerous efforts. I call upon my colleagues to join me in the applauding Harold for his tireless work for the Korean American community.

IN HONOR OF RICHARD H. LINSDAY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. GALLEGLY. Madam Speaker, I rise to honor my good friend, Richard Linsday, who is being recognized this week at the American Heart Association's Ventura County Gala as its 2007 Honoree.

Richard Linsday is a retired U.S. Marine Corps major who incorporates the Marine attitude of the impossible only takes a little longer in everything he does. He has helped the American Heart Association with that attitude for more than twenty years. Over the years he has chaired many Heart Association committees in Ventura and Los Angeles Counties and currently serves as a member of the Association's Ventura County Division Board of Directors.

It is appropriate that Richard is being honored by the American Heart Association at its Ventura County Gala, which has been described as an event dedicated to the "celebration of life," because Richard is the epitome of the celebration of life.

In addition to his service in the Marines, Richard has built a successful career in the financial services industry, including positions as executive vice president and general manager of major financial companies. He has since opened his own firm, Planned Estate Services, based in my congressional district.

Richard is an adjunct professor of finance at California State University, Northridge, and sits on the Board of Advisors to the university's School of Business. In addition to receiving numerous professional awards, he has authored two books.

Aside from his dedication to the American Heart Association, Richard donates his time, energy, and resources to many other nonprofit organizations, including one founded by a fellow Marine officer, Devil Pups.

At the same time he is a loving and devoted husband to his wife of twenty-seven years, Laura, and their children, Heather and Brandon.

Madam Speaker, I know my colleagues will join the American Heart Association and me in honoring Richard H. Linsday for his dedication and contributions to his community and nation through his tireless efforts and can-do attitude.

HONORING DR. LINDA CUNNINGHAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Dr. Linda Cunningham as the Fort Worth/Tarrant County Minority Leaders and Citizens Council Outstanding Woman of the Year.

In light of Women's History Month, Dr. Cunningham will be honored at a reception in Fort Worth for her many accomplishments and selfless dedication to the Health Science Center at the University of North Texas. She will also be presenting the Hattitude: Hats Off to Women 2007 keynote address, A Mile in Her Shoes, at the Fort Worth Central Library Theatre. As the adjunct assistant professor of pathology and anatomy, her intelligence and devotion to the field of science and medicine has proven her to be an outstanding professor and mentor.

Hattitude began in 2001 as a Fort Worth Public Library event and has grown into a citywide celebration every March in honor of Women's History Month. The mission of Hattitude is "to celebrate Women's History Month with a tip of the hat to women for all the roles they play, their accomplishments, and their invincible spirit," and I am very pleased that Dr. Cunningham will be recognized at this event for her community leadership and service.

As a University of North Texas alumnus, it is with great honor that I am able to congratulate Dr. Linda Cunningham on her exceptional honor as Outstanding Women of the Year. She is an inspiration and a role model to many, and I am proud to represent her in Congress.

TRIBUTE TO DR. RAFAEL A. LANTIGUA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. SERRANO. Madam Speaker, I am honored to rise in recognition of a giant in the Dominican community of New York—and, I am proud to say—a close personal friend of many years, Dr. Rafael A. Lantigua. Both admired for the brilliance he has demonstrated as a medical professional, and deeply respected for his lasting dedication to empowering minority communities, Dr. Lantigua's career exemplifies the manner in which members of the Dominican community are strengthening the social fabric of our Nation.

Dr. Lantigua emigrated to the U.S. in 1972, upon graduation from the Medical School of Santo Domingo's Universidad Autonoma. Arriving in New York, Dr. Lantigua trained in Internal Medicine and Endocrinology from 1973 to 1979, first at Lincoln Hospital in the Bronx—where he was named Chief Medical Resident in 1976—and later, at the School of Medicine at the University of Rochester. Returning to New York City in 1980, Dr. Lantigua accepted appointments as Assistant Professor of Clinical Medicine at the College of Physicians and Surgeons of Columbia University, as well as Assistant Attending Physician at Columbia-Presbyterian Hospital.

In 1993, Dr. Lantigua became Director of the General Medicine Outpatient Services division of New York Presbyterian Hospital; and in 1994, he rose to the rank of Professor of Clinical Medicine at Columbia University's College of Physicians and Surgeons—appointments Dr. Lantigua has retained to this day. In all, Dr. Lantigua has held nearly three dozen academic, hospital and committee appointments since 1975, and has been the recipient of well over a dozen honors from medical institutions, universities, community organizations and elected officials both here in the United States as well as in the Dominican Republic.

Frequently invited to speak on health topics affecting minority communities, and able to claim both publication and research resumes that are quite extensive, Dr. Lantigua has struck a remarkable balance between his professional and civic life—this perhaps best evidenced by the numerous board memberships he has maintained over the years. Dr. Lantigua is cofounder and board chair of Alianza Dominicana, Inc., as well as board chair of the Northern Manhattan Coalition for Immigrant Rights. In addition, he has served on the boards of such organizations as the Puerto Rican Legal Defense Fund, the Latino Commission on AIDS, the Puerto Rican/Hispanic Institute for the Elderly, the National Hispanic Leadership Agenda, and The Dorothy Blumberg Community Fund—just to name a few.

Madam Speaker, I stand before you in recognition of a coalition builder in our community; a man whom I have known and held in high regard for over three decades. In asking that my colleagues join me in paying tribute to a true humanitarian in Dr. Rafael A. Lantigua, I do so not only on behalf of myself, but also on behalf of countless Latinos both in New York and in the Dominican Republic—women, men, and children whose lives Dr. Lantigua has in some way touched—and who look upon his career as a shining illustration of the myriad ways that Dominicans have enriched us all and become integral to American society.

INTRODUCTION OF KIDNEY DISEASE EDUCATION BENEFITS ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. KIRK. Madam Speaker, today, I am introducing the Kidney Disease Education Benefits Act. As co-Chairman of the Congressional Kidney Caucus, I am proud to join with my fellow Kidney Caucus co-Chairman, Congressman JIM MCDERMOTT (D–WA) to introduce this important initiative.

Each year, some 80,000 people are diagnosed with End-Stage Renal Disease. This stage of kidney disease occurs when the kidneys function at less than 10 percent and, as a result, are no longer able to maintain life. Patients with kidney disease require regular kidney dialysis treatments or a transplant to survive. Medicare pays for most renal patients at the cost of $20 billion a year, nearly 7 percent of all Medicare expenditures, despite the fact that the kidney disease population represents just 1.1 percent of all Medicare patients.

Complications associated with kidney disease are common, but can be reduced if appropriate education is provided prior to the onset of renal failure. There are a number of steps chronic kidney disease patients can take to reduce renal failure and better prepare themselves for dialysis, including making lifestyle changes, learning about renal replacement options, and seeking a compatible kidney donor. Medicare, however, does not provide coverage for education on nutrition, treatment options, venous access, or transplant coordination until after the patient has experienced kidney failure and is already undergoing dialysis.

To remedy this situation, we are introducing the Kidney Disease Education Benefits Act of 2007 to make counseling available to patients before they begin dialysis. This is a top National Kidney Foundation legislative priority. Our bill would provide reimbursement for an estimated $10 million per year for up to six educational sessions for Medicare patients. These sessions would be offered 1 year prior to kidney failure to help prevent renal failure, better prepare these patients for dialysis, and save Medicare costs that can be associated with complications resulting from renal failure.

Kidney disease cannot be reversed, but, with appropriate education, its effects can be slowed, improving the quality of life for renal patients and reducing costs to taxpayers. I would like to thank Congressman MCDERMOTT for joining me in the fight against kidney disease. I look forward to working with him and my other colleagues on this important initiative.

HONORING GEORGE BARNES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. DUNCAN. Madam Speaker, on Saturday, March 3rd, the Knox County Republican Executive Committee will honor George Barnes, one of its greatest leaders.

George was born on September 21, 1923, in Sevier County, Tennessee, and graduated from Sevier County High School.

He then graduated from the University of Tennessee and had a distinguished career at Robertshaw Controls Corp. for almost 40 years.

He was active in the Society for the Advancement of Management and the South Knoxville Optimist Club. He has been a member of Meridian Baptist Church for over 50 years.

He has been a longtime member of the Knox County Republican Executive Committee and was president of the South Knoxville Republican Club and chairman of the 27th Precinct.

Senator Ben Atchley has credited George Barnes as being the person who talked him into staying in the legislature as long as he did.

Some people get into politics only for themselves. George Barnes has unselfishly worked for almost all Republican candidates and office holders over his active career.

Working alongside him and supporting him in every way has been his wife, Flo. They are the proud parents of two daughters, Elizabeth, a speech pathologist for the Oak Ridge Schools, and Jean, a lawyer in Brentwood.

George Barnes is honest, ethical, hardworking, patriotic, and above all else, kind. He has touched thousands of lives in good and positive ways.

He is a truly great American and this Nation is a better place because of the life he has led.

COMMENDING THE PASSING OF H.R. 556

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. ISSA. Madam Speaker, today, the U.S. House of Representatives unanimously passed H.R. 556, which reforms and modernizes the process by which the Committee on Foreign Investment in the United States reviews national security issues pertaining to foreign acquisitions.

I commend the bipartisan House Financial Services Committee for putting together a strong bill that encourages and respects a general policy of openness toward foreign investment, but also protects our national security from new threats in a post 9–11 world.

This legislation makes clear that in reviewing foreign government acquisitions of critical U.S. energy infrastructure, such as pipelines and Liquefied Natural Gas (LNG) facilities, the United States will not turn a blind eye to foreign governments that use energy assets as a political, economic or foreign policy weapon.

As the Committee's report states, we expect ". . . that acquisitions of U.S. energy companies or assets by foreign governments or companies controlled by foreign governments—including any instance in which such foreign government has used energy assets to interfere with or influence policies or economic conditions in other countries in ways that threaten the national security of those countries—will be reviewed closely for their national security impact. If such acquisitions raise legitimate concerns about threats to U.S. national security, appropriate protections as set forth in the statute should be instituted including potentially the prohibition of the transaction."

Unfortunately, recent actions on the part of the government of Russia demonstrate why such protections are needed. One need only ask officials in the Ukraine, Lithuania, Belarus, Georgia and many countries throughout Europe whether the Russian government—through its state-owned oil monopoly, Rosneft, and gas monopoly, Gazprom—uses its energy assets to "interfere with or influence policies or economic conditions" in their countries. If Gazprom or Rosneft tries to acquire critical energy infrastructure here in the United States, the CFIUS review process should carefully review the acquisition in order to determine the impact on our own national security, and I commend the bipartisan authors of this legislation for demanding nothing less.

I commend the Financial Services Committee for recognizing that the reforms and procedures detailed in H.R. 556 "stand in stark contrast to actions taken by some foreign governments, where expropriations of assets, often in the energy sector, have occurred arbitrarily, without justification, and without recompense for U.S. investors."

As many of my colleagues know, U.S. investors throughout the country lost approximately $6 billion when the Russian government effectively re-nationalized Russia's largest privately-owned energy company, Yukos, and expropriated its assets without compensation to its owners or shareholders.

Now, for the first time since the Russian government's expropriation without compensation of Yukos, and President Vladimir Putin's ruthless strategy of using Russian energy assets to apply economic and political pressure on neighboring countries and the West—including the disruption of oil and gas supplies—the Congress has recognized that if the Russian Government or its subsidiary companies seek to acquire critical U.S. energy infrastructure, Russia's coercive energy policies and its potential threat to the energy security of the United States must be considered as part of the CFIUS review process.

The National Security Foreign Investment Reform and Strengthened Transparency Act of 2007 strikes the right balance. It strongly encourages foreign investment in the United States without unnecessary and reasonable restrictions by companies that engage in responsible commercial activities and practices. However, H.R. 556 also makes it clear that energy-related infrastructure is critically important to our national security, and those companies that wish to acquire our infrastructure must adhere to internationally recognized standards of commercial conduct.

IN CELEBRATION OF BLACK HISTORY MONTH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. ISRAEL. Madam Speaker, I rise today to celebrate the vast contributions that past and present African American leaders have made to our country. As February and Black History Month come to a close, it is time for us all to reflect on the crucial role that African Americans have played in this great nation.

As we commemorate the achievements of African American leaders, we must remember the efforts of their predecessors who dedicated their entire lives to opening the doors for those that followed. If it were not for the commitment of civil rights leaders like Dr. Martin Luther King Jr., Rosa Parks, Medgar Evers and countless others, today's accomplishments may not have come to fruition. Their diligence and bravery paved the way for future African Americans and for that they deserve our deep recognition and praise.

Standing here today, I am honored to serve in this historic 110th Congress particularly because we have a record number of African Americans holding leadership positions. As a Democrat, I am proud to have Representative JAMES CLYBURN serving as the Majority Whip making him the highest ranking African American in Congressional history.

Additionally, we are privileged to have Chairman BENNIE THOMPSON of Mississippi of the Homeland Security Committee, Chairman JOHN CONYERS of Michigan on the Judiciary Committee, Chairwoman STEPHANIE TUBBS-JONES of Ohio on the Committee on Standards of Official Conduct and Chairman CHARLES RANGEL from my home state of New York on the Committee on Ways and Means. I am grateful to be serving in this body with such distinguished colleagues.

I hope you will all join me today on this the last day of February in recognizing and honoring the profound contributions of African Americans to the United States of America.

INTRODUCING THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM REAUTHORIZATION ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the National Underground Railroad Network to Freedom Reauthorization Act. I would first like to thank the numerous colleagues that have joined me in prioritizing this legislation as original cosponsors, especially my colleague from Delaware, Representative CASTLE, and the National Parks Conservation Association for its endorsement of this legislation.

Our Nation's history is in peril when funding for our national parks is in peril. We must guarantee our future generations will be able to experience the critical journey of sacrifice and triumph that has empowered African-Americans and shaped the history of this Nation.

In pursuit of this charge, the National Park Service has emerged as one of the largest stewards of black history in the United States. The National Underground Railroad Network to Freedom was established in 1998 and has served as a tremendous historical resource throughout our national parks. The Network to Freedom encompasses over 250 programs, sites, and partners in over 27 states and the District of Columbia. This unique network is a phenomenal national resource in its preservation of historic buildings, routes, programs, projects, and museums with thematic connections to the Underground Railroad. As the only national program dedicated to the preservation, interpretation, and dissemination of Underground Railroad history, this network is a vital asset to the National Park System.

Madam Speaker, my esteemed former colleague Congressman Louis Stokes established the Network to Freedom with a bipartisan coalition to preserve American history. In 1998, his legislation passed the house with only two dissenting votes. With such overwhelming support, it is only right that we honor the congressional mandate set forth by the establishing legislation.

Honoring this legislation will require concerted action to overcome the funding challenges that threaten all national parks. In fact, recent National Park Service financial projections show the Network to Freedom budget reducing by 72 percent by the year 2011. This vital asset will diminish without adequate funding for staff and operations to coordinate efforts, as well as additional oversight of grants for site development. The National Underground Railroad Network to Freedom Reauthorization Act calls for a modest $2 million in funding to resolve the financial burdens that threaten the existence of the Network to Freedom. Importantly, this legislation also maintains the $500,000 in grants that have been previously authorized for Network to Freedom site and program development. This funding will allow Network to Freedom staff to pursue and fulfill their Congressional mandate "to honor and interpret the history of the Underground Railroad."

Madam Speaker, I am confident that this bill will protect the interpretive interests of our National Park System by providing the necessary support staff and oversight for the Network to Freedom to exist in perpetuity. As my distinguished former colleague Senator Carol Mosley-Braun so eloquently observed in her introduction of the companion establishing legislation in the Senate, "This bill helps to preserve the structures and artifacts of an organized resistance movement for freedom." I urge my colleagues to join me in preserving the history of the Underground Railroad so that generations to come will understand the sacrifices endured to achieve the freedom experienced today.

HONORING ALABAMA'S AIR NATIONAL GUARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to the men and women of Alabama's Air National Guard.

The men and women of Alabama's Air National Guard are most deserving of our commendation. In the hours following the terror attacks of September 11th, members of Alabama's Air National Guard mobilized to patrol the skies above major southern U.S. cities. For the next year, these brave men and women vigilantly maintained a watchful presence in the skies.

Shortly after responding to that call of duty, Alabama's Air National Guard was again called up to active duty in support of Operation Iraqi Freedom. Alabama's Air National Guard has taken a leading role in Iraq, with units completing up to three tours of duty. This high deployment level is a testament to the bravery and professional preparedness of the men and women of Alabama's Air National Guard, and confirms that Alabama's Air National Guard units are equipped with the necessary skills to meet the United States military's mission requirements in Iraq. This deployment also marked a significant first for Alabama's Air National Guard and the U.S. military; it was the first unit to ever use the GBU–38, commonly referred to as the "Smart Bomb," in combat. This very effective weapon, which minimizes collateral damage, was effectively employed by Alabama's Air National Guard in the Battle of Fallujah.

Currently, members of Alabama's Air National Guard are deployed to Arizona and New Mexico as part of increased efforts to secure America's southern border. The highest levels of the U.S. military leadership have recognized and honored the service of Alabama's Air National Guard. The Guard has received numerous Flight Safety awards from the Air Force Air Combat Command and the Air National Guard for its safety record, and it has also been recognized by Air Combat Command and the 9th Air Force Inspector General for excellence during Operational Readiness Inspections and Unit Compliance Inspections over the last two decades.

The dedication of the men and women of Alabama's Air National Guard, as well as the vision and leadership of the officers in charge, has brought honor to the Guard, their fellow Alabamians, and fellow Americans. They and their families have sacrificed a great deal.

It is an honor for me to rise today and recognize the brave men and women of America's armed forces, and in particular, the brave men and women of Alabama's Air National Guard. May their dedication to the cause of freedom be an example to their families, friends, neighbors, and citizens throughout Alabama and across the United States of America.

HONORING THE HARRY T. CLUNN MEMORIAL POST 9220

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the Harry T. Clunn Memorial Post 9220 VFW in Bensalem, Pennsylvania, as it celebrates its 60th anniversary. Throughout the entirety of the Bensalem VFW's history, the Post and its members have worked tirelessly and selflessly for the betterment of the community as a whole.

The spirited efforts of the Post's members reflect the memory of Lieutenant Harry T. Clunn, who sacrificed his life for his country. The Bensalem VFW Post embodies the civic duty and patriotism that Lieutenant Clunn showed during his service to this nation. Lieutenant Clunn, a graduate of Bensalem High School, enlisted and trained as a navigator with the 409th Bombardier Squadron at Hondu Air Base in Texas. At the height of the Second World War, the squadron was deployed to the China-Burma-India Theater of Operations. On April 12, 1944, Lieutenant Clunn and his fellow airmen were tragically killed after completing a bombing mission.

Madam Speaker, the Bensalem VFW post has worked hard to honor Lieutenant Clunn and all the other men and women who have valiantly given their lives on the battlefield to protect the freedom we as Americans enjoy. In the memory of Lieutenant Clunn, members of the Post have contributed tremendous time and energy to the Bensalem community. The Post has supported local softball teams and senior citizen dinners. They have organized the "Voice of Democracy" essay contest for high school students and the "Patriots Pen" essay contest for middle school students. Each year, members of the Post contribute time and money to the Marines' "Toys for Tots" program, the St. Francis Home for the Homeless, the Delaware Valley Veterans Home and the Scotland School for Veterans' Children.

With great pride, the Bensalem VFW Post publicly commemorates our fallen soldiers and all members of the military, thanking them for their commitment and devotion to defending our country. Each Memorial Day, members assist in the placement of thousands of American flags and markers at grave sites. But more generally speaking Madam Speaker, the members of the Bensalem VFW Post exemplify the commitment to public service that is at the core of our shared American values. They serve as an inspiration to the rest of the community, and a reminder that we are all indebted to the brave men and women who gave their lives before us. Madam Speaker, on behalf of the Bensalem community, it is my honor to recognize the Harry T. Clunn Memorial Post 9220.

CONGRATULATING ALEXANDROS MALLIAS, AMBASSADOR OF THE REPUBLIC OF GREECE TO THE UNITED STATES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. PAYNE. Madam Speaker, recently Ambassador Alexandros Mallias, of the Republic of Greece to the United States, was honored by The Committee for the International Salute to the Life and Legacy of Dr. Martin Luther King. I would like to congratulate Ambassador Mallias for receiving the Martin Luther King Legacy Award for International Service. I would also like to insert into the RECORD the remarks that Ambassador Mallias made upon receiving this award:

> It is with a spirit of humility, in the sense advocated by Dr. Martin Luther King, Jr., that I receive today the Martin Luther King Legacy Award for International Service and serve as Co-Chairman of the committee for the International Salute to the Life and Legacy of Dr. Martin Luther King, Jr., A Man for All Nations.
>
> His words and his message are timeless. They are an indelible part of the permanent and indispensable voice of our conscience. As long as these inequalities and disparities exist among peoples, nations, and continents, continue to exist, I have the right to say that there is an unfinished peace on Earth; there is an unfinished democracy on Earth. Ultimately, there is an unfinished dream.
>
> My first recollection of Dr. King's powerful words goes back to my teenage years, living in a democratic and free society, Greece, in 1964, when he received the Nobel Prize for Peace. His words, however powerful, seemed unreal, as I could not conceive the images he painted.
>
> I was a sophomore at the University of Athens, when, on April 4, 1968, the radio broadcast that Dr. King was assassinated in Memphis. His words came to me full circle, and sadly, I could identify with them. My world had changed, as my country, Greece—the birthplace of democracy—had come under military dictatorship.

That was part of the greatness of Dr. King. His message transcended geographic and cultural boundaries. The roar and ripple of his words stretched across oceans and seas, mountains and valleys, deserts and savannahs, and spoke to people like myself who had never met him.

In his Birmingham jail cell he wrote, "I submit that an individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment. . . . is in reality expressing the highest respect for law."

Aeschylus, in Prometheus-bound, describes the cry of Prometheus as follows: "I knew when I transgressed nor will deny it In helping Man, I brought my troubles on me."

Sophocles, one of Greece's greatest playwrights, put similar words in the mouth of his reluctant heroine, Antigone, who said: "I will not obey an unjust law, and if something happens because of it—so be it." A few months ago, Francoise, my wife, and I, visited Birmingham. We paid our respects to the struggle for freedom and equal rights enshrined in Birmingham's central square, The Civil Rights Museum, and the churches.

The adoption of the Brunetta C. Hill Elementary School of Birmingham, Alabama, by the Embassy of Greece, is indicative of the very special affinities Greeks feel for what Birmingham represents. Today, speaking from this tribune, I very humbly wish to dedicate my remarks to this school, its students, teachers, and administration. Furthermore, very few know that AHEPA, the largest and oldest Greek-American association, was founded in 1922 in Atlanta, precisely to defend Greek immigrants from persecution and segregation.

King's words are not only relevant today, but an inspiration and guide for current challenges. In the ancient Greek tradition, an individual must partake in the responsibility and concerns of all society. So does Martin Luther King tell us that, "An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity."

Dr. King said: "As long as there is poverty in the world, I can never be rich, even if I have a billion dollars." "As long as disease is rampant, and millions of people around the world cannot expect to live more than 30 years, I can never be totally healthy." "I can never be what I ought to be until you are what you ought to be. This is the way our world is made. No individual or nation can stand out boasting of being independent. We are interdependent."

There is a moral obligation transcending continents and borders to stand united and join forces, efforts, and provide the necessary means to make it possible for our children's and grandchildren's generations to live in a better world. We see people dying of hunger. We see people dying of epidemic diseases. We see people killed everyday on religious or ethnic grounds. We see millions of innocent children as the victims of human trafficking, exploited in the most odious form of modern slavery. We see millions of women becoming victims of human trafficking.

I ask myself, where is the wealth of nations? Where is justice? Where are the policies and the measures to remedy the disparities?

Aggregate wealth estimates provided by the World Bank demonstrate that the European countries, along with the United States, and Japan, dominate the top ten wealthiest countries/nations. The ten poorest countries at the global level are in Sub-Saharan Africa.

In the twenty-first century, none of us can argue that this same message is no longer applicable. Beginning his last speech, known as "I've been to the mountaintop," on April 3 in Memphis, Dr. King said, "I would move on by Greece and take my mind to Mount Olympos. And I would see Plato, Aristotle, Socrates, Euripides and Aristophanes assembled around the Parthenon. And I would watch them around the Parthenon as they discussed the great and eternal issues of reality, but I wouldn't stop there." Politics and policies will remain irrelevant if they continue missing the essence that is Man (anthropos). Only through an anthropo-centric global strategy, can we improve the plight of those in despair, and in need . . ."

Madam Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in honoring Alexandros Mallias, whose words exemplify the work of Martin Luther King, Jr.

IN RECOGNITION OF THE STUDENTS AND STAFF OF P.S. 234 IN ASTORIA, NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

Wednesday, February 28, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to recognize the students, staff, faculty, and administrators of Public School 234 in Astoria, New York. To demonstrate their appreciation and gratitude to all of the members of the armed forces and the National Guard and Reserve currently serving in harm's way overseas, the members of the P.S. 234 community became involved in the "Adopt A Unit" initiative and have selflessly given their time and resources to help support our brave men and women serving in the United States military in Iraq.

With the encouragement of their Principal, Thea C. Pallos, and their Librarian, Anna Chelpon, the students of P.S. 234 launched a letter-writing campaign to our troops in Iraq under the auspices of the Adopt A Unit program by connecting through the Internet to www.mysoldier.com. Through this letter-writing campaign, the students learned that many of our men and women serving overseas not only lack basic supplies, such as flashlights, batteries, combat boots, warm socks and thermal underwear, but also regularly go without basic toiletries including toothpaste and toothbrushes, dental floss and feminine care items.

Outraged that our troops were often denied the basic staples of civilian life, the students of P.S. 234 decided to take action. The students began soliciting donations from members of the P.S. 234 community as well as local merchants, and then sent the supplies they collected or purchased to Iraq in boxes donated by the U.S. Postal Service. What began as a small campaign has now grown into a large-scale operation: The students are currently sending an average of 50 boxes of supplies each and every week to our troops. These patriotic young people have done a truly outstanding job in supporting our service members and supplying them with some of the basic necessities of modem life.

Mr. Speaker, in recognition of their compassion and support for our brave men and women in the United States armed forces, I request that my distinguished colleagues join me in paying tribute to the students and staff at P.S. 234 in Astoria, Queens. They are great New Yorkers and great Americans. Their love for our country and for our fellow Americans serving our nation abroad is an inspiration to us all.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 1, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 2

10 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Office of the Architect of the Capitol.

SD–138

MARCH 5

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold an oversight hearing to examine the Transportation Security Administration Personnel System, focusing on proposed legislation relating to the personnel system.

SD–342

MARCH 6

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine child nutrition and the school setting.

SH–216

Armed Services

To hold hearings to examine the care, living conditions, and administration

of outpatients at the Walter Reed Army Medical Center.
SD–106

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
345 CHOB

10 a.m.
Commerce, Science, and Transportation
To hold oversight hearings to examine the Corporate Average Fuel Economy (CAFE) Program.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine strategies for attracting, supporting, and retaining high quality educators relating to No Child Left Behind Reauthorization.
SD–430

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine identity theft, focusing on innovative solutions for an evolving problem.
SD–226

MARCH 7

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine investing in our nation's future through agricultural research.
SR–328A

Energy and Natural Resources
To hold hearings to examine market constraints on large investments in advanced energy technologies and investigate ways to stimulate additional private-sector investment in the deployment of these technologies.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine strengthening American competitiveness for the 21st Century.
SH–216

Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine policy implications of pharmaceutical importation from Canada.
SR–253

Veterans' Affairs
To hold an oversight hearing to examine the Veterans Administration adjudication process.
SR–418

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine Department of Defense medical programs.
SD–192

Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine fees, interests rates and grace periods relating to credit card practices, focusing on high fees charged for late payments, over-the-limit charges, including how those fees are assessed, how they add to interest costs, and how they contribute to consumer debt, and an industry practice requiring consumer payments to be applied first to balances with the lowest interest rates instead of to balances with the highest interest rates.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine national imperatives for Earth Science research.
SR–253

3 p.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Environmental Protection Agency.
SD–406

MARCH 8

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Admiral Timothy J. Keating, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, Lieutenant General Victor E. Renuart, Jr., USAF, for appointment to be general and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command, and Lieutenant General Robert L. Van Antwerp, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers/Commanding General, United States Army Corps of Engineers.
SH–216

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine the Administration's proposal to reauthorize the Federal Aviation Administration Part II.
SR–253

Indian Affairs
To hold hearings to examine the Indian Health Care Improvement Act Amendments of 2007.
SR–485

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Paralyzed Veterans of America, Jewish War Veterans, and Blinded Veterans Association.
SD–106

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine follow-on biologics.
SD–430

MARCH 14

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on education and training.
SR–418

10 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SH–216

MARCH 27

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

MARCH 28

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine transitioning to a next generation Human Space Flight System.
SR–253

MARCH 29

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, Ex-POWs, Military Order of the Purple Heart, and Fleet Reserve Association.
SD–106

HOUSE OF REPRESENTATIVES—*Thursday, March 1, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The prophet Jonah prayed from the belly of the whale. Why is it, then, so difficult to pray enclosed here in Congress?

Lord, at times it seems we are drowning in a sea of confusion amidst contradictory currents. Like the prophet, we seem alive under water, with so much of the world swimming between You and us. Not knowing if we are only treading water, seeing just beneath the surface, or actually afraid of the depths, we survive, but do not know what to pray for.

Content to let the motion of this great Nation carry us where it will, we seem to live within the walls of a false security. The dangers and terror swirling around us cause us to doubt our own power, so we tend to trust outer forces to hold us for another day.

Help us, Lord, to recognize in ourselves Your reluctant prophet. Like Jonah, we need You to prove Yourself our savior. Have Your way with us. Spit us up onto the shores You would have us trod. Make us realistic in achieving Your purposes by addressing the uneasy issues You lay before us today. Show us the way to turn things around, and with repentant hearts become once again Your people.

We ask this, believing in the sign of Jonah, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa (Mr. BRALEY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRALEY of Iowa led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side.

IN SUPPORT OF H.R. 800

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, I rise this morning in a pair of work boots that I have owned for 26 years to express my strong support for H.R. 800, the Employee Free Choice Act.

I wore these boots when I worked for the Poweshiek County Road Department building roads and bridges on the county roads where I grew up. I wear them proudly today as a reminder of the hard work and sacrifice made every day in this country by working men and women who exercise their constitutional right to freedom of association by joining labor unions.

The Employee Free Choice Act provides greater protection to that freedom of association by providing for majority sign-up, first contract mediation and binding arbitration, and tougher penalties for violation of workers' rights.

Protecting the rights of workers has been a long and difficult struggle. Seventy-five years ago this month, Congress passed the Norris-LaGuardia Act, which declared it to be the public policy of the United States that employees be allowed to organize and engage in collective bargaining, free from coercion by their employers. The Employee Free Choice Act reinforces that public policy for labor negotiations in the 21st century.

I am proud to be an original cosponsor of this important bill, and I look forward to the day when it is signed into law.

PROTECTING THE RIGHT TO A SECRET BALLOT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, today, the House will take up legislation that will remove the right of Americans to a secret ballot in their union elections. When asked, only 6 percent of Americans supported eliminating a secret ballot, while 89 percent supported keeping their rights.

Eighty-four percent of Americans said that they did not want their choices to be made public. And when asked about this legislation, only 14 percent of Americans said they supported it; 79 percent opposed.

Madam Speaker, we cannot advance the interests of Americans by taking away their right to a secret ballot. Since 2000, Congress has provided hundreds of millions of dollars to improve voting in America. We even support secret ballot elections in places like Poland and Afghanistan, where secret ballots are banned.

Madam Speaker, we know that the union movement has lost over 3,000 dues-paying members alone. But just because only 12 percent of Americans now choose to pay into a union is no reason to attack our rights as Americans to a secret ballot.

TRIBUTE TO THE LATE USMC SERGEANT CLINTON W. AHLQUIST

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Madam Speaker, I rise today to recognize and honor United States Marine Corps Sergeant Clinton W. Ahlquist of Creede, Colorado, who was killed in the line of duty while serving his country honorably in Iraq.

Sergeant Ahlquist wore his Nation's uniform proudly, and we should all pay tribute to this brave and courageous young man.

Every day our men and women in uniform willingly face unknown dangers as part of the effort to promote peace and democracy throughout the world. Their individual stories of honor and courage must not be forgotten.

Clinton Ahlquist moved to Creede, Colorado, during his freshman year of high school. Clinton touched countless lives during his 3 years at Creede High School.

Ahlquist was killed in Ar Ramadi, Iraq on Tuesday, February 20, 2007, by an improvised explosive device while patrolling a Medivac helicopter. He was 20 years old.

My heart goes out to Clinton's family and friends and those whose lives he touched throughout his service to our country. I am humbled by their strength and perseverance in the face of such hardship.

Sergeant Ahlquist died performing noble deeds, serving and protecting his fellow countrymen. Clinton and his family and friends have exhibited a rare form of selflessness and courage.

Madam Speaker, I submit this recognition to the United States House of Representatives in honor of their sacrifice so that Clinton W. Ahlquist may live on in memory.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PENCE EXCHANGE WITH AMBASSADOR RICHARD C. HOLBROOK

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. As many Democrats make plans to cut or restrict funding to our troops in Iraq, yesterday before the Foreign Affairs Committee a dissenting voice came from a surprising place. Richard Holbrook was the former Assistant Secretary of State for the Clinton administration and has worked in diplomatic roles for every Democratic President since Lyndon Johnson.

Yesterday, Ambassador Holbrook appeared before our committee and I asked him directly, Do you oppose efforts to eliminate or reduce funding to our troops on the ground in Iraq? Ambassador Holbrook responded: "I do, I oppose it." When I asked him to elaborate, he went on to say: "I think that if the Commander in Chief has deployed the troops, the ultimate weapon of denying them the resources to carry out their mission only puts them in harm's way, greater harm's way. I would remind you that we cannot cut the troop funding."

I commend Ambassador Holbrook for his storied career in American foreign affairs and his willingness to speak truth to power, even the power of many in his own political party.

As Ambassador Holbrook said yesterday before the Foreign Affairs Committee: "We cannot cut off funding for our troops."

HONORING THE LIFE OF GEORGE BECKER

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Madam Speaker, as we take a very important vote for organized labor today, I rise to honor the life of George Becker, who passed away last month.

George served as president of the United Steelworkers of America from 1993 to 2001. He started working in a mill in 1944 at the age of 15. He fought in World War II and Korea.

After fighting for his country abroad, he spent over 50 years fighting for working Americans here at home. As president of the Steelworkers, George Becker fought tirelessly for workplace safety, for workers' rights and for fair trade practices.

I wish to express my sincere condolences to George Becker's wife, Jane, my constituent and my friend. Jane shared life with George for 57 years. George Becker will be deeply missed, but his selfless devotion to America's workers will always be remembered.

OPPOSITION TO H.R. 800

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, it is clearly and cleverly entitled the "Employee Free Choice Act," but we are about to consider a bill that strips away the very tool that protects the sanctity of a free and open society, the private ballot.

Private ballots ensure workers have elections without fraudulent interference, coercion, or intimidation. Confidence will be lost with a system that forces workers to publicly declare their intentions. The AFL–CIO recognized this hypocrisy by expressing support for secret ballots when workers are presented the opportunity to decertify a union. They have argued that private ballot elections "provide the surest means for avoiding decisions which are the result of group pressures and not individual decisions."

As a former union steelworker, I believe in the merits of unionization, when appropriate. I also believe that every American worker should have the right to choose freely and privately. Congress has a duty to defeat legislation that strips workers of this important right, and I urge my colleagues to vote "no" on H.R. 800.

KUCINICH OPPOSED TO ATTACK ON IRAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. I am totally opposed to any attack on Iran. It would have disastrous consequences for Iran, the U.S., the region and the world. It would put 140,000 U.S. troops in great jeopardy. It would expose Israel to maximum peril. Even the talk about such an attack should be subject to a review not only by Congress, but by an international tribunal. Iran has neither the intention nor the capability of attacking the United States, yet the administration has been preparing for some time for an aggressive war against Iran.

Congress must insist the administration come forward now with facts, not fiction, regarding Iran. We must not allow the President to remain unchallenged while he continues to use the media to create a pretext for an illegal war.

Congress must insist the President come to the full Congress for permission to take any action against Iran. If the President proceeds to attack Iran after an express congressional authorization under article I, section 8, both he and the Vice President should be subject to impeachment.

We must take a stand against aggressive war or we will lose our democracy.

TALKS WITH IRAN AND SYRIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the Secretary of State made news this week. During testimony before Congress she announced that the U.S. will join high level talks with Iran and Syria to work towards stability of the Middle East. Madam Speaker, this is a welcomed step in the right direction.

Diplomacy must not be the only option available to us, but it should certainly be one of them. President Reagan understood this principle. In dealing with the Soviets, he never shied away from publicly denouncing their acts of aggression and their disregard for human rights. Even so, he maintained open lines of communication with his Soviet counterparts throughout his Presidency. Reagan did so because he understood a very important principle, when done in the right way, tackling with your enemies is a sign of strengthen, not a sign of weakness. You don't have to give anyone away in order to dialogue.

The same can be true today. Talking with Iran and Syria and continuing to promote stability in the region can go hand in hand if done in the right way. This is the right move, and I applaud the administration for making it.

ETHICS IN THE JUSTICE DEPARTMENT

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, today's Washington Post details more allegations of political influence in the recent firing of eight U.S. attorneys. Yesterday, in a press conference, a New Mexico U.S. Attorney, David Iglesias, asserted that he was fired for purely political reasons. The reason? Mr. Iglesias says that prior to November elections, two elected officials, Federal elected officials, asked him to speed up the probes of local politicians. He did the right thing, refused; and now he is fired.

We know that the White House officials intervened and replaced seasoned prosecutors with individuals short on experience but long on political ties. I thought that is what FEMA was for.

Yet Attorney General Gonzalez said he would never ever dismiss attorneys for political reasons. So this administration either originally hired incompetent U.S. Attorneys in the first place or hired competent U.S. Attorneys, but incompetently fired them. Which is it?

Many Americans believe these U.S. Attorneys are not being fired because they failed to go after public corruption, but because they did and were successful.

This Congress will not sit idly by. Madam Speaker, this Congress passed the most sweeping ethics changes since Watergate. We're cleaning up our mess. It's time the Justice Department did the same.

TEXAS INDEPENDENCE DAY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, in the rainy season in central Texas at a place called Washington on the Brazos, Texas decided they had had enough of the new dictator of Mexico and declared themselves to be a free nation on March 2, 1836.

Spain had control of what is Texas and Mexico for centuries. Mexico revolted and set up a constitutional government in 1824. But in 1825, Santa Ana, the Saddam Hussein of the 19th century, became dictator of Mexico and used military force to subject all of Mexico, including Texas.

Hispanic and Anglo Texans resisted, and wanting a return to constitutional government declared independence, stating that Santa Ana had forced a new government upon them at the point of a bayonet. Santa Ana massacred freedom fighters at Goliad and the Alamo, but independence was gained at the swampy marshes at the Battle of San Jacinto, when Sam Houston and his boys routed and defeated the invaders.

Texas was an independent nation for 9 years. Some say we are still an independent nation. Then later Texas joined the Union. And, Madam Speaker, the rest, they say, is Texas history.

And that's just the way it is.

□ 1015

EMPLOYEE FREE CHOICE ACT

Ms. SUTTON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 203

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). The gentleman may inquire.

Mr. WESTMORELAND. Madam Speaker, I believe on the opening day of the session, did we or did we not pass House Resolution 6, that was the rules package?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WESTMORELAND. Parliamentary inquiry, ma'am, is how many rules of that standing rules package did this Rules Committee waive in order to do this bill?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry

The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS).

All time yielded during consideration of the rule is for debate only.

Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 203 provides for consideration of H.R. 800, the Employee Free Choice Act, under a structured rule with 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor.

Madam Speaker, I am so honored to be here to talk about this rule and this bill. There is no fear quite like the fear of losing your job. It is paralyzing, because to fear for your job is to fear for your family, for their well-being and for your ability to provide for them.

I know this fear because I have seen it on the faces of the people who help to make our world turn, the workers who struggle every day to do the jobs we could not live without.

Before I was elected to Congress, I had the honor to serve as an attorney representing many of those workers. And Madam Speaker, when you work as a labor lawyer, unfortunately, often you see people with that fear in their eyes. They come to you because their jobs are being threatened, or worse, because they have been wrongfully terminated because they were attempting to organize a union or promote union activity to improve their lives and the lives of their coworkers.

But it doesn't have to be this way. In this country, employees who actively promote union organizing have a 1-in-5 chance of getting fired for their activities. Every 23 minutes, a United States worker is retaliated against for their support of a union.

In 1958, about 1,000 workers received back-pay awards because their employers violated labor organizing laws. In 2005, over 31,000 workers received back-pay awards.

It is a common tactic of those who oppose workers' rights to cast those who support them as relics of another era. They speak of unions as entities that were necessary remedies for abuses of a different time, and then they point to the dwindling union membership as evidence that organizing is no longer needed.

But smaller union rolls are a symptom of a larger disease, not evidence of a cure.

The quality of life we know in this Nation was built on the back of the American labor movement. More than half of the United States workforce says they would join a union right now if they could, yet only 12 percent of them are in one.

Less people are joining labor unions, not because less people want to be a part of them; less people are joining labor unions because far too often irresponsible employers have perfected coercive tactics to fight their creation.

Imagine if tomorrow you are taken into a room with your supervisor who sits you down and tells you, if you support organizing a union and the union wins, your business will close down. And then your boss tells you, if the union doesn't win, you will be fired anyway.

The situation is not hypothetical. Research shows us that these threats and intimidation tactics are used to inhibit union organization. It sure may be illegal to fire an employee for voting in support of a union, but it is done anyway. And as things stand today, there are no real repercussions for doing so, because there are no fines or civil penalties for breaking the law.

Let me tell you about a journeyman welder from Northeast Ohio and what he and his family have endured, all because he and others where he worked tried to form a union. His name is Dave, and the company he worked for was intent on keeping the union out. And as you will learn, the company was willing to go to extraordinary and egregious lengths to do it.

So what happened to Dave? Since he began his efforts to help organize, he has been relegated to picking up cigarette butts at company headquarters instead of plying his skill in the field in an attempt to humiliate him.

He has been singled out at captive audience meetings with verbal abuse by his employer that was so bad that Dave feared it would get violent. He has had supervisors make physically threatening remarks to him while he was in inherently vulnerable positions working in the field. And in a particularly reprehensible action, Dave's wife has been targeted for harassment that escalated to such a point that she was hospitalized, all to keep the union out.

There is one thing that is clear, these tactics work. They are effective in suppressing the creation of unions, but they are not acceptable and they must stop.

The Employee Free Choice Act establishes real penalties for employee intimidation by increasing the back-pay award when a worker is fired or illegally discriminated against. It also provides for civil penalties for willful or repeated violations. It will act as a disincentive for such egregious behavior.

Furthermore, this legislation allows employees to unionize when a majority of workers sign cards in support of organizing, and forces the NLRB to recognize that union as a bargaining entity without giving the employer the opportunity to unilaterally veto that decision and demand an election that offers an opportunity for coercion and manipulation.

This bill also continues to give employees the choice to form a union through a traditional secret ballot election as current law does.

Now, let's be clear. It does not eliminate the opportunity for employees to have a secret ballot election. It simply eliminates the opportunity for an employer to require an election by secret ballot after employees have already voted for union representation through their chosen route of card check.

Another important aspect of this bill is that it requires the NLRB to step in and stop illegal behavior when it is happening.

And finally, and equally important, this legislation provides a path towards binding arbitration for first contracts. Right now, in 34 percent of cases a first contract is not reached, they are dragged out with the hopes of employees giving up and disbanding the union.

This law pushes both sides to bargain in good faith. And that is really where we should be going; a world where both employers and employees approach the table with an intention to make a good faith attempt to come to an agreement.

The old paradigms do not need to exist as they once did. I have witnessed partnerships between giants of industry and the workers on the line that have enabled businesses to thrive.

Lessons can be learned from situations where employers have respected their employees' stated desire to form a union through the majority card signing method. Companies like Kaiser Permanente and Cingular. Veering away from anti-union tactics, these employers have focused on and enjoyed success working with their employees, not against them.

Cingular has not stood in the way of its employees forming unions, and the model they have committed to has not stopped them from becoming the Nation's top cell phone carrier.

It doesn't have to be an either/or process, but it does have to be a fair process. And that is what this bill will accomplish.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in strong opposition to this modified closed rule and to the Democrat leadership bringing legislation to the floor of this House which will provide for an unprecedented intimidation of employees by union bosses under a fundamentally anti-democratic process known as "Card Check."

Today, the Democrat leadership has scheduled a vote on the most dramatic change to our Nation's labor laws since the Taft-Hartley Act of 1947, which identified and disallowed the most egregious union practices of its day. And every single Member of this body will have an opportunity to answer very plainly and clearly whether they think our economy should be nimble and adaptive to compete with countries that present tomorrow's challenges, or mirror the politics of Europe which will continue to keep our former competitors on the continent from realizing the jobs and the economic growth of the United States. We do not believe the policies of Europe are the way to go.

This legislation will give every single American voter a chance to see whether their Member of Congress supports the private ballots, a right which is given to every single American voter for obvious reasons, or if they support government protection and special treatment for labor unions by silencing one side over the debate of unionism.

Of course, as we watch what is going on today across America, everyone will be tuning in to C–SPAN to watch this debate to see how we are going to answer a number of statements from the majority about how this legislation will provide fairness and will improve conditions for American workers.

What they will not hear from the other side of the aisle is an explanation about why 16 Democrat cosponsors of this legislation previously signed a letter to the Mexican government imploring it to use the secret ballot in all union recognition elections because it would ensure that workers would not be intimidated into voting for a union that they would not have otherwise had.

Madam Speaker, I could argue this sentiment even more. I would like to insert a copy of this letter into the CONGRESSIONAL RECORD, and I doubt that that body will get an explanation from these signatories why they believe it is a matter of fairness that Mexican workers deserve protection from coercion, while American workers do not. We will find out. Perhaps they will take an opportunity to enlighten us later today.

AUGUST 29, 2001.

JUNTA LOCAL DE CONCILIACION Y ARBITRAJE DEL ESTADO DE PUEBLA, LIC. ARMANDO POXQUI QUINTERO,
7 Norte, Numero 1006 Altos, Colonia Centro, Puebla, Mexico C.P. 72000.

DEAR MEMBERS OF THE JUNTA LOCAL DE CONCILIACION Y ARBITRAJE OF THE STATE OF PUEBLA: As members of Congress of the United States who are deeply concerned with international labor standards and the role of labor rights in international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections.

We understand that the secret ballot is allowed for, but not required, by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

We respect Mexico as an important neighbor and trading partner. and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

Sincerely,

George Miller, Marcy Kaptur, Bernard Sanders, William J. Coyne, Lane Evans, Bob Filner, Martin Olav Sabo, Barney Frank, Joe Baca, Zoe Lofgren, Dennis J. Kucinich, Calvin M. Dooley, Fortney Pete Stark, Barbara Lee, James P. McGovern, Lloyd Doggett.

Madam Speaker, the supporters of this legislation will also avoid coming to the floor to explain the fairness of allowing for the certification of unions through card check, but forcing workers who want to decertify their union to go through the same ballot process.

☐ 1030

Once again, rather than providing "fairness," it seems like this legislation is providing special consideration and privileges for unions.

Supporters of this legislation will be notable by their silence in today's debate about how intimidating workers through harassment, lies, and fear tactics into signing these cards improves workers' conditions. In fact, sending card check collectors to workers' homes and providing unfair labor practices in order to legitimize a card check campaign, as testified by former union organizers in the only House hearing on this legislation, seems to do exactly the opposite for American workers.

Finally, I fail to see how fining employers who take the initiative to provide improvements in compensation or working conditions during a unionization attempt is about "improving workplace conditions." If this legislation's supporters were supportive of improving working conditions, it would seem like an employer's unenforced offer to improve them would be something that they would obviously support. Perhaps they will enlighten us. I am certainly not holding my breath.

I don't think that the Members of this body or the American voters will hear the explanations for these or other contradictions between the Democrats' bumper sticker slogans and what the bill actually does because this legislation is not about "providing fairness" or "improving workers' conditions." It is about shielding unions from competition and stacking the deck in favor of union bosses at the expense of the workers.

It is obvious why union bosses would be pushing for this special consideration when one looks at membership trends over the last 60 years. In 2006, the percentage of employees in unions was 12 percent. This is down from 20 percent in 1983 and 35 percent in the 1950s. Today's increasingly mobile workforce no longer sees the value that unions add to their careers and increasingly resent being forced to pay compulsory dues, which can total thousands of dollars a year, to union bosses that are unresponsive to their needs and increasingly support policies that are counter to their interests.

Let me give one short example from my hometown in Dallas, Texas. Last July the Department of Transportation announced it was opening up a new route to China, and American Airlines, which is based in Dallas/Fort Worth Metroplex, filed a proposal to serve this route from the DFW Airport. Unfortunately for consumers, servicing this flight would have exceeded the flying time cap demanded by the Allied Pilots Association by an average of 15 minutes. Despite having waived this cap a year earlier during negotiations on another route from Chicago to Delhi, India, and despite the fact that this route would have established a new foothold in Asia for America to produce more jobs for members of the union in the future, union bosses for the pilots dug in their heels and cratered the deal.

So an opportunity that meant a great deal to creating more pilots' jobs, and also meant a great deal to the future of an airline fresh off bankruptcy and other employees, travelers, and shareholders impacted by the deal, was stopped by a few bosses in the union leadership who said simply "no" and put an end to the entire process.

Madam Speaker, with cases like these, it is no wonder that fewer and fewer Americans believe that unions speak on their behalf and that union bosses must now come hat in hand to the House floor asking Members of Congress to stack the deck in their favor.

I am asking every single one of my colleagues to stand up and oppose this process, this rule and the underlying legislation. This bill is a blatant attack on the free enterprise system as we know it in America today because it is a new government intervention into personal decision-making that allows the deck to be stacked in favor of the union bosses looking to pad their dues-paying membership. It will submit employees to intimidation tactics of hired union guns without regard to improving their working conditions.

Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, before I yield, I would like to remind the gentleman from Texas that this does not eliminate the right of employees to have a secret ballot. They still have that choice. It simply eliminates the practice of employers superseding the employees' will by requiring them to submit to a secret ballot election.

Madam Speaker, I yield 2 minutes to the gentleman, the distinguished member of the Rules Committee, from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Speaker, our American democracy depends on a strong middle class, and our middle class has relied on institutions that support working Americans. The American institution that has done more to strengthen the backbone of our democracy and the rights of American workers is the labor union.

At a time when you would least expect it, the middle-class American is losing ground. Corporate profits are up. Executive pay is up. Productivity of our workers is up. And yet our middle class is under assault. Worker incomes haven't kept pace with rising costs for education, health care, energy, transportation, child care, and housing. We haven't faced greater income inequality since before the Great Depression.

Why is it that as our economy grows and CEOs have unfettered freedom to negotiate lavish contracts, our workers are left behind?

Many believe, as I do, that strengthening the rights and opportunities of workers will increase opportunities for all and strengthen the American economy. Our economy has done best when all share in a stake in its success and all share in its rewards.

Congress can help our workers achieve better wages, benefits, and working conditions. We can help level the playing field. The Employee Free Choice Act is based on the simple proposition that workers should have a protected right to organize when they choose to do so. That right must be straightforward, enforceable, and fair. If a majority of workers sign up for a union, they form a union. It is that simple.

Congress today can play a positive role in promoting the vibrancy of our democracy and helping workers get ahead. Last month we began to do so by raising the minimum wage, making college more affordable, and lowering the cost of prescription drugs. Today we act to protect the rights of workers as they pursue the American Dream.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 5 minutes to the gentleman from the Rules Committee, LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my friend from Texas for yielding the time.

Madam Speaker, I come to this debate as a strong supporter of the right of collective bargaining. I, in my personal experience not only as a lawyer but someone obviously who has been long interested in issues related to our rule of law including the right of collective bargaining, have witnessed examples of coercion in the workplace and many more examples I have witnessed actually coming from management than from labor. And I think that that is unacceptable. As a matter of fact, as I told the distinguished author of this legislation when he appeared before the Rules Committee, I think there are important aspects of this legislation, from my vantage point, that are positive, such as increased enforcement with regard to unfair labor practices that I would like to see move forward and actually could very much support because I think that coercion goes at the heart and attacks, attacks our rule of law in a most insidious manner.

But I also think that the right to the secret ballot is extraordinarily important. And I know that my good friend Mr. SESSIONS made reference to a letter, which I think is important because the letter deserves not only attention but respect, a letter that was sent by the distinguished author of this legislation and other distinguished Members of this House just a few years ago when there was an organizing campaign going on in the state of Puebla in Mexico, and this letter was sent to the Junta Local de Conciliacion y Arbitraje del Estado of the state of Puebla. I guess that could be translated as the mediation and arbitration board of that state.

And the distinguished signers pointed out not only, and I quote, "We encourage you to use the secret ballot in all union recognition elections," but the letter goes on to say, "We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union that might not otherwise be their choice."

Now, it is important to recognize, as I did before, that I think there are more examples of intimidation from management than from unions, but the reality of the matter is that in this life I have never met a saint, much less an angel, and intimidation is a fact of life. And that is why in our human development, our imperfect human development, what we have achieved in terms of the ability for men and women to express their true sentiments is the secret ballot. And current law, by the way, permits, yes, it can be negotiated away. We give great weight and credence in our system to the right to contract, and the right to the secret ballot can be contracted, can be negotiated away. But it has to be mutually agreed to, according to current law, or if it is not mutually agreed to by employer and employees, then according to current law, 30 percent of the employees, if they sign cards, can have an election. So 30 percent of the workers in a unit can, by signing cards, get an election scheduled.

Now, I think we should work on expediting elections by the NLRB, and we should work to make sure that elections for certification are as expedited as they are for decertification. That is another issue that I would like to work with my colleagues on. But I cannot support this legislation which goes to the heart of that most essential aspect of the right of human beings to express themselves in private, which is the secret ballot.

Ms. SUTTON. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR), distinguished member of the Rules Committee.

Ms. CASTOR. Madam Speaker, I thank my colleague, Representative SUTTON from Ohio, who has been fighting her whole career for the hardworking families in Ohio and now in the Congress is fighting for American workers throughout our country.

I am proud to be a cosponsor of the Employee Free Choice Act. This legislation serves as tangible evidence of the new direction being charted by this new Congress under Speaker NANCY PELOSI.

A few weeks ago, this new Congress voted to raise the minimum wage. Well, like the minimum wage, the Employee Free Choice Act demonstrates our values and our commitment to stand beside hardworking men and women against powerful interests. This bill will restore the balance in the workplace and restore the National Labor Relations Act to its original purpose.

It is unfortunate that in the blinding zeal for profits, inordinate profits, for a few, there are unscrupulous employers that stall for time after they learn that employees want to band together to advocate for a better workplace.

□ 1045

Let me give you some real life examples from my part of Florida. One very large Central Florida employer used delays and its insistence on a secretive election to put together a highly structured unlawful campaign of coercion and intimidation. Hundreds of supervisors were trained to conduct scripted meetings with small groups of employees and then the employees were forced to attend meetings replete with promises and threats. Day after day, week after week, the company ground down these folks in this illegal psychological war on employees. This must end.

In another example, one central Florida company used the time waiting for the election to film employees in the workplace and then produce a film that wove in their pictures, their smiling faces, into a virulent anti-union film. In this illegal activity, the employees were forced to watch the film, which was slanted to give the false impression that those employees who had supported the UAW had switched sides. These are real-life examples, but it should not be this way.

The people of America know what has been going on. For too long, powerful special interests have held sway in the halls of Congress. Well, this new Congress in its first 100 days has stood up to these powerful special interests, whether it is raising the minimum wage, standing up to the big drug companies, standing up to the big oil companies.

There is a new day in America, and I am proud to stand today with my hardworking neighbors against powerful interests that would like to keep the act of joining a union more of a risk, rather than a right. I am proud to stand today with our Speaker and this new Congress to chart a new direction for our country.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, it is now March 1, the third month since the Democrat Party took over Congress. For the first 2 months, after campaigning on a platform of reform, after years of complaining about alleged unfair process abuse by Republicans, Americans have been able to watch an unprecedented continued abuse of power in this House.

After the abuse of power during the first 100 hours, we thought the aberration would end. Surely basic voting rights would return. In February, the abuse of power continued. The minority was deprived of basic voting rights through most of February as well.

The American people voted last fall for change. They don't want to hear us complain about process. But process does matter. We are a republic, where we expect a democratic process, minority protections and the right to vote.

Now, to start month 3 of Democrat control, the Democratic Party has brought forth a bill that deprives the American workers of the right to a private ballot. They have moved from abuse of power and undemocratic methods in Congress to applying this abuse of power directly to the American people.

Put yourself in the shoes of an average American worker trying to decide whether they want to vote for or against establishing a union at the workplace. You would get lobbied on every side, but at least you get a private ballot. The bill before us today would deprive you of that private ballot. The card check replaces the vote. If a majority signed the card, there is no private vote. So a friend comes up to you with a card asking you to sign and you say you want to think about it. So a group comes encouraging you to sign, maybe even shunning you if you don't.

But it gets worse. The process called "salting" allows roaming union organizers to go from company to company, not as long-term employees committed to keeping the plant profitable and the jobs in the community, but committed to expanding their special interest union. Often they are heavy influencers, sometimes even a thug or two. You may receive visits from them as well.

In the Education and Labor Committee, the Democrats unanimously even voted down an amendment that would have said only American citizens can vote. You now, as an American worker, can have the majority of illegals sign a card and you are now bound to a union.

This bill, because of its overt hostility to business, has unfair stiffer penalties for business than unions for the same violation of the law. We wanted to offer an amendment to equalize the playing field, but Congress was denied the right to vote on this and other amendments.

The Democratic Party seems determined to eliminate the right to fairness and a private vote in union organizing elections and they won't even let Congress have clear votes on many of the amendments to protect the workers. Yet people wonder why some of us refer to them as the Democrat party rather than the Democratic Party. Their actions speak louder than their words.

Ms. SUTTON. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I rise in strong support as a family member from a strong union background. My father was a shop steward for the Teamsters and my mother was a proud worker for the United Rubber Workers, who worked tireless for 20 and 25 years. Without the health protection we received and the retirement benefits, I know myself and my seven siblings wouldn't be where we are today.

It is important for people to have the ability, especially in this day than a time, when new women, new immigrants, are coming about, and want to be part of the American fabric. One of the ways they can do that is by joining the union, being part of that, to have those protections in place.

When union people get paid good wages, that money stays in the community, it helps to provide a vibrant economy, it helps to also even send their children, like me, who is a child of immigrants and of a union household, to be able to come to college and to eventually even run for office. Wow. Outstanding.

The unions always get a bad name by certain people in this area, but I will tell you one thing: I am very proud to stand with many of our union members to see how they have revitalized many of our communities, especially in Los Angeles.

I ask for you to support H.R. 800.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the distinguished gentleman Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Texas for yielding.

Madam Speaker, I rise in opposition to this modified closed rule today. Although several worthy amendments were offered in the Rules Committee last evening, and I am grateful I will have the privilege to offer one here on this floor later on today, but only three were made in order, and three of those that were not made in order deserve special mention, I believe, here in this rules debate that we are having.

The first would be Representative MUSGRAVE's amendment to repeal those provisions that permit employers to require employees to join or pay dues or fees to a union as a condition of employment, that being the right to work amendment. I have long supported that language, going clear back into the seventies as an employer and a small business owner.

Secondly, Representative EMERSON and I both submitted separate amendments that would exempt businesses employing 50 individuals or less from the legislation.

Third, Representative CHABOT attempted to exempt small businesses by using the Small Business Administration definition.

I have spent my life in small business. I started one in 1975. I met payroll for over 28 years. That is over 1,400 consecutive weeks. I faced the regulations day by day by day, and one of the reasons I stepped into public life was to try to reduce the regulations that are so oppressive to small business.

One of the things that you will realize when you are a small business owner and entrepreneur is that you have to be an expert in all things. You can't have a whole floor of lawyers that are there to sort out all the regulations, and you surely cannot have union members that are in there that are there to organize your employees in a fashion that is unfair.

If you are a small business, and say you have 12 or 15 employees, and I actually saw this happen on a job where there were 18 heavy equipment operators back in the early '70s asked to vote on whether we would go union or not, and I know exactly how every single member of that crew voted today. I can name them. I can tell you how they voted. You know that in that kind of an environment.

We are here without a secret ballot. That is what is taken away from this. I hopefully will be able to offer a motion to recommit based upon that. But that is the Charlie Norwood language that needs to be considered here. There has got to be a secret ballot to protect small employers' employees, especially because the intimidation effect is far greater in a small company than it is in a large company. If I can remember over a period of 34 years how they voted on that vote back on that job in the interstate in Iowa City, then you will know every week how your colleagues are going to vote.

We need to respect the initiative of Charlie Norwood, our good friend. We need to protect small business. We need to exempt small businesses from this. We are not going to get that real debate on exempting small businesses here, Madam Speaker, and that is unfortunate.

I appreciate the fact that this process has been opened up some, but I do think if there is an idea that is good enough that you can present it and say this should be etched in stone for all of America, which this overall bill does, this card check bill, then we ought to at least have the courage of our convictions and debate those convictions here on the floor of the House of Representatives here in the United States Congress. A rule that doesn't allow that then is a rule that tells me the courage of your convictions really aren't there.

Ms. SUTTON. I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, I rise in support of the rule.

Like many of my colleagues who we have heard from today, my family was built on good working class union jobs. My grandfather and great-grandfather worked at Fafnir Ball Bearing in New Britain, Connecticut, and I am, in some sense, the product of that American dream, a dream in which my grandfather's daughter could be the first woman in her family to go to college, a dream in which his grandson could be standing here on the floor of the House of Representatives, fighting for what is right and what is fair in the workplace.

But, Madam Speaker, this disappearing middle-class has no lobby here in Washington, DC. They are not organized as a special interest. And maybe because of this, their interests haven't been very well represented on this floor in the past several years. But things are changing.

Workers who belong to unions on average earn 30 percent more than nonunion workers. They are 63 percent more likely to have health care. They are four times more likely to have pension benefits. But unfortunately, over the years, the rights of these workers to join unions and to bargain collectively with their employers have eroded because of anti-union campaigns, employee intimidation and ineffective penalties for employers who violate worker rights.

Today, we are making standing up for what is right in the workplace a little easier, Madam Speaker. This isn't about making doing business more difficult; this is about strengthening the society in which families like mine were allowed to succeed.

Mr. SESSIONS. Madam Speaker, I would like to yield 5 minutes to the gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee, who argued very strenuously yesterday on behalf of the free enterprise system for America.

Mr. DREIER. Madam Speaker, I thank my friend from Dallas for his very able handling of this rule, and I congratulate my friend from Ohio as well.

Madam Speaker, I have to rise in strong opposition to this rule. We were yesterday on the House floor listening to the very distinguished chairman of the Committee on Financial Services argue passionately in support of the need for an open amendment process and how great it is. And yet today we are given a rule that denies 12 of the 15 amendments that were submitted to us.

It is interesting, the bill yesterday that was controversial enough that we had an open rule for it passed by a vote of, I think 423 to zip, 423–0. There was no controversy whatsoever. We had three amendments that we voted on here. But it was an open rule.

Now we have a bill that is slightly controversial. In fact, it is extremely controversial. And yet we have closed down the amendment process, preventing Democrats and Republicans from having an opportunity to participate in this process, as they should.

We, Madam Speaker, when we proceeded with the Rules Committee meeting last night, my very good friend from Martinez, California, the distinguished chairman of the Education and Labor Committee, Mr. MILLER, proceeded as he was sitting with the distinguished ranking Republican, Mr. McKEON, at the table, to tell me that I hadn't read the bill and I knew nothing about labor law.

Well, I will tell you this: I admitted at that moment that I had not read the bill. But I have read the bill since that time, Madam Speaker. And I have not become a labor lawyer overnight, but I will say that I have talked to a lot of people who are expert on this issue, and I have come to the conclusion that the sanctity of the secret ballot is something very, very important and very, very precious.

We in the Rules Committee spent a lot of time on the issue of institutional reform and, as we all know, for the first time ever, we got the Federal Government involved in providing Federal resources for local elections. Why? In the wake of the 2000 election, there was clearly a lot of controversy. Especially our friends from Florida raised a lot of understandable concerns.

So the Federal Government got involved and we have put literally billions of dollars into our quest to ensure the sanctity of that secret ballot. Yet at this moment, for this institution, we are embarking on legislation which will take a retrograde step on the very important secret ballot for the American worker.

Obviously, in the last half century we have seen a great diminution in the numbers of people who are in unions today. In the 1950s, roughly 35 percent of the American workers were members of unions. Today, it is something like 7.5 percent. It has dropped dramatically. And that is due to the choice that exists that people have made.

We have a strong economy, a 4.5 percent unemployment rate, growing increasing incomes that are taking place right now, and as we look at the challenge that many union organizations have with the auto industry and other industries, I believe that union control has really played a role in jeopardizing their potential for even greater success.

We got the report yesterday that Tupelo, Mississippi, is going to be the site of a new Toyota plant, 2,000 employees, who will be earning $20 an hour, substantially higher than the wage rates that are paid in other parts of that region, high wage rates for virtually anyone around the country. It is very, very impressive that we are looking at this growth. And there is a sadness that many people have over the fact that the big three auto makers here in the United States are faced with real difficulty.

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Well, Madam Speaker, I argue that part of that challenge has been the overwhelming control that unions have had and the union leadership has really jeopardized the opportunity for individual choice for members.

I don't stand alone. Mr. McKEON just handed me a copy of this morning's Los Angeles Times. I do not always agree with the editorial policy of my friends of what I call my hometown paper, the L.A. Times, but I know them well and try to find areas of agreement. As I say, I don't always agree with them.

But today, they have provided an editorial and I think it is very enlightening. The close of this editorial said: "Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one."

Madam Speaker, we are undermining that with this legislation that we are about to embark upon here today. I urge my colleagues to oppose it.

The SPEAKER pro tempore. The gentlewoman from Ohio has 14½ minutes remaining. The gentleman from Texas has 7½ minutes remaining.

Ms. SUTTON. Madam Speaker, before I yield to the honorable gentleman from Texas, I would just like to point out to my distinguished friend from the Rules Committee that the sanctity of the secret ballot is preserved in this bill. We have said it before, but the option for employees to have a secret ballot remains. The difference is just that under this bill, the employees cannot be forced by an employer after they have expressed their desire to form a union to submit to a secret ballot to drag things out.

Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, let's not forget that it was with the help of organized, unionized workers that we acquired the 40-hour work week, that we instilled child labor laws, that we have paid leave, that we have pensions, and that we have health care.

Madam Speaker, in a world where loyalty to workers is becoming an endangered species, the passage of the Employee Free Choice Act helps to level the playing field between industry and workers, and it will give workers a fair chance to organize and fight invidious outsourcing. Our jobs are being taken overseas. We need to have workers on the ground in a position to fight this. It will give workers an opportunity to preserve health benefits and an opportunity to protect pensions.

Workers are the first line of defense when it comes to protecting the standard of living that we have in this country. We must level the playing field and pass the Employee Free Choice Act. I encourage all of my colleagues to do so.

Madam Speaker, I stand here today in support of giving our working men and women a fair chance and a free choice to form a union. As one of 234 cosponsors of this legislation I can confidently tell the men and women who literally make this country run that you are not alone in your fight for higher wages, improved benefits, and better working conditions. I can confidently tell you that we understand that the right to unionize is the right to pursue the American dream.

It is as a result of unions that we can enjoy weekends with our families. It is as a result of unions that we can benefit from basic health and safety protections. It is as a result of unions that we can take advantage of family and medical leave.

Unfortunately, under the current labor law system, employers often use a combination of legal and illegal methods to silence employees who try to form unions. The law says that employers cannot intimidate, coerce, or fire employees for attempting to exercise their democratic rights.

Yet, in reality: Every 23 minutes a worker is illegally fired or discriminated against for their support of a union. 34 percent of employers coerce workers into opposing unions with bribes or special favors. 51 percent of employers illegally threaten to close down worksites if employees vote for union representation. 75 percent of employers hire anti-union consultants to help kill union organizing drives. 91 percent of employers force workers to attend intimidating one-on-one anti-union meetings with their supervisors.

Madam Speaker, some people say that liars figure and figures lie, but I want the American people to hear these figures and decide for themselves whether they believe that American workers should have the right to unionize:

Workers who belong to unions earn 30 percent more than non-union workers. Workers who belong to unions are 63 percent more likely to have employer-provided health care than non-union workers. Workers who belong to unions are 77 percent more likely to have jobs that provide short-term disability benefits than non-union workers. Workers who belong to unions are nearly 400 percent more likely to have guaranteed pensions than non-union workers.

This discrepancy is even more pronounced among women, African Americans, and Latinos:

Women in unions earn $9,300 more a year (31%) than their non-union counterparts. African Americans in unions earn $9,700 more a year (36%) than their non-union counterparts. Latinos in unions earn $11,300 more a year (46%) than their non-union counterparts.

It is astonishing that some would try to prevent some of the hardest working Americans the right to organize at a time when:

The average CEO in the United States makes more than 260 times the pay of the average worker. A CEO earns more in one day than an average worker earns in one year.

We have seen an increase in:

The number of people who are classified as poor (from 32 million in 2000 to 37 million in

2004). The number of low-income households paying more than half their income on housing (from 9.4 million to 11.6 million). The number of Americans who lack health insurance (from 40 million in 2000 to 46 million).

Madam Speaker, I urge my colleagues to hear the voices of our 60 million working brothers and sisters: Who say they want a voice at their workplace, Who say they want a choice at their workplace, Who say they want unions.

I urge my colleagues to join the distinguished Chairman of the Education and Labor Committee, GEORGE MILLER, and vote "yes" on the Employee Free Choice Act.

EMPLOYEE FREE CHOICE ACT

SUMMARY

1. Certification on the Basis of Majority Sign-Up. Provides for certification of a union as the bargaining representative if the National Labor Relations Board (NLRB) finds that a majority of employees in an appropriate unit has signed authorizations designating the union as its bargaining representative. Requires the board to develop model authorization language and procedures for establishing the validity of signed authorizations.

2. First-Contract Mediation and Arbitration. Provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS) for mediation. If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration shall be binding on the parties for two years. Time limits may be extended by mutual agreement of the parties.

3. Stronger Penalties for Violations While Employees Are Attempting to Form a Union or Attain a First Contract. Makes the following new provisions applicable to violations of the National Labor Relations Act committed by employers against employees during any period while employees are attempting to form a union or negotiate a first contract with the employer:

(a) Civil Penalties: Provides for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive.

(b) Treble Back Pay: Increases the amount an employer is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract drive to three times back pay.

(c) Mandatory Applications for Injunctions: Provides that just as the NLRB is required to seek a Federal court injunction against a union whenever there is reasonable cause to believe the union has violated the secondary boycott prohibitions in the act, the NLRB must seek a Federal court injunction against an employer whenever there is reasonable cause to believe the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. Authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.

QUESTIONS AND ANSWERS

Why do we need new federal legislation, the Employee Free Choice Act?

America's working people are struggling to make ends meet, and our middle class is disappearing. The best opportunity working men and women have to get ahead is by uniting with co-workers to bargain with their employers for better wages and benefits.

But the current labor law system is broken. Corporations routinely intimidate, harass, coerce and even fire people who try to organize unions—and today's labor law is powerless to stop them. Every day, employers deny working people the freedom to make their own choice about whether to have a union:

Employees are fired in one-quarter of private-sector union organizing campaigns;

78 percent of private employees require supervisors to deliver anti-union messages to the workers whose jobs and pay they control;

And even after workers successfully form a union, one-third of the time they are not able to get a contract.

What does the Employee Free Choice Act do?

It does three things to level the playing field for employees and employers:

(1) Strengthens penalties for companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union;

(2) Brings in a neutral third party to settle a contract when a company and a newly certified union cannot agree on a contract after three months;

(3) Establishes majority sign-up, meaning that if a majority of the employees sign union authorization cards, validated by the National Labor Relations Board (NLRB), a company must recognize the union.

What's wrong with the current law?

The National Labor Relations Act states: "Employees shall have to the right to self organization to form, join, or assist labor organizations . . ." It was designed to protect employee choice on whether to form unions, but it has been turned upside down.

The current system is not like any democratic election held anywhere else in our society. Employers have turned the NLRB election process into management-controlled balloting—the employer has all the power, controls the information workers can receive and routinely poisons the process by intimidating, harassing, coercing and even firing people who try to organize unions. On top of that, the law's penalties are so insignificant that many companies treat them as just another cost of doing business. By the time employees vote in an NLRB election, if they can get to that point, a free and fair choice isn't an option. Even in the voting location, workers do not have a free choice after being browbeaten by supervisors to oppose the union or being told they may lose their jobs and livelihoods if they vote for the union.

What is majority sign-up, and how does it work?

When a majority of employees votes to form a union by signing authorization cards, and those authorization cards are validated by the federal government, the employer will be legally required to recognize and bargain with the workers' union.

Majority sign-up is not a new approach. For years, some responsible employers such as Cingular Wireless have taken a position of allowing employees to choose, by majority decision, whether to have a union. Those companies have found that majority sign-up is an effective way to allow workers the freedom to make their own decision—and it results in less hostility and polarization in the workplace than the failed NLRB process.

Does the Employee Free Choice Act take away so-called secret ballot elections?

No. If one-third of workers want to have an NLRB election at their workplace, they can still ask the federal government to hold an election. The Employee Free Choice Act simply gives them another option—majority sign-up.

"Elections" may sound like the most democratic approach, but the NLRB process is nothing like any democratic elections in our society—presidential elections, for example—because one side has all the power. The employer controls the voters' paychecks and livelihood, has unlimited access to speak against the union in the workplace while restricting pro-union speech and has the freedom to intimidate and coerce the voters.

Does the Employee Free Choice Act silence employers or require that they remain neutral about the union?

No. Employers are still free to express their opinion about the union as long as they do not threaten or intimidate workers.

Will employees be pressured into signing union authorization cards?

No. In fact, academic studies show that workers who organize under majority sign-up feel less pressure from co-workers to support the union than workers who organize under the NLRB election process. Workers who vote by majority sign-up also report far less pressure or coercion from management to oppose the union than workers who go through NLRB elections.

In addition, it is illegal for anyone to coerce employees to sign a union authorization card. Any person who breaks the law will be subject to penalties under the Employee Free Choice Act.

Isn't this law really about unions wanting to increase their membership?

This law is about restoring to working people the freedom to improve their lives through unions.

More than half of people who don't have a union say they would join one tomorrow if given the chance. After all, people who have unions earn 30 percent more than people without unions and are much more likely to have health care and pensions. With a free choice to join unions, working people can bargain for better wages, health care and pensions to build a better life for their families.

With the economic pressures on working people today, the freedom to pursue their dreams is crucially important.

Who supports the Employee Free Choice Act?

The Employee Free Choice Act has the support of hundreds of members of Congress of both parties, academics and historians, civil and human rights organizations such as the NAACP and Human Rights Watch, most major faith denominations and 69 percent of the American public.

(For a detaill list of supporters, visit www.EmployeeFreeChoiceAct.org.)

Who opposes the Employee Free Choice Act?

Corporate front groups are waging a major campaign to stop the Employee Free Choice Act. They do not want workers to have the freedom to choose for themselves whether to bargain through unions for better wages, benefits and working conditions. The anti-union network includes discredited groups like the Center for Union Facts, led by lobbyist Richard Berman, who is infamous for fighting against drunk driving laws and consumer and health protections, and the National Right to Work Committee and Foundation, the country's oldest organization dedicated exclusively to destroying unions.

Mr. SESSIONS. Madam Speaker, I would inquire if my colleague has additional speakers. I believe she has about twice as much time remaining as we do.

The SPEAKER pro tempore. Does the gentleman reserve his time?

Mr. SESSIONS. Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill. It can help working people, and it will send a strong message that we need a National Labor Relations Board committed to fairness in the workplace.

But as I said 2 years ago, I have serious reservations about lessening the role of the secret ballot in union elections. Workers should not be intimidated by pressure from either business or labor in making decisions about organizing a union.

However, it is clear that the NLRB has clearly failed to protect workers from intimidation and union-busting. That is why I support this bill even though it is far from perfect.

And while I support the rule because it allows the House to consider some meaningful amendments, I am disappointed that others were not included. For example, I thought we ought to have made changes to make the procedure for decertifying unions like those for establishing unions. We should also have considered setting deadlines for NLRB decisions.

I would hope those amendments, and others, maybe even a sunset clause, will be considered in the Senate not only because they could improve this legislation but because open debate on amendments might help reduce the divisions and polarization about this bill.

But the House should pass the bill, imperfect though it is, so the Senate can continue the process of reforming our labor laws to better protect workers' rights while also working towards balance, fairness, and objectivity in the way that the NLRB must do its job.

Mr. SESSIONS. Madam Speaker, I yield 4 minutes to the ranking member of the Education and Labor Workforce Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in opposition to this bill and to this rule. The bill we are scheduled to debate today, the so-called Employee Free Choice Act, represents what I believe is the worst piece of legislation I have come across in 20-plus years of public service.

What is wrong with it, let me count the ways.

Number one, it undermines the secret ballot process in the workplace, a process all of us in this House rely upon, treasure, and would fight to defend when it comes to our own political careers, but apparently for some, not when it comes to the rights of workers.

Number two, it leaves workers wide open to coercion and intimidation from those seeking to organize in the workplace. In an Education and Labor Subcommittee hearing last month, a former union organizer described such coercion through a practice organizers call a "blitz." In a blitz, organizers go directly to the homes of workers to get them to sign an authorization card. And how do they find out where these workers live? From license plates and other sources that were used to create a master list.

According to this witness: "Workers usually have no idea that there is a union campaign under way. Organizers are taught to play upon this element of surprise to get 'into the door.'"

Number three, it strips workers of their right to privacy in organizing elections and makes their votes completely and utterly public so their coworkers, their employers, and union officials know exactly how they voted.

Number four, not only does it strip workers of their right to vote in organizing elections, but it also strips away their right to vote on contracts as well. Instead, that right is given to a third-party mediator.

Number five, it levies civil penalties upon employers if they coerce an employee during a card check campaign. However, the bill remains silent on coercion from unions, looking the other way and providing tacit approval for such intimidation.

Frankly, Madam Speaker, I can go on and on. In short, this bill is not only undemocratic; it is dangerous. And I will be proud to manage time in opposition to it in just a short while.

When I think about how important secret ballot is, I remember when I first learned about it in grammar school. When we would elect our class officers, we put our heads down on our desk and raised our hand for the person we were supporting because it was important then, just as it is important now, that when we vote, no one knows how we vote.

From those days in elementary school until now, having been elected many times to office, I prize the importance of that secret ballot. And I prize that secret ballot for the workers that are facing intimidation, the possible intimidation from either side, from labor or from management. They should be free of that, and the only way they can be free of that is secret ballot and that is what we are trying to preserve for them at this time.

Yesterday, I appeared before the Rules Committee in support of several amendments that would have made this debate as fair, open, and robust as possible. While I am pleased that they made in order my substitute amendment, this rule before us still is harsh and one that will stifle debate.

Madam Speaker, we had an opportunity to strengthen this debate and address head-on the many flaws of the underlying legislation, but we were denied that opportunity; and as such, I urge my colleagues to join me in opposing this rule.

Ms. SUTTON. Madam Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I thank my friend for yielding and thank her for her great work in shepherding this bill along.

I deeply respect the ranking member of the full committee, and I know his intentions are very sincere, but I think the Members of the House deserve a record that is accurate. Let me review the five points that he made and set forth what the bill actually says.

The gentleman says that the bill does away with secret ballots. That is not the case.

If those choosing to organize a union wish to have a secret ballot, they can follow the same procedure that is in the law now: get 30 percent-plus to sign a petition for a secret ballot, and have one.

The gentleman says that the bill legalizes coercion by unions. That is not the case.

Coercion by a union against a worker is and still will be an unfair labor practice. The bill says if a signature is acquired by coercion and is involuntary, it is not presumably going to be a valid signature and therefore does not count.

The gentleman says that the bill takes away the right of privacy from workers. Not so.

The same process essentially by which people sign petitions under the present law, they would sign cards under the new bill. Perhaps the gentleman should be more concerned about the loss of privacy of workers during campaigns by employers to coerce and intimidate people to vote against the union.

The gentleman says the bill takes away the right to vote on contracts. Absolutely not so.

What the bill says is if there is not an agreement for a contract between management and labor, after negotiation, after mediation, then and only then there would be arbitration. It does not take away the right to vote on contracts.

Finally, the gentleman says that penalties are somehow out of balance, but I think the gentleman respectfully misunderstands.

If in a union-organizing drive the unions are found to have coerced people into signing cards, the cards are invalid and it is the death penalty for the union because they lose the organizing drive. That is the most significant penalty there can be.

We are all entitled to our own opinion; we are not entitled to our own facts.

Mr. SESSIONS. Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. HALL).

Mr. HALL of New York. Madam Speaker, I stand here to support the Employee Free Choice Act because it is necessary.

This bill would not be necessary were the administration and the NLRB neutral in labor relations. However, they are not and have not been. Therefore, I am hearing from my constituents, such as citizens of my district who work for a school bus company which won an election many months ago which has not yet been certified by the NLRB.

While the NLRB is dawdling, there have been 16 consecutive labor charges filed against the union by the management. This company, by the way, is owned by another company in England which is 96 percent unionized in England. So apparently it is good enough for them to have union representation there, but not here.

I speak and vote in favor of my constituent who distributes dialysis equipment and supplies around the New York and Hudson Valley area who was called in for repeated meetings with his supervisors when they learned that he was helping to organize a union drive. Even after the election was won, management filed an appeal and lost.

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If it were not for such, I could go on for a long time with stories I have heard in my districts from my constituents, and what I am hearing is about harassment, intimidation, about anti-union propaganda on the lunch table, in the lockers, on the bus seats. Look at the evidence. Look at the disparity in income. Look at the increase in poverty rate and the explosion of wealth at the top of our income scale.

What we are seeing here is the result of a systematic tilting of the playing field. This bill tends to tilt it back towards working families.

Ms. SUTTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this rule.

I am pleased that after 12 years of not just ignoring the needs of working men and women and their needed labor protections, but actually what we have seen is a concerted, specific program that has undermined those rights, I am pleased to see this legislation come forth today.

I am pleased that the gentleman from California will have the opportunity to put his substitute before us and be able to debate back and forth.

As the gentleman from New Jersey pointed out, there are clear differences of opinion, but the facts are that we are simply strengthening opportunities for working men and women to overcome the serious abuse of the organizing process in this country.

Time after time, we have had examples of where there have been clear cases of unfair labor practices that have undercut the opportunity for men and women to represent themselves. Often they win a sort of hollow victory because long after the fact, there is a slap on the hand for the company that doesn't play by the rules long after the damage has been done.

What we need to do is have an appropriate process that guarantees the rights of working men and women in this country to organize. This legislation provides additional, valuable tools.

I am under no illusion, given the attitude of this administration, and perhaps what will happen in the other body, that this bill which I hope passes today in the House, is going to become law anytime soon. It is however a long overdue signal that people in this House are going to stand up for the rights of working men and women, give them an opportunity to organize, and that we are going to reestablish a level playing field. We will be able to help organized labor, the people who brought us the 8-hour day, the people who brought us the weekend. It is time to allow them the opportunity to extend the rights of organized labor to other folks in the workforce.

One of the first things I did as an elected official was be involved with collective bargaining rights for public employees in Oregon. There were all sorts of dire predictions about what was going to happen, but in fact, what has occurred is that we were able to provide a framework for solving issues that affected people in the workforce.

As luck would have it, later in my career, I was on the other side of the bargaining table, working to represent management, but I never regretted having an aggressive, effective program for organized labor to be able to collectively bargain.

This is the most civilized, effective and appropriate way to resolve workforce issues, and this legislation today is an important step in that direction.

I urge support of the rule. I urge support of the bill.

Mr. SESSIONS. Madam Speaker, Washington is under a barrage of people from all over the country, union organizers, union bosses, the business community, this week talking about this bill. They are talking about this bill because they recognize what it will mean. It is the biggest change since Taft-Hartley in 1947 to the workplace.

I believe that you have heard today a story that this is an attack on the American free enterprise system, but Madam Speaker, I would also say that there are lots of groups that also understand the problems with this bill.

GROUPS IN OPPOSITION TO H.R. 800, THE EMPLOYEE FREE CHOICE ACT

Coalition for a Democratic Workplace, 60 Plus Association, Alabama Chapter of ABC, Alaska Chapter of ABC, Alliance for Worker Freedom, Aluminum Association, American Apparel & Footwear Association, American Beverage Association, American Conservative Union, American Frozen Food Institute, American Hospital Association, American Hotel & Lodging Association, American Meat Institute, American Seniors Housing Association, American Shareholders Association, American Society for Healthcare Human Resources Administration, American Society of Employers, American Supply Association, and Americans for a Limited Government.

Americans for Prosperity, Americans for Tax Reform AMT—The Association for Manufacturing Technology API, Arizona Builders Alliance of ABC, Arizona Hotel & Lodging Association, Arizona IEC, Arkansas Chapter of ABC, Arkansas Hotel & Lodging Association, Arkansas IEC, Asheboro/Randolph (NC) Chamber of Commerce, Ashland & Tri State Area Chapter IEC, Assisted Living Federation of America, Associated Builders & Contractors Heart of America Chapter, Associated Builders and Contractors, Associated Industries of Massachusetts, Atlanta Hotel Council, Automotive Aftermarket Industry Association, Baltimore Metro Chapter of ABC, and Bearing Specialists Association.

BKSH & Associates for National School Transportation Association, California Hotel & Lodging Association, Capital Associated Industries Inc, Carolinas Chapter of ABC, Center for Freedom & Prosperity, Center for Individual Freedom, Center for the Defense of Free Enterprise, CenTex Chapter IEC, Central Alabama Chapter IEC, Central California Chapter of ABC, Central Florida Chapter of ABC, Central Indiana IEC, Central Michigan Chapter of ABC, Central Missouri IEC, Central Ohio AEC/EIC, Central Ohio Chapter of ABC, Central Pennsylvania Chapter of ABC, Central Pennsylvania Chapter of IEC, Central Texas Chapter of ABC, and Central Washington IEC.

Centre County (PA) IEC, Charleston (SC) Metro Chamber of Commerce, Chesapeake Chapter of ABC, Chesapeake IEC, College and University Professional Association (The), Colorado Hospital Association, Colorado Hotel & Lodging Association, Connecticut Business & Industry Association, Connecticut Chapter of ABC, Cornhusker Chapter of ABC, Council for Citizens Against Government Waste, Cumberland Valley Chapter of ABC, Dakotas Inc IEC/Dallas Chapter IEC, Delaware Chapter of ABC, East Tennessee Chapter of ABC, East Tennessee IEC, East Texas IEC, Eastern Pennsylvania Chapter of ABC, Eastern Shore Chapter of ABC, and Eastern Washington Chapter IEC.

El Paso Chapter IEC, Empire State Chapter of ABC, Environmental Industry Associations, Federation of American Hospitals, Florida East Coast Chapter of ABC, Florida First Coast Chapter of ABC, Florida Gulf Coast Chapter of ABC, Florida Restaurant & Lodging Association, Florida West Coast Chapter IEC, Food Marketing Institute, Fort Worth/Tarrant County IEC, Freedom Works, Georgia Chamber of Commerce, Georgia Chapter of ABC, Georgia Hotel & Lodging Association, Georgia IEC, Golden Gate Chapter of ABC, Greater Cincinnati IEC, Greater Columbia (SC) Chamber of Commerce, and Greater Elkhart (IN) Chamber of Commerce.

Greater Houston Chapter of ABC, Greater Raleigh (NC) Chamber of Commerce, Greater Spokane Incorporated, Greater St. Louis IEC, Guam Contractors Association of ABC, Hampton Roads Chapter IEC, Hawaii Chapter of ABC, Hawaii Hotel & Lodging Association, Heart of America Chapter of ABC, Heating, Airconditioning & Refrigeration Distributors International, Hospitality Association of South Carolina, Hotel Association of New York City, Hotel Association of Washington DC, HR Policy Association, Idaho IEC, Illinois Chapter of ABC, Illinois Hotel & Lodging Association, Illinois IEC, Independent Electrical Contractors Inc, and Indiana Chamber of Commerce.

Indiana Chapter of ABC, Industrial Fasteners Institute, Industrial Supply Association, Inland Pacific Chapter of ABC, International Council of Shopping Centers, International Foodservice Distributors Association, International Franchise Association, International Warehouse Logistics Association, Iowa Association of Business & Industry, Iowa Chapter of ABC, Iowans for Right to Work, Kansas City IEC, Kentuckiana Chapter of ABC, Kentucky & Southern Indiana Chapter IEC, Kentucky Electrical Contractors Association, Keystone Chapter of ABC, Las Vegas Chapter of ABC, Los Angeles-Ventura Chapter of ABC, Lubbock Chapter IEC, and Maine Chapter of ABC.

Maine Innkeepers Association, Management Association of Illinois (The), Maryland Hotel, Motel & Resort Association, Massachusetts Chapter of ABC, MEC-IEC of Dayton, OH, Medical Savings Insurance Company, Metro Washington Chapter of ABC, Mid Gulf Coast Chapter of ABC, Mid Tennessee Chapter of ABC, Mid-Oregon Chapter IEC, Mid-South Chapter IEC, Midwest IEC, Minnesota Chapter of ABC, Mississippi Chapter of ABC, Mississippi Economic Development Council, Montana Chamber of Commerce, Montana IEC, Montana Innkeepers Association, and Motor & Equipment Manufacturers Association.

Nashville IEC, National Alliance for Worker & Employer Rights, National Association of Convenience Stores, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Federation of Independent Business, National Grocers Association, National Lumber & Building Material Dealers Association, National Mining Association, National Petrochemical & Refiners Association, National Restaurant Association, National Retail Federation, National Solid Wastes Management Association, National Stone, Sand & Gravel Association, National Taxpayers Union, Nebraska Chamber of Commerce & Industry, Nebraska Hotel & Motel Association, Nevada Hotel & Lodging Association, and Nevada Manufacturers Association.

New England IEC, New Hampshire Lodging & Restaurant Association, New Hampshire/Vermont Chapter of ABC, New Jersey Business & Industry Association, New Jersey Chapter of ABC, New Jersey Hotel & Lodging Association, New Jersey IEC, New Mexico Chapter of ABC, New Mexico Lodging Association, New Orleans/Bayou Chapter of ABC, New York State Hospitality & Tourism Association, North Alabama Chapter of ABC, North Carolina Chamber of Commerce, North Carolina Restaurant & Lodging Association, North Florida Chapter of ABC, North Texas Chapter of ABC, Northern Michigan Chapter of ABC, Northern New Mexico IEC, Northern Ohio Chapter of ABC, and Northern Ohio Electrical Contractors Association.

Northwest Pennsylvania IEC, Northwest Washington IEC, Offshore Marine Service Association, Ohio Hotel & Lodging Association, Ohio Valley Chapter of ABC, OKC Inc IEC, Oklahoma Chapter of ABC, Oklahoma Hotel & Lodging Association, Oregon IEC, Oregon Lodging Association, Oregon Restaurant Association, Pacific Northwest Chapter of ABC, Pelican Chapter of ABC, Pennsylvania Tourism & Lodging Association, and Plumbing-Heating-Cooling Contractors Association.

Printing Industries of America, Property Rights Alliance, Public Service Research Council, Puget Sound Washington Chapter IEC, Real Estate Round Table, Redwood Empire Chapter IEC, Retail Industry Leaders Association, Rhode Island Chapter of ABC, Rio Grande Valley Chapter of IEC Inc, Rocky Mountain Chapter of ABC, Rocky Mountain IEC, Saginaw Valley Chapter of ABC, San Antonio Chapter IEC, San Diego Chapter of ABC, San Diego North Chamber of Commerce, Sierra Nevada Chapter of ABC, Society of Human Resource Management, South Carolina Chamber of Commerce, South Florida Chapter Inc IEC, and South Texas Chapter of ABC.

Southeast Missouri IEC, Southeast Pennsylvania Chapter of ABC, Southeast Texas Chapter of ABC, Southeastern Michigan Chapter of ABC, Southern Arizona IEC, Southern California Chapter of ABC, Southern California IEC, Southern Colorado Chapter IEC, Southern Indiana Chapter—Evansville IEC, Southern New Mexico IEC, Stuart-Martin County (FL) Chamber of Commerce, Tennessee Hospital Association, Tennessee Hotel & Lodging Association, Texas Coastal Bend Chapter of ABC, Texas Gulf Coast Chapter IEC, Texas Gulf Coast Chapter of ABC, Texas Hotel & Lodging Association, Texas Mid-Coast Chapter of ABC, Texas Panhandle IEC, and Texas State IEC.

Texas Warehouse Association, Texoma IEC, Tooling & Manufacturing Association, Treasure State IEC, Tri-State IEC, U.S. Chamber of Commerce, U.S. Hispanic Chamber of Commerce, U.S. Human Recourses and Ethics Services, Uniform and Textile Service Association, Utah Chapter of ABC, Utah Hotel & Lodging Association, Utah IEC, Ventura Chapter IEC, Vermont Hospitality Council, Virginia Chamber of Commerce, and Virginia Chapter of ABC.

Washington IEC, Washington State Hotel & Lodging Association, WECA IEC, West Tennessee Chapter of ABC, West Texas IEC, West Virginia Chapter of ABC, West Virginia Hospitality & Travel Association, Western Colorado Chapter of ABC, Western Colorado IEC, Western Michigan Chapter of ABC, Western Pennsylvania Chapter of ABC, Western Reserve Chapter IEC, Western Washington Chapter of ABC, Wholesale Florist & Florist Supplier Association, Wichita Chapter IEC, Wisconsin Chapter of ABC, Wisconsin Manufacturers & Commerce Association, and Wyoming Lodging & Restaurant Association.

American Bakers Association, Americans for Prosperity, Fraternal Order of Police, and The Small Business & Entrepreneurship Council.

Grand Lodge,
Fraternal Order of Police,
Washington, DC, February 27, 2007.

Hon. Nancy Pelosi,
Speaker of the House, House of Representatives,
Washington, DC.

Dear Madam Speaker: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong opposition to H.R. 800, the so-called "Employee Free Choice Act," which was favorably reported by the House Committee on Education and Labor.

This ill-named legislation attacks the very meaning of free choice. Without Federally supervised private ballot elections, our democratic process would be extremely susceptible to corruption, and the very foundation of our Republic could be undermined. This bill would do the same thing to our nation's workers by robbing them of their privacy, power and voice in deciding who should represent and defend their rights as employees. The scheme proposed by the legislation would replace the current democratic process of secret ballots with a "card check" system that invites coercion and abuse. Under this process, the identity of workers who signed—or refused to sign—union organizing cards would be made public to the union organizers as well as to the worker's employer and co-workers, leaving these individuals vulnerable to threats and intimidation from union leaders, management, or both.

Today, the most common method for determining whether or not employees want a union to represent them is a private ballot election overseen by the National Labor Relations Board (NLRB). The NLRB provides detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without pressure or coercion from unions, employers, or fellow employees. Indeed, law enforcement officers are uniquely susceptible to such pressure. The FOP is an organization run by law enforcement officers for law enforcement officers and without the anonymity of the secret ballot, the FOP would probably not exist today. We would be forced into competition with much larger, much richer unions, but ones without any professional law enforcement background.

The courts have repeatedly ruled that Federally supervised private ballot elections are the fairest method to determine whether a union has the support of a majority of employees. The Fourth Circuit Court of Appeals wrote that "It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a 'card check.'" Similarly, the Second Circuit ruled that "It is beyond dispute that the secret ballot election is a more accurate reflection of the employees' true desires than a check of authorization cards collected at the behest of a union organizer." The Sixth Circuit also shared this view, stating that, "An election is the preferred method of determining the choice by employees of a collective bargaining representative."

The only way to guarantee worker protection from coercion and intimidation is through the continued use of a Federally supervised private ballot election so that personal decisions about whether to join a union remain private. I urge you and your House colleagues to join us in opposition to H.R. 800 and, instead, continue to protect the rights of the American worker. If I can be of any further assistance on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

Chuck Canterbury,
National President.

One of those groups that opposes this strenuously is the Grand Lodge of the Fraternal Order of Police. They are a union organization, and they note in their letter to Speaker Nancy Pelosi: "The Fourth Circuit Court of Appeals wrote that, 'It would be difficult to imagine a more unreliable method of ascertaining the real wishes of an employees than a card check.'" They also note, "Similarly, the Second Circuit Court of Appeals ruled that 'It is beyond dispute that the secret ballot election is a more accurate reflection of the employees' true desires than a check of authorization cards collected at the behest of a union organizer.' "

Madam Speaker, this is an assault on a free enterprise system. Today, what we see going on is directly related to the partisanship of a political party winning power and paying back the union bosses for their support for all these years.

This bill, quite honestly, is about tilting the law in favor of those union bosses, not in favor of the workers. We have had person after person who has come and talked about how great this is for workers, how they are going to do things for workers.

I would like to say, Madam Speaker, the prior majority, the Republican Party, for years has been trying to gain health care rights for workers. That is why the Republican Party believes that every single American should get their health care on a pretax basis. But today, what we understand is that the Democratic Party is for that, but you have got to join a union to get it. That is really what this is about. This is about being able to have the things available that unions offer in their argument to make life better for normal, average, working people.

Madam Speaker, I believe that this new majority, the Democrat Party, should offer this same opportunity to every single American, to make their life better, the opportunity to have health care and better working conditions for their own families. We should include in the legislation not just this but the legislation that should be next by this new Democrat majority that says every single worker in America gets their health care by pretax basis.

But instead, what do we do? We go to an attack on the free enterprise system. We beat up the employers who employ people, make us less able to be adaptive and nimble, and make us more susceptible to making sure we will lose jobs overseas.

Madam Speaker, the free enterprise system works. It is alive and well in America today. It has produced the greatest amount of jobs in the history of this country. It is producing more and more revenue that soon will offer us the chance to balance our budget, and yet what do we find today? We find where this new Democrat majority is bringing union bills to the floor of the House of Representatives that will bind the hands of the free enterprise system.

Madam Speaker, I oppose this bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. SUTTON. Madam Speaker, we have made it clear this morning why passing this bipartisan Employee Free Choice Act is so vital for workers and their families all across this Nation.

Let me add that it is also important to the working families like the one I come from in Lorain, Akron, Barberton and other communities in my congressional district and all across Ohio.

I stand before you as a person who practiced labor law but I also stand before you as a person, a daughter of a man who worked in the boilermaker factory his whole life, the wife of a former firefighter, the sister of a teacher, the aunt of a united food and commercial worker, the sister of a steelworker.

This bill is about fairness for those who make the world turn, who provide for their families, who are good citizens that care about their communities.

The EFCA will help end years of discrimination against workers who simply wish to be able to bargain for better wages, benefits and working conditions. We have a moral responsibility to stand up for these workers, and I will not sit idly by while their fundamental rights are being trampled on.

For working families in Ohio and across this Nation, I urge a "yes" vote on the rule and on the previous question.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in support of this rule and the underlying legislation.

As a longtime cosponsor of the Employee Free Choice Act, I applaud our Leadership for bringing this bill expeditiously to the floor. American workers from coast to coast are standing up to cheer because their voices no longer fall upon deaf ears in the House of Representatives.

Under this Democratically controlled House, worker pleas for fairness in organizing are finally being answered.

Consider, over the last 60 years, there have been only 42 instances where union misconduct was found by the National Labor Relations Board. In direct contrast, over 30,000 workers received back pay from employers who illegally fired them for their union activities in 2005 alone.

In my district, I have walked the picket lines with literally hundreds of workers who were wrongfully fired or laid off for trying to organize a union. Whether it has been at a body armor plant or hospitals and nursing homes as well, I have seen, firsthand, employer intimidation aimed at discouraging union involvement.

This legislation cracks down on intimidation and coercion. It also gives employees the choice—through a public or private ballot process—to decide whether or not they want to organize a union and experience all that one has to offer, including higher wages and better healthcare for its members. Whatever their decision, under this bill, the choice is theirs.

Madam Speaker, when I was a child, my parents took us out of Florida in search of higher wages. Like every other American family, they wanted a better life for them and for me.

When workers seek to organize and take advantage of their collective bargaining rights, they too are searching for an improved life for them and their families. They aren't trying to take advantage of the system or run the company which employs them out of business. All they want is fair pay and benefits for an honest day's work.

The Employee Free Choice Act preserves and enhances the American worker's right to organize. I stand by these efforts and this much needed legislation. I urge my colleagues to do the same.

Ms. SUTTON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the rule.

The vote was taken by electronic device, and there were—yeas 228, nays 197, not voting 8, as follows:

[Roll No. 112]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Davis, Jo Ann
Green, Gene
Hunter
Inslee
Jefferson
Maloney (NY)
McCrery

☐ 1152

Messrs. GARRETT of New Jersey, McHUGH, SULLIVAN, POE and YOUNG of Alaska changed their vote from "yea" to "nay."

Mr. PASTOR changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 112, had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 195, not voting 8, as follows:

[Roll No. 113]

AYES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
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Goode
Goodlatte
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Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
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Hensarling
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Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan

Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Davis, Jo Ann
Hunter
Inslee
Jefferson
Maloney (NY)
Musgrave
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1201

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CLEAVER). Pursuant to House Resolution 203 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 800.

☐ 1202

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, with Ms. ZOE LOFGREN of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. At this time I would like to yield 1 minute to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Madam Chairman, I rise to strongly support this bill. The principle at stake here is the freedom that all workers should have to organize, to bargain for better working conditions, fair wages and real benefits.

There are many employers around the country who honor this freedom. Unfortunately, there are also many employers who do not. These employers attempt to prevent workers from unionizing by using tactics that amount to intimidation and harassment, if not outright firing. In fact, one in five people who try to organize unions are fired. These tactics are already illegal, but the penalties are so minor, they are not effective deterrents.

Even after overcoming these obstacles and successfully organizing, many workers do not see the benefits of unionization for years because employers can drag their feet as in signing a first contract.

The system destined to protect workers' rights needs fixes, and the Employee Free Choice Act is landmark legislation to do just that. I urge my colleagues to support this bill.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

Any time democracy itself is placed at risk, it is the responsibility of each Member of this body to rise in strong opposition. I do so today, and I urge my colleagues to do likewise.

Just under 4 months ago, in 435 separate elections, the men and women we represent in this Congress took part in a democratic process not unlike others that have come before it. Whether on paper ballots or by electronic voting, through absentee ballots, or at the polls on election day itself, they cast their votes and registered their voices. No one was looking over their shoulders when they did it. And unless they chose to discuss it on their own, no one needed to know for whom they cast their ballots ever.

The privacy and sanctity of the secret ballot is the beauty and the backbone of this democratic process. And it is a right, not a privilege, that has become so customary that we probably have grown to take it for granted.

The results of the election led to a change in the majority of this Chamber and on the other side of the building as well. And we have accepted it because we know when the ballots were cast, they were done so in a way we can all trust, privately and secretly, free from coercion. The people spoke, and as we move through this debate today, let none of us forget this: We are standing on this floor, considering this bill, and ultimately casting our votes at the end of the debate because of the power of the secret ballot.

Not one voter signed a card to send us here. None of us sent our campaign workers out to voters' houses armed with candidate information, a stack of authorization cards, a pen and a great, or possibly threatening, sales pitch. No. We trusted democracy. We trusted the voters to cast their ballots like adults, freely, openly, without intimidation, and we live with the results.

So here we are, amazingly, but given the agenda the new majority and the special interests that helped it get here, not surprisingly, poised to advance legislation to kill a secret ballot process enjoyed by many of the same men and women who sent us here last November.

Let's be clear right at the outset. Every American has the right to organize. No one is debating that. Even if some on the other side of the aisle would like this debate to be mischaracterized as just that. This is a right we believe in so strongly we have codified it and made it possible for workers to do in the exact same way they elect their President, their Representatives of Congress, their Governors, their State legislatures, their local government, that is, through a secret ballot.

Think about that. So fundamental and so sacred is the right to organize that we have guaranteed and protected in through the same process we elect our Commander in Chief and the 535 men and women who hold the power of the purse.

Through the last 7-plus decades, that right has remained firmly intact. And in spite of occasional and admitted difficulties for which the law has built-in safeguards, workers have relied upon it.

In the 1950s, about 35 percent of all workers chose to unionize. In the early eighties, that number slipped to about 20 percent. And last year it dipped to 12 percent; and a meager 7 percent in the private sector alone. However, regardless of the percentage of workers choosing to unionize, regardless of upward or downward trends for organized labor, there has been one constant, the right to a private ballot.

That is really what today's debate is all about. That right is squarely in the cross hairs, and this Chamber is about to pull the trigger. Some of us will be tempted to make this a business-versus-labor debate. Others may equate joining the union through a card check to joining the Republican or Democratic Party as if a person doesn't join one of those parties with the intention to vote in secret ballot elections that really count. And still, others may incorrectly claim that the bill before us still provides the right to a secret ballot, a myth put to rest by a Clinton-appointed National Labor Relations Board official in an Education and Labor Subcommittee hearing last month.

Those are all distractions to what is really happening today. Brimming with hypocrisy and bluster, falsely defending free choice and workers rights, an untold number of duly-elected Members of the United States Congress will pull out their voting cards today, cards they are entitled to only because of a secret ballot election held less than 4 months ago and cast an historic vote against workplace democracy and against the secret ballot.

Last month, I took an oath in which I solemnly swore that I would bear true faith and allegiance to the Constitution of the United States. Madam Chairwoman, because of that, I will not be one casting a vote in favor of this bill today. I urge my colleagues also to vote against it.

Madam Chairman, I yield the balance of my time to the gentleman from Minnesota, and I ask unanimous consent that he be allowed to control the time.

The CHAIRMAN. The gentleman from Minnesota will be recognized as the minority manager.

Mr. KLINE of Minnesota. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 3 minutes.

Madam Chairman, Members of the House, my colleague from the other side said that every American is guaranteed the right to organize, and that is what this legislation is about. You have a guaranteed right to organize, but when you do, very often what you find out is you do not get the right to organize on behalf of better wages or a pension plan, or holding onto your health care benefits, or the hours that you get paid at work, or the tension between your family life and work, the kinds of things that people organize for.

In many workplaces, when you exercise your right to organize, you get fired, you get intimidated, you get harassed, you get followed home, your kids get followed to school, people park their cars outside your house. Your work shift has changed, you are on the graveyard shift instead of the daytime shift. That is what you get.

What we are here about today is to redeem what has been in the law for almost 70 years, and that is the law that gives you the right to organize. It says you can either choose to go through an NLRB election or you can choose to have a majority sign-up. But then they inserted in the law many years later the right of the employer to veto that right to majority sign-up.

So what the Republicans are suggesting in their opposition to this bill is that we should take away the choice from those workers that has been in the law for 70 years. So that those people, when a majority of people in a workplace decide that they need to organize their workplace to protect their jobs, to protect their salaries, to protect their pensions, to protect their health care, that they will be able to have that organization come into being.

Today, you get harassed, you get intimidated, you get an election, and after the election, you get appeals. And you get endless bargaining that in our own State of California, people have been waiting 7, 8, 9 years for a union that they won in an election. Apparently the secret ballot isn't enough to win your full share of democracy, and has not been enough for millions of workers across this country.

So this legislation is very simple, it is only eight pages long. It says the worker gets to choose. That is the basis of American labor law. It is up to the employees to choose their organization and to choose how they want to arrive at that organization. They can choose an NLRB election or they can choose a card check majority sign-up. And we are simply saying, let the law work. Let the employees have the choice. And stop the illegal intimidation of workers.

This last year, 30,000 workers had their pay restored to them because illegal actions were taken against them by employers because those workers did nothing else than exercise what the gentleman on the other side of the aisle spoke to, the right in America to organize. But 30,000 workers lost pay, lost hours at work, got fired. All of those things happened to them. And the year before it was 20,000, 20,000 and 20,000.

This has gone on far too long. It is time to empower the employees to make this choice about their workplace.

Madam Chairman, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, at this time, I am very pleased to yield 2 minutes to the distinguished gentleman from Texas, a member of the Ways and Means Committee, and the former chairman of the Subcommittee on Employer-Employee Relations, Mr. JOHNSON.

Mr. SAM JOHNSON of Texas. Thank you, I appreciate that.

Madam Chair, I rise in strong opposition to the effort to straggle employee free choice. This bill will strip individual workers of their right to vote anonymously when deciding to be involved in a union or not. Taking away this privacy right will subject workers to coercion and abuse.

As the former chairman of the Employee-Employer Relations Subcommittee, I studied this issue for the last 6 years. And I want to tell you this bill will replace private ballot union elections with the interfere card check system. This means that a union could simply organize if a tiny majority of the workers sign a card. When truth be told, a worker might vote differently if given the option of the sacredly held practice of secret ballot. This would dramatically change the way small businesses operate, run from the outside by a union, and would have a devastating impact on the small business community. Card checks can be conducted so quickly that mom and pop employers rarely have a chance to address employees during an organizing campaign, resulting in a one-sided discussion between union and an employee.

This vote is a Democrat way of paying back the labor unions for bankrolling their win in November. Over $2 million to the top Democrats.

Small business owners are trying to live out the American Dream, which just so happens to be fueling our economy.

□ 1215

This bill forces them to do away with the longstanding freedom of voting by secret ballot. We can't let this happen to America.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, the National Labor Relations Board was created to ensure that workers enjoyed the same freedom of association in the workplace that they did in the political arena, to guarantee free and fair union elections. And today the democratic principles in the workplace that built our vibrant middle class are at risk. Instead of holding companies who violate labor law accountable for their actions, the board routinely rules on the side of employers.

In my community we have had several disputes in which a strong, just NLRB would make such a difference: employees at a hospital, a uniform company, graduate teaching assistants at a local university.

The time has come for Congress to reform the NLRB. That is why I support the Employee Free Choice Act. It simplifies the organizing process. It expands remedies for employer interference and intimidation. It commits labor and management to collective bargaining.

This legislation is about standing up for the efforts of working people to improve their lives, honoring their commitment and dedication that they bring to their jobs. It is our core responsibility as government to support the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chairwoman, I am pleased to yield 2 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Chairwoman, here we are back to Orwellian democracy. We are here considering the Employee Free Choice Act, which better is described as the "Employee Intimidation Act," and we are here because it is the number one legislative priority of organized labor, and for Democrats it is the cost of doing business to gain the majority. Big Labor has given their marching orders and Democrats are executing them to a tee.

The "Employee Intimidation Act" is incompatible with the interests of workers, individual liberty, and the principles of sound democracy. If this legislation passes, then Congress will effectively be stripping away the protection of secret ballot elections.

Employers and union organizers alike shouldn't fear elections conducted by secret ballot. It is the only manner to protect an individual's choice without subtle or overt coercion. Secret ballots are the cornerstone of democracy.

This card check process is not only biased and inferior; it is also rife with coercion and abuse. In fact, card checks have been challenged on the basis of coercion, forgery, fraud, and peer pressure. Testimony before our committee only three weeks ago revealed the practices union organizers undertake to manipulate the card check system and get employees to sign at any cost, including home visits and workplace intimidation, and granted, yes, intimidation that can occur on both sides, from the employer or from the union.

The intent of this Employee Intimidation Act is to reverse the decline of union membership. Only 12 percent of workers belong to labor unions, down from 20 percent in 1983. But secret ballot elections remain the most effective way to determine the true wishes of the majority of employees at a work site. In fact, Federal courts have ruled that the secret ballot elections are the most foolproof method to determine support. Signing an authorization card in public before employers and the union and fellow employees is often done to avoid offending anyone or getting organizers off one's back. It is not a true gauge of union support, and I urge my colleagues to oppose H.R. 800, the Employee Intimidation Act.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Chairwoman, let me thank the leadership for bringing forth this very important human rights act. Human rights are labor rights; labor rights are human rights. And for the last several years, the only intimidation that has been going on has not been by labor unions but by employers.

Ten employees of the Brinks Home Security Minnesota branch met in secret in 2004 to discuss problems with their employer. They feared for their jobs if talk about a union became public. But they decided a life with a living wage, some health care, and a pension plan was worth the risk. They signed authorization cards to have the IBEW represent them. This was in January of 2005. The National Labor Relations Board certified the IBEW as the employees' bargaining agent. That was on March 16, 2005. Contract negotiations began with Brinks in April, and they have dragged on for nearly 2 years now with no contract in sight.

This is a company with an average monthly income of $27 million. Why should they work for a company who insists on contracts with their customers but not with their own employees?

We need the Employee Free Choice Act to make sure we can get a contract. Thank you, leadership. Thank you very much.

Mr. KLINE of Minnesota. Madam Chairwoman, I am pleased to yield 2 minutes to the distinguished gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Chairman, I thank Mr. KLINE for his leadership in protecting American workers.

Madam Chairman, I rise today in support of Ranking Member BUCK MCKEON's alternative to the misnamed Employee Free Choice Act. Mr. MCKEON's substitute, originally championed by the late Congressman Charlie Norwood, guarantees employees the right to hold secret ballot elections when deciding whether to form a union and prohibits the implementation of a coercive card check authorization.

Just as American voters are free to elect their public officials in secrecy, so should American workers be free to vote for or against union representation. While no one would approve of exposing voters to public ridicule or intimidation at the voting booth, this is exactly what proponents of the Democrat card check bill are seeking to force upon American workers.

Several of our colleagues wrote to Mexican officials in 2001 urging the sanctity of secret ballot elections be upheld. Specifically they penned: "We feel that the secret ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may not choose otherwise." I hope today all of our colleagues adopt the original position of 2001 for a secret ballot.

Evidence suggests that under card check agreements, employees are likely to be coerced or misled or falsely told the forms are nonbinding "statements of interest," requests for an election, or even benefits forms or administrative paperwork. The McKeon alternative will ensure workers are not left vulnerable to this type of arm twisting.

A poll will be released today by the Coalition for a Democratic Workplace demonstrating that 87 percent of Americans believe workers should have the right of a secret ballot. In fact, 79 percent oppose the incorrectly named bill.

I urge my colleagues to join with me in supporting the wishes of the majority of Americans and voting in favor of Ranking Member MCKEON's alternative.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Chairman, 60 days ago I was still a small employer and a member of the chamber of commerce, which I had been for 25 years. And as someone coming from that background, listening to the claims from the other side about stripping workers of their right to a secret ballot or subjecting employers to coercion and duress, I was concerned about my good friends in the small business community who are wonderful people and work every day and have control of their own lives, that somehow we were harming them.

Read the law. Section (c)(1) of the National Labor Relations Act, which guarantees workers the right to a secret ballot election if a "substantial number," only 30 percent, ask for it, is still preserved. It is not being repealed.

Secondly, this bill provides in section 2 that people who have claims of duress, coercion, fraud on the part of union organizers have an avenue, have a remedy with the National Labor Relations Board.

These cards are not the back of a napkin. There will be a process and a procedure which will be fair to employers and to workers.

What this bill is about is restoring balance in the law, which, as the chairman indicated, the facts demonstrate is hurting workers, and it is our job to restore that balance.

Mr. KLINE of Minnesota. Madam Chairwoman, at this time I am pleased to yield 2 minutes to the distinguished gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Madam Chairwoman, I thank the gentleman for yielding.

Madam Chairwoman, I rise in opposition to H.R. 800.

The secret ballot is absolutely critical to the integrity of the election process. Workers shouldn't be intimidated by corporate executives, labor bosses, or fellow workers. That is why nine out of ten Americans oppose stripping workers of their right to a private vote when determining whether or not to join a union.

Now, let us be honest about what this bill is really about. Union membership is down, Democratic influence is up, and the secret ballot is headed out. I have to admit that I find it very ironic that just months after our Nation went to the polls and voted in secret ballot elections putting our Democratic friends in control of the Congress, they are now in turn trying to strip that very same right away from workers across this country.

I believe that unions have done a lot of good for our society and have played an integral role in establishing and protecting the rights of workers. They have a very proud history and continue to provide competitive benefits, training programs, and workplace protections for millions of workers across the country.

However, this legislation does nothing to level the playing field for a worker trying to determine whether or not to be represented by a union. Rather, it undercuts the law that it was designed to protect workers' rights in and terminates a vital right afforded to our Nation's workforce.

The bottom line is that workers should want to join a union because of the benefits of that union, not because they are scared not to do so. I hope my colleagues will listen to the union workers for whom this legislation is purported to benefit. In 2004 Zogby International polled 70 union members regarding this very issue. Seventy-eight percent of these union workers said that Congress should keep the existing secret ballot election process in place and not replace it with another process.

I urge my colleagues to listen to the rank and file union workers and vote to protect the sanctity of the secret ballot. Vote "no" on H.R. 800.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to my friend and colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chairman, I thank my friend for yielding.

Madam Chairman, this is not really about secret ballots or any of the other kinds of red herrings that are being dragged across here. It is about whether we want an even playing field so workers will have the opportunity to protect their rights and interests and advance the American economy. It should be obvious that an individual worker is in a position of lesser influence relative to the employer. Going back now 70 years, the labor relations laws were put together so that there would be an even playing field. Now we need some adjustment in that because there is still not an even playing field.

The track record of unions is clear. Unions help lift working men and women and, in fact, the entire economy. Union members earn median wages that are higher. They have more employer-provided health insurance than nonunion members do. They have better defined benefit pension plans.

Unions benefit workers and benefit society. That is what this is about.

Mr. KLINE of Minnesota. Madam Chairwoman, I would like to yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Minnesota for yielding.

I rise in opposition to this misnamed bill, which should be called the Worker Intimidation Act.

Madam Chairman, the National Labor Relations Act gives the private sector workers the right to join or form a labor union and to bargain collectively over wages and hours. However, this bill would eviscerate the protections for workers choosing to join or not to join a union by eliminating the requirement of a secret ballot system and requiring employees to make their ballots public. This bill strikes a blow to the privacy rights of workers throughout the country and would create opportunities for intimidation and coercion by union organizers and employees.

Whom then does this bill benefit? Certainly not the American workforce, a large majority of which, as cited by the gentleman from Florida, overwhelmingly opposes this bill; nor the American people. Maybe it is the Mexican workforce. The sponsor of this bill and 15 other Democrats, after all, seek to protect the privacy of Mexican workers in a letter that they sent where they said: "We understand that the secret ballot is allowed for but not required by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose."

The words of those proposing to support and protect Mexican workers are not willing to do that for American workers. It is a crime.

Madam Chairman, it strikes me as extremely ironic that the sponsor of this bill prefers to uphold the fundamental privacy protections of the Mexican workforce at the same time that he strips American workers of their privacy protections in their jobs here at home.

I urge my colleagues to vote down this bill that amounts to a betrayal of American workers.

Mr. ANDREWS. Madam Chairman, I yield for the purpose of making a unanimous-consent request to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, I rise today in support of the Employee Free Choice Act.

As President Franklin Delano Roosevelt once said, "It is one of the characteristics of a free and democratic nation that it has free and independent labor unions."

Today we are considering legislation that, in the spirit of FDR, would allow workers seeking free and independent labor unions a fair shot. The Employee Free Choice Act would change our current system, one prone to intimidation, harassment and discrimination; into a fairer, more democratic process.

In most cases, to get elected to public office in the U.S.—whether at the Federal, State or local level—you need to win a majority of the votes. Based on this democratic principle, The Employee Free Choice Act provides that when at least 50 percent plus one of the employees decide to form a union, the will of that majority is carried out.

The current system for organizing a union has some very undemocratic components. Under existing law, employers hold all the cards when it comes to the election process for employees to decide whether they want to form a union. The result is often a bitter, divisive, drawn-out process, in which union supporters are frequently spied on, harassed, threatened, strong-armed, and even fired. Surveys show that in 25 percent of elections campaign workers are fired and that 78 percent of the time employers force supervisors to deliver anti-union rhetoric to workers whose jobs they oversee. While this type of coercive action might seem reminiscent of a banana republic, it is happening today in 21st century America.

Madam Chairman, despite the views of some in this body, unions do benefit the working man and woman. Union workers earn 30 percent more than non-union workers; they are 63 percent more likely to have employer-sponsored health care and four times more likely to have guaranteed pensions.

We should be removing undemocratic hurdles impeding the formation of unions, not protecting them.

Since 1935, the majority sign-up process has been available and used by fair-minded employers. It is a tried and true method, having stood the test of time. Making that process mandatory prevents employer abuse and gives workers a fair shot to form a union.

Madam Chairman, our workers need good representation at the bargaining table and unions best provide that leadership. I urge my colleagues to vote in favor of this legislation which would make the unionizing process fairer, more democratic and more representative of the will of the American worker.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to a strong voice for American workers, my friend from Ohio (Mr. KUCINICH).

□ 1230

Mr. KUCINICH. Madam Chairman, I am sure the American people may find it ironic to see a drumbeat here for a secret ballot in the very House of the people where we depend on having our votes for all the world to see.

Workers rights are human rights, and the fight to broaden and increase workers' rights is a fight to bring economic justice and dignity to those who have created the infrastructure, the wealth and the prosperity of our Nation.

In this fight, no tool is more fundamental than the right of workers to organize. Organization is power, and when wielded effectively, the results are obvious. Union members' weekly wages are 30 percent higher than the wages of nonunion members. Sixty-eight percent of union members have a guaranteed, fully insured pension, while only 14 of nonunion workers can say the same. Over three-fourths of union members receive health coverage from their employers. Less than a majority of nonunion workers have that same coverage.

Despite protection in Federal law by the National Labor Relations Act, the right to organize has increasingly come under attack. This is a chance to stand up for the right to organize.

Mr. KLINE of Minnesota. Madam Chair, I yield myself 15 seconds only to point out in response to the gentleman pointing out that when we vote it is displayed on the board, I would remind the gentleman that when we vote it is on behalf of some 700,000 people who have a right to see how we voted. That is different in this case.

Madam Chair, I yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the ranking member.

Madam Chairman, I rise in opposition to this bill. Frankly, I am disappointed that many of the amendments my Republican colleagues and I hoped to offer today were not made in order by the Rules Committee last night.

My amendment would have provided workers the right to have their card returned if they had a change of heart. They don't have that buyer's remorse protection under current law.

There are examples in Louisiana where employees tried to get their cards back, but were informed by a regional NLRB office that they had no authority to require the return of a signed card.

Now, a cooling off period is standard in many areas of business. We allow it for purchases of homes and cars, but my colleagues on the other side of the aisle don't think we should allow it for employees deciding whether or not they want the union as their exclusive bargaining representative in the workplace.

A few years back, a company in South Louisiana, Trico Marine, became the unwilling target of a campaign to organize the vessel personnel who service our offshore oil and gas industry in the Gulf of Mexico. Louisiana is a proud right-to-work state and many hard-working mariners quickly came forward to protest the tactics used by the union. After eight visits, one vessel officers had to have an arrest warrant issued against a union organizer.

But even more troubling, mariners were misled and told that they should sign the cards, and if they had a change of heart, they could vote their conscience in a secret ballot election. But the union's intent from the beginning was to bypass the secret ballot, gain the 50 plus one signed cards, and then publicly pressure the company to recognize them. That attempt failed and the union office has since disbanded. But that is what this legislation allows. It allows a union to gather a majority of signed cards, often under questionable circumstances, and bypass a secret ballot election where workers are free to vote their conscience in private without coercion or outside influence. This example provides some balance to the arguments made by my friends on the other side of the aisle.

And let's be straight, there are bad actors on both sides. But our number one priority here should be protecting the right of all hard-working Americans. If the system is broke, let's work together to fry to fix it. But denying workers the fundamental right to a secret ballot election isn't the answer.

I urge my colleagues to oppose this legislation.

Mr. ANDREWS. I yield myself 15 seconds to respond to the gentleman.

Section 6 of the bill makes it clear that if a card is invalid, it will not be counted, and an employee who asks for his or her card back clearly would be an invalid card.

I am pleased to yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH), a gentleman who has run a successful small business.

Mr. YARMUTH. Madam Chairman, this week, opponents of the Employee Free Choice Act have tried to frame this debate as unions versus workers. I don't think it is working, but what a miraculous bit of political gerrymandering it would be if it did.

The opponents are trying to create the illusion that somehow unions and workers are on different teams. But the truth is that in today's economy, the only consistent advocate for America's workers, both union and nonunion, have been America's unions.

This bill isn't employers versus employees, and it is certainly not unions versus workers. This is simply Americans for America, because when our working families thrive, all of us benefit.

Therefore, on behalf of not only the employees, who are the backbone of our economy, but on behalf of all our citizens, I urge my colleagues to support the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chairwoman, in the interest of balancing time, I reserve my time.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Chairman, I rise in support of the Employee Free Choice Act. I think it is very important for people listening to know that this piece of legislation does not take away the right for a secret ballot. It adds an additional right and a protection of a card check. In addition to that, even though that is what the other side is focused on, it adds other protections that are necessary to protect a worker's right to organize in this country.

This country is filled with wonderful employers, and certainly my district has about the best employers that you could find anywhere. But there are abuses and there are problems that this piece of legislation addresses.

I have a woman from my district, Anishya Sanders, who is here in Washington this week to tell her story, and let me very briefly tell you about her.

She has worked as a traffic control flagger for 3 years, helping to make sure that everyone gets around construction sites safely. In Las Vegas, that is a big deal, because every road is a construction site. This is a woman who has fought for the right to unionize and we should pass this on her behalf.

Anishya, a single mother of five, has fought to form a union because she needs health insurance so she can take her children to a doctor when they are sick, because she wants to be paid enough to provide for her children's basic needs, and because she wants to be safe at work.

Anishya coordinated the effort that led to a majority of employees at her company choosing to form a union. Instead of respecting the employees' decision, the company fired two workers and has harassed and intimidated Anishya and others. Under the current system, these workers are treated like second-class citizens.

It is up to us to protect workers against the injustice that has been done to Anishya and her coworkers. I urge my colleagues to support the Employee Free Choice Act so that all Americans can freely decide whether they want to organize in order to negotiate for better working conditions.

Mr. KLINE. I continue to reserve.

Mr. ANDREWS. Madam Chairman, I am very pleased to yield 3 minutes to my friend the gentleman from Massachusetts (Mr. TIERNEY), a member of the subcommittee who has worked very hard on this issue for a number of years.

Mr. TIERNEY. Madam Chairman, it is the policy of the United States to encourage the practice and procedure of collective bargaining. It is the policy of the United States to protect the exercise of workers of full freedom of association. It is the policy of the United States to protect their self-organizing and their ability to designate representatives of their own choosing.

You wouldn't think that were true to listen to what we are hearing from the other side. It is the best man-bite-dog story we have heard, and the irony is not lost when people stand up there professing to care about the workers on this, while all the while, the National Labor Relations Act, section 7, protects those rights, and section 8 prohibits a variety of practices, and is not doing a very good job of that.

It would prohibit employers from interfering with or coercing or intimidating or discriminating against employees in the exercise of their rights. It has not been successful in that fact at all.

These protections have not been enough. The reality is when employees want to try to organize a union, one out of every four get fired illegally. Fired. Twenty-five percent of the people for the union activity. Their remedy? Go to court for years and years, and then if you are successful, you might get rehired, you might get some back pay, but, of course, you would have to offset that with whatever you earned in the meantime. Too many employers think that is a pretty good deal, a risk worth taking.

In 2005, 31,000 workers received back pay because of illegal employer discrimination. That should do away with any thought that this is just a minor problem. Over three-quarters, 78 percent of employers in organizing drives forced their employees to attend one-on-one meetings against the union with their own supervisors. There is no "truth squad" in there and nobody making sure what they say is fair and balanced. Ninety-two percent of employers force employees to attend mandatory captive audience meetings, again, the union, and three-quarters of employers in organizing drives hire consultants or union busting firms to fight the organizing drive. How naive would we have to be to think that those union busters are in there to make a fair and level playing ground?

The fact of the matter is employers have also been notorious in dragging out the initial negotiations, for years. That is not good faith bargaining as it is supposed to be protected in that Act. They are making a mockery of the National Labor Relations Act, unless we have this bill take effect.

If this were internationally, if we were looking at elections, we would expect that people would be able to have a playing field. We would expect there would be some protection against being pressured to support one particular position. We would expect that there would be some protection against a direction that you vote for a specific candidate. But that is not what is happening here.

Madam Chairman, let me tell you that what we are doing here is simply altering the playing field a bit back to fairness. We have had, for years, the ability that you could either have an election, or you could have an ability to sign a majority of people that you wanted. At some point, a few decades ago, they changed that dynamic and said we are going to let the employer veto that choice.

We are rebalancing this here. We are going to give the choice and the ability to balance back to the worker, so they can choose whether they want an election to indicate their ability to organize or whether they want a majority of people to sign a card. They want that fair process. We need it because their ability to do that protects them, and that is what we should be about.

Mr. KLINE of Minnesota. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Madam Chairman, I rise in strong opposition to this bill. One of the most cherished protections in our democracy is the ability to vote freely and anonymously and without fear of retribution. The bill before us today would take this right from American workers when deciding whether or not to bargain collectively and open the doors to fear and intimidation and coercion.

The underlying bill would hit small businesses particularly hard because they operate in smaller environments. Card checks could cause serious management problems in these smaller environments, because each employee could know how every other employee voted, the results of which could be seriously disruptive for the small business.

This bill would also mandate compulsory, binding arbitration between the employer and the employee, where all decisions would be made through a third party government official. In essence, this means that the fate of a small business owner, the one who has built a company through years of hard work, the one who may have placed every penny earned back into the business, and the one who employs families, friends and neighbors and who contributes to the local economy, in the hands of organized labor and bureaucrats in Washington. Is that fair? No.

I submitted an amendment to the Rules Committee that would have exempted small businesses and protected small business employees from this ill-conceived legislation. Unfortunately, the majority blocked consideration of it on the floor today. They seem intent on limiting debate on this bill, and with a bill this bad, that is understandable.

Madam Chairman, this bill sacrifices the right of American workers to freely determine their future on the altar of big labor, and it dares small businesses to survive after having the rug of independent elections pulled out from under them.

This is a bad bill, and I urge my colleagues to oppose it. It is a very dangerous bill.

Mr. ANDREWS. Madam Chair, I yield myself 15 seconds to respond to the gentleman's point about small business.

The minority was given and has taken advantage of a full substitute here. If the minority had chosen to include the provision in the substitute, it was in their prerogative. They failed to do so.

I am pleased at this time to yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a strong voice for working people in this country.

Mr. DAVIS of Illinois. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, which is designed to level the playing field for those wishing to form and join labor unions.

Thomas Wolfe once said, "To every man his chance, his golden opportunity to become whatever his talents, ambitions and hard work combine to make him." That is the premise of America. And I would imagine if he was alive today, he would just say, to every man and to every woman, their golden opportunities to become.

The ability to join like-minded people in pursuit of fairness, equity and increased opportunities should be the right of all people. This legislation affirms that right and helps to protect the greatest economy in the world, working class Americans who belong to unions.

I agree with those who say that every American has the right to organize. But those rights must be protected, promoted and made real. H.R. 800 does exactly that, I and strongly urge its passage.

Mr. KLINE of Minnesota. Madam Chair, I reserve my time.

Mr. ANDREWS. Madam Chair, I am very pleased to yield 2 minutes to the gentleman from Illinois (Mr. HARE), a new Member of Congress who speaks with authority on this issue and many others.

Mr. HARE. I thank the gentleman.

Madam Chairman, I rise today in strong support of the Employee Free Choice Act, and I appreciate the opportunity to speak on this vital and important legislation.

For 13 years, I cut suits at Seaford Clothing Company in Rock Island. I would not be here today as a Member of the United States Congress if it weren't for my union. My membership in my local union, Local 617, gave me access to higher wages, good benefits and invaluable workplace safety protections. My union helped me send my kids to college, it helped me buy a house and to begin to build a secure retirement. But, sadly, more and more Americans are seeing these opportunities slip away.

□ 1245

Worker productivity is up, but wages are declining. Corporate CEOs are enjoying record profits, yet average workers are struggling to pay their home heating bills, affordable health care, and save for college for their kids.

Current law allows employers to refuse recognition of a union when the majority of employees sign cards saying they want a union. In addition, there are weak penalties for employers who intimidate, coerce or fire workers who try to organize a union or secure a first contract.

The bipartisan Employee Free Choice Act levels the playing field between employer and employee relations by requiring employers to recognize a union formed by a majority sign-up, stiffening the penalties for employers who violate the law, and providing an arbitrator if labor and management cannot agree on a contract.

In closing, let me just say that I chose to join a union. I was able to make it from the cutting room floor of the Seaford Clothing factory to the floor of this Chamber.

I urge Members to give every American that same opportunity by voting "yes" on the Employee Free Choice Act.

Mr. KLINE of Minnesota. I yield 2 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Madam Chair, let's be clear about what this act does: it sidesteps a free and fair election process, and it subjects hard-working Americans to coercion and intimidation.

At a time when my hometown is proud to report twice the national average in job growth, job growth in manufacturing, high-tech construction, this bill heads us in the wrong direction.

I want to focus on health care. We have all heard the concerns about a growing workforce shortage in this country. The card check process for unionization further puts health care at risk. It would discourage much-needed health care professionals from entering into the health care field.

I have heard from Ferry County Hospital and from Dayton General Hospital, both small, critical-access hospitals in eastern Washington, that this bill would increase costs and is a slap in the face for collaboration between management and employees.

What is the biggest concern for these hospitals, the undue pressure on their employees. Rich Umbdenstock, who is the president of the American Hospital Association and past president of the former Providence Services in Spokane, Washington, said, "The hard-working men and women of our Nation's hospitals are entitled to choice." I couldn't agree more. They have it right.

Hospital employees should have the same right in choosing their labor representative as they do in choosing their elected representatives.

As eastern Washington's voice in this House, I must object on behalf of individuals and families that I represent. I will vote against this bill in public so as to preserve the citizens' right to do so in private.

Mr. ANDREWS. Madam Chair, it is my pleasure at this time to yield to someone who has walked in the shoes of the people who will be best helped by this act, the gentlewoman from California (Ms. WOOLSEY), 2 minutes.

Ms. WOOLSEY. Madam Chair, actually I am going to speak today as a former human resources manager and human resources professional for over 20 years. I know what it takes to manage competitive and productive workforces; and believe me, I know the difference that paying a decent wage, having health and retirement benefits make in a worker's life, and how work performance is enhanced when workers know that a full workday results in pay that they can actually afford to live on, to raise their family on.

Unfortunately, today workers are facing falling wages, they are facing fewer benefits, and that is a fact that is directly related to the disappearance of our middle class here in the United States of America.

Since union workers earn about 30 percent more than nonunion workers per week, are almost twice as likely to have employer-sponsored health benefits and defined pension plans compared to only one in seven nonunion workers, the ability to organize will make a huge difference in bringing our middle class back.

Madam Chair, H.R. 800 is the prescription that we need to right a weakened middle class, bring it back to health again. I urge my colleagues to support this bill, support American workers.

Mr. KLINE of Minnesota. Madam Chair, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I thank the gentleman for yielding.

The feedback I get from individual workers in my district, they believe that stronger laws are needed to protect the secret ballot election process in the workplace. H.R. 800 would strip away this right from workers, and this is simply unfair.

Removing secret ballot elections is unfair to individual workers because it opens them up to retaliation. By having to publicly express support for or against any measure, this legislation would leave workers vulnerable to coercion and intimidation, and I cannot in good conscience support it.

Secret ballots actually enhance collective bargaining. Because I believe a worker's right to a secret ballot should be protected, I am cosponsoring the Secret Ballot Protection Act. This legislation would guarantee individual workers the right to secret ballot elections and ensure them the right to freely choose whether or not to join a union.

I urge my colleagues to stand up for individual worker's rights, to protect the secret ballot, and to vote against H.R. 800.

Mr. ANDREWS. Madam Chair, it is my honor to yield 1 minute to an individual who has turned the direction of this institution and the country towards the forgotten middle class, the Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chairwoman, I thank the gentleman for yielding, and I thank him for his great leadership, along with Chairman GEORGE MILLER, in bringing this important legislation to the floor.

I proudly rise in support of the Employee Free Choice Act. I salute again the leadership of the committee. This legislation has long enjoyed bipartisan support; it took a Democratic majority to give us a chance to vote on it on the floor.

The Employee Free Choice Act is the most important labor law reform legislation of this generation. But this legislation is about more than labor law: it is about basic workers' rights. It is about majority rule. It is about ending discrimination and harassment in the workplace over organizing, and it is about protecting jobs. Under this bill, when a majority of workers say they want a union, they will get a union.

It is important to note, Madam Chair, that many of the benefits all workers, union members and others, all workers enjoy today are the results of the struggles of organized labor. Their victories have not just benefited union workers, but all workers. Millions of those who have never had the chance to join a union enjoy better wages, safer workplaces, and greater rights because of the battles fought by union members. Unions have helped make America the most prosperous, most productive Nation in the world with a vibrant middle class, so essential to our democracy. Organized labor has helped put America in the lead.

Today, 57 million workers say that they would join a union if they had a chance, to be part of an effort to keep America number one. And many, many hundreds of thousands of employers throughout this country work cooperatively with their unions representing their employees. In fact, this bill is very fair to employers, giving them recourse should they question the validity of the signatures on the card check.

The Employee Free Choice Act puts democracy back in the workplace so that the decision to form a union can be made by the employees that the union would represent. This is a standard right that we routinely demand for workers around the world. And it illustrates not only a respect for workers but a commitment to democracy. We should accept no less a standard here in America.

Many people, including the NAACP, Mexican American Legal Defense and Educational Fund, many religious organizations support this legislation because it is fair. It has been cosponsored by 226 House Democrats. It has the support of 69 percent of the American people.

Democrats believe that we must make our economy fairer, and we began in the first 100 hours by passing the minimum wage bill with a strong bipartisan vote.

Today, we will take the next step with a strong bipartisan vote to ensure that America's working families have the right to organize, because the right to organize means a better future for them and for all of us. It means a future that is economically and socially just. It is that economic and social justice that drew so many religious organizations in support of this legislation, a future where the workplace is safe, a future where retirement is secure.

Madam Chair, every day when we begin the Congress, we begin with a pledge to the flag and how proud we are to do that. And we all take great pride in pledging the flag, to very clearly enunciate "under God," "one Nation under God, indivisible, with liberty and justice for all." That is the pledge we make every morning, and we pledge it under God, liberty and justice for all.

Well, it is I think a disservice to that pledge and a dishonor to God whom we invoke in that, if we don't do in our work here, work that promotes liberty and justice for all. And that is what this bill does. It is about justice for all: all who want to express themselves in a way so they can bargain collectively, so that workers have the strength and the leverage to strengthen our middle class, to reach the fulfillment for their families, to make our democracy stronger.

I believe that this bill, the Employee Free Choice Act, is an honest continuation of the pledge that we make in the morning for liberty and justice for all.

Mr. KLINE of Minnesota. Madam Chairwoman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, well, renaming things does not change the facts. A few minutes ago we just heard that somehow the Pledge of Allegiance has something to do with banning secret ballots, and that somehow those of us who favor private elections and secret ballots are anti-God. I just simply do not understand the escalation of that rhetoric.

Secondly, one of the senior Members of the other party was just down in the well and said why are we Republicans complaining about a secret ballot, more or less admitting that is what, in fact, they are eliminating, saying that votes are publicly posted. We represent, as Mr. KLINE said earlier, 700,000 people. Think why you wouldn't want your vote posted. Are we heading towards posting in private elections and fall elections where there is no longer the secrecy of the private voting box? If you posted who you voted for, you could be subject to all sorts of discrimination.

The practical fact here, as I said earlier in the rules debate, is an individual is going to be approached to sign his card that would circumvent a secret ballot. Then other people are going to come up to him. Furthermore, through salting, there are likely to be organizers inside that workplace putting further pressure on him. He may get shunned. He doesn't have the right to change his mind. There are all sorts of subtle, indirect, direct, physical, verbal, and business pressures put when you lose a secret ballot. A card is denying the vote. It is denying the secret ballot, and no tricky wording can change the fundamental fact of what is happening here.

I would like to insert into the RECORD a letter from 16 Members of Congress led by the distinguished chairman of this committee, Mr. MILLER, that was sent to Mexico regarding the right to a secret ballot. What he says in this letter, and we have heard it described several ways, that it had to do with a particular question around a particular Mexican election. It states: "We are writing to encourage you to use a secret ballot in all union recognition elections." Apparently what is good for the Mexican worker is not good for U.S. workers.

AUGUST 29, 2001.

JUNTA LOCAL DE CONCILIACION Y ARBITRAJE DEL ESTADO DE PUEBLA, LIC. ARMANDO POXQUI QUINTERO,
7 Norte, Numero 1006 Altos, Colonia Centro, Puebla, Mexico C.P. 72000.

DEAR MEMBERS OF THE JUNTA LOCAL DE CONCILIACION Y ARBITRAJE OF THE STATE OF PUEBLA: As members of Congress of the United States who are deeply concerned with international labor standards and the role of labor rights in international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections.

We understand that the secret ballot is allowed for, but not required, by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

We respect Mexico as an important neighbor and trading partner, and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

Sincerely,

George Miller, Marcy Kaptur, Bernard Sanders, William J. Coyne, Lane Evans, Bob Filner, Martin Olav Sabo, Barney Frank, Joe Baca, Zoe Lofgren, Dennis J. Kucinich, Calvin M. Dooley, Fortney Pete Stark, Barbara Lee, James P. McGovern, Lloyd Doggett.

Madam Chairman, I rise today to speak in opposition to H.R. 800, the so called Employee Free Choice Act.

Madam Chairman, the right to a private ballot is fundamental to a democratic society such as yours. Private ballots preserve individuals' freedom of conscience and protect them against coercion, pressure, and intimidation. Incredibly, however, by allowing workers to unionize through the "Card Check" system, the ridiculously-named Employee Free Choice Act would tell American workers contemplating whether to join a union that they don't deserve this cherished democratic right. Indeed, passage of this bill would put an end to workers' ability to freely choose whether they want to unionize, while the opportunities for union organizers to pressure or intimidate workers would multiply considerably.

Furthermore, Madam Chairman, this bill is entirely one-sided. It imposes penalties for unfair labor practices on employers, but does nothing to punish union organizers who coerce workers. This is grossly unfair. Both employers and unions should be harshly penalized for illegally interfering with organizing drives. But in H.R. 800, only employers are singled out for penalties. H.R. 800 exposes workers to increased coercion from organizers, while at the same time muzzling employers with new penalties. This is a shameful inequity and demonstrates an utter lack of respect for those who have driven the recent job growth of our economy. Employers and employees will always have their disagreements when it comes to union organizing, but surely, Madam Chairman, Congress can do better than this.

Federal law simply should not provide endorsement to a process like "Card Check" that stifles workers' free speech and undermines the very essence of our democracy—the right of all Americans to think and act with coercion. I strongly oppose this bill, and urge my colleagues to do the same.

□ 1300

Mr. ANDREWS. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, this bill has the potential, I believe, to do great good for the working people in this country. I believe it has the potential to reenergize the middle class of our country. But I believe the opponents of the bill have grossly overstated the severity and magnitude of the changes that are proposed.

We repeatedly hear the phrase that we are "doing away with the secret ballot." This is false. The bill sets up two mechanisms for people to organize and join a union. The first is to get a majority of those eligible in the bargaining unit to sign a card, at which time there will be an investigation by the National Labor Relations Board. It will determine the validity or invalidity of the cards. If the board determines that a majority of the bargaining unit has signed a valid card, then there is a union recognized.

There is one key difference between this provision in the bill and the law under which we have lived for the last 6 decades-plus. We have had the majority sign-up procedure for more than 60 years, but present law says even if a majority sign valid cards, the employer can arbitrarily veto that choice of a majority. This bill transfers the power from the employer's veto to the employees' majority.

Secondly, if the employees instead wish to organize by pursuing the election path, by getting at least 30 percent to manifest their intention to have an election, then there is an election. It is very important, and we have heard different points about who the union leadership is.

In my district, I will tell you who the union leadership is. They coach baseball teams. They read the epistle at mass. They volunteer in fire companies. They sign up and recruit people for the United Way. They are the first people to show up if there is a fire or a flood. They are the hardworking, basic core of this country.

I know there have been instances of intimidation on both sides, but it is important we look at the record. A group that is strongly opposed to this bill scoured over 60 years of court cases, and in those 60 years, they could find only 42 examples which they chose to highlight where there was a finding of coercion by a union person in an organizing job.

By contrast, in 2005, more than 31,000 workers in 1 year were awarded back pay because it was found that their rights had been violated. Yes, there is coercion on both sides, but the record shows that the coercion has been disproportionately on the management side. That is why this leveling of the playing field is needed.

This bill replaces the employer's arbitrary veto with a valid expression of majority will. It does not eliminate the secret ballot. It eliminates the systemic coercion under which we live today.

Madam Chairman, I reserve the balance of our time.

Mr. KLINE of Minnesota. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, this bill stands for the principle that: Americans should not have a right to a secret ballot, but 89 percent of Americans want their Member of Congress to defend a secret ballot; Americans do not want their votes made public, but this bill stands for the principle that your vote will be made public, despite the fact that 89 percent of Americans want their votes to remain private. In sum, this bill lacks support from 79 percent of Americans who oppose its provisions.

Madam Chairman, the Fraternal Order of Police opposes this bill. The American Hospital Association opposes this bill. Thirty other major organizations oppose it because it is ironic that as we insist on free elections with secret ballots for Afghans, we remove that right for Americans.

I am sorry that over 300,000 Americans dropped their union memberships last year, but this Congress cannot rescue big labor from its own loss of popularity.

Mr. ANDREWS. Madam Chairman, since we have only one speaker at this point, I would reserve my time. I will tell my friend that the majority leader is en route to the floor. We are waiting for him as well, but we simply have the majority leader and the chairman of the full committee left on our side.

I reserve the balance of my time.

Mr. KLINE of Minnesota. We are doing some math here, Madam Chairman. Could you give us, again, the time remaining on each side? We have been trying to keep track of the minutes here, but I have kind of lost a little bit.

The Acting CHAIRMAN (Ms. DEGETTE). The gentleman from Minnesota (Mr. KLINE) has 4½ minutes remaining. The gentleman from New Jersey (Mr. ANDREWS) has 7 minutes remaining.

Mr. KLINE of Minnesota. Would you like to take some of that time now?

Mr. ANDREWS. If the gentleman will yield, I will yield to the majority leader, yes.

Madam Chairman, I am honored to yield 1 minute to the majority leader of the House who has brought this consequential legislation to the floor, my friend from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding.

I want to congratulate GEORGE MILLER, to start out with, as the chairman of the Education and Labor Committee. GEORGE MILLER has been, throughout my career, all 26 years that I have been here, he and I have served together. He has been one of the most courageous, emphatic and faithful speakers on behalf of working Americans that we have in this House.

I want to thank my friend, ROB ANDREWS, who has been an indefatigable advocate of making sure that working Americans had opportunities in our country.

Mr. Speaker, this bipartisan legislation, the Employee Free Choice Act, is simply about establishing fairness in the workplace and providing America's workers with a free choice to bargain for better wages, benefits and work conditions.

I think that is absolutely essential if we are going to stop this growing disparity between the very wealthy and the haves and the increasingly have-nots.

America is a great and strong country because of its middle class. That is shrinking. That is a challenge to our country. This is an effort to address that.

The fact of the matter is the current system for forming labor unions is badly broken and undemocratic. Far too often, employers intimidate, harass, coerce or even fire workers who support a union.

To address this blatant unfairness, this legislation simply allows workers to form a union if a majority signs cards saying they want a union. Under current law, workers may use the majority sign-up process only if their employer agrees.

In contrast, the Employee Free Choice Act would leave this choice, whether to use the National Labor Relations Board election process or majority sign-up, with the employees, not the employer.

It is simply a red herring to claim that the legislation abolishes the NLRB election process. Although I will say as an aside that the delays, the underfunding, the rule complication essentially abolishes in some respects the NLRB's intent. In any event, it does not abolish the NLRB. The NLRB process is still available if workers choose it.

We all know what is really going on here today. It is no secret. The administration and many in the Republican Party have a long-standing, deep-seated animosity toward the organized labor movement, despite the fact that working men and women are the backbone of our economy and have built this country into what it is today.

Now, I am a strong proponent of the free market system. I am a strong proponent of business and those who grow businesses and create jobs. I say all over this country, the Democratic Party is the party of workers. If we are going to be the party of workers, we have to be the party of employers, but we need to make sure there is a balance.

We are not the representatives of either. What we are representatives of is the American people. We need to make sure that it is a fair opportunity.

Over the last 6 years, the administration, among other things, has dropped an ergonomic safety standard, tried to eliminate Davis-Bacon protections, denied collective bargaining rights to Federal employees. 800,000 Federal employees, we have denied bargaining rights, 800,000 Federal employees. Now, there are about 1.8, 1.9 million civilian Federal employees, and we just reached in and said, oh, no, if you are a DOD, Defense Department employee or a Homeland Security employee, you cannot have collective bargaining rights.

I asked the Office of Personnel Management to cite me one instance in the last half a century where collective bargaining rights have put at risk any national security issue. They could not name one in the last half century, not one. I have the gentleman there pointing at himself; I can name you one. Well, this administration's Office of Personnel Management could not.

It is no surprise today that they would oppose this legislation, which seeks to give workers a meaningful choice in selecting their representation and stiffen penalties for discrimination against workers who support a union.

Madam Chairman, hardworking families today are increasingly squeezed by stagnant incomes and the rising costs of education, health care, transportation, food and housing, and there is not an employee who is on even footing as an individual. I say that. Perhaps that is not correct.

I was with Alonzo Mourning just the other day. He is almost 7 feet tall. He may be on equal footing because his employer needs him very, very, very badly, and there may be some few like that, but if you are 6 foot 2 you may not be in that position.

American workers deserve to be fairly compensated for the dedication, loyalty and skill they bring to their jobs, and this legislation will help restore fairness to the workplace.

I urge my colleagues on both sides of the aisle not to be pro-labor or pro-business but to be pro-worker, pro-middle class, pro-growing America. Vote for this bill.

Mr. KLINE of Minnesota. Madam Chair, I yield myself such time as I may consume.

I could not agree more with what the distinguished majority leader just said. This is not about business versus labor. We should all be pro-worker, and I believe that this bill is anti-worker.

I agreed with the distinguished Speaker of the House who said it is about liberty and justice. I would add it is about the American way. It is about the sanctity of the private ballot, the secret ballot. It is about preserving the security of our workers, and make no mistake, despite claims to the contrary, the effect of this bill would be to eliminate the secret ballot and the process of selecting a union. Now, there is a subparagraph in there, 6(c) or something like that, but the effect of this will be to eliminate the secret ballot.

Madam Chairman, let us, today, protect the essence of democracy. Let us protect the American workers. Let us support Mr. McKEON's substitute and let us oppose this bad legislation.

Madam Chairman, I reserve my time.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to the very proactive Member from Texas, my friend, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Madam Chair, I thank the distinguished manager and I thank the distinguished speaker, and as well, GEORGE MILLER, the chairman of the Education Committee, for his statement he made just a few weeks ago, how he had seen an absence of recognition of middle class workers in America being addressed in his committee and he was going to address it.

I want my friends to know that the first amendment guarantees the right to freedom of association. That is what the Employee Free Choice Act does in H.R. 800.

Let me thank the president of my local union AFL–CIO, Mr. Wortham, the Secretary/Treasurer of the AFL–CIO, Mr. Shaw and SEIU because I want them to know that my presence with them in the janitorial organizational effort over the last couple of weeks reinforced the importance of this Employee Free Choice Act.

My standing with the old PACE union in front of energy refineries years ago reinforces the need of the Employee Free Choice Act. It is a simple process. All it does is it allows individuals to form unions and to engage in collective bargainig. Without this protection, many union organizers and members would be fired.

I thank the distinguished gentleman, and I ask that this legislation be supported, because middle-class working America deserves this protection.

Madam Chairman, I rise today in strong support, and as a proud co-sponsor of H.R. 800, the Employee Free Choice Act (EFCA). I support this bill because despite several years of economic growth and high corporate profits, middle- and working-class families like the ones I represent in Houston have actually lost ground. They are squeezed between shrinking or stagnating incomes and rising costs for the basic necessities of modern life such as education, health care, transportation, food, and housing. One of the most effective and practical ways of reversing this undesirable trend is to restore the freedom of workers to join together to bargain collectively for better wages, benefits, and working conditions.

Madam Chairman, on average, workers who belong to a union earn 30 percent more than nonunion workers. Members of unions, on average, receive 15 days of paid vacation annually, which is almost 50 percent more than their nonunion counterparts. Union members also fare better when it comes to health care: 80 percent of union members have employer-provided health care; only 49 percent of nonunion workers have the same benefit. And, perhaps most important of all, workers who belong to a union earn on average 30 percent more than nonunion workers.

Madam Chairman, no group or association deserves more credit than organized labor and the trade union movement for the creation and rise of the American middle class, the 5-day work week, the 40-hour work week, the existence of employee pension plans, and many of the other employment benefits which we take for granted today.

The right to form a union is a fundamental human right and an essential element of a free and democratic society. But today, the right to organize and bargain collectively, protections that the National Labor Relations Act was enacted in 1935 to protect, have been so weakened that immediate action is needed to restore them.

The National Labor Relations Act (NLRA) was enacted in 1935 to protect the rights of workers to join unions and to bargain collectively with their employers. Unfortunately, over the years these rights have been dramatically eroded because of aggressive and intimidating employer anti-union campaigns, ineffective NLRA penalties for employers who violate worker rights, and lengthy employer appeals of National Labor Relations Board (NLRB) cases in the courts. As a result, it is now increasingly uncommon for workers to successfully organize by going through an NLRB-conducted election. When workers do choose to be represented by a union, moreover, employers use a variety of legal and illegal tactics to keep the union from obtaining a first contract.

H.R. 800 will help restore the worker protections in the NLRA by: (1) requiring employers to bargain with a union when a majority of workers sign valid authorization cards; (2) providing for mediation and arbitration for a first contract; and (3) increasing penalties for employer violations of the NLRA. I support each of these provisions.

MAJORITY SIGN-UP

Madam Chairman, a large and growing percentage of employers either take advantage of loopholes in the NLRA or simply violate the NLRA to spy on, harass, threaten, intimidate, suspend, fire, deport, and otherwise victimize workers who attempt to exercise their right to act collectively through a union. According to a highly respected Cornell University survey, 36 percent of workers who vote "no" in union representation elections explain their vote as a response to employer pressure.

This statistic is not surprising given the intensity of employer anti-union campaigns. According to the Cornell survey, employers illegally fire at least one worker in 25 percent of all organizing campaigns. And 92 percent of employers make their employees attend "captive audience" meetings, where they are required to sit through one-sided, anti-union presentations. (Union supporters are given no opportunity to speak.) Also, 78 percent of employers hold repeated closed-door, "one-on-one" meetings with workers, which are very intimidating to most employees. In the manufacturing sector, over 75 percent of companies threaten or "predict" the workplace will close or move if workers vote for the union.

EFCA requires employers to recognize and bargain with unions when a majority of workers have signed valid authorization cards. With majority sign-up, workers are able to decide for themselves whether they want to form a union, free from the assault of an intimidating employer anti-union campaign, which is generally triggered at the moment a union files a representation petition with the NLRB.

MEDIATION AND ARBITRATION

Madam Chairman, when workers do manage to get over the obstacles to forming a union, they often face employer resistance to negotiating a first contract. With the use of anti-union consultants, delay, and the inadequacies of the NLRA, many employers drag out negotiations for a first contract until one year passes, at which time employees who were active in the "vote no" committee file a petition to decertify the union. In fact, 32 percent of workers who demonstrate majority support for union representation lack a collective bargaining agreement one year later. Without a contract as a bar, the decertification often goes forward and the union—seen as weak and ineffective—is frequently voted out.

EFCA provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS). If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute is referred to arbitration and the results of the arbitration are binding on the parties for 2 years. The time limits may be extended by mutual agreement of the parties.

STIFFER PENALTIES FOR EMPLOYER VIOLATIONS

Madam Chairman, the NLRA has woefully inadequate remedies for employer violations. There are no punitive damages. There are no provisions for repeat violators, as there are under the Occupational Safety and Health Act or the Environmental Protection Act. And the limited back pay penalty is so weak that it is in the economic interest of most employers to fire key union supporters to chill an organizing drive.

To rectify this situation, the third prong of EFCA would strengthen the penalties for certain employer violations of the NLRA during an organizing drive or negotiations for a first contract. Specifically, it would: (1) require the NLRB to seek a federal court injunction whenever there is reasonable cause to believe that the employer has illegally discharged an employee or otherwise engaged in conduct that significantly interferes with employee rights; (2) provide for triple back pay when an employee is illegally discharged or discriminated against, and (3) provide for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated employees' rights.

Madam Chairman, these are modest and reasonable but necessary protections if the fundamental right to organize is to be preserved. It is difficult to understand how anyone could be opposed to such sensible legislation. But opponents of H.R. 800 have launched a major campaign to derail the bill. As discussed below, there is little or no merit to any of the major claims being raised to scare and intimidate supporters of the bill.

The Employee Free Choice Act does not abolish the National Labor Relations Board's "secret ballot" election process. That process will still be available under the Employee Free Choice Act. The legislation simply provides an alternative means for workers to form a union through majority sign-up if a majority prefers that method to the NLRB election process. Under current law, workers may only use the majority sign-up process if their employer agrees. The Employee Free Choice Act would make that choice—whether to use the NLRB election process or majority sign-up—a majority choice of the employees, not the employer.

The Employee Free Choice Act will not result in intimidation and harassment by labor unions against workers. Research has found that coercion and pressure actually drops when workers form a union through a majority sign-up process. But more importantly, harassment by unions is not the problem. In a study covering a period of more than 60 years, the Human Resources Policy Association listed 113 NLRB cases involving allegations of union deception and/or coercion in obtaining authorization card signatures. A careful examination of those cases, however, revealed that union misconduct was found in only 42 of those 113 claimed cases. By contrast, in 2005 alone, over 30,000 workers received back pay from employers that illegally fired or otherwise discriminated against them for their union activities.

Contrary to the claims of opponents, the Employee Free Choice Act does not require a secret ballot election in order for workers to get rid of a union. Under current law, if an employer has evidence, such as cards or a petition, that a majority of workers no longer supports the union, then the employer is required by law to withdraw recognition of the union and stop bargaining, without an election, unless an election is pending. Under current law, the employer can and must withdraw recognition unilaterally, without the consent of the NLRB. The Employee Free Choice Act would not change this.

The Employee Free Choice Act does not require "public" union card signings. Under current law, employees must sign cards or petitions to show their support for a union in order to obtain an election. And, under current law, when an employer agrees to a majority sign-up process, employees must sign cards to show the union's majority status. Signing a card under the Employee Free Choice Act is no different from these card signings under current law.

The union authorization card under the Employee Free Choice Act is treated no differently than a petition for election or a card under a majority sign-up agreement. As with petitions for an election, under the Employee Free Choice Act, the National Labor Relations Board would receive the cards and determine their validity.

Madam Chairman, opponents of H.R. 800 claim the bill is hypocritical because some of its sponsors support secret ballot elections for workers in Mexico, but not in the United States. This is a short horse soon curried. Members of Congress wrote to Mexican authorities in 2001 arguing in favor of a secret ballot election in a case where workers there were trying to replace a sham incumbent union with a real, independent union. The Employee Free Choice Act is consistent with this; it requires an NLRB election in cases where workers seek to replace one union with another union. Indeed, the original framers of the National Labor Relations Act intended elections for precisely those cases where multiple unions were competing—particularly where one was a sham company union and another was a real independent union.

All in all, Madam Chairman, H.R. 800, the Employee Free Choice Act, is good for working- and middle-class families and that means it is good for America. Adopting this legislation is another step in the right direction for our country. A new and better direction is what Americans voted for last November. By supporting H.R. 800, as I do strongly, we are delivering on our promise to the American people.

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Mr. KLINE of Minnesota. Madam Chair, I reserve the balance of my time.

Mr. ANDREWS. I am pleased to yield at this time to the new Member from Ohio who knows these issues very well, my friend from Ohio (Mr. WILSON) 1 minute.

Mr. WILSON of Ohio. Madam Chair, today the administration says that our economy is moving. And in my section of eastern Ohio, it is moving, it is moving overseas. The middle class of our country is being left behind. It is time for some much needed fairness and relief to what is going on in our labor movement.

Madam Chair, the Employee Free Choice Act is a step in the right direction. The facts speak for themselves: Workers who belong to unions earn an average of 30 percent more than ones who do not belong. Union workers are also much more likely to have health care and pension benefits and a better opportunity in life.

As our middle class continues to feel the squeeze, it is time that we give workers a fair chance for representation and the benefits they deserve. Right now that isn't happening. The current system is broken. Workers are often denied the right that they need to form a union. Those who take part in legal organizing activities are often punished. Some even lose their jobs. The Employee Free Choice Act also cuts through the red tape and delays.

Finally, Madam Chairman, the Employee Free Choice Act puts into place another important common sense measure. It provides workers with union representation when a majority of those workers have signed up for union representation. This option doesn't eliminate the existing "secret ballot" election process. It just gives workers another choice in how to select a union.

Madam Chairman, our middle class is hurting. Costs for basic needs like health care and transportation are climbing, but wages are not keeping up. The Employee Free Choice Act helps open up important opportunities for working families, and it brings balance to a system that sorely needs it.

Mr. ANDREWS. With the indulgence of the minority, which we appreciate, I am pleased to yield 1 minute to a member of the committee whose expertise is matched only by her passion in this area, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) 1 minute.

Ms. LINDA T. SÁNCHEZ of California. Madam Chair, I rise in strong support of the Employee Free Choice Act.

The ability to form a union and bargain has been instrumental in helping families reach the middle class. Workers who belong to unions earn more and have better benefits than workers who don't.

The Employee Free Choice Act is about ensuring that workers can join a union. More than half of U.S. workers would join a union if they could.

But to prevent workers from forming a union, 92 percent of employers will force employees to attend anti-union propaganda sessions, and 25 percent will illegally fire at least one employee for pro-union activity.

I learned from an early age how difficult it can be to organize a workplace and also how important unions can be to families. At the factory where she worked, my mother helped lead an effort to organize shop workers and get health benefits and pensions.

Later, I tried my own hand at organizing janitors and home health care workers, and, like my mother, faced staunch opposition from employers. It took the pleas of the religious community to get many workers reinstated.

Current law is simply not strong enough. Management-controlled campaigns, firings, and intimidation are not the hallmarks of the democratic process—but they are the hallmarks of the current system in which employers hold all the power.

I urge a "yes" vote on the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chair, I am now very pleased to yield the balance of our time to the ranking member on the Committee of Education and Labor, the distinguished gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Chairwoman, I thank the gentleman for yielding.

This debate has been exactly as we expected it would be, provocative, passionate, and, yes, quite predictable. After all, the script that was written many, many years ago by special interests chomping at the bit to see this bill come to the floor, and as we near its conclusion they won't be disappointed. They have gotten the payback they have long sought.

When you strip away all the statistics, all the rhetoric, all the letters to foreign governments, and all the talking points, this debate comes down to a basic struggle between those defending democracy and those defending hypocrisy. Those opposing this bill do so because it offends the very concept of democracy itself. It undermines it in the workplace, and it turns its back on those who count on it when they expect to have their privacy protected when it matters most.

On the other hand, those supporting this measure find themselves defending the staggering record of hypocrisy that card check proponents have amassed through the years. They have struggled to explain how a card check is inherently prone to intimidation some of the time, just not all of the time. They have attempted to square their self-proclaimed title of "protectors of the working class" with their support of a bill that strips the working class of one of its most fundamental rights of all, the right to vote. And they have grappled with their staunch support of a bill purported to safeguard free choice when it actually eviscerates it.

The last point is perhaps the most important of all, and on this question, card check supporters never have had a consistent or rational answer: How exactly does this bill protect free choice? When you sign a card, everyone knows how you voted, and right away. Your co-workers, your boss, the union organizers, and the union bosses. Anyone associated with that unionization drive knows exactly how you came down on the issue. And once that vote is exposed for all the world to see, there is no turning back. And that is not free choice, not in this country, anyway.

You know, we have agreed that there could be intimidation from both sides. The secret ballot is the only way to free people from any intimidation.

I would like to conclude by inserting in the RECORD an editorial that was in The Los Angeles Times, not noted for being a conservative newspaper today. They ran an editorial titled, "Keep Union Ballots Secret." Doing away with voting secrecy would give unions too much power over workers. Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.

Vote against this bill today to take away that right of the workers of America.

[From the Los Angeles Times, March 1, 2007]

Keep Union Ballots Secret

DOING AWAY WITH VOTING SECRECY WOULD GIVE UNIONS TOO MUCH POWER OVER WORKERS

THE HOUSE of Representatives is expected today to approve a bill, favored by organized labor, whose stated purpose is glaringly at odds with its key provision. The Employee Free Choice Act is portrayed by its supporters as a way to allow workers to choose whether to join a union.

Unfortunately, the legislation would do away with a secret ballot in so-called organizing elections, making it easier for union leaders to pressure co-workers in what should be a free choice. Instead of having the option of insisting on a secret ballot election, employers would have to accept a union formed on the basis of authorization cards signed by workers—not by a secret process.

Unions and their supporters in the Democratic-controlled Congress say the so-called card-check system is the only way to overcome aggressive (and sometimes illegal) anti-union tactics by employers. In announcing support for the bill, Rep. George Miller (D-Martinez) complained that employers often fire workers who seek to organize. Such reprisals are illegal, and part of the Employee Free Choice Act increases the sanctions for employer violations.

Unfair labor practices deserve tougher penalties. But improper influence can work both ways. As a rule, union membership improves worker prosperity and safety. Even so, the bedrock of federal labor law is not unionism under any conditions, but the right of workers to choose whether they want to affiliate with a union.

Obviously, employers shouldn't punish workers for wanting to join a union, float falsehoods in trying to influence an organization election or bar union representatives from the workplace. Just as obviously, the penalties they face for doing so are laughable and need to be strengthened. By the same token, however, supporters of unionization shouldn't be able to pressure unwilling or hesitant employees to join a union. And you don't have to be a critic of unions to recognize that the card-check system invites such abuses.

Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.

Mr. ANDREWS. Madam Chair, I am pleased to yield the balance of our time to someone whose diligent efforts are about to pay off with a victory on this vote, the chairman of our committee, the author of the bill, our friend from California, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I thank all of my colleagues who participated in this debate.

At a time when the middle class standard of living in America for millions of Americans is at greater risk than at any time in recent history, at a time when people see employers arbitrarily terminating their pensions, freezing their pensions, shifting the cost of their health insurance, cutting the benefits under health insurance; at a time when they see that they have no new money to take home in their wages, that their wages have been flat; at a time when CEOs are awarding themselves golden handshakes, golden parachutes, and golden hellos, worth hundreds of millions of dollars, at that time at that moment we have an opportunity here to redeem a provision of the law which has been in the law for 70 years to simply give the workers a choice. They can choose an NLRB election, or they can choose a majority signoff.

That is a simple choice that these adults in the workplace can make. It is a choice that was given to them 70 years ago, and it was a choice that later was taken away by a veto of the employer.

Imagine, a majority of the Americans get together and they do something and one person gets to veto it. One person gets to veto it in the workplace. Think of what the relationship is between that employer and those employees. Think about how those employees must have felt that they needed to organize in the workplace, because employees know that they do if they are going to stop the trend and the bleeding that they see today, against the benefits that they have at their workplace, against their salaries, against their hours at work, against their right to a retirement nest egg that means something.

Every day you pick up the business journals of this country and you read where again another employer has terminated a pension, has restricted the pension, won't pay into the pension, puts the pensions into bankruptcy. You want to know why people need card checks? People need card checks so they can have the freedom of choice to choose do they want an election, do they want a card check. It is in the National Labor Relations Act today, it is the law, but for the veto, the veto of the employer.

How more arbitrary can you possibly get that a single employer could override the desires of a majority of the employees in its workplace? How more arbitrary can you get? It is the same arbitrariness those employers show when they cut your health care benefits and your pensions and your retirements without any say by the employees, without any negotiations. That is why millions of Americans want representation at work, so that they can have a voice in that workplace, they can have a voice in their future, they can have a voice in whether or not they are going to be able to buy a home, buy a car, educate their children, have a health care policy that they can afford that will be there when they need it.

That is what this is really about. This is about whether or not we are going to strengthen and help maintain and grow the middle class in this country. Because it is not happening under the arbitrary policies that are imposed on workers today by their employers. This Employee Free Choice Act gives the workers that choice, the choice that is currently in the law.

I urge my colleagues to vote in support of this legislation when it comes time for passage. Again, I thank all my colleagues for participating in this debate, I thank the Chair for the courtesy they have shown both sides.

Madam Chairman, We all know that workers in the U.S. are among the most productive workers in the world. Yet for far too long, they have not been reaping the benefits of their hard work.

For years and years now, many workers have found themselves working harder and harder just to stay in place. And many more have been losing ground financially despite their work.

This is troubling enough on its own. But what makes it even more troubling is that, over the last several years, our economy has been growing. The stock market is doing well. Corporate profits are high.

Consider the facts.

Since 2001, median household income has fallen by $1,300. Wages and salaries now make up their lowest share of the economy in nearly six decades.

The number of Americans who lack health insurance has grown by 6.8 million since 2001, to 46.6 million, a shocking record high.

The number of Fortune 1000 companies that have frozen or terminated their pension plans has more than tripled since 2001.

Indeed, the middle class itself has shrunk. Over 4 million more Americans have joined the ranks of the poor since 2001.

And meanwhile, corporate profits make up their largest share of the economy since the 1960s.

Madam Chairman, there are a lot of explanations for the growing inequality in our economy. Congress' failure to raise the minimum wage for 10 long years is an obvious example. But perhaps the most significant explanation is that workers' rights to join together and bargain for better wages, benefits, and working conditions have been severely undermined.

Today, when workers want to form a union, their employers can force them to undergo a National Labor Relations Board election process. That process is broken, because it allows irresponsible employers to harass, coerce, intimidate, reassign, and even fire workers who support a union.

Take the example of Ivo Camilo. Mr. Camilo is from Sacramento, not far from my district. For 35 years, he worked at a Blue Diamond Growers plant in Sacramento. In 2004, he and several dozen coworkers sought to form a union. For that, Mr. Camilo was fired. After 35 years of service, Blue Diamond tossed Mr. Camilo out on the street, just because he wanted a union.

The same thing happened to Keith Ludlum when he supported union representation for him and his coworkers at a Smithfield foods plant in Tar Heel, North Carolina. Mr. Ludlum, a veteran of the first Gulf War, was fired in 1994 because he wanted a union. It took him 12 years of litigation to get his job back.

What happened to Mr. Camilo and Mr. Ludlum happens with distressing frequency in this country. In 2005 alone, over 30,000 workers were receiving back pay from employers that had committed unfair labor violations.

Earlier this year, the Center for Economic and Policy Research estimated that employers fire one in five workers who actively advocate for a union. A December 2005 study by American Rights at Work found that 49 percent of employers studied had threatened to close or relocate all or part of the business if workers elected to form a union.

And Human Rights Watch has said, "[F]reedom of association is a right under severe, often buckling pressure when workers in the United States try to exercise it."

Corporate executives routinely negotiate lavish compensation packages on their own behalfs, but then they deny their own employees the ability to bargain for a better life.

This debate is about restoring workers' ability to choose for themselves whether or not they want a union. To make that happen, the Employee Free Choice Act does three things.

First, it says that when a majority of workers sign cards authorizing a union, they get a union. The legislation requires the National Labor Relations Board to develop model authorization language and procedures for establishing the validity of signed authorizations.

The legislation does not take away workers' ability to have a National Labor Relations Board election instead of majority sign-up if that's what they want. It gives them the choice. If 30 percent sign cards saying they want a union and petition the Board for an election, they get an election. But, if a majority of workers sign cards saying they want a union and they want recognition now, they get a union.

This majority sign-up is not a new idea. Under current law, when a majority of workers sign cards authorizing a union, then they can have a union if their employer consents to it. But instead of consenting, employers often reject the employees' choice and force them through an NLRB election process that is dramatically tilted in the employer's favor. The Employee Free Choice Act would simply take this veto power away from employers. Under current law, it's the employer's choice that matters. Under the Employee Free Choice Act, it's the employees' choice that matters.

Majority sign-up has a proven track record for reducing coercion and intimidation. In cases where responsible employers, like Cingular Wireless, have permitted their employees to form a union through majority sign-up, both sides have praised the process for increasing cooperation and decreasing tension.

Second, the legislation increases penalties against employers who fire or discriminate against workers for their efforts to form a union or obtain a first contract.

Under current law the National Labor Relations Board is required to seek a federal court injunction against a union whenever there is reasonable cause to believe that the union has violated the secondary boycott prohibitions in the National Labor Relations Act.

Under this legislation, the Board must seek a federal court injunction against an employer whenever there is reasonable cause to believe that the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees, or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. The legislation authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.

Employers found to have discharged or discriminated against employees during an organizing campaign or first contract drive must pay those workers three times back pay, instead of the simple back pay required under current law. Employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive would receive civil fines of up to $20,000 per violation.

Under current law, remedies are limited solely to make whole remedies: back pay (minus any additional interim wages the employee did or should have earned), reinstatement, and notice that the employer will not engage in violations of the National Labor Relations Act. Many employers conclude that, even if caught, it is financially advantageous to violate the law and pay the penalties rather than to comply.

And third, the legislation provides for mediation if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days. After 30 days of mediation the dispute would be referred to binding arbitration. Under current law, employers have a duty to bargain in good faith, but are under no obligation to reach agreement. As a result, a recent study found that 34 percent of union election victories had not resulted in a first contract.

Madam Chairman, we have heard a lot of shamefully misleading claims from the critics of this bill. Those critics claim that they have workers' best interests at heart, and that they are trying to protect democracy.

Yet their claims are belied by the fact that some of the nation's leading workers' rights and prodemocracy organizations support this bill, including Human Rights Watch, Interfaith Worker Justice, and the Drum Major Institute—among many, many others.

These are organizations that are dedicated to the mission of improving the lives of American workers. I can tell you that if this bill would do the kind of harm that its critics claim it would, then these respected organizations would not be supporting it today.

I want to close by just reminding people how much is at stake here.

We can continue on our nation's current path, where our society grows more and more unequal and polarized. If we stay on the same path, then our middle class will keep getting squeezed, and will struggle to pay for just the basic necessities of life, like housing, healthcare, education, and transportation.

We can stay on that path, or we can go in a new direction. We can ensure that every American worker gets his or her fair share of the benefits of a growing economy.

To strengthen America's middle class, we have got to restore workers' rights to bargain for better wages, benefits, and working conditions.

After all, union workers earn 30 percent more, on average, than non-union workers. They are much more likely to have retirement and health benefits and paid time off.

I urge all of my colleagues to support H.R. 800 so that we can finally start to reverse the middle class squeeze and create an economy that benefits all Americans.

Mr. KENNEDY. Madam Chairman, today, the House of Representatives took a long awaited step toward improving the lives of America's working-class and middle-class families. For far too long, the playing field has been tilted against workers and the unions that represent them. Today's House passage of the Employee Free Choice Act, which I strongly supported, will help balance the inequity in the relationship between management and workers; an inequity that management has far too often used to stifle the will of workers.

An objective review of the recent history of labor relations in this country shows that in the majority of cases employer coercion, intimidation, and harassment have been used as tools to manipulate and successfully thwart union organizing drives.

Workers are often fired or otherwise discriminated against because of their efforts to organize. One out of every four employers illegally fire at least one worker for union activity during an organizing campaign; 78 percent of employers force their employees to attend one-on-one meetings with their supervisors to hear anti-union messages; and 92 percent force employees to attend mandatory, captive audience anti-union meetings.

Clearly, even when a solid majority of employees have requested employer recognition of union representation, the more likely reaction of management has been to launch repressive anti-union campaigns rife with illegal tactics.

During the minority party's 12 years of power in Congress, and now 6 years in the White House, case after case of illegal employer intimidation leveled against union organizing efforts would arise. That little was often done in response only encouraged impunity among the forces opposed to negotiating with workers in good faith.

Now, is the Democratic Party's turn to hold the reins of power in this institution, and with this legislation, the Democratic majority demonstrates its unyielding commitment to workers' rights and a decent life for all working Americans and their families.

Mr. ETHERIDGE. Madam Chairman, I rise in support of H.R. 800, Employee Free Choice Act, and I urge my colleagues to join me in voting in favor of it.

I support the Employee Free Choice Act because I believe in protecting America's workers and their rights in the workplace. The National Labor Relations Act of 1935 was landmark legislation that allowed workers to organize and bargain collectively. These rights need to be safeguarded for the benefit of our working men and women who make up America's middle class. However, in a time of economic growth and high corporate profits, these middle class families have actually lost ground. Ensuring their freedom to join together and bargain for better wages, benefits, and working conditions is crucial to improving their plight in today's economy.

H.R. 800, Employee Free Choice Act protects workers in several ways. The bill increases penalties for employers who violate the National Labor Relations Act while employees are attempting to organize. It enables both the employer and the union to seek arbitration and mediation during talks for their first contract. Finally, H.R. 800 allows workers to form a union if the National Labor Relations Board finds that a majority of workers have signed authorizations to designate the union as their bargaining representative. This "card check" process means workers can still choose to unionize through the current secret ballot method if they wish, but they also would have an avenue that is more protected from intimidation and manipulation from employers who act in bad faith.

In addition, I oppose any amendments designed to weaken this bill. The substitute amendment presented by Representative MCKEON would strip the Employee Free Choice Act of its original intent. The amendment would prohibit employers from recognizing a union despite a majority of workers signing authorization cards. The amendment introduced by Representative STEVE KING would outlaw the organizing tactic known as "salting." The Supreme Court has expressly upheld this practice under the National Labor Relations Act. In addition, the amendment presented by Representative FOXX concerning "Do Not Call List" would have the effect of cutting off communication between organizers and workers. It could be too easily used as a tool by unscrupulous companies to pressure employees.

I urge my colleagues to join me in voting for H.R. 800, Employee Free Choice Act and protecting the rights of our working men and women.

Mr. SMITH of New Jersey. Madam Chairman, I rise in support of H.R. 800, the Employee Free Choice Act to allow America's workers to make their own free decisions about whether or not they want to freely associate and form unions.

H.R. 800 is designed to tighten rules and regulations and close labor law loopholes that have been either manipulated or exploited by those seeking to stifle or defeat organizing efforts through methods other than open and transparent debate. Employers have increasingly hired consultants to file motions and appeals aimed at delaying elections that could be easily certified by the National Labor Relations Board (NLRB). These delays have frequently resulted in denial of workers' rights. If the system were not in disrepair; if the NLRB was working as intended, this legislation would not be necessary. Unfortunately, the system is broken and we must act to repair it.

Accordingly, H.R. 800 will replace the current two-step process that now requires 30-percent of employees to sign a card followed by an NLRB election, with a simpler, fairer single step process. Under the bill, a majority of employee signatures, 50 percent plus 1, on an authorized card establishes a designated union as the official bargaining unit. My state of New Jersey has already implemented an Employee Free Choice Act for its public employees; H.R. 800 would do so for everyone in the Untied States.

Employers utilize union busting consultants more than 80 percent of the time, and use delaying tactics that can prevent any final decision for years. Moreover, the NLRB is less prepared to handle the legal dealings than it was 20 years ago. At last count, the staff is only about one-third the size of what it was in the early '80s.

In addition to reforming the process, H.R. 800 would also impose new and increased penalties for unfair labor practices, including higher civil penalties such as a $20,000 fine for each violation of coercion.

Recently at Rutgers University in New Jersey attempts were made to discourage the organization process. For example, emails sent from the Human Resources Department for the employees stated in part "we believe the facts strongly support the conclusion that union representation would not benefit you, and we will be providing important information that supports our belief.

Fortunately, a neutrality agreement, currently in force, was signed on January 25, 2007. It forbids all anti-union campaigning on behalf of the University and prevents the University from making disparaging remarks about the union, and discussions on the question of unionization are permitted at work as long as they do not disrupt educational functions. I want to commend President Richard McCormick for signing a comprehensive neutrality agreement.

Coercion of any kind is now expressly forbidden by either the University or the American Federation of Teachers (AFT). Rutgers is forbidden from holding captive audience meetings, one-on-one meetings, and the University can't question or monitor employees about unionization. The organization process at Rutgers is now working. One study shows that 91 percent of employers force employees to attend anti-union briefings and meetings. This is not expected to happen at Rutgers.

Pursuant to the neutrality agreement and relevant law, no employee can be subjected to any intimidation, threats or reprisals, promises of benefits or other offers, or subjected to speech designed to influence his or her decision to join the union.

None of these actions, as well as others, are permitted as of the date of the neutrality agreement and mechanisms are also now in place to adjudicate any infractions. These protections are essential, necessary, and justified.

Amazingly, it is the research done in part by Rutgers Professor Adrienne Eaton and the Eagleton Institute that has suggested that "while pro-union workers and union organizers can attempt to make their case persuasively, it is the employers who control the workplace and frequently use their power to hire, fire, and change work schedules to pressure workers during the weeks leading up to an NLRB election."

Another long labor organizing effort in New Jersey involves nurses and other employees at South Jersey Healthcare. While these healthcare workers finally got their union several weeks ago, organizing was not easy. Michele Silvio, a registered nurse for 13 years, who spent her last eight years in the emergency room, was told "like it or leave it" when she and other employees tried to make their concerns known. According to Michele, problems began after the consolidation of several facilities into one large medical center. Up to three times the patient volume was being experienced and Michele and her other co-workers felt they needed a voice to make their concerns about quality patient care known.

During the process, however, management used the tools of a captive workforce to try to "persuade them" to change their minds. Nurses were forced to sit through mandatory meetings on work time where management gave anti-union presentations. Workers were also interrogated and sometimes intimidated by management during one-on-one meetings.

When faced with organizing drives, the research has found that 30 percent of employers fire pro-union workers; 49 percent threaten to close a worksite if the union prevails, and 51 percent coerce workers into opposing unions with bribery or favoritism.

This is not free or fair, and the right to associate and form labor unions must be protected. The Employee Free Choice Act will level the playing field and bring fairness to the organizing process.

Mr. LEVIN. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act.

Despite the rosy economic forecast provided by the administration, a broad array of indicators shows otherwise—namely that despite record levels of corporate prosperity, the economic pressures exerted on our middle class continue to build.

Middle class families have and continue to lose ground, faced with stagnant incomes and rising costs of essential services like health care, gasoline and a college education.

One of the most important things we can do to relieve this middle class squeeze is to restore workers' freedom to join together to bargain for better wages, benefits and working conditions. Indeed, on average, union workers earn 30 percent more on average than non-union workers and are much more likely to have health care and receive pension benefits.

Yet the current system governing the formation of unions is badly flawed, and permits an unfair process greatly tipped in favor of employer efforts to block unionization drives. At present, organizers can present cards signed by a majority of the workforce in support of union representation, but the employer has absolutely no obligation to recognize this effort. Instead, employers can force a National Labor Relations Board election, which can take months to take place, during which time employers are free to erode union support using company resources through mandated anti-union activities at the workplace. Any pro-union activities are explicitly prohibited at the workplace.

H.R. 800 levels the playing field by requiring employers to recognize the card-checking procedure, ensuring a fair and equitable process that balances the rights of employers with the rights of workers to form a union.

This bill also provides negotiation benchmarks to ensure that initial collective bargaining agreements are negotiated in earnest. These provisions address problems with the current system which relies entirely on both parties engaging in a "good faith" effort to reach an agreement. In reality, this system permits employers to indefinitely delay negotiations during which time they can rekindle efforts to disband the newly elected union representatives.

Lastly, the bill includes tougher penalties for violations of workers' rights. Currently, about one in five pro-union employee activists are illegally fired for their union activities, in large part because the remedies for these employer violations are so weak. By strengthening these penalties, we are further ensuring that employers follow the rule of law.

The middle class is the backbone of our society. And the middle class is stronger when workers can join together to bargain for a higher standard of living. Years ago, it was unions that helped pave the way towards employer sponsored health care and pensions benefits. Now more than ever, it is vital that we address the current inequities faced by those who are fighting for workers' rights to bargain collectively. In doing so, we foster a stronger middle class and a more prosperous nation.

I urge my colleagues to join me in supporting H.R. 800.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act. Madam Speaker, this legislation is long overdue.

Under the previous majority, Congress was quick to provide tax cuts for large corporations, but legislation to improve the lives of working families was kept off the floor of this chamber.

Labor unions are responsible for almost every benefit to wage earners in this country:

Unions created the 40 hour work week, overtime pay, maternity leave, and worker's compensation.

Unions represent the people that make our country work—The grape harvesters, the home builders, telecommunications workers, ice cream scoopers at the SavOn Drug store in Anaheim. When I had that job, I was represented by Local 324 of the United Food and Commercial Workers, and proud of it.

In every sector of the economy, laborers have always looked to their unions to make sure that their interests were put ahead of the interest in the bottom line.

And it's about time Congress do the same.

Opponents of this legislation will claim that this bill is undemocratic. But how democratic is it for an employer to intimidate or fire workers before they even get a chance to vote?

Let's look at the numbers: 75 percent of employers will hire union-busters to stop organizing drives. 92 percent will mandate employees to attend anti-union meetings, and one quarter of companies illegally fire pro-union employees during organizing drives. How can you have a "free and fair vote" with this kind of intimidation going on?

All this bill does is level the playing field. It removes institutional barriers and gives workers a chance to organize if they want to.

You know, government is actually behind the private sector on this issue. Many employers already allow for this type of organization. They recognize that it is good for workers, and it's good for management too. These leading companies have seen growing job satisfaction, better retention of qualified professionals and increased productivity.

Madam Chairman, I urge Congress to do the right thing. Let's pass this legislation and give employees a real opportunity to organize.

Mr. LARSON of Connecticut. Madam Chairman, today I rise in strong support of H.R. 800, the Employee Free Choice Act, which would ensure that employees have the right to choose how they will organize their own unions. I am proud to be an original cosponsor of H.R. 800 because it is a key step toward strengthening America's middle class.

Current law allows a majority of workers to sign cards to form a union. However, an employer can veto that decision and demand an election through the National Labor Relations Board (NLRB). Under H.R. 800, if a majority of workers sign cards indicating their support for a union then the NLRB must certify the union as a bargaining agent for those workers. This legislation would not eliminate the election process and would allow workers to choose an NLRB election if they wish. This bill gives employees a voice and choice in the work place, and eliminates the unilateral employer decision for an NLRB election. The legislation also puts teeth to good faith collective bargaining by establishing a system of mediation and arbitration that would apply to an employer and union that are unable to reach a first contract. Finally, the bill would toughen employer penalties for violating workers' rights during an organizing drive.

The reality is that workers in unions earn 30 percent more in weekly wages than non-union workers. Unionized workers also receiver better benefits and working conditions than non-union workers. It's time to move this country in a new direction. I believe that passage of this legislation is crucial and will give working families the freedom to bargain for a better life.

Mr. ORTIZ. Madam Chairman, when overzealous employers opposed to union organizing can exert undue pressure on workers, the whole idea of workers having a say in their own future means nothing.

The Employee Free Choice Act supports working families by eliminating pressure from employers, who will no longer be able to demand a second election after a majority of workers have already voiced their will. This bipartisan legislation has 234 cosponsors and is supported by 69 percent of the American people . . . and it is long overdue.

Workers will retain their right to voice their will on union organizing, either through the standard methods of holding an election or turning in pledge cards. Employee Free Choice Act merely eliminates subsequent—or "do-over"—elections forced by employers.

In addition to eliminating "do-over" elections, the bill also strengthens employer-union mediation and arbitration provisions, and it strengthens penalties for violations of the union organizing process. Workers must have the ability to make their union decisions without hostility directed towards them. Those that flout the law should be held accountable.

Despite several years of economic growth and high corporate profits, middle-class American families have actually lost ground—squeezed between stagnating incomes and rising costs for health care, education, and housing.

Giving workers a free choice to join together to bargain for better wages, benefits, and working conditions is a critical step to easing the squeeze and strengthening the middle class. The current system for forming unions is badly broken and undemocratic, with employers routinely intimidating, harassing, coercing—or even firing—workers who support a union.

Responsible employers already voluntarily recognize a union when a majority of workers sign up for one. It is time that all workers have this free and fair choice in selecting their representative, so they have a fighting chance to bargain for better wages, benefits and working conditions.

I urge my colleagues to support this bill—and I hope the Senate will follow us quickly—to put real teeth in the law by strengthening the penalties for discrimination against workers who favor a union.

Ms. GINNY BROWN-WAITE of Florida. Madam Chairman, I rise today to express my disappointment over the iron-fist manner in which the majority brought this measure to the floor. I offered a common-sense amendment in the Rules Committee that Democrats soundly rejected. My amendment would have prevented labor unions from collecting any membership fees from one of their employees without verifying that the individual is a citizen or lawful resident permitted to work in the United States. With our immigration problem, taking the time to verify the legal status of their membership is certainly an area in which labor unions could help.

Listen up America. This flawed piece of legislation will do nothing to address our country's problems. Instead, it is nothing more than a piece of red meat being thrown to the foaming-at-the-mouth liberal wing of the Democratic Party. This bill is so bad that the communist party has gone on the record in support of it.

In closing, I urge my colleagues to oppose H.R. 800.

Ms. WATERS. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, and I thank the Gentleman from California [Mr. GEORGE MILLER] for introducing this legislation and for bringing it to the Floor for workers in America. I am a proud original co-sponsor of H.R. 800.

H.R. 800 contains three very strong protections for unions. First, it streamlines the process for obtaining National Labor Relations Board certification when a majority of employees have signed up for representation. Second, it provides for easy referral to mediation and arbitration when an employer and a union cannot reach an agreement within 90 days of negotiations so that employees are guaranteed an opportunity to reach an agreement. Third, it enhances penalties for discrimination, unlawful discharge, and other violations of the labor laws.

According to a study conducted by the National Labor Relations Board, the probability of a pro-union worker being fired during an organizing campaign went up from half a percent in the period between 1970 and 1974 to one percent in the period between 1996 and 2000; between 2001 and 2005, this figure rose to 1.4 percent. America needs this legislation because workers are being mistreated and need strong and effective representation.

My State of California is home to the largest number of stakeholders in support of this legislation. Nationally, there were 15.4 million union members, and a little under half (7.5 million) lived in six states—California, New York, Illinois, Michigan, New Jersey, and Pennsylvania. One of the main reasons why we need this legislation is because although these six states make up about half of the union members in the entire country, they only account for a mere one-third of the national wage and salary employment.

In California, there were 2,424,000 union members (16.5 percent of the state's workforce) in 2005 and 2,273,000 union members (or 15.7 percent of the state workforce) in 2006—which is the largest percentage in the country.

The Bureau of Labor Statistics showed that nationally, in 2006, there were about 1.5 million wage and salary workers who were represented by a union—even though they were not members themselves. Therefore, this legislation will help America's workers even if they do not belong to a union.

This trend of retaliatory firing has played a major part in the sharp decline in organized labor. Organized labor went from 30 percent in the 1960s to just 13 percent in 2003—and during this period, America saw the largest upward redistribution of income in its history—according to a report by Human Rights Watch.

In addition, according to the Bureau of Labor Statistics, between 2005 and 2006, the percentage of national union members fell from 12.5 percent to 12 percent. The actual number of union members decreased by 326,000 in 2006 to 15.4 million, and there has been a steady rate of decline from 20.1 percent in 1983.

Madam Chairman, this legislation is necessary and drafted to address very specific problems that organized labor faces. Livable wages, a decent work environment, and a fair dispute process are rights that we should all enjoy.

I support H.R. 800, and I urge my colleagues to support its passage.

Mr. LEWIS of Georgia. Madam Chairman, today there are powerful forces in America that want to take us backward, not forward. In the name of global competition, there are some who say that in order to be competitive in the world market that we must give away our standard of living and our high working standards. To those people, I say "no."

We have to ask ourselves, as a nation and as a people, what kind of nation do we want to be? Are we really free and successful, if too many of our citizens are harassed and intimidated on the job when they are trying to form a union to protect their rights?

People living in a democracy should not have to work in an atmosphere of fear and oppression. And they should be able to exercise their rights to organize. There are many corporations in Atlanta, like UPS, Coke and others, that are profitable international institutions who do not sacrifice the dignity and the integrity of their employees.

We have to ask ourselves whether we can be truly comfortable, if somewhere in America somebody is working hard, struggling to make ends meet, but they fear the retaliation of their employer if they try to protect their dignity and worth on the job? How long can we live in comfort before this injustice comes knocking at our door?

I have always been a strong supporter of labor and working Americans, and why I am an original co-sponsor of the Employee Free Choice Act. It is our duty as members of Congress to protect our workers and to encourage citizens and corporate citizens to implement these values of respect in our society. I urge all of my colleagues to support this legislation.

Mr. PASCRELL. Madam Chairman, the legislation we have before us today is not a debate between the interests of big business versus the interests of unions; this legislation is instead intended to serve the interests of the American worker. The Employee Free Choice Act is a bipartisan agreement that America's workers are not being served by our current system. We already know that workers who are able to unionize enjoy a higher standard of living than their nonunion counterparts and that those higher standards contribute to a stronger middle class. In fact, union workers' median weekly earnings are 30 percent higher than nonunion workers' and a full 80 percent of union workers have employer-provided health insurance while only 49 percent of nonunion workers do.

Those facts are clear and so is the fact that the current NLRB election process is broken. The current system does not allow workers the ability to fairly judge for themselves if they want to join a union, instead it allows their employers to unfairly place pressure upon them to reject unionization. This is demonstrated by the fact that 75 percent of employers hire unionbusting consultants to help fight union organizing drives. It's not surprising then to learn that 25 percent of employers in organizing drives fire at least one worker for union activity and a striking 51 percent of employers threaten to close the business if the union wins the election. Under the current broken system these employers are allowed to threaten, harass and fire employees without any real consequence. The Employee Free Choice Act fixes this broken system and puts the onus back on employers to provide the American workers the rights they have so truly earned.

Mr. CUMMINGS. Madam Chairman, I rise today in support of the "Employee Free choice Act," H.R. 800. This is a historic moment for working families, and I am proud to be a part of it. Unions matter. The Washington Post reported yesterday that 12-year-old, Maryland resident Deamonte Driver died from a bad tooth. A routine, $80 tooth extraction might have saved him. Instead, the infection from the bad tooth spread to his brain. Unfortunately, the bakery, construction and home health-care jobs Deamonte's mother has held did not provide the insurance necessary to pay for his care.

This tragedy might have been avoided if Deamonte's mother were a union employee. Eighty percent of union workers have employer-provided health insurance, compared with on 49 percent of nonunion workers. Our health care system is broken in this country, and unions provide a solution for so many families. I would like to thank Chairman MILLER for his leadership on this issue, and I urge all my colleagues to vote in favor of it.

Mr. RODRIGUEZ. Madam Chairman, I rise in support of H.R. 800, the Employee Free Choice Act. Now, more than ever, American workers need effective bargaining tools to negotiate with their employers for higher wages, safer working conditions and better benefits. As the income gap between the wealthy and the middle class widens, it becomes more important to protect and support American workers.

Being part of a union can provide invaluable benefits to American workers. According to the National Bureau of Labor Statistics the median weekly income for unionized workers is 30 percent higher than that of non-union employees. We need to facilitate organization among workers, not impede it. The card check method authorized by this legislation will help to do just that.

For decades, workers have had the right to join a union and for that union to be recognized. Secret ballots have been beneficial in determining support for unions in the past, but a growing number of reports of worker intimidation and even job termination prove that secret ballots are no longer enough.

Secret ballot elections, a sacred and longheld tradition in American government, take on vastly different consequences in the workplace. Such elections often follow widespread harassment and coercion and the results become a byproduct of the fear and intimidation initiated by employers. If an election process cannot be conducted in a fair manner, then we must provide a legal alternative for unionization.

This legal alternative is the card check method authorized by the Employee Free Choice Act, which will allow employees to express their support for unions without being subject to anti-union propaganda leading up to a secret ballot. This legislation also enacts strict penalties that will deter employers from abusing and manipulating their workers. Our workers deserve the rights and protections that are required by the Employee Free Choice Act.

Mr. JORDAN of Ohio. Madam Chairman, I rise in opposition to this bill because it will hurt our economy and deny working Americans the right to vote—free from intimidation—by secret ballot.

I'm sure that each of my colleagues can boast of successful union and non-union employers in their districts. I had the opportunity to tour a number of these businesses in Ohio's Fourth District over the recess.

These companies and the workers they employ represent the best America has to offer. They are the reason our economy is the envy of the world.

Today, our economy is growing faster than in the 70s, 80s, and 90s. We've improved our competitiveness with good public policy like tax cuts. But we still draw our strength from good old fashioned hard work and values. This bill is antithetical to every principle that makes America great.

Removing the secret ballot protection for workers invites the type of coercion described by one of our constituents, Clarice Atherholt of Upper Sandusky, Ohio, in testimony before the Senate. She told of unsolicited home visits by union organizers and other high-pressure tactics, saying that "[m]any employees signed the [union authorization] cards just to get the UAW organizers off their backs, not because they really wanted the UAW to represent them."

So much for "employee free choice."

Madam Chairman, America faces a number of critical challenges. We must continually focus on improving our economy and remaining competitive in the world marketplace.

We're making progress, but this bill represents a step backward. It has drawn opposition from every pro-growth, pro-business voice imaginable, and I urge my colleagues to join me in opposing it as well.

Mr. HONDA. Madam Chairman, I rise today in support of the Employee Free Choice Act (EFCA), H.R. 800. This bipartisan bill brings forth long overdue changes to the broken National Labor Relations Board (NLRB) system. EFCA would add the option of majority signup for forming unions and bargaining; provide an efficient timeline for good faith mediation and arbitration, and stronger penalties for violations during the organizing and initial contract negotiations. Ultimately, EFCA would restore workers' freedom to form unions and bargain.

Responsible employers voluntarily recognize unions when a majority of workers signal their desire to unionize. Studies have shown that workers believe the sign-up method to be a fair process, free of the pressures and coercion stemming from NLRB elections. Asian-American and Pacific Islander communities share the strong work ethic and desire for advancement at the core of the American Dream and labor membership is a key component to a fair and open competition for jobs.

Our Nation is stronger when workers join together and bargain for a better life. Union membership helps to offset some of the race and gender disparities in the labor market. Activism by organized labor has given Americans better wages, paid sick leave, child labor laws, paid vacations, stronger work safety regulations, and more secure retirement. Union workers receive better benefits and higher weekly earnings than their non-union counterparts. Furthermore, workplaces unionized through majority sign-up have better employee relations and greater employee focus on the business.

Madam Chairman it is time we allow the workers to choose, not the employer. I urge my colleagues to cast a vote in favor of the American worker and in support of H.R. 800, the Employee Free Choice Act.

Mr. DINGELL. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act.

In the words of President John F. Kennedy, "The American labor movement has consistently demonstrated its devotion to the public interest. It is, and has been, good for all America. Those who would destroy or further limit the rights of organized labor—those who cripple collective bargaining or prevent organization of the unorganized—do a disservice to the cause of democracy."

Like my dad, I have always supported working families and am happy to see this bill on the floor today.

For the past few years, workers in this country have been under relentless attack by those who seek to abolish their fundamental right to organize.

Simply put, the legislation we are debating today will provide that a majority of workers is sufficient for the formal recognition of a union.

Quite frankly, I don't see what the controversy is all about. If the majority of employees want to be represented by a union, they should have the right to do so. Labor unions stand for decent wages and benefits and safe working conditions. They fight against poverty and unemployment, and for equal justice and human rights.

Unions represent the basic right to a fair day's pay for a fair day's work. They provide a voice for individual workers to express their concerns without fear of retribution. Unions understand that raising the bar for workers helps raise the bar for all Americans. We are all much better off today because of the efforts of unions over the years.

I am proud to be an original cosponsor of this legislation and to be here today to vote for it. I urge all of my colleagues to join me in standing up for the rights of hardworking Americans by supporting the Employee Free Choice Act.

Mr. UDALL of Colorado. Madam Chairman, when I agreed to cosponsor this important legislation two years ago I made clear in a floor statement that I had serious reservations about weakening the secret ballot in union organizing elections. I believe American workers ought to make decisions about organizing unions in a way that is free from intimidation by labor or employers.

It is because the National Labor Relations Board (NLRB) has largely failed in their responsibilities to protect the rights of American workers to organize that we even have to consider this legislation.

Despite my reservations, therefore, I am persuaded that we ought to pass this imperfect bill so that the Senate may take up reforms in the labor-business relationship that will protect the rights of workers to organize, and at the same time preserve balance, fairness and objectivity in the way the National Labor Relations Board (NLRB) conducts elections.

Before I get to the merits of this legislation, however, I want to register my disappointment that more amendments were not allowed for our consideration. The majority may not be well served by an open process that allows for deeper debate and the consideration of amendments, but our country would be better served. And on legislation with such far-reaching consequences for the balance between business and labor, I believe we are ill-served by not debating and considering more amendments.

There are other improvements to this bill that we should have considered, and that I hope will be considered in the Senate. For example, I hope the Senate will consider amendments that address decertification procedures and deadlines for the NLRB to reach decisions. And I am hopeful the Senate will consider carefully whether this legislation should apply equally to small businesses. Perhaps the Senate will also consider the wisdom of a sunset provision for this legislation so that we can revisit it later—in order to determine whether it will have the desired effect for workers and for our economy.

As I said in 2004, I am reluctant to endorse changes in current law that could be seen as preventing workers to make decisions in private about union representation.

I agree with those who say a secret ballot process is preferable in most cases, and think that the burden of proof is on those who say that an alternative should be used.

However, I have been and remain disturbed by reports of employers using heavy handed techniques to discourage workers from organizing in the first place and intimidating and even illegally firing workers who decide to join.

But there is a real possibility that the NLRB won't do that—which is the primary reason I support this bill.

I am disturbed—I think we should all be disturbed—by the serious questions that have been raised about whether the NLRB is doing its job. And I am worried that recent NLRB decisions tilt too far toward allowing employers to intimidate union organizers.

For example, the NLRB has decided that as workers are considering whether to form a union, an employer may explicitly "inform" them that workers in two other facilities lost their jobs after they decided to organize.

I understand that in the case in question the regional NLRB director ruled this "clearly implied" the union was responsible for the firings and insinuated the same would happen to others who chose a union. In other words, the NLRB official closest to the case saw this as an example of an illegal threat of retaliation.

But in a 2–1 party line vote—with two appointees by the current Administration in the majority—the NLRB overruled the regional director's decision and claimed the memo "did not exceed the bounds of permissible campaign statements."

I think that decision shows just how far the playing field has been tilted away from a fair balance between employers and employees who want to bargain collectively.

And the purpose of this legislation is to move back toward a fairer balance.

Consider what the law says about ending—not establishing, but ending—union representation. Under the National Labor Relations Act, if 50% or more of the employees in a bargaining unit sign a petition that they no longer want to be represented by their union, the employer can withdraw recognition without an election.

And if just 30% of the employees in a bargaining unit sign a Decertification Petition, the NLRB will conduct a secret ballot election on the question of ending union representation. Not a majority—just 30%

In other words, the current law makes it harder for workers to get a union than to get rid of one—and, as I just said, current policies of the NLRB add to the burden of people who want to have a union. I don't think that's balanced. Why should it be harder for workers to get a union into their workplace than it is for them to get the union out?

This bill would not completely change that. But it would say that just as signatures of a majority of workers can end union representation, a majority of signatures could start it. And I think that is reasonable and equitable.

Also, the bill would correct some of the problems with the current NLRB by changing parts of the law under which it operates.

Current law says the NLRB must go into federal court and ask for an injunction against a union if the NLRB thinks there is reasonable cause to believe that the union has violated the law's prohibition of secondary boycotts. Under the bill the NLRB would have to take the same action to enforce the law that protects workers against pressure to reject a union as it does to enforce the law's limits on what a union can do to put pressure on employers. I think that is fair.

And the bill also increases the amount a worker could collect if he or she has been unlawfully discharged or discriminated against during an organizing campaign or first contract drive and by providing for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated the law. Again, I think these are improvements over the current law.

Finally, I think some of the attacks on this bill have been exaggerated. For example, some have said it is intended to deprive workers of their right to an election. But under current law, elections are not always required—if a majority of workers sign cards saying they want to have a union, their employer can agree, and then the union is established without any election. So what the bill does is to deprive employers of the option of insisting on an election any time a majority of the workers have signaled that they want a union.

Madam Chairman, this bill is not perfect, and in some ways I think it might have been better to take a different approach to the problem, with even greater emphasis on changing the law governing the operations of the NLRB rather than the card-check process. But I think it can, and should be improved before final passage by the Congress, and should go forward to the Senate for further and, hopefully more deliberate, consideration.

Mr. BISHOP of New York. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act. We will hear today about how this bill will deny workers their fundamental right to a secret ballot. It sounds compelling but it's just not so.

Here is what the bill will deny: it will deny the employer the ability to veto a workforce's effort to form a union by virtue of majority sign up. Under current law, if a majority of workers sign cards indicating their support for a union, it is the employer, not the workers, who gets to choose if there is a secret ballot election. Under current law, therefore, if the employer doesn't like the result of the sign up process, he can, in effect, demand a do-over. How is this fair to workers?

Our bill places the power to choose to seek a union affiliation where it should be—with the workers, not with the management. If the majority of workers want a union—they get a union.

As a son of a union member, I witnessed firsthand the advantages of a unionized workforce. In fact I stand here today because of the protections my father's union afforded him, as they allowed him to provide for his family and send kids to college.

This bill will finally give workers the protection they need. I urge my colleagues on both sides of the aisle to support this straightforward legislation.

Mr. LYNCH. Madam Chairman, I rise today in proud support of H.R. 800, the Employee Free Choice Act.

There has been much said during this debate about what effect this bill will have for American workers and for our business community.

In the simplest terms, the operative language of this bill allows American workers to have a voice in the workplace. It allows individual workers greater ability to come together and bargain collectively with their employer.

In some cases it would mean that workers would have the opportunity to have a say when the company closes its pension fund or moves jobs overseas and lays off its workers.

In some cases these hard-working Americans would have a chance to question exorbitant salaries paid to company CEOs. These workers may actually have a chance to bargain with their employer over health benefits.

Now, it may seem threatening to some folks, that these workers will have a better chance to have a voice in the workplace. But that's basically it, that's what this bill is all about.

Giving a little bit of power to workers who may have had their pensions eliminated and their jobs eliminated.

These workers who would be powerless to have any effect individually will be able to get together, to associate, and bargain as one.

For twenty years I worked as a union ironworker, one of the most dangerous occupations in our society.

The safety standards that were maintained and enforced to make the job as safe as possible were made possible by the Ironworkers International Union and my brothers and sisters of the American Labor Movement.

I can honestly say that I often find it strange that in a country as great as the United States, founded on individual freedom, freedom of expression and freedom of association, that it is necessary to actually have a Federal statute passed so you can join with your fellow workers in order to have a voice in the workplace.

This bill actually allows human beings to exercise a moral right, a God-given right. The time is now, our cause is just, Mr. Speaker, I urge my colleagues to support H.R. 800, The Employee Free Choice Act and I yield back the remainder of my time.

Mrs. CAPPS. Madam Chairman, an original cosponsor of the Employee Free Choice Act, I rise in strong support of the bill.

Last November, Americans responded to our commitment to change, and voted in the new Democratic majority. Last month we affirmed that commitment by voting to increase the minimum wage—the first increase in over a decade. Today, we further that commitment by helping to increase access to health care, better pay, and better retirement benefits for millions of American workers by passing the Employee Free Choice Act.

America's workforce desperately needs our help. During this period of so-called economic growth, American workers have seen their incomes flat-line while the salaries of the wealthiest one percent have skyrocketed. They have seen the costs of basic necessities such as health care, education, transportation, food and housing rise while the number of quality jobs falls.

The Employee Free Choice Act will help narrow this growing income disparity by making it easier for American workers to unionize if they so choose. Statistics show that unionized workers earn higher wages, have greater access to health care, and receive better retirement benefits. This bill will level the playing field and help narrow the growing income gap that is plaguing our Nation.

The ability of workers to unionize is a fundamental right that must be protected. While many employers treat their workers fairly, and respect their right to unionize, many more do not. For far too long, some employers have routinely restricted the rights of workers by threatening, coercing and even firing employees who attempt to form a union.

Opponents of the bill claim that current law adequately protects the rights of workers who want to form a union. However, any American worker will tell you that it does no such thing.

Under current law, employers can force employees to attend mandatory, closed-door meetings to listen to anti-union propaganda, while employees I are denied the right to rebut.

Under current law, employers can block the formation of a union by dragging out negotiations indefinitely, while employees are denied the collective representation they voted for.

And, under current law, employers routinely fire workers for merely discussing union activities, and employees are denied their pay while the NLRB takes months to take action.

The truth is that the system is badly broken, and must be repaired. This bill would begin to fix the system by making it easier for employees to form unions and giving workers a fair seat at the bargaining table by establishing a system of mediation and arbitration.

Too many employees have been denied their rights for far too long. It is time that we stand up and protect America's workers from the abuse, coercion, and intimidation they have endured for generations. While much work still must be done to protect these workers, the Employee Free Choice Act is a strong step in the right direction.

I urge my colleagues to help America's workers, and vote "yes" on H.R. 800.

Mr. STEARNS. Madam Chairman, today we vote on a bill that quite frankly hurts American workers. The derisively named "Employee Free Choice Act" removes employees' choice in choosing to organize by having them reveal their vote on an authorization card, under the watching eyes of union officials; not on a secret ballot.

This is wrong, not only in the workplace, but in any scenario where peer pressure can exert itself. In government elections, secret ballots are the foundation of democracy worldwide. We send election observers to developing nations to see that, among other elements, their ballots are cast in private.

The Fraternal Order of Police labor union wrote to our Speaker on Tuesday against this bill, saying: "This ill-named legislation attacks the very meaning of free choice. Without federally supervised private ballot elections, our democratic process would be extremely susceptible to corruption, and the very foundation of our Republic could be undermined. This bill would do the same thing to our Nation's workers by robbing them of their privacy, power and voice in deciding who should represent and defend their rights as employees."

Employees who just want to go about their business and peacefully do their jobs without fear of reprisal from either their employers or union bosses deserve the same secret ballot with which all of us were elected.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise today as an original cosponsor and strong supporter of the Employee Free Choice Act.

Abraham Lincoln once said, "If any man tells you he loves America yet hates labor, he is a liar." President Lincoln's words are no less true now then they were when he spoke them over a century ago.

Organized labor has played a critical role throughout our history. Without it we would never have witnessed the rise of the greatest middle class that the world has ever seen. But there is more to be done. Madam Chairman, over the last six years, our middle class families, including those in my district in Pennsylvania, have been squeezed by the anti-worker policies of this administration.

The late Senator Wellstone, a champion of organized labor used to tell this story about the great abolitionist Wendell Philips. One day Philips, in his usual fashion, gave a fiery speech, and said that slavery was unconscionable, an outrage and should be abolished. He finished speaking and a friend came up to him and said, "Wendell, why are you so on fire?" He turned to his friend and said "Brother May, I'm on fire because I have mountains of ice before me to melt."

We too have mountains of ice to melt. Madam Chairman, there is much to be done to strengthen our middle class and to make sure that they, like their parents, can ensure that their children will have more than they did. For middle class families, the Employee Free Choice Act is a good start down the path to greater prosperity.

Everywhere families turn they face ever increasing costs. Health care, education, gas, food, housing. Prices are up, wages are down and middle class families are struggling. People can sit around and argue all day about why the middle class is getting squeezed, but when I think about my friends and neighbors back home in Pennsylvania, it is clear that arguments are no longer good enough—we need to do something. Letting workers organize fairly is a good start.

Madam Chairman, I would like to use my time here to set the record straight. For too many years now and for far too many Americans, joining a union has been a risk, rather than a right. I don't think that it's too much to ask that if a majority of workers want to join a union, they should be free to do so. And they should be free to do so without coercion and without misinformation campaigns.

Mr. MICHAUD. Madam Chairman, I rise today in strong support of the Employee Free Choice Act.

As a 30 year veteran of the Great Northern Paper Company mills and a proud union member, I know firsthand how crucial it is for workers to have the right to organize and bargain together to secure their rights in the workplace.

On average, workers who belong to unions earn 30 percent more than nonunion workers, and they are much more likely to have health care and pension benefits. Polls tell us that 58 percent of eligible workers would join a union if they could, yet union membership in the private sector plummeted to 7.4 percent in 2006, a record low.

The Employee Free Choice Act would allow workers more freedom to form unions, so they can seek their share of America's prosperity, and fair treatment for an honest day's work.

The current system for forming unions and bargaining is broken. EFCA is the right bill to fix it, and I urge my colleagues to give it their support. I yield the remainder of my time.

Mr. BLUMENAUER. Madam Chairman, the history of organized labor in the United States goes beyond the colorful to include stories of drama, heated conflict, and even violence.

Any objective view of history shows that legitimate efforts of workers to organize and represent themselves have been subjected to an amazing array of extraordinarily aggressive behaviors on the part of employers and at times even of the government itself. Indeed it was regarded by many business and government leaders as a subversive activity. There has been violence and intimidation on both sides but systematic repression against workers is certainly one of the darker chapters in our history.

Over the last century, organized labor has brought about the five-day workweek, overtime pay, and workplace protection; ultimately, unions helped create America's middle class. These are benefits that we now take for granted, but which were fought by many business interests who had taken advantage of unorganized workers. These issues arose out of intense conflict and were faced with great difficulty. There are numerous examples in today's workplace that attest to the continuing need for workplace protection.

Recently we have found that the Federal Government has no longer been serving as a neutral protector of collective bargaining within the organizing process. I'm convinced that legitimate rights have been systematically undercut and the Federal Government has been indifferent, at best, to providing a level playing field to workers and redress against abuse.

Today's Employee Free Choice Act is a small step in correcting that imbalance by restoring choice in a system that is currently driven by aggressive employers and coercion, as well as anti-union consultants. Instituting a level playing field for workers who want to unionize will ultimately improve wages, working conditions and job security for workers.

While it is highly unlikely, given this administration's antagonism toward organized labor, that this legislation would ever find its way into law, passage of this bill today in the House is a vital and important step in giving workers a toehold again.

This legislation will help end the official hostility and indifference by initiating a process that spotlights workers' opportunities and employers' responsibilities. I am confident that the passage of the Employee Free Choice Act will ultimately give unionizing rights to all workers.

Mr. PEARCE. Madam Chairman, today the Democratic Majority has brought to the House floor legislation chairman representing one of the greatest assaults ever on the American worker. Today the Majority in Congress will strip American workers the right to a secret ballot election when deciding whether or not to unionize. This freedom stealing legislation, complete with a misleading title, does nothing to enhance "free choice"—rather it undermines workers' freedom of choice to vote by secret ballot.

Our country is a democratic society committed to preserving and protecting the rights of American citizens to vote for those who represent them. Secret ballot elections are conducted when electing our state legislators, our congressmen, our senators and our President. Secret ballots are used by Unions to elect their own leadership and pass resolutions changing their bylaws. Yet the Democratic Majority wants to strip that right away from Americans in their own place of work.

More accurately characterized as the "Secret Ballot Elimination Act", this legislation opens the door wide for union organizers to use intimidation, coercion and compulsory tactics on workers who hesitate to join their efforts. In fact, the Fraternal Order of Police, a union representing thousands our nation's law enforcement officers, has urged opposition to this legislation stating, "The scheme proposed by the legislation would replace the current democratic process of secret ballots with a 'card check' system that invites coercion and abuse."

It is clear that Big Union organizers said "Jump" and the Democratic Majority asked "How high?" as they crafted this legislation that panders to their Big Union bosses by allowing them to force workers to join their unions.

Today, Democrats are trying to justify their support of allowing union organizers to intimidate workers by debating the pros and cons of unionizing. Not only does this further the agenda of Big Union leaders, it avoids the true issue at hand—the basic right of American workers to vote by secret ballot when choosing whether or not to unionize.

Working families in New Mexico and America deserve to decide whether or not to join a union without the threat of coercion and intimidation. The denial of secret ballots is something you only expect in nation's like North Korea, Cuba or other Dictatorships where citizens and workers don't have the right to organize at all. The Democratic Majority is once again chipping away from the freedoms of our democracy and I stand in opposition to the bill.

Mr. KIND. Madam Chairman, I rise today to provide my strong support for H.R. 800, the Employee Free Choice Act of 2007. Representing Wisconsin's workers in Congress is a privilege I am honored to have. That is why I am an original co-sponsor of H.R. 800, because protecting workers ability to form unions is of the utmost importance for the continued prosperity of our country.

Our Nation's economic success depends on the viability of the American workers, but the current Administration's policies have created an unfavorable climate. I fear that if Congress doesn't act to protect employee free choice and change current labor law to discourage unfair labor practices by employers, the legislative victories of the past will be at stake. With the Employee Free Choice Act, which amends the National Labor Relations Act to establish a more efficient system for monitoring labor relations, I see an opportunity for Congress to do just that.

Americans have waged countless battles to improve conditions in the workplace and to pave the way for a better life for all working families. Yet today they lack the adequate measures to address workplace inequities and to safeguard against unfair labor practices. The National Labor Relations Act, enacted by Congress in 1935, no longer works to protect the right of workers to form and join unions. But the need to monitor relations between unions and employers is just as important today as it was 72 years ago.

The Employee Free Choice Act would combat obstructionist behavior by: 1) guaranteeing free choice through majority recognition; 2) facilitating initial labor agreements through mediation and arbitration; and 3) providing more effective remedies against employer coercion.

Having grown up in a labor household, I know there is no question that union workers benefit from a collective voice, thus improving the lives of all working Americans and their families. The wages of workers are 26% better than for non-union workers; and union workers generally have better healthcare benefits, pensions and disability compensation than workers not associated with a union. Therefore, it is clear to me that protecting the right to form a union is critical.

The current system fails to provide a responsive mechanism for workers when their rights have been unjustly denied. The Employee Free Choice Act makes necessary changes to the National Labor Relations Act to fill in the gaps of the current law and guarantee workers a voice without the threat of unwarranted penalties.

The rights of the American worker are far too important to ignore and not preserve. I promise to continue the fight against any changes that will reduce workers' benefits and pay while supporting initiatives that increase workers' rights and protections in the workplace. Madam Chairman, I urge my colleagues to support this bill and the rights of their constituents.

Mr. DELAHUNT. Madam Chairman, I am pleased to rise in strong support of H.R. 800, the Employee Free Choice Act. Today, American workers' freedom to form unions is not only at risk. It is in serious jeopardy.

We've seen lax enforcement of labor laws. Judicial decisions under-cutting organizing protections. Administration interference in collective bargaining efforts.

At the same time, business interests have aggressively worked to strip overtime protections from millions of workers. Corporate America has pushed through trade deals sending American jobs overseas, further weakening workers' power to organize and bargain.

The Employee Free Choice Act is a critical measure that restores workers' freedom to form unions. It protects America's hard-working middle class families. The legislation protects workers against employer interference in organizing drives. It safeguards workers against practices of intimidation. Practices that are increasingly common.

This is a deeply personal issue for me. I know what happens when workers have no protection.

My grandfather was a Boston police officer who was fired for trying to organize a union. When he worked as a police officer, the work week was 96 hours. There was no vacation or overtime. There were no benefits.

Worker rights have advanced in this country only when unions are strong, but today those rights are being trampled. The hard-earned worker protections are disappearing. This should not happen in America, a country built on the efforts of workers across the decades.

During our history, the rise in the American middle class has directly paralleled the rise in the number of unionized American workers. The more workers in unions, the larger and stronger the American middle class is. The stronger the American middle class, the stronger our democracy. Today, we are regressing—at an alarming rate. Median family income has dropped every year of the Bush Administration—every single year. American worker paychecks have been flat or declined in more than half of the 65 months of the Bush Administration.

When workers are able to make their own decisions—freely and fairly—about whether to form a union, they can bargain for better treatment on the job. The middle class standard of living improves. Workers who belong to unions earn 30 percent more than non-union workers, and they are much more likely to have healthcare and pension benefits.

And the American people know it. In a recent survey, 68 percent of respondents believe that unions can make a difference for today's workers. An even higher percentage support the Employee Free Choice Act.

Every day, millions of Americans work hard and play by the rules. Yet they still struggle—just to get by.

Workers represented by unions are far more likely to have health insurance and guaranteed pensions, access to job training opportunities and higher wages. If we want to improve working conditions for America's workers, strengthen America's families and rebuild America's middle class, we need to pass the Employee Free Choice Act.

Mr. CROWLEY. Madam Chairman, I rise in support of the Employee Free Choice Act.

Currently, more than 15.4 million workers in America are enjoying the right to unionize, earning an average 30 percent more than workers without unions.

New Yorkers make up approximately 2 million out of the 15.4 million unionized employees nationwide—making it the second most unionized state in the Nation.

But far too many workers looking to have collective bargaining rights are denied and the people who are often looking to organize are those working in the service industry—many of whom do not have access to collective bargaining, the right to affordable health care, or the ability to earn a living wage.

I encounter these people—working people—far too often in my own district in Queens and the Bronx, New York.

This bill will help get rid of many arcane tactics some employers use to prevent employee organization, thereby giving a helping hand to those workers and the groups who are trying to defend their rights to respect in the work place. That is why I support the Employee Free Choice Act.

There are far too many people in this country who work hard, play by the rules, and cannot get ahead—this bill is a helping hand to a better life for themselves and their families.

Opposing this bill is opposing the ability of Americans to attain the American Dream.

Mr. KILDEE. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act of 2007.

Labor unions are critically necessary to address the daily imbalance between employers and employees. We measure the quality of democracy in developing nations by their government's support for freedom of association to form and join unions. Unfortunately, an aggressive assault on American workers, and the institutions that represent them, has dangerously eroded these rights right here in the

United States, resulting in a steady decline in the percentage of Americans in labor unions.

Workers are not joining unions because our Nation's method of labor organization is a biased playing field, full of loopholes that unfairly advantage employers. The Employee Free Choice Act would address this unfair advantage by amending the National Labor Relations Act to replicate the majority sign up system currently used in Canada.

H.R. 800 provides a simple, fair, and direct method for workers to form unions by signing cards or petitions. This legislation also sets firm time limits by which parties must begin and complete their negotiation of the tactics often used by employers during contract negotiation. first contract after union certification. This would eradicate the delaying tactics often used by employers during contract negotiation.

I have always been a strong believer in unions and the benefits they provide to working families. My father, who started working at the Flint Buick plant, was one of the first members of the United Auto Workers. He was very proud of his union, and taught me the value of unions to all working families. I have dedicated my legislative career to helping people reach their dreams by protecting their right to collectively organize in order to ensure better economic opportunities.

I urge my colleagues to vote for H.R. 800, the Employee Free Choice Act.

Mr. PENCE. Madam Chairman, I am extremely troubled by what the Democrat leadership has deemed worthy of only one hour of general debate.

The U.S. House of Representatives is poised to snuff out workers' long-cherished freedom.

When the Democrats came to power, they pledged to respect the rights of the minority, but few of the peoples' elected representatives will have the opportunity to debate—let alone amend—this legislation on the floor today.

Madam Chairman, now that a death of deliberation is taking hold in this House, the other side wants to end democracy in the workplace.

Over 70 years ago, Congress enacted the National Labor Relations Act, establishing a system of industrial democracy akin to our nation's proud history of political democracy.

The current system allows employees to determine whether they wish to be represented by a particular union through a federally supervised secret ballot election overseen by the National Labor Relations Board. It protects the interests of unions and employers, but most importantly, employees, by ensuring that both sides have an opportunity to make their case, and those employees are able to express their decision in private—free from coercion and intimidation.

The legislation under consideration today, the so-called "Employee Free Choice Act," would in fact end workers' free choice by replacing current law with an easily abused card-check system. Under card check, a worker's vote is openly declared, whereas in a secret ballot election the vote of an individual is by definition private—not public.

Tellingly, the Chairman of the Education and Labor Committee, which produced this legislation, along with 15 other Democrats, sent a letter to the Mexican government in 2001 denouncing the card-check system.

They wrote: "We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose."

Freedom from union intimidation is not only good for Mexican workers; it is good for American workers. We should not be doing away with voting secrecy to give big labor more powers over workers.

Let's keep union ballots secret. Let's vote down this Worker Intimidation Act.

Mr. COSTELLO. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act of 2007. The best opportunity for working men and women to get ahead economically is to unite with their co-workers to bargain with their employers for better wages, benefits, and working conditions. The freedom to form or join a labor union and engage in collective bargaining is an internationally-recognized human right. Further, it is a longstanding American principle and tradition that working people may join together to improve their economic circumstances.

To this end, I believe working people should have the ability to make their own decision about whether they want to bargain together without the threat or fear of harassment and retribution and fear of losing their livelihood. Since the enactment of the National Labor Relations Act (NLRA) in 1935, employers are able to recognize their employees' union when a majority of workers sign union authorization cards. However, all too often in these situations employer pressure derails the effort to unionize. This is a reasonable and fair process which has for too long been neglected and disregarded by employers. Under current law, workers have the right to form a union when a majority of the employees sign-up. H.R. 800 would ensure this right is protected.

As a cosponsor of H.R. 800, I am pleased the House is considering the bill on the floor today. The legislation consists of three basic provisions to level the playing field for employees and put an end to coercion and intimidation. First, the bill provides for certification of a union when a majority of workers sign cards designating the union as their bargaining representative. Second, H.R. 800 strengthens penalties for companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union. Third, it brings in a neutral third-party to settle a contract when a company and a newly certified union cannot agree on a contract after 3 months.

Madam Chairman, unions have been instrumental in implementing and maintaining nationwide and statewide systems of social insurance and worker protections, such as workers' compensation and unemployment insurance, occupational safety and health standards, and wage and hour laws such as the minimum wage, the 40-hour work week, and overtime premium pay. Unions, however, do not only benefit unionized workers. Strong unions set industry-wide standards that benefit workers across an industry, regardless of their union or nonunion status.

Madam Chairman, I believe strengthening free choice in the workplace lays the basis for insuring a more prosperous economy and a healthier society. H.R. 800 will restore balance and fairness to the workplace and I urge my colleagues to support its passage.

Mr. MCDERMOTT. Madam Chairman, I proudly stand today in support of H.R. 800, the Employee Free Choice Act, which would enable workers to finally reclaim their right to freely form a union and bargain with their employers. It is clear that too many American workers today are under the threat of discrimination, harassment, or termination for simply choosing to bargain collectively for better wages, hours, and working conditions. The current system for forming unions and bargaining is broken, and it is our responsibility to fix it.

This bipartisan legislation is an important first step towards leveling the playing field for workers and employers, rebuilding our middle class, improving our economy, and on a larger scale ensuring that more Americans benefit from a growing economy. Today we can set an example for the rest of the world. How can our nation continue to encourage other nations to protect their workers' rights if we do not remedy our own?

Critics of this bill simply want to preserve the status quo. That is not a reasonable solution, and these critics clearly do not have our middle class workers' best interests in mind. Research shows that nearly 60 million would form a union tomorrow if given the chance, and that democratic votes would still take place under the Employee Free Choice Act.

The bill before us has three major components that would help restore middle class workers' rights to designate and certify bargaining representation, to receive mediation and arbitration concerning a first contract, and to enforce stronger penalties for employee violations. I believe this is the first step towards treating the problems of income inequality, and income immobility that currently confront our nation.

Today, the House of Representatives has an opportunity to send hardworking Americans a message. A message that we recognize the fundamental right to organize is essential to maintaining a just economy and a society that values work. Let us send that message loud and clear, by voting in support of H.R. 800.

Mr. LANGEVIN. Madam Chairman, I rise today in strong support of the Employee Free Choice Act (H.R. 800). This bill will help give workers the leverage they need to negotiate for a better life for themselves and for their families.

Despite several years of economic growth, many of America's middle class families still struggle to make ends meet. Every day, workers throughout the country face difficult choices about their family's basic needs as wages stagnate and the cost of living continues to rise. By restoring workers' freedom to join together to bargain for better wages, benefits and working conditions, we will help ease the burden that too many working Americans face.

Collective bargaining is one of the best tools working men and women have to restore economic fairness and rebuild America's middle class. The benefit of unionizing also helps workers with low-wage jobs such as janitors, cashiers, and childcare workers to raise their earnings above poverty levels. Union workers tend to have more of the freedoms and rights that ultimately lead to greater opportunity. And members of unions traditionally enjoy higher earnings and better access to healthcare and retirement benefits than their non-union counterparts.

Under current law, workers often face uphill battles when attempting to unionize. All too often pro-union employees are intimidated, threatened, and in extreme cases, they may even lose their jobs. The Employee Free Choice Act will help restore fairness to the collective bargaining process by imposing stronger penalties for employers that utilize these tactics. This legislation will also increase the amount of back pay employees receive when they unfairly lose their jobs for attempting to unionize.

Furthermore, the Employee Free Choice Act will increase the United States' ability to compete in a global economy. The benefits of collective bargaining go far beyond helping individual workers. By giving workers the tools they need to bargain effectively for the benefits that come with unionizing, we strengthen the economic security of each worker and their families, which ultimately leads to a more secure and prosperous America.

In passing this legislation today, we will be giving hardworking Americans the tools they need to negotiate for better wages and benefits in an open, honest, and fair way. Strengthening the security of American families strengthens our economy, and I urge my colleagues to join me in supporting the Employee Free Choice Act.

Ms. MATSUI. Madam Chairman, I am truly proud to see the Employee Free Choice Act on the floor of the House. This represents a tremendous step forward for working families in this country. I want to thank Chairman MILLER for crafting this excellent legislation and for his tireless efforts on behalf of workers.

A little less than a year ago, Chairman MILLER and I held a forum on this legislation in my hometown of Sacramento. We heard emotional testimony from workers about their experiences in the workplace. They had been subjected to coercion and intimidation—and some had even been fired—simply because of their desire to join a union.

After sharing encounter after encounter, they asked Congress to pass the Employee Free Choice Act. They know that this legislation would protect them from these abuses. It would repair the cracks in the current system. And it would allow them to make a real choice in deciding to join a union.

It is one thing to talk in the abstract about the policy. It is quite another to see first hand the human face, the real life consequences of that policy. What we are talking about is helping working Americans—the middle class—meet the needs of their families.

Congress must take advantage of this chance to act. A strong middle class has been the bedrock of expanded prosperity and opportunity in this country.

And our middle class families are at a critical juncture. They face some daunting challenges. Wages are not keeping up with inflation. Yet, the costs the typical middle class family faces—such as housing, health care, transportation and college—continue to rise dramatically. We risk losing the strong middle class that has been the backbone of this Nation.

Throughout our history, protecting the right to organize has played a critical role in improving the wages and quality of life for working people, and in growing the middle class.

To preserve the middle class, it is critical that we continue to keep the central promise of our Nation's labor laws—that workers be empowered to make their own decisions about a collective bargaining representative.

NLRB elections, as they exist today, often do not allow such a choice. And that's where the Employee Free Choice Act comes in. As Chairman MILLER has explained so well, it will take important steps to level the playing field for workers who are trying to organize. It will allow employees to make a real choice to join a union without intimidation. And it will provide for stronger penalties when companies engage in illegal practices. Because the right to organize and form a union is fundamental to ensuring a fair balance of power in the workplace.

And you know, this is not an anti-business bill, as its being portrayed by its opponents. This is a pro-workplace bill. What I mean is that when you have a card check system, it makes for a successful workplace—for the company and for workers.

At the forum I held with Chairman MILLER in Sacramento, we heard from a second panel of workers whose employer had voluntarily agreed to a card check system. This employer, and the many others that have agreed to a card check system, understand there is a benefit to treating employees with dignity and respect. They understand that when a company lets workers weigh the pros and cons of joining a union—without harassment or intimidation—those workers will be more productive and more committed to the success of the company.

Frankly, if you care about working families, these reforms are simply common sense. They will make the organizing process simpler, more fair, and most importantly, ensure that the fundamental right of choosing whether or not to join a union rests squarely where it belongs: with this Nation's workers.

I promised my constituents that I would do everything I could do get this bill passed in the House. So I am proud that it is on the floor today. Members have an opportunity—by voting in favor of this legislation—to stand with the working families of this country. I urge my colleagues to take advantage of that opportunity.

Mrs. TAUSCHER. Madam Chairman, I rise today as the Chair of the House New Democrat Coalition in strong support of the Employee Free Choice Act. Passage of today's legislation will give working Americans a basic right—the ability to choose, unabated, whether to join with their coworkers and bargain for a better life. As Americans strive for fairer treatment at work and greater economic prosperity, it is a right which we must not deny them. There is powerful evidence that America's middle class is stronger when workers join together and bargain for better wages, better working conditions and better benefits. In fact, union workers' median weekly earnings are thirty percent higher than nonunion workers'. Eighty percent of union workers have employer-provided health insurance. And sixty-eight percent of union workers have a guaranteed pension through a defined benefit pension plan.

Contrary to what opponents of the legislation will say, the Employee Free Choice Act does not mandate that workers join a union. It does not abolish the secret ballot election process. And it will not make union organization more vulnerable to fraud and coercion. It will, however, provide American workers with a choice—a choice and a hand in determining their future economic prosperity. This is the least we can do for America's workers. I strongly encourage all my Colleagues to join with me and support H.R. 800, the Employee Free Choice Act.

Mr. TOM DAVIS of Virginia. Madam Chairman, I rise today in opposition to H.R. 800, the Employee Free Choice Act.

Today we are considering legislation to strip away a fundamental right for American workers: the secret ballot.

Secret ballot elections have long protected workers from intimidation, coercion, and retribution. The National Labor Relations Act of 1947 set in statute a system that gave workers the option of voting by secret ballot when deciding the question of union organization in their workplace.

Why, 50 years later, is there a compelling need to do away with the secret ballot system? How is it that a worker will only be given a "free choice" by making his or her preference known to all?

This isn't about protecting workers; this is about flagging union membership and declining dues. Unions only represent 12 percent of the workforce—only 7 percent in the private sector. Union bosses know they don't fare as well in secret ballot elections as they do in card check elections, so they want to do away with them.

Only two months after they regained the majority, the Democrats are here to do the bidding of their union backers. There is no other reason for this debate today.

Consider the following letter sent to Mexican officials in 2001. This letter states:

> . . . the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose . . . we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

This letter was signed by 16 of my Democratic colleagues, including the sponsor of today's bill. Perhaps they have had the benefit of reflection.

Madam Chairman, this legislation isn't about helping the working man and woman; it isn't about fairness or discrimination. It is about political payback, it is legislative tribute to the union bosses that still control the Democratic Party. I therefore urge my colleagues to vote against this bill.

Mr. TIAHRT. Madam Chairman, I stand in opposition to the so-called Employee Free Choice Act, H.R. 800, and ask my fellow colleagues to join with me in supporting every worker's right to a secret ballot. I am appalled that this House would bring forth legislation that eliminates free speech and contradicts our system of democracy. H.R. 800 goes against the principles hard-working Americans stand for: openness, fairness, and freedom. The United States Congress is charged with upholding the Constitution, not undermining it.

I have the honor of representing the Fourth District of Kansas, which includes Wichita and is the air capital of the world—home to Cessna, Hawker-Beech, Bombardier LearJet, the Boeing Company, Spirit Aerosystems, and scores of small aviation machine shops and supplies. It is a leading center of aviation research, training, manufacturing and modification.

During my time in Congress, I have had the privilege to work closely with the machinist and engineer union members on common goals and concerns—from the extension of jobless benefits to securing the continuation of the E–4B modification program, which will support many union jobs in south-central Kansas. I know the value that unions bring to workers, their families, and a community. I will continue to fight for my district, and support every Wichita worker.

H.R. 800, which some have aptly termed the "worker intimidation act," would limit the choices of employees in Kansas. This legislation would replace the fair, time-honored, government-sponsored secret ballot elections with an inherently corruptible card signing system. Employees should have the right to decide on unionization in a non-coercive environment. I am shocked and dismayed that the Democrat majority would act so recklessly as to remove the fundamental and basic labor rights of free choice and free election from our hard-working men and women. Every worker has a fundamental right to a secret ballot. Congress does not have a right to take that away.

In the card-check system proposed in this bill, workers would be publicly pressured—before friends, co-workers and union organizers—to sign a card. Once labor union bosses get a simple majority of employee-signed cards, the union would be formed. There is no ballot and no democratic system. Almost one-half of all employees would never be given a chance to say whether they want to join a union. H.R. 800 takes away their voice.

Currently, 28 States do not have "right-to-work" laws; meaning that once union organizers have a simple majority of check-cards, all employees, without a right to vote or express their views, would be forced to pay union dues. Then, on top of this insult, newly unionized members would not be guaranteed the right to vote on the new union contract.

H.R. 800 also strikes our first amendment right to freedom of speech. This legislation would bar employers from telling their employees about the true consequences of unionization. It is unconscionable that Congress would violate the first amendment and limit the access to information by employees. Some Democrats in this House believe that workers are not capable of making a decision when presented all the facts. Every worker should be insulted by the underlying premise of this legislation.

At this point, if anyone still questions whether H.R. 800 would help or hurt workers, let me point out that this legislation would make it illegal for employers to give increases of pay or benefits during the card-check process. Proponents of the legislation say that increased benefits could influence the process. However, let me be on the record as saying that I will always support a company's right to increase the pay and benefits of its employees. A couple weeks ago, this House voted to increase the minimum wage for the first time in 10 years—an increase which I support. However, to now vote to ban a company from increasing wages on its own accord is hypocritical. I have yet to find one worker who did not want a pay raise.

In addition to restricting pay raises, this legislation will have a dramatic and dangerous impact on jobs across this Nation. Small business owners create up to 80 percent of all new jobs in this country. This legislation will limit the growth of small businesses and drive these good paying jobs overseas. Many in the Democrat party pay lip-service to wanting to stop the exodus of American jobs overseas, but, if enacted, H.R. 800 will actually encourage employers to relocate their businesses.

Giving employees less choice, killing the right to a secret ballot, keeping employees from critical information, making it illegal to provide increased benefits, driving jobs overseas. Does this sound like the United States of America? These are the real results of this ill-conceived, politically motivated bill.

This begs the question, why would labor unions and their allies push for such an antiworker and undemocratic bill? The official reason is that because employers are illegally coercing employees to not join a union; that union organizers are illegally fired or punished. Regrettably this activity has taken place to some degree. In 2005, there were 62 cases in which companies had illegally fired a worker for union organizing activities—62. In a country of 140 million workers. And, as I said, this is already illegal. Employers should be, and are, held responsible for all illegal activities. However, a few bad actors should not result in the destruction of a cornerstone of our Nation's union laws.

Mrs. McMORRIS RODGERS. Madam Chairman, I rise in strong opposition to H.R. 800. This bill is named the Employee Free Choice Act, but more truthfully has become known as the "employee no choice act" because it limits the choice and privacy of American workers.

Eastern Washington organizations, businesses and individuals have taken the time to contact my office to ask that I vote against this bill, which will negatively impact almost every sector in eastern Washington: small business, health care, agriculture and many others.

Let's be clear about what this act does: It side-steps a free and fair election process; it subjects workers to coercion, compulsion and intimidation.

Organizations in my community that oppose this bill include the Inland Pacific Chapter of Associated Builders and Contractors, Eastern Washington Independent Electrical Contractors and Greater Spokane Incorporated, which represents 1,600 businesses and economic entities that employ over 110,000 individuals.

In terms of its impact on health care, the "employee no choice act" could exacerbate the already devastating nursing workforce shortage in rural America. The card check process for unionization puts access to rural health care at risk. It could discourage potential health care professionals from entering into the health care field.

For example, if a professional nurse is working at a hospital that is going through unionization and he or she can count on being pressured to publicly declare their vote—which creates considerable stress—they may forgo working at that hospital altogether.

Professional employees like nurses, technologists and lab technicians are increasingly difficult to recruit to small, rural hospitals. If subject to the public pressure of a card check campaign, they may just decide to move on; they are in high demand and can practically choose their location.

Maybe in very urban settings this kind of movement of nurses and technicians can be sustained Madam Speaker, but in critical access hospitals in Colville, Omak or Davenport, WA, this kind of transition puts access to quality health care in jeopardy.

I have heard from Ferry County Hospital and from Dayton General Hospitals that this bill would "increase cost" and is a "slap in the face for collaboration between management and employees . . . and that the current process needs to be maintained." What is the biggest concern for these hospitals? The undue pressure on their employees and the possibility that their staff would be subject to intimidation, fraud or retribution—and the impact this would have on their ability to deliver care.

Richard Umbdenstock, president of the American Hospital Association and past-president of the former Providence Services in Spokane, WA, has said "the hardworking women and men of our Nation's hospitals are entitled to choice." I couldn't agree more. AHA has it right: "Hospital employees should have the same rights in choosing their labor representative as they do in choosing their elected representatives."

This bill is a brazen effort to strip American workers of the opportunity that our country has ardently defended at home and abroad: the right to vote one's conscience in privacy without someone looking over your shoulder.

H.R. 800 is a bold attempt to grab power from employees and an obvious payback for big labor whose declining membership continues. It won't just affect employees amidst a labor dispute; this act will affect us all.

Though efforts to mask the intent of this bill have been intense, as eastern Washington's voice in this House, I must object on behalf of the individuals and families that I represent.

The ballots are in and the results are clear: Americans prefer the option of a secret ballot. As the people's representatives, we must make it clear today that we will protect the working American's right to vote his or her conscience. I will vote against this bill in public, so as to preserve my constituents' right to do so in private.

Ms. ESHOO. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act.

Despite the recent surge in high corporate profits, middle class families have actually lost ground financially due to the rising costs of education, healthcare, housing and transportation. Unfortunately, under the current system for forming unions, workers are routinely denied the right to determine for themselves whether to organize. Employees oftentimes face coercion, intimidation, and harassment from employers trying to discourage unionization. These tactics discourage workers from bargaining collectively for higher pay, more substantial benefits, and better treatment in the workplace.

The benefits of unionization are well known. Workers who belong to a union earn an average of 30 percent more than nonunion workers and are much more likely to have health care and pension benefits.

Under this legislation, if a majority of workers in a workplace sign valid cards authorizing a union, then the workers would be able to have a union. This process is already possible; however, current law enables employers to veto the formation of a union without an election administered by the National Labor Relations Board, NLRB.

The Employee Free Choice Act also institutes stronger penalties for employers violating the National Labor Relations Act during any period when employees are attempting to organize a union or negotiate a first contract with the employer. In 2005 alone, more than 31,000 workers received backpay because of unlawful employer behavior of this sort. H.R. 800 also provides for up to $20,000 in civil penalties for willful or repeated violations during an organizing or first contract campaign. These penalties provide a serious disincentive for employers engaging in anti-union tactics.

The decision to form a union should be in the hands of employees. This legislation provides people with the opportunity to make this decision freely and fairly and to bargain for a better life for themselves and their families.

I urge my colleagues to support this important legislation.

Mr. MARKEY. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, and I commend Chairman GEORGE MILLER for his herculean efforts to move this bill forward and bring it to the House floor today.

This bill is an important step towards providing Americans with fundamental workplace protections that are long overdue. When workers have the freedom to join together and bargain collectively, they have the opportunity to secure affordable health care, adequate vacation time and other benefits as part of good faith negotiations with their employers.

Americans are working harder and more efficiently than ever before. But while productivity has increased, many middle class families continue to struggle to make ends meet, pay the mortgage, afford college for their children, and access affordable health care.

These hardworking families are everyday heroes, but even heroes need help.

The Employee Free Choice Act will help ensure that workers who seek a better future for themselves and their families through union representation are not coerced, intimidated or threatened by employers trying to prevent them from exercising their legal rights.

The bill we are considering today would enable employees to choose—they can choose to go through the current NLRB election process, or they can choose a card-check process designed to insulate them from intimidation. If a majority of employees choose to sign cards in support of union representation, the employer must abide by that decision and certify the union if the NLRB validates their majority.

While the card-check route to union representation is permitted under current law, employers have the choice to reject the results. In other words, under current law, it's the employer's choice. Under the Employee Free Choice Act, it's the employee's choice.

This bill is urgently needed because some employers choose to fight unionization by intimidating workers, threatening to fire pro-union employees or close the plant. Making union certification mandatory when a majority of employees sign union cards would prevent illegal tactics intended to crush workers' efforts to bargain collectively.

James Madison famously wrote that "If men were angels, no government would be necessary." Madam Chairman, if all companies were angels, this bill would not be necessary.

Unfortunately, while some enlightened companies currently recognize the legitimacy of a union when a majority of their employees sign union cards, many do not.

Now is the time to give Americans the power they need to improve conditions in the workplace.

President Roosevelt told us: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

The Employee Free Choice Act is consistent with the American ideal that everyone—not just the privileged few—deserves the opportunity to improve their condition in life and build a bright, optimistic future for their children.

I urge an "aye" vote and commend Chairman MILLER for his work on this important legislation.

Mr. STARK. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act. Passage of this seminal workers' rights legislation is long overdue.

During the past decade, union busting efforts have reached new heights. Greedy corporations hire high-priced lawyers and consultants to thwart organization drives and force existing unions out of the workplace. Employees are chastised, threatened and in the worst cases fired for exercising the freedom to form unions and bargain.

Business Week called the recent wave of union busting "one of the most successful anti-union wars ever." Their statement is borne out by the fact that only 7.9 percent of the private workforce is unionized, the lowest level since the 1920s.

Estimates suggest that 75 percent of all union organizing drives confront hired anti-union consultants. Here's the guarantee offered on one consultant Web site:

> You don't win, you don't pay. Here is bottom-line proof of our confidence in the persuasiveness of the NLRB Election Campaign Program. If your organization purchases an LRI Guaranteed Winner Package and the union becomes certified, Labor Relation Institute will refund the full cost of the package.

Why is collective bargaining so important? Wages for union employees are nearly 30 percent higher than for non-union workers. This wage difference often brings employees into the middle class, ending their struggle to stay above the poverty line. This is especially the case in construction and service jobs where employees in unions have 52 percent and 68 percent higher wages than their non-union counterparts. Unionized workers also enjoy better health care, pension and disability benefits.

The Employee Free Choice Act will level the playing field for workers who want to organize, but can't overcome corporate anti-union efforts. This bill provides a majority sign up process to authorize union representation, giving employees the confidence to choose representation without fear of reprisal. The bill also strengthens penalties against employers who engage in union busting activities.

While the days of union busting by physical violence may be behind us, the corporate greed that drives union avoidance is clearly alive and well. Our workers deserve better. I urge all my colleagues to join me in voting yes on the Employee Free Choice Act.

Mr. GUTIERREZ. Madam Chairman, I rise today to affirm my strong support for H.R. 800, the Employee Free Choice Act. I would like to thank my colleague, Chairman GEORGE MILLER, for introducing this important legislation to ensure that workers have the light to organize a union if they choose, without being subjected to workplace abuses, economic coercion or threats by their employers.

Union busting has become a lucrative industry at the cost of the American worker. When surveyed in 2006, a substantial majority, 58 percent, of eligible workers said that they would join a union if they could; however, union membership dropped below 10 percent in the private sector, bringing union membership to a record low. This discrepancy is directly related to the flawed National Labor Relation Board system as it applies to a fair and democratic election process.

Under the current NLRB system, employers are allowed to pressure employees into voting against the union during an organizing drive by using economic coercion and continual threats. It is common practice for union-busting employers to use direct supervisors to meet one-on-one with employees to compel them to vote against the union. Also, employees are often forced to attend mandatory anti-union lectures, while union representatives, under threat of termination, are not allowed to present their views to other workers at their employment site.

And the list of abuses goes on and on:

Twenty-five percent of employers illegally fire at least one worker for union activity during an organizing campaign;

Fifty-two percent of employers threaten deportation or other forms of retaliation during organizing drives that include undocumented employees;

And 51 percent of employers threaten to close their plants if the union wins the election, although only 1 percent actually will.

Worksite intimidation and economic threats create a hostile environment and eradicate the ability for a worker to make a fair and free decision. Workers are pushed out of an impartial election process because they fear for their livelihood and the economic stability of their families. The current system is far from democratic. It's unfair and it's wrong.

We need to fix this broken system to allow for workers to freely make their own choices at the workplace without fear of employer reprisal.

As a Representative from the great city of Chicago, a stronghold of working families and union struggles, I can speak to the benefits afforded to workers who choose to wield their collective bargaining power. The median weekly earnings of union workers are 30 percent higher in comparison to nonunion workers. This increase can pull a working class family out of poverty and strongly into the middle class.

Union workers also receive more benefits than nonunion workers. Only 2.5 percent of union workers go without health insurance coverage, whereas 15 percent of nonunion workers are uninsured. From health to disability benefits to pensions, joining a union provides a higher standard of living and secure benefits that may otherwise not be within reach of some employees.

Unions are essential to the fight for worker rights, and we must work to ensure that they can be formed without pitting employers against employees.

Workers must be allowed to choose freely whether or not they want to form a union—absent employer intimidation and economic coercion—and this is exactly what the Employee Free Choice Act will provide. This timely legislation will enhance working conditions and ensure a more equitable system in the workplace. The welfare of our working families and the future of our middle class depend on it.

I urge a yes vote on this historic and important legislation.

Mr. GRIJALVA. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act of 2007.

This bill should be recognized for what it is: A major advance for human rights, the right ff of a worker to associate freely and to bargain collectively. The freedom to form a union is a human right recognized in the Universal Declaration of Human Rights, the internationally recognized standard of the most basic and fundamental freedoms to which all human beings are entitled. Article 23 of this document states: "Everyone has the right to form and to join trade unions for the protection of his interests."

This Act restores and gives substance to the right to join a union. This right is a fundamental element of a healthy and vibrant economy. Further, reinforcing this right makes this prosperity accessible to working families and their communities.

Workers who belong to unions earn 30 percent more than nonunion workers. They are 62 percent more likely to have employer-provided health coverage and four times more likely to have pensions. A December 2006 research study conducted by Peter D. Hart Research Associates found that 60 million U.S. workers say they would join a union if they could. Workers know that a union job means respect on the job, and a better life for their families.

Fair wages. Good benefits. Secure retirement. These are core elements necessary to build the American Dream, and this legislation is a vital step toward renewing that promise to the workers of this Nation—the men and women on the ground, in whose labor and industry we rely to make this dream a reality.

The Employee Free Choice Act preserves the option for workers to choose to vote by secret ballot, and adds the option of choosing majority sign-up as their method of gaining recognition. This bill removes the de facto veto power employers currently exercise over the option of majority sign-up. The rights and prerogatives of workers will increase.

The right to form a union in America was born in struggle, and has been under attack ever since. This bill ensures participatory democracy in the workplace and returns workers their rights. The power to organize is the most powerful tool available to workers. It empowers workers to have their voice heard.

The working families of this Nation deserve recognition for the fruits of their labor. Through this legislation, today we empower American workers to raise their voice, to reclaim their rights, and introduce a vital measure of democracy to the American workplace.

Mr. ENGEL. Madam Chairman, I rise today in support of a long overdue measure, the Employee Free Choice Act. This necessary bill gives America's hard workers basic rights that they have been denied for over 70 years.

My father was an ironworker, and a member of his local union. I saw firsthand the struggles employees went through in order to organize their workplace. I also saw how easy it was and how easy it still is to fire union organizers with impunity. This unlawful practice happens all the time, and the worst that can possibly happen to the employer is a slap on the wrist.

I was also a proud member of a union. I was a teacher and a guidance counselor in New York City, where I became a member of the American Federation of Teachers. I learned the personal benefits to collective bargaining, and I discovered the security of having thousands of other brothers and sisters of the union behind me if I ever needed them.

Unions were an integral part in making this Nation the economic superpower it is. And while this bill will not put laborers on an even footing with employers, it will help to bridge the chasm between workers' rights and corporate rights.

Madam Chairman, we owe unions and their members a massive debt of gratitude for everything they have done for this country. We can start paying back that debt by passing the Employee Free Choice Act. I strongly support this measure, and I urge my colleagues to do the same.

Mrs. McCARTHY of New York. Madam Chairman, I rise in strong support of the Employee Free Choice Act.

Strengthening unions results in a stronger and more vibrant middle class, which is something we can all support.

Madam Chairman, we have heard arguments about how this legislation is taking away a worker's right to vote.

Let me make it absolutely clear, this bill does no such thing!

It does not take away the voting rights of workers.

The bill says that if 30 percent of workers want an election instead of a majority sign up, they get the election.

I want people to know, though, that most workers do not want to go through the so-called election process because it is so favorable to the employers.

Despite recent arguments from the bill's opponents, we are not talking about anything remotely similar to the American election system.

During our election season, we will be exposed to ads on our TVs that we can turn off.

With the union elections, employers hold employees captive for one on one meetings with supervisors to listen to anti-union rhetoric.

Having someone tell you how to vote on campaign ads over and over again might be annoying.

But imagine if it was your boss telling you how to vote with your job hanging over your head.

In Committee, we heard about situations where employees have to walk past armed law enforcement to cast their votes.

One witness, a Smithfield Foods worker, talked about a time when on "election" day, sheriffs officers were dressed in battle gear with guns lining the long driveway leading to the plant.

This is not the traditional American election.

Madam Chairman, I urge my colleagues to support this important legislation and give workers the choices they deserve.

Mrs. MALONEY of New York. Madam Chairman, I regret that I was unable to vote on H.R. 800, the Employee Free Choice Act, because of previously scheduled family matters. Had I been present, I would have enthusiastically cast my vote in support of this very important bill. In addition, I would have voted against each of the three anti-worker amendments and the Republican motion to recommit.

As a strong supporter of the rights of workers to organize and bargain collectively, I have been an original cosponsor of the Employee Free Choice Act in each session of Congress that it has been introduced.

I believe it is critical that workers be able to make their own decision—freely and fairly—about whether or not to form a union. Although we have had several years of economic growth and high corporate profits, middle-class families in America continue to feel the squeeze of stagnating incomes coupled with rising health care, education, and housing costs. By passing the H.R. 800 today, we can take an important step towards easing the middle class squeeze by giving workers a free choice to join together to bargain for better wages, benefits and working conditions.

Some have said that this bill would abolish the secret ballot election. It would not. It simply gives employees a choice. Employees can still petition for an election, but if a majority of workers sign cards saying they want a union now, they get a union, and the employer must respect that choice.

This is about fixing the current system for forming unions and bargaining, which is badly broken. But above all, it is about respect and fairness for middle-class America, ensuring that workers have a choice—and a voice—at work.

Ms. McCOLLUM of Minnesota. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act, and I applaud Chairman MILLER and the Education and Labor Committee for making working families and the rights of organized labor a national priority.

Every employee's right to organize must be protected. Too often, this is not the case, and I saw it first hand when I worked in the retail industry. While many companies respect the rights of their employees, others put up hurdles and even break the law to keep workers from effectively coming together to fight for improved working conditions. This must be stopped.

H.R. 800 ensures that American workers have a voice in the workplace. It allows workers to decide whether they want to form a union if the majority of workers sign authorization cards in support of the union, and it strengthens penalties for employers that discriminate against union supporters.

This legislation is about strengthening America's working families. Union workers earn almost 30 percent more, on average, than nonunion workers and approximately 44 percent more when you take into account wages and benefits.

In my home State of Minnesota and throughout the country, families struggle every day to make ends meet. The Employee Free Choice Act protects employees' right to organize, allowing workers to bargain for the higher wages and the better benefits that American families rely on and that they deserve.

On behalf of the working men and women of Minnesota, I am proud to support this legislation.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Free Choice Act of 2007".

SEC. 2. STREAMLINING UNION CERTIFICATION.

(a) In General.—Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

"(6) Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the Board shall investigate the petition. If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection (a).

"(7) The Board shall develop guidelines and procedures for the designation by employees of a bargaining representative in the manner described in paragraph (6). Such guidelines and procedures shall include—

"(A) model collective bargaining authorization language that may be used for purposes of making the designations described in paragraph (6); and

"(B) procedures to be used by the Board to establish the validity of signed authorizations designating bargaining representatives.".

(b) Conforming Amendments.—

(1) National Labor Relations Board.—Section 3(b) of the National Labor Relations Act (29 U.S.C. 153(b)) is amended, in the second sentence—

(A) by striking "and to" and inserting "to"; and

(B) by striking "and certify the results thereof," and inserting ", and to issue certifications as provided for in that section,".

(2) Unfair labor practices.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (7)(B) by striking ", or" and inserting "or a petition has been filed under section 9(c)(6), or"; and

(B) in paragraph (7)(C) by striking "when such a petition has been filed" and inserting "when such a petition other than a petition under section 9(c)(6) has been filed".

SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING AGREEMENTS.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

"(h) Whenever collective bargaining is for the purpose of establishing an initial agreement following certification or recognition, the provisions of subsection (d) shall be modified as follows:

"(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

"(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

"(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under paragraph (2), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to an arbitration board established in accordance with such regulations as may be prescribed by the Service. The arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties.".

SEC. 4. STRENGTHENING ENFORCEMENT.

(a) Injunctions Against Unfair Labor Practices During Organizing Drives.—

(1) In general.—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking "If, after such" and inserting the following:

"(2) If, after such"; and

(B) by striking the first sentence and inserting the following:

"(1) Whenever it is charged—

"(A) that any employer—

"(i) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

"(ii) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

"(iii) engaged in any other unfair labor practice within the meaning of subsection (a)(1) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7;

while employees of that employer were seeking representation by a labor organization or during the period after a labor organization was recognized as a representative defined in section 9(a) until the first collective bargaining contract is entered into between the employer and the representative; or

"(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(e), or section 8(b)(7);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.".

(2) Conforming amendment.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended by inserting "under circumstances not subject to section 10(l)" after "section 8".

(b) Remedies for Violations.—

(1) Backpay.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking "And provided further," and inserting "Provided further, That if the Board finds that an employer has discriminated against an employee in violation of subsection (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract was entered into between the employer and the representative, the Board in such order shall award the employee back pay and, in addition, 2 times that amount as liquidated damages: Provided further,".

(2) Civil penalties.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking "Any" and inserting "(a) Any"; and

(B) by adding at the end the following:

"(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsections (a)(1) or (a)(3) of section 8 while employees of the employer are seeking representation by a labor organization or during the period after a labor organization has been recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract is entered into between the employer and the representative shall, in addition to any make-whole remedy ordered, be subject to a civil penalty of not to exceed $20,000 for each violation. In determining the amount of any penalty under this section, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest.".

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–26. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–26.

Mr. KING of Iowa. Madam Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KING of Iowa:

At the end of the bill and insert the following:

SEC. 5. PRESERVATION OF EMPLOYER RIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace, a practice commonly referred to as "salting", has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act was enacted and threatens the balance of rights which is fundamental to our system of collective bargaining;

(2) increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both; and

(3) while no employer may discriminate against employees based upon the views of employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

(b) PRESERVATION OF EMPLOYER RIGHTS.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding after and below paragraph (5) the following: "Nothing in this subsection shall be construed as requiring an employer to employ any person who seeks or has sought employment with the employer in furtherance of such person's other employment or agency status.".

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, my amendment is an amendment that is adapted from a piece of legislation that has actually passed this Congress in the past and is called the anti-salting legislation. And a salt is when a union often has an employee on their payroll, sends them to accept employment at a non-union operation, where their purpose there is to organize in favor of the union. It is really kind of a spy technique to define it.

My amendment is actually pretty plain and pretty simple. And the operative language in it is that: Says nothing shall require an employer to hire an employee if that employee is in furtherance of some other employment or agency status.

That is the standard that is in the legislation. And I would point out that this puts the employer in a very, very difficult spot. They will often be able to identify the salts that get lined up, and some of the practices that take place will be there will be companies that will have expansion opportunities, and perhaps they want to hire 100 employees and they have got the demand to do that, but they are afraid that they will be targeted by what I will consider to be labor organization practices that are designed to take grievances before the NLRB for the purposes of organizing within that company, and if they can't get organized within the company, then they are willing to take the company down, as exemplified by CR Electric's $80,000 costs, Construction Electric forced out of business, $32,000 in costs.

Titus Electrical Contracting spent over one-half million dollars defending themselves against baseless charges. These things happen. And when an applicant comes forward before a merit shop employer and that applicant is clearly a salt from the union, then it puts the employer between the devil and the deep blue sea. He has two choices: He can either decide not to hire the employee, in which case there will be trumped-up charges bought to the NLRB which will cost them money; or, he can decide to take his medicine and do the hire, in which case if he does the hire, he knows that he has got an organizer there.

Now, I support labor organizations' ability to do that. They have a right to collectively bargain. And that should be in place in this country and it is, and I am philosophically in support of it as well. But we can't be allowing these kind of tactics.

This amendment is a simple piece of legislation.

Madam Chair, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ANDREWS. Madam Chair, can the gentleman reserve the balance of his time?

The Acting CHAIRMAN. Yes. Under the rule, the gentleman may reserve.

Mr. ANDREWS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Madam Chair, I yield myself 2½ minutes.

I oppose the amendment. First of all, let's make it very clear that salting, the practice the gentleman addresses, is legal. What is not legal are disruptive practices if one is working for an employer, as they should be illegal.

The gentleman's amendment frankly offers a breathtaking introduction of a discriminatory practice in the statutes of the country. If I read the amendment correctly, an employer could refuse to hire someone simply because someone is in a union. So let's think about the facts that would be involved here.

Let's say a person works part-time for a grocery store, and as a part-time worker they become a member of the union at the grocery store.

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Then they go to apply for a job at a telecommunications company. As I read the amendment, the telecommunications company could refuse to hire the individual who worked in the grocery store, who is a member of the union, simply because the person was a member of a union.

This is a remarkable precedent. It basically suggests that by being a member of an organization, you subject yourself to discrimination. I think if the gentleman would think about someone else's ox being gored, he would understand what's wrong with this.

If an employer said we won't hire someone because you have been in the chamber of commerce, you have a probusiness attitude, we would be offended by that. If someone said we are not going to hire you because you have been in the National Rifle Association, we think there is something wrong with that. I think we would be offended by that.

There is no functional difference between what the gentleman is proposing and those discriminatory scenarios. The purpose of our law is to prohibit discrimination, not sanctify it. I believe that this would be a breathtaking departure from the tradition of American law where we discourage discrimination rather than make it a part of our statutes.

Salting is legal. Disruptive behavior is illegal. It stays "illegal" under the bill before us. But if the gentleman's amendment were adopted, discrimination against someone simply because the organization he or she is a part of, would become legal. That is a very, very unwise policy.

I oppose the amendment.

Madam Chairwoman, I reserve the balance of my time.

Mr. KING of Iowa. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

Mr. KING of Iowa. Madam Chairwoman, I yield 30 seconds to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairwoman, as much as I appreciate my friend from New Jersey's comments, in the committee we had a different amendment which said that nobody hired in the last 30 days before an election could vote, and then we wouldn't have had to be discriminatory. But, of course, that was defeated unanimously on the Democratic side.

This amendment tries to address it in another way, because we weren't allowed to address it in the other way, and it was defeated. I support this because, in fact, people who aren't committed to the company come in for the sole purpose of unionizing, and we haven't been allowed to address it in any way.

Mr. ANDREWS. Madam Chair, I yield myself 30 seconds.

My friend from Indiana, I would ask if I have in any way misstated the amendment, that what I say about the amendment, is it accurate or inaccurate?

Madam Chairwoman, I yield to my friend from Indiana if he cares to answer. Is my characterization accurate?

Mr. KING of Iowa. If the gentleman would yield.

Mr. ANDREWS. I am yielding to the gentleman from Indiana who made the point.

Mr. SOUDER. I will let Mr. KING explain the particulars, but my understanding is we have tried several ways to address this problem, and this is the only one that was allowed to be voted on.

Mr. ANDREWS. I think my characterization is accurate.

Madam Chairwoman, we reserve the balance of our time.

Mr. KING of Iowa. Madam Chair, I yield 1 minute to the gentlelady from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Madam Chairwoman, union salting is used by labor union bosses to deliberately insert one of their members into a nonunion company, very often to simply destroy the business.

A "salt" typically employs tactics such as sabotaging equipment in work sites, deliberately slowing down work, and intentionally creating unsafe working conditions and filing frivolous unfair labor practice complaints or discrimination charges against the employer.

The brutal practice of salting is extremely harmful to an employer who is acting in good faith and wants to provide a service, make a living and create jobs and provide wages for a family in a community. This is why we must put an end to the destructive practice of salting, which is why I urge my colleagues to support Representative KING's amendment.

Mr. KING of Iowa. Madam Chairman, I reserve the balance of my time.

Mr. ANDREWS. I would ask the gentleman if he has further speakers. We will reserve our right to close debate on the amendment.

Mr. KING of Iowa. My response would be I have no further speakers and 1 minute remaining.

The Acting CHAIRMAN. The gentleman from New Jersey has the right to close.

Mr. ANDREWS. We would continue to reserve our time.

Mr. KING of Iowa. Madam Chair, first in response to the gentleman from New Jersey, the language that is operative here that addresses the union membership issue that you raise says, "in furtherance of such person's other employment or agency status," so they could hold two union jobs as long as the purpose of the one was not to undermine the organizations of the other.

I have lived with union salting. I have seen it happening. I have seen scraper operators with a load of dirt drive into the mud hole, and then when we pushed him, went to push him out, they would put it into neutral and step on the fuel and act like they were trying, but they weren't. They were slowing down the operation before a union vote. I lived through this.

I understand what union salting is. I support the organization of a union's ability, but I do not support the devil's choice that is given to the employer that takes down small businesses, breaks companies.

We can't have that kind of thing in this country. The devil's choice, the spot between the devil and the deep blue sea, is where they find themselves. This lets an employer make a choice at the hiring as to whether that employee represents themselves for the job for the employment. Of course, they should have the job if they are otherwise qualified.

This salting bill passed this House of Representatives in March of 1998 with a significant margin. We will have a vote up today on that. I appreciate that.

Mr. ANDREWS. Madam Chairman, I yield the balance of our time in opposition to the chairman of the committee, Mr. MILLER.

Mr. GEORGE MILLER of California. Madam Chairwoman, I think the gentleman from New Jersey has explained this quite correctly. This allows you, because of your membership in a union, to be discriminated against in the employment.

The actions that the gentleman says that he wouldn't like to have take place are actions that are already illegal under the law. You don't get to disrupt the workplace. You don't get to engage in those kinds of activities, and that's the way the law is written.

This is just simply a broad discriminatory practice against the employment, or it allows the nonemployment of individuals who are members of the union. At very best, under the best interpretation, what this employee would buy themselves if they go to seek a job is they would get themselves a lawsuit. They would have to sue for the right to be employed in a workplace.

You know, a job today in America is not a luxury; it is a necessity. This is just part of the harassment of individuals who believe in the organization of the workplace. This is just one more of the harassment, and now they want to put this one into the statutes of the United States.

We should vote against this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–26.

Ms. FOXX. Madam Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 2 offered by Ms. FOXX:
>
> Page 4, line 16, strike "and".
>
> Page 4, line 19, strike the period, closed quotation mark, and second period at the end and insert "; and".
>
> Page 4, after line 19, insert the following:
>
> "(C) procedures and a model notice by which an individual can request that the labor organization not recruit or solicit for membership, distribute information or material to (whether by mail, facsimile or electronic mail, in person, or by any other means), communicate with, or attempt to communicate with or influence that individual with respect to any question of representation or the exercise of the individual's rights under section 7.".

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chairman, I appreciate the opportunity to speak in support of this amendment, which we are calling Do Not Contact Amendment to H.R. 800, which I agree is the Employee Intimidation Act.

I strongly oppose H.R. 800 in its current form, and that is why I have submitted this amendment. This amendment requires the National Labor Relations Board to promulgate standards and a model notice for an employee to put him or herself on a Do Not Contact list to avoid union solicitation. This will really test whether the opposition believes what they have just been saying in the last few minutes.

By removing workers' rights to a private ballot election, we are consequently leaving those workers vulnerable to coercion, pressure, outright intimidation and threats. But if we have a Do Not Contact list, then they can avoid the intimidation and threats.

Let me illustrate the need for a Do Not Contact list by quoting from the testimony of Tom Riley, employee of Cintas Corporation in Pennsylvania, before the Subcommittee on Employer-Employee Relations, House Committee on Education and the Workforce on September 30, 2004:

"But I draw the line, Mr. Chairman, when union organizers come to my house on a Sunday afternoon telling my wife that they were with the company and needed to talk with me. When I came to the door, they admitted they were really with the union and started trying to tell me all sorts of bad things about Cintas. I told them to leave, and they eventually did.

"I called a friend of mine from work, and he said they had been to his house too. What is disturbing is that I have an unlisted telephone number and address on purpose. I don't like the fact that union organizers are now coming to my door lying to my wife about who they are and what they want.

"I have since learned that the union may have gotten my personal information illegally by copying down my license plate number and getting information from the State's vehicle registration files, which we understand is a violation of the Federal Driver's Privacy Protection Act. In one case there is a co-worker who doesn't live with his parents, but the car he drives was registered at his parents' address, and his parents got visits by union organizers.

"That is why several of my fellow employees and me, along with a number of our family members, have filed a lawsuit against the unions for what we believe they have done in violation of Federal law, and it appears that the unions have been doing this to other employees in other parts of the country too."

Madam Chairman, this is why I think Congress must consider the Do Not Contact amendment to further protect American workers.

Madam Chairman, I yield 2 minutes to my colleague from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentlelady for yielding.

Madam Chairman, I rise in strong support of her amendment. I thank her for her effort in bringing this amendment to the floor.

This amendment was crafted with a simple principle in mind. If a worker wants to be free of union solicitation, he or she should have the free choice to ask not to be contacted. During our committee debate, it was said by several Members on the other side of the aisle that the men and women making union decisions are adults and should be left to make up their own minds without outside interference.

I totally agree, and that is why this amendment is so important. It provides the opportunity, real free choice, the choice of whether to listen to and engage in union organizers or to tell them to leave you alone. Much like the highly popular Do Not Call list, which places the power in the consumers' hands, this amendment places the power in the workers' hands, where it should be; and I urge its adoption.

Ms. FOXX. Madam Chairman, I reserve the balance of my time.

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. I yield myself 2½ minutes.

Madam Chairman, this amendment is unnecessary. It is unfair, and I believe it is unconstitutional, and it should be opposed.

If there are practices where union employees are coercing workers to sign cards or sign a petition, those practices are illegal and will remain illegal after this bill is passed. Under section 6 of this bill, if there are circumstances where union organizers are coercing or intimidating people to try to get them to sign a card or cards, the labor board would presumably find those efforts to be invalid, and the card would be invalid, so the amendment is unnecessary.

It is unfair in this respect. It is rather remarkable, the ranking member of the full committee just talked about adults being able to protect themselves against certain circumstances. I see no amendment from the minority that says that workers could be free from going to one-on-one meetings with their supervisors. I see no amendment from the minority that says that workers could be free from being forced to attend captive meetings where their employer has all the say and the union has none of the say.

I see no amendment that indicates there would be a strengthening of protection against firing people during an organizing drive for which there is a strong record that this is happening on a regular basis.

I further believe the amendment is probably unconstitutional. The amendment says that it outlaws efforts to "communicate with individuals with respect to questions of representation." As I read this, if the union took an ad in a newspaper that encouraged people to sign a card and join a union, that is an attempt to communicate with an individual about the question of union representation.

We have a principle and constitutional interpretation in this country, where overly broad prohibitions against speech are presumptively invalid. This is an overly broad, and, I believe, presumptively invalid prohibition against free speech.

The amendment is unnecessary, it is unfair, it is unconstitutional. It should be defeated.

Madam Chairwoman, I reserve the balance of our time.

Ms. FOXX. Madam Chairwoman, last week I said in the committee that I have never in my life seen language twisted in issues and ideas twisted in the way that they have been twisted in response to this bill. I said that Congress has often been described as a circus, and if this were a circus, then the people on the Education Committee who support this bill would surely be in the contortionist area of the circus, because contorting the language to say that taking away the right to a secret ballot is more democratic than the right to a secret ballot is the most unbelievable language that I think I have ever heard on the floor.

□ 1345

And I think this has to be one of the worst bills that has ever been introduced in the Congress. And I want to say that at least, by passing my amendment, we could avoid harassment and intimidation by the unions. And I know that that occurs. And we could at least allow people the freedom to be not bothered by the union people who, the only way of getting this done is to harass people to sign a card.

Mr. ANDREWS. Madam Chairman, I yield myself 15 seconds and, once again, point out that a group that is opposed to this bill has scoured the record and over 60 years of history has found only 42 instances of illegal behavior by union organizers.

Madam Chairman, I yield the balance of our time in opposition to the amendment to the chairman of the committee.

Mr. GEORGE MILLER of California. Madam Chairman, you look at this amendment and you realize this is just another piece of the continued effort by which the party on the other side is fully prepared to diminish the rights of workers to have access to information about an organization that may help them in the workplace. But, you know what?

If the employer wants to bring that worker in and sit him down on a one-to-one meeting with the supervisor, with the owner of the company or the Board of Directors, if he wants to take them off of their job where they may be getting paid for productivity and explain to them why they shouldn't join the union and all that, there is nothing to protect that employee there. There he is sitting with the person who can fire them. There he is sitting with the person who fired over 35,000 people or docked their pay or did some other illegal action against them because they said, well, I think I might still want a union.

But if the union wants to go out, if other employees want to talk to their fellow workers about this, you have no opportunity to communicate. And then you are supposed to go into an election. But one side doesn't get any opportunity to communicate.

That is an interesting theory, that those with all of the power in this arrangement, those with the authority to hire and fire, they get unlimited access. But here, you may get, on break time in the break room you may still have a little tiny bit of access for the union, but they can't talk to a person out there because they could take them off the list.

What do you think the first thing is the employer might suggest to the employees when they hear that there is a union effort in the company? Put yourself on the Do Not Call List. Joe, did you put yourself on the Do Not Call List yesterday? Because then the employer knows immediately that the union no longer has access. Just another form of intimidation, just another form of a kind of arbitrary power over the employees, just one of those little things that the anti-union consultants will tell the employer to check off.

Make sure you told your employees to sign up for the Do Not Call List. Make sure you run down that list, find out who signed up and who didn't, get that list clean, because if we ever get that list, if we can get 100 percent, then the union has no access to them. It is a wonderful tool in the name of democracy you want to put into the hands of the anti-union campaigns.

No, it is very unfortunate that they simply won't allow workers to make this decision, the decision that is accommodated and allowed and provided for in the law of whether or not they want an NLRB election, or they want a majority sign up. They are not going to do that. And so fearful of the decision that the employee might make, they have decided to insulate the employee from the campaign and put them off limits to anybody except the employer.

No, this amendment should not be supported at all, and I urge its defeat.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–26.

Mr. McKEON. Madam Chairman, I offer my amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. McKEON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secret Ballot Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the right of employees under the National Labor Relations Act to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law;

(2) the right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality; and

(3) the recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. 3. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively and inserting after paragraph (2) the following:

"(3) to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9;".

(2) APPLICATION.—The amendment made by subsection (a) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized before the date of the enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)), as amended by subsection (c) of this section, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following:

"(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9.".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.

(c) SECRET BALLOT ELECTION.—

(1) IN GENERAL.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by inserting after "designated or selected" the following: "by a secret ballot election conducted by the Board in accordance with this section"; and

(2) APPLICATION.—The secret ballot election requirement of the amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.

SEC. 4. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated before such date to implement the amendments made by this Act to the National Labor Relations Act.

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentleman from California (Mr. McKEON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Madam Chairwoman, I yield myself such time as I may consume.

While serving in the House, our former colleague, Congressman Charlie Norwood, was a tireless advocate for the right to vote through a private ballot, and he introduced this legislative language last month as the Secret Ballot Protection Act. I offer this amendment with Charlie in mind.

The Secret Ballot Protection Act would insure that an employee has the right to a private ballot, free from intimidation and coercion. By contrast, the so-called "Employee Free Choice Act" would take away that right and make every employee's vote completely and utterly public to everyone.

A private ballot insures that no one knows who you voted, not your colleagues, not your employer, and not the union organizer. This is a fundamental democratic right our constituents enjoyed last November, and it is a fundamental democratic right that Americans have come to expect. That right should never be taken away from them, whether at a polling place, in a congressional election, or in the workplace.

Polls of union members confirm that they agree that the fairest way to decide to unionize is through a secret ballot election. For example, according to a poll conducted a few years ago, 71 percent of union members agreed that the current secret ballot process is fair. And 78 percent of union members said that Congress should keep the existing secret ballot election process in place and not replace it with another process.

And earlier this year, another poll was released demonstrating the same type of strong support for secret ballot elections among all Americans. 87 percent of those polled agree that "every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union." And as a result, 79 percent oppose the so-called "Employee Free Choice Act."

The Supreme Court also agrees that a secret ballot is the best way to determine support for a union in the workplace. The 1969 Gissel Packing decision states a secret ballot election is the "most satisfactory, indeed, preferred method of ascertaining whether a union has majority support."

Unions agree too. In fact, they have passionately insisted on a secret ballot election in decertification elections. In those instances, they called the secret ballot a "solemn" occasion, imperative to preserving "privacy and independence."

And yes, even some sponsors of the underlying bill agree, according to their now infamous 2001 letter to Mexican labor officials. In that letter, they stated very plainly that the "secret ballot is absolutely necessary in order to ensure workers are not intimidated." And I couldn't agree more.

Madam Chairwoman, this amendment is offered in exactly that spirit, and I urge my colleagues to vote "yes."

I reserve the balance of my time.

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 15 minutes.

Mr. ANDREWS. I yield myself 1 minute.

Madam Chairman, I would like the RECORD to reflect a couple of points.

First of all, with respect to this continued phrase about a public ballot. The card is not a public document. When the card is collected by the organizers it is turned in at some point to the Labor Board for certification.

Second, this public opinion poll that keeps being referenced, or these polls that keep being referenced, none of the respondents to these polls were party to the information about the systemic pattern of coercion that has taken place in the workplace and asked questions, I believe, that were rather loaded.

And finally, on the issue of decertification, the fact of the matter is that the law today gives an employer the right to refuse to bargain with and recognize a union if there is a manifestation by a majority of the workers that they no longer wish to be recognized. There doesn't need to be a vote before an employer can choose not to recognize the union.

Madam Chairman, at this time, I would like to yield 2½ minutes to the gentlelady from New York City, Brooklyn, more specifically, Ms. CLARKE.

Ms. CLARKE. Madam Chairman, the Employee Free Choice Act serves as a remedy to the squeeze on the middle class, due, in part, to the large scale erosion of workers fundamental freedom to bargain for better wages and benefits. Over the last several decades, workers' rights have come under increasing attacks. Even though workers in the United States under the National Labor Relations Act have the right to organize and collectively bargain, violations of these rights include the firing of employees for union activity.

In committee, Madam Chairman, we heard testimony of witnesses who spoke either in support for or against the bill on the House floor today. I find it difficult to understand how, in good conscience, Americans who, a generation before benefited from union activity, would be this opposition to this bill.

During organizing campaigns, 25 percent of employers illegally fire at least one worker for union activity.

The chance that a pro union worker activist is fired for his or her union activity today is now 1 in 5.

78 percent of employers in organizing drives forced employees to attend one-on-one meetings against a union with their own supervisors, and 92 percent of the employers forced employees to attend mandatory captive audience meetings against the union.

75 percent of the employers in organizing drives hire consultants or other union busting firms to fight the organizing drive.

The middle class squeeze has created a human rights crisis in this country. The Nation, the economy, and the employees benefit from the workers having the freedom to join together to bargain for better wages and benefits.

I wanted to just take a moment today because this piece of legislation will now bring justice to what has been a real injustice to the American people. I had the occasion to sit in on our committee hearings. Today I just wanted to bring to everyone's memory a gentleman named Mr. Ivo Camilo. He worked for the Blue Diamond Company for 35 years. He signed a letter with 58 coworkers saying that they wanted the right to organize and wanted that to be respected. A week later, Mr. Camilo was fired.

Today I cast my vote on behalf of Mr. Ivo Camilo, who sacrificed for each and every American the right to organize. He sacrificed his livelihood for all of us and for future generations. Thank you very much, Mr. Camilo.

And I urge all of my colleagues to vote "yes" for this legislation.

Mr. MCKEON. Madam Chairwoman, I am happy to yield at this time 5 minutes to the gentleman from Missouri (Mr. BLUNT), our minority whip.

Mr. BLUNT. Madam Chairman, I appreciate having the time. I appreciate the leadership that my good friend from California has shown on this issue.

Madam Chairman, Members, many of us in this Chamber have been reminded over the years, some of us more frequently than others, that elections don't always yield the most convenient results. But as unpredictable and, at times, disappointing as their outcomes can be, for some reason we keep holding them, and we go to extraordinary lengths to ensure that basic conditions of privacy and integrity are properly observed and protected. The reason we do that is not that we are gluttons for punishment, that we want to go back facing the disappointment of not being successful on election day. It is that, in our democracy, secret ballot elections represent an essential mechanism for establishing legitimacy. We recognize elections as the fabric that holds our democracy together.

☐ 1400

Lose an election, and you tend to ask yourselves plenty of questions. Most of us, though, after all the soul searching we do, don't decide that one of those questions is answered by the idea that next time we just simply fail to hold the election. We understand that that is not one of the options we have.

The advocates of the underlying bill say we should suspend a worker's right to register his or her choice by a secret ballot and replace it with a system in which workers would be forced to publicly declare their preference to friends and to co-workers through a series of cards that would be collected. Mr. MCKEON's amendment, before that, the bill introduced in previous Congresses by our friend, Mr. Norwood, says that we must have, in all instances, a secret ballot election.

Which system is more vulnerable to peer pressure and intimidation? An anonymous secret ballot election overseen by the National Labor Relations Board, or a public declaration of whether you want a union or not.

There was a time in this country when you had to publicly go to every polling place in America and cast your ballot publicly, audibly or visually, so that everybody in the polling place knew how you voted. But over a century ago, one of the great reforms in this country was that that system would never be allowed to happen again. And one by one the States adopted secret ballot elections as one of the great reforms that has protected our democracy.

We have already heard, probably more times in this debate than anybody would want, the lead sponsor and his comments about secret ballot elections in Mexico just a few years ago.

There was a day when labor advocates like Senator Robert LaFollette and the AFL founder, Samuel Gompers, toured the country in a push for more open, more voluntary standards for joining a union. And in every case, they fought for the right of a secret ballot, the very privileges the sponsors of this bill say today are no longer needed.

The former chairman, the ranking member's amendment, says let's defend the secret ballot, let's protect the workers' right to cast their vote in privacy. Support this amendment. Oppose the bill. Stand up for democracy as we vote today.

Mr. ANDREWS. Madam Chair, at this time I am pleased to yield 2 minutes to a new Member making quite an impact, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Chair, it is my honor to be on the committee that has brought this bill forward, and I urge my fellow Congressmen and -women to say "yes" to this bill.

What this bill is doing is finally representing the working men and women of America. It is finally giving them an opportunity to once again regain a decent wage and to regain benefits.

It is critical for our country and for our middle class to have this bill passed, but there is reason for this also. Because when people have worked in factories before without union representation, they worked under extremely difficult circumstances.

In the early 1970s, I worked in a factory during the summers when I was in college. And I saw people come in and try to form a union, and I saw them get fired as soon as they heard about it. And so the people who had to work there day after day, year after year had to suffer under some pretty terrible conditions that most people would not accept.

So the union is critical and the support for it is critical. But I also support the idea that people can vote out in public. And I vehemently disagree that this will in some way harm individuals. I live in New Hampshire; and in New Hampshire, many of the towns still have town hall meetings. You stand there publicly and you vote. And nobody experiences any great tragedy for speaking as a body and as an individual in that body to say what direction they want their town to go in. This has been part of our history from the very beginning, and I am proud to endorse this bill.

I urge my colleagues to vote "yes."

Mr. MCKEON. Madam Chairwoman, I am happy to yield at this time 3 minutes to the former Speaker, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. I thank the Chairman.

Madam Chairman, just months ago, after voters went to the polls and elected myself and my colleagues through private ballot elections, Democrats today are attempting to strip that basic right to cast a private ballot from the American worker.

The right to vote in America, regardless of race, regardless of religion, regardless of gender, is a right that has been fiercely fought for and protected. The right to keep that vote private is fundamental to the success of any democracy.

The current system in place for union elections is fair. The NLRB has detailed procedures in place to ensure a fair election, free of fraud, where workers can cast their votes in private, without fear of coercion from business or labor.

A recent poll shows that almost nine in 10 voters agree that every worker should continue to have the right to a federally supervised secret ballot election when deciding whether or not to organize a union.

In 2000, we had the closest national election in our Nation's history. Many of my colleagues, particularly those on the other side of the aisle, demanded reforms to ensure to the greatest extent possible that every vote will be counted, and that to the greatest extent possible that every vote has the integrity of the ballot box. That election highlighted the needs for election reform, and we acted.

This House passed the Help America Vote Act to help ensure free and fair elections for years to come. We wanted to protect the confidence so that when every American goes to the ballot box, it will be secret, they won't be intimidated, and their ballot will be rightfully counted. However, today on this floor, the same people who pushed for voters' rights back then are now trying to abolish them. This bill will only erode the American public's confidence in the democratic process.

So why do labor unions want to fix a system that isn't broken? Because it tips the scales to their advantage and to disadvantage workers. How much did labor unions have to pay to pass this irresponsible bill through Congress? $60 million. For this, their reward is to silence the voice of American workers.

If Democrats were really concerned about the well-being of our labor force, they would instead work to protect workers against the violence that often erupts as a result of labor elections. Federal courts have held that some union activities are exempt from the Hobbs Act, including violence. As a result, incidents of violence, assaults have gone unpunished.

The so-called Employees Free Choice Act could increase violent, nonunion intimidating tactics. The bill would publicize workers' votes, and even further expose them to possibility of retaliation.

Democrats are trying to eliminate democracy in the workplace. This bill strips away a worker's voice and increases the likelihood that workers will be threatened and harassed.

Madam Chair, I urge my colleagues to vote to protect and defend our workers. Support the McKeon substitute and vote "no" on H.R. 800.

Mr. ANDREWS. I am pleased to yield 2 minutes to my friend from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Chairman, I thank my colleague. And as an alumni of the Education and Labor Committee, I appreciate the time today.

Madam Chairman, I rise in strong support of this legislation and oppose the substitute. I applaud the chairman and members of the Education and Labor Committee for their work on this bill.

We have a problem in our country. When I was growing up, we always heard the rich get richer and the poor get poorer, but we know now that we have a disparity between the richest and the poorest in our country that is getting bigger every day.

The Employee Free Choice Act gives employees the protections they need to form unions and provide mediation and arbitration for first contract disputes. This is the first step to try and lower that disparity, where people can organize together and actually improve their living standard.

I am pleased, also, that section 3 of this bill includes language that I have worked on for many years by incorporating language from our bill, H.R. 142, the Labor Relations First Contract Negotiation Act. The bill requires an employer and a union to go to Federal Mediation and Conciliation Service, FMCS, for mediation for agreements not reached within 90 days or either party wishes to do so.

So we don't have these year-long discussions about trying to get a contract. If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration will be binding on both parties for 2 years.

So we will see contracts, after we have the elections, where there are elections or card checks. We have seen numerous examples in the Houston area of elections taking place, and then there is a long delay in the negotiation process.

As a whole, this legislation is a huge victory for workers and employees across the country and can help us with the wage gap between the highest paid and the lowest paid in our country. Joining together in a union to bargain for better wages, benefits, and working conditions is the best opportunity for working people to get ahead and is a part of the true free enterprise system that we say we are for.

Today, good jobs are vanishing and health care coverage and retirement security are slipping out of reach. Employees who belong to unions earn 30 percent more than nonunion workers. They are 60 percent more likely to have employer-based insurance and four times more likely to have pensions.

Madam Chairman, I rise in strong support of this legislation and oppose the substitute. I applaud the Chairman of the Education and Labor Committee for his work on this bill. We have a problem in our country—as a child I heard the rich get richer and poor get poorer. This bill helps correct that problem. The Employees Free Choice Act gives employees the protections they need to form unions and provides mediation and arbitration for first-contract disputes.

I am pleased Section 3 of this bill includes language I have worked on for many years.

By incorporating language from H.R. 142, the Labor Relations First Contract Negotiations Act, the bill requires an employer and a union to go to the Federal Mediation and Conciliation Service (FMCS) for mediation if an agreement is not reached in 90 days and either party wishes to do so.

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They are 60 percent more likely to have employer-provided health coverage and four times more likely to have pensions.

We need to ensure protections are in place to allow employees to form unions without harassment so that they can negotiate for the well being of themselves and their families.

Madam Chairman, this legislation will provide workers with these protections and I urge my colleagues to join me in supporting the Employee Free Choice Act.

Mr. McKEON. Madam Chairwoman, might I inquire as to the time.

The Acting CHAIRMAN. The gentleman from California has 5½ minutes. The gentleman from New Jersey has 8 minutes remaining.

Mr. ANDREWS. At this time, I would like to yield 2 minutes to a member of the subcommittee, Mr. HARE.

Mr. HARE. I thank the gentleman.

Madam Chairman, there has been a lot of talk here about the last election. And my friends on the other side of the aisle were talking about the secret ballot. The reason that they lost the election wasn't because they had the secret ballot. They lost the election because they lost sight of what they were here to do, stand up for ordinary people, fight for them.

It took the Democrats a little less than 2 weeks to raise the minimum wage. My friends on the other side of the aisle had this Chamber for 12 years and couldn't get it done.

We are standing here today, and I mentioned earlier that I organized a plan. I have been there and I have done that. I worked on the J.P. Stevens boycott, where the foreman would literally follow the employee to the restroom to make sure she or he was not taking an unauthorized break. Someone would show up at the hospital, if they were injured, at the emergency room to tell the employee, if you don't show up for work tomorrow, you are fired.

My friends, we have heard a lot of talk today, but actions speak much louder than words. For 12 years, my friends on this side of the aisle have had a chance to improve workplace safety and they haven't done it, a chance to strengthen workers' rights. And you would swear today that they are the champion of ordinary people giving them the breaks. Well, for 12 years we have watched. Today, we act.

I will put my card in. I will vote "yes" for all of the people who want a fair shake, an opportunity to join a trade union, to have health insurance and better benefits.

It didn't take us 12 years, my friends, to understand. And trust me when I tell you, we will pass this legislation. And as the end of the movie "The Inheritance," the movie that formed my stance on unions, an older man looks into the camera, and he says, you think this is the end? My friends, this is only the beginning.

Mr. McKEON. Madam Chairwoman, I am happy now to yield 1 minute to the gentleman from Georgia, a member of the committee, Mr. PRICE.

Mr. PRICE of Georgia. Madam Chairman, the previous speaker said this is only the beginning. That is our concern, and that is the concern of the American worker.

Our friends on the other side of the aisle have said that people can get fired when they show an interest in either signing up or supporting a union. Well, it is curious. In our committee we heard from Ernest Bennett, who is the director of organizing For UNITE, a union, who told a room full of organizers, while he was organizing this union, during a training meeting for the Cintas union, that if three workers weren't fired by the end of the first week of organizing, that UNITE wouldn't win the campaign. Madam Chairman, facts are tricky things.

So when did the rights of American workers become so dispensable? When did allowing Americans to decide in private how they would make decisions that affect their life become expendable? A party that claims to be a voice for American workers is going to silence them in one quick vote. It is shameful and it is saddening. And it is even more disturbing that some of our friends on the other side of the aisle feel that Mexican workers deserve more rights than workers here in America.

Madam Chairman, I support Charlie Norwood's bill. A secret ballot protects all and preserves democracy and defends the American worker.

Mr. ANDREWS. Madam Chair, we have no other speakers on our side. We reserve the right to close. And if my colleagues would like to do so, we would yield to them. We will reserve our time.

□ 1415

Mr. McKEON. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Chairman, we have heard people on the floor today say basically that eliminating the secret ballot will not affect the ordinary worker's rights.

Madam Chairman, some of us grew up in schools that were public schools, being taught by teachers who were members of the Democratic Party. I loved those teachers and they were very honest people, and they said and they taught and they drilled into us the secret ballot was one of the most important developments in democracy. It separated the United States from other totalitarian and dictatorial governments.

Now I have people coming here on the floor that I don't know as well as my beloved teachers saying those teachers were mistaken or lying, they don't know what they are talking about. And what I am getting to believe is, this isn't up for the ordinary workers, this is playing to the officers of hard-working American union members.

I would submit when we have people say in letters and on the record that the secret ballot is important to avoid intimidation, when they would come to my courtroom they used to ask, are you lying then or are you lying now. I won't ask.

Mr. McKEON. Madam Chairman, I am happy to yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Chairman, in this body, everyone is allowed an opinion. My opinion is I am going to vote to preserve the secret ballot and I will vote for Ranking Member McKEON's amendment.

But I think we also have to recognize that truth has to be told. Just a moment ago, I heard one of my colleagues say that Republicans hadn't raised the minimum wage in the 12 years they were in the majority. Of course, 1997 was in those 12 years. That was the last time it was raised, and 2006, this body, Republicans led to raise the minimum wage. It didn't get out of the Senate. That happens.

Interestingly, Members taking credit for raising the minimum wage, it has only left the House. It hasn't gone one inch further than it did in the last Congress, when Republicans led the way to raise the minimum wage. So, please, you are entitled to your opinion, but not your facts.

I am concerned today that on a partisan basis, the Democratic Party, here and on other initiatives, including looking into putting a disclosure requirement when a preacher in a church says, "I think you ought to vote your conscience," that is going to become public if they have the disclosure.

I think there is a pattern of trying to make public for purposes of intimidation, and all I can say is shame on the Democratic Party.

Mr. McKEON. Madam Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I think it is important to sort out what this debate really is about. It is not about union workers and it is not about unions. I understand people who support unions and union workers. What this debate is about is too much power for unions. Don't take my word for it. Listen to The Los Angeles Times.

"Unions once supported the secret ballot for the organization elections . . . Whether to unionize is up to workers. A secret ballot ensures them that their choice will be a free one."

You simply cannot come to this floor and say this bill is balanced or fair, because it does not treat both sides right. If you want to decertify a union, that is a secret ballot under this bill. If you want to create a union, it has to be by card check. Why isn't it extended to both issues?

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I appreciate the debate that we have had here today. I think everybody at this point understands, as Mr. GOHMERT just reminded us, I remember learning as a young student in school, when they had us put our heads down on the desk and vote for class president, it was secret ballot.

As Mr. BLUNT reminded us, we used to have open ballots, and about 100 years ago it was changed to secret ballot. Now the Democratic Party is trying to reverse that and take away from workers rights their opportunity for a secret ballot.

We need to vote against this bill. Vote for this amendment and against the underlying bill.

Madam Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), our minority leader.

Mr. BOEHNER. Madam Chairman, let me thank my colleague from California for yielding, and thank him and the members of the Education and Labor Committee for their work on this bill.

Let me also say it is nice to see the chairman of the Education and Labor Committee here, formerly the ranking member during the 5 years that he and I worked together. During those 5 years, this bill went nowhere. It went nowhere for a very good reason.

Over the last 75 years, the Federal Government, State governments and the National Labor Relations Board have provided law and case history to try to bring balance between the interests of employers and the interests of the unions. If you go down through this long history, there is a very tumultuous history. But throughout this history, the challenge was to bring balance, for workers and their employers.

Over the last 25 years, there is no issue I have spent more time on during my political career than working with the employer community and the employee community, mostly represented by the labor movement.

My goal throughout this last 25 years has been to maintain this balance that I think works for employers and their employees, and what we have here today is trying to upset that balance, taking away the secret ballot election from workers in order to make their choice whether they want to be represented or not.

It is almost beyond my imagination that this bill is on the floor of the United States House of Representatives taking away the secret ballot election. Think about this for a moment. Think about the 2008 election day, and here we are. You don't get to go into a voting booth and vote for who you want to be President in the 2008 election. You don't get to go and decide in a secret ballot who you want your Member of Congress to be. You have to show up at a town hall meeting, raise your hand as to who you are going to vote for; let your neighbors know, let your opponents know, let your employers know how you are going to cast your vote for President or for your Member of Congress.

I don't think that is what the American people expect of us. Instead of I am looking up at the voting booth, you are going to be standing up in front of God and everyone and telling everyone publicly how you voted. That is not what we want of workers.

Think about this for a moment. This is what a 1990 Federal Court decision found, and I will quote: "On average, 18 percent of those who sign authorization cards do not want to join the union. They sign because they want to mollify their friends who are soliciting, because they think the cards will get them their dues waived in the event that the union shop prevailed."

There was an earlier study by the National Labor Relations Board. It found that in cases where unions had cards signed by 30 to 50 percent of the employees, unions only won 19 percent of those elections. Or even when unions had cards signed by 50 to 70 percent of the workers, they won less than half of those elections.

Let's talk about what this really is all about. This bill today is not about protecting American workers. It is about upsetting the balance between labor and management.

But the real issue here is not taking care of workers, it is taking care of union bosses. We all know what is happening to the union movement in America. They represent about 8 percent of the private sector employees in the country, and that number has been dropping precipitously. This is an effort to help them get more members, to make it easier for them to sign them up and to intimidate them to sign cards. So there are no secret ballot elections. And whether they want to join a union or not, they are going to be forced to do it. That is not the American way.

My colleague from California, the sponsor of this bill, knows full well what this bill does and who it is meant to take care of and who it is meant to pay back to. It is not the American way, and that is not what should be happening in the People's House.

We, as Members of Congress, have a responsibility to do what we think is right on behalf of the American people, and I am going to tell you what I am going to do today. I am going to stand up and stand tall, and I am going to vote for every American worker and protect their right to have a secret ballot.

Mr. ANDREWS. Madam Chairman, in closing, I yield the balance of my time to the chairman of the committee, the author of the bill, the gentleman from California (Mr. MILLER).

The Acting CHAIRMAN. The gentleman from California is recognized for 6 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I thank the gentleman for yielding, and I thank him so much for his role in bringing this bill to the floor and the subcommittee where he chairs the subcommittee and in the full committee during the debate and here on the floor today, and I thank all of my colleagues who voted for this bill.

I don't know, maybe you have been doing business so long where you have been paying back your supporters, you think that is the way everybody does business. And that is why you have people heading down toward the courthouse and that is why you lost your leadership, because they were paying back their supporters.

Now, I know it is hard for you to change your stripes, and some of you will be wearing stripes, but the fact of the matter is, that is not the way we are doing business. But that is your language and that is your habit and the way you ran the Congress. It is pay to play. Pay to play.

Well, a new day is in town, and we are here today about whether or not workers will simply have the choice to exercise a right that has been in the law for 70 years, a right that can be taken away from them like that from an employer who simply says no to a majority of people who want representation in a workplace, a right that is part of the National Labor Relations Act. But it is revoked by employers, arbitrarily, without reason, without purpose. Then they can insert those employees into a process that is well documented now of hundreds of thousands of employees over the last decade that have been punished and had retribution, been harassed, lost pay, lost their homes, lost their jobs, lost their good shift, lost their premium time. That is the record. That is the record.

So the question is simply this: Will we give these employees the choice to decide, do I get to have an NLRB election, or do I want to choose this. Thirty percent can have an election. It takes 50 percent to have a card check.

And your secret ballot, Mr. McKEON, you forgot to have the secret ballot for the decertification election. Apparently you don't need a secret ballot for that. You just have a card check. Okay. Now we understand what is going on here.

Let's remember today that families find themselves in the most difficult of economic situations. Today, your employer, who has reduced your pension, they have terminated your pension, they have reduced the payments into your pension, they extend the time in years that you have to participate in the pension before you can vest. Your health care, they ask you to pay more for it and reduce the benefits that you are paying more for. They change your hours. They change your pay. They change your premium pay. They change your shift.

So finally people say, I have got to have some say. I want the right to organize at work. I need representation. As the new Senator from Virginia said, everybody needs an agent. "I need somebody to negotiate with this employer because I am not able to support my family. My wages aren't going up."

The productivity is going up, the highest productivity in the history of the country, and employees are taking home the smallest share. Who is taking the most home? The CEO's, with their arbitrary golden parachutes and golden handshakes. What about the person trying to support a middle-class family? What about the person trying to decide whether they can hold on to their house or if they can buy their first house? Where do they get to negotiate?

The law says go to the National Labor Relations Act, and there you find a provision that says an employee has the choice of how to do this. But if they choose a card check, the employer can take it away from them. That is not democracy. That is arbitrary. That is capricious. That is an outrage. These are real people. These are real people that have been hurt this way.

I conducted a hearing. Ivo Camilo worked for Blue Diamond Growers for 35 years. He was awarded all kinds of awards for being an outstanding employee. Thirty-five years he gave them his life. And then Ivo said he wanted a union and they fired him. And when he said that to our hearing, he started to cry. Thirty-five years he had worked, and he started to cry.

My granddaughter was sitting next to me in the hearing. She had to leave early, but she had her father call me from the car. She got on the phone and she said, "Papa," she said, "Papa, why did that man have to cry in front of all those people?"

I said, "Montana, he cried because he was embarrassed to admit to other people that he couldn't provide for his family; that he had lost a job that he was proud of. He lost a job because he simply spoke up."

□ 1430

Another constitutional right you forget sometimes, he simply spoke up and said, "I would like to have representation at work." And so Ivo Camilo was fired, along with tens of thousands of other workers who simply made that statement to their employer.

You believe that is a fair system? That is a fair system that people can be fired? And when he gets his job back, he gets his back pay, no penalty for doing this, and that is why 30,000 people have taken action against them, because there is no penalty for the employer to fire these people, because what do they want, they are trying to increase the security in the workplace, they are trying to increase the financial security of their families.

You can pick up the paper every day and understand what is happening to people with health care, with their pensions. You can see what happens every day. The wages of working people are flat. They have been decreasing over the years, even as they have been the best workforce in America, and now they understand the risks that they run.

They want more say. They want their employers to stop fooling around with pension plans and dipping into their retirement funds and putting those things at risk. That is what the Employee Free Choice Act does: it gives these employees a chance to have representation and protect the health and welfare and support of their families. I urge a vote against the McKeon amendment and in support of the legislation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. McKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. KING of Iowa.

Amendment No. 2 by Ms. FOXX of North Carolina.

Amendment No. 3 by Mr. McKEON from California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 264, not voting 10, as follows:

[Roll No. 114]

AYES—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)

Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—10

Cubin
Davis, Jo Ann
Flake
Fossella
Inslee
Jefferson
Mack
Maloney (NY)
Poe
Serrano

☐ 1458

Messrs. SPRATT, CLYBURN, KIRK and Mrs. McCARTHY of New York changed their vote from "aye" to "no."

Mr. BUYER, Mrs. MYRICK, and Messrs. LEWIS of California, PETERSON of Pennsylvania, DUNCAN and PLATTS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 printed in House Report 110–26 offered by the gentlewoman from North Carolina (Ms. Foxx) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 9, as follows:

[Roll No. 115]

AYES—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Buyer
Cole (OK)
Cubin
Davis, Jo Ann
Inslee
Jefferson
Maloney (NY)
Obey
Poe

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1507

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCKEON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 9, as follows:

[Roll No. 116]

AYES—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Cubin
Davis, Jo Ann
Inslee
Jefferson
Kaptur
Maloney (NY)
Poe
Rangel
Smith (TX)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1516

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. WELCH of Vermont). There being no further amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Mr. WELCH of Vermont, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, pursuant to House Resolution 203, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCKEON

Mr. MCKEON. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon of California moves to recommit the bill, H.R. 800, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 4, insert after "representative" the following: ", that such authorizations bear, in addition to the signature of the employee, an attestation that the employee is a lawful citizen or legal resident alien of the United States, and are accompanied by documentary evidence of the same, and".

Mr. McKEON (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes.

Mr. McKEON. Madam Speaker, it defies logic that anyone who lives in this Nation illegally and works here illegally is able to decide whether legal workers must join a union.

But under current law, unions can obtain signatures during card check campaigns without differentiating between whether they were signed by legal or illegal workers. This motion to recommit simply requires that the union conducting a card check demonstrates that any card presented for recognition be signed by a U.S. citizen or legal alien.

This is especially important because under the so-called Employee Free Choice Act, the card check would become the law of the land, and literally it would allow union bosses to pick and choose which workers they believe can be most easily pressured into joining the union.

The bottom line, Madam Speaker, is those illegally working in this country should not be pressured into making major decisions such as those involving unionization that will only serve to further erode the free choice of workers who are lawfully here.

I commend the gentleman from Georgia (Mr. PRICE) for offering this amendment before the Rules Committee yesterday.

Madam Speaker, I yield the gentleman from Georgia (Mr. PRICE) the balance of my time.

Mr. PRICE of Georgia. Madam Speaker, I thank the gentleman for his leadership on this issue and in this House. Illegal immigration is as important an issue as any other major policy concern to my constituents, and I know to all Americans.

Across the country, there is overwhelming support for immigration reform, and this is due to the general sense that Federal policies have not succeeded and illegal immigration has become a crisis. With an estimated 12 to 20 million illegal aliens living here, Americans realize that the presence of so many is undermining the rule of law and undercutting the economic security of hardworking Americans.

No one wants to be denied economic opportunity for freedom, especially if it is being determined by those who are not lawfully in the United States. This motion to recommit is an opportunity to address the concerns of legal American workers which have not been raised from across the aisle.

This recommittal would simply require a union to demonstrate that any authorization card presented for recognition be signed by a United States citizen or a legal alien. Under current law, any worker, whether in the United States legally or not, can sign an authorization card. I repeat, under current law, whether in the United States legally or not, any worker can sign an authorization card and have it counted toward the threshold for union recognition.

So far, Republicans have proven that this Employee Intimidation Act is incompatible with the interests of workers, individual liberty, and the principles of democracy. Moreover, the card check process has proven not only to be biased and inferior, but also ripe for coercion and abuse.

Even more incompatible with democracy and ripe for abuse would be to allow illegal aliens the right to approve workplace representation for all legal workers at a site. I can't imagine that anyone truly believes that illegal aliens should be able to weigh in and determine union recognition, compensation, and benefits for legal American workers.

This Nation is at a point where illegal immigration has become such a crisis that it is threatening national security. To get this crisis under control and reaffirm our security, it is not too much to ask that all parties, employers, unions and employees, do their part. Employers are already on the front lines of deterring illegal immigration and verifying employee status.

Asking that authorization cards be determined as "valid" and accompanied by documentation is just another step to get the matter under control and ensure only legal workers are deciding on union recognition and workplace rules.

It is such a small step. Unions can fulfill the requirements by following the same process that employers follow and use the same universe of documents that employers use, and to do this would not only guarantee that illegal aliens are not determining the rules for legal American workers, but it would add another check to strengthen national security.

I urge passage of this motion to recommit.

Mr. McKEON. Madam Speaker, we yield back the balance of our time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, this is one of the more cynical amendments that could be offered at this time. You are going out to organize a workplace, and the people you are going out to organize are the employees of a company.

Now, either that company has a large number or maybe a total workforce that is illegal, and they don't want you near them; or they are legal because they are employed there, because that employer is supposed to check to see whether or not they are legal and to certify that they are. That is the pool of people that you are seeking to employ.

Now, this administration, you know, I think in 2004, maybe fined five companies, or you can put them on one hand. They now want to shift their failure to enforce in the workplace to the union organizers that they somehow have to do immigration checks because neither the employer apparently did them, nor the administration did them.

This is simply outrageous that we would ask people to do this. The people who are working in the facility, whether it is a plant or a job site, the employer has certified that they are legal, and they are legal workers. Why is it we would shift this to the unions?

If this company is not properly certified, that is why the Federal Government is supposed to be inspecting them. But they don't inspect them, because you haven't done this in the past, because you haven't taken this problem as seriously as you should. But all of a sudden you decided on this bill you are going to take it seriously, and you are going to shift it on to the union organizing effort to check this. It is an outrageous and cynical approach.

If you take it seriously, if you take it seriously, then enforce the law. Enforce the law. You have been in power for 12 years. And apparently this is a problem that is so important that it only comes to light this evening. Enforce the law, 2004, three companies.

Madam Speaker, I yield time to Mr. ANDREWS from New Jersey.

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, enforce the law. The erstwhile majority wants organized labor to do what its own administration has failed miserably to do. In the last 6 years before this administration took office, there were an average of 587 convictions of employers for hiring illegal workers.

Since then, this administration has averaged 73 convictions for a year for hiring illegal workers. In 2004, this administration got zero convictions for hiring illegal workers. Do not force organized labor to do what this administration has failed so miserably to do.

Vote "no."

Mr. GEORGE MILLER of California. You will have your opportunity to address immigration law. You will have that opportunity. You have tried to deny it over the last several years, but you're going to have it.

All this amendment says is you really dislike the unions even more than you dislike the illegal workers. That is what this says.

POINT OF ORDER

Mr. GOHMERT. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. The gentleman is violating the rules by not speaking to the Speaker. We would ask that the rules be enforced.

The SPEAKER pro tempore. Members will not deliver remarks in the second person.

Mr. GEORGE MILLER of California. Madam Speaker, all I can tell you is these people over here, when it was a question of the company, illegal immigration didn't bother them. All of a sudden, nonunion, these folks over here want to put it on the back of the unions in a most unfair fashion.

Madam Speaker, I just want to say to the House, let's not vote for this cynical amendment. Let's vote "no" against this and not punish people who are out trying to organize for the benefits of their families and their communities and for their health care and for their wages and put this burden on them that this administration hasn't accepted and the employers haven't accepted or the employers are doing it illegally. Let's enforce this law and not make this a substitute for that.

I ask you to vote against this.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McKEON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 202, noes 225, answered "present" 1, not voting 6, as follows:

[Roll No. 117]

AYES—202

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

ANSWERED "PRESENT"—1

Paul

NOT VOTING—6

Cubin
Davis, Jo Ann
Inslee
Jefferson
Maloney (NY)
Poe

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1548

Messrs. KIRK, MITCHELL, and LAMPSON, and Mrs. BOYDA of Kansas changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 185, not voting 8, as follows:

[Roll No. 118]

AYES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa

Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Cubin
Davis, Jo Ann
Hastings (WA)
Inslee
Jefferson
Maloney (NY)
Pickering
Poe

☐ 1556

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PICKERING. Madam Speaker, on rollcall No. 118 I was unavoidably detained. Had I been present, I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my good friend, the majority leader, for information about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank my friend, Mr. BLUNT, the minority whip, for yielding.

On Monday the House will meet, Mr. Speaker, at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30 p.m.

On Tuesday the House will meet at 10:30 a.m. for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those bills, Mr. Whip, will be available later this week.

On Wednesday and Thursday, the House will meet at 10 a.m., and on Friday the House will meet at 9 a.m.

On Wednesday King Abdullah of the Hashemite Kingdom of Jordan will address a joint meeting of the House and Senate.

We will consider under a rule several important pieces of legislation from the Transportation and Infrastructure Committee that will help clean our environment and create jobs: H.R. 700, the Healthy Communities Water Supply Act; H.R. 720, the Water Quality Financing Act; and H.R. 569, the Water Quality Investment Act. We also will take up the committee funding resolution.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for that information.

Does the gentleman know, would we expect to see the supplemental in the Appropriations Committee next week and on the floor at some time after that?

Mr. HOYER. I think that is our expectation.

Mr. BLUNT. And do we know when the draft of that might be available?

Mr. HOYER. I don't know. It is being worked on, and I don't know when that will be available.

Mr. BLUNT. With the 3-day rule, I suppose it could be available as early as tomorrow for a Monday/Tuesday effort before the committee.

Mr. HOYER. I don't want to make a representation because I don't know the answer to that and don't want to misrepresent it.

Mr. BLUNT. Mr. Speaker, on the bills the gentleman mentioned, I know this week we had a second open rule of the Congress. It was an open rule for the second time on a bill that in the last Congress passed unanimously.

I wonder if the gentleman has a sense of the rules on these upcoming bills and what they might look like.

Mr. HOYER. I really don't. But I want to make two observations. First of all, we are 100 percent of the number of open rules that we had in the last Congress where we had one. We have now had two.

With respect to open rules, I know that, in talking to Mr. FRANK, he intends to bring some bills to the floor under an open rule. And we have been urging Members to have, if not open rules, structured rules. As you know, we have had some structured rules contemplated as well, offering amendments, allowing, obviously, amendments from your side as well as from our side.

☐ 1600

And we want to make sure that we have the opportunity to consider views from both sides of the aisle. So we hope to do that. I cannot represent to you how many open rules there are going to be.

And I understand what the gentleman is saying about the fact that these bills were supported by large numbers, and in the latter case by all Members, but that doesn't mean that they were necessarily perfect. And amendments were offered, as the gentleman knows, and we took 7 hours, I believe, on the one that was of very little controversy 2½ or 3 weeks ago.

Mr. BLUNT. I thank the gentleman for that observation. I would just say that we actually might have had more open rules in the last Congress if it occurred to us that we could use the suspension calendar as one of our opportunities to do that.

Under the rules of the Congress in the Congressional Budget Act, the Budget Act calls for us to have adopted a budget by April 15. Do you have any sense of when the budget will be submitted by the Budget chairman, and whether or not we are working toward that statutory deadline and can possibly make that deadline.

Mr. HOYER. Unfortunately, I don't have the record of the last 12 years right in front of me.

Mr. BLUNT. Actually, we made the deadline one time in 12 years, and two times in the 30 years of the budget rule.

Mr. HOYER. I was thinking that was probably the case.

Having said that, it is Mr. SPRATT's hope, and he is working towards meeting those deadlines.

Now, as you know from experience, the plans, as difficult a process as putting together a budget is, sometimes do not meet expectations. However, I will tell you that it is my intention and Mr. SPRATT's intention to try to meet those deadlines. And at this point in time we are scheduled to meet those deadlines.

Mr. BLUNT. And to meet that deadline, I assume Chairman SPRATT must be working on a draft budget to be submitted in the next couple of weeks.

Mr. HOYER. That is correct.

Mr. BLUNT. That is helpful.

On the issue of the rules of the House, Mr. Leader, as I understand the rule that sometimes we were able to frankly use and sometimes we weren't, on the rule that we always referred to as the Gephardt rule that was initially put in the rules by Mr. Gephardt when he was the majority leader, if there is a budget resolution adopted by both Houses, that budget resolution vote on the conference becomes the vote on raising the debt limit. I wonder what the majority's plan is on that. Do we intend for that to continue to be the case, or will we expect a vote on the debt limit at some time?

Mr. HOYER. We, of course, on this side, call it the Hastert rule, because after you criticized it roundly for a long period of time, you adopted it.

Let me say seriously; there is no alternative to increasing the debt limit. Both sides pretend that there is. There is not. The administration, if the debt limit is to be extended, is going to request a level to which they would like it increased. Frankly, your side of the aisle, you were not here at the time, I tell my friend, but regularly voted against increasing the debt limit, almost unanimously, in large numbers. It was obviously an effort to try to make it appear that our Members alone were responsible for raising the debt. That was not an honest representation, in my opinion, because we passed bills with Republican votes which resulted in that, whether they were appropriation bills, tax bills, whatever economic bills they were.

So in answer to your question let me say this: We obviously adopted your rules, as you recall, at the beginning of this session. So rule XXVII was a rule that you had in place at the time that you were in the majority. We adopted your rules, and we are pursuing that under those rules.

Mr. BLUNT. I thank the gentleman for that.

Also, as we look back into the recent history of the House, I had actually never heard the rule referred to as anything before but the Gephardt rule. But the Gephardt rule, or the Hastert, whatever rule you want to call it, only applies if you actually have an agreed-to budget. And so on more than one occasion in the 12 years we were in the majority, we didn't have, and a couple of times, didn't produce an agreed-to budget by both bodies. And I don't remember anybody on your side of the aisle helping increase the debt limit either. So this is an area where both parties have played over the years a role of you didn't help us, we're not going to help you.

Mr. HOYER. I think my friend is correct on that. And that is why I started my remarks with really the Congress, if it is going to be responsible on either side, Republican or Democrat, has a responsibility to set the debt limit so that the United States of America meets its obligations, whether it is to our own people on Social Security, whether it is meeting a payment on our debt to foreign countries, whether it is simply funding our government and keeping services to our veterans and everybody else that we vote to give services to, we need to do that.

I agree with you. And I would hope at some point in time, frankly, both parties can get together and say look, this is something that we need to do. And frankly, whether it is the Gephardt rule or the Hastert rule, essentially that is what both sides were doing so that it could not be, I don't want to say demagogue, but misrepresented as agreeing that we ought to have that debt level.

Now, I think almost everybody disagrees with the rate at which we have been going into debt, and the fact that we have borrowed 94 percent of our operating funds that we have borrowed from foreign governments over the last 6 years. I think there is probably nobody that thinks that is a good policy.

But the underlying policies that drive that are really what is at issue. But I agree with the premise of the gentleman that both sides of the aisle have tried to hold the other responsible for the debt. On our side, frankly, we disagreed with the fiscal policies that were being pursued, which, as you know, we think took us from a $5.6 trillion surplus to now a $3 trillion deficit in the last 6 years. We tried to make that point through that vote. But the gentleman's basic premise I think is absolutely correct. There really isn't an option of when we get to the debt limit, we either ought to stop spending money, reduce very substantially our entitlement obligations, or we have no alternative but to raise the debt.

Mr. BLUNT. Reclaiming my time, I would say that it is a challenge, the budget is a challenge. We look forward to the solutions that the chairman brings forward and having that debate on the budget, having that debate on the size of the debt. We hope we can get to a budget that is balanced in 5 years without a tax increase. I am sure that will be one of the many topics that we will be discussing over the next few weeks as the budget progresses.

As I said earlier, the earliest possible access to at least a draft of the supplemental will be helpful to us. And we hope that the majority will work with us to get that supplemental draft to us as soon as possible so that we can begin that important debate that will be on the floor I don't think next week, because clearly, the time would not allow that, but hopefully as soon as the week after that, and we look forward to that debate.

ADJOURNMENT TO MONDAY, MARCH 5, 2007, AND HOUR OF MEETING ON FRIDAY, MARCH 9, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate; and further, when the House adjourns on Thursday, March 8, it adjourn to meet at 9 a.m. on Friday, March 9.

The SPEAKER pro tempore (Mr. WALZ). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 7, 2007, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS MAJESTY KING ABDULLAH II IBN AL HUSSEIN, KING OF JORDAN

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 7, 2007, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Majesty King Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is getting to the point where I am almost afraid to pick up the newspaper every morning because day after day, there is more grim news out of Iraq and the Middle East. More revelations about the scandalous mismanagement of this war and its aftermath. More evidence that the current administration is jeopardizing our national security.

There has been a lot of rhetoric here on Capitol Hill about who supposedly does and does not support the troops. I personally believe we should call a moratorium on "support the troops" demagoguery until the conditions at Walter Reed Hospital finally reach the level that our veterans deserve.

It is positively disgraceful, Mr. Speaker. After risking life and limb for our country, our soldiers are sent to a moldy, rodent-infested facility where they receive inadequate care. And today, we read that Walter Reed officials were aware of problems and heard complaints, but largely ignored them.

The squalid living conditions of Walter Reed are just one symptom of a completely ineffective and unaccountable bureaucracy. According to the Washington Post, nonEnglish speaking families have a difficult time getting the information and services they need. One mother of a soldier said, "If they could have Spanish-speaking recruits to convince my son to go into the Army, why can't they have Spanish-speaking translators when he is injured?" Her point is telling. It appears that our government is very eager to sign you up, but much less enthusiastic about communicating with you once you have been shot down.

Meanwhile, conditions in the Middle East are rapidly deteriorating. The most disturbing recent news is that the Taliban and al Qaeda, remember, they are the ones who bear direct responsibility for 9/11, these folks are on the rebound and they are stepping up the violence in Afghanistan. They are so emboldened that they launched a suicide bomb attack right outside the Air Force base where the Vice President was staying during his recent trip to the region.

Curiously, that same Vice President seems to think it is those of us who want to end the Iraq occupation that are validating the al Qaeda strategy. That was the line he used in attacking our Speaker last week. Well, I think the Vice President isn't in a position to throw stones, Mr. Speaker. First of all, al Qaeda didn't have anything to do in Iraq until the administration launched its pre-emptive strike nearly 4 years ago. Furthermore, it was this administration that had bin Laden sounded at Tora Bora and let him get away. And it is this administration that has taken its eye off the ball in Afghanistan, diverting resources from a nation-building project to pursue the ideological fantasy of conquering Iraq.

□ 1615

The new director of national intelligence, Mike McConnell, told the Senate Armed Services Committee this week: "Long-term prospects for eliminating the Taliban threat appear dim, so long as the sanctuary remains in Pakistan, and there are no encouraging signs that Pakistan is eliminating it."

And whose fault is that, Mr. Speaker? Not the Speaker of the House.

Unbelievably, when the White House spokesman was asked about the Pakistani Government's failure to cooperate, he answered: "We're often asked to give our report cards on other heads of state. I'm not going to play."

We have sure come a long way from the tough talk of 2001. Remember how we were told that those who harbored terrorists would be treated just as harshly as the terrorists themselves?

Journalist Spencer Ackerman assesses the Afghanistan situation this way: "After two wars, we're in some sense right back where we were before 9/11 itself: unable to invade the territory where al Qaeda possesses a stronghold and groping for alternatives, while the intelligence community puts out warnings about the urgency of the threat. Except this time," he continues, "our entire national security apparatus is overtaxed from the strains of two wars, wars that were supposed to significantly diminish, if not remove, the very threat that's regaining strength.

Mr. Speaker, we must not lose our nerve. It is the responsibility of this body, carrying a mandate from the American people, to correct the grievous mistakes and reverse the disastrous course of this administration.

We must devote ourselves to democracy-building, reconstruction and humanitarian assistance in Iraq and Afghanistan. We must bring our troops home from Iraq. And once they're home, we must treat them with the dignity and respect they've earned.

HONORING CHIEF MASTER SERGEANT JACKSON A. WINSETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I take this opportunity to recognize and say farewell to an outstanding United States Air Force Reserve senior noncommissioned officer, Chief Master Sergeant Jackson A. Winsett, upon his retirement from Air Force Reserve after more than 28 years of honorable service.

Throughout his career, Chief Master Sergeant Winsett served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force Reserve and our Nation.

Chief Master Sergeant Winsett is a native of Murfreesboro, Tennessee, and currently lives in Lenexa, Kansas. He entered the United States Army in October 1966.

His assignments took him to the Republic of Vietnam and the Federal Republic of Germany where he served his Nation as an administrative and personnel assistant. In September 1969, Chief Master Sergeant Winsett was honorably discharged from the United States Army as a Sergeant E–5.

Chief Master Sergeant Winsett joined the United States Air Force Reserve in October 1981 as an administrative specialist in the 442nd Fighter Wing, Richards-Gebaur Air Force Base, Missouri. During his tenure with this organization, he served in numerous positions, including a 2-year assignment as the consolidated base personnel office career adviser, 2 years as the unit career adviser for the 442nd Consolidated Aircraft Maintenance Squadron, 4 years as the first sergeant for the 442nd Combat Support Group, 7 years as the first sergeant for the 442nd Consolidated Aircraft Maintenance Squadron, 2 years as the senior enlisted adviser for the 442nd Fighter Wing, and 2 years as the command chief master sergeant for the 442nd Fighter Wing.

Chief Master Sergeant Winsett applied for and was selected in July 2000 to be the command chief master sergeant for headquarters, 10th Air Force, at Naval Air Station, Joint Reserve Base, Fort Worth, Texas.

During this assignment, which increased in scope and responsibility, Chief Winsett was responsible for providing advice on personnel matters concerning the welfare, effective use, and progress of the 10,000-member enlisted force to the 10th Air Force Command.

Chief Master Sergeant Winsett most recently served as the command chief master sergeant at headquarters, Air Force Reserve Command Robins Air Force Base, Georgia, where he continued his personal tradition of excellence, service and integrity. Through frequent communications, Chief Winsett maintained liaison between the commander of the United States Air Force Reserve Command and the 60,000-plus member enlisted force and key staff members.

He communicated to the commander problems and solutions, concerns, morale and attitude of the enlisted force, and ensured the commander's policies were known and understood by them.

Additionally, Chief Master Sergeant Winsett evaluated the quality of noncommissioned officer leadership, management and supervision. He monitored compliance with various Air Force instructions, including conduct and performance standards. Within his functional area, he issued directives and other guidance ensuring policy compliance.

During his incredible career, Chief Master Sergeant Winsett has served the United States Air Force Reserve and our great Nation with excellence and distinction. He provided exemplary leadership to the best trained and best prepared enlisted citizen-airmen force in the history of the United States.

Chief Master Sergeant Winsett is a model of leadership and a living example of our military's dedication to our safety and security entrusted to them by each of us.

Chief Master Sergeant Winsett will retire from the United States Air Force Reserve on March 7, 2007, after 28 years and 3 months of dedicated service. On behalf of my colleagues on both sides of the aisle, I wish Chief Master Sergeant Winsett the very best. Congratulations on completion of an outstanding and successful career.

WHITE HOUSE NEEDS TO CHANGE RHETORIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the American people are concerned and the world is very uneasy. Congress must begin to restore what the President and Vice President have shattered: our credibility in the world.

Headlines in the U.S. and international news media remove all doubt how the U.S. is viewed today in the world. One said: "Russian official warns U.S. not to attack Iran."

"Use of force on Iran unacceptable," says France.

"Trigger-happy U.S. worries Putin."

The BBC reports that the U.S. Central Command officials have already chosen an extensive list for missile and bomb attacks inside Iran.

Another in the Asia Times: "Three reasons why we should attack Iran," and all this comes from yesterday's headlines.

The French Foreign Ministry told an Asia news agency that France believes that the use of force to solve the Iranian nuclear issue is both unimaginable and unacceptable; but not in this White House.

When the Vice President announced recently that all options are still on the table, our international credibility took another direct hit. We cannot afford that kind of warmongering rhetoric any more, not in dollars, not in soldiers, not in insecurity, and not in international standing. It sounds like 2002 all over again. Like Yogi Berra said, "deja vu all over again."

That is a cause for grave concern on this floor and needs congressional action. We must include language in every military appropriation bill that specifically prohibits the administration from unilaterally waging war in Iran except by a vote of the Congress.

As it stands, the President and the Vice President are using the same speeches from 2002. They are just replacing the name of the country, Iraq, with Iran; but this time, the world has noticed.

The French foreign minister tells his boss before a television audience: "Predictions that U.S. strikes will be conducted against Iran have become more common, and this causes concern."

In the Baltimore Chronicle, Robert Perry writes: "A number of U.S. military leaders, including the chairman of the Joint Chiefs of Staff, have waged an extraordinary behind-the-scenes resistance to what they fear is a secret plan by George Bush to wage war against Iran."

The BBC reports that two "triggers," or pretexts, for a U.S. attack have already been chosen.

Seymour Hersch writes in The New Yorker that the Pentagon has been ordered by the White House to plan a bombing campaign against Iran ready to go on a day's notice.

Michael Klare writing in the Asia Times says that recent remarks by the President seek to instill the same fear as the run-up to the Iraq war.

Listen to the President's rhetoric: "stabilizing the region in the face of extremist challenges."

Then there was the line by the President the other day: "We are also taking other steps to bolster the security of Iraq and protect American interests in the Middle East."

And then the President said: "It is also clear that we face an escalating danger from Shiite extremists who are just as hostile to America, and are also determined to dominate the Middle East." He is making a bogey-man out of Iran.

People and nations listen to that inflammatory rhetoric from our President and Vice President and worry about a world careening towards another war. There is no doubt that America needs a thoughtful and coherent foreign policy concerning Iran. We ought to talk to them, for starters.

We don't need to merely change the rhetoric of the White House. We need to change the administration's perilous world view that America can and will just shoot its way to peace anywhere there is a problem in the world.

The first step in restoring America's credibility and global leadership is to let the world know that Congress is a coequal branch of government that will exercise its constitutional duty to ensure that the administration does not run off on its own to go to war.

We have to declare that the days of runaway rhetoric by the administration are over. But let us go beyond that. Let Congress take the administration's threat of war off the table and replace it with America's true belief that we view war as unimaginable and unacceptable.

THREE U.S. REASONS TO ATTACK IRAN

(By Michael T. Klare)

Some time this spring or summer, barring an unexpected turnaround by Tehran, US President George W Bush is likely to go on national television and announce that he has ordered US ships and aircraft to strike at military targets inside Iran.

We must still sit through several months of soap opera at the United Nations in New York and assorted foreign capitals before this comes to pass, and it is always possible that a diplomatic breakthrough will occur—let it be so!—but I am convinced that Bush has already decided an attack is his only option and the rest is a charade he must go through to satisfy his European allies.

The proof of this, I believe, lies half-hidden in recent public statements of his, which, if pieced together, provide a *casus belli*, or formal list of justifications, for going to war.

Three of his statements, in particular, contained the essence of this justification: his January 10 televised speech on his plan for a troop "surge" in Iraq, his State of the Union address of January 23, and his first televised press conference of the year on February 14. None of these was primarily focused on Iran, but Bush used each of them to warn of the extraordinary dangers that country poses to the United States and to hint at severe US reprisals if the Iranians did not desist from "harming US troops".

In each, moreover, he laid out various parts of the overall argument he will certainly use to justify an attack on Iran. String these together in one place and you can almost anticipate what Bush's speechwriters will concoct before he addresses the American people from the Oval Office some time this year. Think of them as talking points for the next war.

The first of these revealing statements was Bush's January 10 televised address on Iraq. This speech was supposedly intended to rally public and congressional support behind his plan to send 21,500 additional US troops into the Iraqi capital and al-Anbar province, the heartland of the Sunni Insurgency.

But his presentation that night was so uninspired, so lacking in conviction, that—according to media commentary and polling data—few, if any, Americans were persuaded by his arguments. Only once that evening did Bush visibly come alive: when he spoke about the threat to Iraq supposedly posed by Iran.

"Succeeding in Iraq also requires defending its territorial integrity and stabilizing the region in the face of extremist challenges," he declared, which meant, he assured his audience, addressing the problem of Iran. That country, he asserted, "is providing material support for attacks on American troops". (This support was later identified as advanced improvised explosive devices—IEDs or roadside bombs—given to anti-American Shi'ite militias.)

Then followed an unambiguous warning: "We will disrupt the attacks on our forces . . . And we will seek out and destroy the networks providing advanced weaponry and training to our enemies in Iraq."

Consider this Item 1 in his casus belli: because Iran is aiding and abetting the United States' enemies in Iraq, the US is justified in attacking Iran as a matter of self-defense.

Bush put it this way in an interview with Juan Williams of National Public Radio on January 29: "If Iran escalates its military action in Iraq to the detriment of our troops and/or innocent Iraqi people, we will respond firmly . . . It makes common sense for the commander-in-chief to say to our troops and the Iraqi people—and the Iraqi government that we will help you defend yourself from people that want to sow discord and harm."

In his January 10 address, Bush went on to fill in a second item in any future casus belli: Iran is seeking nuclear weapons to dominate the Middle East to the detriment of the United States' friends in the region—a goal that it simply cannot be allowed to achieve.

In response to such a possibility, Bush declared, "We're also taking other steps to bolster the security of Iraq and protect American interests in the Middle East." These include deploying a second US aircraft-carrier battle group to the Persian Gulf region, consisting of the USS *John C Stennis* and a flotilla of cruisers, destroyers and submarines (presumably to provide additional air and missile assets for strikes on Iran), along with additional Patriot anti-missile batteries (presumably to shoot down any Iranian missiles that might be fired in retaliation for an air attack on the country and its nuclear facilities). "And," Bush added, "we will work with others to prevent Iran from gaining nuclear weapons and dominating the region."

Bush added a third item to the casus belli in his State of the Union address on January 23. After years of describing Saddam Hussein and al-Qaeda as the greatest threats to U.S. interests in the Middle East, he now introduced a new menace: the resurgent Shi'ite branch of Islam led by Iran.

Aside from al-Qaeda and other Sunni extremists, he explained, "It has also become clear that we face an escalating danger from Shi'ite extremists who are just as hostile to America, and are also determined to dominate the Middle East." Many of these extremists, he noted, "are known to take direction from the regime in Iran", including the Hezbollah movement in Lebanon.

As if to nail down this point, he offered some hair-raising imagery right out of the Left Behind best-selling book series so beloved of Christian evangelicals and their neoconservative allies: "If American forces step back [from Iraq] before Baghdad is secure, the Iraqi government would be overrun by extremists on all sides. We could expect an epic battle between Shi'ite extremists backed by Iran, and Sunni extremists backed by al-Qaeda and supporters of the old regime. A contagion of violence could spill across the country, and in time the entire region could be drawn into the conflict. For America, this is a nightmare scenario. For the enemy, this is the objective."

As refined by Bush speechwriters, this, then, is the third item in his casus belli for attacking Iran: to prevent a "nightmare scenario" in which the Shi'ite leaders of Iran might emerge as the grandmasters of regional instability, using such proxies as Hezbollah to imperil Israel and pro-American regimes in Jordan, Bahrain and Saudi Arabia—with potentially catastrophic consequences for the safety of Middle Eastern oil supplies. You can be sure of what Bush will say to this in his future address: no U.S. president would ever allow such a scenario to come to pass.

Many of these themes were reiterated in Bush's White House Valentine's Day (February 14) press conference. Once again, Iraq was meant to be the main story, but Iran captured all the headlines.

Bush's most widely cited comments on Iran focused on claims of Iranian involvement in the delivery of sophisticated versions of the roadside IEDs that have been responsible for many of the U.S. casualties in recent months. Just a few days earlier, unidentified U.S. military officials in Baghdad had declared that elements of the Iranian military—specifically, the Quds Force of the Iranian Revolutionary Guards—were supplying the deadly devices to Shi'ite militias in Iraq, and that high-ranking Iranian government officials were aware of the deliveries.

These claims were contested by other U.S. officials and members of Congress who expressed doubt about the reliability of the evidence and the intelligence work behind it, but Bush evinced no such uncertainty: "What we do know is that the Quds Force was instrumental in providing these deadly IEDs to networks inside of Iraq. We know that. And we also know that the Quds Force is a part of the Iranian government. That's a known."

What is not known, he continued, is just how high up in the Iranian government went the decision-making that led such IEDs to be delivered to the Shi'ite militias in Iraq. But that doesn't matter, he explained. "What matters is, is that they're there . . . We know they're there, and we're going to protect our troops." As commander-in-chief, he insisted, he would "do what is necessary to protect our soldiers in harm's way".

He then went on to indicate that "the biggest problem I see is the Iranians' desire to have a nuclear weapon". He expressed his wish that this problem can be "dealt with" in a peaceful way—by the Iranians voluntarily agreeing to cease their program to enrich uranium to weapons-grade levels. But he also made it clear that the onus was purely on Tehran to take the necessary action to avoid unspecified harm: "I would like to be at the . . . have been given a chance for us to explain that we have no desire to harm the Iranian people."

No reporters at the press conference asked him to explain this odd twist of phrase, delivered in the past tense, about his regret that he was unable to explain to the Iranian people why he had meant them no harm—presumably after the fact. However, if you view this as the Bush version of a Freudian slip, one obvious conclusion can be drawn: that Bush has already made the decision to begin the countdown for an attack on Iran, and only total capitulation by the Iranians could possibly bring the process to a halt.

Further evidence for this conclusion is provided by Bush's repeated reference to Chapter 7 of the United Nations Charter. On three separate occasions during the press conference he praised Russia, China and the "EU3"—the United Kingdom, France and Germany—for framing the December 23 UN Security Council resolution condemning Iran's nuclear activities and imposing economic sanctions on Iran in the context of Chapter 7—that is, of "Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression".

This sets the stage for the international community, under UN leadership, to take such steps as may be deemed necessary "to maintain or restore international peace and stability", ranging from mild economic sanctions to fullscale war (steps that are described in Articles 39–51). But the December 23 resolution was specifically framed under Article 41, which entails "measures not involving the use of armed force", a stipulation demanded by China and Russia, which have categorically ruled out the use of military force to resolve the nuclear dispute with Iran.

One suspects that Bush has Chapter 7 on the brain, because he now intends to ask for a new resolution under Article 42, which allows the use of military force to restore international peace and stability. But it is nearly inconceivable that Russia and China will approve such a resolution. Such approval would also be tantamount to acknowledging U.S. hegemony worldwide, and this is something they are simply unwilling to do.

So we can expect several months of fruitless diplomacy at the United Nations in which the United States may achieve slightly more severe economic sanctions under Chapter 41 but not approval for military action under Chapter 42. Bush knows that this is the inevitable outcome, and so I am convinced that, in his various speeches and meetings with reporters, he is already preparing the way for a future address to the nation.

In it, he will speak somberly of a tireless U.S. effort to secure a meaningful resolution from the United Nations on Iran with real teeth in it and his deep disappointment that no such resolution has been not forthcoming. He will also point out that, despite the heroic efforts of American diplomats as well as military commanders in Iraq, Iran continues to pose a vital and unchecked threat to U.S. security in Iraq, in the region, and even—via its nuclear program—in the wider world.

Further diplomacy, he will insist, appears futile and yet Iran must be stopped. Hence, he will say, "I have made the unavoidable decision to eliminate this vital threat through direct military action," and will announce—in language eerily reminiscent of his address to the nation on March 19, 2003, that a massive air offensive against Iran has already been under way for several hours.

EMPLOYEE FREE CHOICE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New

Hampshire (Mr. HODES) is recognized for 60 minutes as the designee of the majority leader.

Mr. HODES. Mr. Speaker, it is my pleasure to be here today with other Members of the class of 2006, the caucus of the new Democratic Members of the House of Representatives, the majority makers, to talk today about the Employee Free Choice Act which we passed in this Chamber just a short time ago.

I want to congratulate my colleagues on supporting H.R. 800, the Employee Free Choice Act, because it is an act that helps set a new direction for our country. If we can see final passage of H.R. 800, it will have a profound impact on working people in our country.

I would like to start with an example of why the protection H.R. 800 offers is so desperately needed. Last week I was home for a work week in my district in New Hampshire and I had the opportunity to meet one of my constituents, Emily, a nurse from Concord, New Hampshire. She was interested in improving working conditions at the nursing home where she worked and where she had worked for a long time.

So on January 12 of this year, she reached out to a local union to talk about organizing the employees, the other nurses, who were working in her nursing home. Seventeen days later, despite an impeccable history of service and excellent reviews, never had a bad review, no problems with her personnel file, she was fired for what the home called "insubordination."

Now, Emily works long hours in an industry that desperately needs qualified people like her. There is a nursing shortage. She loves her job and she cares about her patients and cares about the people she attends to, and the folks that she is working with are also my constituents. They are people who care about the rights of the people who are taking care of them and working with them.

□ 1630

Emily deserves to have an advocate for safe and healthy working conditions, and she deserves to have a voice in her workplace. It is people like Emily who need the Employee Free Choice Act. It would make what happened to her illegal, as it should be. It would also penalize employers who intimidate and harass workers who want to join together to negotiate their contracts.

It is important to note that there are thousands of responsible employers in our country who are already complying with the Act on a voluntary basis, and that is a good thing. When a majority of their employees sign up to join a union, they recognize it. They do not discriminate against those who are interested in joining together to exercise what ought to be the rights of every worker in this country to collectively bargain.

This law that we have passed, that we are hoping to see final passage of, simply brings the rest of America's employers into line with the many who already acknowledge that their employees deserve a voice in their workplace. This is a bill that honors the integrity of work and promotes effective dialogue, dialogue between employers and the employees who are working with them.

Now, opponents of this bill, many of the people on the other side of this aisle, point to record corporate profits and soaring executive payouts as proof that we do not need the Employee Free Choice Act. Well, they are right about one thing. The rich in this country sure are getting richer, and in fact, while executive pay has rocketed to 350 times what the average worker makes in a company, real wages for working people have remained stagnant.

I have got a chart here today, and it is a wonderful thing because, as you know, this is one of the first sessions that we have had as the new Members in the Democratic majority, the new majority makers, doing what the 30-something Working Group has done so often on the floor over the past few years, educating the American people and our colleagues and each other about what is going on. They have pioneered the use of these kinds of charts, and I just want to point out what this chart shows.

This chart shows the value of CEO pay and average worker production pay from 1990 to 2005. That is over a period of 15 years, and what it really shows is what would have happened to the pay of workers if their pay had kept up with what has happened to the pay of CEOs in America. You can see down here, right down to my far right where we start, we start together at the zero point, and this top line shows what would have happened to worker pay and where it would be now if it had risen at the same rate as CEO pay has risen.

The bottom line shows what the actual worker pay, what has happened to actual worker pay. It has risen in this bottom red line very, very little. If it had kept pace with the CEO pay at this point, instead of an average actual worker pay, as shown here, of $28,315, and I want you to think about what it means to raise a family on $28,315 and pay for the kinds of things we have got to pay for today in this country in terms of gas, transportation, health care, schools, food and everything else.

The average worker pay would be at $108,138. Clearly, this gap is something that we all ought to be concerned about.

Mr. YARMUTH. Mr. Speaker, would the gentleman yield?

Mr. HODES. I yield to the gentleman from Kentucky.

Mr. YARMUTH. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the reference that the gentleman from New Hampshire just made is an interesting segue into something that has been of very great concern to me, because often when we hear from those who are touting the glory of the American economy, and certainly, we are all proud of our American economy throughout history, but on many occasions, they say the economy is doing so well, the stock market is at record levels, or at least it was until earlier this week, and productivity is great and corporate profits are great, why is it that the middle class is complaining? And there is this disconnect between those people who say we look at these big numbers and statistics and the average lives of everyday Americans.

One of the things that occurred to me when I was on the campaign trail all during last year, one of the incidents that I heard about I thought was a perfect example of why this disconnect sometimes exists.

We had a situation in which a warehouse, a distributing company, with 800 employees was sold to a company from out of State. The new employer came into that company and said, all of you employees have had your jobs terminated, they are now terminated, you can all reapply, you can reapply for 20 percent less salary and you will have no benefits.

I said, well, now according to macroeconomics and statistics, there are going to be 800 new jobs created because these are all new jobs. Now there are 800 jobs lost. That is in another column somewhere, but the 800 jobs are created. Unemployment stays exactly the same because those same 800 people are employed, and yet 800 people had their lives devastated, their standard of living decreased by 30 or 35 percent, and yet all the numbers look rosy.

So sometimes, as we all say, statistics can say whatever we want them to say, but in fact, when we talk about productivity and corporate profits and all of those things, it is oftentimes, and in most cases, does not reveal a lot of the stress that the middle class and the average working family are under, even though the administration touts these wonderful figures from above.

Mr. HODES. Thank you. I am happy to yield now to my colleague, BETTY SUTTON from Ohio.

Ms. SUTTON. Mr. Speaker, I thank the gentleman for yielding, and I thank him for the education that he is giving us about why it was so important that we passed this bill today.

As you can see from this chart, the productivity in this country continues to rise. The workers are working harder, but unfortunately, the wages are staying the same. There are those who say that we are going to make it in this world if we can just get productivity up and up and up, but unfortunately, that chart is showing that that is not necessarily the case.

What we are seeing go up and up and up is that income inequality that is existing, and more and more people falling from what used to be the middle class that was frankly built by organized labor in this country, fought for by the people who brought us great advancements like the weekend, the 40-hour work week, ended child labor laws and improved safety in working conditions, who fought for Social Security and disability and pension benefits for people, fought for the salt of the earth folks back in my district to help them have a life that would be good for themselves and their families.

So I am very, very proud of what we did today in passing the Employee Free Choice Act, and I have to tell you, I had the pleasure before I came to Congress to represent some of these workers. I was a labor lawyer, and I have to say, there is nothing like fear, the fear of losing your job, and unfortunately, I had to see that fear quite a lot because when you are a labor lawyer, that is when people come to you, when they are being threatened or harassed because they are trying to organize or engage in union activity to try and uplift themselves, their families and their coworkers and they are being threatened because of that activity that they are going to lose their job.

I will tell you, you shared with us one of the stories that came from your district. There is a gentleman back in northeast Ohio by the name of Dave who is a journeyman, and he is a highly skilled tradesman. When he got involved in trying to create a union in his workplace, the company went to great extents to keep it out. They put Dave, instead of using him for the trade that he plies in, highly in demand, they had him cleaning up cigarette butts at the company headquarters. They did not stop there either. In a long and sordid tale, that ended with Dave's wife actually being harassed so much by the company that she ended up hospitalized, all of this to keep out a union shop.

I guess the beauty of this, if there is any in this story, is it does not have to be this way, and we have heard there are examples out there where industry giants have recognized and respected union membership or the employees who want to engage in union activity and have a union to represent them and to be like Cingular who are still doing very well in the market and to these like Kaiser Permanente.

It does not have to be this way, and this bill actually takes us down the path to greater harmony in employment and employer and employee relationships. So I am really proud about this, and I would like to just yield over here to my friend KEITH ELLISON.

Mr. ELLISON. Mr. Speaker, I thank you for kicking it to me because, I just want to elaborate on one of those stories you just told. I think it is very important to tell the stories, and for the freshmen who come to this Congress as the difference makers, we have to tell the stories of the people because it is from the stories of the people that we make the difference.

We have to remember that the difference that we are sitting here to make is rooted in the real life experiences of the people who sent us here to act, which is why I was so overjoyed to cast that "yes" vote. We saw a vote of 241–185. That is not close. We are here to send a message and to make a difference, and the Employee Free Choice Act is just that.

But let me share this with you. Ten employees of the Brink's Home Security, Minneapolis branch, met in secret in 2004 to discuss problems with their employer. They feared for their jobs if the talk about the union became public, but they decided that a life with a living wage, some health care and a pension plan was worth the risk. They signed authorization cards to have the IBEW represent them. This was back in January 2005.

The National Labor Relations Board certified the IBEW as the employees' bargaining agent, and that was in March 16, 2005. Contract negotiations began with Brink's that April and have dragged on for nearly 2 years now with no contract. This is a company whose average monthly income is $27 million.

The employees have a simple question for their employer: Why should they work for a company who insists on contracts with its customers but not with their own employees? That is a question I think needs to be answered, and the answer lies in the Employee Free Choice Act because dragging it on, taking employees down a slow dance, dragging it out, not getting down to a real contract is something that the Employee Free Choice Act is going to remedy.

But I am going to tell you all why it is that some employers resist the union, even after one has been authorized, and I think the answer lies in this simple chart.

The Union Advantage, Median Weekly Earnings, what we see is unionized employees make an average of more than $800 a week, and yet nonunion are down here just above $600. That is quite a bit of difference, 200 bucks a week. That is the difference between fixing the window that is broken, fixing the garage door, patching the roof, sending your child to school with good, decent clothing. That is the difference between a nice meal or, you know, spaghetti every single night. It is the difference between a quality of life and not.

I just want to tell you all that I am proud to stand here with you. We are the difference makers. Therefore, we should make a difference, and I would like to recognize my good friend from Iowa, Congressman BRALEY.

Mr. BRALEY of Iowa. Mr. Speaker, I thank my friend from Minnesota. It was a great thrill for me to walk on to the floor today and fulfill a campaign promise I made, and that is by wearing a pair of 26-year-old boots that I first wore when I worked for the Pauchet County Road Department in my home county building bridges and roads and farm-to-market roads for the people of the small county where I lived.

One of the reasons I wore these boots today is because it is very personal to me what is happening in the Employee Free Choice Act.

When I worked there during the summertimes back in the late 1970s and early 1980s, a lot of the people that I worked with would complain every year that they did not feel like they were getting a fair share for the work that they were performing, and they were always talking about whether or not they needed a union to represent them. I am very proud of the fact that now those same secondary road workers in my home county are represented by a union, and they benefit from collective bargaining in the workplace.

One of the reasons that I wore these boots today was a reminder of the hard work and sacrifice made every day in this country by working men and women who are simply executing and exercising their constitutional right to freedom of association. That is what collective bargaining is all about, and that is what the Employee Free Choice Act does. It gives those hardworking men and women greater protection to exercise their freedom of association by providing for majority sign-up, first contract mediation and binding arbitration and tougher penalties for violating the provisions of workers rights.

☐ 1645

Now, let's talk about why this month is so significant. This month, we will celebrate in a couple of weeks the 75th anniversary of the Norris-La Guardia Act, one of the first acts that recognized as a matter of law that workers have a right under the Constitution to collectively organize and bargain with their employers. That act was sponsored by a Republican senator from my neighboring State of Nebraska, George Norris, who had the vision and the foresight to recognize that, unless we protect workers rights, none of us will reach our full potential as human beings.

George Norris was one of those eight brave Members of Congress that John F. Kennedy featured in Profiles in Courage because of the courageous actions he took without regard to partisan politics, because it was the right thing to do. That is why we are here today to celebrate, 75 years later, a new protection for workers that will have just as much impact on their lives as the Norris-La Guardia Act did 75 years ago by making sure that they have protection in the workplace for labor negotiations in the 21st century.

Seventy-five years ago, it was yellow-dog contracts that everybody was concerned about, which was a method that employers were using all over the country to say: You cannot get a job here unless you sign an agreement in advance not to join a union. That is how bad it was 75 years ago. And yet, under the past 25 years, through the interpretation of the existing National Labor Relations Act by conservative judges, we have seen an erosion in the right of workers to collectively bargain, to organize, and to protect their rights in getting first contracts.

That is why I was proud to be an original cosponsor of the Employee Free Choice Act, because there is another story to these boots that I am wearing. I wore a different pair of boots the first 3 years I worked for the Poweshiek County Road Department. And when I graduated from college and got accepted to law school, I thought I wasn't going to need those boots anymore, and the last day I worked that summer, I took my boots out in the yard and I lit them on fire and said good-bye to them.

When I started law school, I lost my father and his parents within a 3-month period of time, and I ended up going back and working for that same county road department after my first year of law school and I needed a new pair of boots. These are the boots that I wore that year. I made a vow to myself I was never going to get rid of them; and that is why I am proud to be with my new members in the Democratic class of 2006 here on the floor celebrating this historic day for workers of the United States. And I am so proud to be here with you.

Mr. HODES. I thank the gentleman. That is a remarkable story. I am glad you kept your boots. I am glad your boots got you here to be with us to share those stories.

And what you are talking about gets me thinking about the history and how we got here. Think about how those in my generation; I am 55, on my way to 56. I am one of those baby boomers who was born at the beginning of the 1950s, grew up through the 1950s and 1960s. And think about what it meant in this country for hard-working families to have organized labor on their side. Think about the factories, the manufacturing, what it meant to us as kids to have "Made in the U.S.A." And what the contribution organized labor and the growing rights of working families meant to this country.

This country and its great prosperity that some are enjoying today was built on the back of an organized labor movement throughout the 20th century. And in my particular State in New Hampshire, some people say that the organized labor movement isn't as large as it is in other places. But it is certainly vibrant.

But it is not just the organized labor movement we are here to talk about, because really, the Employee Free Choice Act is about all working families. It is about all who are in the middle class or want to get into the middle class that are so important to this country, because today, the squeeze on the middle class is real. Working people in this country have endured blow after blow, including astronomical health care costs. They are up 50 percent a year from the year 2000 to the year 2007. They have been going up at astronomical double digit rates. Think about fuel costs from the year 2000 to today, going up in double digit rates. Ever increasing tuitions. College tuition at public colleges is up 40 percent over the past 5 years. We have seen spikes in housing prices, inflation is on the march. And now, in the first years of this administration, there was terrible job loss as we saw this flight of jobs away from our shores and going offshore. Now, some of the jobs have come back. But what we have seen is the great jobs have been replaced by people taking part-time jobs, by more people working longer hours, more people working harder, more two-income families. That means more caretakers out of the house, leaving more kids to fend for themselves.

So working families and workers are working harder, they are working longer, and they are sometimes working many, many multiple jobs.

So when we hear the statistics about the rise in productivity, it is true, American workers and working families have contributed to a great rise in corporate productivity. And this chart talks about U.S. productivity and wages and the change from the year 2000. It is a pretty simple chart. And what it shows is, very simply, median income right down there, the lower line of median income has actually declined over this period of time. Median income in real wages has actually declined the productivity of American workers and the contribution to the profits that have gone to the very top at the wage scale. That top 2 percent who have really enjoyed a terrific time over the past 6 years has gone up, and it has been fueled by more people working harder and harder, more people working longer hours, more people working double jobs with fewer benefits and a greater squeeze.

So the Employee Free Choice Act is really a matter of fundamental fairness. That is what we are talking about. We are talking about leveling the playing field so that our workers who are dealing with their employers have a chance to talk in an organized way, have a voice, have some fundamental fairness when it comes to bargaining for the kinds of wages that they need to make a living, to send kids to school, to put the food on the table, to get from their jobs to do the things that we know are important to building a prosperous economy.

At this point I will throw it over to JOHN YARMUTH.

Mr. YARMUTH. I thank my distinguished colleague. And you talked about kind of historic developments and how we got to where we are.

One of the things that we also lose sight of sometimes is that the widespread concentration and consolidation of corporations in this country has also made it more of an unlevel playing field for the American worker. When we have a corporation, we might have a small business that is then bought out by a larger business that is then bought out by some corporation from four states away, and all of a sudden not only is that worker detached economically from the bosses, but he is also detached geographically from those bosses. And he or she is not even able to negotiate anymore with the people who set the policy for the corporation.

So as we have had this massive and widespread consolidation of corporate power in the country, we have also seen the playing field get more and more unlevel for the average worker. And it is not like a century ago when employers had two or three employees. Now, there are thousands and thousands of employees, massive policies, corporate stock, shareholder driven motivation to make more and more profit. And the power of the individual worker to shape his or her own destiny is reduced even more.

And one of the things that I think is unfortunate about the debate we had today is we tend to speak in polarizing terms, and it makes it seem like we who supported this act think that every corporation is evil and every employer is evil and that every union is without sin.

And of course, that is not the case. And, in fact, in my district, there are numerous examples in which corporations and their unions have dealt with the issues of the economy in an incredibly cooperative manner. And when times got rough, the employers went to the union and said, "Here is the situation." They were transparent, they explained the situation. The unions said, "We don't want the company to go bankrupt. We want to help." They made concessions. They agreed to match wages that may have been in other lower priced settings. And the converse has happened. When we have had good times and the employers say, "Wow, we have got all this work. Let's renegotiate the contract because we need to get more employees in here and we need help." So it can work.

And I get the impression that when those people who oppose the legislation that we passed today, and I haven't had the opportunity yet to say how proud I am of what we did and I am extremely proud. But those people, when they oppose this bill, it seems to me they are saying we want to protect the employers who aren't good because the employers who are good and bargain in good faith and treat their employees well will have no fear from this legislation, they will welcome it, because they are already dealing with their employees on a good-faith basis. It is those people who don't bargain in good faith that we need to pass this bill to resolve.

Ms. SUTTON. That is exactly right. As I mentioned, there are industry giants who are working well with their employees. And just as in your district, in my district there have been unions that have sacrificed for the prosperity and, frankly, just to keep the business going another year, another day, another month. And when times turn good, the hope is, that ongoing relationship carries them all through.

I mentioned that I was a labor lawyer, and one of the toughest things, but probably the most common thing I had to do was try to find ways that we could work things out together, because we really are in it together. And this bill was just about putting us in a place where we could work constructively together.

So, instead of having those employers out there who would choose perhaps instead of working with their employees to a better future, and instead choose to work against them, it is about leveling that out and progress for all.

So I see the gentleman there has pulled up a chart that is labeled "Myths." And we heard a lot today on this House floor that, frankly, just did not represent the facts, and I would just urge the gentleman to kind of correct the record there.

Mr. HODES. I am happy to do that. I think first, before we talk about some of the myths and the real facts, let me just turn it over to Congressman ELLISON.

Mr. ELLISON. Thank you, Congressman HODES. I am looking forward to correcting some of those myths, too. It is very important, Mr. Speaker, that the public knows the truth from the myths.

But before we go back to correcting the RECORD and making everything clear, I just want to tell another story, if I may, because I think it is important again for us to root our presentation in real-life experience.

In 2003, employees of Walker Methodist Health Center in Minneapolis voted 61 percent to unionize. They did so in part because of their disgust with the health center that punished them for taking time off to be with ill family members. Quite ironic for a health center.

Anyway, the employees were immediately harassed and intimidated; they had all kinds of problems that they had to deal with because of their effort to unionize. And today, management continues to appeal the 2003 election, despite losing every appeal with the National Labor Relations Board. But their appeals have prevented the will of the workers to have their union recognized. And I think again, it is very important that we focus on what real people are dealing with.

Meanwhile, employees acting on behalf of their union have been harassed and disciplined, as I said, even fired for their union activity even though they voted and have gotten the union by a 2-1 margin. And I think it is time for companies like the ones we have talked about to step up to the plate and recognize the union. It is time to have something like the Employee Free Choice Act to make there be a vehicle to have a contract.

And I just want to associate myself with the comments of Congressman YARMUTH. It is absolutely right that there are many employers who understand the importance of respecting the right to organize. We don't want to demonize them. What we are looking for is all Americans, workers and employees, to do well. The great Senator Paul Wellstone is known for saying, "We all do better when we all do better." So when the employers do better, workers should also do better, and, all around, Americans should say the common good is a good idea and we should continue to focus on it.

Mr. BRALEY. I know that you share my concern of protecting workers rights as an element of protecting human rights. One of the first things that I did when I started running for Congress was do as much as I could to educate myself about the history of the labor movement in my State of Iowa, and one of my friends presented me with a book that cataloged those things.

One of the most striking stories that I read about was an African American worker at John Deere who decided to make a living driving a truck instead, and drove with a group of other truckers who were part of a union to the State of Illinois where they stopped to get lunch. This African American truck driver was told he could not eat lunch in the same restaurant with his white co-workers. And his white coworkers from this labor organization informed the owner of that restaurant in no uncertain terms that either they would all be served together, or he would experience what it was like to see a semi drive through the front door of his establishment.

□ 1700

One of the things that we all know is that when we protect workers' rights, we are really advancing the cause of human rights, and I was just asking if you could comment on that, and what role, what we did today, how that played in moving the cause of human rights.

Mr. ELLISON. Well, Congressman, I want to thank you for that question. It is an excellent question. Labor rights are human rights.

I think it is important to know that Martin Luther King, who lost his life in Memphis, Tennessee, April 4, 1968, was actually helping sanitation workers gain their rights in an effort to unionize and have collective bargaining. That union, which was mostly African American membership, received help from their main-stream headquarters union, which was in New York, but got a lot of help that way.

It is important to remember that when Martin Luther King lost his life that the union drive and the strike did not end. It continued on, and the strike was successful. It is important to know that the right of human dignity, human rights and labor rights, are inextricably linked together.

One of the first things that my father and mother would tell me as a child is that Woodward Avenue in Detroit, Michigan, is a place where Walter Reuther of the UAW and Martin Luther King of the Southern Christian Leadership Conference walked down the street arm in arm with Reverend C.L. Franklin demanding labor rights, human rights, civil rights. It is all one thing, and that is what we have all got to be about.

Mr. HODES. What we are talking about is fundamental American values. We are talking about values of equal opportunity and fairness and what lifts us all up together.

One of the common misconceptions that is sometimes advanced when people have opposed the Employee Free Choice Act, or they stand in opposition to organized labor or the rights of working class families for fairness, is that somehow it is damaging to business if the employees in a business place come together and are allowed to express themselves and advocate for their cause that there is great fear out there, but there is really no good reason for that kind of fear.

Let me tell you another story that comes to mind. On the same trip back home last week, I had occasion to meet another group of workers. They were cameramen at the local statewide television station. The local statewide television station is a wonderful station.

I have enjoyed being on the station. I know the folks on it; they are good people. They do a great job of reporting. They are a part of an organization that owns a number of stations. They are a good-sized business.

When a couple of years ago these cameramen decided that they wanted to have a voice together, join together to be able to talk about some reasonable suggestions and thoughts and fairness so that they could have a voice to talk to the management of the station, which had been purchased, and they wanted to come together to talk, they were surprised to find that management, probably out of fear of what it meant, was using tactics that some might call intimidation, but I might tend to see more as fear based on wanting to protect something that they didn't know about.

One of the things I say to people sometimes is that people prefer the misery of the known to the mystery of the unknown. When you haven't had an organization come together for employees to talk with management, sometimes that can provoke the kind of fear of what that means.

So what happened was over the course of a couple of years, the management in this organization would take camera people aside by ones and by twos, and they would say things like if you come together to form this union, this company is going to be in real trouble. We are going to lose money. If we lose money, we are going to have to lay people off. If we have to lay people off, it might very well start with you.

They did this over a period of time by ones and by twos and delayed the process, and delayed the process and delayed the process. I have to tell you, when it finally came to pass that these folks got together and were able to get their union, without the benefits of the Employee Free Choice Act, which would have made it much easier, which would have made it fairer, which would have made it smarter for them to get together by simply having a majority of them get together to sign the cards and form the union and have the union recognized, they didn't have that process at the time. So they were delayed when they did come together and get their union and sit down and talk with management.

You would be surprised, I think, but I wasn't, to say that the company didn't suffer. Their profits aren't down. They are treating each other fairly. They are having a great dialogue together. But this company is doing just fine. In fact, since that time, unions have been formed, they have had productive discussions. Really what it is, it is about the respect. It is the respect for the dignity of working people.

If we cannot give working people in this country the dignity and respect that they deserve in the workplace, then what kind of country are we. That is why the Employee Free Choice Act that we passed today, on a bipartisan basis, I might add, with some of our colleagues who had the courage to join us from the other side of the aisle, that is why when we passed the Employee Free Choice Act in this House. We are expressing something about the new direction that we are going to take this country, one in which working families are accorded the dignity and respect that we know as Americans they deserve.

I give it back to Brother BRALEY.

Mr. BRALEY of Iowa. One of the things we are talking about in terms of these myths is really the fundamental shift that happened here today, that now, under the Employee Free Choice Act, it will be as difficult to certify a union as it is to decertify a union, because one of the myths that you have up there is that somehow by passing the Employee Free Choice Act, it will be harder for companies that no longer share the support of the workforce to have that union represent them in a collective bargaining agreement, that somehow what we did today will make it more difficult to decertify the union. In reality, it has always been fairly easy to decertify a union and nothing about the Employee Free Choice Act changes that.

So I would ask my friend from Kentucky if he could talk about some of the other myths that we heard today and throughout the week during the discussion that we know aren't based on fact and aren't based upon changing anything about the law that currently exists under the National Labor Relations Act.

Mr. YARMUTH. I thank my colleague. Before I get to that, I want to get to another part of the myth, and this is related to my colleague from New Hampshire, who talked about kind of the stigma attached to unions, and so much, I think, of what the stigma that is attached to unions and also the psychology of management is that if you are an entrepreneur, if you are building a company and you are running that company, then you think you should have a say in exactly how it has been run.

I have been an entrepreneur, my late father was, my two brothers are; and I know the mentality, that you started something and all of a sudden you think you should have nobody else telling you the rules. You should be able to set all the rules, and ultimately that is a self-defeating proposition because the only way to get the buy-in of your employees and to get really loyal employees is to treat them as part of the entire endeavor that you are involved in.

I know that a lot of people in this country tend to form their impressions of certain dynamics in society by what we see in the movies, and a lot of people probably look at "On the Waterfront" and old movies and say these are the unions that we are threatened with.

I had a great experience at the beginning of the last campaign. I had a meeting with six or seven labor union leaders, and I took my son, who was then 22. We had a wonderful 2-hour meeting in which we talked about all the issues from all different perspectives.

On the way home, my son, who had never been exposed to any union activity, said to me, Dad, that was really interesting. The only thing I ever knew about unions was what I saw in the movies. These guys aren't at all like those people in the movies. These guys are really smart.

Of course, that's the truth, and not only were they and are they smart people, but they also understand economics. They also understand the pressures that are on employers as well as on employees.

As I said before, there are all sorts of myths that permeate the labor management debate in this country, and most of them are not true. We have several we have heard throughout this debate on the floor, including the one my colleague from Iowa discussed, the whole notion of the secret ballot and eliminating the secret ballot.

Of course, this law does not eliminate the secret ballot if the employees choose to have a union organization process that involves a secret ballot. They are perfectly entitled to do so. It is just that they are not burdened with that exercise if they don't want to be.

This seems to be the height of fairness. We are not denying them the secret ballot. If they want a secret ballot, the majority of the employees, they can have a secret ballot. But we haven't heard that from the other side.

Mr. HODES. You know, 69 percent of Americans are supportive of what we did here today. I think the secret ballot issue is an important one. I just want to highlight it because it is myth number 1 on this chart which I have up here that the Employee Free Choice Act somehow abolishes the National Labor Relations Board secret ballot election process.

What this really does, what we are doing today, and what we have done, is it gives employees a choice between using the NLRB election process or the majority sign-up process. Under current law, employees can use the majority sign-up, but the employer can veto that majority employee choice and force the employees through the broken, undemocratic NLRB election process, which is open to employer delay, intimidation, and coercion.

It is the kind of thing I was talking about when I talked about those constituents of mine from New Hampshire who had to form a union and had to deal with their organization. Under this act, under H.R. 800, the Employee Free Choice Act, employees can still petition for an election. But if a majority signed cards saying they want a union now, they get a union, and the employer must respect that choice.

So somehow this myth out there that what we have passed is somehow undemocratic could not be further from the truth. It opens up choice, it makes the process easier, it reduces the kind of temptation to intimidate and harass or coerce that we have seen, and it promotes better dialogue and more fairness in the workplace.

I now hand it over to the Congressman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Congressman HODES, I just want to agree with you there. The fact is that this Employee Free Choice Act actually provides more opportunity, more choice, not less. It is critical to understand that.

Again, I want to recognize good employers who work cooperatively with their unions, but I also don't want to turn my eyes to the fact that there has been intimidation, but by and large, not on behalf of the union. In fact, I have a whole stack of horror stories that go along with workers trying to organize.

But I wanted to just talk a little bit, before we begin to wind up, about how important the Employee Free Choice Act is for working-class and middle-class prosperity. I want to start out my comments just by pointing out that over the last 6 years of this administration we have seen poverty increase by about 1 million people every year.

Right now we have got about 39 million Americans who live below what the government calls the poverty line, 39 million. That is a lot of people, and that is unacceptable in America.

Now, you might say we are not talking about poor folks, we are talking about workers. Well, let me tell you what a worker is. A worker is a person who works hard every day and makes a decent salary. Let me tell you what a poor person is, a worker who lost their job and hasn't gotten their paychecks for a little while.

So the ranks of the poor and the ranks of the working and middle class are tied together. So many people are only a few paychecks away, if not one paycheck away, from disaster. So we cannot ignore the rise in poverty during the Bush administration and say that it is not connected to workers' rights. It is directly connected.

We also have to talk about how the ranks of the uninsured have increased every year during the Bush administration. This, again, is tightly tied to the fortunes of the working class people, our folks. We have to be clear that if we have an Employee Free Choice Act in which people can organize and people can form together, build a union, what they can do is they can parlay that organizational power into greater benefits for American people.

We can now begin to form the basis of a real universal health care system, a system in which everybody can have health care in our society. We can parlay it into a real credit reform system where people are not subject to the vicissitudes of what some creditor lending institution wants to do with regard to lending practices, payday loans, all these kinds of things that sort of eat away at what working-class people are doing.

They can pull up, they can build a little fence around the fortunes of the working class, which I think are so important, and really sort of redirect the focus of our country towards the common good, which is where it should be.

□ 1715

So let me just say that the myths are important to address and I am glad we have done that. But I just want to say that this Employee Free Choice Act is giving working people a hedge, a fence, a wall, a protection in order to improve the lives of everyday people.

And I just want to turn our attention to this chart I have to my left which shows real median household income. For those of you who don't know the difference between real and unreal, it just means adjusted for inflation.

When we take inflation into account, we see that the median household income of Americans has dipped between 2000 and now and has gone down precipitously, dramatically, and we cannot allow it to continue.

If you have unionized workers, they don't need us to go pass a minimum wage law. They don't need us to think about some of these basic things. They do it for themselves. They have the power in their own hands when they can organize.

Mr. HODES. Mr. Speaker, let me turn it over to Congressman BRALEY for some closing thoughts. As we have a few minutes left in this, our first session as members of the Class of 2006, the majority makers, members of the new Democratic freshman class, are going to come to the floor of the House on a regular basis to talk with the American people and with each other and with any of our colleagues from across the aisle who choose to come and talk about the issues that are facing us in the day. I would be happy to hear from you and have some of your closing remarks.

Mr. BRALEY of Iowa. Well, I think one of the things that we deal with every day in this hallowed body are issues of human dignity. And to me, that is the essence of the vote we took today on the Employee Free Choice Act. It is not about giving one side in the bargaining negotiations an unfair advantage over the other side. It is about leveling the playing field so that all people have the means to reach their full potential as human beings. I believe with all my heart that that is what the Employee Free Choice Act helps to achieve.

I think it gives workers trying to enter into their first contracts greater assurances that their rights are going to be protected and their voices are going to be heard. I think that it puts more teeth into protecting those workers when employers choose to engage in tactics that have been prohibited under existing law, but have not been enforced as they should have been. And I think that when the rules are clear, and the penalties are clear, then everyone involved in the collective bargaining process has greater motivation to do the right thing. And, after all, that is what this is all about, giving people on both sides of the negotiating process the motivation, the incentive to do the right thing, to treat each other with dignity and respect and to give them the best opportunity to achieve a good and profitable business venture that benefits the employer and the employee.

To me, that is what today's vote was all about, and that is why I am hopeful that the bill will be sent to the Senate and receive the same type of respect and debate that it did in this body, and that it will get sent to the President for his signature and be signed into law, so that all workers in this country will know that they have the protection that they deserve to reach their full potential as human beings.

Mr. HODES. Mr. YARMUTH, any final thoughts?

Mr. YARMUTH. Yes, I do. I associate myself with the remarks of my distinguished colleague from Iowa and also from Minnesota and Mr. HODES, you as well.

We face a situation in this area of labor management relations, just like many of the other situations we face in this country, where oftentimes, the problems are very complex and there are no perfect answers. And I don't think that any one of us here today thinks that this is a perfect answer, the Employee Free Choice Act, or that we are going to in any way, in one step of this body, correct the inequities in the economy. We always are looking for the best possible answer. We are trying to be fair. We are trying to make life better for the most people we can and the greatest number of people we can. And this does that.

As the world gets bigger and bigger, as corporations consolidate and get bigger and bigger, the power of every man and woman to determine his or her own fate gets less and less. And in our small way today, a significant way, but in a small way, I think we have begun to reverse a slide of imbalance in the economy and a slide to total inequity and helplessness on the part of American workers.

During my many stops at picnics last summer, I ran into a man who was in his early 50s, and he had worked for Winn-Dixie, the grocery company, 23 years. And Winn-Dixie had gone out of business. They had gone out of business because of competitive reasons. Nobody was going to help that. And yet, he had built up $150,000 in his pension fund. And when Winn-Dixie went out of business, he was left with $30,000, so he had lost 80 percent of his life savings because of the situation with Winn-Dixie.

He was forced to take another job, a job he was not prepared for, not physically or emotionally, probably, and he was struggling to get by.

But the point of the story is, that we are not going to be able to correct every wrong and right and save everybody's pension or protect everyone's livelihood through our actions. But we can take steps, when we see institutionalized imbalance in the economy, an imbalance of power, particularly when it is balanced against the working men and women, we can take steps like the Employee Free Choice Act and make a difference and make a difference for millions of Americans.

So once again, I salute this body today for the action that it took. It is a significant step on behalf of the American working man and woman, and I am proud to be a part of this body today.

Mr. HODES. In closing, I just want to take 1 minute to thank my colleagues, Mr. BRALEY, Mr. YARMUTH, Mr. ELLISON, Ms. SUTTON, who was here earlier. I want to thank you all for coming to the floor of the United States House of Representatives to work on this bill and to stand together today to talk about the importance of this bill to the American people.

And I just want to close by pointing out that the issues of economic and social justice that we are dealing with, and we are now dealing with a Democratic majority, are not partisan issues. We were joined in passing a rise in the minimum wage by our colleagues across the aisle. We were joined today by our colleagues across the aisle.

The American people sent us here to work in a bipartisan fashion, and we have worked in a bipartisan fashion, and will continue to because these aren't issues of left or right. These are American issues. And when we respect the dignity of working families and help the middle class in this country, everybody is helped from the top to the bottom.

So I congratulate my colleagues on the other side of the aisle who aren't here right now, but I want to congratulate them for coming today and working with us to pass this.

And I urge everybody who may be listening and may be watching today to voice their concern to the Senate. Reach out to the administration, and let them know your thoughts, that this is an American issue that respects fundamental values of dignity and respect for working people, and that working together, we can lift the middle class, we can help this country continue prosperity and distribute fairness in a way that helps us all.

I thank you all for being here today.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. WALZ of Minnesota). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, I appreciate this recognition and the opportunity to come in as the Official Truth Squad usually does. I didn't bring the Official Truth Squad banner with me today, but I have heard enough of the session that has just gone on.

I see that the 2006 class didn't take very long to be brainwashed by their colleagues who were already here.

I will tell you, I think that maybe every Congress has a theme to it. And I would say the theme of this Congress is hypocrisy.

I served in the State Senate for 10 years, and I have often commented on this. We were never allowed to tell an untruth on the floor of the State Senate because we would get called down for it. But it happens here on the floor of the House every day, and it is truly an amazing situation to see, and I continue to be astonished by that occurrence when I see it here.

I want to talk a little bit and give another side of the story of this bill that passed here today called the Employee Free Choice Act. We have been calling it the Employee Intimidation Act. And what I find most astonishing is that our colleagues on the other side are so willing to knock down one of the cornerstones of our democracy, and that is the right to a private ballot.

For centuries, Americans, regardless of race, creed or gender, have fought for the right to vote and the right to keep that vote to themselves. Now, just months after a new House majority was elected in 435 separate elections, it has just voted to strip men and women of this country of their right to a private ballot in the workplace. I don't know what could be more undemocratic than that. Again, it just seems to me that hypocrisy is running rampant among the House majority.

In recent polls, almost 9 in 10 voters, 83 percent, agreed that every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union; 80 percent also oppose the Employee Free Choice Act; 71 percent of union members agreed that the current secret ballot process is fair; and 78 percent said Congress should keep the existing secret ballot election process in place and not replace it with another process. But that kind of feedback means absolutely nothing to the majority in this House. They are bound and determined to pay off the people who help put them in the majority and they are going to do that.

Chuck Canterbury, National President of the Fraternal Order of Police, issued a press release saying that, "without the anonymity of the secret ballot, the Fraternal Order of Police would probably not exist today."

The only way to guarantee worker protection from coercion and intimidation is through the continued use of secret ballot election so that personal decisions about whether to join a union remain private.

Even the AFL–CIO has expressed support for secret ballot elections when workers are presented the opportunity to decertify a union. The union argued that "private ballot elections provide the surest means for avoiding decisions which are the result of group pressure and not individual decisions."

Now, they have expressed their opinion for that, but then sometimes they express a different opinion. And we know that the Federal courts have repeatedly stated that secret ballot elections are the most foolproof method of ascertaining whether a union has the support of a majority of the employees.

In reality, the card check process does not give employees a choice at all. Instead, it gives union organizers the choice of whether to organize through a card check process. And during this card check process, those employees who do not want a union do not have a voice and are, in effect, removed from the process of making decisions about their own jobs.

Now, I think it would be useful to talk a little bit about who does want this bill, and we have a list. Acorn, which has been very much in the news in the last few months and fined thousands and thousands of dollars for illegal election practices all over the country. That is a really wonderful group to have supporting this bill. I can't understand how the people on the majority side want to be associated with such a group.

And then the AFL–CIO, Americans for Democratic Action, Center for American Progress, the Democrat Leadership Council.

But there is a group that has been left off this list, I noticed, and that is very important to put on.

☐ 1730

It is the Communist Party. The Communist Party of the United States favors this bill. And I think it is very important that the American public understand that. Our folks are aligning themselves with the Communist Party. The people who support this bill are aligning themselves with the Communist Party of the United States. Now, I would be a little bit concerned about that if I were them, but it doesn't seem to bother them in the least that they advocate communistic practices.

In fact, in our committee meeting last week or about 10 days ago when we discussed this bill in the Education and Labor Committee, I made a couple of comments about how struck I was by the comments that were being made. The folks were trying to make the argument that not allowing the secret ballot is more democratic than having the secret ballot. And I commented that the illusion that came to me was that of certain people in a circus. I have often heard the Congress described as a circus. And I said that day I could understand people calling the Congress a circus, and I knew exactly where the Democratic members of that committee would be in the circus if they were part of the circus and we all had a place. They would be the contortionists because I had never heard people do such a job on manipulating the English language to make it sound like no secret ballot made more sense than the secret ballot in terms of the democratic process.

I mean, you have got to be a real contortionist with the language to be able to do that. It reminds me of the book "1984," where they rewrite history and white is black and black is white, and it was a truly amazing display of illogic, not logic, but illogic.

And then they went on to say, and I don't have the exact quotes but I can paraphrase: it is a real shame that there are some people in this country who make too much money, and we shouldn't allow that to happen. We shouldn't allow people to make too much money; so we have to figure out a way to take some of the money from people that we think are making too much money and give it to people who are not making enough.

And, again, that struck me as the definition of communism. And I said, That has been tried in lots of other places, and it has never worked. It has always failed, and we can see it failing.

Here we have one of the strongest economies that has existed in the history of this country, and people are doing extremely well, which is one reason, I think, that people aren't joining the union. We know that union growth is going down, and that is one of the main reasons that they are pushing this, so that they can intimidate people into signing these cards, not have a secret ballot, and force people into belonging to a union. And that is the reason that they are doing this. And as they gained the majority in the House, they see this as one of the big ways again to pay back the unions who helped put them here.

A lot of people today and in the committee talked about personal experiences, and I haven't talked any about any of my personal experiences as far as the unions are concerned. But my father, when he was working, was forced to join unions and he had a visceral negative response to that. It offended him tremendously that he could not go out and on his own get a job and be able to work at that job without having to go through a union boss, pay union dues, give up a lot of his hard-earned money to the unions in order for him to get a job. And he was very, very much opposed to the unions because he had seen that intimidation personally. He had seen money being taken away from him and being misused when he could have used that for his family. We haven't heard too much about that on the floor today. We have heard a lot about other kinds of things, but we haven't heard much about that.

We have heard, though, that there has been no union violence, no harassment, no intimidation. Well, that isn't true. There are at least 300 incidences of violence perpetrated by the unions on either their members or on people who are not members but coming from the union. Three hundred per year for the last 30 years. And I am just going to give a few examples of that:

West Virginia miner shot dead for working during a strike. Virginia women targeted for working during a strike.

And I will give some details about the second one:

When the United Auto Workers Local 149 called a strike against Abex Friction Products in Winchester, Virginia, several of the workers decided they needed their paychecks and crossed the picket lines to work. They were targeted for harassment and intimidation. In one instance an employee who crossed the picket line found a severed cow's head placed on the hood of her car. Later someone made up a photograph with her face superimposed over the dead cow's head and mailed it to her. The union paid a substantial settlement to six women for its members' harassment of them.

The same thing with the miner, the union was forced to pay.

UPS driver beaten and stabbed by fellow union brothers. Worker who opposed unionization has his house "put on the map."

Math teacher fired for challenging union president. And let me give you the details of this one:

George Parker taught math in Washington, D.C. and was a member of the Washington Teachers Union. In 1997 he challenged union president Barbara Bullock's financial administration with the Department of Labor, and she allegedly had him fired for doing so. But Parker's suspicions were proven correct. Bullock was later convicted of embezzling $4.6 million of member dues money and sentenced to jail.

Laborers Union thug attacks union and nonunion workers alike: Laborers Union Local 91 of Buffalo, New York, often relied on Andrew Shomers to harm and intimidate workers, union or not, who weren't paying dues to the local. Shomers pleaded guilty in June 2005 to a series of crimes involving violence and sabotage. His offenses included vandalizing the offices of the local housing authority, because it didn't use Local 91 labor to install a small section of sidewalk outside its offices, participating in a group assault on workers from another union, stalking and attacking nonunion workers on an asbestos-removal project by throwing a homemade firebomb through a window and destroying work that had been done by workers from another union and ruining their tools.

Shomers was just one of 15 former Local 91 leaders indicted by authorities in 2003. Following his plea bargain, seven other former leaders pleaded guilty.

Electrician fired for asserting his rights. Workers' families, pets threatened because they didn't want the union.

There are many, many examples of union violence and intimidation.

And one of the things that struck me about the comments that were being made here and the comments that have been made on the floor and in the committee is the attitude of the majority party toward workers. They talk over and over again about the helplessness of workers. They talk about employers controlling employees.

What a bad impression they have of other human beings. It is really part of their overall feeling toward us. They feel like the government or the union has to do everything for us because we are so incapable of doing anything ourselves.

I find that really demeaning to other human beings, and I don't think they even understand that they are coming across like that. But just in the session just before now, they talked about the helplessness of workers as though the union has to do everything for these poor people who can't think and do for themselves. That is just unconscionable that they would talk that way.

Another interesting thing about their approach, though, is how these same people who don't want our workers in this country to be able to have a secret ballot and vote for a union want that for people in Mexico.

Sixteen House Democrats wrote a letter in August 2001. I am going to take one quote out, and I am going to read the letter. This is what they said: "We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose."

That is the absolute height of hypocrisy. I have given you lots of other examples of it, but to say we want the people in Mexico to have a secret ballot to vote for a union, but the people in the United States shouldn't have a secret ballot? Where are these people living? I am just chagrined at that.

And they write the letter to the Junta Local de Conciliacion, and I won't try to pronounce the rest of it with my very bad Spanish, but it was in the state of Puebla: "As Members of the Congress of the United States who are deeply concerned with international labor standards and the role of labor rights and international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections."

Unbelievable that these folks would want the secret ballot for people in Mexico but not want the secret ballot for the folks in this country. Again, I find it absolutely amazing.

I have pointed out, again, they are aligned with the Communist Party of the United States. Those are the people who favor this.

Now let me see if I can go here and tell you some of the people who are opposed to this legislation: the American Hospital Association, the Hotel Lodging Association, the U.S. Chamber of Commerce, and there are many, many, many more.

Now, what is it that is unique about these people? And I will go back to the other chart in a minute. What is unique about these organizations compared to the other organizations? These are the people that create jobs in our country. We live in a capitalistic country, the best country in the world. I don't see anybody rushing out of this country because their work opportunities are so rotten and so lousy.

They talk about how horrible it is in the United States. Well, how come we don't have people going to Mexico and to these other countries where working conditions must obviously be better if they are so rotten in this country?

It is because they aren't rotten in this country. It is because we have the best country in the world.

To hear these people talk about it, all these folks who create jobs, all these employers out there, individual small businesses, even large businesses are rotten people and all they want to do is intimidate and harass their workers. And yet unemployment is the lowest rate that it has been in this country in 50 years. Wages are up. The economy is booming. Something has got to be right about this country. But to hear them talk about it, it is the most miserable place in the world to live. I think they ought to find another place to live, frankly, if they think that this is such a rotten place to live.

I, frankly, love it here. I get teary eyed when we sing the "Star Spangled Banner," even when we say the Pledge of Allegiance, because I am so grateful to live in a country where people have freedom and where they are not harassed and where they can do the kinds of things they want to do. But taking the right away for a secret ballot, where is it going to stop? Why don't they recommend taking away the secret ballot for their leadership elections, for example? Would they like to do that? I don't think so. Would they like to take away the secret ballot for us voting when we elect people to this Chamber? I don't think so. But that is what they want to do for the people who want to elect or not elect to have a union.

□ 1745

I think that it is really rotten.

Now, I want to show you what has happened in terms of the decline in union membership and talk just a little bit about this.

This is the real reason that there is such a push on to push this bill through. We are now at the point where we have 7 percent, I believe it is, of private employment where people belong to unions. Most of the growth in unions is now in the public sector.

You can see the total membership. The peak for union membership was in the 1980s, and it has been going down steadily since then. My guess is a lot has to do with the fact, again, that we have a good economy, that things are working very well. Folks have figured out how to protect their own rights. They don't need to pay union bosses, who make hundreds of thousands, even millions of dollars, who live in great luxury, while the workers make much, much less money than they do. People have begun to understand that the unions are not value-added for them. They are not giving them something they couldn't get on their own. Yet our colleagues across the aisle want to continue to believe that poor American workers are so helpless they can't do anything on their own without the help of the unions.

We have said before in the Official Truth Squad that everybody has a right to his or her opinion, but they don't have a right to the facts. Again, I want to point out, this is what is happening. We can see the total membership is going down, the private sector membership particularly, and that is what is really getting at our colleagues across the aisle.

I want to talk a little bit about the kind of assets that some of these unions have too, because for some reason they accumulate a lot of wealth and their leaders, again, are paid huge salaries. The American Federation of State, County and Municipal Employees have total assets of $57 million. They have about 1.5 million members and they have 620 employees. That is pretty good. Some of the other ones have even more assets for themselves.

Let's talk a little bit more about the union violations versus the employer violations. The folks in favor of the bill argue that employer coercion during union-organizing drives is rampant, while union coercion is virtually nonexistent. Specifically, they claim that employers engaged in illegal coercion in excess of 30,000 times last year alone, while in the history of humankind unions have only engaged in coercive tactics 42 times.

Well, I read you some details on some of those and gave you some facts. Again, they have their opinions, but they can't change the facts.

But these allegations are both deceptive and misleading. We know that if they are willing to engage in this kind of deception on the floor of the House in a campaign where they are trying to get a bill passed, where their comments are subject to public scrutiny, we can only wonder what type of deceptive tactics they might use in a card check campaign.

Mr. Speaker, the NLRB, which is not exactly a conservative group of people, reports that in 2006, there were 8,047 charges of employer discrimination or illegal discharge and 5,405 charges of union coercion and illegal restraint, in addition to another 594 cases of union discrimination. So we are talking about 8,000 charges against employers and 6,000 charges against the unions. And that doesn't account for the fact that unions are likely to file more frivolous charges than employers.

One thing is clear, however. The numbers are not as lopsided as organized labor and their allies would have you believe. Thousands of cases of union intimidation, as well as employer intimidation, are filed every year.

We should all agree that intimidation by employers, as well as intimidation by union organizers, is wrong. It isn't right for either of them to do it and I don't condone any of it. But while our Nation's labor laws may not be perfect, at least they provide a federally supervised process by which a worker can make the important decision about whether to join a union in private without his or her employer, coworkers, or union organizers knowing how he or she ultimately voted.

Again, I cannot imagine a more basic right than our right to vote in private and not have anybody know how we vote. It is a sacred right, and we should not allow that to be taken away. What we should be doing is strengthening workers' privacy rights in making this important decision, not eliminating them.

Let me now talk a little bit more about the decline in union membership. For the past 40 years, there has been a steady decline in both union membership and influence. There are several reasons for such a decline, the first having to do with employers keeping their businesses union-free. Some were active in their opposition and even hired consultants to devise legal strategies to combat unions. Others put workers on the management team by appointing them to the board of directors or establishing private sharing plans to reward employees. Another is that new additions to the labor force have traditionally had little loyalty to organized labor.

Because more and more women and teenagers are working and their incomes tend to be a family's second income, they have a proclivity towards accepting lower wages, thus defeating the purpose of organized labor. Another reason is many businesses have gone out of business because of union employees, because union-made products have become so expensive that sales were lost to less expensive foreign competitors and nonunion producers. This results in companies having to cut back on production, which caused some workers to lose their jobs and hence unions have lost some of their members. Today's workers also tend to be more highly educated and tend to be of the professional white collar class. All of these have decreased union membership.

The percent of the workforce in 1948 that were in the unions was about 31.8 percent. In 2004, in the private sector it dropped to 7.9 percent, and in the total workforce it was 12.5 percent. So we know that the numbers are coming down and coming down dramatically. That is why the folks have gone after this bill to try to force people to join the unions by having them simply sign a card and not allow them to be able to have a vote.

As I said before, the hypocrisy that runs rampant in this place is mind-boggling. Bills get called one thing and they do something just the opposite. The Employee Free Choice Act doesn't provide employees free choice. It does just the opposite.

We have had lots of groups and lots of editorials against this bill, many, many people saying this is absolutely the wrong way to go.

I want to enter into the RECORD today an article from The Wall Street Journal from February 2. I am going to read some quotes from it, but I want to put the entire article in, because I think the comments are so pertinent.

[From the Wall Street Journal, Online, Feb. 2, 2007]

ABROGATING WORKERS' RIGHTS

(By Lawrence B. Lindsey)

Why is the new Congress in such a hurry to take away workers' right to vote? It seems extraordinary, but the so-called "Employee Free Choice Act" is right there near the top of the Democrats' agenda. This legislation replaces government-sponsored secret ballot elections for union representation with a public card-signing system.

Under the act, once a union gets a majority of the workers to sign a card expressing a desire for a union, that union is automatically certified as the bargaining representative of, and empowered to negotiate on behalf of, all workers. In the 28 states that do not have right-to-work laws, all employees would typically end up having to join the union or pay the equivalent of union dues whether or not they signed the card. Moreover, under the act, the bargaining process would be shortened, with mandatory use of the Federal Mediation Service after 90 days and an imposed contract through binding arbitration 30 days after that.

I am sympathetic to the argument that strengthening the negotiating position of workers is good public policy, and that expanding the choices available to them is the best way to accomplish that. So, for example, pension portability unlocks the golden handcuffs that financially bind workers to jobs they may become dissatisfied with after they have become vested. Health savings accounts are an important first step to liberating people from jobs they put up with only because they fear a disruption in health-care coverage.

When it comes to unions, it doesn't take a very deep appreciation of game theory to understand that a worker's best position comes when a nonunion company has a union knocking on the door. Indeed, one allegation about "union busting" by supporters of the bill is that, during union certification elections, one employer in five "gave illegal previously unscheduled wage increases while a similar number made some kind of illegal unilateral change in benefits or working conditions."

In other words, they made workers better off. But, never fear, the Employee Free Choice Act will limit these unconscionable increases in pay, benefits and working conditions by imposing fines of up to $20,000 against employers who make such "unilateral changes." Similar penalties will be assessed against employers who caution that unionization may cause them to shut down or move production elsewhere.

Sometimes the interests of workers and unions coincide, sometimes they do not. The chief complaint by the bill's sponsors is that unions only win secret-ballot elections half of the time. Apparently workers, after they think things over and when neither the union nor the company knows how they vote, often decide they are better-off without the union. The solution of the Employee Free Choice Act is to do away with such elections. It is hard to see how that "empowers" workers. And it is hard not to conclude that this bill has little to do with employee choice or maximizing employee leverage, and everything to do with empowering union bosses and organizers.

The unions allege that companies use unfair election campaign tactics and that a pro-employer National Labor Relations Board doesn't punish them. But statistics cited by the leftwing Web site, Daily Kos, on behalf of this allegation come from 1998 and 1999—when the entire NLRB had been appointed by President Clinton. In any event, roughly half the injunctions brought against companies by the NLRB were overturned by federal courts: This does not suggest underenforcement of the law by the NLRB.

All of this does not mean that there are no legitimate complaints about the union certification process. Companies have been found that fired workers for union organizing activities. One careful examination of NLRB data found that there were 62 such cases in fiscal 2005. This is not a large number in a work force of 140 million, or in a year where there were more than 2,300 certification elections. But it is 62 too many, and it would be reasonable to stiffen the penalties for employers who break the law. But it is hard to think of offering more pay or better worker conditions as something that should be punished with draconian penalties, as the Employee Free Choice Act does.

Most important, it is totally unreasonable to deny all 140 million American workers the right to a secret ballot election because some employers break the law. Not only is such a remedy disproportionate, it is counterproductive—if one's goal is worker empowerment. How can a worker be better off if both his employer and his prospective union boss know his views on the union when the secret ballot is replaced with a public card signing? For the worker it is the ultimate example of being caught between a rock and a hard place.

The political rhetoric in support of this bill is a willful exercise in obfuscation. For example, on the presidential campaign stump John Edwards says, "if you can join the Republican Party by just signing a card, you should be able to join a union by just signing a card." The fact is, you—and everyone else—can join any union you want by just signing a card, and paying union dues and meeting any other obligations imposed by the union. But, under this bill, contrary to Mr. Edwards's false analogy, signing a card to join the Republican Party does not oblige you to vote for the Republican ticket in a secret ballot election. The Employee Free Choice Act would take care of that by abolishing such elections. If the Edwards principle was applied to the political process in the 28 non-right-to-work states, Karl Rove and Republican Party organizers could force all Democrats and independents to become Republicans and pay dues to the party if a majority of voters signed Republican Party cards. That is free choice?

The final proof that this bill is about union power, and not worker choice, is revealed by its treatment of the flip side of unionization: decertification elections. These are secret ballot elections in which workers get to decide that they have had enough of the union. So under the Employee Free Choice Act can a majority of workers decertify the union by signing a card? Not on your life. Here unions want the chance to engage in a campaign to give workers both sides of the story—and maybe do a better job of representing them—before the union's fate is decided, by a secret-ballot vote.

No one has ever argued that secret-ballot elections are a perfect mechanism, either in politics or in deciding unionization. But they are far and away the best mechanism we have devised to minimize intimidation and maximize the power of the people who really matter, whether citizen or worker. Congress should think a lot harder before it decides to do away with workers' right to vote.

Mr. Speaker, the article starts, "Why is the new Congress in such a hurry to take away workers' right to vote? It seems extraordinary, but the so-called Employee Free Choice Act is right there near the top of the Democrat's agenda. This legislation replaces government-sponsored secret ballot elections for union representation with a public card-signing system."

Mr. Speaker, another reason union membership is down is because of the abuses of the unions, and, as I said before, because our economy is so good. We know that we have the best economy we have had in 50 years and people don't need the unions in the way they needed them before.

There was a time probably in the early part of the last century when there was a need for unions. There were worker abuses, and that is very unfortunate. But we know that era is gone, and we don't need that anymore. So we know that we don't need the unions, and people are voting with their feet.

There is another quote that I want to share with you from The Wall Street Journal, which comes toward the end of the article, which points out another part of the hypocrisy of this bill. Let me again quote from the Wall Street Journal article, because I think it says it very well:

"The final proof that this bill is about union power, and not worker choice, is revealed by its treatment of the flip side of unionization: Decertification elections. These are secret ballot elections in which workers get to decide that they have had enough of the union. So under the Employee Free Choice Act can a majority of workers decertify the union by signing a card? Not on your life. Here unions want the chance to engage in a campaign to give workers both sides of the story, and maybe do a better job of representing them, before the union's fate is decided by a secret ballot vote."

You see, they oppose a card check for decertification of the union. That is just not right. If they want it one way, why don't they want to allow it the other way?

The last paragraph says, "No one has ever argued that secret ballot elections are a perfect mechanism, either in politics or in deciding unionization. But they are far and away the best mechanism we have devised to minimize intimidation and maximize the power of the people who really matter, whether citizen or worker. Congress should think a lot harder before it decides to do away with workers' right to vote."

Again, I cannot think of anything more undemocratic than saying to people, "We are going to allow you to be intimidated into joining a union. We are taking away your right to vote in a secret ballot election. We don't think secret ballots are the right way to go in the greatest republic in the world. We do think that secret ballots are the way to go in Mexico, but we don't think that they are the way to go in the United States of America." Again, it is unbelievable to me that these people can stand up and say it.

I want to say again, who are the people who supported this bill and point out the kind of folks that these people are associating with and say again that the fact that the communist party of the U.S. is one of the major supporters of this bill should tell us a lot about what this bill is doing.

Elections in communist countries are not like elections in this country. There aren't choices given to people. They don't have free elections. What they do is have the kind of election that is going to come about by people doing a card check for these union elections, and that is the kind of election that they want there.

We have heard again comments made over and over again by the people who have supported this bill, but I want to say to you, I am sorry I don't have the Official Truth Squad emblem up here tonight, because we could have both of them here. We need to set the record straight on what is being said.

Doing this bill, if this bill were to pass the Senate and become law, it would be one of the greatest travesties against American workers that has been done in this country, and it would be done by people who say that they support American workers.

□ 1800

It would be done by people who treat American workers as though they are helpless individuals, unable to do anything for themselves, unable to walk away if they don't like a job, unable to bring a suit against someone who might have discriminated against them.

Again, I don't want anybody to think that I would ever tolerate anyone being discriminated against or anyone being mistreated; I don't support that in any way. However, that is not what is behind this. What is behind this is power and money. These people have been bought by the unions. The unions got them into office, and they are now asking for their payback. And that is exactly what is happening here. And that isn't the way it is supposed to be done.

Our folks on the other side of the aisle have railed against that in the past. They rail against it when they accuse us of doing that, but they are doing it in ways that are really unconscionable, in my opinion.

And, again, I want to quote from the letter that 16 Members of Congress sent to Mexico where they said: "We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose."

I cannot, again, hear how they can justify wanting the people in Mexico to be able to have the secret ballot to vote for a union and take that right away from our great American workers who want the same right for themselves.

I hope that the Senate will do the right thing and vote this bill down, if it even ever comes up for a vote, and say to the American workers, and hear what Republicans are saying: we respect American workers. We will do everything we possibly can to protect your rights. We are not going to take away from you the right to a secret ballot. That is simply wrong in the greatest Republic that has ever existed in the world.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again.

As you know, the 30-Something Working Group, we come to the floor with great pride and information to not only share with the Members, but also the American people, and make sure that we, the 110th Congress, the people's House, carry out the wills and the desires of Americans as it relates to making sure that they are represented in a fair and equal way, and also in a bipartisan way. And that is something I take great pride in because I believe that, as the CONGRESSIONAL RECORD will reflect or has reflected in the major votes that have taken place on this floor, had a lot to do with the American people and the way they live, and the way students were paying high interest rates. And we know it is still going through the legislative process, but it has now passed off the floor of the House of Representatives. And also as it relates to the minimum wage and small business tax cuts. It has all moved through in the 110th Congress under the Democratic leadership, and in a bipartisan way, with a number of Republicans voting for those measures.

We know the will and the desire was there to do so in the past, but the leadership was not there. So what we want to do, when I say "we," Democratic majority, we want to make sure that we keep that even keel that we are on now, to encourage more bipartisanship, and to also encourage and push more leadership out of this House of Representatives. And I want to commend the Speaker and our Democratic leadership for allowing that to happen in the way that it has.

Saying that, Mr. Speaker, I think it is important to continue to talk about what we were touching on just the other day. The 30-something Working Group has been on the floor all of this week. This will make the final evening that we will be addressing the Members, on not only Iraq, but also how our veterans are being handled by, need it be the Department of Veterans Affairs, need it be the Congress or the administration. And I read off last time, which I will do before this hour is over, about the lack of funding and the cuts that have been made from the Bush administration in the past. And I think it is important for us to reflect on that.

I think it is also important for us to talk about, in the supplemental that passed this floor, how we put in billions of dollars to make sure that we are able to take up the slack. Case in point, Mr. Speaker, this is the most recent Newsweek that has been published, Newsweek magazine. It is dated March 5, 2007. I have a copy of it. It actually came to my office. I took the opportunity to read this article.

You have Specialist Strock, who is on the front, Marissa. She is age 21. As you can see, she lost both of her legs from the knee down in Iraq. And it is entitled, "Failing Our Wounded." As you know it is a special investigation report, and I think it is important that Members pay very close attention to what Mr. RYAN and other Members who will be joining me shortly have to share with you on this issue on making sure that our veterans are taken care of.

Now I know, as a Member of Congress, Mr. Speaker, and I also know just as someone who has been paying attention to the lack of dollars, especially as it relates to outpatient care of veterans, I think for Members like myself who have been in field hospitals in Iraq, that have gone to Germany and have visited the troops on more than two occasions, seeing the kind of care they get there. I have been to Walter Reed, I have been to Bethesda Hospital, but once you start getting out away from the general hospital treatment that our veterans are getting when they first are returning back to the United States, when you start getting into outpatient, even at Walter Reed, which a lot of this is being addressed, a lot of the bad stories are being addressed here in this Newsweek article, when you start getting out in the Midwest, when you start getting even down in my area in south Florida and you start getting a little up from Washington, D.C. into New York and out west, away from the eye of the four-star brass and all the folks that have an opportunity to go to Walter Reed and other places, you start really getting down to the nitty-gritty of what has been wrong with the planning, not only of the war, but the care of the men and women.

Now, you have heard me time after time again, Mr. Speaker, and Members, talk about how Members of Congress come to the floor and chest-beat about how they support the troops. Sometimes the debate really goes beyond the reason for a Member to come to the floor. I mean, I have been in my office and watched Members talk and they say, well, I support troops 110 percent. And then you have another Member say, well, I support the troops more than you do. As a matter of fact, I have a tattoo on my arm saying that I support the troops. I am saying that just to say that we have to go beyond our words and we have to act as though we support the troops, the full troops.

We have troops that have served, soldiers that have served, sailors that have served, airmen and -women that have served, Coast Guard members that have served, and on and on and on in World War II, I, you name it, Korea. You have Afghanistan; you have even some folks from there. You have folks from the first gulf war. You have Vietnam. All of these men and women that have allowed us to salute one flag, they are getting the real deal. They have been on a waiting list. And now we have put a mountain of new issues on the Department of Veteran Services, or some may call it the Veterans Administration. And I think that it is important for us to realize what is happening and what is happening in the real world.

Members of Congress and others, people of influence can go to a local hospital and Congressman, oh, you are here? Don't wait in that waiting room, we will take care of you. Oh, you have a family member that is sick? Don't worry about it, the hospital administrator will meet you at the front door. But to the person that volunteered to defend this country, they don't have that prerogative. They don't have a Member of Congress to show up with them and they can get to the VA.

A former friend of mine, still a friend, but he has moved on to a greater place now, Orange Hayes called me one day on my cell phone in Miami, he was at the Miami VA Hospital and he said, Kendrick, I'm not getting the kind of service that one deserves here in the VA. I am not highlighting my hospital, but one thing that I can say that he knew me, he knew my cell number, he knew he could call me. And what did I do? Of course I was there in a matter of two hours. And who was there? Well, let's put it this way: the head of the department dealing with his illness was there, the assistant administrator of the hospital was there, and the director of the nurses, RNs there at that hospital. He got what he needed. And he said, you know, in the best way he could, sat up in his bed and said, I'm so glad that you are my friend because now I have been able to get the kind of service that I need.

Well, that should have happened anyway. And I think we have good people in the VA. I know we have good workers there; they are committed. We have good docs there; they are committed. But as it relates to the resources and the priorities in this Congress, the question is, are we committed?

Now, this Congress is committed because we already talked about what we did in the supplemental budget. That is a budget that Members didn't even have an opportunity to work through the legislative process. That was left over from the 109th Congress Republican Congress that we decided to do the right thing and cut some projects that were nonpriorities and put over $3 billion in there to be able to assist in providing the kind of care for veterans. And we haven't even gotten started yet.

Now, let's just talk about getting started. And we want to thank The Washington Post for what they have done in highlighting the issues at Walter Reed outpatient. I have been there before. I didn't see some of the things that they saw; but luckily we had some men and women that stood up and said, you know, things are not what they should be there. And I understand, Mr. Speaker, you know, a two-star general stepped down today who was over the hospital. But you know something? I know within the coming days, Mr. Speaker, we are going to get down to the bottom of what it is all about for the veterans when they come back and when they go home.

When they come through Washington, D.C. and they land at Andrews Air Force base from Germany? When they land there, they are getting the care and all of the attention. But what happens when they go back to Sioux City, Iowa? What happens when they go back to Jacksonville, Florida? What happens when they show up at an airport in Wisconsin, are they still prioritized? Do they feel that we have their back because they had ours? And that is the resounding question.

Now, I am excited because, unlike the 109th Congress, the 30-Somethings would give our presentation and meet and talk about what should be happening. And if we had had an opportunity to lead, Mr. Speaker, and Members, and I know that Members who served in the 109th Congress and 108th Congress knew the 30-Something Working Group, if we were given the opportunity, if we asked the American people to have an opportunity to lead, things would be different. I am going to tell you the reason why it is different right now.

I am happy that the Budget Committee had hearings on this in the House, not several weeks from now, but have already had hearings. Chairman JOHN MURTHA of the Defense Appropriation Committee has scheduled a hearing on Friday, which is tomorrow, Mr. Speaker. I want our veterans to know that this Democratic House of Representatives has been on the side of making sure that our veterans get what they need, even when they leave the battlefield, even when they go back home; and that we do have Members on the other side of the aisle that feel the same way. But we are willing to provide the leadership of making sure that your issues are heard and that they are resolved, not just heard.

Having a town hall meeting talking about what can we do to make things better and not come into Washington and do something about it is not even worth anyone showing up at the town hall meeting or reading a letter and responding to it, though we are trying to do the best we can. This is actually taking place.

☐ 1815

This is the action that is taking place. We also have oversight committee on government reform subcommittee chairmen will conduct a field hearing at Walter Reed on Monday, this Monday, not next Monday, not some Monday in the future maybe we will get around to it. The Senate Armed Services Committee has planned a hearing for Tuesday. This is right now. This is right here right now in the moment, and again, I am so happy that these hearings are taking place.

The House Armed Services Committee on planning and oversight is also planning a hearing, and I am pretty sure that is days, not weeks.

So as we start to respond to what is already a major issue in our country, and we have outlined it as a major issue, we know that within the budget that there has been a number of veterans affairs programs that have been cut, health care programs. We have had fist fights mentally, I do not want to say literally, mentally and through dialogue with colleagues on the other side of the aisle about making sure that we do what we are supposed to do for veterans.

It is easy for someone to sit here in an air conditioned Chamber and pull out their voting card and say let us go to war, no problem; I am tough, I voted for it; you did not vote for it. Well, I am tougher than you. That is fine and that is good for Hollywood, but here in Washington D.C., it is important that we plan and that we make sure that the troops and the soldiers and the airmen and the sailors, we make sure they get what they need all the way around 360. You just cannot go a 180 and stop say, well, the veterans, the care is the hard part. You cannot stop there because that is not the responsible thing to do.

I think it is important to point out for every one soldier that dies in Iraq, 16 are injured. We talk about the fallen, rightfully so, and we should. We should highlight that, but we have to look at the injured. Sixteen, so think about it when you are watching television and when you pick up the newspaper and you see 3,158 of our men and women that have paid the ultimate sacrifice in Iraq, think about the 16 on top of every one that has been injured, and it is very, very important.

The veterans deserve a lifetime guarantee from the American people, a promise of proper medical care and treatment forever. That is what we have to back up here in this Congress, and I know that the will and the desire is here on this side of the aisle to make sure that that happens.

I think it is also important that we send legislation to the White House after we have these hearings to make sure that veterans know in the field that we have their back, that the men and women know that we have those individuals and also those individuals that are veterans who—already standing in line—that they get what they need.

Many of our veterans hospitals, Mr. Speaker, and outpatient centers, in some parts of rural America you have these clinics that are only open twice a month, and because of cuts, you have some clinics that are open even half a day on that twice a month. We have buildings that are crumbling, and we have VA hospitals that are still in the World War II era. I mean, they have not received the kind of renovation that they need.

There is a superinflux of veterans that are coming back from two wars that are ongoing now. Some people may not know it, but there are two different wars that are going on as I speak here on the House floor. We have to make sure that we are prepared to deal with those issues when they return back.

Now, I know the Secretary of Defense has already been to Walter Reed, but I can only imagine what we are going to find out in the coming days. I know that a number of other committees will continue to start to look at the issue of how the men and women are served.

Mr. Speaker, we spoke time after time again here on this floor, members of the 30-something Working Group, on the responsibility of oversight. I would be worried if we were on President's break last week, this week staff visited Walter Reed Hospital, and our staff from the House of Representatives continued to be deployed throughout the country of getting down to the nitty gritty on what is actually happening in our VA hospitals, what has been the result of cuts year after year. Meanwhile, we have in the President's budget here to make tax cuts permanent, Mr. Speaker, not sunsetting in 2010, but permanent for the super wealthy in this country.

Meanwhile, we have veterans that are waiting to see the ophthalmologist or a cardiologist for weeks, some cases months, depends on where they are in the country.

So I think it is important, especially as we start to go through the hearings for the 2008 Appropriations Act, I think it is important as we lead into the emergency supplemental, the 99-plus billion dollar supplemental for the war in Iraq, Afghanistan and other areas, that we think about what I am talking about right now.

We have some men and women that are on their third, some fourth, deployment. We have hearings now in the House Armed Services Committee about increasing the size of the Army and the Marines. Right now, there is a request for three new Marine brigades. This is 9,000 more troops and to grow it into 20,000. The Army will take some of those soldiers, but as we continue to make our military bigger, to be ready to carry on future conflicts, because of the lack of planning in Iraq, we are in this situation.

As we see other countries pull back their troops and start talking about deployment, the administration is saying that we need an escalation in troops.

I think it is important for us to realize, especially when you have future generations reading the CONGRESSIONAL RECORD, wondering what went wrong and who were the leaders, to make sure we got back on track.

Now, in November, the American people voted for a new direction. I am 110 percent in the front seat of that new direction, Mr. Speaker. They did not want what they had in the last Congress, a rubber-stamp Congress, and you have not seen the rubber stamp here that we used to have sitting right here, Mr. Speaker.

I mean, it was almost like a passenger in the left side of the car, steering wheel here, but it sat right here, to talk about the rubber stamp Republican Congress. I think the American people, and I am not talking about proud Democrats. I am talking about Independents, I am talking about Republicans, I am talking about folks who never voted before in their lives voted this time because they wanted a new direction.

In this new direction comes a great deal of responsibility, and in that responsibility, you have to have courage and you have to be willing to lead. I say to my Republican colleagues on the other side, many of whom are my good friends, my very good friends, that when it comes down to leadership, you have to be alone sometimes. You have to be one of the five, you have to be one of the 17, you have to be one of the 25 that are saying I am voting on behalf of my constituents, in this case that I am talking about here, my veterans, and making sure that our men and women have what they need.

There are a number of other issues that we can get into, but I think that it is important that we highlight the leadership when it is happening, not, oh, you know something, when you go home. Member, I want to make sure you go home and you tell your constituents there are hearings that are taking place. And you know who can take pride in that, Mr. Speaker? Not just on the majority side, Democrats say we are having hearings. Republicans can go back to their district and say we are having hearings. You know why we are having hearings? Because the leadership demands it here in this House. The Democratic leadership demands hearings on this issue to make sure that veterans know that we are not leaving them behind.

I think what is also important here, Mr. Speaker, is the fact that in the last Congress, we had the chairman of the Veterans Affairs Committee who said, you know something, I am going to do what the veterans want me to do; I am not going to do what the Republican leadership wants me to do; I am going to do what is right. And guess what, he was stripped of his chairmanship. Not only stripped of his chairmanship, thrown off the committee. This is a man who went through whole process, whole seniority, serving on the committee and was thrown off the committee because he did the right thing on behalf of the men and women that wore the uniform. Not in this Congress.

In this House of Representatives, in this Democratic House of Representatives, we look forward to leadership opportunities. This is an opportunity.

In the supplemental budget, over $3 billion were given to veterans health care because we took the leadership opportunity to carry it out. We said we had the will and the desire. We have it.

So I think it is important to speak in a bipartisan way, to be able to allow Members to go back to their districts, need it be Democrats and Republicans, and say we are having hearings. Matter of fact, the hearings that took place this week, there will be hearings tomorrow, there will be hearings on Monday, there will be hearings, I guarantee you, on a couple of days next week, and out of those hearings, action will take place. Not just hearings, say okay, let us just show, but action will take place. And as we figure out what is going on in other parts of the country, it is important.

What I want to make sure I do is I have the Web site because I want Members and I want to make sure veterans know and report where these issues fall short. I want to make sure the Members have it so this is the 30somethingdems@mail.house.gov, 30somethingdems@mail.house.gov. We also ask you to visit, which we will give you more information about what is happening here as it relates to hearings, and go to www.speaker.gov/30something/index.html. That is a lot there but on the top here, 30somethingdems@mail.house.gov.

We want to hear it, Mr. Speaker. We want to do something about it, and I think it is important that we have the opportunity to do that.

One thing I want to also point out here, Mr. Speaker, and I would encourage the Members once again, is if you have it, it should be in all the Members' offices, the latest Newsweek article or Newsweek magazine which is March 5, 2007. It came to my office. I know it went to a number of other offices. This is compliments of Newsweek. I get one at home, too. "Failing Our Wounded," a special investigation. In this publication here you will hear a lot and see a lot. Also, you can go on washingtonpost.com, and in case you missed it, there is an area there where you can read about some of the failures of not only Walter Reed, but veterans services that are in so bad a condition right now because of the lack of funding and because of the lack of leadership from Washington, D.C., in prioritizing the needs of our veterans.

In the article, you have a number of hospital officials that knew of the neglect and also complained about it and voiced their opinion for years but have not been heard, and we know that we have a number of veteran organizations that have come to Washington, D.C., looking for justice. But guess what, I think they are coming this time knowing that they will have an opportunity to sit before a committee. I think they will come knowing that they will have a chance to see something happen this year and in the future budgets as long as you have Democratic control here in this House, and I think it is important and also with some of my friends on the other side joining us.

We talked about oversight. We talked about accountability, but I also want to say, as of a week ago, 52 hearings as it relates to oversight of the Iraq War have taken place.

□ 1830

Unlike the 109th Congress, the 108th Congress, and Congresses before that one, there have been a number of hearings that have taken place under the Capitol dome.

Why are these hearings important? Members are being educated on the issues. Why is education important? We can govern better. We can govern better on behalf of who? The American people.

That did not happen at the beginning of this war. That did not happen when we had bills sweep through this House of Representatives, and Members were challenged: if you didn't vote for it, you with not for the troops.

Well, the bottom line is that I think we are all, I haven't run into a Member of Congress who says I am against the troops, or an American who has said that I am against the troops, we are all for the troops. The real issue is, do we have enough leadership, or have we had leadership in the past to be able to make sure that we have our troops' backs like they have ours, in the care that they deserve for the rest of their lives?

And when we talk about that, we have to talk about individuals going back to their families, Mr. RYAN, who have real issues. Some of those issues can be between the years of being in warfare for 3 years, 4 years, and being asked to go back. We are talking about families, we are talking about communities, we are talking about something that needs special care and needs counseling and treatment. And so when we talk about those things, we have to do something about them.

So that is why I am very, very pleased that these hearings are taking place, Mr. Speaker, because the leadership is there to make those hearings happen. There will be Democrats and Republicans a part of it. I am glad that staff was deployed from the Democratic Congress to Walter Reed Hospital and other hospitals here in the Washington area, outpatient centers, to make sure that we can get to the bottom of the problem and make sure that we start working towards a solution.

And I want to say, Mr. RYAN, before I yield to you, that I commend the individuals that work in our veterans hospitals for blowing the whistle and talking to the press and talking to the staff about some of the issues that veterans had to face. I want to commend those veterans or those active duty and those individuals that are no longer on active duty, also our National Guardsmen and our Reservists that have been activated for sharing information. And we encourage you to continue to share information so that we can do better, because the willingness and the desire here is in this Democratic Congress to make sure that you get what you need and what you have coming to you.

Mr. RYAN of Ohio. I appreciate it, Mr. MEEK. And I was watching you earlier talk about this, and I appreciate your concern and your passion on the issue. And I just can't help but thank Mr. MURTHA and the Speaker for taking such quick action on this.

This is the kind of thing that unfortunately has been going on for a long time, not only in this particular institution due to a lack of oversight, but also this is what has been going on in Iraq. The stories that we hear coming out of some of the oversight committees are absolutely atrocious to hear about the waste of money and some of the situations on the ground in Iraq.

Then to hear the story about Walter Reed, it just seems to consistently be a lack of owning up to what the current situation is on the ground or in the hospitals or wherever the case may be. And that is why you have to have an open process. That is why you have got to have hearings. And if we would have maybe over the past couple of years had more oversight hearings on these situations, maybe we wouldn't be in the situation that we are in today.

I want to share with you, Mr. MEEK, and I apologize because I have to leave in a couple minutes but I wanted to come by and support you and add my two cents here, today in the Washington Post regarding the complaints at Walter Reed, and this is what is really damning here as far as the issue goes, on the front page of the Washington Post:

"Top officials at Walter Reed Army Medical Center, including the Army's Surgeon General, have heard complaints about outpatient neglect from family members, veterans groups, and Members of Congress for more than 3 years.

"A procession of Pentagon and Walter Reed officials expressed surprise last week about the living conditions and bureaucratic nightmares faced by wounded soldiers staying at the D.C. medical facility. But as far back as 2003, the commander of Walter Reed, General Kiley, was told that soldiers who were wounded in Iraq and Afghanistan were languishing and lost on the grounds, according to interviews.

"But according to interviews, Kiley, his successive commanders at Walter Reed, and various top noncommissioned officers in charge of soldiers' lives have heard a stream of complaints about outpatient treatment over the past several years. The complaints have surfaced at town hall meetings for staff and soldiers, at commanders' sensing sessions in which soldiers or officers are encouraged to speak freely, and in several Inspector

General's reports detailing building conditions, safety issues, and other matters."

That is what hurts, Mr. MEEK, is the fact that people knew about this. And one of the most prestigious obligations that we have as Members of the United States Congress, as Members of the House of Representatives, being the most closely, directly elected officials for the people of this country to represent them in their Federal Government is that we have oversight responsibilities. And to neglect those duties, as the 109th Congress did, on Iraq, on contracting, on intelligence, on all of these things, blistering accounts that we are learning about, this is what hurts, that these kinds of situations could have been prevented, and if not prevented, immediately fixed.

And when you think about this, just ask, just ask us, is this Congress, whether Republican led or Democratically led, going to say "no" to our soldiers? That is not going to happen. But the fact that this administration refuses, talk about a culture which we talked about in the 109th Congress, a culture and a complete culture of an unwillingness to accept the fact that things can go wrong. We are all human beings. Things go wrong; mistakes are made. The key is to fix them. The key is to not make the same mistakes twice, or in this case, many, many, many times over. And the fact that a few soldiers had to go through this is a shame. But when the problem isn't fixed, when the problem continues and we have hundreds and hundreds and hundreds of soldiers go through this same situation, Mr. MEEK, when it could have been fixed I think is a tragedy.

So I want to commend you for bringing this up and sharing this with the House of Representatives and the American people. And I want to commend you for your service on the Armed Services Committee in these difficult times and a lot of the tough decisions that you have to make on that committee.

So I yield back to my friend, and I apologize for having to cut out on you early; but you are doing all right on your own.

Mr. MEEK of Florida. Mr. RYAN, I appreciate you coming down, sir. You are one of the most dedicated members of the 30-something Working Group. And I know now that you are an appropriator that you have many more responsibilities. And I want you to continue to do those great things that you do on the Appropriations Committee, and I want to thank you for your service on the Armed Services Committee in the last two Congresses. But this is a very, very serious issue, Members; and I am glad that you did find time enough to come down here.

Mr. Speaker, I think it is important that we look at some of the issues that we are facing here, not only on this article, or articles, out of The Washington Post, not only what Americans are going to be reading in Newsweek and other publications that are going to uncover or shed light on the obvious that so many veterans have been talking about for so many years. One thing for myself, being in the political minority in the last two Congresses and the frustration of not having the opportunity to schedule a hearing, Mr. RYAN said something and I want to just be able to shed light on it, because we have a lot of new Members and I want to make sure they understand.

Of course, when you are in the minority you can't call the hearing. It is what it is, like so many people say on the street. You are in the minority, that is it. You can try to do what you can do, but you are not going to call a hearing. And the fact that we have hearings that have been called and hearings that have already taken place and staff that has been deployed to tackle this issue already allows the American people to witness change, to witness a new direction. If I said it three times in my talk here this evening, I will say it again. In politics and what gives people the will and the desire to go vote in the first place is to witness change when they feel that it needs to happen.

We talked about a new direction, Democrats did, in the last election. And to actually talk about it and then do it is extraordinary, especially here in Washington, D.C. to be able to go back to your district and say we are going to do something about this lack of service, outpatient service, lack of priority, cut in funding.

I spoke earlier, and I am going to highlight what has happened and then I am going to say what we have done in the first action of being able to direct appropriations in the area that it should go in versus special interest giveaways, versus you have to be plugged in or connected to get certain things out of this Congress just on behalf of those that have served.

I just want to run down this line here, and I have a chart here. As you know, we have a lot of charts in the 30-something Working Group because we want to make sure that Members know exactly what they need to know, when they need to know it, so that their constituents and my constituents, I can't go home and say, I didn't know that, no one said anything about it. These bills are moving around, some of them are 500 pages. I didn't know what was there. So as we look at what is happening or what has happened, we have to reflect on the past to have a better future. And that is the good thing about what we are doing here.

Bush and Republican budget funding for veterans: January 2003, the Bush administration cuts off veterans health care for 164,000 veterans, 68 Federal Reg 2670, 2671, January 17 of 2003.

The reason why I read that probably means nothing to the lay person, but for those of you that know where to find this information, it is gold. As a matter of fact, it is platinum. Third-party validators is what we do here on the 30-something Working Group. And on the Democratic side, we believe in third-party validators. The Washington Post is a third-party validator of what we have been talking about in the minority. Now we are glad we are in the majority to do something about it.

Third-party validator is a Newsweek cover: "Special Investigation on Failing Our Wounded," that we have been talking about and 12 years in being in the minority. Now we are in the majority, we are doing something about it, what I talked about and what am going to highlight again.

March 2003, Republican budget cuts off $14 billion from veterans health care. It passed the Congress with 199 Democrats voting against it. 199 Democrats. That is House Concurrent Resolution 95, vote number 82, and that took place on March 21 of 2003.

I think it is important also, on March 2004, Republican budget that short-changed veterans health care cut by $1.5 billion.

I think you are getting the message here, Members, of what we are talking about here. And I can go on and on and on about what has not happened and what we have fought for; but I want you to look right down here at the bottom, because this is proof in the pudding and this is the new direction, Mr. Speaker and Members, that we speak so much about here on this floor, and it gives me great pride. I mean, I feel almost fulfilled spiritually, leave alone professionally as a Member of Congress, to be a member of a majority that is about action and about a new direction.

☐ 1845

When you look at this, January 31, 2007, that was just a month ago, we had to pass a concurrent resolution or a continuing resolution because the work was not done from the 109th Congress that should have been done prior to this time. We had to come in and clean it up. But guess what, in the cleanup we found some waste and special interest, giveaways, and we came up with $3.6 billion in health care funding to replace some of the cuts that the Republican majority made in the last Congress. I almost feel like an attorney in a closing argument. I can rest my case on that.

Now, Members can come down here and spend hours upon hours upon hours talking about I love the veterans, oh, I love the troops, oh, my goodness, I get teary-eyed every time I see a veteran or pass a post. But $3.6 billion is action, and I want to make sure the Members who voted against that continuing resolution know that you missed out on an opportunity to do something great, $3.6 billion for veterans health care.

Now, guess what, Member, if we didn't put that $3.6 billion and had an opportunity to do something about what did not happen in the past on behalf of veterans, could I speak here on the floor of the House of Representatives representing to the Members of this House of Representatives that we did the right thing back on January 31 of this year?

Sometimes we know of the glory but we have to tell the story, and the story is having the will and having courage, willing to do something on behalf of those who have sent us here, in this case, since we are talking about the veterans tonight, those that have allowed us to be in the Capitol, saluting one flag and secure, those that allow my children to live in a free society, those that have had friends that have paid the ultimate sacrifice, those that it takes longer than 2 hours in the morning for them to get out the door because of the price they paid.

Members, this has to be bipartisan, and so when we look at what has happened under a partisan venue, we have to be excited about $3.6 billion and counting in the future. We have to be excited about the oversight hearings that I have talked about that Mr. MURTHA is going to have as chairman of the Defense Appropriations Subcommittee on Appropriations. We talked about the Armed Services Committee, oversight committee, going and having hearings.

We talked about the Budget Committee that has already had a hearing. We are talking about the Senate doing the same thing on that side. We are talking about deployment of staff into veterans hospitals finding out the damage, what has happened because of the lack of funding that has been cut off over the years. That is substantial; that is substantial.

I would urge the Members on both sides of the aisle to go home and tell your constituents that we are on the job, that we are going to make it happen on behalf of their uncle, on behalf of their aunt, on behalf of their mother that may be deployed right now. But when she gets back, we are going to have her back. That is what is important, not lip service, but action.

Now, as a Member of Congress it gives me no pride to talk about the failures of the Bush administration or the past Congress, or even this Congress. We are not even 3 months into a new Congress. We have had 52 hearings dealing with Iraq plus, and I have to make sure that staff gives me the new numbers when we get back here next week, and counting, to give the American people the accountability that they deserve, those that are in harm's way, that they deserve.

You let some tell you here in the House of Representatives, oh, Democrats are weak on defense. We are for the veterans, don't you know?

Well, you know something, the thing about the story is the fact that it has bumps in it. The thing about the CONGRESSIONAL RECORD is the fact that it tells the truth, and the truth will set you free like we have heard so many times in places of worship. But it will set you free when it comes down to the track record.

We have the Republican side that says the tax-and-spend Democrats. Okay, what does the record reflect? The record reflects great accountability.

Guess what, the only party in the history of this country that has ever balanced the budget was the Democratic Congress without one Republican vote, the only party.

They talk about budget reduction and all that, but the bottom line is you can't hold, you can't have one arm on special interest and another arm on responsibility and make sure it all gets out because you know what, in past Congresses, special interest has always won. So as we start to look at this issue, we learn more about what is going on in our outpatient services, and we learn more about the lack of service that our veterans are receiving, not just the new ones, but the ones that have been there and suffered for years, and have suffered even more of the cuts of the Republican leadership in the White House and here in Congress.

The story, goodness, a Republican chairman of a committee of the Veterans' Affairs Committee did the right thing at one point and said, I am going to do this on behalf of veterans here in the United States of America; and those that are abroad at foreign bases and their families, we are going to do the right thing for him, and he was stripped of his chairmanship. I challenge any Member to come down here and challenge me on that fact. They won't, because it actually happened.

I guarantee you, the present chairman of our Veterans' Affairs right now will not be stripped for working on behalf of veterans. That will not happen. I say that with great confidence.

So I am excited. I mean, we just broke for the week. I am just glad to be here tonight to just witness, like we say in the Baptist Church, a change in a new direction.

I am so glad that the RECORD will reflect, not just American people but Democrats, that when the American people voted for a new direction, it actually happened. We are moving in a new direction.

Every time I see the votes on the board right above our heads here, we have bipartisan votes, it makes me feel even better about what we are doing, because that means that you are doing the right thing. This is a partisan arena here in Washington D.C. By the rules it is partisan. By the fact that you cannot even call a committee hearing, it is partisan. It has been that way for a very, very long time.

When you start to see Members breaking ranks with partisanship to say, I need to vote for this very good thing for my constituents, that is powerful, because it hasn't happened before; and I am not talking about procedural votes to the Members. We know Members are going to vote on the issues.

As we start to do good things on behalf of our veterans, we look forward to that bipartisan spirit. We look forward to it, and we know that there will be votes that we have to be bipartisan on. But I can tell you one thing: When it comes down to our veterans, we have to be together on this. National security, we have to be together on this. We have to be together on a number of issues, health care, what have you, because the country is looking for us to be leaders.

I am so glad that we have a Speaker that is a leader. I am so glad that we have Members that are serving in leadership positions on oversight committees that are leaders and really don't mind being talked about and misunderstood from time to time, because the outcome measures will reflect, out of the appropriations committees, Ways and Means, you name it, the Budget Committee, the priority of American people.

They are not just Democratic ideas. These are ideas that are American and that are right. We can't point at another country and say, look, wow, they don't even have good uniforms, when we are not following, we are not doing, we are not leading by example, just put it that way.

So I wanted to point this out, and I am glad that I had this information handy here to be able to share with the Members and allow them to have a chance to reflect on some of the issues of the week and also issues that will be coming up next week.

The last point, and I think this is very, very important, at Walter Reed today a major general stepped down. But you know something, it goes higher than that; it goes higher than that. A two-star general stepped down today from Walter Reed, stepped down, resigned. It goes higher than that. This reminds me of other issues that because of a lack of oversight have taken place in our Federal Government, and the first person to go is the person almost to the bottom of the totem pole. This goes higher than that.

I am excited that the Secretary of Defense did go out there, but I am going to tell you something. As we start to peel back the issues on this issue of failing our wounded, because of a lack of funding, more and more individuals, more and more e-mails that will be uncovered of who knew what when, who did not act, and it may lead very well back to the White House, may very well lead back to the past Congress, it may very well lead back to a high-level bureaucrat that looked the other way, because it was okay to look the other way.

This is not a witch hunt; this is about making sure that our veterans understand that we are moving in a new direction. If the administration is not willing to be a part of that new direction and wants to hold on to their original thoughts, then we are just going to have to show them that direction; and that is going to take courage, it is going to take leadership, and I know that the majority Members of this House have that courage and leadership.

Again, before I close, I want to commend the workers at Walter Reed. I want to commend those that came forward. I want to commend those individuals that have been working for 15, 20 years, taking care of our wounded, taking care of our men and women in said communities, and we look forward to continuing to support them in that effort, and help is on its way. As a matter of fact, help is already there.

You can e-mail us, Members, at 30somethingdems@mail.house.gov, and our Web site is www.speaker.gov/30something.

I want to thank Mr. RYAN for being a part of this hour. I want to thank the Speaker and the Democratic leadership for allowing the 30-something Working Group to come to the floor one more time. It was an honor to address the House of Representatives.

EMPLOYEE FREE CHOICE ACT AND PEAK OIL

The SPEAKER pro tempore (Mr. CARNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, there is a question that often comes to my mind, as I sit here in these Chambers. I have spoken about it often, what made America great. I have been reminded of this question in my past speeches on this topic as the debate evolved regarding the inappropriately named Employee Free Choice Act, H.R. 800. We had a debate that I never thought would take place here in the Chambers of the House of Representatives of the United States, questioning the use of the secret ballot.

Now, I am asking myself again, what keeps America great? It is what our military is fighting for in Iraq, it is what they fought for in our American Revolution, our Civil War, World War I and World War II and every war great and small when our country has put our greatest treasure, the lives of soldiers, sailors, marines and airmen at risk.

What keeps America great is our commitment to the vigilant defense of the cause of freedom as expressed by the will of the people. Expressing their will by voting with secret ballots is integral to keeping America great.

Our Constitution guarantees us freedom of speech and of religion. These are precious freedoms that allow us to prosper, to learn, to own property, to start a business, to teach our moral and civic values and build a legacy of wealth and knowledge for the next generation.

But it is the greatest freedom for citizens to decide or to vote using a secret ballot that sets our Republican forum of government apart. Secret ballots allow people to freely make decisions through our elected process, decisions made about not only who will represent them here in the Congress but also in their hometowns, decisions about what new amendments will be made to the Constitution, State or Federal.

□ 1900

There are codicils in the contracts we have with our government about how we want to be governed. Voting is a basic tool of a free society. Thomas Paine said in his dissertation on first principles of government that, and I quote, "the right of voting for representatives is the primary right which other rights are protected."

Voting is basic and natural to us. We have learned from an early age as school children voting for class presidents, and we expect it in adulthood as we elect representatives to our local, state and Federal elections.

It took a long time in this country to universally use secret ballot to make freedom's choices. But once in use, the secret ballot is not only the norm, but also the pinnacle tool which permits our countrymen to make these decisions, great and small, freely, without fear of intimidation or reprisal.

Mr. Speaker, we surely can't be serious when we pursue taking away from the rank and file worker the use of the secret ballot as the main vehicle for making decisions to unionize or remain an open shop. There may be problems with the unionizing process, but voting by secret ballot, I can assure you, is not one of them.

We here in the United States have acted as counselor to other governments and governing bodies on the requirements of a free and fair election. After all, we are the longest enduring republic in the history of the world.

I am going to reference such advice given on the U.S. Department of State Web site. If you search for principles of free and fair elections, you will find the requirements of an election. We here in Congress can benefit from relying upon this advice when considering the path to conducting union recognition process. And I quote, "universal suffrage for all eligible men and women to vote, democracies do not restrict this right for minorities, the disabled, or give it only to those who are literate or who own property." Obviously, we want all people affected by union decision to have a right to vote.

I am going to add a few words about American history's path to universal suffrage here, because it is useful to understand our painful evolution to reach a point where voting went from the select few to every adult.

It has only been in my lifetime that true universal suffrage has been realized in our great country. We fought a great civil war that only put us on the path toward universal suffrage. We still had many battles to come. From 1865 to 1870 the Constitution was amended three times to guarantee equal voting rights to black Americans, but still the struggle continued. There were setbacks as States and localities undermined this Federal guarantee.

At the turn of the last century, there were barriers to achieving universal suffrage. Poll taxes and literacy tests denied many black American men the ability to exercise their right to vote. Jim Crow laws protected segregation. Not until the 1950s did our laws begin to change to put an end to segregation. The 1965 Voting Rights Act provided the means to the Federal Government to ensure the ability to vote by black citizens that is guaranteed under our Constitution.

Suffrage for women was long in coming. In 1776, Abigail Adams wrote, to her husband, John, who was attending the Continental Congress in Philadelphia, she asked that he and other men who were working on the Declaration of Independence remember the ladies. John responded with humor but got his point across; that the Declaration says that all men are created equal applied equally to women, he told her.

After the Civil War, Elizabeth Cady Stanton and Susan B. Anthony formed the American Equal Rights Association, an organization for white and black women and men dedicated to the goal of universal suffrage. Other organizations followed. Still, in 1868, 3 years after the end of the Civil War, the 14th amendment was ratified but only provided for male suffrage. It was not until 1920, after many struggles, and only 86 years ago, that the 19th amendment was ratified and women in this country achieved the right to vote.

Let me go back now to that Web site of the U.S. State Department. Principles of free and fair elections: And I quote again, "freedom to register a voter or to run for public office, these are the qualities, the characteristics that society must have if they want to have free people and fair elections.

"Freedom of speech for candidates and political parties: Democracies do not restrict candidates or political parties from criticizing the performance of the incumbent.

"Numerous opportunities for the electorate to receive objective information from a free press: Freedom to assemble for political rallies and campaigns.

"Rules that require party representatives to maintain a distance from polling places on election day: Election officials, volunteer poll workers and international monitors may assist voters with the voting process, but not the voting choice.

"An impartial or balanced system of conducting elections and verifying election results: Trained election officials must either be politically independent, or those overseeing elections should be representatives of the parties in the election."

And now, the next two points, especially the last, are points that we really should well remember. "Accessible polling places: Private voting space, secure ballot boxes and transparent ballot counting."

And then this one, Mr. Speaker. "Secret ballots."

This is our advice on our State Department Web site to those who would like to emulate us and establish a government as free and fair and great as ours.

This is what it says. "Secret ballots. Voting by secret ballot insures that an individual's choice of party or candidate cannot be used against him or her."

It is only through the use of the secret ballot allowing for privacy voting without fear of reprisal that we can determine the true will of the people or the true will of workers. Do they want to be represented by a union or not?

If we keep in mind the advice that we so freely give to those outside our country, we can create a system for America's labor which will work for them. And frankly, who should be more protective of this basic tool of our society? Who should understand that the secret ballot should be the tool of choice for the members and their political members, but the union leadership themselves?

The union history is as painful as the struggle for the basic right to vote endured by blacks and women. The Industrial Revolution did usher in one of the most ugly periods of our history. Worker abuse, child labor abuse was, in fact, a huge problem. Brave men and women who formed unions led the efforts that addressed intolerable working conditions.

There will always be a place for employee unions. However, employee abuse by employers should not be replaced by employee abuse by unions.

In today's Los Angeles Times, not, I would remind you, Mr. Speaker, a conservative paper, in today's Los Angeles Times, there is an editorial entitled "Keep Union Ballots Secret. Doing away with Voting Secrecy Would Give Unions Too Much Power Over Workers." This is the title of their article. This editorial outlines the issue well and, I believe, reflects the sentiment of the country.

Indeed, in recent polls, 87 percent of the American people believed that we should have secret ballot elections for determining whether a group of employees wanted to unionize or not.

We, in this body, are privileged to serve, because we were elected to represent our constituents in secret ballot elections. We took an oath, and we have the obligation to serve not big labor or big business. Our sole obligation is to uphold the Constitution and serve the individual residents of our districts.

I agree with Los Angeles Times editorialist. In part, I would like to quote that editorial, with which I wholeheartedly agree. And this is what it says. "Unfair labor practices deserve tougher penalties. But improper influence can work both ways. As a rule, union membership improves worker prosperity and safety. Even so, the bedrock of Federal labor law is not unionism under any conditions, but the right of workers to choose whether they want to affiliate with a union."

This, from the very liberal Los Angeles Times. "Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing. And the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot insures that their choice will be a free one."

Mr. Speaker, I ask again, in conclusion to these remarks, what keeps America great? It is our commitment to a vigilant defense of the cause of freedom as expressed by the will of the people, and the will of the people is best and freely expressed by secret ballot elections.

As I read this, Mr. Speaker, my mind goes back to a comment made by Benjamin Franklin as he came out of the Constitutional Convention in 1787. Many copies of the Constitution may have this little quote on the front leaf page. He was asked, tradition has it, by a woman, who said, Mr. Franklin, what have you given us? And his answer was, a republic, madam, if you can keep it.

There are two things about this statement, Mr. Speaker, that deserve some reflection. The first is a republic. We do the Pledge of Allegiance to the flag and we note the republic for which it stands. And then we all too often get up and talk about the great democracy in which we live.

What is the fundamental difference between a democracy and a republic? And why was Mr. Franklin explicit in a republic, madam; if you can keep it?

A couple of examples of a democracy may be helpful in permitting us to understand why Benjamin Franklin was so specific. A somewhat humorous example of a democracy is two wolves and a lamb voting on what they are going to have for dinner. You see, in a democracy, the will of the majority controls. And if these two wolves and a lamb were in a true democracy and they were voting on what they should have for dinner, I suspect that the result might be lamb.

Let me give you another example of a democracy. And I kind of hesitate to do this because I don't want to be misunderstood. But I think it says very clearly what the difference between a republic and a democracy is.

If you will stop and think about it, I think you will agree that a lynch mob is an example of a democracy. Surely, in a lynch mob, the will of the majority is being expressed. Aren't you glad, Mr. Speaker, that you live in a republic?

Now, what's the fundamental difference? To help me understand this, I reflect back on an experience in our country with a President, Harry Truman, "Take Charge Harry," who made a very abrupt decision when the steel mills were going to strike. Then we did some manufacturing in this country, and it would have mattered. And our economy was already in trouble and was going to be in bigger trouble if the strike occurred. And so President Truman nationalized the steel mills. What that meant was that the workers at the steel mills were now Federal employees, and as such, by law, they could not strike. And so this averted the strike. This was a very popular action.

The Supreme Court met in emergency session and, in effect, what they said was, and by the way, Mr. Speaker, this is just one of two times in our history that the Supreme Court has set aside an executive order of the President.

□ 1915

This is in layman's language what the Supreme Court said to the President: Mr. President, you can't do that. You can't nationalize the steel mills because that is unconstitutional. You see, in a Republic we have the rule of law, no matter what the majority wanted, and clearly then the vast majority of Americans wanted what their President did. They were approving of nationalizing the steel mills, which avoided the strike. But the Supreme Court said you cannot do that because, you see, that is unconstitutional. The fundamental difference between a republic and a democracy is that in a Republic, we have the rule of law.

This Constitution that I hold in my hand is the fundamental law against which all other laws are measured. Now, we can change it. We have done it 27 times. But that is a very thoughtful process. It is two-thirds of the House and two-thirds of the Senate and it bypasses the President and goes to the

State legislatures, and three-fourths of the State legislatures must ratify it.

It has been quite a while since we amended the Constitution. The last time we tried to amend the Constitution, it was the so-called "equal rights amendment." Nobody argued that women should not have equal rights, and nobody argued that we didn't need to do something to assure that women had equal rights. And that amendment almost made it through the three-fourths of the State legislatures. But suddenly it began to dawn on people that what that amendment required was not quite what we wanted. What the amendment required was that you could not differentiate between men and women. If you are going to have a draft for the military, you would need to draft women as well as men. And so ultimately the equal rights amendment failed. It did not pass.

I think that if we could be so fortunate as to have some of these Framers of our Constitution be resurrected and join us here that they would counsel, as Benjamin Franklin did when he answered the woman's question by saying "A republic, madam, if you can keep it."

Abraham Lincoln understood that this was a new experiment that might not work: "Four score and seven years ago, our fathers brought forth on this continent a new Nation, conceived in Liberty, and dedicated to the proposition that all men are created equal."

We read those words and we slide through them so easily: "that all men are created equal." Of course, they are, you say. But to most at that time this was a revelation because most of the pioneers that established this great country came from either the British Isles or the European continent. And in almost every one of those countries there was a king or an emperor who incredibly, from our perspective, demanded and was granted divine rights, which said that the rights came from God to the king or the emperor and he would give what rights he wished to the people. Sometimes they were few, and sometimes there were more than a few rights that were given to the people.

But our Founding Fathers declared in the Declaration of Independence that all men are created equal and endowed by their creator. Mr. Speaker, do you think our courts might declare the Declaration of Independence unconstitutional because it mentions God, it mentions our creator? Endowed by our creator with inalienable rights: life, liberty, and the pursuit of happiness.

I don't know what was in Benjamin Franklin's head when he made the second part of that statement to the lady: "A republic, madam, if you can keep it." Do you think he was concerned about some foreign power coming and conquering our country and taking our Republican form of government away from us? I doubt it. We are on the other side of a really big ocean. It took a lot of ships and a long time to gain any meaningful number of troops here. I suspect that he was more concerned about the threat to our Republic from within.

It has been said that the price of freedom is eternal vigilance. You just can't ever, ever let down your guard. We are the longest enduring Republic in the history of the world. And I have asked myself many times how did we get here and why are we so fortunate, this one person out of 22, or less than 5 percent of the world's population, and we have fully one-fourth of all the good things in the world?

I think very often about this question as I recognize that we no longer have a population with the best work ethic in the world. I just came from China about 6 weeks ago. We no longer have a population that is focused on science, math, and technology. We no longer have a country that prizes the nuclear family. We no longer have a society that prizes that. Nearly half our kids are born out of wedlock today. I would suggest today society is at risk when half of the kids are born out of wedlock. So what is it about this great country that makes us so special that we have a fourth of all the good things in the world?

I think there are two things, and I want to focus for just a couple minutes on one of them, and that is the incredible protection that our Constitution gives to our civil liberties. There is no other constitution, there is no other country that has such respect for civil liberties. I think that in large measure it was this respect for our civil liberties that established a climate in which creativity and entrepreneurship could flourish. And I rise tonight because I am concerned about any threat to these civil liberties, and I think when we change the way we vote for any process from the traditional secret ballot process to something where your vote is exposed that in some little way you put at risk the civil liberties and start down a path that I don't think America needs to go down or wants to go down. Civil liberties are always a casualty of war, and I guess I am a little sensitive now because we are in a war.

Abraham Lincoln suspended habeas corpus. In World War II, my friend Norm Mineta, with whom I served here, a few years younger than I, a Japanese American, now Secretary of Transportation, told me, he said, "Roscoe, I remember holding my parents' hand when they led us into that concentration camp in Idaho."

That war is over and we are embarrassed we did that. Civil liberties are frequently, perhaps always, a casualty of war. And I remember that counsel that the price of freedom is eternal vigilance. So excuse me, Mr. Speaker, if I seem to have maybe a bit overreacted to the dialogue that occurred here today because I am just so jealous of who we are and the great privileges that we have.

And now I want to turn our attention in the remaining time to a subject that I have come to the floor 22 previous times to talk about. And I think the great freedoms that we have are going to be tested as we meet the challenges that are ahead. I want to begin this discussion and will be discussing energy and one particular aspect of energy which is now fairly conventionally referred to as peak oil. I would like to note that it was the 14th day of last March that I gave my first speech on the floor here on peak oil. What I wanted to talk about was the probability that the world was about to reach its maximum ability to produce oil.

Obviously, that had to come at some point. The Earth isn't made out of oil. The amount of oil is finite. At some point we would reach our maximum capacity for producing oil. Few people ever thought about that because oil was just so ubiquitous. It was everywhere. Thousands of cars on the road. Electricity, heat whenever you needed it. And I was trying to decide what to call this and to label the charts, and you may see in the charts we use in a few moments some labels on top of the charts and they are put on with scotch tape because I wasn't sure what to call it.

I was debating between the "great rollover." You see, when you have reached your maximum production of oil, you then roll over and start down a slope where you produce less oil, and it becomes harder and harder to get. So I thought maybe I would refer to it as the "great rollover" and finally decided that I would refer to it as "peak oil." It is a good thing because now everybody is referring to it as "peak oil," and I would have been a little out of step talking about the "great rollover."

I have here an article that appeared today from the Associated Press published March 1, 2007. That is today. And it is an interview. T. Boone Pickens says global oil production has reached its peak. T. Boone Pickens. I didn't really know who he was. I knew he was a very rich and capable man who had an incredible talent at deciding where the market was going and has become very rich as a result of that. I didn't know that Pickens started his career in the 1950s as a petroleum geologist. I don't know if in 1956 on March 8, and we are coming up to the 51st anniversary in a few days, I don't know if he was in that audience in San Antonio or not when a very, very famous speech was given by M. King Hubbert that I will refer to in a few moments.

The article begins by saying: "Legendary Texas oilman T. Boone Pickens sees today's stubbornly high oil price as evidence that daily global production capacity is at or very near its peak. 'If demand for crude oil rises beyond the current global output of roughly 85 million barrels per day,' Pickens told the Associated Press, 'prices will rise to compensate and alternative sources of energy will begin to replace petroleum. If I'm right,' he says, 'we are already at the peak. And if I'm right, the price of gas will go up. I think there are less reserves around the world than are being reported. There are no audited reserves in the Mid East. It makes me suspicious,' he said."

Now, he was challenged in this by a friend of mine, a person that I really admire, Steve Forbes. Forbes publisher Steve Forbes challenged Pickens' assumptions during an exchange in the conference, saying political, not technological or geological, roadblocks stood in the way of increasing the world's oil output.

□ 1930

Just give them an incentive to go drill and they will find more oil. With the right incentives in place, more oil could be brought to market and prices could drop, Forbes said.

Forbes referred to Mexico and what was happening there. Pickens responded by saying Mexico is a declining producer of oil, as are most other countries. Indeed, 33, I think, out of the 45 oil-producing countries have already reached their peak and are already in decline.

Pickens responded by saying that Mexico is a declining producer of oil, as are most other countries, naming the United States, Norway, Britain and soon Russia. Indeed, I think Russia now has a second peak that they are declining from. They had an earlier peak, the Soviet Union before the Soviet Union fell apart, and they now have recovered from that and are reaching a second but smaller peak.

The world has been looked at, Pickens told Forbes. There is still oil to be found, but not in the quantities we have seen in the past. The big fields have been found, and the smaller fields, well, there are not enough of them to replenish the base. This is T. Boone Pickens.

Pickens predicted oil prices will rise this year to an annual average of around $70 per barrel. It was $62 a barrel today. Global consumers led by the United States have already burned through 1.1 trillion barrels of oil, or what Pickens described as nearly half. Many observers will tell you it is half of the world's estimated 2.5 trillion barrels of oil.

This is his prediction. This is a man who has been able to make really good predictions, because he has gotten incredibly wealthy doing it.

From now on, Pickens said, rising demand will be met by higher prices rather than ever larger crude production. He says the days of meeting the demand with producing more are ending. Alternative energy sources will begin to take a share of the energy market until the world evolves from a hydrocarbon-based economy to something that is a mix of hydrocarbons and something else.

Now, since hydrocarbons are not infinite, they are finite, ultimately everything will be the something else. Everything from nuclear, coal, wind, solar, hydrogen and biofuels, stands a chance to assuage growing demand for energy, Pickens said.

I will put up the first chart now. What this chart does is to list the predictions of many of the world's experts, and T. Boone Pickens is not on here because he just made this prediction today and this is a chart made some time ago. It shows here a number of authorities, their background and references and the projected peaking date. What you can see here is that most of the authorities believe that peaking will occur quite soon.

I would like to digress for just a moment to talk about what we mean by "peaking." Traditionally, peaking has meant to refer to conventional oil sources, the kind of oil you will get by drilling a hole in the ground and then pumping it out.

It is almost certain that the production of conventional crude oil has peaked, but we now are able to get the equivalent of crude oil from other sources, like gas to liquids, like oil from the tar sands of Canada, where it is really thick. It won't flow. They lift it up in a shovel that lifts 100 tons, they dump it into a truck that carries 400 tons, and then they cook it, add some volatiles to it so it will flow, and then you have the equivalent of oil. Or really heavy oil, like some of the oil that Venezuela is producing.

Then you might also include an unconventional oil, oil that is in places that is really, really hard to get to, like that last find in the Gulf of Mexico, which I think was under 7,000 feet of water, more than a mile of water, and several miles of dirt. They aren't pumping that yet. I have been told, and you are told a lot of things that may or may not be true, but I have been told that we will start pumping that oil when oil is $211 a barrel, because that is what it will take to get it out.

There are some who believe that the peak is a bit down the road, but you see that they all are pretty close.

There are several others who have made predictions about when peaking will occur. I have been talking about T. Boone Pickens and his prediction that it is now, that we are here. I noted all of these.

I have some remarks here from one of those, and we will look at the next chart now, and this is the chart from a study that was done at the request of the Energy Department and paid for by the Energy Department, by the SAIC, big SAIC organization. The principal investigator was Robert Hirsch, so it is frequently referred to as the Hirsch Report.

In this report, and I have highlighted here something that I thought was significant, he says, the world has never faced a problem like this. World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak.

A number of competent forecasters, I have just shown you a list of those, project peaking within a decade. Others contend it will occur later. Predictions of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity and political influences. Peaking will happen, and he should have really underlined that, peaking will happen, but the timing is uncertain.

The next chart shows some additional quotes from the Hirsch Report. The peaking of oil presents the United States and the world with an unprecedented risk management. Remember in the previous chart it said the world had never faced a problem like this.

As peaking is approached, and note how similar this is to what T. Boone Pickens said in the article today, as peaking is approached, liquid fuel prices and price volatility will increase dramatically, and without timely mitigation, and then he says this, economic, social and political costs will be unprecedented.

Another chart from the same Hirsch Report makes reference to another projection of when oil will peak, and this is a projection made by our own Energy Information Agency using data from USGS. I will spend just a moment on this chart because it holds the essence of a pretty big debate that is going on out there.

The black curve here represents our use. Notice what happened in the 70s, the Arab oil embargo. If that line had kept on going up, as it had been going up for years, it would be way up there, wouldn't it, and there wouldn't be anywhere near enough oil. Eighty-five million barrels wouldn't begin to meet the world's demand if that were true.

There was a stunning statistic during this rapid rise up to the seventies. In every decade up until the Carter years, we used as much oil as had been used in all of previous history. That is stunning. What that means is that when we had used half the oil, there would only be 10 years left. That is not 10 years at that use rate, because it is going to be harder and harder to get, so it is going to fall off in what can be pumped.

But, fortunately, we had a wake-up shock, and we found out how to do a lot of things a lot more efficiently. Your refrigerator and air conditioner today may be three times more efficient than it was at the time of the Arab oil embargo. I don't think anybody will argue that we aren't living as well today as we did in the seventies, and we are using precious little more oil than we did in the seventies with a fair sized increase in the population. So efficiently really is possible, isn't it?

Well, back to this chart. USGS uses a very interesting technique for predicting how much oil is yet to be discovered. They have some very elaborate computer simulations, and they make some assumptions, and they put these assumptions into the computer simulations and then run these simulations. And they change the assumptions, because it might be a little higher or might be a little lower. So they have done this a very large number of times. Then they graph the frequency of certain predictions, of how much oil will be produced against the quantity that will be produced. Then they pick the mean of this.

This is the mean of their computer projections. They pick the mean of this and they say that that mean is the expected value. This is simply the result of putting some assumptions into some computer models and then running it a number of times.

Now, this says probability, but in their charts it says frequency. I don't know how frequency got translated to P for probability, but there is a bit of miscommunication here. They say that the low probability is the 95 percent probability. Of course, this was the number where there was 5 percent of predictions on one side and 95 percent of predictions on the other side of this point on their graph.

Now, what they called the 95 percent probability is what T. Boone Pickens said, you remember he had 2.3, that is slightly different from this, 2.5, something like that, slightly different from that, as the total amount of oil that had been discovered in the world, a little over 1,000 gigabarrels. And we use "giga" rather than billion, because a billion in England I think is a million million, and a billion here is 1,000 million. So if you use billion you may be misunderstood, but giga apparently around the world means a billion, and, of course, 1,000 gigabarrels is a trillion gigabarrels, and this is 2.248 trillion gigabarrels, 248,000, which is 2.248 gigabarrels of oil.

Now, their mean, they say, reflects the probability that we are going to find half as much oil as we have ever found, half as much more oil as we have ever found in the past. And they even have a high 5 percent probability where they say we might find twice as much oil as all the oil we ever found in the past.

Now, even with this assumption, and this is really important, even with this assumption of the mean, and that is the red line here, you see, the mean, even with the assumption that we are going to find half as much more oil as we ever found, or to put it another way, we are going to find as much more oil as all of the reserves that now exist, even with that assumption, look where peaking occurs. 2016. That is just around the corner.

□ 1945

Now, if we don't find that additional oil, then the peaking would occur here. This is 2000. We are now in 2007, slightly after that, which is when T. Boone Pickens said it has occurred.

The second part of this chart shows another interesting thing, and that is if you use enhanced oil recovery, you will certainly get the oil more quickly. You may get some more oil, too; but the primary thing you will do is get it quicker. But if you pump it now, it won't be available later; and so they show a very steep drop there.

The next chart shows a comment by one of the giants in this field, James Laherrere, and he made an assessment of the USGS report which was the basis for this prediction of our Energy Information Agency that we are going to find this incredible amount of new oil. This is what he says: "The USGS estimate implies a fivefold increase in discovery rate and reserve addition for which no evidence is presented," no evidence other than their computer modeling. "Such an improvement in performance is utterly implausible given the great technological achievements of the industry over the past 20 years, the worldwide search, and the deliberate effort to find the largest remaining prospects."

We now have vastly better discovery techniques. We have computer modeling. We have 3-D seismic, and we pretty much have mapped the world. And oil and gas can occur only in fairly unique geological formations, and we know what those formations are, and we know pretty much where they are.

The next chart is very interesting. It shows the EIA projections of discovery, how much oil we were going to discover. This is the discovery peak, not the use peak because we in the past discovered enormously more oil than we used. But this is the discovery peak. They made this chart in about 2000 and this red line was the discovery peak in the past up to that time. Then they made three projections for the future.

One was their 50 percent probability. The mean, which is the 50 percent; the P 95 which is the yellow one; and the blue one, which is the 5 percent probability. They said there was a 5 percent probability we would find an incredible amount of oil, and they said there was a 95 percent probability that we would find only this tiny little bit done here. And the mean was this green line, and they saw it going up better and better.

But look at what happened. The red data points show that the discoveries were precisely what you would have predicted them to be if in fact it is a probability, 95 percent probable, it is certainly a whole lot more probable than 50 percent probable, and the actual production curve has followed the 95 percent probability.

All of this has given rise to a statement by Condoleezza Rice, and this is a very insightful statement on April 5, 2006: "We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word warping diplomacy around the world. We have simply got to do something about the warping now of diplomat effort by the all-out rush for energy supply."

Let me put the next chart up, and this chart comes from an incredible speech given by Hyman Rickover, the father of our nuclear submarine. I just want to quote a couple of things. By the way, if you do a Google search, Mr. Speaker, and ask for Hyman Rickover and energy, I think you can probably pull up this speech he gave on May 14, 1957. He gave this speech at a banquet of the annual Scientific Assembly of the Minnesota State Medical Association in St. Paul, Minnesota. Let me just read a couple of things that he says in this speech because he was so prophetic:

"With high energy consumption goes a high standard of living." And this was 50 years ago. What would he say today? "Thus, the enormous fossil fuel energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves. Man's muscle power is rated at 35 watts continuously, or 1/20th horsepower. Machines, therefore, furnish every American industrial worker with energy equivalent to that of 244 men, while at least 2,000 men push his automobile along the road, and his family is supplied with 33 faithful household helpers. Each locomotive engineer controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly, the humblest American enjoys the services of more slaves than were once owned by the richest nobles, and lives better than most ancient kings. In retrospect, and despite wars, revolutions and disasters, the 100 years just gone by may well seem like a golden age."

Then he says: "Whether this golden age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population."

And if all of these experts that I have quoted are right and if T. Boone Pickens is right, we have now reached the maximum production of oil, which means that we are going to have to learn to live with what we have got for the moment, and then there will be a time when it is going to be harder and harder, and less and less will be found.

Ultimately the nation which controls the largest energy sources will become dominant. We don't own them, but we control them with our dollars because we now are buying a fourth of all of the oil in the world. China is buying oil around the world. Why would they do that? You don't need to own a single oil well and will get all of the oil you want if you simply have the dollars to pay for it. I think it is an interesting exercise to reflect on why China might be buying these oil wells.

If we act wisely and in time to conserve what we have, I have a notice we haven't been doing much of that, and prepare well for necessary future changes, we shall ensure this dominant position for our own country.

What are these people talking about? What is peak oil, the next chart, and this chart is a chart from the Cambridge Energy Research Associates, and you will see them referred to as one of the major authorities in this area. They do not believe what T. Boone Pickens said today. They think that peaking is quite a ways out, and they created this little chart to ridicule the scientists who predicted that the United States would peak in 1970 and we did peak in 1970. By the way, he predicted the world would be peaking about now. If he was right about the United States, why shouldn't he be right about the world?

They used this chart to ridicule him, and I think it gives credibility to what he said. The total U.S. production is the red curve. M. King Hubbert predicted that we would peak in 1970. In 1970 we reached a peak. He was making that prediction only from the lower 48. He couldn't have known that we were going to find a lot of oil in Alaska, and we did. What that lot of oil in Alaska did was to produce this little bump here.

I have been at zero miles of that 4-foot pipeline that for many years produced a fourth of all the oil that we produced, and it only made this little blip in the downslope of Hubbert's peak. CERA says because this was the curve rather than the predicted curve of Hubbert here, he was therefore a fraud and not to be believed. I think there is reasonable concurrence between these.

The actual, by the way, for the lower 48 which he produced follows pretty well his prediction, and we found the additional oil in Alaska which kicked it up a little. But in spite of everything that we have done, we now are producing half the oil that we produced in 1970.

My last chart, and this chart, I could spend the whole hour talking about this, and I may do that some evening, but this chart has an enormous amount of information on it. These are the discoveries. This is when we discovered it. The black curve is how much we used. For many years we found very much more than we used. But starting in 1980, we started finding less and less and less, and our use rate went up and up and up. Here is the 1970 blip, and it keeps on going up. For all of this time we were dipping into reserves. We have a lot of reserves left.

What will the future look like? One thing is certain, you cannot bump what you have not found. These graphs, the area under these curves represents the volume, the amount. So the area, if you put a smooth curve over this one, the area under that curve would represent the amount of oil that we have found.

The area under this consumption curve would represent the amount of oil that we use. You can't use oil you haven't found. Within some limits we can make the future look like we want it to look with enhanced recovery and feverish drilling and so forth. But I would submit that you can't pump what you haven't found, and I would like the listener to make his own judgment as to how much we can change what they predict here will be the future production of oil.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE (at the request of Mr. BOEHNER) for today after 2:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, March 6.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building".

H.R. 335. An act to designate the facility of the United States Post Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office".

H.R. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building".

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office".

H.R. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building".

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building".

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, March 5, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

658. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification of both an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach for the enclosed program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

659. A letter from the Secretary of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Communications Operations and Maintenance function at Scott Air Force Base, Illinois, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

660. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the status of female members of the Armed Forces, pursuant to Section 562 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003; to the Committee on Armed Services.

661. A letter from the Deputy Secretary, Department of Defense, transmitting a biennial strategic plan for the Defense Advanced Research Projects Agency (DARPA), pursuant to 10 U.S.C. 2352; to the Committee on Armed Services.

662. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that the Program Acquisition Unit Cost and the Procurement Unit Cost has exceeded both the current UCR and Origional UCR basiline for the enclosed program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

663. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved

retirement of Lieutenant General Thomas L. Baptiste, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

664. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of December 31, 2006, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account"; to the Committee on Armed Services.

665. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), Department of Defense, transmitting the Department's report on Assignment Incentive Pay (AIP) Criterea for Reserve Component (RC) Personnel, pursuant to Public Law 109-702, section 678; to the Committee on Armed Services.

666. A letter from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting a copy of the 2006 Annual Report to Congress on the HOPE IV Program, pursuant to Section 24(l) of the U.S. Housing Act of 1937; to the Committee on Financial Services.

667. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle (AFV) program report for FY 2006, as required by the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

668. A letter from the Assistant Secretary, Land Management and Minerals Management, Department of the Interior, transmitting the Department's determination of the practicality of issuing regulations to provide royalty relief for marginal oil and gas properties on the Outer Continental Shelf, pursuant to Section 343 of the Energy Policy Act of 2005; to the Committee on Natural Resources.

669. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Alabama Advisory Committee; to the Committee on the Judiciary.

670. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Mississippi Advisory Committee; to the Committee on the Judiciary.

671. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah, GA [COTP Savannah-06-068] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Lake Washington, Medina, Washington [CG13-06-018] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; United States Coast Guard Cutter MIDGETT (WHEC 726), Fairhaven Shipyard, Fairhaven, Washington [CGD13-06-031] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

674. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Lake Washington, Medina, Washington [CGD13-06-030] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

675. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC[CGD05-06-034] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

676. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Captain of the Port Lake Michigan, Chicago River South Branch [CGD09-06-083] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

677. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Evergreen Point Bridge, Lake Washington, Washington [CGD13-06-017] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

678. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Miles 600.0 to 607.0, Louisville, KY [COTP Louisville-06-01] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

679. A letter from the Deputy Director of National Intelligence for Management, Office of the Director of National Intelligence, transmitting a copy of the 2006 Annual Report of the U.S. Intelligence Community, pursuant to 50 U.S.C. 404d; to the Committee on Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 137. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; with an amendment (Rept. 110–27 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Agriculture discharged from further consideration. H.R. 137 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself, Mr. DUNCAN, Mr. CLAY, Mr. PLATTS, and Mr. EMANUEL):

H.R. 1254. A bill to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Oversight and Government Reform.

By Mr. WAXMAN (for himself, Mr. PLATTS, Mr. CLAY, and Mr. BURTON of Indiana):

H.R. 1255. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself and Mr. WOLF):

H.R. 1256. A bill to amend title 5, United States Code, to increase the level of Government contributions under the Federal employees health benefits program; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. SCOTT of Georgia, Mr. RANGEL, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. DEFAZIO, Mr. CLAY, Mr. BACA, Mr. AL GREEN of Texas, Mr. COOPER, Ms. WOOLSEY, Mr. SHERMAN, Mr. ELLISON, Mr. LANTOS, Mr. ACKERMAN, Mr. MILLER of North Carolina, Mr. CLEAVER, Mr. SIRES, Mr. PERLMUTTER, and Mr. WILSON of Ohio):

H.R. 1257. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation; to the Committee on Financial Services.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON):

H.R. 1258. A bill to amend title 5, United States Code, to increase the maximum age limit for an original appointment to a position as a Federal law enforcement officer in the case of any individual who has been discharged or released from active duty in the armed forces under honorable conditions, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Washington (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. GILCHREST, Mr. GRIJALVA, Mr. DICKS, Mr. SERRANO, Mrs. CAPPS, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. MARKEY, Mrs. TAUSCHER, Mr. PALLONE, Mr. CARNAHAN, Mr. RUPPERSBERGER, Mr. GEORGE MILLER of California, and Mr. INSLEE):

H.R. 1259. A bill to increase the use and research of sustainable building design technology, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP:

H.R. 1260. A bill to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office"; to the Committee on Oversight and Government Reform.

By Mr. PENCE (for himself and Mr. CANTOR):

H.R. 1261. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Ways and Means.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. JEFFERSON, Mr. BOUSTANY, Mr. ALEXANDER, Mr. SCOTT of Virginia, Mr. SCHIFF, and Mr. JINDAL):

H.R. 1262. A bill to permit the Secretary of Education to continue to waive certain regulatory requirements with respect to the use of aid funds for restarting school operations after Hurricanes Katrina and Rita; to the Committee on Education and Labor.

By Mr. BERMAN:

H.R. 1263. A bill to redeploy United States Armed Forces from the non-Kurdish areas of Iraq if certain security, political, and economic benchmarks relating to Iraq are not met, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Rules, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. MATHESON, Mr. CAMP of Michigan, Mr. TIBERI, and Mr. WILSON of Ohio):

H.R. 1264. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Ways and Means.

By Mr. BUYER (for himself and Mr. BOOZMAN):

H.R. 1265. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to award contracts to small business concerns owned and controlled by service-disabled veterans under the section 8(a) program; to the Committee on Small Business.

By Mr. BOOZMAN (for himself, Mr. CLAY, Mr. SKELTON, Mr. BERRY, Mr. SNYDER, Mr. ROSS, Mrs. BLACKBURN, Mr. COHEN, Mr. BOREN, Mr. CONAWAY, Mr. REYES, Mr. GRIJALVA, Mr. CALVERT, and Mr. FILNER):

H.R. 1266. A bill to direct the Secretary of the Interior to conduct a resource study along the "Ox-Bow Route" of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California, and for other purposes; to the Committee on Natural Resources.

By Mr. GORDON:

H.R. 1267. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Natural Resources.

By Mr. MITCHELL (for himself, Mr. EMANUEL, Mrs. BOYDA of Kansas, Mr. DONNELLY, Mr. HARE, Mr. WELCH of Vermont, Mr. MCNERNEY, Mr. ELLISON, Mr. VAN HOLLEN, Mr. WILSON of Ohio, Mr. KAGEN, Mr. RODRIGUEZ, Mr. SHULER, Mr. COHEN, Mr. YARMUTH, and Ms. HOOLEY):

H.R. 1268. A bill to ensure dignity in care for members of the Armed Forces recovering from injuries; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, and Mr. DEFAZIO):

H.R. 1269. A bill to improve the security of railroad, public transportation, and over-the-road bus systems in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 1270. A bill to establish the Journey Through Hallowed Ground National Heritage Area Education and Tourism Act, and for other purposes; to the Committee on Natural Resources.

By Ms. BERKLEY:

H.R. 1271. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERMAN, Mrs. MALONEY of New York, Mr. CHANDLER, and Mr. GUTIERREZ):

H.R. 1272. A bill to amend title 38, United States Code, to improve the pension program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. BERKLEY:

H.R. 1273. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to restore plot allowance eligibility for veterans of any war and to restore the headstone or marker allowance for eligible persons; to the Committee on Veterans' Affairs.

By Ms. BERKLEY:

H.R. 1274. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts awarded to qui tam plaintiffs; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROYBAL-ALLARD, and Ms. ROS-LEHTINEN):

H.R. 1275. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Mr. LEWIS of California, Mr. BACA, and Mr. KILDEE):

H.R. 1276. A bill to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. WYNN, Mr. WEINER, Mr. MEEKS of New York, Mr. JONES of North Carolina, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, and Mr. MILLER of North Carolina):

H.R. 1277. A bill to direct the Secretary of Health and Human Services to investigate how to eliminate the gap in benefits between standard coverage and catastrophic coverage under the Medicare prescription drug program under part D of title XVIII of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP of Michigan (for himself and Mrs. JONES of Ohio):

H.R. 1278. A bill to establish the position of Trade Enforcement Officer and a Trade Enforcement Division in the Office of the United States Trade Representative, to require identification of trade enforcement priorities, and for other purposes; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. TERRY):

H.R. 1279. A bill to amend title XIX of the Social Security Act to provide funds to States to enable them to increase the wages paid to targeted direct support professionals in providing services to individuals with disabilities under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. DOYLE (for himself, Mr. ENGLISH of Pennsylvania, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. ISRAEL, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. SHAYS, Mr. OLVER, Ms. KAPTUR, Mr. MCCOTTER, Mr. HINCHEY, Mr. SCHIFF, Mr. FERGUSON, Mr. SAXTON, Mr. CAPUANO, Mr. GALLEGLY, Mr. ACKERMAN, Ms. PRYCE of Ohio, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H.R. 1280. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. EMANUEL (for himself, Mr. CONYERS, Mr. HOLT, Mr. BECERRA, Mr. HONDA, Mr. ELLISON, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CLEAVER, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. ENGEL, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE, Mr. REYES, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHULER, Mr. SIRES, Mr. VAN HOLLEN, Ms. WATERS, and Ms. WOOLSEY):

H.R. 1281. A bill to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. RUSH):

H.R. 1282. A bill to amend title XVIII of the Social Security Act to provide for guaranteed issue of Medicare supplemental policies for disabled and renal disease beneficiaries upon first enrolling under part B of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. Pickering, Mr. Allen, Mr. Bartlett of Maryland, Mr. Burton of Indiana, Mr. Butterfield, Mrs. Capps, Mr. Conyers, Mr. Cummings, Mr. Lincoln Davis of Tennessee, Mr. Doyle, Mr. Farr, Mr. Frank of Massachusetts, Mr. Gerlach, Mr. Gordon, Mr. Graves, Ms. Jackson-Lee of Texas, Mr. Kennedy, Mr. Kucinich, Mr. Langevin, Mr. Lantos, Mrs. Lowey, Mr. McDermott, Mr. McNulty, Mrs. Maloney of New York, Mr. Matheson, Mr. George Miller of California, Mr. Moore of Kansas, Mr. Platts, Mr. Ramstad, Mr. Rangel, Mr. Reyes, Mr. Ross, Ms. Schakowsky, Mr. Schiff, Mrs. Schmidt, Ms. Schwartz, Mr. Sessions, Mrs. Tauscher, Mr. Towns, Mr. Van Hollen, Mr. Waxman, Mr. Wu, Mrs. Boyda of Kansas, Mr. Carney, Ms. Clarke, Mr. Cuellar, Mr. Tom Davis of Virginia, Mr. Delahunt, Mr. Lewis of Georgia, Mr. LoBiondo, Mr. McGovern, Mr. Serrano, Mr. Tierney, Ms. Watson, Mr. Holt, Mr. McHugh, and Mr. Wolf):

H.R. 1283. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HALL of New York (for himself and Mr. Filner):

H.R. 1284. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Washington (for himself and Mr. Reichert):

H.R. 1285. A bill to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; to the Committee on Natural Resources.

By Mr. HINCHEY (for himself, Mr. Castle, Mr. Larson of Connecticut, Mr. Moran of Virginia, Mr. Oberstar, Ms. Schwartz, Mr. Serrano, and Mr. Snyder):

H.R. 1286. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; to the Committee on Natural Resources.

By Ms. HIRONO (for herself, Mr. Abercrombie, Mr. Filner, Mr. Honda, Ms. Bordallo, Mr. Scott of Virginia, Mr. McDermott, Mr. Issa, Mr. Farr, Mr. Al Green of Texas, Mr. Grijalva, and Mr. Hare):

H.R. 1287. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Ms. HOOLEY:

H.R. 1288. A bill to amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Gutierrez, Ms. Schakowsky, Mr. Carnahan, Mr. Conyers, Mr. Fattah, Mr. Brady of Pennsylvania, Mrs. Jones of Ohio, Ms. Corrine Brown of Florida, and Mr. Ellison):

H.R. 1289. A bill to enhance the availability of capital and credit for all citizens and communities, to ensure that community reinvestment keeps pace as banks, securities firms, and other financial service providers become affiliates as a result of the enactment of the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Mr. McCaul of Texas, Mr. Thompson of Mississippi, Mr. King of New York, Ms. Zoe Lofgren of California, Mr. Dent, Ms. Jackson-Lee of Texas, Mr. David Davis of Tennessee, and Mrs. Christensen):

H.R. 1290. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to establish a National Biosurveillance Integration Center; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself and Mrs McMorris Rodgers):

H.R. 1291. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H.R. 1292. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself, Mr. Pitts, Mr. Gene Green of Texas, Mr. Brady of Pennsylvania, Mrs. Capps, Mr. Clay, Mr. Davis of Kentucky, Mr. English of Pennsylvania, Ms. Eshoo, Mr. Al Green of Texas, Mr. Brady of Texas, Mr. Gordon, Mr. Hall of Texas, Mr. Hayes, Mr. Hinchey, Ms. Jackson-Lee of Texas, Mr. Sam Johnson of Texas, Mr. LoBiondo, Mr. McNulty, Mrs. Maloney of New York, Mr. Marshall, Mr. Michaud, Mr. Moran of Virginia, Mr. Tim Murphy of Pennsylvania, Mr. Ortiz, Mr. Paul, Mrs. Blackburn, Mr. Price of Georgia, Mr. Ramstad, Mr. Reyes, Mr. Reynolds, Mr. Sessions, Mr. Shays, Mr. Shimkus, Mr. Souder, Mr. Yarmuth, Mr. Kirk, Mr. Rothman, and Mr. Becerra):

H.R. 1293. A bill to amend title XVIII of the Social Security Act to provide for a 2-year moratorium on certain Medicare physician payment reductions for advanced diagnostic imaging services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mr. Rahall, Mrs. Jo Ann Davis of Virginia, Mr. Scott of Virginia, Mr. Tom Davis of Virginia, Mr. Abercrombie, Mr. Kildee, and Mr. Pallone):

H.R. 1294. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

By Mrs. MUSGRAVE:

H.R. 1295. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 1296. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. OLVER (for himself, Mr. Tierney, Mr. Meehan, Mr. McGovern, Mr. Markey, and Mr. Hodes):

H.R. 1297. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Natural Resources.

By Mr. PETRI (for himself, Mrs. Maloney of New York, Mr. Shimkus, Mr. Kind, Mr. Shays, Mr. Holden, and Mr. Fortenberry):

H.R. 1298. A bill to amend the Federal Election Campaign Act of 1971 to require persons conducting Federal election polls by telephone to disclose certain information to respondents and the Federal Election Commission; to the Committee on House Administration.

By Mr. POE (for himself, Mr. McCotter, Mr. Davis of Illinois, Mr. Frank of Massachusetts, and Mr. Pearce):

H.R. 1299. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. Clyburn, Mr. Dingell, Mr. Oberstar, Mr. Skelton, Mr. Gordon, Mr. Frank of Massachusetts, Mr. Filner, Mr. Lantos, Mr. Reyes, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Altmire, Mr. Arcuri, Ms. Bean, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of Georgia, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boucher, Ms. Corrine Brown of Florida, Mr. Cardoza, Mr. Carnahan, Ms. Carson, Mr. Cleaver, Mr. Cohen, Mr. Crowley, Mr. Cummings, Mr. Davis of Illinois, Mr. Lincoln Davis of Tennessee, Mrs. Davis of California, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Doyle, Mr. Ellison, Mr. Engel, Mr. Etheridge, Mr. Fattah, Ms. Giffords, Mr. Gonzalez, Mr. Grijalva, Mr. Hastings of Florida, Ms. Herseth, Mr. Higgins, Mr. Hinchey, Mr. Holt, Mr. Honda, Mr. Israel, Mr. Johnson of Georgia, Mr. Kennedy, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. Kucinich, Mr. Larsen of Washington, Mr. Levin, Mr. Lewis of Georgia, Mr. Lipinski, Mrs. Maloney of New York, Ms. Matsui, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McGovern, Mr. McIntyre, Mr.

McNerney, Mr. Miller of North Carolina, Mr. Moran of Virginia, Mrs. Napolitano, Ms. Norton, Mr. Payne, Mr. Perlmutter, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Ross, Mr. Rothman, Mr. Ruppersberger, Mr. Sarbanes, Mr. Schiff, Ms. Schwartz, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sires, Mr. Smith of Washington, Mr. Snyder, Mr. Stupak, Ms. Sutton, Mrs. Tauscher, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Mr. Van Hollen, Mr. Walz of Minnesota, Ms. Wasserman Schultz, Ms. Watson, and Mr. Wynn):

H.R. 1300. A bill to strengthen national security and promote energy independence by reducing the Nation's reliance on foreign oil, improving vehicle technology and efficiency, increasing the distribution of alternative fuels, bolstering rail infrastructure, and expanding access to public transit; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Oversight and Government Reform, Rules, Science and Technology, Ways and Means, House Administration, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 1301. A bill to extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Washington (for himself and Mr. Bachus):

H.R. 1302. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day; to the Committee on Foreign Affairs.

By Mr. THOMPSON of California (for himself, Mrs. Cubin, Mr. Markey, Mr. Shuler, Mr. Skelton, Ms. Eshoo, Mr. George Miller of California, Mr. Farr, Ms. Zoe Lofgren of California, Mr. Hare, Mr. Moran of Virginia, Mr. Fattah, and Ms. Jackson-Lee of Texas):

H.R. 1303. A bill to amend title 49, United States Code, to improve air carrier passenger services; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. English of Pennsylvania, Ms. Berkley, Mr. Weller, Mr. Meek of Florida, Mr. Cantor, Mr. Lewis of Georgia, and Mr. Herger):

H.R. 1304. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 1305. A bill to amend the Energy Policy Act of 2005 to authorize discounted sales of royalty oil and gas taken in-kind from a Federal oil or gas lease to provide additional resources to Federal low-income energy assistance programs; to the Committee on Natural Resources.

By Mr. WEXLER (for himself, Mr. Feeney, Mr. Ackerman, Ms. Berkley, Mrs. Blackburn, Mr. Boyd of Florida, Mr. Burton of Indiana, Mr. Cannon, Mr. Mario Diaz-Balart of Florida, Mr. Klein of Florida, Ms. Ros-Lehtinen, Ms. Wasserman Schultz, Mr. Westmoreland, Mr. Wilson of South Carolina, Mr. Payne, Mr. Lincoln Diaz-Balart of Florida, Mr. Rothman, and Mr. Barrow):

H.R. 1306. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. Bachus, Mrs. Bono, Mr. Burton of Indiana, Mrs. Cubin, Mrs. Jo Ann Davis of Virginia, Mrs. Drake, Mr. Radanovich, Mr. Ramstad, Mr. Reichert, Mr. Sessions, Mr. Shuster, Mr. Spratt, and Mr. Wolf):

H.R. 1307. A bill to establish the Office of Veterans Identity Protection Claims to reimburse injured persons for injuries suffered as a result of the unauthorized use, disclosure, or dissemination of identifying information stolen from the Department of Veterans Affairs, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself, Mr. Calvert, Mr. Gordon, and Mr. Baird):

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments; to the Committee on Science and Technology.

By Mr. WELLER (for himself, Mr. Schiff, Mr. Pence, Mr. Fortuño, Mr. Wolf, Mr. Lincoln Diaz-Balart of Florida, and Mr. Lamborn):

H. Con. Res. 77. Concurrent resolution calling on the Government of Venezuela to respect a free and independent media and to avoid all acts of censorship against the media and free expression; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Res. 207. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Tenth Congress; to the Committee on House Administration.

By Mrs. DRAKE (for herself and Mr. Scott of Virginia):

H. Res. 208. A resolution honoring Operation Smile in the 25th Anniversary year of its founding; to the Committee on Foreign Affairs.

By Mr. ENGEL (for himself and Mr. Burton of Indiana):

H. Res. 209. A resolution supporting the goals and ideals of Anti-Slavery Day; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. Waxman, Mr. Shays, Mrs. Capps, and Mr. Kennedy.

H.R. 23: Ms. Kaptur, Mr. Lincoln Davis of Tennessee, Mr. LaTourette, Mr. Mitchell, Mr. Arcuri, Mr. Brady of Pennsylvania, Mr. Bonner, Ms. Zoe Lofgren of California, Mr. Van Hollen, Mr. Terry, and Mr. Boucher.

H.R. 39: Mr. Baird, Mr. Gilchrest, and Ms. DeGette.

H.R. 74: Mr. Fortenberry.

H.R. 82: Mr. Bachus, Mr. Bonner, Mr. Carter, Mr. Cleaver, Ms. Hirono, Ms. Norton, Mr. King of New York, Mr. Lewis of Georgia, Mr. Murphy of Connecticut, Mr. Tim Murphy of Pennsylvania, Mr. Pascrell, Mr. Sessions, Mr. Towns, and Ms. Watson.

H.R. 89: Mr. Moran of Kansas and Mr. Kagen.

H.R. 100: Mr. Patrick Murphy of Pennsylvania and Mr. Conyers.

H.R. 111: Mr. Thompson of California, Mrs. Davis of California, Mr. McCotter, Mr. Porter, Mr. LaTourette, Mr. Delahunt, Mr. LaHood, Ms. Bean, Mr. McCarthy of California, Mr. Hastings of Florida, Mr. Salazar, Mr. Clay, Mr. Reyes, Mr. Brady of Texas, and Mr. Gene Green of Texas.

H.R. 140: Mr. Filner.

H.R. 146: Mr. Holden.

H.R. 156: Mr. Boswell, Mr. Cole of Oklahoma, and Mr. Murtha.

H.R. 180: Mr. Ellison.

H.R. 189: Ms. Jackson-Lee of Texas.

H.R. 210: Mr. Stark.

H.R. 251: Mrs. Blackburn.

H.R. 255: Mr. McCotter.

H.R. 260: Mr. Kagen.

H.R. 303: Mr. Moran of Kansas, Mr. Tiberi, Mr. Doyle, Mr. Larson of Connecticut, Mr. Kagen, and Mr. Moore of Kansas.

H.R. 319: Mr. Sarbanes.

H.R. 358: Mr. Space, Mr. Larson of Connecticut, and Mr. Johnson of Illinois.

H.R. 362: Ms. Giffords, Ms. Matsui, Mr. McNerney, Mr. Costello, Mr. Hinojosa, Mr. Moore of Kansas, and Mr. Abercrombie.

H.R. 363: Ms. Giffords, Ms. Matsui, Mr. McNerney, Mr. Costello, Mr. Hinojosa, Mr. Abercrombie, and Mr. Carnahan.

H.R. 418: Mrs. Myrick and Mr. Cummings.

H.R. 432: Mr. Payne, Mr. Doolittle, and Mr. Garrett of New Jersey.

H.R. 455: Ms. Schakowsky.

H.R. 508: Mr. Capuano.

H.R. 510: Mr. Lewis of Kentucky, Mr. Simpson, and Mr. Mack.

H.R. 524: Mr. Etheridge, Mr. Tierney, Ms. Matsui, Ms. Zoe Lofgren of California, Mr. Kucinich, Mr. Fattah, Mr. Gene Green of Texas, and Mr. McIntyre.

H.R. 543: Mr. Ross, Mr. Cooper, and Mr. Pomeroy.

H.R. 549: Mr. Saxton and Mrs. Cubin.

H.R. 551: Ms. Harman.

H.R. 552: Mr. Wynn, Mr. Wamp, and Mr. Terry.

H.R. 561: Mr. McCotter.

H.R. 566: Ms. Carson and Mr. Hare.

H.R. 567: Mr. Al Green of Texas, Mrs. Davis of California, Mr. Cummings, Mr. Klein of Florida, and Mr. Hastings of Florida.

H.R. 579: Mr. David Davis of Tennessee and Mr. Yarmuth.

H.R. 583: Mr. Baird and Mr. Shays.

H.R. 585: Mr. Altmire.

H.R. 588: Mr. McIntyre.

H.R. 590: Mr. Cuellar.

H.R. 592: Ms. Jackson-Lee of Texas.

H.R. 621: Mr. Miller of North Carolina, Mr. Rogers of Alabama, and Mr. Moran of Kansas.

H.R. 625: Mr. Baca, Mr. Becerra, Mr. Berman, Mr. Costa, Mr. Farr, Mr. Filner, Ms. Harman, Mr. Honda, Mr. Lantos, Ms. Zoe Lofgren of California, Ms. Matsui, Mr. McCarthy of California, Mr. McKeon, Mr. McNerney, Ms. Millender-McDonald, Mrs. Napolitano, Mr. Rohrabacher, Mr. Schiff, Mrs. Tauscher, Mr. Waxman, and Mr. Calvert.

H.R. 628: Mr. Hoekstra, Mr. Castle, Mr. Moran of Kansas, Mr. Walden of Oregon, Mr. Shimkus, Mr. Porter, Ms. Granger, Mr. Brady of Texas, Mr. Camp of Michigan, Mrs. Biggert, Mr. English of Pennsylvania, Mr. Ehlers, Mr. Franks of Arizona, Ms. Foxx, Mrs. Emerson, Mr. Lewis of California, Ms. Pryce of Ohio, Mr. Kennedy, Mr. Weller, Mr. Dent, Mr. Pence, Mr. Rogers of Michigan, Mr. Burgess, Mr. Shadegg, Mr. Gerlach, Mrs. Capito, and Mr. Platts.

H.R. 643: Ms. Corrine Brown of Florida, Mr. McIntyre, Mr. Brady of Pennsylvania, and Mr. Calvert.

H.R. 657: Mr. Abercrombie, Mr. Cole of Oklahoma, and Mr. Filner.

H.R. 677: Ms. Corrine Brown of Florida, Ms. Carson, Mr. Fattah, Mrs. Capps, Mr. McHugh, Mr. Hastings of Florida, Mr. Thompson of California, and Ms. Eshoo.

H.R. 691: Mr. Patrick Murphy of Pennsylvania, Mr. Fattah, Mr. McDermott, Ms. Jackson-Lee of Texas, Ms. Kilpatrick, Mr. Ruppersberger, and Mr. Kagen.

H.R. 698: Mr. Gohmert, Mr. Rogers of Alabama, Mr. Perlmutter, Mr. Sestak, Ms. Berkley, Ms. Herseth, and Mr. Lucas.

H.R. 699: Mr. Barrett of South Carolina, Mr. Smith of New Jersey, Mr. Rogers of Alabama, Mr. Shuster, and Mr. Marchant.

H.R. 725: Mr. Walberg.

H.R. 728: Mr. McDermott.

H.R. 731: Ms. DeGette.

H.R. 736: Mr. Bartlett of Maryland, Mr. Bonner, and Mr. Sullivan.

H.R. 741: Ms. Woolsey and Mr. Van Hollen.

H.R. 743: Mr. Hill and Mr. Hastert.

H.R. 748: Mr. Holden, Ms. Ginny Brown-Waite of Florida, Mr. Payne, Mr. Weller, Mr. Lincoln Davis of Tennessee, Mrs. Maloney of New York, Ms. Schakowsky, Mr. Reyes, Mr. McDermott, Mr. Goodlatte, Mr. Rogers of Alabama, Mr. Israel, Mr. Lincoln Diaz-Balart of Florida, and Mr. Conaway.

H.R. 752: Mrs. Boyda of Kansas, Ms. Jackson-Lee of Texas, Mr. Farr, Mr. Moran of Virginia, Mr. Ross, Mr. Shimkus, Mrs. Christensen, Mr. Rush, Mr. Fattah, Mr. Van Hollen, Mr. Hinchey, Mr. Marshall, Mr. Carnahan, and Mr. Brady of Pennsylvania.

H.R. 756: Mr. Fattah and Ms. Jackson-Lee of Texas.

H.R. 758: Mr. Melancon.

H.R. 760: Mr. Roskam, Ms. Berkley, Mr. McDermott, Mr. Faleomavaega, Mr. Larson of Connecticut, Mr. Inslee, Ms. Matsui, Mr. Lipinski, Ms. Bean, and Mr. Emanuel.

H.R. 767: Mr. Boren and Mr. Conyers.

H.R. 782: Mr. Pastor, Mr. Conyers, Mr. LoBiondo, and Ms. Linda T. SAnchez of California.

H.R. 784: Ms. Berkley.

H.R. 787: Mr. Michaud, Ms. Carson, Mr. Conyers, Mr. DeFazio, Mr. Delahunt, Mr. Doggett, Ms. Jackson-Lee of Texas, Mr. Jones of North Carolina, Ms. Moore of Wisconsin, Mr. Paul, Ms. Solis, Mr. McDermott, Mr. Emanuel, and Mr. Cohen.

H.R. 790: Mrs. Cubin, Mr. Simpson, and Ms. DeGette.

H.R. 808: Mr. Kildee.

H.R. 811: Mr. LoBiondo.

H.R. 822: Mr. Watt, Mr. Jefferson, Mr. Bishop of Georgia, Mr. Wexler, Mr. Butterfield, Ms. Zoe Lofgren of California, Mr. Holt, Mr. Lantos, Ms. Woolsey, and Mr. Fattah.

H.R. 861: Mr. Mack, Mr. Poe, Mr. Skelton, Mr. Rogers of Michigan, Mr. Mollohan, Mr. Ortiz, Mr. Hayes, Mr. Herger, Mrs. Miller of Michigan, Mr. Forbes, Mr. Gene Green of Texas, Mrs. Musgrave, and Mr. Carney.

H.R. 871: Mr. Gene Green of Texas.

H.R. 876: Mr. Brady of Pennsylvania.

H.R. 887: Ms. Jackson-Lee of Texas.

H.R. 891: Mr. Frank of Massachusetts.

H.R. 894: Mr. Davis of Illinois and Mr. Marshall.

H.R. 896: Mr. Kagen.

H.R. 901: Ms. Solis, Ms. Matsui, and Mr. Fattah.

H.R. 910: Mr. Graves, Mrs. Myrick, and Mr. McHugh.

H.R. 916: Mr. Hulshof.

H.R. 920: Mr. Davis of Illinois and Mr. Abercrombie.

H.R. 923: Mr. Weiner.

H.R. 925: Mr. Daniel E. Lungren of California.

H.R. 939: Mr. Forbes, Mr. Sensenbrenner, and Ms. Ginny Brown-Waite of Florida.

H.R. 947: Mr. Honda, Mrs. Capps, and Mr. Price of North Carolina.

H.R. 950: Mr. Doyle.

H.R. 962: Mr. Baird.

H.R. 969: Mr. Hodes, Mrs. Napolitano, Mr. McDermott, Mrs. Capps, Mr. Tierney, Mr. Schiff, Mr. Filner, Mr. Fattah, Ms. Woolsey, Mr. Grijalva, Mr. Kagen, Mr. Carney, and Mr. Moran of Virginia.

H.R. 971: Mr. Platts, Mr. LoBiondo, Mr. Brady of Pennsylvania, Mr. Camp of Michigan, Mr. Price of North Carolina, Mr. Murtha, Mr. Kagen, and Mr. Etheridge.

H.R. 980: Mr. Davis of Alabama, Ms. Sutton, Mr. Weller, Ms. Schwartz, Mr. Gerlach, and Mr. Shays.

H.R. 984: Mr. George Miller of California.

H.R. 985: Mr. Berman, Mr. Nadler, Mr. George Miller of California, and Mr. Allen.

H.R. 997: Mr. Poe, Mr. Manzullo, Mr. Paul, Mr. Shays, Mr. Chabot, Mr. Boozman, Mr. Price of Georgia, Mr. Barrett of South Carolina, Mr. Alexander, Mr. Walberg, Mr. LaHood, Mr. Camp of Michigan, Mr. Platts, Mrs. Biggert, Mr. Aderholt, Mr. Whitfield, and Mr. Shadegg.

H.R. 998: Mr. Berman, Ms. McCollum of Minnesota, Mr. Ruppersberger, Mr. Scott of Virginia, and Ms. Woolsey.

H.R. 1008: Ms. Schwartz.

H.R. 1014: Ms. Zoe Lofgren of California, Mr. Stark, Mr. Hinojosa, Mr. Hastings of Florida, Mr. Gene Green of Texas, Mr. Gerlach, Mr. Ellison, Mr. Berman, Ms. Millender-McDonald, Ms. Linda T. Sánchez of California, Ms. Solis, Mr. Melancon, and Mr. Platts.

H.R. 1023: Mr. Reynolds, Mr. Lewis of Kentucky, Mr. Sam Johnson of Texas, Mr. Shuster, Mr. Hulshof, and Mr. Gary G. Miller of California.

H.R. 1030: Mr. Meeks of New York, Ms. Corrine Brown of Florida, Mr. Payne, Mr. McNulty, Mr. Frank of Massachusetts, Mr. Reyes, Mr. Cummings, Mr. Brady of Pennsylvania, Mr. Al Green of Texas, Mr. Butterfield, Mr. Lantos, and Ms. Velázquez.

H.R. 1031: Mr. Cohen, Mr. Conyers, Ms. Corrine Brown of Florida, Ms. Carson, Mr. McCotter, Mr. Clay, Ms. McCollum of Minnesota, Mr. Payne, Mr. Grijalva, Mr. Reyes, and Ms. Linda T. Sánchez of California.

H.R. 1032: Mr. McNulty, Ms. Corrine Brown of Florida, Mr. Delahunt, Mr. Grijalva, Mr. McDermott, Mr. Lynch, Mr. Cummings, Mr. Hinchey, Mr. Clay, Ms. Jackson-Lee of Texas, Mr. Stark, Mr. Scott of Virginia, Mr. Kind, Mr. Brady of Pennsylvania, and Mr. Kagen.

H.R. 1040: Mr. Hall of Texas.

H.R. 1041: Mr. Tim Murphy of Pennsylvania.

H.R. 1043: Mr. Mollohan, Mr. Higgins, Mr. Shays, Mr. Moore of Kansas, Mr. Cohen, and Mr. McIntyre.

H.R. 1061: Mr. Walsh of New York, Mrs. Maloney of New York, and Mr. Michaud.

H.R. 1071: Mr. Ackerman and Mr. Sires.

H.R. 1073: Mr. Tim Murphy of Pennsylvania, Mr. Tierney, Mr. Meehan, Mr. Levin, Mr. Fossella, Mr. Bishop of Georgia, Mr. Etheridge, Mr. Cummings, Mr. Abercrombie, Mr. Israel, Mr. Kucinich, Mrs. McCarthy of New York, Mr. Moore of Kansas, Ms. Woolsey, Mrs. Tauscher, Mr. Kildee, Mrs. Jo Ann Davis of Virginia, Mr. Grijalva, Mr. Van Hollen, Ms. Harman, Mr. Holden, Mr. Towns, Mr. Gonzalez, Mr. Boyd of Florida, Ms. Norton, Ms. Clarke, Mr. Wolf, and Mr. Allen.

H.R. 1084: Mr. Blumenauer.

H.R. 1102: Mr. Ross, Mr. Honda, Ms. Corrine Brown of Florida, Mr. Platts, Mr. Goode, Mr. Hayes, Mr. Reyes, Mr. Welch of Vermont, Mr. McCotter, and Mr. Allen.

H.R. 1103: Mr. Lewis of Georgia.

H.R. 1108: Ms. Harman, Mr. Frelinghuysen, Mr. Cohen, Mr. Baird, Mr. Pitts, and Ms. Woolsey.

H.R. 1111: Mr. Frank of Massachusetts, Mr. Gene Green of Texas, Mr. Jefferson, and Mr. Doggett.

H.R. 1112: Mrs. Musgrave, Mr. Smith of Texas, and Mr. Gillmor.

H.R. 1115: Mr. Sensenbrenner, Mr. Moore of Kansas, and Ms. Berkley.

H.R. 1119: Mr. Ellison, Ms. Hirono, and Ms. Baldwin.

H.R. 1125: Ms. DeGette, Mr. Wilson of South Carolina, Mrs. Jo Ann Davis of Virginia, Mr. Young of Florida, and Mr. Rogers of Alabama.

H.R. 1127: Mr. Kind.

H.R. 1134: Mr. Kuhl of New York, Mr. Shimkus, and Mr. Miller of North Carolina.

H.R. 1137: Mr. McCotter.

H.R. 1147: Mr. Stark.

H.R. 1154: Mr. Miller of Florida, Mr. Edwards, Mr. Hall of Texas, Mr. Carter, Mr. Kagen, Mrs. Schmidt, Mr. Marchant, Mr. Smith of Texas, Mr. Thornberry, Mr. Brady of Texas, Mr. Gohmert, and Ms. Granger.

H.R. 1155: Mr. Brady of Pennsylvania.

H.R. 1170: Mr. Rogers of Michigan, Mr. Castle, and Mr. Ramstad.

H.R. 1181: Mr. Ellison, Mr. Renzi, Mr. Davis of Illinois, and Mr. McGovern.

H.R. 1185: Mr. Berman and Mr. McDermott.

H.R. 1187: Ms. Zoe Lofgren of California, Mr. George Miller of California, Mr. Saxton, Mr. Stark, Mr. Thompson of California, Mr. DeFazio, and Mrs. Napolitano.

H.R. 1188: Mr. Delahunt and Mr. Courtney.

H.R. 1192: Mrs. Capps and Mr. Reyes.

H.R. 1193: Mr. McDermott, Mr. Schiff, Mr. Terry, and Mr. Reyes.

H.R. 1225: Ms. Corrine Brown of Florida and Ms. Carson.

H.R. 1231: Mr. Miller of North Carolina and Mr. Ehlers.

H.R. 1246: Ms. DeGette.

H.R. 1248: Mr. Hinchey and Mr. LoBiondo.

H.J. Res. 14: Mr. Wu, Mr. Gonzalez, Mr. Murphy of Connecticut, Mrs. Jones of Ohio, Mr. Fattah, Mr. Towns, Ms. McCollum of Minnesota, Mr. Delahunt, Mr. Ellison, and Mr. Michaud.

H. Con. Res. 9: Mr. McGovern, Mr. Cohen, Mr. Reyes, Ms. Roybal-Allard, Mr. Stark, Mr. Udall of Colorado, Ms. Solis, Ms. Eshoo, Mr. McNerney, Mr. Nadler, Mrs. Capps, Mr. Kagen, Mr. Hall of New York, Mr. Crowley, and Mr. Engel.

H. Con. Res. 28: Mr. Brady of Pennsylvania.

H. Con. Res. 33: Mr. Honda, Mr. Fattah, Mr. Brady of Pennsylvania, Ms. Zoe

LOFGREN of California, Mr. OBERSTAR, Mr. FILNER, and Ms. KAPTUR.

H. Con. Res. 40: Mr. DAVID DAVIS of Tennessee, and Mr. LINCOLN DAVIS of Tennessee.

H. Con. Res. 49: Mr. RAMSTAD, Mr. HINCHEY, Mr. ETHERIDGE, Mr. TERRY, Mr. HAYES, Mrs. DAVIS of California, Mrs. MYRICK, Mr. RANGEL, Mr. MARCHANT, Mr. PETRI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. SPACE, Mr. WICKER, Mrs. JO ANN DAVIS of Virginia, and Mrs. MUSGRAVE.

H. Con. Res. 60: Mrs. MCMORRIS RODGERS, Mrs. CHRISTENSEN, Ms. PRYCE of Ohio, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. FORTENBERRY, Mrs. MYRICK, Mr. ROSKAM, Mr. LEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KLEIN of Florida.

H. Con. Res. 71: Mr. DINGELL, Mr. JONES of North Carolina, and Mr. BLUMENAUER.

H. Con. Res. 72: Mr. WAXMAN and Mr. JOHNSON of Georgia.

H. Res. 49: Mr. SHULER, Mr. SAXTON, Mr. SESSIONS, Mr. FORTENBERRY, and Mr. KUHL of New York.

H. Res. 53: Ms. CARSON and Mr. AL GREEN of Texas.

H. Res. 89: Mr. GOODLATTE, Mr. MORAN of Kansas, Mr. PORTER, Mr. LEWIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. THORNBERRY, Mr. LUCAS, Mr. NEUGEBAUER, Mrs. MILLER of Michigan, Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, Mr. REGULA, Mr. RYAN of Wisconsin, Ms. HARMAN, Mr. PUTNAM, Mr. GOHMERT, Mr. CRENSHAW, Mr. SHADEGG, Mr. KING of New York, Mr. MANZULLO, Mr. MCHUGH, Mr. LANTOS, Mr. CARTER, Mr. INGLIS of South Carolina, Mrs. WILSON of New Mexico, Ms. ESHOO, Mr. REYES, Mr. TIAHRT, Mr. RENZI, Mr. GENE GREEN of Texas, Mr. BACHUS, Mr. DANIEL E. LUNGREN of California, Mr. KNOLLENBERG, Mr. WICKER, Mr. SHAYS, Mr. CAMP of Michigan, Mr. MCKEON, Mr. CHABOT, Mr. PETRI, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. BUCHANAN, Mr. WOLF, Mr. KING of Iowa, Mr. CONAWAY, Mr. TIBERI, Mr. FRELINGHUYSEN, and Mr. SOUDER.

H. Res. 95: Mr. BRADY of Pennsylvania.

H. Res. 106: Mr. AL GREEN of Texas, Mrs. BACHMANN, and Mr. LATOURETTE.

H. Res. 118: Mr. CARNAHAN.

H. Res. 123: Mr. GERLACH and Mr. JOHNSON of Illinois.

H. Res. 136: Mr. ALTMIRE, Mr. BONNER, Mr. MOORE of Kansas, Mr. FRANK of Massachusetts, Mr. SIRES, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. ELLISON, Mr. CLAY, Mr. ACKERMAN, Mr. HODES, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. MILLER of North Carolina, and Mr. COURTNEY.

H. Res. 137; Mr. KIRK.

H. Res. 146: Mr. HONDA.

H. Res. 185: Mr. KIRK.

H. Res. 186: Mr. LOBIONDO, Mr. MILLER of Florida, Mrs. MCCARTHY of New York, Mr. PAYNE, Ms. BORDALLO, Mr. MCDERMOTT, Mr. STUPAK, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, and Mr. CALVERT.

H. Res. 189: Mr. CUMMINGS.

H. Res. 196: Mr. WEXLER, Ms. BORDALLO, Ms. WATSON, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. ENGEL, and Ms. MCCOLLUM of Minnesota.

H. Res. 197: Mr. WEINER, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. ELLISON, Ms. MATSUI, Mr. PALLONE, Mr. WEXLER, and Mr. HONDA.

H. Res. 198: Mrs. MALONEY of New York, Ms. BERKLEY, and Ms. WOOLSEY.

SENATE—*Thursday, March 1, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, empower our Senators to make consistency a top priority. Lead them over life's mountains and through life's valleys with a spirit of faithfulness and trust in You and a kindness and respect for each other. Help them to live their lives on an even keel and to never give in to despair. Whether in life's sunshine or shadows, may they be aware that You will walk beside them, making the crooked places straight. Keep them from making critical decisions without consulting You or succumbing to the temptation of taking the easy way out. Infuse them with a spirit of gratitude to You for Your involvement in the destiny of our Nation and world.

Lord, help us all to live lives worthy of Your love. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 1, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes, the first half under the control of the Republicans, the second half under the control of the majority. Following morning business, the Senate will resume consideration of S. 4. I announced last night that there would be a Democrat ready to offer an amendment. I am told this morning that individual called and said they are not ready now. We have a Bingaman amendment pending, and I understand there may be a second degree filed to that. If that is the case, I hope they will do that. I know Senator SCHUMER will be available to offer an amendment after lunch, 1 p.m. or thereabouts.

I say this to my distinguished Republican colleague, Senator MCCONNELL: I don't think it is fair to everybody to have such a schedule that is kind of up in the air. I think tomorrow we are going to finish around noon. Nobody seems to be anxious to offer amendments. It is unfair to everybody else to be kind of standing around waiting for something to happen. We will stay in session tomorrow after that, if necessary, for people to offer amendments. As I indicated, we can have some stacked votes when we come in Monday evening.

The Republican leader and I have spoken. I don't want to have to file cloture on this bill, but Democrats and Republicans should understand that we can't stand around and think we are going to legislate the last few hours of next week. We cannot do that.

I say to people on my side of the aisle and those on the other side of the aisle, if they have amendments, offer them. I appreciate the amendments that have been offered in relation to this legislation. This is important legislation. There are still some controversial things that have to be decided. Waiting around is not going to do the trick. It is my understanding the Republican manager of the bill has been working with the administration on REAL ID. According to news reports this morning, the administration is going to offer some relief, and the managers of the bill and those who are concerned about REAL ID will have to decide if that is enough.

I simply say that I wanted to have a lot done today, a lot done tomorrow, but I don't think it is fair to everybody when there doesn't appear to be a lot of interest. We on our side have hotlined Members to find out who has amendments to offer. There are a few amendments Senators have requested to put in line for offering themselves. We are certainly able to do that. But that line has to start someplace.

We are going to finish this bill next week.

Mr. MCCONNELL. Will the majority leader yield for an observation on that point?

Mr. REID. I am happy to yield.

Mr. MCCONNELL. I think it is a problem on both sides of the aisle. I agree with the majority leader, we need to get going. I will give an example, what happened yesterday. Senator DEMINT came down shortly after noon to offer his amendment, was prepared to accept a short time agreement, so we could have had a vote early in the afternoon. But in that particular instance, the problem was on the side of my good friend, the majority leader. We were unable to get a time agreement on Senator DEMINT's amendment until almost the end of the afternoon because there was someone on that side of the aisle who wanted to offer a side-by-side. This has been sort of a bipartisan problem both the majority leader and myself have in getting this legislation going and getting votes up and handled. Yesterday, the dilemma was basically on his side. On our side, our hands are not entirely clean, either. We are trying to get amendments up.

I happen to agree with the majority leader, we ought to have a full day with plenty of amendments. We are working hard to get that done on our side.

Mr. REID. Mr. President, I repeat, I have had a number of people come to me and say: You have announced there are going to be votes Friday afternoon. We are not having votes Wednesday afternoon; why worry about Friday afternoon?

I say to everyone, if they have things to do this weekend—and I am sure they do—we are going to be out of here around noon tomorrow as far as votes. I leave the door open. If Members want to offer amendments, they can still come and do so. The managers will be here, if necessary, until sundown tomorrow night, when Chairman LIEBERMAN's Sabbath begins.

We want to move forward. For the information of Members, today at 3 p.m., the Chairman of the Joint Chiefs of Staff, General Pace, will be in 407 to brief Members who wish to be briefed.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Wyoming.

TSA

Mr. THOMAS. Mr. President, I wanted to make a few remarks relative to the TSA legislation the Senate is considering. I do hope we can get it finished. I am a little confused about what we are trying to achieve with the measure that is before us. We have already been through this. We have passed a great many of the recommendations that were made by the 9/11 Commission—actually, most of them, as a matter of fact. It is of concern to me that we have a 300-page bill here on what is left in the Commission's report.

We are going through a number of the bills that relate to portions of the report that really have nothing to do with enhancing homeland security. For example, the 9/11 Commission didn't have anything to do with collective bargaining rights for labor unions. Here we probably had a good reason not to do that. In fact, we had this extended debate back in 2002. We found that it was not in the interest of national security to provide collective bargaining rights in this instance. Here we are dealing with it again.

I guess I am just a little impatient in that we need to move on. I don't think homeland security ought to have the approval of labor unions to move forward. The policy would also greatly hinder TSA's flexibility to respond to terrorist threats, fresh intelligence, and other emergencies, if we did it that way. We need to have the ability to move screeners around as schedules are necessary and threats change. Obviously, in a security bill of this kind, there needs to be the kind of flexibility, the kind of management that can be there for the agencies that are responsible. The real focus is on the capability to deal with homeland security.

Another concern I have, frankly, is a provision relative to the distribution of funding. I understand that urban areas, large areas—New York and so on—have more concerns about security and threats, perhaps, but rural areas do as well. We have energy production and those kinds of things. Wyoming originally had $20 million involved. It has dropped to $9 million. We do have military bases there. Large sums of money have been unused, and we need to evaluate that distribution somewhat.

As we debate the bill, I look forward to supporting amendments that would actually make America safer and that we don't get into areas that really are not directly associated with security. That is what this legislation is about.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, we are debating S. 4, dealing with the TSA employees, the Transportation Security Agency. The most controversial aspect of that has to do with the unionization of those employees. We have had this debate before. We had it when the Department of Homeland Security was created. It was a very vigorous debate. Quite frankly, it held up the bill for a considerable period of time.

Ultimately, the Senate and the House decided, with the concurrence of the President, that it would not be a good idea to have these workers unionized. But they are Federal workers and they should have the same rights as every other Federal worker was the argument in favor of unionization. The argument against has to do with the peculiar nature of their assignment. They are not Federal workers in the same sense that people working in the Federal Highway Administration, building highways, might be Federal workers. They are not Federal workers in the same sense that people dealing with normal routines are Federal workers.

They appear to be, as we see them day to day—as all of us go through the security procedures at airports and we take off our shoes and our belts and we forget our boarding pass because it is in the bin with the computer and they have to help us recover it and so on—we all have the sense that these are fairly routine operations they are going through. Therefore, why not allow them to form a union and engage in collective bargaining, because this is, in fact, fairly routine work—very important work, to be sure, but fairly routine. In fact, it is not fairly routine, as we have seen during the time this force has been in place.

Let me take my colleagues back to the situation before the TSA was created. Screening was done airport by airport, contractor by contractor, because it was viewed as a routine kind of thing. Like all Senators, I travel in and out of enough airports to know that each airport is different. In the days before TSA, one never quite knew what they were going to get. You would go through one airport very rapidly, you would go to another and they would be sticklers for detail.

These people were contracted by the airlines, and they had a wide range of skills and a wide range of training. One of the reasons we decided after 9/11 we would have a single Federal force to deal with this was we wanted a single level of training, accountability, and competence to cover the entire American system anywhere in the country.

I have found that is now basically true. If I go through the airport in Philadelphia, I get treated pretty much the same way as if I go through the airport in Salt Lake City. This, however, has a security component that is over and above the screening component.

We are in a war with an enemy unlike any we have ever had before, and the primary tool in protecting us in this war is intelligence. This is an intelligence war rather than a war between tanks and aircraft carriers and infantry battalions. So when the intelligence turns up a key piece of information in this war, the TSA must be flexible and responsive to its leadership.

If we had a series of organized unions, one different in each of the 450 airports that operate in the United States, we would not have the flexibility nor the capacity to respond that we currently have in this situation.

Let me give you a few case studies to illustrate what I mean.

The most dramatic, of course, was that which occurred when the British intelligence operations discovered there was a plot to blow airplanes up over the Atlantic through the device of taking innocent-looking liquids onboard the airplane and then combining them to create an explosive bomb on the airplane.

I remember a study being done at the University of Utah after this was over, by some of the professors there who looked at it and said: It is possible, it can be done, and it can be done fairly simply. They outlined how it would be done—something that, frankly, had not occurred to anybody as they were setting up TSA in the first place.

The terrorists in Great Britain were inventive enough to come up with the idea. As we contemplate the possibility of it being carried out, it is truly diabolical. They would have gotten on the airplane, passing all screening, gotten together back in the coach cabin—they would not have had to storm the cockpit or try to take over the airplane the way the terrorists on 9/11 did—mixed their chemicals together and had the airplane blow up over the Atlantic.

That means there would be no black box to recover. The entire wreckage of the airplane would be at the bottom of the Atlantic, far beyond any discovery, and the airplane would simply have disappeared off the radar scope, with no explanation, no commentary in the cockpit. The pilot would be reporting, if anybody was listening, that everything was fine, everything was normal and, suddenly, the airplane would have disappeared.

The terrorists were scheduled to blowup not one plane, but three or four. Can we imagine what kind of uncertainty that would have created in the air traffic system worldwide if that plot had succeeded? Fortunately, the British intelligence agencies discovered it, interrupted it, and prevented it. In the process, naturally, they notified the American intelligence agencies. What did those agencies do? They went to TSA. They went to the TSA leadership and explained what had happened. The TSA leadership had a security clearance to get all the information about the intelligence involved, and TSA swung into action immediately.

Let me give you some of the details. At 4 o'clock in the morning, transportation security officers arriving at the east coast airports, where the first flights would take off, were informed there were new procedures. They were instructed in the procedures. They were trained very quickly. Immediately, seamlessly, through the entire TSA system, everyone was brought up to speed.

The difference between what happened in Great Britain and what happened in America is fairly dramatic. Let me read a commentary that describes that: "Passengers in the United States and the United Kingdom saw two completely different effects of the changes. In the UK, dozens of flights were canceled, scores delayed, and a nightmare of travel backups ensued and lasted for days. By contrast, no cancellations occurred in the United States as a result of this change." None.

That is because TSA was nimble; TSA could act quickly. There was no concern about revealing the intelligence source of this information to the leaders of TSA because they were all Government employees, and they were all responsive to the Secretary of Homeland Security.

If collective bargaining had been in place and a requirement for union approval of change of routines, a clearance by shop stewards of change of patterns, to make sure it fit in with the collective bargaining requirement—a different series of requirements at different airports, as the union would organize Philadelphia but not Baltimore, as the union would organize Kennedy but not LaGuardia, as the union would organize Miami but not New Orleans or wherever you might want to go—the patchwork that would occur, if passage of S. 4 goes forward in its present form, would create all kinds of chaos in the United States.

Fear of disclosing the British information might have caused U.S. officials to say: Let's think twice before we describe what is going on and why we are doing what we are doing because it might reveal sources and methods to people who are not cleared for that and inadvertently they could leak it back to al-Qaida. None of those fears occurred. None of those problems arose because TSA was structured from the very beginning to be the kind of agency it is.

Another example of what could happen if we allow S. 4 to go forward in its present form occurred in Canada. Quoting from a description of that:

> Consider a recent incident in Canada, a nation whose air security system does not have the flexibility like that granted to the TSA. Last Thanksgiving, as part of a labor dispute, "passenger luggage was not properly screened—and sometimes not screened at all" as airport screeners engaged in a work-to-rule campaign, creating long lines at Toronto's Pearson International Airport.

OK, that is the kind of thing we expect. Unions organize for the ability to do slowdowns or strikes or whatever as pressure on management to get what they want. That is what happened.

What was the consequence with respect to security?

> A government report found that to clear the lines, about 250,000 passengers were rushed through with minimal or no screening whatsoever. One Canadian security expert was quoted as saying that "if terrorists had known that in those three days that their baggage wasn't going to be searched, that would have been bad."

I think it would have been more than bad. If the terrorists had had any advance indication there would be that kind of breakdown in the screening activities in Canada as a result of union activity, they would have said: All right, that is the time we go to the airport, we go to the airport in some numbers, we carry liquids with us in our baggage, and we put explosives in our checked baggage because it is all going to go through without proper screening. The pressures from the Thanksgiving Day travelers are going to be so high that people are going to say: Well, just let it go through this once.

For the terrorists to strike a significant blow at the United States, all we need to do is "let it go through just this once" and have them have advance notice of when it would go through.

You cannot organize a strike, you cannot organize a work action without people knowing about it. I am not suggesting, in any sense, that anyone in TSA—unionized or not—would ever be complicit in notifying al-Qaida of the fact that a work action was coming. But al-Qaida, in a unionized situation, would say: Here is something we want to monitor. Here is something we want to pay attention to. Some innocent, inadvertent remark on the part of a unionized member of TSA could easily get back to al-Qaida, and they would say: We are ready for this. Let's go. Here is the opportunity. It is going to come up at Thanksgiving. It is going to come up at New Years. It is going to come up at the Super Bowl or some other situation.

Unions look for those kinds of situations where they can get maximum leverage for their work actions. It is not hard to figure out where that kind of thing might occur. So if a union is dissatisfied with working conditions at an airport that services the Super Bowl city on Super Bowl Sunday and says: We are going to have a slowdown here unless we get this, that or the other, and the slowdown occurs, it would not take a genius on al-Qaida's part to say: That is where we probe. That is where we do our best to get into the system.

Once again, if the plot in Britain had borne fruit and three airplanes had disappeared off the radar screen, with no advance warning and no way to find out what actually happened, worldwide travel would have been disrupted everywhere. The economy not only of our country but many others would have been seriously devastated. The consequences, tragic as they would have been for the families of those on those three airplanes, would have multiplied across the world.

I do not want to take that chance. I intend to support the administration's position, which says: If this provision relating to unionization of TSA employees does not come out of the bill, we will oppose the bill. The President has indicated he might very well veto the bill if this provision does not come out. I hope we do not have to go that far. I will oppose this provision. I will oppose the bill if the provision stays in. If it does go that far and gets to the President's desk, I will vote to uphold the President's veto.

I think the war on terror has taught us we are dealing with an entirely different kind of enemy, one who is very patient, one who is very intelligent, and one who is very inventive. For us to treat security matters such as airport security as a routine kind of task that can be dealt with in routine kinds of training and, therefore, is eligible for routine kinds of labor relations between management—in this case, our leading security agencies—and labor—in this case, those who are on the frontline of security for our Nation—would be foolish.

For that reason, again, Mr. President, I would oppose this bill if this provision does not come out.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I yield myself 8 minutes of the Democratic time.

FDA REGULATION OF TOBACCO

Mr. BROWN. Mr. President, every year, 450,000 Americans die from smoking-related illnesses. That means tobacco companies have to find 450,000 new customers every year. Here is how they do it.

There is a new ad campaign from Camel that targets young girls. This is part of a mailer that Camel sent to young women around the country, especially aimed at young women, calling Camel cigarettes "light and luscious." You will notice the resemblance of this mailing to a popular perfume. This is Camel No. 9. Inside this box—this is inside the mailing—is something that looks like a cigarette box. These are not actually cigarettes. They are not allowed to do that under law. But if you open this, you will see Camel is offering two for one, two packs of cigarettes for the price of one.

In Ohio, 20 percent or 134,000 high school students smoke, and each year more than 18,000 children under the age of 18 become daily smokers. The Centers for Disease Control and Prevention estimates that almost 300,000 Ohio children under the age of 18 who start smoking now will die prematurely as a result. Almost 300,000 children who start smoking now will die prematurely as a result.

Our Nation's youth, frankly, are almost certainly not aware of these staggering statistics when they try their first cigarette, but we are aware of it. If we are not, we should be. It is our responsibility to make sure our children are safe and don't fall victim to these unhealthy addictions—addictions with deadly outcomes. It is our responsibility to make sure our children are safe and don't fall victim to unhealthy addictions.

FDA regulation of tobacco products, legislation introduced by Senator KENNEDY, is not only necessary to protect our kids, it will improve the overall health of our Nation and save countless lives. FDA regulation is necessary because most cigarette manufacturers have proved time and again they have no desire to take the course of responsible action. Instead, in an act of morally reprehensible profiteering that contravenes a multistate tobacco agreement struck in 1998, cigarette manufacturers are once again using advertising campaigns to lure teenagers into a deadly habit.

These unscrupulous business practices especially prey on girls in particular. As a father of three daughters, I take personal offense to this kind of advertising that glamorizes cigarettes. Their latest gimmick, again, as I said, is a mailing of a takeoff on a popular perfume. They are sending these out, I presume, to hundreds of thousands of young women.

It strains the imagination that this ad campaign and these kinds of two-for-one coupons—it strains the imagination to think that this is aimed at anyone other than 15- and 16- and 17-year-old girls. These images make their way into millions of homes across the country through these mailers, and they reveal, as I said, a prize of two-for-one coupons, even though cigarettes are legal only for 18-year-olds and older. Cigarette manufacturers are literally investing in the premature deaths of our daughters.

It is up to Congress to put a stop to it. Lung-related cancers are the fastest growing and now the leading cause of cancer death among women. As elected officials, we have an obligation to ensure the health and safety of those who sent us to the Senate. As parents, we have a moral imperative to ensure our children are afforded the best chance for a bright start. There is nothing "light" or "luscious" about dying from lung cancer.

Every year, smoking costs our Nation more than $96 billion in health care costs. The real costs, of course, are the 450,000 lives lost every single year to smoking-related illnesses.

In my home State of Ohio, health care costs directly caused by smoking topped $4.3 billion, $1.5 billion of which is covered by our State Medicaid Program—the taxpayers. This is a drain on our health care system. It is a drain on our local communities. It is a drain on our Federal and State budgets. Congress must grant, under the Kennedy proposal, the FDA authority to regulate tobacco products.

We have a responsibility to our Nation to ensure that children are safer and they are not the victims of suggestive marketing by tobacco companies. Congress has debated the issue of FDA authority over tobacco for nearly a decade. It is time to finish the debate and take action to protect children, protect young women, girls, from this kind of advertising, from these kinds of campaigns because if we take the right kinds of action, it will save literally hundreds of thousands of lives.

The PRESIDING OFFICER. The Republican leader is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL DESHON E. OTEY

Mr. MCCONNELL. Mr. President, like every one of my colleagues, I stand in awe of the brave men and women who have volunteered to take up arms and defend our country. Some are called to make the ultimate sacrifice. And so today I ask the Senate to pause in loving memory of LCpl DeShon E. Otey of Radcliff, KY. He was 24 years old.

Lance Corporal Otey, a marine, died on June 21, 2004, while serving with an elite sniper team sent on a crucial mission in Ramadi, Iraq. Otey and three other marines entered the town to target the dangerous terrorists who had turned it into one of the most hostile in the country.

To this day we can not be sure how tragedy struck Otey on this final mission. After headquarters could not make contact with his team, other marines were sent to find out what happened.

Lance Corporal Otey was found killed, shot in the torso. The other three soldiers had met the same fate, and their weapons had been taken by the enemy.

Just 3 months before his death, Lance Corporal Otey had survived a particularly brutal attack by the terrorists—again, in Ramadi, the site of many difficult battles. Then, Otey was the sole survivor out of all the men in his humvee.

For his actions as a marine, Lance Corporal Otey earned numerous medals and awards, including the Purple Heart and the Combat Action Ribbon.

Mr. President, though we mourn the loss of this hero's life, we would not mourn how he lived it. Lance Corporal Otey's mother Robin Mays tells us he wanted to join the Marines for about as long as she could remember. "All he ever dreamed about was being a marine," she says. "He was the consummate marine—reserved, soft-spoken, would only speak when spoken to. He lived for the Marines."

As a student at North Hardin High School, in Hardin County, KY, DeShon was an amateur boxer who had several bouts in nearby Louisville, KY. He was also a lineman for the North Hardin High football team.

But even as a high-school student, DeShon was preparing for the rigorous life of a marine. He tested for both the Marine Corps and the Air Force, earning high scores. He worked with a Marine recruiter, and sometimes the two would go off to participate in war games.

DeShon proved to have great prowess with a weapon. He was eventually selected to be a sniper, a highly respected position that comes with a lot of responsibility and a lot of training. He went on to earn the Rifle Marksman Badge and the Pistol Marksman Badge.

Of course, DeShon had other interests as well. His mother remembers that when he was little, he loved to watch television cooking shows. One night after coming home from work, Mrs. Mays told DeShon and his little brothers Ronald and Domenique that she would cook dinner for them.

But after seeing how easy it looked on TV, little DeShon told his mom that he would cook for the family instead. "Let DeShon cook!" cried Ronald and Domenique in agreement. "Sometimes he'd create his own little dinner," says Ronald, who says DeShon was a good cook.

DeShon joined the Marines shortly after high school graduation. He underwent boot camp in Guam, and during a 2-week-long wilderness survival course had to eat crabs, snakes and snails. He told his mother, "The snails were the nastiest."

DeShon's passion to excel as a marine was clear to others. "He was dedicated," says Ronald. "He loved what he did. He wouldn't change it." Eventually, DeShon would recruit three of his friends and Ronald to join the Marines.

“He's the reason we signed up,” confirms Ronald. “He talked about it all the time. He would call a lot, let us know how it was.”

Ronald looked up to his brother DeShon, who was four years older, and Ronald also played football at North Hardin High School. After enlisting, Ronald entered the school of infantry. DeShon would call his little brother often to encourage him and give him advice.

By that point, DeShon was calling from Ramadi, Iraq, site of some of the toughest fighting against the terrorists. Lieutenant Colonel Paul Kennedy, his battalion commander, has said that “within the blink of an eye, the situation [in Ramadi] went from relatively calm to a raging storm.”

Lance Corporal Otey joined the 2nd Battalion, 4th Marine Regiment, made up of tough, battle-hardened warriors. Their motto is “Second to None,” and the battalion patch they wear on their shoulders proudly declares them to be “The Magnificent Bastards.”

Lance Corporal Otey was a star in this elite unit. And he became well known as a survivor of one of the most brutal battles the 2nd Battalion, 4th Marine Regiment would ever see.

On the morning of April 6, 2004, terrorists walked through Ramadi's marketplace, telling shopkeepers to close their stores and warning them, “Today, we are going to kill Americans.” That day they ambushed marines in four separate, but coordinated, attacks.

Lance Corporal Otey was part of a squadron sent in to support another group of marines that was under attack. He and seven other marines entered the combat zone in a green humvee.

Suddenly terrorist snipers on the rooftops opened fire. Bullets pierced the humvee, killing driver LCpl Kyle Crowley and sending the vehicle tumbling onto its side.

“I remember when we got to our objective I started to hear ‘tink, tink, tink,’” Lance Corporal Otey later told the Marine Corps News. “I was like, ‘Man, we're being shot at. Get out of the vehicle.’”

Lance Corporal Otey leapt out and took cover behind a wall, calling out to his fellow marines to do the same. Bullets whizzed by him—one even went through his pants leg—but none hit him. Amazingly, a hand grenade thrown at his feet did not go off.

Lance Corporal Otey returned fire and eventually more reinforcements came and successfully squelched the terrorists' attack. Otey was the only survivor of all the men who had been in his humvee.

In all, 16 marines were killed in the battle, and 25 wounded. But marines seized several hundred weapons systems from the enemy and killed over 250 anti-American fighters.

Lance Corporal Otey called his mother later to tell her about the epic battle and that he was ok. During their conversation, she could hear several people congratulating her son for a job well done.

One of the screenwriters of the Mel Gibson film “We Were Soldiers” even flew to Iraq to hear Lance Corporal Otey's story, telling him it might be used for a movie.

Still, this was little consolation for the loss of his Marine brothers. “I talk with some of the other guys in the platoon about what happened, but it still hurts,” Lance Corporal Otey told a newspaper afterwards.

Using the Marine term for a sleeping bunk, he continued, “Every time I walk into our living space I see the empty racks. Those were guys I used to talk to about my problems. Now I don't hear their voices anymore.”

Tragically, Lance Corporal Otey's rack would go empty less than 3 months later.

Lance Corporal Otey was buried with full military rites in Cave Hill Cemetery in Louisville. Robin Mays points out that DeShon lies next to a World War II veteran and a Korean War veteran, and 10 graves away from his grandmother, Mrs. Mays's mother.

Nothing can turn this sad story into a happy one for Lance Corporal Otey's family. But there is one more chapter to tell. Two years after Lance Corporal Otey's death, marines in Fallujah killed two terrorists, a sniper and a spotter, who were preparing to shoot at marines. The sniper was using an M–40–A–1 rifle that had been taken from Lance Corporal Otey's team that fateful day in June 2004.

The marines returned the rifle to Lance Corporal Otey's battalion, and Lieutenant Colonel Kennedy hopes to make it a memorial to Lance Corporal Otey and all the members of his battalion who were killed in Iraq. And he believes the chances are strong that the terrorists found with this weapon were among the ones who killed Lance Corporal Otey.

Our prayers go out to Mrs. Robin Mays for the loss of her son, and we thank her for sharing her memories of DeShon with us. DeShon's stepfather, Larry Mays; his brothers, Ronald and Domenique; his stepsisters, Mykeba Woods and Shauna Mays; his aunts, Terri Able and Cynthia Williams; his uncles, Ronald Jeffries and Dwayne Able; his grandmother, Betty Williams; and his step-grandmother Gracie Mays are in our thoughts today as well.

DeShon's brother Ronald is now a lance corporal in the Marines, currently stationed in North Carolina. He has a son who's just 19 months old, and born a year to the day after Lance Corporal Otey was buried on July 3, 2004, a day the city of Radcliff dedicated to him. Ronald named his son DeShon after the uncle he will never meet.

No one could ever repay Lance Corporal Otey's family for their loss. But we can honor them today by giving his sacrifice the reverence and respect it deserves. And we can promise that his country will never forget his service.

But I suspect that the greatest tribute to DeShon will be the little boy who will grow up bearing his name. Let's not let that child ever doubt that his uncle was a hero.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

IRAQ

Mr. WHITEHOUSE. Mr. President, first let me extend my condolences to the Republican leader and to the people of Kentucky for the loss of their courageous native son.

Mr. President, I rise this morning because in recent days we have learned, to our great dismay, that this administration has let one of our most sacred promises go unfulfilled.

In Rhode Island last week I visited veterans convalescing at our VA hospital in Providence. On Tuesday, members of Rhode Island's branch of the Disabled American Veterans came to talk with me in Washington. They came to appeal for those returning from the war in Iraq.

Of course, there are many brave veterans whom I have met with throughout my State over the past several years at American Legion posts, senior centers, Fourth of July and Memorial Day parades, and at our many community dinners in towns all over Rhode Island. They were men and women, young and old. They served in our Nation's wars from World War II to Vietnam to the conflict in Iraq. Like the DAV members I met yesterday, they wanted us to hear what they had to tell us: the infuriating truth that we are failing to support our troops as they return from Iraq and Afghanistan.

When we ask ordinary men and women to do the extraordinary and stand up and serve in harm's way, we know that we can never fully repay what they and their families have given us. The service of Lance Corporal Otey, which we just heard about from the Republican leader, certainly emphasizes that point. But we can surely pledge to these men and women that we will give them what they need in the field, and when their service is ended we will care for them adequately. Breaking that promise is a dishonor to them and to their sacrifice, and it is not supporting our troops.

I believe—as do many of my colleagues—that the best way to support our troops would be to deploy them back out of Iraq and define a more sensible and responsible strategy against terror. Some on the other side of the aisle have claimed our calls for a new strategy in Iraq mean we do not support our troops. This argument is truly horrible, thoroughly false, and I hope people watching can understand how it shows the depths to which this debate has plummeted.

To add on that for a moment, I say that not because on this side of the aisle we are too thin-skinned to take a shot in the give-and-take of politics. That is the nature of what we signed up for. That is not what this is about. What this is about is that the battle of slogans we are seeing over this important issue for our country right now displaces the exchange of ideas and a thoughtful and realistic discussion of what our new strategy options are, and in that sense it greatly disserves the American people.

Let's judge the support for our troops within this Chamber and within the administration by real actions, not inflammatory and phony rhetoric. By that measure, it is fair to question whether the Bush administration and those in this Chamber who support the President's Iraq policy truly understand the need of America's veterans—men and women fighting in Iraq—and those who will soon join them there as this President escalates this conflict.

We want our troops now in Iraq to come home safely. They want to send tens of thousands more there. They have sent them without adequate support personnel, equipment, or armor. Indeed, during the course of my campaign to come to this place, I heard from mothers who had to go into their pocketbooks to pay for body armor for sons and daughters headed for Iraq because they could not count on this administration to provide them that basic need.

Also, we have sent them without adequate assurance that should they be injured in the line of duty, they would be properly cared for when they return. That is not supporting the troops. In America, we have the best doctors, nurses, facilities, and medical equipment. From combat medics to VA hospitals, the military can and does provide our Active-Duty military personnel and veterans with medical care that is second to none. But despite all this, our military and veterans health care system has a crushing, all-encompassing problem; that is, access to that care.

When service men and women enter the VA system, too often they begin a long, uphill battle for access to the care and benefits they need to get well and rebuild their lives. The war in Iraq has triggered a flood of new veterans that risks overwhelming the VA system. Mr. President, 700,000 veterans of Iraq and Afghanistan are expected to enter the military and VA health care systems in coming years at a projected cost of as much as $600 billion.

According to the Army Times, the number of service members being approved for permanent disability retirement has "plunged"—to use their word, "plunged"—by more than two-thirds since 2001. The Army's physical disability caseload has increased by 80 percent since 2001. As it attempts to process new benefits claims in fiscal year 2006, the VA is experiencing a 400,000-case backlog. Veterans frequently wait 6 months to 2 years before they begin to receive monthly benefits.

These problems are especially acute in the area of mental health. More than 73,000 veterans of Iraq and Afghanistan treated by the VA since 2002 have been diagnosed with a potential mental disorder. More than 39,000 have been tentatively diagnosed with post-traumatic stress disorder, and 35 percent of Iraq veterans have sought psychological counseling within a year of returning home. But where the VA spent over $3,500 per veteran on mental health care back in 1995, it spends just over $2,500 today—a drop of close to $1,000 per veteran.

These are troubling statistics, but they fail utterly to capture our dismay at the reports published over the past several days in the Washington Post and Newsweek magazine of the unacceptable living conditions for outpatients at Walter Reed Medical Center and the stifling bureaucracy that blockades many veterans' access to care.

The Washington Post wrote of soldiers living in Walter Reed facilities infested with mold and mice, unable to get new uniforms to replace those cut from their bodies by military doctors in the field, forced to bring photos and even their own Purple Hearts to prove to file clerks that they, indeed, served in Iraq. Waiting months, as the VA processes benefit claims in what Marine Sgt Ryan Groves called "a nonstop process of stalling," these soldiers and their families move from appointment to appointment and submit form after form, often to replace earlier forms already lost by the system. Many suffer, as we saw on television the other night on ABC, from brain injuries, from post-traumatic stress disorder, or from other mental health conditions, but Walter Reed's outpatient facilities lack sufficient mental health counselors and social workers to help them navigate the system.

The Post tells us many Walter Reed outpatients now face "teams of Army doctors scrutinizing their injuries for signs of preexisting conditions, lessening their chance for disability benefits." Veterans often must navigate this convoluted system alone, carrying stacks of medical records from appointment to appointment. The Post quoted Vera Heron, who lived on the post for over a year helping care for her son. Here is what she said:

> You are talking about guys and girls whose lives are disrupted for the rest of their lives, and they don't put any priority on it.

The care of our veterans returning home from Iraq should be among our Nation's highest priorities. For these soldiers and their families to feel as forgotten and abandoned as they do means simply that this administration is not serving them as it should. It is not serving them as they served us. It is not supporting our troops.

The Air Force Times just reported that soldiers at Walter Reed have now been told not to speak to the media and that the Pentagon has—and this is a quote—"clamped down on media coverage of any and all Defense Department medical facilities . . . saying in an e-mail to spokespeople: 'It will be in most cases not appropriate to engage the media while this review takes place,' referring to an investigation of problems at Walter Reed."

This administration cannot and must not just bury its failure to support our troops behind a muzzled spokesperson cadre. I commend our Armed Services Committee, including my senior Senator, Rhode Island's JACK REED, for that committee's announced hearing on conditions at Walter Reed Hospital. I hope they will be relentless in their investigation.

My colleagues and the constituents we represent wholeheartedly support our troops and our veterans. Anything else one hears is a lie. We believe it is time for our soldiers to redeploy out of Iraq because we believe that is our Nation's best strategy forward in the Middle East and to combat terror. But we also believe that as they serve and when they get home, we must make good on our promises—our promise to train and equip them in their service and our promise to care for them in their injury and illness. It is our obligation to do this. In the face of all we have heard and seen, that obligation, like so many others, has been failed by this administration. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to

fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute;

Collins amendment No. 277 (to amendment No. 275), to extend the deadline by which State identification documents shall comply with certain minimum standards; and

Bingaman-Domenici amendment No. 281 (to amendment No. 275), to provide financial aid to local law enforcement officials along the Nation's borders.

Mr. LIEBERMAN. Mr. President, this is the second day of our consideration of this important legislation that came out with a bipartisan vote of 16 to 0, with one abstention, from our Homeland Security and Governmental Affairs Committee. As its title makes clear, this bill is aimed at finishing the job, completing the mission the 9/11 Commission gave us to secure the American people while at home from potential terrorist attack post-9/11.

We had some good discussion in the opening day yesterday. We adopted by voice an amendment offered by the Senator from California, Senator FEINSTEIN, which improved the security elements of the so-called visa waiver program, and we adopted in rollcall votes two amendments by Senator DEMINT and another by Senator INOUYE which would codify the existing regulatory framework that creates the Transportation Worker Identification Card, TWIC. This is the system by which, again post-9/11, we are doing things we never thought we would have to do. Then again, we never thought we would be attacked by terrorists at home, striking against civilians using elements of our own commercial society, in that case planes, to try to destroy us.

So here we are with these two amendments now that would codify the screening process by which we aim to assure that those working at our docks, and this will be extended more broadly over time to transportation sectors—there is a card now that exists for aviation-related facilities—to make sure that we have done some screening to see that the people who are now working behind the scenes or even in front of these transportation nodes, which have now in this age become potential targets of terrorists, will be people whom we have reason to trust with that now very sensitive responsibility.

We return to the bill this morning, and we are moving ahead. There are several amendments that I know are being discussed. We have an amendment my ranking member, Senator COLLINS of Maine, filed regarding the so-called REAL ID Act that is pending. There are other amendments that are being discussed.

I would advise my colleagues and their staffs, if they are hearing this at this moment, that the floor is open. We gather that Senator SCHUMER and Senator MENENDEZ may be coming over with an amendment early this afternoon dealing with port security, but there is nothing before us now. If you have an amendment, this would be a good time to bring it over.

Mr. President, I note the presence of my friend and colleague from New Hampshire, Senator SUNUNU, on the floor, and I yield the floor to him at this time.

Mr. SUNUNU. Mr. President, I rise to speak about an issue that was raised by the amendment offered by Senator COLLINS to this homeland security bill dealing with the REAL ID Program, a program that is ostensibly designed to improve standards for security and eligibility for a driver's license. One of the recommendations of the 9/11 Commission, was that America needs to find a way to improve the issuance of driver's licenses, a process which takes place daily in States all across the country and produces a form of identification used for various purposes, in order to ensure that this system is as secure and consistent as it can possibly be.

I very much support those recommendations. In fact, in 2004, Congress sent to the President an intelligence reform bill that included a new, strong, well-defined process for improving those standards for security and eligibility, a negotiated rulemaking process, that brought the interested parties together.

Who are the interested parties? States that issue the driver's licenses, the motor vehicle departments we have all visited from time to time, the privacy advocates, the Department of Homeland Security, and other groups. All those entities that have a shared interest in improving the way driver's licenses are issued, improving the standards for eligibility, improving standards for security and verification so that fraudulent activity is more easily identified and prevented.

It was a good process, a sound process, but, unfortunately, as Senator COLLINS and others have pointed out in this debate, back in 2005, during a debate on an appropriation bill, there was a provision included that struck down this negotiated process, that cut the States out of the process, that superceded all those efforts and simply said to the Department of Homeland Security, the Federal Government, you decide the standards, you decide the criteria, and then simply require the States to comply.

In Washington "speak," that is called a big unfunded mandate, a mandate from the Federal Government for the States to do something without any support of funds to actually implement the decision. It is never a good idea to impose such a stark unfunded mandate. Equally important, that kind of federalized process takes away an important responsibility that the States have historically had and I believe they should maintain.

We shouldn't be taking away the responsibility of the States to issue driver's licenses. We shouldn't be taking away the responsibility for managing this information. We want to make this a better process, we want to improve those standards, but we should not be cutting the States out and moving toward a national identity card system, which I think is fundamentally unnecessary.

Senator COLLINS, recognizing these flaws in the REAL ID Program, came forward with an amendment that at least moves us back toward a rulemaking that listens to the States, that listens to local stakeholders, that listens to the departments of motor vehicles across the country. I think at the end of the day that kind of an inclusive process will result in better standards that are less costly, that are more easily implemented, and that ultimately can be carried though more quickly than any unfunded Federal mandate ever could.

Senator AKAKA and I have introduced legislation to fully repeal the REAL ID Act and bring us back to the negotiated rulemaking that we had in 2004. I think that would be the best solution because the applicable provisions of that 2004 intelligence reform bill were well crafted, well thought out, supported by both the States and the Federal Government, and made great progress. But what Senator COLLINS has proposed, in delaying the implementation of these rules and bringing back State participants, privacy advocates, and other stakeholders, is certainly a step in the right direction. I very much hope the administration is committed and sincere in the statements they have made that they understand that States need to be a part of this process.

I support very much what Senator COLLINS is trying to do. I hope as our colleagues listen to this debate they recognize that improving security and eligibility standards for driver's licenses does not mean that we have to take rights and responsibilities away from the States. It does not mean that we have to create a national ID card. It does not mean that we have to have a national database on every driver in America. We can do these things in a way that respects the rights of States, that makes us all more secure, and that is consistent with the 9/11 Commission report.

I thank both the chairman and the ranking member for allowing me the time to speak. I certainly hope that we continue to proceed to adopt the Collins amendment or provisions similar to the Collins amendment, and I will certainly continue to speak out on this issue with my colleagues, such as Senator AKAKA and Senator ALEXANDER and others, who recognized, not this year or last year but back in 2005 when this program was forced upon us, that REAL ID simply does not take America in the right direction.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, let me begin my comments this morning by commending the Senator from New Hampshire for his hard work and vigorous advocacy on this issue. He has been a very early voice, pointing out the unfairness of this unfunded mandate on the States, unfunded mandates that the National Governors Association estimates may cost $11 billion over the next 5 years. He has also raised very important concerns about the privacy implications of some of the provisions of the REAL ID Act.

He was a strong supporter of the approach that we took in 2004 as part of the Intelligence Reform Act when we set up a negotiated rulemaking process which would bring all of the stakeholders to the table—State governments, Federal agencies, privacy advocates, technological experts—and clearly that would have been a far better way to proceed. The Senator from New Hampshire is one of the Senate's foremost advocates for privacy. He has brought that issue up, and his concerns about privacy and civil liberties, on other legislation such as the PATRIOT Act that has been before the Senate. I thank him for his leadership on this important issue.

I do have some good news to report to my colleagues about the pending regulations for the REAL ID Act. As many of my colleagues are aware, one of the problems that the States have had is the Department of Homeland Security had yet to issue the regulations giving States the detailed guidance on how to comply with the REAL ID Act. This is a major problem for the States because of the looming deadline of May of next year by which time they are supposed to be in full compliance with the law, despite the fact that the regulations had not been issued. It was that concern, the long delay by the Department, the cost and the complexity of the task, and the privacy and civil liberty implications that led several of us to come together and offer an amendment that would have a 2-year delay in compliance with the REAL ID Act.

I am pleased to inform my colleagues that as the result of some rather spirited negotiations with the Department of Homeland Security that the Department will announce later today regulations that would give any State that asks an automatic, virtually, 2 years—it could be more than 2 years in some cases—but a 2-year delay in the requirement to comply with the REAL ID Act. This is significant progress. The Department has finally recognized that it simply was unfair to impose this burden on the States, to set such an unrealistic compliance date when the Department had failed to issue the regulations. So the Department will be announcing today that any State that seeks an additional 2 years to comply with the regulations will be granted that extension. This is major progress.

In addition, the Department will announce that it will reconvene the members of the negotiated rulemaking committee that was established by the 2004 Intelligence Reform Act and subsequently repealed by the REAL ID Act to come together and to comment on the Department's regulations. Again, this reflects a major principle in the Collins amendment: that we should have a 2-year delay to allow for additional compliance time but that we should also reconvene the negotiated rulemaking committee, the committee that is comprised of State officials—in fact, Maine's own secretary of state was one of the officials on the committee—and privacy experts, technological experts, all the stakeholders would be reconvened to formally review the proposed regulations and provide the Department with the benefit of this committee's insight.

That is what should have happened in the first place but, certainly, given where we are now, this is another very positive step that the Department is taking. It reflects the principles in the amendment that I and others offered yesterday. It is obvious that the pending amendment provided a great deal of impetus for the Department to undertake these revisions in the proposed regulations.

These two major concessions by the Department—the extension for compliance and the reconvening of the negotiated rulemaking committee—are major steps forward, but they do not solve all of the issues and all of the problems with the REAL ID Act, the biggest of which is the huge cost of compliance. Along with Senator ALEXANDER and others—Senator SUNUNU, Senator CARPER, Senator AKAKA, and others who had been active on this issue—I am pledging today to continue to work very closely with our State leaders and with the Department of Homeland Security to calculate what the actual costs of compliance are going to be—that is going to be easier to do now that the regulations are finally being issued—and to work to try to find some funding to assist States with the cost of compliance.

To date, Congress has only appropriated about $40 million to help the States comply with the REAL ID Act, and the Department, I am told, has only allocated about $6 million of that $40 million. So there is some additional money in the pipeline, but if in fact the cost is as high as the National Governors Association and the National Conference of State Legislatures estimate, that $40 million is a drop in the bucket. The 5-year cost estimated by the NGA is $11 billion. Clearly, if the costs do prove to be in that neighborhood, if they are that high, we have an obligation to come forward and assist the States in the cost of compliance. It can be a shared responsibility, but surely, since we imposed the mandate, we should be providing some of the funding that is needed.

I am very happy the amendment that I and several of our colleagues have offered has prompted the Department to take a second look at its regulations, to realize that it was simply unreasonable to expect the States to comply by May of next year when the Department has been so tardy in issuing the regulations. And I am pleased that the Department has changed its mind. I thank Secretary Chertoff for working closely with me and for listening to all of us who were raising these concerns—that it was simply unreasonable to expect States to be in full compliance by May of next year when they did not have the detailed guidance from the Department.

I am also very pleased the Department is going to reconvene the negotiated rulemaking committee members. That will give the Department further input and insights and improve the quality of the final regulations.

There is still much work to be done, particularly in the funding area, but this is certainly great progress, a welcome development, and a major step forward by the Department. I again thank Secretary Chertoff for working so closely with me.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I congratulate Senator COLLINS for her leadership and for having created a context in which the administration now has come forward, finally, with the regulations pursuant to the so-called REAL ID Act, which does create some flexibility for States to comply with the requirement but also doesn't eliminate it because it is an important one. This is in the nature of this glorious governmental system of ours, the wisdom of the Founders more than two centuries ago to create the checks and balances. The legislature acts, Congress acts, the executive branch begins to work on implementation, States—this could actually be a textbook. Incidentally, I said to my friend I cannot say enough that it was my honor, too many years ago, in teaching a course at Yale to have the current occupant of the chair, the Senator from Ohio, Mr. BROWN, as my student. He learned very well. He taught me a lot, actually, as time went on. This sounds like we are back in the classroom talking about the relationships in government.

It was, I believe, the advocacy of Senator COLLINS that produced a reasonable result without the need for a specific legislative action. I do want to go back and set this in context because the overall purpose is a critically important one to the quest for homeland security. The 9/11 committee found that all but one of the 9/11 hijackers, the terrorists who attacked us that day, obtained American identification documents, some—I hate to use the word, but—legally, which is to say they complied with the requirements for that identification, and then some others by fraud. The 9/11 Commission recommended that the Federal Government set standards for the issuance of driver's licenses and identification cards.

Driver's licenses are the most commonly used form of personal identification by people in this country. For a long time, what was identification about? It was simply that—maybe for credit purposes, maybe to get into a facility. Now identification is loaded with tremendous implications for security and abuse that go beyond financial fraud, which is what we were primarily concerned about before.

The 9/11 Commission made this recommendation for national standards for driver's licenses and other forms of ID cards. They saw it as important to protecting the Nation against terrorism post-9/11 because often—it is very important to think about this—ID cards are the last line of defense against terrorists entering controlled areas such as airplanes or secure buildings. Obviously, it is important that we know exactly who those people are, that they are what the card says they are, and that they haven't obtained that card through fraud.

In 2004, as part of the legislative effort successfully completed to adopt the proposals of the 9/11 Commission and put them into law, Senator COLLINS, Senator MCCAIN, and I drafted provisions to implement this recommendation of the 9/11 Commission. I am pleased to say that we did so with input from both sides of the political aisle and all interested constituencies to increase security for issuing driver's licenses. Our language was endorsed by State and local governments, by the administration, and by a range of immigration, privacy, and civil liberties advocacy groups. In fact, our provisions to create national standards for State issuance of driver's licenses were enacted into law as part of the 2004 intelligence reform legislation.

In 2005, beginning in the other body, so to speak, the House of Representatives, the REAL ID Act was included in a supplemental appropriations bill providing emergency funding for our troops. The REAL ID Act repealed the provisions I have spoken of that Senator COLLINS, Senator MCCAIN, and I and others had put into the 9/11 legislation the previous year. In place of what I still believe was our workable and balanced program, which would have achieved the aims the 9/11 Commission gave us, the REAL ID Act imposed very difficult and, in some cases, unrealistic and, of course, unfunded requirements on States to verify identification documents by plugging into a series of databases that require technological changes that are expensive and, as is happening right now, delaying the actual implementation of a national set of standards which would have guaranteed us that driver's licenses and other ID cards are more secure.

The fact is, REAL ID obviously, if it did not have this escape valve opened up as a result of Senator COLLINS' work, would slow down the issuance of driver's licenses to everyone and, I fear, might even increase the risk of identity theft. Notwithstanding that, if I had my druthers, as they used to say, I would go back to the provision we had in the original 9/11 legislation, but we are not there. The REAL ID Act is law, and it is beginning to be implemented.

The most important thing we can do is not pull away from the goal which remains critically important to our national security in the war against the terrorists who attacked us on 9/11 and want to do it again; that is, to make sure our driver's licenses and other forms of identity are tamper-proof and real.

We have now struck a balance, with the initiative of Senator COLLINS and others and the response of the Department of Homeland Security this morning. We still have the goal, and we are going to implement it in a more balanced and reasonable fashion. But it is critically important not to move away from the goal. The goal is fundamental to the security of each and every American. Yes, it is going to be a little harder to get the driver's license but not a lot harder. What it is going to mean to everybody is that we can feel more secure when we get on a plane, when we go into a secure building, when we just move about enjoying the freedom and way of life we are blessed to enjoy as Americans.

I thank Senator COLLINS for her leadership and the good result. I remind colleagues that the floor is open for business. We welcome amendments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 291 AND 292 TO AMENDMENT NO. 275, EN BLOC

Mr. SUNUNU. Mr. President, I have two amendments at the desk. I ask unanimous consent that the pending amendment be set aside and that the two amendments I have at the desk be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes amendments numbered 291 and 292 en bloc to amendment No. 275.

Mr. SUNUNU. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 291

(Purpose: To ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions)

On page 121, between lines 2 and 3, insert the following:

"(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.".

AMENDMENT NO. 292

(Purpose: To expand the reporting requirement on cross border interoperability, and to prevent lengthy delays in the accessing frequencies and channels for public safety communication users and others)

On page 361, between lines 13 and 14, insert the following:

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

Mr. SUNUNU. Mr. President, I offer this morning two amendments that expand on the work we did in the Commerce Committee dealing with the implementation of September 11 recommendations; in particular, in the area of interoperability, meaning, quite simply, the continued effort of State, local, and Federal law enforcement to put in place communications systems that work reliably, effectively, robustly, and that work effectively with one another.

The first amendment deals with the grant programs which have been established in law already and which are expanded under the legislation before us. Those grant programs support the purchase of equipment to expand and improve our interoperability for homeland security purposes. It is essential that we make sure that to the greatest extent possible, we look at all available technologies for meeting these goals—in particular, we make sure we don't preclude any funding from going to the Internet-based or IP-enabled services and software and communications systems that are more and more a part of our daily lives. Members of the Senate are often seen roaming the hallways of the Capitol with their Blackberrys, for example. More and more, these devices operate like a Palm or a Treo, using IP-enabled systems. These systems are improving. They are getting more robust. They are becoming ever more reliable.

The language I offer today simply states that those IP-enabled technologies which can help improve interoperability should not be precluded from receiving funds under any of the grant programs in this legislation. We have such language already that applies to the NTIA which is under the jurisdiction of the Commerce Committee, but I want to make sure that language is included throughout the bill. I don't think we should be picking technological winners and losers, but we want to make sure some of the most promising technologies out there at least are put on a level playing field with older alternatives.

The second amendment I offer deals with the issue of cross-border interoperability, which simply means communications in areas of the country where we border a foreign country. The northern part of the country—New Hampshire, Maine, Vermont, New England States—shares a border with our neighbor Canada, and there are certainly issues in the southern part of the country with our neighbor Mexico. But there are always questions about awarding or distributing spectrum channels for communication that would be used by State or local homeland security or law enforcement issues in those border areas because we don't want to engage in policies that unnecessarily interfere with the efforts of the communication of our foreign neighbors. Unfortunately, there have been a lot of delays in making spectrum available in those cross-border areas.

We have language again in part of the bill that I included in the Commerce Committee that applies to the FCC to look at the issues associated with awarding spectrum for cross-border interoperability, to find out why there have been delays, find out what can be done to accelerate this process, so in those parts of the country that are affected by cross-border interoperability, we can serve law enforcement effectively. We have some reporting requirements to look at this issue within the FCC.

My second amendment would extend that language to ask the State Department, which has obvious responsibility in maintaining and improving our relations with foreign countries, to also look at these questions.

So these are the two amendments. They expand on work that was accepted in a broad, bipartisan consensus in the Commerce Committee. I hope my colleagues will have an opportunity today to look at these amendments. I sincerely ask for their support.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire. These sound like two very constructive, sensible amendments. We will take a look at them and be in touch with him. But I am optimistic we will want to support these amendments. They improve the basic architecture of the bill, and particularly in the critical area of establishing programs of Federal support for the first time that will enable States and localities, consistent with a plan—not just willy-nilly but consistent with a plan—to finally make communications interoperable so our first responders can talk to one another in times of crisis.

I thank my friend from New Hampshire for his initiative.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to let the Senator from New Hampshire know we are reviewing his two amendments. Based on what he told me, I, too, am inclined to agree to them, and I will be working with the Senator from New Hampshire and the Senator from Connecticut to try to get the two amendments cleared.

I certainly appreciate, coming from a border State, the concerns the Senator from New Hampshire has about U.S.-Canadian issues that might affect interoperability of communications equipment. That has been an issue for us in Maine as well.

I look forward to working with him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 277

Ms. COLLINS. Mr. President, shortly, I am going to ask unanimous consent to withdraw the Collins amendment No. 277, which is cosponsored by Senators ALEXANDER, CANTWELL, CARPER, CHAMBLISS, MIKULSKI, MURKOWSKI, and SNOWE. It also has received support from Senator SUNUNU this morning, who was very eloquent in his comments about the implementation of the REAL ID Act.

I ask to withdraw my amendment in light of the tremendous progress we have been able to make with the Department of Homeland Security over the last 24 hours in convincing the Department to modify the regulations which it is releasing today to allow about 2 years of additional time for compliance with the REAL ID mandates and also to reconvene the negotiated rulemaking committee to take a look at those regulations and provide their insights and input to the Department so the Department can take them into account in issuing the final regulations.

Now, I consider this to be tremendous progress. It is a very welcomed development. The Department's actions reflect the two primary objectives I outlined yesterday for my amendment: first, to give the Federal Government and States the time and flexibility needed to come up with an effective system to provide secure driver's licenses without unduly burdening the States and, second, to involve experts from the States, from the technology industry, as well as privacy and civil liberty advocates—to bring them back to the table and give them a chance to work on these regulations and to improve them.

I am very pleased to say over the course of the past week our amendment has received a great deal of support from a number of sources. The National Governors Association praised our amendment for providing States:

> a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

The American Federation of State, County and Municipal Employees, in a letter to all Senators that was sent on February 27, said:

> We strongly urge you to support an amendment offered by Senator COLLINS that would delay implementation of requirements under the REAL ID Act. . . .

The letter goes on to outline the organization's concerns about the costs to States, the capacity for States to meet the REAL ID requirements, and privacy issues and concludes:

> The Collins amendment provides the opportunity to address these matters.

Similarly, the National Conference of State Legislatures, the NCSL, with which we have worked very closely, in a statement on February 20, said this legislation would help "address state concerns over the Real ID Act. . . ."

To this support has been added the voices of Senator ALEXANDER, Senator CHAMBLISS, Senator SUNUNU, and cosponsors on both sides of the aisle. One of the very first cosponsors is a former Governor who understands very well the implications for States of complying with the REAL ID Act. That individual is Senator CARPER of Delaware.

So we have been able to build a broad bipartisan coalition, and that gave us the strength to prompt the Department of Homeland Security to make the changes as a result of recent, extended discussions with the Department. As a result, we can now say the primary concerns we have addressed with our amendment have been addressed in the Department's proposed regulations.

In the regulations being announced this morning, the Secretary of Homeland Security will commit to granting a waiver to any State that asks for it through December 31 of 2009. States will not be required to make a complicated case for the waiver. The Secretary has recognized the delay in the Department's promulgation of the draft regulations is reason enough to give States an additional 2 years before they need to begin producing REAL ID-compliant driver's licenses. I am pleased the Department has taken this step.

In addition, the Department has agreed, as I have mentioned, to invite the members of the negotiated rulemaking committee—which was created by the 2004 Intelligence Reform Act, and subsequently repealed by the REAL ID Act, just when they were making great progress—to come to the Department and discuss, in person, their specific concerns about the regulations. The provisions announced today are in line with the need for more time and the inclusion of all interested parties that were the two primary goals of our amendment. These provisions, of course, are part of a much larger regulation that will take us time to review, to consult with the States on, and to comment on. I am going to follow closely the whole notice and comment period. I am sure I will be suggesting changes to the regulations, and I will be working closely with the negotiated rulemaking committee to make sure the regulations are modified further down the line.

I am under no illusions that there are not further issues which need to be addressed about the REAL ID Act. We must look closely at the concerns that privacy advocates have raised about potentially having interlocking databases among the States so that information is shared. There are a lot of questions, such as who would have access to that information, how secure it would be, and how correct it would be. There is a lot of work to be done.

Most of all, we need to get an accurate estimate of how much this program is going to cost the States and how we can help them bear those costs. This does remain a huge unfunded Federal mandate on our States. The NGA, as I have said several times, has estimated the cost at $11 billion over the next 5 years. That is an enormous burden for States to bear.

We also have to determine if the technological demands that will be imposed on States by these regulations are, in fact, feasible. But I am very pleased to note that our efforts with the Department have achieved the goals that we set out in offering our amendment. There is further work to be done on the REAL ID Act, but we certainly have made tremendous progress over the past 24 hours.

I thank all of the cosponsors of the bill: Senators ALEXANDER, CARPER, CANTWELL, CHAMBLISS, SNOWE, MIKULSKI, and MURKOWSKI for their strong, bipartisan support, and I thank all of the outside organizations, including the Governors and the State legislatures, who have worked so closely with us. I hope we will continue our partnership as we make real progress in improving the REAL ID Act.

AMENDMENT NO. 277 WITHDRAWN

Mr. President, at this time, recognizing the tremendous progress we have made, I ask unanimous consent that amendment No. 277 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, again, I congratulate Senator COLLINS for having achieved the purpose of her amendment without having to put it formally on the bill, and I look forward to seeing the Department move ahead in a more cooperative way with the States to achieve the purposes that the 9/11 Commission set out, which is to make the ID cards more secure to protect the rest of us Americans from those who would abuse those identity cards. It is a great accomplishment for my friend from Maine.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. HATCH. Mr. President, today I rise to voice my strong opposition to section 803 of S. 4 and urge my colleagues to join me in advocating its removal from this important piece of legislation.

What is section 803? This provision would permit TSA's transport security officers, our Nation's airport security screeners, to engage in collective bargaining, a change that was not among the recommendations of the 9/11 Commission. Let me repeat that: it was not among the recommendations of the 9/11 Commission.

At first, some may look at it and say: Why not? The professionals at TSA are Federal employees. As such, they cannot strike. They can already join a union, so why not permit collective bargaining?

As a former union member and one who believes in collective bargaining as a general rule, I can see why many believe that such a request is reasonable. Unfortunately, as much in life is, the devil is in the details.

The fact remains that we as a nation are at war. Through the hard work and dedication of our Armed Forces and civil servants such as those at TSA, our Nation has, so far, been spared further tragedies such as those that occurred on September 11, 2001. However, our past success must not lull us into a false sense of security. Those who wish to undermine and even destroy Western civilization have been beaten back but still remain a potent adversary. Al-Qaida is a sophisticated enemy which searches for our weaknesses and attempts to devise ways to exploit our vulnerabilities. The surest way to play into their hands is to act in a "business as usual" manner. In order to defeat this enemy, we must be nimble, we must constantly change our tactics and strategies, and we must be flexible and unpredictable.

That is why the American people demanded that we create the TSA. The people saw that our Nation required a professional Government agency whose primary purpose is to keep the traveling public safe, an agency that consists of experts who can identify terrorists and their plots before they board an aircraft or other mode of transport.

So what has this to do with the ability of TSA employees to engage in collective bargaining? If one looks at the details, it has everything to do with TSA's ability to keep several steps ahead of the terrorists. We all know one of the central aspects of any collective bargaining agreement is setting the conditions by which an employee works. When a person works, where they work, and how they work are matters which are open to negotiation. Obviously, efficiency and productivity, for better or worse, can be dramatically affected by a collective bargaining agreement.

So how would this affect TSA's operations? One must remember the events of this past summer. In August, the security services of the United Kingdom discovered a well-organized conspiracy that reportedly sought to blow up commercial aircraft in flight using liquid explosives disguised as items commonly found in carry-on luggage. Within 6 hours, due to their professionalism and the current flexibility of their work structure, TSA's Transportation Security Officers were able to make quick use of this highly classified information and train and execute new security protocols designed to mitigate this threat. In six hours that is impressive.

In contrast to this history of success and impressive performance, the possibility of collective bargaining only raises questions and uncertainties. For example, should the Government have to bargain in advance of what actions it can or cannot take when dealing with an emergency situation? If so, how would we know what to bargain for? Remember, before the events of September 11, what rational person would have thought of using a commercial aircraft as a suicide bomb? What other heinous act might occur that we have not contemplated? Remember, this is an enemy that uses surprise.

Other questions come to mind. If timely intelligence is gathered that requires an immediate change in TSA's operation, does the Government have to inform a private entity such as the union? Do we not wish to preserve the maximum level of flexibility not only to catch terrorists but to provide a secure situation where the business of the Nation can continue unmolested?

Another example of the flexibility of the current system can be found during this winter's snow storms in Denver. Local TSA officials were overwhelmed by the influx of stranded and newly arriving passengers. The agency responded by deploying 55 officers from the mountain State region, including, I am proud to say, my own home State of Utah, so that security screening operations were able to continue around the clock until the situation was resolved. Under collective bargaining, redeployments such as this could be hindered by red-tape and cumbersome procedures, greatly reducing the ability of TSA to respond efficiently and effectively to these eventualities.

It also raises the question, under a collective bargaining agreement, whether redeployment decisions might be subject to seniority rules rather than sending individuals with the proper skills. Is deployment subject to binding arbitration? If so, what effect will that have during emergencies?

Bureaucratic hurdles preventing the TSA from operating efficiently and effectively during a time of war are not the only problems created by section 803. The provision also would create an unacceptable drain of resources away from the TSA's primary mission, which is protecting the traveling public. Resources would be diminished because of the cost to implement and execute a collective bargaining agreement.

TSA estimates if this section were enacted, it could cost, in the first year alone, $175 million. Why? The agency would be forced to train its employees on union issues and employ labor relations specialists, negotiators, and union stewards. One must also remember that these funds will have to come out of the Department of Homeland Security's budget, a budget which is consistently criticized as being too small by my colleagues on the other side of the aisle.

So what do the taxpayers lose for that $175 million? Such a reduction in funding is the same as a loss of 3,815 transportation security officers, or 11.5 percent of the total workforce. It also equates to closing 273 of the 2,054 active screening lanes, which would be 12 percent of the current lanes. In terms that most of the frequent flyers in this body would understand, the loss of capacity to screen 330,000 passengers every day. Imagine that line

This is not to say that TSA employees should bear an unfair burden. Far from it. TSA employees, and especially transportation security officers, should be afforded just compensation and the safest possible working conditions. Some who advocate collective bargaining say transportation security officers have not been given a raise in four years. That is not accurate. TSA's pay scheme is based upon technical competence, readiness for duty, and operational performance. Accordingly, in 2006, TSA paid out over $42 million in pay raises and bonuses based upon job performance.

If a transportation security officer has a complaint, a grievance, or does not believe he or she has been paid properly, these are addressed through the agency's Model Workplace Program, where employees and managers form councils to address those concerns.

This does not mean that employees' due process protections for the resolution of employment issues have been sacrificed. Transportation Security Officers can seek relief from the TSA's Ombudsman Office and Disciplinary Review Board or from outside Government agencies such as the Equal Employment Opportunity Commission.

Another misconception is that transportation security officers do not have whistleblower protections. As a result of a formal memorandum of understanding between TSA and the U.S. Office of Special Counsel, all Transportation Security Officers now have this protection.

Others in favor of collective bargaining point to the Transportation Security Officers' attrition rate. Initially, this was a problem. However, the agency has addressed and is continuing to address this issue. I am pleased to report that the Transportation Security Officers' voluntary attrition rate of 16.5 percent is lower than comparable positions in the private sector, which are estimated at 26.4 percent.

Injury rates are decreasing.

The agency has worked hard to reduce lost time claims by 44 percent. Just in 2006, injury claims resulting in lost workdays have been reduced by 32 percent. This is not luck but part of a comprehensive strategy to look after the well-being and safety of transportation security officers. These safety initiatives include providing a nurse case manager at each airport, utilizing optimization and safety teams to create ergonomic work areas to reduce lifting and carrying heavy bags, and an automated injury claims filing process.

Another question some ask is, Since Customs and Border Protection Agents are permitted to engage in collective bargaining, why not Transportation Security Officers? However, when Congress created the TSA, the goal was to create a new organization that would meet the unique needs of our War on Terrorism—a modern organization that would have the maximum flexibility to protect the national security of the United States. This, of course, is the same charter as the FBI, CIA, and Secret Service. These agencies do not permit collective bargaining for this and other reasons.

Should we hold the TSA to a different standard despite the fact that securing our transportation systems is one of the most vital roles our Government can play? Is TSA perfect? No, of course not. But look at what has been achieved. Five years ago, TSA did not exist, and now we can all take pride in the agency and more importantly in its personnel who have done such a remarkable job in keeping our Nation safe. They deserve our respect, our thanks, and they deserve fair compensation. But in doing so, we must not undermine one of their greatest weapons in this war—their flexibility to change tactics and strategies at a moment's notice. Such a course of action could have a calamitous effect on our Nation.

Mr. President, as I previously mentioned, in general, I am a supporter of collective bargaining. However, in these times, we must not change a policy that could inadvertently jeopardize the lives of Americans.

I urge my colleagues to remove this section from the bill.

I see the distinguished Senator from Alaska is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank my colleagues, Senators LIEBERMAN and COLLINS, for working with the Commerce Committee to include important security measures in this bill. I am grateful to my great friend, Senator INOUYE, for his willingness to work in our committee on a bipartisan basis to develop and report these measures.

In the 5½ years since the horrific events of September 11, we have made many good improvements in the security of our Nation's transportation infrastructure and ensuring communications interoperability. Our job, however, is far from over, for there are still more improvements to be made and gaps to close. In matters of security, we cannot become complacent; as our enemies adapt, so must we.

The Commerce Committee's aviation and surface transportation legislation, which has been included in S. 4, will significantly enhance the ability of the

Department of Homeland Security and the Transportation Security Administration to fulfill their missions. These provisions were developed by the Commerce Committee while mindful of the delicate balance between implementing tough security measures and the effects such regulations may have on the Nation's economy and the movement of goods.

The aviation provisions incorporated in S. 4 were reported by our Commerce Committee on February 13 as S. 509, the Aviation Security Improvement Act of 2007. The provisions incorporate aviation-related 9/11 Commission recommendations and provide TSA with additional tools to carry out its layered approach to security. To do this, the aviation security provisions dedicate continued funding for the installation of in-line explosive detection systems utilized for the enhanced screening of checked baggage at our Nation's airports.

We all recognize the importance of screening 100 percent of cargo transported to and within the United States. Last year, in the Safe Port Act, Congress acted to ensure that all cargo arriving in the United States by sea is screened. In S. 4, we ensure that 100 percent of air cargo also is screened. The U.S. air cargo supply chain handles over 50,000 tons of cargo each day, of which 26 percent is designated for domestic passenger carriers.

Screening is of particular importance in Alaska. Anchorage, my home, is the No. 1 airport in the United States for landed weight cargo, and it is No. 3 in the world for cargo throughput. Our provision would require TSA to develop and implement a system to provide for screening of all cargo being carried by passenger aircraft.

To address ongoing concerns about passenger prescreening procedures, the legislation requires the Department of Homeland Security to create an Office of Appeals and Redress to establish a timely and fair process for airline passengers who believe they have been misidentified against the "no-fly" or "selectee" watchlists.

TSA's layered approach to security relies not only upon equipment and technological advances but also upon improved security screening techniques employed by TSA screeners as well as the use of very effective canines. This legislation calls for TSA's National Explosives Detection Canine Team to deploy more of these valuable resources across the Nation's transportation network.

The bill we are considering also contains the provisions of S. 184, the Surface Transportation and Rail Security Act of 2007, which was also developed and reported on a bipartisan basis by our Commerce Committee. While the aviation industry has received most of the attention and funding for security, the rail and transit attacks in Britain, Spain, and India all point to a common strategy utilized by terrorists. The openness of our transportation system, our surface transportation network, presents unique security challenges. The vastness of these systems requires targeted allocation of our resources based upon risk.

Most of the surface transportation security provisions in the bill before the Senate today have been included previously as part of other transportation security bills introduced by Senator INOUYE, Senator MCCAIN, and myself. Many of the provisions in the substitute amendment passed the Senate unanimously last year as well as in the 108th Congress. Each time, however, the House of Representatives did not agree to the need to address rail, pipeline, motor carrier, hazardous materials, and other over-the-road bus security. The time has come to send these provisions to the President's desk. We are hopeful that the House will agree this time.

The substitute also contains provisions of the Commerce Committee's reported measure, S. 385, the Interoperable Emergency Communications Act. Since 2001, we have heard the cries of public safety officials that the police, firefighters, and emergency medical response personnel throughout the country need help in achieving interoperability. With this $1 billion program which helps every State, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long. The legislation addresses all of the public safety issues which have been brought to the attention of the committee. It also includes $100 million to establish both Federal and State strategic technology reserves to help restore communications quickly in disasters equal in scale to Hurricanes Katrina and Rita.

We should not politicize national security. The Commerce Committee's initiatives included in this bill are very important, and I urge their adoption.

Again, I appreciate very much the cooperation of the Homeland Security and Governmental Affairs Committee. We achieved the reported bills I mentioned from the Commerce Committee because of the bipartisanship in our committee. I hope this debate on this important bill before the Senate will continue in that same spirit. The American people really expect and deserve nothing less.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 298 TO AMENDMENT NO. 275

Mr. SCHUMER. Madam President, I ask unanimous consent that the pending amendment be set aside, that I be allowed to offer and speak on my amendment, and that Senator MENENDEZ be permitted to speak after I do. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, reserving the right to object, I ask that the Senator amend his unanimous consent request so we can go back and forth on his amendment. I suggest that after he speaks, I be recognized, then Senator MENENDEZ, then Senator COLEMAN, and that we go back and forth on the amendment.

Mr. SCHUMER. I have no objection.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SCHUMER. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. MENENDEZ, proposes an amendment numbered 298 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen the security of cargo containers)

On page 377 insert after line 22, and renumber accordingly:

TITLE XV—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. . DEADLINE FOR SCANNING ALL CARGO CONTAINERS.

(a) IN GENERAL.—The SAFE Port Act (Public Law 109–347) is amended by inserting after section 232 the following:

"SEC. 232A. SCANNING ALL CARGO CONTAINERS.

"(a) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

"(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

"(A) the container is scanned with equipment that meets the standards established pursuant to sec. 121(f) and a copy of the scan is provided to the Secretary; and

"(B) the container is secured with a seal that meets the standards established pursuant to sec. 204, before the container is loaded on a vessel for shipment to the United States.

"(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

"(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

"(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

"(C) REVIEW AND REVISION.—The Secretary shall—

"(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 2 years; and

"(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available—

"(I) to identify the place of a breach into a container;

"(II) to notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

"(III) to track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

"(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning provided such term in section 107 of title 46, United States Code.

"(b) REGULATIONS; APPLICATION.—

"(1) REGULATIONS.—

"(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231, without regard to the provisions of chapter 5 of title 5, United States Code.

"(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement subsection (a) not later than 1 year after the date of the submission of the report under section 231, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

"(2) PHASED-IN APPLICATION.—

"(A) IN GENERAL.—The requirements of subsection (a) apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

"(i) the end of the 3-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

"(ii) the end of the 5-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in any other country.

"(B) EXTENSION.—The Secretary may extend by up to 1 year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

"(i) finds that the scanning equipment required under subsection (a) is not available for purchase and installation in the port; and

"(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

"(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

"(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.".

(b) CONFORMING AMENDMENT.—The table of contents for the SAFE Port Act (Public Law 109–347) is amended by inserting after the item related to section 232 the following:

"Sec. 232A. Deadline for scanning all cargo containers.".

Mr. SCHUMER. Madam President, at the request of my colleague from Maine, who wishes to wait until Senator LIEBERMAN can come to the floor, I suggest the absence of a quorum.

Ms. COLLINS. Madam President, if we could withhold the request for a quorum, I thank the Senator from New York for his cooperation in this matter. I know the Senator from Connecticut is on his way.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise today to speak on an amendment offered by myself and my colleague from New Jersey to deal with 100 percent scanning of containers that enter our ports.

First, I wish to salute my colleague from New Jersey. He has been a stalwart leader on this issue while in the House and now in the Senate. It has been a pleasure to work with him side by side on something people on both sides of the Hudson River care so dearly about.

I rise today to call upon my colleagues to take action against one of the greatest risks that confront the United States. It is one of the very greatest, if not the greatest risk, and that is a nuclear weapon reaching our shores in a shipping container.

More than 11 million cargo containers come into our country's ports each year, but only 5 percent of these containers are thoroughly inspected by Customs agents. That means right now if, God forbid, a nuclear weapon were put in one of these containers, it could have a 1-in-20 chance of being detected. No American, certainly no New Yorker, likes those odds.

It means a terrorist could almost use any cargo container as a "Trojan horse" to hide a nuclear weapon or radiological material and bring it to the United States. We know terrorists have tried to purchase nuclear weapons and radiological materials on the black market. We also know the United States is a top target.

Let me be clear: a nuclear weapon does not have to enter the United States or leave our ports to cause death and destruction. Our major ports are also our major cities because so many of our cities, similar to New York, were founded and thrive on maritime trading. A terrorist group could simply detonate a nuclear weapon at the port terminal for the ship docks or even as the ship approaches the harbor. The devastation of a terrorist nuclear attack is literally unimaginable. A nuclear explosion in one of our major ports or one of our major inland cities—if such a weapon were smuggled into one of our ports and driven by truck to it, an Omaha or a Chicago or a Saint Louis—would cause enormous loss of life, both immediately and over time. It would inflict huge economic and physical damage, would render parts of the attacked cities unusable and unapproachable for decades, and would dramatically change life in this country forever.

We are also at risk of an attack with a "dirty bomb" that combines conventional explosives with radiological material. The consequences, while not as severe as a nuclear weapon, would also be horrific.

A nuclear or radiological attack by terrorists in our ports is a scenario that keeps me up at night. I worry about my children, my family, my friends, and then 19 million New Yorkers, and 30 million Americans. But the people running things at the Department of Homeland Security do not seem to be losing a wink of sleep over this. DHS gives us the usual delay and nay-saying that we have seen so often.

I have been talking about this issue for 5 years in this Congress. I have offered amendment after amendment, and every time people come back and say: Forbear. We will get it done. Well, it is now 2007. It is 5½ years after 9/11, and we are not close to doing what we should be doing—not even close.

I am tired of all the excuses and delay and, frankly, lack of focus—proportionate focus. I am tired of the lack of proportionate focus the Department of Homeland Security gives to this issue. If we all agree this is one of the greatest tragedies that could befall us, then how in God's Name do we pay so little attention, put in so few resources to getting this done?

Congress—this new Congress—owes it to the country and to our children and to our families to do better. This amendment will do much better.

The Schumer-Menendez amendment contains the same firm deadlines the House passed in January for DHS to require all containers coming into the

United States from foreign ports to be scanned for nuclear and radiological weapons and then sealed with a tamperproof lock.

Within 3 years, 100 percent of containers coming from the largest foreign ports would be scanned and sealed before arriving in the United States.

Within 5 years, 100 percent of all containers from all ports worldwide would be scanned and sealed.

Imagine, on that date, only 5 years from now, Americans could breathe a huge sigh of relief knowing we are safe from the nightmare I described earlier.

Now, I know what the critics say. The critics say 100 percent scanning cannot be done. But the truth is, technology for scanning does exist, and it can be expected to improve steadily, as technology usually does. The experts are divided. There are some who say it cannot be done, some who say it can be done. I know the shipping industry would rather we not do this, that we slow-walk it. I understand their interest. But our interest is much greater.

We already have advanced scanning equipment that can check for radiation as a moving cargo container passes through a port. That is without dispute. As a part of the same process, we have equipment that can create a detailed image showing the density of the contents of the container, in order to see radioactive material that might be shielded.

In fact, this scanning equipment is already being set up at foreign ports and brought online through DHS's Secure Freight Initiative, which is a pilot project required under last year's SAFE Port Act.

Now, the Secure Freight Initiative is a good start, but it is only a small start. It will only scan between 5 and 10 percent of our incoming cargo for nuclear weapons. We cannot, we must not, and do not have to accept 5 percent security.

The only real barrier to 100 percent scanning is lack of will—lack of will in the administration, which we have seen for 5½ years; lack of will in DHS, which we have seen from its inception; and, frankly, lack of will in this Congress. If we show we are serious about 100 percent scanning, then we will see an end to the administration's and DHS's foot-dragging and a beginning of real security.

Adapting to 100 percent scanning may have some small effect on commerce. It is true, it will affect commerce. But that is far outweighed by the complete shutdown of trade that a successful attack would cause. A nuclear attack in the shipping chain would grind commerce to a halt.

Madam President, I ask unanimous consent that my colleague from New York, Senator CLINTON, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Our amendment is sensible, it is feasible, and it is absolutely necessary.

The Congressional Budget Office says the House bill—which is very similar to this amendment—will cost the Government $160 million in 2008 through 2012. That may sound like a lot of money, but it is such a small price to pay for an enormous improvement in security. When we compare it to the other large sums we spend on other things, it is not even close.

If we asked Americans to rank the cost of this program with the benefit, it would be at the very top of the list. America sees it. Certainly, New York sees it. New Jersey sees it. Why doesn't this body? I hope we will.

The amendment does not obligate the Government to buy scanning equipment or seals. Scanning equipment will simply become a cost of doing international business, similar to so many other necessary costs that are imposed for very good reasons.

The DHS rules for 100 percent scanning will not be developed in a vacuum but will use the results of the Secure Freight Initiative and other demonstrations of scanning technology.

Under my amendment, DHS will only issue a final 100 percent scanning regulation after the Secure Freight Initiative pilot project is complete and DHS reports to Congress. DHS will use the lessons learned from the pilot project to write regulations that are workable.

Our amendment also has some flexibility because it is obvious you cannot do scanning without equipment. The Secretary of Homeland Security can extend the deadline for 100 percent scanning by a year if the scanning equipment is not available for purchase and installation in a port.

This amendment also will not lock us into using today's technology when tomorrow arrives. Under this amendment, DHS will have to develop standards for the best available scanning technology and also for container seals and to update these standards regularly as technology improves.

This amendment accommodates our international agreements with our trading partners. It authorizes DHS to develop international standards for container security, and it directs DHS to ensure that 100 percent scanning is implemented in a way that is consistent with our international trade obligations.

I cannot overstate how much it disturbs me that Congress has, so far, lacked the resolve to impose firm deadlines for 100 percent scanning. Now the House has acted decisively and so should the Senate.

The amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world.

I truly believe, unless we have a firm deadline, DHS will continue to drag its feet and our people in America, in our ports and on land, will be susceptible to this kind of horror for far too many years than they should have to be. Again, there will be arguments that it is not feasible. A deadline will make it feasible. A deadline will concentrate the minds of those in DHS and in the shipping industry to get it done, and if after 3 or 4 years they have shown effort and they say they need an extension, they can come back to the Congress to do it. But I would argue that is the way to go, not to set no deadline and let them proceed at the all-too-slow pace we have seen thus far.

This amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world; otherwise, we will probably see the same misplaced priorities from DHS we usually do.

At any given moment, our seaports are full of container ships and more are steaming to and from our shores. Each one of these ships, unfortunately, is an opportunity for terrorists to strike at our industry, our infrastructure, and our lives. We know our enemies will wait patiently and plan carefully in order to create maximum panic, damage, death. A nuclear weapon in a shipping container would be a dream come true for them, those few crazy fanatics who unfortunately live in the same world as we do, but it would be an endless nightmare for us.

We have lived with the threat of a nuclear weapon in a shipping container for so long that some people seem prepared to accept this insecurity as a fact of life. But talk to intelligence experts or read the New York Times Magazine from last Sunday. Al-Qaida and others are focusing, and they would prefer this method of terrorism, worst of all. I am not prepared, my colleague from New Jersey, my colleague from New York, and hopefully a majority of this body is not prepared to let this insecurity continue. When it comes to shipping container security, the danger is obvious, the stakes are high, and the solution is available. We simply cannot afford any more delay.

One of the greatest risks facing our security is that a terrorist could easily smuggle a nuclear weapon from a foreign country into our ports. It would inflict countless deaths, tremendous destruction, and bring trade to a standstill. The bottom line is program screening for nuclear materials is delayed, funding for research and development squandered, and international security mismanaged.

If this administration isn't going to put some muscle behind security under the current laws, then Congress ought to do it, and we ought to do it now. We have waited long enough.

I urge my colleagues on both sides of the aisle to join with me and Senator MENENDEZ in making our ports, our

Nation, and the international supply chain more secure by enacting firm deadlines for 100 percent scanning.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, I understand there is a UC that would have Senator COLLINS speak next, then Senator MENENDEZ, and then myself. I ask unanimous consent that we alter that so I can speak and then Senator MENENDEZ and then Senator COLLINS. I would simply switch places with Senator COLLINS. That is my understanding of the UC agreement.

Mr. MENENDEZ. Mr. President, reserving the right to object, I would ask the Senator how long he intends to speak.

Mr. COLEMAN. Is there a limitation under the UC?

The PRESIDING OFFICER (Mr. SALAZAR). There is no limitation under the current unanimous consent agreement.

Mr. MENENDEZ. I would say to my colleague I have the Governor of our State with whom I am supposed to meet right now and that is the only reason I am inquiring.

Mr. COLEMAN. Mr. President, I would ask my colleague from New Jersey how long he would intend to speak. Would he like to alter the UC to speak first and then I would follow?

Mr. MENENDEZ. Ten minutes.

Mr. COLEMAN. Mr. President, I would simply ask unanimous consent that the Senator from New Jersey speak for 10 minutes and then I would speak and then the Senator from Maine would have an opportunity to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, let me, first, thank my colleague for his courtesy. I appreciate it very much. I rise to join my distinguished colleague from New York, Senator SCHUMER, in offering this amendment. He has been a champion in this regard, and he understands that the cause of the devastation in the city of New York was the of acts of terrorism. I, too, reside right across the river and having lost 700 residents on that fateful day, I understand the consequences of inaction.

What we are calling for is to move forward to implement 100 percent scanning of all the cargo containers entering the United States. This, 5 years later—5 years later—in understanding the realities of a post-September 11 world.

Last year this body took action to secure a long overlooked vulnerability in our Nation's security. We passed the SAFE Port Act, which made significant progress toward improving security in our ports. But the fact remains that until we know what is in every cargo container entering our ports, we cannot definitively say we are secure.

Because of our action in the SAFE Port Act, the Department of Homeland Security is now conducting a pilot project to implement 100 percent scanning of cargo at six ports. That is a crucial first step. However, reaching 100 percent scanning should not be a far-off goal but something we should be doing as quickly and as urgently as possible. When it comes to the security of our ports, we should not be comfortable with baby steps.

The amendment we are offering, the Senator from New York and I, would ensure that efforts to implement 100 percent scanning move forward by setting clear deadlines for all cargo entering U.S. ports to be scanned. Now, deadlines may not be popular, but the fact is they result in action. Let's not forget that the requirements set in the SAFE Port Act got the Department to act. Within 2 months of the bill being signed into law, the Department moved forward with the pilot project now underway.

The 9/11 Commission made a critical observation in how to approach securing our most at-risk targets. The Commission said:

> In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure.

We recognize we may not be at an ideal place to implement perfect technology, but we do have systems that work, and we should be doing everything possible to advance and implement them at every port. We cannot afford for terrorists to know our ports and our cargo are not defended. Frankly, when 95 percent of the cargo entering our ports has not been scanned, I think it is clear we have a lack of a significant deterrent. We have a 95-percent chance of getting something in. That is a pretty good percentage for the terrorists.

Our ports remain some of the most vulnerable and exploitable terrorist targets our Nation has. We cannot afford to wait for years and years while we simply cross our fingers that an attack will not hit our ports or disrupt our commerce.

In the years after September 11, our focus was largely and understandably on aviation security. But in narrowing in on such a singular focus, we did not start out making the strong investments needed in other areas of our security. We have spent less than $900 million in port security improvements since 2001, which is a small fraction of what we spend annually on aviation security. Only when faced with a very public and highly controversial deal that would have put American ports in the hands of a foreign government, did Congress act on port security.

For some of us, however, this is not a new issue, nor was the threat unknown. For 13 years, I represented a congressional district in New Jersey that is home to the Nation's third largest container port. The Port of New York and New Jersey, the majority of which physically resides in New Jersey, has a cluster of neighborhoods literally in its backyard. Ask any New Jerseyan from that part of the State and they will tell you how close to home the threat of port security hits. Every day, they drive by the containers stacked in rows within throwing distance of major highways. Every day, they see cargo coming off the ships, ready to be put on a truck that drives through their neighborhood or to sit in a shipyard visible from a 2-mile radius around the port, with an international airport and a transnortheastern corridor. Until we can assure them we know exactly what is coming into our ports and into their neighborhoods, they have a right to question their safety.

Ironically, the people who live in the backyards of the Port of New York and New Jersey also live in the shadows of what was the World Trade Center. But there are other ports throughout this country with similar neighborhoods. So not only are they keenly aware of the vulnerability of the ports, many of them have experienced or witnessed the destruction that took place on that fateful day.

Despite the awful lesson I hope we learned on September 11, where we saw everyday modes of transportation turned into destructive weapons, we still seem slow to understand that everyday modes of commerce could as quickly and easily be turned into weapons with catastrophic consequences. When it comes to the security of our cargo, precision is everything. We have to be on the ball every day. We have to be right about what is in every single container entering our ports. The terrorists only have to be right once, and they have a 95-percent chance to be right once.

This is not just a question of homeland security; it is also about economic security. Every year, more than 2 billion tons of cargo pass through U.S. ports. Jobs at U.S. ports generate $44 billion in annual personal income and more than $16 billion in Federal, State, and local taxes. The Port of New York and New Jersey alone handled more than $130 billion in goods in 2005. While too much of our country's and our Nation's ports are part of an invisible backdrop, they are key to an international and domestic economic chain, and if there was a major disruption, economies would be crippled and industries halted.

Many of us in this body have repeatedly warned of the disastrous repercussions if there was an attack at one of our ports. Yet, as a Nation, we have moved at a snail's pace when it comes to doing what is necessary to fully secure our ports. The question is, if we continue to delay and there is an attack because we have not implemented

100 percent scanning, what price then are we willing to pay? How much are we willing to sacrifice if the worst-case scenario happens at one of our ports?

I can't look at a constituent of mine or anyone in this country and say that algorithms—we presently scan only a small percentage, only 5 percent, the rest of it we do calculations by algorithms. If I tell an American that their protection is based upon algorithms, they would tell me I am crazy. But that is what is happening today. That is the layered approach. But it is an algorithm that supposedly protects you. If Hong Kong can do this, certainly the United States of America can do this. We are not talking about immediately, we are talking about 3 years for major ports, 5 years for all other ports, with the opportunity for extension.

In a post-September 11 world, where we have had to think about the unimaginable and prepare for the unthinkable, how can we continue to operate as if the threat to our ports is not that great? Can we not imagine how a ship with cargo can become a weapon of mass destruction? Can we not foresee how a deadly container can get to a truck and be driven through some of the most densely populated cities? Will we be content in telling the families of those whom we let down that we didn't move fast enough? I, for one, am not willing to do that. I believe we must do everything possible now so we never have to be in that position.

I hope my colleagues join Senator SCHUMER and myself in making sure we never have to look at a fellow American and tell them we just acted too slowly or we let economic interests overcome security interests. I think we can do much better. Our amendment does that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I agree with my colleagues from New York and New Jersey about the grave danger, the almost unimaginable horror that would occur if a nuclear device was smuggled into one of the 11 million containers that come into our ports every year. It is an area of vulnerability. It is an issue of great concern.

I am not a casual observer of this. I don't just lose sleep over this—which we all should—but for 3 years we worked on this. As chairman of the Permanent Subcommittee on Investigation, I participated in a 3-year review and then laid out a plan of action, working with the Senator from Connecticut and working with my Democratic colleague from Washington, Senator MURRAY. Of course, I also worked with the leadership and Senator COLLINS from Maine, chairman of the Homeland Security Committee last year.

As a result of that 3-year effort, we put forth a bill last year to bolster American security. I say to those watching that there was not a 95-percent chance of somebody smuggling a nuclear device in a container. We are not simply looking at 5 percent and ignoring everything else. To raise that kind of level—first, that is simply not true. We have in place a system we need to do better with, no question about it. We passed legislation last year to help us do better. Part of that legislation is a provision that would require the Department of Homeland Security, through the secure freight initiative, to develop a pilot program to figure out can we do 100-percent testing of every container. That is what we should be doing. The idea that somehow there is a lack of resolve is simply not true. It is a matter of figuring out the right thing to do.

To quote an editorial in the Washington Post on Tuesday, January 9, 2007:

> Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job [if you know anything about border crossing and x-ray machines at airports]. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure every maritime cargo container bound for the United States is scanned before it departs for American shores.

I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 9, 2007]

A BAD INVESTMENT

> What's more important, Coast Guard patrols or collecting fingerprints at border crossings? Running checked bags through X-ray machines at airports or installing blast barriers at nuclear plants?
>
> Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure that every maritime cargo container bound for the United States is scanned before it departs for American shores.
>
> Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo. The sensible posture is to await the results of those trials before buying port scanners, training the thousands who would be needed to operate them and gumming up international trade.
>
> The Democrats don't offer a realistic cost estimate for the mandate they will propose today. But the cost to the government and the economy is sure to be in the tens of billions and quite possibly hundreds of billions annually. The marginal benefit isn't close to being worth the price. Under recently expanded programs, all cargo coming into the country is assessed for risk and, when necessary, inspected, all without the cost of expensive scanning equipment, overseas staff and long waits at foreign ports. Perhaps that's why the Sept. 11 commission didn't recommend 100 percent cargo scanning.
>
> The newly installed House leadership will bring the bill, which contains a range of other homeland security proposals both deserving and undeserving, directly to the floor, bypassing the Homeland Security Committee. Luckily, the Senate will give more thought to its homeland security bill and probably won't approve a 100 percent container inspection plan. House Democrats can figure those odds as well as anyone. But why not score some easy political points in your first 100 hours?

Mr. COLEMAN. It goes on to say:

> Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision [or this amendment envisions]. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo.

That is what we have done. I offered that amendment last year. As a result, the Department of Homeland Security is putting in place a pilot that will scan all U.S.-bound containers at three ports by July of this year. They are the Port Qasim in Pakistan, which is ready for testing now; Port Cortez in Honduras, which is ready for testing now; and Southhampton in the United Kingdom, which will be ready in July.

So the reality is what we are doing in Congress is acting in a rational manner, understanding the needs to go forward as aggressively as possible but not fearing demagoguery and telling the public we are turning a blind eye to 95 percent of the cargo containers that are there. The idea of 100-percent scanning comes from a system we saw in Hong Kong, a system I asked the Senator from New York to look at. I believe he did. When you see that system, what happens is they have a scanning technology where vehicles literally roll through, nonstop, with no slowing up of traffic, and as it scans it takes almost a moving "CT scan" to see what is inside. There is a radiation portal device in front of it. Then you have that information. That is what he observed. That is 100-percent scanning.

But the reality is that system is in place in 2 of the 40 lanes in Hong Kong. Nothing is done with the information that is gathered it. It is not sent over to Langley or integrated into a more comprehensive review of what we do. Even if there are radiation signals that come off, there is not necessarily a mandated or forced review of the cargo.

So what the Senate did, being the world's most deliberative body, is look at the danger of the threat, and I agree with the Senators from New Jersey and New York that it is an enormously high threat. We said, how do we rationally handle that and not do political shenanigans and play to the fear of the public by saying 95 percent of the cargo containers are coming to this country without being dealt with. We said, how do we put in place a system where we see whether we can get 100-percent scanning to work and integrate it into our other systems. That is part of the point the public should understand. We do have systems in place. When the Senator from New Jersey talks about algorithms, he is saying that cargo—every single container gets rated at a level of risk; based on that, determinations are made as to the level of review. We have what would be called a delayed approach to security. We don't have the capacity, resources, or ability to scan 11 million containers today, so 100-percent scanning should be our goal, to be done in a way that we can use the information integrated into the system. By the way, it is done in a way that doesn't stop the flow of commerce.

The mayor of New York testified before the Homeland Security Committee. I asked him the question about 100-percent scanning. His quote was:

> Al-Qaida wins if we close our ports, which is exactly what would happen if you tried to look at every single 1 of the 11 million containers that come here.

We don't want al-Qaida to win or to close our ports. We want 100-percent scanning, but we want to do it in a way that doesn't raise the level of fear and somehow communicate to the public that there is a lack of resolve or a lack of will. It is a matter of us trying to proceed in a very rational way.

By the way, there is nothing in our amendment of last year that stops the Department of Homeland Security from moving forward quicker. Our amendment last year requires the pilot projects to be done within a year of passage of the bill last year. It says the Department has to come back to us, to Congress, and explain to us what it is going to take to move forward. We have in place today a mechanism that will accelerate the opportunity for 100-percent screening as fast as is possible. There is no lack of resolve, no lack of will, no bureaucratic obfuscation. There is simply the reality of trying to figure out a way to take the technology that is out there and incorporate it into the defense system we have so it is doing something. Again, we do it not because we want to tell people we are looking at 11 million containers. We certainly should not be telling people we are turning a blind eye to—or there is a 95-percent chance of something coming in without being considered. That is not reality.

As the mayor of New York also said when he testified, we cannot give a guarantee. No matter what we do, the enemy is going to try to attack us. They may succeed. But it would be a terrible tragedy if somehow it were conveyed that we are sitting on our hands and this Senate is not responding to the real, grave, and terrible threat of a nuclear device or a weapon of mass destruction coming here in a cargo container.

We have in place a pilot project. Let the agency do what the Senate and Congress has dictated it do. Let it test the technology, see if it can make it work. Let it come back and tell us how quickly they are going to get it done. If it is not done quickly enough, I will join with the Senators from New York and New Jersey, and other colleagues, and say you have to accelerate the pace. Let there not be fear mongering about this issue. Let there not be what the Washington Post called "political shenanigans." Let us play to our best instincts and let the public know we have resolve on this issue. Let's give the pilot program a chance to work. I urge my colleagues to reject this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from Minnesota for his excellent statement. He has spent a great deal of time on this issue as the former chairman of the Permanent Subcommittee on Investigations. He examined our ports very closely. He helped draft the port security bill we passed last year. I hope my colleagues will listen to his advice on this issue.

Mr. President, 100 percent screening, that sounds like a great slogan. After all, who could be against scanning 11 million containers?

Let's look at what that would involve. The fact is we need to concentrate our resources on containers that pose a real threat, on containers and cargo that are at highest risk. It doesn't make sense to try to inspect everything, and it has extraordinarily negative consequences for our system of international trade.

I rise to oppose Senator SCHUMER's amendment that would require scanning of all cargo containers entering the United States from large foreign ports within 3 years, and containers from all 700 foreign ports in 5 years. This approach patently ignores the technological limitations on integrated scanning systems that are necessary to scan 100-percent of containers. It irrationally assumes that integrated scanning systems will be practical and cost-effective and work well in only 3 years. I hope they will be, and I will talk about the pilot programs we have underway to see or to test the feasibility.

But the costs of being wrong on this assumption are too high for our economy, as so much of our international trade relies on cargo container traffic. Think of how many companies rely on just-in-time inventory. Think of how many businesses all across this country receive cargo. We need a system that makes sense.

The fact is there are substantial technological challenges to scanning 100 percent of cargo containers at foreign ports. I traveled to Seattle, Long Beach, and Los Angeles to look at the ports and see their operations. I think anyone who does that quickly reaches the conclusion Senator MURRAY and I have reached, which is this cannot work. If you look at how at-risk cargo is scanned, it takes time to unload the container, separate it from the rest of the cargo; it takes a few minutes to scan each container as this giant x-ray-like machine goes around the container. Then the analysis of the images can take several more minutes.

Think about this. We have 11 million containers headed to the United States; that is in a year's time. That is going up each year. When I first started working on port security legislation, it was only 8 million. Now it is 11 million containers. Well, think of the delays that would be caused by scanning each and every container. It would create a massive backlog of cargo at our ports and it would not make us safer.

There are other problems as well. Current radiation scanning technology produces alarm rates of about 1 percent--almost entirely from naturally occurring substances in containers. Actually, when I was in Seattle with Senator MURRAY, we were told that, for some reason, marble and kitty litter seemed to trigger false alarms. So obtaining enough foreign government and DHS personnel to conduct inspections of all those false alarms would be expensive. It is far better to concentrate on containers that, because of the cargo or because of other indicators through the sophisticated system used to identify at-risk cargo, warrant that kind of inspection. There would also be a requirement for extensive negotiations with foreign governments to agree on the deployment of scanning technologies, the protocol for inspecting containers that set off alarms, and stationing customs and border protection inspectors in their ports. Foreign governments would probably turn around and say: If you are going to scan all of the containers coming into America, we are going to scan all of your containers coming into our country. That would multiply the costs and the impact.

Requiring all containers to be scanned and the images reviewed without adequate technology in place would make our country less safe, not more safe. The approach in this amendment would unwisely waste scarce resources on inspecting completely safe cargo instead of targeting personnel and equipment on the cargo that presents a threat to our country and the greatest risk.

The Homeland Security Committee spent a great deal of time last year on port security legislation, and we drafted a bill, brought it unanimously to the Senate floor, had extensive debates in September, and we debated this very issue at that time. Why we are revisiting it just a few months later is beyond me, but here we are.

This amendment wholly ignores the pilot projects that were established by the SAFE Port Act which we passed last year. These pilot projects are intended to test the technology to see if there is a way to increase scanning. The technology is changing. It is getting better. This may be feasible at some point, but it is not today.

The SAFE Port Act requires the Department of Homeland Security to test scanning in three foreign ports, and the Department is proceeding very rapidly to follow the instructions. It is going to be implemented in ports in Pakistan, Honduras, and the United Kingdom. These pilot projects will involve radiation scanning and x-ray or a nonintrusive imaging scanning that will then be reviewed by American employees, American officials. If these pilots are successful, then we will begin to expand the equipment and the personnel. But the fact is that extensive research and development remains to be done on 100-percent scanning technologies and on infrastructure deployment at seaports.

Given the significant impact this requirement would have on our economy, it simply is not responsible to move to this requirement before we have the technology in place to make it feasible and before we have the results of these pilot projects. This isn't just my opinion. If one talks to port directors around the world and on both coasts of the United States, one will find that they believe we cannot do this in a practical way and that it would cause massive backlogs and delay the delivery of vital commodities. It would cause terrible problems for companies that rely on just-in-time inventory. That is why many shippers and importers oppose this amendment, as well as the Retail Industry Leaders Association, National Retail Federation and the U.S. Chamber of Commerce.

So what do we do now? I think it is important for people to understand that we do have a good and improving system in place to secure our cargo. DHS has adopted a layered approach to cargo security that balances security interests against the need for efficient movement of millions of cargo containers each year.

One layer is the screening of all cargo manifests at least 24 hours before they are loaded onto ships. This screening is done through DHS's automated targeting system which identifies high-risk cargo and containers. This is a very important point. The SAFE Port Act, which is now in effect, requires 100 percent of all high-risk containers to be scanned or searched by Customs and Border Protection—100 percent. We found in our investigations that was not always the case, that high-risk containers that had been identified were, in some cases, loaded onto ships and reaching our shores. But the SAFE Port Act changes that. It ensures that 100 percent of high-risk containers will be scanned.

The scanning and inspection of certain high-risk containers is one of the first layers of this multilayered approach the Department uses to prevent weapons of mass destruction or other dangerous cargo from entering the United States.

A second layer is the Container Security Initiative. This program stations Customs and Border Patrol officers—American Customs and Border Protection officers—at foreign ports. The concept here is to push back our shores. The more we can do these reviews overseas rather than waiting for dangerous cargo to come to our shores, the better the system. CSI will be operational in 58 foreign ports by the end of this year, covering approximately 85 percent of containerized cargo headed for the United States by sea. DHS is continuing to expand this program by working with foreign governments, but this is an excellent program because it ensures that our trained American personnel are stationed in foreign ports.

There is yet another layer, a third layer, and that is the Customs-Trade Partnership Against Terrorism Program. It is called C-TPAT. This is another layer that is designed to bolster security along the entire supply chain under a voluntary regime. The concept here is that a company can sign up to be part of C-TPAT by guaranteeing that its entire supply chain is secure from the factory floor to the showroom floor, and that is the best kind of security we can have. So when goods leave the factory floor, the supply chain, every step of the way—the transporting of the cargo in a truck to the truck going to the port—at every stage, the company has ensured that the supply chain is secure.

These layers—the automated targeting system, the work the Coast Guard does, which I haven't even touched on—also add to the security. The Container Security Initiative and the C-TPAT Program represent a risk-based approach to enhancing our homeland security. At the same time, they allow the maritime cargo industry in the United States, which moves more than 11 million containers each year, to continue to function efficiently.

The SAFE Port Act also requires that at the end of this year, the largest 22 U.S. ports must have radiation scanners, which will ensure that 98 percent of containers are scanned for radiation. That is practical with the current technology. Again, I have seen that in operation in Seattle, where the trucks roll through these radiation portal monitors and an alarm can sound if radiation is found. Sometimes, unfortunately, there are false alarms as well.

We are also working to install those kinds of radiation monitors overseas because, obviously, it is far better if we can do that scanning for radiation overseas in foreign ports on cargo before it reaches our shores. The Department of Energy, under the Megaports Initiative, is currently installing scanning equipment in foreign ports and scanning containers for radiological material. So we are making good progress.

Some who are advocating 100 percent screening are pointing to a project in Hong Kong, the Integrated Container Inspection System. This is a promising concept, but, as my colleague from Minnesota noted, the project in Hong Kong actually covers only 2 lanes of traffic of more than 40 at the port. In addition, what is happening is images are being taken, but no one is reading and analyzing the images. So this is not truly a project that tells us whether a true, 100-percent integrated scanning system is feasible. But we do have those projects underway, and we should wait until they are ready and finished before moving ahead.

Again, I hope my colleagues will once again reject this amendment. I think it is a big mistake. It would interrupt our system of container traffic, and it could have truly disastrous consequences for our economy. All of us want to make sure cargo coming into this country is safe. There were definitely vulnerabilities and holes in our system for cargo security, but the SAFE Port Act, which we passed at the end of last year, took major steps to plugging those gaps, closing those holes.

We should proceed with vigorous implementation of that bill, including the requirement that 100 percent of all high-risk cargo be scanned, and we should also continue our efforts to build the strongest possible layered system to secure the entire supply chain.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to build on some things my ranking member, Senator COLLINS, said about this amendment. I think what ought to be acknowledged is that everyone in the Senate, everyone in America would like to get to the point where we have 100 percent scanning of containers coming into this country—scanning for radiation because we are worried about the potential catastrophe of a nuclear weapon or a dirty bomb in a container coming into this country.

We know the number of containers coming in is enormous. Each day, more than 30,000 containers offload millions of tons at our maritime borders. We understand this requires two kinds of screening: First is radiation detection equipment to pick up, obviously, radiation emanating from a nuclear weapon or a dirty bomb; secondly, so-called nonintrusive imaging equipment, which is needed in case terrorists have shielded the nuclear weapon or dirty bomb inside some kind of material that will stop it from registering on the radiation equipment. So the nonintrusive imaging equipment, x-ray equipment, will note there is something there that is shielded, which will then lead to a physical inspection of the container.

There is no question in my mind that everybody in the Senate wants to get us to a point where we have 100 percent of the containers coming into America being scanned in the way I just described as soon as possible. What I want to say at this point is that the SAFE Port Act, which, as Senator COLLINS said, came out of our Homeland Security Committee last year—during those halcyon days when she was Chairman and I worked deferentially as the Ranking Minority Member—was a good, strong bill. It came out of committee, was adopted by both Houses, enacted, and became law on October 13 of last year. Here is the point. The SAFE Port Act, existing law, sets the goal of 100 percent scanning by radiation detection equipment and nonintrusive imaging equipment, as soon as possible.

Obviously, if somebody says we should do it in 5 years, you would say: Sure, why not do that in 5 years. But I want to suggest now that I believe the existing law holds open the possibility of achieving that goal of 100 percent cargo scanning, assuming we can get over all the technological obstacles that Senator COLLINS and others have spoken of, sooner than the 5 year requirement found in this amendment. That is why it seems to me, with all due respect, that this amendment is unnecessary and, in fact, is less demanding than existing law.

Let me go now to section 232 of Public Law 109-347, which is the SAFE Port Act. It says that the Secretary, in coordination with the Secretary of Energy, and foreign partners as appropriate, shall ensure integrated scanning systems are fully deployed—100 percent—to scan, using nonintrusive imaging equipment and radiation detection equipment, all containers—all containers, 100 percent—before those containers arrive in the United States, as soon as possible.

As soon as possible, I hope, will occur before the 5 years required by this amendment. Not only does it set the goal as soon as possible, it creates a process that, with all due respect, is not found in this amendment, and that process as Senator COLLINS and Senator COLEMAN have described. A one year pilot project scanning 100 percent of cargo containers by these two methods of detection, at three ports around the world. That pilot has already begun. Six months after the conclusion of the pilot program, the Secretary has to report to Congress on the success of the program. The Secretary also has to do something else, according to the law. The Secretary has to indicate to the relevant committees of Congress how soon the 100 percent scanning goal of the SAFE Port Act can be achieved.

Not only that, but subsection (c) of section 232 of the SAFE Port Act says that not later than 6 months after the submission of the initial report—and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment of 100 percent cargo screening. That is not in the House-passed provision or, as I see it, in this amendment before us now.

In other words, 6 months after the year long pilot project, the Secretary is going to report on the results and tell us when exactly he thinks we can achieve 100 percent screening of all cargo. The Secretary will then be required to file a similar report every 6 months thereafter until we achieve full-scale deployment of these two types of scanning devices to detect nuclear weapons that may be smuggled into this country in a container.

Obviously, if the relevant committees of Congress that receive these reports—the first of which by my calculation would be April of next year, 2008, and then every 6 months thereafter—believe this implementation is not moving rapidly enough, we can come back and set a definite deadline date. Right now, however, I submit to my colleagues, existing law, the SAFE Port Act, actually sets a goal of 100 percent cargo scanning that I think may be more quickly achieved than the 5 years in this amendment, and sets up a process not found in the amendment, which requires reports to Congress every 6 months. This will inevitably, by the nature of the congressional process, trigger further legislation, perhaps specifically stating a deadline date for 100 percent scanning if we, in our wisdom, think that the Secretary and the industry are not moving rapidly enough.

The bottom line is this. Existing law, in a technologically very difficult area, with significant potential impacts on our economy and the world economy, actually holds the potential of achieving more, and I believe will achieve more, than the amendment that is being offered. For those reasons, I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

HEALTH CARE

Mr. CARDIN. Mr. President, yesterday, the Washington Post brought to the Nation's attention the story of a young boy, Deamonte Driver, who died Sunday, February 25, at the age of 12. Our thoughts are with the Driver family. Deamonte's death, the result of a brain infection brought on by a tooth abscess, is a national tragedy. It is a tragedy because it was preventable. It is a tragedy because it happened right here in the United States, in a State which is one of the most affluent in the Nation. It happened in a State that is home to the first and one of the best dental schools in the Nation, the University of Maryland. It happened in Prince George's County, whose border is less than 6 miles from where we are standing in the United States Capitol.

By now, most of my colleagues are familiar with Deamonte's story. Through a sad confluence of circumstances and events, the disjointed parts of our health care system failed this child. The Driver family, like many other families across the country, lacked dental insurance. At one point his family had Medicaid coverage, but they lost it because they had moved to a shelter and the paperwork fell through the cracks. Even when a dedicated community social worker tried to help, it took more than 20 phone calls to find a dentist who would treat him.

Deamonte began to complain about headaches just 8 weeks ago, on January 11. An evaluation at Children's Hospital led beyond basic dental care to emergency brain surgery. He later experienced seizures and a second operation. Even though he received further treatment and therapy, and he appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25.

At the end, the total cost of Deamonte's treatment exceeded $250,000. That is more than 3,000 times as much as the $80 it would have cost to have a tooth extraction. It is not enough for the community and the State, and even the Senate, to mourn Deamonte's death. We must learn from this appalling failure of our broken health care system, and we must fix it.

Former Surgeon General C. Everett Koop once said: "There is no health without oral health." The sad story of the Driver family has brought Dr. Koop's lesson home in a painful way.

Our medical researchers have discovered the important linkage between plaque and heart disease, that chewing stimulates brain cell growth, and that gum disease can signal diabetes, liver ailments, and hormone imbalances. They have learned the vital connection between oral research advanced treatments like gene therapy, which can help patients with chronic renal failure. Without real support for government insurance programs like SCHIP and Medicaid, however, all this textbook knowledge will do nothing to help our children.

Here are some basic facts: According to the American Academy of Pediatric Medicine, dental decay is the most chronic childhood disease among children in the United States. It affects one in five children aged 2 to 4, half of those aged 6 to 8, and nearly three-fifths of 15-year-olds.

Tooth decay is five times more common than asthma among school-aged children.

Children living in poverty suffer twice as much tooth decay as middle and upper income children.

Thirty-nine percent of Black children have untreated tooth decay in their permanent teeth.

Eleven percent of the Nation's rural population has never visited a dentist.

An estimated 25 million people live in areas that lack adequate dental care services.

One year ago, the President signed into law the so-called Deficit Reduction Act. I voted against that bill. It included dangerous cuts to Medicaid that provide only short-term savings while raising health care costs and the number of uninsured in the long term. That law allows States to increase copayments by Medicaid beneficiaries for services, putting health of America's most vulnerable residents like the Drivers at risk.

The new law also removes Medicaid's Early and Periodic Screening, Diagnostic, and Treatment Program guarantee, which provides children with vital care, including dental services. This became effective as of January 1.

What does this mean? Before the Deficit Reduction Act, Medicaid law required all States to provide a comprehensive set of early and periodic screening and diagnostic treatment benefits to all children. Now States can offer one of four benchmark packages instead, and none of these packages include dental services. According to the Congressional Budget Office, as a result of this provision, 1.5 million children will receive less benefits by 2015.

The last few years have also produced budgets that have crippled health initiatives in this country. This is the result of an agenda that does not give priority to health care, science, and education. After doubling NIH's budget in 5 years, at about a 15-percent annual growth ending in 2003, we are now looking at increases that don't even equal the rate of inflation. With flat funding in the President's NIH budget this year, we are not doing more, we are treading water. When it comes to research project grants, we are doing less. At the same time, overall appropriations for the Health Resources and Services Administration are declining. The agency's principal responsibility is to ensure that primary care health care services and qualified health professionals are available to meet the health needs of all Americans, particularly the underserved. The President's fiscal year 2008 budget cuts this program by $251 million. President Bush, once again, proposes to almost wipe out programs that educate non-nurse health professionals. This is happening at a time when more than 20 percent of our dentists are expected to retire in the next decade.

The 2008 Bush proposal would also cut more than $135 million from health professions training programs. Programs that help prepare minority high school and college students for dentistry would be shut down, as would grants to help support training of primary care doctors and dentists. Scholarships for minority and disadvantaged children would be cut significantly.

Dental reimbursement for programs within the Ryan White CARE Act, which help dental schools train doctors to care for HIV patients, is not increased sufficiently to meet our communities' needs. We cannot let this happen. These training programs provide critically important training and health education services to communities throughout the country, including those in my own State of Maryland.

We need to do more to make the public and the administration understand that dental care must be part of a comprehensive medical approach in this country, and we need to find ways to provide dental coverage as part of health insurance plans.

This comes back to a fundamental question: What should the role of the Federal Government be in these matters? We cannot end these vital health education resource programs; we must strengthen them. Deamonte's death should be a wake-up call to all of us in the 110th Congress. This year we will be called upon to make important decisions about Medicaid funding and we will be called upon to authorize the SCHIP program. We must ensure that the SCHIP reauthorization bill we send to the President for his signature includes dental coverage for our children. I call upon my colleagues, as we begin this debate in the spring, to remember Deamonte. I also ask them to remember his brother, DaShawn, who still needs dental care, and the millions of other American children who rely on public health care for their dental care needs. That is the least we can do.

I urge my colleagues to give these matters the attention they need.

I yield the floor.

Mrs. McCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

ACCOUNTABILITY AT WALTER REED

Mrs. McCASKILL. Mr. President, yesterday I had the privilege of spending 3 hours at Walter Reed Army Hospital, specifically looking at outpatient care. As a result of that visit, I have come to several inescapable conclusions about the leadership of the armed services over this important area.

First, we have to start with a foundational premise, and that premise is our wounded deserve the best. The men and women who have crossed that line and say "I will go" and go and get hurt and come home deserve the best our military can give them—not Building 18.

There are so many problems at Walter Reed, and legislation has been introduced that I am honored to cosponsor that will address a lot of these problems—systemic bureaucratic problems: not sufficient counselors, not sufficient training, not taking care of the families of the wounded. A lot of necessary issues are covered in that legislation. But today I thought it important to spend a few minutes talking about the leadership.

We have to make up our mind around here whether we are going to say "support the troops" and provide oversight and accountability or whether we are going to mean it. If you are going to have accountability under these circumstances you have to look at the culture of leadership. You have to look at the very top of the leadership tree over Walter Reed. In this instance the leader, General Kiley, was at Walter Reed at or near the time Building 18 opened. It is clear that General Kiley, the Surgeon General of the Army, knew about the conditions at Building 18. More importantly, he knew about the other problems.

The irony of this situation is General Weightman, who has only been there a year, stepped up and said, I take responsibility. I am the commander here now. Just minutes ago he was relieved of his command, while General Kiley is quoted repeatedly as if there is not a problem—he is spinning: "I want to reset the thinking that while we have some issues here, this is not a horrific, catastrophic failure at Walter Reed. I mean these are not good, but you saw rooms that were perfectly acceptable."

They are not perfectly acceptable. You have people who are stationed at Walter Reed who have better barracks than the wounded. That is unacceptable. Our wounded should get the best. The people in better barracks can be placed in apartments in town. When the decision was made to let these men move into Building 18, they could have moved into the better barracks and the people who are stationed there permanently could have been stationed elsewhere.

On Building 18 he said the problems—by the way, he lives within a block of

Building 18, General Kiley—"weren't serious and there weren't a lot of them." They are serious and there are a lot of them. He said they were not "emblematic of a process of Walter Reed that has abandoned soldiers and their families.""

Back in December, when the vets organizations met with General Kiley and enumerated these problems about the wounded and their families and the problems they were facing in outpatient, General Kiley said, "very important testimony." That was it.

I want to make sure there is no misunderstanding. Colonel Callahan, who is in charge of the hospital at Walter Reed, was open and honest and clearly cared, as did most of the leaders I talked to around the table. But I went away with an uneasy sense that all the legislation we pass and all the paint we can put on the walls is not going to solve this problem if we don't begin to speak out for accountability within the leadership of the military.

When we had the scandal at Abu Ghraib, noncommissioned officers were disciplined. Up until the relieving of General Weightman today, no one above a captain had been disciplined in this matter. It is time the leadership at the top takes responsibility and that is why I have called today for the Surgeon General of the Army, LTG Kevin Kiley, to be relieved of his command over the medical command of the United States Army so the message can go out loudly and clearly: We will not tolerate treatment of our wounded in any way that does not reflect the respect we have for them.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 290, AS MODIFIED

Mr. SALAZAR. Mr. President, I ask unanimous consent to modify amendment No. 290. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is not pending. The Senator may modify his amendment.

Mr. SALAZAR. I send the amendment as modified to the desk. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. LIEBERMAN, proposes an amendment numbered 290, as modified.

The amendment is as follows:

(Purpose: To require a quadrennial homeland security review)

At the appropriate place, insert the following:

SEC. . QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland security strategy under this subsection shall be known as the "quadrennial homeland security review".

(5) CONSULTATION.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland security review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. Each such report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

Mr. SALAZAR. Mr. President, I come here today first to make some comments about the legislation that is before the Chamber. I can think of no greater responsibility for this Senate to take on than to make sure our homeland is in fact secure and protected. I commend my colleagues, the chairman, Senator JOE LIEBERMAN, and Senator SUSAN COLLINS, the ranking member, for having worked with the committee to have brought a very good product here to the floor of the Senate. It is legislation I strongly support. It moves our country in the right direction in terms of making sure we are moving forward with the appropriate level of homeland security.

When the people of Colorado chose me to represent them here in this Chamber, I made a promise to them that protecting our homeland and supporting law enforcement would be among my very highest priorities. In the 2 years-plus since I took that oath of office, I have had the privilege of working hard to fulfill that pledge with my colleagues here in the Senate. With the help of colleagues of both parties, I have been privileged to help pass the Combat Meth Act, I have been privileged to help find bipartisan support on the PATRIOT Act, provide resources for law enforcement and emergency responders, and pass, last year, a comprehensive immigration reform bill that secured our borders and enforced our laws.

Great challenges remain. Great challenges remain as we move forward with the challenge of homeland security, challenges that cannot be deferred, challenges we should not defer here in Washington. These are challenges that require compromise and a bipartisan approach in dealing with homeland security. This week we take up those challenges as we implement the unfinished recommendations of the 9/11 Commission.

I begin my remarks by reading a few sentences from the preface of the 9/11 Commission report. That report said in its preface the following:

> We have come together with a unity of purpose because our Nation demands it. September 11, 2001, was a day of unprecedented

shock and suffering in the history of the United States. The nation was unprepared. How did this happen and how can we avoid such tragedy again?

These words convey a simple but a very important message. We have an obligation to work together, not as partisans but as policymakers, to ensure our Nation is better protected in the future. The bill we are debating today takes a number of very important steps in that direction.

First, I am pleased to see the creation of a grant program dedicated to improving interoperable communications at the Federal, State, and local levels. This grant program will help ensure that communities across the country in both urban and rural areas receive the funding necessary to improve their communications systems. Money alone will not solve the problem of interoperability, but many cash-strapped communities need the Federal funds necessary to help purchase the necessary radio and tower upgrades.

It is also important to note that States will be required to pass on at least 80 percent of grants under this program to local and tribal governments and to demonstrate that those funds will be used in a manner consistent with statewide operability plans and the National Emergency Communications Plan. While Colorado has been a leader in achieving interoperability, many communities in my State simply do not have the resources necessary to purchase radio equipment. As Frank Cavaliere, the chief of the Lower Valley Colorado Fire District, told my office last year, "We are many light years away from being able to purchase enough radio equipment let alone all of the repeater towers needed for effective coverage." This grant program alone will not solve the problem, but it is an important step in the right direction.

Second, I am pleased to see the proposed legislation would improve the sharing of intelligence and information with State and local and tribal governments. In particular, I am pleased the bill establishes an intelligence training program for State, local, and tribal law enforcement officers and emergency responders, and it authorizes the Interagency Threat Assessment Coordination Group, which will coordinate the dissemination of intelligence to State and local officials.

Intelligence and information sharing is an issue of particular importance to law enforcement officials and emergency responders throughout our Nation. Indeed, when I conducted a survey last year of Colorado emergency officials, by a 3-to-1 margin they felt antiterrorism information they received from the Federal Government was insufficient and ineffective. The chief of police for Estes Park, CO, Lowell Richardson, summed this up when he told my office the following. He said "a duplicity in sharing information . . . exists between State and Federal agencies. This overwhelms our ability to efficiently sift through the information and forward what is relevant to the officers on the street."

I am hopeful this bill will begin to sort out this program and ensure our State and local emergency responders have all the necessary information and intelligence.

Finally, I am pleased the bill would mandate the creation of a National Biosurveillance Integration Center which would promote the integration of Federal, State, and local data from human health, agriculture, and environmental surveillance programs in order to enhance the ability to rapidly identify and attack outbreaks following a bioterrorist attack or a naturally occurring pandemic. In the survey of Colorado emergency responders, by a 4-to-1 margin they felt unprepared to handle a weapons of mass destruction attack. It is our duty as a Congress to do everything in our power to help State, local, and tribal communities prepare for the possibility of a bioterrorist attack and this bill takes an important step in that direction.

I also note two amendments which I offered to strengthen this already good bill. These amendments deal with two issues which I understand well since serving as attorney general for Colorado, the planning and training for law enforcement.

Now I ask unanimous consent the pending amendment be set aside. I call up amendment No. 290 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Mr. SALAZAR. This amendment would require the Department of Homeland Security to conduct a "Quadrennial Homeland Defense Review." I am proud both Senator LIEBERMAN and Senator COLLINS are cosponsors of this legislation.

This amendment would provide a comprehensive examination of the national homeland security strategy and an assessment of interagency cooperation, preparedness of Federal response assets and infrastructure, and a budget plan.

The quadrennial homeland defense review would mirror the quadrennial homeland defense review prepared by the Pentagon which helped shape defense policy, military strategy, and resource allocation. The quadrennial review would not be another bureaucratic document which gathers dust on some shelf; instead, this document will require DHS to do the hard thinking, preparation, and planning necessary to coordinate national homeland security resources.

AMENDMENT NO. 280 TO AMENDMENT NO. 275

The second amendment I wish to discuss is amendment No. 280. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR, proposes an amendment No. 280 to amendment No. 275.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "rural" means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

Mr. SALAZAR. Mr. President, this amendment, which I offer with Senators CHAMBLISS, ISAKSON, and PRYOR, would create a Rural Policing Institute at the Federal Law Enforcement Training Center. I have often referred to our rural communities as "the forgotten America." Indeed, rural America is the backbone of our country. But often those with wide stretches of land out in the heartland of America are forgotten and don't have the kinds of resources found in larger cities.

What this amendment would do is create a Rural Policing Institute that would be operated out of the Federal Law Enforcement Training Center in Georgia. I am proud my colleagues in Georgia and Arkansas have agreed to cosponsor the amendment. The essence of this amendment is to evaluate the needs of rural and tribal law enforcement agencies. It would develop training programs designed to address the needs of rural law enforcement agencies. It would export those training programs to those agencies, and it would conduct outreach to ensure the programs reach rural law enforcement agencies.

Let me comment briefly on this amendment. When I step back and see what we are trying to do on the front of homeland security, we know that at some point, someplace, we in the United States will be attacked again in the same way we were attacked on 9/11. The question becomes, What will we do to prevent those kinds of attacks from occurring?

If one looks at the men and women who wear our uniform as our peace officers around the country, there are some 600,000 of them out there in patrol cars. They are the ones who are going to be the first to really know whether there is a threat somewhere within a small community or a large community. It is important for us to support these men and women who are out there as law enforcement officers and make them a coordinated partner in helping us deal with issues of homeland security. The Rural Policing Institute, which is a top-of-the-line institute for Federal law enforcement training, should be made available to these rural law enforcement officers because that will help them be true partners in enhancing homeland security, which we need so much.

I commend the leadership of Senators LIEBERMAN and COLLINS on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LIEBERMAN. Mr. President, if the Senator from New Jersey will withhold, I ask unanimous consent that the Senate stand in recess from 3 p.m. to 4 p.m. for the national security briefing in S. 407; that upon reconvening at 4 p.m., the Senate resume the Schumer amendment No. 298; that prior to a vote in relation to the amendment, there be 45 minutes of debate equally divided and controlled by Senators SCHUMER and LIEBERMAN or their designees; that no amendment be in order to the amendment prior to the vote; and that upon use of the time, the Senate proceed to vote in relationship to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank my friend from New Jersey.

AMENDMENT NO. 298

Mr. LAUTENBERG. Mr. President, I will try to conclude my remarks before the time we are closing down the Senate.

The House has taken an important step to implement the 9/11 Commission recommendations. I am pleased to see us at work to complete our deliberations on this bill, but for the moment, I wish to talk about amendment No. 298 which Senator SCHUMER has offered to strengthen our port and container security. It builds on a law I helped write last year. It was then that I authored language in the SAFE Ports Act to require the Bush administration to scan every container entering our country, looking for weapons and contraband. My amendment called for a dramatic change in our national policy on cargo screening, but the administration was not moving fast enough. That is why it is essential that we pass today's amendment offered by Senator SCHUMER, which I cosponsored.

The 2-mile stretch that is between Port Newark and Newark-Liberty International Airport is considered the most at-risk area in the country for a terrorist attack. This is asserted by the FBI, and it is something to which we have to pay serious attention.

I served as a commissioner of the Port Authority of New Jersey and New York. I know how vulnerable a target the port region is. Our ports are the doors through which essential goods and commodities enter our national economy. They are the doors through which supplies flow to our military. Ninety-five percent of all America's imported goods arrive by ship. We need a way to ensure that 100 percent of these containers coming into our country are WMD free. We need a scanning system in place as soon as possible. Since the Bush administration has failed to act promptly to put this scanning system in place at our ports, we need to pass this amendment to push the administration to complete the task.

The New Jersey-New York port is the second busiest container port in the entire country. In 2005, 13 percent of all vessels arriving in America called on our port. Thousands of longshoremen and others work at docks where these ships come in, and millions of people live in the densely packed communities around the port. Every day we fail to make our ports safer is a day we can leave them more vulnerable to a terrorist attack.

Today, we only inspect about 5 percent of the shipping containers that enter our country. Who knows what lies within those containers? We have seen attempts to smuggle arms into our country through the port. Within 95 percent of the containers we don't inspect, terrorists could launch an attack even more devastating than 9/11, virtually in the same neighborhood. Terrorists could smuggle themselves, traditional weapons, chemical or biological weapons, or even nuclear weapons. We know about the availability of smaller, more compact, more deadly weapons that are being developed.

We have seen what happened in the past. In April 2005, security guards at the Port of Los Angeles found 28 human beings, Chinese nationals, who were smuggled into the country in two cargo containers. In October 2002, Italian authorities found a suspected Egyptian terrorist living in a shipping container en route to Canada. According to a news report at the time, he had a laptop computer, two cell phones, a Canadian passport, security passes for airports in three countries, a certificate identifying him as an airline mechanic, and airport maps. We can't let that happen.

We have screened all airline passengers for weapons, and we do it because Congress passed a strong law with clear deadlines. Of course, that forced the Bush administration to act. We need to screen all cargo containers for weapons. That is why we have to pass a strong law now.

Some in the industry and the administration say 100 percent screening cannot be done without crippling our economy. Let me tell my colleagues what would cripple commerce—that would be another terrorist attack. We lost 700 New Jerseyans and a total of over 3,000 people on 9/11. I don't want my State or anybody in our country to lose any more. This amendment will give us the tools and incentives we need to help prevent an attack on our ports, and it will help protect our economy and American lives.

I am proud to cosponsor the amendment and urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 6 minutes prior to the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 739 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 281 WITHDRAWN

Mr. BINGAMAN. Mr. President, prior to yielding the floor, I ask unanimous consent to withdraw my amendment, No. 281, to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:01 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I would ask to be notified in 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

(The remarks of Mr. SESSIONS are printed in today's RECORD under "Morning Business.")

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 298

Mr. LIEBERMAN. Madam President, at 4:45, there will be a vote on or in relation to the amendment offered by Senator SCHUMER and Senator MENENDEZ. I wish to explain very briefly—and Senator COLLINS will speak later—on why we did not include this provision in the committee bill.

This provision which Senators SCHUMER and MENENDEZ have offered mirrors the section of the House-passed 9/11 bill. It was not actually called for by the 9/11 Commission, specifically, but it obviously relates to security and our concern about nuclear weapons or dirty bombs coming in through the thousands of containers that enter our ports every day.

The reasons our committee in its deliberation in bringing this bill to the floor did not include language similar to the House bill is, first, the 9/11 Commission didn't ask for it, and most of what we have done, though not all, was included in that report; but, secondly, we acted last year in adopting the SAFE Port Act, enacted into law on October 13, 2006.

It does provide for a pilot program at three foreign ports to provide for the scanning of cargo containers by radiation detection monitors and x-ray devices required under this proposal. There will be a report coming 6 months after the end of that one year pilot program. Among other responsibilities dictated by the law, the Secretary of Homeland Security will be required to report not only on how the pilot program went, but when we will achieve the goal of which—reading from the law, section 232—"all containers entering the United States, before such containers arrive in the United States, shall as soon as possible be scanned using nonintrusive imaging equipment and radiation detection equipment."

In other words, existing law requires that we move—and I quote again—"as soon as possible to 100 percent scanning of all of the containers coming into the country." It requires the Secretary to report on how we are moving toward that goal, and when he thinks we can achieve it, every 6 months.

In my opinion, existing law has a 100-percent goal right now, with reporting every 6 months to the relevant committees. Senators SCHUMER and MENENDEZ have asked that it occur within 5 years and actually give a 1-year waiver opportunity to the Secretary.

At this point, I say respectfully that this requirement is premature. I hope that under current law, "as soon as possible" will occur before 5 years time. To my friends who offer the amendment, if after the first 6-month report, due next April, or the second 6-month report, it looks like, based on what the Secretary reports, 100 percent scanning of containers coming into the country is to be much more delayed than I had hoped it would be, then I will join them in offering an amendment that will have a definite date by which 100 percent scanning should occur. It is for that reason that our committee did not include this section. We talked about it and decided not to include it—as it was in the House bill, because we think existing law does at least as good, and perhaps a better job. I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I know the time is divided equally. How much time does each side have?

The PRESIDING OFFICER. The Senator from New York has 16 minutes. The Senator from Connecticut has 7 minutes 21 seconds.

Mr. SCHUMER. Madam President, I have a great deal of respect for my colleague, and I know he cares a great deal about protecting our country. But with all due respect, I cannot stand here and say that the SAFE Port Act does enough. The SAFE Port Act says that 100 percent scanning must be imposed "as soon as possible." It might as well say whenever DHS feels like it.

For somebody like myself and my colleague from New Jersey and my colleague from New York, we have been waiting for DHS to do this "as soon as possible" for 4 years. We have been alerting DHS to this terrible potential tragedy we face—a nuclear weapon being smuggled into our harbors, a nuclear weapon exploding on a ship right off our harbors—for years. DHS just slow-walks it. Why?

Part of the reason is that they are never adequately funded, which is no fault of my colleague from Connecticut. But the administration does not like to spend money on anything domestic. They never put the adequate money into it. It is amazing to me that they will spend everything it takes to fight a war on terror overseas. Some of that is well spent and some, I argue, is not. Nonetheless, they spend it. They won't spend hardly a nickel, figuratively speaking, to protect us on defense at home. So the progress has been slow.

This is not the first time I have offered amendments to prod DHS to do more on nuclear detection devices, on port security. I don't know why anyone in this Chamber, faced with the potential tragedy that we have, would decide to leave it up to DHS. But that is just what this base bill does. I don't know what people are afraid of. Yes, we have people with shipping interests who say don't do this, it will cost a little bit more. Terrorism costs all of us more. To allow a narrow band of shippers to prevail on an issue that affects our security is beyond me.

Is the technology available? I will be honest with you that there is a dispute. Either way, the amendment the Senator from New Jersey and I have introduced makes sense. If it is available, they will implement it. If it is not available, they will perfect it and get it working because they have a deadline. Nothing will concentrate the mind of DHS like a deadline. But vague, amorphous language that says "as soon as possible"—their view of "as soon as possible" is not enough to safeguard America.

Very few things that we do in the Senate frustrate me more than this. Why don't we force DHS and force the administration to make us safe against arguably the greatest disaster that could befall us—one that we know al-Qaida and other terrorists would like to pursue? Why do we allow laxity, just obliviousness, and a narrow special interest to prevail over what seems to be so much the common good?

I am aghast. This amendment should not even be debated by now. Maybe in 2003, maybe in 2004. But it is now 2007, and we are still not doing close to what we should be doing. Just last night, I spoke to an expert who said the technology is there. If there is a will, there is a way. Again, I say if you believe the technology isn't there, the answer isn't to let DHS proceed at the same lackadaisical pace, when one of the greatest dangers that could befall us could happen.

My colleagues, nobody wants to wake up in a "what if" scenario. After 9/11 occurred, we were all "what-ifing"—what if we had done this or what if we had done that. It was hard before that because nobody envisioned that somebody would fly a whole bunch of airplanes into our buildings. We know the terrorists want to explode a nuclear device in America or off our shores. That is not a secret. I argue that that is as great a danger to us as is what is happening in Iraq. Will my colleagues say we should not spend all the money when it comes to fighting a war on terror overseas? Of course not.

The other side of the aisle says spend every nickel we need. Here, when it comes to homeland security, they are either defending an administration that has botched this issue like they botched so many others or because maybe some shipping interests complain or because they truly believe the technology is not available, and we continue to slow-walk this issue.

I will have more to say in a few minutes. I will yield the floor so my colleague from Maine and my colleague from New Jersey can have a chance to speak.

I ask unanimous consent that the remainder of my time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Very briefly, the Senator from New York has spoken passionately. I agree with everything he said about the urgency of the threat and the need to protect our people from weapons of mass destruction, which may arrive in containers. But I want to come back to what I said for a few moments. There is existing law that sets up a process that compels the Secretary of Homeland Security to achieve 100 percent cargo scanning as soon as possible, based on the outcome of the three port pilot projects that are occurring this year.

My friend from New York has said that "as soon as possible" could be whenever the Department of Homeland Security wants, that they have been doing nothing for the 5½ years since 9/11. However, this law, the SAFE Ports Act, just became law last October 13, 2006. So the pilot programs at the three ports have just started in the last 5 months.

At the end of the year, the Secretary will make a report to Congress about how those pilots are going. Again, he is required by the law to state to the appropriate Congressional committees in April of next year, and every 6 months thereafter, the status of full-scale deployment under subsection (b), which is basically saying how soon can we get to exactly what Senators SCHUMER, MENENDEZ, COLLINS, and I and I presume everybody—wants, which is 100 percent cargo container scanning.

So, again, we think we have a mechanism. We share the same goal. If for some reason after the first 6 month report, or the second one, we are dissatisfied with the pace of implementation by the Secretary, I am sure we will all join to set a deadline. For now, the committee has decided that it is not necessary.

Mr. SCHUMER. Will my colleague yield for a question on my time?

Mr. LIEBERMAN. Certainly.

Mr. SCHUMER. Again, I have great respect for my colleague and all he has done in homeland security. But I don't get the argument. My colleague just said they will report to us, and if we are not satisfied we can later impose a deadline. Given the urgency, why not do it the other way? Put in a deadline, and if 2 years from now they say they cannot do it, they will come back to us and we can remove the deadline. It seems to me that would get them to act more quickly than the approach my colleague has suggested.

I yield for an answer.

Mr. LIEBERMAN. I thank my friend from New York. Of course, I send back the same respect to him, truly, coming from New York, particularly after 9/11, he has been an effective advocate for homeland security. My answer is this: Maybe history will show me to be an unjustified optimist. I hope "as soon as possible," as stated in the law, means that we should have 100 percent scanning sooner than 5 years. I will not have a real sense of that until we get the first 6 month report, or maybe the second. So to me, again, it is the judgment of the committee to not include the House-passed provision, not recommended by the 9/11 Commission, and to give the system time to work.

Mr. SCHUMER. I yield 5 minutes of our remaining time to my colleague and fellow sponsor, Senator MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I appreciate the leadership and advocacy of my colleague from New York to work with us on this issue. Look, the question is, On what side do we err? It seems to me we should err on the side of having a deadline that moves the Department of Homeland Security and us as a nation toward having the greatest possibility of security in a post-September 11 world.

If this was pre-September 11 and we were arguing that a conventional means of transportation—in this case a cargo ship—could, in fact, be used as a weapon of mass destruction and we hadn't had that experience, I could see the skepticism. But the reality is we are in a post-September 11 world. Five years after we saw a traditional form of transportation be used as a weapon of mass destruction, as we saw a simple envelope be tainted ultimately and be used as a weapon against an individual, as we saw someone who boarded an aircraft and tried to ignite his shoes, the reality is it doesn't take a lot to be convinced you can take 95 percent of the cargo, which goes unscanned, comes into this country, and have a great shot of including something in there, particularly a nuclear device, that would cost us far more—far more—than what we are talking about proceeding on today. Three years for major ports, 5 years for other ports—that is too fast? Ten years after September 11, that is too fast? I can't comprehend it.

There are those who say we already have a risk-based approach, it is layered, it is whatnot. That is great if you trust algorithms to ultimately protect the Nation. I don't trust algorithms to ultimately protect the Nation. I want real scanning, and the technology is there. It seems to me if Hong Kong can do it and other places in the world can do it, we can expect it as well.

There is also the suggestion of cost. How much did we spend after September 11? How much will we spend in lives and national treasure if we make a mistake by not ensuring that the traffic that comes into the ports of this country is as secure as it can be? And who among us is willing to look at the sons and daughters of those who work on the docks or the communities that surround these ports—most were built in a way where communities surround them—and what will we do about the national economy, because it won't be just a regional economy that will be affected but a ripple effect in the national economy? How much will we spend? Far more. The lives that will be lost are incalculable and priceless.

I argue that, in fact, what we saw in the SAFE Port Act got the Department to act because they, in essence, had a deadline. So when we have deadlines, we see the Department acting. In my mind, all the more reason to have what I think is a very reasonable deadline—3 years for major ports, 5 years on all other ports, and even with the ability to extend beyond that by virtue of the Secretary making a determination. That moves the Department to understanding where we want to be.

But ultimately, I don't believe the present risk-based approach that lets 95 percent of all the cargo coming into this country go unscanned, that we depend on algorithms, that we use the costs supposedly to achieve 100-percent scanning is something that is acceptable.

The question is: How much greater will the costs be? Look at the costs we are incurring in aviation. They are enormous.

Then we won't be able to get host nations to agree: The reality is those host nations want access to the greatest market in the world, the United States of America. I cannot fathom that they won't do something that is necessary to try to get access to the greatest market in the world, the most prosperous market in the world. I think they will.

As someone who represents a State that lost 700 residents on September 11, I am not ready—I certainly am not ready—to take the position that we will do less than what we can do to achieve the security of our people. That is what this amendment is all about. It is structured in a reasonable way.

We have seen deadlines generate the Department of Homeland Security activity we want to see. We give time frames that are reasonable, technology that is available. We have incentives for all the right reasons for the marketplace and, above all, we can look at our citizens and say, in fact, they are protected.

I yield any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Madam President, I yield such time to the Senator from Maine as she desires of the time I have remaining.

The PRESIDING OFFICER. The Senator has 8 minutes 5 seconds remaining.

The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I thank the chairman of the committee for yielding time to me.

You can read the entire 567 pages of the "9/11 Commission Report" as I have and you will not find a recommendation to undertake 100-percent scanning of cargo containers. This bill's purpose—the bill before us—is to finish the business of implementing the 9/11 Commission Report recommendations. Senator SCHUMER's and Senator MENENDEZ's amendment is not one of the recommendations of the 9/11 Commission.

Further, I want to address what has been said about our system for improving the security of our seaports by focusing on cargo container security.

The fact is a great deal has been done since the attacks on our country on September 11, 2001. We have a layered approach to cargo security. It balances security interests against the need for efficient movement of millions of containers through our seaports each year—11 million, in fact, last year alone.

One layer is the screening of all cargo manifests at least 24 hours before the cargo is loaded onto ships bound for our shores. That screening, along with work done by the Coast Guard, is used in DHS's automated targeting system which identifies high-risk containers.

As a result of the cargo security bill that we passed last fall, we have a requirement that 100 percent of all high-risk cargo be subjected to scanning and that is appropriate. We want to focus our resources on the cargo that is of highest risk. But that is only one layer in the process.

Another layer is the Container Security Initiative. This program stations Customs and Border Protection officers at foreign ports. CSI will be operational in 58 foreign ports by the end of this year, covering approximately 85 percent of all containerized cargo headed to the United States by sea. That is another layer of security.

There is yet another one. It is the Customs-Trade Partnership Against Terrorism Program, known as C-TPAT. This program is a cooperative effort between the Government and the private sector to secure the entire supply chain. It is a result of the legislation Senator MURRAY, Senator COLEMAN, Senator LIEBERMAN, and I authored last year.

Firms that participate in C-TPAT and secure their supply chain are given certain advantages when it comes to scanning cargo because DHS will have certified that they have met certain standards. That is an important layer of security.

There is another important safeguard that is a result of the SAFE Port Act, and that is the law requires by the end of this year that the 22 largest American ports must have radiation scanners which will ensure that 98 percent—98 percent—of inbound containers are scanned for radiation. That is because we do have the technology to do scanning for radiation. We have these radiation portal monitors that trucks can drive through with the containers loaded on them and be scanned for radiation. There is a problem with some false positives. I was describing earlier that for some reason, marble and kitty litter tend to cause false positives. But at least we identify these containers that are giving off alarms, and then they are subject to further inspection and search, and that makes sense.

I should mention we are also installing these overseas as part of the Department of Energy's Megaports Initiative.

The idea that nothing has been done to secure our seaports since 9/11 is demonstrably false. We took a giant step forward last year with the passage of the SAFE Port Act.

There is more that is being done, however, and that is, as Senator LIEBERMAN and Senator COLEMAN have explained, the new law authorizes pilot programs to test 100-percent integrated scanning programs.

We keep hearing Hong Kong brought up, but the fact is, in Hong Kong, there is scanning being done on only 2 of 40 lines, and the images are not being read. What good is it to take the picture, the X-ray, essentially, but then not have anyone analyzing the images? How does that increase security?

We still will learn something from the Hong Kong project, but I think we are going to learn even more from the three projects the Department has started already as a result of the SAFE Port Act.

There have been allegations that somehow the Department is sitting on its hands. That is not true. In fact, three ports—one in the United Kingdom, one in Honduras, and one in Pakistan—have been selected already and the projects are going forward to test these pilot programs. I think that is important to know.

So we have made a great deal of progress. We are going to make more as a result of these pilot projects. But the whole point is until we have the technology in place to do this effectively and efficiently, it will cause a massive backup in our ports if we are trying to scan 11 million containers—low-risk containers, containers that pose absolutely no threat to the security of this country—and that approach does not make sense.

Finally, let me read something from the Chamber of Commerce which has sent around an alert on this issue because I think this summarizes the issue:

> The Chamber points out that more than 11 million containers arrive at our Nation's seaports each year and 95 percent of our Nation's trade flows through our seaports.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. COLLINS. Madam President, I ask unanimous consent that I be given 45 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I continuing quoting the Chamber of Commerce:

> If adopted, the Schumer amendment would significantly disrupt the flow of trade and impose costly mandates on American businesses without providing additional security.

That is the bottom line. I urge the rejection of the Schumer amendment, and when the time has expired, I will move to table the amendment.

Mr. SCHUMER. Madam President, what is the status of the time?

The PRESIDING OFFICER. The Senator from New York is recognized. There is 3 minutes 1 second remaining.

Mr. SCHUMER. Madam President, first, I thank my colleague from Maine for helping make our case. She says the technology for detecting radiation is available. Who in God's name thinks if we didn't set a deadline or if the President didn't order DHS to make it the highest priority that we wouldn't find a way to scan all containers within 5 years? Of course we would. This is just defense of DHS. I say to my colleagues, DHS has a terrible track record in this area, like so many others. They have been asked to do this for years already, and they are nowhere.

Now, my good friend from Connecticut says: Well, on October 13, we passed legislation. Well, that is 3 years after 9/11. What is wrong, my colleagues? Why isn't everything right with a deadline that says you better move as quickly as you can? Yes, if they should need, if they come to us 3 years from now and we are convinced that they have done everything they can, that the money has been spent, that the experts have been contacted and used appropriately, then we can delay it. Instead, we have this approach which seems to me to be backward—let us delay another 2 or 3 years, and if they do not do a good job, we can then put in a deadline.

No one is arguing we shouldn't have deadlines. The argument boils down to, do you trust DHS to do the job or would you rather have an immutable deadline on something which is the most damaging thing? I can't think of anything worse or close to it than a nuclear weapon exploding in America or off our shores. The technology is there, my colleagues. Yes, DHS doesn't want to spend the money necessary. Yes, DHS has not had very good people in this Department.

How are my colleagues going to go home and tell their constituents that when there was a chance to really move an agency and set a deadline, as the House did—this is not some crazy idea; the House voted by a significant majority for it—that they didn't do it, they didn't do it because they had faith in DHS? I don't know who does. How do my colleagues say they didn't do it because their port or a shipping company said they didn't want to do it or they didn't do it because they didn't think it was that big a problem? I don't think any of those reasons stand up. I don't think any of them stand up.

I have to say I have listened carefully to my colleagues, and I have great respect for them and the jobs they do, but their arguments just don't wash: Let's give them another chance. My colleagues, when it comes to this problem, we can't afford to give them another chance.

I urge a vote for the amendment.

Madam President, I ask unanimous consent that Senators KENNEDY, LAUTENBERG, and BIDEN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time of the Senator from New York has expired. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, has all time expired?

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Ms. COLLINS. Madam President, I yield back the remainder of my time.

Madam President, I move to table the Schumer amendment, and I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted "yea."

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—58

Akaka
Alexander
Allard
Bennett
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Thune
Voinovich
Warner
Wyden

NAYS—38

Baucus
Bayh
Biden
Boxer
Cardin
Casey
Clinton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse

NOT VOTING—4

Crapo
Johnson
McCain
Vitter

The motion was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, more than 11 million cargo containers enter the United States each year. One hundred percent of the shipping manifests are screened to determine their risk. Approximately 17 to 19 percent of those containers determined to be high risk are examined by screening machines using xray or gamma ray technology, and only 5 percent of containers are physically opened and examined. This is not satisfactory. Clearly, much more needs to be done to increase the number of containers that are screened prior to entering this country. Only a more robust system will provide the deterrence necessary to make America safer.

I have been a leader in the effort to provide additional funding to purchase screening equipment and hire the personnel to perform these inspections. Nevertheless, I voted to table the amendment of the Senator from New York, Mr. SCHUMER. I believe we must set realistic goals. There is a process which has been set in place by the SAFE Port Act to get us to the ability to conduct 100 percent inspections. I will continue to do all in my power to provide the funds to ensure that we reach an achievable goal as rapidly as possible.

The PRESIDING OFFICER. The Senator from Texas.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 734 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.'

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I note the presence of a friend and colleague from Hawaii, a distinguished member of our Homeland Security Committee. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business on the REAL ID Act, and I thank the chairman for his agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, today the Department of Homeland Security released its much anticipated proposed regulations implementing the REAL ID Act of 2005. Although I am still reviewing the 162 pages of regulations, I note that the regulations address the problems with the statutory May 11, 2008, deadline for compliance. However, the regulations remain troublesome because they reflect the problems of the underlying statute.

I intend to ensure that these problems are resolved, which is why I reintroduced the Identity Security Enhancement Act, S. 717, to repeal REAL ID and replace it with the negotiated rulemaking process and the more reasonable guidelines established in the Intelligence Reform and Terrorism Prevention Act of 2004.

I am pleased to be joined "by Senators SUNUNU, LEAHY, and TESTER. I also thank Senator COLLINS for her work on this issue.

From its inception, REAL ID has been surrounded in controversy and subject to criticism from both ends of the political spectrum. The act places a significant unfunded mandate on States and is a serious threat to privacy and civil liberties.

I support the goal of making our identification cards and driver's licenses more secure, as recommended by the 9/11 Commission. However, the massive amounts of personal information that would be stored in interconnected databases, as well as on the card, could provide one-stop shopping for identity thieves. As a result, REAL ID could make us less secure by giving us a false sense of security.

Nearly half of our Nation's State legislatures—22—have acted to introduce or to pass legislation to condemn REAL ID since the beginning of the year. In some cases, States would be prohibited from spending money to implement the act. Two bills have been introduced in the Hawaii State legislature, one supporting the repeal of REAL ID and the other supporting passage of my legislation.

As I noted earlier, DHS has acknowledged the implementation problems and the need to help address the burdens on States. Secretary Chertoff announced today that States could easily apply for a waiver from the compliance deadline and could use up to 20 percent of the State's Homeland Security Grant Program, SHSGP, funds to pay for REAL ID implementation. But this is a hollow solution. The President's fiscal year 2008 budget proposes to cut SHSGP by $835 million. I fail to see how States are able to implement an $11 billion program with Federal homeland security grants that the Bush administration continues to cut.

Moreover, the regulations proposed today fail to address several of the most critical privacy and civil liberties issues raised by REAL ID, which essentially creates a national ID. No hearings were held on REAL ID when it was passed as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act in 2005. I think this is part of the problem and is where I hope to bring forth a solution.

As chairman of the Subcommittee on Oversight of Government Management, I plan to hold hearings in the near future to review the proposed regulations and how DHS plans to implement this costly and controversial law. Unfunded mandates and the lack of privacy and security requirements are real problems that deserve real consideration and real solutions. Congress has a responsibility to ensure that driver's licenses and ID cards issued in the United States are affordable, practical, and secure—both from would-be terrorists and identity thieves.

I look forward to working with my colleagues—Senators SUNUNU, LEAHY, TESTER, COLLINS and others—to address the real problems with REAL ID.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to talk as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY are printed in today's RECORD under "Morning Business.")

Mr. GRASSLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. DEMINT. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Salazar amendment is the pending amendment before the Senate.

AMENDMENT NO. 314 TO AMENDMENT NO. 275

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside and I be allowed to offer an amendment, which I am sending to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 314 to amendment No. 275.

The amendment is as follows:

(Purpose: To strike the provision that revises the personnel management practices of the Transportation Security Administration)

On page 215, strike line 6 and all that follows through page 219, line 7.

AMENDMENT NO. 315 TO AMENDMENT NO. 275

Mr. LIEBERMAN. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 315 to Amendment No. 275.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide appeal rights and employee engagement mechanisms for passenger and property screeners)

In the language proposed to be stricken:

On page 215, strike line 22 and all that follows through page 219, line 7, and insert the following:

SEC. ___. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding"; and

(B) by adding at the end the following:

"(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

"(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.".

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place such appears and inserting "Administrator".

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting ", or section 111(d) of the Aviation and Transportation Security Act," after "this Act".

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

AMENDMENT NO. 316 TO AMENDMENT NO. 315

Mrs. MCCASKILL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL] proposes an amendment numbered 316 to amendment No. 315.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide appeal rights and employee engagement mechanisms for passenger and property screeners)

In the Amendment strike all after "SEC." on page 1, line 3 and insert the following:

APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding"; and

(B) by adding at the end the following:

"(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

"(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.".

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place such appears and inserting "Administrator".

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(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This section shall take effect one day after date of enactment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 314

Mr. DEMINT. Mr. President, I thank the managers for their hard work. They sincerely want to strengthen homeland security and want to keep this bill focused on that goal and not allow it to be tangled up in partisan issues. That is my goal, too. That is why I am offering this amendment today.

The provision in this bill, found on page 215, that reverses a critical homeland security policy and introduces collective bargaining for airport screeners who work at the Transportation Security Administration, or what we call the TSA, has nothing to do with improving our homeland security. It was certainly not recommended by the 9/11 Commission. My amendment would strike this provision so TSA can continue to protect us from another terrorist attack.

It may be helpful to review the history of this debate so my colleagues understand how we got here. Just 5 years ago, Congress voted in favor of a flexible personnel management system at TSA in recognition that special flexibility is necessary to protect American passengers from terrorists. This system allows security screeners to join a union, but it doesn't tie the hands of TSA when it comes to managing its workforce and protecting the American people.

Collective bargaining, however, would allow labor unions to stand between TSA and its employees in ways that would make the agency less flexible and less nimble and create an operational and security disaster. Mr. President, collective bargaining has been a topic of discussion since TSA's inception. It is important that my colleagues know that it has been evaluated and rejected in every instance as something that would be harmful to our safety.

First, in 2001, collective bargaining was not included in the Aviation and Transportation Security Act when TSA was first created.

Second, in 2003, collective bargaining was rejected by the TSA Administrator for security reasons.

Third, in 2004, collective bargaining was not recommended by the 9/11 Commission.

I need to repeat that because it is important. This whole bill is designed to fulfill the recommendations of the 9/11 Commission, and they did not mention anything about collective bargaining.

Finally, the decision against collective bargaining at TSA has been upheld by multiple Federal and labor relations courts between 2002 and 2006.

Now I will outline six of the negative security consequences of this dramatic change in policy. First, TSA currently uses a security strategy as recommended by the 9/11 Commission that is based on flexible, random, and unpredictable methods. This approach keeps would-be attackers off guard.

Under collective bargaining, TSA will have to negotiate a predetermined framework within which the agency will be required to operate. This policy was not recommended in the 9/11 Commission Report, and it goes directly against the Commission's recommendations. This will weaken our security.

Second, TSA currently establishes security protocols on a national and international basis without having to bargain in advance over the impact of these protocols.

Under collective bargaining, TSA will be required to negotiate on every security protocol with multiple unions on an airport-by-airport basis. At its worst, this could stop many critical new security protocols, but even at its best it will slow them down. This will weaken our security.

Third, TSA currently shifts resources in real time without having to inform any entity. Under collective bargaining, redeployment decisions will be subject to binding arbitration review by a third party who has no Government or security experience but has authority to reverse TSA security decisions.

As my colleagues know, arbitration can take months or even years to resolve. This will weaken our security.

Fourth, TSA currently moves, upgrades, replaces, and repositions equipment to stay in tune with operational requirements. Under collective bargaining, equipment deployment will be subject to a 60- to 180-day negotiation process. All information, including standard operating procedures and tactics, will also be subject to union negotiation. This will weaken our security.

Fifth, TSA currently protects sensitive security information, such as the security resources at a particular site, and releases this information only to those who need to know.

Under collective bargaining, TSA will be required to disclose security information to third party negotiators and arbitrators, increasing the risk of unauthorized information release. This will weaken our security.

Sixth, and finally, TSA currently deploys many innovative security programs within weeks. Under collective bargaining, new positions and promotions will all be subject to months, or years, of impact in implementation.

TSA provided just-in-time explosive training to more than 38,000 security screeners in less than 3 weeks in November of 2005. Under collective bargaining, training is subject to negotiation on the need, design, order of training delivered, and method of delivery. This process could add 60 to 180 days to security training programs and weaken our security.

I know my colleagues understand the need for TSA to be able to move quickly, so I want to make sure everyone knows how slow and how cumbersome collective bargaining will be. Let's please keep in mind as we look at this situation the whole purpose of TSA is to protect our country. That is their first priority. We cannot allow the unionization and union requirements to preempt this first priority of TSA.

Today, TSA—and I know this is very difficult to read—can implement its changes in 1 day or less, and we will talk about some of those examples. But under collective bargaining, it can take up to 568 days to work out the negotiations and possible litigation that could occur when they are trying to establish new protocols. This is not acceptable when it comes to protecting our country.

If we introduce collective bargaining at TSA as proposed in this bill, changes could take, as I said, up to 568 days. My colleagues can see a collective bargaining process starts with up to 14 days of advance notice, up to 14 days for the union to decide how they are going to negotiate, plus up to 180 days to negotiate, and followed by 7 days to implement.

This whole process does not fit with national security interests. I hope my colleagues agree that this is too long and too cumbersome to subject our Nation's security to.

I wish to share with my colleagues several real-world examples of how TSA has been able to rapidly respond to security threats. I will point the attention of my colleagues to the United Kingdom bomb plot, of which we are all aware, last August in 2006. On August 10 of last year, information about one of the most spectacular terrorist plots since 9/11 was shared with TSA. TSA worked very quickly to develop a plan that would, over the course of 12 hours, ban all liquids beyond the security checkpoint and enact the quickest changes to the prohibited items list in history. It was simply the most drastic change airport security had ever undergone, and it happened in less than 6 hours from the time the arrest of the alleged terrorists was revealed.

I understand one of my colleagues has offered an amendment that would undercut the whole idea of this bill and force TSA to prove it is an emergency or an imminent threat in order to take the action we did when this plot was revealed.

What will TSA have to go through to prove there is an emergency? What kind of court case, what kind of litigation, what kind of hearings in Congress will they have to go through to prove it is an emergency? This attempt to gut this bill makes it worse than the underlying bill because it subjects our security to constant litigation and second-guessing.

The success of this operation—this United Kingdom bomb plot—was based on a number of factors, including a nimble and professional workforce who is highly trained and rewarded for their performance: an ability to change procedures within hours, expertise in dealing with the public to educate, inform, and help them handle the changes, and a commitment to security in the face of emerging threats. This is a clear example of why we should not tie TSA's hands and prevent it from accomplishing its security mission.

Another example of how TSA has been able to react quickly happened last July, when Lebanon erupted into violence and fighting broke out, leaving thousands of Americans trapped in between the warring factions. The Government of the United States safely evacuated these Americans and thousands of other refugees.

From July 22 to July 31, TSA officers helped to secure 58 chartered flights from Cypress to the United States and screened over 11,000 passengers. The overseas and domestic deployment was the first of its kind, and it demonstrated TSA's ability to use its flexible structure to appropriately respond to both domestic and overseas needs.

TSA delivered on its security mission and ensured the security of arriving airplanes and passengers. The mission was designed, executed, and people were being screened overseas within 96 hours, which is remarkable for a Government agency that had never deployed overseas and had not envisioned a need to do so.

It is important for us to remember at this point the amendment that has been offered to change my amendment would likely have resulted by now with TSA being in court, being challenged as to whether the situation in Lebanon was an imminent threat to our country, which is the language of the amendment that has been offered to change this bill.

We cannot water down our Nation's security by allowing TSA to have to follow collective bargaining rules or, which has been proposed, prove it is an emergency or an imminent threat. This would create a heyday for lawyers.

If these operations had been subject to arbitration and review required by collective bargaining, changes in deployments of personnel would have required notification on TSA's management to the collective bargaining unit, followed by a response accepting the changes in employment conditions or proposing modifications. This process would have created time-consuming rounds of negotiation, even using an expedited process.

TSA's response to the United Kingdom terrorist plot was developed in 12 hours, and the screeners were deployed to Lebanon and Cypress within 96 hours, response times that would have been significantly delayed by days and weeks, if not made impossible, had the notification and negotiation requirements in this bill been in effect. We cannot allow that to happen to our Nation's security.

I would now like to outline three ways collective bargaining will negatively affect workforce performance.

First, TSA currently uses a paid-for performance system that is based on technical competence, readiness for duty, and operational performance. Top security screeners receive a 5-percent base pay increase on top of a 2.1-percent cost-of-living adjustment and a $3,000 bonus.

Under collective bargaining, this paid-for performance system will be replaced with a pass-fail system based heavily on seniority that will not adequately assess technical skills. The collective bargaining system will not reward screening performance or good customer service, and it will reduce standards. This will weaken workforce performance.

Second, TSA can also currently remove ineffective security screeners within 72 hours. Imagine that: The frontline security of our country can identify someone who is not doing their job and remove them so our country and the airline passengers can be safe.

Under collective bargaining, however, arbitration proceedings will retain substandard employees for months, preventing the hiring of replacement officers. This process could take 90 to 240 days and will reduce overall workforce performance. This will weaken workforce performance.

Third, TSA currently uses multiple screening disciplines, adding interlocking layers of security. Under collective bargaining, employees will be able to refuse multidisciplinary jobs resulting in fewer resources to serve passenger checkpoints. This will weaken workforce performance.

My colleagues should know exactly how this weakened workforce performance affects air travelers in our country, and we can have a good look at how that is going to affect us by looking at Canada. A recent incident in Canada provides a great example.

Canada's air security system does not have the flexibility that TSA enjoys. Last Thanksgiving, as part of a labor dispute, passenger luggage was not properly screened and sometimes not screened at all as airport screeners engaged in a work-to-rule campaign, as they called it, creating long lines at the Toronto airport.

A government report found that to clear the lines, about 250,000 passengers were rushed through with minimal or no screening whatsoever. One Canadian security expert was quoted as saying that if terrorists had known that in those 3 days their baggage wasn't going to be searched, that would have been bad. That is an understatement of the year. We cannot afford to have this kind of union-sponsored disruption at our airports. The Canadian union's airport security was not allowed to strike either, but we can see what they did in order to disrupt the proper screening of baggage there. This would happen in our country as well.

I think it is also important that people know how collective bargaining will impact passenger service. I know that for most Americans, security is the No. 1 goal when it comes to air travel, but they also want security operations to be efficient and not needlessly disrupt their schedules.

I know my colleagues would be pleased to know that TSA has managed the growth of passenger travel and kept average peak wait times to less than 12 minutes. Under collective bargaining, TSA will have to pull at least 3,500 screeners, or 8 percent of the total workforce, off a line to fulfill the needs of the new labor-management infrastructure. This would close at least 250 screening lanes, causing longer lines at checkpoints.

Under these circumstances, average wait times would increase from 12 minutes at peak to more than 30 minutes. This is something that will be very unpopular, especially given the fact that these longer wait lines come with less security.

TSA is also currently capable of relocating security screeners to enable on-time aircraft departures. Under collective bargaining, negotiating job stations and functions will result in poor staffing, leading to longer lines, late flight departures, and other adverse industry impacts. Americans want to make their flights, and they will not support needless delays that come at the expense of their security.

I think it is also important that my colleagues understand what I am talking about and how it could play out in real terms.

During Hurricane Katrina, TSA deployed security officers from around the country to New Orleans to screen evacuees during the aftermath of the storm. This response allowed them to evacuate 22,000 men, women, and children through the airport safely and securely. Several weeks later, TSA responded the same in response to Hurricane Rita in Houston. Security screeners left their home airports with little notice to fly to Houston to help those in need.

Another example of how TSA has been able to react quickly to weather-related events occurred this past December when a big snowstorm hit Denver. Because local TSA employees were unable to get to the airport, TSA responded quickly by deploying 55 officers from Las Vegas, Salt Lake City, and Colorado Springs to Denver. The deployment allowed TSA to open every security lane around the clock at the airport until they were back to normal operations.

Should we force TSA to prove this was an imminent danger or an emergency before they respond to the needs of the American people? That is what the second-degree amendment is intended to do. We cannot allow that. That will weaken our security.

These operations have been subject to arbitration review required by collective bargaining. Changes in deployment of personnel would have required notification by TSA management to the collective bargaining unit, followed by a response accepting the changes in employment conditions or proposing modifications. This process would have created time-consuming rounds of negotiations, even using an expedited process. Americans do not want needless bureaucracy in our airports, especially when it comes at the expense of our safety.

I also want my colleagues to understand the amount of money collective bargaining is going to cost and how it will impact TSA's operation in air travel security.

The first year startup costs of creating a collective bargaining infrastructure is conservatively estimated at $160 million, forcing TSA to relocate thousands of screeners currently working on aviation security. Since there is no money allocated for this change, this mandate would force TSA to pull 3,500 transportation security officers, or 8 percent of the total workforce, off the checkpoints.

These officers equate to 250 of the 2,054 active screening lanes across the Nation at any given time, closing 250 lanes. This impact is equivalent to closing all the checkpoint screening lanes in Chicago, Los Angeles, Boston, and New York. This impact is the equivalent of closing all screening operations across the system 1 day every week. This impact would result in failing to screen 300,000 passengers every day.

Some may say we should increase spending for TSA by $160 million. But if we have this money, why use it to pay for redtape? Let's use it for security.

I also want to address some of the objections to TSA's flexible management. First, those who want collective bargaining at TSA say they want screeners to be treated as every other Federal employee. That would be fine, except for the fact they are not like every other Federal employee. They have a mission to protect the American people, and collective bargaining will prevent them from accomplishing this mission.

Second, those who want collective bargaining at TSA say it will lead to lower attrition and, therefore, more safety. Collective bargaining may lead to lower rates of attrition, but it will not lead to more security.

I am sure there are security screeners who would like to be guaranteed lifetime employment, but that would prohibit TSA from keeping America safe. TSA currently has the ability to reward screeners based on their performance and to remove those screeners who are not performing. That is what ensures safety, not a workforce that is rewarded for seniority and is not accountable.

We have also heard the supporters of collective bargaining at TSA say it is working at Customs and border control. First, I take issue with the claim it is working with Customs or working at our borders. Our Customs agency has experienced numerous delays and complications in securing our borders that have been caused by collective bargaining. I think our Customs agency and border security should have the same flexibility TSA enjoys, and it is a debate we should have as we look at ways to better secure our borders.

Let's make sure we understand what we are saying. Advocates of collective bargaining for airport security are saying our border security has worked well. It is hard to look at 10 to 12 million illegal aliens in our country and say our border security is working well. It is not working well.

We are also hearing increasingly from all over the world that our customs process is among the worst in the world. Our tourism is down and our business visits are down because we are making it harder and harder for people from around the world to get into our country. Our customs system doesn't work and neither does our border security.

The supporters of collective bargaining at TSA also believe our screeners are lacking important protections to address their grievances. I hope my colleagues know TSA has given screeners the ability to have their whistleblower complaints reviewed by the Office of the Independent Counsel, even though it is not required in law. Critics also claim screeners do not have the ability to appeal adverse actions against them, such as suspensions and terminations, through the Merit System Protection Board. This is true, but TSA has created its own disciplinary review board that provides workers with relief faster than the Merit System Protection Board.

I want my colleagues to understand what all of this means for unions, because I am afraid that is what this policy is all about. Unionizing the 48,000 workers at TSA will give labor unions a $17 million annual windfall in dues from these new union workers. Let me share a quote. For my colleagues who doubt this policy is being driven by unions, I want them to hear what was said earlier this week by two leaders of the American Federation of Government Employees, which is affiliated with the AFL–CIO. They said:

> We must gain 40,000 new members a year to break even today. But because of the age of our members and pending retirements, that number will grow to 50,000 in 2 years and probably 60,000 a few years after that.

An additional comment:

> This campaign is the perfect opportunity to convince TSA employees to join our union and become activist volunteers in our one great union.

The purpose of TSA is not to create activist volunteers for unions. It is to protect our country. Again, I need to remind my colleagues the top priority of Homeland Security and TSA is to protect Americans.

I conclude by saying this is a very serious issue, and I encourage all my colleagues to think about it carefully. We all want workers to have better benefits, but that is not what this debate is about. TSA offers great benefits and important protections to its workforce. This debate is about how to keep our country safe, and we cannot tie TSA up in knots of redtape.

I understand the unions want this new policy because it will add thousands of new dues-paying members to their rolls, but they are going to have to live without it in order to keep our country safe. This bill is about doing things that will prevent another 9/11 attack. Adding an earmark for labor unions that prevents TSA from doing its job is the last thing we should do.

I realize the Senator from Connecticut feels strongly about this issue, and I know I probably haven't changed his mind. Unionizing the Federal workforce is something that is very important to him, and it is something he has worked on for many years, most notably when Congress created the new Department of Homeland Security in 2002. I also realize the majority leader has impressed upon the Senators on the other side of the aisle to stick together in supporting this destructive policy. This is very disappointing, because it shows the majority may be more interested in having a political showdown than they are in strengthening our security.

The President has issued a veto threat on this bill if it creates collective bargaining at TSA, and there are enough Senators to sustain it. That leaves us with two options: We can remove this misguided position and preserve the bill or we can let the bill die. I simply ask my colleagues: Is this union earmark worth killing this bill for? I don't think so.

I think it is important to also note the second-degree amendment that is being offered to change my amendment is not supported by Homeland Security. In fact, they believe it will make this bill worse than it is right now.

My colleagues, I ask everyone to set aside the partisan politics, set aside special interests, and let us continue to improve TSA, our Transportation Security Agency. They have demonstrated that while there have been a lot of problems with starting up a new agency, each year they have gotten better. Each year their workforce has gotten better trained. Each year we are moving passengers through with less and less inconvenience and better and better security. This is not the time to turn back. This is not the time to play politics and payback with our security.

I encourage everyone to take a careful look at this amendment and I ask my colleagues to support it.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I have listened to the arguments of my colleague on the other side of the aisle, and I believe the amendment I have offered answers many of his concerns but also provides basic rights for our 40,000-some TSA officers across this country.

Let us first talk about what this amendment does that I have offered. It does three things, three simple things. First, it gives them whistleblower protection.

As somebody who has spent 8 years as an auditor, as someone who has spent a great deal of time figuring out where Government is doing its job well and not so well, I understand the importance of whistleblower protection. The best information you get as an auditor comes from the employees of the Government, and they all must be reassured, especially those working on the front line of security, that they will be protected if they tell things they see that need to be fixed. That is important.

Secondly, this bill gives them the right to appeal suspensions of 14 days or more to an independent board, as other Federal workers.

It also gives them the right to collectively bargain, like the Border Patrol, like the Capitol Police, like FEMA employees, and like Immigration and Customs Enforcement.

What does this amendment not do? It is important to understand the limitations in this amendment. First, it makes sure they do not have the right to strike.

Secondly, it prohibits them from bargaining for higher pay. They cannot bargain for higher pay. This is important, because my colleagues spent a great deal of time talking about safety. It explicitly states that no classified or sensitive intelligence can be divulged or released during any grievance process.

It goes further than the original legislation and the original amendment by saying the TSA Administrator or the Secretary of Homeland Security can take whatever actions necessary to carry out an agency mission during emergencies and whenever needed to address newly imminent threats. No questions asked. These employees have to follow orders. In any emergency, the director has the complete and immediate control over these workers. Let me emphasize that again. In any emergency the director, the administrator have complete control over anything these workers should do.

By the way, as an aside, having talked with and been around these screening officers many times as I move through the airports, I think it is a little insulting to them to act as if they would not respond when directed to an emergency. Americans across the board want to do what is right in times of crisis for our country. To indicate these Americans would not do what was asked of them in time of an emergency, and that they would try to rely on some kind of right under the law to not do what is necessary in an emergency, frankly, I think, is unfair to them.

What does collective bargaining get these workers? It provides a structure for quick and fair resolution of grievances and workplace disputes. It provides a forum to discuss health and safety issues, which will reduce the number of on-the-job injuries suffered by TSOs. It reduces the high TSO turnover rate.

Let's talk about that turnover rate. Talk about saving money. Think of the money we are investing in these officers that is wasted right now. We have a 23-percent annual turnover among these screening officers. Among the part-time officers, it is 50 percent. As somebody who has worried about the bottom line in a private business, that kind of turnover is completely unacceptable in terms of the costs.

Let's look at the safety issue. The experience we are losing by that kind of turnover—and I am not talking about people being dismissed for bad conduct or getting rid of bad screeners; I am talking about people who are leaving. That turnover rate, if you don't consider anything else, should tell my colleagues something is wrong. I believe what is wrong is they do not have the basic rights and protections other Federal workers have.

It increases public safety by allowing the TSOs to go through their union to expose threats to aviation security without fear of retaliation. It addresses procedures for emergency and security situations so workers are fully aware of their duties in the event of an emergency.

This is a good amendment for everyone. It puts these workers on equal footing with other Federal workers. It does not give them the right to strike. It does not give them the right to refuse to be deployed in case of an emergency. It does not allow them to negotiate for higher pay.

I was not a Senator at the time, but I understand that the Department of Homeland Security needed the flexibility to get up and running when the agency was first created years ago—5 years ago; more than 5 years ago.

But they are no longer processing 5,000 more screener applications per month in order to transition from a private force to a Federal force. We are no longer scrambling to create a Department of Homeland Security. We are now in a position to professionalize. We are now in a position to professionalize airport officers and give them basic worker protections and, as a result, we will have a seasoned staff and much better security.

My colleague mentioned the threatened veto. That is kind of hard to figure out. It is hard to imagine that the President would use a veto to veto legislation that is all about making our country safer, all of the provisions that this bill will contain, that will go directly to the heart of the matter of the safety of our Nation, that will do what the 9/11 Commission wanted. It is hard to imagine, because the President does not like unions, that he would threaten to veto this bill just because we want to give the same basic worker protections to the screeners at airports that the Border Patrol, the Capitol Police, and immigration officials currently have.

I cannot imagine that the President would veto under those circumstances. I can't imagine that the American public would think that is a good use of a veto pen. I can't imagine that some of our colleagues who think that unions are the enemy would use the collective bargaining rights—that are so limited in scope in this amendment—as an excuse to stop this concerted effort that we are all making to do what we must do to improve homeland security.

If we continue to treat our TSA officers different from their colleagues in the Border Patrol and their colleagues in homeland security, we will never have the seasoned and professional and experienced staff in place as part of our important effort to protect the Nation's transportation system and the people who live and work and care about the United States of America.

Mr. DEMINT. Will the Senator yield for a question?

Mrs. MCCASKILL. Sure.

Mr. DEMINT. I want to make sure I understand the provisions in the Senator's amendment. I know one of them is TSA, in order to act quickly and make changes rapidly, would need to establish that there is an emergency.

My question is, Would the ongoing global war on terror be considered an emergency?

Mrs. MCCASKILL. I do not believe declaring that we have a problem with terrorism worldwide, that is a status quo day in and day out, would be considered a day-to-day emergency. The examples you used, however, of Hurricane Katrina or the necessity to respond in Lebanon—I think those issues certainly would be issues that the professionals at TSA, the officers, would want to respond to quickly.

Mr. DEMINT. I know another criterion is that if they could establish that we have a newly imminent threat they could act quickly to respond and not go through the collective bargaining process. Would al-Qaida be considered a newly imminent threat?

Mrs. MCCASKILL. I understand the point my colleague is trying to make. I would say there are a whole lot of things that some are trying to put under the rubric of a continuing threat against America. There have been proposals to take away some basic constitutional rights. There have been proposals to change the way we view some of the rights and privileges that Americans have.

I think to say that these workers don't get the same benefits as the Border Patrol or Customs agents just because they are screening in airports, under this rubric that we have to be concerned about worldwide terror, is specious reasoning.

Mr. DEMINT. If I could make one last appeal? This document is the collective bargaining procedures the border agents have for just one unit. This bill opens the possibility of literally hundreds of unions in every airport. I appeal to my colleagues. If every airport has to deal with separate collective bargaining arrangements and has to establish an emergency or imminent threat on every occasion, and we can second-guess them in Congress—and lawyers will—I think we need to work together to make sure we come to the best conclusion. I know the amendment of the Senator is well intended. Hopefully we can discuss it more on the floor tomorrow or next week.

Mrs. MCCASKILL. I thank the Senator.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to speak against the amendment offered by my colleague, Senator DEMINT, and in support of employee protections for Transportation Security Officers TSOs at the Transportation Security Administration

It is only fair to give TSOs the same rights and protections as other employees at the Department of Homeland Security.

The provision in S. 4 would allow the President to put TSOs in the same personnel system that President Bush argued was needed for homeland security employees in 2002 in order to put the right people in the right jobs at the right pay—to hold employees accountable—and to reorganize and quickly shift resources to meet new terrorist threats.

Although DHS was authorized to waive certain provisions of title 5 related to pay, labor relations, and employee appeals in order to protect the U.S. from terrorists attacks, other employee rights and protections remained—veterans preference, collective bargaining, and full whistleblower rights with appeal to the Merit Systems Protection Board, MSPB.

It is wrong to deny these basic rights and protections to TSOs—who work for DHS.

Because TSOs lack employee protections, they have one of the largest attrition rates, one of the highest workers compensation claims, and one of the lowest levels of morale among Federal employees.

I recognize the efforts by TSA to address these issues, but I firmly believe that the gains made by those efforts are only temporary if employees continually feel threatened by retaliatory action or that they cannot bring their concerns to management.

National security is jeopardized if agencies charged with protecting our Nation continually lose trained. and talented employees due to workplace injuries and a lack of employee protections—including protection against retaliation for blowing the whistle on security breaches.

Moreover, the whole point of creating DHS was to consolidate 22 agencies into one entity in order to prevent and respond to terrorist attacks. By denying TSOs the same rights provided to other DHS employees, we are reinforcing the very stovepipes we sought to tear down with the Homeland Security Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, this is a very difficult issue that is now before the Senate. The Aviation Transportation Security Act provided TSA with flexibility with respect to the critical national security mission of TSA security officers. These management authorities allow TSA to shift resources and implement new procedures daily, in some cases hourly, to respond to critical intelligence and to meet an ever-changing airline schedule. This was made very clear to us in a classified briefing that I attended yesterday. Sometimes these situations can be classified as emergencies. Other times the day-to-day situations, such as a flight gets canceled, still require extensive modifications that may not constitute emergencies.

I think, however, that there is a middle ground in this debate. I think we can find a solution, and I am working with Senators on both sides of the aisle to try to see if there is a middle ground. It seems to me that TSA does need some flexibility to allow it to adjust the workforce in order to provide additional security. That happened in response to the United Kingdom air bombing plot last summer. In that case, TSA changed the nature of employees' work and even the location of their work to respond to that emergency.

But I see no reason TSA employees cannot have the protections of the Whistleblower Protection Act, for example. There is no reason they should not have the same protections as other Federal employees and be brought under that law.

Similarly, I think there should be some way for TSA employees to have the right to appeal adverse actions, such as a removal, a suspension action, a reduction in grade level or pay that has been taken away from them. I am still exploring this issue, but it seems to me that they should have the right to appeal adverse employment actions to the Merit System Protection Board.

I know there is another one of my colleagues waiting to speak, so I am not going to go into great detail tonight. But let me say that I do not think this is an all-or-nothing situation as, unfortunately, much of the debate suggested tonight. I do not think that we have to deny TSA employees whistleblower protections and the right to appeal adverse employment actions in the name of security. I think we can still achieve our vital security goals while affording TSA employees employment rights when an adverse action is taken, appellate rights. I also believe there is absolutely no reason they can't be brought under the Whistleblower Protection Act.

I ask my colleagues to take a close look at this issue. I think it is unfortunate that the debate has been so polarized on this issue and that it is being portrayed as whether you appreciate the work done by the TSO's or whether you don't appreciate it or whether you are pro-union or anti-union. That does not do justice to the debate before us. I believe we can come up with a middle ground that gives TSA the flexibility it truly needs to be able to change working conditions, working hours, unexpectedly to respond to critical intelligence and new threats, or canceled flights for that matter, without depriving TSA employees of other rights that Federal employees enjoy and that they should enjoy, too.

Part of the problem is—and then I am going to yield to my colleague who I see is waiting—we have not had the kind of thorough review of this issue that is needed. I hope Senator AKAKA and Senator VOINOVICH, who are the leaders on civil service issues on the Homeland Security and Governmental Affairs Committee, might hold hearings to take a close look at this and to bring in the experts and hear from the employees, hear from the employees' representatives, the unions, TSA; to have the kind of information that Kip Holly, the head of TSA, has provided us in the past few days.

I think that while it is premature to do what the committee did on the spur of the moment, I also am not enamored of the idea of just striking all of that.

I think there is a middle ground and with goodwill and a sincere effort we can find it. I hope we would avoid what I saw tonight—where the tree was filled up instantly to block alternatives, to block an attempt, a good-faith attempt to find that middle ground.

I am going to keep working on that along with interested colleagues, and I hope that, in fact, maybe we can find a compromise that achieves our goals.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from North Dakota.

AMENDMENT NO. 313 TO AMENDMENT NO. 275

Mr. DORGAN. Mr. President, I thank my colleague from Maine.

I have an amendment at the desk on behalf of myself and Senator CONRAD. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I call up my amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 313 to amendment No. 275.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda)

At the appropriate place, insert the following:

SEC. . REPORT ON THE HUNT FOR OSAMA BIN LADEN, AYMAN AL-ZAWAHIRI, AND THE LEADERSHIP OF AL QAEDA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Director of National Intelligence and the Secretary of Defense jointly shall submit to Congress a report describing the status of their efforts to capture Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(b) CONTENTS.—Each report required by subsection (a) shall include the following:

(1) A statement whether or not the January 11, 2007, assessment provided by Director of National Intelligence John Negroponte to the Select Committee on Intelligence of the Senate that the top leadership of al Qaeda has a "secure hideout in Pakistan" was applicable during the reporting period and, if not, a description of the current whereabouts of that leadership.

(2) A statement identifying each country where Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda are or may be hiding, including an assessment whether or not the government of each country so identified has fully cooperated in the efforts to capture them, and, if not, a description of the actions, if any, being taken or to be taken to obtain the full cooperation of each country so identified in the efforts to capture them.

(3) A description of the additional resources required to promptly capture Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

Mr. DORGAN. Mr. President, this is an amendment which is similar to one Senator CONRAD and I have offered previously. It deals with the issue of al-Qaeda and its leadership. It has been now 5½ years since that fateful morning with the bright sunshine and the blue sky here in Washington, DC, when I was looking out the window of the leadership meeting which I was attending that Tuesday. We could see the smoke rising from the Pentagon because of the attacks. We watched on television the collapse of the World Trade towers, attacked by commercial airplanes being used as guided missiles full of fuel. None of us will ever forget that morning. More than 3,000 innocent Americans were murdered. Shortly after that period, we heard people boast about orchestrating the murder of those innocent Americans. Osama bin Laden, Mr. al-Zawahiri, his chief lieutenant, and al-Qaeda have boasted about orchestrating the attacks against our country that murdered innocent Americans.

The legislation before the Senate deals with the 9/11 Commission Report. That Commission did an extraordinary job. I appreciate Senator REID bringing this to the floor and the work that has been done by the committees. These are recommendations which are long overdue. They should have been dealt with previously by the Congress, but they have not been.

Now we have legislation on the Senate floor, recommendations on how to provide for this country's protection, how to provide security, how to prevent another attack by al-Qaeda or other terrorist organizations. It is very important legislation. We do need to protect our country from attacks. But there is something else that is long overdue; that is, we have taken our eye off the greatest threat. That is not me saying so. Let me tell my colleagues what the greatest threat to our country is. This is testimony on January 11, a month and a half or so ago, before the Senate Select Committee on Intelligence by Mr. Negroponte, who was a top intelligence chief.

Here is what he said:

> Al Qaeda continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan to affiliates throughout the Middle East, northern Africa and Europe.

Mr. Negroponte continued by saying:

> Al Qaeda is the terrorist organizations that poses the greatest threat to US interests, including to the Homeland.

That is from the top intelligence expert in our Government. He says the terrorist organization that poses the greatest threat to U.S. interests is al-Qaeda; the greatest threat to our homeland is from al-Qaeda. He says they are in a secure hideout in Pakistan.

Tuesday of this week, the new Director of Intelligence, Mike McConnell, said almost exactly the same thing.

We also read in the New York Times a week or so ago the following:

> Senior leaders of Al Qaeda operating from Pakistan over the past year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials.

> American officials said there was mounting evidence that Osama bin Laden and his deputy, Ayman al-Zawahri, have been steadily building an operations hub in the mountainous Pakistani tribal area of North Waziristan.

Now, let me go back to 4 days after 9/11. President Bush said the following in an address to a joint session of Congress. I was sitting near the front row. The President said:

> We will not only deal with those who dare attack America. We will deal with those who harbor them and feed them and house them.

In his State of the Union Address several months later, he said:

> As part of our offensive against terror, we are also confronting the regimes that harbor and support terrorists.

So the head of our intelligence services, the Directors of Intelligence, know that the leadership of al-Qaeda, including Osama bin Laden—or "Osama bin Forgotten," as some have suggested in recent years—are in a secure hideaway in Pakistan. At the same time, we have 21,000 troops sent on a surge elsewhere. And so I ask: Why are we not making a greater effort to capture the leadership of the biggest terrorist threat to this country, as described by the Directors of Intelligence, past and current? Are they being harbored?

We read that there has been an agreement of sorts between the Government of Pakistan and al-Qaeda and those who harbor al-Qaeda in Pakistan. We know there are training organizations now. We see the examples of them in the film and video on our television sets, more sophisticated attacks, additional techniques about terrorist attacks.

So we offer an amendment that is very simple. It is an amendment that says: We want every 6 months from this administration a classified report to the Congress that tells us several things: First, where is the al-Qaeda leadership? If they know they are in Pakistan, reaffirm that. If they are not in Pakistan, tell us where they are, each country, and whether those countries are harboring these terrorists.

Second, we deserve to know whether these countries in which these terrorists reside are helping us. Are they helping us bring to justice and capture the leadership of the greatest terrorist threat to our country? We deserve to know that.

And third, if Osama bin Laden and the other top leaders are still at large, we need a report describing what resources are needed to hunt them down and finally capture them.

I don't understand at all why year after year passes and those who directed the attacks against this country that killed thousands of innocent Americans are not brought to justice.

It is perfectly appropriate—in fact, it is essential—that we bring to the floor of the Senate a 9/11 Commission bill that helps protect this country. I commend the managers of the bill for it. I want to be out here helping pass this legislation. But that is one part of providing security.

Another part of providing security is to apprehend those who perpetrated the most aggressive attacks ever launched against this country. Apparently, based on the testimony of the heads of intelligence on two occasions in the last month, we know where they are. Yet they remain at large.

I asked a question the other day of the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff when they testified. I asked the question: If we know where the leadership of al-Qaeda is and if this is the greatest threat to our country's security and our homeland, then why on Earth, if we have soldiers to surge, are we not trying to apprehend and bring to justice the leadership of al-Qaeda to destroy the leadership? I was told: Well, we can't just invade some other country to go find them.

I thought we were getting cooperation from this other country. If they are in Pakistan, are the Pakistanis cooperating with us? If not, are they harboring al-Qaeda? If they are not harboring them, then how about allowing us to work with them to bring to justice the leadership of the organization that poses the most significant terrorist threat to this country? When will that happen?

There are some who have said Osama bin Laden and the leadership of al-Qaeda do not matter. They are dead wrong. I think the intelligence community knows that. The question is, When will this country, with its capability, decide to eliminate the greatest terrorist threat to America?

Let me again quote what Mr. Negroponte said on January 11 of this year:

> Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the Homeland.

How long will it be before this Congress can expect the same aggressive activity against the leadership of al-Qaeda as President Bush decided to take against Saddam Hussein? Saddam Hussein has been executed. He is gone. We understand this was a brutal dictator. We have unearthed mass graves with apparently somewhere near 400,000 skeletons of human beings murdered by that dictator. But he is executed; he is gone. Iraq has its own Constitution. They have their own Government. The question is, Do they have the will to provide for their security? That is another issue, and an important one.

We have American soldiers in harm's way in the middle of sectarian violence, in the middle of what clearly is now a civil war in Iraq. But when we talk about committing America's soldiers for this country's security, when will this President and this Congress decide to confront the greatest terrorist threat to our country and to our homeland—the leadership of al-Qaeda in a secure hideaway in Pakistan? Four days after 9/11, our President said that those who harbor terrorists are just like the terrorists. So let's decide to ask those in whose countries terrorists now reside to work with us to bring them to justice, to capture them, and to eliminate the leadership of the greatest terrorist threat to this country.

My colleague, Senator CONRAD, and I have offered an amendment. We will hope it will be given a vote next week. It ought not be a controversial amendment for anybody in this Chamber. It is a deep reservoir of common sense, for a change, for us to do what we ought to do, and protect this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the Improving America's Security Act.

The 9/11 Commission released its report in July 2004. But more than 2 years have now passed, and many of its recommendations still haven't been implemented. The Nation remains seriously unprepared for another terrorist strike.

I commend Senator REID for making these recommendations a top priority. Democrats are committed to implementing the Commission's recommendations and we intend to honor that commitment.

The Commission urged Congress to prevent further attacks by stopping terrorists before they reach our shores. This bill includes practical steps using technology and diplomacy to keep terrorists out of the country. It provides greater security for the visa waiver program, by authorizing the Department of Homeland Security to establish a simplified online electronic visa application to visitors before they enter the United States. It also improves the reporting of lost and stolen passports and the exchange of information about prospective visitors who may be a security threat. The visa waiver program is worthwhile, but we need to make it as secure as possible.

I commend the committee for including in the bill an amendment granting collective bargaining and appeal rights to Transportation Security Administration officers. These men and women are on the frontlines of our effort to keep America safe. But for years, they have been treated as second-class citizens, lacking basic workplace rights. The agency has higher injury and attrition rates than any other Federal agency. It is vital to our national security to minimize turnover in this important profession and give these workers a voice on the job to speak out on safety issues without fear of reprisal or retaliation. Granting them these fundamental rights will stabilize this essential workforce, increase its morale, and improve our national security.

In addition, the bill establishes a dedicated funding stream to promote communications interoperability. This was one of the hard lessons we learned on 9/11 and also during Katrina. The lack of funding for interoperable communications is one of the highest concerns I hear from first responders in Massachusetts. They shouldn't have to rely on uncertain funding from the overburdened and underfunded FIRE grants program to achieve such communications. The committee correctly recognized that this is a national goal and it has proposed a $3.3 billion grant program over 5 years to achieve it.

This bill makes real progress in another key area that the Commission identified for improvement: intelligence sharing at all levels of Government, in order to disrupt terrorist networks before their plan is carried out. Information sharing is vital so that analysts have all available information to "connect the dots" before an attack is launched. The bill orders a homeland security advisory system to alert State and local governments about threats, and authorizes a training program for State and local law enforcement in handling intelligence. It also establishes homeland security fusion centers to bring Federal, State and local antiterrorism efforts under the same roof and promote further information sharing.

The bill makes progress in other areas identified by the 9/11 Commission as needing improvement. It provides support to State and local governments to establish incident command stations to coordinate response efforts during a terrorist attack or other disasters. It calls for a national strategy for transportation security to provide transit system operators with guidance to protect passengers and infrastructure. It calls on the Department of Homeland Security to make annual risk assessments of critical infrastructure, and to make recommendations for hardening those targets and putting other countermeasures in place.

The bill also strengthens the Privacy and Civil Liberties Board in significant ways. It requires Senate confirmation of all of its members and ensures that no more than three members will be of the same party. Importantly, it requires that the Board expand its public activities, which will allow for greater accountability. It also gives the Board authority to request that the Attorney General issue a subpoena and requires that the Attorney General notify Congress if he does not do so. Finally, it includes a $30 million authorization over the next 4 years to ensure that it has the resources to carry out its important responsibilities.

In some areas, the bill could be improved. The 9/11 Commission recommended that homeland security funds be allocated strictly on the basis of risk. While all States may bear some degree of risk, our experience on 9/11 suggests that terrorists are most likely to target areas that will produce the greatest loss of life or property or national symbols. The bill improves on current law in allocating resources under the largest of the homeland security grant programs—the State homeland security grants. Currently, each State is guaranteed at least three-quarters of 1 percent of the total appropriated for the program. That may seem like a relatively modest amount, but when you multiply it 50 times, it represents nearly 40 percent of the total appropriation. The bill lowers the minimum guarantee to 0.45 percent, allowing more of the overall sum to be allocated based purely on actual risk. The House bill lowers that amount even further to one-quarter of 1 percent. The issue is how best to allocate these limited resources, and I believe the House funding formula more faithfully reflects the 9/11 Commission's recommendation and is the wisest use of limited resources.

On the bill's proposal for a National Bioterrorism Integration Center, I agree that the Nation must be able to rapidly identify and localize biological threats, but I am concerned that this new system will duplicate existing disease monitoring systems. I appreciate the chairman's willingness to work out ways to minimize duplication and allow a flow of information between the new system proposed in the bill and existing disease monitoring systems.

One issue not addressed in this legislation is the health needs of first responders, volunteers, and residents of New York City harmed by the 9/11 terrorist attacks. On that day, valiant police officers, firefighters and health care workers rushed to the site, and many lost their lives. Many others today are sick, and growing sicker, because of their heroism. Tens of thousands of others who worked to clean up and rebuild downtown Manhattan were also exposed to a toxic mix of dust and chemicals whose effects are just beginning to be understood. This is an issue we will be taking up in the coming weeks in the HELP Committee, with the leadership of Senator CLINTON, and I hope we can work together to enact legislation to help these brave men and women and their families as soon as possible.

Again, I commend the committee for proposing this needed bipartisan bill.

We also owe an immense debt to the members of the 9/11 Commission, especially Chairman Tom Kean and Vice Chairman Lee Hamilton, for never relenting in their mission to see that their recommendations are implemented to protect the Nation from future terrorist attacks. I have no doubt that their persistence is in no small part the reason this bill is being acted on today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Ms. COLLINS. Mr. President, for the information of our colleagues, I know the distinguished assistant leader is going to be making comments shortly about the schedule tomorrow, but it appears there may be two rollcall votes. It is still being negotiated as to exactly what they are going to be on. It looks as if they may be on amendments offered by Senators SALAZAR and SUNUNU.

I want, for the record, to state those amendments are acceptable on this side of the aisle. I was prepared to accept them without the need for a rollcall vote, but at this point it is my understanding that rollcalls are likely for tomorrow. I am sure we will hear shortly from the leaders on that.

Mr. President, I thank my colleague for allowing me to precede him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I will speak to the schedule and adjournment in just a moment, but before that I ask unanimous consent to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Mr. President, I come again to the floor this evening to speak about Darfur in Sudan. Most Americans are now familiar with what is going on in this remote part of our world.

Hundreds of thousands of people have died. Two million have been forced to flee their homes and still cannot return. Humanitarian workers have been raped, beaten, arrested, and killed.

This is genocide. That is a word we should use with the utmost caution. If we misuse the term, we diminish it; we dilute its power. But if we fail to use the word or if we use it and fail to act, then that is even worse.

The entire world has allowed Darfur to happen. Now it is up to every one of us to stop it. Those of us who have the privilege of being elected to office have a higher responsibility than most. We sought out these positions, and we must assume the duties that come with them.

There are few duties more fundamental than the obligation to save innocent men, women, and children from slaughter.

This week, Luis Moren-Ocampo, the International Criminal Court's prosecutor, presented evidence on the mass murder in Darfur to the judges of the International Criminal Court. This evidence focuses on two individuals as helping to lead and coordinate this campaign of violence.

The first individual named by Mr. Ocampo is Ahmad Muhammad Harun, former state minister of the interior, and now a state minister for humanitarian affairs for the Government of Sudan. State minister for humanitarian affairs—it is hard to even speak those words.

From 2003 to 2005, Harun was responsible for the "Darfur security desk" in the Sudanese Government. His most important task was the recruitment of janjaweed militias. He recruited them, as Prosecutor Ocampo points out, with the full knowledge that the janjaweed militia members he was recruiting "would commit crimes against humanity and war crimes against the civilian population of Darfur."

That was, in fact, the point of his recruitment effort.

The second individual named in the prosecutor's presentation of evidence to the court is Ali Abd-al-Rahman, also known as Ali Kushayb.

Ali Kushayb is a janjaweed commander who personally led attacks on villagers, just as the Sudanese Government intended.

This was part of a coordinated strategy of the Sudanese Government to achieve victory over rebels not by confronting the rebels but by attacking the civilian populations around them, by destroying entire villages and driving out or killing every inhabitant.

Let me read a short section of Mr. Ocampo's document to illustrate the crimes these two men helped coordinate and lead. It is graphic and horrifying. This is what they wrote:

> During the attack on [the village of] Bindisi on or about 15 August 2003, Ali Kushayb was present wearing military uniform and he was issuing orders to the Militia/Janjaweed. Ground forces were shooting at civilians and burning huts. The attacking forces pillaged and burned dwellings, properties and shops. The attack on Bindisi lasted for approximately five days and resulted in the destruction of most of the town and the death of more than 100 civilians, including 30 children.
>
> In Arawala, in December 2003, Ali Kushayb personally inspected a group of naked women before they were raped by men under his command. A witness said she and the other women were tied to trees with their legs apart and continually raped.
>
> In or around March 2004, Ali Kushayb personally participated in the execution of at least 32 men from Mukjar. The evidence shows Ali Kushayb standing near the entrance of the prison and hitting these men as they filed past and into Land Cruisers. The vehicles left with Ali Kushayb in one of them. About fifteen minutes later, gunshots were heard and the next day 32 dead bodies were found in the bushes.
>
> The Application [which is the term for Ocampo's presentation of evidence] alleges that Ahmad Harun and Ali Kushayb bear criminal responsibility in relation to 51 counts of war crimes and crimes against humanity including: rape; murder; persecution; torture; forcible transfer; destruction of property; pillaging; inhumane acts; outrage upon personal dignity; attacks against the civilian population; and unlawful imprisonment or severe deprivation of liberty.

Many can ask, why, when hundreds of thousands of people have died and millions have suffered, why just single out these two men? What does this presentation of evidence to a court sitting in the Hague in Europe accomplish? Why single them out? Because that is where you start and because this submission by the prosecutor illustrates a direct chain of command from the janjaweed, who rode into the villages on horseback to rape, murder, and plunder, to the official government in Khartoum that orchestrated these atrocities.

It is an act of accountability, when up to now there has been none. But it is not enough.

The International Criminal Court has issued summonses for the two men named by Mr. Ocampo. If they do not appear, it must issue arrest warrants. If the Sudanese Government does not turn them over, then the United Nations Security Council must act.

But this is about far more than two individuals. It is time for the United States of America to lead. Here in Congress, we have been told that progress is being made. I do not see it at all. We have been told that we cannot push harder at the United Nations because the Chinese may veto any resolution we put forward.

I have a simple proposition. Let's put this matter before the U.N. Security Council. Let's let the American representative—our Ambassador—to the United Nations vote in accordance with our finding that a genocide is taking place. Let's let every civilized nation in the world know where we stand. And let's ask them on the record where they stand.

If any country—China or any other—wants to step up and say we should take no action to stop this genocide, so be it. Let the record of history show where they stand as this genocide unfolds.

Congress has passed many bills giving the administration additional sanctions they can presently use as tools by the United States to stop this genocide.

On two different occasions, I have spoken directly and personally with the President about Darfur. I feel very intensely about it. I have said on the floor before—and I think it bears repeating—as a student in this city at Georgetown University, I had a famous professor named Jan Karski. He was in the Polish Underground during World War II and came to the United States to try to alert them to the evidence that he had accumulated about the Holocaust that was taking place. He was a man who spoke broken English, but he was on a mission, looking for anyone who would listen to him, praying that the United States, that he heard so much about, would step forward and do something to stop this Holocaust. He met with a few individuals. He did not get to the highest levels of our Government and left in frustration, having accomplished very little.

Some 25 or 30 years later, Dr. Karski was a professor at my university. I remember when he told that story, I thought to myself: How could this happen? How could 6 million people die and no one do anything about it? He tried. At least he tried. But what about everyone else? I did not understand it. But now I do. I do because I have watched what has happened in Darfur since the genocide was declared. The honest answer is: Almost nothing. And the honest answer is: The United States of America has done almost nothing.

I have asked the President directly, I have spoken to Secretary of State Condoleezza Rice, and I have spoken to all who will listen, begging them to do something, something to respond to this declared genocide.

Special Envoy Andrew Natsios said that come January 1, the United States would exercise sanctions if Sudan did not agree to a joint African Union-United Nations peacekeeping mission.

Well, January 1 came and went and no mission was allowed. There is no joint peacekeeping mission in the Sudan today, and it is March 1.

I believe we should use every economic and diplomatic tool at our disposal. We should implement additional sanctions immediately. But, more importantly, we must convince other countries and the United Nations to do the same. And it starts with us personally, divesting ourselves of those businesses that are doing business in Sudan.

I made this speech and put out a press release a month or two ago, and some enterprising reporter went through the 5 or 10 mutual funds my wife and I owned and spotted one that had an investment in PetroChina. PetroChina is the Chinese oil company in the Sudan. He identified that mutual fund, and I sold it immediately. I was not embarrassed because you cannot really keep up with a mutual fund and everything they own. But I knew I had an obligation to do something once I was advised. It wasn't that difficult for my family. Certainly it didn't damage my portfolio, as modest as it may be. But I ask everyone, if you seriously believe that the genocide in Darfur must end, start by seeing what you can do personally. Every American should ask if their investments are going to support the Government of Sudan. Every mutual fund director should ask the same thing. I have written to every college and university in my State asking them to divest of investments in Sudan until the genocide in Darfur ends. Unilateral sanctions by the United States are important, but multilateral sanctions imposed by the United Nations can make a difference. Genocide occurs because the world allows it to occur. It is time to prove that the 21st century will be different.

Mr. President, just a few days ago—in fact, just yesterday—in the Washington Post, a woman who is well known to many, Angelina Jolie, published an article about the situation in Darfur. It is entitled "Justice for Darfur." Ms. Jolie, who is well known to all of us, is a comely actress whom I had a chance to meet a year or two ago when she came to town in her capacity as goodwill ambassador for the United Nations High Commission for Refugees. She has certainly proven her skill as an actor, and I think she has demonstrated that her caring for people around the world is genuine. The article she wrote in the Washington Post is one that, at the end of my statement, I will ask to have printed in the RECORD so that it is an official part of our Senate proceedings. She is in Bahai, Chad. She says in this article "Justice for Darfur" the following:

> Sticking to this side of the Sudanese border is supposed to keep me safe.

Ms. Jolie writes:

> By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit in 2004. The death toll has passed 200,000; in 4 years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

She talks about accountability. In this article, she says:

> Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting with impunity. Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court, has said that genocide is not a crime of passion, it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

Mr. President, she concludes by saying:

> In my 5 years with the United Nations High Commission for Refugees, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.
>
> It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.
>
> What the worst people in the world fear most is justice. That's what we should deliver.

Mr. President, I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Washingtonpost.com, Feb. 28, 2007]

JUSTICE FOR DARFUR

(By Angelina Jolie)

BAHAI, CHAD.—Here, at this refugee camp on the border of Sudan, nothing separates us from Darfur but a small stretch of desert and a line on a map. All the same, it's a line I can't cross. As a representative of the United Nations High Commissioner for Refugees, I have traveled into Darfur before, and I had hoped to return. But the UNHCR has told me that this camp, Oure Cassoni, is as close as I can get.

Sticking to this side of the Sudanese border is supposed to keep me safe. By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit, in 2004. The death toll has passed 200,000; in four years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

Attacks on aid workers are rising, another reason I was told to stay out of Darfur. By drawing attention to their heroic work—their efforts to keep refugees alive, to keep camps like this one from being consumed by chaos and fear—I would put them at greater risk.

I've seen how aid workers and nongovernmental organizations make a difference to people struggling for survival. I can see on workers' faces the toll their efforts have taken. Sitting among them, I'm amazed by their bravery and resilience. But humanitarian relief alone will never be enough.

Until the killers and their sponsors are prosecuted and punished, violence will continue on a massive scale. Ending it may well require military action. But accountability can also come from international tribunals, measuring the perpetrators against international standards of justice.

Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting with impunity. Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court (ICC), has said that genocide is not a crime of passion; it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

On Monday I asked a group of refugees about their needs. Better tents, said one; better access to medical facilities, said another. Then a teenage boy raised his hand and said, with powerful simplicity, "Nous voulons une épreuve." We want a trial. He is why I am encouraged by the ICC's announcement yesterday that it will prosecute a former Sudanese minister of state and a Janjaweed leader on charges of crimes against humanity.

Some critics of the ICC have said indictments could make the situation worse. The threat of prosecution gives the accused a reason to keep fighting, they argue. Sudanese officials have echoed this argument, saying that the ICC's involvement, and the implication of their own eventual prosecution, is why they have refused to allow U.N. peacekeepers into Darfur.

It is not clear, though, why we should take Khartoum at its word. And the notion that the threat of ICC indictments has somehow exacerbated the problem doesn't make sense, given the history of the conflict. Khartoum's claims aside, would we in America ever accept the logic that we shouldn't prosecute murderers because the threat of prosecution might provoke them to continue killing?

When I was in Chad in June 2004, refugees told me about systematic attacks on their villages. It was estimated then that more than 1,000 people were dying each week.

In October 2004 I visited West Darfur, where I heard horrific stories, including accounts of gang-rapes of mothers and their children. By that time, the UNHCR estimated, 1.6 million people had been displaced in the three provinces of Darfur and 200,000 others had fled to Chad.

It wasn't until June 2005 that the ICC began to investigate. By then the campaign of violence was well underway.

As the prosecutions unfold, I hope the international community will intervene, right away, to protect the people of Darfur and prevent further violence. The refugees don't need more resolutions or statements of concern. They need follow-through on past promises of action.

There has been a groundswell of public support for action. People may disagree on how to intervene—airstrikes, sending troops, sanctions, divestment—but we all should agree that the slaughter must be stopped and the perpetrators brought to justice.

In my five years with UNHCR, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.

It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.

What the worst people in the world fear most is justice. That's what we should deliver.

Mr. DURBIN. Mr. President, I conclude by saying that the subcommittee which I chair of the Judiciary Committee, the Human Rights Subcommittee, had a hearing several weeks ago on genocide in Darfur. We are preparing legislation as a result of that hearing to authorize State and local governments and others to divest of investments in Sudan and businesses that are doing business in Sudan and furthermore to extend the authority of the U.S. Department of Justice to prosecute those whom we find guilty of genocide in foreign lands. That authority currently exists for those whom we accuse and wish to prosecute for torture; the same thing should apply to crimes of genocide.

Those two legislative changes may help, but in the meantime it is time for our Government to help. I commended the Bush administration 4 years ago when they finally used the word "genocide" as it related to Darfur. I thanked then-Secretary of State Colin Powell for his courage in using that word. I said the same to Secretary of State Condoleezza Rice. But, having said that, we must understand that if we use the word and fail to act, what does it say of us? If we acknowledge that a genocide is taking place and do nothing, what does it say of America?

We have the power to do things, to change this. It will take political courage, not only in the White House but here in Congress. History will write in years to come whether we acted or not, as it is written about the lack of response to the Holocaust. I sincerely hope history will judge us late to the cause but rising with a sense of justice that is necessary to end this terrible killing.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ARCHIE GALLOWAY

Mr. SESSIONS. Madam President, I would like to take a personal moment to express my deepest gratitude and bid farewell to my senior defense policy analyst, Archie Galloway.

For the past 10 years, Archie has dedicated his time, energy and skill to assisting me but more importantly to assisting America and the citizens of Alabama. He has been a friend and an asset to the Senate Armed Services Committee, and his performance stands as a tribute to the professionalism of our military community. Archie leaves us to join the private sector, but our Nation will continue to benefit from his many contributions for many years.

I congratulate Arch on his bright future but with a heavy heart. His experience as a battle-tested Army officer, Ranger, and 101st Airborne Screaming Eagle, combined with his in-depth knowledge of the workings of Capitol Hill, cannot be matched. Upon joining my team, he quickly became a pillar in my office. His undeniable work ethic and his unwavering dedication to our country and to my State of Alabama were a great example to his fellow staffers.

As my senior defense policy analyst, I have relied on Archie's experience and sound judgment. In the last 10 years, he has been instrumental in the passage of key legislation, such as the HEROES Act that Senator LIEBERMAN and I cosponsored—I believe the Senator was here a moment ago—that doubled the death benefits provided to the families of those who lost a servicemember in combat. Alabama's success in the recent Base Realignment and Closure round reflected so much of his hard work. The footprints of his dedication to the needs of this Nation and to the State of Alabama are deep and permanent as he moves on to his next journey in life.

I would be remiss if I did not mention the other half of the Galloway team. Archie's wife Carol is a tremendous contributor to his success. We will always be impressed by the strength of their partnership and the heart and soul they put into everything they do together.

On behalf of myself, my staff, and the people of Alabama, the military community, the Senate Armed Services Committee, and the entire country, may I say thank you to Colonel Archie Galloway.

During these 10 years, Archie has won the admiration and respect of everyone he has worked with. Many have sent their regards, so I thought I would quote a few.

Charlie Able, former Under Secretary of Defense for Personnel and Readiness and the former Armed Services Committee staff director had this to say:

> Archie is a professional soldier and a dedicated Senate staffer who cares deeply about soldiers and their families. It's equally important to recognize his wife Carol for her dedication and service. This partnership is truly their best asset.

Les Brownlee, the former Senate Armed Services Committee staff director and Under Secretary of the Army had this to say:

> Archie wore the uniform of a soldier and brought all of that wonderful experience to the U.S. Senate, where it has been invaluable to Senator Sessions, the Army, and the Nation.

Here are the words of General Cody, Vice Chief of Staff of the United States Army:

> Archie Galloway is a patriot in every sense of the word. His commitment to this Nation and the Army has not faltered through 40 years of service. In and out of uniform, Archie has dedicated his life to taking care of the soldiers that defend our freedoms. Although Arch will be missed, he can take great pride in knowing the indelible impact he has made will continue to save lives, strengthen our national security, and protect the liberties from which we all benefit. Thank you for your service Arch, Army Strong!

Dick Walsh, senior member of the Armed Services Committee, writes on behalf of the Armed Services Committee and their team:

> There aren't many people working on Capitol Hill these days who have served in the Armed Forces, and among those, there are even fewer who—like Arch Galloway—served over 20 years on active duty, commanded troops, and achieved the rank of Colonel in the United States Army. We have been fortunate to have Arch working issues in support of Senator Sessions on behalf of soldiers, sailors, airmen, and marines and working for the people of our country. Whether he learned it from his parents or whether he learned it in the Army, Archie brought the qualities of common sense, good judgment, commitment to duty, honor, and country, wisdom and an inherent understanding of how to get things done the right way in the U.S. Senate. Archie helped us all see each day that the Army is an institution we all have to listen to, support, and advocate for. Any outfit that keeps someone like Arch for a career and then hands him off to more public service is doing something right. No one was able to send a message of appreciation and thanks for support and a job well done with a plate of delicious cookies better than Archie Galloway, and we thank Carol Galloway for her contributions as Archie's G4 to committee morale. Archie like few others understands the "force multiplier" effect of baked goods. All part of being a great leader. The staff of the Senate Armed Services Committee relies greatly on the military legislative assistants who work for our Senators and those who have the kind of experience and qualities that Arch possesses represent a tremendous resource. They are full partners with the committee staff. We are sad to see Archie leave, and he will be missed, but we are very grateful for his friendship and service.

Rob Soofer, the chief staffer for the minority side on the Strategic Forces Subcommittee says:

> Most legislative assistants view their primary responsibility as supporting the Senator's interests in the State. While Archie was indeed a forceful advocate for defense interests in Alabama, he never lost sight of the broader national security interests and the role Senator Sessions played as chairman of the Strategic Forces Subcommittee. As the liaison between the committee staff and the Senator, he made sure the Senator was prepared to chair subcommittee hearings and address critical strategic force issues during the preparation and passage of the National Defense Authorization Act.

John Little, now the chief of staff for Senator MARTINEZ, a former staffer in my office, said this:

> I cannot say enough about Archie Galloway. It was my honor to work with him for 8 years. I have never worked with someone who is more honest, sincere and dedicated. As a native of Alabama, I know how much he has done for my State. America is truly stronger for his service to our Nation. I wish him and Carol much happiness and the best of luck as he embarks on his new professional career. I am very glad that I can call him my friend.

Here are some comments from those with whom he has worked. Rick Dearborn, the Chief of Staff in my office, says:

> If James Brown was known as the hardest working man in show business, Arch Galloway should be known as the "hardest working military legislative assistant on the Hill." The focus that Arch has placed on men and women in uniform over 10 years, particularly those who served in the State of Alabama, was a tribute to his country and the man who represents them. I know of no one who has worked harder, put in more hours,

> more thought and sweat than Archie Galloway on behalf of the men and women in uniform and in the name of national security.

Major Shannon Sentell, former military fellow in my office, back now on active duty, said:

> Be it the soldier in the field, the constituent in need of assistance, or the numerous relationships he has on the Hill, Archie Galloway always gave 110 percent in making sure the welfare of those individuals and groups was taken care of. His untiring efforts and tenacious attitude made Arch the "go-to" man when a lot of heavy lifting was needed. On a personal note, I refer to him as my colleague, my mentor, but most of all, my friend. Thank you, Arch, for what you do on a daily basis. You have made an incredible difference in so many lives. You will be sorely missed.

Meagan Myers, who now works under Colonel Galloway on my staff, said this:

> Though he would never admit it, Arch is my father figure in Washington, D.C. I have truly never learned so much about life from one individual. To call him my mentor would be an understatement at best. Although I will miss Arch in the office, I look forward to his success in the private sector.

Watson Donald, who also worked under Archie Galloway and is now the military legislative assistant for Congressman JO BONNER, said:

> Archie Galloway is one of the most dedicated, hard-working, loyal, intelligent people I know. His decade-long service to Alabama has been invaluable and I know our entire congressional delegation will miss his defense-related expertise. Having worked for him personally for 3 years, I am proud to have him not only as a professional mentor, but as a friend.

Leroy Nix, who also worked under Arch and is now in law school said:

> I would simply like to express my gratitude to Colonel Galloway for his tireless commitment to excellence and the service of the people of Alabama and this Nation. Having worked with Arch in Senator Sessions' office for the better part of 3 years, I had the luxury of learning from him, not just the finer points of professionalism and personal development, but also those things that I feel will continue to influence the man I am and the man I strive to be. My only hope is that more people, young and old, could have such a fine teacher, mentor, and most importantly, friend.

John Muller, current military fellow and major in the Army says:

> Archie is a true patriot and a great mentor. He shows you the way and gives you the freedom to work the issues, but he will not let you fail.

Stephen Boyd—LA, SESSIONS staffer said:

> I've had the very good fortune to work about 10 feet from Arch Galloway, day in and day out, for several years now. It's given me a deep respect for all he has done behind the scenes for Senator Sessions and for the State of Alabama. When I came to Washington fresh from law school, I was long on eagerness but short on experience. It didn't take me long to realize that Arch Galloway, more than any other, knew exactly what he was doing in this town. I decided early on to use Arch's attitude, style, and work ethic as a model for my own, and I think that is one of the best decisions I have ever made. His guidance has never let me down.

Mike Brumas, press secretary, Senator SESSIONS, said:

> the use of use of superlatives is all too common these days. But someone trying to describe Arch Galloway's 10-year tenure on Capitol Hill is forced to reach for the highest of accolades—best, brightest, consummate professional, hardest worker. Arch Galloway brought the can-do spirit of a distinguished military career to Senator Sessions's office, and we all benefited by his example. He will be hard to replace and is already missed.

Madam President, I have had the opportunity to travel to Iraq on more than one occasion with Colonel Galloway. He is more than an employee in my office. He is a friend and a partner in service to our country. His career was exceptional in the Army on active duty. His service in my office has been exceptional. No one on the Hill, I think, is more respected than Archie Galloway for his hard work and professionalism. I am going to miss him. Our country is going to miss him.

I don't do this often, but I think on very special occasions, those who serve this Senate exceedingly well deserve a few moments of mention. I think it is true for Archie Galloway. I think all of us appreciate our staff members. So many serve in so many superb ways, but I have to tell my colleagues, this one was special. I am really going to miss him. I wish he and Carol every success. He has been a partner, a friend, and a patriot in his service to America.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I wish to very briefly thank Senator SESSIONS for his tribute to Archie Galloway. I had the privilege to work with Arch and traveled with him at least a couple of times. He is a patriot. He served his country in many different roles, including the last period of time working with Senator SESSIONS, to the benefit of the Senate and his country. I wish him the best in the years ahead, and I look forward to continuing our friendship.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I wish to take a moment, as they are talking about the way to proceed further, to read a letter I have read every year since I have been in the Senate on or around March 2, which is Texas Independence Day. Today is the 171st anniversary of the signing of the Texas Declaration of Independence. This is a document that declares that Texas would be a free and independent republic. This is a tradition that was started by my colleague, Senator John Tower. It is a most historic time for Texas because we celebrate Texas Independence Day every year because we know that fighting for freedom has made a difference in what our State has become. We love our history. We were a republic for 10 years, and then we came into the United States as a State.

The defense of the Alamo by 189 courageous men, who were outnumbered 10 to 1, was a key battle in the Texas Revolution. The sacrifice of Colonel William Barret Travis and his men made possible General Sam Houston's ultimate victory at San Jacinto, which secured independence for Texas. Sam Houston and Thomas Rusk, who was the Secretary of War for the Republic of Texas, were the first two United States Senators to serve from the State of Texas.

I will read the letter that was sent by William Barret Travis from the Alamo, asking for arms.

> Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat.
>
> Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.
>
> WILLIAM BARRET TRAVIS,
> *Lt. Col., Commander.*

As everyone knows that battle did continue. Colonel Travis did not receive any help, but it was the delay of those brave soldiers, numbering under 200, that allowed Sam Houston to reinforce his own army and take a stand at the battle of San Jacinto that happened April 21 of that year and did, in fact, determine that Texas would become an independent republic.

TAX RELIEF

Mr. GRASSLEY. Mr. President, I rise to discuss the tax relief that was passed by Congress and signed into law by President Bush in 2001 and 2003, and to bring some reality to an upcoming debate this month that involves the budget resolution. Since that tax relief was enacted in 2001 and 2003, and especially since last November, we have heard from the liberal establishment in Washington and elsewhere that this bipartisan tax relief must be ended and that taxes should be increased on millions of Americans of all income levels.

Today, I am going to look at what is driving the tax increase crowd and talk about why they are wrong and why increasing taxes is a bad idea. The liberal establishment uses deficit reduction as a primary excuse for their craving to raise taxes, but before we applaud their efforts to balance the budget, let's think about their solution. When anyone says we need to increase taxes to balance the budget, what they are saying is they are unwilling to cut Government spending. In actuality, the tax increase crowd wants to increase Government spending.

Yesterday, I focused on what extending the bipartisan tax relief package means to nearly every American who pays income tax. So today, as I promised yesterday, I want to examine the tax relief and to look at the impact it has on our economy.

Regardless of whether you look at Federal revenues, employment, household wealth, or market indexes, the impact of tax relief has been overwhelmingly positive. I am going to put a chart up that gives the figures I want you to consider as I go through the points I am making.

The first chart illustrates the growth of revenue with the red line and the growth in GDP with the green line. As we can see, revenues are currently increasing, and are projected to increase in the near future, even before tax relief is scheduled to sunset under current law in the year 2010. Clearly, tax relief has not destroyed the Government's revenue base. I want to point out that this chart shows percentage changes in revenue and percentage changes in GDP. So if the lines are flat in places, it means revenues and GDP are increasing at a constant rate.

The next chart graphs the Standard & Poor's 500 equity price index over a period of several years. So, here again, the lowest point of both the red line, representing the weekly S&P, and the green line, representing an average, seems to correspond closely with May of 2003, which, not coincidentally, is when dividend and capital gains tax cuts were signed into law. Aside from benefiting Americans directly invested in the stock market, this is good news for anyone with a pension who invests in the stock market as well. Of course, that happens to be well over half the people. I think somewhere between 56 and 60 percent of the people, either through pensions or directly investing in the stock market, have money reserves in the stock market. So this is not something that affects 10 or 15 percent of maybe the wealthiest people in the country, as it did 20, 25 years ago; more people are vested in the stock market, mostly through pensions.

According to the Federal Reserve—I have another chart—net wealth of households and nonprofit organizations has increased from a low of around $39 trillion in 2002 to more than $54 trillion in the third quarter of 2006. Since tax relief went into effect, our Nation's households and nonprofit organizations have benefited from more than $15 trillion of new wealth.

This trend is also apparent when we are looking at employment. I show you yet another chart. Total nonfarm employment was calculated to consist of around 130 million jobs in the summer of 2003 but is projected to be 137 million jobs in January of this year. This shows a 7 million increase in nonfarm employment since the 2003 tax relief bill was signed into law.

I have just described to you four indicators of prosperity. All four of them have increased since bipartisan tax relief was passed by Congress and signed into law. I wish to emphasize that word "bipartisan" tax relief legislation of 2001 and 2003. Federal revenues are growing steadily at a rate, then, greater than the gross domestic product. The S&P 500 ended a downward slide and began moving upward around the time of the 2003 tax bill. Also, since the 2003 tax bill became law, household and nonprofit wealth has steadily increased, and literally millions of new jobs have been created. I think it is more than a coincidence that all of these positive economic indicators are correlated with tax relief. I do not think anything short of willful ignorance could lead anyone to say tax relief has been bad for this country.

Now, going back to what I was saying before, the liberal establishment wants to reverse the tax relief that has done all the good things I was just talking about and that we demonstrated by chart, and all in the name of deficit reduction. However, this same crowd has not expressed any interest in reducing the deficit through reduced spending. I believe the reason for this is that this crowd, comprised of lobbyists, the big-city press, and the entrenched Federal bureaucracy, wants to raise taxes—your taxes—to spend your money on growing Government rather than working to trim spending. In fact, the more Government spends, the more power these interests are able to accumulate. The Federal bureaucracy gets to control more money, which will lead to more people hiring high-paid lobbyists to apply pressure to take a bigger piece of the pie the taxpayers are paying for. While these interests have no trouble thinking of themselves, they are not thinking of America's families, America's senior citizens, America's small business owners, and hard-working workers across America. These people may not be able to hire lobbyists or write syndicated columns, but their welfare should be our top priority.

I am going to talk in greater detail about America's families, seniors, small business owners, and workers, but for now, I just want to mention some more about our economy as a whole and how rolling back the 2001 and 2003 tax relief would have dire consequences for our whole economy.

There is an old saying that goes something like this: Figures don't lie, but liars can figure. This saying is especially true in Washington, DC. Any given issue has champions on both sides of the aisle able to generate studies and research that just happens to support their position. I say this because the source for the information I am going to present now is not one of those groups but, rather, the Goldman Sachs Group.

Goldman Sachs is an enormously successful and well-respected financial services firm. I do not think it is possible for any Democratic politician, liberal think-tanker, or liberal journalist to accuse Goldman Sachs of being a tool of my party, the Republican Party. Clinton Treasury Secretary Robert Rubin served as cosenior partner and cochairman, and current New Jersey Governor and former Senator Jon Corzine served as chairman and CEO of Goldman Sachs. Our current Treasury Secretary also enjoyed a prominent career at that firm. So I would recommend that Republicans, but especially Democrats, pay attention when a Goldman economist sends up a red flag.

In a report that is titled "Fiscal Policy: Marking Time until the Tax Cut Sunsets," the U.S. Economic Research Group at Goldman Sachs, in this report, projects a recession—projects a recession—if the 2001 and 2003 tax relief is allowed to sunset. Now, this study actually came out in November of 2006, so I am a little surprised we have not heard more about it.

For this report, Goldman Sachs economists used the Washington University macro model. To give a little background on the Washington model, it is a quarterly econometric system of 611 variables, 442 equations, and 169 exogenous variables. The Washington model was developed and is maintained by Macroeconomic Advisers, Limited Liability Corporation, out of St. Louis, MO. Macroeconomic Advisers is where former Congressional Budget Office Director Douglas Holtz-Eakin serves as a senior adviser. Plus, the firm won the prestigious 2005-2006 National Association for Business Economics Outlook Forecast Award for their accurate GDP and Treasury bill rate forecasts. That ought to give them a great deal of credibility. Now, of course, Macroeconomic Advisers and their Washington model must be accurate enough for people to pay to use it, which is not true for every organization that has been modeling the effects on the economy of letting tax relief expire.

Getting back to the Goldman Sachs study, the authors assumed that Congress would let the 2001 and 2003 tax relief expire, so they reset taxes to their year 2000 levels, grossed them up slightly to match the Congressional Budget Office estimate of the revenue impact of letting the tax cuts expire, and allowed for an appropriate monetary response. For monetary policy, the study's authors assumed that the

Federal Reserve would call for interest rate cuts when output falls below its trend and for interest rate increases when inflation rises above its comfort zone.

The study states that:

> In the first quarter of 2011, real GDP growth drops more than 3 percentage points below what it would otherwise be. Absent a strong tailwind to growth from some other source, this would almost surely mark the onset of a recession.

If tax relief is allowed to expire, this study shows that a recession is likely to result. By not extending or making tax relief permanent, Congress will be deliberately inflicting a recession on the American people. Is a lot of hollow, high-sounding rhetoric about balanced budgets worth the job losses or business closures that would result in such a recession?

The study eventually predicts higher output but notes that consumption would be lower.

So that everyone has the opportunity to review this study, I ask unanimous consent, Mr. President, that it be printed in the RECORD, along with one of the very few news stories to note its findings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Economic Analyst, Nov. 10, 2006]

FISCAL POLICY: MARKING TIME UNTIL THE TAX CUT SUNSETS

Near-term changes in US fiscal policy are unlikely despite the shift in control of the Congress. Key decisions on extending tax cuts are not forced until 2010, after the next election, while efforts to roll back these cuts before then would surely trigger a veto.

As the tax cut "sunsets" approach, the Congress regains power, as legislation will then be needed to extend the cuts. The choice will not be easy given the magnitude of the tax increase—about 1½% of GDP—that would occur if the tax cuts all expired and its likely impact on near-term growth.

In a simulation exercise, we confirm that this "do nothing Congress" scenario would quickly balance the budget but at the cost of a sharp hit to growth in the short term. Farther out, the benefits are higher output and lower inflation and interest rates, at the expense of less consumption—an inevitable price for this decade's tax cuts.

The Democratic Party has regained control of both houses of Congress with a surprisingly strong showing in the mid-term election. Although the new leadership will clash with President Bush on many issues, several areas appear ripe for compromise, including immigration policy, a minimum wage hike, and Iraq policy. Each could have significant impact on the economy.

Third-quarter real GDP growth could be revised up to about 2% (annualized), but the fourth-quarter prognosis remains murky. Early reads on retail sales suggesting that October spending was weak, and the factory sector must begin to work off an inventory overhang. The labor market continues to impress, though we expect the jobless rate to begin trending higher soon as the housing correction triggers more job losses.

I. RETURN TO DIVIDED GOVERNMENT

The Democratic Party has regained control of both houses of Congress with a surprisingly strong showing in the mid-term election. Although the new leadership will clash with President Bush on many issues, several areas appear ripe for compromise, including immigration policy, a minimum wage hike, and Iraq policy. Each could have significant impact on the economy.

Third-quarter real GDP growth may have been a bit stronger than first reported, with data in hand suggesting an upward revision to about 2% (annualized). However, the fourth-quarter prognosis is murky, with early reads on retail sales suggesting that spending was weak in October, and a substantial inventory overhang in the manufacturing sector. The labor market continues to impress, though we expect the unemployment rate to begin trending higher soon as the housing correction triggers more job losses.

Democrats Retake Congress

With surprisingly strong mid-term election gains, the Democratic Party has retaken a majority not only in the House of Representatives, but also in the Senate with a much thinner 51–49 edge (counting two independents who will caucus with the Democrats). This marks the first time that Democrats have controlled both houses of Congress since 1994; the size of the net changes (6 in the Senate, about 30 in the House) approaches those of previous "landslide" mid-term elections, especially given the relatively small number of competitive races.

With Democrats setting the agenda, the initial focus of Congress next year is likely to be on the six issues highlighted in the campaign: (1) reinstatement of PAYGO budget rules; (2) repeal of tax preferences for integrated oil companies; (3) reductions in student loan rates; (4) direct negotiation of Medicare prescription drug prices; (5) an increase in the minimum wage, and (6) implementation of the September 11th Commission recommendations.

Although President Bush and the Democratic Congress are likely to clash on many fronts, several major issues with ramification, for the economy appear ripe for compromise:

1. Immigration. Continued large inflows of undocumented immigrants and bipartisan acknowledgement that current policies are insufficient to address the situation have created fertile ground for legislative progress. A potential compromise on immigration policy would likely involve a combination of increased quotas for legal immigration, tougher enforcement of those quotas, and some sort of procedure through which illegal immigrants could eventually apply for US citizenship.

2. Minimum wage. As noted above, Democrats have targeted a significant increase in the national minimum wage, to $7.25 from $5.15 per hour, as part of their initial agenda. A majority in both houses of the current Congress had already supported an increase even before the election, but the deal was never consummated. More than half (26) of the states already have higher minimums, covering a significant portion of the US labor force.

3. Iraq. Iraq policy could see a fundamental shift, with Donald Rumsfeld's departure as Secretary of Defense an indicator of possible changes ahead. The upcoming report by a special commission chaired by former Secretary of State James Baker and former Congressman Lee Hamilton (who also co-chaired the September 11 Commission) could offer both parties political cover for a change of course. This might ultimately reduce the drain on the federal budget from Iraq-related expenditures.

However, compromise is less likely on many other issues. The White House appeared to be considering making entitlement reform its top priority in Bush's last two years in office, but this now seems unlikely given the huge political obstacles and the likelihood that lawmakers' focus will soon turn to the 2008 presidential election. Federal spending is unlikely to be dramatically different, though divided government historically has meant more controlled spending about in line with GDP growth (−0.02 points per year) versus slightly faster (+0.23 points) when government was under control of a single party.

Tax policy seems unlikely to change either. Most important tax cuts don't expire until 2010, and there is little Democrats in Congress can do to alter tax policy, given the likelihood of a Bush veto. In addition, Democrats appear far from unified on repealing many of these tax cuts, and the resulting fiscal tightening would pose temporary downside risks to the economic outlook. There is a small risk that tighter budget rules could force the cost of extending these cuts to be offset by tax increases elsewhere. Most likely, these would come from the closing of corporate "loopholes" or other business-related revenue raisers. Relief from the Alternative Minimum Tax (AMT) will be extended, but plans to require the cost of any tax cuts to be offset could put two of the Democrats' priorities in conflict (see this week's center section for a fuller discussion of the fiscal outlook).

More Growth Then, Less Now?

Economic news this week implied that third-quarter growth might turn out to be a bit stronger than initially estimated. In particular, better export performance and lower oil imports resulted in a substantially narrower trade deficit for September—$64.3 billion versus August's downward-revised $69.0 billion shortfall. This, combined with more inventory building than Commerce officials assumed, puts our best guess for third-quarter real GDP growth slightly above 2% (annualized). Upcoming reports on retail sales and inventories could still swing this figure.

However, the market's focus is on the outlook, and here we remain cautious. In theory, the sharp drop in energy prices over the past three months should boost consumer spending in the fourth quarter, but this acceleration has yet to materialize. Early reads on retail sales activity—the official government data are due out Tuesday—suggest that October spending was weak. In fact, we have trimmed 0.2 points from our retail sales estimates, to −0.4% overall and −0.3% excluding autos. Meanwhile, the manufacturing sector will have to begin working off a significant inventory overhang.

The labor market continues to impress. For example, initial jobless claims moved back down near the 300,000 level, implying that last week's rise was a head fake and reinforcing the generally strong tone of the October employment report. Although the labor market is clearly tight at present, we expect job losses—particularly from the housing sector—to begin pushing up the unemployment rate within the next few months.

II. FISCAL POLICY: MARKING TIME UNTIL THE TAX CUT SUNSETS

Near-term changes in U.S. fiscal policy are unlikely despite the shift in control of the Congress. Key decisions on extending tax cuts are not forced until 2010, after the next election, while any efforts to roll back these cuts before then would surely trigger a presidential veto.

As the tax cut "sunsets" approach, the Congress regains power, as legislation will then be needed if the tax cuts are to be extended. The choice will not be easy given the magnitude of the tax increase—about 1½ percent of GDP-that would occur if the tax cuts all expired and its likely impact on near-term growth.

In a simulation exercise, we confirm that this "do nothing Congress" scenario would quickly balance the budget but at the cost of a sharp hit to growth in the short term. Farther out, the benefits are higher output and lower inflation and interest rates, at the expense of less consumption—an inevitable price for this decade's tax cuts.

Near-Term Fiscal Policy: No Major Shift

Talk of imminent change in fiscal policy, focused on tax hikes, has surfaced as Democrats have regained control of the Congress. They netted about 30 more seats in the House of Representatives, giving them a comfortable margin. In the Senate, the Democratic margin is much thinner—a 51–49 edge.

However, this shift in control of Congress does not translate into an immediate shift in fiscal policy for four reasons. First, the budget deficit has narrowed sharply over the past two years, as shown in Exhibit 1. This may reduce the sense of urgency in the minds of many lawmakers, and therefore their willingness to strike deals even though the longer-term imbalance remains serious and unresolved. Second, the main components of President Bush's signature tax cuts—enacted with "sunsets" to contain their budget impact—do not expire until the end of 2010. Hence, the thorny issue of extending these cuts need not be addressed until after the next Congress (and president) is elected in 2008. Third, any effort to roll back these cuts before their scheduled expiration would almost surely trigger a presidential veto, which the Congress could not override, and it would provide the GOP with an election issue to boot. Therein lies the fourth reason, that the impending 2008 presidential election will limit the time and scope for meaningful progress.

Similar logic applies to the spending side of the ledger, where any efforts to trim outlays for defense or homeland security would be fraught with political risk. Our working assumption is that total spending on national security will not change much, although the composition might shift; for other discretionary spending we expect gridlock between a Democratic majority that would like to restore some programs and a Republican president whose veto pen will suddenly be full of ink. The same probably holds for Democrats' announced intention to push for direct negotiation of Medicare prescription drug prices.

One issue the new congressional leadership will face is how to handle the various tax measures whose renewal has become an annual ritual in recent years. By far the largest of these is the temporary fix of the alternative minimum tax (AMT), without which the number of taxpayers affected by this obscure tax calculation would soar. Although renewing the AMT would boost the deficit by an estimated $65 billion for fiscal year (FY) 2008, it enjoys bipartisan support. This is because many of its unsuspecting victims live in "blue" states. Hence, the new Congress will probably find some way to make it happen and pass most of the other ones (another $16 billion) as well. In doing so, the Democrats risk compromising another objective they have championed in recent years, namely to reinstate pay-as-you-go (PAYGO) rules for federal budget legislation. Unlike the administration and the current congressional leadership, who favor PAYGO only for outlays, Democrats have pushed to have these rules apply to taxes as well. Notably, the decision to resurrect PAYGO does not require the president to sign off, as it can be implemented simply as part of the budget resolution. Hence, an early test of the Democrats' resolve to control the budget deficit will be whether they restore PAYGO or something similar and, more critically, whether they adhere to it.

2010: A Year of Wreckoning?

On balance, our expectations for significant change in fiscal policy during the next two years are low. Thereafter, the calculus changes radically as the 2010 sunsets approach. Absent legislative action, the tax code essentially reverts to its pre-2001 provisions on January 1, 2011. Marginal tax rates on ordinary income rise significantly, dividend income loses its special treatment, the capital gains tax rate goes back to 20 percent, the marriage penalty reappears, the child tax credit drops, and the estate—oops, death—tax springs back to life.

One implication of this situation is that the initiative reverts to Congress, specifically the one to be elected in 2008. It can opt for fiscal balance simply by doing nothing and letting the tax cuts expire, or it can pass legislation to extend any or all of the cuts. Although the president—whoever that may be—obviously still has the right of veto, he/she obviously cannot reject a bill that has not reached his/her desk.

More importantly, the stakes are high, as the sunsets potentially telescope into one year the reversal of tax cuts implemented in various stages between mid–2001 and early 2004. According to Congressional Budget Office (CBO) estimates, tax revenue would rise by $236 billion between FY 2010 and FY 2012 if all of the tax cuts were to expire. Scaled to the estimated size of the economy at that time, this is a fiscal drag of about 1½ percent of GDP.

Even the most die-hard fiscal hawks are apt to think twice about the implications of this for the near-term performance of the economy. After all, a tax increase of this magnitude, imposed all at once, would likely throw the economy into recession. How bad would it be, and what would the benefit be in terms of budget improvement and longer-term economic performance?

Costs and Benefits of Letting Tax Cuts Expire

To provide some perspective on these questions, we simulated the effects of allowing all the tax cuts to expire as scheduled—or, to twist Harry Truman's famous phrase, a "do nothing Congress" scenario. Specifically, using the Washington University Macroeconomic Model (WUMM), we reset taxes to their 2000 levels, grossed them up slightly to match CBO's estimate of the revenue impact of letting the tax cuts expire, and allowed for appropriate monetary policy response. On the latter, we assume that the Fed follows a rule calling for rate cuts when output falls below its trend and rate hikes when inflation is above its "comfort zone."

Exhibit 2 illustrates the main results of this exercise, showing how key variables would diverge from a status quo forecast in which the tax cuts are extended. The results are as follows:

Reversing the tax cuts quickly closes most, if not all, of the fiscal deficit. The immediate effect is to cut the deficit by about 1½ percent of GDP, as shown in the top panel of Exhibit 2. This is about three-fifths of the shortfall we currently project for FY 2011, based on assumptions we consider realistic. Under the more restrictive assumptions underlying the CBO's baseline projections, the budget comes very close to balance, as indicated in that agency's latest budget update as well as its estimates that extending the tax cuts would boost the deficit by 1.6 percent of GDP relative to its baseline.

More budget progress occurs in the out years. The budget improvement persists and even increases over time without further changes in tax law. This reflects the beneficial effects of a sharp reduction in interest expense, which results both from reduced borrowing and lower interest rates. Five years out, the budget improvement swells to about 2½ percent of GDP, covering about three-quarters of our projected deficit and putting the budget into modest surplus under the CBO assumptions.

The economy suffers a lot of short-term pain. The jump in taxes on January 1, 2011 squeezes disposable income and hence consumption. This feeds through to the rest of the economy, sharply curtailing growth and prompting an aggressive easing in monetary policy. The lower two panels of Exhibit 2 lay out the major elements of the macroeconomic story.

In the first quarter of 2011, real GDP growth drops more than 3 percentage points below what it would otherwise be. Absent a strong tailwind to growth from some other source, this would almost surely mark the onset of a recession. In an effort to resuscitate demand, the Fed immediately cuts the federal funds rate, bringing it 250 basis points (bp) below the status quo level over the next year and one-half, as shown in the bottom panel of Exhibit 2. Despite this, output growth remains well below trend over that period, putting downward pressure on inflation as slack in the economy increases. Inflation drops by 150 bp during the sag in growth before coming back up as the monetary stimulus pushes output back toward, and eventually above, trend.

In the longer run, economic growth benefits from "crowding in." When the government runs a large deficit, "crowding out" occurs in the capital markets: Its borrowing, backed by the power to tax, takes priority over private borrowing and therefore denies some companies the funds they need for investment that is usually more productive than the government's use of the funds. As a result, growth suffers and real interest rates rise.

The opposite occurs in our simulation. Restoring better balance to the government's books reduces the deficit and hence the growth in its debt. This frees funds that now flow to the private sector allowing the capital stock to grow more rapidly and pushing down interest rates. As shown by the gap between the lines in the bottom panel, real interest rates end up substantially lower. This, eventually, raises output by about 1 percent above the level that would have prevailed without the tax increase.

At first glance, this seems like a straightforward case of short term pain (recession) leading to longer term gain (higher output). Unfortunately, this assessment is a bit too optimistic. Although output is higher than it otherwise would be, consumption is lower. Since the 2001 tax cuts helped thrust the budget back into deficit, the federal government has borrowed to fund its spending and, via the tax cuts, some consumer spending as well. A reversion in 2011 to higher taxes simply recognizes that fact and starts paying off the debt. If instead Congress chooses to maintain the cuts, they just push the due date for the 2000s spending bill even further into the future. In that case, the ultimate payment—the drop in consumption—would be even higher.

[From TCSDAILY, Feb. 6, 2007]

HILLARY CLINTON AND RECESSION OF 2011

(By James Pethokoukis)

How predictable. The fiscal 2008 budget that President Bush put forward yesterday gets slammed for being unrealistic—if not downright mendacious. If the $2.9 trillon proposal actually got enacted as written—doubtful given that Bush is dealing with a Democratic-controlled Congress—the plan would theoretically balance the budget by 2012. As Team Bush crunches the numbers, the U.S. government would run a $61 billion surplus in 2012 year after running tiny deficits in 2010 ($94.4 billion, or 0.6 percent of GDP) and 2011 ($53.8 billion, or 0.3 percent of GDP). All that while permanently extending the 2001 and 2003 tax cuts due to expire in 2010.

Of course, journalists and think-tank analysts had barely scanned the budget when critics started pointing out its supposed flaws. Among them: the budget assumes more upbeat economic conditions—and thus more tax revenue—than does the forecast from the Congressional Budget Office. (In 2011 and 2012, the White House forecasts 3.0 percent and 2.9 percent GDP growth vs. 2.7 percent for each of those years by the CBO.) As the liberal Center on Budget and Policy Priorities puts it, "The budget employs rosy revenue assumptions; it assumes at least $150 billion more in revenue than CBO does for the same policies."

Indeed, the CBO viewed by the inside-the-Beltway crowd as the impartial umpire of all budget disputes—also predicts a balanced budget by 2012. The catch is that it assumes the Bush tax cuts are repealed leading to a surge of revenue in 2011 and 2012. It forecasts that the budget deficit would drop from $137 billion in 2010 to just $12 billion in 2011. And in 2012, the budget would move into the black with a $170 billion surplus. Yet if the Bush tax cuts are extended, CBO predicts total deficits of $407 billion in 2011 and 2012 and then continuing thereafter.

No wonder Democratic presidential candidates are finding it so easy to pledge or strongly hint that if they are sitting in the White House in 2010, they will veto any effort to extend the tax cuts. One can easily envision President Hillary Rodham Clinton harking back to her husband Bill's 1993 tax hikes and economic success as historical justification for a repeat performance. Deficits are often used as reason for higher taxes, such as in 1993 and 1982. But to believe in higher taxes as sound economic policy in coming years, you also have to believe in the CBO's cheery forecast that hundreds of billion of dollars in new taxes will have little or no effect on economic growth.

Now you don't have to be an acolyte of supply-side guru Arthur Laffer to find that sort of "static analysis" a little weird. Most Americans probably would. So, apparently, did the economic team at Goldman Sachs, the old employer of Robet Rubin, President Bill Clinton's second treasury secretary. Thus the firm's econ wonks decided to try and simulate the real world effect of letting the Bush tax cuts expire at the end of 2010. Using the respected Washington University Macro Model, Goldman reset the tax code to its pre-Bush status, assumed all tax cuts expired, and watched how the economy reacted as 2011 began. What did the firm see? Well, in the first quarter of 2011 the economy dropped 3 percentage points below what it would have been otherwise. "Absent a tailwind to growth from some other source," the analysis concludes, "this would almost surely mark the onset of a recession."

So actually it's CBO's economic forecast, not Bush's that is overly, optimistic about future economic growth. But wouldn't the Federal Reserve jump in and cut interest rates, offsetting the fiscal drag of the tax hikes with easy monetary policy? The Goldman Sachs experiment assumes it would, but WUMM still shows the economy sinking;

"In an effort to resuscitate demand, the Fed immediately cuts the federal funds rate, bringing it 250 basis points below the status quo level over the next year and one-half. . . Despite this, output growth remains well below trend over that period, putting downward pressure on inflation as slack in the economy increases."

And guess what? A recession would throw CBO's carefully calculated tax revenue assumptions out the window. Indeed, the CBO admits that recessions in 1981, 1990 and 2001, "resulted in significantly different budgetary outcomes than CBO had projected few months before the downturns started."

Of course, it's been the history of tax increases that they tend not to bring in as much revenue as originally predicted. President Rodham Clinton or President Obama or President Edwards would likely find the same budgetary disappointment—and then have to explain to an angry American public during the 2012 election season why their president decided to plunge the economy into a recession.

Mr. GRASSLEY. The Goldman Sachs study was clearly not written by cheerleaders for tax relief; indeed, the authors seemed to share the point of view of many in this Chamber that a cut in spending is not an option. The authors regard an eventual drop in consumption as a forgone conclusion of tax relief and equate it with the necessity to pay back what had been borrowed over the previous decade. At the very least, the study says: "The economy suffers a lot of short-term pain."

Congress needs to act to extend or make permanent tax relief enacted in 2001 and 2003 or we risk plunging the country into a frivolous recession. I say frivolous because the recession will be the result of vanity on the part of those who use balancing the budget as a cover for tax-and-spend politics.

More cause for concern of the impact of tax increases comes to us from China. I am sure everyone is aware that the Shanghai Composite Index lost 8.8 percent of its value this past Tuesday. According to various news reports, including a dispatch from the Associated Press, a factor in the drop may have been rumors that a capital gains tax on stock investment was in order.

I ask unanimous consent that an ABC NEWS article entitled "Shanghai Shares Rebound Nearly 4 percent" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHANGHAI SHARES REBOUND NEARLY 4 PERCENT

(By Elaine Kurtenbach)

SHANGHAI, CHINA.—Chinese stocks recovered Wednesday following their worst plunge in a decade as regulators shifted into damage control, denying rumors of plans for a 20 percent capital gains tax on stock investments.

The Shanghai Composite Index gained 3.9 percent to 2,881.07 after opening 1.3 percent lower. On Tuesday, it tumbled 8.8 percent, its largest decline since Feb. 18, 1997.

Bullish comments in the state-controlled media appeared to reassure jittery domestic investors, who account for virtually all trading.

China will focus on ensuring financial stability and security, the official Xinhua News Agency cited Premier Wen Jiabao as saying in an essay due to be published in Thursday's issue of the Communist Party magazine Qiushi.

Markets across Asia were still rattled, with many falling for a second day. Japan's benchmark Nikkei Index sank 2.85 percent, while stocks in the Philippines tumbled 7.9 percent. Malaysian shares fell 3.3 percent, while Hong Kong's market fell 2.5 percent.

On Tuesday, concerns about possible slowdowns in the Chinese and U.S. economies sparked Wall Street's worst drop since the Sept. 11, 2001, terror attacks. The Dow Jones industrial average lost 416 points, or 3.3 percent.

Analysts said they expected China's stock market to stabilize and keep climbing over time although further near-term declines were possible given concerns that prices may have risen too precipitously in recent months.

Tuesday's "sell-off does not reflect any fundamental change in the outlook for China's economy," Yiping Huang and other Citigroup economists said in a report released Wednesday. "A sharp contraction in excess liquidity that would reinforce damage in the stock market remains unlikely," it said.

China's big institutional investors are all state-controlled and would be unlikely to sell so heavily as to completely reverse gains that more than doubled share prices last year. With a key Communist Party congress due in the autumn, the authorities have a huge stake in keeping the markets on an even keel.

"They are acting now to nip a nascent bubble in the bud," says Stephen Green, senior economist at Standard Chartered Bank in Shanghai, adding that it's a challenge given generally bullish sentiment and the massive amount of funds available for investment.

"So they have to somehow calibrate the rhetoric and policy actions to keep a lid on this, while not triggering a collapse," Green says.

One option is a capital gains tax on stock investments. Rumors that such a tax may be enacted are thought to have been one factor behind Tuesday's sell-off.

But the Shanghai Securities News ran a front-page report denying those rumors. The newspaper, run by the official Xinhua News Agency and often used to convey official announcements, cited unnamed spokesmen for the Ministry of Finance and State Administration of Taxation.

China has refrained from imposing a tax on capital gains from stock investments, largely because until last year the markets were languishing near five-year lows. The Shanghai Securities News report cited officials saying that the government had little need to impose such a measure now, given that tax revenues soared by 22 percent last year.

> The exact cause of Tuesday's decline in China was unclear, given the lack of any significant negative economic or corporate news.
>
> Some analysts blamed profit taking following recent gains: the market had hit a fresh record high on Monday, with the Shanghai Composite Index closing above 3,000 for the first time.
>
> Others pointed to comments by former Federal Reserve Chairman Alan Greenspan, who warned in remarks to a conference in Hong Kong that a recession in the U.S. was "possible" later this year.
>
> Adding to those factors was a persisting expectation that China might impose further austerity measures, such as an interest rate hike, to cool torrid growth: China's economy grew 10.7 percent last year the fastest rise since 1995 and most forecasts put growth at between 9.5 percent and 10 percent this year.
>
> China's markets took off after a successful round of shareholding reforms helped alleviate worries over a possible flood of state-held shares into the market. Efforts to clean up the brokerage industry and end market abuses also helped.
>
> Their confidence renewed, millions of retail investors began shifting their bank savings into the markets in search of higher returns last year. Strong buying by state-controlled institutional investors and overseas funds also helped.
>
> China still limits foreigners' purchases of the yuan-denominated stocks that make up the biggest share of the markets, though that is gradually changing as regulators allow increasing participation by so-called qualified foreign institutional investors.
>
> Stocks have shown unusual volatility this year, with the Shanghai index notching one-day drops of 4.9 percent and 3.7 percent already this year before recovering to hit new records.
>
> But there are limits to how far shares are allowed to drop in a single trading day: total single-day gains and losses are capped at 10 percent.

Mr. GRASSLEY. The same AP report notes that regulators have already denied those rumors and that the Shanghai Securities News ran a front page report to the same effect yesterday. Incidentally, the Shanghai Composite Index gained 3.9 percent yesterday.

I think the Chinese regulator's swift debunking of rumors that a capital gains tax was going to be enacted shows the negative impact such a tax could have on growing markets and expanding economies.

As I have said before, what is missing from the debate on extending tax cuts and clearly missing from the reasoning of the authors of the Goldman Sachs study is the option, and necessity, of reducing Government spending. The right thing to do is to let Americans keep as much of their own money as we can and not seize it from them to promote special interests, encourage high-priced lobbyists or give free rein to the big city press to tell everyone else what to do.

It is often said by the Democratic leadership that tax cuts are not free. That statement is true. Tax cuts score as revenue losses under our budget rules. What is equally true, if you listen to economists and, more importantly, the American taxpayer, is that tax increases are not free as well. Taxpayers have to write a check to Uncle Sam.

Tax increases change taxpayer behavior. Tax increases will affect work, investment, and other economic activities. From an economic policy standpoint, tax increases, especially those that are used to cover more Government spending, have a policy cost. Tax increases are not free to the taxpayers and are not free to a growing economy.

So I would ask that the Democrat leadership, as they draw up their budget resolution, to hopefully keep this in mind. Tax increases have consequences to the American taxpayer and consequences to the American economy.

U.S. SENTENCING COMMISSION NOMINATIONS

Mr. LEAHY. Mr. President, I thank the majority leader for his help in connection with the confirmation of members to the Sentencing Commission. I am glad a cloture petition turned out not to be necessitated by anonymous Republican opposition and delay but regret that it has taken so long and so much attention to follow through on this matter.

Last night, the Senate finally considered and confirmed the President's nomination of Beryl Howell to a second term on the U.S. Sentencing Commission. We also proceeded with the confirmation of the nomination of Dabney Friedrich, a former staffer of Senator HATCH and associate White House counsel.

Last month, the President finally sent these nominations to the Senate to fill preexisting vacancies on the U.S. Sentencing Commission. Both these nominees were serving on the Commission, having been recessed appointed by the President in the last month of the 109th Congress. Regrettably the White House had delayed for many months making the nominations last year. Had the President sent the Senate these nominations in a timely fashion, their recess appointments would not have been necessary and we could have confirmed both of these nominees in the last Congress.

The nonpartisan nature of the Sentencing Commission is preserved by making sure its membership is balanced and includes experienced Commissioners who stick to the merits and command the respect of both Congress and the Judiciary. I look forward to the President nominating such a person on the recommendation of the ranking Republican member of the Judiciary Committee so that the final vacancy may be appropriately filled.

Commissioner Howell graduated from Bryn Mawr College and Columbia University School of Law, clerked for Judge Dickinson R. Debevoise on the U.S. District Court for the District of New Jersey. She served with distinction as a Federal prosecutor in the U.S. Attorney's Office in the Eastern District of New York, earning a number of commendations for her work. She later served for almost 10 years as a member of the Senate Judiciary staff. She earned the respect of Senate and House Republicans and Democrats. Besides now serving as a member of the Sentencing Commission, she is also managing director and general counsel of the Washington, DC, office of Stroz Friedberg, LLC, one of the leading cybersecurity and forensic firms in the country.

Commissioner Friedrich assumes her post having served in the White House counsel's office and having previously served on Senator HATCH's Senate Judiciary Committee staff. I believe her husband is a political deputy in the Criminal Division of the Department of Justice. I wish her well in her new position.

The Sentencing Commission has important work to do. Federal judges are still wrestling with the Booker decision, which made the Federal Sentencing Guidelines advisory, rather than mandatory, and the Commission is once again preparing a report to Congress on the unjust disparity of crack versus powder cocaine sentencing.

I congratulate the nominees and their families on their confirmations last night.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 4, 2002, in Cortez, CO, 16-year-old Fred Martinez, described as a transsexual Navajo, was brutally beaten to death by Shaun Murphy. Murphy received a sentence of 40 years for his crime. According to affidavits filed in Montezuma County Court, Murphy bragged to friends in the days after Martinez's slaying that he had "beat up a fag."

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PEACE CORPS VOLUNTEERS

Mrs. BOXER. Mr. President, early one October morning in 1960, Senator John F. Kennedy stood on the steps of the University of Michigan Union and challenged a group of students to serve their country by living and working abroad. Today I rise to commemorate the service of 187,000 Americans, young and old, who have met that challenge.

From Armenia to Zambia, Peace Corps volunteers have lived and worked in 139 countries around the world for the past 46 years. They act as ambassadors of our goodwill and promote a world of peace and friendship. Historically, more Peace Corps volunteers have come from California than any other State indeed, 25,467 Peace Corps volunteers have hailed from my State. Today, I am proud to represent 768 Peace Corps volunteers currently working abroad.

In their work as teachers, business advisors, information technology consultants, agriculture and environmental specialists, and health educators; Peace Corps volunteers have not only met the needs of the individuals and communities who are their hosts, but also promoted a better understanding of Americans.

After almost five decades, the mission and goals of the Peace Corps are as vital and relevant as they were the day of its establishment. In an age when fear, misunderstanding, and blind prejudice can breed aggression and hate, more than 20 percent of Peace Corps volunteers are working in predominantly Muslim countries.

In the past 10 years, the Peace Corps has expanded to meet new humanitarian challenges, sending Returned Peace Corps Volunteers to serve in the Crisis Corps. These extraordinary men and women have been deployed to tsunami-ravaged regions in Sri Lanka and Thailand, to Guatemala after Hurricane Stan, and 272 Returned Peace Corps Volunteers joined in disaster relief efforts along the gulf coast following Hurricane Katrina.

Finally, I would like to recognize the Returned Peace Corps Volunteers who have been participating in National Peace Corps Week. By sharing their experiences, these Returned Peace Corps Volunteers are fulfilling the third goal of the Peace Corps, to "strengthen Americans' understanding about the world and its peoples."

Mr. COLEMAN. Mr. President, it is with great pride that I extend my congratulations to the Peace Corps on the occasion of its 46th anniversary this week. I know that in doing so I join a countless number of past and present Peace Cops volunteers in commemorating the fruitful history of the organization.

Since the establishment of the Peace Corps over four decades ago, its volunteers have served as unofficial U.S. Ambassadors, representing the best of what America has to offer abroad. Their mission could not be more important than it is right now, during a time when our nation is so misunderstood in many parts of the world. With its global presence and tangible impact, the Peace Corps has worked to combat misperceptions about what America stands for and reaffirm American values. I have no doubt that these good deeds on behalf of others have made a tremendously positive impact on the communities in which our Peace Corps volunteers serve.

I am a strong believer in investing in cross-border relationships through programs such as the Peace Corps, which places American volunteers in the heart of communities throughout all corners of the world. Who knows how the interaction and good works completed by Peace Corps volunteers will change the world as a result? Perhaps the example set by a Peace Corps volunteer will correct a distorted perception, or prevent someone from sliding into hatred and extremism. Perhaps an American volunteer will acquire a new understanding of the needs in other parts of the world which will lead to a critical humanitarian intervention. The Peace Corps, through the impact on the community and the volunteer, is a win-win investment in stability.

The Peace Corps has a daily direct impact by meeting the needs of foreign communities with its volunteers serving as teachers, business advisors, information technology consultants, agriculture workers, and HIV/AIDS educators. Indeed, these services directly contribute to the strategic priorities of our national security, because addressing poverty and public health issues helps promote global stability. As one of many examples, today the Peace Corps volunteers are playing an important role in implementing President Bush's Emergency Plan for AIDS Relief.

In recent years the Peace Corps has increased in size, in response to a growing need for its services. I am happy to see that it has over 7,700 volunteers working in 73 countries, and hope it continues to expand its reach.

I am especially proud of the Minnesota volunteers who are currently serving around the world, of which there are currently over 200. To them, and to the over 5,000 returned Minnesotan volunteers, I want to express my heartfelt thanks, for their great efforts to spread Minnesotan values of dedication, integrity, and hard work to another part of the world. Among these veterans is Mr. Robert Tschetter, the current director of the Peace Corps and one of my constituents. I was honored to help confirm Mr. Tschetter during my tenure as the chairman of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs.

A medieval Spanish Rabbi named Maimomedes said he believed that the world is held in balance between good and evil and a single act of goodness and virtue tips the balance. I believe that the actions made by Peace Corps volunteers all over the world work to tip the balance towards good everyday. It is because of this belief that I have consistently been a strong supporter of the Peace Corps. Again, I would like to express my deepest admiration and best wishes to the Peace Corps leadership and its volunteers. Thank you for making the world a better place.

SELECT COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Rules of Procedure of the Select Committee on Intelligence be printed in the RECORD pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely his or her reputation may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt or that the subpoena be otherwise enforced, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. "Committee sensitive" means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or, in the event of the Committee's termination, the Senate of any request for his or her testimony, either during his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered by them, measures referred to the Committee shall be referred by the Chairman and Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

DIGNITY FOR WOUNDED WARRIORS ACT

Ms. SNOWE. Mr. President, I rise today as a proud cosponsor of the Dignity for Wounded Warriors Act. While reading the recent news reports regarding the situation at Walter Reed Army Medical Hospital, I was incensed when I discovered that our brave men and women who have risked their lives in service to our country are currently convalescing under conditions that are nothing less than disgraceful—and, frankly, disrespectful of all who so honorably wear our Nation's uniform. This abomination is a far cry from the timeless words of President Theodore Roosevelt, who once said that "a man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards."

I applaud Senators OBAMA and McCASKILL for swiftly responding to these shameful revelations by introducing this legislation at a time when more than 600,000 courageous service men and women have returned from combat in both Iraq and Afghanistan. In the past, Senator OBAMA and I have worked in a bipartisan manner to bolster the military's ability to detect and treat traumatic brain injury, reduce the claims at the Veterans Benefits Administration, VBA, and most recently, we have fought to improve the ability of the Department of Veterans Affairs to provide Congress with an accurate assessment of returning veterans health care and benefits needs. I also appreciate Senator McCASKILL's advocacy on this issue, and I look forward to working with her in the future.

During the past few weeks, the Washington Post has reported in scrupulous detail the dire and startling conditions at recuperation facilities used by Walter Reed Army Medical Center—the very facility replete with moldy walls, broken elevators, bug infestation, a lack of support programs, and general disrepair. These confines are not even habitable, not to mention acceptable, in any way, shape or form for the provision of health care to America's finest. Above all, such degrading medical quarters ultimately send the wrong message to our troops who have risked their lives in defense of our, country that somehow they are fit and capable enough to serve us but not enough for us to serve them. Although the Walter Reed Army Medical Hospital has remained the preeminent health facility for wounded and recovering service members ever since the admittance of its first patients on May 1, 1909, these recent news reports have uncovered blatant defects in U.S. military health facilities that must be fixed immediately.

In order to ensure that these stalwart Americans receive the treatment they have earned and that is unquestionably well deserved, this legislation will establish stringent standards for military outpatient housing, requiring that concomitant dormitories match the existing services standard for Active-Duty barracks, and mandating that all requests for repairs be completed within 15 days or alternate housing must be offered. Additionally, recent reports have revealed Walter Reed Army Medical Hospital's lack of support counseling to assist troops and their families in times of need. To alleviate these concerns, our legislation will require an emergency medical technician, EMT, and a crisis counselor at all outpatient residences, while creating an inspection team to ensure that high-level military officials are aware of all problems occurring at medical facilities, including those related to personnel and maintenance.

Furthermore, the Dignity for Wounded Warriors Act will help solve recent problems regarding the overwhelming workloads for military caseworkers, which have, unfortunately, left countless service members helpless. This legislation will not only increase the number of caseworkers at military outpatient facilities but will establish an interim ratio of one caseworker and one supervising noncommissioned officer for each 20 recovering service members, while requiring staff training for the identification of mental illness and suicide prevention.

This legislation will also address the processing delays for troops who seek a determination for their military status and disability level, which on average, takes as long as 7 months. This legislation would bring the Physical Disability Evaluation System under one command in order to reduce lengthy bureaucratic delays that have left even the most severely injured service members without a health determination for unnecessary lengths of time.

Family members also carry a large burden for the sacrifices made by their loved ones in uniform. In order to ease the burdens of the health care process for these families, our legislation creates two 24-hour crisis counseling and family assistance hotlines and requires the creation of a single manual for outpatient care procedures, which will allow families to access all of the information they need to help care for their loved one. Sadly, family members are often forced to decide between attending to their loved one or keeping their job—a decision that no family member of our courageous troops should ever have to make. Therefore, this legislation provides Federal protections for the jobs of family members who are caring for a recovering service member, while extending medical care to family members who are living at military treatment facilities.

And finally, one of the underlying concerns of the revelations at Walter Reed Army Medical Hospital was the lack of accountability and oversight at a facility which houses thousands of heroic Americans. This legislation would create a Wounded Warrior Oversight Board appointed by congressional leadership who will supervise the implementation of this legislation's provisions and serve as an advocate for all recovering service members in the future.

The obligation of this country to its veterans is sacred and solemn and one that must be fulfilled every day. We should strive to put into action the words of President Lincoln that we must "care for him who shall have borne the battle . . ." Since the attacks of September 11, millions of valorous American men and women have fearlessly and honorably answered the call to service. Congress must now do its duty and everything in its power to vigorously extend the finest medical treatment and care possible to troops upon their return—attention that is worthy of their tremendous and immeasurable contributions to us all.

Once again, I am pleased to join Senators OBAMA and MCCASKILL in introducing the Dignity for Wounded Warriors Act because I believe it is crucial for Congress to provide our Nation's veterans with a guarantee that they will never have to worry about dilapidated living conditions in military hospitals ever again, and I urge my colleagues to voice their support.

TRIBUTE TO DAN CREGER

Mr. THOMAS. Mr. President, I rise today to pay tribute to a hard working, respected young man, Mr. Dan Creger. Dan is from Casper, WY, and has proven that in spite of his disabilities, one man can have a great impact.

Dan was born with arthrogryposis, a condition that causes multiple joint problems and limits the range of motion of a joint. As a result of this disease, Dan has spent most of his life in a wheelchair. Despite his disability, Dan refuses to be held back, relying not on public assistance but rather on his determined spirit and the support of friends and family to achieve his daily successes.

Dan worked for the Bureau of Land Management for 20 years. Recently the BLM honored his service by presenting him with the Honor Award for Superior Service. Casper Field Office Manger, Jim Murkin said, "Dan is a Go to Guy! He is someone who you can depend on to get a job done. He always wants to stay busy. He hates doing nothing. He is a great asset to the BLM."

Four years ago Dan began working at the National Historical Interpretive Trails Center in Casper. The director of the center,. Jude Carino, says that Dan "always has a smile. He always has good things to say about people, and he doesn't complain." At the center Dan greets visitors, answers questions and leads tours for schools and other organized groups. In 2006 he assisted 8,000 visitors, and guided nearly 2,000 schoolchildren through the facility.

A volunteer for the National Historical Interpretive Trails Center said, "I have learned a lot from Dan in how to guide guests through the center. He is a wealth of knowledge and has a great sense of humor."

Dan's life was thrown another curve when last summer he was diagnosed with esophageal cancer. But through it all he continues to have a positive attitude. Dan said that when he was first told about the cancer he felt both sadness and anger, but soon he decided that this was just another challenge for him to deal with. He said, "I've tried to go on with my life and take it day by day."

A friend of Mr. Creger summed it up best when he said, "In my eyes, Dan is a man of courage that stands 6 feet tall. He lives his life as any productive member of society and pushes aside any thought of pity for himself. He doesn't let his physical limits or the threat of cancer keep him from achieving his goals in life. In this way, Dan is better than many men who face lesser challenges in life. I am proud to know Dan and be his friend."

It is obvious that Dan is a good, hardworking man who refuses to let life's challenges stand in his way. Dan Creger is an inspiration to all of us, and I am honored to share his story.

HONORING EARL B. OLSON

Mr. COLEMAN. Mr. President, we take this floor at different times for different reasons, to debate bills and talk about the condition of our country and its future. At times, we tend to exaggerate the importance of the laws we pass to the progress of our society. I say that because there is no law to make people do the most important things: love their families, sacrifice for their communities, or create a legacy that will last for generations.

Today I rise to honor a great man who did those things and changed life on the Minnesota prairie for thousands of people who maybe never even heard his name. Today I want to pay tribute to the life and legacy of Earl B. Olson, an innovator for Minnesota agriculture, a leader in the Nation's turkey industry, and a man of great faith.

There is a passage in the Book of Isaiah that truly captures his life. In the midst of difficult times for Israel, it talks about a future day of blessing when God will:

> . . . bestow on them a crown of beauty instead of ashes, the oil of gladness instead of mourning, and a garment of praise instead of a spirit of despair. They will be called oaks of righteousness, a planting of the LORD for the display of his splendor.

If ever there was an "oak of righteousness," it was Earl Olson, who brought beauty, gladness, and praise to the hearts of many.

Earl Olson founded the Jennie-O Turkey Store in 1949. At that time, the Minnesota turkey industry was a tiny fraction of what it is today. Currently, Jennie-O is the largest turkey company in the United States, with Minnesota leading the Nation in turkey production.

Born on May 8, 1915, Earl was the son of Swedish immigrants. He grew up on a farm outside of Murdock, MN, and attended the West Central School of Agriculture in Morris, MN, graduating in 1932.

Earl's first job, at the age of 17, was at the Murdock Cooperative Creamery. Within 1 year, he became the manager of Swift Falls Creamery.

As the story has been told, one day a woman came into the Swift Falls Creamery to purchase some ice. As Earl was chopping away at a small block of ice, another employee spilled 100 gallons of scalding hot water on him, burning much of his body and sending him to the hospital. Fortunately, the company had health insurance and Earl was compensated with $1,000. With this money, Earl began his empire by purchasing 300 turkeys. After earning a dollar for each turkey, Earl soon began purchasing more. Fifteen years later, Earl found himself selling a half million turkeys annually. By 1970, Jennie-O turkeys were being sold across the entire Nation. Earl B. Olson saw the impossible as an opportunity; he turned a tragedy into a success.

Faith was always a central part in the life of Earl Olson. When Earl was young, he and his family were founding members of the Bethesda Lutheran Church. Earl was later a member of Vinje Lutheran Church and helped lead the church's efforts in building a new facility. Throughout his life, his generosity helped countless troubled youth and prison inmates find their path to a better life. He always found time and resources to help people in their time of need.

Earl undertook many leading roles in the turkey industry. He served as the president of the Minnesota Turkey Growers Association, director of the National Turkey Federation, and director of the National Poultry and Egg Association.

This past spring, I was privileged to have lunch with Earl. Even at the age of 90, I found him sharp and forward-looking. We had an engaging conversation about the future of the Minnesota turkey industry and the health of the Minnesota agricultural economy. It was an inspiration to still see the passion in his heart.

Today, Jennie-O Turkey employs nearly 7,000 people and creates more than 1,500 products. Minnesota has been truly blessed to have a visionary leader like Earl B. Olson live in Minnesota and work to make our State a better place.

America has many assets: abundant natural resources, good systems of health and education, and a great democratic tradition of the rule of law. We can never forget though, that part of our greatness comes from the "oaks of righteousness" among us. I am thankful to have known one: Earl B. Olson, who helped make Minnesota great.

ADDITIONAL STATEMENTS

IN MEMORY OF DEANNE STONE

• Mr. LIEBERMAN. Mr. President, today I speak to the memory of Deanne Stone of Framingham, MA, a dear friend of mine who passed away on Sunday, February 4, at the age of 67. I am deeply saddened by Deanne's death and will keep her friends and family in my thoughts and prayers during this difficult time.

Those of us who were lucky enough to know Deanne could not help but be touched by her kind and generous spirit. Throughout the town of Framingham, where she lived for 46 years after marrying her husband Harvey, she was known for being willing to help anyone who asked. Mr. Stone recently told the Boston Globe that one young man recently approached him to tell him that whenever he needed help with a school project, he knew that Mrs. Stone would be the best person to whom to go.

In addition to always being willing to help her friends and neighbors, Deanne was also involved with many philanthropic efforts. Deeply inspired by her Jewish faith, Deanne believed in the power of individuals to make a difference through community service. To this end, she worked for numerous charitable organizations, developing a reputation as a dedicated and prodigious fundraiser. Throughout her career, Deanne worked for both the Combined Jewish Philanthropies of Greater Boston and B'nai B'rith International, for which she served as regional director for New England.

Deanne was also deeply involved with various educational organizations. She worked with both the Maimonides Jewish Day School in Brookline, MA, and the Weizmann Institute of Science in Israel. She also worked with the Foundation for Children's Books, a Boston-based organization dedicated to promoting literacy among young children in the hope of instilling in them a love of reading and learning. Deanne was inspired to get involved with this organization while visiting schools in Roxbury, MA. Deanne would interact with the students, be amazed at how intelligent they all were, and wondered why many of them were not succeeding in the classroom. She believed that if these young people could be taught to love reading at the earliest age possible, they might gain a sense of discovery that would inspire them to achieve academically.

Such a dedication toward education is not surprising, coming from someone who was as dedicated a student as Deanne. While attending Weaver High School in Hartford, CT, where she was born and raised, Deanne was involved in numerous extracurricular activities, including a stint as editor of the high school's newspaper. Even with so much on her plate, she was still valedictorian of her high school class in 1957. Five years later, she graduated from the prestigious Brandeis University.

Mr. President, when looking back at the life of a person as warm and altruistic as Deanne Stone, who affected so many people in such a positive way, it is excruciatingly difficult to find the words to sum it up, while also doing Deanne justice. Be that as it may, I believe Deanne's sister, Barbara Gordon, another dear friend of mine, put it best when she wrote in a letter that was read aloud at Deanne's funeral that "The world will be emptier without my sister Deanne, but the world is a better place for her having been in it for 67 years!" I couldn't have put it better myself.•

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 52. Concurrent resolution supporting the goals and ideals of American Heart Month.

ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road in West Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building".

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office".

H.R. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building".

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office".

H.R. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building".

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 800. An act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 52. Concurrent resolution supporting the goals and ideals of American Heart Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 800. An act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–871. A communication from the Deputy General Counsel, Department of Agriculture, transmitting, pursuant to law, the (34) reports relative to vacancy announcements that have occurred within the Department since October 23, 2001 as well as (10) reports of revisions to selected reports submitted on the same date, received on February 28, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–872. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 701—General Lending Maturity Limit and Other Financial Services" (RIN3133–AD30) received on February 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–873. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the development of a comprehensive plan for the facilities at the Idaho National Laboratory; to the Committee on Energy and Natural Resources.

EC–874. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use of funds under section 1113 of the Social Security Act; to the Committee on Finance.

EC–875. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Depreciation of MACRS Property Acquired in a Like-Kind Exchange for an Involuntary Conversion" ((RIN1545–BF37)(TD 9314)) received on February 28, 2007; to the Committee on Finance.

EC–876. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (2 CFR Part 376) received on February 28, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–877. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Comparative Analysis of Actual Cash Collection to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2006"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 84. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes (Rept. No. 110–28).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 184, A bill to provide improved rail and surface transportation security (Rept. No. 110–29).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment, and with a preamble:

H. Con. Res. 44. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

S. Res. 78. A resolution designating April 2007 as "National Autism Awareness Month" and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

S. Res. 84. A resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

S. Con. Res. 10. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Otis D. Wright II, of California, to be United States District Judge for the Central District of California.

George H. Wu, of California, to be United States District Judge for the Central District of California.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. LEAHY, Mr. HARKIN, Mr. HAGEL, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 721. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself and Mr. KYL):

S. 722. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. KENNEDY):

S. 723. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes; to the Committee on Armed Services.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 724. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 725. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. FEINGOLD, Mr. BROWN, Mr. OBAMA, Mr. COLEMAN, Ms. STABENOW, and Mr. DURBIN):

S. 726. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. DODD, Mr. AKAKA, Ms. COLLINS, Mr. STEVENS, Mr. LOTT, Mr. SMITH, Mr. ALEXANDER, and Ms. SNOWE):

S. 727. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 728. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

By Mr. SALAZAR:

S. 729. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Ms. MIKULSKI):

S. 730. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. WEBB, Mr. TESTER, and Mr. BUNNING):

S. 731. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 732. A bill to empower Peace Corps volunteers, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 733. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 734. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL):

S. 735. A bill to amend title 18, United States Code, to improve the terrorist hoax statute; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. SMITH):

S. 736. A bill to provide for the regulation and oversight of laboratory tests; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 737. A bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, and Mr. COLEMAN):

S. 738. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. CARDIN, Mr. KERRY, Ms. CANTWELL, and Mrs. LINCOLN):

S. 739. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. LUGAR):

S. 740. A bill to establish in the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes; to the Committee on Finance.

By Ms. COLLINS:

S. 741. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mrs. BOXER, Mr. BAUCUS, Mr. BROWN, Mrs. CLINTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, and Mr. REID):

S. 742. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. DOMENICI, Mr. HAGEL, Mr. GRASSLEY, Mr. CRAPO, Mr. GRAHAM, Mr. ENSIGN, Mr. SMITH, Mr. VOINOVICH, Mrs. CLINTON, Mr. ALLARD, Mr. COLEMAN, Mr. BUNNING, Mr. ISAKSON, and Mr. THOMAS):

S. 743. A bill to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated; considered and passed.

By Mr. McCAIN:

S. 744. A bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 745. A bill to provide for increased export assistance staff in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005 and Hurricane Rita of 2005; to the Committee on Small Business and Entrepreneurship.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DODD, Ms. LANDRIEU, and Mr. CRAPO):

S.J. Res. 4. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LAUTENBERG, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BROWN, Mrs. FEINSTEIN, and Mr. NELSON of Florida):

S. Res. 92. A resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself and Mr. STEVENS):

S. Con. Res. 15. A concurrent resolution authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. COLEMAN, Mr. KERRY, Mr. MARTINEZ, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mr. LAUTENBERG, Ms. COLLINS, and Mr. McCAIN):

S. Con. Res. 16. A concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 93

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 93, a bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

S. 117

At the request of Mr. OBAMA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. SANDERS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 214

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 225

At the request of Mr. CRAIG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 225, a bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 367

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 394

At the request of Mr. AKAKA, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 496

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 496, a bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 535

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 563

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 563, a bill to extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes.

S. 571

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 571, a bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, the products of the People's Republic of China.

S. 576

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 579

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 617

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 634

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 652

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 652, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 671

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 272 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 280

At the request of Mr. SALAZAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 280 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 281 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 282

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 282 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, every day across our Nation, families, friends, and entire communities mourn the loss of fallen soldiers, sailors, airmen and marines. Michigan has lost 130 heroes in the wars in Iraq an Afghanistan. One of the most powerful ways we can honor those who have made the ultimate sacrifice for our country is to fly the flag they fought under at half-staff.

At times during the course of these wars, governors around the country have issued proclamations for State agencies and residents to lower our Nation's flag to honor fallen service members from their States. Many Federal agencies in those States comply with such proclamations, but some have not. To a family member, the effect can be that the Federal Government appears not to be paying the proper respect to their loved one.

Today, I am introducing legislation that would prevent this situation by giving governors the explicit authority to order the Nation's flag lowered to half staff when a member of the Armed Forces from their State dies while serving on active duty. It would also require Federal agencies in that State to lower their flags consistent with a governors' proclamation. Congressman Bart Stupak is introducing identical legislation in the House of Representatives.

One of my greatest honors as the chairman of the Senate Armed Services Committee is to spend time with our troops, and they are as courageous, honorable, and capable a fighting force as the world has ever known. These men and women have made a commitment to protect our Nation. We need to make an equally strong commitment to honor them when they make the ultimate sacrifice for our country. We owe our fallen soldiers, their families, and their communities a unified showing of respect.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. LEAHY, Mr. HARKIN, Mr. HAGEL, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 721. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

Mr. ENZI. Mr. President, today I am pleased to introduce the Freedom to Travel to Cuba Act with Senator DORGAN and a number of Senators. This legislation addresses only the travel provisions of our Cuba policy.

The Freedom to Travel to Cuba Act is very straightforward. It states that the President should not prohibit, either directly or indirectly, travel to or from Cuba by United States citizens.

I have had the opportunity to watch what has happened with Cuba through the years and I am reminded of something my dad used to say—if you keep on doing what you have always been doing, you are going to wind up getting what you already got. That has been the situation with the United States policy on Cuba. We have been trying the same thing for over 40 years, and our strategy has not worked. I am suggesting a change to get more people in Cuba to increase the dialogue.

Most of us know that Fidel Castro's health is not good and that he ceded power to his brother Raul last year. I have heard arguments that now is not the time to change our policy toward Cuba, and that by changing policy, we could strengthen Raul's grip on the nation. This is the same argument we have been hearing for the last 40 years, simply a new verse.

When we stop Cuban-Americans from bringing financial assistance to their families in Cuba, end the people-to-people exchanges, and stop the sale of agricultural and medicinal products to Cuba, we are not hurting the Cuban government—we are hurting the Cuban people. We are further diminishing their faith and trust in the United States and reducing the strength of the ties that bind the people of our two countries.

If we allow travel to Cuba, if we increase trade and dialogue, we take away the Cuban government's ability to blame the hardships of the Cuban people on the United States. In a very real sense, the more we work to improve the lives of the Cuban people, the more we will reduce the level and the tone of the rhetoric used against us by the Cuban government.

It is time for a different policy—one that goes further than embargoes and replaces a restrictive and confusing travel policy with a new one that will more effectively help us to achieve our goal of sharing democratic ideas with the people of Cuba.

The bill we are introducing today makes real change in our Cuba travel policy toward that will lead to real change for the people of Cuba. What better way to let the Cuban people know of our concern for their plight than for them to hear it from their friends and extended family from the United States. Let them hear it from the American people who will go there. The people of this country are our best ambassadors and we should let them show the people of Cuba what we as a nation are all about. If we want to give the Cuban people real knowledge of the truth about America, we need to have Americans go there to share it.

Unilateral sanctions stop not just the flow of goods, but the flow of ideas—ideas of freedom and democracy are the keys to positive change in any nation. The rest of the world is not doing what we are doing. Countries around .the world are trading with Cuba, investing in Cuba, and allowing their citizens to visit Cuba. China, Venezuela, and Iran are becoming the largest investors on the island. These nations are in a position to directly influence the future of Cuba. Americans are nowhere to be found.

Keeping the door closed and yelling at the Castro government on the other side does nothing to spread democracy and does nothing to help the people of Cuba. Let us do something, let us open the door and talk to the Cuban people. I encourage all of my colleagues to take a look at this legislation and join me in this effort.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 722. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator KYL in reintroducing legislation to authorize a special resources and land management study for lands adjacent to the Walnut Canyon National Monument in Arizona. The study is intended to evaluate a range of management options for public lands adjacent to the monument to ensure adequate protection of the canyon's cultural and natural resources. A similar bill was introduced last Congress and received a hearing in the Senate Energy and Natural Resources Committee's Subcommittee on National Parks. The bill being introduced today reflects suggested changes of that Subcommittee and includes language that met their approval. I am grateful for the input of the members of the Subcommittee and their staff.

For several years, local communities adjacent to the Walnut Canyon National Monument have debated whether the land surrounding the monument would be best protected from future development under management of the U.S. Forest Service or the National Park Service. The Coconino County Board and the Flagstaff City Council have passed resolutions concluding that the preferred method to determine what is best for the land surrounding Walnut Canyon National Monument is by having a Federal study conducted. The recommendations from such a study would help to resolve the question of future management and whether expanding the monument's boundaries could complement current public and multiple-use needs.

The legislation also would direct the Secretary of the Interior and the Secretary of Agriculture to provide recommendations for management options for maintenance of the public uses and protection of resources of the study area.

This legislation would provide a mechanism for determining the management options tor one of Arizona's high uses scenic areas and protect the natural and cultural resources of this incredibly beautiful monument. I urge my colleagues to support its passage.

Mr. KYL. Mr. President, today I am pleased to join with Senator McCAIN introducing the Walnut Canyon Study Act of 2007. I cosponsored similar legislation in the last Congress. That legislation had a favorable hearing in the Senate Energy and Natural Resources Committee. Unfortunately, we were unable to enact it before the Congress ended.

The bill is simple. It directs the Secretary of Agriculture and the Secretary of the Interior, utilizing a third-party consultant, to conduct jointly a study of approximately 31,000 acres surrounding Walnut Canyon National Monument. The purpose of this study is to help the land managers ascertain the best long-term management strategy for these surrounding lands in order to protect the natural, cultural, and recreational values. I want to emphasize that adding these acres to the monument is not the end goal of this study.

As stated, the study area consists of approximately 31,000 acres. Approximately 25,000 acres are currently managed by the Forest Service through the Land Resource Management Plan for the Coconino National Forest. The plan was amended in early 2003 with local input to close the area to motorized access and remove the land encircling the monument from consideration for sale or exchange. The plan, as amended, is under revision. The remaining acres are comprised of State trust land managed by the State Lands Department and the Walnut Canyon National Monument itself, which is managed by the National Park Service. A small number of acres, about 200, are private land. That private land is already subject to the Coconino County and the Flagstaff City Council-approved Flagstaff-area Regional Land Use and Transportation Plan, RLUTP, which restricts development within the study area.

This legislation is the product of extensive public input that included State and local officials, Federal agencies, and local citizens who use the land surrounding the monument. This public participation highlighted the core of the debate: how can we best protect the natural and cultural resources in the area while continuing the multiple-use management in a way that has stability and permanence. I hope that this independent study will help answer that important question. I urge my colleagues to approve the bill at the earliest possible date.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 725. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today, my colleague from Maine, Senator COLLINS and I are very pleased to introduce the National Aquatic Invasive Species Act of 2007. This bill, which reauthorizes the Nonindigenous Aquatic Nuisance Prevention and Control Act, takes a Comprehensive approach towards addressing aquatic nuisance species to protect the Nation's aquatic ecosystems. Invasive species are not a new problem for this country, but what is so important about this bill is that it takes a comprehensive approach toward the problem of aquatic invasive species rather than just focusing on species after they are established and a nuisance. The bill deals with the prevention of new introductions of species, the screening of live aquatic organisms imported into the country, the rapid response to new invasions before they become established, and the research to implement the provisions of this bill.

More than 6,500 non-indigenous invasive species have been introduced into the United States and have become established, self-sustaining populations. These species—from microorganisms to mollusks, from pathogens to plants, from insects to fish to animals—typically encounter few, if any, natural enemies in their new environments and often wreak havoc on native species. Aquatic nuisance species threaten biodiversity nationwide, especially in the Great Lakes.

In fact, the aquatic nuisance species became a major issue for Congress back the late eighties when the zebra mussel was released into the Great Lakes. The Great Lakes still have zebra mussels, and now, more than 20 States are fighting to control them. They have traveled down the Mississippi River, then up the Arkansas River over to Oklahoma, and zebra mussels have been found out even in Nevada and California. From 1993 to 2003, rapidly multiplying zebra mussels caused $3 billion in damage to the Great Lakes region. Industry and municipalities spend millions to keep water pipes from becoming clogged with zebra mussels. And that is just the economic impact that one species has caused.

Zebra mussels were carried over from the Mediterranean to the Great Lakes in the ballast tanks of ships. The leading pathway for aquatic invasive species was and still is maritime commerce.

Most invasive species are contained in the water that ships use for ballast to maintain trim and stability. There are over 180 aquatic invasive species in the Great Lakes. Some of the more notorious aquatic invaders such as the zebra mussel and round goby were introduced into the Great Lakes when ships pulled into port and discharged their ballast water. In addition to ballast water, aquatic invaders can also attach themselves to ships' hulls and anchor chains.

Because of the impact that the zebra mussel had in the Great Lakes, Congress passed legislation in 1990 and 1996 that has reduced, but not eliminated, the threat of new invasions by requiring ballast water management for ships entering the Great Lakes. Today, there is a mandatory ballast water management program in the Great Lakes, and the Coast Guard recently turned the voluntary ballast water exchange reporting requirement into a mandatory ballast water exchange program for all of our coasts. The current law requires that ships entering the Great Lakes must exchange their ballast water, seal their ballast tanks or use alternative treatment that is "as effective as ballast water exchange." Unfortunately, alternative treatments have not been fully developed and widely tested on ships because the developers of ballast technology do not know what standard they are trying to achieve. This obstacle is serious because ultimately, only on-board ballast water treatment will adequately reduce the threat of new aquatic nuisance species being introduced through ballast water.

Our bill addresses this problem by setting a ballast discharge standard. After 2011, all ships that enter any U.S. port after operating outside the Exclusive Economic Zone of 200 miles will be required to use a ballast water treatment technology that meets the ballast technology standard. This standard is based on the standard proposed by the International Maritime Organization but is more protective of our waters by a factor of 100. The standard would ensure that ships discharge water that has less than 1 living organism that is greater than 50 micrometers per 10 cubic meters of water. If the Coast Guard determines in 2010 that technology is not available that can meet this standard, then the Coast Guard and EPA would establish a standard for ballast water management based on the best performance available that exceeds the international standard. Technology vendors and the maritime industry will know what standard they should be striving to achieve and when they will be expected to achieve it.

I understand that ballast water technologies are being researched, and some are currently being tested onboard ships. The range of technologies includes ultraviolet lights, filters, chemicals, deoxygenation, ozone, and several others. Each of these technologies has its own merits, and each has a different price tag attached to it. This bill will not overburden the maritime industry with an expensive requirement to install technology because the market for technology to meet a domestic and an international standard is evolving into a competitive market, and that competition will provide affordable technology.

Technology will always be evolving, and we hope that affordable technology will become available that completely eliminates the risk of new introductions. Therefore, it is important that the Coast Guard regularly review and revise the standard so that it reflects what the best technology currently available is.

There are other important provisions of the bill that also address prevention. For instance, the bill encourages the Coast Guard to consult with Canada, Mexico, and other countries in developing guidelines to prevent the introduction and spread of aquatic nuisance species. The Aquatic Nuisance Species Task Force is also charged with conducting a pathway analysis to identify other high risk pathways for introduction of nuisance species and implement management strategies to reduce those introductions. And this legislation, establishes a process to screen live organisms entering the country for the first time for non-research purposes.

Organisms believed to be invasive would be imported based on conditions that prevent them from becoming a nuisance. Such a screening process might have prevented such species as the Snakehead, which has established itself in the Potomac River here in the DC area, from being imported.

The third title of this bill addresses the early detection of new invasions and the rapid response to invasions as well as the control of aquatic nuisance species that do establish themselves. If fully funded, this bill will provide a rapid response fund for states to implement emergency strategies when outbreaks occur. The bill requires the Army Corps of Engineers to construct and operate the Chicago Ship and Sanitary Canal project which includes the construction of a second dispersal barrier to keep species like the Asian carp from migrating up the Mississippi through the Canal into the Great Lakes. Equally important, this barrier will prevent the migration of invasive species in the Great Lakes from proceeding into the Mississippi system.

Lastly, the bill authorizes additional research which will identify threats and the tools to address those threats.

Though invasive species threaten the entire nation's aquatic ecosystem, I am particularly concerned with the damage that invasive species have done to the Great Lakes. There are now roughly 180 invasive species in the Great Lakes, and on average, a new species is introduced every 8 months. Invasive species cause disruptions in the food chain which is now causing the decline of certain fish. Invasive species are believed to be the cause of a new dead zone in Lake Erie. And invasive species compete with native species for habitat.

This bill addresses the "NOBOB" or No Ballast on Board problem which is when ships report having no ballast when they enter the Great Lakes. However, a layer of sediment and small bit of water that cannot be pumped out is still in the ballast tanks. So when water is taken on-board and then discharged all within the Great Lakes, a new species that was still living in that small bit of sediment and water may be introduced. By requiring that these ships immediately begin saltwater flushing so that freshwater species cannot survive in the saltwater being pumped through the ballast tank, this bill addresses a very serious issue in the Great Lakes. In 2012, these NOBOB ships, like all ships, will be required to install and use ballast technology.

All in all, the bill would cost about $150 million each year if authorized funding were to be fully appropriated. This is a lot of money, but it is a critical investment. As those of us from the Great Lakes know, the economic damage that invasive species can cause is much greater. The zebra mussel, which is just 1 of the 180 species that has invaded the Great Lakes, has caused $3 billion in economic damage over 10 years. Imagine what the cost of zebra mussels is to all of the states that are now dealing with them. Compared to the annual cost of zebra mussels and the hundreds of other aquatic invasive species, the cost of this bill is more than reasonable. Therefore, I urge my colleagues to cosponsor this legislation and work to move the bill swiftly through the Senate.

Ms. COLLINS. Mr. President, from Pickerel Pond to Lake Auburn, from Sebago Lake to Bryant Pond, lakes and ponds in Maine are under attack. Aquatic invasive species threaten Maine's drinking water systems, recreation, wildlife habitat, lakefront real estate, and fisheries. Plants, such as Variable Leaf Milfoil, are crowding out native species. Invasive Asian shore crabs are taking over Southern New England's tidal pools and have advanced well into Maine—to the potential detriment of Maine's lobster and clam industries.

I rise today to join Senator LEVIN in introducing legislation to address this problem. The National Aquatic Invasive Species Act of 2007 would create the most comprehensive nationwide approach to date for combating alien species that invade our shores.

The stakes are high when invasive species are unintentionally introduced into our Nation's waters. They endanger ecosystems, reduce biodiversity, and threaten native species. They disrupt people's lives and livelihoods by lowering property values, impairing commercial fishing and aquaculture, degrading recreational experiences, and damaging public water supplies.

In the 1950s, European Green Crabs swarmed the Maine coast and literally ate the bottom out of Maine's soft-shell clam industry by the 1980s. Many clam diggers were forced to go after other fisheries or find new vocations. In just one decade, this invader reduced the number of clam diggers in Maine from nearly 5,000 in the 1940s to fewer than 1500 in the 1950s. European green crabs currently cost an estimated $44 million a year in damage and control efforts in the United States.

Past invasions forewarn of the long-term consequences to our environment and communities unless we take steps to prevent new invasions. It is too late to stop European green crabs from taking hold on the East Coast, but we still have the opportunity to prevent many other species from taking hold in Maine and the United States.

Senator LEVIN and I first introduced a version of this legislation in late 2002. Unfortunately, in the subsequent years in which Congress has failed to act on our legislation, a number of new invasive species have taken hold in Maine. North America's most aggressive invasive species—hydrilla—was found shortly after we first introduced our legislation. This stubborn and fast-growing aquatic plant has taken hold in Pickerel Pond in the Town of Limerick, ME. This plant is now found throughout Pickerel Pond, where it diminishes recreational use for swimmers and boaters.

Eurasian Milfoil is another invasive which has taken hold since our legislation was first introduced. Maine was the last of the lower 48 States to be free of this stubborn and fast-growing invasive plant. Eurasian Milfoil degrades water quality by displacing native plants, fish and other aquatic species. The plant forms stems reaching up to 20 feet high that cause fouling problems for swimmers and boaters. In total, there are now 27 documented cases of aquatic invasive species infesting Maine's lakes and ponds.

When considering the impact of these invasive species, it is important to note the tremendous value of our lakes and ponds. While their contribution to our quality of life is priceless, their value to our economy is more measurable. Maine's Great Ponds generate nearly 13 million recreational user days each year, lead to more than $1.2 billion in annual income for Maine residents, and support more than 50,000 jobs.

With so much at stake, Mainers are taking action to stop the spread of invasive species into our State's waters. The State of Maine has made it illegal to sell, possess, cultivate, import or introduce 11 invasive aquatic plants. Boaters participating in the Maine Lake and River Protection Sticker program are providing needed funding to aid efforts to prevent, detect and manage aquatic invasive plants. Volunteers are participating in the Courtesy Boat Inspection program to keep aquatic invasive plants out of Maine lakes. Before launch or after removal, inspectors ask boaters for permission to inspect the boat, trailer or other equipment for plants.

While I am proud of the actions that Maine and many other States are taking to protect against invasive species, all too often their efforts have not been enough. Protecting the integrity of our lakes, streams, and coastlines from invading species cannot be accomplished by individual states alone. We need a uniform, nationwide approach to deal effectively with invasive species. The National Aquatic Invasive Species Act of 2007 will help my State and States throughout the Nation detect, prevent and respond to aquatic invasive species.

The National Aquatic Invasive Species Act of 2007 would be the most comprehensive effort ever undertaken to address the threat of invasive species. By authorizing $150 million per year, this legislation would open numerous new fronts in our war against invasive species. The bill directs the Coast Guard to develop regulations that will end the easy cruise of invasive species into US waters through the ballast water of international ships, and would provide the Coast Guard with $6 million per year to develop and implement these regulations.

The bill also would provide $30 million per year for a grant program to assist State efforts to prevent the spread of invasive species. It would provide additional funds for the Army Corps of Engineers and Fish and Wildlife Service to contain and control invasive species. Finally, the Levin-Collins bill would authorize $30 million annually for research, education, and outreach.

The most effective means of stopping invading species is to attack them before they attack us. We need an early alert, rapid response system to combat invading species before they have a chance to take hold. For the first time, this bill would establish a national monitoring network to detect newly introduced species, while providing $25 million to the Secretary of the Interior to create a rapid response fund to help States and regions respond quickly once invasive species have been detected. This bill is our best effort at preventing the next wave of invasive species from taking hold and decimating industries and destroying waterways in Maine and throughout the country.

One of the leading pathways for the introduction of aquatic organisms to U.S. waters from abroad is through transoceanic vessels. Commercial vessels fill and release ballast tanks with seawater as a means of stabilization. The ballast water contains live organisms from plankton to adult fish that are transported and released through this pathway. Our legislation would require all ships, with limited exceptions, to meet environmentally protective performance standards for ballast water discharge by 2012. In addition, it would establish a mandatory ballast water management program that includes invasive species management plans, ballast management reporting requirements, and best management practices for all ships in US waters.

The National Aquatic Invasive Species Act of 2007 offers a strong framework to combat aquatic invasive species. I call on my colleagues to help us enact this legislation in order to protect our waters, ecosystems, and industries from destructive invasive species—before even more of them take hold in our lakes and rivers and along our coastlines.

By Mr. COCHRAN (for himself Mr. DODD, Mr. AKAKA, Ms. COLLINS, Mr. STEVENS, Mr. LOTT, Mr. SMITH, Mr. ALEXANDER, and Ms. SNOWE):

S. 727. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today, I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined by my friend from Connecticut Mr. DODD. The purpose of this bill is to improve geographic literacy among K–12 students in the United States by supporting professional development programs for their teachers that are administered in institutions of higher education. The bill also assists States in measuring the impact of education in geography.

Ensuring geographic literacy prepares students to be good citizens of both our Nation and the world. Last May, John Fahey, President of the National Geographic Society, stated that "Geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world." When students understand their own environment, they can better understand the differences in other places, and the people who live in them. Knowledge of the diverse cultures, environment, and distances between States and countries helps our students to understand national and international policies, economies, societies, and political structures on a more global scale.

The 2005 publication, What Works in Geography, reported that elementary school geography instruction significantly improves student achievement and proved that the integration of geography into the elementary school curriculum improves student literacy achievement an average of 5 percent. That's the good news. However, the 2006 National Geographic-Roper Global Geographic Literacy Survey shows that 69 percent of elementary school principals report a decrease in time spent teaching geography and less than a quarter of our Nation's high school students take a geography course in high school. This survey shows that many of our high school graduates lack the basic skills to navigate our international economy, policies and relationships.

To expect that Americans will be able to work successfully with the other people in this world, we need to be able to communicate and understand each other. It is a fact that we have a global marketplace, and that will continue to be the case. We need to be preparing our younger generation for global competition and ensuring that they have a strong base of understanding to be able to succeed. A strong base of geography knowledge improves those opportunities.

The U.S. Bureau of Economic Analysis announced yesterday that 27.9 percent of the U.S. GDP, that is $3.7 trillion, annually results from international trade. According to the CIA World Factbook of 2005, U.S. workers need geographic knowledge to compete in this global economy. Geographic knowledge is increasingly needed for U.S. businesses in international markets to understand such factors as physical distance, time zones, language differences, and cultural diversity among project teams.

In addition, geospatial technology is a new and emerging career available to people with an extensive background in geography education. Professionals in geospatial technology are employed in Federal Government agencies, the private sector and the non-profit sector, focusing on areas such as agriculture, archeology, ecology, land appraisal, and urban planning and development. In the United States, there are currently 175,000 individuals employed in the geospatial technology industry. It is estimated that this industry is growing up to 14 percent per year and it is projected to be a $5–6 billion industry by 2010. A strong geography education system is a necessity for this industry's continued advancement.

Former Secretary of State Colin Powell said, "To solve most of the major problems facing our country today, from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS, will require every young person to learn more about other regions, cultures, and languages."

We need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared and trained to teach these critical skills to solve these problems. Over the last 15 years, the National Geographic Society has awarded more than $100 million in grants to educators, universities, geography alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful and research shows that students who have benefitted from this teaching outperform other students. State geography alliances exist in 19 States, including Mississippi, endowed by grants from the society. But, their efforts alone are not enough. The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focus on geography education research, and develop reliable, advanced technology based classroom materials.

In my State of Mississippi, teachers and university professors are making progress to increase geography education in the schools through additional professional training. Based at the University of Mississippi, over 300 geography teachers are members of the Mississippi Geography Alliance. Two weeks ago, the Mississippi Geography Alliance conducted a workshop for graduate and undergraduate students who are preparing to be certified to teach elementary through high school-level geography in our State. The workshop provided opportunities for model teaching sessions and discussion of best practices in the classroom.

I hope the Senate will consider the seriousness of the need to invest in geography and I invite other Senators to cosponsor the Teaching Geography is Fundamental Act.

By Mr. DOMENICI:

S. 728. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to talk about a project of great importance to my State and our environment—one that has been discussed before on this floor when I helped unveil a vision that would rehabilitate and restore New Mexico's Bosque. I return here today to implement this vision that concerns this long neglected treasure of the Southwest.

I would like to point out that this project passed through this body in the last Congress. The project that I am proposing today was contained in the 2005 Water Resources Development Act, which passed the Senate on July 19, 2006. I hope that this important project will again obtain the approval of the Senate.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. The list of its woes is long: It has been overrun by non-native vegetation; graffiti and trash mar locations along its length; the drought and build up of hazardous fuel have contributed to fires. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public.

This is a grand undertaking to be sure; but I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river. I propose to build on their efforts with the legislation I am introducing today.

I remain grateful to each of the parties who have been involved with this idea since its inception. Each one contributes a very critical component of the project. The Middle Rio Grande Conservancy District (the "MRGCD") owns the vital part of the Bosque which runs from the National Hispanic Cultural Center north to the Paseo Del Norte Bridge. The MRGCD has proven to be a valuable local partner that has worked with all parties to provide options on how the Bosque can be preserved, protected and enjoyed by everyone. Additionally, the Army Corps of Engineers is developing a preliminary restoration plan for the Bosque along the Albuquerque corridor.

My bill authorizes $10 million dollars in Fiscal Year 2007 and such sums as are necessary for the following nine years to complete projects, activities, substantial ecosystem restoration, preservation, protection, and recreation facilities along the Middle Rio Grande. I urge my fellow members to help preserve this rare and diverse ecosystem and to aid the city of Albuquerque and the State of New Mexico in building a place to treasure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Middle Rio Grande bosque is—

(A) a unique riparian forest along the Middle Rio Grande in New Mexico;

(B) the largest continuous cottonwood forest in the Southwest;

(C) one of the oldest continuously inhabited areas in the United States;

(D) home to portions of 6 pueblos; and

(E) a critical flyway and wintering ground for migratory birds;

(2) the portion of the Middle Rio Grande adjacent to the Middle Rio Grande bosque provides water to many people in the State of New Mexico;

(3) the Middle Rio Grande bosque should be maintained in a manner that protects endangered species and the flow of the Middle Rio Grande while making the Middle Rio Grande bosque more accessible to the public;

(4) environmental restoration is an important part of the mission of the Corps of Engineers; and

(5) the Corps of Engineers should reestablish, where feasible, the hydrologic connection between the Middle Rio Grande and the Middle Rio Grande bosque to ensure the permanent healthy growth of vegetation native to the Middle Rio Grande bosque.

SEC. 2. DEFINITIONS.

In this Act:

(1) MIDDLE RIO GRANDE.—The term "Middle Rio Grande" means the portion of the Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(2) RESTORATION PROJECT.—The term "restoration project" means a project carried out under this Act that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, recreation, and protection benefits.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army.

SEC. 3. MIDDLE RIO GRANDE RESTORATION.

(a) RESTORATION PROJECTS.—The Secretary shall carry out restoration projects along the Middle Rio Grande.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may select restoration projects in the Middle Rio Grande based on feasibility studies.

(2) USE OF EXISTING STUDIES AND PLANS.—In carrying out subsection (a), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify the needs and priorities for restoration projects.

(c) LOCAL PARTICIPATION.—In carrying out this Act, the Secretary shall consult with—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) COST-SHARING AGREEMENT.—Before carrying out any restoration project under this Act, the Secretary shall enter into an agreement with the non-Federal interests that shall require the non-Federal interests—

(A) to pay 25 percent of the total costs of the restoration project through in-kind services or direct cash contributions, including the cost of providing necessary land, easements, rights-of-way, relocations, and disposal sites;

(B) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the restoration project that are incurred after the date of enactment of this Act; and

(C) to hold the United States harmless for any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest carrying out a restoration project under this Act may include a nonprofit entity.

(3) RECREATIONAL FEATURES.—

(A) IN GENERAL.—Any recreational features included as part of a restoration project shall comprise not more that 30 percent of the total project cost.

(B) NON-FEDERAL FUNDING.—The full cost of any recreational features included as part of a restoration project in excess of the amount described in subparagraph (A) shall be paid by the non-Federal interests.

(4) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of the cost of design or construction activities carried out by the non-Federal interests (including activities carried out before the execution of the cooperation agreement for a restoration project) if the Secretary determines that the work performed by the non-Federal interest is integral to the project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $10,000,000 for fiscal year 2007; and

(2) such sums as are necessary for each of fiscal years 2008 through 2016.

By Mr. SALAZAR:

S. 729. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, I rise today to speak about legislation I introduced today. The Rocky Flats Special Exposure Cohort Act will at long last repay our debt to the patriotic American workers of Rocky Flats, who served our Nation during the Cold War.

Many Americans contributed to our victory in the Cold War. Brave men and women worked in laboratories and factories throughout the Nation, fashioning nuclear weapons that led to the fall of the former Soviet Union. Unfortunately, many of these Cold War Veterans contracted cancer and other disabling and fatal diseases due to their service.

Before I arrived to Washington, DC, Congress recognized the sacrifices made by our nuclear weapons workers by enacting the Energy Employees Occupational Injury Compensation Act (EEOICPA) to provide benefits to nuclear weapons workers for their work-related illnesses or to their survivors when these illnesses took their lives.

While thousands of workers are successfully applying and receiving benefits today, others face incredible obstacles as they try to demonstrate that they qualify for benefits. In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing benefits who served at the Rocky Flats facility in Colorado.

Our government failed these workers when they maintained shoddy, inaccurate, and incomplete records. Thankfully, Congress had the foresight in the Energy Employees Act to realize that some workers might not be able to prove that their cancers were caused by their work in nuclear weapons facilities, whether due to the lack of records or other problems that make it difficult or impossible to determine the dose of radiation they received. To protect these workers, Congress designated a Special Exposure Cohort to receive benefits if they suffered from one of the specified cancers known to be linked to radiation exposure.

Since February 2005, Rocky Flats workers have patiently and diligently been making their case to the Federal Government. Unfortunately, many of the Rocky Flats workers are running out of time. Over the past 2 years, several have passed away without having received the healthcare and other benefits that they would have qualified for if they were granted an SEC designation.

Their petition is being reviewed by the Advisory Board on Radiation and Worker Health (ABRWH), a body that is stretched thin. In the past, I have raised my strong concerns about the several unfilled Advisory Board seats. I commend these Americans for having answered the calls of their government to serve our country. Like our Cold War Veterans, Advisory Board members have sacrificed their time and energy to perform an important service. I believe it is the responsibility of this Congress to fulfill its duty as well.

The bill I am introducing today would extend Special Exposure Cohort status to workers employed by the Department of Energy or its contractors at Rocky Flats according to the stringent requirements of the EEOICPA. As a result of this designation, a Rocky Flats worker suffering from one of the 22 listed cancers will be able to receive benefits despite the inadequate records maintained by the Department of Energy and its contractors.

Through five decades, men and women worked at Rocky Flats, producing plutonium, one of the most dangerous substances in creation, and crafting it into the triggers for America's nuclear arsenal. These men and women served a critical role in a program deemed essential to our national security by a succession of Presidents and Congresses. We owe them an enormous debt of gratitude.

My bill is a companion bill to the bipartisan House bill, H.R. 904, introduced by my friends, Congressman MARK UDALL and Congressman ED PERLMUTTER from Colorado. I look forward to its bipartisan support in the Senate and urge this body to swiftly take up and pass this important legislation. In doing so, we will right a wrong and fulfill a task that is long overdue.

By Mr. DODD (for himself and Ms. MIKULSKI):

S. 730. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DODD. Mr. President, as we move forward in the coming months in the Senate Committee on Rules and Administration on critical election reform hearings, I wanted to take this opportunity to re-introduce my legislation, the Voting Opportunity and Technology Enhancement Rights (VOTER) Act of 2007. I am committed to working with our new Rules Committee Chair Senator FEINSTEIN and my other Rules Committee colleagues, and with others off the committee, to try to secure enactment of tough new election reform legislation in this Congress. This bill provides a focus and framework for that discussion.

It does not purport to address all of the key problems in election reform that have arisen since enactment in 2002 of the historic Help America Vote Act (HAVA), but it is an important start, and I am pleased that Senator FEINSTEIN and I will be working together on comprehensive reform legislation this year. In light of the continuing barriers that American citizens found at polling places across this Nation last November, including technological barriers, human errors, and other problems, we cannot rest on the laurels of past legislation. We must continue to strive to provide an equal opportunity for all citizens to participate in their democracy by voting and having their vote counted.

That's why today I am re-introducing this legislation. There is nothing more fundamental to the vitality of a democracy of the people, by the people, and for the people, than the people's right to vote. In the words of Thomas Paine: "The right of voting for representatives is the primary right by which other rights are protected." Indeed, it is the right on which all others in our democracy depend.

We still have a long way to go before we get to the point where all Americans are able to participate without obstacles in our elections, and able to participate with confidence in the voting systems they use. In the 2000 presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 presidential election voting participation reached its highest level since 1968, only 60.7 percent of eligible Americans voted. That dropped back down, in the 2006 off-year elections, to just over 40 percent.

While there are many reasons why more Americans do not vote, we learned from the debacle of the 2000 presidential elections that many citizens cannot vote and have their vote counted because they are improperly removed from registration rolls, do not have access to accessible voting systems and ballots, or lack confidence in antiquated and error-prone machines and State administrative procedures. In response to those concerns, in 2002 Congress enacted HAVA, overwhelmingly bipartisan election reform legislation. For the first time in our history, that landmark legislation established the role of the Federal Government in administering and funding Federal elections. The twin goals of the act were to make it easier to vote and harder to defraud the system.

On the day that the Senate adopted its version of HAVA, I noted that the Senate bill was a bipartisan compromise and the culmination of the hard work of a dedicated group of Senators. But I also noted that the compromise was just that—it was not everything that all of us wanted, but it was something that everyone wanted. That was equally true of the final HAVA compromise on election reform.

The 2004 and 2006 elections raised both continuing and new concerns. And some of the most important of these concerns are not addressed by HAVA. The fact that less than one-half of the eligible voting age population voted in 2006 underscores the reality that not everybody votes in America. We must do better on this front, and we can. As the 2006 elections in some states reminded us, we also must do better at bolstering Americans' confidence in the security and reliability of our election systems, while preserving critical access to people with disabilities, language minorities, and others.

Let me summarize briefly what this bill does. First, the VOTER Act provides every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections. This new national absentee ballot extends to all citizens the same right to a Federal absentee ballot that overseas and active military voters currently have. Beginning with Federal elections in 2008, every State shall provide early voting opportunities for a minimum of 15 days prior to election day, including Saturdays. Beginning in 2009, any otherwise eligible voter must be allowed to register to vote on election day and have that vote counted in Federal elections. This last provision would in itself be a major advance.

The VOTER Act also addresses many of the recurring, and new, barriers to voting that voters faced at the polls in the last two federal elections. It requires that a State count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place where the ballot is cast.

HAVA established a uniform national right for every voter in a Federal election to receive and cast a provisional ballot. This new right was intended to ensure that no otherwise eligible voter could be turned away from the polls because of an administrative error or other challenge. But in 2004, and again in 2006, we saw this right eroded by States and applied in non-uniform ways. Some States, such as Ohio, initially interpreted HAVA to require that a voter be in their correct precinct in order to cast a Federal provisional ballot. Other States interpreted the same HAVA language to allow challenged voters to cast a provisional ballot in their county of residence. Whether or not the provisional ballot was ultimately counted turned solely on State law. This bill ensures that voters who cast a provisional ballot for Federal office will have that ballot counted in a uniform manner.

In addition, the VOTER Act requires that each State provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission. This is to avoid the problem of long lines and disenfranchised voters because of too few voting systems or ballots at polling places and too few poll workers to assist voters. This requirement would become effective in January, 2008.

To ensure that all voters have an opportunity to independently verify their ballot before it is cast and counted, the VOTER Act also requires that all States provide voters a voter-verified ballot with a choice of at least four formats for verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired.

HAVA already requires that all voting systems provide voters an opportunity to verify their ballot before it is cast and counted. HAVA also requires that all systems produce a permanent paper record for audit purposes. However, it does not spell out how that verification is to be achieved to ensure security and independence of the voter's choice.

In the last few years, many have called on Congress to require a voter-verified paper ballot. And I understand what is behind that impulse. Even so, unless voter verification schemes are carefully crafted, paper-only processes can be less accurate, printer jams can result in more destroyed ballots, and they can inherently discriminate against the disabled, particularly the blind and visually-impaired. HAVA already requires that all voters, regardless of disability, be able to verify their ballots. With current and developing technology—and with new approaches being developed which will require paper ballots which are then convertible into formats for verification that are accessible to persons with disabilities and language minorities—I am hopeful that as we move forward we will be able to work out an approach on which all sides can agree.

I continue to believe it is important to preserve the anti-discrimination requirements in current law, by ensuring that appropriate verification alternatives are offered to those who need them. I know my colleagues have various proposals on this issue to bring before the Committee for its consideration, either separately or as part of more comprehensive reform efforts, and we should examine those proposals carefully. That process has already begun with the Committee's hearing last month which focused on problems with electronic voting systems, including those currently before the court in the contested election for the 13th Congressional District in Sarasota County, Florida.

The VOTER Act also addresses the continuing problem of minority disenfranchisement through last-minute purges of voter registration lists by requiring States to provide public notice of any such purges not later than 45 days before a Federal election.

To expedite the studies called for under HAVA for establishing election day as a Federal holiday, the VOTER Act requires the EAC to complete its study and issue recommendations within 6 months of enactment and earmarks funds within the EAC budget solely for this purpose.

It also includes amendments to HAVA that build on the existing voting system requirements to ensure that all voting systems, including punch cards and central count optical scan machines, provide voters with actual notice of over-votes. Also, beginning in 2009, States must allow for voter registration through the Internet. The bill also includes provisions to ensure both the security and uniform treatment of voter registration applications by requiring that all voters sign an affidavit attesting to both their citizenship and age, in lieu of the HAVA requirements for a check-off box alone, effective in 2009.

HAVA requires that voter registration forms include questions regarding citizenship and age with check-off boxes that applicants use to indicate whether or not they meet eligibility requirements. States are further required to contact any applicant who does not fill in the boxes in order to complete the form. However, in the 2004 and 2006 elections, States implemented this requirement in widely varying ways, resulting in non-uniform treatment of voters in Federal elections. In some cases, States refused to process the form and failed to contact the voter. In other States, voters who had submitted incomplete forms were asked to complete those forms at the polling place. While the twin purposes of HAVA were to make it easier to vote and harder to defraud the system, as implemented this requirement achieves neither purpose. This requirement further resulted in disenfranchising voters who failed to check a box but nonetheless signed an affidavit, under penalty of perjury, attesting to both their citizenship and age. With the implementation of statewide voter registration lists, the check-off box requirement is unnecessary and burdensome to both voters and election administrators.

To ensure that the implementation of the voter identification requirements in HAVA do not make it harder to vote, the VOTER Act expands the forms of identification that can be used to establish identity for first-time voters who submit their voter registration by mail to include an affidavit executed by the voter attesting to his or her identity, generally subject to penalties for perjury under State law.

The VOTER Act also begins to respond to concerns first raised in the 2000 Presidential election in Florida, and echoed again in the 2004 and 2006 elections, regarding the appearance of impartiality by State election officials who were otherwise active in Federal campaigns. The bill imposes new accountability and transparency requirements on States, beginning in 2008, including a public notice requirement of any changes in State law affecting the administration of elections, such as changes in polling places and actions denying access to polling place observers. Some have urged going beyond this, including by banning state election officials from engaging in political activity in races which they oversee; the committee should consider this approach carefully.

To ensure the independence of the Election Assistance Commission, and the timely issuance of guidance and standards, the bill provides the agency with independent budget authority and the authority to issue mandatory standards to implement the new requirements. Finally, in recognition of the inherent role of the States in the administration of Federal elections, the VOTER Act provides additional Federal funds for the State requirement grants under HAVA to implement the new requirements.

This measure does not pretend to be exhaustive, and I know there are other important reform ideas that will be considered by the committee, including measures to penalize deceptive voter intimidation practices, to impose additional voting systems testing, to improve poll worker training, to ease registration for new voters, and others. I welcome a full discussion of all of these issues.

While Congress accomplished much with the passage of the Help America Vote Act following the debacle of the 2000 Presidential election, 5 years later voters still face some of the same barriers to voting that HAVA promised to remove. As we move forward on election reform this year, let us ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in Federal elections.

I invite my colleagues to join me as cosponsors of this measure, and I ask unanimous consent that a brief section-by-section analysis of this measure be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT ACT OF 2007

SECTION-BY-SECTION ANALYSIS

Sec. 1.—Title; Table of Contents.

Sec. 2.—Findings and Purposes.

Sec. 3.—National Federal Write-In Absentee Ballot.

Sec. 3 creates a National Federal Write-in Absentee Ballot (NFWAB) for Federal office to be used in a Federal election by any otherwise eligible voter.

Sec. 3 requires States to accept the NFWAB cast by any person eligible to vote in a Federal election, provided the ballot has been postmarked or signed by the voter before the close of the polls on election day.

Sec. 3 requires the Election Assistance Commission to prescribe a national Federal write-in absentee ballot and prescribe standards for distributing the ballot, including distribution through the Internet.

Sec. 4.—Voter Verified Ballots.

Sec. 4 requires that all voting systems purchased after January 1, 2009 and used in Federal elections provide an independent means for each voter to verify the ballot before it is cast and counted.

Sec. 4 allows each voter to choose one means of verification from among the following options—(1) paper; (2) audio; (3) pictorial; or (4) an electronic record accessible for voters with disabilities.

Sec. 5.—Requirements for Counting Provisional Ballots.

Sec. 5 requires that a State shall count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

Sec. 6.—Minimum Required Voting Systems and Poll Workers in Polling Places.

Sec. 6 requires that each state shall provide the minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission.

Sec. 7.—Election Day Registration.

Sec. 7 requires that each State shall provide for election day registration in a Federal election for any otherwise eligible individual, using a form established by the Election Assistance Commission, unless the State does not have a voter registration requirement.

Sec. 8.—Integrity of Voter Registration Lists.

Sec. 8 requires that each State provide public notice at least 45 days before a Federal election of all names removed from the voter registration list.

Sec. 9.—Early Voting.

Sec. 9 requires that each State shall establish an early voting program for a minimum of 15 calendar days before a Federal election that provides a uniform voting period each day, except Sunday, for at least 4 hours.

Sec. 10.—Acceleration of Study on Election Day as a Public Holiday.

Sec. 10 requires the Election Assistance Commission to submit within 6 months of enactment of this Act the report on establishing a public election day holiday and uniform poll closing time, and authorizes $100,000 for fiscal year 2007 for that purpose.

Sec. 11.—Improvements to Voting Systems.

Sec. 11 requires that punch card and central count voting systems conform to the in person notice of over-votes in Sec. 301 of the Help America Vote Act and to permit a—voter to verify and change or correct any errors before the ballot is cast and counted.

Sec. 12.—Voter Registration.

Sec. 12 requires that, by January 1, 2009, the mail registration form be changed to include an affidavit to be signed by the voter attesting to citizenship and age eligibility and requires each State to establish a program to permit voter registration through the Internet.

Sec. 13.—Establishing Voter Identification.

Sec. 13 requires that an individual may meet the identification requirement for voters who register by mail as described in Sec. 303 of the Help America Vote Act by executing a written affidavit attesting to the individual's identity.

Sec. 13 requires the Election Assistance Commission to develop standards for verifying voter identification information required for registration (the driver's license number or last four digits of the social security number), as described in Sec. 303 of the Help America Vote Act.

Sec. 14.—Impartial Administration of Elections.

Sec. 14 requires that each State will issue a public notice of changes in State election law since the most recent election.

Sec. 14 requires that each State will allow uniform, nondiscriminatory access to observe a Federal election at any polling place to party challengers, voting and civil rights organizations, and nonpartisan domestic and international observers.

Sec. 15.—Strengthening the Election Assistance Commission.

Sec. 15 requires the Election Assistance Commission to provide budget estimates and requests to the Congress, the House Administration Committee, and the Senate Rules and Administration Committee when it submits such estimates and requests to the President or Office of Management and Budget; the section provides rule-making authority for the Election Assistance Commission with respect to subtitle C of this Act; the section requires that the Director of the National Institutes of Standards and Technology provide the Commission with technical support.

Sec. 15 authorizes $23 million for the operational costs of the Election Assistance Commission for fiscal year 2007, with $3 million earmarked for the National Institute of Standards and Technology for technical support, and such sums as necessary for the succeeding fiscal years.

Sec. 16.—Authorization of Appropriations.

Sec. 16 authorizes $2 billion for fiscal year 2007 and such sums as necessary thereafter for requirements grants to States under title II of the Help America Vote Act to implement the additional requirements.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. WEBB, Mr. TESTER, and Mr. BUNNING):

S. 731. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today, I am proud to introduce the National Carbon Dioxide Storage Capacity Assessment Act of 2007.

Our earth is getting warmer. The National Oceanic and Atmospheric Administration recently announced that 2006 was the warmest year on record, and every single year since 1993 has fallen in the top twenty warmest years on record.

In February 2007, a report released by the Intergovernmental Panel on Climate Change found the levels of carbon dioxide and other greenhouse gases in the atmosphere resulting from the burning of fossil fuels have increased more than 30 percent since the Industrial Revolution. The increased levels of greenhouse gases in the atmosphere are contributing to the increased temperatures we are seeing today.

The United States is the largest emitter of CO_2 in the world, and much of these emissions come from satisfying our energy needs. These same energy needs that fuel our homes, our cars, and our economy are hurting our planet. The debate on climate change in the Senate has started to transform, it has gone from whether or not climate change is real, to what can we do, now, to address climate change. There has been much discussion in the Senate about the need to create a clean energy future for America, and there is much optimism about our ability to produce energy in ways that do not harm the environment.

In attempting to limit emissions, one promising step we can take is to sequester carbon dioxide. Carbon sequestration is a process where carbon is captured before it is released into the atmosphere, compressed, and stored underground in geological areas such as saline formations, unmineable coal seams, and oil and gas reservoirs. This technology exists today.

My legislation would start us on the path to large-scale sequestration by directing the U.S. Geological Survey to conduct a national assessment of our sequestration capacity. Specifically, this assessment would evaluate the potential capacity and rate of carbon sequestration in all possible sites throughout the United States, as well the various risk levels involved.

Carbon sequestration also holds potential economic benefits for the United States. Sequestration has the potential to enhance the recovery capabilities of certain oil, gas, and coalbed reservoirs increasing the efficiency of these important resources to the benefit of all.

The Department of Energy has already established seven regional carbon sequestration partnerships. These partnerships have vital experience and understanding about the potential for storing carbon dioxide. This bill will build upon the existing work of these partnerships, and create a national database assessable to the public on the potential storage sites across the United States—enabling companies to make cost-effective decisions needed to make sequestration a viable option.

The need to combat climate change is here; many of the techniques and technologies to combat climate change are available; and we have the will to act. What is missing for carbon sequestration is a accessible, national assessment of the potential storage sites. This bill gives us the tools our country needs to spur the implementation of carbon sequestration, fight climate change, and create a clean energy future.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 732. A bill to empower Peace Corps volunteers, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, today, March 1, marks the 46th Anniversary of the Peace Corps. Never in our history has it been more critical that the Peace Corps succeed in its mission to "promote world peace and friendship." As we all know, the Peace Corps seeks to advance both a better understanding of Americans and better understanding by Americans; and these goals are especially central if we want to effectively counter the spread of extremist ideology to disaffected people around the world, people who, after all, know as little of us as we know of them.

Since 1961, nearly 190,000 Peace Corps volunteers have served our Nation as citizen diplomats. For the last 45 years, by living and working side-by-side with people from 139 nations, these volunteers have represented the very best of American ideals: working to improve the human condition, and overcoming barriers of culture, language and religion, through patience, mutual respect, and partnership.

The Peace Corps is an absolutely crucial instrument in advancing America's longer term foreign policy goals. And so today I am proud to introduce the Peace Corps Volunteer Empowerment Act that is designed to make the Peace Corps even more relevant to the dynamic world of the 21st Century. I am also very pleased to announce that another returned Peace Corps volunteer, Congressman SAM FARR will shortly introduce a companion bill in the House so that both bodies can begin working to pass this very important legislation.

The bill will provide seed monies for active Peace Corps volunteers for demonstration projects at their specific in-country sites. It authorizes $10 million in additional annual appropriations to be distributed by the Peace Corps as grants to returned Peace Corps volunteers interested in undertaking "third goal" projects in their communities. The bill will also authorize active Peace Corps volunteers to accept, under certain carefully defined circumstances, private donations to support their development projects.

For any organization to thrive, managers and leaders must have access to first-hand knowledge and perspectives of those working on the front lines. And so, this bill will establish mechanisms for more volunteer input into Peace Corps operations, including staffing decisions, site selection, language training and country programs. This bill will also explicitly protect certain rights of Peace Corps volunteers with respect to termination of service and whistleblower protection.

We must bring the Peace Corps into the digital age. To that end, this bill will provide volunteers with better means of communication by establishing websites and email links for use by volunteers in-country.

Inadequate funding and internal structural roadblocks have unfortunately resulted in an unfulfilled Presidential pledge to double the size of the Peace Corps by 2007. Despite a large increase in volunteers signing up for the

Peace Corps immediately after September 11, the Congressional Research Service reports that the number of Peace Corps volunteers actually declined in 2006. It is crucial that we work to reverse this troubling trend. That is why this bill authorizes active recruitment from the 185,000 returned Peace Corps volunteer community for second tours as volunteers and as participants in third goal activities in the United States.

This bill will also remove certain medical, healthcare and other impediments that discourage older individuals from becoming Peace Corps volunteers. It will create more transparency in the medical screening and appeals process, and require reports on costs associated with extending post-service health coverage from 1 month to 6 months.

Finally, and perhaps most crucially, my bill includes annual authorizations for Fiscal Years 2008 to 2011, so that we can provide the means by which the Peace Corps can double the number of volunteers to 15,000, by 2011.

In all the controversies of the past 5 years, all the vagaries of strategy and tactics and plans and counter plans, there's one policy that guarantees success: sending our best young men and women into the world to make America known. So, I encourage my colleagues to support this bill, to modernize, strengthen and enlarge the Peace Corps. On the 46th Anniversary of this great program, let us act swiftly to ensure that at the very least, the Peace Corps will continue to thrive for an additional 46 years.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 733. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, labor, and pensions.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to help businesses form group-purchasing cooperatives to obtain enhanced benefits, to reduce health care rates, and to improve quality for their employees' health care.

High health care costs are burdening businesses and employees across the Nation. These costs are digging into profits and preventing access to affordable health care. Too many patients feel trapped by the system, with decisions about their health dictated by costs rather than by what they need.

Nationally, the annual average cost to an employer for an individual employee's health care is $3,615. For a family, the employer contribution is $8,508. We must curb these rapidly increasing health care costs. I strongly support initiatives to ensure that everyone has access to health care. It is crucial that we support successful local initiatives to reduce health care premiums and to improve the quality of employees' health care.

By using group purchasing to obtain rate discounts, some employers have been able to reduce the cost of health care premiums for their employees. According to the National Business Coalition on Health, there are nearly 80 employer-led coalitions across the United States that collectively purchase health care. Through these pools, businesses are able to proactively challenge high costs and inefficient delivery of health care and share information on quality. These coalitions represent over 10,000 employers nationwide.

Improving the quality of health care will also lower the cost of care. By investing in the delivery of quality health care, we will be able to lower long term health care costs. Effective care, such as quality preventive services, can reduce overall health care expenditures. Health purchasing coalitions help promote these services and act as an employer forum for networking and education on health care cost containment strategies. They can help foster a dialogue with health care providers, insurers, and local HMOs.

Health care markets are local. Problems with cost, quality, and access to health care are felt most intensely in the local markets. Health care coalitions can function best when they are formed and implemented locally. Local employers of large and small businesses have formed health care coalitions to track health care trends, create a demand for quality and safety, and encourage group purchasing.

In Wisconsin, there have been various successful initiatives that have formed health care purchasing cooperatives to improve quality of care and to reduce cost. For example, the Employer Health Care Alliance Cooperative, an employer-owned and employer-directed not-for-profit cooperative, has developed a network of health care providers in Dane County and 12 surrounding counties on behalf of its 157 member employers. Through this pooling effort, employers are able to obtain affordable, high-quality health care for their nearly 73,000 employees and dependents.

This legislation seeks to build on successful local initiatives, such as the Alliance, that help businesses to join together to increase access to affordable and high-quality health care.

The Promoting Health Care Purchasing Cooperatives Act would authorize grants to a group of businesses so that they could form group-purchasing cooperatives to obtain enhanced benefits, reduce health care rates, and improve quality.

This legislation offers two separate grant programs to help different types of businesses pool their resources and bargaining power. Both programs would aid businesses to form cooperatives. The first program would help large businesses that sponsor their own health plans, while the second program would help small businesses that purchase their health insurance.

My bill would enable larger businesses to form cost-effective cooperatives that could offer quality health care through several ways. First, they could obtain health services through pooled purchasing from physicians, hospitals, home health agencies, and others. By pooling their experience and interests, employers involved in a coalition could better address essential issues, such as rising health insurance rates and the lack of comparable health care quality data. They would be able to share information regarding the quality of these services and to partner with these health care providers to meet the needs of their employees.

For smaller businesses that purchase their health insurance, the formation of cooperatives would allow them to buy health insurance at lower prices through pooled purchasing. Also, the communication within these cooperatives would provide employees of small businesses with better information about the health care options that are available to them. Finally, coalitions would serve to promote quality improvements by facilitating partnerships between their group and the health care providers.

By working together, the group could develop better quality insurance plans and negotiate better rates.

This legislation also tries to alleviate the burden that our Nation's farmers face when trying to purchase health care for themselves, their families, and their employees. Because the health insurance industry looks upon farming as a high-risk profession, many farmers are priced out of, or simply not offered, health insurance. By helping farmers join cooperatives to purchase health insurance, we will help increase their health insurance options.

Past health purchasing pool initiatives have focused only on cost and have tried to be all things for all people. My legislation creates an incentive to join the pools by giving grants to a group of similar businesses to form group-purchasing cooperatives. The pools are also given flexibility to find innovative ways to lower costs, such as enhancing benefits, for example, more preventive care, and improving quality. Finally, the cooperative structure is a proven model, which creates an incentive for businesses to remain in the pool because they will be invested in the organization.

We must reform health care in America and give employers and employees more options. This legislation, by providing for the formation of cost-effective coalitions that will also improve the quality of care, contributes to this essential reform process. I urge my colleagues to join me in supporting this proposal to improve the quality and costs of health care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Health Care Purchasing Cooperatives Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care spending in the United States has reached 16 percent of the Gross Domestic Product of the United States, yet 46,000,000 people remains uninsured.

(2) After nearly a decade of manageable increases in commercial insurance premiums, many employers are now faced with consecutive years of double digit premium increases.

(3) Purchasing cooperatives owned by participating businesses are a proven method of achieving the bargaining power necessary to manage the cost and quality of employer-sponsored health plans and other employee benefits.

(4) The Employer Health Care Alliance Cooperative has provided its members with health care purchasing power through provider contracting, data collection, activities to enhance quality improvements in the health care community, and activities to promote employee health care consumerism.

(5) According to the National Business Coalition on Health, there are nearly 80 employer-led coalitions across the United States that collectively purchase health care, proactively challenge high costs and the inefficient delivery of health care, and share information on quality. These coalitions represent more than 10,000 employers.

(b) PURPOSE.—It is the purpose of this Act to build off of successful local employer-led health insurance initiatives by improving the value of their employees' health care.

SEC. 3. GRANTS TO SELF INSURED BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

(a) AUTHORIZATION.—The Secretary of Health and Human Services (in this Act referred to as the "Secretary"), acting through the Director of the Agency for Healthcare Research and Quality, is authorized to award grants to eligible groups that meet the criteria described in subsection (d), for the development of health care purchasing cooperatives. Such grants may be used to provide support for the professional staff of such cooperatives, and to obtain contracted services for planning, development, and implementation activities for establishing such health care purchasing cooperatives.

(b) ELIGIBLE GROUP DEFINED.—

(1) IN GENERAL.—In this section, the term "eligible group" means a consortium of 2 or more self-insured employers, including agricultural producers, each of which are responsible for their own health insurance risk pool with respect to their employees.

(2) NO TRANSFER OF RISK.—Individual employers who are members of an eligible group may not transfer insurance risk to such group.

(c) APPLICATION.—An eligible group desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) CRITERIA.—

(1) FEASIBILITY STUDY GRANTS.—

(A) IN GENERAL.—An eligible group may submit an application under subsection (c) for a grant to conduct a feasibility study concerning the establishment of a health insurance purchasing cooperative. The Secretary shall approve applications submitted under the preceding sentence if the study will consider the criteria described in paragraph (2).

(B) REPORT.—After completion of a feasibility study under a grant under this section, an eligible group shall submit to the Secretary a report describing the results of such study.

(2) GRANT CRITERIA.—The criteria described in this paragraph include the following with respect to the eligible group:

(A) The ability of the group to effectively pool the health care purchasing power of employers.

(B) The ability of the group to provide data to employers to enable such employers to make data-based decisions regarding their health plans.

(C) The ability of the group to drive quality improvement in the health care community.

(D) The ability of the group to promote health care consumerism through employee education, self-care, and comparative provider performance information.

(E) The ability of the group to meet any other criteria determined appropriate by the Secretary.

(e) COOPERATIVE GRANTS.—After the submission of a report by an eligible group under subsection (d)(1)(B), the Secretary shall determine whether to award the group a grant for the establishment of a cooperative under subsection (a). In making a determination under the preceding sentence, the Secretary shall consider the criteria described in subsection (d)(2) with respect to the group.

(f) COOPERATIVES.—

(1) IN GENERAL.—An eligible group awarded a grant under subsection (a) shall establish or expand a health insurance purchasing cooperative that shall—

(A) be a nonprofit organization;

(B) be wholly owned, and democratically governed by its member-employers;

(C) exist solely to serve the membership base;

(D) be governed by a board of directors that is democratically elected by the cooperative membership using a 1-member, 1-vote standard; and

(E) accept any new member in accordance with specific criteria, including a limitation on the number of members, determined by the Secretary.

(2) AUTHORIZED COOPERATIVE ACTIVITIES.—A cooperative established under paragraph (1) shall—

(A) assist the members of the cooperative in pooling their health care insurance purchasing power;

(B) provide data to improve the ability of the members of the cooperative to make data-based decisions regarding their health plans;

(C) conduct activities to enhance quality improvement in the health care community;

(D) work to promote health care consumerism through employee education, self-care, and comparative provider performance information; and

(E) conduct any other activities determined appropriate by the Secretary.

(g) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date on which grants are awarded under this section, and every 2 years thereafter, the Secretary shall study programs funded by grants under this section and provide to the appropriate committees of Congress a report on the progress of such programs in improving the access of employees to quality, affordable health insurance.

(2) SLIDING SCALE FUNDING.—The Secretary shall use the information included in the report under paragraph (1) to establish a schedule for scaling back payments under this section with the goal of ensuring that programs funded with grants under this section are self sufficient within 10 years.

SEC. 4. GRANTS TO SMALL BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

The Secretary shall carry out a grant program that is identical to the grant program provided in section 3, except that an eligible group for a grant under this section shall be a consortium of 2 or more employers, including agricultural producers, each of which—

(1) have 99 employees or less; and

(2) are purchasers of health insurance (are not self-insured) for their employees.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

From the administrative funds provided to the Secretary, the Secretary may use not more than a total of $60,000,000 for fiscal years 2008 through 2017 to carry out this Act.

By Mr. SPECTER:

S. 734. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to provide relief to the rising number of taxpayers impacted by the Alternative Minimum Tax (AMT). Between a lack of indexing for inflation and higher AMT tax rates relative to the regular income tax system, we now have a tax system which has grown far beyond its intended result. Important changes must be made to address these two critical issues. Absent legislative action, the number of taxpayers subject to AMT liability will continue to rise sharply. The AMT Rate Reduction Act of 2007 would bring the AMT back "in line" with the regular individual income tax by reducing its rate back to 24 percent. Combined with the continued extension of the AMT exemption, this proposal would remove millions of unintended middle-class taxpayers from the AMT rolls.

The AMT functions as a parallel tax system to the regular income tax so that when a taxpayer's AMT liability exceeds their regular income tax liability, that person must pay the AMT. The AMT is set up to ensure that high-income taxpayers pay their fair share by denying certain deductions and exemptions available under the regular income tax. However, the AMT is now hitting the middle class—and hitting them hard.

It is important to keep in mind that the first version of the AMT was created in 1969 in response to a small number of high-income individuals who had paid little or no federal income taxes. In 2006, 3.5 million taxpayers will be subject to the AMT, and that number will continue to increase sharply in the coming decade. In Pennsylvania alone, 79,000 individuals filed their returns under the AMT in 2003, accounting for 1.37 percet of all Pennsylvania returns; 114,000 Pennsylvania returns were filed under the AMT in 2004, accounting for 1.97 percent of all Pennsylvania returns; and 137,486 Pennsylvania returns were filed under the AMT in 2005.

This onerous tax is slapped on average American families largely because the AMT is not indexed for inflation, while the regular income tax is indexed, and taxpayers are "pushed" into the AMT through so-called "bracket creep." Temporary increases in the AMT exemption amounts expired at the end of 2006. The Economic Growth and Tax Relief Reconciliation Act of 2001 increased the AMT exemption amount effective for tax years between 2001 and 2004; the Working Families Tax Relief Act of 2004 extended the previous increase in the AMT exemption amounts through 2005; and the Tax Increase Prevention and Reconciliation Act of 2005 increased the AMT exemption amount for 2006. If we do not again adjust the AMT exemption amount, it is estimated that the number of taxpayers subject to the AMT will jump from 3.5 million in 2006 to 23 million in 2007, with middle-income taxpayers most affected. In Pennsylvania alone, that number will jump drastically to 837,000 in 2007. According to the Congressional Research Service, taxpayers filing joint returns with no dependents will be subject to the AMT starting at income levels of $75,386. Large families will be subject to the AMT at income levels as low as $49,438.

In addition to the issue of indexing the AMT exemption amount for inflation, the AMT tax rate relative to the regular income tax must also be addressed to keep additional taxpayers who were never intended to pay the AMT from being subject to its burdensome grasp. In 1993, President Clinton and a Democrat-controlled Congress imposed a significant tax hike on Americans through the regular income tax. At the same time, the AMT tax rate was also increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000. In theory, these simultaneous changes had the effect of keeping roughly the same number of individuals paying their taxes under the AMT. However, when President Bush's tax cuts were enacted in 2001 and 2003, Congress did not again adjust the AMT tax rates. Ironically, by reducing regular income tax liabilities without substantially changing the AMT, many new taxpayers were pushed into these higher AMT tax rates created in 1993.

According to an editorial in the Wall Street Journal (WSJ) on February 23, 2007, entitled "Bill Clinton's AMT Bomb," the number of filers paying the AMT increased from 300,000 to nearly 2 million between 1992 and 2002. The WSJ also cites a Joint Committee on Taxation (JCT) analysis from April 2006 which shows that about 11 million more Americans will have to pay the AMT next year as a result of the 1993 AMT rate increase. It concludes that "going back to the pre-Clinton rates would leave only about 2.6 million tax filers subject to an AMT penalty next year instead of 23 million under current law."

The most unfortunate aspect of adjusting the AMT is the associated cost. According to the April 2006 JCT analysis, the ten-year cost of my proposal, combined with extension of the AMT exemption amount, is a staggering $632.7 billion. However, it is still substantially less than the cost of full repeal. According to the Congressional Research Service, it is estimated that repealing the AMT would cost, depending on whether the recent reductions in the regular income tax are extended beyond 2010, $806 billion to over $1.4 trillion from 2007 through 2016.

I am cognizant of the fact that Democrats in the 110th Congress will seek to fully offset the cost of the lost revenue resulting from any adjustment to the AMT. With the political realities being as such, I am willing to work with my colleagues to identify reasonable offsets, if they are necessary, to garner broad support for this effort. However, it is questionable whether an offset should be needed to recover "lost" revenue that was never intended to be collected in the first place.

I look forward to working with my colleagues to both simplify our tax code and to identify the best avenue for keeping unintended taxpayers from falling prey to the AMT. I will continue to support the so-called "hold-harmless patch." By both extending and increasing the AMT exemption amount to keep up with inflation, the "patch" ensures that no additional taxpayers on the lower end of the income spectrum become liable for the AMT. However, I urge my colleagues to support my legislation which would remove millions of additional unintended taxpayers who are currently subject the AMT.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "AMT Rate Reduction Act of 2007".

SEC. 2. REDUCTION IN RATE OF TENTATIVE MINIMUM TAX FOR NONCORPORATE TAXPAYERS.

(a) IN GENERAL.—Clause (i) of section 55(b)(1)(A) of the Internal Revenue Code of 1986 (relating to noncorporate taxpayers) is amended to read as follows:

"(i) IN GENERAL.—In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is—

"(I) 24 percent of the taxable excess, reduced by

"(II) the alternative minimum tax foreign tax credit for the taxable year.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 55(b)(1) of such Code is amended by striking clause (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, and Mr. COLEMAN, and Mr. KYL):

S. 735. A bill to amend title 18, United States Code, to improve the terrorist hoax statute; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, in the wake of the tragic events of September 11, Congress, the Administration and the country faced the urgent need to do all we can to strengthen our national security and counterterrorism strategy. Soon after the attacks, Congress moved swiftly to enact new intelligence and law enforcement powers for the Federal Government through the PATRIOT Act. Since then, we have also enacted legislation to reform our intelligence laws, and we spent significant time re-authorizing key provisions of the PATRIOT Act last year.

Yet, much work still needs to be done to achieve the goals of the 9/11 Commission. Two and a half years after its report, many of its recommendations haven't been implemented and the Nation remains seriously unprepared for another terrorist strike. A top priority is to enact the pending Improving America's Security Act—an important step in the right direction to implement the Commission's recommendations and strengthen the nation's preparedness against terrorism.

Given the circumstances driving the passage of these measures, the administration and Congress must continue to work together to assess whether existing national security laws are adequate and make necessary improvements when required.

While families in Boston, New York and across the country were still grieving over the tragedy of September 11, our communities suddenly faced a new threat, when anthrax contamination resulted in 5 deaths and 20 hospitalizations across the country. As Federal, State and local law enforcement struggled to deal with the threat of terrorism, yet another challenge arose because of reckless individuals who perpetrated hoaxes that caused panic, unrest and expenditure of critical resources.

Since September 11 such hoaxes have seriously disrupted many lives and needlessly diverted law-enforcement and emergency-services resources. In the wake of the anthrax attacks in the fall of 2001, for example, a number of individuals mailed unidentified white powder, intending for the recipient to believe it was anthrax. Over 150,000 anthrax hoaxes were reported between September 2001 and August 2002.

In Massachusetts, one of these hoaxes was directed at a military facility. Fire trucks and hazmat responders rushed to the scene at the Agawam armory, only to learn that the powder spread over the armory equipment was not a toxic substance.

Hoaxes about anthrax continue to be a serious problem. Earlier this week, such a scare shut down a university campus in Missouri when a student claimed to have a bomb and anthrax. It was a false alarm, but authorities had no choice except to make a serious response. They quarantined 23 people and evacuated 6,000 students from the campus and a nearby elementary school. The emotional and financial costs associated with these hoaxes puts an extraordinary strain on our communities and resources.

Progress has been made to pass Federal and State laws to give prosecutors the authority to charge perpetrators engaging in such reckless conduct. Without tough and comprehensive laws on the books, successful and fair prosecutions are much more difficult.

In 2004, Congress enacted the first Federal terrorism hoax statute. Its purpose was to establish definitions and set serious penalties to deal with the problem of hoax crimes, but events have moved the need for additional authority. A significant number of prosecutions have taken place for individuals who disrupt communities with terrorist hoaxes, but a disturbing pattern has also developed of new hoaxes not covered by the original law.

A few weeks ago in Boston, advertisers using so-called "guerrilla tactics" left strange packages near sites essential for our region's infrastructure. A serious response obviously had to be made, but its cost was high. Our public safety officials did an outstanding job in responding to the threat and discovering the hoax. Boston, Cambridge, Somerville and other affected local governments are struggling to deal with the cost and lost productivity it caused.

The incident highlighted the need to close the gaps in existing federal law on terrorist hoaxes. The current statute only punishes hoaxes involving an unduly restricted list of terrorist offenses. This list does not include, for example, hoaxes related to taking hostages, to blowing up energy facilities, attacks on military bases, or attacks on railways and mass-transit facilities, such as the London bombings.

The legislation I am introducing today will punish hoaxes involving any terrorist offense listed in current law. It also increases the maximum penalty for hoaxes involving the death or injury of a U.S. soldier during wartime.

One such incident involved a soldier from Flagstaff, Arizona who was then serving in Iraq. On a Sunday morning a prank caller devastated the family of a 22-year-old in the Army, falsely telling them their son was dead. The call came only hours after the soldier had appeared in an Arizona Daily Sun photo at a Support the Troops rally.

The hoax was a nightmare for the family. It took them a full day to get confirmation that their son was still alive in Iraq. As a member of the family testified, "As a result of this ordeal, my family had been put in an upheaval that is unimaginable. My mother, my brother, my sister and everybody in my family were placed in terror and immeasurable pain. My niece even went into premature labor."

The consequences of this hoax went beyond the soldier's family. The Army had allowed him to call home from Iraq by satellite phone to reassure them that he was alive and uninjured. But another soldier had been killed bringing him the satellite phone to make the call.

As the son wrote to his uncle: "I have seen things words can't describe and done things I don't want to. I lost some friends out here loading their bodies on the truck was the worst feeling in the world. One guy died bringing me a satellite phone so I could call dad to let him know I was alive. It made me think of Saving Private Ryan. Was it worth his life and the risk of three others to bring me a phone? I know it was a relief to all of you to hear I was OK. Now I feel I must make my life worth his. I don't know if I can do that."

The person who caused such a hoax deserves to be punished. This bill assures that effective penalties will be imposed for similar crimes in the future.

The bill also expands civil liability to allow first responders and others to seek reimbursement from a party who knows that first responders are responding to such a hoax and fails to inform authorities that no such event has occurred.

Finally, the bill clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a person.

It's unconscionable in this post-9/11 world, for anyone to be perpetrating hoaxes that cause panic and drain already limited public safety resources.

All of us remember where we were and what we were doing on 9/11. We will never forget the lives that were lost and the heroism of the first responders. We honor all those working so hard today to prevent future attacks. Hopefully, this bill will fulfill its purpose of preventing the false alarms that can be so disruptive of our families and our communities in these difficult and dangerous times.

Mr. COLEMAN. Mr. President, the legislation that I am introducing today along with Senator's KENNEDY and KYL will install tougher penalties on those who commit terrorism hoaxes. This is a very important issue to me given the September 2001 bomb threat to the Mall of America and because St. Paul is hosting the 2008 Republican Convention.

We need to send a clear message to those planning a terrorism hoax that they will pay for it dearly by spending a number of years in prison. Terrorizing the public through false threats is not a joke and should be treated as criminal conduct. The threats may be fake but the consequences are very real in costs to first responders, lost revenues and sometimes the loss of human life.

The problem is the current federal statute only punishes hoaxes involving an unduly restricted list of terrorist offenses. This list does not include: hoaxes related to the taking of hostages in order to coerce the Federal Government; hoaxes related to blowing up an energy facility; hoaxes related to attacks on military bases aimed at undermining national defense; or hoaxes related to attacks on railways and mass-transportation facilities, such as the recent London bombings.

The Kennedy-Coleman-Kyl legislation fills these gaps by expanding the hoax statute to punish hoaxes involving any offense included on the U.S. Code's official list of federal terrorist offenses. Specifically, this bill: expands on the current terrorism hoax statute so this punishes hoaxes about any terrorist offense on the U.S. Code's official list of terrorist offenses; increases the maximum penalties for hoaxes about the death or injury of a U.S. soldier during wartime; expands current law's civil liability provisions to allow first responders and others to seek reimbursement from a party who perpetrates a hoax and becomes aware that first responders believe that a terrorist offense is taking place but fails to inform authorities that no such event has occurred; and clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a natural person.

The bill increases the penalties for perpetrating a hoax about the death, injury, or capture of a U.S. soldier during wartime. Under the bill, the maximum penalty for such hoax would be

10 years' imprisonment, and a hoax resulting in serious bodily injury could be punished by up to 25 years' imprisonment. I urge my colleagues to pass this bipartisan measure.

By Mr. KENNEDY (for himself and Mr. SMITH):

S. 736. A bill to provide for the regulation and Oversight of laboratory tests; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator SMITH today to introduce the Laboratory Test Improvement Act. Our goal is to ensure the quality of clinical tests used every day in hospitals and doctors' offices across the country. Physicians often base medical decisions on the results of such tests, and patients deserve confidence that they will not be wrongly diagnosed or given the wrong pill because of a faulty test.

In this era of rapid progression in the life sciences, we are learning more and more about the human genome and the genetic basis of disease. Genetic tests are now available for over a thousand different diseases, and the number is continuing to grow. The tests are being used to diagnose illnesses, predict who is most susceptible to specific diseases, and identify persons who carry a genetic disease that they could pass on to their children.

Today, doctors often apply different treatments until they find one that is effective and safe for a patient. But such a trial and error strategy often delays effective treatment and may well cause avoidable adverse events. In many cases today, however, clinical tests can enable doctors to avoid such errors. Through personalized medicine and the use of newly developed genetic tests, doctors are able to give a particular drug only to patients in whom it is very likely to be effective and safe, and can avoid giving it to patients who might suffer an adverse reaction.

As additional technologies are developed and our knowledge increases, clinical testing will become more and more important in guiding medical decisions, and it is essential for us to see that the tests meet a high standard. We know, however, that patients have received the wrong results from some tests. In some cases, the claims associated with genetic tests are clearly dubious.

Last year, Senator SMITH chaired a hearing by the Special Committee on Aging on a GAO report, which found that some genetic tests sold to the public have no scientific merit. Our legislation will give health providers and patients the best possible information about the analytical and clinical validity of all clinical tests. It is our responsibility to guarantee that such tests are accurate and reliable, and I urge our colleagues to support it.

By Mr. OBAMA:

S. 737. A bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States; to the Committee on Rules and Administration.

Mr. OBAMA. Mr. President. I am proud to introduce the Voter Advocate and Democracy Index Act of 2007 with the goal of having the Act help inform voters and State officials on how well their States are doing on a basic set of procedural standards for making polls accessible to voters and making the right to vote as easy to exercise as possible.

The Act would establish an Office of the Voter Advocate within the Election Assistance Commission that would be charged with creating a Democracy Index. The Index would rank States according to a system of measurable, basic state election practices. With that information, States could identify weak spots in their process, and voters could push for better performance.

The concept is based on a proposal that Yale Law School Professor Heather Gerken published this January in Legal Times. It focuses on issues that matter to all voters: How long did voters spend in line? How many ballots got discarded? How often did the balloting machinery break down?

The Act would constitute an important first step toward improving the health of our democracy. We are all familiar with the problems that have recently plagued our elections: Long lines, lost ballots, voters improperly turned away from the polls. These are basic failures of process. Until we fix them, we run the risk in every election that we will once again experience the kind of chaos and uncertainty that paralyzed the Nation in 2000. We can do better. We must do better. But to do better, we need more than anecdotal information. We need better, nonpartisan, objective information.

This bill would provide that information. Some voters have personally experienced problems in casting a ballot; others see stories on the news about election results tainted by malfunctioning machines, inadequate registration lists, or poorly trained administrators. I believe that these issues are merely the visible symptoms of a deeper, systemic problem in the way our election system is run. But voters need a yardstick for evaluating the full extent of the problem and what needs to be done to improve the election process in their State.

Toward that end, this bill would charge the Office of the Voter Advocate with creating the Democracy Index and specifying the success or failure of States in meeting the criteria that the index is going to measure. The bill also ensures that the Office of the Voter Advocate will draw upon the experience and knowledge of experts and citizens in thinking about what information voters would want to know in evaluating the health of their State's election process. And it requires the Office to establish a pilot program for the 2008 election, use the lessons learned from that experience, and make the Index a reality nationwide as soon as possible.

The Democracy Index would encourage healthy competition among States to improve their systems. It would allow states to engage in healthy experimentation about how best to run an election. In short, the Democracy Index will empower voters and encourage States to work toward the goal we all share: an election system that makes us all proud.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, and Mr. COLEMAN):

S. 738. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today to speak, there are countless small businesses in the Gulf Coast, right this moment, that are open for business. The fact that they are open at all is a testament to the hard work and resolve of their owners, along with the focus and commitment of community leaders, state and local officials, as well as Congress and the White House. This is because, as you know, the Gulf Coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita.

I strongly believe that we cannot rebuild the Gulf Coast without our small businesses. Small businesses not only create jobs and pay taxes—they provide the innovation and energy that drives our economy. In fact, before Katrina and Rita hit, there were more than 95,000 small businesses in Louisiana, employing about 850,000 people—more than half of my State's workforce. About 39,000 of these businesses have yet to resume normal operations so I intend to do everything I can in the coming months to get them back up and running.

That is why today I am introducing legislation to first help small businesses in the Gulf recover, as well as to provide assistance to businesses in other parts of the country. In particular, this legislation is focused on promoting exports by U.S. small businesses. Small businesses are important players in international trade, which is reflected in the fact that small businesses represent that 96 percent of all exporters of goods and services. In Louisiana, we have about 2,000 declared exporters. However, there are many more businesses in my State who conduct

Internet sales overseas, as well as those who focus operations on domestic sales but have some international buyers as well. These businesses are exporters but in many cases they do not even realize it!

Given the importance of these exporters to my state and to the rest of the country, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. Certainly my first priority is to provide additional assistance to affected Gulf Coast small businesses. As they continue to recover, one of the main issues being faced by our small business is accessing capital. Our exporters are no different. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs. This legislation would help strengthen the SBA International Finance Specialist program to help these small businesses access export financing.

Today I am introducing the Small Business International Trade Enhancements Act of 2007 to give all small businesses the opportunity to expand their operations into international markets. I am pleased to have Senator KERRY, the Chair of the Senate Small Business Committee, as well as Senator SNOWE, the Ranking Member, and my colleague Senator COLEMAN, as cosponsors.

As I mentioned we have 2,000 exporters in Louisiana. However, there are many other businesses who are exporters, but they do not even realize it. They may have overseas Internet sales, or they focus operations on domestic sales, but have some international buyers as well. In fact, the Small Business Administration has stated that over 96 percent of all exporters of goods and services are small businesses.

Given the importance of these exporters to my State and to the rest of the Gulf Coast, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. As they continue to recover, one of the main issues being faced by our small business is accessing capital. Our exporters are no different. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs.

To assist these businesses, fifteen SBA Finance Specialists operate out of 100 U.S. Export Assistance Centers administered by the Department of Commerce around the country. That is a record staffing low for this program, down from a peak of 22 Finance Specialists in 2000. To ensure that all smaller exporters nationwide will continue to have access to export financing, this bill establishes a floor of 18 International Finance Specialists. I believe this will send a signal to our exporters that, despite current budget deficits, we are committed to our exporters and want to provide them with the necessary resources to compete internationally.

I realize that the need for export financing is not just limited to the Gulf Coast. There are small businesses nationwide that are looking to find markets overseas. One tool that they can use is the SBA's International Trade Loan (ITL) program. International Trade Loans can help exporters develop and expand overseas markets; upgrade equipment or facilities; and assist exporters that are being hurt by import competition. Exporters can borrow up to $2 million, with $1,750,000 guaranteed by SBA.

However, as currently structured these loans are not user-friendly to lenders or borrowers and, as a result, are underutilized. Let me explain what I mean. First, the $250,000 difference between the loan cap and the guarantee requires borrowers to take out a second SBA loan to take full advantage of the $2 million guarantee. ITLs can only be used to acquire fixed assets and not working capital, a common need for exporters. Furthermore, ITLs do not have the same collateral or refinancing requirements as SBA 7(a) loans. Because of these issues, lenders do not use these loans.

This legislation will also reduce the paperwork by increasing the maximum loan guarantee to $2,750,000 and the loan cap to $3,670,000 to bring it more in line with the 7(a) program. The bill also creates a more flexible ITL by setting out that working capital is an eligible use for loan proceeds, in addition to making the ITL consistent with regular 7(a) loans by allowing the same collateral and refinancing terms as with 7(a).

The SBA International Trade and Export Loans are valuable tools for exporters but they are useless if there is no one to assist borrowers with identifying which loans are right for them. Local lending institutions that specialize in export financing can help but at a cost over less than $2 million per year, the current group of Finance Specialists has obtained bank financing for more than $10 billion in U.S. exports since 1999. The $10 billion in export sales financed by these specialists helped to create over 140,000 new, high-paying U.S. jobs.

The Small Business International Trade Enhancements Act of 2007 is an important first step, not just for exporters in the Gulf Coast, but also for small businesses nationwide who are looking to open markets overseas. I urge my colleagues to support this legislation since it will help our exporters in the Gulf Coast recover and also give small businesses nationwide more options when they are seeking export financing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business International Trade Enhancements Act of 2007".

SEC. 2. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22(a) of the Small Business Act (15 U.S.C. 649(a)) is amended by adding at the end the following: "The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.".

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking "five Associate Administrators" and inserting "Associate Administrators"; and

(2) by adding at the end the following: "One of the Associate Administrators shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.".

(c) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

"(h) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—The Administrator shall ensure that—

"(1) the responsibilities of the Administration regarding international trade are carried out through the Associate Administrator for International Trade;

"(2) the Associate Administrator for International Trade has sufficient resources to carry out such responsibilities; and

"(3) the Associate Administrator for International Trade has direct supervision and control over the staff of the Office of International Trade, and over any employee of the Administration whose principal duty station is a United States Export Assistance Center or any successor entity.".

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting "the Administrator of" before "the Small Business Administration"; and

(2) by inserting "through the Associate Administrator for International Trade, and" before "in cooperation with".

(e) TECHNICAL AMENDMENT.—Section 22(c)(5) of the Small Business Act (15 U.S.C. 649(c)(5)) is amended by striking the period at the end and inserting a semicolon.

(f) EFFECTIVE DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

SEC. 3. OFFICE OF INTERNATIONAL TRADE.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking "**SEC. 22.** (a) There" and inserting the following:

"**SEC. 22. OFFICE OF INTERNATIONAL TRADE.**

"(a) ESTABLISHMENT.—There".

(2) in subsection (a), by inserting "(referred to in this section as the 'Office')," after "Trade";

(3) in subsection (b)—

(A) by striking "The Office" and inserting the following:

"(b) TRADE DISTRIBUTION NETWORK.—The Office, including United States Export Assistance Centers (referred to as 'one-stop shops' in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)) and as 'export centers' in this section)"; and

(B) by amending paragraph (1) to read as follows:

"(1) assist in maintaining a distribution network using regional and local offices of the Administration, the small business development center network, the women's business center network, and export centers for—

"(A) trade promotion;

"(B) trade finance;

"(C) trade adjustment;

"(D) trade remedy assistance; and

"(E) trade data collection.";

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) establish annual goals for the Office relating to—

"(A) enhancing the exporting capability of small business concerns and small manufacturers;

"(B) facilitating technology transfers;

"(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

"(D) increasing the access to capital by small business concerns;

"(E) disseminating information concerning Federal, State, and private programs and initiatives; and

"(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;";

(C) in paragraph (2), as so redesignated, by striking "mechanism for" and all that follows through "(D)" and inserting the following: "mechanism for—

"(A) identifying subsectors of the small business community with strong export potential;

"(B) identifying areas of demand in foreign markets;

"(C) prescreening foreign buyers for commercial and credit purposes; and

"(D)"; and

(D) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking "full-time export development specialists to each Administration regional office and assigning"; and

(II) by striking "office. Such specialists" and inserting "office and providing each Administration regional office with a full-time export development specialist, who";

(ii) in subparagraph (D), by striking "and" at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(F) participate jointly with employees of the Office in an annual training program that focuses on current small business needs for exporting; and

"(G) jointly develop and conduct training programs for exporters and lenders in cooperation with the United States Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.";

(5) in subsection (d)—

(A) by inserting "EXPORT FINANCING PROGRAMS.—" after "(d)";

(B) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(C) by striking "The Office shall work in cooperation" and inserting the following:

"(1) IN GENERAL.—The Office shall work in cooperation"; and

(D) by striking "To accomplish this goal, the Office shall work" and inserting the following:

"(2) TRADE FINANCIAL SPECIALIST.—To accomplish the goal established under paragraph (1), the Office shall—

"(A) designate at least 1 individual within the Administration as a trade financial specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

"(B) work";

(6) in subsection (e), by inserting "TRADE REMEDIES.—" after "(e)";

(7) by amending subsection (f) to read as follows:

"(f) REPORTING REQUIREMENT.—The Office shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

"(1) a description of the progress of the Office in implementing the requirements of this section;

"(2) the destinations of travel by Office staff and benefits to the Administration and to small business concerns therefrom; and

"(3) a description of the participation by the Office in trade negotiations.";

(8) in subsection (g), by inserting "STUDIES.—" after "(g)"; and

(9) by adding at the end the following:

"(i) EXPORT ASSISTANCE CENTERS.—

"(1) IN GENERAL.—During the period beginning on October 1, 2006, and ending on September 30, 2009, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the one-stop shops referred to in section 2301(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721 (b)) is not less than the number of such employees so assigned on January 1, 2003.

"(2) PRIORITY OF PLACEMENT.—Priority shall be given, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

"(A) had an Administration employee assigned to such Center before January 2003; and

"(B) has not had an Administration employee assigned to such Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

"(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

"(4) GOALS.—The Office shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Centers.

"(5) OVERSIGHT.—The Office shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Centers.".

SEC. 4. INTERNATIONAL TRADE LOANS.

(a) IN GENERAL.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking "$1,750,000, of which not more than $1,250,000" and inserting "$2,750,000 (or if the gross loan amount would exceed $3,670,000), of which not more than $2,000,000".

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking "in—" and inserting "—";

(2) in clause (i)—

(A) by inserting "in" after "(i)"; and

(B) by striking "or" at the end;

(3) in clause (ii)—

(A) by inserting "in" after "(ii)"; and

(B) by striking the period and inserting "; or"; and

(4) by adding at the end the following:

"(iii) by providing working capital.".

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking "Each loan" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), each loan"; and

(2) by adding at the end the following:

"(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines such lien provides adequate assurance of the payment of such loan.".

(d) REFINANCING.—Section 7(a)(16)(A)(ii) of the Small Business Act (15 U.S.C. 636(a)(16)(A)(ii)), as amended by this section, is amended by inserting ", including any debt that qualifies for refinancing under any other provision of this subsection" before the semicolon.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. CARDIN, Mr. KERRY, Ms. CANTWELL, and Mrs. LINCOLN):

S. 739. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I am reintroducing legislation entitled the Children's Dental Health Improvement Act of 2007, along with several of my colleagues. This legislation is designed to improve the access and delivery of dental health services to our Nation's children through Medicaid, through the State Children's Health Insurance Program, SCHIP, through the Indian Health Services, or IHS, and also through our Nation's safety net of community health centers.

The oral health problems facing children in this country are widespread. They are closely associated with poverty. Tooth decay remains the single most common childhood disease nationwide. Although poor children are more than twice as likely to have cavities as wealthier children, experts report that they are far less likely to receive treatment. The dramatic consequences of this lack of oral health care were underscored yesterday in the Washington Post article discussing the death of 12-year-old Deamonte Driver from complications arising from a lack of dental care. I know Senator CARDIN has spoken on this same tragic incident.

A little over a month ago, Deamonte Driver came home complaining of a toothache. Today, that young man is dead. What began as a simple toothache developed into an abscessed tooth and, eventually, a brain infection that killed him. Although his family attempted to access care, they could not acquire meaningful oral health services either when they were on the Medicaid Program or while they were uninsured.

While this young man's death is shocking, the lack of access to dental care that it reflects is not unusual. The inspector general of the Department of Health and Human Services reported that only 18 percent of the children who are eligible for Medicaid actually received even a single preventive dental service. The inspector general also reports that there is no State in the Union that provides preventive services to more than 50 percent of the eligible children. The factors are complex, but the primary one is due to the limited participation by dentists in the Medicaid Program because of the very low reimbursement rates that are provided. Such issues played a central role in the death of this young man.

The Children's Dental Health Improvement Act of 2007 provides a comprehensive strategy to address the underlying oral health issues that led to Deamonte's death. First, the legislation provides grants to States to improve dental services to children enrolled in Medicaid and SCHIP. Such grants will not only assure improved delivery of dental services to children but also improved payment rates for dental services that are provided through those two programs. The bill will also include grants to federally qualified health centers, to county and local public health departments, to dental schools, Indian tribes, tribal corporation organizations, and others to increase the availability of primary dental care services in underserved areas.

The bill also provides critical bonus payments to dentists within the Indian Health Service who commit to work there for 2, 3, or 4 years. The legislation also ensures SCHIP funds will be utilized to provide coverage for dental services for low-income children who have access to limited health insurance coverage that does not include dental services. This is known as wraparound coverage, and it is crucial that we provide for this.

In addition, the bill would make important changes to the way in which dental residents are counted for Medicare graduate medical education or GME purposes to incentivize dental schools to train a larger number of dentists.

Finally, the legislation also creates a comprehensive oral health initiative aimed at reducing oral health disparities for vulnerable populations such as low-income children and children with developmental disabilities. Such activities will be administered through the Department of Health and Human Services, the Centers for Disease Control, and a newly established chief dental officer for Medicaid and SCHIP. Such activities will also include school-based dental sealant programs as well as basic oral health promotion.

I introduce the legislation in the hope that this Congress will act this year to ensure that Deamonte's death does not repeat itself, that no more of America's children will suffer needlessly or even, as in this case, die as a result of a lack of access to meaningful oral health care. I urge my colleagues in the Senate to join me in supporting this important legislation.

I would like to thank the American Dental Association, the American Dental Education Association, the American Academy of Pediatric Dentistry, the National Association of Community Health Centers, Inc., the National Association of Children's Hospitals, the American Dental Hygienists' Association, and the Children's Dental Health Project for their outstanding support and/or their technical advice on this legislation. This bill is a result of their outstanding work.

In particular, I want to thank Dr. Burt Edelstein, Libby Mullin, and Ann De Biasi of the Children's Dental Health Project for their vast knowledge and technical assistance on this issue. I want to thank Judy Sherman of the American Dental Association, Myla Moss and Jack Bresch of the American Dental Education Association, Dr. Herber Simmons and Scott Litch of the American Academy of Pediatric Dentistry, Karen Sealander of the American Dental Hygienists' Association, Dr. Jim Richeson and Judy Kloss Bynum of the Academy of General Dentistry, Dr. Stephen Corbin of Special Olympics, Inc., and Dan Hawkins, Chris Koppen, and Roger Schwartz of the National Association of Community Health Centers, Inc., for their valuable insight, technical advice, and continued support for this legislation. I look forward to working with them all to ensure that we achieve increased access to oral health care for our children.

In addition to those organizations, I would like to thank the following groups for their support of the bill, whether in the past session of Congress or this year. They include: the Academy of General Dentistry, American Academy of Child and Adolescent Psychiatry, American Academy of Oral and Maxillofacial Pathology, American Academy of Periodontology, American Association of Dental Examiners, American Association of Dental Research, American Association of Endodontists, American Association of Public Health Dentistry, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American Association of Women Dentists, American College of Dentists, American College of Preventive Medicine, American Dental Trade Association, American Public Health Association, American Society of Dentistry for Children, American Student Dental Association, Association of Clinicians for the Underserved, Association of Maternal and Child Health Programs, Association of State and Territorial Dental Directors, Dental Dealers of America, Dental Manufacturers of America, Inc., Family Voices, Hispanic Dental Association, International College of Dentists—USA, March of Dimes, National Association of City and County Health Officers, National Association of Local Boards of Health, National Dental Association, National Health Law Program, New Mexico Department of Health, Partnership for Prevention, Society of American Indian Dentists, Special Care Dentistry, and United Cerebral Palsy Associations.

I ask unanimous consent that the Washington Post article and the text of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 28, 2007]

FOR WANT OF A DENTIST

(By Mary Otto)

Twelve-year-old Deamonte Driver died of a toothache Sunday.

A routine, $80 tooth extraction might have saved him.

If his mother had been insured.

If his family had not lost its Medicaid.

If Medicaid dentists weren't so hard to find.

If his mother hadn't been focused on getting a dentist for his brother, who had six rotted teeth.

By the time Deamonte's own aching tooth got any attention, the bacteria from the abscess had spread to his brain, doctors said. After two operations and more than six weeks of hospital care, the Prince George's County boy died.

Deamonte's death and the ultimate cost of his care, which could total more than $250,000, underscore an often-overlooked concern in the debate over universal health coverage: dental care.

Some poor children have no dental coverage at all. Others travel three hours to find a dentist willing to take Medicaid patients and accept the incumbent paperwork. And some, including Deamonte's brother, get in for a tooth cleaning but have trouble securing an oral surgeon to fix deeper problems.

In spite of efforts to change the system, fewer than one in three children in Maryland's Medicaid program received any dental service at all in 2005, the latest year for which figures are available from the Federal Centers for Medicare and Medicaid Services.

The figures were worse elsewhere in the region. In the District, 29.3 percent got treatment, and in Virginia, 24.3 percent were treated, although all three jurisdictions say they have done a better job reaching children in recent years.

"I certainly hope the state agencies responsible for making sure these children have dental care take note so that Deamonte didn't die in vain," said Laurie Norris, a lawyer for the Baltimore-based Public Justice Center who tried to help the Driver family. "They know there is a problem, and they have not devoted adequate resources to solving it."

Maryland officials emphasize that the delivery of basic care has improved greatly since 1997, when the state instituted a managed care program, and 1998, when legislation that provided more money and set standards for access to dental care for poor children was enacted.

About 900 of the state's 5,500 dentists accept Medicaid patients, said Arthur Fridley, last year's president of the Maryland State Dental Association. Referring patients to specialists can be particularly difficult.

Fewer than 16 percent of Maryland's Medicaid children received restorative services—such as filling cavities—in 2005, the most recent year for which figures are available.

For families such as the Drivers, the systemic problems are often compounded by personal obstacles: lack of transportation, bouts of homelessness and erratic telephone and mail service.

The Driver children have never received routine dental attention, said their mother, Alyce Driver. The bakery, construction and home health-care jobs she has held have not provided insurance. The children's Medicaid coverage had temporarily lapsed at the time Deamonte was hospitalized. And even with Medicaid's promise of dental care, the problem, she said, was finding it.

When Deamonte got sick, his mother had not realized that his tooth had been bothering him. Instead, she was focusing on his younger brother, 10-year-old DaShawn, who "complains about his teeth all the time," she said.

DaShawn saw a dentist a couple of years ago, but the dentist discontinued the treatments, she said, after the boy squirmed too much in the chair. Then the family went through a crisis and spent some time in an Adelphi homeless shelter. From there, three of Driver's sons went to stay with their grandparents in a two-bedroom mobile home in Clinton.

By September, several of DaShawn's teeth had become abscessed. Driver began making calls about the boy's coverage but grew frustrated. She turned to Norris, who was working with homeless families in Prince George's.

Norris and her staff also ran into barriers: They said they made more than two dozen calls before reaching an official at the Driver family's Medicaid provider and a state supervising nurse who helped them find a dentist.

On Oct. 5, DaShawn saw Arthur Fridley, who cleaned the boy's teeth, took an X-ray and referred him to an oral surgeon. But the surgeon could not see him until Nov. 21, and that would be only for a consultation. Driver said she learned that DaShawn would need six teeth extracted and made an appointment for the earliest date available: Jan. 16.

But she had to cancel after learning Jan. 8 that the children had lost their Medicaid coverage a month earlier. She suspects that the paperwork to confirm their eligibility was mailed to the shelter in Adelphi, where they no longer live.

It was on Jan. 11 that Deamonte came home from school complaining of a headache. At Southern Maryland Hospital Center, his mother said, he got medicine for a headache, sinusitis and a dental abscess. But the next day, he was much sicker.

Eventually, he was rushed to Children's Hospital, where he underwent emergency brain surgery. He began to have seizures and had a second operation. The problem tooth was extracted.

After more than 2 weeks of care at Children's Hospital, the Clinton seventh-grader began undergoing 6 weeks of additional medical treatment as well as physical and occupational therapy at another hospital. He seemed to be mending slowly, doing math problems and enjoying visits with his brothers and teachers from his school, the Foundation School in Largo.

On Saturday, their last day together, Deamonte refused to eat but otherwise appeared happy, his mother said. They played cards and watched a show on television, lying together in his hospital bed. But after she left him that evening, he called her.

"Make sure you pray before you go to sleep," he told her.

The next morning at about 6, she got another call, this time from the boy's grandmother. Deamonte was unresponsive. She rushed back to the hospital.

"When I got there, my baby was gone," recounted his mother.

She said doctors are still not sure what happened to her son. His death certificate listed two conditions associated with brain infections: "meningoencephalitis" and "subdural empyema."

In spite of such modern innovations as the fluoridation of drinking water, tooth decay is still the single most common childhood disease nationwide, five times as common as asthma, experts say. Poor children are more than twice as likely to have cavities as their more affluent peers, research shows, but far less likely to get treatment.

Serious and costly medical consequences are "not uncommon," said Norman Tinanoff, chief of pediatric dentistry at the University of Maryland Dental School in Baltimore. For instance, Deamonte's bill for two weeks at Children's alone was expected to be between $200,000 and $250,000.

The federal government requires states to provide oral health services to children through Medicaid programs, but the shortage of dentists who will treat indigent patients remains a major barrier to care, according to the National Conference of State Legislatures.

Access is worst in rural areas, where some families travel hours for dental care, Tinanoff said. In the Maryland General Assembly this year, lawmakers are considering a bill that would set aside $2 million a year for the next three years to expand public clinics where dental care remains a rarity for the poor.

Providing such access, Tinanoff and others said, eventually pays for itself, sparing children the pain and expense of a medical crisis.

Reimbursement rates for dentists remain low nationally, although Maryland, Virginia and the District have increased their rates in recent years.

Dentists also cite administrative frustrations dealing with the Medicaid bureaucracy and the difficulties of serving poor, often transient patients, a study by the state legislatures conference found.

"Whatever we've got is broke," Fridley said. "It has nothing to do with access to care for these children."

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Dental Health Improvement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents
TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP
Sec. 101. Grants to improve the provision of dental services under medicaid and SCHIP
Sec. 102. State option to provide wrap-around SCHIP coverage to children who have other health coverage
TITLE II—CORRECTING GME PAYMENTS FOR DENTAL RESIDENCY TRAINING PROGRAMS
Sec. 201. Limitation on the application of the 1-year lag in the indirect medical education ratio (IME) changes and the 3-year rolling average for counting interns and residents for IME and direct graduate medical education (D-GME) payments under the medicare program
TITLE III—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE
Sec. 301. Grants to improve the provision of dental health services through community health centers and public health departments
Sec. 302. Dental officer multiyear retention bonus for the Indian Health Service
Sec. 303. Demonstration projects to increase access to pediatric dental services in underserved areas
Sec. 304. Technical correction
TITLE IV—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS
Sec. 401. Oral health initiative
Sec. 402. CDC reports
Sec. 403. Early childhood caries
Sec. 404. School-based dental sealant program
Sec. 405. Basic oral health promotion

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

SEC. 101. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 511. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

"(a) AUTHORITY TO MAKE GRANTS.—In addition to any other payments made under this title to a State, the Secretary shall award grants to States that satisfy the requirements of subsection (b) to improve the provision of dental services to children who are enrolled in a State plan under title XIX or a State child health plan under title XXI (in this section, collectively referred to as the 'State plans').

"(b) REQUIREMENTS.—In order to be eligible for a grant under this section, a State shall provide the Secretary with the following assurances:

"(1) IMPROVED SERVICE DELIVERY.—The State shall have a plan to improve the delivery of dental services to children, including children with special health care needs, who are enrolled in the State plans, including providing outreach and administrative case management, improving collection and reporting of claims data, and providing incentives, in addition to raising reimbursement rates, to increase provider participation.

"(2) ADEQUATE PAYMENT RATES.—The State has provided for payment under the State plans for dental services for children at levels consistent with the market-based rates and sufficient enough to enlist providers to treat children in need of dental services.

"(3) ENSURED ACCESS.—The State shall ensure it will make dental services available to children enrolled in the State plans to the same extent as such services are available to the general population of the State.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Funds provided under this section may be used to provide administrative resources (such as program development, provider training, data collection and analysis, and research-related tasks) to assist States in providing and assessing services that include preventive and therapeutic dental care regimens.

"(2) LIMITATION.—Funds provided under this section may not be used for payment of direct dental, medical, or other services or to obtain Federal matching funds under any Federal program.

"(d) APPLICATION.—A State shall submit an application to the Secretary for a grant under this section in such form and manner and containing such information as the Secretary may require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $50,000,000 for fiscal year 2008 and each fiscal year thereafter.

"(f) APPLICATION OF OTHER PROVISIONS OF TITLE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

"(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under subsection (a) to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

"(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

"(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

"(C) Section 504(d) (relating to a limitation on administrative expenditures).

"(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

"(E) Section 507 (relating to penalties for false statements).

"(F) Section 508 (relating to nondiscrimination).

"(G) Section 509 (relating to the administration of the grant program).".

SEC. 102. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(ii) by adding at the end the following:

"(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

"(A) dental services;

"(B) cost-sharing protection; or

"(C) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.".

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

"(8) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

"(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

"(i) has the highest income eligibility standard permitted under this title as of January 1, 2008;

"(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

"(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

"(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.".

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).".

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking "or subsection (u)(3)" and inserting "(u)(3), or (u)(4)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

"(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).".

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

"(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply to child health assistance and medical assistance provided on or after that date.

TITLE II—CORRECTING GME PAYMENTS FOR DENTAL RESIDENCY TRAINING PROGRAMS

SEC. 201. LIMITATION ON THE APPLICATION OF THE 1-YEAR LAG IN THE INDIRECT MEDICAL EDUCATION RATIO (IME) CHANGES AND THE 3-YEAR ROLLING AVERAGE FOR COUNTING INTERNS AND RESIDENTS FOR IME AND DIRECT GRADUATE MEDICAL EDUCATION (D-GME) PAYMENTS UNDER THE MEDICARE PROGRAM.

(a) IME RATIO AND ROLLING AVERAGE.—Section 1886(d)(5)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(vi)) is amended by adding at the end the following new sentence: "For cost reporting periods beginning during fiscal years beginning on or after October 1, 2007, subclauses (I) and (II) shall be applied only with respect to a hospital's approved medical residency training program in the fields of allopathic medicine and osteopathic medicine.".

(b) D-GME ROLLING AVERAGE.—Section 1886(h)(4)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(G)) is amended by adding at the end the following new clause:

"(iv) APPLICATION FOR FY 2008 AND SUBSEQUENT YEARS.—For cost reporting periods beginning during fiscal years beginning on or after October 1, 2007, clauses (i) through (iii) shall be applied only with respect to a hospital's approved medical residency training program in the fields of allopathic medicine and osteopathic medicine.".

TITLE III—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

SEC. 301. GRANTS TO IMPROVE THE PROVISION OF DENTAL HEALTH SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by insert before section 330, the following:

"SEC. 329. GRANT PROGRAM TO EXPAND THE AVAILABILITY OF SERVICES.

"(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, shall establish a program under which the Secretary may award grants to eligible entities and eligible individuals to expand the availability of primary dental care services in dental health professional shortage areas or medically underserved areas.

"(b) ELIGIBILITY.—

"(1) ENTITIES.—To be eligible to receive a grant under this section an entity—

"(A) shall be—

"(i) a health center receiving funds under section 330 or designated as a Federally qualified health center;

"(ii) a county or local public health department, if located in a federally-designated dental health professional shortage area;

"(iii) an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(iv) a dental education program accredited by the Commission on Dental Accreditation; or

"(v) a community-based program whose child service population is made up of at least 33 percent of children who are eligible children, including at least 25 percent of such children being children with mental retardation or related developmental disabilities, unless specific documentation of a lack of need for access by this sub-population is established; and

"(B) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information concerning dental provider capacity to serve individuals with developmental disabilities.

"(2) INDIVIDUALS.—To be eligible to receive a grant under this section an individual shall—

"(A) be a dental health professional licensed or certified in accordance with the laws of State in which such individual provides dental services;

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

"(C) provide assurances that—

"(i) the individual will practice in a federally-designated dental health professional shortage area; or

"(ii) not less than 25 percent of the patients of such individual are—

"(I) receiving assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) receiving assistance under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.); or

"(III) uninsured.

"(c) USE OF FUNDS.—

"(1) ENTITIES.—An entity shall use amounts received under a grant under this section to provide for the increased availability of primary dental services in the areas described in subsection (a). Such amounts may be used to supplement the salaries offered for individuals accepting employment as dentists in such areas.

"(2) INDIVIDUALS.—A grant to an individual under subsection (a) shall be in the form of a $1,000 bonus payment for each month in which such individual is in compliance with the eligibility requirements of subsection (b)(2)(C).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Notwithstanding any other amounts appropriated under section 330 for health centers, there is authorized to be appropriated $40,000,000 for each of fiscal years 2008 through 2012 to hire and retain dental health care providers under this section.

"(2) USE OF FUNDS.—Of the amount appropriated for a fiscal year under paragraph (1), the Secretary shall use—

"(A) not less than 65 percent of such amount to make grants to eligible entities; and

"(B) not more than 35 percent of such amount to make grants to eligible individuals.".

SEC. 302. DENTAL OFFICER MULTIYEAR RETENTION BONUS FOR THE INDIAN HEALTH SERVICE.

(a) TERMS AND DEFINITIONS.—In this section:

(1) CREDITABLE SERVICE.—The term "creditable service" includes all periods that a dental officer spent in graduate dental educational (GDE) training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

(2) DENTAL OFFICER.—The term "dental officer" means an officer of the Indian Health Service designated as a dental officer.

(3) DIRECTOR.—The term "Director" means the Director of the Indian Health Service.

(4) RESIDENCY.—The term "residency" means a graduate dental educational (GDE) training program of at least 12 months leading to a specialty, including general practice residency (GPR) or an advanced education general dentistry (AEGD).

(5) SPECIALTY.—The term "specialty" means a dental specialty for which there is an Indian Health Service specialty code number.

(b) REQUIREMENTS FOR BONUS.—

(1) IN GENERAL.—An eligible dental officer of the Indian Health Service who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service may, upon acceptance of the written agreement by the Director, be authorized to receive a dental officer multiyear retention bonus under this section. The Director may, based on requirements of the Indian Health Service, decline to offer such a retention bonus to any specialty that is otherwise eligible, or to restrict the length of such a retention bonus contract for a specialty to less than 4 years.

(2) LIMITATIONS.—Each annual dental officer multiyear retention bonus authorized under this section shall not exceed the following:

(A) $14,000 for a 4-year written agreement.

(B) $8,000 for a 3-year written agreement.

(C) $4,000 for a 2-year written agreement.

(c) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a dental officer multiyear retention bonus under this section, a dental officer shall—

(A) be at or below such grade as the Director shall determine;

(B) have completed any active duty service commitment of the Indian Health Service incurred for dental education and training or have 8 years of creditable service;

(C) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the officer enters into a dental officer multiyear retention bonus written service agreement under this section; and

(D) have a dental specialty in pediatric dentistry or oral and maxillofacial surgery.

(2) EXTENSION TO OTHER OFFICERS.—The Director may extend the retention bonus to dental officers other than officers with a dental specialty in pediatric dentistry, as well as to other dental hygienists with a minimum of a baccalaureate degree, based on demonstrated need.

(d) TERMINATION OF ENTITLEMENT TO SPECIAL PAY.—The Director may terminate, with cause, at any time a dental officer's multiyear retention bonus contract under this section. If such a contract is terminated, the unserved portion of the retention bonus contract shall be recouped on a pro rata basis. The Director shall establish regulations that specify the conditions and procedures under which termination may take place. The regulations and conditions for termination shall be included in the written service contract for a dental officer multiyear retention bonus under this section.

(e) REFUNDS.—

(1) IN GENERAL.—Prorated refunds shall be required for sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the contract, as conditions and circumstances warrant.

(2) DEBT TO UNITED STATES.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

(3) NO DISCHARGE IN BANKRUPTCY.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a retention bonus contract under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or under paragraph (1).

SEC. 303. DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDERSERVED AREAS.

(a) AUTHORITY TO CONDUCT PROJECTS.—The Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration and the Director of the Indian Health Service, shall establish demonstration projects that are designed to increase access to dental services for children in underserved areas, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 304. TECHNICAL CORRECTION.

Section 340G(b)(1)(B) of the Public Health Service Act (42 U.S.C. 256g(b)(1)(B)) is amended by striking "and" at the end and inserting "or".

TITLE IV—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

SEC. 401. ORAL HEALTH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an oral health initiative to reduce the profound disparities in oral health by improving the health status of vulnerable populations, particularly low-income children and children with developmental disabilities, to the level of health status that is enjoyed by the majority of Americans.

(b) ACTIVITIES.—The Secretary of Health and Human Services shall, through the oral health initiative—

(1) carry out activities to improve intra- and inter-agency collaborations, including activities to identify, engage, and encourage existing Federal and State programs to maximize their potential to address oral health;

(2) carry out activities to encourage public-private partnerships to engage private sector communities of interest (including health professionals, educators, State policymakers, foundations, business, and the public) in partnerships that promote oral health and dental care;

(3) carry out activities to reduce the disease burden in high risk populations through the application of best-science in oral health, including programs such as community water fluoridation and dental sealants; and

(4) carry out activities to improve the oral health literacy of the public through school-based education programs.

(c) COORDINATION.—The Secretary of Health and Human Services shall—

(1) through the Administrator of the Centers for Medicare & Medicaid Services, establish the Chief Dental Officer for the medicaid and State children's health insurance programs established under titles XIX and XXI, respectively, of the Social Security Act (42 U.S.C. 1396 et seq. 1397aa et seq.);

(2) through the Administrator of the Health Resources and Services Administration, establish the Chief Dental Office for all oral health programs within the Health Resources and Services Administration;

(3) through the Director of the Centers for Disease Control and Prevention, establish the Chief Dental Officer for all oral health programs within such Centers; and

(4) carry out this section in collaboration with the Administrators and Chief Dental Officers described in paragraphs (1), (2), and (3).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2008, and such sums as may be necessary for each subsequent fiscal year.

SEC. 402. CDC REPORTS.

(a) COLLECTION OF DATA.—The Director of the Centers for Disease Control and Prevention, in collaboration with other organizations and agencies, shall collect data through State-based oral health surveillance systems describing the dental, craniofacial, and oral health of residents of all 50 States and certain Indian tribes.

(b) REPORTS.—The Director of the Centers for Disease Control and Prevention shall compile and analyze data collection under subsection (a) and annually prepare and submit to the appropriate committees of Congress a report concerning the oral health of States and Indian tribes.

SEC. 403. EARLY CHILDHOOD CARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall—

(1) expand existing surveillance activities to include the identification of children at high risk of early childhood caries, including sub-populations such as children with developmental disabilities;

(2) assist State, local, and tribal health agencies and departments in collecting, analyzing and disseminating data on early childhood caries; and

(3) provide for the development of public health nursing programs and public health education programs on early childhood caries prevention.

(b) APPROPRIATENESS OF ACTIVITIES.—The Secretary of Health and Human Services shall carry out programs and activities under subsection (a) in a culturally appropriate manner with respect to populations at risk of early childhood caries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. 404. SCHOOL-BASED DENTAL SEALANT PROGRAM.

Section 317M(c) of the Public Health Service Act (42 U.S.C. 247b-14(c)) is amended—

(1) in paragraph (1), by inserting "and school-linked" after "school-based";

(2) in the first sentence of paragraph (2)—

(A) by inserting "and school-linked" after "school-based"; and

(B) by inserting "or Indian tribe" after "State"; and

(3) by striking paragraph (3) and inserting the following:

"(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

"(A) prepare and submit to the State or Indian tribe an application at such time, in such manner and containing such information as the State or Indian tribe may require; and

"(B) be a—

"(i) public elementary or secondary school—

"(I) that is located in an urban area in which more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

"(II) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); or

"(ii) public or non-profit organization, including a grantee under section 330 and urban Indian clinics under title V of the Indian Health Care Improvement Act, that is under contract with an elementary or secondary school described in subparagraph (B) to provide dental services to school-age children.".

SEC. 405. BASIC ORAL HEALTH PROMOTION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with dental organizations (including organizations having expertise in the prevention and treatment of oral disease in underserved pediatric populations), shall award grants to States and Indian tribes to improve the basic capacity of such States and tribes to improve the oral health of children and their families.

(b) REQUIREMENTS.—A State or Indian tribes shall use amounts received under a grant under this section to conduct one or more of the following activities:

(1) Establish an oral health plan, policies, effective prevention programs, and accountability measures and systems.

(2) Establish and guide coalitions, partnerships, and alliances to accomplish the establishment of the plan, policies, programs and systems under paragraph (1).

(3) Monitor changes in oral disease burden, disparities, and the utilization of preventive services by high-risk populations.

(4) Identify, test, establish, support, and evaluate prevention interventions to reduce oral health disparities.

(5) Promote public awareness and education in support of improvements of oral health.

(6) Support training programs for dental and other health professions needed to strengthen oral health prevention programs.

(7) Establish, enhance, or expand oral disease prevention and disparity reduction programs.

(8) Evaluate the progress and effectiveness of the State's oral disease prevention and disparity reduction program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2008 and each subsequent fiscal year.

By Mr. BINGAMAN (for himself and Mr. LUGAR):

S. 740. A bill to establish in the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Invest USA Act of 2007 with my colleague from Indiana, Senator LUGAR.

Our legislation creates a United States Direct Investment Administration, USDIA, within the Department of Commerce, to be led by an Under Secretary of Commerce for United States Direct Investment. This new agency will coordinate efforts to attract more foreign direct investment in the United States, thereby making our economy more competitive by encouraging multinational businesses to open new facilities or expand existing operations here, rather than elsewhere.

Specifically, our legislation tasks the new agency with five principal duties. First, USDIA will collect and analyze data concerning direct investment flows into both the United States and other countries.

Second, USDIA will publish an annual direct investment report for Congress. This report sets forth the data that USDIA collects and analyzes in the course of its work, identifying best practices in attracting direct investment at the Federal, State, and regional levels, as well as those used by other advanced industrialized countries.

Third, USDIA will publish an annual direct investment agenda to make strategic policy recommendations based on the direct investment report. It will also act as the lead agency within a broader interagency Direct Investment Promotion Committee, which will advocate and implement USDIA's strategic policy recommendations. For example, as part of this work, it will create and maintain an internet-accessible database of direct investment opportunities in the United States.

Fourth, the legislation requires USDIA to focus on direct investment in critical high-technology industries throughout the course of its work.

The United States continues to be the premier place in the world to locate a business. However, in an increasingly globalized world, where the factors of production can easily migrate from country to country, we can no longer passively rely on our inherent competitive advantages alone. We must actively publicize them.

Many countries, particularly those in Europe, have committed significant resources to recruiting foreign direct investment. For example, in many cases, our competitors maintain offices in the United States, where they regularly meet with American business leaders, encouraging them to consider locating facilities in their country.

Currently, the United States lacks any comparable program to entice multinational businesses to invest and create jobs here. Instead, we relegate direct investment promotion to economic development agencies at the

State, regional, and local level. Although these local economic development agencies make valiant efforts to attract direct investment, our lack of a national strategy creates two problems.

First, too often, these local economic development agencies suffer from limited resources, which dwindle even further if the locality is suffering from an economic downturn due to a plant closing or for other reasons. Second, the dominance of State and local agencies creates the impression of an uncoordinated patchwork in the minds of foreign business executives. Consequently, State and local economic development agencies are too often unable to perform their recruitment missions effectively. The Invest USA Act addresses these flaws by creating and funding USDIA, which can act as a one-stop shop for multinational businesses seeking to establish new operations or expand existing ones.

Of course, we need to continue to focus on persuading U.S. businesses to stay in this country. But we also need to launch a concurrent, robust effort to encourage multinational businesses to establish or move facilities to our country. The end result is the same: more jobs for U.S. workers.

According to the Organization for International Investment, direct investment in the U.S. totaled $128.6 billion in 2005, an increase of 20 percent from the previous year, and according to the latest available Government data, as of December 31, 2004, U.S. subsidiaries of foreign multinationals employed approximately 5.1 million American workers, or 4.7 percent of the workforce. Moreover, according to the latest available Department of Commerce data, average per-worker compensation paid by U.S. subsidiaries of foreign multinationals in 2004 was $63,428, over 32 percent higher than compensation at U.S. companies as a whole.

Senator LUGAR and I believe that with a proactive, strategically focused effort at the Federal level, we can do even better at attracting the best jobs to our country. The Invest USA Act of 2007 will allow us to do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Invest USA Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the United States Direct Investment Administration established under section 4.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives.

(3) CRITICAL HIGH-TECHNOLOGY INDUSTRIES.—The term "critical high-technology industries" means industries involved in technology—

(A) the development of which will—

(i) provide a wide array of economic, environmental, energy, and defense-related returns for the United States; and

(ii) ensure United States economic, environmental, energy, and defense-related welfare; and

(B) in which the United States has an abiding interest in creating or maintaining secure domestic sources.

(4) DEPARTMENT.—The term "Department" means the Department of Commerce.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for United States Direct Investment described in section 4(a).

(6) UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.—The term "United States Direct Investment Promotion Committee" means the Interagency United States Direct Investment Promotion Committee established under section 7.

(7) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement establishing the World Trade Organization entered into on April 15, 1994.

SEC. 3. RELATION TO CFIUS.

The provisions of this Act shall not affect the implementation or application of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee).

SEC. 4. ESTABLISHMENT OF UNITED STATES DIRECT INVESTMENT ADMINISTRATION.

(a) IN GENERAL.—There is established in the Department of Commerce a United States Direct Investment Administration, which shall be headed by an Under Secretary of Commerce for United States Direct Investment. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate of pay provided for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) DEPUTY UNDER SECRETARY.—There shall be in the Administration a Deputy Under Secretary for United States Direct Investment, who shall be appointed by the President, by and with the advice of the Senate, and shall be compensated at the rate of pay provided for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF.—The Under Secretary may appoint such additional personnel to serve in the Administration as the Under Secretary determines necessary.

(d) DUTIES.—The Under Secretary, in cooperation with the Economics and Statistics Administration and other offices at the Department, shall—

(1) collect and analyze data related to the flow of direct investment in the United States and throughout the world, as described in section 5;

(2) submit to the appropriate congressional committees an annual United States Direct Investment Report, as described in section 6;

(3) develop and publish an annual United States Direct Investment Agenda;

(4) assume responsibility as the lead agency for advocating and implementing strategic policies that will increase direct investment in the United States; and

(5) coordinate with the President regarding implementation of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee).

(e) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following: "Under Secretary of Commerce for United States Direct Investment.".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following: "Deputy Under Secretary of Commerce for United States Direct Investment.".

SEC. 5. ANNUAL DIRECT INVESTMENT REPORT.

(a) ANNUAL DIRECT INVESTMENT REPORT.—Not later than October 1, 2008, and annually thereafter, the Under Secretary shall submit a report on the data identified and the analysis described in subsection (b) for the preceding calendar year (which shall be known as the "Annual Direct Investment Report"). The Report shall be submitted to the President and the appropriate congressional committees.

(b) DATA IDENTIFICATION.—

(1) IN GENERAL.—The data identified and analysis for the Report described in subsection (a) means the data identified and analyzed by the Under Secretary of Commerce, in cooperation with the Economic and Statistics Administration and other offices at the Department and with the assistance of other departments and agencies, including the Office of the United States Trade Representative, for the preceding calendar year regarding the following:

(A) Policies, programs, and practices at the State and regional level designed to attract direct investment.

(B) The amount of direct investment attracted in each such State and region.

(C) Policies, programs, and practices in foreign countries designed to attract direct investment, and the amount of direct investment attracted in each such foreign country.

(D) A comparison of the levels of direct investment attracted in the United States and in foreign countries, including a matrix of inputs affecting the level of direct investment.

(E) Specific sectors in the United States and in foreign countries in which direct investments are being made, including the specific amounts invested in each sector, with particular emphasis on critical high-technology industries.

(F) Trends in direct investment, with particular emphasis on critical high-technology industries.

(G) The best policy and practices at the Federal, State, and regional levels regarding direct investment policy, with specific reference to programs and policies that have the greatest potential to increase direct investment in the United States and enhance United States competitive advantage relative to foreign countries. Particular emphasis should be given to attracting direct investment in critical high-technology industries.

(H) Policies, programs, and practices in foreign countries designed to attract direct investment that are not in compliance with the WTO Agreement and the agreements annexed to that Agreement.

(2) CERTAIN FACTORS TAKEN INTO ACCOUNT IN MAKING ANALYSIS.—In making any analysis under paragraph (1), the Under Secretary shall take into account—

(A) the relative impact of policies, programs, and practices of foreign governments on United States commerce;

(B) the availability of information to document the effect of policies, programs, and practices;

(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party; and

(D) the impact trends in direct investment have had on—

(i) the competitiveness of United States industries in the international economy, with particular emphasis on critical high-technology industries;

(ii) the value of goods and services exported from and imported to the United States;

(iii) employment in the United States, in particular high-wage employment; and

(iv) the provision of health care, pensions, and other benefits provided by companies based in the United States.

(c) ASSISTANCE OF OTHER AGENCIES.—

(1) FURNISHING OF INFORMATION.—The head of each department or agency of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Under Secretary, upon request, such data, reports, and other information as is necessary for the Under Secretary to carry out the functions under this Act.

(2) RESTRICTIONS ON RELEASE OR USE OF INFORMATION.—Nothing in this subsection shall authorize the release of information to, or the use of information by, the Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

(3) PERSONNEL AND SERVICES.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Under Secretary may request to assist in carrying out the functions of the Under Secretary.

(d) ANNUAL REVISIONS AND UPDATES.—The Under Secretary shall annually revise and update the Report described in subsection (a).

SEC. 6. ANNUAL DIRECT INVESTMENT AGENDA.

(a) IN GENERAL.—Not later than October 1, 2008, and annually thereafter, the Under Secretary shall submit an agenda based on the data and analysis described in section 5 for the preceding calendar year, to the President and the appropriate congressional committees. The agenda shall be known as the "Annual Direct Investment Agenda" and shall include—

(1) an evaluation of the research and development program expenditures being made in the United States with particular emphasis to critical high-technology industries considered essential to United States economic security and necessary for long-term United States economic competitiveness in world markets; and

(2) proposals that identify the policies, programs, and practices in foreign countries and that the United States should pursue that—

(A) encourage direct investment in the United States that will enhance the country's competitive advantage relative to foreign countries, with particular emphasis on critical high-technology industries;

(B) enhance the viability of the manufacturing sector in the United States;

(C) increase opportunities for high-wage jobs and promote high levels of employment;

(D) encourage economic growth; and

(E) increase opportunities for the provision of health care, pensions, and other benefits provided by companies based in the United States.

(b) SUBMISSION.—To the extent practical, the Under Secretary shall submit the Annual Direct Investment Agenda concurrently with the Annual Direct Investment Report.

(c) CONSULTATION WITH CONGRESS ON ANNUAL DIRECT INVESTMENT AGENDA.—The Under Secretary shall keep the appropriate congressional committees currently informed with respect to the Annual Direct Investment Agenda and implementation of the Agenda. After the submission of the Agenda, the Under Secretary shall also consult periodically with, and take into account the views of, the appropriate congressional committees regarding implementation of the Agenda.

SEC. 7. UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish and the Under Secretary shall assume lead responsibility for an Interagency United States Direct Investment Promotion Committee. The functions of the Committee shall be to—

(1) coordinate all United States Government activities related to the promotion of direct investment in the United States;

(2) advocate and implement strategic policies, programs, and practices that will increase direct investment in the United States;

(3) train United States Government officials to pursue strategic policies, programs, and practices that will increase direct investment in the United States;

(4) consult with business, labor, State, regional, and local government officials on strategic policies, programs, and practices that will increase direct investment in the United States;

(5) develop and publish materials that can be used by Federal, State, regional, and local government officials to increase direct investment in the United States;

(6) create and maintain a database of direct investment opportunities in the United States;

(7) create and maintain an interactive website that can be used to access direct investment opportunities in different sectors and geographical areas of the United States, with particular emphasis on critical high-technology industries;

(8) coordinate direct investment marketing activities with State Economic Development Agencies; and

(9) host regular meetings and discussions with State, regional, and local economic development officials to consider best policy practices to increase direct investment in the United States.

(b) MEMBERS.—The Committee shall be composed of the following:

(1) The Secretary of Commerce.

(2) The United States Trade Representative.

(3) Members of the United States International Trade Commission.

(4) The Secretary of the Treasury.

(5) Members of the National Economic Council.

(6) The Secretary of Agriculture.

(7) Such other officials as the President determines to be necessary.

SEC. 8. DESIGNATION OF ADDITIONAL RENEWAL COMMUNITIES.

Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

"(h) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsection (a), the Under Secretary of Commerce for United States Direct Investment, after consultation with the Secretary of the Treasury, may designate in the aggregate an additional 10 nominated areas as renewal communities under this section, subject to the availability of eligible nominated areas.

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before the date which is 5 years after such date of enactment. Subject to subparagraphs (B) and (C) of subsection (b)(1), a designation made under this subsection shall remain in effect during the period beginning with such designation and ending on the date which is 8 years after such designation.

"(3) APPLICATION OF RULES.—Except as otherwise provided in paragraph (1), the rules of this section shall apply to designations under this subsection.".

By Ms. COLLINS:

S. 741. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, all along our Nation's coasts there are harbors that were once full of the hustle and bustle associated with the fishing industry. Unfortunately, there has been an erosion of the vital infrastructure, known as our working waterfronts, that is so critical to our commercial fishing industries. To better preserve these waterfront areas, I have drafted legislation that will help to protect commercial access to our waterfronts and to support the fishing industry's role in our maritime heritage.

When constituents have called asking me to help them in their efforts to stop the loss of their fishing businesses and the communities built around this industry, I realized more needed to be done to preserve and increase waterfront access for the commercial fishing industry. Currently, there is no Federal program to promote and protect the working waterfronts other than identifying some grant programs that might apply. There is an immediate need to protect our working waterfronts since we are losing more of them every week, and quite simply, once lost, these vital economic and community hubs of commercial fishing activity cannot be replaced.

I rise today to re-introduce a bill I originally proposed in the 109th Congress—the Working Waterfront Preservation Act. This legislation would create a program to support our Nation's commercial fishing families and the coastal communities that are at risk of losing their fishing businesses.

I can illustrate the need for such a program by describing the loss of commercial waterfront access occurring in

Maine. Only 25 of Maine's 3,500 miles of coastline are devoted to commercial access. We are continually seeing portions of Maine's working waterfront being sold off to the highest bidder—with large vacation homes and condominiums rising in places that our fishing industry used to call home.

The reasons for the loss of Maine's working waterfront are complex. In some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising taxes have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second homes that are no longer the center of economic activity.

Maine's lack of commercial waterfront prompted the formation of a "Working Waterfront Coalition." This coalition is comprised of an impressive number of industry associations, nonprofit groups, and state agencies, who came together to preserve Maine's working waterfront. The coalition identified eighteen projects that would increase Maine's available working waterfront. These eighteen sites would create or preserve more than 875 jobs.

I'm pleased to note that the Working Waterfront Coalition has been successful in contributing to the creation of two programs in Maine. The first is a State tax incentive for property owners to keep their land in its current working waterfront condition. The second is a pilot program for grant funding to secure and preserve working waterfront areas. I am proud that the State of Maine has taken positive action to save its waterfront infrastructure and is a model for other States in the country facing this problem.

However, we must press on with this priority. The loss of commercial waterfront access affects the fishing industry throughout all coastal States. Pick up a newspaper in one of our coastal States, and you will read about this struggle. Fishermen in Galilee, RI are being pushed away from the waterfronts as their profitability shrinks and land values soar. The Los Angeles Times ran a story on the disappearance of working waterfronts in Florida. That State has also since enacted a law to protect their working waterfronts. Washington State struggles to balance working waterfronts with increased development pressure. Another region of the country that this bill would benefit is the Gulf Coast. This legislation would assist the victims of Hurricane Katrina in rebuilding their shore-side infrastructure destroyed in the storm.

And modest federal investment could do so much to save these areas. Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. This bill targets this problem, as no Federal program exists to assist States like Maine, Florida, Washington, and Louisiana.

The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, non-profit organizations, and fishermen's cooperatives for the purchase of property or easements or for the maintenance of working waterfront facilities. The bill contains a $50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and state fisheries agencies, which have the local expertise to understand the needs of each coastal State. Grant recipients would agree not to convert coastal properties to noncommercial uses, as a condition of receiving federal assistance.

This legislation also has a tax component included. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this sale. Taxing only half of the gain on conservation sales is a proposal that has been advanced by the President in all of his budget proposals. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would then, most likely, be converted to noncommercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation's commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast. I am committed to creating a Federal mechanism to preserve working waterfronts and will pursue this legislation during the 110th Congress.

By Mr. McCAIN:

S. 744. A bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I am pleased to introduce today the Spectrum Availability for Emergency-Response and Law-Enforcement to Improve Vital Emergency Services Act, otherwise known as the SAVE LIVES Act. The bill would provide public safety with the ability to use an additional 30 MHz of radio spectrum for a new nationwide public safety state-of-the-art broadband network. This would allow police, fire, sheriffs, and other medical and emergency professionals the ability to communicate using a modern and reliable broadband network, thereby allowing for interoperable communications between local, State and Federal first responders during emergencies.

The 9/11 Commission's Final Report states that: "Command and control decisions were affected by the lack of knowledge of what was happening 30, 60, 90, and 100 floors above" due to the inability of police and firefighters to communicate using their hand held radios. The Final Report recommended the "expedited and increased assignment of radio spectrum to public safety entities" to resolve the problem. This bill would finally implement fully the recommendation.

Let me be clear: the Federal Government has made many strides in developing a comprehensive, interoperable emergency communications plan, setting equipment standards, funding the purchase of interoperable communications equipment, and belatedly making additional radio spectrum available. But none of this is enough. We will not solve our Nation's interoperability crisis until all emergency personnel involved in responding to an incident are able to communicate seamlessly, and that is what this legislation is intended to accomplish.

I have been working on this issue for many years. Ten years ago, while serving as Chairman of the Senate Commerce Committee, I introduced the Law Enforcement and Public Safety Telecommunications Empowerment Act, which would have provided public safety with 24 MHz in the 700 MHz band and authorized 10 percent of proceeds from an auction of spectrum to commercial companies to be used to fund State and local law enforcement communications. Although my bill did not pass, Congress did require this spectrum to be allocated to public safety in the Balanced Budget Act of 1997.

Unfortunately, this spectrum was encumbered by television broadcasters who refused to move despite broadcasters being given other spectrum in the Telecommunications Act of 1996. The television broadcasters persuaded some members of Congress to slip into the Balanced Budget Act of 1997 a provision that allowed for broadcasters to retain their new spectrum and use the spectrum dedicated to public safety for an indefinite time.

Rightly, public safety fought the broadcasters' "spectrum squatting" and asked Congress to set a firm date for broadcasters to provide public safety spectrum. I was happy to support them in the fight.

During the 108th Congress, I introduced a bill that would have provided public safety with this spectrum by January 1, 2008. The bill was not considered by the Senate. I also introduced an amendment to the Intelligence Reform and Terrorism Prevention Act of 2004 to set a firm date for the delivery of this spectrum, but it was strongly opposed thanks to the broadcasters.

In October 2005, the Commerce Committee debated a firm date as part of the Budget Reconciliation Act of 2006. I offered an amendment to make the spectrum available by January 2007, but it was shot down by a vote of 17–5. I then took an amendment to the floor which was defeated by a vote of 30–69. Congress did finally set the date of February 17, 2009—date that is too late in my opinion.

I have not only been concerned about public safety not receiving spectrum in a timely manner, but also not receiving enough spectrum. In 2004, I offered an amendment that was included in the Intelligence Reform and Terrorism Prevention Act, which required the Federal Communications Commission (FCC) and the Department of Homeland Security (DHS) to study the short-term and long-term spectrum needs of public safety. In December 2005, the FCC delivered their report. While the report did not contain a specific amount of spectrum necessary to aid public safety interoperability, it did state, " . . . . emergency response providers would benefit from the development of an integrated, interoperable nationwide network capable of delivering broadband services throughout the country." DHS has never provided its report to Congress.

The FCC's recommendation became all too apparent during the horrors of Hurricane Katrina. First responders in Louisiana were unable to communicate with each other during their response and recovery efforts because New Orleans and the three nearby parishes all used different radio equipment and frequencies. To make matters worse, Federal officials responding to the area used an entirely different communications system than the local first responders, which hindered relief efforts. New Orleans officials had purchased equipment that would allow some patching between local and Federal radio systems, but that equipment was rendered useless by flooding. Nonetheless, short term solutions to link incompatible systems are not the right approach to this critical problem. A better approach is for this Nation and its representatives to get serious about public safety communications by developing an interoperable communications network for all local, state, regional and Federal first responders that can carry voice and data communications.

I believe the SAVE LIVES bill provides that comprehensive and serious approach. The bill would establish a national policy for public safety spectrum, directing that the 24 MHz allocated by Congress to public safety in 1997 be used for state, local and regional interoperability and that the 30 MHz in the 700 MHz band be available as needed for a national, interoperable public safety broadband network by local, State, regional and Federal first responders. These two networks would be interoperable, thereby allowing local, State, regional and Federal first responders to communicate. Congress has deemed spectrum in the 700 MHz band "ideal" for public safety communications because it can travel great distances and penetrate thick walls.

The day before our Nation experienced the worst act of terrorism on our soil, the Public Safety Wireless Advisory Committee completed an 850-page study of public safety spectrum requirements and recommended that 97.5 MHz of additional spectrum be made available for public safety. In 1997, Congress set aside 24 MHz of spectrum in the 700 MHz band for public safety use, but due to television broadcasters refusal to relocate from that spectrum, public safety will not have full use of the spectrum until February 2009. However, public safety states that the 24 MHz is not enough. Just last month, Fire Chief Charles Werner of Virginia testified before the Senate Commerce Committee that an additional 70 MHz may be needed by 2011.

The bill also would establish a "Public Safety Interoperable Working Group" (the Working Group) to establish user driven specifications for public safety's use of the 30 MHz and then require the FCC to auction the 30 MHz under a "conditional license" that requires any winning bidder to meet public safety's specifications to operate a national, interoperable public safety broadband network. If there is no winning bidder, then the license to the 30 MHz will revert to public safety, which could then use the spectrum for a national, interoperable public safety broadband network and work with the FCC to auction excess non-emergency capacity.

To ensure public safety is using the spectrum effectively and efficiently, the bill would require the FCC to review public safety's use of the 24 MHz to determine whether it could handle a national interoperable broadband network in addition to local, state and regional networks as technology improves. The bill would also require the FCC, DHS and public safety to review the possibility of moving most public safety communications to the 700 MHz and 800 MHz bands thereby enhancing interoperability.

As required by Congress, the FCC is slated to auction spectrum in the 700 MHz band by January 28, 2008. Except for the 24 MHz allocated to public safety, the remaining spectrum will be auctioned to commercial providers unless Congress dictates otherwise. Therefore any use of the 30 MHz by public safety must be considered quickly by Congress as the FCC would need to begin developing the rules for a conditional license by early fall to ensure that the auction date is not delayed.

Late last year, the FCC stated, "The availability of a nationwide, interoperable, broadband communication network for public safety substantially could enhance the ability of public safety entities to respond to emergency situations . . . yet only 2.6 MHz is designated for nationwide interoperable communications in the 700 MHz public safety band." This is unacceptable and that is why I believe the SAVE LIVES Act would solve the interoperability crisis that faces our country.

We cannot survive another disaster such as 9/11 or Katrina without reforming our Nation's interoperable communications. I fought for many years to clear the 700 MHz spectrum for first responders and now that there is a firm date for the availability of this spectrum, we should ensure that a sufficient amount of spectrum is being provided to first responders. Again, this spectrum is slated to be auctioned in January 2008 to commercial entities, so if Congress does not act now to ensure that public safety can have some reasonable access to this valuable spectrum, it will be auctioned off without any consideration to our Nation's interoperability crisis and this opportunity will be lost forever.

I know some critics would rather all of this spectrum be auctioned solely for commercial applications, such as wireless Internet surfing, instant messaging and phone services. I can assure you, I do not lay awake at night wondering why my children can't surf the Internet on their cell phone from any location at any time, but I do worry about whether we will be adequately prepared to respond to the next disaster.

I can only imagine how many lives could have been saved during 9/11 had this spectrum been available and I can only imagine how many victims of Hurricane Katrina could have been rescued sooner if only police, fire fighters and other emergency personnel had been able to communicate with each other. But instead of imagining, we have an obligation to act. We can have a national, interoperable communications system available to first responders by 2009 if we act now to make this spectrum available to public safety.

I urge my colleagues to join me in supporting the SAVE LIVES Act.

By Ms. LANDRIEU:

S. 745. A bill to provide for increased export assistance staff in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005 and Hurricane Rita of 2005; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today to speak, there are countless small businesses in the

Gulf Coast, right this moment, that are open for business. The fact that they are open at all is a testament to the hard work and resolve of their owners, along with the focus and commitment of community leaders, state and local officials, as well as Congress and the White House. This is because, as you know, the Gulf Coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita.

I strongly believe that we cannot rebuild the Gulf Coast without our small businesses. Small businesses not only create jobs and pay taxes—they provide the innovation and energy that drives our economy. In fact, before Katrina and Rita hit, there were more than 95,000 small businesses in Louisiana, employing about 850,000 people—more than half of my State's workforce. About 39,000 of these businesses have yet to resume normal operations so I intend to do everything I can in the coming months to get them back up and running.

That is why today I am introducing legislation to help provide the necessary staff to help our small businesses in the Gulf recover from the devastating storms of 2005. In particular, this legislation is focused on promoting exports by small businesses Louisiana, Mississippi, and Alabama. Small businesses are important players in international trade, which is reflected in the fact that small businesses represent that 96 percent of all exporters of goods and services In Louisiana, we have about 2,000 declared exporters. However, there are many more businesses in my state who conduct Internet sales overseas, as well as those who focus operations on domestic sales but have some international buyers as well. These businesses are exporters but in many cases they do not even realize it!

Given the importance of these exporters to my State and to the rest of the country, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. As our businesses continue to recover, one of the main issues being faced by our small businesses is accessing capital. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs.

To assist businesses with obtaining export financing, fifteen SBA Finance Specialists operate out of 100 U.S. Export Assistance Centers administered by the Department of Commerce around the country. However, despite the increased need for export financing in the Gulf Coast, there is currently no International Finance Specialist located in any of the hardest hit States of Mississippi, Alabama and Louisiana. Instead there is one specialist in Texas with responsibility for Texas, Oklahoma, Arkansas and Louisiana and one specialist in Georgia responsible for Georgia, Alabama, Kentucky, Tennessee, and Mississippi. Due to the extensive territories they cover and limited travel budgets of the staff, these specialists must divide their time and cannot focus on the needs of Gulf Coast small businesses.

With this in mind, this legislation would provide an SBA International Finance Specialist to the New Orleans U.S. Export Assistance Center with responsibility for Louisiana, Alabama, and Mississippi. I believe this is a commonsense approach, since this position in New Orleans has remained vacant since 2003 due to retirement and budget issues. So this is not a new position or a new hire, it is simply filling a position that has sat open for far too long.

The Gulf Coast Export Recovery Act of 2007 would also address Commerce staffing issues for our New Orleans U.S. Export Assistance Center. In this office, there is currently four full-time export assistance staff, along with one Foreign Service Officer. This office has had two staffers leave the office since Katrina and I am concerned that when this Foreign Service Officer leaves this fall, that there will be no replacement. This understaffed office is struggling to keep up with the increasing demands from businesses for technical assistance on finding overseas markets for local products, particularly businesses near Baton Rouge and the River parishes. Staff in New Orleans cover south Louisiana as well as the coastal counties in Mississippi. With such a wide area to cover, and so few staff, they are doing a great job in providing services but obviously need additional help to fully service our local businesses. The Small Business International Trade Enhancements Act of 2007 would provide one additional full-time staffer to this office to assist our businesses in the parishes of East Baton Rouge, West Baton Rouge, Iberville, Pointe Coupee, St. Martin, St. Landry and Iberia. Many of our businesses from the New Orleans area are relocating to these parishes so we need adequate staff to keep up with increasing export needs in the area.

In closing, I should note that both of these provisions were included in the Commerce, Justice, Science Appropriations bill that was reported out of committee last Fall. Unfortunately, since that bill was not enacted, these provisions did not become law and our small business exporters have waited an additional 7 months for increased export assistance resources. I do not want them to have to wait another 7 months for this vital assistance. We are only asking for two full-time staffers for an office, but these two staffers would make a world of difference for the businesses, as well as for the understaffed office down there. I believe both the Department of Commerce and the Small Business Administration are supportive of these staffing increases so I look forward to working with them in the coming months to address these staffing needs in New Orleans. I urge my colleagues to support this legislation since it will help our exporters in the Gulf Coast fully recover and will help the country as a whole by increasing exports from the Gulf Coast states.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Export Recovery Act of 2007".

SEC. 2. ADDITIONAL STAFF FOR NEW ORLEANS UNITED STATES EXPORT ASSISTANCE CENTER.

(a) IN GENERAL.—The Secretary of Commerce shall hire 1 additional full-time international trade specialist, to be located in the New Orleans, Louisiana, United States Export Assistance Center.

(b) RESPONSIBILITIES.—The international trade specialist hired under subsection (a) shall provide service to the parishes of East Baton Rouge, West Baton Rouge, Pointe Coupee, Iberville, St. Martin, St. Landry, and Iberia, Louisiana, and any other parish selected by the Secretary of Commerce.

SEC. 3. GULF COAST EXPORT ASSISTANCE.

(a) INCREASE IN SMALL BUSINESS INTERNATIONAL TRADE STAFF.—The Administrator shall hire an additional full-time international finance specialist to the Office of International Trade of the Administration.

(b) LOCATION AND SERVICE AREA.—The international finance specialist hired under subsection (a) shall—

(1) be located in the New Orleans, Louisiana United States Export Assistance Center;

(2) help to carry out the export promotion efforts described in section 22 of the Small Business Act (15 U.S.C. 649); and

(3) provide such services in the States of Louisiana, Mississippi, and Alabama.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administration such sums as are necessary to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts made available under this subsection shall remain available until expended.

SEC. 4. DEFINITIONS.

For purposes of this Act, the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DODD, Ms. LANDRIEU, and Mr. CRAPO):

S.J. Res. 4. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

S.J. RES. 4

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of peoples of European descent;

Whereas the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

Whereas the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their peoples have maintained a powerful spiritual connection to this land, as is evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples;

Whereas, while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts;

Whereas the United States Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas this Nation should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Indian Removal Act of 1830;

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the General Allotment Act of 1887 and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the United States Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the United States Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas, despite the wrongs committed against Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian tribes;

Whereas Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to the Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The United States, acting through Congress—

(1) recognizes the special legal and political relationship the Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors the Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the United States Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

SEC. 2. DISCLAIMER.

Nothing in this Joint Resolution—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 92—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF SOLDIERS OF ISRAEL HELD CAPTIVE BY HAMAS AND HEZBOLLAH

Mrs. CLINTON (for herself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LAUTENBERG, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BROWN, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 92

Whereas Israel withdrew from southern Lebanon on May 24, 2000;

Whereas Congress expressed concern for soldiers of Israel missing in Lebanon and Syrian-controlled territory of Lebanon in the Act entitled "To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action", approved November 8, 1999 (Public Law 106–89), which required the Secretary of State to raise the status of missing soldiers of Israel with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas, on June 18, 2000, the United Nations Security Council welcomed and endorsed the report by United Nations Secretary-General Kofi Annan that Israel had withdrawn completely from Lebanon under the terms of United Nations Security Council Resolution 425 (1978);

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas and allied terrorists crossed into Israel to attack a military post, killing 2 soldiers and wounding a third, Gilad Shalit, who was kidnapped;

Whereas, on July 12, 2006, terrorists of Hezbollah crossed into Israel to attack troops of Israeli patrolling the Israeli side of the border with Lebanon, killing 3 soldiers, wounding 2 more, and kidnapping Ehud Goldwasser and Eldad Regev;

Whereas Gilad Shalit has been held in captivity by Hamas for more than 7 months;

Whereas Ehud Goldwasser and Eldad Regev have been held in captivity by Hezbollah for more than 6 months;

Whereas Hamas and Hezbollah have withheld all information on the health and welfare of the men they have kidnapped; and

Whereas, contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have prevented access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit;

(B) Hezbollah accept the mandate of United Nations Security Council Resolution 1701 (2006) by immediately and unconditionally releasing Israeli soldiers Ehud Goldwasser and Eldad Regev; and

(C) Hezbollah and Hamas accede to the most basic standards of humanitarian conduct and allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(2) expresses—

(A) vigorous support and unwavering commitment to the welfare and survival of the State of Israel as a Jewish and democratic state with secure borders;

(B) strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel;

(C) ongoing concern and sympathy for the families of Gilad Shalit, Ehud Goldwasser, Eldad Regev, and all other missing soldiers of Israel; and

(D) full commitment to seek the immediate and unconditional release of the Israeli captives; and

(3) condemns—

(A) Hamas and Hezbollah for the cross border attacks and kidnappings that precipitated weeks of intensive armed conflict between Israel and Hezbollah and armed Palestinian groups; and

(B) Iran and Syria for their ongoing support of Hezbollah and Hamas.

SENATE CONCURRENT RESOLUTION 15—AUTHORIZING THE ROTUNDA OF THE CAPITOL TO BE USED ON MARCH 29, 2007, FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

Mr. LEVIN (for himself and Mr. Stevens) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. Con. Res. 15

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on March 29, 2007, for a ceremony to award a Congressional Gold Medal collectively to the Tuskegee Airmen in accordance with Public Law 109-213. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SENATE CONCURRENT RESOLUTION 16—CALLING ON THE GOVERNMENT OF UGANDA AND THE LORD'S RESISTANCE ARMY (LRA) TO RECOMMIT TO A POLITICAL SOLUTION TO THE CONFLICT IN NORTHERN UGANDA AND TO RECOMMENCE VITAL PEACE TALKS, AND URGING IMMEDIATE AND SUBSTANTIAL SUPPORT FOR THE ONGOING PEACE PROCESS FROM THE UNITED STATES AND THE INTERNATIONAL COMMUNITY

Mr. FEINGOLD (for himself, Mr. Brownback, Mr. Coleman, Mr. Kerry, Mr. Martinez, Ms. Mikulski, Mrs. Boxer, Mrs. Feinstein, Mr. Lautenberg, Ms. Collins, and Mr. McCain) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 16

Whereas, for nearly two decades, the Government of Uganda has been engaged in an armed conflict with the Lord's Resistance Army (LRA) that has resulted in up to 200,000 deaths from violence and disease and the displacement of more than 1,600,000 civilians from eastern and northern Uganda.

Whereas former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland has called the crisis in northern Uganda "the biggest forgotten, neglected humanitarian emergency in the world today";

Whereas Joseph Kony, the leader of the LRA, and several of his associates have been indicted by the International Criminal Court for war crimes and crimes against humanity, including rape, murder, enslavement, sexual enslavement, and the forced recruitment of an estimated 66,000 children;

Whereas the LRA is a severe and repeat violator of human rights and has continued to attack civilians and humanitarian aid workers despite a succession of ceasefire agreements;

Whereas the Secretary of State has labeled the LRA "vicious and cult-like" and designates it as a terrorist organization;

Whereas the 2005 Department of State report on the human rights record of the Government of Uganda found that "security forces committed unlawful killings... and were responsible for deaths as a result of torture" along with other "serious problems," including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the 2004 Northern Uganda Crisis Response Act (Public Law 108-283; 118 Stat. 912), Congress declared its support for a peaceful resolution of the conflict in northern and eastern Uganda and called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts;

Whereas the Cessation of Hostilities Agreement, which was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006, and extended on November 1, 2006, requires both parties to cease all hostile military and media offensives and asks the Sudan People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks;

Whereas the Cessation of Hostilities Agreement is set to expire on February 28, 2007, and although both parties to the agreement have indicated that they are willing to continue with the peace talks, no date has been set for resumption of the talks, and recent reports have suggested that both rebel and Government forces are preparing to return to war;

Whereas a return to civil war would yield disastrous results for the people of northern Uganda and for regional stability, while peace in Uganda will bolster the fragile Comprehensive Peace Agreement in Sudan and de-escalate tensions in the Democratic Republic of the Congo;

Whereas continuing violence and instability obstruct the delivery of humanitarian assistance to the people of northern Uganda and impede national and regional trade, development and democratization efforts, and counter-terrorism initiatives; and

Whereas the Senate unanimously passed Senate Resolution 366, 109th Congress, agreed to February 6, 2006, and Senate Resolution 573, 109th Congress, agreed to September 19, 2006, calling on Uganda, Sudan, the United States, and the international community to bring justice and provide humanitarian assistance to northern Uganda and to support the successful transition from conflict to sustainable peace, while the House of Representatives has not yet considered comparable legislation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) disapproves of the LRA leadership's inconsistent commitment to resolving the conflict in Uganda peacefully;

(2) urges the Lord's Resistance Army (LRA) and the Government of Uganda to return to negotiations in order to extend and expand upon the existing ceasefire and to recommit to pursuing a political solution to this conflict;

(3) entreats all parties in the region to immediately cease human rights violations and address, within the context of a broader national reconciliation process in Uganda, issues of accountability and impunity for those crimes against humanity already committed;

(4) presses leaders on both sides of the conflict in Uganda to renounce any intentions and halt any preparations to resume violence and to ensure that this message is clearly conveyed to armed elements under their control; and

(5) calls on the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other similar governmental agencies and nongovernmental organizations within the international community to continue and augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this crisis by publicly and forcefully reiterating the preceding demands.

AMENDMENTS SUBMITTED AND PROPOSED

SA 288. Mr. NELSON, of Florida (for himself and Mr. Martinez) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 289. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 290. Mr. SALAZAR (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 291. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 292. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 293. Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 294. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 295. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 296. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 297. Mr. KERRY (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 298. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BIDEN) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 299. Mr. STEVENS (for himself, Mrs. CLINTON, Mr. INOUYE, Mrs. HUTCHISON, Mr. SMITH, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 300. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 301. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 302. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 303. Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table .

SA 304. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 281 submitted by Mr. BINGAMAN (for himself and Mr. DOMENICI) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 305. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 306. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 307. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 308. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 309. Mr. GRASSLEY (for himself, Mr. GRAHAM, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 310. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 311. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 312. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 313. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 314. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 315. Mr. LIEBERMAN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 316. Mrs. MCCASKILL proposed an amendment to amendment SA 315 proposed by Mr. LIEBERMAN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 317. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 318. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 319. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 320. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS .

SA 288. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INTERVIEWS OF VISA APPLICANTS.

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(i) INTERVIEWS FOR VISA APPLICANTS.—

"(1) AUTHORITY TO UTILIZE VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' shall include an interview conducted via videoconference or similar technology after the date that the Secretary of State certifies to the Secretary of Homeland Security that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview via videoconference or similar technology are those of the visa applicant.

"(2) PILOT PROGRAM TO PERMIT MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews via the use of mobile teams of consular officials after the date that the Secretary of State certifies to the Secretary of Homeland Security that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process.".

SA 289. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, insert the following:

SEC. 1104. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) Notice on Information Not Disclosed.—

(1) In general.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Notice on Information Not Disclosed.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) Conforming amendment.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) Reports and Notice on Covert Actions.—

(1) Form and content of certain reports.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) Notice on information not disclosed.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall include a statement of the reasons for such determination and a description that provides the main features of the covert actions covered by such determination.".

(3) Modification of nature of change of covert action triggering notice requirements.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. 1106. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SA 290. Mr. SALAZAR (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) In General.—

(1) Establishment.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland defense strategy.

(2) Review.—Every 4 years after the establishment of the national homeland defense strategy, the Secretary shall conduct a comprehensive examination of the national homeland defense strategy.

(3) Scope.—In establishing or reviewing the national homeland defense strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the 20 years following that examination.

(4) Reference.—The establishment or review of the national homeland defense strategy under this subsection shall be known as the "quadrennial homeland defense review".

(5) Consultation.—Each quadrennial homeland defense review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) Contents of Review.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with the national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) Level of Risk.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) Reporting.—

(1) In general.—The Secretary shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. Each such report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) Contents of report.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) Resource Plan.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland defense review.

SA 291. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 121, between lines 2 and 3, insert the following:

"(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.".

SA 292. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 361, between lines 13 and 14, insert the following:

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

SA 293. Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

SEC. _01. SHORT TITLE.

This title may be cited as the "The American National Red Cross Governance Modernization Act of 2007".

SEC. 02. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the "Board of Governors") commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled "American Red Cross Governance for the 21st Century" (the "Governance Report"), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this title:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this title;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. _03. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting "a Federally chartered instrumentality of the United States and" before "a body corporate and politic"; and

(2) in subsection (b), by inserting at the end the following new sentence: "The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.".

SEC. _04. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) to conduct other activities consistent with the foregoing purposes.".

SEC. _05. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ", or as otherwise provided," before "in the bylaws";

(2) in subsection (b)(1)—

(A) by striking "board of governors" and inserting "corporation"; and

(B) by inserting "policies and" before "regulations related"; and

(3) in subsection (b)(2)—

(A) by inserting "policies and" before "regulations shall require"; and

(B) by striking "national convention" and inserting "annual meeting".

SEC. 06. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

"§ 300104. Board of governors

"(a) Board of Governors.—

"(1) In general.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

"(2) Number.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

"(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

"(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

"(3) Appointment.—The governors shall be appointed or elected in the following manner:

"(A) Chairman.—

"(i) In general.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

"(ii) Vacancies.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

"(iii) Duties.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(B) Other members.—

"(i) In general.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

"(ii) Vacancies.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

"(b) Terms of Office.—

"(1) In general.—The term of office of each member of the board of governors shall be 3 years, except that—

"(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

"(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

"(2) Staggered terms.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

"(3) Term limits.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

"(c) Committees and Officers.—The board—

"(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

"(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

"(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

"(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

"(d) Advisory Council.—

"(1) Establishment.—There shall be an advisory council to the board of governors.

"(2) Membership; appointment by President.—

"(A) In general.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

"(B) Members from the armed forces.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

"(3) Duties.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

"(e) Action Without Meeting.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

"(f) Voting by Proxy.—

"(1) In general.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

"(2) Exception.—The board may allow the election of governors by proxy during any emergency.

"(g) Bylaws.—

"(1) In general.—The board of governors may—

"(A) at any time adopt bylaws; and

"(B) at any time adopt bylaws to be effective only in an emergency.

"(2) Emergency bylaws.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

"(h) Definitions.—For purposes of this section—

"(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

"(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.".

SEC. _07. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking "bylaws" and inserting "policies".

SEC. _08. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

"§ 300107. Annual meeting

"(a) In General.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

"(b) Time of Meeting.—The annual meeting shall be held as determined by the board of governors.

"(c) Place of Meeting.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

"(d) Voting.—

"(1) In general.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

"(2) Establishment of number of votes.—

"(A) In general.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

"(B) Periodic review.—The board of governors shall review the allocation of votes at least every 5 years.".

SEC. _09. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking "nine" from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: "The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.".

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

"(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.".

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

"§300111. Authority of the Comptroller General of the United States

"The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

"§300112. Office of the Ombudsman

"(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(b) REPORT.—The Office of the Ombudsman shall submit a report annually to Congress concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

"300111. Authority of the Comptroller General of the United States.
"300112. Office of the Ombudsman.
"300113. Reservation of right to amend or repeal.".

SA 294. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

After title XV, add the following:

TITLE XVI—TERMINATION OF FORCE AND EFFECT OF THE ACT

SEC. 1601. TERMINATION OF FORCE AND EFFECT OF THE ACT.

The provisions of this Act (including the amendments made by this Act) shall cease to have any force or effect on and after December 31, 2012.

SA 295. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. . FEDERAL SHARE FOR ASSISTANCE RELATING TO HURRICANE KATRINA OF 2005 OR HURRICANE RITA OF 2005.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 shall be 100 percent.

(b) EFFECTIVE DATE.—This section shall apply to any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) on or after August 28, 2005.

SA 296. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. . CANCELLATION OF LOANS.

(a) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking "*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(b) DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading "DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under the heading "DEPARTMENT OF HOMELAND SECURITY", by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061).

SA 297. Mr. KERRY (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SA 298. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BIDEN) proposed to amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes:

On page 377 insert after line 22, and renumber accordingly:

TITLE XV—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. ____. DEADLINE FOR SCANNING ALL CARGO CONTAINERS.

(a) IN GENERAL.—The SAFE Port Act (Public Law 109–347) is amended by inserting after section 232 the following:

"SEC. 232A. SCANNING ALL CARGO CONTAINERS.

"(a) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

"(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

"(A) the container is scanned with equipment that meets the standards established pursuant to sec. 121(f) and a copy of the scan is provided to the Secretary; and

"(B) the container is secured with a seal that meets the standards established pursuant to sec. 204, before the container is loaded on a vessel for shipment to the United States.

"(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

"(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

"(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

"(C) REVIEW AND REVISION.—The Secretary shall—

"(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 2 years; and

"(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available—

"(I) to identify the place of a breach into a container;

"(II) to notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

"(III) to track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

"(D) Definition.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning provided such term in section 107 of title 46, United States Code.

"(b) Regulations; Application.—

"(1) Regulations.—

"(A) Interim final rule.—Consistent with the results of and lessons derived from the pilot system implemented under section 231, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231, without regard to the provisions of chapter 5 of title 5, United States Code.

"(B) Final rule.—The Secretary shall issue a final rule as a permanent regulation to implement subsection (a) not later than 1 year after the date of the submission of the report under section 231, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

"(2) Phased-in application.—

"(A) In general.—The requirements of subsection (a) apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

"(i) the end of the 3-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

"(ii) the end of the 5-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in any other country.

"(B) Extension.—The Secretary may extend by up to 1 year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

"(i) finds that the scanning equipment required under subsection (a) is not available for purchase and installation in the port; and

"(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

"(c) International Cargo Security Standards.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

"(d) International Trade and Other Obligations.—In carrying out subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.".

(b) Conforming Amendment.—The table of contents for the SAFE Port Act (Public Law 109–347) is amended by inserting after the item related to section 232 the following:

"Sec. 232A. Deadline for scanning all cargo containers.".

SA 299. Mr. STEVENS (for himself, Mrs. Clinton, Mr. Inouye, Mrs. Hutchison, Mr. Smith, and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE XIV—911 MODERNIZATION

SEC. 1401. SHORT TITLE.

This title may be cited as the "911 Modernization Act".

SEC. 1402. FUNDING FOR PROGRAM.

Section 3011 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking "The" and inserting:

"(a) In General.—The"; and

(2) by adding at the end the following:

"(b) Credit.—The Assistant Secretary may borrow from the Treasury, upon enactment of this provision, such sums as necessary, but not to exceed $43,500,000 to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.".

SEC. 1403. NTIA COORDINATION OF E–911 IMPLEMENTATION.

Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: "Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to provide priority for public safety answering points not capable, as of the date of enactment of that Act, of receiving 911 calls.".

SA 300. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) In General.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visas issued before, on, or after such date.

SA 301. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between the matter preceding line 7 and line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) Definitions.—In this section, the term—

(1) "appropriate committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) "improper payment" has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) Requirement for Compliance Certification and Report.—A grant recipient of funds received under any grant program administered by the Department may not expend such funds, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

SA 302. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall be—

(1) compensated for training and services time while participating in the program: and

(2) required to agree, as a condition of participation in the program, to accept employment as a screener upon successful completion of the internship and upon graduation from the secondary school.

SA 303. Mr. KENNEDY (for himself, Mr. Coleman, and Mr. Kyl) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15 . IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.

(a) Hoax Statute.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), after "title 49," insert "or any other offense listed under section 2332b(g)(5)(B) of this title,"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "5 years" and inserting "10 years"; and

(ii) in subparagraph (B), by striking "20 years" and inserting "25 years"; and

(2) by amending subsection (b) to read as follows:

"(b) Civil Action.—

"(1) In general.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

"(2) Effect of conduct.—

"(A) In general.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

"(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

"(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

"(B) Applicability.—A person described in this subparagraph is any person that—

"(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

"(ii) receives notice that another party believes that the information indicates that such an activity has taken, is taking, or will take place; and

"(iii) after receiving such notice, fails to promptly and reasonably inform any party described in subparagraph (B) of the actual nature of the activity.".

(b) Threatening Communications.—

(1) Mailed within the United States.—Section 876 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.".

(2) Mailed to a foreign country.—Section 877 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.".

SA 304. Mr. SESSIONS (for himself, Mr. Inhofe, Mr. Craig, Mr. Coburn, and Mr. Isakson) submitted an amendment intended to be proposed to amendment SA 281 submitted by Mr. Bingaman (for himself and Mr. Domenici) to the amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 8 through 13 and insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) Authority.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) Construction.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the National Crime Information Center.—

(1) In general.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) Removal of information.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) Procedure for removal of erroneous information.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) Inclusion of Information in the National Crime Information Center Database.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SA 305. Mr. SESSIONS (for himself, Mr. Inhofe, Mr. Craig, Mr. Coburn, and Mr. Isakson) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, or detain an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. . LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SA 306. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, after line 20, add the following:

Subtitle D—Transport of High Hazard Materials

SEC. 1391. REGULATIONS FOR TRANSPORT OF HIGH HAZARD MATERIALS.

(a) DEFINITION OF HIGH THREAT CORRIDOR.—In this section, the term "high threat corridor" means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of high hazard materials, including—

(1) areas important to national security;

(2) areas that terrorists may be particularly likely to attack; or

(3) any other area designated by the Secretary as vulnerable to damage from the shipment or storage of high hazard materials.

(b) PURPOSES OF REGULATIONS.—The regulations issued under this section shall establish a national, risk-based policy for high hazard materials being transported or stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing high hazard materials.

(c) ISSUANCE OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations, after notice and opportunity for public comment, concerning the shipment and storage of high hazard materials. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations related to shipping and storing high hazard materials.

(d) REQUIREMENTS.—The regulations issued under this section shall—

(1) except as provided in subsection (e), provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor;

(2) establish protocols for owners and operators of railroads that ship high hazard materials regarding notifying all governors, mayors, and other designated officials and local emergency response providers in a high threat corridor of the quantity and type of high hazard materials that are transported by rail through the high threat corridor;

(3) establish protocols for the coordination of Federal, State, and local law enforcement authorities in creating a plan to respond to a terrorist attack, sabotage, or accident involving a shipments of high hazard materials that causes the release of such materials; and

(4) establish standards for the Secretary to grant exceptions to the rerouting requirement under paragraph (1).

(e) TRANSPORTATION AND STORAGE OF HIGH HAZARD MATERIALS THROUGH HIGH THREAT CORRIDOR.—

(1) IN GENERAL.—The standards for the Secretary to grant exceptions under subsection (d)(4) shall require a special finding by the Secretary that—

(A) the shipment originates or the point of destination is in the high threat corridor;

(B) there is no practicable alternative route;

(C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;

(D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on the shipment; or

(E) rerouting would increase the likelihood of a terrorist attack on the shipment.

(2) PRACTICAL ALTERNATE ROUTES.—Whether a shipper must use an interchange agreement or otherwise use a system of tracks or facilities owned by another operator shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1).

(3) GRANT OF EXCEPTION.—If the Secretary grants an exception under subsection (d)(4)—

(A) the high hazard material may not be stored in the high threat corridor, including under a leased track or rail siding agreement; and

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

SA 307. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, strike lines 8 through 15 and insert the following:

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials and consider the addition of this type of technology to the required communications technology attributes under paragraph (1).

SA 308. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following principles:

(1) The responsibility for ensuring the national security of the United States rests exclusively with the Government of the United States and should not be delegated in whole or in part to any international organization, agency, or tribunal or to the government of any other country.

(2) The freedom of the Government of the United States to act as it deems appropriate to ensure the security of the American people should not be limited by, or made dependent upon, the action or inaction of any international organization, agency, or tribunal or by the government of any other country.

(3) The Constitution of the United States is the supreme law of the land and cannot be subordinated to, or superseded by, the decisions, rulings, or other acts of any international organization, agency, or tribunal or by the government of any other country.

(4) In carrying out its responsibility for ensuring the national security of the United States, the Government of the United States has sought and should continue to seek the cooperation and support of international organizations, agencies, and tribunals, including the United Nations and its affiliated organizations and agencies, as well as the governments of other countries, but no decision or act taken by the Government of the United States regarding its responsibility to provide for the common defense, promote the general welfare, and secure the liberty of the American people should be deemed to require authorization, permission, or approval by any international organization, agency, or tribunal or by the government of any other country.

(5) The United Nations Security Council should not be asked to authorize the PSI under international law, and in order for the United Nations to be helpful in combating terrorism and proliferation, it should first—

(A) establish a comprehensive definition of terrorism that condemns all acts by individuals, resistance movements or other irregular military groups, or nations intended to cause death or serious injury to civilians or non-combatants with the purpose of intimidating a population or compelling a government to do or abstain from doing any act;

(B) fulfill the September 2005 commitment of the Summit of World Leaders to establish a comprehensive convention against terrorism;

(C) have the United Nations Counter-Terrorism Committee establish a list of individuals, organizations, and states that commit terrorist acts or support terrorist groups and activities;

(D) prohibit states under sanction for human rights abuses or terrorism by the United Nations Security Council from running for seats on or chairing any United Nations body, such as the Human Rights Council or the United Nations Disarmament Commission;

(E) prohibit member states in violation of Chapter 7 of the United Nations Charter and seen as a threat to international security and peace from sitting as non-permanent members of the United Nations Security Council; and

(F) prohibit giving United Nations credentials to nongovernmental organizations that promote or condone terrorism or terrorist groups.

(6) Formalizing the PSI into a multilateral regime would severely hamper PSI's flexibility and ability to adapt to changing conditions.

(b) STRENGTHENING THE PROLIFERATION SECURITY INITIATIVE.—The President is not authorized to—

(1) seek to subject the Proliferation Security Initiative to any authority, oversight, or resolution of the United Nations Security Council, international law, an international organization, agency, or tribunal, or the government of any country not participating in the Proliferation Security Initiative; or

(2) formalize the Proliferation Security Initiative into a multilateral regime.

SA 309. Mr. GRASSLEY (for himself, Mr. GRAHAM, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, insert the following:

TITLE XVI—MONEY LAUNDERING AND TERRORIST FINANCING

SEC. 1601. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Combating Money Laundering and Terrorist Financing Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE XVI—MONEY LAUNDERING AND TERRORIST FINANCING

Sec. 1601. Short title; table of contents.

Subtitle A—Money Laundering

Sec. 1610. Specified unlawful activity.
Sec. 1611. Making the domestic money laundering statute apply to "reverse money laundering" and interstate transportation.
Sec. 1612. Procedure for issuing subpoenas in money laundering cases.
Sec. 1613. Transportation or transhipment of blank checks in bearer form.
Sec. 1614. Bulk cash smuggling.
Sec. 1615. Violations involving commingled funds and structured transactions.
Sec. 1616. Charging money laundering as a course of conduct.
Sec. 1617. Illegal money transmitting businesses.
Sec. 1618. Knowledge that the property is the proceeds of a specific felony.
Sec. 1619. Extraterritorial jurisdiction.
Sec. 1620. Conduct in aid of counterfeiting.
Sec. 1621. Use of proceeds derived from criminal investigations.

Subtitle B—Technical Amendments

Sec. 1631. Technical amendments to sections 1956 and 1957 of title 18.

Subtitle A—Money Laundering

SEC. 1610. SPECIFIED UNLAWFUL ACTIVITY.

Section 1956(c)(7) of title 18, United States Code, is amended to read as follows:

"(7) the term 'specified unlawful activity' means—

"(A) any act or activity constituting an offense in violation of the laws of the United States or any State punishable by imprisonment for a term exceeding 1 year; and

"(B) any act or activity occurring outside of the United States that would constitute an offense covered under subparagraph (A) if the act or activity had occurred within the jurisdiction of the United States or any State;".

SEC. 1611. MAKING THE DOMESTIC MONEY LAUNDERING STATUTE APPLY TO "REVERSE MONEY LAUNDERING" AND INTERSTATE TRANSPORTATION.

(a) IN GENERAL.—Section 1957 of title 18, United States Code, is amended—

(1) in the heading, by inserting "**or in support of criminal activity**" after "**specified unlawful activity**";

(2) in subsection (a), by striking "Whoever" and inserting the following:

"(1) Whoever"; and

(3) by adding at the end the following:

"(2) Whoever—

"(A) in any of the circumstances set forth in subsection (d)—

"(i) conducts or attempts to conduct a monetary transaction involving property of a value that is greater than $10,000; or

"(ii) transports, attempts to transport, or conspires to transport property of a value that is greater than $10,000;

"(B) in or affecting interstate commerce; and

"(C) either—

"(i) knowing that the property was derived from some form of unlawful activity; or

"(ii) with the intent to promote the carrying on of specified unlawful activity;

shall be fined under this title, imprisoned for a term of years not to exceed the statutory maximum for the unlawful activity from which the property was derived or the unlawful activity being promoted, or both.".

(b) CHAPTER ANALYSIS.—The item relating to section 1957 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

"1957. Engaging in monetary transactions in property derived from specified unlawful activity or in support of criminal activity.".

SEC. 1612. PROCEDURE FOR ISSUING SUBPOENAS IN MONEY LAUNDERING CASES.

(a) IN GENERAL.—Section 986 of title 18, United States Code, is amended by adding at the end the following:

"(e) PROCEDURE FOR ISSUING SUBPOENAS.—The Attorney General, the Secretary of the Treasury, or the Secretary of Homeland Security may issue a subpoena in any investigation of a violation of sections 1956, 1957 or 1960, or sections 5316, 5324, 5331 or 5332 of title 31, United States Code, in the manner set forth under section 3486.".

(b) GRAND JURY AND TRIAL SUBPOENAS.—Section 5318(k)(3)(A)(i) of title 31, United States Code, is amended—

(1) by striking "related to such correspondent account";

(2) by striking "or the Attorney General" and inserting ", the Attorney General, or the Secretary of Homeland Security"; and

(3) by adding at the end the following:

"(iii) GRAND JURY OR TRIAL SUBPOENA.—In addition to a subpoena issued by the Attorney General, Secretary of the Treasury, or the Secretary of Homeland Security under clause (i), a subpoena under clause (i) includes a grand jury or trial subpoena requested by the Government.".

(c) FAIR CREDIT REPORTING ACT AMENDMENT.—Section 604(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(1)) is amended—

(1) by striking "or"; and

(2) by inserting before the period the following: ", or an investigative subpoena

issued under section 5318 of title 31, United States Code".

(d) OBSTRUCTION OF JUSTICE.—Section 1510(b) of title 18, United States Code, is amended—

(1) in paragraph (2)(A), by inserting "or an investigative subpoena issued under section 5318 of title 31, United States Code" after "grand jury subpoena"; and

(2) in paragraph (3)(B), by inserting ", an investigative subpoena issued under section 5318 of title 31, United States Code," after "grand jury subpoena".

(e) RIGHT TO FINANCIAL PRIVACY ACT.—Section 1120 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended—

(1) in subsection (a)(1), by inserting "or to the Government" after "to the grand jury"; and

(2) in subsection (b)(1), by inserting ", or an investigative subpoena issued pursuant to section 5318 of title 31, United States Code," after "grand jury subpoena".

SEC. 1613. TRANSPORTATION OR TRANSHIPMENT OF BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

"(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value equal to the highest value of the funds in the account on which the monetary instrument is drawn during the time period the monetary instrument was being transported or the time period it was negotiated or was intended to be negotiated.".

SEC. 1614. BULK CASH SMUGGLING.

Section 5332 of title 31, United States Code, is amended—

(1) in subsection (b)(1), by striking "5 years" and inserting "10 years"; and

(2) by adding the end the following:

"(d) INVESTIGATIVE AUTHORITY.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service.".

SEC. 1615. VIOLATIONS INVOLVING COMMINGLED FUNDS AND STRUCTURED TRANSACTIONS.

Section 1957(f) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(4) the term 'monetary transaction in criminally derived property that is of a value greater than $10,000' includes—

"(A) a monetary transaction involving the transfer, withdrawal, encumbrance or other disposition of more than $10,000 from a bank account in which more than $10,000 in proceeds of specified unlawful activity have been commingled with other funds;

"(B) a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted; and

"(C) any financial transaction covered under section 1956(j) that involves more than $10,000 in proceeds of specified unlawful activity; and

"(5) the term 'monetary transaction involving property of a value that is greater than $10,000' includes a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted.".

SEC. 1616. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

(a) IN GENERAL.—Section 1956 of title 18, United States Code, is amended by adding at the end the following:

"(j) MULTIPLE VIOLATIONS.—Multiple violations of this section that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.".

(b) CONSPIRACIES.—Section 1956(h) of title 18, United States Code, is amended by striking "or section 1957" and inserting ", section 1957, or section 1960".

SEC. 1617. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 1960 of title 18, United States Code, is amended—

(A) in the heading by striking "**unlicensed**" and inserting "**illegal**";

(B) in subsection (a), by striking "unlicensed" and inserting "illegal"; and

(C) in subsection (b)(1), by striking "unlicensed" and inserting "illegal".

(2) CHAPTER ANALYSIS.—The item relating to section 1960 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

"1960. Prohibition of illegal money transmitting businesses.".

(b) DEFINITION OF BUSINESS TO INCLUDE INFORMAL VALUE TRANSFER SYSTEMS AND MONEY BROKERS FOR DRUG CARTELS.—Section 1960(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'business' includes any person or association of persons, formal or informal, licensed or unlicenced, that provides money transmitting services on behalf of any third party in return for remuneration or other consideration.".

(c) PROHIBITION OF UNLICENSED MONEY TRANSMITTING BUSINESSES.—Section 1960(b)(1)(B) of title 18, United States Code, is amended by inserting the following before the semicolon: ", whether or not the defendant knew that the operation was required to comply with such registration requirements".

(d) AUTHORITY TO INVESTIGATE.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

"(c) AUTHORITY TO INVESTIGATE.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, and the Secretary of Homeland Security.".

SEC. 1618. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A SPECIFIC FELONY.

(a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting ", and regardless of whether or not the person knew that the activity constituted a felony" before the semicolon at the end.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity"; and

(2) in paragraph (2)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity".

SEC. 1619. EXTRATERRITORIAL JURISDICTION.

Section 1956(f)(1) of title 18, United States Code, is amended by inserting "or has an effect in the United States" after "conduct occurs in part in the United States".

SEC. 1620. CONDUCT IN AID OF COUNTERFEITING.

(a) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the paragraph beginning "Whoever has in his control, custody, or possession any plate" the following:

"Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of the United States or any part of such obligation or security, except under the authority of the Secretary of the Treasury; or".

(b) FOREIGN OBLIGATIONS AND SECURITIES.—Section 481 of title 18, United States Code, is amended by inserting after the paragraph beginning "Whoever, with intent to defraud" the following:

"Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of any foreign government, bank, or corporation; or".

(c) COUNTERFEIT ACTS.—Section 470 of title 18, United States Code, is amended by striking "or 474" and inserting "474, or 474A".

(d) STRENGTHENING DETERRENTS TO COUNTERFEITING.—Section 474A of title 18, United States Code is amended—

(1) in subsection (a)—

(A) by inserting ", custody," after "control";

(B) by inserting ", forging, or counterfeiting" after "to the making";

(C) by striking "such obligation" and inserting "obligation"; and

(D) by inserting "of the United States" after "or other security";

(2) in subsection (b)—

(A) by inserting ", custody," after "control";

(B) striking "any essentially identical feature or device" and inserting "any material or other thing made after or in the similitude of any such deterrent"; and

(C) by inserting ", forging, or counterfeiting" after "to the making";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

"(c) Whoever has in his control, custody, or possession any altered obligation or security of the United States or any foreign government adapted to the making, forging, or counterfeiting of any obligation or security of the United States or any foreign government, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.".

SEC. 1621. USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.

(a) AUTHORITY OF SECRET SERVICE.—During fiscal years 2008 through 2010, with respect to any undercover investigative operation of the United States Secret Service (in this section referred to as the "Secret Service") which is necessary for the detection and prosecution of crimes against the United States—

(1) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available

from prior fiscal years, may be used to purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to—

(A) sections 1341 and 3324 of title 31 of the United States Code;

(B) section 8141 of title 40 of the United States Code;

(C) sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22); and

(D) sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and 255);

(2) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, may be used—

(A) to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation; and

(B) to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31 of the United States Code;

(3) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, and the proceeds seized, earned, or otherwise accrued from any such undercover investigative operation, may be deposited in banks or other financial institutions, without regard to—

(A) section 648 of title 18 of the United States Code; and

(B) section 3302 of title 31 of the United States Code; and

(4) proceeds seized, earned, or otherwise accrued from any such undercover investigative operation may be used to offset the necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code.

(b) WRITTEN CERTIFICATION OF DIRECTOR REQUIRED.—

(1) IN GENERAL.—The authority granted under subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or the Director's designee.

(2) CONTENT OF CERTIFICATION.—Each certification issued under paragraph (1) shall state that any action authorized under paragraph (1), (2), (3), or (4) of subsection (a) is necessary to conduct the undercover investigative operation.

(3) DURATION OF CERTIFICATION.—Each certification issued under paragraph (1) shall continue in effect for the duration of the undercover investigative operation, without regard to fiscal years.

(c) TRANSFER OF PROCEEDS TO TREASURY.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds, or the balance of such proceeds, remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) CORPORATIONS WITH A HIGH NET VALUE.—

(1) IN GENERAL.—If a corporation or business entity established or acquired as part of an undercover investigative operation under subsection (a)(2) having a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director of the Secret Service or the Director's designee determines is practicable, shall report the circumstances of such liquidation, sale, or other disposition to the Secretary of Homeland Security.

(2) TRANSFER OF PROCEEDS TO TREASURY.—The proceeds of any liquidation, sale, or other disposition of any corporation or business entity under paragraph (1) shall, after all other obligations are met, be deposited in the Treasury of the United States as miscellaneous receipts.

(e) AUDITS.—The Secret Service shall—

(1) conduct, on a quarterly basis, a detailed financial audit of each completed undercover investigative operation where a written certification was issued pursuant to this section; and

(2) report the results of each such audit in writing to the Secretary of Homeland Security.

Subtitle B—Technical Amendments

SEC. 1631. TECHNICAL AMENDMENTS TO SECTIONS 1956 AND 1957 OF TITLE 18.

(a) UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "'conducts'" and inserting "'conduct'"; and

(2) in paragraph (7)(F), by inserting ", as defined in section 24(a)" before the semicolon.

(b) PROPERTY FROM UNLAWFUL ACTIVITY.—Section 1957 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "engages or attempts to engage in" and inserting "conducts or attempts to conduct"; and

(2) in subsection (f)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) the term 'conduct' has the meaning given such term under section 1956(c)(2).".

SA 310. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page ____, between lines __ and __, insert the following:

SEC. 406. DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking "Attorney General" each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting "Secretary of Homeland Security";

(2) in paragraph (1)—

(A) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(B) by adding at the end of subparagraph (B), the following flush text:

"If, at the beginning of the removal period, as determined under this subparagraph, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii)."; and

(C) by amending subparagraph (C) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(3) in paragraph (2), by adding at the end the following new sentence: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.";

(4) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(5) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien"; and

(6) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of his parole or his removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected an entry into the United States. These procedures do not apply to any other alien detained pursuant to paragraph (6).

"(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

"(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

"(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(ii) LENGTH OF DETENTION.—The Secretary, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days, as authorized in clause (i)—

"(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

"(aa) will be removed in the reasonably foreseeable future; or

"(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

"(II) until the alien is removed, if the Secretary certifies in writing—

"(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

"(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

"(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either—

"(AA) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

"(BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

"(ee) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); and

"(III) pending a determination under subclause (II), so long as the Secretary has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

"(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (ee) of subparagraph (B)(ii)(II) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or his designee provide for a hearing to make the determination described in clause (dd)(BB) of subparagraph (B)(ii)(II).

"(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

"(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B). Paragraphs (6) through (8) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

"(F) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary of Homeland Security in the exercise of discretion may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.".

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

"(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) by inserting at the end of subsection (e) the following: "Without regard to the place of confinement, judicial review of any action or decision made pursuant to section 235(f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right."; and

(B) by adding at the end the following new subsection:

"(f) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.".

(c) SEVERABILITY.—If any of the provisions of this Act or any amendment by this Act, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this Act and of amendments made by this Act, and the application of the provisions and of the amendments made by this Act to any other person or circumstance shall not be affected by such holding.

(d) EFFECTIVE DATES.—

(1) AMENDMENTS MADE BY SUBSECTION (A).—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(2) AMENDMENTS MADE BY SUBSECTION (B).—The amendments made by subsection (b) shall take effect upon the date of the enactment of this Act, and sections 235 and 236 of

the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 407. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) In General.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

"(e) Detention.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

"(1) Presumption Arising From Offenses Described in Subsection (f)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

"(A) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

"(2) Presumption Arising From Other Offenses Involving Illegal Substances, Firearms, Violence, or Minors.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

"(3) Presumption Arising From Offenses Relating to Immigration Law.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

"(A) has no lawful immigration status in the United States;

"(B) is the subject of a final order of removal; or

"(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).".

(b) Immigration Status as Factor in Determining Conditions of Release.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end; and

(2) by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

SA 311. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMMIGRATION INJUNCTION REFORM.

(a) Appropriate Remedies for Immigration Legislation.—

(1) Requirements for an Order Granting Prospective Relief Against the Government.—

(A) In General.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) Written Explanation.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) Expiration of Preliminary Injunctive Relief.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) Requirements for Order Denying Motion.—This paragraph shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) Procedure for Motion Affecting Order Granting Prospective Relief Against the Government.—

(A) In General.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) Automatic Stays.—

(i) In General.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) Duration of Automatic Stay.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) Postponement.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) Orders Blocking Automatic Stays.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) Settlements.—

(A) Consent Decrees.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with the requirements of paragraph (1).

(B) Private Settlement Agreements.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1).

(4) Expedited Proceedings.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) Definitions.—In this subsection:

(A) Consent Decree.—The term "consent decree"—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) Good Cause.—The term "good cause" does not include discovery or congestion of the court's calendar.

(C) Government.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) Permanent Relief.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(E) Private Settlement Agreement.—The term "private settlement agreement" means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) Prospective Relief.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(b) Effective Date.—

(1) In General.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether

such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date that is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying a motion made by the Government under subsection (a)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (a)(2)(B). Any order, staying, suspending, delaying, or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (a)(2)(B)(iv).

SA 312. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

SEC. 15 . RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

"§ 2332c. Recruitment of persons to participate in terrorism.

"(a) OFFENSES.—

"(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

"(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

"(b) PENALTIES.—Any person who violates subsection (a)—

"(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

"(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

"(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

"(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

"(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

"2332c. Recruitment of persons to participate in terrorism."; and

(2) by adding at the end the following:

"2339D. Receiving military type training from a foreign terrorist organization.".

SA 313. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE HUNT FOR OSAMA BIN LADEN, AYMAN AL-ZAWAHIRI, AND THE LEADERSHIP OF AL QAEDA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Director of National Intelligence and the Secretary of Defense jointly shall submit to Congress a report describing the status of their efforts to capture Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(b) CONTENTS.—Each report required by subsection (a) shall include the following:

(1) A statement whether or not the January 11, 2007, assessment provided by Director of National Intelligence John Negroponte to the Select Committee on Intelligence of the Senate that the top leadership of al Qaeda has a "secure hideout in Pakistan" was applicable during the reporting period and, if not, a description of the current whereabouts of that leadership.

(2) A statement identifying each country where Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda are or may be hiding, including an assessment whether or not the government of each country so identified has fully cooperated in the efforts to capture them, and, if not, a description of the actions, if any, being taken or to be taken to obtain the full cooperation of each country so identified in the efforts to capture them.

(3) A description of the additional resources required to promptly capture Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(c) FORM OF REPORT.—Each report submitted to Congress under subsection (a) shall be submitted in a classified form and shall be accompanied by an unclassified form of the report that redacts the classified information in the report. The unclassified form of the report shall be made available to the public.

SA 314. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 215, strike line 6 and all that follows through page 219, line 7.

SA 315. Mr. LIEBERMAN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 215, strike line 22 and all that follows through page 219, line 7, and insert the following:

SEC. ___. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding"; and

(B) by adding at the end the following:

"(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

"(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay . Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.".

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place such appears and inserting "Administrator".

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting ",or section 111(d) of the Aviation and Transportation Security Act," after "this Act".

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

SA 316. Mrs. MCCASKILL proposed an amendment to amendment SA 315 Proposed by Mr. LIEBERMAN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

In the Amendment strike all after 'SEC' on page 1, line 3 and insert the following:

APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding"; and

(B) by adding at the end the following:

"(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

"(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay . Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.".

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place such appears and inserting "Administrator".

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting ",or section 111(d) of the Aviation and Transportation Security Act," after "this Act".

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This section shall take effect one day after date of enactment.

SA 317. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) DEFINITIONS.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

"(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.

"2339E. Providing material support to international terrorism.".

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking all after "2339C" and inserting "(relating to financing of terrorism), 2339E (relating to providing material support to international terrorism), or 2340A (relating to torture);".

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking "15 years" and inserting "25 years".

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking "15 years" and inserting "40 years".

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

(c) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"2339F. Denial of Federal benefits to terrorists.".

(d) ADDITION OF ATTEMPTS OR CONSPIRACIES TO OFFENSE OF TERRORIST MURDER.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting ", or attempts or conspires to kill," after "Whoever kills"; and

(2) in paragraph (2), by striking "ten years" and inserting "30 years".

(e) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

"(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.".

(f) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(2) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(3) in the matter following paragraph (2), by striking "ten years" and inserting "40 years".

SA 318. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States Imore secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) Whoever, being an employee or member of the Senate or House of Representatives of the United States of America, or being entrusted with or having lawful possession of, access to, or control over any classified information contained in a report submitted to the Congress pursuant to the Improving America's Security Act of 2007, the USA Patriot Improvement and Reauthorization Act of 2005, or the Intelligence Reform and Terrorism Prevention Act of 2004, and who knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States, shall be fined under this title or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958 or successor orders;

The term "unauthorized person" means any person who does not have authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

SA 319. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:)

At the appropriate place, insert the following:

SEC. 1. AUTHORIZING THE SECRETARY OF HOMELAND SECURITY TO EXEMPT GROUPS THAT ARE NOT A THREAT TO THE UNITED STATES AND THAT DO NOT ATTACK CIVILIANS FROM THE DEFINITION OF "TERRORIST ORGANIZATION"

Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. § 1182(d)(3)(B)(i)) is revised to read as follows:

"The Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that—

(I) subsection (a)(3)(B)(i)(IV)(bb) of this section shall not apply to an alien;

(II) subsection (a)(3)(B)(i)(VII) of this section shall not apply to an alien who endorsed or espoused terrorist activity or persuaded others to endorse or espouse terrorist activity or support a terrorist organization described in clause (vi)(III);

(III) subsection (a)(3)(B)(iv)(VI) of this section shall not apply with respect to any material support that an alien afforded under duress (as that term is defined in common law) to an organization or individual that has engaged in a terrorist activity;

(IV) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group that—

(aa) does not pose a threat to the United States or other democratic countries; and

(bb) has not engaged in terrorist activity that was targeted at civilians; or

(V) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group solely by virtue of its having a subgroup within the scope of that subsection.

"Such a determination may be revoked at any time, and neither the determination nor its revocation shall be subject to judicial review under any provision of law, including section 2241 of title 28."

SEC. 2. AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. § 1181(a)(3)(B)), the Hmong, the Montagnards, the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of the enactment of this section.

SEC. 3. DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. § 1181(a)(3)(B)), the Taliban shall be considered a terrorist organization described in subclause (I) of clause (vi) of that section.

SEC. 4. TECHNICAL CORRECTION TO EXCEPTION TO INADMISSIBILITY GROUND FOR TERRORIST ACTIVITIES FOR SPOUSES AND CHILDREN

Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking "Subclause (VII)" and replacing it with "Subclause (IX)".

SEC. 5. EFFECTIVE DATE

The amendment made by this section shall take effect on the date of enactment of this section, and this amendment and clause 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)), as amended by this section, shall apply to—

(a) removal proceedings instituted before, on, or after the date of the enactment of this section; and

(b) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SA 320. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) SHORT TITLE.—This section may be cited as the "Classified Information Procedures Reform Act of 2007".

(b) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end "The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.".

(c) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking "may" and inserting "shall"; and

(B) by striking "written statement to be inspected" and inserting "statement to be made ex parte and to be considered"; and

(2) in the third sentence—

(A) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(B) by inserting ", as well as any summary of the classified information the defendant seeks to obtain," after "text of the statement of the United States".

(d) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting ", AND ACCESS TO," after "OF";

(2) by inserting "(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—" before the first sentence; and

(3) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

"(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

"(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

"(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 1, 2007, at 9:30 a.m., in open session to receive testimony on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Thursday, March 1, 2007, at 10 a.m. in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the Universal Service fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, March 1, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on the Energy Information Administration's Annual Energy Outlook.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Thursday, March 1, 2007, at 10 a.m. in SD–406. The purpose of the hearing is to review state, local and regional government approaches to address global warming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 1, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Medicare Payment for Physician Services: Examining New Approaches".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a markup on Thursday, March 1, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Agenda

I. Matters Carried Over from Previous Meeting: S. 236, The Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu; S. 378, The Court Security Improvement Act of 2007, Leahy, Specter, Durbin, Cornyn, Kennedy, Hatch; S. 442, The John R. Justice Prosecutors and Defenders Incentive Act of 2007, Durbin, Specter, Leahy, Biden.

II. Nominations: Thomas M. Hardiman to be United States Circuit Judge for the Third Circuit: John Preston Bailey to be U.S. District Judge for the Northern District of West Virginia; Otis D. Wright, II, to be U.S. District Judge for the Central District of California; George H. Wu to be U.S. District Judge for the Central District of California.

III. Bills: S. 261, Animal Fighting Prohibition Enforcement Act of 2007, Cantwell, Specter, Durbin, Kyl, Feinstein, Feingold, Kohl; S. 376, Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Kyl, Cornyn, Grassley, Sessions.

IV. Resolutions: S. Res. 78, Designating April 2007 as "National Autism Awareness Month", Hagel, Feingold; S. Res. 81, Recognizing the 45th anniversary of John Glenn's becoming the first United States astronaut to orbit the Earth), Brown, Voinovich.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 1, 2007 at 2:30 p.m. to hold a closed hearing.

THE PRESIDING OFFICER.

Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, March 1, 2007, at 3 p.m. for a hearing regarding "Improving Federal Financial Management: Progress Made and the Challenges Ahead."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to hold a hearing during the session of the Senate on Thursday, March 1, 2007, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 380, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar Nos. 32 through 35 and all nominations on the Secretary's desk; that the nominations be confirmed; the motions to reconsider be laid upon the table; any statements thereon be printed at the appropriate place in the RECORD; the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Shelby G. Bryant, 2753
Brigadier General Howard M. Edwards, 5648
Brigadier General Norman L. Elliott, 0048
Brigadier General Steven E. Foster, 1516
Brigadier General Robert D. Ireton, 8365
Brigadier General Emil Lassen, III, 1505
Brigadier General George T. Lynn, 5342
Brigadier General Robert B. Newman, Jr., 1651
Brigadier General Timothy R. Rush, 5351
Brigadier General Stephen M. Sischo, 9908

To be brigadier general

Colonel Craig W. Blankenstein, 6674
Colonel William J. Crisler, Jr., 6622
Colonel Johnny O. Haikey, 4822
Colonel Rodney K. Hunter, 0736
Colonel Jeffrey R. Johnson, 4151
Colonel Verlè L. Johnston, Jr., 9950
Colonel Jeffrey S. Lawson, 5332
Colonel Bruce R. Macomber, 4919
Colonel Gregory L. Marston, 2616
Colonel James M. McCormack, 3599
Colonel Deborah C. McManus, 9936
Colonel John E. Mooney, Jr., 9460
Colonel Daniel L. Peabody, 2171
Colonel Kenny Ricket, 7110
Colonel Scott B. Schofield, 3538
Colonel John G. Sheedy, 2774
Colonel John B. Soileau, Jr., 9074
Colonel Francis A. Turley, 4084
Colonel James R. Wilson, 3656
Colonel Paul G. Worcester, 1048

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Benjamin C. Freakley, 0002

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel David H. Berger, 6017
Colonel William D. Beydler, 9312
Colonel Mark A. Brilakis, 6167
Colonel Mark A. Clark, 7557
Colonel David C. Garza, 1156
Colonel Charles L. Hudson, 9985
Colonel Ronald J. Johnson, 9335
Colonel Thomas M. Murray, 1276
Colonel Lawrence D. Nicholson, 1342
Colonel Andrew W. O'Donnell, Jr., 5504
Colonel Robert R. Ruark, 2417

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Tracy L. Garrett, 7668

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN216 AIR FORCE nominations (14) beginning GINO L. AUTERI, and ending JESUS E. ZARATE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN217 AIR FORCE nominations (15) beginning BRIAN E. BERGERON, and ending LOLO WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN218 AIR FORCE nominations (35) beginning BRIAN D. AFFLECK, and ending LORNA A. WESTFALL, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN219 AIR FORCE nominations (24) beginning WILLIAM R. BAEZ, and ending MICHAEL D. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN220 AIR FORCE nominations (151) beginning KENT D. ABBOTT, and ending AN ZHU, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN221 AIR FORCE nominations (4) beginning ANTHONY J. PACENTA, and ending CHARLES J. MALONE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN222 AIR FORCE nominations (51) beginning TANSEL ACAR, and ending DAVID A. ZIMLIKI, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN223 AIR FORCE nominations (287) beginning BRIAN G. ACCOLA, and ending DAVID H. ZONIES, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN256 AIR FORCE nominations (2) beginning JEFFREY M. KLOSKY, and ending ROBERT W. ROSS III, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

IN THE ARMY

PN224 ARMY nomination of Todd A. Plimpton, which was received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN225 ARMY nominations (2) beginning PERRY L. HAGAMAN, and ending WILLIAM A. HALL, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN226 ARMY nominations (84) beginning DAVID W. ADMIRE, and ending D060341, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN227 ARMY nominations (129) beginning JAMES A. ADAMEC, and ending VANESSA WORSHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN228 ARMY nominations (26) beginning DENNIS R. BELL, and ending KENT J. VINCE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN229 ARMY nominations (157) beginning RONALD J. AQUINO, and ending D060343, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN257 ARMY nomination of Miyako N. Schanely, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN258 ARMY nominations (72) beginning ANTHONY C. ADOLPH, and ending KAIESHA N. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN259 ARMY nominations (26) beginning ANDREW W. AQUINO, and ending PAUL J. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN273 ARMY nomination of Susan M. Osovitzoien, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN274 ARMY nomination of Tom K. Staton, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN275 ARMY nomination of Evan F. Tillman, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN276 ARMY nominations (3) beginning MICHAEL A. CLARK, and ending JANET L.

NORMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN277 ARMY nominations (7) beginning EDWARD W. TRUDO, and ending MING JIANG, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

IN THE MARINE CORPS

PN261 MARINE CORPS nominations (2) beginning DONALD E. EVANS JR., and ending ELLIOTT J. ROWE, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN262 MARINE CORPS nomination of Jorge L. Medina, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN263 MARINE CORPS nominations (2) beginning DOUGLAS M. FINN, and ending RONALD P. HEFLIN, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN264 MARINE CORPS nominations (3) beginning CHARLES E. BROWN, and ending DAVID S. PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN265 MARINE CORPS nominations (4) beginning STEVEN P. COUTURE, and ending JESSE MCRAE, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN266 MARINE CORPS nominations (94) beginning JONATHAN G. ALLEN, and ending JOHN W. WIGGINS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN278 MARINE CORPS nominations (2) beginning CHARLES E. DANIELS, and ending TIMOTHY O. EVANS, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN279 MARINE CORPS nomination of Brian T. Thompson, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN280 MARINE CORPS nomination of Michael R. Cirillo, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN281 MARINE CORPS nominations (2) beginning VERNON L. DARISO, and ending RICHARD W. FIORVANTI JR., which nominations were received by the Senate and appeared in he Congressional Record of February 16, 2007.

PN282 MARINE CORPS nominations (4) beginning LEONARD R. DOMITROVITS, and ending ROBERT W. SAJEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN283 MARINE CORPS nominations (9) beginning SAMSON P. AVENETTI, and ending FRANCISCO C. RAGSAC, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN284 MARINE CORPS nominations (7) beginning JASON B. DAVIS, and ending PETER M. TAVARES, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN285 MARINE CORPS nominations (6) beginning DARREN L. DUCOING, and ending KENNETH L. VANZANDT, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN286 MARINE CORPS nominations (4) beginning ROBERT T. CHARLTON, and ending BRIAN A. TOBLER, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

IN THE NAVY

PN268 NAVY nomination of Mark A. Gladue, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN270 NAVY nomination of Terry L. Rucker, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

AUTHORIZING EXPENDITURES BY COMMITTEES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 60, S. Res. 89.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 89) authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 89) was agreed to, as follows:

S. RES. 89

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2007, through September 30, 2007, in the aggregate of $55,446,216, for the period October 1, 2007, through September 30, 2008, in the aggregate of $97,164,714, and for the period October 1, 2008, through February 28, 2009, in the aggregate of $41,263,116, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2007, through September 30, 2007, for the period October 1, 2007, through September 30, 2008, and for the period October 1, 2008, through February 28, 2009, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,204,538, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $3,862,713, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,640,188, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,073,254, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $7,139,800, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,032,712, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,370,280, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,905,629, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,507,776, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,554,606, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,230,828, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,646,665, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,652,467, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,400,560, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,718,112, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,083,641.

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,404,061.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,295,042.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,841,799, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $4,978,284, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,113,516, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,970,374, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,956,895, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,954,095, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,265,283, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,721,937, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,429,876, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,393,404, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,451,962, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $4,014,158, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) Investigations.—

(1) In general.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) Extent of inquiries.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) Special committee authority.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2007, through February 28, 2009, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) Authority of other committees.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) Subpoena authority.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 50, agreed to February 17, 2005 (109th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,794,663, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2008 Period.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $8,402,456, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,568,366, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,220,177, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,150,340, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,886,766, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,461,012, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,561,183, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,087,981, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,373,063, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,405,349, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,021,186, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,259,442, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,207,230, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $937,409, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,524,019, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,670,342, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,133,885, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,220,932, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,643,433, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,396,252, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,183,262, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,071,712, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $879,131, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2007, 2008, and 2009, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2007, through September 30, 2007; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2007, through September 30, 2008; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2008, through February 28, 2009.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

MODIFYING INDIVIDUAL ELIGIBILITY FOR ASSOCIATE MEMBERSHIP IN THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 743, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 743) to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 743) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF INDIVIDUALS ELIGIBLE FOR ASSOCIATE MEMBERSHIP IN MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED.

Section 140503(b) of title 36, United States Code, is amended by inserting ", spouses, siblings," after "parents".

RECOMMITTING TO A POLITICAL SOLUTION TO THE CONFLICT IN NORTHERN UGANDA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 16, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) calling on the Government of Uganda and the Lord's Resistance Army to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas, for nearly two decades, the Government of Uganda has been engaged in an armed conflict with the Lord's Resistance Army (LRA) that has resulted in up to 200,000 deaths from violence and disease and the displacement of more than 1,600,000 civilians from eastern and northern Uganda.

Whereas former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland has called the crisis in northern Uganda "the biggest forgotten, neglected humanitarian emergency in the world today";

Whereas Joseph Kony, the leader of the LRA, and several of his associates have been indicted by the International Criminal Court for war crimes and crimes against humanity, including rape, murder, enslavement, sexual enslavement, and the forced recruitment of an estimated 66,000 children;

Whereas the LRA is a severe and repeat violator of human rights and has continued to attack civilians and humanitarian aid workers despite a succession of ceasefire agreements;

Whereas the Secretary of State has labeled the LRA "vicious and cult-like" and designates it as a terrorist organization;

Whereas the 2005 Department of State report on the human rights record of the Government of Uganda found that "security forces committed unlawful killings ... and were responsible for deaths as a result of torture" along with other "serious problems," including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the 2004 Northern Uganda Crisis Response Act (Public Law 108-283; 118 Stat. 912), Congress declared its support for a peaceful resolution of the conflict in northern and eastern Uganda and called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts;

Whereas the Cessation of Hostilities Agreement, which was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006, and extended on November 1, 2006, requires both parties to cease all hostile military and media offensives and asks the Sudan People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks;

Whereas the Cessation of Hostilities Agreement is set to expire on February 28, 2007, and although both parties to the agreement have indicated that they are willing to continue with the peace talks, no date has been set for resumption of the talks, and recent reports have suggested that both rebel and Government forces are preparing to return to war;

Whereas a return to civil war would yield disastrous results for the people of northern Uganda and for regional stability, while peace in Uganda will bolster the fragile Comprehensive Peace Agreement in Sudan and de-escalate tensions in the Democratic Republic of the Congo;

Whereas continuing violence and instability obstruct the delivery of humanitarian assistance to the people of northern Uganda and impede national and regional trade, development and democratization efforts, and counter-terrorism initiatives; and

Whereas the Senate unanimously passed Senate Resolution 366, 109th Congress, agreed to February 6, 2006, and Senate Resolution 573, 109th Congress, agreed to September 19, 2006, calling on Uganda, Sudan, the United States, and the international community to bring justice and provide humanitarian assistance to northern Uganda and to support the successful transition from conflict to sustainable peace, while the House of Representatives has not yet considered comparable legislation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) disapproves of the LRA leadership's inconsistent commitment to resolving the conflict in Uganda peacefully;

(2) urges the Lord's Resistance Army (LRA) and the Government of Uganda to return to negotiations in order to extend and expand upon the existing ceasefire and to recommit to pursuing a political solution to this conflict;

(3) entreats all parties in the region to immediately cease human rights violations and address, within the context of a broader national reconciliation process in Uganda, issues of accountability and impunity for those crimes against humanity already committed;

(4) presses leaders on both sides of the conflict in Uganda to renounce any intentions and halt any preparations to resume violence and to ensure that this message is clearly conveyed to armed elements under their control; and

(5) calls on the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other similar governmental agencies and nongovernmental organizations within the international community to continue and augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this crisis by publicly and forcefully reiterating the preceding demands.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 47, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 47) supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 47) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 800

Mr. DURBIN. Mr. President, I understand that H.R. 800 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes.

Mr. DURBIN. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

ORDERS FOR FRIDAY, MARCH 2, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, March 2; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 4, and that the time until 10 a.m. be for debate to run concurrently on the Sununu amendment No. 292 and the Salazar amendment No. 280, with the time equally divided and controlled between Senators SUNUNU and SALAZAR or their designees; that no amendments be in order to either amendment prior to the vote; and that at 10 a.m., without further intervening action or debate, the Senate vote in relation to the Sununu amendment; that upon disposition of the Sununu amendment, the Senate then vote in relation to the Salazar amendment; that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Friday, March 2, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 1, 2007:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL SHELBY G. BRYANT, 2753
BRIGADIER GENERAL HOWARD M. EDWARDS, 5648
BRIGADIER GENERAL NORMAN L. ELLIOTT, 0048
BRIGADIER GENERAL STEVEN E. FOSTER, 1516
BRIGADIER GENERAL ROBERT D. IRETON, 8365
BRIGADIER GENERAL EMIL LASSEN III, 1505
BRIGADIER GENERAL GEORGE T. LYNN, 5342
BRIGADIER GENERAL ROBERT B. NEWMAN, JR., 1651
BRIGADIER GENERAL TIMOTHY R. RUSH, 5351
BRIGADIER GENERAL STEPHEN M. SISCHO, 9908

To be brigadier general

COLONEL CRAIG W. BLANKENSTEIN, 6674
COLONEL WILLIAM J. CRISLER, JR., 6622
COLONEL JOHNNY O. HAIKEY, 4822
COLONEL RODNEY K. HUNTER, 0736
COLONEL JEFFREY R. JOHNSON, 4151
COLONEL VERLE L. JOHNSTON, JR., 9950
COLONEL JEFFREY S. LAWSON, 5332
COLONEL BRUCE R. MACOMBER, 4919
COLONEL GREGORY L. MARSTON, 2616
COLONEL JAMES M. MCCORMACK, 3599
COLONEL DEBORAH C. MCMANUS, 9936
COLONEL JOHN E. MOONEY, JR., 9460
COLONEL DANIEL L. PEABODY, 2171
COLONEL KENNY RICKET, 7110
COLONEL SCOTT B. SCHOFIELD, 3538
COLONEL JOHN G. SHEEDY, 2774
COLONEL JOHN B. SOILEAU, JR., 9074
COLONEL FRANCIS A. TURLEY, 4084
COLONEL JAMES R. WILSON, 3656
COLONEL PAUL G. WORCESTER, 1048

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN C. FREAKLEY, 0002

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DAVID H. BERGER, 6017
COLONEL WILLIAM D. BEYDLER, 9312
COLONEL MARK A. BRILAKIS, 6167
COLONEL MARK A. CLARK, 7557
COLONEL DAVID C. GARZA, 1156
COLONEL CHARLES L. HUDSON, 9985
COLONEL RONALD J. JOHNSON, 9335
COLONEL THOMAS M. MURRAY, 1276
COLONEL LAWRENCE D. NICHOLSON, 1342
COLONEL ANDREW W. O'DONNELL, JR., 5504
COLONEL ROBERT R. RUARK, 2417

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be Brigadier General

COL. TRACY L. GARRETT, 7668

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH GINO L. AUTERI AND ENDING WITH JESUS E. ZARATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN E. BERGERON AND ENDING WITH LOLO WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. AFFLECK AND ENDING WITH LORNA A. WESTFALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM R. BAEZ AND ENDING WITH MICHAEL D. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KENT D. ABBOTT AND ENDING WITH AN ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ANTHONY J. PACENTA AND ENDING WITH CHARLES J. MALONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH TANSEL ACAR AND ENDING WITH DAVID A. ZIMLIKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN G. ACCOLA AND ENDING WITH DAVID H. ZONIES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY M. KLOSKY AND ENDING WITH ROBERT W. ROSS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

IN THE ARMY

ARMY NOMINATION OF TODD A. PLIMPTON, 7389, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH PERRY L. HAGAMAN AND ENDING WITH WILLIAM A. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID W. ADMIRE AND ENDING WITH D060341, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH JAMES A. ADAMEC AND ENDING WITH VANESSA WORSHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH DENNIS R. BELL AND ENDING WITH KENT J. VINCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH RONALD J. AQUINO AND ENDING WITH D060343, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATION OF MIYAKO N. SCHANELY, 5496, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ANTHONY C. ADOLPH AND ENDING WITH KAIESHA N. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

ARMY NOMINATIONS BEGINNING WITH ANDREW W. AQUINO AND ENDING WITH PAUL J. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

ARMY NOMINATION OF SUSAN M. OSOVITZOIEN, 4744, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TOM K. STATON, 7158, TO BE MAJOR.

ARMY NOMINATION OF EVAN F. TILLMAN, 1630, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL A. CLARK AND ENDING WITH JANET L. NORMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

ARMY NOMINATIONS BEGINNING WITH EDWARD W. TRUDO AND ENDING WITH MING JIANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH DONALD E. EVANS, JR. AND ENDING WITH ELLIOTT J. ROWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATION OF JORGE L. MEDINA, 8975, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH DOUGLAS M. FINN AND ENDING WITH RONALD P. HEFLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. BROWN AND ENDING WITH DAVID S. PHILLIPS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN P. COUTURE AND ENDING WITH JESSE MCRAE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH JONATHAN G. ALLEN AND ENDING WITH JOHN W. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. DANIELS AND ENDING WITH TIMOTHY O. EVANS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATION OF BRIAN T. THOMPSON, 6676, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL R. CIRILLO, 7216, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH VERNON L. DARISO AND ENDING WITH RICHARD W. FIORVANTI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH LEONARD R. DOMITROVITS AND ENDING WITH ROBERT W. SAJEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH SAMSON P. AVENETTI AND ENDING WITH FRANCISCO C. RAGSAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH JASON B. DAVIS AND ENDING WITH PETER M. TAVARES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH DARREN L. DUCOING AND ENDING WITH KENNETH L. VANZANDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT T. CHARLTON AND ENDING WITH BRIAN A. TOBLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

IN THE NAVY

NAVY NOMINATION OF MARK A. GLADUE, 5228, TO BE COMMANDER.

NAVY NOMINATION OF TERRY L. RUCKER, 0803, TO BE CAPTAIN.

EXTENSIONS OF REMARKS

RECOGNIZING JARRETT MUCK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jarrett Muck, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Jarrett has been very active with his troop, participating in many scout activities. Over the many years Jarrett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jarrett Muck for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING A CONCURRENT RESOLUTION HONORING THE 50TH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR (IGY)

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a resolution to mark the 50th anniversary of the International Geophysical Year (IGY), honoring its contributions to space research, and looking forward to future accomplishments. I am pleased that several of my colleagues from the Science and Technology Committee have joined me as original cosponsors and would like to thank Chairman GORDON, Space and Aeronautics Subcommittee Ranking Member CALVERT, and Research and Science Education Subcommittee Chairman BAIRD for their support.

The International Geophysical Year of 1957–1958 was a highly successful international effort to coordinate global observations and measurements of the solid Earth, oceans, the atmosphere, and the near-Earth space environment. It was truly a global effort, involving thousands of scientists from 67 nations who came together—in the midst of the Cold War—to plan and carry out this ambitious cooperative scientific initiative.

As we pause to honor the accomplishments of the IGY, it is worth remembering that the IGY marked the dawn of the Space Age. The successful launches of the first artificial satellites, Sputnik 1 by the former Soviet Union and Explorer 1 by the United States, opened new areas of research and enabled one of the most notable achievements of the IGY, the discovery of belts of trapped, charged particles in the Earth's upper atmosphere by the late Dr. James Van Allen of Iowa.

Yet the discovery of the Van Allen belts is just one of 'the significant scientific achievements of the IGY. Indeed, scientists around the world continue to build on the impressive research legacy left to them by their predecessors fifty years ago. Equally importantly, the IGY has been a shining example of the benefits of international cooperation in scientific endeavors. The coordination of global interdisciplinary observations by researchers from multiple nations during a time of geopolitical tensions continues to be an inspiration and a model for those who recognize the significant contributions that can be achieved when nations come together in the peaceful pursuit of scientific knowledge.

I introduced a similar resolution in the 108th Congress, which passed the House, to honor the IGY and to encourage the celebration of its 50th anniversary throughout the country and the globe. This commemoration serves to not only remember the great scientific work that was done during the IGY, but also to inspire the next generation of scientists and engineers, who will be critical to our continued progress and economic well being. In that regard, I encourage the public and in particular our young people to participate in celebrations planned for the IGY anniversary year and to embrace challenging goals for future research in Earth and space science, so that we will be able to look back, 50 years from now, on equally exciting accomplishments and discoveries.

Madam Speaker, I think that it is fitting that this Congress take the time to recognize and honor the fiftieth anniversary of the International Geophysical Year, and I hope that this concurrent resolution will be speedily adopted by the House.

BIOSURVEILLANCE ENHANCEMENT ACT OF 2007

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to introduce the Biosurveillance Enhancement Act of 2007.

Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. To date, these systems have not yet been adequately developed, although progress is being made. The Biosurveillance Enhancement Act of 2007 will further their development by building upon past efforts in order to provide the United States with a truly effective biosurveillance capability.

The legislation I am introducing today authorizes the National Biosurveillance Integration Center (NBIC), which will be the primary nexus of the Federal Government's biosurveillance efforts. The NBIC will serve as a centralized system for consolidating data from biological surveillance systems and will be staffed by an interagency group of biosurveillance experts. Relevant data feeds will be brought together and analyzed to monitor any unusual health activity, including human, animal, agricultural, food, and environmental health problems. This analysis will enable federal, State, and local governments, and private sector entities, to quickly detect and respond to a biological attack or an outbreak of any natural disease.

My legislation requires the Director to develop, maintain and operate the NBIC and ensure data is integrated from relevant surveillance systems to identify and characterize biological events in as near real-time as possible. This bill will also ensure that the Director continually enhances the NBIC's performance by regularly adding new data feeds, improving statistical and analytical tools, establishing procedures for reporting suspicious events, and providing technical assistance to State and local Governments and private entities.

This legislation will now give us the capability to integrate data from biosurveillance systems with other intelligence information to provide a comprehensive and timely picture of all existing biological threats. Information assembled within the NBIC, such as incident or situational awareness reports, will be shared with the heads of other agencies via information sharing networks.

The NBIC is designed to be a beacon of interagency partnering. Participating agencies will integrate biosurveillance information through the NBIC, provide timely information and connectivity of data systems, detail personnel to the NBIC, and participate in shaping the NBIC's operating practices. In addition, the Director may invite officials of other government agencies, including interagency partners, to participate in a working group to advise and steer the activities of the NBIC.

Situational awareness and early detection can mean the difference between an outbreak and an epidemic, or between a foiled and a successful biological attack. A strong biosurveillance capability will help protect our citizens and will enable us to more effectively respond to the worst-case scenarios. I urge my colleagues to join me in supporting this legislation.

A TRIBUTE TO THE LIFE OF MRS. VERNA DUTY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. COSTA. Madam Speaker, I rise today to honor the life of Mrs. Verna Duty. Mrs. Duty passed away peacefully on Saturday, February 24, 2007. She was 83 years old.

Ms. Duty lived a life of dedication and sincere loyalty to those she cared for and fulfilled the philosophy by which she lived her life of "leaving it better than you found it."

Verna Viola Brown was born on September 18, 1923 in Keota, Oklahoma. Ms. Duty relocated to California and became a lifelong resident of Riverdale, California a small farming community in the San Joaquin Valley.

She was the wife of the late Mr. Joe Duty, a farm worker and she gained a deep appreciation and love for those who labored in the fields. Her pride and joy was being the mother of my dear friend Mayor Alan Autry of the City of Fresno. They shared a special bond and she was his biggest supporter as a mother, friend, confidante and hero. Her spiritual beliefs form an inspirational foundation of values for all who knew her.

Mrs. Duty is survived by her only child, Fresno Mayor Alan Autry and his wife Kimberlee of Fresno; her grandchildren Lauren, Heather and Austin; her brothers Tony, Gene, Alvin and Ronnie and sisters Gladys, Freda, Violet and Elaine.

Although the passing of Mrs. Verna Duty brings sadness to those whose lives she touched, her sincere and compassionate spirit and the ways in which she left this world a better place will never be forgotten.

HONORING THE 30TH ANNIVERSARY OF THE BAILEY'S CROSSROADS ROTARY CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to commemorate the 30th anniversary of the Bailey's Crossroads Rotary Club.

The Bailey's Crossroads Rotary Club was chartered on March 12, 1977, under the sponsorship of the Falls Church Rotary Club. The club was known as "The Early Birds" due to their 7:30 a.m. Friday meeting time at a Bob's Big Boy restaurant.

There were 27 members at the club's onset, which was prior to the approval of female membership. When Rotary International approved membership for women in 1989, the club led the way and was among the first to induct a woman into Rotary.

Bailey's Crossroads Rotary Club continues to maintain a focus on the Four Avenues of Service, both internationally and in the local community. The following activities are highlights of the club's service sponsorships: Interact Leadership Club at JEB Stuart High School; "Family Day"; delivery of Thanksgiving food baskets to the elderly during the holiday season; food and clothing drives to assist the needy; a Rotary Centennial construction project; and consistent support for matching grants projects.

Bailey's Crossroads Rotary Club has consistently been a leader in the number of members who are Paul Harris Fellows, having contributed $1,000 or more to the Annual Programs Fund. The club has given a total of $312,000 to the Rotary Foundation since 1977. The Bailey's club is known throughout Rotary District 7610 as the "Can Do Club" and has received numerous awards including Outstanding Club. I am proud to have served as 1 of the 29 past presidents, and commend current president, Joseph W. Luquire, for his dynamic leadership and for the excellent reputation of the club.

Madam Speaker, in closing, I congratulate Bailey's Crossroads Rotary Club on its continued success and contributions to their community and Nation. On the occasion of their 30th anniversary, I ask my colleagues to join me in acknowledging this outstanding and distinguished organization.

IN HONOR OF SYNOVUS BEING NAMED ONE OF THE BEST COMPANIES IN AMERICA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize and commend a company that has made Columbus, GA, the Second Congressional District of Georgia and the United States proud. Synovus, a diversified financial services holding company based in Columbus, GA, recently was named by Forbes magazine to their Platinum 400 List of America's Best Big Companies.

To create the list, Forbes looked at more than 1,000 publicly traded companies with at least $1 billion in revenue, and chose 400 based on metrics, earnings forecasts, corporate governance ratings, and other public company information. Of course, Forbes selected these companies not just for their financial performance, but also for their leadership, innovation, and execution.

The story of Synovus epitomizes the American spirit, exemplifying the kindness, innovation and enterprising character that has come to define this country. In the 1880s, a mill worker at Eagle and Phenix Mill in Columbus caught her dress in a piece of machinery. As her dress tore, her life savings, which she had sewn into her hem thinking it was the safest place for her money, spilled across the floor.

G. Gunby Jordan, the mill's secretary and treasurer, happened by and offered to keep her money in the mill safe and pay her monthly interest on the deposits. He soon offered the same service to all the mill workers, a system which years later, inspired Mr. Gunby to establish the institution that became Columbus Bank and Trust Company—Synovus' lead bank.

More than a century has passed since that torn dress, and like the act that founded Synovus, the company has continued to operate on the principles of integrity, character, treating people right and doing the right thing.

And it has served the company in good stead: Today, Synovus is one of the largest and strongest financial institutions in the Southeast, with 39 banks and $31 billion in assets.

Indeed, I am proud to have this company in my district. Please join me in congratulating Synovus and its 14,000 employees on receiving this award.

NEW PUNJAB CHIEF MINISTER URGED TO WORK FOR SIKH SOVEREIGNTY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOWNS. Madam Speaker, recently elections were held in Punjab. The voters turned out the Congress Party government and restored the Shiromani Akali Dal to power. This means that Parkash Singh Badal returns as Chief Minister.

The Congress Party claims to be secular, but the fact is that it presided over the massacre of Sikhs that took the lives of over a quarter of a million Sikhs. It was the party that carried out the military attack on the Golden Temple in Amritsar, the center and seat of the Sikh religion. On the other hand, the Akali Dal has historically been the pro-Sikh party. However, during the tenure of Chief Minister Amarinder Singh, Punjab did reclaim its water rights and cancel the agreements that allowed diversion of that water to other states. The bill implementing the cancellation explicitly declared the sovereignty of Punjab.

As you know, Madam Speaker, Punjab, Khalistan declared its independence on October 7, 1987.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has written to Chief Minister Badal urging him to keep his campaign promises of a better economic life for Punjab fanners, of clean government, and to reclaim the capital city of Chandigarh for Punjab. He also urged Mr. Badal to declare again the independence of Punjab, Khalistan and to work for a free and fair vote.

The essence of democracy is the right to self-determination. As such, a free and fair vote on the issue of independence is called for if India still wishes to be looked upon as the democracy it claims to be. The Indian government is sending out its sycophants to spin the Punjab elections as having "debunked" the Khalistan movement, but in fact, quite the opposite is the truth of the matter.

I call on this Congress to stand up for freedom and join in urging the Punjab Legislative Assembly to declare independence again, and to urge India to allow a free and fair plebiscite on the matter of independence for Khalistan, for the Christians of Nagaland, and for Kaslunir, as promised in 1948, as well as all others who seek their freedom. I also call for a stop to American aid and trade with India until basic human lights are respected and everyone there is allowed to live in freedom, dignity, prosperity, and security.

Madam Speaker, I would like to place the Council of Khalistan's letter to Chief Minister Badal into the RECORD at this time with the permission of the House.

COUNCIL OF KHALISTAN,
Washington, DC, February 28, 2007.

Hon. PARAKSH SINGH BADAL,
Chief Minister of Punjab, Chandigarh, Punjab, India.

DEAR CHIEF MINISTER BADAL: Congratulations on your victory in the Punjab elections and your return as Chief Minister. You promised the return of clean government to Punjab. That would be a welcome relief for the people of Punjab. You also promised free electricity and Rs4 per kilo for wheat flour and Rs20 per kilo for lentils for the poor. We welcome these promises and urge you to implement them as soon as possible.

I call upon you to get Chandigarh back for Punjab. As you know, Punjab built Chandigarh to be its capital and it rightfully belongs to Punjab. It is time to get it back.

We also urge you to maintain. Captain Amarinder Singh's water policy. His government cancelled the unfair agreements that allowed the diversion of Punjab's water to nonriparian states. In that bill, the Legislative Assembly explicitly declared the sovereignty of Punjab. Unfortunately, the Congress Party, which presided over the massacre of Sikhs, is an anti-Sikh party. The Akali Dal has historically been the pro-Sikh party. Yours is the party that called on the Sikh Nation to prepare ourselves for "the long struggle to liberate Khalistan." You are presiding over a Sikh political and religious institution that controls the gurdwaras in Punjab. Remember that Professor Darshan Singh, an Akali and former Jathedar of the Akal Takht, has said, "If a Sikh is not for Khalistan, he is not a Sikh."

Each morning and evening, we pray, "Raj Kare Ga Khalsa," the Khalsa shall rule. Do you say this prayer sincerely? Will Delhi let you implement the new price structure you promised? They have done everything in their power to keep the Sikhs oppressed, including imposing President's rule on Punjab nine times. They have been responsible for the murders of a quarter of a million Sikhs, according to figures compiled by the Punjab State Magistracy and published in The Politics of Genocide by Inderjit Singh Jaijee. The Movement Against State Repression reports that over 52,000 Sikhs are being held as political prisoners without charge or trial, some since 1984! The late General Narinder Singh said that "Punjab is a police state."

You have promised to end "the dark and corrupt legacy of despotic dictatorship." There is only one way to do so. That is to declare the sovereign independence of Khalistan. The Legislative Assembly can do this and should do it. This would elevate you immediately from Chief Minister to Prime Minister. Self-determination is the essence of democracy. Why can't India do the democratic thing and allow the people of Punjab, Khalistan to vote in a free and fair plebiscite on the question of independence? What are they afraid of?

Again I congratulate you and urge you to work to end the oppression of Sikhs and keep the interests of the Sikh Nation foremost in your mind as you embark upon your term as Chief Minister. I urge you to work to regain the sovereignty that is our birthright.

Sincerely,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

TRIBUTE TO THE TOWNSHIP OF MILLBURN, ESSEX COUNTY, NJ

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the township of Millburn, Essex County, NJ, a vibrant community I am proud to represent. All through 2007 the good citizens of Millburn township will be celebrating the township's 150th anniversary with special events including a sesquicentennial parade in June and an anniversary ball in October.

Millburn began as a colonial settlement with agricultural origins, followed by a 19th century mill/factory economy and eventually became a Victorian—and later—residential community. There are many examples of this rich history still present in the township, from the Hessian House, the Cora Hartshorn Arboretum, and the Paper Mill Playhouse to the historic districts, Short Hills Park and Wyoming.

Millburn township was once part of Elizabethtown and Newark settlements in New Jersey, created by a grant from Charles II to his brother James in 1664. In 1793, Springfield township was created including Millburn. In 1857, Springfield became part of the new Union County and Millburn became a separate township within Essex County.

After the Revolution, the Rahway River was dammed in five places to form mill ponds. Samuel Campbell built the first paper mill in 1790 and manufactured banknotes. Most of the early mills were paper mills, among them the Diamond Mill, now the site of the Paper Mill Playhouse, but hat mills eventually became dominant. In 1835, the Morris and Essex Railroad was finally completed, linking Millburn to the big cities in the East and the coal regions in the northwest.

Millburn has had many names, from Rum Brook, Vauxhall, Milltown, and Millville. In 1857, Millburn was decided upon, partly because many of the town's residents were from Scotland and the mill burn—Scot word for river or stream—reminded them of home. Later there were disputes over the spelling of Millburn, but the double-L advocates won.

In 1872, the Wyoming Land and Improvement Company purchased 100 acres of land and the first speculative real estate development was started and named Wyoming. Stewart Hartshorn acquired 1,552 acres to build his ideal village called Short Hills, the first planned commuter suburb in America.

Today, Millburn township has a population of approximately 19,735 and is comprised of Millburn, including the historic Wyoming district, South Mountain and Millburn Center areas, and Short Hills which includes the sections of Knollwood, Glenwood, Brookhaven, Country Club, Merrywood, Deerfield-Crossroads, Mountaintop, White Oak Ridge and Old Short Hills Estates.

Madam Speaker, I urge you and my colleagues to join me in congratulating the residents of Millburn township on the celebration of 150 years of rich history of one of New Jersey's finest municipalities.

RECOGNIZING BRIAN PATRICK WESSLING FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Patrick Wessling, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Patrick Wessling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF ROYALTY-IN-KIND FOR ENERGY ASSISTANCE LEGISLATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am again introducing the Royalty-in-Kind for Energy Assistance Improvement Act. This bill is intended to make it possible for the Department of Interior to implement a provision in the Energy Policy Act of 2005 that was intended to provide a new way to assist low-income people to heat or cool their homes.

For several years before 2005, the Department of Interior had authority to develop "royalty-in-kind" arrangements under which companies developing federal oil could meet their required royalty payments by providing oil instead of cash. The Energy Policy Act expanded this provision to apply to natural-gas developers as well, and also added new authority for Interior to grant a preference to low-income consumers when disposing of natural gas it obtained under such an arrangement.

While this Energy Policy Act provision does not specifically reference the federal Low-Income Home Energy Assistance Program (LIHEAP), its implementation could benefit that program.

LIHEAP is intended to help low-income Americans pay for their heating and cooling costs. However, at current funding levels this critically important program serves less than 15 percent of those who qualify for it. Implementing the Energy Policy Act provision to grant a preference to low-income consumers would supplement LIHEAP funding and expand the amount of energy assistance available to the poor.

After enactment of the 2005 legislation, I joined my colleagues from Colorado in writing a letter to Interior Secretary Gail Norton asking her to consider beginning implementation of the new provision through a pilot program in Colorado. In the letter we emphasized the importance of helping this country's most vulnerable citizens, who are increasingly hard hit by rising energy costs.

In a reply to my office, the Interior Department responded that the Interior Department's lawyers had reviewed the Energy Policy Act provision and had concluded that as it now stands it could not be implemented because the current law "does not provide the Department with the authority or discretion to receive less than fair market value for the royalty gas or oil."

My bill is intended to correct the legal deficiencies in the provision as enacted to make it possible for the Interior Department to implement the program. In developing the legislation, my staff has reviewed the Interior Department's legal opinion and has consulted with the Interior Department's lawyers and with other legal experts. Based on that review, I think enactment of my bill will resolve the legal problems cited by the Interior Department and will enable the program to go forward.

Spring may be nearly upon us, but hot summer temperatures and another winter are just months away. I believe the Energy Policy Act provision to help low-income consumers is an innovative tool that must be allowed to work. The Royalty-in-Kind for Energy Assistance Improvement Act would make this possible. I urge my colleagues to support this legislation and to support energy assistance for this nation's most vulnerable residents.

Here is a brief outline of the bill:

Section One—provides a short title ("Royalty-in-Kind for Energy Assistance Improvement Act of 2006").

Section Two—sets forth findings regarding the importance of LIHEAP and the intent of the relevant provisions of law regarding payment of royalties-in-kind and the conclusion of the Interior Department that the provision of the 2005 Energy Policy Act intended to allow use of royalties-in-kind to benefit low-income consumers cannot be implemented. This section also states the bill's purpose, which is to amend that part of the Energy Policy Act in order to make it possible for it to be implemented in order to assist low-income people to meet their energy needs.

Section Three—amends the relevant provision (Section 342(j)) of the Energy Policy Act by—

(1) adding explicit authority for the Interior Department to sell royalty-in-kind oil or gas for as little as half its fair market value in implementing that part of the Energy Policy Act under an agreement that the purchaser will be required to provide an appropriate amount of resources to a Federal low-income energy assistance program;

(2) clarifying that such a sale at a discounted price will be deemed to comply with the Anti-deficiency Act; and

(3) authorizing the Interior Department to issue rules and enter into agreements that are considered appropriate in order to implement that part of the Energy Policy Act.

These changes are specifically designed to correct the legal deficiencies that the Interior Department has determined currently make it impossible for it to implement this part of the Energy Policy Act.

RECOGNIZING LINDA HOLBROOK

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished public service of Linda Holbrook. After 35 years with the U.S. Department of the Treasury—Internal Revenue Service, IRS, she will retire.

During her tenure, Linda worked her way from an entry-level data transcriber to her current position for the past 13 years as Territory Manager of the IRS Real Estate and Facilities Management Operations, Fresno Territory. I have had the pleasure of working with Linda, and her dedication to the community is to be commended.

During her time in Facilities Management, Linda guided the acquisition of over 500,000 square feet of space in eight buildings in downtown Fresno, bringing thousands of Federal employees and visitors into our central business district. Her support of the city of Fresno's downtown revitalization effort has been widely recognized and has served as a stellar example of the benefits that can arise from partnership among congressional, Federal Government and local officials. Linda serves as an example to staff throughout the Federal Government of how a local program manager can work closely with local officials to assure that each group's work complements the others in such a way that both are enhanced.

Throughout her career at the IRS, Linda Holbrook has proven to be a highly effective administrator who was always committed to public service. As she gets set to spend more time with her husband, Brent, I wish her continued success and good luck in all her future endeavors.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Vienna Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Vienna Police Department. Receiving the Lifesaving Award: Master Police Officer Trent H. Nelson, Sergeant Jamie L. Smith, Police Officer First Class Jarod B. Evans; the Certificate of Valor: Sergeant Michael R. Reeves, Officer Christopher W. Shaver.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Vienna Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

IN HONOR OF AFLAC, INC. BEING NAMED ONE OF THE BEST COMPANIES IN AMERICA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize and commend a company that has made Columbus, GA, the Second Congressional District of Georgia and the United States proud. Aflac, Inc., a company that epitomizes corporate citizenship and responsibility towards its employees, recently was named by Forbes magazine to their Platinum 400 List of America's Best Big Companies.

To create the list, Forbes looked at more than 1,000 publicly traded companies with at least $1 billion in revenue, and chose 400 based on metrics, earnings forecasts, corporate governance ratings, and other public company information. Of course, Forbes selected these companies not just for their financial performance, but also for their leadership, innovation, and execution.

Founded in downtown Columbus, GA, in 1955 by brothers John, Paul and Bill Amos, the American Family Life Insurance Company ended its first year with 6,426 policyholders and $388,000 in assets. Today, Aflac has over $56 billion in assets and insures 40 million people worldwide. Additionally, Aflac is the number one provider of guaranteed-renewable insurance in the United States.

As it has gained respect around the world, Aflac has been an asset to my district, providing 3,800 employees in our area with good jobs and a positive work environment. In addition to this year's award from Forbes, Aflac has received many others, including being named among Fortune magazine's "Best Places to Work" for 9 years running, as one of the "Best Companies for Diversity" by Black Enterprise magazine, and among the "100 Best Companies for Working Mothers" by Working Mother magazine.

Aflac also makes significant contributions to the community, including a gift of nearly $34 million to the Aflac Cancer Center and Blood Disorders Service at Children's HealthCare in Atlanta.

Indeed, I am proud to have this company in my district. Please join me in congratulating Aflac and its 69,000 U.S.-based agents on receiving this award.

COUNCIL OF KHALISTAN COMMENTS ON PUNJAB ELECTIONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOWNS. Madam Speaker, the Council of Khalistan recently issued a press release on the elections in Punjab and the victory of the Shiromani Akali Dal. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, noted the unfortunate cycle between the Congress party, which was primarily responsible for the genocide against Sikhs, and the Shiromani Akali Dal, which is in coalition with the Hindu nationalist Bharatiya Janata Party (BJP), which is the political arm of the Rashtriya Swayamsewak Singh (RSS), an organization formed in support of the Fascists of Europe which has been responsible for acts of violence against minorities. The RSS also published a booklet on how to implicate minorities such as Sikhs, Christians, and others in false criminal cases. An alternative to these two parties is sorely needed. The Sikh nation needs leaders who are committed to protecting their interests.

As you know, Madam Speaker, former President Bill Clinton, in his foreword to Madeiine Albright's book, wrote that 38 Sikhs in Chithisinghpora were murdered while he was visiting by Hindu militants. New York Times reporter Barry Bearak has concluded that the Indian government's forces were responsible. Although the killers dressed as "militants," they spoke to each other in the language of the Indian army. It appears that this is just another of the many incidents where either the Indian military or its paid "Black Cats" paramilitary units have been caught carrying out terrorist incidents in the guise of alleged "militants."

Remember that according to India Today, India's leading news magazine, it was the Indian government itself that created the Liberation Tigers of Tamil Eelam, identified by the U.S. government as a terrorist organization.

Madam Speaker, the essence of democracy is the right to self-determination. It is time for India to end the repression of its minorities and allow them to exercise their basic democratic right to a free and fair vote on the question of independence. This Congress should put itself on record demanding that India do so. Further, we should cut off our aid to India and our trade with that country until full human rights, including the right to self-determination, are enjoyed by all the people there.

Madam Speaker, I request permission to place the Council of Khalistan's press release on the Punjab ejections into the RECORD at this time.

[From the Council of Khalistan—Press Release]

AKALI DAL WINS PUNJAB ELECTIONS—MUST PUT INTERESTS OF SIKH NATION FIRST—KHALISTAN IS THE ONLY SOLUTION

WASHINGTON, DC., FEB. 28, 2007.—The Shiromani Akali Dal, under the leadership of Parkash Singh Badal, won the state elections for the Punjab Legislative Assembly, winning 48 of 117 seats to 44 for the Congress party, 19 for the Bharatiya Janata Party, 5 Independents. and one seat still to be elected. Since the Akalis and the BJP are coalition partners, this puts the Akall coalition back in charge with a 67-seat majority. As a reward, the BJP got the position of Deputy Chief Minister.

"It is sad that the people of Punjab are reenacting the cycle of choosing between the Congress Party, which presided over the massacre of Sikhs and the Akalis, whose coalition partner, the BJP, wants to wipe out the Sikhs and all minorities," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Captain Amarinder Singh is to be given credit for doing some pro-Sikh things like cancelling the water agreements that permitted the diversion of Punjab's water to non-riparian states," said Dr. Aulakh. "But he is still trapped by the Congress Party. Badal, who presided over the most corrupt government in Punjab's history, has pledged clean government. He has promised free electricity for Punjab farmers and Rs4 per kilo for wheat flour and Rs20 per kilo for lentils to the poor. Let's see if he keeps his word, Dr. Aulakh said.

"Radal is the head of a Sikh religious and political body. His party controls the Gurdwaras in Punjab. That's where he got the money to buy the alcohol for his election," Dr. Aulakh said. He noted that the BJP, the Akalls' coalition partner, is the political arm of the Rashtriya Swayamsewak Sangh (RSS). a pro-Fascist organization that has worked to eliminate minorities from India. "Is Badal on the side of the Sikhs or the RSS?" Dr. Aulakh asked. He called on the Badal government to get Chandigarh back for Punjab. "Punjab built Chandigarh to be its capital. It properly belongs to us. The government of Punjab should be pressing to get our capital back," he said.

"Remember that the Akalls once called on the Sikh Nation to carry out 'the long struggle to liberate Khalistan,'" Dr. Aulakh said. "These elections show why we must liberate Khalistan from Indian occupation and oppression," said Dr. Aulakh. "That is the only way for Sikhs to protect ourselves from India's brutality. Elections under the Indian constitution will only perpetuate it. The only way that the repression will stop and Sikhs will live in freedom, dignity, and prosperity is to liberate Khalistan," said Dr. Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khallstani, he is not a Sikh.'," Dr. Aulakh said.

After human-rights activist Jaswant Singh Khalra exposed the Indian government's policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated, the police kidnapped him. Khalra was murdered in police custody. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. Rajiv Singh Randhawa, who was the only witness to the Khalra kidnapping, has been repeatedly subjected to police harassment. This includes being arrested for trying to hand a piece of paper to then-British Home Secretary Jack Straw in front of the Golden Temple. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He was never punished for this crime.

In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. A report by the Movement Against State Repression (MASR) quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." The MASR report states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Last year, 35 Sikhs were charged and arrested in Punjab for making speeches in support of Khalistan and raising the Khalistani flag. "How can making speeches and raising a flag be considered crimes in a democratic society?" asked Dr. Aulakh.

India is on the verge of disintegration. Kashmir is about to separate from India. As L.K. Advani said, "If Kashmir goes, India goes." History shows that multinational states such as India are doomed to failure. "Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot liKe those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. There is nothing in common in the culture of a Hindu living in Bengal and one in Tamil Nadu, let alone between them and the minority nations of South Asia," Dr. Aulakh said.

"Freedom is the God-given right of every nation and every human being," said Dr. Aulakh. He noted that the Indian government was already spinning the results. "Their wholly-owned U.S. Congressman, Frank Pallone (D-New Jersey) has already portrayed the elections as a rejection of Khalistan, even though the voters defeated the Congress Party, which is against Khalistan,' Dr. Aulakh said. "Congressman Pallone sounds like he is being compensated by the Indian regime," Dr. Aulakh noted. "Sikhs must be allowed to have a free and fair plebiscite on the issue of Khalistan. In a democracy, you cannot continue to rule against the wishes of the people," he said. "The essence of democracy is the right to self-determination. Currently, there are 17 freedom movements within India's borders. It has 16 official languages. It cannot hold together for very long," he said. "We hope that India's breakup will be peaceful like Czechoslovakia's, not violent like Yugoslavia's," Dr. Aulakh said. "Earlier this year, Montenegro, which is less than a million people, became a sovereign country and a member of the United Nations," he said. "Now it is the time for the Sikh Nation of Punjab, Khalistan to become independent. We must free Khalistan now."

TRIBUTE TO THE RIVERDALE VOLUNTEER FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Riverdale Volunteer Fire Department in the borough of Riverdale, Morris County, New Jersey, a vibrant community I am proud to represent. On February 25, 2007, the good citizens of Riverdale will celebrate the Fire Department's 100th anniversary.

The Riverdale Volunteer Fire Department officially began as the Pompton Volunteer Fire Department on February 25, 1907. Twenty-three men from the village of Pompton, New Jersey, and vicinity met at Post's Mercantile Shop on the Hamburg-Paterson Turnpike on January 2, 1907, to begin organizing a local fire department. By the end of February, officers had been elected and the name Pompton Fire Department had been selected.

The Apparatus Committee first purchased three dozen pails and painted them red. Later in 1907, the department approved "no more than $10" to build a two-wheeled truck to carry ladders. Located on the Hamburg-Paterson Turnpike, the first firehouse was on land now occupied by the Hale-DuBow Agency building. The village of Pompton became the borough of Riverdale in 1923, but the fire department retained its original name until 1958, when it was changed to the Riverdale Volunteer Fire Department. In the early 1960's the department united with most other borough organizations and moved to the town municipal building. The fire department moved to Post Lane in 1980 and has remained at that site.

The borough of Riverdale joined with nine other Morris County towns in September 1993 to form the Northeastern Morris Mutual Aid Association, NEMMA. NEMMA meets monthly to discuss firematic issues, trade information, and conduct training sessions. Every year one of the towns hosts a large-scale simulated disaster drill.

The borough of Riverdale has grown over the years and since 2000 has seen new multistory condominiums, senior housing, and the completion of a large retail complex, all of which has strained the volunteer fire department. In addition to building and vehicle fires, the firefighters respond to medivac landings, flood evacuations, motor vehicle extrications, and hazmat incidents. Town government and citizen support has enabled the fire department to make necessary equipment purchases, complete additions and renovations to the firehouse, and development a length of service program to help recruit and retain members. For the first time in decades, membership is over 30 firefighters.

Madam Speaker, I urge you and my colleagues to join me in congratulating the borough of Riverdale Volunteer Fire Department and all its firefighters, past and present, on the 100th anniversary of protecting one of New Jersey's finest municipalities.

TRIBUTE TO OREGON'S LAST WORLD WAR I VETERAN MR. HOWARD V. RAMSEY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. HOOLEY. Madam Speaker, I rise today to honor and pay tribute to Oregon's last World War I veteran, Mr. Howard V. Ramsey. On February 22, 2007, our country lost one of our bravest, one of our favorite sons.

Howard V. Ramsey was born in 1898 in Rico, Colorado. As a student at Washington High in Portland, Oregon, Mr. Ramsey enrolled in the Oregon Naval Militia. After a failed attempt to enroll in the United States Army because he was underweight, Mr. Ramsey's perseverance and dedication to serve showed true as he was accepted later that year.

Mr. Ramsey served as an Army corporal in France. Armed with the highly sought-after skill of driving, Mr. Ramsey was charged with providing transportation for officers, providing water for soldiers on the front lines and returning the bodies of soldiers killed in combat.

After completing his service, Mr. Ramsey returned to Portland, Oregon, around 1920 and worked for Hudson-Essex, which later became Hudson Motor Car Company. In 1922 he went to work for Western Electric, which later became AT&T, and retired in 1963 at the age of 65.

I join all Oregonians, and all Americans, in expressing my sincere condolences to the family of Howard V. Ramsey for their loss. Our state, and our nation, is greater because of Mr. Ramsey's presence and we are lessened by his passing.

It is a true honor and privilege to be here today to remember one of the last World War I veterans. Madam Speaker, our country is honored by his service and thankful for all that he gave to ensure our freedom.

"YOU ARE OUR HEROES"

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the fourth grade class at Redeemer Lutheran School in Pensacola, Florida, for their letters of appreciation to our nation's past and present service men and women.

Last week when I visited the school, the fourth grade class shared with me a letter project that they have been working on since the start of the school year. Their letters of thanks and admiration are sent to our men and women serving proudly overseas. I would like to take the time and share with you their heartfelt letter.

YOU ARE OUR HEROES

You are the men and women we honor today.
Our heroes are all of you—and we give you our thanks.
United we stand together!
Always on duty in protection of us.
Remembering the bravery of those who have served.
Everyone salutes and thanks you.
Our freedom is because of your sacrifices.
United States of America—you represent our best.
Respect and appreciation is what we have for you.
Helping us to live in a safer world.
Excellence, respect, and discipline is what you are.
Racing around the world to protect our freedom.
Overcoming fear, challenges, and being far from home.
Experiencing hardships to keep our country free.
Supporting you is our duty, and we offer our prayers for your safety.

Madam Speaker, I commend these young folks for their thoughtfulness and patriotism. I hope they continue to be shining examples and wish them all best.

COMMEMORATING THE 46TH ANNIVERSARY OF THE PEACE CORPS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LANTOS. Madam Speaker, I rise today to congratulate the Peace Corps on its 46th anniversary, and commend the agency and its volunteers on the invaluable contribution they have made in promoting America's interests and values around the world since the organization's founding in 1961.

Forty-six years ago, President Kennedy challenged Americans to "Ask not what your country can do for you, ask what you can do for your country." His inspiring words launched the Peace Corps, which President Kennedy officially established by Executive order on March 1, 1961. The response to the President's call for this bold experiment was swift and enthusiastic, with the first volunteers accepting the challenge and leaving for their overseas assignments less than 6 months later.

Each successive generation has answered President Kennedy's call, expanding the Peace Corps' ranks and extending its reach every year. Since its inception, more than 187,000 Peace Corps volunteers have been invited by 139 host countries to work on issues ranging from HIV/AIDS education to information technology and environmental preservation.

This year, more than 7,700 volunteers have fulfilled President Kennedy's vision by living and working alongside people in 73 countries. Today's Peace Corps is more vital than ever, working on emerging and essential areas such as business, community, and youth development, and committing over 1,000 new volunteers as a part of the President's Emergency Plan for AIDS Relief. Peace Corps Volunteers reach over 1.6 million young people every year, working on service-learning projects, teaching them the value of giving back to their own communities.

The Peace Corps has received such extraordinary success because its mission resonates with Americans and with the millions of people across the globe that it has served. By immersing themselves in local cultures and working side by side with the communities they serve, Peace Corps volunteers have made a positive impact in a very personal way. They work with teachers and parents to improve access to education, with community groups to reach out to at-risk youth, with farmers to develop better farming methods, and with communities and local governments to stop the spread of HIV/AIDS and other infectious diseases.

The Peace Corps' work has made a critical contribution to America's national security.

Born during the height of the cold war as a means of preventing the false promise of communism from taking hold in the developing world, it has adapted its mission for the 21st century to embrace all people struggling to survive and take advantage of the new opportunities of our times. Peace Corps is critical in our effort to promote sustainable development, human rights and rule of law, and encourage free markets. Through Peace Corps, people of foreign nations learn that America is a force for peace, justice and prosperity in the world.

The Peace Corps is celebrating its 46th anniversary this week to raise awareness of its good work. I would like to recognize the 13 volunteers from my district who have met President Kennedy's call and are serving valiantly in countries across the globe. I ask my colleagues, Mr. Speaker, to join me in celebrating the Peace Corps' success and wishing it well into the future.

SWORN-IN VOLUNTEERS IN THE 12TH DISTRICT OF CALIFORNIA, REPRESENTATIVE TOM LANTOS

Volunteer name	Country of service	Start of SVC date	Projected COS date
Beasley, Rachel E	Niger	29-Sep-2006	28-Sep-2008
Beitiks, Mikelis V	Ghana	02-Dec-2005	02-Dec-2007
Brownlee, Thomas E	South Africa	13-Oct-2005	06-Oct-2007
Capp, Anna J	Burkina Faso	21-Oct-2005	18-Oct-2007
De Vries, Thomas B	Cape Verde	09-Sep-2005	03-Sep-2007
Farrell, Rachel L	Peru	02-Dec-2005	02-Dec-2007
Finley, Tessa M	Kenya	05-Aug-2005	03-Aug-2007
Kent, Ashley M	Malawi	15-Dec-2005	11-Dec-2007
Levine, Pamela B	Tanzania	16-Aug-2006	16-May-2008
Meyer, Andrea R	Zambia	14-Aug-2006	09-Aug-2008
Moutsos, Thomas S	Philippines	01-Jun-2006	06-Jun-2008
Tang, Natalie M	Madagascar	06-Dec-2005	11-Dec-2007
Wandro, Joshua D	Azerbaijan	05-Aug-2005	04-Aug-2007
Total volunteers: 13			

SPIRIT OF SOUTH CAROLINA LAUNCHES HOPE FOR STUDENTS

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BROWN of South Carolina. Madam Speaker, on Sunday, March 4, 2007, an important event will take place in Charleston, SC. The South Carolina Maritime Heritage Foundation will be launching its tall ship, the *Spirit of South Carolina.*

The *Spirit of South Carolina* a few years ago was nothing more than a footnote in the South Carolina history books. "The residents of Charleston and South Carolina are reconnecting with a bygone era, and in so doing, they intend to address crucial issues in education. In a city known for historic preservation, this initiative isn't about buildings; this time it involves a ship—the *Spirit of South Carolina.* When the newly built, 140-foot traditional sailing vessel finally splashes down on Sunday, March 4, it will offer a unique portal into the region's history, but it will also present a window of opportunity for tackling some vexing problems facing the State's school systems.

Almost 6 years in the making, this elegant, robust vessel—envisioned originally as a means of rekindling interest in the region's rich maritime heritage—will become the first genuine wooden sailing ship to be built here in more than 100 years. Where once there were hundreds of such ships, and many shipyards, now there is just one to call this region home, but it's a ship worth the wait.

The 150-ton *Spirit of South Carolina* has been designed and built along the lines of the traditional pilot schooners that served as a vital component of the region's busy mercantile scene in the 18th and 19th centuries. Like its forerunners, this ship has been built with traditional methods, including lumber grown in South Carolina, and this ship will also have a crucial function—serving to deepen and enhance the education of young students from around the State.

The *Spirit of South Carolina* will serve as an ambassador for our community and for the State of South Carolina. She is a beautiful, fast, world-class schooner, which will represent the history and culture of the Palmetto State in port cities around the world. Wherever she sails, the *Spirit of South Carolina* and her crew will serve as South Carolina's goodwill ambassadors.

Thanks to the hard work and dedication of folks like Chairman John "Hank" Hofford, Mayor Joe Riley, Pierre Manigault, R.E. "Teddy" Turner, Jr., Brad and Meaghan Van Liew, Captain Anthony Arrow and many more, the *Spirit of South Carolina* is now a reality.

RECOGNIZING CHRISTOPHER BLAKE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Blake, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community,

Madam Speaker, I proudly ask you to join me in commending Christopher Blake for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Fairfax County Police Department. Receiving the Lifesaving Award: Mr. Khalid S. Sheikh; the Certificate of Valor: Sergeant Michael O. Barbazette, Detective Anthony D. Erway, Police Officer First Class Brian A. Gaydos, Detective John P. Keating, Second Lieutenant Christopher C. Cochrane, Police Officer First Class John S. Turner Jr., Police Officer First Class Eric M. Hillebrand, Police Officer First Class Darrell D. Estess; the Gold Medal: Master Police Officer Michael E. Garbarino, Detective Vicky O. Armel, Officer Richard A. Lehr Jr.; the Silver Medal: Master Police Officer Mark P. Dale, Detective Jeffrey W. Andrea, Master Police Officer William C. Horn, Second Lieutenant Boyd F. Thompson Jr.; the Bronze Medal: Police Officer First Class Westley S. Bevan, Lieutenant Stephen J. Thompson, Second Lieutenant Craig C. Copeland, Detective Steven L. Carroll, Police Officer First Class Daniel L. Horton, Master Police Officer Jeffrey K. Rockenbaugh, Master Police Officer Robert D. Patterson, Police Officer First Class James H. Urie, Police Officer First Class Ivan J. Roeske, Public Safety Communicator III Lisa A. Smith, Lieutenant Joseph R. Hill, Police Officer First Class Christopher R. Keaveny, Police Officer First Class David M. Popik, Sergeant Mark J. Smith, Sergeant John G. Sterling, Police Officer First Class Michael A. Wheeler.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

SIKH EDITOR WRITES TO PRESIDENT BUSH, URGES SUPPORT FOR SIKH FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOWNS. Madam Speaker, recently, Dr. Awatar Singh Sekhon, Managing Editor of the International Journal of Sikh Affairs, wrote to President Bush about the dangerous situation in India, where democratic rights for minorities are under continuing threat. He also published the letter in his magazine.

Dr. Sekhon noted that the interests of the United States and its allies, such as Canada, are likely to be damaged by continuing close cooperation with India. As he observed, although India proudly portrays itself as "the world's largest democracy," it is a country where, as he writes, "democracy has been used to deny freedom, national and human rights, and basic human dignity to the majority." That majority includes Christians, Sikhs, Muslims, Dalits, and other minorities.

He notes that in India, the Brahmin class, which is 15 percent of the population, uses the most brutal oppression to suppress and rule the minorities. The caste system is still rigorously enforced, despite being made illegal in 1950. It is used to keep the people down, backed by violent repression. He notes that in 1948, the Indian government promised the people of Kashmir a plebiscite on their status. Punjab was promised sovereignty at the time of Indian independence. Those promises have not been kept and any effort to claim what was promised has been met with brutality that has resulted in the murders of over 250,000 Sikhs, over 300,000 Christian Nagas, over 90,000 Kashmiri Muslims, Muslims and Christians elsewhere in the country, and tens of thousands of other minorities. Yet our policymakers insist on treating India both as a democratic country and as an ally, despite its longstanding and still current friendship with Russia, as well as its coziness with the mullahs of Iran, to whom it has sold heavy water and other components.

Dr. Sekhon cites the attack on the Golden Temple as another example of India's effort to eliminate the minorities and subsume them into a Hindu state.

Madam Speaker, I call on all my colleagues, especially those who are promoters of India, to read this devastating letter. It is quite damaging to India and it is right on target. It will give you essential information on the lack of basic liberties in that country.

We can makce a difference, Madam Speaker. Instead of cozying up to India and trying to cut deals with them in the name of stability, it is time to stop our aid and our trade to pressure India to allow all its people to enjoy basic human rights. And it is time to put the U.S. Congress on record in support of self-determination for all the peoples and nations of the subcontinent through a free and fair plebiscite on their status. Isn't that the fair and responsible way to handle questions like this? Isn't that the way democracies do it? Why is India afraid of real democracy?

Madam Speaker, I would like to insert Dr. Sekhon's excellent letter into the RECORD. Again, I urge eveyone to read it. It will prove very informative.

INTERNATIONAL JOURNAL OF
SIKH AFFAIRS,
January 24, 2007.

Hon. GEORGE W. BUSH,
President, United States of America,
The White House, Washington, DC.

SOUTH ASIA: INTERESTS, PERMANENT ALLIES, WORLD PEACE AND THE ROLE OF THE UNITED STATES IN THE REGION

I am a citizen of Canada and a member of the Canadian Sikh community. I retired from service in public health as a microbiologist, research scientist, administrator and academic a few years ago. I am now active in work for human rights. These rights are not peculiar to a people or country; they protect the entire human race. I am expressing below my concerns over the likelihood of damage to long-term interests of the United States of America, its allies, the NATO forces, Canada in particular. The pain of sufferings families of North America, in Europe, the Middle East and South Asia is hard to ignore. The irony is that the more the U.S. tried to ameliorate conditions, the worse they have become.

The people of North America know very well the objectives of the United States (U.S.) and the hurdles faced in leading the world during much of the 20th and in the current 21st centuries. The people of the U.S. and their elected leaders have devoted a lot of time, money and precious resources in manpower and management for the good of the mankind to make the world better and safer. Despite all the good intentions of the democratic world it has been struggling to find a basis for lasting world peace. I believe that the long-term interests of the United States and the world at large are complementary. The U.S. leadership is good for the world. Yet, increasingly fewer people believe that to be true. Is there anything amiss?

I firmly believe that the United States and its allies eagerly want to prevent the sufferings of friendly peoples whose governments they have influence over. While we find the stern hand of the U.S. military operating against enemies, there is little effort to impose the same principles of human freedom and dignity on "friends". Much of South Asia is democratic; India boasts of being the largest democracy in the world. Yet it is in India—more than anywhere else—where democracy has been used to deny freedom, national and human rights, and basic human dignity to the majority. As the Hon. Dana Rohrabacher, (R-Cal) had said as far as the minorities (the Sikhs, Muslims in general, Muslims of the Internationally Disputed Areas of Jammu and Kashmir, Christians, Dalits, Adivasasis or the indigenous native people, and other non-Hindu, non-Brahmin) are concerned, India is a Nazi Germany for them (Tim Phares 2006 Int J Sikh Affairs 16(1),40–42 ISSN 1481-5435).

Congressman ROHRABACHER's assessment is accurate and well justified; it can be the focal point of a new beginning with India. The question is: how could a country, which is the world's largest democracy, sustain caste apartheid and pogroms against minorities without facing recrimination? It is done by mis-definition and misrepresentation the world is too busy to try and unravel. India is not a nation and has not even tried to become a nation during the 60 years that it has been "free". It has relied entirely on brute military force to crush any people that demanded its rights. The fact is the Muslims are a majority in Jammu and Kashmir, the Sikhs are a majority in the Punjab and Hill tribes of Assam are mostly Christian. The People of Jammu and Kashmir were promised a plebiscite that was endorsed by the United Nations. The Sikhs were promised their separate state Khalistan by the Congress leaders in exchange for rejecting Pakistan's offer of the same. The Tribal peoples of Assam were also promised "freedom" if they sided with the Congress Party against the British. Now that these peoples demand what was promised, India has unleashed the most diabolical genocide and an international campaign to demonize their stuggle. The British Raj lasted as long as it did because it was founded on recognition of India as multiple nations. How can a country call itself a democracy when it discards its very foundation—the right of national self-determination?

India aspires for its leaders—M.K. Ghandi and J.L. Nehru—to be recognized with other great leaders of the democratic world like George Washington, Franklin D Roosevelt, Abraham Lincoln, J.F. Kennedy, Jimmy Carter, and William Jefferson Clinton. But it cannot even begin to secure that position until it can show that they stood up for the oppressed within the country and without. India has invaded each one its neighbours, overtly or covertly; if it gave in to any demand, it sought to hurt twice as much elsewhere. The Untouchables or Dalits—who are a majority in several states of India and constitute 65 % of its population—were promised "reservation" of seats in the parliament, in education and jobs. Even after 60 years, it is still denied to backward castes and to Muslims. India uses "democracy" as means to fudge issues and deny rights by never ending arguments in circles. That is the experience of the people in the country and neighbours who live in dread of roads being closed or rivers being diverted.

The devious policies and broken promises is the hallmark of India today. The Sikhs have been the worst victims. They founded the first secular and sovereign state in South Asia by Sikh monarch Ranjit Singh in 1799 that was "annexed" by treaty to the British Empire on 14th March, 1849. In June 1984, the Darbar Sahib Complex which includes the Supreme Seat of Sikh Polity, The Akal Takht Sahib, Amritsar (mistakenly known as Golden Temple of Amritsar), which is the Vatican of the Sikh faith, was assaulted by the Indian Army killing 20,000 devotees who were inside the temple and their leader Sant Jarnail Singh Bhindranwale was martyred. When the Sikh guards of Prime Minister Indira Gandhi avenged the assault assassinating her, the worst pogrom was unleashed upon the Sikhs all over India that resulted in 250,000 Sikhs—mostly young men and their families—who were mercilessly killed, Indian diplomats talk about the tradition of non-violence in India of which Mahatma Gandhi is considered to be a universal symbol. But the truth is that India is violent but only to the weak; when confronted with strong and powerful the Brahmin response is obsequious folding of hands. This manner of greeting appears to be show of humility. But it is actually a statement that the person being greeted is of low birth and is untouchable.

On 15th of August 1947, the British handed over political power to the "unelected" Hindu leadership. But the Hindus/Brahmins (neither a religion nor a culture) were only 15 % of the population; how could they be the successors of the British Empire in India. Once installed in power, they have relied on a combination of hate (for people of foreign faiths or of low birth), guile and stratagem far mor complex than any Machiavelli. The record of their rule over India speaks eloquently how Hindus/Brahmins have been master-mind in persecution of faith minorities and the low caste majority of native peoples who are deemed to be inferior by birth in their unique faith. Through Article 25 of the Indian Constitution 1950, the Sikh, the Buddhists and Jains and all the Untouchables, all of who are victims of oppression and apartheid, are denied their separate identity and deemed to be Hindus. The Sikh faith founded by Guru Nanak Sahib was a rebellion to reject the caste "apartheid" enforced by the Hindus of Brahmin caste. The irony is that when freedom came, the Sikhs were declared to be Hindus (long haired Hindus) albeit of the renegade variety, against the teachings of its founder, Guru Nanak Sahib, and the Sikhs' Holy Scripture, Adi Guru Granth Sahib. It is difficult to portray the anger, revulsion and frustration felt by the Sikhs in this unwelcome embrace of Hinduism (which is neither a religion nor a culture according to the verdict of Punjab and

Haryana High Court, 1984). Brahmin rule in post-15th August, 1947, India has interest only in maintaining the apartheid system; its objective is the prosperity of urban dwelling upper castes—the so called 200 million middle class.

Suave Indian diplomats routinely underlines that the USA and India are natural allies. Even American politicians and diplomats have started to harp on the same theme. It is time, this was questioned. What makes them natural allies? During the years of the Cold War, India was the friend of The Soviet Union, not of America. Why? It is because both were internally and internationlly imperialist. Now, India needs an imperial patron to underpin its own imperious. It needs the U.S. Is that the role the USA sees for itself in the world? As supporter of local imperialists? Surely the power and prestige of the USA is such that it must aim higher: obtain lasting universal peace and harmony; amity between faiths; unfettered democracy; free trade. Tied to apron strings of India, the USA is bound to drift into petty machinations to deny freedom to some and equality to all. India's imperialism is founded on delaying tactics and betrayal. All the problems in the South Asian region are product of Brahmin spin or stratagem. The media makes wild forecasts of India of the future. It is supposed to be a huge market for consumer goods. Whose? Peoples' Republic of China?

Some people have become very rich in India. Diaspora Indians are clever and are also becoming rich. But for the majority, India is a hellhole and will always remain so. Caste based India has structural, infrastructual and social problems that it cannot overcome until it abandons its "poverty imperialism". However, India is country of 1.1 billion people who deserve better. If India allowed the right of self-determination to the Sikhs, to the peoples of Jammu and Kashmir and Assam, it would still be the second largest country with population more than all of Europe. However, it would no longer need to maintain hostility with neighbouring states and would be in a position to remove strife, tension and hate from its social scene. India must give the native peoples their national rights and create autonomous states of India that would facilitate a compact of states within each the interplay of diverse ethnic and caste interests would create grass root harmony.

For the United States to articulate its interests in far off lands and develop mechanisms to secure those interests, its diplomats and politicians have to be conversant with the history and customs of those lands. Historically, the Sikhs of Punjab and the people of Afghanistan have never been "subservient" to any foreign ruler. That was true in the 19th Century as it is today. There are nearly 20 nations within the "Indian union", which are struggling to regain their lost sovereignty and independence ever since the British Indian Empire was hurriedly partitioned in 1947. The end of the British Empire marked the end of the imperial era in the whole world. India's efforts to build and expand its empire are the biggest threat to peace and stability of Asia. Consider Mr. President, if 20 or so nations, including the Sikhs of Punjab, Christians of Nagaland, the tribal people of Assam and Manipur, the south Indian states most notably Tamil Nadu, were to become "sovereign" states, what a huge change for the better it would be for the region and the world. That is the only way to replace the polity of hate and oppression with polities of peace and harmony underpinned by secure undefended borders. Large is not fashionable; not just for women.

I hope I have given some points to ponder. The USA can lead the world with a global vision. There are not many regions where so much is old and archaic ready to crumble and hit dust. Many Americans are fond of India but they do not know why? The present rulers of India would like your help in building their empire. But that is not the best interest of the people of India. India is one country that needs benign intervention to dismantle the social and political structures to be replaced by structures founded on national self-determination. That would be good for business; that would be good for world peace; that is the calling of greatness.

Best wishes and warmest regards.

Sincerely,

AWATAR SINGH SEKHON,
Ph.D, FIBA, RM (CCM), Associate Professor (Retired), Medical Microbiology and Immunology; Director (Former), National Centre for Human Mycotic Diseases Canada; Managing Editor and Acting Editor in Chief.

TRIBUTE TO ROBERT L. PITTS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. DOYLE. Madam Speaker, I rise today to pay tribute to Robert L. Pitts, a champion of civil rights, integration, respectful dialogue, and nonviolence in southwestern Pennsylvania, Tomorrow night, the Allegheny County/City of Pittsburgh League of Minority Voters will honor Mr. Pitts for his many contributions to our community.

Like the rest of our country, Pittsburgh and southwestern Pennsylvania have struggled long and hard with what has been aptly described as our country's original sin—slavery, and all of the racism, disclimination, segregation, and violence that have stemmed from it.

I'm pleased to say that a great deal of much-needed progress has been made in the last 50 years—and much of the credit for that progress belongs to civil rights leaders like Robert Pitts. Our region is truly fortunate that this great civic leader has chosen to make Pittsburgh his home for the last 30–odd years.

Despite family misfortune and a difficult childhood, Mr. Pitts has made many contributions to southwestern Pennsylvania, and our Nation, in his many different occupations and activities over the last 60 years. He served his Nation in the Air Force and its predecessor, the Army Air Corps, for 20 years. He worked to end racism in the Catholic Church for the Diocese of Pittsburgh for nearly 10 years. He worked to promote equal employment opportunities in Pittsburgh as Administrator of the Agency of Western Pennsylvania and as Chair of the Pittsburgh NAACP's Labor and Industry Committee. He served as an elected public official—and notably as the first African-American mayor in western Pennsylvania. He ran his own business and worked as a private sector consultant for a number of years. He has given generously of his time as a volunteer on a number of local boards and organizations. And, finally, he has been a friend, mentor, and advisor to countless men, women, and children throughout his life. In short, he's been a dynamic force for good and an influential community leader for his entire, blessedly long and productive life.

On behalf of the people of Pennsylvania's 14th Congressional District, I want to commend Mr. Pitts and thank his family for sharing him with us.

INTRODUCTION OF THE DISTRICT OF COLUMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. NORTON. Madam Speaker, today I introduce the District of Columbia District Attorney Establishment Act of 2007, continuing a series of bills that I will introduce this session to ensure a continuation of the process of transition to full democracy and self-government for the residents of the District of Columbia. This bill is the ninth in our "Free and Equal DC" series of bills to eliminate anti-Home Rule legislation and to remedy obsolete or inappropriate congressional intervention into the local affairs of the District of Columbia or denials of federal benefits or recognition routinely granted to other jurisdictions.

This bill will establish an Office of District Attorney for the District of Columbia, to be headed by a District Attorney elected by DC residents. This bill effectuates a November 2002 referendum where DC voters overwhelmingly (82 percent) approved a locally elected D.A.

This important legislation is designed to put the District of Columbia on par with every other local jurisdiction in the country by allowing DC residents to elect an independent District Attorney to prosecute local criminal and civil matters now handled by the U.S. Attorney, a federal official. Instead the new District Attorney would become the city's chief legal officer. As presently constituted, the U.S. Attorney's office in the District is the largest in the country only because it serves mainly as the local city prosecutor. That office needs to be freed up to do security and other federal work particularly in the post 9/11 Nation's capital.

There is no issue of greater importance to our citizens and no issue on which residents have less say here than the prosecution of local crimes. A U.S. Attorney has no business in the local criminal affairs of local jurisdictions. No other citizens in the United States are treated so unfairly on an issue of such major importance. This bill would simply make the D.A. accountable to the people who elect him or her as elsewhere in the country.

In addition to issues of democracy and self government, such as congressional voting rights and legislative and budget autonomy that District residents are entitled to as American citizens, residents are determined to achieve each and every other element of home rule. Amending the Home Rule Act with a local D.A. provision would be an important development toward our goal of achieving true self-government. I urge my colleagues to support this important measure.

CROSS PARTY LINES TO PASS COMPREHENSIVE IMMIGRATION REFORM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. GIFFORDS. Madam Speaker, I rise today to express a measured degree of optimism that Congress will pass a comprehensive immigration reform package this year.

A Senate bill is likely to be unveiled as early as next week, and I would hope that the House will follow soon after with our version.

To be effective, this legislation must include provisions for increased border security, more support for border patrol agents, sanctions for employers that knowingly hire illegal immigrants, compensation for border communities, and a guest worker program.

In my district in Southern Arizona, the need for reform is critical. In 2006, 4,000 illegal immigrants a day crossed the border into Arizona. Our schools, hospitals, and law enforcement agencies are overwhelmed. Our environment and homeland security are threatened.

We must work across party lines to pass comprehensive immigration reform so we can focus our attention on those crossing the border who wish to do America harm: drug smugglers, human smugglers, and terrorists.

I also want to thank the outgoing chief of the Tucson sector border patrol, Michael Nicley, for his service and hard work. All of us in Southern Arizona appreciate his dedication. I welcome Robert Gilbert as the new chief, and I look forward to working closely with him on this important issue.

TRIBUTE TO DALETTA ANDREAS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. SMITH of Texas. Madam Speaker, I rise today to honor Daletta Andreas, executive director of the Hill Country Chapter in Kerrville, TX, who passed away the weekend of February 24 following a brief illness.

Ms. Andreas started working for the Hill Country Chapter in 1989 when the chapter was located in an old two-story house owned by the H.E.B. Foundation and leased for $1 a year. At the time she was the only chapter employee.

Under her guidance and efforts, the chapter became more active in the community and surrounding areas. Today, it serves seven counties and has three full-time staff members.

Ms. Andreas recruited a large and supportive group of volunteers from Kerrville and surrounding counties. She established a very good rapport with many organizations, such as fire and police departments and the sheriff offices.

Through her fundraising efforts the Hill Country Chapter was able to obtain and purchase its own building. In 2001, Hill Country Chapter also was able to purchase its own mobile feeding unit or ERV, which can provide meals to disaster affected residents. During the aftermath of Rita and Katrina, the chapter fed many refugees from Louisiana and south Texas.

Ms. Andreas worked hard for the job she truly loved, that of advancing the Red Cross mission. I want to recognize and honor her for the work she did that will continue to benefit the community and its citizens for years to come.

RECOGNIZING EVANSVILLE MATER DEI WRESTLING TEAM

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize Coach Mike Goebel and the Evansville Mater Dei wrestling team for winning their second consecutive Indiana high school State championship. This is the twelfth title for Goebel as head coach of Mater Dei, an Indiana record. The Wildcats completed their undefeated season on February 24 by mauling the second-ranked Mishawaka Cavemen, 31–18.

Mater Dei took an early lead when junior Stephen Lovelace recorded a pin in the 160-pound class. After Mishawaka cut the Wildcat lead to 15–12, 125-pound sophomore Zeke Zenthoefer responded by pinning his opponent to open a 25–12 advantage. Senior Nick DeWig, the individual State runner-up in the 145-pound class, insured Mater Dei's victory with a 13–5 decision that pushed the lead to an insurmountable 10 points. Wildcat senior Chris DeWitt sealed the win with a 9–5 decision in the final match. Other winners for the Wildcats were Ben Fleming, Zach Goebel, Cody Moll, and Jerry Parkinson.

This championship is the culmination of years of hard work by these young men under the leadership of Coach Goebel. I commend the Evansville Mater Dei wrestling team for all of their success.

Go Wildcats.

RECOGNIZING SPC. RYAN C. GARBS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the life of Army Specialist Ryan C. Garbs who was recently killed in action in Afghanistan while conducting operations in support of Operation Enduring Freedom.

Spc. Garbs was a 20-year-old native of Edwardsville, Illinois who was assigned to B Company, 3rd Battalion, 75th Ranger Regiment out of Fort Benning, Gerogia. He was a 2005 graduate from Edwardsville High School, Edwardsville, Illinois. Around his sophomore year, Garbs knew he wanted to be an Army Ranger and he spent the last 2 years at Edwardsville High School rigorously training to meet the requirements of becoming a Ranger.

Garbs is survived by his parents, Doug and Jill Garbs of Edwardsville, Illinois and his sister; Melanie Neely of Fairfield, California. I am proud of the service this young man gave to our country and the service his fellow troops perform every day. Not enough can be said about Spc. Garbs. His awards and decorations speak to what a great soldier and man he was; the Army Service Ribbon, Combat Infantry Badge, Parachutist Badge and Good Conduct Badge, just to name a few. Like all Rangers, Garbs lived by the Ranger Creed. As the Creed states: "Never shall I fail my comrades, I will always keep myself mentally alert, physically strong, and morally straight and I will shoulder more than my share of the task, whatever it may be, one hundred percent and then some." It is troops like Garbs that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. He shouldered as much as anyone could, and I salute him. My best wishes go out to his family and all the troops fighting to ensure freedom and democracy. May God bless him and may God continue to bless America.

INTRODUCTION OF THE PUSH POLL DISCLOSURE ACT OF 2007

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PETRI. Madam Speaker, today, along with six of my colleagues, I am introducing legislation to increase the disclosure requirements for telephone "push polls." As many candidates for Federal office have learned through personal experience, these push polls are not legitimate telephone surveys, but "smear polls," campaign devices designed to smear a candidate under the guise of a standard opinion poll.

Legitimate polls are designed to gather information helping candidates to focus their campaigns and refine their messages. Smear polls, on the other hand, are intended to spread information damaging the reputation of one's opponent without public debate or discussion.

Imagine a voter, who has been identified as a supporter of candidate X, being asked in a survey if such support would continue if it was learned that candidate X was guilty of a terrible indiscretion or an outright crime. It doesn't matter whether the allegations are true because the idea that candidate X is somehow unfit for office has been planted successfully. This is a telephone "smear" poll.

My legislation, the Push Poll Disclosure Act of 2007, combats this practice by exposing it to the light of day. Specifically, the bill requires that each participant in a Federal election poll be told the identity of the survey's sponsor whenever at least 1,200 households are included. It also requires further disclosures when a survey's results are not to be released to the public. In this case, the cost of the poll and the sources of its funding must be reported to the Federal Election Commission, along with a count of the households contacted and a transcript of the questions asked.

The Push Poll Disclosure Act of 2007 is a simple bill. It will not hinder legitimate polling, nor will it burden polling firms with excessive regulations. What this bill does do, however, is regulate smear polls for what they are—campaign activities, and questionable ones at that. This legislation is noncontroversial and should be bipartisan, and its passage will make campaigns for Federal office a little bit cleaner. I urge my colleagues to support this bill.

NATIONAL EATING DISORDERS AWARENESS WEEK

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. KENNEDY. Madam Speaker, I would like to take this opportunity to recognize National Eating Disorders Awareness Week. While we know that millions of people are affected by eating disorders, which include anorexia nervosa, bulimia nervosa, and binge eating disorder, the exact number is unknown because there is no accurate data collection of these diseases. It is time to take action on eating disorders, a mental and physical health issue that has had little public support and is often misrepresented in popular media.

Each year, hundreds of Americans die as a direct result of an eating disorder, which has the highest mortality rate of any mental illness. Several thousand more have eating disorder symptoms listed as contributing conditions to their deaths. For those who live with the condition, eating disorders frequently impair the sufferer's home, work, personal, and social life. Health consequences such as osteoporosis (brittle bones), gastrointestinal complications and dental problems are significant health and financial burdens throughout life. At any given time, 10 percent or more of late adolescent and adult women report symptoms of eating disorders.

Just last month, a nationally representative survey of the U.S. population, funded in part by the National Institute of Mental Health, reported that eating disorders often occur with other mental health disorders, yet eating disorders may go undiagnosed and untreated. The researchers, therapists, and families of the Eating Disorders Coalition are working to advance the Federal recognition of eating disorders as a public health priority. I applaud the efforts of the National Eating Disorders Association to call attention to these important issues during National Eating Disorders Awareness Week, February 25 to March 3, 2007.

CLAUDE RAMSEY POST OFFICE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. WAMP. Madam Speaker, today I am introducing legislation to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office." This legislation would rename the city of Harrison Post Office after one of Hamilton County's most notable leaders, Mayor Claude Ramsey.

As he serves out his third term as County Mayor, Claude Ramsey continues to set a high standard as a dedicated manager and leader in the community. Prior to his term as County Mayor, he was the Assessor of Property, served on the Hamilton County Board of Commissioners, and was a member of the Tennessee State Legislature. Claude Ramsey's career as a public servant exemplifies diligence, hard work, and tremendous results for the people of Hamilton County.

During his tenure, Mayor Ramsey fought to strengthen public education in Hamilton County. He recently rallied the community to participate in an education summit to create solid initiatives to address the issues and challenges facing the public education system. Mayor Ramsey created six task forces and presented their findings and recommendations to the community. He then organized the introduction of eight key initiatives, including early education programs and a greater supply of laptop computers, to strengthen the public education system and increase graduation rates of students.

In addition, Mayor Ramsey has been a true leader in promoting economic development in Hamilton County. Mayor Ramsey's vision of creating more technology-based jobs in Hamilton County has shown strong results. His administration has secured Federal funding for the development of the Center for Entrepreneurial Growth, which provides local entrepreneurs assistance in developing new advanced-technology companies. Mayor Ramsey also secured over $2.8 million in grant funds for local businesses, which have helped create over 2,000 jobs, and played a vital role in the transfer of the 1200-acre Enterprise South Industrial Park property from the U.S. Army.

For his dedicated service and results, Mayor Ramsey was named "Chattanooga Area Manager of the Year" in 2003, which is the largest local awards program in the Nation.

Mayor Ramsey also has contributed to the community by serving on the boards of numerous agencies, including the Orange Grove Center, the Chattanooga Neighborhood Enterprise, the RiverCity Company, and the United Way. Claude Ramsey also served on the Board of Trustees at Erlanger Medical Center and was Chairman of the Board of Associates at Chattanooga State Technical Community College.

Most importantly, Claude Ramsey is a loving husband to his wife, Jan; a proud father to his son, Rich, and his daughter, Stacy; and a blessed grandfather to his grandchildren Madison, Meredith, Macy, John Ross, and Claudia.

Madam Speaker, I urge all Members to support the passage of this legislation that honors Mayor Claude Ramsey for his commendable public service to the people of Hamilton County and the State of Tennessee.

THE PORT OF GALVESTON: A SOURCE OF ECONOMIC GROWTH FOR TEXAS AND THE NATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PAUL. Madam Speaker, in recognition of the benefits the Port of Galveston provides to Galveston, and the Nation, the Galveston Chamber of Commerce will honor the port on March 7. I am pleased to join my friends from the Galveston Chamber of Commerce in paying tribute to the Port of Galveston.

For the past 5 years, the Port of Galveston has been undergoing major transformations. In fact, port officials believe there have been more changes at the port during this period than in any other 5 years in the port's history. As a result of these changes, in the 2006 fiscal year the Port of Galveston had its highest gross operating revenue in 23 years.

The cruise industry is the largest source of port-related economic growth for both the city of Galveston and the State of Texas. In 2006, the Galveston-based cruise business helped support 13,272 cruise industry jobs in Texas that paid more than $599 million in wages. Approximately 46 percent of the industry's direct expenditures were based in tourism-related businesses like travel agencies, airlines, hotels, restaurants, and ground transportation providers. Other Texas industries that benefit from the cruise business's expansion are petroleum refining, communications and navigation equipment, and engines and power transmission equipment manufacturing.

The increase in cruise-related income has presented the Port of Galveston with the challenge of ensuring the port is capable of continuing to meet the needs of the cruise business. The Port of Galveston's management is committed to ensuring the port continues to grow and change to meet the demands of the port's expanding cruise and other businesses. Since 2000, approximately $45 million has been invested in the port's cruise facilities. It is expected that revenues from cruise operations will give the port an opportunity to move forward and leverage earlier financing to provide for additional maintenance, repair, and capital construction in the port.

Madam Speaker, the Port of Galveston's contribution to the Texas and United States economies is by no means limited to the cruise business. The port also plays a vital role in the global economy by facilitating trade with Mexico, Guatemala, Panama, Germany, China, Israel, Italy, and other countries.

In conclusion, Madam Speaker, I am pleased to join the Galveston Chamber of Commerce in honoring the management of the Port of Galveston for all of their contributions to the economies of Galveston, Texas, and the world.

A TRIBUTE TO THE BEREAN INSTITUTE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, the Berean Institute's long and esteemed history began with the vision of one man, Reverend Matthew Anderson. Reverend Anderson began his work at the Gloucester Mission in North Philadelphia in 1879. In 1880, the Berean Presbyterian Church was founded, from a hall meeting room on Fairmount Avenue, with no funds, but with an abundance of unshaken trust in God. In 1888, he founded the Berean Building and Loan Association. Later renamed the Berean Savings and Loan Association, it enabled African Americans to borrow money to buy homes. With the migration of many African Americans coming from the south that needed special training, Rev. Anderson founded Berean Mutual Training and Industrial School.

In 1899, Rev. Anderson was able to gain support to found a school for the economically disenfranchised. In 1904, the Commonwealth of Pennsylvania incorporated Berean Manual and Industrial School, a corporate charter. In the early years, Berean offered training in plumbing, custom and merchant tailoring, dressmaking, carpentry and home management. Today, the Berean Institute which still resides on the same grounds as the original complex conducts programs in such areas as accounting, computer repair, and cosmetology for over 100 full-time and part-time students.

The Berean Institute is regarded as one of the leading business schools in Philadelphia and serves a broad-cross section of students that come from local as well as distant places to learn. Rev. Anderson was succeeded by his widow Mrs. Blanche W. Still Anderson, followed by Ms. Louise B. Yergan, Mr. Jeffery O. Jones, Mr. Charles Preston, Ms. Lucille P. Blondin, and by the Berean Institute's current president, Mr. Andrew Cam. The leadership reins have also been shared by the board of trustees. The Berean Institute experienced considerable growth under former chairman Dr. William H. Gray. Dr. Gray was succeeded by Dr. Robert Johnson-Smith, Dr. Leonard W. Johnson, and Berean's current chairperson Kim Staudt. Under its exceptional leadership, the Berean Institute continues its service and diverse programs that provide education and training for many students who would be otherwise left out.

The Berean Institute celebrated its 108th year of service on Friday, February 23, and looks forward to the future to continue the vision and service of Reverend Matthew Anderson.

HONORING BRIAN BOHLMAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. WILSON of South Carolina. Madam Speaker, I am pleased that yesterday a resident of South Carolina's Second Congressional District, Brian Bohlman of Columbia, had the honor of meeting with President George W. Bush at the White House. Chaplain Bohlman was 1 of 11 leaders of military service organizations with whom the President met.

Chaplain Bohlman is founder and president of Operation Thank You and the So Help Me God Project. The mission of these organizations is to inspire faith, promote patriotism, and support our troops through inspirational and patriotic resources honoring God, Country, and family. Specifically, the Operation Thank You Project is working to have 150,000 cards signed for our troops.

Chaplain Bohlman has served in the U.S. Armed Forces since 1992 and is currently a chaplain in the Air National Guard. He also authored the best-selling book, So Help Me God: A Reflection on the Military Oath. It is an honor to represent this true American hero. He is making a positive difference encouraging and supporting our troops.

In conclusion, God bless our troops, and we will never forget September 11.

RECOGNIZING MIKE KEMNA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mike Kemna, Superintendent of Crossroads Correctional Center, in Cameron Missouri. On March 30, 2007, Crossroads Correctional Center will reach its 10 year anniversary of the opening of the institution.

Crossroads Correctional Center (CRCC) is a maximum security (C–5) male facility located adjacent to the Western Missouri Correctional Center in Cameron. Since its opening Mike has provided leadership and stability to all employees while overseeing 1,500 inmates.

Madam Speaker, I proudly ask you to join me in recognizing Mike Kemna, an exceptional leader of Crossroads Correctional Center, as we honor his dedication, strength and devotion to the Department of Corrections throughout his long career.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Fire and Rescue Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Fairfax County Fire and Rescue Department. Receiving the Lifesaving Award: Firefighter Jason M. Buttenshaw, Firefighter Marc G. Campet; the Certificate of Valor: Firefighter Joshua R. Allen, Master Technician Jerry Smith, Technician John C. Guy, Technician David A. Hessler, Firefighter Clarke V. Slaymaker, Lieutenant Richard S. Slepetz, Firefighter Jason E. Earl, Deputy Chief Jeffrey B. Coffman; the Silver Medal: Captain I Randal L. Bittinger, Master Technician William B. Wheatley, Firefighter Hugh S. Boyle; the Bronze Medal: Captain II Michael R. Smith, Master Technician Randal A. Leatherman, Firefighter Lloyd W. Coburn III, Lieutenant Thomas L. Flint, Lieutenant Bruce A. Neuhaus, Firefighter Ryan J. Ward, Technician Carl E. Jones.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

A TRIBUTE TO JAMES GHIGLIERI OF TOLUCA, ILLINOIS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LAHOOD. Madam Speaker, I rise today to pay tribute to my constituent and friend James Ghiglieri of Toluca, Illinois. On March 5, 2007, Jim will become chairman of the Independent Community Bankers of America, the Nation's largest community bank trade association. Community banks are locally operated financial institutions that empower employees to provide individualized customer service. These financial institutions serve as the backbone to communities across the country.

As President of the Alpha Community Bank of Toluca, Jim carries on the Ghiglieri family commitment to community service that was started almost 100 years ago by his father and grandfather. Jim's outstanding dedication to community service is recognized throughout Central Illinois. Jim is highly regarded in his profession and extremely deserving of this honor. The 5,000 members of the Independent Community Bankers of America will be well represented with Jim as their spokesperson.

I congratulate Jim on this appointment and thank him for his dedication and service to build financial security in our communities throughout the country.

TRIBUTE TO PRIVATE JOSHUA "JOSH" ROY MOZINGO

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Private Joshua "Josh" Roy Mozingo, who passed away after a car accident on Thursday, January 11, 2007. Josh's legacy and contributions to the U.S. military will live on in the hearts and minds of many for generations to come, and we are forever grateful for his service to our country.

Having grown up in both Lumberton and Fayetteville, North Carolina, Josh embodied the true spirit of a dedicated and determined soldier. When he was a youngster, I had the privilege of coaching Josh in Lumberton's T-ball recreation league. After graduating from high school in Fayetteville, Josh joined the Army and faithfully served his country in Iraq. During this time, he received several military honors including the Parachutist Badge, the National Defense Service Medal, the Army Service Ribbon, the Global War on Terrorism Service Medal, and the Iraq Campaign Medal before he was honorably discharged.

Josh loved history, music, family dinners and trips to the beach. He also charmed those who knew him with his quick wit and great sense of humor.

Josh loved his family and is survived by his father, Jim; mother, Paula Ryan of Little River, S.C.; stepmother, Debra; brothers, Jeff, Jarad and Jordan, and Jason Miller of Wilmington; grandmother, Pauline Justice of Lumberton; sister-in-law, Tracy; and neice, Kayla.

President Dwight D. Eisenhower once said, "If we make ourselves worthy of America's ideals, if we do not forget that our nation was founded on the premise that all men are creatures of God's making, the world will come to know that it is free men who carry forward the true promise of human progress and dignity." Indeed, Josh's life was the embodiment of this. He was a man who was known by persons of all races, ages, and religions for both his kind deeds and his loving, unselfish heart.

Madam Speaker, dedicated service to others has been the embodiment of Josh's life. May we all use his wisdom and selflessness as a beacon of direction and a source of true enlightenment. Indeed, may God bless to all of our memories the life and legacy of Private Joshua Mozingo.

BLACK HISTORY MONTH

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MEEKS of New York. Madam Speaker, this last day of February marks the end of Black History Month, the annual celebration commemorating the contributions of African Americans to this great Nation. I thought it fitting, as its Representative, to pay tribute to the some of the many great African Americans that hail from the Sixth Congressional District of New York.

Most people are surprised to learn that since the Harlem Renaissance, Queens has been known as the true "Home of Jazz"—the residence of choice for hundreds of our greatest African American jazz artists.

At the height of their popularity, jazz greats Count Basie, Fats Waller, Billie Holiday, Ella Fitzgerald and Lena Horne lived on the quiet tree lined streets of historic Addisleigh Park. Musicians Milt Hinton, Mercer Ellington and Charles "Cootie" Williams made this historic neighborhood their home as well.

A few blocks away, jazz greats John Coltrane, Lester Young, Illinois Jaquet and Charlie Mingus lived in Jamaica, Queens. And in nearby Hollis, drummer Roy Hanes, vibraphonist Milt Jackson, and trumpeter Roy Eldridge lived a city block or two away from each other. Their neighbors in Springfield Gardens included brothers Albert and Percy Heath, drummer and bass player.

What songs would Harry Belafonte have made famous without Queensite Irving Burgie's song stylings? He wrote or composed 35 of the Caribbean crooner's songs including his most famous "Day-O".

Adding to Jamaica's rich history as the home of African American artists is the Great Godfather of Soul, James Brown, who lived in a stately tudor in Addisleigh Park. His home was within walking distance of singer-songwriter Brook Benton—famous for "A Rainy Night in Georgia".

During the mid-1970's, the Hip-Hop Era came into existence in the United States and pioneering Black youths from Hollis, Queens helped to develop and make it famous. Russell Simmons, with his Def Jam record label and Phat Farm clothing line, became hip-hop's first millionaire mogul. His brother Joseph (Run) Simmons along with Darryl (DMC) McDaniels, and Jason "Jam-Master Jay" Mizell formed the group Run-DMC and are credited with making hip-hop a large part of modern pop culture. LL Cool J, known as the Hip-Hop Statesman hails from Hollis, Queens as well.

From the sports world, The Great Joe Louis—World Heavyweight Boxing Champion from 1937 to 1949, and Jackie Robinson, the first Black major league baseball player in the country, lived in Addisleigh Park. Former Knicks' forward Anthony Mason was born and raised in St. Albans.

The Sixth Congressional District has been home to many African American Statesmen, including Ralph Bunche—the 1950 Nobel Peace Prize Winner, Roy Wilkins—civil rights leader, Andrew Young—former Ambassador to the United Nations, Colin Powell—this Nation's first Black Secretary of State and Rev. Al Sharpton—political and civil rights advocate.

I would be remiss if I did not pay tribute to Mr. Clarence Irving, founder of the Black American Heritage Foundation and the U.S. Postal Service's Black Heritage Stamp Series who lives in Jamaica, Queens.

When one thinks of original American music, both jazz and hip hop come to mind. I represent the district where many of the great artists from these genres chose to live.

When one thinks of African American athletes that broke down barriers many of those who come to mind are from Jamaica, Queens.

When one thinks of African American leadership, some of our most dedicated, eloquent representatives have called my district "home".

It is an honor to salute the accomplishments of these distinguished and talented African Americans from the district I represent. I look forward with hope and encouragement to those that will continue their great legacy.

INTRODUCTION OF THE MOTORSPORTS FAIRNESS AND PERMANENCY ACT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to introduce the "Motorsports Fairness and Permanency Act." This bill permanently extends the current tax treatment of motorsports complexes across the country.

There are five motorsports facilities located in my district alone—and more than 900 of these facilities nationwide. Each year, these facilities, both large and small, draw millions of racing fans. Spending by these fans contributes to local and regional economies—but the tracks themselves contribute as well, through facility construction and renovation, purchases, and permanent and seasonal employment.

In 2004, Congress codified the seven-year depreciation classification for speedways and racetracks. However, this provision expires at the end of this year. These facilities need tax certainty in order to make their long-term planning decisions and continue contributing to national, regional and local economies.

In order to provide this certainty, I am introducing the Motorsports Fairness and Permanency Act. I hope that my colleagues will work with me to enact this legislation, which will support the economic benefits provided by motorsports facilities in my district and nationwide.

TRIBUTE TO THE LATE STATE SENATOR SHERMAN JONES

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay a personal tribute to my good friend and trusted advisor for many years, former State Senator Sherman Jones of Kansas City, Kansas, who died on February 21. For many years, he was a leading member of the Kansas City, Kansas, community, as well as a valued member of my kitchen cabinet and surrogate speaker on my political team. His friends and neighbors mourn his loss and will miss him terribly—none more so than me.

Sherman Jones was born on February 10, 1935, in Winton, North Carolina. After high school, he was recruited to play baseball, where he eventually served for three seasons as a pitcher in the major leagues for the Cincinnati Reds, New York Mets, and San Francisco Giants. He pitched in the World Series for the Cincinnati Reds in 1961. Jones, whose baseball nickname was "Roadblock", appeared in game five of the 1961 Series, against the New York Yankees, pitching two-thirds of an inning. One of eight Reds pitchers in the game, he was the only one who did not allow either a hit or a run.

While playing baseball in Topeka, Kansas, Sherman met Amelia Buchanan; they married on December 16, 1956. After he completed his baseball career, they settled in Kansas City, Kansas, to raise their family. He joined the Kansas City police department, where he retired after 22 years of service. He also served as athletic director for Turner House, working with inner city youth. His community involvement led him to politics, where he served as a member of the Kansas House of Representatives from 1988 to 1992, followed by service in the Kansas Senate from 1992 to 2000. At the time of his retirement from the Senate, he served as ranking Democratic member of the Committee on Federal and State Affairs, and as a member of the Committees on Confirmations Oversight, Education, Public Health and Welfare, Utilities, and Health Care Reform Legislative Oversight.

During his rich, full life, Sherman Jones was involved with many organizations, including: Optimist International, where he served as international vice president; the Wyandotte County Park Board, where he served as member and chairman; the Kansas City, Kansas, Parks Foundation; the Kansas High School Activities Association; United Way; the Kansas Legislative Black Caucus, which he chaired; and the Kansas University Medical Center, where he served as board member.

Former Senator Sherman Jones is survived by his wife of 50 years, Amelia, three children, a sister, five brothers, eight grandchildren, and many nieces, nephews, cousins and friends. Madam Speaker, I know that you and the entire House of Representatives join with me in celebrating the life of Senator Sherman Jones and in sharing the loss felt by Ameila Jones, their family and their many friends.

INTRODUCTION OF THE DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. CONYERS. Madam Speaker, I am pleased to join with Representative RAHM EMANUEL in jointly introducing the Deceptive Practices and Voter Intimidation Prevention Act. America's election system is broken and it is up to this Congress to fix it. Consecutive elections have shown us that eligible voters are denied their right to cast a ballot. Disturbingly, misinformation campaigns are often responsible for keeping these voters away from the polls.

I believe this legislation is a step towards ending deceptive practices and bringing integrity back to our elections. It is a direct response to the fraudulent tactics used to undermine our elections. This bill explicitly prohibits deceptive practices and provides voters with greater federal protections.

Numerous accounts indicate deceptive practices were employed throughout the country in our last midterm and presidential elections. Voters were told to vote on the wrong day. They were told they could not vote with outstanding parking tickets. Ultimately, they were misled, deceived, and disenfranchised. This must stop.

In 2006, our most vulnerable voters—legal immigrants and minorities—were prevented from voting. Latino voters in Orange County, California were threatened with incarceration if they voted. African American voters in Prince Georges County, Maryland were given fliers with false endorsements. These tactics are despicable and those responsible for them must be held accountable.

Under our legislation, those that engage in deceptive practices will be held accountable. Additionally, the federal government will be held responsible for protecting and advancing the right to vote.

Deceptive electioneering practices are clearly defined and prohibited under this bill. The Attorney General and the Department of Justice are required to combat and counteract deceptive practices. These measures will ensure that voters can cast a ballot free from intimidation, harassment, and deceit.

Deceptive practices do more than impede the right to vote. They threaten to erode the very core of our democracy. By eliminating barriers to the polls, we can help to restore what has been missing from our elections—fairness, honesty, and integrity.

CELEBRATION OF THE 150TH ANNIVERSARY OF THE LEWISVILLE MASONIC LODGE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BURGESS. Madam Speaker, I rise today in celebration of the Lewisville Masonic Lodge's 150th Anniversary, which will be on March 10, 2007. It is with great pleasure that I am able to join the Lewisville community in recognizing this milestone.

On January 23, 1857, the first Masonic lodge was chartered in Denton County under the name Denton Lodge Number 201, in honor of John Denton, a Free Mason. After purchasing and clearing land, the Freemasons used logs and their own labor to erect the first lodge. By the early 1870s, the area became quickly populated due to the railroad access, and the Lodge was moved closer to Lewisville, and the name was changed to Lewisville Lodge #201 in 1890.

Over the years, the Lodge was stationed in a few different locations and went through many renovations and changes. The Lodge went through good times as well as tough times; however, the members' strength and devotion to the brotherhood and the community kept the Masonry alive. The current Masonic Lodge, completed in 1981, is the product of the compassion and dedication in which the Free Masons provide not only to their fellow Brethren, but also to the Lewisville community.

The 150th Anniversary celebration will involve the entire Lewisville community. The Event will be held at the Celebration Grand Ballroom in the heart of Lewisville and will include numerous activities that will largely benefit the Lewisville Independent School District with scholarship possibilities for students. There will also be a presentation of financial support from the proceeds of the 2006 "Race for the Children," a local fun-run to raise money for contribution to the Lewisville School District. In addition to the activities, local civic and political leaders, as well as Donny Broughton, the Grand Master of the Grand Lodge of Texas, will be attending the anniversary celebration.

It is with great pride that I stand here today and honor the 150th Anniversary of the Lewisville Masonic Lodge for their dedication and continuing support of the Lewisville School District and the entire community. I look forward to participating in the celebration.

THE 46TH ANNIVERSARY OF PEACE CORPS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. HONDA. Madam Speaker, as a former Peace Corps Volunteer, I am honored to formally recognize the agency on the 46th Anniversary of its inception and to help kick-off National Peace Corps Week. This week begins a week long celebration of Peace Corps' 46th Anniversary with celebratory and educational events taking place across the country.

During National Peace Corps Week, we salute the men and women of this nation who selflessly have served abroad as Peace Corps Volunteers, as well as those current Volunteers who continue to carry out the Peace Corps mission: Empowering people in developing countries through their grassroots development efforts.

I fondly remember my time as a volunteer in El Salvador in the 1960's where I built schools and health clinics. The experience meant much to me personally and professionally, sparking a lifelong desire to serve in the public sector. I returned with a passion for teaching, and quickly put my skills, including fluency in Spanish, to use in Santa Clara County schools. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

I am encouraged by the growth in the number of Peace Corps Volunteers and posts over the years. 7,749 Volunteers are currently in 67 posts serving 73 countries in Africa, Asia, the Caribbean, Latin America, Eastern Europe and Central Asia, the Middle East, and the Pacific Islands. 2007 also marks the first year of a new Peace Corps program to the Kingdom of Cambodia.

I am excited by the recent announcement of the Peace Corps intention to return to the Federal Democratic Republic of Ethiopia. Following my visit to Ethiopia in 2005, as Chair of the Congressional Ethiopia and Ethiopian American Caucus, I wrote the Peace Corps Director directly to request a reinstatement of a Peace Corps post.

In addition to these programs, the Peace Corps recently sent its 1000th Crisis Corps Volunteer into service. Crisis Corps is compiled of former Peace Corps Volunteers that return to service for shorter 3 to 6 month tours in areas in need of more immediate services. Crisis Corps Volunteers have served both at home, following Hurricane Katrina, and abroad, following the tsunami in Southeast Asia, providing valuable expertise following major disasters.

As a newly appointed member of the House Appropriations Committee, I will support the Administration's FY08 request for Peace Corps at $333.5 million. Though this is a modest increase from the FY07 enacted level of $318.8 million, it will optimize the number of Volunteers and staff in existing countries, strengthen and expand recruiting efforts, and maximize safety and security training and compliance efforts. I encourage my colleagues in the Foreign Operations Subcommittee to fulfill the Administration's request.

Today, I honor the Peace Corps and its brave Volunteers for their service to our nation and to the international community. Volunteers are providing expertise and development assistance to countries around the world, finding common ways to address global challenges, and forming bonds with people throughout the world. They make service a cultural necessity. They set a universal standard for how we are to embrace the realities of an ever-shrinking world.

The Peace Corps mission is more vital than ever, and I hope that each one of you will join me in thanking the Volunteers and the Peace Corps for their hard work in pursuit of an altruistic mission.

CELLULOSIC ETHANOL TECHNOLOGY

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MAHONEY. Madam Speaker, tonight, I rise to honor two companies in Florida's District 16 who are on the leading edge of cellulosic ethanol technology and encouraging the use of crops other than corn to help meet the energy needs of our country—Citrus Energy, LLP and Alico, Inc.

Recently, each of these companies was awarded a $2.5 million grant from the Florida Department of Agriculture in recognition of their efforts to establish a meaningful renewable energy industry.

With their state grant, Citrus Energy, based in Clewiston, Florida, plans to convert citrus peel, pulp, seeds and membrane into 4 million gallons of ethanol a year. I commend Citrus Energy President Dave Stewart for his commitment to finding alternative energy sources and for looking to by-products that are abundantly available to help meet our country's needs.

Similarly, Alico, Inc. located in Labelle, Florida, plans to use its grant to build a 7.5 million-gallon-a-year plant to produce ethanol and electricity. Alico intends to use high-fiber sugar cane and agriculture wastes, such as hurricane debris to make ethanol. I also commend Alico President John Alexander for his commitment to helping this great country find alternative energy sources through agricultural byproducts.

It is exciting that both of these companies have recognized the potential resources that Florida can contribute to their efforts, and I am particularly pleased that they both have chosen to locate their new energy plants in District 16. Their endeavors will provide economic benefits to these communities and will provide substantial environmental and economic benefits for our entire country.

With the price of corn at $4.00 per bushel, it is imperative that American companies recognize the importance of diversifying our ethanol portfolio and the potential that our American farmers can contribute to those efforts. These two Florida companies are just the beginning of what I hope will become a burgeoning industry throughout our great State of Florida and our country. I look forward to working with my colleagues in the House of Representatives to ensure that adequate funding is provided for the research and production of bio-fuels and alternatives to corn ethanol.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Herndon Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Herndon Police Department. Receiving the Lifesaving Award: Senior Sergeant Jerry S. Keys, Corporal Robert A. Galpin, Police Officer First Class Damien C. Austin; the Certificate of Valor: Police Officer First Class Edward E. Stapleton, Detective Lisa A. Kara, Police Officer First Class E. Brian Hamilton, Police Officer First Class Justin P. Dyer.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Herndon Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

90TH ANNIVERSARY OF U.S. CITIZENSHIP FOR PUERTO RICANS

HON. LUIS G. FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FORTUÑO. Madam Speaker, at the end of the Spanish American War in 1898, Puerto Rico was ceded to the United States and became a territory under the Territorial Clause of the U.S. Constitution. It was not until 1917, by virtue of the passage of the Jones Act by Congress, that people born in Puerto Rico were granted the privilege of becoming citizens of this great Nation.

It was on March 2, 1917, 90 years ago, that Puerto Ricans became U.S. citizens. Tomrrow we celebrate the anniversary of that historic occasion by re-affirming our love for our citizenship, like our forbearers have been doing for 90 years. We cherish our U.S. citizenship dearly, for the same basic plinciples and rights that have made this Nation great, among which are Life, Liberty, and the Pursuit of Happiness.

We, as American citizens, share a common belief and admiration for all the principles and lights embodied in our Founding Documents and espoused by our Founding Fathers. This is the common bond that unites us with our fellow citizens.

We have honored our citizenship for these 90 years by making major contributions to our great Nation. We have distinguished ourselves in the arts, the sciences, and sports; but most important of all, Puerto Rican men and women have served with distinction and valor in every battlefield in which our Nation has been involved, from World War I to the current War on Terror, defending our valued principles of freedom and democracy around the world, trom Europe to the Pacific, from Korea to Vietnam to the Middle East.

Since 1917, Puerto Ricans have established themselves as an integral component of American society, adding to the fabric of local communities across the United States.

Like most Americans, the nearly 4 million U.S. citizens living in Puerto Rico patriotically cherish their American citizenship, and value the opportunity that comes with our longstanding political relationship with the United States. This relationship provides Puerto Ricans a sense of belonging to a community that transcends the geographic limitations of our Island; it is our common thread, what binds us. After 90 years, however, we still have neither the full nor the equal rights and duties of U.S. citizenship that our fellow Americans enjoy in the 50 states.

Even though American citizenship was conferred 90 years ago, to this day Americans in Puerto Rico have not been afforded the opportunity for self-determination regarding our future political status by a federally-mandated plebiscite. American citizens in Puerto Rico continue to lack full voting representation in Congress, voting rights in federal elections, equal civil rights, full democracy at the national level, and a formal process to express our wishes regarding our destiny as free citizens.

Earlier this month, Representative JOSÉ SERRANO and I, introduced the Puerto Rico

Democracy Act of 2007 (HR 900), together with 93 bipartisan co-sponsors, to provide a federally sanctioned self-determination process for the people of Puerto Rico. I encourage my colleagues in the United States Congress to support this bipartisan bill to establish a formally-recognized process that will enable Puerto Ricans to determine our future based on realistic and legally valid options, recognized by the U.S. Constitution. After 90 years of being citizens of the United States, we deserve that right.

TRIBUTE TO THE 46TH ANNIVERSARY OF THE PEACE CORPS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BERMAN. Madam Speaker, I rise today in recognition of the 46th anniversary of the Peace Corps.

In October 1960 then Senator John F. Kennedy challenged students at the University of Michigan to serve their country and the cause of peace by living and working in the developing world.

This challenge was met with enthusiasm and led to the creation of the Peace Corps less than 5 months later on March 1, 1961. Since then, over 187,000 Americans have served as Peace Corps volunteers in 139 countries.

Peace Corps volunteers have made significant contributions and improved the lives of individuals and communities around the world. They have impacted agriculture, business development, information technology, education, health, HIV/AIDS, and the environment.

The Peace Corps also provides short-term assistance to countries in need through its Crisis Corps Volunteer Program. These former volunteers have assisted domestically with Hurricane Katrina efforts. Internationally, they have helped with rebuilding efforts in tsunami devastated areas of Sri Lanka and Thailand, and in Guatemala after Hurricane Stan.

In addition to their invaluable work abroad, volunteers gain marketable skills for use in the United States upon returning home. Worldwide, volunteers learn over 250 languages and dialects and receive extensive cross-cultural trainings that have been put to use in Congress, the Executive branch, the Foreign Service, education, business, finance, industry, trade, health care, and the social services sector.

I am proud to be a strong supporter of the Peace Corps which has become a symbol of our nation's commitment to progress, opportunity, and development worldwide.

On this anniversary, I would also like to acknowledge the two individuals from my district who are currently volunteering in Africa: Jorge A. Gaitan who is serving in Burkina Faso and Casey L. Kohler who is serving in Togo. I commend both of them for dedicating two years of their lives to helping others abroad and for serving as ambassadors from the United States.

TRIBUTE TO NATIONAL PEACE CORPS WEEK

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ROYCE. Madam Speaker, I rise to commemorate National Peace Corps Week and the 46th anniversary of the Peace Corps.

While much has changed in the world since the Peace Corps was created on this date in 1961, their goals and ideals to promote peace and friendship remain, Volunteers continue to provide invaluable services in 73 countries as educators, technology consultants, environmental specialists, and business advisors. Indeed, they're involved in a broad spectrum of activity, but they share a commonality as some of America's best diplomats.

At a time when extremism is sweeping through much of the globe, more than ever, we need these dedicated individuals.

As the former chairman of the House Subcommittee on Africa, I have had the opportunity to meet with several Peace Corps volunteers around the continent. The commitment these men and women have shown is extremely impressive and is to be commended.

Madam Speaker, I have seen the valuable work the Peace Corps is doing in Africa, and throughout the world. It deserves our recognition and support. Under the new leadership of Director Ron Tschetter, the Peace Corps is well poised to address the rapidly evolving challenges of the developing world.

INTRODUCTION OF RESOLUTION THAT SUPPORTS THE GOALS AND IDEALS OF ANTI-SLAVERY DAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ENGEL. Madam Speaker, I rise today to encourage my colleagues' strong support of the resolution that I have introduced which supports the goals and ideals of Anti-Slavery Day. I would also like to thank Representative BURTON for his assistance with this resolution. Anti-Slavery Day is dedicated to focusing attention on the many forms of slavery that exists today as well as to highlight and commend the many efforts made by the United States Congress, along with, Free the Slaves, labor organizations, and United States Industry to eradicate slavery from the product supply chains of goods entering the United States.

This resolution is most important this year as 2007 is the bicentennial of the abolition of the British slave trade. In 1865, the United States outlawed slavery and involuntary servitude with the 13th amendment. Yet today more than 27 million people are enslaved around the world and over the last 50 years slavery has actually increased and is flourishing in situations of conflict, social disruption, political chaos, and economic crisis. Slavery is present in nearly every country and affects those—especially women and children—who are most vulnerable. Slavery is a global crime and requires a global approach to its eradication with the most powerful preventive measures being education and economic development. Slavery and involuntary servitude are inherently evil institutions and must be abolished.

THE 30TH ANNIVERSARY OF THE "CHARTER 77 MOVEMENT"

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I am privileged to add my voice today to those honoring Vaclav Havel, Czechoslovakia's first post-communist President, and the Charter 77 movement which, 30 years ago, he helped to found.

Three decades ago, the Charter 77 movement was established and its founding manifesto was formally delivered to the Communist regime in Prague. The goals of the Chartists—as signatories came to be known—were fairly straightforward: "Charter 77 [they stated] is a loose, informal and open association of people of various shades of opinion, faiths and professions united by the will to strive individually and collectively for the respect of civic and human rights in our own country and throughout the world—rights accorded to all men by the two mentioned international covenants, by the Final Act of the Helsinki conference and by numerous other international documents opposing war, violence and social or spiritual oppression, and which are comprehensively laid down in the U.N. Universal Charter of Human Rights."

The phrase "people of various shades of opinion" was, in fact, a charming understatement regarding the diversity of the signatories. Founding members of this movement included Vaclav Maly, a Catholic priest banned by the regime; Vacla Benda, a Christian philosopher; former Trotskyite Peter Uhl; former Communists like Zdenek Mlynar and Jiri Hajek, both of whom were ousted from their leadership positions in the wake of the 1968 Soviet attack that crushed the Prague Spring reforms; and, of course, Vaclav Havel, a playwright and dramatist. Notwithstanding the many differences these people surely had, they were united by a common purpose: to compel the Communist regime to respect the international human rights agreements it had freely adopted.

Interestingly, the Charter 77 movement was never a mass dissident movement—fewer than two thousand people ever formally signed this document. But, to use a boxing analogy, Charter 77 punched above its weight. Its influence could be felt far beyond the number of those who openly signed on and, ultimately, in the battle of wits and wills with the Communist regime, Charter 77 clearly won.

And most importantly, Charter 77—like other human rights groups founded at roughly the same time in Moscow, Vilnius, Warsaw and elsewhere—looked to the Helsinki process as a vehicle for calling their own governments to account. Although it is sometimes said that the Helsinki process helped to bring down communism, it is really these grass roots movements that gave the Helsinki process its real meaning and its true legitimacy.

Thirty years ago, a small, courageous band of people came together and said, "We believe that Charter 77 will help to enable all citizens of Czechoslovakia to work and live as free human beings." Today, we remember their struggle and praise their enduring contributions to democracy and human rights.

STATEMENT IN HONOR OF THE BLOOMFIELD COLLEGE STUDENT ANDRE DABNEY

HON. BILL PASCRELL, Jr.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PASCRELL. Madam Speaker, I rise today to honor a very accomplished young man. Andre Dabney, a record-breaking member of Bloomfield College's basketball team, deserves our recognition for his accomplishments both on and off the court. He is certainly an inspiration to young people everywhere.

A native of Plainfield, New Jersey, Andre has truly excelled at Bloomfield College. He has been named three times to the All-Central Athletic Collegiate Conference (CACC) First Team in basketball and was named CACC Player of the Year during the 2004–2005 school year. He has been recognized twice as CACC All Tournament Most Valuable Player and was the first member of the Bloomfield College basketball team to exceed 2,000 career points. Andre Dabney received honorable mentions for All American in the 2004–2005 and 2005–2006 school years, and was awarded with a spot on the Pre-Season Second Team All American in the 2006–2007 school year.

When not playing basketball, Andre is a strong student who has been on the Dean's List for seven of the last nine semesters. He is also an active member of the Phi Beta Sigma Fraternity.

Madam Speaker, Andre Dabney is a model of achievement. He truly shows how far young people can go when they are given the opportunity to succeed. I wish him the best of luck in his future endeavors, and I know we can expect great things from him in the years to come.

TRIBUTE TO THE RETIREMENT OF JERRY DIRECTOR

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. HOYER. Madam Speaker, on the occasion of his retirement this month, I'd like to take this opportunity to recognize and thank Jerry Director, our Deputy Law Revision Counsel, as he concludes a long and distinguished career spent serving the American people in the U.S. House of Representatives.

Jerry joined the Office of the Law Revision Counsel in 1976, just two years after it was established, and we've been lucky enough to have him here with us ever since.

Throughout his career, Jerry has been an indispensable member of a small but essential group of nonpartisan professionals who prepare and publish the United States Code and draft legislation to improve the codification of federal law. He has played an important role in maintaining the Code from year to year, and Jerry has used his expansive wealth of legislative knowledge to guide and train each and every attorney that is currently charged with updating the laws of our land.

In 1997, Jerry rose to his current position of Deputy Law Revision Counsel, and his leadership, expertise and tireless efforts have been invaluable in ensuring the accuracy and quality of the volumes that govern every aspect of American life.

Jerry's easygoing demeanor, patient manner and high standards are greatly appreciated by his colleagues and those of us who have had the pleasure of getting to know him over these last 30 years. And when he thinks back on his time in the People's House, I know he will do so with all the pride and satisfaction that accompany an outstanding career of public service.

Later this month, Jerry will retire to Richmond, Virginia, where he plans to continue his love of golf and spend more time with his family. But before he goes, I want to congratulate Jerry Director on a wonderful career and wish him all the best as he embarks on the next—and hopefully, the most fulfilling—chapter of his life.

CONGRATULATING THE MENDOTA ELEMENTARY SCHOOL ON ITS 50TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, today I rise to congratulate Mendota Elementary School on its 50th anniversary. For 50 years, the Mendota Elementary School has provided academic excellence for the children of Mendota Heights. The school has served as a community resource, providing education opportunities for students, parents and the public, and providing public spaces for civic engagement.

This celebration comes at a great time for Mendota Elementary School. The school was recently included among nine Minnesota schools named as U.S. Department of Education 2006 Blue Ribbon School Award schools. The Blue Ribbon School Award is a special recognition that reflects the outstanding academic performance of the students, teachers and staff of Mendota Elementary School. As a good steward of public education, the Mendota Elementary School provides a safe and nurturing place for our children to grow and learn. Teachers and staff offer an enriched environment for children to develop into healthy, contributing and productive citizens.

In honor of the students, parents, families, teachers and staff of Mendota Elementary School, I am pleased to honor this special anniversary. I look forward to continued celebrations of success and milestones in the education of the people of Mendota Heights community.

HONORING CAREER OF JOE HARRISON

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. RAHALL. Madam Speaker, I rise today to pay tribute to Joe Harrison, President and CEO of the American Moving and Storage Association (AMSA). AMSA represents approximately 3,500 professional household moving companies worldwide. For the last 25 years, Joe has served as the industry's primary spokesperson and advocate, but is now set to retire on March 31, 2007.

During his tenure, Joe has appeared before this body many times, providing information about the industry and its "best practices."

For the past quarter-century, Joe has lobbied Congress on issues ranging from retaining the federal moving tax deduction, to small business tax and regulatory relief, to affordable health care for his Association's members and their families.

Additionally, he has worked with the states to continue their ability to regulate the intrastate transportation of household goods.

He has been a champion of various industry-led consumer education and protection activities, including but not limited to increased ceiling amounts for arbitration of disputes between carriers and shippers; a Certified Mover Program; adequate federal oversight and enforcement of the interstate household goods consumer protection laws; limited antitrust immunity for ratemaking by the industry's Tariff Bureau; competitive and efficient procurement policies for relocation of federal employees and military personnel; reauthorization of our federal highway program; and a host of other commercial vehicle safety policies, such as proposed ergonomics and hours-of-service regulations.

A tireless advocate, Joe has taken every opportunity, including numerous media interviews, to convey the responsibilities to the consumer his association members carry. In 2003, Joe's dedication to the Association and the industry were recognized when he was awarded the Moving and Storage Institute's "Distinguished Service Award", the moving industry's most coveted award.

I thank Joe for his years of dedicated and professional service to the Nation and the legislative process, and wish him continued success in the next chapter of his personal and professional life. He has been, and will forever remain, the "Consummate Mover and Shaker on Capitol Hill."

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Two members of the Fairfax County Sheriff's Office have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Fairfax County Sheriff's Office. Receiving the Certificate of Valor: Private First Class Robert L. Perryman; the Bronze Medal: Private First Class Darrell L. Carty.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Sheriff's Office. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

THE REINTRODUCTION OF THE FILIPINO VETERANS FAMILY REUNIFICATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. HIRONO. Madam Speaker, I rise today to reintroduce the Filipino Veterans Family Reunification Act, a companion to Senator AKAKA's bill of the same name, which will provide for the expedited reunification of the families of our Filipino World War II veterans. I am pleased to be joined in this legislation by Representatives NEIL ABERCROMBIE, BOB FILNER, MICHAEL HONDA, MADELEINE BORDALLO, ROBERT "BOBBY" SCOTT, JIM MCDERMOTT, DARRELL ISSA, SAM FARR, AL GREEN, RAÚL GRIJALVA, and PHIL HARE.

As you know, Filipino veterans are those that honorably answered the call of President Franklin D. Roosevelt and served alongside our armed forces during World War II. They fought shoulder to shoulder with American servicemen; they sacrificed for the same just cause. We made a promise to provide full veterans' benefits to those who served with our troops. And while we have recently made appreciable progress toward fulfilling that long-ignored promise, we have not yet achieved the full equity that the Filipino veterans deserve.

In 1990, the Congress recognized the courage and commitment of the Filipino World War II veterans by providing them with a waiver from certain naturalization requirements. Many veterans thereafter became proud United States citizens and residents of our country. However, allowances were not made for their children and many have been waiting decades for petition approval.

The Filipino Veterans Family Reunification Act would allow for the further recognition of the service of the veterans by granting their children a special immigration status that would allow them to immigrate to the United States and be reunified with their aging parents. It is important to note that the Filipino soldiers who fought under the command of General Douglas MacArthur at this critical time in our Nation's history represent a unique category. These soldiers were members of the United States Armed Forces of the Far East. They were led to believe that at the end of the conflict they would be treated the same as American soldiers. It took more than 60 years to begin to make good on our commitment. The Filipino Veterans Family Reunification Act recognizes the special circumstances of this group of soldiers.

I would like to submit into the record an editorial from the Honolulu Advertiser that supports the expedited reunification of these families as a meaningful way to make amends for the injustice experienced by these brave soldiers. As the editorial frankly states, "Reuniting these men with their children is not only the fair thing for the U.S. government to do, it's the least it could do."

Last year, my home State of Hawaii celebrated the 100th anniversary of the first Filipino immigrants to arrive on U.S. soil. We are exceptionally proud of the accomplishments of our Filipino community and confident that the next 100 years will be as successful. It is unfortunate that prospective family-based immigration applicants from the Philippines face substantial, often decades-long, waits for visas.

In Honolulu, I recently had a meeting with a group of Filipino veterans from my district. I listened to many heartbreaking stories of sons and daughters waiting patiently in the Philippines with the hope that one day they will be able to come to the United States to care for their aging parents. The need to complete these families of our veterans is great.

As our Filipino veterans are entering the sunset years of their lives, Congress is running out of time to fulfill our obligations to them. I look forward to working with my colleagues by providing for the reunification of our Filipino World War II veterans with their families.

[From the Honolulu Advertiser, Feb. 25, 2007]

FILIPINO VETS' FAMILIES DESERVE SPECIAL STATUS

Filipino veterans, who fought alongside U.S. troops during World War II, have waited far too long—more than 60 years—to get what's due them.

While they still seek full pension benefits from Congress, another key measure would give them something that could be more important in their senior years: family reunification.

Senate Bill 671, recently introduced by U.S. Sens. Dan Akaka and Daniel Inouye, grants special immigrant status to the children of naturalized Filipino veterans, enabling them to move up in the visa backlog that has had some family members waiting for entry to the U.S. for nearly 20 years.

Indeed, this solution is not a simple one. In the aftermath of Sept. 11, visa policies were rightly revamped and strictly enforced. To expedite the process for these family members and not others merits concern.

But let's look at the bigger picture: An estimated 200,000 Filipinos were drafted in 1941 to fight under Gen. Douglas MacArthur when war broke out. The men were promised citizenship and benefits by President Franklin D. Roosevelt. But Congress reneged on the promise with the Rescission Act of 1946.

Not until 1990 did the Immigration Act allow these men citizenship. But they have yet to receive the same benefits as their GI counterparts, and the change in immigration law did not extend the same rights to the veterans' sons and daughters.

Today, there are an estimated 5,000 Filipino veterans in Hawai'i and the Mainland, according to the American Coalition for Filipino Veterans, but most are well into their 80s and 90s—and their number is quickly dwindling.

Reuniting these men with their children is not only the fair thing for the U.S. government to do, it's the least it could do.

And Congress shouldn't stop there. The aging veterans deserve to see the final piece in their struggle for equity: the granting of full pension benefits that could mean $200 a month per veteran.

For these men, it's more than just a paycheck—it's a promise.

RECOGNIZING MR. ERIC BRANSBY'S 90TH BIRTHDAY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LAMBORN. Madam Speaker, I rise in recognition of Mr. Eric Bransby on his 90th birthday and the tremendous contributions he has made to the Colorado Springs community and the greater art world.

A gifted artist, Mr. Bransby developed his interest in mural painting while studying at the Kansas City Art Institute. Since that time he has become an internationally renowned muralist. Recognized as a Phi Kappa Phi National Honorary and a Fellow of the National Society of Mural Painters, he is one of only a few painters to work in traditional fresco. Mr. Bransby studied at Colorado College and later at Yale University as a graduate fellow. He translated this formal training into a life dedicated to furthering American art as both an artist and educator.

Students from Yale University and Colorado College among others have benefited from Mr. Bransby's passion, and the citizens of Colorado from his extraordinary talent. Among Mr. Bransby's works are the history of aviation mural at the United States Air Force Academy and the pioneer scene in Cossit Hall at Colorado College. His magnificent depiction of 200 years of Colorado history featuring nearly 100 subjects, from early, unknown settlers to historical figures can be seen at Colorado's Pioneer Museum located right in my hometown of Colorado Springs.

My district and our Nation are fortunate to count among their citizens this extraordinary individual. Mr. Bransby has inspired generations by bringing to life, with vivid imagination, our history, and we owe him immense gratitude.

IN HONOR OF MRS. RHODA ANN SOKOL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor the memory of Mrs. Rhoda Ann Sokol, a dedicated teacher and citizen from Long Branch, New Jersey. It is with great pride and admiration that I honor her today for her outstanding commitment to New Jersey's Jewish community and for the legacy she has left for her students, her family, and the people of Monmouth County.

Mrs. Sokol was born in New York at Beth Israel Hospital but lived most of her young life in West Long Branch, New Jersey. She graduated from Long Branch High School, my alma mater, and went on to obtain a bachelor of science degree from Monmouth College. She and her husband Robert were married for 40 years and raised three children in Ocean Township.

Mrs. Sokol was a very generous person and was incredibly dedicated to her work. She taught at the Jewish Community Center in Deal for 21 years and taught at the Solomon Schechter Academy in Howell for 23 years. She loved the arts and music and worked with students on musicals while she taught at Solomon Schechter. She will always be remembered as a teacher who adored her students and who was always willing to help them in any way she could.

There are many people all over Monmouth County who will never forget Mrs. Sokol. It gives me great pride to say that the Spirit of Israel Dance Company is performing a tribute concert to honor her memory. The concert will take place on Sunday, March 4th and will showcase young dancers ranging from ages 14–20. This dance group has performed all over the world, including at the Maccabia opening ceremony, Adloyada, Carmiel, various TV programs, and at numerous school events.

Madam Speaker, I sincerely hope that my colleagues will join me in recognizing Mrs. Rhoda Ann Sokol for her lifelong dedication to her community. While she was taken from the Long Branch community before her time, her friends, family, and students will never forget her.

MOURNING THE LOSS OF KEN BERKMAN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ISRAEL. Madam Speaker, I rise today in great sadness. My community has lost a great leader and a humanitarian: Ken Berkman.

Of all the things that can be said of Ken Berkman, the most profound is that he made a difference in his community. And to every good cause and every community project he brought a sparkling wit, a wry smile, a deep compassion, and an exuberant dedication. He built one of the leading law firms on Long Island, but understood that the foundation of a strong law firm is a good and flourishing community.

I have known Ken and his wife Irene for many years; but anyone involved in any facet of community life or any issue confronting Long Island has also known them.

Ken cared about his country. He cared about the town of Huntington. And cared most about his family. His legacy will be a standard of grace and commitment that to which others will aspire. He made our community better, and those who follow his example will continue to push our community forward.

That, Madam Speaker, is the true legacy of Ken Berkman. We lost him, but not the standard he set, and the difference he made to the people I represent in the United States Congress.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MORAN of Virginia. Madam Speaker, last year representatives and leaders of Virginia's Native American tribes left their communities and flew to England to participate in ceremonies that were a prelude to the 400th anniversary of the first permanent English settlement in America. Some of the distinguished Virginia residents who made this trip are the blood descendants and leaders of the surviving 7 tribes that once were a part of the Great Powhatan Confederacy that initially helped sustain the colonists during their difficult first years at Jamestown. Virginia's best known Indian, Pocahontas, traveled to England in 1617 with her husband John Rolfe and was received by English royalty. She died a year later of smallpox and is buried in the chapel of the parish church in Gravesend, England.

This year marks the 400th anniversary of the settlement of Jamestown. It would be a sad irony if the direct descendants of the native Americans who met these settlers, were still not recognized by the federal government. I, along with fellow Virginians, Reps. Jo Ann Davis, Bobby Scott and Tom Davis of Virginia, and Reps. Nick Rahall, Neal Abercrombie, Dale Kildee, and Frank Pallone are introducing legislation today entitled the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act." This legislation will finally, and at long last, grant federal recognition to six Indian tribes in Virginia: the Chickahominy Tribe, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock Tribe, the Monacan Tribe, and the Nansemond Tribe.

Like most Native Americans, the Virginia tribes first welcomed western settlers, but quickly became subdued, pushed off their land, and, up through much of the 20th Century, denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia Indians successfully overcame years of racial discrimination that denied them equal opportunities to pursue their education and preserve their cultural identity. That story of survival doesn't encompass decades, it spans centuries of racial hostility and coercive state and state-sanctioned actions.

Their story, however is unique in two ways. First, they signed their peace treaties with the Kings of England, and second, they suffered centuries of state sanctioned hostilities. Unlike most tribes that resisted encroachment and obtained federal recognition when they signed peace treaties with the federal government, Virginia's six tribes signed their peace treaties with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and Charles the II. This treaty has been recognized by the State every year for the past 329 years when the Governor of the Commonwealth of Virginia accepts tribute from the tribes in a ceremony now celebrated at the State Capitol. I understand it is the longest celebrated treaty in the United States.

In the intervening years between 1677 and the birth of this nation, however, these tribes were dispossessed of most of their land and were too weak to pose a threat. They were, therefore, never in a position to negotiate and receive recognition from our nascent federal government. Last summer the English government reaffirmed its recognition of this treaty with the modern Virginia tribes.

Their unique history speaks to the reason Congress must act to recognize the Virginia tribes. They have experienced what has been called a "paper genocide" and been persecuted by the Commonwealth of Virginia. At the time when the federal government granted Native Americans the right to vote, Virginia's elected officials were embracing the eugenics movement and began adopting racially hostile laws targeted at those classes of people who did not fit into the dominant white society.

These actions culminated with the enactment of the Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a state official, to destroy records and reclassify in Orwellian fashion all non-whites as "colored." It targeted Native Americans and sought to deny them their identity. To call yourself a "Native American" in Virginia was to risk a jail sentence of up to one year. The law remained in effect until it was struck down in the federal courts in 1967.

For up to 50 years, state officials waged a war to destroy all public and many private records that affirmed the existence of Native Americans in Virginia. Historians have affirmed that there is no other state that compares to Virginia's efforts to eradicate its citizens' Indian identity. All of Virginia's state-recognized tribes have filed petitions with the Bureau of Acknowledgment seeking federal recognition.

But it is a very heavy burden the Virginia tribes will have to overcome and one fraught with complications that officials from the Bureau of Indian Affairs have acknowledged may never be resolved in their lifetime. The acknowledgment process is already costly, subject to unreasonable delays, and lacks dignity.

Virginia's legacy of paper genocide only further complicates these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents and aggravating the injustice already visited upon these tribes.

This wasn't corrected until 1997 when Governor George Allen signed legislation directing state agencies to correct state records that had deliberately been altered to list Virginia Indians on official state documents as "colored." The law allows living members of the tribes to correct records, but the law cannot correct the damage done to past generations. Two years later, the Virginia General Assembly adopted a resolution calling upon Congress to enact legislation recognizing the Virginia tribes.

There is no doubt that the Chicahomony, the Eastern Chicahomony, the Monacan, the Nansemond, the Rappahannock and the Upper Mattaponi tribes exist. These tribes have existed on a continuous basis since before the first western European settlers stepped foot in America; and, they are here with us today.

I know there is great resistance from Congress to grant any Native American tribe federal recognition. And, I can appreciate how the issue of gambling and its economic and moral dimensions have influenced many Members' perspectives on tribal recognition issues. I think the circumstances and situation these tribes have endured and the legacy they still confront today, however, outweigh these concerns. We have made significant compromises to give the State the option to say "no" to gaming. Congress has the power to recognize these tribes. It has exercised this power in the past, and it should exercise this power again with respect to these six tribes.

I urge my colleagues to support this legislation.

COSPONSORS OF LEGISLATION INTRODUCED BY THE REP. JIM MORAN RECOGNIZING SIX VIRGINIA TRIBES

The Honorable Jo Ann Davis; the Honorable Bobby Scott; the Honorable Tom Davis; the Honorable Nick J. Rahall II; the Honorable Neil Abercrombie; the Honorable Dale E. Kildee; the Honorable Frank Pallone, Jr.; the Honorable Robert C. Scott.

RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. OBERSTAR. Madam Speaker, today I have introduced a bill to improve the security of railroad, public transportation, and over-the-road bus systems in the United States.

Tragically, transit and rail systems have long been popular targets of terrorist attacks worldwide. From 1991 to 2001, 42 percent of all terrorist incidents were carried out on rail systems or buses. Recent tragic events show that these threats continue.

On March 11, 2004, a coordinated terrorist attack against the commuter train system of Madrid, Spain, killed 191 people and wounded more than 2,000 others. On July 7, 2005, four bombs exploded on the London transit system, killing 52 people and injuring 700 others. It was the deadliest bombing in London since World War II. On July 11, 2006, a series of seven bomb blasts that took place over a period of 11 minutes on the Suburban Railway in Mumbai, India's financial capital, killed 209 people and injured over 700 others.

The characteristics of transit and passenger rail systems make them inherently vulnerable to terrorist attacks and difficult to secure. Public transportation and rail systems are open, have multiple access points, are hubs serving multiple carriers, and in some cases, have no barriers. In addition, high volume of passengers and freight, expensive infrastructure, economic importance, and location make these systems attractive targets for terrorists because of the potential for mass casualties, economic damage, and disruption.

The potential to do harm is truly enormous. In the United States, every day, more than 14 million people use public transportation. Public transportation agencies provide 9.5 billion transit trips annually. The over-the-road bus industry, which provides intercity bus service and charter service, transports 774 million passengers annually. Amtrak and commuter railroads serve more than 500 million passengers annually.

Unfortunately, despite this stark reality, investments to enhance the security of our Nation's surface transportation systems have not kept pace with the needs. Last year, the Federal Government invested $4.7 billion in aviation security improvements, while spending only $136 million on transit and rail security, even though five times as many people take trains as planes every day.

The bill I have introduced today requires several measures that will address the security challenges faced by our Nation's railroads, public transportation agencies, and over-the-road bus operators. Specifically, the legislation:

Directs the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to develop and implement a National Rail and Public Transportation Security Plan, as required in the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458), but which has not been completed.

Requires the Department of Homeland Security (DHS), in coordination with the Department of Transportation (DOT) to issue regulations establishing a security program for rail carriers, public transportation providers, and over-the-road bus operators. Carriers and operators considered to be at high or medium risk of terrorist attack, as determined by DHS, are required to conduct an assessment of the vulnerability of their infrastructure and operations to terrorism and to prepare and implement a security plan.

Requires DHS, in coordination with DOT, to establish separate security assistance grant programs for rail, transit, and over-the-road bus, to provide capital and operating assistance based on priorities established by the security assessments. DHS would be responsible for establishing grant program priorities, while DOT would be responsible for making grants to eligible recipients based on DOT's existing grant structure.

Authorizes specific grants to Amtrak for tunnel improvements and upgrades, and further requires an increase in the number of DHS rail security Inspectors.

Addresses a critical security gap by requiring mandatory security training for employees in the industries covered by the bill. This provision and the timeline established will ensure that front-line transit workers are properly trained to address security needs.

Establishes certain whistleblower protections for employees of railroads, public transportation agencies, and over-the-road bus companies; as well employees of DOT, DHS, and contractors.

Madam Speaker, this bill carefully crafts a joint approach on security. The bill maximizes the expertise and core competencies of both DHS and DOT, to enhance the implementation of these critically important, and long overdue, security programs.

DOT has played and continues to play a significant role in securing our Nation's transit and rail systems. DOT is the government's lead agency on transportation safety and efficiency. Decisions on security measures cannot be made in a vacuum without consideration of the effects on safety and efficiency. While DHS is the lead agency on security, it must work cooperatively with DOT to ensure that safety is not impaired and security measures do not unnecessarily impair efficiency.

The Federal Transit Administration, the Federal Railroad Administration, and the Pipeline and Hazardous Materials Safety Administration have all signed Memorandums of Understanding with DHS to clarify the roles and responsibilities of each agency with respect to security. This bill honors and follows the principles outlined in these existing agreements.

I would like to thank Representative Bennie Thompson, Chairman of the Committee on Homeland Security, for his cooperation to date on rail, public transportation, and over-the-road bus security legislation. I look forward to continuing our joint work to bring a comprehensive surface transportation security bill to the House floor as quickly as possible.

HONORING EDWIN O. GUTHMAN

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FATTAH. Madam Speaker, I rise today to pay tribute to the career of Ed Guthman, a dedicated public servant and master of his craft, who is being honored tonight at the University of Southern California. From his days with Bobby Kennedy to his time at the Philadelphia Inquirer and, most recently, shaping the minds of a new generation of journalists at USC, Ed has remained steadfastly committed to the principles of open government and honest journalism. As editorial page editor at the Philadelphia Inquirer, he wrote with insight on the major issues of the day; nuclear safety, education reform and corruption in Philadelphia and Pennsylvania's court systems. His clear prose and cogent ideas brought honor to his newspaper and true enlightenment to us, the readers.

Ed's career did not begin with his decade at the Inquirer. Before coming to Philadelphia, he served as the national editor at the Los Angeles Times. It was during his work in Los Angeles that Ed was listed as number three on Nixon's infamous enemies list. The list, and Guthman's inclusion, offer enduring evidence of the danger of an unchecked executive and a reminder of the need for an eternally vigilant free and independent press. Prior to the LA Times, he was a reporter at the Seattle Times where he was awarded the Pulitzer Prize for his investigation into the Washington State Un-American Activities Committee.

I consider it a privilege to call Ed my friend. He is a brilliant man and has contributed greatly to the field of journalism and the quest for a fair and democratic United States. While I am pleased that he has the opportunity to share what he knows with the students of USC, we will always miss him in Philadelphia.

ELLEN WALLACE BUCHANAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. CLYBURN. Madam Speaker, it is a great honor for me to rise in recognition of the highly successful career and notable achievements of Ms. Ellen Wallace Buchanan. On February 28, 2007, Ellen retired as Chief of Staff for Representative JOHN SPRATT (D–SC), after over 30 years of service to the United States House of Representatives.

Ellen was raised in my home state of South Carolina by a father who was a probate judge and a mother who was a school teacher. Her parents instilled in her the importance of service to community and country.

After receiving her Bachelor's degree in Education from Winthrop University, Ms. Buchanan followed in her mother's footsteps, beginning her career as an elementary school teacher in Charleston, SC.

In a career move that would enable her to further serve her community while engaging her fascination with government, Ellen accepted a position as Staff Assistant with former Congressman Kenneth Holland (D–SC) in 1976. During her six-year tenure in former Congressman Holland's office she was given roles of increasing responsibility. When JOHN SPRATT succeeded Congressman Holland, Ellen continued her service to the United States House of Representatives starting as Congressman SPRATT's Legislative Assistant and rising to become his Chief of Staff.

Ellen's tenure in the House can be described in one way—passion for her work. She especially enjoyed taking part in campaigns. In her words, "It reenergizes you to be with your supporters." In addition to her exceptional leadership skills, Ellen possesses an extremely pleasing personal demeanor. She is loved by all who know her.

Madam Speaker, on behalf of my staff, and the constituents of the 6th District of South Carolina, I ask you and my colleagues to join us in saluting the contributions of Ellen Wallace Buchanan and wish her well in the years to come.

TRIBUTE TO THE LATE STAFF SERGEANT JOSHUA R. HAGER

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. SALAZAR. Madam Speaker, I ask for unanimous consent to address the House for one minute and to revise and extend my remarks.

I stand here today to pay tribute and recognize the loss of SSG Joshua R. Hager. Staff Sergeant Hager was killed in action while serving his country in Iraq.

Every day, the men and women of the United States Armed Forces face danger in the hope to bring peace and prosperity to those in need. We must not forget the individual stories of these soldiers who are serving our country with courage and honor.

Joshua Hager was from Bloomfield, Colorado and he is survived by his wife and child who reside in Pueblo, Colorado.

Staff Sergeant Hager was one of three Fort Carson soldiers who died on Friday, February 23. Hager, PVT Travis Buford of Galveston, Texas, and PVT Rowan Walter of Winnetka, California, died Friday of injuries suffered a day earlier when an improvised explosive device detonated near their vehicle.

All three brave men were assigned to the 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, based at Fort Carson, which has now lost 189 soldiers since the war in Iraq began.

Joshua Hager was 29 years old.

My heart goes out to Joshua's wife and child as well as all of his family and friends. Their courage in this time of hardship humbles us all.

We will not forget his sacrifice, and that of the soldiers who rode alongside Joshua.

I submit this recognition to the United States House of Representatives in honor of their sacrifice, so that Joshua Hager may live on in memory.

SENATE—*Friday, March 2, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy One, who expresses Your love to us each day, shower us with Your mercy that we may rejoice and be glad. May the gift of Your presence be more than sufficient to meet the needs of our Senators. Lead them to Your truth and inspire them with Your love.

Lord, give the Members of this body the wisdom to depend on Your power and to stand firm as they meet the challenges of our time. Do for them far more than they can ask or imagine. As they strive to do Your will, teach them to say the right thing at the right time and to serve with faithfulness. Keep them humble and fill them with a spirit of gratitude. May they always be willing to acknowledge their total dependence upon You.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to immediately resume consideration of S. 4. At 10 a.m., there will be two rollcall votes, first with respect to the Sununu amendment regarding cross-border interoperability. The second vote is in respect to the Salazar amendment regarding rural policing. These will be the only votes today. Members are welcome to stay after the votes and offer amendments and speak on amendments that are pending.

One amendment that has generated a lot of controversy within the Senate and outside of this body is the DeMint amendment. I hope Members will come and speak about it. As staff has talked, I have mentioned briefly to the Republican leader what we would like to do. Monday night, we will have several votes. We will have more than one vote at 5:30. What I would like to do is on Tuesday have McCaskill and DeMint in the morning. The only thing we have to work out is how much time has to be spent on the DeMint amendment prior to a vote. We hope Senators will come and talk about those matters this afternoon and Monday.

I repeat, Members have the opportunity this afternoon and Monday. We will come in at whatever time we think is appropriate. If we get word that Senators want to offer amendments, we can come in earlier rather than later so that Members may offer amendments and speak about them and so we can move to conclusion of this legislation.

Members have been previously informed that we would be voting on March 5. I am surprised that March is here already, but it is.

We have done well on this bill. I have been satisfied—I think everybody has been—with the demeanor of the debate. It has been very good.

MEASURE PLACED ON THE CALENDAR—H.R. 800

Mr. REID. Mr. President, I understand that H.R. 800 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

JOHN "PEDIE" MORTON

Mr. REID. Mr. President, the person about whom I am going to speak has never been on C–SPAN. Members of the public would not recognize him in any capacity. But he is a central part of the Senate family, helping make sure offices have whatever they need to function.

His name is John "Pedie" Morton. I have known him for all the time I have been in the Senate. He has been here almost 40 years, working to make the Senate a better place. His name is unfamiliar to the general public. He works behind the scenes in Capitol Facilities. He is a familiar face to those of us who walk the halls of the Capitol. We know him from his great smile, which is disarming. He always expresses warm greetings. Even though he cares a great deal about the Senate, I have to acknowledge that he likes the Redskins more than the Senate. That is his love, the Washington Redskins. After more than three decades of work, he will be missed.

Students learn in civics class about the hundred of us, but they don't learn how many workers it takes to keep this body running. There are hundreds of men and women just like Pedie who help us do our jobs. While the American people recognize us, the hundred Senators, today I want to recognize Pedie and the multitude of colleagues with whom he shares responsibilities in making this place work so well.

There are people every day, seated in front of the Presiding Officer, doing things we don't know how to do but they do to make this body function so that there is a CONGRESSIONAL RECORD every day and it is absolutely correct, the court reporters taking down every word we say. The police officers make sure the evil people who want to do harm to this beautiful building and the people in it are safe. Today, I recognize Pedie on behalf of all these people who do so much to make the Senate the wonderful institution it is and our country a better place.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOHN "PEDIE" MORTON

Mr. McCONNELL. Mr. President, I join the majority leader in commending Mr. Morton for his extraordinary service in the Senate. Not only does he love the Redskins, he loves to fish, too—two passions I share with him. I expect he will have more time for both in the coming years. I join with my good friend, the majority leader, in thanking him for his remarkable career in the Senate and for helping us in so many ways over the years.

Mr. REID. Mr. President, I say to my distinguished colleague, the Republican leader, I don't know how anyone could care more for athletic teams than he does for those in Kentucky. I am not sure he has a lot of time to share any of his affection for teams other than those in Kentucky because they are a passion of the distinguished Republican leader.

Mr. McCONNELL. I thank my friend, the majority leader.

VOTES AND AMENDMENTS

Mr. McCONNELL. Mr. President, with regard to the two votes we will have at 10, my understanding is both these amendments have been cleared on both sides. I know I can speak for the Senator from New Hampshire, Mr. SUNUNU, that he was prepared to take a rollcall vote.

With regard to moving forward on this legislation, I encourage Members on our side of the aisle who have amendments to come down, get them in the queue. We will have a number of amendments, as the majority leader has indicated, next week. The best way to proceed, if a Senator is on this side of the aisle and has an amendment, is to come on down and offer it and get it in the queue.

I yield the floor.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Sununu amendment No. 292 (to amendment No. 275), to expand the reporting requirement on cross border interoperability, and to prevent lengthy delays in the accessing frequencies and channels for public safety communication users and others.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

Salazar amendment No. 280 (to amendment No. 275), to create a Rural Policing Institute as part of the Federal Law Enforcement Training Center.

DeMint amendment No. 314 (to amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 5 minutes to send a new amendment to the desk and to call up three amendments and for a very brief discussion.

The ACTING PRESIDENT pro tempore. Is this 5 additional minutes or time to be counted against the Senator from Colorado?

Ms. LANDRIEU. I was under the impression I was going to be recognized first.

The ACTING PRESIDENT pro tempore. The Senator from Colorado, Mr. SALAZAR, has time.

Mr. SALAZAR. Mr. President, I ask unanimous consent that Senator LANDRIEU be yielded 5 minutes of the time allotted to me.

I ask unanimous consent that Senator LANDRIEU be permitted to move forward for 5 minutes, with 2½ minutes taken from our side and 2½ minutes taken from the other side, and following Senator LANDRIEU, Senator ALLARD from Colorado be permitted to lay down his amendment for up to 5 minutes, with 2½ minutes taken from our side and 2½ minutes from their side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLARD. Mr. President, I appreciate the Senator from Colorado allowing me an opportunity to call my own amendment. The way I understand it now, we are going to give 2½ minutes to the Senator from Louisiana, and I will have 2½ minutes on this side; is that correct? How are we allocating time? I want to clarify.

Mr. SALAZAR. Mr. President, I modify my unanimous consent request. I ask unanimous consent that the Senator from Louisiana be allotted 5 minutes, 2½ minutes to come off of the majority side and 2½ from the minority side; then following her, up to 5 minutes for the Senator from Colorado, with 2½ minutes coming off the majority side and 2½ minutes off the minority side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 321 TO AMENDMENT NO. 275

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 321 to amendment No. 275.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors)

On page 233, line 11, after "the Secretary" insert "shall include levees in the list of critical infrastructure sectors and".

AMENDMENTS NOS. 295 AND 296, EN BLOC, TO AMENDMENT NO. 275

Ms. LANDRIEU. Mr. President, I call up amendments Nos. 295 and 296.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments numbered 295 and 296 en bloc to amendment No. 275.

The amendments are as follows:

AMENDMENT NO. 295

(Purpose: To provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005)

At the end of title XV, add the following:

SEC. . FEDERAL SHARE FOR ASSISTANCE RELATING TO HURRICANE KATRINA OF 2005 OR HURRICANE RITA OF 2005.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 shall be 100 percent.

(b) EFFECTIVE DATE.—This section shall apply to any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) on or after August 28, 2005.

AMENDMENT NO. 296

(Purpose: To permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes)

At the end of title XV, add the following:

SEC. ___. CANCELLATION OF LOANS.

(a) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking "*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(b) DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading "DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under the heading "DEPARTMENT OF HOMELAND SECURITY", by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061).

Ms. LANDRIEU. Mr. President, I appreciate my colleague allowing me a few minutes this morning to present this amendment. Whenever the managers of the bill believe we can vote on this amendment, I would most certainly follow their lead. It is a very important amendment, not just for the State of Louisiana but for Mississippi as well and for the gulf coast.

There seems to be some misunderstanding about the scope of the damage of Hurricanes Katrina and Rita, the first and third worst storms in the history of the Nation. As we can see, Hurricane Andrew, the most expensive storm prior to these, had a per capita impact on the State of Florida of $139. The World Trade Center attacks, as vicious and terrible and heart-wrenching as they were, had a more substantial impact to the State of New York. But Katrina and Rita have had an extraordinarily horrific impact on the States of Louisiana and Mississippi.

This amendment asks the Congress to waive the 10-percent match which was done in this case and in this case. It most certainly should be done in this case. That is the essence of this amendment.

It would not only mean fairness and parity and equity for the survivors of Hurricanes Katrina and Rita, in line with what we have done, but it would also substantially expedite the rebuilding work that is underway and is tied up in redtape—in mindless redtape—because of this requirement. So I am asking for the Congress to act swiftly on this bill to get that done.

AMENDMENT NO. 321

In addition, we also are asking for the critical infrastructure of the levees to be included in the list of critical infrastructure being debated on this bill. We have to review the infrastructure of the Nation and set priorities about where we are going to spend our money. That is what the second amendment does.

AMENDMENT NO. 296

Then, finally, the third amendment will put back into the law the Community Disaster Loan Act the way it was before Hurricanes Katrina and Rita struck. For every other disaster in the past, and amazingly for every one in the future, communities at least have received the option of having their loans forgiven. But under the last Congress, the law was changed not for the future, which I could have accepted, but for only the survivors in Mississippi and Louisiana. The law was changed to not even allow for a possible forgiveness. So, again, it was grossly unfair, unprecedented.

That, basically, is what these three amendments do.

Mr. President, I thank my colleagues for allowing me to speak about the amendments briefly this morning.

I yield whatever time I have remaining.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

AMENDMENT NO. 272 TO AMENDMENT NO. 275

Mr. ALLARD. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 272.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 272 to amendment No. 275.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

"(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require an individual to provide the individual's social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.".

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for each individual who used that social security account number.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of each person reporting earnings for that individual.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, a search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security account numbers, who are sharing a single valid name and social security account number among multiple individuals, who are using the social security account number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

"(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).".

(c) FALSE CLAIMS OF CITIZENSHIP BY NATIONALS OF THE UNITED STATES.—Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)) is amended by inserting "or national" after "citizen".

Mr. ALLARD. Mr. President, this amendment deals with identity theft. As we heard from the 9/11 Commission, being able to secure our identity process is extremely important for the national security of this country. The 9/11 Commission suggested that we needed to do more to protect against identity theft and that was part of the problem with the terrorists who were coming into this country.

So my amendment is very pertinent to the subject of this particular piece of legislation. One of the key items in that report is that we break down the stovepipe between the agencies so we can have some enforcement. This amendment tries to break down the stovepipe between Social Security and Homeland Security. Homeland Security, in checking for identity theft, is not able to get that information from Social Security; Social Security is not able to provide it because of a current law. This amendment addresses that problem.

So it is my hope we can get this adopted. I have called it up, and I have made previous statements on this particular amendment. It is important. If we have somebody who is using the same name and Social Security number, we do not have any way of finding out about it unless it shows up on the Social Security side. So we need to be sure we can break down that stovepipe so we can have better security for this country. That is what my amendment is all about.

Mr. President, I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

AMENDMENT NO. 280

Mr. SALAZAR. Mr. President, we will be voting in a few minutes on amendment No. 280, which will create the Rural Policing Institute. This is the pinnacle of law enforcement training for our Federal agents throughout our country. It is very important that we allow the 800,000 men and women who are in rural law enforcement agencies to take advantage of this great training opportunity. They are the eyes and ears on the ground who ultimately will help us avoid future terrorist attacks such as the one we saw in Oklahoma City which killed 156 people.

Mr. President, I am very proud of the fact this is a bipartisan amendment. I am going to yield up to 2 or 3 minutes of my time to Senator CHAMBLISS because FLETC is located in his State, and he has been a great champion of FLETC.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for up to 3 minutes.

Mr. CHAMBLISS. Mr. President, I thank my good friend and colleague from Colorado for once again bringing this amendment forward. Those of us who come from rural areas understand what our men and women do every day in rural America from the standpoint of enforcing the laws of this country. This amendment goes a longways toward supporting their efforts.

My colleague from Georgia, Senator ISAKSON, and I are original cosponsors and strong supporters of this measure which I believe does fulfill a great need in rural America.

The amendment creates a Rural Policing Institute that would be administered by the Office of the Federal Law Enforcement Training Center, also known as FLETC, located in Glynco, GA.

Despite the fact that a majority of America's law enforcement agencies serve rural communities and small towns such as those across Georgia and Colorado, there is no entity dedicated specifically to training rural law enforcement officers. Currently, FLETC can only meet a small fraction of the demand for rural training.

Rural law enforcement agencies have to work with fewer resources, fewer personnel, and are often forced to go without the training they need and rightly deserve. They cannot afford to do without men and women who may be called away for an extended period of time to undergo training, and that is why we need to bring the training directly to them—training otherwise they would not have access to.

There is no question—and I hear this whenever I travel around my State—that our local law enforcement in rural areas is called upon more and more to prepare for different kinds of threats in this new security environment. In many areas, increased crime and increased methamphetamine drug trafficking has placed severe pressure on rural law enforcement capabilities.

So if we are going to call upon them to do more, to leave their families each day, putting their lives in harm's way, then we have to provide them with the resources they need to carry out their duties. As a strong supporter of the criminal justice system, I believe this includes giving them access to the vital training they need.

We must do all we can to support our hard-working professionals in rural areas. I urge my colleagues to support this commonsense, bipartisan amendment.

Finally, I commend all of our law enforcement personnel, not just in our rural areas but in our urban areas as well—all across Georgia, Colorado, and every single State in America—who risk their lives every day for the sake of protecting their citizens.

Again, Mr. President, I thank my colleague from Colorado for this very commonsense, bipartisan measure that will improve the safety of every single citizen who lives in rural, as well as urban America.

Mr. President, I yield back.

The ACTING PRESIDENT pro tempore. The junior Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, the importance of this amendment is underscored in the stories and the lives that are led by the 800,000 men and women who leave their homes every day to make sure they are protecting America. These are men and women who, in many areas, live in rural communities. In my State alone, we have 14,000 peace officers.

As the attorney general of Colorado, I had the great honor and privilege of being the chairman of the Peace Officers Standards and Training Board. One of the things we recognized during that timeframe in my State of Colorado was that the training of these rural law enforcement officers was very essential for us to be able to make sure, first of all, they were able to protect themselves from getting in harm's way, and, second of all, they were able to protect the public?

Mr. President, can I ask how much time I have on this side.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SALAZAR. Mr. President, I ask unanimous consent to have up to 2 more minutes to speak on the subject of amendment No. 280.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I am proud of the fact that Senator PRYOR and Senator ISAKSON and Senator CHAMBLISS have joined us in moving forward with this amendment. It is a commonsense amendment. When you consider the horrific attack we saw in Oklahoma, it is exactly the kind of attack that might have been prevented if we had our rural law enforcement agencies with the kind of training that would make them part of our antiterrorism efforts.

So I want us very much to move forward with this amendment, to adopt it in the Senate. I urge my colleagues to vote "yes" on this amendment.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum and ask that the time apply equally.

The ACTING PRESIDENT pro tempore. There is no time on the other side.

Ms. COLLINS. OK.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 746 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 292

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to amendment No. 292 offered by the Senator from New Hampshire, Mr. SUNUNU.

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Nebraska (Mr. HAGEL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), and the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—82

Akaka
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Inhofe
Inouye
Isakson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—18

Alexander
Biden
Bunning
Dodd
Enzi
Gregg
Hagel
Hutchison
Johnson
Kennedy
Kyl
Lincoln
McCain
Murkowski
Obama
Roberts
Sessions
Vitter

The amendment (No. 292) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 280

The ACTING PRESIDENT pro tempore. There are now 2 minutes of debate on the Salazar amendment. Who yields time?

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, it is a very simple amendment that would create the Rural Policing Institute, which would help our rural law enforcement throughout the country. These men and women will help us in dealing with terrorism around the country.

There is broad bipartisan support from Senator ISAKSON, Senator CHAMBLISS, and Senator MARK PRYOR, the former attorney general from Arkansas. I urge all my colleagues to vote yes on this amendment.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I strongly support the amendment of my friend from Colorado. It is a necessary and progressive step forward. I don't believe anybody else wants to speak on this amendment. Therefore, I yield back the rest of the time and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), and the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 1, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—82

Akaka
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Inhofe
Inouye
Isakson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Coburn

NOT VOTING—17

Alexander
Biden
Bunning
Dodd
Enzi
Gregg
Hagel
Hutchison
Johnson
Kennedy
Kyl
McCain
Murkowski
Obama
Roberts
Sessions
Vitter

The amendment (No. 280) was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 305, 310, 311, 312, 317, 318, 319, 320, 300, AND 309 TO AMENDMENT NO. 275, EN BLOC

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside, that the following amendments be called up en bloc, and that the reading of the amendments be dispensed with: Sessions No. 305, Cornyn No. 310, Cornyn No. 311, and Cornyn No. 312; four Kyl amendments, No. 317, 318, 319, and 320; and two Grassley amendments, No. 300 and No. 309.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 305

(Purpose: To clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center)

At the appropriate place, insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, or detain an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

AMENDMENT NO. 310

(Purpose: To strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 311

(Purpose: To provide for immigration injunction reform)

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION INJUNCTION REFORM.

(a) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with the requirements of paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1).

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term "consent decree"—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date that is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying a motion made by the Government under subsection (a)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (a)(2)(B). Any order, staying, suspending, delaying, or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (a)(2)(B)(iv).

AMENDMENT NO. 312

(Purpose: To prohibit the recruitment of persons to participate in terrorism)

On page 389, after line 13, add the following:

SEC. 15 . RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

"§ 2332c. Recruitment of persons to participate in terrorism.

"(a) OFFENSES.—

"(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

"(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

"(b) PENALTIES.—Any person who violates subsection (a)—

"(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

"(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

"(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

"(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

"(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

"2332c. Recruitment of persons to participate in terrorism."; and

(2) by adding at the end the following:

"2339D. Receiving military type training from a foreign terrorist organization.".

AMENDMENT NO. 317

(Purpose: To prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults)

At the end, add the following:

SEC. . PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) DEFINITIONS.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

"(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.

"2339E. Providing material support to international terrorism.".

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking all after "2339C" and inserting "(relating to financing of terrorism), 2339E (relating to providing material support to international terrorism), or 2340A (relating to torture);".

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking "15 years" and inserting "25 years".

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking "15 years" and inserting "40 years".

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

(c) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"2339F. Denial of Federal benefits to terrorists.".

(d) ADDITION OF ATTEMPTS OR CONSPIRACIES TO OFFENSE OF TERRORIST MURDER.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting ", or attempts or conspires to kill," after "Whoever kills"; and

(2) in paragraph (2), by striking "ten years" and inserting "30 years".

(e) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

"(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.".

(f) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(2) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(3) in the matter following paragraph (2), by striking "ten years" and inserting "40 years".

AMENDMENT NO. 318

(Purpose: to protect classified information)

At the appropriate place, insert the following:

SEC. . UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) Whoever, being an employee or member of the Senate or House of Representatives of the United States of America, or being entrusted with or having lawful possession of, access to, or control over any classified information contained in a report submitted to the Congress pursuant to the Improving America's Security Act of 2007, the USA Patriot Improvement and Reauthorization Act of 2005, or the Intelligence Reform and Terrorism Prevention Act of 2004, and who knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States, shall be fined under this title or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958 or successor orders;

The term "unauthorized person" means any person who does not have authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

AMENDMENT NO. 319

(Purpose: to provide for relief from (a)(3)(B) immigration bars for the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes, and for other purposes)

At the appropriate place, insert the following:

SEC. 1. AUTHORIZING THE SECRETARY OF HOMELAND SECURITY TO EXEMPT GROUPS THAT ARE NOT A THREAT TO THE UNITED STATES AND THAT DO NOT ATTACK CIVILIANS FROM THE DEFINITION OF "TERRORIST ORGANIZATION".

Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. § 1182(d)(3)(B)(i)) is revised to read as follows:

"The Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that—

(I) subsection (a)(3)(B)(i)(IV)(bb) of this section shall not apply to an alien;

(II) subsection (a)(3)(B)(i)(VII) of this section shall not apply to an alien who endorsed or espoused terrorist activity or persuaded others to endorse or espouse terrorist activity or support a terrorist organization described in clause (vi)(III);

(III) subsection (a)(3)(B)(iv)(VI) of this section shall not apply with respect to any material support that an alien afforded under duress (as that term is defined in common law) to an organization or individual that has engaged in a terrorist activity;

(IV) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group that—

(aa) does not pose a threat to the United States or other democratic countries; and

(bb) has not engaged in terrorist activity that was targeted at civilians; or

(V) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group solely by virtue of its having a subgroup within the scope of that subsection.

"Such a determination may be revoked at any time, and neither the determination nor its revocation shall be subject to judicial review under any provision of law, including section 2241 of title 28."

SEC. 2. AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. § 1181(a)(3)(B)), the Hmong, the Montagnards, the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of the enactment of this section.

SEC. 3. DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION.

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. § 1181(a)(3)(B)), the Taliban shall be considered a terrorist organization described in subclause (I) of clause (vi) of that section.

SEC. 4. TECHNICAL CORRECTION TO EXCEPTION TO INADMISSIBILITY GROUND FOR TERRORIST ACTIVITIES FOR SPOUSES AND CHILDREN.

Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C.

§1182(a)(3)(B)(vi)) is amended by striking "Subclause (VII)" and replacing it with "Subclause (IX)".

SEC. 5. EFFECTIVE DATE.

The amendment made by this section shall take effect on the date of enactment of this section, and this amendment and clause 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)), as amended by this section, shall apply to—

(a) removal proceedings instituted before, on, or after the date of the enactment this section; and

(b) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

AMENDMENT NO. 320

(Purpose: To improve the Classified Information Procedures Act)

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) SHORT TITLE.—This section may be cited as the "Classified Information Procedures Reform Act of 2007".

(b) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end "The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.".

(c) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking "may" and inserting "shall"; and

(B) by striking "written statement to be inspected" and inserting "statement to be made ex parte and to be considered"; and

(2) in the third sentence—

(A) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(B) by inserting ", as well as any summary of the classified information the defendant seeks to obtain," after "text of the statement of the United States".

(d) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting ", AND ACCESS TO," after "OF";

(2) by inserting "(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—" before the first sentence; and

(3) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

"(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

"(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

"(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.".

AMENDMENT NO. 300

(Purpose: To clarify that the revocation of an alien's visa or other documentation is not subject to judicial review)

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visas issued before, on, or after such date.

AMENDMENT NO. 309

(Purpose: To improve the prohibitions on money laundering, and for other purposes)

(The amendment is printed in today's RECORD under "Text of Amendments.")

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is the Grassley amendment, No. 309.

AMENDMENT NO. 295

Mr. LIEBERMAN. Mr. President, I wish to make two statements supporting the amendments of the Senator from Louisiana, Ms. LANDRIEU, submitted earlier today.

One of the amendments, amendment No. 295, is actually identical to a bill Senators LANDRIEU, STEVENS, and I introduced earlier this year called the Local Government Disaster Relief Act of 2007. That bill, S. 664, would waive the 10 percent State match requirement for the restoration of public infrastructure under FEMA's Public Assistance Program.

This amendment is identical to a bill that Senators LANDRIEU, STEVENS, and I introduced earlier this year called the Local Government Disaster Relief Act of 2007.

That bill, S. 664, would waive the 10 percent state match requirement for the restoration of public infrastructure under FEMA's Public Assistance Program.

FEMA provides Federal assistance for restoring public infrastructure—highways, bridges, schools, utilities—that have been damaged in a disaster. The law requires a match of no more than 25 percent from the States, but for rare and particularly catastrophic disasters, the President is authorized to waive the matching requirement.

This matching requirement was waived for both Hurricane Andrew and the September 11 terrorist attacks. These were obviously two horrendous national emergencies. But the damage wrought by Hurricane Katrina was equally as catastrophic, and the geographic scope of the Katrina devastation was far worse. Over 90,000 square miles were devastated by Katrina and Rita combined.

Per capita cost is the traditional measurement used when determining whether to waive the match. In New York, the per capita cost for September 11 was $390.00. In Florida, after Hurricane Andrew, the cost per capita was $139.00. Louisiana's cost per capita was approximately $6,700. This number helps illustrates the massive challenge facing the State, and underscores the continuing need for Federal support as the regions struggles to regain its footing.

Nevertheless, FEMA is requiring Gulf Coast States to pay a 10-percent match. This is an enormous burden for States still picking up the pieces and struggling to rebuild. And CBO has scored this legislation at no cost to the Federal Government.

In Louisiana, as much as $1 billion in matching funds will have to be repaid if this requirement stands.

I know from several visits to the gulf coast, that the State and local governments—and more importantly, the people—appreciate the generosity the American people have shown them in the wake of this disaster. But we must continue to demonstrate that generosity as people in the gulf States work to recapture their lives.

We have asked the President to waive the 10-percent match. He has not responded.

This amendment is the fair and right thing to do. It is a common sense, bipartisan amendment to fix a problem that never should have occurred in the first place. I urge every Senator to support this amendment to fulfill our commitment to help the gulf coast back on its feet.

Senator LANDRIEU talked about this matter earlier in the day, and I believe she will return to the floor to describe it in more detail.

Our Homeland Security and Governmental Affairs Committee held a hearing in New Orleans during January of this year. Progress has been made in recovering from Hurricane Katrina, but there is an enormous amount yet to be done in the Gulf Coast. Particularly in New Orleans, one of America's great cities, large sections now resemble a ghost town.

There is a lot of bureaucratic red tape. The problem here is not that Congress has not responded. In fact, we have appropriated, I believe, well over $110 billion in the aftermath of Hurricane Katrina to the Gulf Coast. The problem is that so much of that money is tied up—and in the case of this match, a lot of the programs are tied up because some of the governments down there just don't have the resources to provide the match. The match has been waived in other natural disasters.

I believe this amendment which has been offered is exactly the right thing to do to expedite the recovery of the Gulf Coast.

AMENDMENT NO. 296

The second amendment Senator LANDRIEU offered is amendment No. 296, which I also want to support. It would allow the forgiveness of certain loans provided in the second Katrina supplemental appropriations bill passed last Congress to Gulf Coast States devastated by Hurricanes Katrina and Rita.

Congress passed the supplemental appropriations bill in part to provide $750 million to help Gulf Coast localities recover from the storm, and the bill waived the respective $5 million and 25 percent caps because of the enormous and immediate need all of us saw. This law would continue that.

I supported waiving these caps to allow for the full flow of aid. At the time, I did not, however, support another provision that prohibited forgiveness of the CDL loan as a condition for allowing funds to be released. The fact is that building is underway, but the recovery will take years, perhaps even decades.

The Stafford Act provides for the forgiveness of these loans because it recognizes, in certain instances, that localities are simply unable to recover lost revenues. This, in turn, stops their efforts to rebuild and ultimately leads to longer dependence on Federal assistance. This amendment would allow the Gulf Coast localities—many of them so devastated, with their revenue bases dramatically shrunk—to continue their rebuilding free from the burden of repaying loans they simply, in fact, cannot repay.

I thank the Chair.

Mr. President, I suggest the absence of a quorum, unless my friend from South Dakota wishes to speak.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. I thank the Senator from Connecticut for yielding.

Mr. President, I do have an amendment I would like to call up and ask for its immediate consideration. Is there an amendment pending at this time?

The ACTING PRESIDENT pro tempore. There are pending amendments.

Mr. THUNE. Mr. President, I ask unanimous consent that those amendments be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 308 TO AMENDMENT NO. 275

Mr. THUNE. Mr. President, I ask unanimous consent that amendment No. 308 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 308 to amendment No. 275.

The amendment is as follows:

(Purpose: To expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States)

At the appropriate place, insert the following:

SEC. ___. PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following principles:

(1) The responsibility for ensuring the national security of the United States rests exclusively with the Government of the United States and should not be delegated in whole or in part to any international organization, agency, or tribunal or to the government of any other country.

(2) The freedom of the Government of the United States to act as it deems appropriate to ensure the security of the American people should not be limited by, or made dependent upon, the action or inaction of any international organization, agency, or tribunal or by the government of any other country.

(3) The Constitution of the United States is the supreme law of the land and cannot be subordinated to, or superseded by, the decisions, rulings, or other acts of any international organization, agency, or tribunal or by the government of any other country.

(4) In carrying out its responsibility for ensuring the national security of the United States, the Government of the United States has sought and should continue to seek the cooperation and support of international organizations, agencies, and tribunals, including the United Nations and its affiliated organizations and agencies, as well as the governments of other countries, but no decision or act taken by the Government of the United States regarding its responsibility to provide for the common defense, promote the general welfare, and secure the liberty of the American people should be deemed to require authorization, permission, or approval by any international organization, agency, or tribunal or by the government of any other country.

(5) The United Nations Security Council should not be asked to authorize the PSI under international law, and in order for the United Nations to be helpful in combating terrorism and proliferation, it should first—

(A) establish a comprehensive definition of terrorism that condemns all acts by individuals, resistance movements or other irregular military groups, or nations intended to cause death or serious injury to civilians or non-combatants with the purpose of intimidating a population or compelling a government to do or abstain from doing any act;

(B) fulfill the September 2005 commitment of the Summit of World Leaders to establish a comprehensive convention against terrorism;

(C) have the United Nations Counter-Terrorism Committee establish a list of individuals, organizations, and states that commit terrorist acts or support terrorist groups and activities;

(D) prohibit states under sanction for human rights abuses or terrorism by the United Nations Security Council from running for seats on or chairing any United Nations body, such as the Human Rights Council or the United Nations Disarmament Commission;

(E) prohibit member states in violation of Chapter 7 of the United Nations Charter and seen as a threat to international security and peace from sitting as non-permanent members of the United Nations Security Council; and

(F) prohibit giving United Nations credentials to nongovernmental organizations that promote or condone terrorism or terrorist groups.

(6) Formalizing the PSI into a multilateral regime would severely hamper PSI's flexibility and ability to adapt to changing conditions.

(b) STRENGTHENING THE PROLIFERATION SECURITY INITIATIVE.—The President is not authorized to—

(1) seek to subject the Proliferation Security Initiative to any authority, oversight, or resolution of the United Nations Security Council, international law, an international organization, agency, or tribunal, or the government of any country not participating in the Proliferation Security Initiative; or

(2) formalize the Proliferation Security Initiative into a multilateral regime.

Mr. THUNE. Mr. President, this amendment will expand and improve the Proliferation Security Interest in the national security interest of the United States. The Proliferation Security Initiative, or PSI, is now 4 years old. It is a program whereby the United

States is working with 80 allied countries to jointly interdict shipments of weapons of mass destruction-related materials in a timely manner when critical intelligence is received about imminent transfers of weapons of mass destruction.

The PSI is based on voluntary cooperation by participating countries and relies on the ability to react quickly to time-sensitive intelligence on the movement of weapons of mass destruction material. According to the Department of State, the Proliferation Security Initiative was critical in uncovering Libya's weapons of mass destruction program in the AQ Khan proliferation network in 2003. PSI halted more than two dozen weapons of mass destruction-related transfers from 2005 to 2006. PSI has improved the capabilities of our partnering countries to take coordinated action to interdict proliferation-related shipments.

The House-passed version of this legislation of the 9/11 Commission recommendations bill, or H.R. 1, significantly changes the Proliferation Security Initiative in two key ways: First, the House would surrender the Proliferation Security Initiative to the U.N., a multilateral bureaucracy. Second, the House wants to give countries such as Russia and China veto power on U.S. national security by subjecting the Proliferation Security Initiative to U.N. Security Council approval. This is the wrong direction to take for a key U.S. tool in fighting the war on terror.

For the Proliferation Security Initiative to be successful and intervene in time to stop shipments of weapons of mass destruction, there must be a rapid-response capability and flexibility to respond to intelligence information. H.R. 1, the House-passed version of this legislation, would place the Proliferation Security Initiative in a regulatory and inflexible straitjacket overseen by an international bureaucracy.

When we receive intelligence that al-Qaeda is shipping material for a nuclear bomb through the waters of one of our allies, that intelligence demands immediate action, not deliberation and redtape. By removing the Proliferation Security Initiative from the safety and discretion of unique and bilateral relationships, the House-passed bill will likely reduce the willingness of other countries to cooperate, especially countries where cooperation could produce domestic political problems.

The Proliferation Security Initiative is an effective means to help our allies use their own legal authorities to implement their commitments under existing multilateral nonproliferation regimes that include the Nuclear Suppliers Group, the Missile Technology Control Regime, and the Australia Group. In addition, the State Department believes that PSI cooperation is an effective way to implement countries' commitments to U.N. Security Council resolutions, such as Resolution 1718 on North Korea and Resolution 1737 on Iran. Turning the PSI into yet another multilateral regime would not only be unnecessary but would also be a hindrance to effective nonproliferation.

H.R. 1, the House-passed bill, by creating a multilateral regime for PSI, would limit our ability to share intelligence on proliferation-related shipments because it would subject sensitive U.S. intelligence sources and methods to broad international disclosure. This disclosure of sensitive and, at times, classified intelligence would expose our sources, covert agents, and methods to our enemies, including the very weapons of mass destruction traffickers we seek to shut down.

H.R. 1 would require annual GAO reports on Proliferation Security Initiative activities even though there are already several other reports currently required on nonproliferation matters that are sent to Congress, including reports that discuss PSI-related activities, such as the "Periodic Report to Congress on the National Emergency Regarding Proliferation of Weapons of Mass Destruction." Adding another hoop for PSI to jump through would be counterproductive, and annual reports on PSI may even expose PSI's methodologies to proliferators.

The House-passed bill is also flawed because it would require the President to seek authorization from the U.N. Security Council for PSI. H.R. 1 implies that international law written by the U.N. Security Council is required to authorize U.S. measures to protect itself and the world from the proliferation of nuclear, biological, or chemical weapons. Security Council members should not be given a veto over what a bilateral national security program can and cannot do. As it is, China has refused to endorse the Proliferation Security Initiative, probably because Chinese traffickers are likely targets for PSI. We have already seen China wielding its veto power to undermine and delay U.S. national security priorities. Because of their objections, it took months of extra deliberations for the Security Council to finally confront the leading state sponsor of terror, probably the world's greatest proliferation challenge—Iran. Granting the U.N. Security Council an intrusive role in our national security activities would compromise highly sensitive intelligence.

PSI activities already are legal. All activities are undertaken in full compliance with international law. PSI already cooperates well in its existing form with the United Nations and other international organizations. In 2005, the U.N. Secretary General applauded the efforts of the Proliferation Security Initiative to fill a gap in our defenses. PSI has also won European Union and G8 endorsement. Why would our Democratic friends in the House want to change a program so highly regarded by our European friends?

Since the 9/11 terrorist attacks, the U.N. has a failing grade when it comes to effectively fighting the war on terror. The U.N. has failed to establish a comprehensive definition for terrorism. The U.N. has failed to fulfill its September 2005 commitment of the Summit of World Leaders to establish a comprehensive convention against terrorism. The U.N. Counter-Terrorism Committee has failed to identify terrorist groups and states.

Finally, the U.N. has failed to prohibit state sponsors of terror from running for seats on or chairing any U.N. body, such as the Human Rights Council or the United Nations Disarmament Commission. In fact, in April of 2006, the leading weapons proliferator and state sponsor of terror, Iran, served as vice chair of the United Nations Disarmament Commission.

The U.N. has failed to prohibit giving U.N. credentials to nongovernmental organizations that condone or promote terrorism or terrorist groups.

H.R. 1, the House-passed version of the 9/11 Commission recommendations, the legislation we are considering currently in the Senate, returns us to the failed policy of the previous decade where the preference was for unenforced multilateral regimes instead of effective U.S. programs. H.R. 1 would be a step backward toward policies that left the United States vulnerable to terrorist attacks on 9/11. I urge my colleagues to support this amendment to maintain the integrity of the Proliferation Security Initiative and to help keep our Nation secure.

I yield the floor.

Mr. LIEBERMAN. I thank my friend from South Dakota for his statement.

I believe the Senator from Maryland has been here a while. If he is not ready to proceed, we will go to the Senator from Oklahoma, and then the Senator from Maryland will be next.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I rise to support the amendment. I think it is important for the people of America to understand, first, what is at stake here and, No. 2, the tremendous failure of the U.N. in terms of proliferation. The best example of that right now is the enrichment of uranium for purposes of weapons of mass destruction by Iran. The reason Iran continues to do that is because two world powers, China and Russia, through the U.N., failed to support adequate enforcement of sanctions for behavior that would otherwise not allow nuclear proliferation.

Senator THUNE very thoroughly outlined the failures of the U.N., but let me outline them a little further. This country sends over $5.3 billion a year to the U.N. Our entire contribution to peacekeeping is wasted, according to the U.N. Inspector General's own reports. We don't get to find those reports because the U.N. won't be transparent on either how it spends its money or who gets the money it does spend or whether they are held accountable for it. Senator THUNE outlined the effectiveness of this initiative by the State Department with 80 other countries. That is 80 countries that help us every day to interrupt, disrupt, and stop either the passage, transfer, or proliferation of weapons of mass destruction. I do not understand the motivation, why someone would want to take this to a bureaucracy that has proved, time and again, it fails to accomplish the very purposes for which it was set up—whether it be the rape of U.N. peacekeepers in the areas in which they are serving; whether it be the U.N. Oil for Food scandal, where only one person out of several has even been indicted in the corruption racket that was ongoing with that. The fact is the U.N. has failed in multiple areas at multiple times to accomplish the very things it set out to do.

Senator THUNE mentioned that the No. 2 position on the nonproliferation committee at the U.N. is chaired by none other than Iran. What we do know is, had adequate sanctions been applied to Iran, the continued enrichment of uranium would not be there. The House has gutted one of the most effective tools we have, in terms of interdicting weapons of mass destruction from across this world.

Why is it important? Let me give an analogy. Today, when somebody comes into the emergency room and they are bleeding internally, we don't stop and have a committee meeting among doctors on what to do. What we do is look at the signs and symptoms we find—i.e., the intelligence, the actual knowledge of what is going on—and then we treat the condition on an emergent basis. This whole initiative will be gutted by bringing it to the bureaucratic process of the U.N. The thing that happens now is good intelligence, in terms of cooperation with people—the other 80 countries that are working cooperatively—institutes action. The failure to act on internal bleeding ends up with death. The same thing is going to happen if we let a bureaucracy, dominated with a veto power by China and Russia, determine whether we can intercept weapons of mass destruction.

I understand we need a world body. I understand the U.N. is that world body. But the U.N. has so many problems today in terms of being effective at what it is trying to accomplish. It is absolutely nontransparent with how it does that—nontransparent with how the money is spent and is utilized today, so that every step of the way two countries are blocking our attempts to block the development of weapons of mass destruction in Iran.

We can let the patient die, bleed to death internally, while we have a committee hearing and get the approval and then get it vetoed by China or Russia because it plays out more powerfully to their benefit, or we can continue to do what we have been doing successfully 24 times in the last year. Twenty-four times in the last year, in coordination with these eight countries, based on great intelligence, we have interrupted or disrupted the transmission of weapons of mass destruction. Why would we want to get rid of that? Why did this PSI get started in the first place? Because of problems in the U.N. If the U.N. were to work as it should, there would be no need for a PSI. It will not and it does not because it is not necessarily to everybody's advantage in the U.N. that these weapons be controlled.

I believe the House has been very shortsighted. My hope is if this is included when it comes out of conference, this bill is vetoed. It should be vetoed. It ties the hand of a President trying to do what is best for this country and instead makes the rest of the world have veto power over our ability to defend ourselves. We should never give up that right.

I am very thankful Senator THUNE has put this amendment on the floor and my hope is we will have a vote on it next week. What this bill does is to violate our Constitution. We give up sovereignty to protect ourselves by giving that sovereignty to the United Nations. That is something we ought not do. It would be different if the United Nations were transparent. It would be different if a third of peacekeeping funds were not wasted every year out of the billions that are spent in the U.N. $15 to $20 billion budget. But that is not the case. That is not the real world.

Until we have cogent, realistic, proper reforms, including transparency, at the U.N, including equality at the U.N., including accountability at the U.N., we should not move any initiative affecting our own protection and that of those other 80 countries that are working with us in this regard, to give them veto power over our own security.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 326, 327, 328 EN BLOC TO AMENDMENT NO. 275

Mr. CARDIN. I ask unanimous consent that it be in order for me to offer three amendments; that once they are reported by number, the reading be dispensed with and the amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes amendments Nos. 326, 327, 328, en bloc, to amendment No. 275.

The amendments are as follows:

AMENDMENT NO. 326

(Purpose: To provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination)

At the end of title XV, add the following:

SEC. . STUDY OF MODIFICATION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

(a) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of "National Capital Region" applicable under section 882 of the Homeland Security Act of 2002 to update the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(b) FACTORS.—In conducting the study under subsection (a), the Secretary shall analyze whether modifying the geographic area under the jurisdiction of the Office of National Region Coordination will—

(1) improve coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders;

(2) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region; and

(3) affect the distribution of funding under the Homeland Security Grant Program.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under subsection (a), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002) as the Secretary considers appropriate.

AMENDMENT NO. 327

(Purpose: To reform mutual aid agreements for the National Capital Region)

At the end of title XV, add the following:

SEC. 15___. NATIONAL CAPITAL REGION MUTUAL AID.

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ", including its agents or authorized volunteers,"; and

(B) in paragraph (5), by striking "or town" and all that follows and inserting "town, or other governmental agency, governmental authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region.";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ", the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority"; and

(3) in subsection (d), by striking "or employees" each place that term appears and inserting ", employees, or agents".

AMENDMENT NO. 328

(Purpose: To require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia)

At the appropriate place, insert the following:

SEC. . APPLICABILITY OF DISTRICT OF COLUMBIA LAW.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

"(n) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—In the case of Maryland, any lease or contract entered into by the National Railroad Passenger Corporation after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".

Mr. CARDIN. Mr. President, if I might, I will take a moment to describe each of these three amendments I offered to S. 4, the 9/11 Commission's recommendations bill. My staff is working with the committee staff and I am hoping these three amendments can be cleared. I think they strengthen the underlying bill. They deal with issues that are particularly of concern to the capital region, the States of Maryland, Virginia, and the Nation's Capital.

My first amendment requires the Department of Homeland Security to study whether modifying and updating the national capital region boundaries would improve coordination among the State and local governments within the region, enhance regional governments and the Federal Government's ability to prevent and respond to a terrorist attack within the region, and affect the distribution of funding under the Homeland Security Grant Program.

Congress created the national capital region boundaries as part of the National Capital Planning Act of 1952. We now use this definition in dealing with our homeland security. Obviously, there have been significant demographic changes since 1952.

We all know if there is a problem in the Nation's Capital, it goes well beyond the immediate counties that surround the Capitol, in Virginia and Maryland, yet the national capital region is restricted to just a few counties. The purpose of this amendment is to have a study to see whether it would make sense for us to expand that region for the purposes of being better prepared to respond to emergencies. If the Department of Homeland Security determines it is appropriate to have new boundaries, we would have a chance to look at that. Those recommendations would be submitted to Congress.

My second amendment is a commonsense technical amendment that corrects an oversight in the Intelligence Reform and Terrorist Prevention Act of 2004. That act contains provisions for cooperation along the national capital region's jurisdictions in the event of a regional or national emergency. As the jurisdictions began working on a mutual aid agreement authorized by the statute, a concern arose that water and wastewater utilities were not included in the original language. Therefore, if there were a problem in Montgomery County dealing with a sanitation issue, someone from Fairfax County would not be allowed to come in to help. That obviously makes no sense whatsoever. We should be able to allow the local governments to proceed with that type of arrangement. The mutual aid provisions in the 2004 law allow this type of exchange of jurisdictions between firefighters, police, and various other emergency responders.

The 2004 bill also explicitly allowed for employees at WMATA and the Airports Authority to work between jurisdictions under the provisions of a mutual aid agreement. My amendment would allow water and wastewater authorities to similarly share staff resources during an emergency and under the provisions of the mutual aid agreement.

The need for this amendment was brought to my attention by the Metropolitan National Council of Governments. All the water and wastewater authorities in the Greater Washington area support this amendment.

My third amendment deals with a problem that is preventing the Maryland Department of Transportation and Amtrak from negotiating a new contract for MARC trains access to the Northeast corridor and operation by Amtrak. The problem stems from the repeal in the Amtrak Reform and Accountability Act of 1997 of a provision which requires the laws of the District of Columbia to govern all Amtrak contracts.

The original provision was done to create uniformity. Amtrak followed longstanding industry practice of agreeing to resolve disputes by arbitration.

There is an inconsistency between that provision and the laws of Maryland, if they were to apply to dispute settlement procedures. We need to clarify that provision in order to move forward with these agreements. The repeal of the DC provision created a conflict with the dispute resolution clause in Maryland procurement law that requires the Board of Contract Appeals hear all disputes applied to all procurement contracts. Amtrak will not enter into an agreement with Maryland until the State agrees to abide by the same DC law that is still accepted in all other States. Amtrak and Maryland both requested that Congress clarify that Amtrak contracts and the laws of the District of Columbia govern these contracts and leases uniformly. It is critical that Congress act swiftly to address this problem. Maryland's current contract with Amtrak expires in 16 months and therefore we need to move quickly on this issue.

I have conferred with the staffs of the committees. To my understanding, we may still need some technical clarifications to the technical amendment, and if that is necessary I will seek the appropriate consent in order to adjust the amendment to meet the needs and concerns that are being raised by the committee.

I am hopeful the bill managers on both sides will find these amendments acceptable. I look forward to working with them. S. 4 is a good bill. My amendments, if agreed to, will make it better for Maryland, Washington, DC and Virginia. I hope we will be able to move accordingly.

I yield the floor and suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ISAKSON pertaining to the introduction of S. 747 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

AMENDMENT NO. 309

Mr. GRASSLEY. Madam President, my remarks are in regard to amendment No. 309, which is my amendment, but it was offered, as a lot of other amendments on this side of the aisle were, by Senator McCONNELL, and so I am going to speak now on amendment No. 309.

This amendment seeks to shut down terrorists and criminal organizations by attacking their most valuable resource, and that is their money. Terrorists and criminal organizations take many different forms, but there is one factor that they all have in common, and that is the need to obtain, transit, and store money to do their dirty work.

In the past few years, we have made some significant advancements in identifying how these groups obtain and attempt to legitimize their illicit funds. Yet as we close one door, these criminals seek to open another to move their money around and to continue their dirty work. In fact, they continue to take advantage of loopholes and inconsistencies in our current law. We must continue to be vigilant in closing these loopholes, and we must not underestimate their capabilities or resolve.

As we consider amendment No. 309, I think we have to consider that this will not necessarily be the last word. These terrorists are so sophisticated in their operation that they may find some way to get around what we are doing now. As long as we are constantly vigilant, as long as we are constantly throwing roadblocks in the way of legitimizing their money and transiting their money, we will curtail their dirty work to some extent. Any efforts that we make to improve America's security must then, without question, address how terrorists and criminals are funding and financing their operations.

One of the main recommendations that have come from the 9/11 Commission Report was that, and I quote:

> Vigorous efforts to track terrorist financing must remain front and center in the U.S. counterterrorism effort.

These groups know well that we are looking hard to determine sources of funding that they use. They also know that we must continually develop new tactics to avoid detection, prosecution, and ultimately to protect those sources of funding. This has become, as we say in the Midwest, a kind of cat and mouse game. Like the larger war on terror, we cannot afford to lose this cat and mouse enterprise.

My amendment will close existing loopholes. My amendment will remove the inconsistencies that allow terrorists and criminals to hide illegal funds within legal institutions and then move those funds for profit or to fund their activities or, you might say, for both.

Our law enforcement agencies and our prosecutors must have the resources they need to bring these criminals to justice and to shut down their operations and, hopefully, shut them down permanently. For example, my amendment simplifies the continual growing list of over 200 predicate crimes dedicated for Federal prosecutors to bring a money laundering charge.

My amendment will allow U.S. attorneys to use any Federal or State felony as a predicate offense to bring a money laundering charge.

My amendment will also greatly simplify how prosecutors may seek indictments for money laundering violations. It also closes many loopholes that have allowed the terrorists and criminals to move money into this country.

Clever tricks, such as traveling with blank checks with bearer form or in bearer form and the commingling of illegal and legitimate money in bank accounts will no longer be available to these criminal organizations.

Under my amendment cash smugglers will no longer be able to hide behind a claim of ignorance about the source of the money they carry.

The amendment will also provide necessary changes to our antiquated counterfeiting statutes. The stability of our currency is paramount to not only our economy but also the economies of so many other countries that seem to follow the dollar. The dollar is the most recognizable currency in the world and an inescapable target for counterfeiters.

For instance, U.S. currency counterfeiting operations have been identified in places such as Colombia, North Korea, and the Middle East, undoubtedly giving counterfeiting ties to drug cartels and to sponsors of terrorism. This crime has evolved and continues to evolve with the explosion of computer printing technology.

This amendment will bring our counterfeiting statutes in line with these dramatic technological changes and give law enforcement agencies, especially the Secret Service, the resources to fight counterfeiting and other financial crimes on an international scale.

Any effort we make to increase the security of this Nation must then strive to remove sources of funding available to the terrorists and to the criminals. Without financial resources, these groups will no longer be able to make profits or fund operations.

Our Nation, for a long period of time, has been trying to shut off sources of funding. As I indicated earlier, we are up against a sophisticated enemy that always finds some way around our laws to legitimize what they do. Once again, I want to emphasize that it is a constant struggle to keep our laws so that the criminal element cannot find these loopholes and do something legally that finances their illegal activities.

These criminals should not be allowed to hide behind loopholes in our laws, and we should give law enforcement and prosecutors the ability to deal the ever-changing tactics of terrorists and criminals. In essence, our goal should be nothing less than putting these criminal organizations out of business, and putting them out of business for good.

This amendment is critical to our homeland defense. It implements changes that the 9/11 Commission recommended in its report, which was a bipartisan commission and, consequently, a bipartisan report. We are dealing with something that should have support on both sides of the aisle.

This amendment also has the support and backing of both the Department of Justice and the Secret Service. It has the support of the Secret Service because one of their many responsibilities—and maybe one of their original responsibilities—is to protect the integrity of American currency.

I urge my colleagues to support this important amendment and improve America's security by combating terrorist financing and criminal money laundering.

AMENDMENT NO. 300

Madam President, another amendment that was filed by our Republican leader, Senator McCONNELL, is No. 300, which I will also now discuss. That amendment to the underlying bill will revise current laws related to visa revocation for visa holders who are on U.S. soil.

Under current law, visas approved or denied by consular officers are nonreviewable and are deemed final. However, if a visa is approved but later revoked, and that individual is on U.S. soil, the decision by the consular officer then becomes automatically reviewable in our U.S. courts. My amendment would treat visa revocations similar to visa denials because the right of that person to be in the United States is no longer valid.

It is very important that we do this for these reasons: Consider visa revocations related to terrorism. From September 11, 2001, until the summer of 2003, the State Department revoked about 1,200 visas based upon terrorism links. I asked Secretary Chertoff, the Secretary of Homeland Security, about the problems with our current law on visa revocation. I will quote what he said to me on Wednesday when he was before the Judiciary Committee:

> The fact is that we can prevent someone who is coming in as a guest. We can say, you can't come in from overseas, but once they come in, if they abuse the terms and conditions of their coming in, we have to go through a cumbersome process. That strikes me as not particularly sensible. People who are admitted as guests, like guests in my house, if the guest misbehaves, I just tell them to leave. They don't get to go to court over it.

That is the end of his quote, but he makes it very clear that he believes somebody who should not have been here in the first place shouldn't have the right of protection of our courts before they are removed.

Following on the Secretary's analogy, I think we can equate the role of homeowner to that of consular officer. Currently and historically all decisions by consular officers with regard to the granting of visas are final and not subject to review. Revocations, then, should not be treated any differently than that original denial, when somebody did not have the right to come here in the first place.

Let me explain how we got here. Back in 2003, a Government Accountability Office report revealed that suspected terrorists could stay in the country after their visas had been revoked on grounds of terrorism because of a legal loophole in the wording of the revocation papers. This loophole came to light after the Government Accountability Office found that more than 100 persons were granted visas that were later revoked because there was evidence the person had terrorism links and associations.

The FBI and intelligence community suspected ties of terrorism in over 280 visa applications. The FBI did not share the information with our consular offices in time, so the consular officers actually granted the visa so somebody with terrorism connections could come here when they should not have been allowed into the country. When they got the derogatory information from the FBI, it was too late; they had access to our courts.

The consular officer had to revoke the visas. What the Government Accountability Office found was that even though the visas were revoked, immigration officials couldn't do anything about it. They were handicapped from locating the visa holders and deporting them. In the end, it turned out OK, but it is an example of the mistakes that can be made. It is also an example of the loophole terrorists are smart enough to exploit.

Why, then, are revoked visas such a problem? The short answer is that the person with the revoked visa can stay in the United States—a terrorist, then, can stay in the United States—and can appeal the consular officer's decision of whether they had a right to be here in the first place. Thanks to a small provision inserted during the consideration of the Intelligence Reform and Terrorism Act of 2004, the visa holder has more rights than he or she should have, considering the terrorist connection. If they were originally denied a visa by the consular officer, there would be no right to dispute it.

I will give an example. If a consular officer grants a visa to a person and that person makes his or her way to the United States and after arriving in the United States the consular officer finds out that the foreign individual has ties to terrorism—maybe the consular officer found out that the visa holder attended a terrorist training camp or maybe the intelligence community just informed the consular officer that the visa holder was linked to the Taliban or maybe our Government just learned that the visa holder gave millions of dollars to a terrorist organization before they applied for a visa—whatever the case might be, the person should not have a visa, and the consular officer has to revoke it. This revocation should be a final determination—no ifs, ands, or buts about it. It should not be reviewable and especially should not be reviewable in the U.S. courts.

What are the ramifications, then, of where we are today with the law and why change the law? Deporting an alien on U.S. soil with a revoked visa is nearly impossible today if the alien is given the opportunity to appeal that revocation. This exception has made the visa revocation ineffective as an antiterrorism tool. Allowing review of revoked visas, especially on terrorism grounds, jeopardizes the classified intelligence that led to revocation. It can force agencies such as the FBI and the CIA to be hesitant to share information if it might get out within the environment of a court. Current law could be reversing our progress in information sharing.

So why is this relevant, then, to the bill on the floor? The 9/11 Commission—again, I want to emphasize it is a bipartisan commission—found flaws in our visa policies. Specifically, the staff report said that the 19 hijackers used—these are the 19 people who died on those airplanes that killed 3,000 Americans—these 19 hijackers used 364 aliases. Two of the hijackers may have obtained passports from family members working in the Saudi passport ministry. The 19 hijackers applied for 23 visas and obtained 22. The hijackers lied on their visa applications in detectable ways. The hijackers violated the terms of their visas, and they came and went at their very own convenience.

The leaders of the Senate claim that the underlying bill will finish the implementation of the 9/11 Commission recommendations. The floor manager on the other side of the aisle was quoted as saying:

> Every day that we don't act is another day in which we are not as secure here at home as we should be.

The 9/11 Commission pointed out the obvious by stating:

> Terrorists cannot plan and carry out attacks in the United States if they are unable to enter our country.

The 9/11 Commission explicitly recommends, on page 385, that:

> The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility.

So we are back to my amendment. The amendment, amendment No. 300, helps to achieve this goal. Intelligence officials need to share information with immigration and consular officers to prevent terrorists from entering the United States and impede the mobility of terrorists throughout our country, wherever they want to do their dirty work.

The Speaker of the House pointed out that:

> Implementing the 9/11 Commission recommendations is supported by 62 percent of Americans.

I think a higher percentage of Americans would agree that reforms to our immigration and visa policies should not be ignored, especially given the 9/11 Commission's recommended actions on these issues that then would make it easier to get these people with revoked visas out of the country and would not put them in an environment where, if they were going to be pursued through the courts to get them out of the country, that intelligence information or FBI sources would have to be disclosed in the courts.

Unfortunately, our leaders have forgotten a major recommendation of the 9/11 Commission. In other words, this bill is not as complete as the authors of this legislation want us to think it is, and this amendment will make it more complete. This amendment would constrain terrorists' travel, and it should be accepted on this bill. Allowing aliens to remain on U.S. soil with revoked visa or petition is a national security concern and is something about which the 9/11 Commission would suggest correction is needed. We must encourage, as the 9/11 Commission recommended, a procedure in which our intelligence community can work with consular officers, who then cooperate with our Nation's law enforcement to keep terrorists from coming to the United States. We should not allow potential terrorists and others who act counter to our laws to remain on U.S. soil and to run to the courts and to seek relief from deportation.

Terrorists took advantage of our system before 9/11—and I have laid this out, how you can get more visas than you even need, how you have hundreds of aliases, the tools they use—and proved how sophisticated they are and proved how they could carry out their dastardly acts on September 11. Enough is enough. They took advantage of our system before 9/11. We need to do everything we can to make sure they don't take further advantage of our system.

I hope my colleagues will support amendment No. 300.

I ask unanimous consent to add Senator VITTER as a cosponsor of this amendment.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

46TH ANNIVERSARY OF PEACE CORPS

Mr. BYRD. Mr. President, 46 years ago, President John F. Kennedy proposed to the Congress one of the most successful and influential programs in the history of our Nation. It was on March 1, 1961, that President Kennedy asked the Congress to establish the Peace Corps.

In making that request, President Kennedy pointed out that the program would be of great benefit to struggling nations that were in "urgent need for skilled manpower." The program has helped meet that need as more than 187,000 volunteers have served in the Peace Corps since its inception, in 139 countries.

President Kennedy also explained that the program would benefit developed nations as well. "The future of freedom around the world," President Kennedy explained, "depend[s], in a very real sense, on the ability to build growing and independent nations where men can live in dignity, liberated from the bonds of hunger, ignorance, and poverty." In pursuit of the Peace Corps mission of helping people help themselves throughout the world, Peace Corps volunteers have served as school teachers, economic development advisers, agricultural and environmental specialists, and in various capacities as skilled laborers. These dedicated Americans have helped developing nations with health and sanitation projects and have assisted them in increasing their agricultural production. They have helped these nations to combat diseases, including malaria and HIV/AIDS, that have, for too long, plagued underdeveloped nations. Because of the outstanding work of its volunteers, the Peace Corps has become an enduring symbol of the American commitment to freedom through the encouragement of the social, as well as the economic progress of all nations.

And, in proposing the creation of the Peace Corps, President Kennedy forthrightly acknowledged that American self-interest was involved in the creation of the program. "Our own young men and women," he explained, "will be enriched by the [Peace Corps] experience . . . an experience which will aid them in their future careers." And it did. Members of the Senate, Senators Paul Tongas and CHRIS DODD, came to this Chamber as Peace Corps veterans. My good friend and colleague from West Virginia, Senator JAY ROCKEFELLER had worked for the Peace Corps in Washington, DC, where he served as the operations director for its largest overseas program in the Philippines. Members of my staff, like Zach Pusch, and even the mothers of members of my staff, like Mrs. Dorothy Corbin, have served in the Peace Corps. I have heard all of them, on a number of occasions, discuss how their lives and careers were enhanced by their service in the Peace Corps. Their experience in the Peace Corps inspired them to persevere in making this world a better and safer place in which to live, work, and raise families, long after they had left the program.

It is through the Peace Corps that the dreams and the policies of the great and beloved President John F. Kennedy live on.

On this, 46th Anniversary of the Peace Corps, and in celebration of National Peace Corps Week, I want to congratulate everyone and anyone ever involved in this unique organization for your service to our country. And, I want to commend you for your efforts in promoting freedom around the world.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on February 28, I was unable to vote on certain provisions of S.4, the Improving America's Security Act of 2007. I wish to address these votes so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 54, on the Inouye amendment No. 285, I would not have voted in favor of this amendment. My vote would not have altered the result of the final vote.

Regarding vote No. 55, on the DeMint amendment No. 279 as modified, I would have voted in favor of this amendment. My vote would not have altered the result of the final vote.

TOMB OF THE UNKNOWNS

Mr. AKAKA. Mr. President, this Sunday, March 4, will mark the 86th anniversary of the enactment of a measure which established the Tomb of the Unknowns, honoring those members of the U.S. Armed Forces who fell in battle but who were not able to be identified, those "known but to God."

By its very nature, war takes life. Parents lose children, children lose parents, and with each passing this country loses a son or daughter that makes this Nation what it is, great. No funeral or ceremony can stop the pain that cuts deep into the families of servicemembers who have been killed in action. But for the families of servicemembers missing in action, the cutting pain of loss remains an open wound.

At the end of the First World War, this country asked itself questions related to those American soldiers who were unknown or missing in action. Where would those families come to pray, to grieve? Where would the rest of us go to ponder how it is we should honor them?

Eighty-six years ago, Members of Congress, standing in the Capitol where we stand today, sought to respond to those questions. Eighty-six years later, the Tomb of the Unknowns stands honored and guarded. Since 1937, Tomb Guards of the 3rd U.S. Infantry have safeguarded those buried in the tomb, every minute of every day, never failing. They epitomize our Nation's commitment to honor all of America's unknown and missing soldiers.

On this occasion, choosing to reflect on the Tomb of the Unknowns and what it means would be of value to us all. We should think of the the families of the missing, the spirits of the unknown soldiers, and of the Tomb Guards, who honor them. For myself, I extend heartfelt feelings my prayers for the families, my deepest gratitude to those unknown soldiers, honored by us all, though "known but to God,"and my respect to those entrusted to guard the tomb.

ASSAULT WEAPONS PROTECTION

Mr. LEVIN. Mr. President, in 1994, I voted for the assault weapons ban which was enacted into law, and in March 2004, I joined a bipartisan majority of the Senate in voting to extend the ban for another 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither President Bush nor the Republican congressional leadership acted to help protect Americans from assault weapons. On September 13, 2004, the assault weapons ban was allowed to expire. Today, law enforcement agencies across the country have been forced to upgrade their firepower in order to counter what they describe as an increasing presence of high-powered weapons on the streets.

According to an article last week in USA Today, Scott Knight, chairman of the Firearms Committee of the International Association of Chiefs of Police, revealed that an informal survey of approximately 20 police departments showed that since 2004, all of the agencies have been forced to either add weapons to their officers' units or replace existing weaponry with military-style arms. "This (weapons upgrade) is being done with an eye to the absolute knowledge that more higher-caliber weapons are on the street since the expiration of the ban," Knight explained.

The 1994 assault weapons ban prohibited the sale of 19 of the highest powered and most lethal firearms produced. It also prohibited the sale of semiautomatic weapons that incorporated a detachable magazine and two or more specific military features. These features included folding telescoping stocks, threaded muzzles or flash suppressors, protruding pistol grips, bayonet mounts, barrel shrouds, or grenade launchers.

Ron Stucker, criminal investigations chief of the Orange County Sheriff's

Department in Florida, stated that over the past 2 years his department has been arming many of its deputies with assault weapons. These deputies are now "frequently" encountering dangerous assault weapons even during routine traffic stops.

In Houston, homicides rose 25 percent in 2006 over the previous year. Police Chief Harold Hurtt acknowledged the AK-47 assault rifle has become the "weapon of choice" for major drug dealers, warring gangs and immigrant smugglers. "The reality on the street is that many of these weapons are readily available," according to Hurtt, whose department has also been consistently upgrading its weaponry with assault style arms.

It is clear that allowing the 1994 assault weapons ban to lapse has contributed to the dangerous and deadly consequences so many of us feared. Over the past 2 years criminals have been permitted easier access to weapons that simply have no place on our streets. I urge my colleagues to enact a commonsense ban on assault weapons.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

Mr. LEVIN. Mr. President, it is with a heavy heart that I report that a victim of a hate crime in the city of Detroit died 10 days after the brutal incident.

Andrew Anthos was an extraordinary citizen with a passion for community service. During the last 20 years, Mr. Anthos repeatedly traveled by bus from Detroit to Lansing with a singular purpose, to urge the Michigan capital's dome be illuminated in red, white and blue, to honor his country.

Mr. Anthos wrote me last year to inform me of his efforts. As he put it, he wanted Michigan to be "the first State to inaugurate this patriotic tribute to its loyal citizens." He had support from many in the State, and had hoped for dedication lighting during Michigan Week, which will occur in May of this year, when Michigan would celebrate its 170th anniversary as our 26th State.

On the evening of February 13, 2007, Mr. Anthos was riding a bus home from the Detroit Public Library. A passenger on the bus yelled at him and asked if he was gay. The man then followed him off the bus, where Mr. Anthos was helping a wheelchair bound friend off of the bus. The assailant then struck Anthos in the back with a metal pipe, leaving him critically injured, lying in the snow.

The man left, without any effort to rob Mr. Anthos. This clearly was a hate crime, where Anthos was targeted because of his sexual orientation. Mr. Anthos tragically was left paralyzed from the neck down, before he slipped into a 10-day coma. He passed away on February 23, 2007. His killer has yet to be found.

Unfortunately, Andrew Anthos has not been the only victim of a hate crime. The Federal Bureau of Investigation's latest statistics tell us that over 8,800 individuals were the victim of a hate crime in 2005. 4,900 of these crimes were racially motivated, while 1,200 were based on sexual orientation. Many of these crimes resulted in death or serious bodily harm.

No one should be targeted because of the color of their skin, their religion, their gender or their sexual orientation. We have an obligation to make America a fully inclusive nation, a country that does not tolerate bias, discrimination or bigotry.

Next week, as an original cosponsor, I will join Senators KENNEDY and SMITH in introducing the Local Law Enforcement Hate Crimes Prevention Act. This bill will, for the first time, expand the definition of a hate crime to include gender, gender identity, disability, and sexual orientation. It will also allow the Federal Government to assist local law enforcement in investigation of hate crimes.

We should condemn and act against the hate crimes that have plagued our Nation and have had such a devastating impact on Andrew Anthos, and thousands of others and their families. I hope the Senate will take swift action to enact the Kennedy-Smith bill.

In addition, I hope that State governments will strengthen their own hate crime statutes to combat this growing trend. Andrew Anthos gave so much to our community, and it is essential that we give back to his memory by doing everything we can to reduce the incidence of these crimes.

ADDITIONAL STATEMENTS

TRIBUTE TO JANET MILLER

• Mr. CRAPO. Mr. President, today I am pleased to recognize and celebrate the long record of public service by an Idaho woman who has improved the financial conditions for many of my State's residents, helped our children through countless fundraising efforts and offered of herself in a distinguished record of service as an Idaho Representative.

Janet Miller is well-known to many people in the Treasure Valley of Southwest Idaho, including the City of Boise. Janet is also well-known to many in this body; she assisted two of my predecessors in the U.S. Senate—Senator Jim McClure and Senator Dirk Kempthorne.

Janet and her late husband Don moved to Idaho from Utah back in 1966. They did not bring much with them except for their desire to help people. Janet was a founding member of the local charity group called Working Partners. She spent more than 20 years in fundraising efforts that brought benefit to Idaho children and other charitable efforts.

Janet worked on behalf of the former Booth Memorial High School—now the Pritchett School—where I have had the pleasure to see the difference her efforts make in people's lives. She raised money for the local Salvation Army. She worked every Christmas to see that young children who may not have had a merry Christmas had a gift under the tree.

She has been very involved in politics, having met several Presidents including her hero, Ronald Reagan. She walked the halls of Congress often and has been involved in numerous political efforts.

Janet decided to give even more of herself when, after years of working behind the scenes, she stepped forward and ran for public office, and she won. She was the voice of Boise's Bench Neighborhood in the Idaho Legislature. She spoke often and was direct about the issues in the hearts and minds of her constituents. She sought consensus but was not afraid to speak out on what mattered most to the people she represented.

Janet sought to improve the lives of unwed mothers and needy children, our environment and various social concerns. She could have sat back and let rheumatoid arthritis keep her down. But that is not the kind of person Janet is. Janet is like many of us in Idaho—independent, giving, not afraid to stand up for what is right and speak our mind when we need to.

Now, Janet is facing her final quest—to enjoy her time to the fullest with her cherished family, children and grandchildren as she fights terminal cancer.

Janet Miller gave of herself, tirelessly, over a lifetime of public service. And now, Janet, we want to give back just a little bit. I ask Janet's accomplishments be noted here in the RECORD of the Congress of the United States.•

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 800. An act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. BAUCUS, Mr. DURBIN, and Mr. HARKIN):

S. 746. A bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself, Mr. ALLARD, Mr. CHAMBLISS, Mr. CRAPO, and Mr. GRAHAM):

S. 747. A bill to terminate the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 748. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida (for himself, Mr. DOMENICI, Mr. ENSIGN, and Mr. BURR):

S. 749. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 750. A bill to authorize to be appropriated $1,800,000 for fiscal year 2008 to acquire real property and carry out a military construction project at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. GRASSLEY:

S. 751. A bill to amend title XIX of the Social Security Act to modify certain administrative eligibility rules relating to children born in the United States to Medicaid-eligible mothers; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. ALLARD, Mr. SALAZAR, and Mr. HAGEL):

S. 752. A bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. REED, Mr. HAGEL, Mr. BAUCUS, Mr. ROBERTS, and Mr. COCHRAN):

S. 753. A bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN (for himself and Mr. COBURN):

S. 754. A bill to streamline and simplify the travel procedures used by Department of Defense personnel; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mr. DOMENICI):

S. 755. A bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

AMENDMENT NO. 280

At the request of Mr. SALAZAR, the names of the Senator from Washington (Ms. CANTWELL), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 280 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 295

At the request of Ms. LANDRIEU, the names of the Senator Massachusetts (Mr. KENNEDY), the Senator from Alaska (Mr. STEVENS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 295 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 296

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 296 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 300

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 300 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. BAUCUS, Mr. DURBIN, and Mr. HARKIN):

S. 746. A bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALLARD. Mr. President, today I come to the floor to discuss an important piece of legislation that I am introducing to address a major public health need.

I am pleased to be joined by Senators HAGEL, BROWNBACK, and BAUCUS.

Today, I am introducing the Veterinary Public Health Workforce Expansion Act, to address the growing shortage of veterinarians in the public health sector.

Over the past decade, the world has faced a significant increase of newly emerging infectious disease outbreaks, including West Nile virus; Severe Acute Respiratory Syndrome, SARS; monkeypox; and avian influenza.

In addition to their ability to cause severe illness, and even death, these diseases share another important characteristic: they are all transmitted from animals to man.

Veterinary medicine is an integral and indispensable component of our Nation's public health system.

Veterinarians protect human health by preventing and controlling infectious diseases, ensuring the safety and security of the Nation's food supply, promoting healthy environments, and providing health care for animals.

Veterinarians are essential for early detection and response to unusual disease events that could be linked to newly emerging infectious diseases, or other biothreat agents of concern.

In fact, it was a veterinarian who first diagnosed West Nile virus in the United States and a veterinarian who first notified health authonties of the introduction of monkeypox to the United States.

A veterinarian's prompt diagnosis and reporting of screwworm infestation prevent this disease from becoming re-established in the United States, thus saving hundreds of millions of dollars in expensive eradication programs.

There is a need to build national capacity in research and training in the prevention, surveillance, diagnosis, and control of newly emerging and re-emerging infectious diseases.

Veterinarians are uniquely qualified to address these high-priority public health issues because of their extensive professional training in basic biomedical sciences, population medicine, and broad, multi-species, comparative medical approach to disease prevention and control.

There is a shortage of veterinarians working in public health practice. As used in the preceding sentence, the term "public health practice" includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

The Bureau of Labor Statistics expects there to be 28,000 job openings in the veterinary medical profession by 2012 due to growth and net replacements, a turnover of nearly 38 percent.

The Nation's veterinary medical colleges do not have the capacity to satisfy the current and future demand for veterinarians and veterinary expertise that is vital to maintain public health preparedness.

Veterinary colleges also provide a broad, multi-species, comparative medical approach to disease prevention and control, which is fundamental to understanding the transmission and life cycle of infectious disease agents, especially those that are shared with animals.

Veterinarians have special expertise in preventing and controlling these types of diseases, but there is a critical shortage of veterinarians working in public health practice, and the Nation's veterinary medical colleges do not have enough capacity to meet the demand.

In order to meet the critical shortages of veterinarians today I am introducing the Veterinary Public Health Workforce Expansion Act, which will allow veterinary medical colleges to expand their training programs for veterinary public health professionals.

The Veterinary Public Health Workforce Expansion Act will create a new competitive grant program for capital improvements to allow veterinary medical colleges to expand their training programs for public health professionals.

There are critical shortages of veterinarians across the United States, and the Nation's veterinary medical colleges do not have enough capacity to meet the demand.

The Veterinary Public Health Workforce Expansion Act will build infrastructure, research laboratories, and classroom space to provide training for veterinary students in public health, food safety, infectious diseases, global health, and environmental quality.

By Mr. ISAKSON (for himself, Mr. ALLARD, Mr. CHAMBLISS, Mr. CRAPO, and Mr. GRAHAM):

S. 747. A bill to terminate the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

Mr. ISAKSON. Mr. President, back in Georgia, we have a saying. When people are treating the symptoms and never treating the cause, we say they are avoiding the 800-pound gorilla in the living room. I wish to talk for a minute about a 6-pound gorilla that is in the United States Capitol. It is called the U.S. Tax Code.

Printed in the 8-point font type, the U.S. Tax Code weighs 6 pounds, but the burden is equal to that or more of an 800-pound gorilla on the backs of American business and American families. To that end, I am joined by Senators VITTER, CHAMBLISS, ALLARD, GRAHAM, and others in the introduction of Tax Code simplification legislation to finally address the 800-pound gorilla in the living room and the 6-pound gorilla on the back of every American.

This bill simply calls on the Congress to establish a tax review commission which will be required to report back to the Congress on July 4, 2010. Its job will be to analyze all options for revenue for the United States. Consumption taxes or sales taxes, flat taxes, income taxes, productivity taxes, whatever it might be, wipe the slate clean and say: If we could do it all over again, what would be the best way to finance this great country of ours.

Second, once they have made those determinations, they make the recommendations back to the Congress. Then it is the Congress's responsibility to either adopt the commission's recommendations, much as we do with BRAC, or to reject them and affirmatively ratify the Tax Code of 1986, amended thousands of times, now weighing 6 pounds on the back of every single American.

All of us have different ideas over what is the right way to do things. All of us know the United States of America needs revenue to operate. All of us know that. But since 1986 and the major rewrite of the Tax Code, every year all we have done is decorate it like a Christmas tree, amend it here, lower it there, raise it somewhere else—until it has become an absolute burden.

We all know—I know the Presiding Officer deals with it in his State, as I do—the tremendous upheaval over the alternative minimum tax which passed in the 1960s to address the 169 taxpayers who made over a million dollars who did not pay any taxes. Today, the AMT affects everybody, including a family of four making $50,000 a year, if they own their own home, deduct interest, and itemize their deductions. That is just wrong.

So rather than take individual Senators—I respect every one of us in the Chamber, including, obviously, myself—take our ideas and try to volley them back and forth, why not get a distinguished commission of learned people to sit down for a protracted period of time, analyze what is right for this country, and make recommendations to us?

We solved the political disability in terms of reforming the military when we passed BRAC. Why not take the greatest disability on the American people—and that is the Tax Code—and approach it the same way: Have thoughtful people who are knowledgeable and understand the Tax Code as it is make the recommendations on what might make it better? It may be a sales tax or a consumption tax. It may be a flat income tax. It may be a series of fees or other revenue streams. It may be a combination.

But what we need most importantly is simplicity, fairness, equity, and I would submit one other thing—participation by all Americans. Everybody has a stake in this country, and everybody should contribute something. I think if we open up the Tax Code to scrutiny, we give this group 3 solid years to look and make their determination, we get the recommendation back by July 4, and then we debate it in this Congress, then, by the end of 2010, we have two choices: We ratify what we have today, which is the 600-pound gorilla on the back of every American citizen, or we look to a vision for the future and adopt a fair and a simpler and a more equitable tax system for every citizen of the United States of America.

I urge my colleagues to join us on this legislation, help bring about and make it a reality, and, for the first time since 1986, address the cause and not the symptom of the cumbersome nature of the American Tax Code.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 750. A bill to authorize to be appropriated $1,800,000 for fiscal year 2008 to acquire real property and carry out a military construction project at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today with Senator BINGAMAN to introduce legislation authorizing new construction at Kirtland Air Force Base, NM.

Kirtland Air Force Base serves many roles for the Department of Defense and the U.S. Air Force. The Nuclear Weapons Center, Air Force Research Laboratories, the New Mexico Air National Guard, and a Department of Energy National Nuclear Security Administration national laboratory are some of the many Federal entities doing work at Kirtland. As such, Kirtland's construction needs are many.

Therefore, I am proud to offer this bill to authorize replacement of a fuel unloading facility at Kirtland Air Force Base. The President's fiscal year 2008 budget requests $1.8 million for this work, and in keeping with that request my legislation authorizes $1.8 million for the work.

Our Armed Forces deserve our full support. I am proud to offer my support for the personnel at Kirtland Air Force Base by introducing this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECT AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) AUTHORITY.—Using amounts appropriated pursuant to the authorization of appropriations under subsection (b), the Secretary of the Air Force may acquire real property and carry out a military construction project at Kirtland Air Force Base, New Mexico, as specified under such subsection.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2008 for military construction and land acquisition for the Department of the Air Force for the replacement of a fuel unloading facility at Kirtland Air Force Base, New Mexico, $1,800,000.

By Mr. GRASSLEY:

S. 751. A bill to amend title XIX of the Social Security Act to modify certain administrative eligibility rules relating to children born in the United States to Medicaid-eligible mothers; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased today to introduce the Guaranteed Access to Medicaid for Newborns Act. This bill corrects a problem that has arisen during the implementation of the Deficit Reduction Act, DRA, of 2005. Through this act, we will guarantee that children born in America who are eligible for Medicaid can seamlessly get Medicaid coverage.

For the last two decades, Medicaid recipients have been required to be a U.S. citizen or qualified alien who has been in the country for at least 5 years. In a July 2005 report, the HHS Office of Inspector General found that 47 States allowed individuals to "self attest" their citizenship status to qualify for Medicaid benefits. In short, the State simply asked a Medicaid applicant if they were a citizen. The applicant need only respond, "Yes, I am an American." No documents necessary. And of those 47 States, 27 did no followup verification such as checking with the Social Security Administration. In response to this report, the DRA included a House-led provision that I supported to require States to more carefully document the citizenship of Medicaid recipients and applicants.

Implementation of this provision, as is often the case with legislation, has not been without its challenges. The interim final rule that was issued by CMS effective July 6, 2006, did make many improvements so that the new statute could be implemented consistent with legislative intent. I think, on the whole, CMS did a good job. However, there was one specific provision in the interim final rule that I do not think is consistent with congressional intent: the provision that makes it more difficult for children born to undocumented mothers to gain Medicaid eligibility.

In section 1903(v) of the Social Security Act, the Medicaid statute makes available payment to States for treatment of an alien who is not otherwise eligible for Medicaid in the case of an emergency medical condition. A woman who is undocumented or not otherwise eligible for Medicaid is covered under Medicaid for labor and delivery. Nothing in the DRA changed that nor was anything in the DRA intended to change that.

Under section 1902(e)(4) of the Social Security Act, a child born to a woman receiving Medicaid at the time of the child's birth is deemed onto Medicaid for a year. States had been interpreting that to mean the child of a woman who was undocumented could be deemed onto Medicaid for a year since the mother, under 1903(v), was eligible for Medicaid at the time of the child's birth. The interim final rule now specifically prevents a State from deeming the child of an undocumented mother onto the State Medicaid program without properly documenting the child's citizenship first.

In this case, I believe CMS has gone too far. A child born in the United States of America is a citizen. Before the DRA, children born to mothers on Medicaid were deemed onto Medicaid, and I think that is absolutely in the best interest of that newborn child. The DRA did not change two fundamental facts: First, the mother, regardless of documentation status, was eligible for Medicaid at the time of the child's birth and, second, the child is a citizen. In my mind, there is no reason then to have any new documentation requirement for the child.

The legislation I am introducing today reinstitutes the pre-DRA policy with one notable exception. Under the old rule, a State could issue a temporary Medicaid identification number to the mother which served as the identification number for the child for up to a year. I don't think that it's necessary or appropriate for a State to provide a child Medicaid benefits by issuing the mother a Medicaid card. This especially problematic in cases where the mother may not be in the country legally nor eligible for Medicaid after delivery. My legislation changes the old policy by requiring the State to issue an identification number to the child of the undocumented mother. This does not in any way change the States' responsibility to provide the mother benefits when she comes to the emergency room in labor.

The legislation makes one further change to the statute to benefit newborns. Under the interim final rule, all children born to mothers on Medicaid are required to document their citizenship within 1 year of birth. I do not think that is necessary. Medicaid paid for the birth of an American citizen. It is simple common sense that the child is a citizen and requiring any further documentation is redundant and counter-intuitive.

I want to be clear that I support the requirement that a State more fully document the citizenship of applicants for Medicaid. Given what the Congressional Budget Office has told us would be the cost of making undocumented aliens eligible for public programs, the Deficit Reduction Act addressed a real concern by requiring documentation. I want the new statutory provision to go forward to ensure that the people getting the benefits are actually eligible for the benefits. However, CMS and the States should recognize what is to me, common sense: A child born in the United States whose birth was paid for by Medicaid is a citizen under current law. No further documentation necessary.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. REED, Mr. HAGEL, Mr. BAUCUS, Mr. ROBERTS, and Mr. COCHRAN):

S. 753. A bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, today, I introduce the EPSCoR Research and Competitive Act of 2007, and I am proud to have the bipartisan support of my colleagues, Senators SNOWE, REED, HAGEL, BAUCUS, ROBERTS, and COCHRAN.

The Experimental Program to Stimulate Competitive Research, EPSCoR, is part of the National Science Foundation and is intended to assist smaller States competing for research grants that historically have not received as much funding from the NSF as larger States. Twenty-six States, representing 20 percent of our Nation's population and 25 percent of our doctoral and research institutions are currently eligible for the EPSCoR program yet receive only 10 percent of the total NSF research funding. EPSCoR funding provides valuable research opportunities in States with unique scientific features. States such as West Virginia, Alaska, Hawaii, Montana and New Mexico all stand to gain from EPSCoR funding, and our country will gain from the scientists and innovations made in our States.

EPSCoR has the additional bonus of having a proven track record. Over 50 percent of researchers supported by EPSCoR funds have successfully competed for non-EPSCoR funding. EPSCoR is also helping drive the economy in active States by providing cutting edge job opportunities. Seventy-five percent of new technology companies started by university research are based in the States where the original research was done.

In order for our Nation to remain competitive in the global marketplace, EPSCoR will play an important role in promoting science nationwide. This legislation provides some specifics to meet that goal. First off, this bill proposes that the Research Infrastructure Improvements Grant increase to $75 million beginning in fiscal year 2009 and remain at that level through 2012. Secondly, it seeks 20 percent of the EPSCoR budget for the cofunding program, an innovative initiative to help encourage each of the NSF directorates to collaborate and fund meritorious projects from the EPSCoR States. Thirdly, it encourages the NSF Director to develop creative ways to ensure that the EPSCoR States are part of the new major initiatives of the foundation, including cyberinfrastructure and major research instrumentation.

The citizens of West Virginia have benefited tremendously as a result of this program. Competitive Federal research has increased 68 percent in West Virginia since 2001. In 2005 alone, research created more than $147 million in economic activity and supported 4,432 jobs. Much like other States involved, EPSCoR has been a tremendous boon to our flagship higher institutions with West Virginia University and Marshall University having worked together through this program to come up with innovate solutions like never before. To help ensure that EPSCoR States remain competitive, this legislation suggests that EPSCoR grow proportionately with the foundation. To achieve our competitiveness goals and to increase the numbers of engineers and scientists, every State needs to play a role. It is encouraging to note that the administration's budget request for this year seeks a $7 million increase in EPSCoR.

Ensuring the economic well-being of all our States is an essential part of keeping our entire Nation competitive and EPSCoR is an important step in that direction. EPSCoR States are the home for 25 percent of the doctoral and research universities, and our States train nearly 20 percent of our science and engineering graduate students. This legislation will help encourage and promote competitiveness.

By Mr. SCHUMER (for himself and Mr. Domenici):

S. 755. A bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I join my colleague, Mr. Schumer, in introducing the Diabetes Screening and Medicaid Savings Act of 2007. This bill will provide a diabetes screening benefit for adults within the Medicaid program. Only Medicaid eligible individuals who are enrolled in the program and who meet certain qualifications will be covered. If you test positive for diabetes, then there is mandated coverage of treatment, supplies, and education.

According to the American Diabetes Association, diabetes affects nearly 21 million Americans, about 7 percent of the total population. The number of U.S. adults with diagnosed diabetes has increased by more than 60 percent since 1991 and is projected to more than double by 2050. It ranks as the sixth leading cause of death in America. People who have diabetes are much more likely to suffer from blindness, kidney failure, heart disease, stroke, and nerve damage. These complications result in significant costs to the health care system as a whole as well as to the individual suffering from this disease.

Diabetes health care specialists say that many patients who are diagnosed with diabetes initially visit their doctor not for symptoms related to the diabetes but because they are already suffering from the secondary complications. If diabetes complications are the first indication that you have diabetes, you are starting your fight at an incredible disadvantage.

Although the increasing burden of diabetes and its complications is frightening, much of this burden could be prevented with early detection. Methods for controlling diabetes and minimizing its impact on health and health care costs are well documented. Yet access to these services, including screening and early interventions, varies by State.

The bill we are introducing today will provide a uniform benefit within the Medicaid Program. This bill recognizes that diabetes has been found to be most prevalent in low-income and certain ethnic populations. This bill makes sure that the needs of these populations, such as Native Americans and Hispanics are addressed.

Complications of diabetes can be prevented and the costs of this disease to our society can be contained. Early detection and treatment is the key. I know that the chairman and ranking member of the Finance Committee have been working very hard to reform the Medicaid Program so that it will better serve those who need it most. I appreciate their efforts and hope they will consider making the changes I am recommending.

AMENDMENTS SUBMITTED AND PROPOSED

SA 321. Ms. LANDRIEU proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

SA 322. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra; which was ordered to lie on the table.

SA 323. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra; which was ordered to lie on the table.

SA 324. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra; which was ordered to lie on the table.

SA 325. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra; which was ordered to lie on the table.

SA 326. Mr. CARDIN proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra.

SA 327. Mr. CARDIN proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra.

SA 328. Mr. CARDIN proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra.

SA 329. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra; which was ordered to lie on the table.

SA 330. Ms. CANTWELL (for herself, Mr. Levin, Mrs. Murray, Mr. Craig, and Mr. Crapo) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, which was ordered to lie on the table.

SA 331. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 321. Ms. LANDRIEU proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 233, line 11, after "the Secretary" insert "shall include levees in the list of critical infrastructure sectors and".

SA 322. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and

Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, line 17, insert before the period "and a description of how ongoing critical infrastructure initiatives developed by the Department in coordination with State and local governments, such as the Automated Critical Asset Management System, were used in the assessments".

SA 323. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, strike lines 11 through 15, and insert the following:

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall—

(1) develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material; and

(2) ensure that the curriculum includes executive level training.

SA 324. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

SEC. 15 . ENHANCEMENT OF THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the National Center for Homeland Security Studies of the State University of New York.

SA 325. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between the matter preceding line 7 and line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) "appropriate committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) "improper payment" has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—The Secretary shall not award any grants or distribute any grant funds under any grant program under this Act or an amendment made by this Act, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

SA 326. Mr. CARDIN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the end of title XV, add the following:

SEC. . STUDY OF MODIFICATION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

(a) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of "National Capital Region" applicable under section 882 of the Homeland Security Act of 2002 to update the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(b) FACTORS.—In conducting the study under subsection (a), the Secretary shall analyze whether modifying the geographic area under the jurisdiction of the Office of National Region Coordination will—

(1) improve coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders;

(2) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region; and

(3) affect the distribution of funding under the Homeland Security Grant Program.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under subsection (a), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002) as the Secretary considers appropriate.

SA 327. Mr. CARDIN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the end of title XV, add the following:

SEC. 15 . NATIONAL CAPITAL REGION MUTUAL AID.

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ", including its agents or authorized volunteers,"; and

(B) in paragraph (5), by striking "or town" and all that follows and inserting "town, or other governmental agency, governmental authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region.";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ", the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority"; and

(3) in subsection (d), by striking "or employees" each place that term appears and inserting ", employees, or agents".

SA 328. Mr. CARDIN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLICABILITY OF DISTRICT OF COLUMBIA LAW.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

"(n) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—In the case of Maryland, any lease or contract entered into by the National Railroad Passenger Corporation after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".

SA 329. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . LASER VISA EXTENSION.

(a) SHORT TITLE.—This section may be cited as the "Laser Visa Extension Act of 2007".

(b) PROHIBITION ON CERTAIN TRAVEL RESTRICTIONS FOR TEMPORARY VISITORS FROM MEXICO.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and the State of New Mexico if such national—

(A) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(B) enters the State of New Mexico through a port of entry where such card is processed using a machine reader;

(C) has successfully completed any background check required by the Secretary for such travel; and

(D) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(2) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of subparagraphs (A) through (D) of paragraph (1) to a distance of less than 100 miles from the international border between Mexico and the State of New Mexico if the Secretary determines that the national was previously admitted into the United States as a nonimmigrant and violated the terms and conditions of the national's nonimmigrant status.

SA 330. Ms. CANTWELL (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NORTHERN BORDER PROSECUTION REIMBURSEMENT.

(a) SHORT TITLE.—This section may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

(b) NORTHERN BORDER PROSECUTION INITIATIVE.—

(1) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases

(2) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(3) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(A) Prosecution and related costs.

(B) Court costs.

(C) Costs of courtroom technology.

(D) Costs of constructing holding spaces.

(E) Costs of administrative staff.

(F) Costs of defense counsel for indigent defendants.

(G) Detention costs, including pre-trial and post-trial detention.

(4) DEFINITIONS.—In this section:

(A) The term "eligible northern border entity" means—

(i) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(ii) any unit of local government within a State referred to in clauluse (i).

(B) The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(C) The term "federally declined-referred" means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(D) The term "case disposition", for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SA 331. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE STRATEGY TO REDUCE GLOBAL POVERTY AND ELIMINATE EXTREME GLOBAL POVERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 9/11 Commission found that a "comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future".

(2) Global poverty creates conditions that give rise to terrorism.

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(2) CONTENT.—The strategy required under paragraph (1) shall include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in such paragraph.

(3) GUIDELINES.—The strategy required under paragraph (1) should adhere to the following guidelines:

(A) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries.

(B) Increasing overall United States development assistance levels while at the same time improving the effectiveness of such assistance.

(C) Enhancing and expanding debt relief.

(D) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(E) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(F) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(G) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, and reducing hunger and malnutrition.

(H) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this

Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy required under subsection (c).

(2) SUBSEQUENT REPORTS.—Not less than once every year after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (c)(1), and any changes to the strategy since the date of the submission of the last report.

(e) DEFINITIONS.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) EXTREME GLOBAL POVERTY.—The term "extreme global poverty" refers to the conditions in which individuals live on less than $1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term "global poverty" refers to the conditions in which individuals live on less than $2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Seth Poldberg of Senator GRASSLEY's office be granted floor privileges on this coming Monday, March 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF COMMITTEE TO ESCORT HIS MAJESTY KING ABDULLAH II BIN AL HUSSEIN, KING OF THE HASHEMITE KINGDOM OF JORDAN

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan, into the House Chamber for a joint meeting at 11 a.m. on Wednesday, March 7, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 5, 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1:30 p.m., Monday, March 5; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that at 3:00 p.m. the Senate resume consideration of S. 4, the 9/11 Commission legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, on behalf of the majority leader, there have been discussions about the vote schedule for Monday. The leader has indicated we will be voting Monday at 5:30. For the information of the Senate, the vote at 5:30 Monday will be with respect to an Executive Calendar matter.

ADJOURNMENT UNTIL MONDAY, MARCH 5, 2007, at 1:30 P.M.

Ms. KLOBUCHAR. If there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 1:02 p.m., adjourned until Monday, March 5, 2007, at 1:30 p.m.

SENATE—*Monday, March 5, 2007*

The Senate met at 1:30 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, thank You for Your patience. You listen to our prayers even when we make selfish requests, and You guide our steps in spite of our attempts to shape our own destiny.

Today, lead our lawmakers to the successful fulfillment of Your purposes. As they strive to honor You, strengthen them with an endurance that will keep them strong in the face of complex challenges. Lord, make them grateful that You have given them the honor of serving You and country, as You remind them of the importance of being faithful in small things. Lord, as You bless them with Your peace, unite them in their efforts to keep America strong. May they so reflect Your image that they will possess gentleness, kindness, humility, meekness, and patience.

Lord, we end this prayer by asking You to remember the family of former U.S. Senator Thomas Eagleton and the many others who mourn his death.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this afternoon the Senate will be in a period of morning business until 3 p.m. During this time, Senators are permitted to speak for up to 10 minutes each. It is my understanding there are a number of Members on both sides who will be here to take up that time.

At 3 p.m., the Senate will resume consideration of the 9/11 legislation, S. 4. We have been told a number of Members want to offer amendments. I hope that is the case. So I look forward to them coming to the Senate Chamber today to offer those amendments.

Last week, the Republican leader's staff and my staff, along with the relevant committee staff, were negotiating a time when the Senate would vote on the collective bargaining amendment. I understand that has been offered by Senator DEMINT. The proposal is for the amendment to be voted on at 2:30 on Tuesday. We hope that can be accomplished sometime early this afternoon as to whether we will be able to lock in this agreement. I will be in a position at that time to announce our vote schedule, which is at 5:30 today. However, Members are alerted that a vote or votes could occur at 5:30 today. I will provide more information as the day proceeds.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, let me respond to my good friend, the majority leader. We hope to be able to enter into an agreement to figure out how to dispose of the McCaskill and DeMint amendments on collective bargaining for TSA. There are also two district judges on the calendar who are noncontroversial whom we have no problem voting on this afternoon: Jarvey of Iowa and Lioi of Ohio. So in any event, we hope to be able to work all this out in the next few hours.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IN MEMORY OF FORMER SENATOR TOM EAGLETON

Mr. REID. Mr. President, I received a call yesterday that Tom Eagleton died. Tom Eagleton was a wonderful man. He served in the Senate representing the State of Missouri from 1968 to 1987.

I got to know Senator Eagleton. I met him when I was in the House of Representatives. He had previously, prior to coming to the Senate, been elected Missouri's attorney general and Lieutenant Governor.

One thing I wish to mention very briefly today: He was selected by Senator McGovern to be his Vice President. As some will recall, that lasted only 2 or 3 weeks because it came out he had received some attention for a medical problem that was related to an emotional problem, mental problem.

If that same thing occurred today, it would not have mattered. We have made progress in accepting people who have emotional problems for whatever reason, that they are just as sick as someone who has other kinds of problems. It is too bad there will always be this asterisk with Tom Eagleton. However, he was selected to be Senator McGovern's Vice President but was not able to continue in that position because of a medical condition.

He was a wonderful man who served in the Navy. He graduated from Harvard Law School. His father was a lawyer who loved politics and ran for public office in Missouri. He served on the St. Louis Police Board and the Board of Education.

Tom is survived by his wife, the former Barbara Ann Smith. They married in 1956. He has two children. He left the Senate 20 years ago, as I indicated earlier. He was a tremendously good Senator. As the Chaplain indicated today, our prayers go out to his family. Senator Eagleton will be missed. He has made his mark on our country and the world. He fought for clean water and clean air. He had strong beliefs on the conflict in Vietnam. He showed, over a lifetime, that one man can make a difference.

So, Mr. President, I hope all Senators will pause to reflect on the service this great man made to our country. I am sure we should all understand if we patterned our political career after Tom Eagleton, we could not go wrong.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be given 10 minutes to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. AKAKA. Thank you, Mr. President.

VETERANS MEDICAL CARE

Mr. AKAKA. Mr. President, last week, my majority colleagues and I on the Committee on Veterans' Affairs submitted the required views and estimates on the administration's fiscal year 2008 budget for the Department of Veterans Affairs.

In summary, we are recommending a $2.9 billion increase over the administration's request for veterans medical care. We believe this is the total amount necessary to treat all eligible veterans from World War II until the present time and to maintain the quality of VA medical services through the upcoming fiscal year.

This amount would also provide the VA with resources to absorb the thousands of service members presently on medical hold at Walter Reed and in other military facilities. There is no question we must ensure these brave men and women are provided the best care possible.

Today's Washington Post leads with a story titled, "It Is Just Not Walter Reed." The story focuses on the various Federal facilities across the system, including VA facilities. I urge my colleagues to understand that at the heart of any solution to improve care is increasing resources to match demand and to ensure the facilities themselves are up to par.

I intend to hold a hearing later this month on cooperation between VA and the Department of Defense on the treatment of injured service members, and I will pursue the situation at Walter Reed and other military treatment facilities that are handling the bulk of returning Iraq and Afghanistan war veterans to ensure the Government is helping those who have been injured in service to our country and their families.

I wish to highlight a few of the accounts for which we are seeking substantial increases.

In our estimate, we recommended an additional $300 million for treatment of traumatic brain injuries. These funds will support the expansion of VA's capacity and will help to resolve case management problems identified in an IG investigation last summer. Traumatic brain injuries are turning out to be the hallmark of this war. We simply must ensure that VA has the resources to do more than just keep up but to become a leader in brain injury care.

The recent televised account of ABC newsman Bob Woodruff's long recovery from a brain injury endured in Iraq has highlighted the suffering of new veterans and their families. Looking at these young soldiers with such devastating injuries reminds us of the true costs of war.

We know the transition from DOD to VA can be a tough one. This is even more true for those veterans suffering with TBI. At the start of this war, VA was unprepared to deal with returning service members with injuries of all kinds. The budgets in the early years underestimated these costs, and many VA facilities were caught flatfooted.

Over the last year, VA has made strides in improving the lead brain injury centers. Yet VA still has miles to go in caring for service members when they return home to their communities. Many of these men and women are quite young and will live with brain injuries for the rest of their lives. VA must do more than simply send them back to their communities.

I am also concerned that veterans with less severe forms of TBI may not be receiving appropriate compensation for their injuries. We need to make sure VA has the resources necessary to provide for specialist examinations and appropriate testing so that veterans who file claims for headaches, memory loss, and other effects of TBI may be properly compensated and rehabilitated.

We also recommended an increase of $693 million over the administration's request for VA mental health programs. These funds are essential to guarantee timely access to mental health services for veterans of the global war on terror and prior conflicts, including the Vietnam war. We have heard too many stories already of veterans in crisis who were unable to see a mental health professional because of a lack of staff or beds at VA facilities. It is about time we fully fund VA's mental health programs so that not one more troubled veteran finds himself or herself on the street for lack of therapy, counseling or, far worse, takes his or her own life.

As chairman of the Committee on Veterans' Affairs, I am deeply committed to having all in Congress recognize the reality that meeting the needs of veterans is truly part of the ongoing costs of war. I urge my fellow Senators to join us as we work to uphold our end of the bargain by giving our Nation's veterans accessible first-rate medical care. We owe it to them and they deserve it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCaskill). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for up to 30 minutes.

The PRESIDING OFFICER. The Senator has that right. The Senator from North Dakota is recognized.

VA HEALTH CARE

Mr. DORGAN. Madam President, this morning in the Washington Post newspaper, there is a story that is headlined:

> It Is Just Not Walter Reed. Soldiers Share Trouble Stories of Military Health Care Across the U.S.

I read that story and have read the previous stories in the Washington Post about the issue of outpatient health care at Walter Reed. I have visited Walter Reed many times, and I have visited Bethesda many times, and I have visited with wounded soldiers. I have spoken to doctors and nurses, health care professionals, people who work at Walter Reed and Bethesda. I have to tell my colleagues that I come away from those experiences thinking how unbelievably dedicated the people who are working in those hospitals are to save lives. There are a lot of them. I hope the efforts and the work they do tirelessly 24 hours a day are not in any way diminished by these stories.

The stories the Post has published are accurate. The stories about the outpatient buildings at Walter Reed needing repair and not being repaired are accurate. The stories about the system well beyond Washington, DC, are accurate stories. But I would say there are a lot of dedicated people working in that system who are trying to do the best they can to work as hard as they can work to save lives and help our veterans. Their role needs to be understood and applauded as well.

Even as I say that, let me describe something else. As the headline says: "It Is Just Not Walter Reed." It was over a month ago I was on the floor of the Senate, and what brought me to the floor of the Senate to talk about these issues was this story in the Minneapolis Star Tribune. The story says in the headline:

> This Marine's Death Came After He Served in Iraq. When Jonathan Schulze came home from Iraq, he tried to live a normal life, but the war kept that from happening.

The story talks about this young man who went to Iraq when America asked him to go fight for his country, was engaged in some bitter, difficult fighting, and when he came back from

Iraq, he had very serious problems; very significant, serious difficulties, and he couldn't deal with them. As they buried this young man who committed suicide, on his casket was recognition of his two Purple Hearts earned from his service in Iraq. He was a real soldier in some of the bloodiest battles of Iraq. I have spoken to his family and they told me of this young man seeing the head of one of his best friends being blown off, some of the most unbelievable things a person can see in battle. He came back from Iraq with very serious problems. He tried very hard to get those problems resolved. He was in and out of the VA system. This story describes his circumstances.

I happened to be in Minneapolis the day this story was published in the Minneapolis Star Tribune. It was on a Saturday. When I came back to Washington, DC, the following week, I came to the floor of the Senate and said I was going to write the inspector general with a request: Would you investigate what has happened here? This is a man, according to this story and according to his family with whom I have spoken, who went to the VA system and said: I am suicidal. I have been thinking about committing suicide. I need help.

In fact, the second time he went to the VA system asking to be admitted to the hospital, he had packed his bags and brought them with him, hoping to be admitted. His family, standing behind him during the interview at the hospital, heard him tell them he was suicidal. They said: We can't do a prescreening for you today. You will have to come back. The family had driven some 70, 75 miles to get there that day. The next day he called and was told he is No. 26 on the list to be admitted. Three days later he hung himself.

This young man fought for his country, came back seeking help, and he didn't get the help. So they had a funeral for this young man, Jonathan Schulze, who cried out for help and didn't get it. At the funeral was a picture of this young marine with his two Purple Hearts, a proud young man who served his country with great valor and great distinction. But his country didn't serve him very well when he came back with very serious problems.

I came to the floor of the Senate and said I was sending the inspector general a request that he investigate what has happened here. What happened when this young man goes to a hospital and says: I am thinking of committing suicide, I need to be admitted to your hospital, and is turned away? How does that happen? Is it an isolated instance?

Last week a mother called me. She told me her son had come back from Iraq and he had very serious problems. They went to the VA hospital. This is a young man coming back from soldiering in Iraq with very serious emotional problems, a substance abuse addiction, he couldn't sleep, and at night would pull the covers over his head and scream, wake up from nightmares. So they went to the VA system and his mother said: We really didn't get much help. They had very limited capability to help; not enough staff. So she said: We worked through the private sector with some psychiatrists and others for a year, and my son finally improved and got much, much better, after a long year. She called me last week because she said her son had received an alert notice that his unit was to be activated in June, likely to go back to Iraq. That is why that mother was calling me. But her message was in many ways about the issue of care in the VA system. Let me say again, I have great admiration for a lot of men and women who work in that system. I think there are a lot of soldiers who get some good help. But I do think the VA is understaffed. I don't think there is much question about that. I think very significant mistakes are made when there are not the resources to help.

When this young man comes back from Iraq, Jonathan Schulze, who earns two Purple Hearts and cries out for help and this country doesn't help because somehow he falls through the cracks—he goes to the hospital and says: I need to be admitted, I am thinking of committing suicide—and they send him home, there is something dreadfully wrong. Yes, the Washington Post was right this morning; this is not just about Iraq; this is not just about Walter Reed. This is also about the VA system, and whether this President is asking for enough funding for that system.

I was reading the transcript this morning of a hearing that Senator AKAKA, who just spoke, recently chaired. He asked about the President's budget that proposes a cut to inpatient care for mental health in the VA system. That is exactly the wrong thing to do. It is precisely the wrong direction to go.

I received a letter from the inspector general 3 days after I had written to him, on February 9. He writes this:

> In response to your letter, my office has opened an inquiry and will provide you with the results upon completion.

So the inspector general is now investigating.

Let me also say I worry about the leadership there. I don't know what causes this, but here is what the head of the VA said at the Veterans' Affairs Committee hearing on February 13. He says:

> There is no veteran who is in need of, as I say, emergent or emergency care that doesn't get it immediately.

Let me say that again. This is a quote from Mr. Nicholson, who runs the VA system:

> There is no veteran who is in need of, as I say, emergent or emergency , care that doesn't get it immediately.

Well, Jonathan Schulze didn't get it. He showed up with his bags packed and told the VA he was thinking of committing suicide and needed to be admitted, and he was sent home. He didn't get the help. That was emergency help that was needed. I don't understand how the Secretary can say this. Clearly there are soldiers around the country who are released from inpatient care at Walter Reed and Bethesda, who transfer out of the active-duty system and become a veteran, and all of a sudden the standard of care, the standard of rehabilitation is different. That is quite clear. That is not in dispute. That shouldn't be the case. We spend hundreds of billions of dollars going to war. There is no difference between a soldier on active duty and a wounded soldier who comes back home and leaves the acute care facility of Walter Reed or Bethesda. There is no difference, and they ought not be treated differently. Their standard of care ought to be identical. I don't understand a circumstance where the head of the VA says:

> There is no one in need of, as I say, emergent or emergency care that doesn't get it immediately.

That is clearly not accurate. He is the Secretary and should know it is not accurate. I do not understand it. As I have indicated, I asked the inspector general to investigate the Jonathan Schulze situation, this young man who committed suicide, took his life when he showed up with his bags packed, asking to be admitted to the hospital. I hope what has happened recently will persuade the President, the Secretary, the Congress to get this right. We owe it to those young men and women. The number of people coming back—24,900 American servicemen have been wounded, 11,200 seriously. Virtually all of us here have seen those soldiers lying seriously wounded. Does anyone think they don't have the highest claim on this country's resources to reach out and help them with everything that is available to us? Does anyone believe there is something more important than that? If so, I want to know what it is. I hope very much, whether it is the Jonathan Schulze case or any of the other cases, this investigation is thorough, complete, urgent, and is completed in a way that says to this President: You can't seriously continue to consider cutting inpatient care for mental health in the VA system.

AMENDMENT NO. 313 TO S. 4

Mr. DORGAN. Madam President, I want to talk briefly about an amendment I have offered to the underlying piece of legislation.

I would like to ask it be considered in morning business as a separate subject.

I have offered an amendment that is very simple. It calls for a report every 6 months by this administration on the subject of what is happening with respect to the search for Osama bin Laden and the leadership of al-Qaida. I hope I will get a vote on that amendment perhaps this afternoon, and if not, I hope by tomorrow. That amendment was one I offered last week. I want to show a couple of charts that describe why I have offered such an amendment.

Mr. Negroponte was the Director of National Intelligence until about two weeks ago. He and the current leader of the intelligence service have said the same thing in open testimony before the Congress:

> Al-Qaida is the terrorist organization that poses the greatest threat to U.S. interests, including to the homeland.

He also said this:

> Al-Qaida continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders from a secure hideout in Pakistan.

Again, it says from their secure hideout in Pakistan. On September 15, 2001, 4 days after 9/11, recognizing it was al-Qaida and Osama bin Laden and the al-Qaida leadership that attacked this country and boasted about it, the President said this:

> We will not only deal with those who dare attack Americans; we will deal with those who harbor them and feed them and house them.

Two months later he said:

> As a part of our offensive against terror, we are also confronting the regimes that harbor and support terrorists.

Two months following that he said:

> Osama bin Laden has no place to train his al-Qaida killers anymore. And if we find a training camp, we will take care of it.

Well, the head of intelligence for this country says he knows where the al-Qaida leadership is. We saw last week film clips on television of al-Qaida training camps. Yet somehow there is a giant yawn about all of this. In fact, the President later said, in 2003:

> I don't know where bin Laden is. I have no idea and really don't care. It is not important, and it is not our priority.

He also said:

> I am not truly that concerned about him.

If the head of intelligence for this country says the greatest threat posed to this country by a terrorist organization is a threat that comes from al-Qaida, a threat to our homeland to inflict mass casualties, and they are in a secure hideout in Pakistan, and if, in fact, the President previously said as a part of our offensive against terror we are also confronting the regimes that harbor and support terrorists, and if Pakistan is our ally and al-Qaida is located there to train new terrorists, why on Earth are we not going after the leadership of al-Qaida? What explains that? It, frankly, escapes me.

I have introduced a piece of legislation that does three things: First, every 6 months, there will be a report from this administration to the Congress—a classified report—telling us where is the al-Qaida leadership. If they now say they are in a secure hideout in Pakistan, they can reaffirm that; and, if not, where are they?

Second, tell us each country where bin Laden, Zawahiri, and other leadership may be and whether the government of each country is cooperating with our attempts to capture them. If these countries are allies, are they harboring these terrorists, preventing us from the opportunity to go and eliminate the leadership of this terrorist organization?

Third, this report will require the heads of our intelligence and of our Defense Department to tell us what additional resources they need to capture the leadership of al-Qaida.

Today, it is 2,001 days—let me mark that—since the terrorist attack against our country which murdered thousands of innocent Americans. Osama bin Laden, Zawahiri, and others in al-Qaida boasted about being the perpetrators of that terrorist attack. That was 9/11/2001.

Coincidentally, today is 2,001 days later. The perpetrators who boasted that they committed the terrorist acts against our country that murdered so many thousands of Americans remain, apparently, in a secure hideout in Pakistan and still taunt us. They send the television and the radio stations their videos and their voice tracks telling us their views of world events.

I have said before on the floor of the Senate in recent weeks, if we have 21,000 soldiers to surge somewhere, I would much prefer those 21,000 soldiers be surged to find the leadership and eliminate the leadership of al-Qaida. I don't understand why this administration says: We don't know where he is. I have no idea and really don't care. It is not that important. It is not our priority.

That comes from the President. But his top intelligence chief says they are in a secure hideout in Pakistan. Even more important, I don't understand when the President says he is not concerned about him. The top intelligence chief said this is the greatest threat to our country. We better be concerned about him—the President and the Congress and the American people. We ought to be concerned enough to decide this is a priority; it is a priority for us to bring to justice those who are the greatest threat to our country, the greatest terrorist threat.

That doesn't come from me. That comes from Mr. Negroponte and his successor who, in the last 2 months, both said the greatest terrorist threat to our country is al-Qaida. They continue to plot attacks against our homeland with the objective of inflicting mass casualties, and they radiate outward from their leaders from a secure hideout in Pakistan. It is unbelievable to me that 2,001 days later that we saw, according to the New York Times 2 weeks ago, "Terror Officials See Qaeda Chiefs Regaining Power."

> Senior leaders of al-Qaeda operating from Pakistan over the last year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

I don't have the foggiest idea how this is allowed to continue or to happen. In fact, my colleague and I—Senator CONRAD and I—offered an amendment similar to this some months ago. It was dropped in conference. Senator CONRAD joins me as a cosponsor of this amendment this time as well. Both of us believe there is something missing. When we offered it the last time, there was this enormous concern about our offering it. It seems to me that this just makes common sense—find out what is the most significant threat to our country and take steps to eliminate that threat.

This country took its eye off the issue of Afghanistan. All of us understand that, regrettably. I worry about what might happen in Afghanistan this year. We took our eye off this issue. Osama bin Laden—you haven't heard his name around here for a long while. It was Osama "been forgotten." Nobody talked about him. Even the President said: I don't know where he is. I don't care. It is not important, and it is not our priority.

What on Earth is that? I don't understand it. This amendment is simple. We are asking for three steps. Every 6 months we would like a report. What are you doing? What is the progress in dealing with the greatest terrorist threat to this country? Don't tell us that we don't have time or resources to deal with the greatest terrorist threat to our country. We must deal with that threat, and we must deal with it on an urgent basis.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, how much time remains in morning business?

The PRESIDING OFFICER. Morning business extends until 3 p.m., and Senators may speak for up to 10 minutes each.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes. I will yield back time if I don't need all of that. I also ask unanimous consent that Senator WEBB be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO S. 4

Mr. CORNYN. Madam President, I want to speak briefly on four different amendments that are pending to the 9/11 bill that is on the Senate floor. First of all, I want to talk about the issue of homeland security grant funding. Today, I will join with my colleague, Senator DIANNE FEINSTEIN of California, and several other colleagues and ask that this amendment be accepted. It stands on the principle that the limited funds that are available from the taxpayers' pockets to pay for homeland security be prioritized based on security concerns and not divvied up based on porkbarrel politics.

I realize the first instinct, perhaps, of a body that represents as diverse a nation as ours, with 50 States, is to take whatever amount of money there might be for any particular project and figure a way to divide it up 50 ways.

We know our security risks are not based on that sort of structure or approach, and it is important that we do try to take the limited resources we have available for homeland security grant funding and allocate them on a risk-based approach.

This approach is pretty simple. It is so simple and so commonsense, it strikes me as unusual that it has not already been embraced by the Congress. It is simply a system that will protect our most vulnerable assets and populations, one that recognizes the need to protect the critical infrastructure and vital components of our national economy. It is vital that we better allocate our limited resources to the most vulnerable places in the country that we need to protect, and that these funds be distributed in an efficient and timely manner.

The principle upon which this risk-based funding is premised has three main criteria: threat, vulnerability, and consequence. That is, what is the greatest threat to our country? What is the greatest vulnerability in terms of if there was a successful attack against our Nation's infrastructure, what infrastructure would be the most vulnerable and have the greatest negative consequence on our country?

It requires States to quickly pass on Federal funds to areas where they are most needed as well and provides greater flexibility using these funds and that they be done consistent with federally established capability standards.

This amendment would allow States to retain authority to administer grant programs, but there are penalties to States that do not pass funds on to local governments within 45 days. If a State fails to pass the funds through, local governments may, under this amendment, petition the Department of Homeland Security to receive those funds directly.

This is an attempt to respond to one of the concerns I hear in my State from local governments and local authorities that are dependent on the State government to actually pass the funds through. In fact, despite the good work this body did on issues such as Hurricane Katrina and Hurricane Rita relief, we find that a lot of the funds that have been appropriated by Congress are simply bogged down in the bureaucratic structure when it moves from the Federal Government to the State government on to local governments.

So this amendment, which I hope our colleagues will support and which will actually result in a net increase in funds to 70 percent of the States, is based on two fundamental premises. One is that we ought to allocate those limited funds based on risk, vulnerability, and consequence, and that we ought to then try to get the money to the local officials and the local persons who need it most and to break it out of this bureaucratic structure that too often delays funds getting to the people who need it most quickly.

I also have offered an amendment separately, amendment No. 312, about which I wish to speak briefly. This is a terrorism recruiting prohibition and penalty that is lacking under our current law. We know it has been more than 5 years since we were attacked on September 11. It is important, as time works to ease the pain on that terrible day, that we in Congress ensure we are providing every possible tool to prevent another terrorist attack on American soil. We have made significant progress in updating our law enforcement and intelligence agencies, enabling them to better protect us at home and abroad, but there is still a lot we need to do.

One area we must address and is addressed by this amendment is the issue of terrorist recruiting.

The FBI and other agencies of the Federal Government have made it clear that al-Qaida and other terrorists are intent on striking us again. We know from the 9/11 report that al-Qaida is patient and willing to wait years to take advantage of an opportunity to attack us, and in the meanwhile, they carefully formulate how they will carry out their plan. According to congressional testimony, terrorists and terrorist sympathizers are seeking to recruit people within the United States. Of course, their goal is to find individuals who do not fit the traditional terrorist model who are willing to engage in terrorism. Recruiting these individuals who blend easily into our society provides al-Qaida and other terrorists an operational advantage.

This is not, however, an academic discussion. Let me use one example of why I believe this amendment should be adopted.

Intelligence documents regarding Khalid Shaikh Mohammed—the so-called mastermind behind 9/11—reveal that he was running terrorist cells in the United States. These documents also show that it was al-Qaida's goal to recruit U.S. citizens and other westerners who could move freely in the United States. They targeted mosques, prisons, and universities throughout the United States where they could identify and recruit people who they thought might be sympathetic to their cause and then persuade these individuals to join their terrorist organization.

Currently—and this is a shocking fact—we have no statutes specifically designed to punish those who recruit people to commit terrorist acts. The amendment I am offering would remedy this serious gap in our law. My amendment simply provides that it is against the law to recruit or, in the words of the amendment, "to employ, solicit, induce, command, or cause" any person to commit an act of domestic terrorism, international terrorism, or Federal crime of terrorism, and any person convicted of doing so would face severe punishment. This amendment would also provide that anyone committing this crime would be punished for up to 10 years in Federal prison. If death of an individual results, he or she would be punished, on a finding and conviction of guilt, to death or any term of years or for life. If serious bodily injury to any individual results, the punishment would be no less than 10 years or for no more than 25 years.

I believe this is a commonsense amendment designed to fill a serious gap in our Criminal Code that should not exist any longer, certainly not this long after 9/11. I urge my colleagues to support this amendment.

I have also offered amendment No. 311, which is one that is not unfamiliar to Members of this body. I offered this amendment during our immigration debates last year. It is one supported by the Department of Homeland Security because this amendment, which received bipartisan support last year, will remove current litigation barriers impeding the ability of the Secretary of Homeland Security to do his job; that is, enforce the immigration laws, especially as they are related to apprehension, detention, and expedited removals of illegal aliens.

We know one of the most obvious symbols of the Federal Government's failure to deal with our immigration problem and our broken borders is the now repudiated catch-and-release program where, because of lack of adequate facilities to detain individuals, particularly coming from countries other than Mexico, they were often caught and then simply released on their own recognizance and asked to return for a deportation hearing at a later time. Unsurprisingly, the vast majority of these individuals did not appear for their deportation hearing but merely melted into the landscape.

In this particular instance, this amendment is designed to address a particular court-ordered permanent injunction issued in an immigration case 19 years ago. This is the Orantes case. This Orantes injunction has hindered the Department of Homeland Security to promptly remove, immediately after apprehension, Salvadoran illegal aliens.

While Secretary Chertoff has made great strides in increasing the number of illegal aliens from countries other than Mexico detained for removal along the southwest border and recently ended catch-and-release at the border, the limitations contained in this injunction still impede the enforcement efforts of the Department of Homeland Security.

Similarly, other longstanding injunctions have not only impeded the ability of the Department of Homeland Security to enforce our immigration laws but have also consumed vast amounts of resources and, in some cases, are now inconsistent with intervening changes in the law.

This amendment does not eliminate injunctive relief but only requires that injunctions be drawn narrowly and not unnecessarily impede the enforcement of our immigration laws. Congress enacted comparable legislation narrowing the basis for injunctive relief in the Prison Litigation Reform Act of 1995, and that legislation has been upheld by the Supreme Court.

This amendment would simply require that courts narrowly tailor injunctive relief orders against the Government in immigration cases. Courts must limit relief to the minimum necessary to remedy the violation; adopt the least intrusive means to remedy violations; minimize the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and finally, provide an expiration date for injunctive relief.

This amendment would provide that preliminary injunctive relief would expire in 90 days from issuance of an order unless the court makes findings that permanent relief is required or makes the order final before the 90-day period.

This amendment would also require courts to rule promptly on all Government motions to eliminate injunctions in immigration cases.

If we are serious about creating an immigration law that will actually work, then we have to eliminate 19-year-old impediments, such as the Orantes injunction, to our ability to end once and for all the failed policy of catch-and-release when it comes to illegal immigration. I hope my colleagues will vote favorably for amendment No. 311, which will end this particular impediment, now 19 years old in the Orantes case.

The last amendment I have is amendment No. 310, known as the Zadvydas amendment because this amendment will strengthen the Government's ability to detain criminal aliens, including murderers, rapists, and child molesters, until they can actually be removed. This amendment arises out of a decision handed down by the U.S. Supreme Court—it is not a constitutional decision; it is merely based upon a statute, one which Congress can fix and which my amendment will fix. But this decision in June of 2001 simply provided that unless there is a reasonable likelihood that a criminal alien who is being held by the Government will actually be repatriated to their government within a given period of time, failing that, they must be simply released and cannot be held any longer by the U.S. Government. Although the Government has authority to detain suspected terrorists, under this decision, it has only limited authority to detain criminal aliens who have been ordered removed.

Under the Zadvydas decision, the Federal Government has had to release hundreds of dangerous illegal aliens into the American population. Among them is Carlos Rojas Fritze, who sodomized, raped, beat, and robbed a stranger in a public restroom and called it "an act of love." Tuan Thai, who repeatedly raped, tortured, and terrorized women and vowed to repeat his crimes and who also threatened to kill his immigration judge and prosecutor, was likewise released because under this decision he could not be held pending repatriation to his country of origin.

Guillermo Perez Aguilar, who repeatedly committed sex crimes against children and was arrested for possession of a controlled substance, is also an example of an individual who had to be released into the American population because he could no longer be held under our immigration laws pending repatriation because of the Zadvydas decision.

The list of criminal offenders such as these is long, and it is simply unacceptable that these individuals can roam freely in American society because of the way our current laws are interpreted.

Zadvydas and Suarez Martinez, which is another case following the Zadvydas case, were simply statutory holdings, not constitutional holdings. As I mentioned a moment ago, Congress has the power—and, I would argue, the duty—to address these perils to our security by amending the Immigration and Naturalization Act. Indeed, in the Zadvydas opinion, the Court invited Congress to revisit the statute.

Another anomaly created by a recent decision out of the Ninth Circuit is a view that the Department of Homeland Security cannot even detain aliens during removal proceedings. Neither the Zadvydas nor the Suarez Martinez decision made any pronouncements on the Department of Homeland Security's authority to detain an alien prior to removal proceedings being completed and a removal order issued.

My amendment, which will essentially cure the defect found by the Supreme Court in the Zadvydas case, will clarify that an illegal criminal alien can be detained while removal proceedings are ongoing. Finally, it will provide that judicial review of ongoing detention, as with post-order detention, remains available in the U.S. District Court for the District of Columbia via habeas corpus proceedings. In other words, there will be periodic administrative review of the detentions and an opportunity for judicial review via habeas corpus in the U.S. District Court for the District of Columbia, which should address any constitutional concerns about indefinite detentions.

It is simply unacceptable that we should stand by and fail to act on this serious threat to public safety in this country, and this sort of inaction, when it comes to immigration, I think seriously undermines American confidence in their Government. What government would stand by and allow these dangerous criminal aliens to simply be released into the American heartland when their country of origin has refused or perhaps only delayed the repatriation of these individuals back to their country of origin?

We can fix this mistake and this great danger to America's national security by adopting this amendment.

I thank the Chair, and I yield the floor.

Mr. WEBB. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Senator WEBB pertaining to the introduction of S. 759 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The galleries will refrain. It is not appropriate to show signs of appreciation.

Mr. WEBB. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes..

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar-Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

DeMint amendment No. 314 (to amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan-Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of Social Security account numbers by allowing the sharing of Social Security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism.

McConnell (for Kyl) amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Mr. LIEBERMAN. Mr. President, we return now to S. 4, Improving America's Security Act. This is the legislation that emerged from the Homeland Security Committee in response to the appeals of the members of the 9/11 Commission, and others, to finish the job we began with the previous 9/11 legislation we adopted. We made some progress last week in the first two days of consideration of the bill. We will have a vote sometime tomorrow on the motion to strike the provision of the bill that would give equal rights to transportation security officers at the TSA. We will begin debate sometime this afternoon on alternative proposals to those presented in S. 4 for distributing homeland security grant funds. We have important matters to debate and vote on in the next few days.

I know Senator REID and, I hope, Senator MCCONNELL want to finish this bill—that is, to bring it to passage—by the end of this week. I remind colleagues that S. 4 was reported out of the Homeland Security Committee on a strong nonpartisan vote, 16 to 0, with one member abstaining.

I thought, as we return to the consideration of S. 4, I might go back to a hearing our committee held on January 9 to consider this legislation, particularly to draw from the testimony of three of the witnesses before the committee that day, three women who lost loved ones on September 11, 2001. This is a way, before we get into the details of the bill, to remind ourselves why this legislation is before us and what it is all about. Those three women who testified before our committee on that day, shortly after the 110th session of Congress convened, were Mary Fetchet, Carol Ashley, and Carie Lemack.

These three women, as many Members know because we have come to know them, have worked tirelessly in the last five and a half years to take their grief, their loss, and bring it into the public square, to the Congress, to the place where laws are made, to do everything in their power to ensure that the tragic losses they suffered on that day would not have to be suffered by any other American in the future.

Their work produced the 9/11 Commission itself. It was a tough battle to actually create the 9/11 Commission. People were defensive. They didn't want it to be done by an independent commission. They wondered why it was necessary. But with the help of these women, we won that battle. Then when the Commission reported in 2004, we worked very hard with their help to adopt most of the recommendations of the Commission by the end of that year. This included the creation of the Director of National Intelligence to coordinate all of our intelligence, so we can now connect the dots to stop a terrorist act before it occurs; and the National Counterterrorism Center, which is now up and running and doing the same.

The statements of Mary Fetchet, Carol Ashley, and Carie Lemack at our Committee's hearing explain the importance of the legislation, S. 4, that is now before the Senate, and particularly the responsibility we in Congress have to continue the unfinished work of implementing the recommendations of the 9/11 Commission and of fixing the inadequate implementation of some of those recommendations or other gaps we have discovered since in our homeland security.

I want to talk about these three brave, patriotic women one by one, describe briefly who they are, and then quote from their testimony.

Mary Fetchet lost her son Brad, age 24, in Tower 2 of the World Trade Center on September 11. She is the founding director of the group called Voices of September 11th. At our hearing on January 9, Mary testified as follows:

I have made a personal commitment to advocate for the full implementation of the

> 9/11 Commission recommendations driven by the "wake-up" call when my son was senselessly murdered by terrorists on 9/11. It is my personal belief that almost six years later our country remains vulnerable, and although some progress has been made, much work remains ahead. We collectively—the administration, Congress, government agencies and interested individuals—have a moral obligation and responsibility to work together to ensure our government is taking the necessary steps to make our country safer.

"A moral obligation and responsibility," as we debate the details of this legislation and consider the parliamentary tactics related to it this week on the floor of the Senate, that is, after all, what binds all of us together, certainly across party lines, in this body and around America—"a moral obligation and responsibility." Those were the words of Mary Fetchet.

Carol Ashley lost her daughter Janice, age 25, in Tower 1 of the World Trade Center on September 11, 2001. Carol has served on the Family Steering Committee for the 9/11 Independent Commission, which worked to help pass the Intelligence Reform and Terrorism Prevention Act of 2004. At our January committee hearing, Carol Ashley also discussed the importance of the legislation the Senate is considering today. I quote again:

> Along with other members of the Family Steering Committee, I worked for passage of intelligence reform legislation in 2004 based on the recommendations of the 9/11 Commission. Our goal was to make our nation as secure as possible to reduce the chances that any other American families would lose a loved one to terrorism. Unfortunately, that bill did not fully implement the 9/11 Commission recommendations. Some that were included were not as strong as they should have been. The result is that more than five years after 9/11, there are still gaps in our security.

I continue to quote from Carol Ashley, mother of Janice, age 25, who was killed by the terrorists on 9/11 in the World Trade Center:

> Tightening our security and upgrading preparedness is urgent. Although five years have passed with no terrorist attack on our soil, there is no way to know when, where or how the terrorists will strike again. To fulfill its foremost obligation to protect the American people, Congress must ensure through legislation and oversight that comprehensive security safeguards are in place; and if the terrorists succeed in breaching our security, that our federal, state and local agencies are fully trained, equipped and prepared to respond cohesively.

What we do here today is "urgent," to use Carol's word. In the last week, there have been reports that al-Qaida and the Taliban are gaining strength in the lawless regions of Afghanistan and Pakistan, establishing training bases once again, planning to attack the United States again. We know we face growing threats from citizens living in countries that are our allies, as we saw last August when British officials disrupted a plot to blow up airliners on their way from the United Kingdom to the United States.

For these reasons and others, our task today is, in Carol Ashley's word, "urgent." I hope we can—I am confident we will—overcome whatever divides us and work together to pass this legislation that will fulfill the powerful and relevant mandate of the 9/11 Commission.

Finally, of these three women whose voices we should hear as we go through this debate this week, Carie Lemack's mother, Judy Larocque, was a passenger on American Airlines Flight 11 on September 11, 2001, which crashed into the World Trade Center. Like Mary and Carol, Carie has worked tirelessly in support of efforts to improve America's ability to prevent and respond to acts of terrorism. She is a cofounder of the group known as Families of September 11. At our hearing in January, Carie also discussed the importance of fully implementing the recommendations of the 9/11 Commission report. I now quote from Carie Lemack at our hearing:

> The 9/11 Commission made 41 recommendations. Roughly half of these recommendations have already been implemented, thanks in no small part to the efforts of this committee. The fall of 2004 was an extraordinary time. Many of us were inspired by your willingness to spend weeks and months making sure the Commission's recommendations did not fall on deaf ears. The passage of the 2004 Intelligence Reform and Terrorism Prevention Act was an historic moment, of which we can all be proud.
>
> So much to be proud of, and yet so much more to do. More than five years after 9/11, the terrorist threat has inevitably grown a little more distant. Some experts are now telling us that it isn't as serious as we had thought. If al Qaeda is such a threat, why haven't we been attacked again? To answer that question, just ask the people of London, or Madrid, or Bali, or the other places where the terrorists have struck since 9/11.

Then Carie Lemack said to our committee:

> The United States has not been attacked again. But we will be.
>
> Thanks to the work of so many dedicated public servants we are safer than we were. But in the words of 9/11 Commission Chairman Thomas Kean, we are still not as safe as we need to be.

Carie said:

> On the morning of September 11, 2001, my mother, Judy Larocque, left home to go on a business trip. She woke up early that day, at 5:30 a.m., in order to make her 8 o'clock flight to the West Coast. Oddly enough, even though I am not a morning person, I was up even before her that day, serving as a coxswain for the MIT graduate school crew team. As I glided on the Charles River that morning, I realized I could have called Mom before my 6 a.m. practice, just for a kick, since it was not often we were both up so early. But I didn't, thinking she might be running late (a trait she passed down to me and my sister) and knowing it would be easier to talk later in the day, once her cross-country flight landed.
>
> I never did get to talk to Mom that morning, though I left many messages on her cell phone. To this day, I still find myself looking at my caller ID whenever the phone rings, waiting for it to say "Mom's cell," waiting for the call from her that I never got that gorgeous fall morning.
>
> I often think about what I would tell Mom if she called. I dream about it all the time. She was founder and CEO of a company, so I sometimes think I might tell her about founding the non-profit organization Families of September 11, which represents more than 2,500 individuals who chose to join our group and support the terrorism prevention work we do. I might tell her about the opportunities I have had in the past five years that she could never have predicted, like testifying before this esteemed committee today.
>
> But the most important thing I could possibly tell her is that I love her, and that I am doing everything in my power to make sure what happened to her never happens again. That would come as no surprise to Mom. She brought my sister and me up to fix wrongs and make them rights.

Carie Lemack concluded, before our committee:

> Today I am asking you to fix a small number of important wrongs, and make them right. Some of the important recommendations of the 9/11 Commission report have still not been implemented. I raise them not in the spirit of placing blame or making accusations, but rather in the hope that together we can own up to gaps, failures and mistakes in the past, so that we are not condemned to repeat them in the future.

End of a very deeply personal, compelling quote. It moved everybody in the room that day, as it moves me to read those words on the floor here today.

So much more to do, my colleagues. As Carie Lemack said, "so much more to do." That is why we are here: to work together, and continue to improve upon the critical tasks that we have left undone and unfinished. That is our responsibility to Mary, Carol, Carie, and the tens of thousands of other Americans and citizens of nearly every nation on this globe who lost loved ones on September 11. We must work hard and never grow complacent as we face these challenges, in the same way that the generations who fought in World War II and the Cold War never grew complacent in the face of the threats to their freedom as Americans from fascism and communism.

That is what we are debating today. That is the significance of S. 4, the Improving America's Security Act of 2007. That is why I thank my colleagues for their attention, for their dedication to getting this right, and for the debates and votes we will conduct in the days ahead, leading, I am confident, by the end of this week, to the passage of this critically important legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 335 TO AMENDMENT NO. 275

(Purpose: To improve the allocation of grants through the Department of Homeland Security, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 335, please.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

> The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 335.

Mrs. FEINSTEIN. I thank the Chair.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment which ensures that critical homeland security resources are allocated predominantly on the basis of risk, threat, and vulnerability. I am pleased to be joined by my colleague from Texas, Senator JOHN CORNYN, as well as Senators LAUTENBERG, HUTCHISON, BOXER, SCHUMER, CLINTON, OBAMA, MENENDEZ, KERRY, COBURN, and CASEY. I understand that Senator COBURN and at least three of the other cosponsors will be coming to the floor, and I certainly welcome them. Our amendment provides an alternative that is consistent with the recommendations of the 9/11 Commission.

Let me refresh the Members' view of the 9/11 Commission. This is the recommendation:

> Homeland security assistance should be based strictly—

Strictly is underlined—

> on an assessment of risks and vulnerabilities.

And:

> Federal homeland security assistance should not remain a program for general revenue sharing.

Now, I know that is difficult for smaller States, but I also know this is a bill that is aimed to comply with the recommendations of this Commission. So I hope it will be given some attention.

The amendment we are offering today would allocate homeland security grant funds based on risk and threat analysis. This covers most grants for interoperable communications, seaport and airport security, as well as the State Homeland Security Grant Program, the Law Enforcement Terrorist Prevention Program, the Urban Area Security Initiative, and the Citizen Corps Program. We accomplish this by reducing the State minimum formula. Currently, each State receives .75 percent of the State terrorism preparedness grant money appropriated to the Department of Homeland Security. Now, what does this mean? This means that nearly 40 percent of the grant funds must be allocated regardless of risk analysis. This amendment will reduce that State minimum to .25 percent; in other words, from .75 to .25. Lowering this minimum ensures that only 12.5 percent of the grant funds are set aside for all States, regardless. Even if they have no threat, they can get that amount of money.

Also, 87.5 percent would be allocated based purely on risk and threat assessment. This would give the Department of Homeland Security the flexibility necessary to put money where it is most needed. This means that more dollars will go to the places that face serious threats and where dollars can do the most good and, as I say, it is consistent with the 9/11 Commission.

So what does that mean in real dollar terms? Last year roughly $912 million in grant funds were distributed to homeland security-related planning, equipment, training, and law enforcement support needs related to terrorism prevention. It broke down like this: Only 60 percent of the money, or $547 million, was allocated based on risk. Forty percent, or $365 million, went to satisfy the guaranteed minimum for all States—exactly what the 9/11 Commission said we should not do.

If the Feinstein-Cornyn amendment were in place, an additional $426 million would have been distributed strictly on risk, threat, and vulnerability. That would have brought the total to $791 million—nearly 90 percent of the funds. I believe this would have been the right thing to do. Instead, the places where the most funding is required are being shortchanged. Let me give my colleagues an example.

Last year the breakdown of funds distributed through the State Homeland Security Grant Program and the Law Enforcement Terrorist Prevention Program meant that some States with relatively low risk were receiving more funds per person than States with higher risk. We have all heard this. Now my State, California's share of this grant funding amounted to $2.50 per person. Texas, another large State, received $2.25 per person. Yet Wyoming received $14.75 per person. California is the most populous State in the Union. We have about 37 million residents. We have the Nation's largest ports, iconic bridges, towering skyscrapers, enormous infrastructure, and the busiest border crossing in the world. Texas, with 23.5 million residents, has great cities, towering skyscrapers, vital industries, and a vast international border. Wyoming—I don't want to pick on Wyoming. Love it. But as a State it is like a national park. Wyoming, with 515,000 residents, is a largely rural State.

As a member of the Intelligence Committee, I pay close attention to the classified intelligence on terrorist threats. Regrettably, for those living in States with higher threat profiles, there is reason for concern. Major cities such as Los Angeles have been an elusive al-Qaida target for years. A public example outlining the severity of this post-9/11 threat was acknowledged by President Bush in his State of the Union Address earlier this year. The President said:

> We stopped an al-Qaida plot to fly a hijacked airplane into the tallest building on the West Coast.

This is the tallest building on the west coast. It is the Library Tower Building—it has a new name now—the old Library Tower Building in Los Angeles, the tallest office building west of the Mississippi. It is home to more than 3,000 people during a typical workday.

Al-Qaida and its allies do not attack based on an obscure formula to spend money evenly. They attack by prominence, number of people they can kill, and the psychological value of taking out America's great landmarks. Homeland security money must correlate with this threat and risk; otherwise, it is quite simply wasted. This is the reality of the world in which we live. We can never predict when or where the next major attack may occur, but we can apply tough-minded discipline to use our finite financial resources effectively.

Allocating our critical resources effectively is built on a three-pronged approach: One, risks of potential terrorist attacks must be accurately assessed; two, the vulnerability of critical infrastructure and potential targets must be measured; and, three, resources must be distributed based on these assessments.

The Department of Homeland Security was created to accomplish these goals. This amendment provides the flexibility and resources for the professionals to do so.

Let me make no secret. I would prefer to allocate 100 percent of homeland security grants based on risk and threat and believe that eliminating mandatory outlays to States is good public policy. It is safe public policy. But I understand the realities of the Senate. So this amendment is a compromise which makes us all safer and benefits in some way all 50 States.

There are some who say that small States would be put at a disadvantage by this amendment. This is simply not true. Thirty-five States—70 percent of the Nation—would actually receive increased grant money for terrorism preparedness under this amendment. States as diverse as Connecticut, South Carolina, and Colorado will benefit. Risk-based funding will bring more Federal dollars to smaller States with high-threat profiles.

Here are 35 States that benefit from risk-based appropriations, and you can see them on the chart. They are in the green: California, Washington, Idaho, Nevada, Arizona, Colorado, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Pennsylvania, New York, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, and Maryland.

This bill does not impact the primary all-hazards grant programs, such as the emergency management performance grants and the Assistance to Firefighters Program. In fact, under current law, nearly 40 percent of these funds are set aside for small State all-hazards preparedness. This adds up to at least $7 million per State based upon the authorization for emergency management performance grants in the underlying bill.

There are those who will also make the argument that recipients of homeland security grant funds are not held accountable, as money is often wasted. Our amendment increases the efficiency of Federal dollars by ensuring that these critical funds actually go toward programs and efforts that prevent acts of terror. It requires entities receiving these funds to undergo periodic audits conducted by the Department, and it mandates that the appropriate performance standards are met.

Finally, the amendment ensures that States quickly distribute Federal dollars to localities where they are needed and not hold them back. Four years ago, the President signed Homeland Security Presidential Directive 8, requiring the Department of Homeland Security to allocate grant money "based on national priorities." Four years later, despite this Presidential directive, this remains unmet, an elusive target.

The 9/11 Commission report makes clear that there are imbalances. It offers sensible advice. We should take that advice. In our amendment, we have tried to do that. Among the Commission's observations and conclusions, "Homeland security assistance should be based strictly on assessment of risk and vulnerability and, finally, Congress should not use this money as pork barrel." I could not agree more. In a free-for-all over money, it is understandable that Representatives will work to protect the interests of their home States or districts. But this issue is too important, they say, for "politics as usual" to prevail.

Well, I think the 9/11 Commission got it right. The national interests must trump geographical interests when it comes to national security. I thank Senators LIEBERMAN and COLLINS for their dedication and leadership. I am encouraged that their approach has been modified. I clearly would like to modify it more. That is what this amendment is all about. They have acknowledged that funds should be allocated more along the lines of risk and threat.

Nevertheless, their proposal to set aside 25 percent of funds for all States, I believe, in the world we live in, with the intelligence that crosses my desk, indicates it is too high an amount.

This amendment offers a reasonable alternative that takes a significant step toward improving our Nation's homeland security. So I thank my cosponsors. I see that one is on the floor. I would like to yield, if I may, to the Senator from Texas, Senator KAY BAILEY HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate so much the leadership of the Senator from California. We have talked about this many times, ever since 9/11, the Department of Homeland Security being created by Congress and requested by the President. But the fact is, I think the distinguished Senator from California has laid out the case very well. We have certain areas that, with our intelligence and with the activities that have been uncovered, we know are high-risk areas.

It is in the interest of all Americans, of every State, that we allow the Department of Homeland Security, with its intelligence grid, to determine where the needs are greatest from a risk perspective. That is exactly what the Feinstein amendment does. I am very pleased to be a cosponsor with my colleague from Texas, Senator CORNYN; Senator FEINSTEIN; Senator BOXER. Many States that have the problems that we see are understanding of the need for this amendment.

I will give you one example. Texas is, as Senator FEINSTEIN said, the second largest State in population, the second largest State in area as well. We are second behind Alaska in area and second behind California in population. But more important than that is we have many areas that could be terrorist targets. In particular, I point out the ports, and the Port of Houston especially. Texas has 29 ports. Four of these are among the 10 busiest in the Nation. The Port of Houston is one of the most important ports in the world. It ranks first in the United States in foreign waterborne tonnage, second in total tonnage. It is the sixth largest in the world. It is also home to one of the biggest petrochemical complexes in the world. It is also part of our Nation's U.S. Strategic Petroleum Reserve, the world's largest oil stockpile.

Due to the volume of hazardous materials, a terrorist attack in the Port of Houston would be an enormous disaster. An attack in the Port of Houston could disrupt our Nation's energy supply, delivering a blow to our economy at a time when we cannot afford such a disruption. It has been estimated that as much as 18 percent of our Nation's refined petroleum products come through the Port of Houston chemical complex.

We saw what happened after Katrina and Rita came ashore in 2005, where America's energy coast was heavily damaged. Imagine the impact to the economy if 18 percent of our refining capacity was disrupted. It would be a huge economic and financial and, of course, human loss.

The amendment I am cosponsoring with Senator FEINSTEIN would require that Federal homeland security funds be allocated to States according to a risk-based assessment. Of course, that is the way these funds should be allocated. It would cover the major first responder grant program administered by the Homeland Security Department. It is only by doing this that all of our country and the people of our country will be the most safe. It is also consistent with the 9/11 Commission's recommendations to distribute homeland security assistance based upon threat and vulnerability assessment.

This amendment is aligned with the Department of Homeland Security's goals for the increased allocation of grant funding based on protecting national priorities. I hope that all of our colleagues will see that protecting our Nation's highest priority areas will be in the interest of every American, rather than getting into the State-by-State squabbles, when, frankly, the big States usually lose because there are fewer big State votes in the Senate than small States. So if we go to the parochial interests of people from their States wanting more security grants, it is going to be hard to do the right thing.

I submit to my colleagues that we should be looking at where the terrorists might strike and hurt all of our citizens, and that should be the basis upon which these risk-based grants would be awarded to the States.

I thank my colleague from California for taking this initiative because it is so important for our country that this amendment be passed.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Texas for her support on this. I think we are both alike in that we say wherever there is threat and risk and vulnerability, that is where the money should go. If it is the State of Texas, that is fine with me. If it is the State of California, that is fine. If it is New York, Florida, Connecticut or Maine—wherever the threat and risk is—that is where the money should go. It is clear to me that the big States have felt very aggrieved. Big States with big landmarks, big ports, big oil and petroleum reserves and that kind of thing, feel definitely that they don't get the money they need to provide the protection they need. To that end, on March 5, I received and Senator CORNYN received a letter signed by Governor Schwarzenegger of California, Governor Spitzer of New York, Governor Crist of Florida, and Governor Perry of Texas.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 5, 2007.

Hon. DIANNE FEINSTEIN,
Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR CORNYN: We are writing to thank you for your leadership in working to assure that Department of Homeland Security (DHS) counterterrorism grant programs recognize the homeland security needs of the United States. Any effective strategy to secure our nation must apply risk-based analyses to manage the threat from terrorism. We believe that the Homeland Security FORWARD Funding Act of 2007 will provide much needed changes to these programs by better recognizing the risks and vulnerabilities faced by larger states such as California, New York, Florida, and Texas.

We support the efforts of your bill to build a coordinated and comprehensive system to maximize the use of federal resources and to provide clear lines of authority and communication. Your bill will further the efforts of DHS, cities, counties and state agencies as they continue to work together to detect, deter and respond to terrorism. Specifically, we appreciate the following provisions of the bill:

Follows the 9/11 Commission Report recommendation to better allocate federal resources based on vulnerabilities;

Analyzes risks, threats, vulnerability, and consequences related to potential terrorist attacks; current programs do not give full consideration to our states' urban population centers, numerous critical infrastructure assets, hundreds of miles ofcoastland, maritime ports, and large international borders;

Reduces the "small state" minimum from 0.75% to 0.25%, providing each state a baseline award while allocating an increased level of funds based on risk; the current base + per capita method allocates a disproportionate share of funds to states with small populations;

Continues the Law Enforcement Terrorism Prevention Program and exempts the program from the base percentage, allocating all funds based on risk;

Maintains the Emergency Management Performance Grant program as a separate program focused on capacity building for all-hazards preparedness, response, recovery and mitigation;

Continues the central role of states, building on existing systems that effectively coordinate planning efforts and ensure accountability;

Allows for limited regional applications from previously-designated UASI cities or other urban areas with at least a population of at least 500,000;

Retains the central role of states as the administrative agent for the grants to ensure regional applications are consistent with statewide plans; and

Recognizes the importance of national standards for evaluating the "essential capabilities" needed by state and local governments to respond to threats.

Your continued support for improving the nation's ability to detect and deter and coordinate responses to terrorist events is appreciated.

Sincerely,

ARNOLD SCHWARZENEGGER.
CHARLIE CRIST.
ELIOT SPITZER.
RICK PERRY.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by my friend from California and my friend from Texas.

Let me first start by telling my colleagues that this is virtually identical to the same proposal the Senate voted on last July during consideration of the Homeland Security appropriations bill. In fact, the Senate has repeatedly voted on this formula issue throughout the past few years. The Senate has also repeatedly rejected the approach put forth by my colleagues from California and Texas. The last time this amendment was voted on, it was defeated by a vote of 36 to 64.

This map says it all. The amendment offered by the Senator from California would cut homeland security grant dollars for 34 States and the District of Columbia. I emphasize that because I think by any reasonable analysis, the District of Columbia is a high-risk area. I am not stressing the District of Columbia just because the Presiding Officer is from Virginia but, rather, because it is an area that has been the subject of a terrorist attack.

What the Feinstein-Cornyn amendment would do is reallocate the funding to turn it over to 16 States that already receive 60 percent of the funding. I think we have a basic philosophical disagreement in discussing how the homeland security money should be allocated. I certainly agree that risk should be a factor, but I also believe—and the testimony before our Homeland Security Committee confirms—that all States need to receive a predictable, reasonable base allocation of homeland security funding. States need that predictable multiyear funding in order to fund complex multiyear projects, such as creating interoperable communications networks or first responder training programs. Risk-based funding, even if it is distributed properly, is important, but it is likely to fluctuate dramatically from year to year.

Furthermore, the minimums in this amendment are simply too low. Under this amendment, each State would only be assured of $2.28 million under the authorized levels for the Homeland Security Grant Program. That is just about half of the proposed Homeland Security Grant Program minimum in S. 4. I encourage Senators to talk to the first responders in their States—the police officers, the firefighters, the emergency managers—to find out what gaps in homeland security would be left unfilled if they faced such a reduction.

As one can see from this chart, there would be a substantial reduction under all of the homeland security programs. Let's take the interoperability program. We know States have not made nearly the progress that needs to be made in having compatible communications equipment. That was certainly one of the lessons from 9/11, where so many first responders lost their lives because they simply could not talk to one another. When the Homeland Security Committee did its in-depth investigation into the failed response to Hurricane Katrina, we found exactly the same kinds of interoperability problems. In fact, we found there were parishes within Louisiana where, within the same parish or county, the firefighters could not talk to the police officers, who in turn could not talk to the emergency medical personnel.

The only way to ensure a base level of security and preparedness in each and every State is to require that there be a reasonable minimum amount of homeland security grant funding awarded to each State.

The National Governors Association has said it well. The NGA has written to me that:

> To effectively protect our States and territories from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, detect, and respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development and in its implementation.

It is important to note that the law requires States to develop 3-year homeland security plans, and we are requiring any homeland security funding be used to accomplish those plans and to meet minimum levels of preparedness.

I am surprised that many who are offering this amendment, which would give the Department even more latitude than it has now, are the same people who are expressing outrage at the way the Department used its authority last year to allocate the funding. I note that I joined in that outrage. As I told Secretary Chertoff at a hearing before our Homeland Security Committee, I would not have guessed he could have made both the State of Maine and New York City equally unhappy in how he allocated homeland security funds, but he managed to do just that.

The Department is moving away from the methodology it used last year to allocate funding based on risk. New York Senators were very eloquent in describing the risk analysis DHS had used. For example, my colleague, Senator SCHUMER, said:

> The way that the Department of Homeland Security has given out high-threat funding defies logic, and it is dangerous.

That was typical of the comments that were made.

I agree with my colleagues, and that is why we were so careful to come up with a different approach and one that includes strong accountability measures to address concerns, that requires the Department of Homeland Security to provide Congress with its risk allocation methodology in advance, and that also provides a predictable, stable level of funding which will allow States to meet their diverse needs.

One of the important parts of the funding formula the Senator from Connecticut and I have labored so hard to put forth is providing assistance to law enforcement to try to detect and prevent attacks from happening in the first place.

I must remind my colleagues that the leader of the attacks on our country on 9/11 started his journey of death and destruction not from a large urban area but from Portland, ME. Just think if we could have detected that plot and arrested Mohamed Atta in Portland, ME, before he launched his attack.

Risk is not an easy calculation. We saw that last year when the Department brought forth its very flawed methodology that made so many of us unhappy. But, unfortunately, we are seeing that approach used again by the Feinstein-Cornyn amendment because that flawed methodology which the sponsors of this amendment have embraced results in cuts to the District of Columbia—clearly a high-risk jurisdiction—and yet it would reduce funding for the District of Columbia. I think it jeopardizes the funding for 34 States—34 States, many of them border States that have obvious vulnerabilities, many of them coastal States that have obvious vulnerabilities. Then there is Kansas, with the threat of agraterrorism, about which I know the distinguished Senator from Kansas has been very concerned. Think of an attack on our food supply. That is much more likely to occur in a rural area. Think of an attack on a nuclear powerplant in a rural area.

The point is, we have a lot of critical infrastructure in this country that is located outside our large urban centers. So we have to avoid embracing a flawed methodology, and we have to recognize that every State has risks and vulnerabilities and every State needs to achieve minimal levels of preparedness, and we clearly are not there yet.

I hope we will, once again, turn down the well-intentioned but misguided amendment offered by the Senators from California and Texas. I believe it would really cause problems for our country as we try to strengthen our homeland security.

I end this segment of my comments by noting a report by the RAND Corporation that was prepared for the National Memorial Institute for the Prevention of Terrorism in Oklahoma City, another place where there was a terrorist attack that would not generally be considered a high-risk area. It says:

> Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of small communities or rural areas, and it recognizes that much of the Nation's infrastructure and potential high-value targets are located in rural areas.

I thank the Chair.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I associate myself with the remarks of the distinguished Senator from Maine, who does such an outstanding job, along with the distinguished chairman of the Homeland Security Committee. I, too, rise in strong opposition to the amendment that is proposed by Senator FEINSTEIN. Senator COLLINS pretty well summed it up, and my remarks might be somewhat repetitive, and I think they need to be.

I know the Senator from California, no doubt, has the best of intentions. She has been an excellent member of the Intelligence Committee, when I had the privilege of being the chairman of that committee. She is working simply to increase the grant funding—which on the surface of it makes some sense—to high-population areas. I just don't think that reducing funding for the majority of our States and our great Nation, as the distinguished Senator has pointed out with her chart, is a viable way to protect against terrorism.

If we as a country are going to be adequately prepared for another terrorist attack, we must not forget that we are vulnerable on all fronts. The States that would be negatively impacted by this proposal contain some of our Nation's most valuable assets.

If we are going to reduce funds to States such as Kansas, this amendment tosses aside the risk to agriculture, as the Senator has pointed out, agraterrorism, although we don't use that term anymore because it used to scare a lot of people. We just call it "food security," and it is a big-ticket item. Basically, that is the ability of our Nation's intelligence community, 19 different agencies, to protect our Nation's food supply, not to mention the oil and petroleum facilities that provide invaluable energy in this time of need to many Federal buildings and places of national significance that are scattered throughout our great Nation.

So we cannot let ourselves believe if we only protect large cities and high-population States, we will be safe from the devious and the calculating minds of those who wish to do us harm. You only need to look at the Oklahoma City tragedy to understand this. Rather, preparing for what we expect in the densely populated area is a sure-fire way to be shocked and horrified should the unthinkable happen again.

This legislation has been considered before. It was defeated soundly. To add it now as an amendment disregards the hard work many have done to negotiate a funding formula that most benefits our entire economy and our entire country. We cannot afford to compromise the security of an entire Nation for the benefit of a few areas. It is not where the people are, it is where the terrorists will attack and how and when.

Let me say when I was the chairman of the Emerging Threats Subcommittee on the Armed Services Committee, I went to a secret city in Russia—there are approximately 11 of them—and they let us into a few because we had the Nunn-Lugar program that paid the scientists the Russians used to have making various armaments and bioweapons and viruses and all sorts of things. It certainly gives you pause to think about the fact that when Ronald Reagan called the former Soviet Union the "evil empire," he was correct, if you looked at the stockpile of this weaponry. We were granted access to this research center, which is located outside of Moscow, about 60 miles. It is called Obninsk. We went in and saw what was being manufactured. I can assure you when they opened up the refrigerator doors, we stepped back a little bit.

I will not go into everything in terms of what was being manufactured there, some of which is classified, but we thought under the Nunn-Lugar program the best thing we could do was to provide security. Yet how easy would it be for a terrorist group or somebody within the organized mafia of Russia today to latch on to any part of this stockpile, of which there are a great many, and transfer that to the United States and attack our food supply?

We have had exercises. I have taken part in exercises. There was an exercise in regard to hoof and mouth disease. What happened was we got into a situation where the infestation period was 6 days, and we got past that, and then utter chaos developed. We lost in the process a large number of our livestock herd, all of our export stock, and when people finally figured out their food doesn't come from grocery stores, there was panic in our cities. We basically endangered our food supply not only for 1 year but for several years running.

This is a very real threat. I can tell you as a former chairman of the Intelligence Committee, we worked very hard to get the intelligence community to first assess this and then to assess it in terms of a priority risk and a threat. That is exactly what we have done. This amendment does great harm to that effort and to adequate funding for all States and to assess the threats that certainly face all Americans. I am very hopeful we will oppose this amendment.

Let's repeat what we have done in the past and safeguard all Americans as opposed to the individual, or the individual many, if that is the proper way to put it.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, what a pleasure to see you as the occupant of the Chair.

The PRESIDING OFFICER. It is a pleasure to have the Senator address the Senate.

Mr. LIEBERMAN. Mr. President, I first thank the Senator from Kansas for his very compelling statement in which he speaks not so much on behalf of Kansas as based on his experience as the immediate past chair of the Intelligence Committee. He speaks to the threat of agro-terrorism. We ought to start talking about it in that way again because it makes it so real.

Like so many of the vulnerabilities we have in this terrorist age, where we have to worry about things we could not have imagined before, these are things we have to now both imagine and defend against. That is part of the capacity that will be preserved in the funding formula that is fair and balanced found in the underlying bill, S. 4.

I rise to oppose the Feinstein amendment. Senator FEINSTEIN's amendment is actually one of three that will be introduced to change the funding formula for homeland security and natural disasters security that is in this underlying bill. Senator OBAMA has one which he will introduce tomorrow, Senator FEINSTEIN has introduced this today, both of which would reduce the minimum first aid share. Senator OBAMA's would reduce the guaranteed funding share for 32 of the States in the country as compared to S. 4, the bill under consideration; and Senator FEINSTEIN's would actually reduce the funding, as the chart Senator COLLINS held up indicates, for 34 of the States of our Union. Senator LEAHY of Vermont will introduce an amendment that will increase the minimum per State to .75 percent of the total.

In some sense, with two amendments trying to cut back the minimum per State and one intending to increase it, I hope that it suggests that Senator COLLINS and I and our committee have found a reasonable middle ground that gives most of the money to the States based on risk but recognizes that the risk to homeland security is national and not confined to the larger cities or the most prominent targets, as Senator COLLINS and Senator ROBERTS have made clear. We know, tragically from terrorist acts across the world, that terrorists have struck discotheques, schools in smaller town areas, and obviously metros and subways in other areas.

Our proposal gives out most of the money based both on risk and a minimum per State so they can deal with their own local vulnerabilities. The members of the committee chose, I believe in our good judgment in this case, to establish the Homeland Security Department as an all-hazards protection department, not just protection against the terrorism we fear after 9/11, which we have, as I said earlier, a moral responsibility to protect the American people from. At the same time, because there is overlap, we can enable the States and localities and the Federal Government to protect their citizens against the impact and harm caused by natural disasters.

In that sense, the funding formula in the underlying bill, S. 4, not only embraces and implements the lessons learned from 9/11 but also the lessons learned from Hurricane Katrina. It accurately reflects the world we live in today, a world where we know we have to protect the American people from acts of humans while also being able to respond to acts of nature.

The second point I want to make is that these fights over funding formulas—and this is what we are in now—are well-intentioned, they are spirited, and they are important, but we must not be distracted from the larger point here, if I may say so respectfully, which is that it is not only who gets how much of the pie that is important, but equally important, perhaps ultimately more important, is the question of: How big is the pie? How much money is our country, our Federal Government, prepared to invest in protecting the security of the American people from another terrorist attack or from a natural disaster?

I am very proud that this bill, S. 4, authorizes significant additional funds for homeland security grants and related grants, restoring, in the case of homeland security grants, overall funding to the fiscal year 2004 level of $3.1 billion for each of the next 3 years. The fact is, shockingly, if we stop to think about it, that the administration has recommended cuts in homeland security grant funding since 2004.

The threat has not gone down. We know, in fact, of publicly reported intelligence that al-Qaida and the Taliban are again amassing in the area of the mountains between Pakistan and Afghanistan, that training camps are being established there again, and that people are coming to train not just to fight in Afghanistan but with the heightened probability that they will plan terrorist attacks against the rest of the world, including American targets. Nonetheless, the funding for these homeland security grants has gone down over the last 3 years.

What is our goal? It is not a lavish or radical one in terms of funding. This bill proposes to take us back to the level at which we were funding one category of grants, homeland security grants, to where it was in fiscal year 2004, $3.1 billion, and to continue that at that same level for the next 3 years. If we do that, this legislation will send a strong signal that this trend of cutting homeland security funding is over. It will send a message that we are not disarming our first responders, or squeezing them as they attempt to protect us and prevent terrorist attacks.

This increase in funding will also send another message. Just as we support our troops fighting in the war on terrorism throughout the world, we need to adequately support our troops, I would call them, our first responders, our firefighters, our police, and our emergency response personnel. We need to support those who are on the front lines fighting for us, protecting us when disaster strikes right here at home in the United States.

While we go on with this debate on these three amendments that seek to alter the funding formula in the underlying bill, S. 4, I hope we will all keep in mind that this legislation authorizes, and if adequately funded by our colleagues on the Appropriations Committee, a significant expansion in the size of America's homeland security grant funding pie.

I also will talk briefly about the specific programs this legislation will authorize that the three amendments, Senator FEINSTEIN's, Senator OBAMA's, and Senator LEAHY's, would alter, two cutting and one adding to our allocation to each State in the country. Two of the four funding programs dealt with in this underlying bill are devoted specifically to dealing with the risk of terrorism, to improving the capacity of State and local responders to do exactly that.

Two others are also designed to address all hazards; in some sense to maximize what we get for our investment. When I say "all hazards," I am speaking of natural disasters. As we saw in Katrina, that can cause as much or, in some cases, more damage to our country and our people than a terrorist attack.

Let me go first to risk-based funding for urban areas, one of the four programs. S. 4 authorizes in law the Urban Area Security Initiative, known in the field as UASI, to assist high-risk urban areas in preventing, preparing for, and responding to acts of terrorism. All UASI funds would be given to the urban area based on risk—totally based on risk—from a terrorist attack and the effectiveness of the proposed uses in addressing that risk. There is no minimum funding per state or locality. It is totally up to the Department of Homeland Security's assessment of risk.

The 100 largest metropolitan areas in the United States would be eligible to apply for funding. I am pleased to say here, too, we increased the funding; $1.279 billion would be authorized for UASI for each of the next three years, which is significantly more than the $770 million provided this year or the $800 million proposed in the administration's fiscal year 2008 budget.

The second risk-based funding for states, the other program designed specifically to help state and local officials cope with the risk of terrorism, is the State Homeland Security Grant Program. S. 4 authorizes this program to be funded at $913 million for each of the next three years to assist state, local and tribal governments in preventing, preparing for, and responding to acts of terrorism. This is a significant increase over the $550 million that would go to this State Homeland Security Grant Program this year, not to mention the $250 million cut of the $300 million of the President's proposed budget in this program for fiscal year 2008. Most important—and I think it is very significant with all that will be said about the formulas—as we calculated under the approach of S. 4, an estimated 95 percent of these so-called SHSGP funds, State Homeland Security Grant Program funds, would be given out based on risk to the state from a terrorist attack, and on effectiveness of the proposed uses in addressing that risk.

While each state would be assured of receiving a minimum of .45 percent of the overall funds of this program, the Department will calculate distributions based on risk first and then only make any adjustments necessary to bring all the states up to the guaranteed minimum.

As we apply the formula of risk allocation that the Department applied this year, we come to the conclusion that 95 percent of these funds would actually be distributed based on risk.

The third program: All-Hazards Emergency Management Funding. This is a reorganized, refocused, and greatly increased program that will have tremendous effect in protecting the American people from all hazards, manmade and natural. S. 4 authorizes what we call the Emergency Management Performance Grants Program, EMPG, to assist states in preparing for and responding to all hazards, including natural disasters, other manmade disasters, and terrorism. The legislation significantly increases the authorization amount for this critically important program from about $200 million to $913 million for each of the next three years. That is obviously a significant increase, four and a half times what it is now. Each state would receive a base amount of .75 percent of the overall funds, with the remaining funds distributed in proportion to a state's population, which continues the current allocation practice. This program, as I have said, is an all-hazards program. Every state in the country is vulnerable or subject to be the target of some kind of hazard, whether it is terrorism or a natural disaster that is different depending on which part of the country you are in, which is a hurricane, a tornado—as we have seen occur last week with devastating effect on our fellow Americans, earthquake—of which we have seen too many taking precious lives and destroying property all across our country. I speak of these natural disasters. These are risks that all States face so we think it appropriate to ensure that each State receives .75 percent of the overall funding.

Finally, the fourth program is Dedicated Grants for Communications Interoperability. In our committee, Senator COLLINS and I worked very hard on this, and I must say we are very proud to establish this grant program. It is dedicated to improving communications operability and interoperability at local, regional, state and federal levels. We have been through this on the floor before. We saw both on 9/11 and in Hurricane Katrina, when first responders cannot talk to one another because they have different radio systems or they can't talk at all because the systems have broken down, response to the disaster is greatly compromised and lives are lost. That is exactly what we are aiming to prevent with this.

Incidentally, this is a problem that is not new with 9/11 or with Hurricane Katrina. The truth is, it has gone on unsolved for years, even though we had evidence of it from 1982, when Air Florida crashed in Washington, to the 1995 attack on the Alfred E. Murrah Federal Building in Oklahoma City, to the 1999 shootings at Columbine High School near Little, Colorado. In each of those cases, there were communication breakdowns, not as well known as those on 9/11, that compromised the response and compromised the safety of our fellow Americans. This is a national problem. It affects all states. That is why we propose that each state would receive a minimum of .75 percent of the total funds. This legislation authorizes a total of $3.3 billion spread out over five years for this communications interoperability grant program.

I wish to stress here about this and about the Homeland Security Grant Programs, that we are mindful of the few cases—but too often cited by critics—in which local governments have used grant money under these programs in ways that do not, to any of us, seem like they relate. In the case of interoperability communications, we state very clearly in the bill that to qualify for these programs you have to make a proposal that is not just something the local law enforcement chief thinks would be a nice thing to have, it has to be consistent with a state's emergency communications plan in the National Emergency Communications Plan. Otherwise, states are simply not going to receive funding.

The same is true in the Homeland Security Grant Fund Program. One of the bases of the judgments of the use of the funds is clearly stated: "The effectiveness of the proposed use in addressing that risk."

In the few cases where sadly, infuriatingly, Homeland Security grant money has been spent on things that don't seem at all to be related to homeland security, in the language under S. 4, we are going to stop that from happening and guarantee that this money is spent in a way that will increase the American people's sense of security from terrorists and natural disasters.

I believe these four programs together, if enacted and properly funded, will make our country much safer. They will provide the men and women on the front lines here at home with the essential tools they need to protect the American people and save lives. They will make sure that funds targeted for building terrorism-specific capability go out overwhelmingly to those states and urban areas that our intelligence and our common sense tells us are most at risk from terrorist attack. But they will also provide funds that are adequate in the post-9/11, post-Katrina world, to make sure that all states can prepare for and be ready to respond to disasters.

This is going to be an important debate. I look forward to participating in it.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 336 TO AMENDMENT NO. 275

Mr. SCHUMER. Mr. President, I rise to offer two amendments to the 9/11 Commission recommendations bill. After I have an opportunity to address these amendments, I ask they be set aside so we may proceed with further proceedings on the bill.

I hope we can reach agreement, I say to my friend from Connecticut. I hope we can reach agreement on these amendments, as they are critical to making sure our homeland security dollars are spent wisely in the way that will do the most to protect our Nation.

Nearly 6 years since the tragedy of September 11, Congress finally has the opportunity to implement the recommendations of the 9/11 Commission. The 9/11 Commission has done a tremendous job providing our Nation with the tools to make our Nation safer and now is the time for Congress to act and to get it right.

I thank Senators LIEBERMAN and COLLINS for their hard work and dedication to this bill and thank my colleague from New York, Senator CLINTON, for joining me on these two important amendments.

We are here today to talk about one of the most important pieces of the 9/11 Commission's recommendations, funding the Homeland Security Grant Program, administered under the Department of Homeland Security. Unfortunately, DHS has not always approached the allocation of vital homeland security dollars the way the 9/11 Commission intended. The 9/11 Commission intended that homeland security funds, including the high-threat Urban Area Security Initiative, UASI, and the State Homeland Security Grant Program, SHSGP, be allocated based on risk. In fiscal year 2006, the most high-risk and high-threat cities in the Nation, New York City and Washington DC, two cities which suffered tremendously from the horror of the 9/11 terrorist attacks, received a 40-percent cut in high-threat UASI funding from DHS. Using a peer review process, DHS made funding decisions based on including popcorn factories and petting zoos, while cities such as New York were forced to cut key security initiatives such as staff patrols on the Brooklyn Bridge and NYPD inspection of backpacks within the New York City subway system.

DHS relied on an untested system of peer review in 2006 to allocate high-threat security funding, and it failed miserably. A 40-percent cut in high-threat funds for our highest risk cities is unacceptable and exactly the opposite of what the 9/11 Commission recommended. Despite the firestorm of criticism that the Homeland Security Department faced for its UASI allocation of funding in 2006, DHS decided once again to use the peer review process when allocating high-threat funding in 2007. That makes one doubt the thinking that is going on in DHS, not only on this issue.

So I ask amendment No. 336 be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. CLINTON, proposes an amendment numbered 336 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative)

On page 64, between lines 2 and 3, insert the following:

"(e) PROHIBITION OF PEER REVIEW PROCESS.—The peer review process may not be used in determining the allocation of funds among metropolitan areas applying for grants under this section.

Mr. SCHUMER. This amendment will bar DHS from using the peer review process when making allocations for high-threat UASI funding. Our most targeted cities should not be subject to the arbitrary whims of an untested bureaucratic process that clearly does not have the best interests of our high-risk cities as its No. 1 priority.

DHS was wrong about the effectiveness of the peer review process, and it has also been off the mark on the amount of homeland security funds that can be used to cover personnel and overtime.

This bill makes clear that different cities under very different levels of risk have very different security needs. We should not be punishing cities such as New York that must rely on personnel to make our cities safer.

One example is our bridges because they have been targeted. The Brooklyn Bridge near my home, which I take back and forth all the time, has two police officers at each end 24 hours a day, 7 days a week. That is 20 police officers. If one looks at policeman hours, four times five, five shifts is what it takes to cover 24/7. That kind of funding is essential to the safety of New York, yet it is limited by the process. Our amendment would change that.

AMENDMENT NO. 337 TO AMENDMENT NO. 275

I ask unanimous consent that my amendment be set aside so that I may call up amendment No. 337.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendment numbered 337 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs, and for other purposes)

On page 59, between lines 9 and 10, insert the following:

"(f) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

On page 86, strike lines 6 through 20.

Mr. SCHUMER. This amendment also addresses a critical shortfall in previous allocations for homeland security funding: the payment of overtime for first responders such as police officers. High-threat cities such as New York can't rely on equipment and technology alone to get the job done. New York City, with its vast population and national landmarks, needs trained, expert personnel guarding its tunnels, bridges, and landmarks to keep New Yorkers and the huge amount of visitors it has every year safe.

Having trained security personnel available at all times to protect our citizens is not an issue unique to New York City. In this difficult budget climate, cities across the country are faced with hard choices when it comes to keeping our citizens safe from terrorists. The Department of Homeland Security should allow our cities and States the ability to fund the activities necessary to protect our citizens.

The potential for terror is not limited to 8-to-5 shifts. We need to give our cities and States the resources they need to do their job. If they should choose to use overtime in funding in their UASI allocation, they should be allowed to do it.

AMENDMENT NO. 335

I also would like to take a moment to talk about Senator FEINSTEIN's amendment that I am cosponsoring along with several of my colleagues. The Feinstein amendment will lower the minimum grant for the State Homeland Security Grant Program to .25, lower than the .45 proposed in the Senate version of the bill. The amendment will also lower the minimum for interoperable communications to .25, down from .75 in the bill. While I appreciate the committee raising the amount of funding for SHSGP funds to $913 million, well above the amount included in the President's 2008 budget, the formula minimums included in the Senate bill provided less funding for New York.

New York is not alone. Other States, such as California and Texas, will also face cuts in funding unless we lower the minimum in the Senate bill. We can't allow our larger cities and most vulnerable targets to be left relatively unprepared for a major attack relative to other cities because they are not given the Federal resources they deserve.

Some in the Senate will make the argument that States across the country have needs that must be addressed, and we need to be prepared in all communities. While I understand their concern, the Senate has recognized that need by authorizing the emergency management performance grants in the same amount as the SHSGP grants and by providing EMPG grants with a .75 minimum to address all-hazard needs across the country.

In addition to EMPG grants, the Senate has also provided a minimum amount of funding for interoperability communications grants, something the city of New York has spent millions on since 9/11 so the rest of the country might implement this valuable technology.

Now is the time for the Senate to do the right thing. While I applaud the overall work of Senators LIEBERMAN and COLLINS on this important bill, one area we have strayed is in the area of grant funding. I know they come from smaller States. Obviously, they are defending their States. But if we are allocating money on the basis of need, on the basis of where the greatest threat of terrorism is, the funding formula here does not really do the job.

The 9/11 Commission, for instance, neither from a smaller State or bigger State perspective and looking at things objectively, recommends that funding be allocated on risk alone. The minimums allocated in this bill do not do that. One need look only as far as the tragedy of 9/11 to answer the question of why funding for the most targeted cities is the most important.

I urge my colleagues to support the Feinstein amendment. We have the opportunity to fix the past mistakes at DHS and ensure that the appropriate amount of funding is distributed in a way that will benefit all and ensure that highest risk areas are adequately protected. Now is that time.

I look forward to working with the committee on these important amendments to the way the bill addresses the grant program. I know the committee shares my commitment to ensuring our first responders and all critical homeland security needs have the funding needed to protect our citizens. The committee has done important work to authorize for the first time funding for the grant programs. I look forward to working with Senators LIEBERMAN and COLLINS on this issue.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise in support of the Feinstein-Cornyn amendment. I am proud to serve as a cosponsor. As my colleagues know, we have spent the past week debating legislation to once and for all fully implement the recommendations of the bipartisan 9/11 Commission delivered in July 2004. This bill before us, along with its counterpart already passed in the House, would largely do just that by making it more difficult for terrorists to gain access into our country by enhancing information sharing in our intelligence community and homeland security apparatus so that we can truly connect the dots in future plots against our Nation, and by providing genuine incentives to the private sector to do their part in order to strengthen their preparedness to prevent and respond to acts of terrorism.

The bill would also provide much needed funding to enhance the security of our rail and transit systems, including Amtrak's northeast corridor, a rail system that carries tens of thousands of passengers every day along the east coast, including my home State of Pennsylvania, and which remains unacceptably vulnerable to terrorist attack.

However, we must be honest. The bill does not fully implement every recommendation of the 9/11 Commission. Chapter 12 in the Commission's final report addresses the difficult challenge of allocating limited funds across the Nation to address an array of homeland security vulnerabilities and gaps. The report recognizes that we as a nation cannot protect every vulnerable port, every vulnerable icon, and every vulnerable spot where Americans congregate every day. A universal approach would turn our Nation into an armed fortress, too restrictive of the liberties we cherish and love as Americans. That would be a victory for the terrorists.

Let me quote directly from the bipartisan Commission report which lays out in plain and clear language why it is so important that we allocate homeland security dollars on the basis of risk:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington, D.C., and New York are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks and vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.

So says the 9/11 Commission Report. The Commission calls for a strict prioritization of national needs based upon a strict risk-based assessment. Those potential targets that are most attractive to terrorist groups, that contain the most deep-seated vulnerabilities to an attack, and that, if successfully attacked, would produce the most drastic consequences in terms of lives lost, people injured, and economic damage should be given priority in terms of allocating our limited homeland security dollars.

This definition of risk, which successfully incorporates the three variables of threat, vulnerability, and consequence, has been recommended by countless academic experts and is now incorporated into the Department of Homeland Security's framework for assessing how to rank various targets in our Nation in terms of their likelihood for a future attack. Unfortunately, the Congress has not kept pace with the recommendation of the 9/11 Commission, and the bill before us this week still does not get it right, even though it purports to fully implement the recommendations of the 9/11 Commission.

This bill, while superb in almost every other respect, would still retain the misguided approach first established by the PATRIOT Act that would mandate that each State receive a minimum of .75 percent of overall funding for most of the homeland security grant programs, including the State Homeland Security Grant Program, the Law Enforcement Terrorist Prevention Program, and the Citizen Corps Program. In other words, 38 percent of the funding dollars for our major homeland security grant initiatives is allocated on an arbitrary basis, wholly unrelated to risk. Thirty-eight percent of these funding dollars is distributed in such a fashion that every State receives the exact same share, with equal dollars flowing to large States such as Pennsylvania and New York, as well as much smaller States.

This makes no sense. Every State is not equally at risk from the threat of terrorism and is thus eligible for equal dollar amounts. I recognize that the remaining 62 percent of funds under these homeland security grants are now based on risk, but it is wrong and harmful to deny almost half of all funds to those areas that are at greatest risk.

That is why I am so pleased to cosponsor the Feinstein amendment which would reduce those per-State minimums from .75 percent of overall grant funding to .25 percent. In other words, instead of 62 percent of funding allocated on the basis of risk, 87 percent of all grant funds would be allocated on a risk basis.

Is that a perfect solution? No, it is not. In a perfect world, 100 percent of funds in every homeland security program would be allocated on the basis of risk, and State-by-State minimums would become a historic relic. But I understand political realities, and I recognize this amendment by itself will face a real challenge in achieving passage. The Feinstein-Cornyn amendment, by replicating a provision in the 9/11 bill that passed the House in January, nevertheless would significantly improve the quality of our homeland security funding by requiring a greater share of it be allocated on the basis of risk.

This issue is often unfairly characterized as a large State versus small State battle. Those States with large populations would supposedly automatically benefit under any funding formula that is based to a greater degree on risk while small States would lose or so the argument goes. That would be true only if we use population levels as a proxy for risk, which this amendment does not do.

Instead, the Feinstein amendment defines risk as a function of threat, vulnerability, and consequence. So a small State with several targets that are uniquely at risk due to a combination of these three variables would profit from this amendment just as a State as large as New York or New Jersey or Pennsylvania.

This amendment, to the greatest extent possible, takes individual States out of the formula. It focuses on where and what our Nation's targets of terrorism are and where the greatest risks lie and focuses our homeland security dollars on those targets. Those who hail from small States should not reflexively oppose this amendment. The fact remains, their States can benefit—small States can benefit—from greater funding under this new formula.

Will there be losers under this new formula? Sure. Of course. Those States with a minimum level of potential targets at great risk would receive potentially less funding. But I am confident the people of those States will recognize the enormity of the stakes involved: how to best protect our Nation in a long struggle against terrorism. I have faith the American people will put aside parochial concerns in favor of those strategies that protect all of us.

I hail from a State that sits at the higher end of the range of vulnerability to attacks of terrorism. Under the Urban Areas Security Initiative, or UASI, two urban regions in Pennsylvania have been consistently designated as high risk in this program since its inception in fiscal year 2003: Philadelphia and Pittsburgh.

Philadelphia is home to such historic sites as Independence Hall and the Liberty Bell. It is also a major hub for Amtrak's Northeast corridor, a vital transportation artery that links Washington to Boston and points further beyond. We have seen what the terrorists have done in Madrid and London and other places. If they seek to export their tactics to our Nation, the Northeast corridor, including Philadelphia's 30th Street Station, would be a prime target.

Also, the city of Pittsburgh includes world-class universities, major sports stadiums, and other icons of national significance.

There is a reason why both cities have been included in the 15 most at-risk urban regions in the United States and are eligible for grants under the UASI program. The UASI program is the only homeland security program that operates fully—fully—on the basis of risk. For that reason, it is the most effective program, as it allocates dollars without regard to State by State minimums or political guidelines.

Future terrorist acts endanger the people of Pennsylvania, and I will continue to stand up for them to assure our homeland security programs are appropriately focused on the threats where they are. I understand no State or its representative Members want to lose out on additional Federal dollars. But I would once again quote from the 9/11 Commission report which has served as the inspiration behind our entire debate on this important bill. In concluding that risk-based funding is the only way for our Nation to apportion homeland security dollars, the Commission declared that:

> In a free-for-all over money, it is understandable that representatives will work to protect the interests of their home states or districts. But this issue is too important for politics as usual to prevail.

"'Too important for politics as usual to prevail." After the horrors of 9/11, we cannot ignore the significance of that call to duty.

I strongly urge my colleagues to vote in support of the Feinstein-Cornyn amendment so we can ensure our precious homeland security resources are allocated in a fair and efficient manner.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The junior Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in strong support of the Feinstein-Cornyn amendment. I am proud to be a cosponsor of this effort. This amendment would enact one of the key recommendations of the 9/11 Commission that has gone ignored time and time again by the Congress, and that is ensuring homeland security funding is based on risk.

We have heard a lot during the course of the debate on this bill. Often we have had references to the 9/11 Commission when it was propitious, when it served to support the argument someone was making at a given time. Then, at other times, it has been forgotten. I have been one of those who believes we should have all of the 9/11 recommendations implemented. So I do not pick and choose.

I am certainly tonight wanting to make sure we recognize as a body what the Commission said. It was not ambivalent. The Commission was not ambivalent about its recommendation. The Commission said, in its report, very clearly:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

" . . . strictly on an assessment of risks and vulnerabilities." "Strictly"—not mostly, not partially, but based strictly on the risks our States and communities face. Yet, 2½ years after the release of the 9/11 Commission report, homeland security funding continues to be based on a formula that allocates nearly 40 percent of funding with no regard—no regard—to risk or vulnerability.

What else did the Commission say:

> We understand the contention that every State and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks or vulnerabilities that merit additional support.
>
> Congress should not use this money as pork barrel.

It is past time to correct these flawed formulas.

I know many believe that, in fact, everyone should have some of these moneys. Actually, this amendment does that. This amendment recognizes that. It does not encompass the full essence of the Commission's report. It recognizes that. So, ultimately, I would say to our friends, notwithstanding that, there are times when we have legislation on this floor that benefits some States greater than others, but we look at it as we are from one country. There are times in which there is a lot more money for flood protection, and those of us who do not receive that type of money say: We understand that. That is the nature of the challenges of those fellow States in our Nation. In the agriculture bill there will be a lot of money going to other States that certainly will not be coming to States such as New Jersey, but we understand that. We are one nation.

Today, I hope the Members of the Senate will come to understand in this issue, as well, we are one nation and the greatest risks—the greatest risks—flow to those who have the greatest challenges. If we had unlimited money, I would be the first to say we could use it all as part of revenue sharing to make sure the allocation for each State would be such that they could decide to use it to meet their homeland security objectives. But we do not. If there is one part of all of the largess of the Federal Government that I think has to be based on the question of necessity, has to be based on the question of risk, it clearly is in homeland security funding.

Now, I believe, as do many of my colleagues who support this amendment, we should follow the recommendation of the 9/11 Commission in its entirety and base 100 percent of the homeland security funding on risk. But this amendment recognizes the need to compromise. We recognize every State should be prepared for and be able to respond to terrorism. Under this amendment, each State would receive a base amount. The difference is, we ensure the vast majority of the funds will be based on risk. In fact, under this amendment, 99 percent of all of the funds would be allocated based on risk.

Senators LIEBERMAN and COLLINS clearly recognize we should be basing funding more on risk. In this bill they have clearly worked to reduce the base amount for States, moving us toward a more risk-based approach. I sincerely appreciate their efforts to make more funding allocated on risk, and I certainly commend them for taking a very important step forward in the right direction. But that formula is still a detriment to States facing the most risk.

Under the bill's language, money would be diverted from States with the highest risk to States that do not even have enough risk to receive the minimum base amount. What does that mean? It means after the calculation is done, there will be some States with a risk equation that will not rise to the level of receiving even the minimum base amount. Yet, under the bill, even though their risk calculation is not as great, they will receive the minimum base amount. This would cause States such as New Jersey to lose a full 6 percent of the funding they should receive based on risk. That means under the formula in this bill, New Jersey could lose three-quarters of a million dollars because that money would be redistributed to States with relatively low risk.

Like many other States represented by the supporters of this amendment, New Jersey has a wide range of targets. More than a dozen sites in the State are on the FBI's National Critical Infrastructure List. The 2-mile stretch between Port Newark, Port Elizabeth and Newark International Airport has been deemed the "most dangerous two miles in the United States when it comes to terrorism." The port of New York and New Jersey, which largely resides in New Jersey, is the largest container port on the east coast, the third largest in the country.

Not only does our State face significant threats because of its critical infrastructure, but some of the most densely populated communities are in close proximity to these targets. In South Kearny, for instance, 12 million people live in close proximity to a chlorine chemical plant. Close to 19 million people live in the New Jersey-New York metro area who could be affected by an attack on such a plant. The loss of life due to an attack at one of New Jersey's most vulnerable targets would not only devastate New Jersey but the region and the Nation.

We have to be realistic about where the greatest threats lie. Our Nation has many targets. No one would argue we should not aim to protect each of them. But we cannot pretend every community in the country faces the same risks and the same threats of terrorist attack. The fact is, terrorists want to strike where they can inflict the greatest damage. That is why our major urban areas are consistently at the top of the threat list.

We cannot afford to shortchange our most at-risk targets because of revenue sharing. Each State should receive its fair share based on its risks—no more, no less. That is what this amendment is all about. Ultimately, I see our colleagues, who are the prime sponsors of this amendment, put out a statement that 70 percent of the States receive additional funding under this risk-based approach—70 percent of the States. So we, in fact, move closer and closer to the right policy determination that the 9/11 Commission called for, unequivocally, and, at the same time, by doing the right thing, 70 percent of the States get more money.

The 9/11 Commission has repeatedly called on Congress to implement this key provision, and it has urged Congress not to make homeland security funds into pork barrel. The 9/11 families pleaded with this body to end the senseless formulas that leave our most at-risk targets vulnerable. Countless homeland security experts have called to end the minimum amounts to States and move to a true risk-based system.

I hope my colleagues this one time will put aside their adherence to a formula that is not in the security interests of our nation as a whole—as a whole—and will now allocate funding in a way that will protect not just my State or other States similarly situated but will truly work to protect the Nation as a whole.

When we had those attacks on that fateful day on September 11, yes, most of the lives lost were from New York and New Jersey, as well as other States, but the consequences to the Nation were much greater—much greater.

So I hope again, where the greatest threats lie, where the greatest risks lie, where we have seen time after time where the terrorists have chosen to try to focus their attacks, we understand this is one element of our domestic policy where we cannot afford simply to have revenue sharing. I have taken agricultural votes on behalf of our friends, understanding that a lot of that money is not coming to New Jersey. I have done the same thing with flood protection and done it on so many other issues because we are one Nation. This is one in which we are under one Nation as well, and it is one in which risk has to drive our funding. I hope that when 70 percent of other States receive additional support under this amendment, we will find a majority vote on its behalf and move us pretty close to what the 9/11 Commission called for.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, I first wish to say that my colleague delivered a message that was clear and specific. It was a very valuable reminder of what we are discussing today, including his commentary about the fact that we are as a nation looking at the problem we see in front of us now.

On September 11, 2001, 700 of our fellow New Jerseyans never came home. One of my daughter's closest friends with whom she worked on Wall Street perished, and her husband searched for more than 2 weeks. After the obvious was apparent—that she was gone—refusing to believe it, he went from hospital to hospital, wherever one was within any reasonable distance, hoping against hope that maybe his wife would be alive and the mother of his three children would be there to encourage them on in their lives.

The stories about all kinds of friends and all kinds of neighbors are endless. In the area we are talking about in New Jersey that was directly hit, who didn't know someone or who didn't know someone who knew someone—even though we are a densely populated State, still, in all, the names touched so many lives and so many people. We saw the smoke rise and debris fall on that fateful day. It was just across the river from us and from where I live and I think close to where my colleague lives. When one looks at the skyline of New York now, there is an empty space where these proud buildings stood. I was a commissioner for the Port Authority of New York and New Jersey and thusly had offices in the Trade Center building. I remember seeing people come to work in the morning, over 50,000 people in just a few buildings—more than the population of many cities in our country. It was devastating.

We shouldn't forget that attack brought aviation to a standstill, that it had an effect felt way beyond New York and New Jersey and highlighted the fact that you can't just take areas, important areas around the country, and say: Well, that is kind of a local situation. It is not true. It is not true. As Senator MENENDEZ pointed out, when it comes to other needs of other States, it has to be understood that when they are in peril, they are entitled to get as much help from the Federal Government as they can.

So why are we protesting at this time? This discussion has taken place over the last couple of years. Now we are seeing another attempt to reduce the maximum amount of funding available to those places which are most at risk.

I support most of the legislation before us now. I am concerned with the one part of this bill that does not follow the 9/11 Commission recommendations, the one that is being reviewed right now. Recommendation 25 of the 9/11 Commission Report said that homeland security grants should be distributed based solely on risk. This bill doesn't go sufficiently far enough to a full risk-based approach. Secretary Chertoff, whom we have seen here at many hearings, confirmed that. We looked at what he said. He said we should look not at the question of political jurisdiction but at where the consequences would be catastrophic, where the vulnerabilities would be, where the threats are. Clear statements. Despite that, this legislation directs the Department of Homeland Security to give a minimum amount of money to every State regardless of the risks or threats it faces.

When I served on the Homeland Security Committee—and I commend the former chairman and the current chairman for a lot of the work that was done there—we had a disagreement, and I tried in a committee hearing to move the committee at least to endorse the fact that these funds should be distributed solely on a risk basis. I was the only one who voted aye for it out of I think 16 people in attendance.

So at some point, I don't know why the call doesn't go out that says: Look, do this on a sensible basis. Do this on an as-needed basis. Give the opportunity to the places most at risk to protect themselves. It is more than good policy; it just makes common sense. Our military doesn't move troops evenly around the globe. You place your resources strategically. Why should homeland security be different? If you want to protect the most people in our country from risk, why not do that? We do that constantly in all kinds of projects, whether they be flood projects or otherwise in places that are prone to natural disasters. It makes sense that we spend more on homeland security in America's at-risk areas.

Senator FEINSTEIN and Senator CORNYN and I and others have an amendment to give at-risk States the money they need to protect their residents and their communities and sensitive places where an attack could severely damage the national viability.

We have seen something recently that highlights the situation in New Jersey where chlorine is manufactured and stored in large quantities, and we learned from the change in the tactics now in Iraq that chlorine is being used as a brandnew weapon there. The use of chlorine was devastating. It killed a few people but made many more deathly ill, requiring hospitalization and severe treatment to try to protect their lives.

We are talking about the most dangerous 2 miles in the country as certified by the FBI. Why not take advantage of the fact that we would be protecting not only the well-being of people in the surrounding area, but we would protect the functioning of our society. So we ought to move closer to the 9/11 Commission's recommendation that homeland security be distributed on risk and threat and cut the minimum amount of money that will be distributed to each State.

Secondly, it will result in more homeland security for 35 States that are more at risk. We are not just talking about New Jersey and New York; they are most prominent because we felt it and we have lost friends and neighbors as a result of that attack. But that was not the first time. It was the second time the World Trade Center was attacked. How many times must it happen before somebody who is leaning on one side or the other says: You know what, we don't want those people to be harmed further or that area to be damaged further. And the invitation is certainly there to do just that.

We must consider the large States such as Ohio. If something happens in some of the Western States, the way the winds blow in our country, they will deliver toxic emissions all the way across the country—Georgia, for instance, and Nevada, Maryland, and Massachusetts. The array is impressive because it deals primarily with the largest population centers in the country and the money that could be brought to protect these centers should not just be dealt out on a traditional pork-like basis. We still haven't reached 100 percent risk-based funding. This amendment, however, is an improvement over current law, an improvement over the bill before us today.

I would like to be able to report to the 9/11 Commission that we as a Senate did more than simply debate the Commission's findings. We ought to be able to tell them we voted to give more resources to the people, cities, and States that need more protection. They worked very hard to hammer out the Commission report, and I believe it is fair to say that the Feinstein-Cornyn-Lautenberg amendment will do just that. I encourage my colleagues to support it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 342 TO AMENDMENT NO. 275

Ms. COLLINS. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. STEVENS, Mr. VOINOVICH, and Mr. WARNER, proposes an amendment numbered 342 to amendment No. 275.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 342

(Purpose: To provide certain employment rights and an employee engagement mechanism for passenger and property screeners, and for other purposes)

Strike section 803 (relating to Transportation Security Administration personnel management) and insert the following:

SEC. 803. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) Appeal Rights; Engagement Mechanism for Workplace Issues; Pay for Performance; Union Membership.—

(1) In general.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) In general.—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding"; and

(B) by adding at the end the following:

"(2) Right to appeal adverse action.—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of Improving America's Security Act of 2007, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

"(3) Employee engagement mechanism for addressing workplace issues.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.

"(4) Pay for performance.—The Administrator shall establish a system to ensure that an individual described in paragraph (2) is compensated at a level that reflects the performance of such individual rather than the seniority of such individual.

"(5) Construction.—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.".

(2) Conforming amendments.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place it appears and inserting "Administrator".

(b) Whistleblower Protections.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting ", or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note)," after "this Act".

(c) Reports.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration and the Comptroller General of the United States shall each submit an independent report to Congress that contains an assessment of employment matters at the Transportation Security Administration, including the implementation of this section.

Ms. COLLINS. Madam President, because I know the Senator from South Carolina is waiting to speak, I will not go into any detail about this amendment, but I did want to file it so that my colleagues have a chance to look it over, overnight.

This amendment is an attempt to reach a middle ground on the issue of rights for TSA employees. It provides that TSA employees may join a union; may have a pay-for-performance system; will have the right to appeal to the Merit Systems Protection Board any adverse employment actions, such as demotions or firings, so they would have the same rights in that regard as other Federal employees; and it would give them explicit protections under the Whistleblowers Protection Act. It also calls for a review in 1 year's time of the personnel system to see if further changes are needed, and it asks GAG to evaluate the system.

This amendment is cosponsored by Senator STEVENS, Senator VOINOVICH, and Senator WARNER at this point.

Again, this is an attempt to find a middle ground on the TSA issue. The TSA employees do a terrific job working very hard to protect us. I believe the current law does not afford them the kind of workplace protections they deserve. Yet we want to preserve the flexibility of the TSA to be able to move people, to deploy them, to respond to imminent threats, new intelligence, or any sort of emergency situation. I believe this amendment would achieve that goal.

I will be talking about the amendment in more depth tomorrow.

Madam President, I yield the floor, and I ask that the Senator from South Carolina be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from South Carolina is recognized.

AMENDMENT NO. 316

Mr. DEMINT. Madam President, I know Senator COLLINS wants to put security first in this bill, and I am looking forward to seeing her compromise amendment, but I am standing today to speak on the ongoing efforts by my Democratic colleagues to force the Transportation Security Administration—these are the folks who guard our airports today—to collectively bargain with labor unions on the decisions they make.

The Senator from Missouri, Senator MCCASKILL, is offering an amendment that I consider very dangerous. I wish to make sure my colleagues understand all that is at stake.

First, this debate is about one thing and one thing only: whether Congress believes that our airport security agency—what we refer to as TSA—should have to negotiate with unions before it can carry out decisions that will save American lives. That is what this debate is about. The McCaskill amendment will change current law to force our airport security agency to negotiate with unions. The DeMint amendment will protect current law, which makes security TSA's top priority.

The security implications of this policy are becoming clear, and that is why there is an effort by my Democratic colleagues to cloud the issue. Rather than admitting that collective bargaining is a labor union initiative, not a 9/11 Commission recommendation, my Democratic colleagues are now trying to paint it as proworker and prosecurity. This is extremely disappointing because the truth is that the McCaskill amendment is prounion and it weakens security.

When you boil it down, the McCaskill amendment will force airport security workers or the airport security agency, TSA, to bargain with labor unions before they make security decisions. Let me say that again. The Transportation Security Agency will have to bargain with labor unions before they make security decisions.

This is an earmark for big labor that comes at the expense of homeland security. I wish to go through the arguments offered by the other side and make sure everybody understands why they are misguided.

First, my colleagues say their collective bargaining amendment will prevent TSA screeners from going on strike and bargaining for higher pay. But the truth is that screeners could not strike anyway because the law prohibits Federal employees from striking. In addition, prohibiting bargaining for pay is also meaningless, since the Department of Homeland Security pay system does not allow bargaining now. So on this point, the other side is simply trying to cloud the issue and mask their union earmark with meaningless rhetoric.

Second, my colleagues say their collective bargaining amendment will create new workforce protections for security screeners. But the truth is, these benefits already exist. Workers already have whistleblower protection through a memorandum of understanding with the Office of Special Counsel. Workers already have protection against discrimination through the alternative resolution of conflict program. Workers already have due process protections against disciplinary actions that are more efficient than the protections offered to other Federal employees.

Madam President, again, we are talking about the collective bargaining amendment. I was pointing out the protections that current TSA workers have. They have whistleblower protection, protection against discrimination, and they already have due process protections against disciplinary action that is more efficient than the protections offered by Federal workers.

Security screeners already have the right to appeal adverse actions to TSA's Disciplinary Review Board, which provides due process equivalent to that available to other Federal employees.

Workers already enjoy access to the Rehabilitation Act, except where Congress has specified that security job functions require certain aptitudes and physical abilities.

So all of these proworker provisions are redundant and meaningless in any amendment to current law. They are only being offered to mask the true goal of the amendment, which is to force TSA to bargain with unions on their security decisions.

The other side also likes to say there are high attrition rates at TSA and that collective bargaining would stabilize the workforce. I am afraid this is also false. Before 9/11, when airport security was under collective bargaining, attrition rates were as high as 400 percent at some airports. Now the voluntary attrition rate for full-time employees is down to 12.6 percent, and it is falling. This is not only significantly lower than pre-9/11 levels, but it is also lower than the attrition rates for the private sector as a whole and lower than the Federal Government as a whole. So my colleagues must understand that these are good jobs, attrition is low and falling, and attrition is not a valid reason to create collective bargaining.

It is also important that my colleagues understand how the collective bargaining amendment will weaken our homeland security, which is the priority of the 9/11 Commission bill.

First, the amendment creates a security trigger that will allow TSA to turn collective bargain on and off. This acknowledges that collective bargaining weakens security. I wish to repeat so my colleagues understand my Democratic colleagues agree that collective bargaining reduces security, and they feel obligated to offer a way to bypass it.

But this so-called trigger for emergencies only makes the problem of collective bargaining worse. The language defining emergencies and newly imminent threats is so vague it will take an army of lawyers to determine whether each circumstance meets the definition. This will hurt our security and force TSA to be reactive and slow in its efforts to prevent future attacks.

If my colleagues need proof that there will be wide disagreement as to when the security trigger can be used, they only need to hear the comments made by the sponsor of this amendment. When I asked if the current ongoing global war on terror would be considered an emergency under the amendment, the Senator from Missouri said it would not. If TSA cannot use the war on terror as a reason to protect Americans from al-Qaida and other terrorists on a daily basis, under what circumstance can it use this flexibility?

This underscores the issue that lies at the heart of this debate. On one side, there are those who believe we should always be on alert and that we must treat every person and every bag going through our airports as a potential threat. On the other side, there are those who believe we are not under constant threat and we can simply turn on and off our ability to prevent future attacks. That is the real disagreement because we all seem to agree collective bargaining weakens security.

In addition to allowing our security to be switched on and off by unions, the McCaskill amendment creates all the same problems as full-blown collective bargaining.

First, it still forces TSA to sign huge collective bargaining contracts, such as Customs and Border Patrol have now, and it could mean hundreds of separate contracts at airports across the country. Instead of streamlining security, it will create complex guidelines that make it harder to share and shift resources between airports as threats emerge.

Second, it still forces TSA to set up a huge new bureaucracy for collective bargaining, putting new layers of redtape ahead of security and redirecting resources away from security and toward labor management. This new bureaucracy will cost TSA at least $160 million over the next year, forcing it to take 3,500 screeners off security checkpoints and doubling the wait time for passengers.

Third, it still forces TSA to terminate its pay-for-performance system that currently rewards screeners for their proficiency rather than their seniority. This will only reduce TSA's ability to maintain a qualified workforce.

Fourth, it still forces TSA to share sensitive security information with unions, compromising air travel security. The amendment claims to protect "properly classified" information, but it doesn't address other types of sensitive information, such as the emergency plans for our airports.

This brings me back to my original point. This debate is about collective bargaining and whether it makes us more or less secure. All the talk about worker benefits and workplace protections and security triggers is meant to cloud the issue and prevent Senators from being accountable for their votes. This collective bargaining proposal has nothing to do with preventing another 9/11. In fact, it could increase the chance of another such attack, and my colleagues should consider that before they vote.

There are only two reasons to vote for the McCaskill amendment: either political payback or out of political fear. I hope my colleagues will not act on either. Democrats should not pay back unions at the expense of our security, and we should not be afraid to stand up against union bosses so we can keep America safe.

I urge my colleagues to oppose the McCaskill amendment.

It will not only weaken our security, it will also kill this bill. The President will veto it and the Senate will sustain his veto. So that leaves the other side of the aisle with a clear choice. They can either have a political showdown with the President over an earmark for labor unions or they can take this provision out of the bill and make some progress on our security agenda.

The DeMint amendment protects American security. The McCaskill amendment protects unions.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Carl Joseph Artman to be Assistant Secretary of the Interior; that there be 10 minutes for debate, equally divided between the chairman and ranking member of the Indian Affairs Committee; that at the conclusion of that time, the Senate vote on confirmation of the nomination; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CARL JOSEPH ARTMAN TO BE ASSISTANT SECRETARY OF THE INTERIOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am pleased to speak on this nomination with my colleague from Wyoming, Senator THOMAS. I chair the Indian Affairs Committee. Senator THOMAS is vice chair of that committee.

This is the nomination of Carl Artman to be Assistant Secretary for Indian Affairs. Mr. Artman is an American Indian from the Oneida Tribe of Wisconsin. He is highly qualified. He was nominated twice—once last year by President Bush. Last year, I supported his nomination, which was held up in the Senate. He has been nominated recently again by the President. I held an immediate hearing with Senator THOMAS on his nomination. We passed it out of the committee the same day, and we have been waiting to get it to the floor.

There has been a hold on the nomination, regrettably. With some irritation, I say it has been 2 full years last month that this position has been vacant. The position of Assistant Secretary for Indian affairs—a position that has existed in this Government since 1806—is one that is responsible for the trust responsibilities and all of the other issues that relate to treaties with Indian tribes. It has always been considered a very important position. For 2 years it has been vacant. That is unbelievable. Nowhere in this country are there more significant and enduring problems than those that exist on many Indian reservations. Many live in Third World conditions. I have told stories of people freezing in their homes in the winter. There are housing crises that exist on Indian reservations. There are health care crises and education crises. It is unbelievable. We need to have this position filled. Finally, at long last, today we will have a chance to vote on the nomination.

I am sure there will be an overwhelming vote in support of a well-qualified candidate sent to us by President Bush first last year, then held up, unfortunately, in the Senate, and now this year, held up until now. Finally, perhaps, at long last we will do what we should have done long ago on behalf of American Indians, and that is to put someone in the position of the Assistant Secretary for Indian Affairs to be involved in managing and reacting to all of these responsibilities that have been long ignored—too long ignored, in my judgment.

I come today to support this nomination. My colleague, Senator THOMAS, will speak for himself, but we have worked together in support of trying to get this nomination to the floor of the Senate. American Indians and Native Alaskans—my colleagues know the information—have higher rates of tuberculosis, 600 percent higher than other American citizens; substance abuse, alcohol abuse, 500 percent higher; diabetes, in some cases up to 10 times the rate; Indian youth suicide, 10 times the rate of the rest of the country.

These are unbelievable circumstances. We have to begin to deal with these issues. That is what we are trying to do on the Indian Affairs Committee. But it is absolutely shameful this position has been open for 2 full years. It has been vacant 2 years. This is a well-qualified person. I have met with him a couple of times. I was proud to move his nomination through the committee. This is a well-qualified person, an American Indian from the Oneida Tribe in Wisconsin.

At long last, I hope today we will decide to give Senate approval to President Bush's nomination and give Mr. Carl Artman the opportunity to assume this role of Assistant Secretary for Indian Affairs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized

Mr. THOMAS. Madam President, I join my friend, the chairman of the Indian Affairs Committee, in supporting Carl Joseph Artman for Assistant Secretary for Indian Affairs. We have waited a good long time to get to this point.

Mr. Artman is an excellent candidate with diversity of experience in both the private and public sectors. He has the leadership and academic credentials needed for this necessary and extraordinarily demanding position.

The Assistant Secretary for Indian Affairs implements the Federal Indian policy set by Congress and facilitates the government-to-government relationship with 561 Indian tribal governments.

The Assistant Secretary, as you might imagine, is responsible for a variety of activities, including economic development, law enforcement, trust asset management, social services, and education.

I will not take a long time, but I just want to say the Assistant Secretary must be balanced in meeting these needs. I think this gentleman will be. He has pledged to facilitate a more vibrant communication between Indian tribes and their neighbors.

The job of Assistant Secretary for Indian Affairs has been exponentially more difficult because of the methamphetamine plague that is ravaging this Nation's Indian communities, and he is committed to fighting this terrible epidemic. We can certainly support that effort.

Madam President, you know how important it is to have leadership in this area, and we haven't had it for a very long time. There are many other challenges confronting Indian country that cannot be met without strong leadership within the Bureau of Indian Affairs, and yet the position has been vacant for 2 years.

Mr. Artman will serve the country well. I urge my colleagues to join me today in moving expeditiously toward confirmation.

I yield the floor.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Mr. LIEBERMAN. Yes, I ask that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SPECTOR).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—87

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Vitter

NOT VOTING—12

Biden
Brownback
Dodd
Enzi
Johnson
Kennedy
Kerry
Leahy
McCain
Obama
Specter
Stabenow

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 328, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that amendment No. 328 be modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To require Amtrak contacts and leases involving the State of Maryland to be governed by the laws of the District of Columbia)

On page 299, between lines 2 and 3, insert the following:

SEC. 1337. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

"(n) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—In the case of Maryland, any lease or contract entered into by the National Railroad Passenger Corporation after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

Mr. COBURN. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 325 TO AMENDMENT NO. 275

Mr. COBURN. Mr. President, I call up amendment No. 325.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 325.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the fiscal integrity of grants awarded by the Department of Homeland Security)

On page 106, preceding the matter on line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) "appropriate committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) "improper payment" has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—The Secretary shall not award any grants or distribute any grant funds under any grant program under this Act or an amendment made by this Act, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, by our estimates, this bill is about $17-plus billion. As I said, it has not been scored. The House bill that will be merged with this in conference is over $20 billion. That is a large chunk of change for the American taxpayer. What we know is a lot of the grants which make up about $3-plus billion a year over the next 5 years of the vast majority of this bill will be homeland security grants of one type or another. What we know is the Department of Homeland Security has not followed the law when it comes to improper payments.

What the Improper Payments Act of 2002 required of every agency of the Federal Government was that they perform a risk assessment of every program they have, that they develop a statistically valid estimate of improper payments, that they develop a corrective action plan, and they report the results of those activities to us.

This is not an optional plan for the agencies. Yet this plan has been ignored since its inception and since the creation of the Department of Homeland Security. We are getting ready to send another $17- to $18 billion-plus out the door for homeland security grants—that is the majority of this—and we know the Department of Homeland Security is not in compliance with the Federal law.

The reason the law exists is to make sure we get good value for the taxpayers' money. The year 2004 was the first year the agencies were required to respond to this act. It is worth noting again that there is not an agency of the Federal Government, not one agency, that is exempt from this law. This is not a request. This is a statutory requirement of every agency.

The Department of Homeland Security has not even complied with the first step of this law. They have not performed risk assessments for the programs to be of significant risk of making improper payments. They are an at-risk program according to the analysis, yet they have not even looked to do a risk assessment. The Government Accountability Office has found at least six major programs at this Department are out of compliance with the Improper Payments Act. The Department of Homeland Security's independent auditor has repeatedly cited noncompliance, and the Department of Homeland Security continues to face significant challenges with FEMA and the Individual and Households Program.

Based upon the Department's performance and accountability report and their independent auditor assessment, the following programs are out of compliance with the improper payments act: Customs and Border Protection; Office of Grants and Training; Federal Air Marshals—the Coast Guard was supposed to have done a performance evaluation and risk assessment but it has not been done; FEMA; the Transportation Security Agency; and Immigration and Customs Enforcement. Not one of them has performed the first risk assessment as to improper payments.

In case you think that is not a lot of money, we have already spent over $25 billion in grants through the years for these programs, of which we have not looked at the problem accounts. The press is replete with problems in terms of these grants: $9 billion on State and local preparedness grants—that is what we get from DHS. Secretary Chertoff at the most recent hearing said $5 billion of the money, another $5 billion—part of which has been obligated but has not gone out the door yet.

I think we owe it to the American people, if there is a law on the books, before we send more money out the door the agency ought to comply with the law. They ought to at least do a risk assessment. If there is no risk, that is fine. Then they will have complied with the law. But if there is risk, we ought to be identifying the risk. Every dollar we spend wastefully is a dollar we don't use to protect ourselves in terms of our security.

KPMG was the independent auditor for 2004, 2005, and 2006 for the Department of Homeland Security. In each one of those years they were out of compliance with this act. Specifically, the Department is cited for not instituting a systematic method of reviewing all practices and identifying those believed to be susceptible to erroneous, improper payments. The most important part of the Improper Payments Act is to create the process of good, strong oversight within the Department to make assessments about whether they are making improper payments. What this assessment does is it identifies where those improper payments could have been made, and that is essential to find out where the problems exist.

This amendment does not debate any of the merits of the Department's programs. It simply demands compliance with the transparency and accountability measurements that already exist under current law. If we want the American people and the executive branch to take us seriously, Congress must demand compliance with the laws that are laws. We cannot back off.

This amendment is not a surprise to the Department of Homeland Security. They know they are failing and they need to respond to it. This amendment in no way jeopardizes State funding. Let me tell you why. It is because there is a pipeline of 9 to 12 months in the works already on grants that are going there. For this to have any impact would mean they would have to not respond for another year before those grants would be in jeopardy. Some of my colleagues say, You can't do this. You can't put these grants at the risk of noncompliance of an agency in terms of meeting the law. The question ought to be, Why not? Why shouldn't we put the agency at risk with their grants for being noncompliant?

The other point I make is most of these grants go to States and localities. The problem with the grants is there is some culpability on the part of the States and the localities in terms of these grants. The States are not totally innocent. There is $2.5 billion that has not even been awarded yet that still can be awarded before this takes effect. So there is still another $5 billion, which is greater than the amount we spend in any one year on these grants. What this amendment says is they cannot go past that unless they have complied with the law.

If we are not going to agree to this amendment, then we need to trash the Improper Payments Act. If we are not going to say the Department of Homeland Security has an obligation to follow the law, then we ought to take the law off the books. We know for sure in the other areas of the Federal Government we have somewhere between $40- and $80 billion worth of improper payments. We know we have $40 billion of improper payments, overpayments, in Medicare; somewhere close to $30 billion in Medicaid. We have a third of the Earned Income Tax Credit that we know were improper payments and we have only looked at 40 percent of the Government; 60 percent of the Government still isn't complying.

We ought to say right now if we are going to put more money through the door, the American taxpayer ought to have value for the money they send through that door. What we are saying is we want them to be accountable, to be accountable as an agency of the Federal Government. There ought to be transparency. We ought to be able to see where they are making mistakes and where they are not. The question of not even asking the question is what we are debating with this amendment; they are in absolute noncompliance with the Federal law that requires them to be compliant about whether their grants are improperly paid or funding other than what they expected to fund.

Investigation showed FEMA spent millions on puppet shows, bingo, and yoga in south Florida. There is an article in the National Review, 7/19/05, on homeland pork. Baltimore Sun, 5/29/05, chasing security with dollars. The only transparency we have here is that there is a total lack of transparency in the Department of Homeland Security.

Needless to say, this is a bill that goes far outside 9/11 recommendations. The 9/11 recommendations said all money should be risk based. What we have turned around with the 9/11 bill, this one and what had passed in the previous Congresses, is a way to dole out money to States and not hold them accountable.

What this amendment says is you are going to have to start being accountable. If we are going to send out another almost $20 billion in terms of grants, Homeland Security ought to have to follow the law in terms of improper payments.

Remember, these grants are not competitively awarded—which is very different than the grants we have in almost every other Federal program. The fact they are not competitive is another reason, a much greater reason, for us to demand accountability and transparency at the Department of Homeland Security. These grants are also not let on the basis of risk. Some are. In some of these it will be down to .45 percent, others at .75, and a few at .25. Most of them have no local match so there is no risk on the side of the States or the municipalities that get these grants.

Just a note: The best way for Congress to practice spending discipline is to demand that the agencies comply with the laws assuring appropriated dollars are spent adequately, appropriately, and lawfully. We have yet to do that with many agencies.

DHS is a good place to start. FEMA awarded $22.6 million for crisis counseling for victims of Hurricanes Rita and Katrina—$22.6 million. Katrina did not even hit Florida. Yet a large portion of that was spent in Florida. There is no accountability. There was no risk assessment. Was there a risk? They have not done the work we demand by the law and what is being demanded of other agencies.

There was an article in the Florida Sun. I cannot vouch for its accuracy, but where there is a little smoke there is some fire. Of the $1.2 billion in aid that FEMA granted to individuals—not municipalities or contractors but to individuals—affected by the weather disasters between 1999 and 2004, the Florida Sun-Sentinel found of $1.2 billion, at least $330 million of that went to people who did not personally suffer any damage or disruption from the storms. That is a fourth of the money out of that $1.2 billion. No wonder we have a deficit. No wonder. Because we are not willing to take the time to force an agency to do what they should be doing under the law.

I want to talk for a minute about this bill. The 9/11 Commission was very succinct and direct, noting that we have tremendous vulnerabilities and risks and exposures throughout this country. They were very clear to state that money that comes out of Congress to address those ought to be absolutely risk based. The House bill at least is down to 0.25 percent for every State. What that gives us is about 15 percent of the money is going to go to the States regardless of their risk. So that is about $3.5 billion or $4 billion—no risk, you are going to get Homeland Security grants even though you have no risk.

Think about what we are going to ask ourselves if we have another terrorist attack and it is in one of the high-risk areas and we have sent, year after year after year, $4 billion to areas that do not have a high risk and that money could have prevented that action.

With good fiscal discipline, we will best protect the people of this country. I know the tendency of this body is to make sure you get enough for you and to make sure you can go home and say we got this for you. You pat yourself on the back. But I wonder how many of us will be patting ourselves on the back when we buy things that are not absolutely necessary with these grants that are going to States and we ignore the very high-risk east coast, west coast, gulf coast, and the large metropolitan areas in this country that need more money while we are playing politics with 15 to 20 percent of the money. We will be judged on that, and that judgment will not be a pretty picture.

This amendment simply says no funds can go for any of these grants until FEMA and the Department of Homeland Security start complying with the Federal statute, which is called the Improper Payments Act of 2002. It is very straightforward.

What we will have raised is the fear that my State may not get some money. They have a year to comply. They have plenty of time to do what they have been asked to do. Senator OBAMA and I, this last year, over 8 months ago, sent a letter to the Department of Homeland Security asking why.

I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 16, 2006.

Hon. MICHAEL CHERTOFF,
Secretary, U.S. Department of Homeland Security, Washington, DC.

DEAR SECRETARY CHERTOFF: We are writing with regard to a recent Government Accountability Office (GAO) report concerning improper payments at the Department of Homeland Security (DHS). The persistent pattern of improper payments limits the Department's ability to respond to our nation's most dire threats and hazards, and we seek assurances that you are taking adequate steps to address this problem.

As you may know, the GAO released a report on November 14, 2006 assessing the compliance of government agencies with the Improper Payments Information Act (IPIA) of 2002 (P.L. 107-300). Congress passed and the President signed the IPIA with the belief that the Federal government, as a steward of taxpayer dollars, should safeguard these funds from improper payments and make timely and accurate reports on the improper payments that do occur, so that erroneous payments are not repeated in the future.

Based on the recently-released GAO report, it appears that DHS is not fulfilling its duty to address improper payments. Specifically, the Department appears to have failed to adequately perform the first step in reducing improper payments—assessing which of its programs are at risk for these payments. If an accurate risk assessment does not occur, the Department's ability to reduce improper payments is seriously compromised.

We understand that in the period evaluated by the GAO (in DHS' Fiscal Year 2005 Performance and Accountability Report), DHS identified no programs in the entire agency with a high risk for improper payments. However, the GAO analysis of certain DHS programs indicates that the Department has not "institute[ed] a systematic method of reviewing all programs and identifying those it believed were susceptible to significant erroneous payments."

For example, GAO points to the Individuals and Households Program (IHP) within the Federal Emergency Management Agency. Despite warnings of reported financial management weaknesses in the IHP program from the DHS Office of Inspector General and the Senate Committee on Homeland Security and Government Affairs, DHS concluded that the program did not meet the OMB standard for identifying programs susceptible to significant improper payments—exceeding $10 million and 2.5 percent of program payments. However, the GAO analysis of the IHP program reveals improper payments of approximately $1 billion. In GAO's words, this "dramatically different" result—a difference of at least $990 million—far exceeds the OMB requirement for a high-risk program.

In fact, this was the third year in a row that your independent auditor reported IPIA noncompliance for DHS. If DHS cannot accurately determine which of its programs are at risk for improper payments, it cannot take further steps to root out these payments. And if steps are not taken to root out improper payments in an agency with an annual budget of over $34 billion, American taxpayer dollars will be left vulnerable to waste, fraud and abuse with funds that should have been used to protect them.

Please provide us with an explanation of how the Department failed to identify the IHP as a risk susceptible program during the risk assessment process for fiscal year 2005, potentially failing to account for as much as $990 million in improper payments. We further ask that you provide details on how the Department plans to institute an improved method of reviewing all of its programs and identifying those programs that are susceptible to improper payments, in accordance with the letter and spirit of the law.

Please provide a response by December 15, 2006. Thank you in advance for your consideration of this important matter.

Sincerely,

BARACK OBAMA,
U.S. Senator.
TOM COBURN,
U.S. Senator.

Mr. COBURN. This letter was sent to Secretary Chertoff. The Federal Financial Management Subcommittee of the

Committee on Homeland Security and Governmental Affairs had four hearings on improper payments. We know what is required. We know they can do it. What the Congress has to do is make them do it, if they want to spend the money. It is only right for our children and grandchildren to get fair value for the taxpaying public, as we send out this money.

I am a skeptic when it comes to this body, when it gets away from the political porking that goes on. I am not sure this amendment will pass. But if it doesn't pass, I will offer an amendment to get rid of the Improper Payments Act because there is no reason to have a law that we are not going to enforce. If we are not going to enforce it, why is it on the books? It is similar to enforcing the borders. The law is there, but we don't do it.

We have to be accountable to the American public to make sure that agencies follow the law. This is a simple amendment that requires Homeland Security to follow that.

By the way, we have not had an answer to this letter. It was dated November 16. I spoke in error.

UNITED NATIONS FUNDING

I want to correct something I said last week on the United Nations. My numbers were wrong. We, in fact, do pay for about 22 percent of the unified budget at the United Nations, and our total contribution is in excess of $5 billion. I had the ratios right, I had the numbers wrong. I want to correct that for the RECORD today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 305

Mr. SESSIONS. Mr. President, I call up amendment No. 305. I believe it is already pending, having been offered by Senator MCCONNELL.

The PRESIDING OFFICER. The amendment is pending.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senators CRAIG, INHOFE, ISAKSON, and COBURN be made cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, it is critically important that we clarify the role of State and local law enforcement officers in the enforcement and apprehension of those who violate our immigration laws and that we expand the National Crime Information Center interest. It is critical that we have them participate because with expanded NCIC capability, which I am surprised is not already being done, they can be partners in Federal law enforcement efforts.

It would be in compliance with what the 9/11 Commission and other reports have asked us to do. It is a loophole in the system today that needs to be fixed.

The amendment I offer is a slimmed down version of the bill I offered in the last Congress, the Homeland Security Enforcement Enhancement Act. That was cosponsored by Senators CRAIG, INHOFE, and ISAKSON. The ideas contained in the amendment have also been supported by Senators KYL and CORNYN. They included it in their immigration bill last Congress. Senators BEN NELSON and COBURN included those provisions in the Nelson-Sessions immigration enforcement bill in the last Congress.

Additionally, my amendment is almost word for word the provision that the Senate Judiciary Committee included when it marked up the Senate immigration bill last year and the provision that the full Senate voted for when it passed S. 2611.

The first section of the amendment reaffirms what I believe to be the existing inherent authority of State and local law enforcement to assist the Federal Government in enforcing the immigration laws of the United States during the normal course of carrying out their law enforcement duties. The amendment specifically states that the participation of State and local law enforcement personnel is not required, not mandated by this legislation. It is 100 percent voluntary.

Section 2 of the amendment deals with the listing of immigration violators in the National Crime Information Center database. State and local officers need easily accessible roadside access to critical immigration information, just as they would do for citizens of the United States who violate our laws. Officers routinely, when they stop people on the road, run National Crime Information Center database checks when they pull over suspects, speeders, or people they are investigating for other crimes. The NCIC is their bread-and-butter database. Today the immigration violators file of the National Crime Information Center database contains information on deported felons, alien absconders, and wanted persons, aliens with outstanding criminal warrants. That is in the National Crime Information Center database. But my amendment would direct that the Department of Homeland Security work with the FBI to place additional information on certain immigration violators into the already existing immigration violators file.

The four categories of immigration violators whose information would be entered are, one, aliens who have final orders of removal. That is someone who has been apprehended, gone through a hearing, and a judge has ordered finally that they be removed from the country for whatever violation; two, it would cover aliens under voluntary departure agreements who for one reason or another have signed an order that they would voluntarily deport themselves or leave the country; No. 3, it would cover aliens who are known to have overstayed their authorized period of stay, the visa overstays; and No. 4, it would cover aliens whose visas have been revoked. Sometimes people misbehave seriously. Twenty-seven percent of our Federal penitentiary bed spaces today are filled by noncitizens.

For some reason in recent years we are seeing a substantial number of criminal aliens coming into the country. These are not bed spaces for immigration law violations, not people waiting to be deported. These are people who have been arrested, tried, or convicted of Federal criminal laws such as drug dealing and assaults or smuggling, things of that nature.

When State and local police officers encounter individuals during their regular law enforcement duties, it is important that they know if the individual in front of them falls into one of these violator categories. Importantly, my amendment includes a new procedure for removal of erroneous information from NCIC. If there is something entered incorrectly, under the new procedures an alien may petition the Secretary of the Department of Homeland Security or the head of NCIC to remove any erroneous information that may have been placed in that file to protect them from any unfair treatment.

These are recommendations that should already be law, but they are recommendations made in the 9/11 Commission Report. We are all familiar with those recommendations, and they have been included in the Hart-Rudman report.

On page 384 of the 9/11 Commission Report, the Commission says:

> Our investigations showed that two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as a part of border security and an immigration system not able to deliver on its basic commitments, much less support counterterrorism. These weaknesses have been reduced but are far from being overcome.

On page 390, the report says:

> There is a growing role for State and local law enforcement agencies. They need more training and work with Federal agencies so that they can cooperate more effectively with those Federal authorities in identifying terror suspects.

In the fall of 2002, a year after the 9/11 attacks, the Council on Foreign Relations published the Hart-Rudman report entitled "America Still Unprepared, America Still in Danger." That report found that one problem America still confronts is that 700,000 local and State police officials continue to operate in a virtual intelligence vacuum. The first recommendation of the Hart-Rudman report was to "tap the eyes and ears of local and State law enforcement officers in preventing attacks." That is their first recommendation, to "tap the eyes and ears of local and State law enforcement officers in preventing attacks."

On page 19 the report specifically cited the burden of finding hundreds of thousands of illegal fugitive aliens living among the population of more than 8.5 million illegal aliens and suggested that the burden could and should be shared with the 700,000 local, county, and State law enforcement officers, if they could be brought out of the information void.

So this amendment I am offering tightly targets 9/11 Commission and Hart-Rudman report recommendations that we look at the growing role for State and local law enforcement, that we move toward an immigration system that can "deliver on its basic commitments" as a way to fight terrorism, and that we "tap the eyes and ears of local and State law enforcement officers" in an effort to find the hundreds of thousands of fugitive aliens in the United States.

Most Americans would probably be amazed that is not occurring today. In fact, a recent poll of 3 years ago was done on this very subject. It found that a large majority of Americans believe that State and local governments should be aiding the Federal Government in finding alien fugitives. That is pretty commonsensical. In fact, a Roper poll found that 85 percent of Americans agree and 65 percent strongly agree—those are powerful numbers—that Congress should pass a law requiring State and local governments and law enforcement agencies to apprehend and turn over to INS, now ICE, illegal immigrants with whom they come in contact. That is pretty strong data.

It is important to note that those responses were collected in answer to questions about requiring State and local immigration enforcement action. So it is very likely that a poll on this subject, one about voluntary State and local assistance, would be even stronger.

Let me tell my colleagues about the problem that started my interest in this area and prompted me to offer this amendment, as well as 3 years ago to push for a hearing, which was held on April 22, 2004, in the Judiciary Committee entitled "State and Local Authority to Enforce Immigration Law, Evaluating a Unified Approach for Stopping Terrorists" and for me to author a Law Review article in April of 2005, along with my chief counsel on Judiciary, Cindy Hayden, that was published in the Stanford Law and Policy Review, entitled "The Growing Role for State and Local Law Enforcement in the Realm of Immigration Law."

This is the reality. This is the problem we are dealing with. Police chiefs and sheriffs in Alabama have begun to tell me, as I have traveled the State and met with them frequently, and as I continue to do so, that they have been shut out of immigration enforcement and that they felt powerless to do anything about Alabama's growing illegal immigrant population. I heard the same story wherever I went:

> When we come across illegal aliens in our normal course of duty, we have given up calling the INS, because they tell us we have to have 15 or more illegals in custody or they will not even bother to come and pick them up.

Even worse, Alabama police were routinely told that aliens could not be detained until INS could manage to send someone. They were told they just had to let them go. This is basically the policy all over America today, I kid you not. If a local officer in virtually any State in America stops someone for speeding or DUI and finds out they are here illegally, they basically take no steps to even contact INS because they only have 2,000 agents in the entire United States and they are not going to come out there and get them. In fact, for other legal reasons, they may have some doubt—although, frankly, not much—but there is some doubt about what their authority might be.

Now, we have done some research into this and believe the legal authority of State and local officers to voluntarily act on violations of immigration law is pretty clear. If there is any doubt that State and local law enforcement officers have any authority—and if there is any, and there certainly is some today—Congress needs to remove that doubt, which is what this amendment will do.

Basically, there is a split in the circuits. I will take just a moment to explain. The Tenth Circuit on more than one occasion concluded squarely that a "state trooper has general investigatory authority to inquire into possible immigration violations." As the Tenth Circuit went on to say, there is a "preexisting general authority of state or local police officers to investigate and make arrests for violations of federal law, including immigration laws."

The Tenth Circuit went on to say, in 2001:

> [S]tate and local police officers [have] implicit authority within their respective jurisdictions "to investigate and make arrests for violations of federal law, including immigration laws."

Now, these Tenth Circuit cases made no distinction between criminal violations and visa overstays, which are not criminal in nature but civil. But the Ninth Circuit did. They concluded the civil violations of a visa overstay did not amount to an offense of law that the local law enforcement officer could arrest and detain for. It was in dictum, not part of the central holding of that case. But that one piece of dicta has created an impression throughout the country that has impacted lawyers and police departments and sheriffs' departments all over America.

They are telling their officers: Well, it might be that the person you stop and is here illegally is a visa overstay and not someone who came across the border illegally, and if you arrest them and detain them, they might sue us, they might sue the city, they might sue the police department. So they have established policies based on this ambiguity that have effectively reduced the participation of local law enforcement officers to a dramatic degree in the enforcement of immigration laws. That is not appropriate. We can fix that. This amendment would fix that.

The second problem the amendment deals with is the inadequate way we share information on immigration matters with State and local police. We have databases full of information on criminal aliens and aliens with final deportation orders, but that information is not directly available to the State and local police through their base system, the NCIC. Instead, officers are required to make a special second inquiry to the Law Enforcement Support Center, which is headquartered in Vermont, to see if the person they pulled over is an illegal alien wanted by DHS.

Now, I have to tell you, they are not just carrying around in their pocket those phone numbers anyway. They do not know how to do it. They are not comfortable with it. It is not what they do every day. They are not doing it. Besides, if they do and find out the person is illegal, there is nothing much they can do but let them go anyway. So the ability of the bread-and-butter NCIC database to convey to local police who stop someone out on the highway information that this may be a wanted person, maybe even a terrorist, has been severely impacted or really is not effective in many different areas.

I have complained about this for some time, and some progress has been made but not enough. To date, the Immigration Violators File of the NCIC contains about 200,000 entries, and only about 107,000 of the approximately 600,000 alien absconders are in the NCIC. I want you to hear that. Only about 100,000 of the 600,000 alien absconders have been entered into the NCIC.

So what does that mean? That means if a local police officer somewhere stops a person who has been previously arrested for an immigration violation and that person has been released on bail, as often is the case, and ordered to return to court or to be deported—and they frequently do not do so; they abscond; and there are 600,000 of those absconders out there, but only 107,000 of those records are in NCIC, so a local police officer is not likely to find a hit for the person before him—there will be a 1-in-5 chance of them getting that hit.

That really needs to be fixed. For the life of me, I cannot see why more progress has not been made. We have been talking about this for 4 or 5 years in the Senate Judiciary Committee with the Department of Justice officials and ICE officials and FBI people who run the NCIC.

At the very least, NCIC should contain four types of immigration information.

The first group: aliens with final orders of removal. If someone has been ordered removed, they should not be in this country. They sometimes leave the country and come back into the country and you get a hit on that person. In other words, they have been ordered removed. Why are they back in the country?

The second group that should be in there: aliens under voluntary departure agreements. Some agree to leave voluntarily and sign an agreement to that effect. They ought to be in there because they should not have stayed in the country or, if they left, they should not have returned.

The third group: aliens who are known to have overstayed their authorized period of stay should be entered.

The fourth group: aliens whose visas have been revoked, for heaven's sakes, ought to be in there.

If somebody is here improperly—maybe they have been associated with some criminal enterprise; the ICE people have revoked their visa for some reason; it would have to be significant, usually, for that to occur—they ought to go in there because if they are stopped somewhere, they should be detained and turned over to ICE; otherwise, the system is not working.

Let me tell my colleagues—I know how this system works—if someone had their visa revoked and had been ordered to be removed, trust me, the ICE agents do not go out and walk the streets of Philadelphia or Atlanta or Birmingham and look for them so they can deport them. They do not do it. They are not even close to having the ability to do that. Only the people for whom they have evidence who are extremely dangerous is that done. That is very few. The way most people are caught is just like everybody else in America who is caught who has absconded or run off on bail. They get caught by getting picked up by police on a traffic stop somewhere. The police officer runs their name and ID in NCIC and a hit comes back; there is a warrant for his arrest in Montgomery, AL, for armed robbery, and he locks him up.

If you are an American citizen and you get a reckless driving ticket and you are ordered to appear in court at a given time and place and you do not appear in court, they issue a warrant for your arrest. Normally, the police officers do not go out and chase you down all over and find you to arrest you. Normally, they put it in the NCIC immediately on the assumption you will soon be stopped somewhere else along the way and they will get a hit on you and somebody will put you in jail because you have a warrant for flight out there or for jumping bail. But we do not do that for noncitizens. A citizen, that will happen to; a U.S. Senator, that will happen to but not somebody who is coming to the country illegally. We do not do the same thing when they jump bail on their charges.

So there are a lot of stories we can tell. I will just summarize a number of them. It really caught the attention of the 9/11 Commission. For example, Mohamed Atta, who is believed to have piloted American Airlines Flight 11, which flew into the World Trade Center's North Tower, and played a leading role in more than 3,000 deaths that occurred that day, in July, just 2 months before the attacks, was stopped by police in Tamarac, FL, and was ticketed for having an invalid license. He ignored the ticket and a bench warrant was issued for his arrest. When he was stopped for speeding a few weeks later in a nearby town, the officer did not check, did not discover this warrant had been issued and let him go with only a warning.

Now, OK, Atta had not yet become illegal. I believe at that time he still was on a legal status. However, it was about to expire. I doubt he would have returned to the immigration office to get it extended. He would soon have been here illegally as a visa overstay. He could well have been apprehended and identified before 9/11 had he done so.

That is the example I am trying to make. It could very well have been decisive.

Also Hani Hanjour was, just 1 month before 9/11, stopped by police in Arlington, VA, for driving 50 miles an hour in a 35-mile-per-hour zone. He was in a Chevy van with New Jersey plates. He produced a Florida driver's license. But he was the pilot of the American Airlines Flight 77 which crashed into the Pentagon.

A third hijacker was stopped by State police just 2 days before September 11, also for speeding. Maryland State police stopped Ziad Jarrah on Interstate 95 for driving 90 miles an hour in a 60-mile-per-hour zone.

Well, we are not talking about academic matters; we are talking about the fact that the alien database needs to be accessible to local police. It might as well, for all practical purposes, be locked up in some vault somewhere in secrecy, the way it is being done today. It is not available to the people out there who need it.

The Hart-Rudman Commission raised that point, as did the 9/11 Commission. I have been told at hearings by the appropriate officials that the NCIC system can handle the additional data. It will not overburden the system. It will make this information readily and immediately available to a police officer. He or she may have stumbled onto a person such as Mohamed Atta on his way to commit a horrible, unspeakable act of terrorism against the people of the United States. That opportunity to make that arrest and to identify that criminal is most important.

So that is the purpose of the amendment. I believe as people think about it we will see the need for it. I have tried to get this done in any number of different ways, but we have not quite gotten there yet. I think there is a majority in the Senate, probably on both sides of the aisle, who would support this when it is clearly raised. But as so often tends to happen, matters that actually work to a significant degree and will actually substantially increase the ability of our law enforcement system to be effective are the things that do not become law. It is almost like if it works, it will not pass. If you come up with something that sounds good but will not work, that will get passed.

This needs to be done. In many ways, it will be a test of the Members of this body.

Are we serious about enforcement of immigration laws? I think we are becoming that way. I believe there is a growing understanding that lawfulness needs to be returned to immigration. Without it, we are going to continue to have an erosion of public confidence in our system. We can do all of that. I ask that my colleagues consider this amendment. I hope we will be able to move it forward as part of this security legislation.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 347 TO AMENDMENT NO. 275

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alabama [Mr. SESSIONS] offers an amendment numbered 347 to amendment No. 275.

Mr. SESSIONS. Mr. President, I ask that this amendment be called up and made pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE FUNDING OF FENCING AND VEHICLES BARRIERS ALONG THE SOUTHWEST BORDER OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 17, 2006, by a vote of 83 to 16, the Senate approved amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), the Comprehensive Immigration Reform Act of 2006, which required the Secretary of Homeland Security to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States.

(2) On August 2, 2006, by a vote of 94 to 3, the Senate approved amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), the Department of Defense Appropriations Act, 2007, which included a provision to appropriate $1,829,000,000 for the construction of 370 miles of fencing and 461 miles of vehicle barriers along the southwest border of the United States.

(3) On September 20, 2006, by a vote of 80 to 19, the Senate approved House Bill 6061 (109th Congress), the Secure Fence Act of 2006, which mandates the construction of fencing and border improvements along the southwest border.

(4) On October 26, 2006, the President signed the Secure Fence Act of 2006 (Public Law 109–367; 120 Stat. 2638), which mandates that "[n]ot later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States," including "physical infrastructure enhancements to prevent unlawful entry by aliens into the United States" into law.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) appropriate funds in the Department of Homeland Security Appropriations Act for fiscal year 2008 to fund, at a minimum, the strong commitment to border security represented in the President's budget request for fiscal year 2008, which is consistent with the congressional intent expressed in amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), and the Secure Fence Act of 2006; and

(2) appropriate funds in Department of Homeland Security Appropriations Acts for fiscal years after fiscal year 2008 in a manner consistent with the congressional intent expressed in such amendment 3879, such amendment 4775, and the Secure Fence Act of 2006.

Mr. SESSIONS. Mr. President, I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 tomorrow morning, the Senate proceed to vote in relation to the following amendments in the order listed, that there be 2 minutes of debate between each vote, with the time divided and controlled in the usual form: amendment No. 316, McCaskill; amendment No. 315, Lieberman, as amended, if amended; Collins amendment No. 342; and amendment No. 314, the DeMint amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, and I would say to my good friend, the majority leader, I will have to object. I have not had a chance to vet several of these amendments on this side yet, and I understand we are still going to have a vote on the DeMint amendment, a motion to table in the morning, even if this unanimous consent is not agreed to. So, therefore, I will be constrained for the moment to object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. I would indicate to the majority leader I will continue to work on it. I believe I am also correct the plan is to go ahead and have a vote on the tabling motion of the DeMint amendment.

Mr. REID. Yes. If I was unable to do that, that is what I will do. Thank you very much, Mr. President. I appreciate the statements of my friend.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAL ROTHMAN

Mr. REID. Mr. President, it is with great sadness that I rise to share the passing of a real Nevadan, Dr. Hal Rothman. After a struggle with Lou Gehrig's disease, Hal passed away on February 25, 2007. He was a loving husband to Lauralee, a father to Talia and Brent, and a friend to many who were privileged to know him, including me.

Hal's professional life and community involvement were remarkable. Hal was a history professor at UNLV, a Las Vegas Sun columnist, and a respected author on Western and environmental history. Whenever anyone needed a quick quote or quip about Las Vegas, they often called Hal. From syndicated news shows to historians, Hal was often seen as the go-to-man for anything related to the city.

Hal's love of Las Vegas was clearly apparent last October when he was honored as the Chin's Humanitarian of the Year by the southern Nevada chapter of the Muscular Dystrophy Association. In his prepared remarks Hal wrote:

> I have sought to explain our wacky city and State to an often skeptical and sometimes incredulous national and international audience. Las Vegas not only became our home but also a city I love with all my heart.

Hal was an outstanding ambassador for Las Vegas and to a larger extent Nevada. He was our front man. He was our image. He was our voice to the world. Nevada has lost one of its favorite sons, and Hal will be forever remembered as a tireless advocate for Las Vegas.

ADDITIONAL STATEMENTS

CONGRATULATING HAWAII'S NATIONAL CHEERLEADING CHAMPIONS

• Mr. AKAKA. Mr. President, I wish to congratulate the Kamehameha Varsity Cheer Team which won the National High School Cheerleading Championship at Walt Disney World in Orlando, FL, on February 9 to 11, 2007. The Kamehameha squad received top marks from the competition's judges, garnering a total of 713 points, thereby capturing the Small Varsity Division title.

The Warriors advanced to the national championship by winning 1 of 58 regional competitions held across the country and was 1 of 6 teams to advance directly to the finals. At the national competition, Kamehameha faced off against 55 rival squads. In the final round of competition, the young women of Kamehameha demonstrated amazing skill and athleticism acquired over many months of rigorous training.

The Kamehameha Varsity Cheer Team includes captains Corinne Chun, Jasmine Merseberg, Kendra Uson, and Keeny Won; and members Erika Castro, Kelli Ann Uehara, Cristina Lei Luke, Kanani Kekuawela, Savannah Wolfe, Kacie Kamaka'ala, Ashley Murakami, Robbi Bulatao, and Chelsea Bega. The team is led by cohead coaches Melissa Beimes and Dolly Wong, along with varsity coaches Giselle Ann-Kim and Shannon Cosma, all Kamehameha School alumnae.

I congratulate the Kamehameha Varsity Cheer Team on their accomplishment, and I wish all of them the best in their future endeavors. I extend the same congratulations to all members and coaches who participated in this year's National High School Cheerleading Championship on a job well done.•

RECOGNIZING DR. LAWRENCE THOMAS GERATY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the lifetime contributions of Dr. Lawrence Thomas Geraty as he retires as president of La Sierra University in southern California. Dr. Geraty's strengths as a churchman, educator, academic, and administrator provide an example for us all.

Dr. Geraty has been a college and university president for the past 22 years, first taking on this role at Union College in South Lancaster, MA, in 1985. For the past 14 years he has served as president of La Sierra University in Riverside, CA.

Growing up as a member of a Seventh-Day Adventist missionary family, Lawrence Geraty gained a broad perspective of the world, living abroad or attending educational institutions in China including Hong Kong, Burma, Lebanon, England, Germany, France, and Israel. He earned his bachelor's degree from Pacific Union College, then graduated from the Theological Seminary at Andrews University. Following his graduation, he served as a pastor in Santa Ana, CA, for a brief period of time. Thereafter, he joined Andrews Theological Seminary as a faculty member. After serving at Andrews, he went to Harvard University to study Hebrew Bible and Biblical archaeology, earning his Ph.D. with distinction and completing examinations in 10 languages.

After receiving his Ph.D. Dr. Geraty returned to Andrews Theological Seminary to work as Professor of Archaeology and History of Antiquity. For the next 13 years, Dr. Geraty served as an educator and scholar in Jamaica, Jordan, Costa Rica, Trinidad, Europe, and Australia. During this period, he was a founding director of the Institute of Archaeology at Andrews University, led a series of major archaeological expeditions in the Middle East, and worked as the curator of the Horn Archaeological Museum.

Dr. Geraty has had led a prominent career in academia. He was the recipient of a Fulbright fellowship. He served as an adviser on archaeology to former Crown Prince Hassan of Jordan. He served as vice president of the American Center of Oriental Research in Amman, Jordan from 1982 to 2002. He represented the U.S. Office of Education in a delegation of administrators to study minority education in China. He has published roughly 50 scholarly journal articles, edited 8 books and provided contributions to over 30 books.

During his tenure as president of La Sierra University, the university has seen tremendous growth and has played an integral role in the growth of inland southern California and our Nation. Between 1993 and 2006 university enrollment nearly doubled. In 2002, a biotechnology laboratory opened. In 2004, U.S. News and World Report distinguished La Sierra University for its successes in student diversity. And this year, Dr. Geraty had the great distinction of being named "Citizen of the Year'' by the Greater Riverside Chamber of Commerce.

In his time as president of La Sierra University, Dr. Lawrence Geraty has provided our Nation with a role model of leadership and citizenship. His commitment continues to leave a legacy of service to academia, scholarship, education, his community and our Nation, and I applaud his lifetime of service as he retires.•

TRIBUTE TO WALTER SONDHEIM, JR.

• Ms. MIKULSKI. Mr. President, I wish to pay tribute to one of Baltimore's great civic leaders, Walter Sondheim, Jr. If ever there was a statesman from Baltimore, it was Walter Sondheim. From the time I entered public life in 1971, his name was synonymous with integrity, public purpose and civic leadership, and he was the most self-effacing public figure I ever met.

Perhaps Walter Sondheim's most unique talent was his ability to manage transitions. Whether in business, in the community or in his own personal life, Walter knew when to hold them and when to fold them. In the late 1950s and early 1960s, Walter recognized the evolution in Baltimore's economic base from heavy industry and manufacturing to tourism, service and technology. He championed a new vision of public land use and architectural excellence when he shepherded the Renaissance of Baltimore and the creation of the present day Inner Harbor. He challenged the business community to look forward and prepare for the service economy and the explosion of technology related businesses that was being driven by our major universities and federal scientific facilities.

In the larger community, Walter Sondheim led us from the darkness of segregation and into the vision illuminated by the U.S. Supreme Court's decision in Brown v. Board of Education in 1954. Where other communities hesitated or procrastinated, as president of the Board of School Commissioners for Baltimore City, he forged ahead to implement this milestone ruling long before other cities around the Nation. The result was a speedy, thoughtful, considered integration of the public schools.

In his own personal life, Walter Sondheim transitioned from his early life as a businessman with one of Baltimore's premiere department stores to the leader of a number of influential civic and business organizations. With grace and purpose, he carefully released himself from old roles and embraced new opportunities. He never looked backward, only forward. He did not fear new ideas. Whatever challenge he chose to address, he was always the right man in the right place at the right time.

Finally, Walter Sondheim was never threatened by other talented people. Indeed, he encouraged young leadership and new faces in the crowd. For this young protestor, who found herself in an elected position inside City Hall, he had nothing but words of encouragement and offers of assistance. He knew that civic leadership was comprised not only of traditional groups, but also of the sweat equity crowd that desired change. He always welcomed new energy and new points of view. Walter remained unburdened by convention and the status quo his entire life long.

I ask that a Baltimore Sun article on the life and contributions of Walter Sondheim be printed in the RECORD.

The material follows:

[From the Baltimore Sun, Feb. 15, 2007]

WALTER SONDHEIM JR.: 1908–2007—HE WAS SAGE ADVISER, KEY FIGURE IN CITY'S GROWTH

Through 6 decades, they called upon Walter Sondheim Jr. When Baltimore mayors, Maryland governors and other civic leaders needed sage advice, inevitably they sought it from a man widely admired for integrity and uncommon warmth and graciousness.

Mr. Sondheim died at 10 a.m. Thursday of pneumonia at Mercy Medical Center. He was 98, and until last week he worked every day at his office at the Greater Baltimore Committee.

Mr. Sondheim had a gift for nudging people toward grand accomplishments, often to the surpassing benefit of Baltimore and the state beyond. He earned his livelihood as a department store executive, but his legacy can be found in sweeping civic movements.

As president of the Baltimore school board in 1954, Mr. Sondheim insisted—though other cities stalled—on the speedy desegregation of Baltimore schools after the U.S. Supreme Court's ruling in Brown v. Board of Education. As a leader of the city's downtown development agency, he coaxed his colleagues into carefully controlled planning of the Inner Harbor. He headed the state panel that promoted regular testing of students. He disdained anything but the highest ethical standards in business and government.

"It's hard to imagine God having created a better person than Walter Sondheim,'' said Robert C. Embry Jr., the city's former housing commissioner and now president of the Abell Foundation.

Accolades poured in from the many leaders Mr. Sondheim counseled throughout the decades.

Gov. Martin O'Malley, who ordered state flags to be flown at half-staff, said Mr. Sondheim "wasn't shy about reaching out'' to him with advice when Mr. O'Malley was mayor.

"If there was one enduring quality about Walter Sondheim, it was he had an unrelenting optimism about human nature,'' Mr. O'Malley said Thursday night.

Sen. Benjamin L. Cardin said, "Whether it was integration of the city schools or the redevelopment of Baltimore, he was certainly well ahead of his time.''

William Donald Schaefer, the former governor and mayor who worked closely with Mr. Sondheim on many civic improvement efforts, called his death "a tremendous loss,'' describing Mr. Sondheim as one of the smartest and kindest men he knew.

"Integrity. I've never known a man with so much integrity in my life,'' Mr. Schaefer said. "He would not sanction anything that was not right.''

During nearly a century of life, Mr. Sondheim crossed paths with many celebrated personages of his day. His favorite portrait of his late wife, Janet, was taken by the famed photographer Dorothea Lange. His children were delivered by Dr. Alan Guttmacher, a Johns Hopkins obstetrician-gynecologist who was one of the pioneers in the field of reproductive health. His brother-in-law was Richard Neustadt, a Harvard political scientist and the founder of the university's John F. Kennedy School of Government.

LINKED TO HISTORY

His life was also intimately entwined with the history of Baltimore. He knew H.L. Mencken, who was a friend of Mr. Sondheim's father. His parents were married a week before the Great Baltimore Fire of 1904, which destroyed much of the downtown business district.

A droll and charming raconteur, Mr. Sondheim would recount for friends that when his parents returned from their honeymoon to the still-smoking Baltimore, his father told his mother that the fire of their love had engulfed the city.

But beyond the stories was a remarkable record of achievement in reshaping the city. Mr. Schaefer said the Science Center, Harborplace and Charles Center—among other projects—are "all monuments to Walter."

Through it all, Mr. Sondheim was self-effacing, often protesting his aversion to the spotlight. "I'm not sure how I've gotten involved in the variety of things referred to here today," he said in 1975 when the Advertising Club of Baltimore gave him its Man of the Year Award. "One factor, of course, is just being around for so many years. My good, long-suffering, strangely faithful wife is clear about the fact that I'm just weak-kneed and haven't the courage to say 'no.'

"Personally, I lean to the theory, expressed by a friend of mine, that there are some jobs only a damned fool will do, and if you're one, you have an obligation to accept such an assignment when it's offered to you."

People who knew Mr. Sondheim dismissed such talk.

He was a man of great affability who, until the end, delighted in juicy gossip and laughter."

Everybody wanted him at their parties," Mr. Cardin said. "You don't get many people in their late 90s that everybody wants to be around. He was one of a kind."

Freeman A. Hrabowski III, president of the University of Maryland, Baltimore County and a longtime close friend, said he was thinking back Thursday to something Mr. Sondheim told him 20 years ago.

"He said, 'Freeman , live life seriously, but don't take it seriously. You do your best, and then you laugh,' and that was Walter," Mr. Hrabowski said.

Mr. Sondheim performed a vital role as a link between the region's businessmen and William Donald Schaefer when he was a city councilman, mayor, governor and later state comptroller.

The two men met when a young Mr. Schaefer chaired a City Council committee on urban renewal.

"He would walk into the City Council, and it was like the Lord walked in," Mr. Schaefer said. "You would never think of challenging Walter."

State Treasurer Nancy K. Kopp said that while Mr. Sondheim deeply admired Mr. Schaefer, he never hesitated to speak his mind to the mercurial politician.

"He was never reluctant to tell Schaefer he was making mistakes," Ms. Kopp said.

C. Fraser Smith, a former Sun reporter who wrote a biography of Mr. Schaefer, described an incident in which the two men were flying to Germany to receive an honor on behalf of the city.

Mr. Sondheim, the story goes, took advantage of the opportunity to admonish the mayor over his gruff treatment of people. Why are you so mean to people? Mr. Sondheim asked. After stewing a long time, Mr. Schaefer demanded to know whom he had treated badly.

"Why don't you look in the phone book?" Mr. Sondheim replied.

Once pressed to explain his skills in dealing with people, Mr. Sondheim allowed that he possessed an ability to listen to others, the patience to find a workable compromise when confronted with controversial points of view, and the gift of being able to put himself in someone else's position.

He then added: "Liking people is not as important as understanding people. This is a skill that is not born; it's trained. You can't be judgmental about somebody with whom you don't agree."

Mr. Sondheim was born in his father's house on Bolton Street on July 25, 1908, an era of gaslights and streetcars. He recalled for a 2003 Sun article that the family passed summers in the cooler climate of a rented home in Pikesville. One summer, his father said he couldn't join the family; when they returned to Bolton Hill, they found that the elder Mr. Sondheim had spent the time having electric power installed.

Barred from some of the city's elite schools because he was Jewish, Mr. Sondheim attended Park School, becoming a member of one of its first classes. He went on to Haverford College in Pennsylvania, from which he graduated in 1929, and went to work for the Hochschild, Kohn department store, where his father worked. Mr. Sondheim would later chalk up his job to "nepotism."

In 1934, he married Janet Blum of Berkeley, Calif., who had been a dancer with the Denishawn Company. He had proposed to her in a speakeasy. They had two children, John W. Sondheim and Ellen Dankert, both of Baltimore.

Mrs. Sondheim, who later became a teacher, died in 1992. Mr. Sondheim's death came on what would have been their 73rd wedding anniversary.

Even at a young age, Mr. Sondheim was interested in race relations at a time when few white Baltimoreans questioned segregation as a bedrock principle. He served on the board of the Baltimore Urban League during the 1930s.

"It was really a segregated city," Mr. Sondheim recalled in a 1995 interview. "I worked at Hochschild, Kohn's. We waited on African-Americans but on an all-sales-final basis. People couldn't return things, they couldn't eat in the restaurants, and they were only employed in menial capacities. The fact that blacks were not treated as full citizens as customers was a major issue with both the Urban League and the NAACP."

Mr. Sondheim said he worked within the company to change the practice. "I was terribly unhappy and embarrassed," he said during a 2003 trial in which he testified about the history of discrimination in Baltimore.

Nevertheless, Mr. Sondheim rose to the position of store manager at Hochschild's and held that post for five years until, in 1942, he was appointed director of the United States Employment Service for Maryland, an agency responsible for transferring people from nonessential jobs to war work.

The following year, he joined the Navy and was commissioned a lieutenant. He was stationed in Cleveland and, when asked about his war service, loved to say he had protected the Great Lakes from Axis invasion. He served until 1946. With the war over, he returned to Hochschild, Kohn.

Mr. Sondheim's name and reputation came to the attention of Mayor Thomas D'Alesandro Jr. in 1948 when he was looking for someone to fill a vacancy in what was then considered "the Jewish seat" on the school board. Mr. Sondheim accepted the job and served on the board for the next nine years.

Though Mr. Sondheim seldom dwelled on the discrimination he personally encountered, he took the appointment at a time when anti-Semitism was pervasive in the United States in general and Baltimore in particular.

In the 2003 discrimination trial at which he testified, Mr. Sondheim recounted that his family was once blocked from buying a house in Roland Park when the seller found out the Sondheims were Jewish. He also testified that the elite downtown clubs that served the business establishment also barred Jews—a barrier that led to the formation of the Center Club. But when some organizers of that club proposed that it exclude blacks, Mr. Sondheim and several others withdrew their applications. The rule was dropped.

FATEFUL DECISION

It was while Mr. Sondheim was president of the school board that the city decided in May 1954 to desegregate its schools in response to the Supreme Court's decision.

Baltimore became the first school district south of the Mason-Dixon line to respond to the Supreme Court's unanimous, landmark ruling outlawing "separate but equal" education for blacks and whites.

Integration here was accomplished with relatively little tension compared with events in other cities, and the process was hailed as a signal achievement at the time.

But it did not come entirely without resistance. On one occasion, an opponent of desegregation burned a cross on Mr. Sondheim's Windsor Hills lawn. But Mr. Sondheim would play down the incident, telling friends that the cross was puny and the fire hardly got started.

"He wouldn't back off," Mr. Schaefer said. "He wouldn't step aside. He wouldn't do anything except what was right."

In 1958, Morgan State awarded Mr. Sondheim an honorary degree. He accepted his honor alongside the Rev. Martin Luther King Jr., who received the same honor from the school that day, according to state archivist Edward C. Papenfuse Jr.

Nevertheless, Mr. Sondheim declined to count school desegregation as one of his achievements—noting that 50 years later most African-American students attend schools that are almost entirely black. He would tell listeners that while he and others desegregated the schools, they didn't succeed in integrating them.

Mr. Sondheim's next major task in the life of the city came in 1957 when he was named head of the newly created Baltimore Urban Renewal and Housing Authority, which brought together a number of agencies charged with handling the city's public housing program.

He said he had no advanced knowledge of public housing—other than having lived with Mrs. Sondheim and their children in a Cleveland public housing project when he was in the Navy—but he started to learn.

The learning process coincided with the city's initial commitment to downtown renewal, spurred by the GBC, an organization of prominent citizens determined to prevent the area from deteriorating. In his role as housing authority chief and as a member of the GBC, he helped launch the first renewal project, Charles Center.

The year was 1963. His civic responsibilities, added to his work at the department store, overwhelmed him. He resigned as head of the housing authority to devote more time to retailing but remained involved in less demanding civic enterprises.

In 1970, Mr. Sondheim decided to take early retirement from the department store, where he had risen to the post of senior vice president and treasurer, and started a second career with the quasi-public Charles Center-Inner Harbor Management organization that was transforming the city's skyline and attracting national attention from urban planners.

The new post became a full-time job, but he also was called upon to serve as director of the Baltimore Urban Coalition, chairman of the board of Goucher College and a member, trustee or director of such organizations as Mercy and Sinai hospitals, the Baltimore Gas and Electric Co. and the Chesapeake & Potomac Telephone Co.

However, Mr. Sondheim decided in May 1989 to shed some of these responsibilities.

After 15 years as chairman of Charles Center-Inner Harbor Management, where he worked for $1 a year, he announced his resignation. At the same time, he stepped down as president of Charles Street Management Corp. and Market Center Development Corp., two agencies that helped direct development of other parts of downtown.

"I think that people can stay too long on some jobs," he said when announcing his retirement.

Soon he settled into an office at the GBC, where he took the title of senior adviser. His work ethic never flagged. When snow prompted other staff members to leave the office early, Mr. Sondheim, who lived nearby in a condominium at Harbor View, would take over the job of answering phones.

Asked once why he never joined in the white flight out of the city, Mr. Sondheim replied: "What I learned early on is cutting grass is not as good as walking pavement."

Two years after taking senior status at the GBC, Mr. Sondheim was appointed by Mr. Schaefer to chair a gubernatorial panel on school performance—a group that would become known as the Sondheim Commission. The group produced a report that became the blueprint for what would become known as the Maryland School Performance Assessment Program, or MSPAP.

The controversial test, with its heavy emphasis on writing skills, would be the state's chief educational measurement tool for a decade.

A FEELING OF AWE

While on senior status, Mr. Sondheim would continue to be sought out for advice by aspiring political leaders.

Former Gov. Parris N. Glendening said Mr. Sondheim was one of the first people he turned to for advice before launching his campaign for the State House. Then the Prince George's County executive, Mr. Glendening said he and Mr. Sondheim spoke for well over an hour about education and the condition of Baltimore. After his election as governor in 1994, Mr. Glendening said he frequently solicited Mr. Sondheim's views on "big picture" issues such as the city-state partnership in running Baltimore schools.

"I would talk with him and always come away with a feeling of awe," Mr. Glendening said.

In 1997, when he was 89, Mr. Sondheim was the central figure in a Wall Street Journal article about people who delayed retirement far beyond the age of Social Security eligibility.

The Page 1 article recounted how Mr. Sondheim sent a letter to his closest friends asking them to let him know—by anonymous note if they preferred—if he ever reached the point where it was time to stop coming to work.

Lainy Lebow-Sachs, former chief of staff to Mr. Schaefer and a longtime friend of Mr. Sondheim's, said none of his friends wrote such a reply. "Everybody ripped it up," she said.

Mr. O'Malley said Mr. Sondheim played a behind-the-scenes role in his 2004 standoff with Gov. Robert L. Ehrlich Jr. and state Superintendent Nancy S. Grasmick over the control of the city school system. The governor described Mr. Sondheim as performing "shuttle diplomacy" between City Hall and Mrs. Grasmick, a close friend of Mr. Sondheim who had aligned herself with Mr. Ehrlich in favor of increased state control.

"He tried very much to be a conciliator on that score and felt that it was very unhealthy for the progress of our kids that the school system wound up as a political football," Mr. O'Malley said. He added that Mr. Sondheim privately urged him to stick by his guns on the issue of local control.

Mr. Sondheim cut back on some activities in his final years. In 2001, he stepped down as president of the state school board, a post he had held since 1998. Two years later, he left the board after serving two terms as a member. Last year, he stepped down from the board of the Abell Foundation.

But he remained active in business and political activities well into his late 90s. In 2006, he recruited a group of prominent Baltimoreans who were interested in buying The Sun from Tribune Co. Until his death, he served on one board that ensures compliance with the state's open-meetings laws and another that runs the American Visionary Arts Museum.

As he advanced in years, Mr. Sondheim frequently joked about his age. Once, asked how he was doing, he replied: "OK, considering my antiquity."

Ms. Lebow-Sachs said Mr. Sondheim's longevity and vigor could not be attributed to a health regimen. "He ate anything he wanted, and he didn't exercise since 1921," she said.

Mr. Sondheim would continue to drive—but only during the day—until the week before his death, when he broke his ankle in an accident. It was after that injury that he would check into Mercy, where his final illness was diagnosed.

Ms. Lebow-Sachs and Mr. Schaefer recalled that every time Mr. Sondheim received an honor—and there were dozens—he would go on and on about how he didn't deserve it.

Mr. Schaefer said his friends' reaction was always: "For God's sake, Walter, cut that out!"

In 2005, when the University of Maryland, Baltimore County named its social sciences building after Mr. Sondheim and his late wife, he admonished school officials.

"You shouldn't name a building for people who are still alive," Mr. Sondheim—then 96—said at the dedication ceremony. "You never know what they'll do tomorrow."

In addition to his son and daughter, Mr. Sondheim is survived by two granddaughters and a great-granddaughter. He is also survived by a sister-in-law, Shirley Williams, a former member of Britain's Parliament and Mr. Neustadt's widow.●

HONORING GARY M. CLARK

● Mr. BURR. Mr. President, I wish to take this opportunity to honor the life of Caldwell County Sheriff Gary M. Clark, who died from cancer on February 2 at the age of 47. Sheriff Clark was an outstanding and dedicated public servant whose influence, knowledge, and achievements were widely known and highly regarded.

Sheriff Clark served the citizens of Caldwell County with honor and distinction for 27 years. He began his law enforcement career with the Lenoir Police Department, where he served for 22 years. He was first elected sheriff of Caldwell County in 2002 and reelected to a second term in November 2007.

Sheriff Clark loved serving the citizens of Caldwell County and dedicated his life to law enforcement. Additionally, he loved his family and was a dedicated husband and father. He was also a man of great faith.

Sheriff Clark is survived by his wife Kim Clark; two daughters, Megan Elaine Clark, 14, and Staci Michelle Clark, 11; his parents Stanley and Norma Clark; and a brother, Alan Clark.

I know my colleagues in the Senate join me in honoring the life of Sheriff Gary M. Clark and in offering condolences to his family, friends, and colleagues.●

COMMEMORATING THE SOUTH RIVER RURITAN CLUB

● Ms. MIKULSKI. Mr. President, I offer my congratulations to the South River Ruritan Club in Edgewater, MD, on their 50th anniversary.

The South River Ruritan Club, a community service organization, was chartered on March 13, 1957, and for 50 years has been providing much needed services to the citizens of Edgewater, Annapolis, and southern Maryland.

The Club, whose members are all volunteers, have contributed well in excess of half a million dollars in direct financial aid and countless hours of time, to numerous community service projects.

The club awards local students scholastic and vocational scholarships and provides assistance to local Scout troops, youth athletics, and other youth-related programs. They conduct an annual essay contest for fifth grade students and have sponsored students to the National Association of Student Council Conference and Exchange Student programs.

They contribute annually to the local fire and rescue departments, the Maryland and Anne Arundel County police departments, and support environmental programs, including efforts to protect the Chesapeake Bay.

Our Active Duty military, retired and disabled military, and veterans organizations also benefit from the volunteer efforts of the club. They have sent direct aid to our troops in Iraq and provide additional financial assistance through their military's morale and welfare assistance programs.

Their work also includes assistance in such areas as financial aid to needy families, victims of violent crimes, families displaced by catastrophes such as fires, and hurricanes, and assistance through Habitat for Humanity. They contribute annually to St. Jude Children's Research Hospital and Johns Hopkins Hospital Children's Center and they loan wheelchairs, walkers, and other medical assistance equipment to members of the community.

I congratulate the South River Ruritan Club on their wonderful record of community service over the last 50 years and wish them enormous success as they continue their commitment to improving their communities and supporting the families who live in and around them. This club and their membership, both past and present, have every reason to be proud of what they have accomplished.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–15. A resolution adopted by the Senate of the Legislature of the State of West Virginia relative to supporting the U.S. troops participating in the War on Terror; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 9

Whereas, the United States is at war against terrorists who would take our lives and property in the name of their extremist beliefs; and

Whereas, American troops are currently in harm's way defending American freedom in locations across the globe, including Iraq and Afghanistan; and

Whereas, many of those servicemen and women are West Virginian citizens or friends or relatives of West Virginian citizens; and

Whereas, leaders in Washington, D.C., should do all that is in their power to fund and support American soldiers, sailors, airmen and Marines, with special emphasis placed on providing adequate body armor for all military personnel in harm's way; therefore, be it

Resolved by the Senate: That the Senate hereby expresses its full support for United States troops participating in the War on Terror; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the Department of Defense, the Chairman of the Joint Chiefs of Staff, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and West Virginia's congressional delegation.

POM–16. A joint resolution adopted by the Legislature of the State of Maine relative to memorializing Congress to repeal the REAL ID Act of 2005; to the Committee on Homeland Security and Governmental Affairs.

JOINT RESOLUTION

Whereas, the federal REAL ID Act of 2005 mandates an unfunded national driver's license on the people of Maine and was passed as a rider on military spending bill; and

Whereas, implementation of the REAL ID Act of 2005 will cost Maine taxpayers approximately $185 million; and

Whereas, the REAL ID Act of 2005 national database will invite theft of identity and invasion of privacy; and

Whereas, the REAL ID Act of 2005 will impose inconveniences and higher taxes on Mainers with no attendant benefit such as protections from terrorism; now, therefore, be it

Resolved, That the Maine State Legislature refuses to implement the REAL ID Act of 2005, and we thereby protest the treatment by Congress and the President as agents of the Federal Government; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States repeal the REAL ID Act of 2005; and be it further

Resolved, That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable Michael Chertoff, Secretary of Homeland Security; the Honorable John E. Baldacci, Governor of the State of Maine; the Honorable Richard Cheney, President of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 385. A bill to improve the interoperability of emergency communications equipment (Rept. No. 110–30).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 509. A bill to provide improved aviation security, and for other purposes (Rept. No. 110–31).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 763. An original bill to provide the resources to protect public transportation from terrorism (Rept. No. 110–32).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 756. A bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 757. A bill to create a national set of effective voluntary national expectations for mathematics and science education in kindergarten through grade 12, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. REID):

S. 758. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Energy and Natural Resources.

By Mr. WEBB:

S. 759. A bill to prohibit the use of funds for military operations in Iran; to the Committee on Foreign Relations.

By Mr. SALAZAR:

S. 760. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. BINGAMAN, Mr. DOMENICI, Mr. INOUYE, Mr. STEVENS, Mr. KENNEDY, Mr. ENZI, Mr. LIEBERMAN, Mr. ENSIGN, Ms. MIKULSKI, Mr. ALEXANDER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. KERRY, Mr. SMITH, Mr. MENENDEZ, Mr. ROBERTS, Mr. SALAZAR, Mr. CORNYN, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. MARTINEZ, Mr. CARPER, Ms. MURKOWSKI, Mrs. CLINTON, Mr. CRAIG, Mr. KOHL, Mr. LUGAR, Mr. BROWN, Mr. VOINOVICH, Mr. ROCKEFELLER, Mr. WARNER, Ms. LANDRIEU, and Mr. OBAMA):

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

By Mr. GRASSLEY (for himself, Mr. MCCAIN, and Mr. DURBIN):

S. 762. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

By Mr. DODD:

S. 763. An original bill to provide the resources to protect public transportation from terrorism; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. NELSON of

Florida, Mr. KERRY, Mr. DURBIN, and Ms. CANTWELL):

S. 764. A bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. OBAMA, Ms. MURKOWSKI, and Ms. MIKULSKI):

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW)):

S. Res. 93. A resolution supporting the goals of "International Women's Day"; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. STEVENS, Mr. WARNER, and Ms. COLLINS):

S. Res. 94. A resolution honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department; considered and agreed to.

ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Florida (Mr. NELSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 320

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 320, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 369

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 369, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 402

At the request of Mrs. LINCOLN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 430

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Montana (Mr. TESTER), the Senator from Connecticut (Mr. DODD) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 481

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 481, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 505

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 546

At the request of Mr. CHAMBLISS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 546, a bill to amend title XXI of the Social Security Act to make available additional amounts to address funding shortfalls in the State Children's Health Insurance Program for fiscal year 2007.

S. 579

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Utah (Mr. HATCH), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. ISAKSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 634

At the request of Mr. DODD, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 649

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 649, a bill to require the Nuclear Regulatory Commission to conduct an independent safety assessment of the Indian Point Nuclear Power Plant.

S. 651

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mr. BURR) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 726

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 726, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 744

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 744, a bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 749

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 65

At the request of Mr. DODD, his name was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. Res. 65, supra.

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Res. 65, supra.

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. Res. 65, supra.

S. RES. 92

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 272 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 300

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 300 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 326

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 326 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 756. A bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes; to the Committee on Armed Services.

Mr. DODD. Mr. President, no one has worked harder or sacrificed more in the war on terrorism than our soldiers, sailors, airmen, and Marines.

Regrettably, they have been tested in unprecedented ways—with too few troops in our overall forces, our soldiers are rotating in and out of Iraq for year-long stretches. By the beginning of next year, members of the 3rd Infantry Division will have spent more time in Iraq than at home in a span of five years.

On top of the physical and psychological strains caused by these deployments, our troops are contending with grave equipment shortfalls and sparse resources to restock their supplies.

Congress and the American public were already informed that two-thirds of the Army's forces in the United States are "not ready" for combat duty, largely due to these equipment shortfalls.

But the situation for our National Guard is far worse. In a report submitted to Congress last Thursday by the Commission on the National Guard and Reserves, we learned that 88 percent of the National Guard has been classified as "not ready" for duty. Such a statistic seems earth-shattering to me—it should drive all of us in Congress to action immediately.

As my colleagues know, the National Guard operates under dual authorities: overseas, they become fully integrated into the U.S. Armed Forces, serving under the President in a variety of combat missions; at home, the National Guard serves under our States' governors, performing homeland security functions during local or statewide emergencies, such as storms, fires, earthquakes or civil disturbances.

For years now, however, the administration's foreign policies have actually endangered the Guard's abilities to perform either of these functions. Under orders by the administration, National Guard troops have been forced to leave their State's equipment in Iraq and Afghanistan for other troops rotating into combat theaters. Many of their military vehicles and aircraft are being worn down and destroyed in battle. But any critical equipment that may have survived is simply being transferred to other units coming into Iraq or Afghanistan.

This means that when the National Guard comes home, they are finding their stocks of equipment—ranging from humvees to night-vision goggles, generators and radios—cleaned out. So today, we face a frightening series of questions—what happens when the next Hurricane Katrina strikes? Who will help restore order? Who will help provide critical emergency response services? And what equipment will they use?

The National Guard Commission, led by former Senate Armed Services Committee Staff Director retired Marine General Arnold Punaro, lays out the problems in stark terms. Unless we address this situation immediately, we will jeopardize not only our troops' safety but our very nation's security.

That is why today I am introducing legislation to rebuild our National Guard and ensure that it can fully perform both its homeland security and national defense missions. According to the National Guard Bureau at the Pentagon, the President's budget is short $38 billion over the next five years. My bill would allocate funding according to the needs projected by National Guard Bureau Chief Lieutenant General H. Steven Blum.

Some may suggest that this is not an issue that can simply be fixed with more money. As in prior years, the Department of Defense may say that the defense industry simply just does not have adequate capacity to manufacture all of these new product orders. If that is the case, we will need to find ways to expand our nation's defense production. For that reason, my bill will also require the Defense Department to provide a plan for investing in industry to expand their manufacturing capacity.

This legislation will complement the Leahy-Bond Guard Empowerment Act of 2007, legislation that I have proudly cosponsored to elevate National Guard leadership at the Department of Defense so that it may better contribute to the formulation of key defense policies. But without the necessary resources, the National Guard will be unable to do its job. That is why my legislation is so important today.

These conclusions were further confirmed by a January 2007 Government Accountability Office (GAO) report which found that our National Guard's equipment inventories in the United States have decreased largely because of overseas operations. The GAO further found that as of November 2006, nondeployed Army National Guard forces nationwide only have 64 percent of the total amount of equipment they need.

Let me be clear about the reasons why my legislation is needed to lay out our budget for the next five years. While the administration's recent five-year budget projections have sought large increases for National Guard equipment, according to the National Guard Commission Report data, the administration and Republican-led Congresses have repeatedly failed to follow through on such requirements.

According to the Commission, funding from 1999–2005 has been reduced significantly from the amounts identified several years earlier. For example, when the administration's first five-year budget was submitted to Congress, it showed that the Army planned to fund $1.346 billion in Fiscal Year 2004 for Army National Guard procurement. But in reality, the Army Guard actually had only $578.4 million to spend that year. Similarly, the Fiscal Year 2005 budget was initially projected to be $1.625 billion for the Army National Guard. But when it came time to allocate the funding, the Administration and their Congressional allies could only come up with $660.9 million for Army National Guard procurement.

Indeed, while our troops have given their all on the battlefield, the administration and United States Congress have not held up their end of the bargain. We owe it to our troops to do all that we can to promote their wellbeing—whether providing appropriate care at our military and VA hospitals or providing the military equipment they need to complete their missions safely and effectively.

Regrettably, the sad and simple fact is that the administration has repeatedly come up short in this regard. And these failures are having devastating consequences, not only for our troops but for our Nation's very defense and homeland security.

This situation is not new. I have come to the floor to try to address lacking resources for our military's essential equipment needs from the very first year of the Iraq war. In 2003, the Army identified $322 million in shortfalls in critical health and safety gear—ranging from body armor, camelback hydration systems, and combat helmets to equipment for deactivating high-explosives—all priorities that the Rumsfeld Pentagon and Bush administration failed to provide for in their initial budgets. I offered an amendment to the Emergency Appropriations bill to resolve these problems. Unfortunately, the Bush administration opposed this legislation, and the amendment was defeated along party lines.

In 2004, we tried a different approach—requiring the Department of

Defense to reimburse military personnel who bought equipment for military service in Iraq and Afghanistan that the Rumsfeld Pentagon had failed to provide. This time, despite ardent objections of Secretary Rumsfeld's Pentagon, Congress approved the legislation. And in October 2004, President Bush signed the bill into law. We approved similar legislation in 2005 to further extend this benefit as troops, their families, and their communities continued to dig into their own pockets to buy needed lifesaving equipment for use on the battlefield.

But last year, the difficulties associated with equipment shortfalls posed a far more serious problem. Working with Senators INOUYE, REED and STEVENS, I offered an amendment to address a $17 billion budget shortfall to replace and repair thousands of war battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

If Congress and the administration do not finally heed the warnings of the U.S. military's top generals, and fully fund our equipment needs, the Armed Forces' ability to respond to future challenges to America's national security—whether on the Korean Peninsula, the Middle East, or elsewhere in the world—could be harmed.

Moreover, if we do not take the findings of the independent National Guard Commission seriously, and fully address the equipment shortfalls of our Citizen Soldiers here at home, I am afraid we will further erode our states' most pressing emergency response capabilities.

For the last six years, our troops have unconditionally served in Afghanistan, battling Al Qaeda and Taliban forces. And for four years, they have bravely followed orders into Iraq, despite the administration's ill-defined objectives and faulty intelligence.

Our troops have served with characteristic honor, dedication, and skill. It is high time that we meet our commitments to them—and give them the mission-critical gear they need to get their jobs done. I strongly urge my colleagues to support my legislation.

By Mrs. CLINTON:

S. 757. A bill to create a national set of effective voluntary national expectations for mathematics and science education in kindergarten through grade 12, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce legislation to help ensure that American students are competitive in today's global economy. If approved, The National Mathematics and Science Consistency Act would ensure that America's children have access to a rigorous math and science education.

The reality is that modern technology makes it increasingly possible for employers to hire the most skilled workers wherever they live. Additionally, too many American students—even some graduates of high school and college—are not equipped with the skills they need to compete successfully in the global economy. That is why I am reintroducing the Mathematics and Science Consistency Act.

This legislation calls for the National Academy of Sciences (NAS) to convene a national panel of experts to collect proven effective K–12 science and mathematics teaching standards and materials to serve as promising practices. Under this bill, it is entirely up to states whether to adopt these promising practices. States that do so, however, would be eligible for grants to acquire instructional materials, to make those materials available online to teachers and staff for free, and to train teachers to effectively use these materials. These promising practices would provide effective standards for K–12 education.

Regrettably, many States have set standards for math and science education at an abysmally low level. A Fordham Institute report entitled "The State of State Science Standards 2006" deemed the average grade for State standards across all subjects as a "C-minus," while two-thirds of our K–12 students attend schools in States with C-, D-, or F-rated standards. The result of low State standards is that States think their students are demonstrating proficiency in math and science when in fact they are not.

For example, a recent Trends in International Mathematics and Science Study, the largest and most comprehensive comparative international study of education, found that 12th graders in the U.S. ranked 21st out of 40 industrialized nations on general math and science knowledge. In addition, just one in three of America's college graduates earn degrees in math, science, and engineering while two in three college graduates of other countries do so. We must act now to improve education and research in math and science if America is to retain leadership of the global economy in the 21st century.

The Mathematics and Science Consistency Act will help States to raise their standards, invest in high-quality teaching through the collection of best practices, and ensure that a world-class curriculum is available to all students. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mr. WEBB:

S. 759. A bill to prohibit the use of funds for military operations in Iran; to the Committee on Foreign Relations.

Mr. WEBB. Mr. President, I rise today to introduce legislation that will prohibit the use of funds for military operations in Iran without congressional authorization. The purpose of this legislation is to restore a proper balance between the executive and legislative branches when it comes to the commencement of military activities.

I have taken great care in the preparation of this bill to ensure it will not in any way prevent our military forces from carrying out their tactical responsibilities in places such as Iraq and in the international waters off of Iran's coast.

I want to put up a chart. These are the exceptions that are clearly outlined in this bill: The legislation allows American forces to directly respond to attacks or possible attacks that might be initiated from Iran as well as those that might be begun elsewhere and then carry over into Iranian territory; the so-called hot pursuit exception. I have also excluded operations relating to intelligence gathering.

The major function of this legislation is to prevent this administration from commencing unprovoked military activities against Iran without the approval of the Congress. The legislation accomplishes this goal through the proper constitutional process of prohibiting all funding for such an endeavor.

Unlike the current situation in Iraq, where cutting off funds might impede or interrupt ongoing operations, this legislation denies funding that would be necessary to begin such operations against Iran in the first place.

In the past 2 weeks, we have seen a fresh willingness on the part of this administration to pursue new approaches for a regional settlement that will eventually allow the United States to withdraw our forces from Iraq and also increase stability in the Middle East. I commend Secretary of State Rice and Secretary of Defense Gates for their efforts in bringing about what seems to be the beginning of a clear and much needed course correction.

It is particularly significant that Iran and Syria have been invited to participate and that the United States will join in the upcoming regional meetings regarding Iraq. These upcoming meetings will offer many different countries the opportunity to address legitimate concerns and to emphasize mutual interests. I am hopeful it will open the door for a different kind of dialogue with Iran.

Despite its newfound level of influence in Iraq, it is not in Iran's best interest to see Iraq disintegrate into anarchy. Iran also has challenges with its own sectarian groups, not the least of which are the Kurds. Al-Qaida represents a threat to Iran as well, and it is not in Iran's interest to see this terrorist movement gain even more power. Free and open access to the Strait of Hormuz also is vital to Iran's economy given its overwhelming reliance on oil exports.

As this regional conference approaches, the rhetoric with respect to possible Iranian activities inside Iraq continues, and the increases to our naval and missile defense presence in the gulf remain. The administration's past failure to engage with Iran diplomatically in a meaningful way, coupled with what Iran could perceive as preparations for a military strike, creates a potent brew that easily could lead to miscalculation on both sides.

The 1988 incident with the USS *Vincennes* comes to mind, when an overly aggressive commanding officer, operating inside Iranian territorial waters, according to a subsequent admission by Joint Chiefs of Staff Chairman Admiral Crowe, shot down commercial passenger aircraft Iran Air Flight 655.

These circumstances—the stated desire of many connected to this administration to invade Iran, the saber-rattling rhetoric, the strategic miscalculations in Iraq—call for this Congress to formalize an historic mandate that in recent years seems to have been lost to the public's understanding. Quite simply, it is the constitutional obligation of the administration to obtain congressional approval in order to commence military action against another country, except under very limited circumstances. This is the very process our Founding Fathers envisioned.

In fact, the records from the Constitutional Convention in August 1787 make this abundantly clear. There was much debate during this convention regarding how much authority should be in the hands of the President with respect to actually initiating military action. The Convention's participants carefully decided the President should not be given the power to decide with whom this Nation should go to war or to undertake aggressive actions without the consent of Congress. The President's powers to initiate military action were to be for the purpose of repelling sudden attacks—and this is the language I have used in this legislation.

As Constitutional Convention delegate James Wilson explained to the Pennsylvania ratifying convention:

> This system will not hurry us into war, it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress.

To state the obvious, Iran is not Iraq. The President has no authority to begin unilateral military operations against Iran. In this regard, I strongly urge my colleagues to consider that the issue before us is not simply policies with respect to Iran but the proper procedures with respect to how we as a government lead the United States.

This is far less a matter of possible differences between Republicans and Democrats than it is our mutual concern for protecting the rightful place of the legislative branch in determining the interests of the country and the possible consequences of further military action. In this regard, I point out that the principal sponsor of similar legislation in the other body is Congressman WALTER JONES, a Republican, from North Carolina.

On the one hand, the administration assures us it has no intention of launching military operations against Iran. On the other, the administration tells us all options remain on the table, at a time when our military buildup in the region continues to grow rapidly. While we see encouraging diplomatic initiatives with respect to Iraq, it is important that we clarify formally the perimeter of our immediate military interests in the Middle East.

It is time we move forward to end our military involvement in Iraq, and the path to doing so is not to widen the war into Iran. Proper robust diplomacy will enable us to bring greater stability to the region, to remove the American military from Iraq, to increase our ability to defeat the forces of international terrorism, and, finally, to focus on the true strategic challenges that face us around the world.

I hope my colleagues will take note of the news articles today in the media around the world that show China again has increased its defense budget by double digits last year to the tune of 18 percent. These are strategic challenges the United States is ignoring at its peril as it remains paralyzed in the Middle East.

I believe the American people will welcome this legislation. This administration has used force recklessly, choosing the military option again and again, while never matching the quality of our military's performance with robust, creative diplomacy. Furthermore, the President's signing statement accompanying the 2002 congressional resolution authorizing the use of force in Iraq indicates that this administration believes it possesses the broadest imaginable authority to commence military action without the consent of the Congress.

In signing that 2002 Iraq resolution, the President denied that the Congress has the power to affect his decisions when it comes to the use of our military. He shrugged off this resolution, stating that on the question of a threat posed by Iraq, his views and those of the Congress merely happen to be the same. He characterized the resolution as simply a gesture of additional support rather than as having any legitimate authority. He stated, and I think it is worth noting:

> My signing this resolution does not constitute any change in the President's constitutional authority to use force to deter, prevent, or respond to aggression or other threats to the United States interests.

This is a sweeping assertion of powers that leaves out virtually nothing. It is a far different matter than repelling an immediate attack or conducting a war that has been authorized by the Congress. Let us match up a couple of those words. The President is saying, for instance, he possesses the authority to use force to deter threats to U.S. interests. How does one use force to deter a threat rather than responding to it? What kind of U.S. interest is worthy of the use of force? Most importantly, how do these vague terms fit into the historically accepted notions of a Commander in Chief's power to repel attacks or to conduct military operations once they have been approved by the Congress?

During our recent hearings in the Senate Committee on Foreign Relations, I asked both the Secretary of State, and the Deputy Secretary of State during his confirmation hearings, for a clarification of this paragraph. My question was whether this administration believes it has the authority to conduct unilateral military operations against Iran in the absence of a direct attack or a compelling immediate threat, without the consent of the Congress. Both wrote me lengthy letters in reply but neither could give me a clear response.

The situation we now face is that the administration repeatedly states it seeks no war with Iran at the same time it claims the authority to begin one, and at the same time it continues a military buildup in the region. The legislation I introduce today is intended to clarify this ambiguity. In so doing, the Congress will be properly restating its constitutional relationship with the executive branch, the Congress will be reinstituting its historical role as it relates to the conduct of foreign policy, and the Congress will be reassuring the American people that there will be no more shooting from the hip when it comes to the gravely serious question of when we send our military people into harm's way.

I emphasize that this bill will not take any military operations off the table nor will it tie the hands of the administration if our military forces are actually attacked from Iranian soil or its territorial waters or by forces that retreat into Iranian territory. Nor does this legislation let Iran off the hook in terms of our insistence that Iran become a more responsible nation, including our positions regarding Iran's nuclear program and Iran's recognition of Israel's right to exist.

I was one of the early voices warning that in terms of national security Iran was a far greater threat than Iraq. This was one of the reasons I opposed the invasion of Iraq in the first place. All of the options regarding Iran remain on the table. The question is in what context these options should be debated, alongside other options designed to eventually open Iran and bring it responsibly into the world community. In my view, and in terms of the constitutional process, absent a direct attack or a clearly imminent threat, the place for that debate is here in the open forum of the Congress and not in some closed-door meeting at the White House.

It is my hope we can take up this necessary legislation either in the format in which I have introduced it today or as an amendment to the 2007 supplemental appropriations bill, which we will consider in the next few weeks. I look forward to working with my colleagues on both sides of the aisle, and I would welcome their support.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. BINGAMAN, Mr. DOMENICI, Mr. INOUYE, Mr. STEVENS, Mr. KENNEDY, Mr. ENZI, Mr. LIEBERMAN, Mr. ENSIGN, Ms. MIKULSKI, Mr. ALEXANDER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. KERRY, Mr. SMITH, Mr. MENENDEZ, Mr. ROBERTS, Mr. SALAZAR, Mr. CORNYN, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. MARTINEZ, Mr. CARPER, Ms. MURKOWSKI, Mrs. CLINTON, Mr. CRAIG, Mr. KOHL, Mr. LUGAR, Mr. BROWN, Mr. VOINOVICH, Mr. ROCKEFELLER, Mr. WARNER, Ms. LANDRIEU, and Mr. OBAMA):

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America COMPETES Act" or the "America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Commerce and Science.
(2) DIVISION B.—Department of Energy.
(3) DIVISION C.—Education.
(4) DIVISION D.—National Science Foundation.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—COMMERCE AND SCIENCE

Sec. 1001. Short title.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

Sec. 1101. National Science and Technology Summit.
Sec. 1102. Study on barriers to innovation.
Sec. 1103. National Innovation Medal.
Sec. 1104. Release of scientific research results.
Sec. 1105. Semiannual Science, Technology, Engineering, and Mathematics Days.
Sec. 1106. Study of service science.

TITLE II—INNOVATION PROMOTION

Sec. 1201. President's Council on Innovation and Competitiveness.
Sec. 1202. Innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 1301. NASA's contribution to innovation.
Sec. 1302. Aeronautics Institute for Research.
Sec. 1303. Basic research enhancement.
Sec. 1304. Aging workforce issues program.
Sec. 1305. Conforming amendments.
Sec. 1306. Fiscal year 2008 basic science and research funding.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 1401. Authorization of appropriations.
Sec. 1402. Amendments to the Stevenson-Wydler Technology Innovation Act of 1980.
Sec. 1403. Innovation acceleration.
Sec. 1404. Manufacturing extension.
Sec. 1405. Experimental Program to Stimulate Competitive Technology.
Sec. 1406. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

Sec. 1501. Ocean and atmospheric research and development program.
Sec. 1502. NOAA ocean and atmospheric science education programs.

DIVISION B—DEPARTMENT OF ENERGY

Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Mathematics, science, and engineering education at the Department of Energy.
Sec. 2004. Department of Energy early-career research grants.
Sec. 2005. Advanced Research Projects Authority-Energy.
Sec. 2006. Authorization of appropriations for the Department of Energy for basic research.
Sec. 2007. Discovery science and engineering innovation institutes.
Sec. 2008. Protecting America's Competitive Edge (PACE) graduate fellowship program.
Sec. 2009. Title IX compliance.
Sec. 2010. High-risk, high-reward research.
Sec. 2011. Distinguished scientist program.

DIVISION C—EDUCATION

Sec. 3001. Findings.
Sec. 3002. Definitions.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

Sec. 3111. Purpose.
Sec. 3112. Definitions.
Sec. 3113. Programs for baccalaureate degrees in mathematics, science, engineering, or critical foreign languages, with concurrent teacher certification.
Sec. 3114. Programs for master's degrees in mathematics, science, or critical foreign languages education.
Sec. 3115. General provisions.
Sec. 3116. Authorization of appropriations.

Subtitle B—Advanced Placement and International Baccalaureate Programs

Sec. 3121. Purpose.
Sec. 3122. Definitions.
Sec. 3123. Advanced Placement and International Baccalaureate programs.

TITLE II—MATH NOW

Sec. 3201. Math Now for elementary school and middle school students program.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

Sec. 3301. Findings and purpose.
Sec. 3302. Definitions.
Sec. 3303. Program authorized.
Sec. 3304. Authorization of appropriations.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Sec. 3401. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P–16 education data systems.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Sec. 4001. Authorization of appropriations.
Sec. 4002. Strengthening of education and human resources directorate through equitable distribution of new funds.
Sec. 4003. Graduate fellowships and graduate traineeships.
Sec. 4004. Professional science master's degree programs.
Sec. 4005. Increased support for science education through the National Science Foundation.
Sec. 4006. Meeting critical national science needs.
Sec. 4007. Reaffirmation of the merit-review process of the National Science Foundation.
Sec. 4008. Experimental Program to Stimulate Competitive Research.
Sec. 4009. Encouraging participation.
Sec. 4010. Cyberinfrastructure.
Sec. 4011. Federal information and communications technology research.
Sec. 4012. Robert Noyce Teacher Scholarship Program.
Sec. 4013. Sense of the Senate regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.
Sec. 4014. National Science Foundation teacher institutes for the 21st century.

DIVISION A—COMMERCE AND SCIENCE

SEC. 1001. SHORT TITLE.

This division may be cited as the "American Innovation and Competitiveness Act".

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1101. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science and technology enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the Summit, the President shall issue a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations for areas of investment for Federal research and technology programs to be carried out during the 5-year period beginning on the date the report is issued.

(c) ANNUAL EVALUATION.—Beginning in 2008, the Director of the Office of Science and Technology Policy shall publish and submit to Congress an annual report that contains recommendations for areas of investment for Federal research and technology programs, including a justification for each area identified in the report. Each report submitted during the 5-year period beginning on the date of the conclusion of the Summit shall take into account any recommendations made by the Summit.

SEC. 1102. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors;

(5) costs faced by United States businesses engaging in innovation compared to foreign competitors, including the burden placed on businesses by high and rising health care costs;

(6) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies;

(7) means to encourage new, open, and collaborative dialogue between industry associations, regulatory authorities, management, shareholders, labor, and other concerned interests to encourage appropriate approaches to innovation risk-taking;

(8) incentives to encourage participation among institutions of higher education, especially those in rural and underserved areas, to engage in innovation;

(9) relevant Federal regulations that may discourage or encourage innovation;

(10) the extent to which Federal funding promotes or hinders innovation; and

(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading;

(B) the rate of student entrance into institutions of higher education by type of institution, and barriers to access to institutions of higher education;

(C) the rates of—

(i) students successfully completing postsecondary education programs; and

(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics; and

(D) access to, and availability of, high quality job training programs.

(b) REPORT REQUIRED.—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into such contract, the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences $1,000,000 for fiscal year 2008 for the purpose of carrying out the study required under this section.

SEC. 1103. NATIONAL INNOVATION MEDAL.

Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711) is amended—

(1) by striking the section heading and inserting "**SEC. 16. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.**"; and

(2) in subsection (a), by striking "Technology Medal" and inserting "Technology and Innovation Medal".

SEC. 1104. RELEASE OF SCIENTIFIC RESEARCH RESULTS.

(a) PRINCIPLES.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the "Bayh-Dole Act").

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall ensure that all civilian Federal agencies that conduct scientific research develop specific policies and procedures regarding the public release of data and results of research conducted by a scientist employed by such an agency consistent with the principles established under subsection (a). Such polices and procedures shall—

(1) specifically address what is and what is not permitted or recommended under such policies and procedures;

(2) be specifically designed for each such agency;

(3) be applied uniformly throughout each such agency; and

(4) be widely communicated and readily accessible to all employees of each such agency and the public.

SEC. 1105. SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.

It is the sense of Congress that the Director of the Office of Science and Technology Policy should—

(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields (including continuing education and career paths);

(2) initiate a program, in consultation with Federal agencies and departments, to provide support systems, tools (from existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical responsibilities to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on real life science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and direct applications of studying the science, technology, engineering, and mathematics fields; and

(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1106. STUDY OF SERVICE SCIENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.

(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, through the National Academy of Sciences, shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the emerging management and learning discipline known as service science.

(c) OUTSIDE RESOURCES.—In conducting the study under subsection (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), leaders from corporations, and other relevant parties.

(d) SERVICE SCIENCE DEFINED.—In this section, the term "service science" means curricula, training, and research programs that are designed to teach individuals to apply scientific, engineering, and management disciplines that integrate elements of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE II—INNOVATION PROMOTION

SEC. 1201. PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS.

(a) In General.—The President shall establish a President's Council on Innovation and Competitiveness.

(b) Duties.—The Council's duties shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

(c) Membership and Coordination.—

(1) Membership.—The Council shall be composed of the Secretary or head of each of the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Education.

(D) The Department of Energy.

(E) The Department of Health and Human Services.

(F) The Department of Homeland Security.

(G) The Department of Labor.

(H) The Department of the Treasury.

(I) The National Aeronautics and Space Administration.

(J) The Securities and Exchange Commission.

(K) The National Science Foundation.

(L) The Office of the United States Trade Representative.

(M) The Office of Management and Budget.

(N) The Office of Science and Technology Policy.

(O) The Environmental Protection Agency.

(P) Any other department or agency designated by the President.

(2) Chairperson.—The Secretary of Commerce shall serve as Chairperson of the Council.

(3) Coordination.—The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

(4) Meetings.—The Council shall meet on a semi-annual basis at the call of the Chairperson and the initial meeting of the Council shall occur not later than 6 months after the date of enactment of this Act.

(d) Development of Innovation Agenda.—

(1) In general.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

(2) Contents.—The comprehensive agenda required by paragraph (1) shall include the following:

(A) An assessment of current strengths and weaknesses of the United States investment in research and development.

(B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation.

(C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal government, State governments, academia, and the private sector in the United States.

(3) Advisors.—

(A) Recommendation.—Not later than 30 days after the date of enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

(i) The private sector of the economy.

(ii) Labor.

(iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.

(iv) Scientific organizations.

(v) Academic organizations and other nongovernmental organizations working in the area of science or technology.

(B) Designation.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

(C) Requirement to consult.—The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) Initial submission and updates.—

(A) Initial submission.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

(B) Updates.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

(e) Technical Amendment.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended by striking "an" in the first sentence and inserting "a distinct".

(f) Optional Assignment.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1202. INNOVATION ACCELERATION RESEARCH.

(a) Program Established.—The President, through the head of each Federal research agency, shall establish a program, to be known as the Innovation Acceleration Research Program, to support and promote innovation in the United States through research projects that can yield results with far-ranging or wide-ranging implications but are considered too novel or span too diverse a range of disciplines to fare well in the traditional peer review process. Priority in the awarding of grants under this program shall be given to research projects that—

(1) meet fundamental technology or scientific challenges;

(2) involve multidisciplinary work; and

(3) involve a high degree of novelty.

(b) Departments and Agencies.—

(1) Funding goals.—The President shall ensure that it is the goal of each Executive agency (as defined in section 105 of title 5, United States Code) that finances research in science, mathematics, engineering, and technology to allocate approximately 8 percent of the agency's total annual research and development budget to funding research, including grants, under the Innovation Acceleration Research Program.

(2) Administration.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the head of each Executive agency participating in the Innovation Acceleration Research Program under paragraph (1) shall submit to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget a plan for implementing the research program within such Executive agency. An implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) Required metrics.—

(i) In general.—The head of each Executive agency submitting an implementation plan pursuant to subparagraph (A) shall include metrics upon which grant funding decisions will be made and metrics for assessing the success of the grants awarded.

(ii) Metrics for basic research.—The metrics developed under clause (i) to assess basic research programs shall assess management of the programs and shall not assess specific scientific outcomes of the research conducted by the programs.

(C) Grant duration and renewals.—

(i) In general.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(ii) Evaluation.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (B). In its evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) Publication of review.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) Failure to meet metrics.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) Renewal.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period of not more than 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology or scientific advance that requires a longer time frame to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

(vi) WAIVER.—The head of the Executive agency may authorize a waiver of the requirement of clauses (iv) and (v) related to satisfying metric requirements if he or she determines that the grant failed to meet a small number of metrics and the failure was not significant for the overall performance of the grant.

(c) DEFINITIONS.—In this section:

(1) FEDERAL RESEARCH AGENCY.—The term "Federal research agency" means a major organizational component of a department or agency of the Federal Government, or other establishment of the Federal Government operating with appropriated funds, that has as its primary purpose the performance of scientific research.

(2) MAJOR ORGANIZATIONAL COMPONENT.—The term "major organizational component", with respect to a department, agency, or other establishment of the Federal Government, means a component of the department, agency, or other establishment that is administered by an individual whose rate of basic pay is not less than the rate of basic pay payable under level V of the Executive Schedule under section 5316 of title 5, United States Code.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1301. NASA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Aeronautics and Space Administration shall build on the historic role of the National Aeronautics and Space Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs. It is the sense of Congress that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of such Act (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs and allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(D) Measurement of how each program improved student achievement, including with regard to challenging State achievement standards.

SEC. 1302. AERONAUTICS INSTITUTE FOR RESEARCH.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish within the Administration an Aeronautics Institute for Research for the purpose of managing the aeronautics research carried out by the Administration.

(2) DIRECTOR.—The Institute shall be headed by a Director with appropriate experience in aeronautics research and development.

(b) DUTIES.—The Institute shall implement the programs authorized under title IV of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16701 et seq.).

(c) COOPERATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Institute shall operate in conjunction with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Planning and Development Office established under the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 117 Stat. 2490).

(2) RESOURCES.—The Director of the Institute may accept assistance, staff, and funding from those Departments and other Federal agencies. Any such funding shall be in addition to funds authorized for aeronautics under the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155).

(3) OTHER COORDINATION.—The Director of the Institute may utilize the Next Generation Air Transportation Senior Policy Committee established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 49 U.S.C. 40101 note) to coordinate its programs with other Departments and agencies.

(d) PARTNERSHIPS.—In developing and carrying out its plans, the Institute shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

SEC. 1303. BASIC RESEARCH ENHANCEMENT.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and Secretary of Commerce shall, to the extent practicable, coordinate basic and fundamental research activities related to physical sciences, technology, engineering and mathematics.

(b) ESTABLISHMENT OF BASIC RESEARCH EXECUTIVE COUNCIL.—In order to ensure effective application of resources to basic science activity and to facilitate cooperative basic and fundamental research activities with other governmental organizations, the Administrator of the National Aeronautics and Space Administration shall establish within the Administration a Basic Research Executive Council to oversee the distribution and management of programs and resources engaged in support of basic research activity.

(c) MEMBERSHIP.—The membership of the Basic Research Executive Council shall consist of the most senior agency official representing each of the following areas of research:

(1) Space Science.

(2) Earth Science.

(3) Life and Microgravity Sciences.

(4) Aeronautical Research.

(d) LEADERSHIP.—The Basic Research Executive Council shall be chaired by an individual appointed for that purpose who shall have, as a minimum, a appropriate graduate degree in a recognizable discipline in the physical sciences, and appropriate experience in the conduct and management of basic research activity. The Chairman of the Council shall report directly to the Administrator of the National Aeronautics and Space Administration.

(e) SUPPORTING RESOURCES AND PERSONNEL.—The Chairman of the Basic Research Executive Council shall be provided with adequate administrative staff support to conduct the activity and functions of the Council.

(f) DUTIES.—The Basic Research Executive Council shall have, at minimum, the following duties:

(1) To establish criteria for the identification of research activity as basic in nature.

(2) To establish, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the National Academy of Sciences, the National Institutes of Health, and other appropriate external organizations, a prioritization of fundamental research activity to be conducted by the National Aeronautics and Space Administration, to be reviewed and updated on an annual basis, taking into consideration evolving national research priorities.

(3) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).

(4) To make recommendations to the Administrator of the National Aeronautics and Space Administration regarding adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under this section.

(5) To provide an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives outlining the activities of the Council during the preceding year and the status of basic research activity within the Administration. The initial such report, to serve as a baseline document, shall be provided within 90 days after the establishment and initial operations of the Council.

SEC. 1304. AGING WORKFORCE ISSUES PROGRAM.

It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration should implement a program to address aging work force issues in aerospace that—

(1) documents technical and management experiences before senior people leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. 1305. CONFORMING AMENDMENTS.

Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d)) is amended—

(1) by striking "and" after the semicolon in paragraph (2)(B);

(2) by striking "Act." in paragraph (2)(C) and inserting "Act; and";

(3) by adding at the end of paragraph (2) the following:

"(D) the number and content of science activities which are undertaken in support of science missions described in subparagraph (A), and the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission."; and

(4) by adding at the end of paragraph (3) the following:

"(H) How NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation, and in contributing to national scientific, technology, engineering and mathematics leadership.".

SEC. 1306. FISCAL YEAR 2008 BASIC SCIENCE AND RESEARCH FUNDING.

Notwithstanding any other provision of law, the Administrator of the National Aeronautics and Space Administration shall increase funding for basic science and research, including for the Explorer Program, for fiscal year 2008 by $160,000,000 by transferring such amount for such purpose from accounts of the National Aeronautics and Space Administration. The transfer shall be contingent upon the availability of unobligated balances to the National Aeronautics and Space Administration.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2008, $703,611,000, of which $115,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2009, $773,972,000, of which $120,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2010, $851,369,000, of which $125,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(4) for fiscal year 2011, $936,506,000, of which $130,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SEC. 1402. AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

(a) IN GENERAL.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Commerce for Technology.".

(2) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (11), respectively.

(3) REPEAL OF AUTHORIZATION.—Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3713(a)) is amended—

(A) in paragraph (1), by striking "sections 5, 11(g), and 16" and inserting "sections 11(g) and 16"; and

(B) in paragraph (2), by striking "$500,000 is authorized only for the purpose of carrying out the requirements of the Japanese technical literature program established under section 5(d) of this Act;".

(4) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(5) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 6(b)(4)(B)(v) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(b)(4)(B)(v)) is amended by striking "the Technology Administration of the Department of Commerce," and inserting "the National Institute of Standards and Technology,".

SEC. 1403. INNOVATION ACCELERATION.

(a) PROGRAM.—In order to implement section 1202 of this Act, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the "Standards and Technology Acceleration Research Program", to support and promote innovation in the United States through high-risk, high-reward research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) COMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward research, as identified by the Director.

(d) ANNUAL REPORT.—Each year the Director shall issue an annual report describing the program's activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

(e) ADMINISTRATIVE EXPENSES.—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) HIGH-RISK, HIGH-REWARD RESEARCH DEFINED.—In this section, the term "high-risk, high-reward research" means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 1404. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting "A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for one year, after which time the panel shall reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center." after "at declining levels.".

(b) FEDERAL SHARE.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by striking subsection (d) and inserting the following:

"(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds from the private sector, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).".

SEC. 1405. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institutes of Standards and Technology shall re-establish the Experimental Program to Stimulate Competitive Technology. The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than a majority of the States have received.

(b) ARRANGEMENTS.—In carrying out the program, the Director shall cooperate with State, regional, or local science and technology-based economic development organization and with representatives of small business firms and other appropriate technology-based businesses.

(c) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Director may make grants or enter into cooperative agreements to provide for—

(1) technology research and development;

(2) technology transfer from university research;

(3) technology deployment and diffusion; and

(4) the strengthening of technological and innovation capabilities through consortia comprised of—

(A) technology-based small business firms;

(B) industries and emerging companies;

(C) institutions of higher education including community colleges; and

(D) State and local development agencies and entities.

(d) Requirements for Making Awards.—

(1) In general.—In making awards under this section, the Director shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award, giving special emphasis to those projects which will increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and underrepresented groups in science and technology.

(2) Matching requirement.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 50 percent of the cost of those activities.

(e) Criteria for States.—The Director shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

(f) Coordination.—To the extent practicable, in carrying out this subsection, the Director shall coordinate the program with other programs of the Department of Commerce.

(g) Report.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Director shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this subsection.

(2) Requirements for report.—The report required by this subsection shall contain—

(A) a description of the structure and procedures of the program;

(B) a management plan for the program;

(C) a description of the merit-based review process to be used in the program;

(D) milestones for the evaluation of activities to be assisted under the program in fiscal year 2008;

(E) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

(F) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.

SEC. 1406. TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS.

(a) Research Fellowships.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by striking "up to 1 per centum of the" in the first sentence.

(b) Financial Agreements.—

(1) Clarification.—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting "and grants and cooperative agreements," after "arrangements,".

(2) Memberships.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by striking "and" after the semicolon in paragraph (21);

(B) by redesignating paragraph (22) as paragraph (23); and

(C) by inserting after paragraph (21) the following:

"(22) notwithstanding subsection (b)(4) of this section, sections 6301 through 6308 of title 31, United States Code (commonly known as the 'Grants and Cooperative Agreements Act'), sections 3551 through 3556 of such title (commonly known as the 'Competition in Contracting Act'), and the Federal Acquisition Regulations set forth in title 48, Code of Federal Regulations, to expend appropriated funds for National Institute of Standards and Technology memberships in scientific organizations, registration fees for attendance at conferences, and sponsorship of conferences in furtherance of technology transfer; and".

(c) Working Capital Fund.—Section 12 of the National Institute of Standards and Development Act (15 U.S.C. 278b) is amended by adding at the end the following:

"(g) Amount and Source of Transfers.—Not to exceed one-quarter per centum of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.".

(d) Outdated Specifications.—

(1) Redefinition of metric system.—Section 2 of the Act of July 28, 1866, entitled "An Act to authorize the Use of the Metric System of Weights and Measures" (15 U.S.C. 205; 14 Stat. 339) is amended to read as follows:

"SEC. 2. METRIC SYSTEM DEFINED.

"The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.".

(2) Repeal of redundant and obsolete authority.—The Act of July 21, 1950, entitled, "An Act To redefine the units and establish the standards of electrical and photometric measurements of 1950" (15 U.S.C. 223) is hereby repealed.

(3) Idaho time zone.—Section 3 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 264) is amended—

(A) in the section heading, by striking "**third zone**" and inserting "**fourth zone**"; and

(B) by striking "third zone" and inserting "fourth zone".

(4) Standard time.—Section 1 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 261) is amended—

(A) by inserting "(a) In General.—" before "For the purpose";

(B) by striking the second sentence and the extra period after it and inserting "Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours."; and

(C) by adding at the end the following:

"(b) Coordinated Universal Time Defined.—In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.".

(e) Retention of Depreciation Surcharge.—Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting "(a) In General.—" before "Within"; and

(2) by adding at the end the following:

"(b) Retention of Fees.—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A–25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of National Institute of Standards and Technology's existing facilities.".

(f) Non-Energy Inventions Program.—Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 1501. OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

SEC. 1502. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) In General.—The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

(b) NOAA Science Education Plan.—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) Construction.—Nothing in this section may be construed to affect the application of section 438 of the General Education Provisions Act (20 U.S.C. 1232a) or sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d).

DIVISION B—DEPARTMENT OF ENERGY

SEC. 2001. SHORT TITLE.

This division may be cited as the "Protecting America's Competitive Edge Through Energy Act" or the "PACE-Energy Act".

SEC. 2002. DEFINITIONS.

In this division:

(1) Department.—The term "Department" means the Department of Energy.

(2) Institution of higher education.—The term "institution of higher education" has the meaning given in section 101(a) of the

Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) National laboratory.—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) Secretary.—The term "Secretary" means the Secretary of Energy, acting through the Under Secretary for Science appointed under section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)).

SEC. 2003. MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) Science Education Programs.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

"(b) Organization of Mathematics, Science, and Engineering Education Programs.—

"(1) Director of mathematics, science and engineering education.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (referred to in this subsection as the 'Under Secretary'), shall appoint a Director of Mathematics, Science, and Engineering Education (referred to in this subsection as the 'Director') with the principal responsibility for administering mathematics, science, and engineering education programs across all functions of the Department.

"(2) Qualifications.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary on all matters pertaining to mathematics, science, and engineering education at the Department.

"(3) Duties.—The Director shall—

"(A) oversee all mathematics, science, and engineering education programs of the Department;

"(B) represent the Department as the principal interagency liaison for all mathematics, science, and engineering education programs, unless otherwise represented by the Secretary or the Under Secretary;

"(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for mathematics, science, and engineering education programs of the Department;

"(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

"(E) perform other such matters related to mathematics, science, and engineering education as are required by the Secretary or the Under Secretary.

"(4) Staff and other resources.—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

"(5) Assessment.—

"(A) In general.—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the performance of the mathematics, science, and engineering education programs of the Department.

"(B) Considerations.—An assessment under this paragraph shall be conducted taking into consideration, where applicable, the effect of mathematics, science, and engineering education programs of the Department on student academic achievement in math and science.

"(6) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection."; and

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

"(d) Mathematics, Science, and Engineering Education Fund.—The Secretary shall establish a Mathematics, Science, and Engineering Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167.".

(b) Consultation.—The Secretary shall—

(1) consult with the Secretary of Education regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve mathematics and science education; and

(2) otherwise make available to the Secretary of Education reports associated with programs authorized under that section.

(c) Definition.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d) is amended by adding at the end the following:

"(5) National laboratory.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).".

(d) Mathematics, Science, and Engineering Education Programs.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by inserting after section 3162 the following:

"Subpart A—Science Education Enhancement";

(2) in section 3169, by striking "part" and inserting "subpart"; and

(3) by adding at the end the following:

"Subpart B—Mathematics, Science, and Engineering Education Programs

"SEC. 3170. DEFINITIONS.

"In this subpart:

"(1) Director.—The term 'Director' means the Director of Mathematics, Science, and Engineering Education.

"(2) National laboratory.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"CHAPTER 1—ASSISTANCE FOR SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE

"SEC. 3171. SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE.

"(a) Purpose.—The purpose of this section is to provide assistance to States to establish or expand public, statewide specialty secondary schools that provide comprehensive mathematics and science (including engineering) education to improve the academic achievement of students in mathematics and science.

"(b) Definition of Specialty School for Mathematics and Science.—In this chapter, the term 'specialty school for mathematics and science' means a public secondary school (including a school that provides residential services to students) that—

"(1) serves students residing in the State in which the school is located; and

"(2) offers to those students a high-quality, comprehensive mathematics and science (including engineering) curriculum designed to improve the academic achievement of students in mathematics and science.

"(c) Grants Authorized.—

"(1) In general.—From the amounts authorized under subsection (i), the Secretary, acting through the Director, shall award grants, on a competitive basis, to States in order to provide assistance to the States for the costs of establishing or expanding public, statewide specialty schools for mathematics and science.

"(2) Resources.—The Director shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

"(A) increase experiential, hands-on learning opportunities in mathematics and science for students attending such schools; and

"(B) provide ongoing professional development opportunities for teachers employed at such schools.

"(3) Assistance.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(A) assists teachers in teaching courses at the schools funded under this section;

"(B) uses National Laboratory scientific equipment in teaching the courses; and

"(C) uses distance education and other technologies to provide assistance described in subparagraphs (A) and (B) to schools funded under this section that are not located near the National Laboratories.

"(4) Restriction.—No State shall receive funding for more than 1 specialty school for mathematics and science for a fiscal year.

"(d) Federal and Non-Federal Shares.—

"(1) Federal share.—The Federal share of the costs described in subsection (c)(1) shall not exceed 50 percent.

"(2) Non-federal share.—The non-Federal share of the costs described in subsection (c)(1) shall be—

"(A) not less than 50 percent; and

"(B) provided from non-Federal sources, in cash or in kind, fairly evaluated, including services.

"(e) Application.—Each State desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require that describes—

"(1) the process by which and selection criteria with which the State will select and designate a school as a specialty school for mathematics and science in accordance with this section;

"(2) how the State will ensure that funds made available under this section are used to establish or expand a specialty school for mathematics and science—

"(A) in accordance with the activities described in subsection (g); and

"(B) that has the capacity to improve the academic achievement of all students in all core academic subjects, and particularly in mathematics and science;

"(3) how the State will measure the extent to which the school increases student academic achievement on State academic achievement standards in mathematics and science;

"(4) the curricula and materials to be used in the school;

"(5) the availability of funds from non-Federal sources for the non-Federal share of the costs of the activities authorized under this section; and

"(6) how the State will use technical assistance and support from the Department, including the National Laboratories, and other entities with experience and expertise in mathematics and science education, including institutions of higher education.

"(f) DISTRIBUTION.—In awarding grants under this section, the Director shall—

"(1) ensure a wide, equitable distribution among States that propose to serve students from urban and rural areas; and

"(2) provide equal consideration to States without National Laboratories.

"(g) USES OF FUNDS.—

"(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

"(A) employ proven strategies and methods for improving student learning and teaching in mathematics and science;

"(B) integrate into the curriculum of the school comprehensive mathematics and science education, including instruction and assessments that are aligned with the State's academic content and student academic achievement standards (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)), classroom management, professional development, parental involvement, and school management; and

"(C) provide high-quality and continuous teacher and staff professional development.

"(2) SPECIAL RULE.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement in mathematics and science.

"(h) EVALUATION AND REPORT.—

"(1) STATE EVALUATION AND REPORT.—

"(A) EVALUATION.—Each State that receives a grant under this section shall develop and carry out an evaluation and accountability plan for the activities funded through the grant that measures the impact of the activities, including measurable objectives for improved student academic achievement on State mathematics and science assessments.

"(B) REPORT.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

"(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the PACE–Energy Act, the Director shall submit a report to the appropriate committees of Congress detailing the impact of the activities assisted with funds made available under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $20,000,000 for fiscal year 2008;

"(2) $30,000,000 for fiscal year 2009;

"(3) $40,000,000 for fiscal year 2010; and

"(4) $50,000,000 for fiscal year 2011.

"CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

"SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

"(a) INTERNSHIPS AUTHORIZED.—

"(1) IN GENERAL.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

"(A) provide the students with internships at the National Laboratories; and

"(B) promote experiential, hands-on learning in mathematics or science.

"(2) RESIDENTIAL SERVICES.—The Director may provide residential services to students participating in the Internship authorized under this chapter.

"(b) SELECTION CRITERIA.—

"(1) IN GENERAL.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

"(2) PARTICIPATION.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

"(c) PRIORITY.—

"(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

"(A)(i) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

"(ii) that is designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

"(B) for which there is—

"(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach;

"(ii) a high teacher turnover rate; or

"(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

"(2) COORDINATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

"(d) OUTREACH AND EXPERIENTIAL-BASED PROGRAMS FOR MINORITY STUDENTS.—

"(1) IN GENERAL.—The Secretary, acting through the Director, in cooperation with Hispanic-serving institutions, historically Black colleges and universities, tribally controlled colleges and universities, Alaska Native- and Native Hawaiian-serving institutions, and other minority-serving institutions and nonprofit entities with substantial experience relating to outreach and experiential-based learning projects, shall establish outreach and experiential-based learning programs that will encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in math, science, and engineering.

"(2) COMMUNITY INVOLVEMENT.—The Secretary shall ensure that the programs established under paragraph (1) involve, to the maximum extent practicable—

"(A) participation by parents and educators; and

"(B) the establishment of partnerships with business organizations and appropriate Federal, State, and local agencies.

"(3) DISTRIBUTION.—The Secretary shall ensure that the programs established under paragraph (1) are located in diverse geographic regions of the United States, to the maximum extent practicable.

"(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

"CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION

"SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION.

"(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this chapter, the term 'high-need public secondary school' means a secondary school—

"(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537)); or

"(2) designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education.

"(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program to support a Center of Excellence in Mathematics and Science at 1 high-need public secondary school located in the region of the National Laboratory to provide assistance in accordance with subsection (f).

"(c) PARTNERSHIP.—Each high-need public secondary school selected as a Center of Excellence shall form a partnership with a department that provides training for teachers and principals at an institution of higher education for purposes of compliance with subsection (g).

"(d) SELECTION.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall establish criteria to guide the National Laboratories in selecting the sites of the Centers of Excellence.

"(2) PROCESS.—The National Laboratories shall select the sites of the Centers of Excellence through an open, widely publicized, and competitive process.

"(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

"(f) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(1) assists teachers in teaching courses at the Centers of Excellence in Mathematics and Science; and

"(2) uses National Laboratory scientific equipment in the teaching of the courses.

"(g) SPECIAL RULE.—Each Center of Excellence shall ensure—

"(1) provision of clinical practicum, student teaching, or internship experiences for math and science teacher candidates as part of its teacher preparation program;

"(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

"(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

"(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

"(i) PLAN.—The Director shall—

"(1) develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

"(2) disseminate information obtained from those measurements.

"(j) NO EFFECT ON SIMILAR PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this subpart at any National Laboratory under any other provision of law.

"CHAPTER 4—SUMMER INSTITUTES

"SEC. 3185. SUMMER INSTITUTES.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(A) the mathematics or science (including engineering) department at an institution of higher education, acting in coordination with a department at an institution of higher education that provides training for teachers and principals; or

"(B) a nonprofit entity with expertise in providing professional development for mathematics or science teachers.

"(2) SUMMER INSTITUTE.—The term 'summer institute' means an institute, conducted during the summer, that—

"(A) is conducted for a period of not less than 2 weeks;

"(B) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise; and

"(C) provides for follow-up training, during the academic year, that is conducted in the classroom.

"(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

"(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

"(2) PROGRAMS WITH ELIGIBLE PARTNERS.—

"(A) IN GENERAL.—The Secretary, acting through the Director, shall identify and provide assistance to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

"(B) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

"(i) assists in providing training to teachers at summer institutes; and

"(ii) uses National Laboratory scientific equipment in the training.

"(C) LIMITATION OF AMOUNT.—To carry out this paragraph, the Director may use not more than 50 percent of the amounts authorized under subsection (h) for a fiscal year.

"(c) REQUIRED ACTIVITIES.—Each program authorized under subsection (b) shall—

"(1) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge of such teachers;

"(2) include material pertaining to recent developments in mathematics and science pedagogy;

"(3) provide training on the use and integration of technology in the classroom;

"(4) directly relate to the curriculum and academic areas in which the teachers provide instruction;

"(5) enhance the ability of the teachers to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula;

"(6) train teachers to use curricula that are—

"(A) based on scientific research;

"(B) aligned with challenging State academic content standards; and

"(C) object-centered, experiment-oriented, and concept- and content-based;

"(7) provide professional development activities, including supplemental and follow-up activities; and

"(8) allow for the exchange of best practices among the participants.

"(d) PERMISSIBLE ACTIVITIES.—A program authorized under subsection (b) may include—

"(1) a program that provides teachers with opportunities to work under the guidance of experienced teachers and college faculty;

"(2) instruction in the use and integration of data and assessments to inform and instruct classroom practice; and

"(3) extended master teacher programs.

"(e) PRIORITY.—To the maximum extent practicable, the Director shall ensure that each summer institute program authorized under subsection (b) provides training to—

"(1) teachers from a wide range of school districts;

"(2) teachers from disadvantaged school districts; and

"(3) teachers from groups underrepresented in the fields of mathematics and science teaching, including women and members of minority groups.

"(f) COORDINATION AND CONSULTATION.—The Director shall consult and coordinate with the Secretary of Education and the Director of the National Science Foundation regarding the implementation of the programs authorized under subsection (b).

"(g) EVALUATION AND ACCOUNTABILITY PLAN.—

"(1) IN GENERAL.—The Director shall develop an evaluation and accountability plan for the activities funded under this section that measures the impact of the activities.

"(2) CONTENTS.—The evaluation and accountability plan shall include—

"(A) measurable objectives to increase the number of mathematics and science teachers who participate in the summer institutes involved; and

"(B) measurable objectives for improved student academic achievement on State mathematics and science assessments.

"(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress with the annual budget submission of the Secretary a report on how the activities assisted under this section improve the mathematics and science teaching skills of participating teachers.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $25,000,000 for fiscal year 2008;

"(2) $40,000,000 for fiscal year 2009;

"(3) $50,000,000 for fiscal year 2010; and

"(4) $75,000,000 for fiscal year 2011.

"CHAPTER 5—NUCLEAR SCIENCE EDUCATION

"SEC. 3191. NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

"(a) PURPOSES.—The purposes of this section are—

"(1) to address the decline in the number of and resources available to nuclear science programs of institutions of higher education; and

"(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

"(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term 'nuclear science' includes—

"(1) nuclear science;

"(2) nuclear engineering;

"(3) nuclear chemistry;

"(4) radio chemistry; and

"(5) health physics.

"(c) ESTABLISHMENT.—The Secretary, acting through the Director, shall establish in accordance with this section a program to expand and enhance institution of higher education nuclear science educational capabilities.

"(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

"(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an applicant shall partner with a National Laboratory or other eligible nuclear-related entity, as determined by the Secretary.

"(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

"(A) the potential to attract new students to the program;

"(B) academic rigor; and

"(C) the ability to offer hands-on learning opportunities.

"(4) DURATION AND AMOUNT.—

"(A) DURATION.—A grant under this subsection shall be 5 years in duration.

"(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $1,000,000 for each year of the grant period.

"(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

"(A) recruit and retain new faculty;

"(B) develop core and specialized course content;

"(C) encourage collaboration between faculty and researchers in the nuclear science field; or

"(D) support outreach efforts to recruit students.

"(e) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director shall award up to 10 competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in nuclear science.

"(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in the nuclear sciences who enter into careers in nuclear-related fields.

"(3) DURATION AND AMOUNT.—

"(A) DURATION.—A grant under this subsection shall be 5 years in duration.

"(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $500,000 for each year of the grant period.

"(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

"(A) increase the number of graduates in nuclear science that enter into careers in the nuclear science field;

"(B) enhance the teaching of advanced nuclear technologies;

"(C) aggressively pursue collaboration opportunities with industry and National Laboratories;

"(D) bolster or sustain nuclear infrastructure and research facilities of the institution of higher education, such as research and training reactors or laboratories; and

"(E) provide tuition assistance and stipends to undergraduate and graduate students.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

"(A) $9,000,000 for fiscal year 2008;

"(B) $13,000,000 for fiscal year 2009;

"(C) $18,000,000 for fiscal year 2010; and

"(D) $22,500,000 for fiscal year 2011.

"(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

"(A) $11,000,000 for fiscal year 2008;

"(B) $16,500,000 for fiscal year 2009;

"(C) $22,000,000 for fiscal year 2010; and

"(D) $27,500,000 for fiscal year 2011.".

SEC. 2004. DEPARTMENT OF ENERGY EARLY-CAREER RESEARCH GRANTS.

(a) PURPOSE.—It is the purpose of this section to authorize research grants in the Department for early-career scientists and engineers for purposes of pursuing independent research.

(b) DEFINITION OF ELIGIBLE EARLY-CAREER RESEARCHER.—In this section, the term "eligible early-career researcher" means an individual who—

(1) completed a doctorate or other terminal degree not more than 10 years before the date of application for a grant authorized under this section, except as provided in subsection (c)(3); and

(2) has demonstrated promise in the field of science, technology, engineering, mathematics, computer science, or computational science.

(c) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award not less than 65 grants per year to outstanding eligible early-career researchers to support the work of such researchers in the Department, particularly at the National Laboratories, or other federally-funded research and development centers.

(2) APPLICATION.—An eligible early-career researcher who desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(3) WAIVER.—The Secretary may find eligible a candidate who has completed a doctorate more than 10 years prior to the date of application if the candidate was unable to conduct research for a period of time because of extenuating circumstances, including military service or family responsibilities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this section shall be 5 years in duration.

(B) AMOUNT.—An eligible early career-researcher who receives a grant under this section shall receive up to $100,000 for each year of the grant period.

(5) USE OF FUNDS.—An eligible early career-researcher who receives a grant under this section shall use the grant funds for basic research in natural sciences, engineering, mathematics, or computer sciences at the Department, particularly the National Laboratories, or other federally-funded research and development center.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $13,000,000 for fiscal year 2008;

(B) $19,500,000 for fiscal year 2009;

(C) $26,000,000 for fiscal year 2010; and

(D) $32,500,000 for fiscal year 2011.

SEC. 2005. ADVANCED RESEARCH PROJECTS AUTHORITY-ENERGY.

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term "Advisory Board" means the Advisory Board established under subsection (d).

(2) AUTHORITY.—The term "Authority" means the Advanced Research Projects Authority—Energy established under subsection (b).

(3) DIRECTOR.—The term "Director" means the Director of the Authority appointed under subsection (c)(1).

(4) ENERGY TECHNOLOGY.—The term "energy technology" means technology, including carbon-neutral technology, used for—

(A) fossil energy;

(B) carbon sequestration;

(C) nuclear energy;

(D) renewable energy;

(E) energy distribution; or

(F) energy efficiency technology.

(b) ESTABLISHMENT.—The Secretary shall establish an Advanced Research Projects Authority-Energy to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(c) DIRECTOR.—

(1) APPOINTMENT.—The Secretary shall appoint a Director of the Authority.

(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary on matters pertaining to long-term, high-risk programs to overcome long-term and high-risk technological barriers to the development of energy technologies.

(3) DUTIES.—The Director shall—

(A) employ such qualified technical staff as are necessary to carry out the duties of the Authority, including providing staff for the Advisory Committee;

(B) serve as the selection official for proposals relating to energy technologies that are solicited within the Department;

(C) develop metrics to assist in developing funding criteria and for assessing the success of existing programs;

(D) terminate programs carried out under this section that are not achieving the goals of the programs; and

(E) perform such duties relating to long-term and high-risk technological barriers in the development of energy technologies as are determined to be appropriate by the Secretary.

(d) ADVISORY BOARD.—

(1) APPOINTMENT.—The Secretary shall, consistent with the Federal Advisory Committee Act (5 U.S.C. App.), establish, and appoint members to, an Advisory Board to make recommendations to the Secretary and the Director on actions necessary to carry out this section.

(2) QUALIFICATIONS.—The Advisory Board shall consist of individuals who, by reason of professional background and experience, are especially qualified to advise the Secretary and the Director on matters pertaining to long-term and high-risk technological barriers in the development of energy technologies.

(3) TERM.—A member of the Advisory Board shall be appointed for a term of 5 years.

(4) INFORMATION.—Each fiscal year, individuals who carry out energy technology programs of the Department and staff of the Authority shall provide to the Advisory Board written proposals and oral briefings on long-term and high-risk technological barriers that are critical to overcome for the successful development of energy technologies.

(5) DUTIES.—Each fiscal year, the Advisory Board shall—

(A) recommend to the Secretary and the Director—

(i) in order of priority, proposals of energy programs of the Department that are critical to overcoming long-term and high-risk technological barriers to enable the successful development of energy technologies; and

(ii) additional programs not covered in the proposals that are critical to overcoming the barriers described in clause (i); and

(B) based on the metrics described in subsection (c)(3)(C), make recommendations to the Secretary and the Directory concerning whether programs funded under this section are achieving the goals of the programs.

(e) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(1) conduct reviews during each of calendar years 2010 and 2012 to determine the success of the activities carried out under this section; and

(2) submit to Congress, the Secretary, and the Director a report describing the results of each review.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2011.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY FOR BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking "$5,200,000,000" and inserting "$4,800,000,000"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) $4,945,000,000 for fiscal year 2010; and

"(5) $5,265,000,000 for fiscal year 2011.".

SEC. 2007. DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.

(a) IN GENERAL.—The Secretary shall establish distributed, multidisciplinary institutes (referred to in this section as "Institutes") centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to the missions of the Department and the global competitiveness of the United States.

(b) TOPICAL AREAS.—The Institutes shall support scientific and engineering research and education activities on critical emerging technologies determined by the Secretary to be essential to global competitiveness, including activities related to—

(1) sustainable energy technologies;

(2) multi-scale materials and processes;

(3) micro- and nano-engineering;

(4) computational and information engineering; and

(5) genomics and proteomics.

(c) PARTNERSHIPS.—In carrying out this section, the Secretary shall establish partnerships between the Institutes and—

(1) institutions of higher education to—

(A) train undergraduate and graduate engineering and science students;

(B) develop innovative educational curricula; and

(C) conduct research within the topical areas described in subsection (b);

(2) private industry to develop innovative technologies within the topical areas described in subsection (b);

(3) State and local governments to promote regionally-based commercialization and entrepreneurship; and

(4) financing entities to guide successful technology commercialization.

(d) MERIT-BASED SELECTION.—The selection of Institutes under this section shall be merit-based and made through an open, competitive selection process.

(e) RESTRICTION.—Not more than 3 Institutes shall receive grants for a fiscal year.

(f) REVIEW.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall, not later than 3 and 6 years after the date of enactment of this Act—

(1) review the performance of the Institutes under this section; and

(2) submit to Congress and the Secretary a report describing the results of the review.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities of each Institute selected under this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2008. PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.

(a) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term "eligible student" means a student who attends an institution of higher education that offers a doctoral degree in a field relevant to a mission area of the Department.

(b) ESTABLISHMENT.—The Secretary shall establish a graduate fellowship program for eligible students pursuing a doctoral degree in a mission area of the Department.

(c) SELECTION.—

(1) IN GENERAL.—The Secretary shall award fellowships to eligible students under this section through a competitive merit review process (involving written and oral interviews) that will result in a wide distribution of awards throughout the United States.

(2) CRITERIA.—The Secretary shall establish selection criteria for awarding fellowships under this section that require an eligible student to—

(A) pursue a field of science or engineering of importance to the mission area of the Department;

(B) rank in the upper 10 percent of the class of the eligible student;

(C) demonstrate to the Secretary—

(i) the capacity to understand technical topics related to the fellowship that can be derived from the first principles of the technical topics;

(ii) imagination and creativity;

(iii) leadership skills in organizations or intellectual endeavors, demonstrated through awards and past experience; and

(iv) excellent verbal and communication skills to explain, defend, and demonstrate an understanding of technical subjects related to the fellowship; and

(D) be a citizen or legal permanent resident of the United States.

(d) AWARDS.—

(1) AMOUNT.—A fellowship awarded under this section shall—

(A) provide an annual living stipend; and

(B) cover—

(i) graduate tuition at an institution of higher education; and

(ii) incidental expenses associated with curricula and research at the institution of higher education (including books, computers and software).

(2) DURATION.—A fellowship awarded under this section shall be for a period of not greater than 5 years.

(3) PORTABILITY.—A fellowship awarded under this section shall be portable with the fellow.

(e) ADMINISTRATION.—The Secretary (acting through the Director of Mathematics, Science, and Engineering Education)—

(1) shall administer the program established under this section; and,

(2) may enter into a contract with a nonprofit entity to administer the program, including the selection and award of fellowships.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) FELLOWSHIPS.—There are authorized to be appropriated to award fellowships under this section—

(A) $9,300,000 for 200 fellowships for fiscal year 2008;

(B) $14,500,000 for 300 fellowships for fiscal year 2009 (including non-expiring fellowships for prior fiscal years);

(C) $25,000,000 for 500 fellowships for fiscal year 2010 (including non-expiring fellowships for prior fiscal years); and

(D) $35,500,000 for 700 fellowships for fiscal year 2011 (including non-expiring fellowships for prior fiscal years).

(2) ADMINISTRATION.—There are authorized to be appropriated for administrative expenses incurred in carrying out this section—

(A) $1,000,000 for fiscal year 2008;

(B) $1,500,000 for fiscal year 2009;

(C) $2,500,000 for fiscal year 2010; and

(D) $3,500,000 for fiscal year 2011.

SEC. 2009. TITLE IX COMPLIANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes actions taken by the Department of Energy to implement the recommendations in the report of the Government Accountability Office numbered 04-639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Secretary of Energy shall annually conduct compliance reviews of at least 2 recipients of Department of Energy grants.

SEC. 2010. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) DEFINITION OF HIGH-RISK, HIGH-REWARD RESEARCH.—In this section, the term "high-risk, high reward research" means research that—

(1) has the potential for yielding results with far-ranging implications;

(2) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process; and

(3) is supportive of the missions of the sponsoring agency.

(b) ESTABLISHMENT OF GRANT PROGRAMS.—

(1) ENERGY GRANT PROGRAM.—The Secretary shall establish a grant program to encourage the conduct of high-risk, high-reward research at the Department.

(2) GEOLOGICAL GRANT PROGRAM.—The Director of the United States Geological Survey shall establish a grant program to encourage the conduct of high-risk, high-reward research at the United States Geological Survey.

SEC. 2011. DISTINGUISHED SCIENTIST PROGRAM.

(a) PURPOSE.—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and the National Laboratories.

(b) ESTABLISHMENT.—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) QUALIFICATIONS.—Successful candidates under this section shall be persons who, by reason of professional background and experience, are able to bring international recognition to the appointing institution of higher education and National Laboratory in their field of scientific endeavor.

(d) SELECTION.—A distinguished scientist appointed under this section shall be selected through an open, competitive process.

(e) APPOINTMENT.—

(1) INSTITUTION OF HIGHER EDUCATION.—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of higher education at a minimum rank of professor.

(2) NATIONAL LABORATORY.—An appointment by a National Laboratory under this section shall be at the rank of the highest grade of distinguished scientist or technical staff of the National Laboratory.

(f) DURATION.—An appointment under this section shall be for 6 years, consisting of 2 3-year funding allotments.

(g) USE OF FUNDS.—Funds made available under this section may be used for—

(1) the salary of the distinguished scientist and support staff;

(2) undergraduate, graduate, and post-doctoral appointments;

(3) research-related equipment;

(4) professional travel; and

(5) such other requirements as the Director determines are necessary to carry out the purpose of the program.

(h) REVIEW.—

(1) IN GENERAL.—The appointment of a distinguished scientist under this section shall be reviewed at the end of the first 3-year allotment for the distinguished scientist through an open peer-review process to determine whether the appointment is meeting the purpose of this section under subsection (a).

(2) FUNDING.—Funding of the appointment of the distinguished scientist for the second 3-year allotment shall be determined based on the review conducted under paragraph (1).

(i) COST SHARING.—To be eligible for assistance under this section, an appointing institution of higher education shall pay at least 50 percent of the total costs of the appointment.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $30,000,000 for fiscal year 2008 (to support up to 30 appointments under this section);

(2) $60,000,000 for fiscal year 2009 (to support up to 60 such appointments); and

(3) $100,000,000 for each of fiscal years 2010 and 2011 (to support up to 100 such appointments).

DIVISION C—EDUCATION

SEC. 3001. FINDINGS.

Congress makes the following findings:

(1) A well-educated population is essential to retaining America's competitiveness in the global economy.

(2) The United States needs to build on and expand the impact of existing programs by taking additional, well-coordinated steps to ensure that all students are able to obtain the knowledge the students need to obtain postsecondary education and participate successfully in the workforce or the Armed Forces.

(3) The next steps must be informed by independent information on the effectiveness

of current programs in science, technology, engineering, and mathematics education, and by identification of best practices that can be replicated.

(4) Teacher preparation and elementary school and secondary school programs and activities must be aligned with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) The ever increasing knowledge and skill demands of the 21st century require that secondary school preparation and requirements be better aligned with the knowledge and skills needed to succeed in postsecondary education and the workforce, and States need better data systems to track educational achievement from prekindergarten through baccalaureate degrees.

SEC. 3002. DEFINITIONS.

(a) ESEA DEFINITIONS.—Unless otherwise specified in this division, the terms used in this division have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) OTHER DEFINITIONS.—In this division:

(1) CRITICAL FOREIGN LANGUAGE.—The term "critical foreign language" means a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

SEC. 3111. PURPOSE.

The purpose of this subtitle is—

(1) to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and teacher education, that lead to a baccalaureate degree with concurrent teacher certification; and

(2) to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills.

SEC. 3112. DEFINITIONS.

In this subtitle:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term "children from low-income families" means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an institution of higher education that receives grant funds under this subtitle on behalf of a department of mathematics, engineering, science, or critical foreign language for use in carrying out activities assisted under this subtitle.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency or educational service agency—

(A)(i) that serves not fewer than 10,000 children from low-income families;

(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(4) HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) PARTNERSHIP.—The term "partnership" means a partnership that—

(A) shall include—

(i) an eligible recipient;

(ii) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or critical foreign languages;

(iii)(I) a school or department within the eligible recipient that provides a teacher preparation program; or

(II) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; and

(iv) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

(B) may include a nonprofit organization that has the capacity to provide expertise or support to meet the purposes of this subtitle.

(6) TEACHING SKILLS.—The term "teaching skills" means the ability to—

(A) increase student achievement;

(B) effectively convey and explain academic subject matter;

(C) employ strategies that—

(i) are based on scientifically based research;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students who are limited English proficient, and students who are gifted and talented;

(D) conduct ongoing assessment of student learning;

(E) effectively manage a classroom; and

(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education.

SEC. 3113. PROGRAMS FOR BACCALAUREATE DEGREES IN MATHEMATICS, SCIENCE, ENGINEERING, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(1) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable partnerships served by the eligible recipients to develop and implement programs to provide courses of study in mathematics, science, engineering, or critical foreign languages that—

(1) are integrated with teacher education; and

(2) lead to a baccalaureate degree with concurrent teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(1) describe the program for which assistance is sought;

(2) describe how a department of mathematics, science, engineering, or a critical foreign language participating in the partnership will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in mathematics, science, engineering, or a critical foreign language, with concurrent teacher certification, including providing student teaching and other clinical classroom experiences;

(3) describe the high-quality research, laboratory, or internship experiences, integrated with coursework, that will be provided under the program;

(4) describe how members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages will be encouraged to participate in the program;

(5) describe how program participants will be encouraged to teach in schools determined by the partnership to be most in need, and what assistance in finding employment in such schools will be provided;

(6) describe the ongoing activities and services that will be provided to graduates of the program;

(7) describe how the activities of the partnership will be coordinated with any activities funded through other Federal grants, and how the partnership will continue the activities assisted under the program when the grant period ends;

(8) describe how the partnership will assess the content knowledge and teaching skills of the program participants; and

(9) provide any other information the Secretary may reasonably require.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible recipient receiving a grant under this section shall use the grant funds to enable a partnership to develop and implement a program to provide courses of study in mathematics, science, engineering, or a critical foreign language that—

(A) are integrated with teacher education programs that promote effective teaching skills; and

(B) lead to a baccalaureate degree in mathematics, science, engineering, or a critical foreign language with concurrent teacher certification.

(2) PROGRAM REQUIREMENTS.—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach mathematics or science courses, include strategies for improving student literacy;

(D) encourage the participation of individuals who are members of groups that are underrepresented in the teaching of mathematics, science or critical foreign languages;

(E) encourage participants to teach in schools determined by the partnership to be most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students in secondary schools enrolled in upper level mathematics and science courses; and

(iv) increasing the numbers of elementary school, middle school, and secondary school students enrolled in and continuing in critical foreign language courses;

(H) collect data on the employment placement of all graduates of the program, including information on how many graduates are teaching and in what kinds of schools;

(I) provide ongoing activities and services to graduates of the program who teach elementary school, middle school, or secondary school, by—

(i) keeping the graduates informed of the latest developments in their respective academic fields; and

(ii) supporting the graduates of the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(I) induction programs;

(II) promotion of effective teaching skills; and

(III) providing opportunities for regular professional development; and

(J) develop recommendations to improve the teacher preparation program participating in the partnership.

(d) Annual Report.—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the employment placement of program participants as teachers in schools determined by the partnership to be most in need;

(5) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (c)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (c)(2).

(e) Technical Assistance.—From the funds made available under section 3116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program with concurrent teacher certification, including technical assistance provided through a grant or contract awarded on a competitive basis to an institution of higher education or a technical assistance center.

SEC. 3114. PROGRAMS FOR MASTER'S DEGREES IN MATHEMATICS, SCIENCE, OR CRITICAL FOREIGN LANGUAGES EDUCATION.

(a) Program Authorized.—From the amounts made available to carry out this section under section 3116(2) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the partnerships served by the eligible recipients to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills.

(b) Application.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall describe—

(1) how a department of mathematics, science, or a critical foreign language will ensure significant collaboration with a teacher preparation program in the development of master's degree programs in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills;

(2) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and participants will be used to improve the program;

(3) how the program will help increase the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(4) how the program will—

(A) improve student academic achievement in mathematics and science and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school, middle school, and secondary school students enrolled and continuing in critical foreign language courses;

(5) how the program will prepare teachers to become more effective mathematics, science, or critical foreign language teachers;

(6) how the program will prepare teachers to assume leadership roles in their schools;

(7) how teachers who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages and teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program;

(8) the ongoing activities and services that will be provided to graduates of the program;

(9) how the partnership will continue the activities assisted under the grant when the grant period ends; and

(10) how the partnership will assess, during the program, the content knowledge and teaching skills of teachers participating in the program.

(c) Authorized Activities.—Each eligible recipient receiving a grant under this section shall use the grant funds to develop and implement a 2- or 3-year part-time master's degree program in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills. The program shall—

(1) promote effective teaching skills so the teachers participating in the program become more effective mathematics, science, or critical foreign language teachers;

(2) prepare teachers to assume leadership roles in their schools by participating in activities such as teacher mentoring, development of curricula that integrate state of the art applications of mathematics and science into the classroom, working with school administrators in establishing in-service professional development of teachers, and assisting in evaluating data and assessments to improve student academic achievement;

(3) use high-quality research, laboratory, or internship experiences for program participants that are integrated with coursework;

(4) provide student teaching or clinical classroom experience;

(5) if implementing a program in which participants are prepared to teach mathematics or science courses, provide strategies for improving student literacy;

(6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards established by the State in which the program is conducted;

(7) encourage the participation of—

(A) individuals who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages; and

(B) teachers teaching in schools determined by the partnership to be most in need;

(8) offer tuition assistance, based on need, as appropriate; and

(9) evaluate and report on the impact of the program, in accordance with subsection (d).

(d) Evaluation and Report.—Each eligible recipient receiving a grant under this section shall evaluate, using measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in increasing the following:

(1) The number and percentage of mathematics, science, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements:

(A) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program.

(B) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program.

(C) Are members of a group underrepresented in the teaching of mathematics, science, or a critical foreign language.

(2) The retention of teachers who participate in the program.

SEC. 3115. GENERAL PROVISIONS.

(a) Duration of Grants.—The Secretary shall award each grant under this subtitle for a period of not more than 5 years.

(b) Matching Requirement.—Each eligible recipient that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(c) Supplement, Not Supplant.—Grant funds provided under this subtitle shall be used to supplement, and not supplant, other Federal or State funds.

(d) Evaluation.—From amounts made available for any fiscal year under section 3116, the Secretary shall reserve such sums as may be necessary—

(1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this subtitle, which shall include an assessment of the impact of the activities on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the

Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 3116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which—

(1) 57.1 percent shall be available to carry out section 3113 for fiscal year 2008 and each succeeding fiscal year; and

(2) 42.9 percent shall be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

Subtitle B—Advanced Placement and International Baccalaureate Programs

SEC. 3121. PURPOSE.

It is the purpose of this subtitle—

(1) to raise academic achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 4-year period beginning in 2008, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(2) to increase, to 700,000 per year, the number of students attending high-need schools who—

(A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or

(B) achieve a passing score on an examination administered by the International Baccalaureate Organization in such a subject;

(3) to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(4) to support statewide efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

SEC. 3122. DEFINITIONS.

In this subtitle:

(1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term "Advanced Placement or International Baccalaureate course" means a course of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State educational agency;

(B) a local educational agency; or

(C) a partnership consisting of—

(i) a national, regional, or statewide nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

(ii) a State educational agency or local educational agency.

(3) LOW-INCOME STUDENT.—The term "low-income student" has the meaning given the term "low-income individual" in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).

(4) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term "high concentration of low-income students" has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).

(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency or educational service agency described in 3112(3)(A).

(6) HIGH-NEED SCHOOL.—The term "high-need school" means a middle school or secondary school—

(A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and

(B)(i) with a high concentration of low-income students; or

(ii) designated with a school locale code of 6, 7 or 8, as determined by the Secretary.

SEC. 3123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (l), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

(b) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

(c) COORDINATION.—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

(e) EQUITABLE DISTRIBUTION.—The Secretary, to the extent practicable, shall—

(1) ensure an equitable geographic distribution of grants under this section among the States; and

(2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(C) how the eligible entity will provide professional development for teachers assisted under this section;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

(F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

(g) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

(2) PERMISSIVE ACTIVITIES.—The activities described in paragraph (1) may include—

(A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

(C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(D) purchase of instructional materials;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 200 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 3122(2), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

(i) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

(j) COLLECTING AND REPORTING REQUIREMENTS.—

(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)); and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

(k) EVALUATION AND REPORT.—From the amount made available for any fiscal year under subsection (l), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $58,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE II—MATH NOW

SEC. 3201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 9 through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness; and

(2) providing targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term "eligible local educational agency" means a high-need local educational agency (as defined in section 3112(3)) serving 1 or more schools—

(1) with significant numbers or percentages of students whose mathematics skills are below grade level;

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(3) in which students are receiving instruction in mathematics from teachers who do not have mathematical content knowledge or expertise in the teaching of mathematics.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, for not more than 5 years, to State educational agencies to enable the State educational agencies to award grants to eligible local educational agencies to carry out the activities described in subsection (e).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications for projects that will implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly students in grades 4 through 8.

(d) STATE USES OF FUNDS.—

(1) IN GENERAL.—Each State educational agency that receives a grant under this section for a fiscal year—

(A) shall expend not more than a total of 10 percent of the grant funds to carry out the activities described in paragraphs (2) or (3) for the fiscal year; and

(B) shall use not less than 90 percent of the grant funds to award grants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in subsection (e) for the fiscal year.

(2) MANDATORY USES OF FUNDS.—A State educational agency shall use the grant funds made available under paragraph (1)(A) to carry out each of the following activities:

(A) PLANNING AND ADMINISTRATION.—Planning and administration, including—

(i) evaluating applications from eligible local educational agencies using peer review teams described in subsection (f)(1)(D);

(ii) administering the distribution of grants to eligible local educational agencies; and

(iii) assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this section, with respect to whether the activities have been effective in increasing the number of children—

(I) making progress toward meeting grade-level mathematics achievement; and

(II) meeting or exceeding grade-level mathematics achievement.

(B) REPORTING.—Annually providing the Secretary with a report on the implementation of this section as described in subsection (i).

(3) PERMISSIVE USE OF FUNDS; TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State educational agency may use the grant funds made available under paragraph (1)(A) for 1 or more of the following technical assistance activities that assist an eligible local educational agency, upon request by the eligible local educational agency, in accomplishing the tasks required to design and implement a project under this section, including assistance in—

(i) selecting and implementing a program of mathematics instruction, or materials and interventions, based on the best available evidence of effectiveness;

(ii) evaluating and selecting diagnostic and classroom based instructional mathematics assessments; and

(iii) identifying eligible professional development providers to conduct the professional development activities described in subsection (e)(1)(B).

(B) GUIDANCE.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools and eligible local educational agencies.

(e) LOCAL USES OF FUNDS.—

(1) MANDATORY USES OF FUNDS.—Each eligible local educational agency receiving a grant under this section shall use the grant funds to carry out each of the following activities:

(A) To implement mathematics instructional materials and interventions (including intensive and systematic instruction)—

(i) for students in the grades of a participating school as identified in the application submitted under subsection (f)(2)(A); and

(ii) that are based on the best available evidence of effectiveness.

(B) To provide professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(i) to improve the achievement of students performing significantly below grade level;

(ii) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(iii) to increase the use of effective instructional practices; and

(iv) to monitor student progress.

(C) To conduct continuous progress monitoring, which may include the adoption and use of assessments that—

(i) measure student progress and identify areas in which students need help in learning mathematics; and

(ii) reflect mathematics content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

(2) Permissive uses of funds.—An eligible local educational agency may use grant funds under this section to—

(A) adopt and use mathematics instructional materials and assessments;

(B) implement classroom-based assessments, including diagnostic or formative assessments;

(C) provide remedial coursework and interventions for students, which may be provided before or after school;

(D) provide small groups with individualized instruction in mathematics;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(f) Applications.—

(1) State educational agency.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(A) an assurance that the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2);

(C) an assurance that local applications will be evaluated using a peer review process; and

(D) a description of the qualifications of the peer review teams, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(2) Eligible local educational agency.—Each eligible local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include—

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—

(i) served by the eligible local educational agency; and

(ii) described in section 3201(b);

(B) a description of the grades kindergarten through grade 9, and of the schools, that will be served;

(C) information, on an aggregate basis, on each school to be served by the project, including such demographic, socioeconomic, and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies and materials are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency's report under subsection (i);

(G) a description of the eligible entity's plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge and expertise of teachers, administrators, or other school staff; and

(H) any other information the State educational agency may reasonably require.

(g) Prohibition on Endorsement of Curriculum.—

(1) In general.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) Rule of construction.—Nothing in this title shall be construed to authorize or permit the Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(h) Matching Requirements.—

(1) State educational agency.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) Waiver.—The Secretary may waive all of or a portion of the matching requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(i) Program Performance and Accountability.—

(1) Information.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school district wide, or classroom-based, assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at grade level or above in mathematics;

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving at grade level or above in mathematics;

(III) significantly increased the number of students making significant progress toward meeting grade-level mathematics achievement standards; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in algebra courses and the percentage of such students who pass algebra courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) Reporting and disaggregation.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(3) Privacy protection.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(j) Evaluation and Technical Assistance.—

(1) Evaluation.—

(A) In general.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of the evaluation.

(2) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to eligible local educational agencies receiving a grant under this section.

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $146,700,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

SEC. 3301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States faces a shortage of skilled professionals with higher levels of proficiency in foreign languages and area knowledge critical to the Nation's security.

(2) Given the Nation's economic competitiveness interests, it is crucial that our Nation expand the number of Americans who are able to function effectively in the environments in which critical foreign languages are spoken.

(3) Students' ability to become proficient in foreign languages can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education.

(b) PURPOSE.—The purpose of this title is to significantly increase—

(1) the opportunities to study critical foreign languages and the context in which the critical foreign languages are spoken; and

(2) the number of American students who achieve the highest level of proficiency in critical foreign languages.

SEC. 3302. DEFINITIONS.

In this title:

(1) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an institution of higher education that receives grant funds under this title on behalf of a partnership for use in carrying out the activities assisted under this title.

(2) PARTNERSHIP.—The term "partnership" means a partnership that—

(A) shall include—

(i) an institution of higher education; and

(ii) 1 or more local educational agencies; and

(B) may include 1 or more entities that support the purposes of this title.

(3) SUPERIOR LEVEL OF PROFICIENCY.—The term "superior level of proficiency" means level 3, the professional working level, as measured by the Federal Interagency Language Roundtable (ILR) or by other generally recognized measures of superior standards.

SEC. 3303. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(2) DURATION.—A grant awarded under paragraph (1) shall be for a period of not more than 5 years. A grant may be renewed for not more than 2 additional 5-year periods, if the Secretary determines that the partnership's program is effective and the renewal will best serve the purposes of this title.

(b) APPLICATIONS.—

(1) IN GENERAL.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Each application shall—

(A) identify each local educational agency partner, including contact information and letters of commitment, and describe the responsibilities of each member of the partnership, including—

(i) how each of the partners will be involved in planning, developing, and implementing—

(I) program curriculum and materials; and

(II) teacher professional development;

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring the continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students will be developed and implemented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as grades 4, 8, and 12), and describe how progress toward those proficiency levels will be assessed at the benchmarks, and how the program will use the results of the assessments to ensure continuous progress toward achieving a superior level of proficiency at the postsecondary level;

(D) describe how the partnership will—

(i) ensure that students from a program assisted under this title who are beginning postsecondary education will be assessed and enabled to progress to a superior level of proficiency;

(ii) address the needs of students already at, or near, the superior level of proficiency, which may include diagnostic assessments for placement purposes, customized and individualized language learning opportunities, and experimental and interdisciplinary language learning; and

(iii) identify and describe how the partnership will work with institutions of higher education outside the partnership to provide participating students with multiple options for postsecondary education consistent with the purposes of this title;

(E) describe how the partnership will support and continue the program after the grant has expired, including how the partnership will seek support from other sources, such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(c) USES OF FUNDS.—Grant funds awarded under this title—

(1) shall be used to develop and implement programs at the elementary school level through postsecondary education, consistent with the purpose of this title, including—

(A) the development of curriculum and instructional materials; and

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this title at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, immersion classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out this subparagraph;

(F) activities to encourage community involvement to assist in meeting the purposes of this title;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education;

(I) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within countries with populations who speak critical foreign languages, if such programs are carried out in conjunction with language instruction;

(J) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

(i) various student recruitment strategies;

(ii) program design; and

(iii) curricular approaches; and

(L) the impact of the strategies, program design, and curricular approaches described in subparagraph (K) on increasing—

(i) the number of students studying critical foreign languages; and

(ii) the proficiency of the students in the critical foreign languages.

(d) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible recipient that receives a grant under this title shall provide, toward the cost of carrying out the activities supported by the grant, from non-Federal sources, an amount equal to—

(A) 20 percent of the amount of the grant payment for the first fiscal year for which a grant payment is made;

(B) 30 percent of the amount of the grant payment for the second such fiscal year;

(C) 40 percent of the amount of the grant payment for the third such fiscal year; and

(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the partnership; or

(B) the waiver will best serve the purposes of this title.

(e) Supplement Not Supplant.—Grant funds provided under this title shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) Technical Assistance.—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this section. The center shall—

(1) assist the partnerships in the development of critical foreign language instructional materials and assessments; and

(2) disseminate promising foreign language instructional practices.

(g) Program Evaluation.—

(1) In general.—The Secretary may reserve not more than 5 percent of the total amount appropriated for this title for any fiscal year to annually evaluate the programs under this title.

(2) Report.—The Secretary shall prepare and annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of any program evaluation conducted under this subsection.

SEC. 3304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated $22,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

SEC. 3401. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P-16 EDUCATION DATA SYSTEMS.

(a) Purpose.—It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P–16 education data systems that—

(A) assist States in improving the rigor and quality of elementary and secondary education content knowledge requirements and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable States to have valid and reliable information to inform education policy and practice.

(b) Definitions.—In this section:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) P–16 education.—The term "P–16 education" means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(3) Statewide partnership.—The term "statewide partnership" means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) not less than 1 representative of a technical school;

(iv) not less than 1 representative of a public secondary school;

(v) the chief State school officer;

(vi) the chief executive officer of the State higher education coordinating board;

(vii) not less than 1 public elementary school teacher employed in the State;

(viii) not less than 1 public elementary school teacher certified in early childhood education;

(ix) not less than 1 public secondary school teacher employed in the State;

(x) not less than 1 representative of the business community in the State; and

(xi) not less than 1 member of the Armed Forces; and

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at an institution of higher education, a member of a civic or community organization, a representative from a private institution of higher education, a dean or similar representative of a school of education at an institution of higher education or a similar teacher certification or licensure program, or the State official responsible for economic development.

(c) Grants Authorized.—The Secretary is authorized to award grants, on a competitive basis, to States to enable each such State to work with a statewide partnership—

(1) to promote better alignment of content knowledge requirements for secondary school graduation with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, or the Armed Forces; or

(2) to establish or improve a statewide P–16 education data system.

(d) Period of Grants; Non-Renewability.—

(1) Grant period.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) Non-renewability.—The Secretary shall not award a State more than 1 grant under this section.

(e) Authorized Activities.—

(1) Grants for P–16 alignment.—Each State receiving a grant under subsection (c)(1)—

(A) shall use the grant funds for—

(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the workforce, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces;

(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, academic achievement standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, and in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State and creating a forum for identifying and deliberating on education issues that—

(I) involve prekindergarten through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) implementing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—

(I) specifying the courses and performance levels necessary for acceptance into institutions of higher education; and

(II) developing curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—

(i) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms;

(ii) identifying changes in State academic content standards, academic achievement standards, and assessments for students in grades preceding secondary school in order to ensure the students are adequately prepared when the students enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities for students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements; or

(iv) identifying and addressing teacher certification needs.

(2) Grants for statewide P–16 education data systems.—

(A) Establishment of system.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P–16 education longitudinal data system that—

(i) provides each student, upon enrollment in a public elementary school or secondary school in the State, with a unique identifier, such as a bar code, that—

(I) does not permit a student to be individually identified by users of the system; and

(II) is retained throughout the student's enrollment in P–16 education in the State; and

(ii) meets the requirements of subparagraphs (B) through (E).

(B) Improvement of existing system.—Each State that receives a grant under subsection (c)(2) for the improvement of a statewide P–16 education data system may employ, coordinate, or revise an existing statewide data system to establish a statewide longitudinal P–16 education data system that meets the requirements of subparagraph (A), if the statewide longitudinal P–16 education data system produces valid and reliable data.

(C) Data and compliance with FERPA.—The State, through the implementation of the statewide P–16 education data system, shall—

(i) ensure the implementation and use of valid and reliable secondary school dropout data; and

(ii) ensure that the statewide P–16 education data system meets the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(D) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system includes the following elements:

(i) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to prekindergarten through grade 12 education and postsecondary education—

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P–16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION.—With respect to prekindergarten through grade 12 education—

(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned; and

(V) student-level college readiness test scores.

(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(E) FUNCTIONS OF THE STATEWIDE P–16 EDUCATION DATA SYSTEM.—In implementing the statewide P–16 education data system, the State shall—

(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(iii) use the data in the system to otherwise inform education policy and practice in order to better align student knowledge and skills, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

(f) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify whether the State application is for the conduct P–16 education alignment activities, or the establishment or improvement of a statewide P–16 education data system. The application shall include, at a minimum, the following:

(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities.

(B) A description of how the concerns and interests of the larger education community, including parents, students, teachers, teacher educators, principals, and school administrators will be represented in carrying out the authorized activities described in subsection (e).

(C) in the case of a State applying for funding for P–16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State content knowledge requirements through substantive curricula and other changes the State determines necessary, including scientifically based remediation and acceleration opportunities for students.

(D) in the case of a State applying for funding to establish or improve a statewide P–16 education data system—

(i) a description of and the timetable for the establishment or improvement of such system; and

(ii) an assurance that the State will continue to fund the statewide P–16 education data system after the end of the grant period.

(g) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).

(h) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States to provide raw data to the Secretary.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.

DIVISION D—NATIONAL SCIENCE FOUNDATION

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation—

(1) $6,808,000,000 for fiscal year 2008;

(2) $7,433,000,000 for fiscal year 2009;

(3) $8,446,000,000 for fiscal year 2010; and

(4) $11,200,000,000 for fiscal year 2011.

(b) PLAN FOR INCREASED RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Science of the House of Representatives.

(2) PLAN REQUIREMENTS.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation's lead in physical science and technology, increasing overall workforce skills in physical science, technology, engineering, and mathematics at all levels, and strengthening innovation by expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 1101(c) of this Act.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) PURPOSE.—The purpose of this section is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) EQUITABLE DISTRIBUTION OF NEW FUNDS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation, for each of the fiscal years 2008 through 2011, an amount equal to $1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) GRADUATE RESEARCH FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens or nationals of the United States or eligible lawful permanent residents under the Program during that period.

(2) EXTENSION OF FELLOWSHIP PERIOD.—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide an additional 250 fellowships under the Graduate Research Fellowship Program during each of the fiscal years 2008 through 2011, the following:

(A) $24,000,000 for fiscal year 2008.

(B) $36,000,000 for fiscal year 2009.

(C) $48,000,000 for fiscal year 2010.

(D) $60,000,000 for fiscal year 2011.

(b) INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director shall expand the Integrative Graduate Education and Research Traineeship program of the National Science Foundation so that an additional 1,250 individuals who are citizens or nationals of the United States or eligible lawful permanent

residents are awarded grants under the program during that period.

(2) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide grants to an additional 250 individuals under the Integrative Graduate Education and Research Traineeship program during each of the fiscal years 2008 through 2011, the following:

(A) $22,000,000 for fiscal year 2008.

(B) $33,000,000 for fiscal year 2009.

(C) $44,000,000 for fiscal year 2010.

(D) $55,000,000 for fiscal year 2011.

(c) DEFINITION OF ELIGIBLE LAWFUL PERMANENT RESIDENT.—In this section, the term "eligible lawful permanent resident" means a lawful permanent resident of the United States who declares an intent—

(1) to apply for United States citizenship; or

(2) to reside in the United States for not less than 5 years after the completion of a graduate fellowship or traineeship awarded under this section.

SEC. 4004. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) CLEARINGHOUSE.—

(1) DEVELOPMENT.—The Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, mathematics, technology, and engineering.

(2) AVAILABILITY.—The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) PROGRAMS.—

(1) PROGRAMS AUTHORIZED.—The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) APPLICATION.—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq.).

(3) PREFERENCE FOR APPLICANTS WITH ALTERNATIVE FUNDING SOURCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) NUMBER OF GRANTS; TIME PERIOD OF GRANTS.—

(A) NUMBER OF GRANTS.—Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) TIME PERIOD OF GRANTS.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) EVALUATION AND REPORTS.—

(A) DEVELOPMENT OF PERFORMANCE BENCHMARKS.—Prior to the start of the grant program, the Director of the National Science Foundation, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) EVALUATION.—For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) REPORT.—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (B); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(c) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $18,000,000 for fiscal year 2009; and

(3) $20,000,000 for each of the fiscal years 2010 and 2011.

SEC. 4005. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

(a) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)—

(1) $40,000,000 for fiscal year 2008;

(2) $45,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010; and

(4) $55,000,000 for fiscal year 2011.

(b) PROMOTING OUTREACH AND HIGH QUALITY.—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking "include those that promote high quality—" and inserting "include programs that—

"(i) promote high-quality—";

(3) in clause (i) (as inserted by paragraph (2))—

(A) in subclause (III) (as redesignated by paragraph (1)), by striking "for students;" and inserting "for students, especially underrepresented minority and female mathematics, science, engineering, and technology students;";

(B) in subclause (V) (as redesignated by paragraph (1)), by striking "and" after the semicolon;

(C) in subclause (VI) (as redesignated by paragraph (1)), by striking "students." and inserting "students; and"; and

(D) by adding at the end the following:

"(VII) outreach programs that provide middle and secondary school students and their science and math teachers opportunities to increase the students' and teachers' exposure to engineering and technology;"; and

(4) by adding at the end the following:

"(ii) finance summer internships for mathematics, science, engineering, and technology undergraduate students;

"(iii) facilitate the hiring of additional mathematics, science, engineering, and technology faculty; and

"(iv) serve as bridges to enable underrepresented minority and female secondary school students to obtain extra mathematics, science, engineering, and technology training prior to entering an institution of higher education.".

SEC. 4006. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) IN GENERAL.—In addition to any other criteria, the Director of the National Science Foundation shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the National Science Foundation may assist in meeting critical national needs in innovation, competitiveness, the physical and natural sciences, technology, engineering, and mathematics.

(b) PRIORITY TREATMENT.—The Director shall give priority in the selection of awards and the allocation of National Science Foundation resources to proposed research activities, and grants funded under the National Science Foundation's Research and Related Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, or mathematics, or that enhance competitiveness or innovation in the United States.

(c) LIMITATION.—Nothing in this section shall be construed to restrict or bias the grant selection process against funding other areas of research deemed by the National Science Foundation to be consistent with its mandate nor to change the core mission of the National Science Foundation.

SEC. 4007. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation—

(1) alter or modify its merit-review system or peer-review process; or

(2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

SEC. 4008. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation for the Experimental

Program to Stimulate Competitive Research authorized under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g), for each of fiscal years 2008 through 2011, an amount equal to $125,000,000 increased for each such year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the total amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4009. ENCOURAGING PARTICIPATION.

(a) MENTORING PROGRAM.—The Director of the National Science Foundation shall establish a program to recruit and provide mentors for women who are interested in careers in science, technology, engineering, and mathematics by pairing such women who are in science, technology, engineering, or mathematics programs of study in secondary school, community college, undergraduate or graduate school with mentors who are working in industry.

(b) ADDITIONAL LEARNING PROGRAM.—The Director shall also establish a program to provide grants to community colleges to provide additional learning and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

(c) APPLICATIONS.—An institution of higher education, including a community college, desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require.

(d) PROGRAM EVALUATION.—The Director shall establish metrics to evaluate the success of the programs established under subsections (a) and (b) annually and report the findings and conclusions of the evaluations annually to Congress.

SEC. 4010. CYBERINFRASTRUCTURE.

In order to continue and expand efforts to ensure that research institutions throughout the Nation can fully participate in research programs of the National Science Foundation and collaborate with colleagues throughout the nation, the Director of the National Science Foundation, within 180 days after the date of enactment of this Act, shall develop and publish a plan that describes the current status of broadband access for scientific research purposes in States located in EPSCoR-eligible jurisdictions and outlines actions which can be taken to ensure that such connections are available to enable participation in those National Science Foundation programs which rely heavily on high-speed networking and collaborations across institutions and regions.

SEC. 4011. FEDERAL INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—

(1) NATIONAL SCIENCE FOUNDATION INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. In developing and carrying out the program, the Director shall consult with the Board established under paragraph (2).

(2) FEDERAL ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH BOARD.—There is established within the National Science Foundation a Federal Advanced Information and Communications Technology Research Board (referred to in this subsection as "the Board") which shall advise the Director of the National Science Foundation in carrying out the program authorized under paragraph (1). The Board shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, and the Department of Defense, and representatives from industry and educational institutions.

(3) GRANT PROGRAM.—The Director of the National Science Foundation, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. Areas of research to be supported through the grants include—

(A) affordable broadband access, including wireless technologies;

(B) network security and reliability;

(C) communications interoperability;

(D) networking protocols and architectures, including resilience to outages or attacks;

(E) trusted software;

(F) privacy;

(G) nanoelectronics for communications applications;

(H) low-power communications electronics;

(I) implementation of equitable access to national advanced fiber optic research and educational networks in noncontiguous States; and

(J) such other related areas as the Director, in consultation with the Board, finds appropriate.

(4) CENTERS.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in paragraph (3). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit entities, or other institutions of higher education or nonprofit research institutions.

(5) APPLICATIONS.—The Director of the National Science Foundation, in consultation with the Board, shall establish criteria for the award of grants under paragraphs (3) and (4). Such grants shall be awarded under the programs on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(6) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $45,000,000 for fiscal year 2008;

(B) $50,000,000 for fiscal year 2009;

(C) $55,000,000 for fiscal year 2010; and

(D) $60,000,000 for fiscal year 2011.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESPONSIBILITIES.—The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 4012. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by inserting "**TEACHER**" after "**NOYCE**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "to provide scholarships, stipends, and programming designed";

(ii) by inserting "and to provide scholarships and stipends to students participating in the program" after "science teachers"; and

(iii) by inserting "Teacher" after "Noyce";

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking "encourage top college juniors and seniors majoring in" and inserting "recruit and prepare undergraduate students to pursue degrees in"; and

(bb) by striking "to become" and inserting "and become qualified as";

(II) in clause (ii)—

(aa) by striking "programs to help scholarship recipients" and inserting "academic courses and clinical teaching experiences designed to prepare students participating in the program";

(bb) by striking "programs that will result in" and inserting "such preparation as is necessary to meet requirements for"; and

(cc) by striking "licensing; and" and inserting "licensing;";

(III) in clause (iii)—

(aa) by striking "scholarship recipients" and inserting "students participating in the program";

(bb) by striking "enable the recipients" and inserting "enable the students"; and

(cc) by striking "; or" and inserting "; and"; and

(IV) by adding at the end the following:

"(iv) providing summer internships for freshman and sophomore students participating in the program; or"; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking "encourage" and inserting "recruit and prepare"; and

(bb) by inserting "qualified as" after "to become";

(II) by striking clause (ii) and inserting the following:

"(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as necessary to meet requirements for teacher certification or licensing;"; and

(C) by adding at the end the following:

"(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education (or a consortium of such institutions) shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education (or consortium) may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education (or consortium) shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering department are active participants in the program.";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "scholarship or stipend";

(II) by inserting "and summer internships" after "number of scholarships"; and

(III) by inserting "the type of activities proposed for the recruitment of students to the program," after "intends to award,";

(ii) in subparagraph (B)—

(I) by striking "scholarship or stipend"; and

(II) by striking "; and" and inserting ", which may include a description of any existing programs at the applicant's institution that are targeted to the education of science and mathematics teachers and the number of teachers graduated annually from such programs;"; and

(iii) by striking subparagraph (C) and inserting the following:

"(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii) or B)(ii) of subsection (a)(3), including—

"(i) a description of the undergraduate program that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

"(ii) a description of clinical teaching experiences proposed; and

"(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

"(D) a description of the programs required under subparagraph (A)(iii) or (B)(iii) of subsection (a)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

"(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4)."; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(ii) by inserting after subparagraph (A) the following:

"(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;";

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "$7,500" and inserting "$10,000"; and

(ii) by striking "of scholarship support" and inserting "of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support"; and

(B) in paragraph (4), by inserting ", with a maximum service requirement of 4 years" after "was received";

(5) in subsection (d)—

(A) in paragraph (2), by inserting "and professional achievement" after "academic merit"; and

(B) in paragraph (4), by striking "for each year a stipend was received";

(6) in subsection (g)—

(A) in paragraph (1), by inserting "or stipend" after scholarship; and

(B) by striking paragraph (2) and inserting the following:

"(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

"(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

"(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.";

(7) by redesignating subsection (i) as subsection (k);

(8) by inserting after subsection (h) the following:

"(i) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, or internships associated with the programs under this section.

"(j) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.";

(9) in subsection (k) (as redesignated by paragraph (7))—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

"(2) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

"(A)(i) that serves not less than 10,000 children from low-income families;

"(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

"(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

"(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;"; and

(C) in paragraph (4) (as redesignated by subparagraph (A)) by inserting "or had a career" after "is working"; and

(10) by adding at the end the following:

"(l) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Scholarship Program under this section—

"(A) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A) and clauses (ii) and (iii) of subsection (a)(3)(B);

"(B) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

"(C) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

"(D) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

"(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking "In this Act:" and inserting "Except as otherwise provided, in this Act:".

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by inserting "TEACHER" after "NOYCE"; and

(B) by inserting "Teacher" after "Noyce".

SEC. 4013. SENSE OF THE SENATE REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Senate that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 4014. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the teacher institutes for the 21st century under paragraphs (3) and (7) of section 9(a) of the National Science Foundation Authorization Act of 2002 (as amended by subsection (b)) (42 U.S.C. 1862n(a))—

(1) $84,000,000 for fiscal year 2008;

(2) $94,000,000 for fiscal year 2009;

(3) $106,000,000 for fiscal year 2010; and

(4) $140,000,000 for fiscal year 2011.

(b) TEACHER INSTITUTES FOR THE 21ST CENTURY.—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking "summer or" and inserting "teacher institutes for the 21st century, as described in paragraph (7),";

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

"(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

"(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

"(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers during the summer;

"(iii) serve teachers who are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), teach high-need subjects, and teach in high-need schools (as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965);

"(iv) focus on the theme and structure developed by the Director under subparagraph (C);

"(v) be content-based and build on school year curricula that are experiment-oriented, content-based, and grounded in current research;

"(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of science, technology, engineering, and mathematics;

"(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

"(viii) provide for direct interaction between participants in and faculty of the teacher institute;

"(ix) have a component that includes the use of the Internet;

"(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

"(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related to the teacher institute, and may include providing stipends as necessary; and

"(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

"(B) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium) desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.

"(C) THEME AND STRUCTURE.—Each year, not later than 180 days before the application deadline for a grant under this section, the Director shall, in consultation with a broad group of relevant education organizations, develop a theme and structure for the teacher institutes of the 21st century supported under paragraph (3)(B).".

Mr. INOUYE. Mr. President, innovation and economic competitiveness have emerged as top priorities for this country. A number of reports have detailed the Nation's need to address our investment in education and science. The Augustine Commission's "Rising Above the Gathering Storm" is often citied as the clarion call to action.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, I am proud to join my colleagues from the Energy and Health, Education, Labor, and Pensions Committees in introducing the America COMPETES Act. This bill was produced in a bipartisan manner that brought together these three Senate committees.

The Commerce Committee plays a critical role in ensuring this country's economic and commercial health. We have expertise that touches industries ranging from telecommunications to transportation; from the safety of the home to the security of the homeland; and from marine containers to marine mammals. We have brought this broad perspective in our efforts to improve the country's investment in the vital components that make us successful.

At the heart of this investment is education. Education is the foundation upon which scientific research and discoveries are made. This bill uses educational programs to inspire students from kindergarten through graduate school to pursue math and science. It also ensures that the Nation's enterprise research is well funded and focused on the needs of the Nation.

This bill would double funding for the National Science Foundation (NSF) and significantly increase funding for the National Institute of Standards and Technology (NIST). We were also able to include several provisions related to ocean and atmospheric research and education. The ocean truly is the last frontier on Earth, and ocean research and technology may have broad implications for improving health and understanding our environment.

It is vital that we recognize the importance of our oceans. The U.S. Commission on Ocean Policy recommended a number of ways to improve ocean education, basic research, and technological innovation. We need to follow through on these recommendations in order to provide young people with the opportunity to use a readily available resource for learning and inspiration.

This bill is a critical first step in this country's journey to answering the challenges that lay ahead. We must make the necessary investments today to realize the returns in the near future. I support this legislation and look forward to its thorough consideration before the Senate.

Mr. KENNEDY. Mr. President, families across America are facing serious challenges in today's global economy. The value of their wages is declining, the cost of living is going up, and many of their jobs are being shipped overseas.

We must respond to this challenge to ensure that our citizens can still achieve the American dream. We have the best workers in the world, and we must prepare them to compete and succeed in the global economy.

America has long been at the forefront in innovation, invention, and education. But other countries are catching up and surpassing us.

America's 15 year olds scored below average in math and science literacy compared to the youth of other developed nations on the most recent international assessment by the Programme for International Student Assessment.

We are losing ground in overall high school and college graduation rates. The U.S. has dropped below the average graduation rate for OECD countries. Out of 24 nations, the U.S. ranks 14th, just ahead of Portugal.

Since 1975, the U.S. has dropped from 3rd to 15th place in the production of scientists and engineers.

Federal investment in research and development is essential to keep us competitive, but federal dollars have been shrinking as a share of the economy. Funding for government research programs has fallen in real terms and is less than in 2004.

At the same time, fast-growing economies such as China, Ireland, and

South Korea are realizing the potential for economic growth that comes with investing in innovation. China's investment in research and development rose from $12.4 billion in 1991 to $84.6 billion in 2003, an average increase of 17 percent a year. Over the same period, the increase in U.S. investment averaged only 4 to 5 percent annually.

Study after study tells us that we need major new investments in education and in research and development to stay ahead. We cannot just tinker at the margins and expect to retain our leadership in the global economy. We have a responsibility to make the investments that are necessary to our progress—a responsibility to our people, our economy, our nation, and our national security.

Last year, the Council on Competitiveness urged a focus on lifelong skill development—through elementary, secondary and higher education, and workforce training and support, as essential to keeping America on the cutting edge of innovation.

The recent report by the National Academy of Sciences, "Rising Above the Gathering Storm," emphasized these recommendations. Two of the report's four major recommendations involved education as the solution to meeting the global challenge. The report set out a broad roadmap for keeping America competitive, but it prioritized investment in education over all other recommendations.

The National Association of Manufacturers has also issued a report urging renewed focus on education and training to keep American businesses competitive.

Last week, the National Governors Association released its "Innovation America" plan, which outlines opportunities for Federal investment to help spur innovation in the states. Here again, improving education and access to high quality job training take center stage.

It is clear that we must act, and today we are taking a step toward putting America back on the right track.

I am pleased to join a number of my colleagues today in reintroducing the "America COMPETES Act," or the "America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act." The bill is identical to legislation we introduced last year, but the need for action is even more important today to keep America competitive in the years to come.

The legislation responds to many of the recommendations in the "Gathering Storm" and other recent reports; it takes important steps to encourage innovation in America as a way to create jobs and move our economy forward. Often, as we know, it is federally funded research that primes the pump for technological, medical and scientific breakthroughs. The bill will double basic research funding by the National Science Foundation by 2011. It also puts us on a strong course to doubling basic research funding by the Department of Energy.

In addition, the legislation creates a President's Council on Innovation and Competitiveness, based on successful models being used in established and emerging economies in Europe and Asia. The Council will bring together the heads of federal agencies with leaders in business and academia to develop a comprehensive agenda to promote innovation. Japan for some time has had a similar council, and Ireland—the Celtic Tiger—has already had extraordinary success in expanding its R&D strength since it established its council two years ago.

The bill also strengthens programs at college and universities to encourage renewed interest in nuclear science. Massachusetts has long been a leader in nuclear research. There are fewer than three dozen licensed research reactors in the United States, and three of them are located at Massachusetts universities—University of Massachusetts Lowell, Worcester Polytechnic Institute, and MIT. These colleges will have a vital role as nuclear science expands, and this bill will help expand their programs and establish new ones to meet the growing demand.

We must also make the research and development tax credit permanent. The incentive provided by the credit has led to quality jobs, better and safer products, greater productivity and a stronger and more robust national economy. A growing number of countries recognize the importance of research and development spending to future economic growth, and they now offer more generous R&D tax incentives than the United States. The top 6 pharmaceutical companies, and American high tech companies like Microsoft, Intel and GE have all opened advanced R&D facilities in India. We must give American companies the certainty that our tax incentives will continue year after year and will not expire, so that they can choose to maintain these high-skilled jobs here at home, to keep America at the cutting edge as a leader in innovation in the global economy.

R&D investments also depend on a talented pool of well-trained individuals who can make discoveries and scientific breakthroughs. Jobs in science and engineering are expected to increase 70 percent faster than those in other fields over the next 6 years.

To ensure that Americans are well-trained for these jobs, we must improve education at all levels—from the very early years in a child's life all the way through doctoral study and beyond—especially in math, science, engineering and technology.

International comparisons of student achievement show that the United States is slipping behind other countries, but detailed analysis shows that the picture is more complex. The real problem lies in the serious and pervasive achievement gap in this country between higher income students and lower income students and between white students and students of color.

On the most recent test comparing student achievement in industrial nations, white students in the United States performed better than the average for all countries in both math literacy and problem-solving, while their Hispanic and African American peers did worse. Low-income students in the U.S. performed worse than their high-income peers, and also performed worse than other low-income students in over half of the developed countries surveyed.

If we can close this achievement gap, and guarantee all children in this country a world-class education, we can put America back at the top of the list. To do so, we need to renew and improve upon the important reforms in the No Child Left Behind Act this year. As we do so, we must make a strong commitment to adequately fund those reforms.

We must also invest in teachers. Research shows that having a high quality teacher for five years in a row can overcome the average 7th grade mathematics achievement gap between lower income and higher income children.

But almost half of math classes taught in high poverty and high minority schools are taught by teachers without a college major or minor in math or a related field. The problem is even more serious in middle schools—70 percent of math classes in these schools are taught by a teacher who doesn't even have a minor in math.

Our bill recognizes and responds to the critical need to recruit and train high quality math, science, technology and engineering teachers to teach in schools with the greatest need, so that we can begin to close the achievement gap and ensure that all American students can compete on a level playing field with their peers in other nations.

The bill provides a 10-fold increase in the Robert Noyce Teacher Scholarship Program at the National Science Foundation to recruit math, science, engineering and technology students and professionals to become teachers in high-need school districts.

It provides grants to institutions of higher education to create undergraduate programs that integrate the study of math, science, engineering, or critical need foreign language with teacher education, modeled on the successful U-Teach program at the University of Texas. It also helps institutions create part-time master's degree programs to improve the content knowledge and teaching skills of current teachers. In both of these programs, universities would partner with high-need school districts to ensure that these resources go where they are needed most.

The bill expands the Teacher Institutes for the 21st Century Program at the National Science Foundation to provide cutting-edge summer professional development programs for teachers who teach in high-need schools. It also creates a summer institute program in the Department of Energy to strengthen the math and science teaching skills of elementary and secondary school teachers.

Recruitment and training of good teachers are important, but so is retention of good teachers. Each year, over 200,000 teachers leave the profession—6 percent of the teaching workforce. High attrition rates mean that one of every two teachers hired will completely drop out of teaching within 5 years-just when they have gained the experience needed to consistently improve student achievement.

To be successful in closing the achievement gap, we must also do more to see that teachers have an incentive to stay in their classrooms once they are there.

We should provide financial incentives—through fellowships or salary increases—to teachers who commit to teach in the highest need schools, where the unique challenges make the schools the hardest to staff. I look forward to working with my colleagues as the bill moves forward to add this critical component to the effort.

In addition to providing a high quality teacher in every classroom, we must also ensure that children in low-income school districts have access to the same college preparatory classes that more affluent school districts are able to provide—and, importantly, that they have the preparation they need to succeed in those classes. To do so, the bill expands access to Advanced Placement and International Baccalaureate classes as well as pre-AP and pre-IB courses, especially in high need schools, and creates a program to improve instruction in math for elementary and middle school students and provide targeted help to students struggling with the subject.

The bill also addresses the critical need to ensure our education system is preparing students for the challenges they will face after graduation from high school.

According to recent research, the nation loses over $3.7 billion a year in the cost of remedial education and lost earning potential because students are not adequately prepared to enter college when they leave high school.

For students directly entering the workforce, 60 percent of employers in a survey conducted by the National Association of Manufacturers said that a high school diploma did not adequately prepare a typical student with even basic skills to qualify for an entry level job.

Many states have recognized the need to better align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. Our bill provides grants to assist states in those efforts. The grants would support state P–16 councils that bring together leaders in the early education, K–12, and higher education communities, in the business sector, and in the military to improve the rigor of elementary and secondary education and prepare students for the postsecondary challenges they will face.

These provisions will help spur the development of more rigorous standards, as well as innovative curricula that engage our children in learning and inspire a new generation of scientists and engineers. It will assist states in the work they are doing to create new disciplines in engineering and technology at the elementary school level to teach students the practical applications of math and science. The National Center for Technological Literacy at the Museum of Science in Boston is at the forefront of these efforts.

In addition to the education programs at the Department of Education and the National Science Foundation, the legislation relies on the resources of the Department of Energy to assist in the effort to improve math and science education. The National Labs at the Department of Energy can have a critical role in these efforts, and so can the more than 300 colleges and universities across the country conducting research supported by the Department of Energy. I appreciate my colleagues' efforts to ensure that the resources of the Department of Energy are used to enhance educational opportunities for children not only in the states that host National Labs, but across the country.

It is also becoming increasingly important for students to become exposed to and immersed in critical foreign languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy.

Currently, the U.S. government uses tens of thousands of employees with foreign language skills in 100 languages and more than 80 Federal agencies. In addition, American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce.

For students to become proficient in these critical foreign languages, they must have access to a sustained course of study, beginning in the early grades.

But currently, only one-third of students in grades 7–12 and a mere 5 percent of elementary school students study a foreign language.

Even fewer study critical need foreign languages. Only about 24,000 of approximately 54 million elementary and secondary school children in the United States are studying Chinese. In contrast, more than 200 million children in China study English—a compulsory subject for all Chinese primary school students.

The bill begins to address these needs by providing grants to institutions of higher education and local educational agencies to work in partnerships to create programs of study in critical foreign languages for students from elementary school through postsecondary education.

These programs and investments will help prepare our students to compete in the 21st century, but if we are serious about keeping America competitive, there is still more we can—and must—do.

A college degree is fast becoming the price of admission to participation in the global economy. Today, over 60 percent of jobs require some postsecondary training, and the number is rising rapidly. Such jobs bring higher pay as well. A recent study by the Organisation for Economic Co-operation and Development shows that in the United States, earnings of people with a post-secondary degree are 72 percent higher on average than those with only a high school diploma.

But with soaring costs and stagnant financial aid, college is increasingly out of reach for students and families. Research shows that 400,000 students a year do not go to a four-year college because they cannot afford it. 170,000 do not go to college at all.

When our troops returned home from World War II, we created the GI Bill and sent them to college to learn the skills they would need in the changing world. The pay off to the nation was immense. The economy reaped an estimated $7 in benefit for every dollar invested in that effort.

In recent decades however, federal grant aid has dwindled and the grants don't go as far as they used to. Thirty years ago, seventy-seven percent of the federal assistance provided to students was in the form of grants, but in recent years the number has dropped to twenty percent.

With college costs skyrocketing, the value of the Pell Grant has not kept pace. To ensure the prosperity of our families and the nation, we must open the doors of college to all by restoring the Pell Grant as the foundation of the student aid system.

Last year, Congress squandered an opportunity to significantly increase aid for low income students. The Senate passed a bill that would have immediately increased the Pell grant from $4,050 to $4,500. But this increase was rejected, and the funds were used instead to pay for tax giveaways for the wealthiest Americans.

Last month, under the new Democratic leadership, Congress made a strong down payment to help low-income families afford college by raising the maximum Pell grant for the first time since 2003 from $4,050 to $4,310.

I know many of my colleagues on both sides of the aisle agree that higher education is the key to keeping America competitive, and I look forward to working with them to build on this down payment as we reauthorize the Higher Education Act this year to ensure that the cost of college is not a barrier to full participation in the new economy.

We need to reform the federal student aid system to redirect excessive lender subsidies into additional help and support for students and families, including increased need-based aid, making student loans more manageable, and providing loan forgiveness for individuals in public sector careers.

We must also do more to address the devastating impacts of the global economy on American workers and their families.

Our workers are facing global competition that is often fundamentally unfair, but this bill does nothing to level the playing field or to help ease the burden of their transition to the global economy. To truly improve our national competitiveness, we must address all aspects of this challenge. We cannot continue to ignore the plight of working Americans.

First, we need to level the playing field in the competition for good jobs. Americans have nothing to fear from competition that's fair. But it's not fair when Americans are competing with foreign workers who lack basic protections such as child labor laws, a minimum wage, or the right to organize. It's not fair when U.S. companies cut costs by exploiting and abusing foreign workers.

We need to exercise global leadership in promoting fair wages and safe working conditions for workers around the world, reward companies that treat their foreign workforces fairly, and be a strong voice in sanctioning those countries that will not play by the rules.

Beyond these basic steps to level the playing field, we owe a particular duty to American workers who are losing their jobs because of trade. We all benefit from the lower prices and variety of products that globalization provides, but many of our most vulnerable workers are paying the price. We've lost nearly 3 million manufacturing jobs since 2001, and service sector jobs are now moving overseas as well. These are good, middle-class jobs, with decent wages and benefits that form the core of the American middle class.

Our response to globalization must address the disappearance of good jobs. We must create the good jobs of the future. We must eliminate tax incentives for companies to ship jobs overseas. We must give fair warning to workers who are at risk of losing their jobs to overseas competition, so that they can plan for their futures. We must strengthen our commitment to help workers who lose their jobs to adjust to the new economy, with well-funded training and income assistance programs that ease the transition to new employment.

Fulfilling our commitment to American workers also demands that we give them their fair share of the economic growth that globalization brings. Both houses of Congress have now voted overwhelmingly to raise the minimum wage to $7.25 an hour, and that vital legislation should reach the President's desk soon. But that's only a first step. We need to do much more to promote good jobs and ensure that workers get their fair share of economic growth. We also must give workers a stronger voice in the new economy by protecting their right to organize and form a union.

If we truly want to be competitive in the global economy, we need to address these challenges facing the American workforce head on. Our employees deserve greater job security in the present, and better job opportunities in the future. I hope that the same bipartisan coalition that has worked together so effectively on this competitiveness bill can also work together to address these important issues for America's working families.

The legislation we are introducing today is not a complete package. What it does represent is the beginning of a strong commitment that we will need to sustain and build on if America is to remain competitive in the years ahead. It's gratifying that this bill has strong bipartisan support, because that support is critical to ensuring that these proposals become a reality.

Words alone will not keep America competitive. This legislation must be more than a promise. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments essential to fully support these important proposals.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. We rose to the challenge after World War II with the GI Bill. We rose to the Soviet Union's challenge of Sputnik in 1957 by passing the National Defense Education Act, and we went on to inspire the nation in the next decade by sending a man to the moon and by doubling the federal investment in education.

We need the same bold commitment now to help the current generation meet and master the global challenges we now face. The America COMPETES Act can be an effective first step. I look forward to working with my colleagues to improve upon the bill as it moves forward and to expand on these efforts in the months to come to make this essential initiative as effective as possible.

Mr. LIEBERMAN. Mr. President, I rise today in support of the America COMPETES Act. I am pleased to join Senators REID and MCCONNELL in introducing this bipartisan bill that addresses the challenges in keeping the U.S. competitive in the global economy. The Council on Competitiveness, through their "Innovate America" report, and the National Academies, through the "Rising Above the Gathering Storm" report, made it clear that we owe the economic vitality of the Nation to the productivity of highly trained people and the innovations they produce. This bill addresses recommendations in these reports to support the Nation's future health, vitality and economic prosperity.

Only 29 percent of Americans believe the United States has the most innovative economy in the world. Nearly half choose China or Japan instead. Why? The No. 1 reason cited by Americans is that these other countries are more committed to their education, their youth or their schools. We need this to change.

This bill addresses new and expanded approaches to science education and research to meet the future needs of our children and the Nation. Tests show that U.S. students are behind other developed nations in math and science. We also found out in February that seniors in high school cannot read as well as seniors back in 1992. This is telling us that in some areas we are moving backwards. A good education is every child's way to realize his and her American dream. We must keep moving forward.

We need to consider how we can help our Nation's top universities lead some of their best and brightest students, especially in STEM and critical foreign languages, into successful teaching careers. This bill encourages integrated college math, science, engineering and foreign language programs with teacher development programs to produce certified, knowledgeable teachers in areas with critical needs. The resulting teachers will have the teaching credentials and, importantly, the necessary content expertise in STEM disciplines with the hope of improving student interest and achievement in STEM areas and critical foreign languages.

New teachers are but a small portion of those teaching in STEM classrooms each year across the country. These new instructors need support and mentoring from established teachers. This bill supports master's degree programs for existing teachers seeking to enhance their content knowledge, teaching skills and leadership in STEM and foreign languages. Teachers in these programs study part-time over 2 to 3 years to obtain master's degrees. These programs also prepare them for leadership roles in their schools through participation in, for example, mentoring activities, math and science curriculum enhancements, teacher development, and student achievement evaluations and assessments.

It is troubling that many students with their newly-obtained high school diplomas find themselves unprepared for college or the workforce. It is time to ensure that high schools prepare their students for the future. To do this right, States must start aligning what children learn starting in kindergarten, or earlier, to meet the evolving higher education and business needs for the 21st century and beyond.

High schools are not preparing students for college or the workforce. We know that middle and high school students engaged in challenging coursework attend and succeed in college at a greater rate than those who follow programs of study without rigorous content. What happens to the others? To start, more than a quarter of college students end up taking remedial classes. The percentage is much higher, more than two in five, at institutions with large minority enrollments. We need to prepare for the future through college-ready course content and appropriate assessment standards all the way up through our high school and continue that rigor until completion of college. I am pleased that this legislation contains many of the components of S. 109–2337, the College Pathways Act of 2006, a bill I introduced to increase access to postsecondary education through better alignment of curriculum and enhanced data systems.

High-quality data systems are also critical to improve schools and student outcomes. Accountability for high school graduation numbers and dropout rates is important to addressing education reform in our high schools. States and schools need data systems to trace successful educational outcomes back to specific programs, coursework and interventions. They need to know what works and what doesn't work.

Unique identifier for students from pre-kindergarten through college will permit States to analyze school progress. Test results, grades, college-readiness assessments, assigned teachers and whether students needed remedial courses in college can all go into the data system. This information should provide feedback to make needed improvements while expanding and rewarding areas of success.

The legislation specifies that the unique student identifier could be a bar code. That is appropriate. Bar codes and scanners were created and expanded in the U.S. in part through federally funded research. The National Science Foundation, NSF, funded research on scanners starting back in the 1970s that made accurate bar codes a reality. Few realized at the time the eventual widespread use of the technology. But this is an example of the kinds of basic research investments in innovation and ingenuity that drive much of our economy.

NSF is the principal agency sustaining basic research in all science and engineering fields. Basic research outcomes have led to many important innovations, stimulating economic growth and improving the quality of life for all Americans. This legislation increases the Nation's investment in this innovation by doubling the overall funding for NSF from approximately $5.6 billion in 2006 to $11.2 billion in 2011. NSF's three strategic goals for its portfolio are discovery, learning, and research infrastructure. These goals match up directly with the three primary areas of the America Competes Act: increased research investment, STEM education, and innovative infrastructure.

To encourage more students to enter technical professions, this legislation increases Federal support for STEM graduate fellowships and trainee programs by expanding the NSF Graduate Research Fellowship Program by 1,250 fellowships. These fellowships follow the students permitting the greatest flexibility in choosing graduate programs that best fit their needs and interests.

We also expand the NSF Integrated Graduate Education and Research Traineeship, IGERT, program by 1,250 new traineeships. In the IGERT program, grants are awarded to universities to develop cross-disciplinary training programs for students in areas including science, math, engineering, and policy. The program is intended to produce a change by establishing innovative new models for graduate education and training that reach across traditional disciplinary boundaries. It is also intended to facilitate diversity in student participation, and to contribute to a world-class, broadly inclusive, and globally engaged science and engineering workforce.

This legislation further addresses the issue of improving talent in scientific disciplines by expanding the existing STEM Talent Expansion Program, STEP, to the scope originally intended. The STEP, or Tech Talent program, which I first proposed in October 2001, provides competitive grants to undergraduate institutions to develop new methods of increasing the number of students earning degrees in science, math, and engineering. It is essential that we increase the number of college graduates with the skills to contribute to the science and technology workforce, yet this program has never been fully funded.

The Department of Energy's Office of Science is the principal Federal agency for research in high energy physics, nuclear physics, and fusion energy sciences. This legislation puts the Office of Science on a doubling track, over 10 years, reaching more than $5.2 billion in 2011. We create important educational opportunities through Centers of Excellence in Mathematics and Science. These centers bring together our premier National Laboratories as partners with high-need high schools. National Laboratories also will host summer teacher institutes and will provide expert assistance to teachers at specialty schools in math and science.

The bill also creates an "Innovation Acceleration Grants" program to stimulate high-risk research by setting a goal for Federal research agencies to allocate no less than 8 percent of their current R&D budgets to breakthrough research—the kind of research that gave us fiber optics, the Internet and countless other technologies relied on every day in this country and around the world. We anticipate this funding would be used for "grand challenges" and other transformation research at the frontiers of discovery and innovation. We must continue to encourage the groundbreaking experimentation and longer term outlook that made this country great.

I am pleased to join my colleagues in this bipartisan effort to address the science, technology and education needs that will fuel innovation and continue to drive American growth and prosperity. I urge my colleagues to cosponsor this legislation and support its passage.

Mrs. HUTCHISON. Mr. President, I am delighted to join our distinguished Majority and Minority Leaders in introducing and cosponsoring the America COMPETES Act. This is an essential and important first step in addressing critical challenges facing our Nation in an increasingly competitive global economy. America must be a leader in scientific research and education. It is in the best interest of both our national and economic security.

This bill renews and expands our national focus on strengthening key areas of research, education and innovation. It is the product of a truly bipartisan effort, undertaken with the blessing and encouragement of the Senate leadership and by the leadership of the three principal committees with jurisdiction over these matters: the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions. Mr. President, I am proud to be part of this bipartisan initiative to provide new resources to support these competitiveness programs.

This legislation increases research investment by doubling the authorized funding levels for the National Science Foundation (NSF) from approximately $5.6 billion in fiscal year 2007 to $11.2 billion in fiscal year 2011. It doubles funding for the Department of Energy's Office of Science over 5 years, from $3.6 billion in fiscal year 2006 to over $5.2 billion in fiscal year 2011.

Another vital focus of the bill is to strengthen educational opportunities in science, technology, engineering, mathematics and critical foreign languages. It authorizes competitive grants to States to promote better coordination of elementary and secondary education with the knowledge and skills needed for success in postsecondary education, the workforce and the U.S. Armed Forces. Another key emphasis is strengthening the skills of thousands of math and science teachers through support for the Teachers Institutes for the 21st Century Program at NSF.

As Ranking Member of the Space, Aeronautics and Related Sciences Subcommittee of the Commerce Committee, and a member of the Science, Technology and Innovation Subcommittee, I am especially pleased that this legislation ensures that both NASA and NSF are able to expand their strong traditional roles in fostering technological and scientific excellence. The language we have crafted increases essential NASA funding to support basic research and foster new innovation by calling for full use of existing budget authority that we provided within the 2005 NASA Authorization Act. Under the terms of this legislation and the previous authorization, the Congress could provide an additional $1.4 billion dollars in fiscal year 2008 for application towards these activities, above what has been requested. By directing NASA's full participation in inter-agency efforts for competitiveness and innovation, this legislation points the way for the Administration to now make use of that additional authority in supporting projects that can help meet these important competitiveness and innovation goals.

This bill represents an important first step in our efforts to meet the increasing challenges to our Nation's competitive posture. I encourage all of my colleagues to join in cosponsoring this bill and working with us at the appropriate time to ensure its passage by this body and its enactment into law.

By Mr. GRASSLEY (for himself, Mr. MCCAIN, and Mr. DURBIN):

S. 762. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President. I rise today to introduce a bill that would further expand the definition of anabolic steroids under the Controlled Substances Act to include DHEA. I am pleased to be joined in this bi-partisan effort by my colleagues Senator MCCAIN and Senator DURBIN.

Eight years ago, baseball fans everywhere were witness to history as Roger Maris' 37 year old single season record of 61 home-runs was finally broken. Mark McGwire and Sammy Sosa captivated the public as their chase for the home-run record unfolded in living rooms everywhere. Three years later, Barry Bonds of the San Francisco Giants set a new record when he hit an unthinkable 73 home-runs in just one season. Now, with another Major League Baseball season just around the corner, the 42 year old Barry Bonds is on the brink of breaking the all time home-run record held by the great Hank Aaron.

A lot has changed since that historic 1998 season though. We now know that Mark McGwire had been taking an over the counter testosterone boosting supplement known as "Andro" at the time he broke the home-run record. A few years later, an anonymous phone call sparked what has since become the largest doping scandal in professional sports history. The BALCO scandal as it is famously known today, has exposed numerous top athletes across a wide range of sports and continues to this day. In fact, just this week, we learned that investigators found evidence that testosterone and other performance enhancing drugs may have been illegally purchased over the internet by current and former Major League Baseball and NFL players, college athletes, high school coaches, a former Mr. Olympia champion, and another top contender in the body building competition.

The publicity generated from these doping scandals even spurred Congress into action. In 2004, we passed legislation expanding the list from 23 to 59 anabolic steroids that are now regulated by the DEA, including "Andro". Legislation has also been introduced that would force Major League Baseball and other professional sports leagues, to strengthen their testing procedures and set new minimum penalties for any violations of the policy.

While all this publicity has helped to raise public awareness about the dangers of illegal performance enhancing drugs, much work remains to be done. Some recent studies appear to indicate that the use of illegal steroids among adolescents is beginning to decline. While this is good news, an alarming number of young people are still turning to these dangerous drugs to improve performance, appearance, or their self image.

Even more widespread however, is the use of over the counter supplements. Many young people turn to these "supplements" as an alternative to already illegal steroids, mistakenly believing that because they are sold over the counter, they must be safe. Yet, many of these over the counter "supplements" actually produce the same dangerous effects on the body as illegal steroids, some even become steroids in the blood stream.

In the year following Mark McGwire's record breaking 70 home-run season, sales of andro surged by more than 1000 percent. In 2004, we took action to control sales of these dangerous drugs and protect the unsuspecting public. Yet as I speak today, one anabolic steroid remains on the shelves of health stores around the country. This potentially harmful steroid can be bought by anyone, at any age and without consulting a physician first.

DHEA, is a steroid hormone that when ingested in the body, is converted into other more powerful steroid hormones including Andro and Testosterone. Both Andro and Testosterone are already controlled by the DEA under the Controlled Substances Act.

DHEA like all other steroids, may cause a number of long-term physical and psychological effects. Women could experience facial hair growth, scalp hair loss, deepening of the voice, and increased girth. Men could experience increased blood pressure or breast enlargement. Unfortunately, side effects associated with hormones don't always appear right away. While these effects may be mild at low doses, according to many experts high levels of DHEA might promote liver damage and cancer of the breast or prostate over time. The truth is we know very little about DHEA's long term effects.

In addition, because DHEA is marketed as a dietary supplement rather than a medicine, companies distributing DHEA products are not required to prove their safety and effectiveness to the Food and Drug Administration. Therefore, it is impossible to tell if these products are 100 percent pure or whether you are getting the same amount of DHEA the label claims. In fact, in 2000, the Good Housekeeping Research Group examined 8 popular DHEA products with "antiaging" claims and found that 5 of the 8 brands sent to an independent lab for testing, failed to accurately state the level of DHEA labeled on their product.

While often cited as an anti-aging pill, some advertisements do specifically target athletes. Take for example this advertisement on www.bodybuilding.com:

> DHEA is HOT, and you will see why. As a pre-cursor hormone, it leads to the production of other hormones. When this compound is supplemented, it has shown to have awesome effects.

Here is another advertisement found on AST Sports Sciences,

> If you're a bodybuilder, and want to increase lean body mass at the expense of body fat, actual studies show this supplement may significantly alter body composition, favoring lean mass accrual.

DHEA is already banned by the Olympics, the World Anti-Doping

Agency, the National Collegiate Athletic Association, the National Football League, the National Basketball Association and minor league baseball, yet under current Federal law it enjoys special protections.

In 2005, as Major League Baseball and their steroid policy were coming under increasingly heavy fire, the top medical advisor to the League turned the tables on us as lawmakers, referring to DHEA and accusing us of failing to write a zero tolerance steroids policy into Federal law.

With that in mind, I am pleased to introduce this legislation today, which would put these potentially dangerous steroids behind the counter where they belong. We must make every effort to keep ALL steroids out of the hands of children and protect unsuspecting consumers. DHEA is not a food supplement, and should be treated as every other testosterone boosting substance in the steroid family.

I encourage my colleagues to join in support of this legislation.

I send the draft of this legislation to the desk and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF DEHYDROEPIANDROSTERONE.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)) is amended—

(1) in the matter preceding clause (i), by striking "corticosteroids, and dehydroepiandrosterone" and inserting "and corticosteroids";

(2) by redesignating clauses (x) through (xlx) as clauses (xi) through (xlxi), respectively; and

(3) by inserting after clause (ix) the following:

"(x) dehydroepiandrosterone (androst-5-en-3β-ol-17-one);".

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. KERRY, Mr. DURBIN, and Ms. CANTWELL):

S. 764. A bill to amend title IXX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am introducing the Legal Immigrant Children's Health Improvement Act, legislation that would again allow States to use Federal funds to provide critical healthcare services to pregnant women and children. I want to thank Senator SNOWE for partnering with me on this bipartisan effort.

All across New York and America, legal immigrants work hard, pay taxes, and exercise their civic responsibilities. I see examples of this every day in New York. They fight for our country in the military. They contribute to our Nation's competitiveness and economic growth. They help revitalize neighborhoods and small towns across the country. And most are fiercely proud to call themselves Americans.

Yet, in 1996, Congress denied safety net services to legal immigrants who had been in the country for less than five years. Today, Senator SNOWE and I are introducing legislation that would take a first step towards correcting that injustice. The Legal Immigrant Children's Health Improvement Act will allow States to use Federal funds to make the State Children's Health Insurance Program (SCHIP) and Medicaid available to legal immigrant pregnant women and children who are within the five year ban.

There is tremendous need for this legislation. An Urban Institute study found that children of immigrants under the age of 6 years are two times as likely to be in fair or poor health compared to same-age children of natives, whereas 6 to 17 year old children of immigrants are almost three times as likely to be in fair or poor health. While most children receive preventative medical care, such as vaccines and routine dental care, too often immigrant children do not. They are forced to forego treatment and can ultimately end up seeking needed care in emergency rooms—the least cost-effective place to provide care. To make matters worse, minor illnesses, which would be easily treated by a pediatrician, may snowball into life-threatening conditions.

And women without access to prenatal care are four times more likely to deliver low birth weight infants and seven times more likely to deliver prematurely than women who receive prenatal care, according to the Institute of Medicine. All of these health outcomes are costly to society and to the individuals involved.

Today, 16 States, including New York and Maine, use State funds to provide healthcare services to legal immigrant pregnant women and children within the five year waiting period. An additional six States provide some coverage to either pregnant woman or children.

The Legal Immigrant Children's Health Improvement has been endorsed by a wide range of organizations including Asian American Justice Center, Catholic Health Association, National Immigration Law Center, National Health Law Program, Families USA, and National Council of La Raza and I want to thank them for their support.

This year Congress will reauthorize the SCHIP program and it is my hope that we will finally eliminate the unfair ban on legal immigrant children and pregnant woman by incorporating the Immigrant Children's Health Improvement Act into the reauthorization of SCHIP. I look forward to working with Senator SNOWE and my colleagues to enact this bill into law.

By Mr. DURBIN (for himself, Mr. OBAMA, Ms. MURKOWSKI, and Ms. MIKULSKI):

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce S.J. Res. 5, honoring the valor of General Casimir Pulaski, who made the ultimate sacrifice in pursuit of American freedom. This Resolution would grant posthumous honorary citizenship to General Pulaski.

Casimir Pulaski was a young soldier whose activities to advance Polish liberty" from Russian influence led to his exile from Poland. In Paris, he met Benjamin Franklin and was inspired to join the Continental Army in its fight for American independence.

On September 11, 1777, Casimir Pulaski fought with distinction in the Battle of Brandywine. His bravery and abilities in battle averted an American defeat and saved the life of George Washington. That same year, Pulaski wrote to George Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it."

Casimir Pulaski was promoted to Brigadier General and, as General, continued to provide great leadership. In 1779, at the siege of Charleston, South Carolina, he helped to fend off British forces. Later that year, his letter to George Washington proved prophetic when in October, during a major offensive against British forces in Savannah, Georgia, Pulaski was mortally wounded. He died at sea, aboard the U.S.S. *Wasp*, on October 11, 1779.

General Pulaski's life and death inspired his contemporaries just as he inspires us today. Shortly after his death, the Continental Congress resolved to build a monument in his honor; one that proved to be the first of many. In 1825, General Lafayette, an honorary American citizen, laid the cornerstone for the Pulaski monument in Savannah, Georgia. In 1929, Congress resolved that October 11 of each year would be Pulaski Day in the United States, and several states have followed this example. In 1973, my own state of Illinois designated the first Monday of March as Pulaski Commemorative Day and in 1986 declared that day to be a state holiday. There are countless schools, streets, and memorials across the country that bear his name, and honor his great contributions.

We in Illinois are privileged to have a large and vibrant Polish-American community. From Casimir Pulaski to legendary artists like Ignacy Jan Paderewski, the Polish people have contributed a great deal to Illinois, and to this country. Chicago is home to the Polish American Congress, which encompasses three thousand Polish organizations across the county, as well as the Polish Museum of America. The Polish-American community also has a large presence in the Illinois National Guard which has enjoyed a long-standing relationship with the Polish Air Force.

I am honored to rise today, on Pulaski Commemorative Day, to introduce this Resolution to grant posthumous honorary citizenship to General Casimir Pulaski. Honorary citizenship is a proper tribute to a man who gave his labor and life to the cause of American independence. When we think of our Nation's struggle for freedom in its early years, we also must think of Casimir Pulaski and his indelible contribution to our Nation's birth.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 93—SUPPORTING THE GOALS OF "INTERNATIONAL WOMEN'S DAY"

Mrs. BOXER (for Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 93

Whereas there are more 3,000,000,000 women in the world, representing 49.7 percent of the world's population;

Whereas women continue to play the predominant role in caring for families within the home, as well as increasingly supporting their families economically by working outside the home;

Whereas women worldwide participate in diplomacy and politics, contribute to the growth of economies, and improve the quality of the lives of their families, communities, and countries;

Whereas women leaders have recently made significant strides, including through the 2007 election of Representative Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as President of Liberia and the first female President in the history of Africa, and the 2005 election of Angela Merkel as the first female Chancellor of Germany and who will also serve in 2007 as the second woman to chair a G–8 summit;

Whereas women now account for 80 percent of the world's 70,000,000 micro-borrowers, 75 percent of the 28,000 United States loans supporting small business in Afghanistan are given to women, and 11 women are chief executive officers of Fortune 500 companies in the United States;

Whereas, in the United States, women are graduating from high school and earning bachelor's degrees and graduate degrees at rates greater than men, with 88 percent of women between the ages of 25 and 29 having obtained high school diplomas and 31 percent of women between the ages of 25 of 29 having earned bachelor's degrees;

Whereas even with the tremendous gains for women during the past 20 years, women still face political and economic obstacles, struggle for basic rights, face discrimination, and are targets of gender-based violence all over the world;

Whereas women remain vastly underrepresented worldwide in national and local legislatures, accounting on average for less than 10 percent of the seats in legislatures in most countries, and in no developing region do women hold more than 8 percent of legislative positions;

Whereas women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;

Whereas, in the United States between 1995 and 2000, female managers earned less than their male counterparts in the 10 industries that employ the vast majority of all female employees;

Whereas, of the 1,300,000,000 people living in poverty around the world, 70 percent are women;

Whereas, according to the United States Agency for International Development, two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls around the world are less likely to complete school than boys;

Whereas women account for half of all cases of HIV/AIDS worldwide, approximately 42,000,000 cases, and in countries with a high prevalence of HIV, young women are at a higher risk than young men of contracting HIV;

Whereas each year over 500,000 women globally die during childbirth or pregnancy;

Whereas domestic violence causes more deaths and disabilities among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide at least 1 out of every 3 women and girls has been beaten in her lifetime, and usually the abuser is a member of the victim's family or is someone else known to the victim;

Whereas, according to the Centers for Disease Control and Prevention, at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime;

Whereas, in the Unites States, one-third of the women murdered each year are killed by current or former husbands or boyfriends;

Whereas 130,000,000 girls and young women worldwide have been subjected to female genital mutilation and it is estimated that 10,000 girls are at risk of being subjected to the practice in the United States;

Whereas, according to the Congressional Research Service and the Department of State, illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 600,000 and 900,000 women and children each year, of whom 17,500 are transported into the United States;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas, in Iraq, women are increasingly becoming the targets of violence by Islamic extremists, street gangs, and elements within the anti-occupation insurgency;

Whereas, in Darfur, a growing number of women and girls are being raped, mainly by militia members who use sexual violence as a weapon of war;

Whereas, in Afghanistan, Safia Ama Jan, the former Director of Women's Affairs, became the first female assassinated since the fall of the Taliban; and

Whereas March 8 of each year has been known as "International Women's Day" for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of "International Women's Day";

(2) recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for gender equality and women's rights;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic rights of women and girls both in the United States and in other countries;

(4) urges the President to reaffirm his commitment to pursue policies to protect the health and rights of women and girls; and

(5) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

Mr. BIDEN. Mr. President, I rise today to submit a Senate resolution designating March 8, 2007, as International Women's Day. Since 1911, International Women's Day has provided a chance for people all over the world to pause and observe the remarkable steps that women have made in their fight for equality and recommit themselves to dosing lingering gender disparities. I am particularly pleased that I am joined by a tremendous group of women who are original cosponsors of today's measure, Senators BOXER, CANTWELL, CLINTON, FEINSTEIN, KLOBUCHAR, LANDRIEU, MIKULSKI, MURRAY and STABENOW. These nine senators are living testament to the progress and promise of women's achievements. They are trailblazers and role models to whom we owe a great deal of gratitude.

Besides the steady increase in the number of women senators, I need only look down the hallway to see another sign of extraordinary progress in 2007—the first ever woman Speaker of House, Representative NANCY PELOSI. Similar electoral accomplishments can be found in other countries. For instance, Michelle Bachelet became the first female President of Chile and Ellen Johnson-Sirleaf became first female President in Liberia in the history of Africa. In 2005, Angela Merkel became the first female Chancellor of Germany.

Of course, participation in the political process is but one marker of women's empowerment and equal footing. Access to education, economic security, employment nondiscrimination, eradication of poverty, equality before the law, access to HIV/AIDS prevention and other health care services, and freedom from gender-based violence, including human trafficking—these are all critical benchmarks of women's progress.

An essential component to achieving gender equality is ending violence against women—an issue about which I care deeply. The time is now to concentrate our energies on efforts to end domestic and sexual violence abroad. Last year Congress passed the Violence Against Women Act of 2005, an accomplishment that shows real consensus and momentum to end gender-based violence and heal America's families. The United Nations and the World Health Organizations have released ground-breaking studies on the prevalence and impact of domestic violence globally. Finally, international service organizations are finding that their efforts to help women in the field, be it opening the school doors to girls or getting HIV/AIDS medicine to young women, are ultimately ineffectual if we do not help these same women escape from violent homes.

Furthermore, gender-based violence is pervasive in conflicts around the globe. In Darfur, women are systematically raped as a weapon of war. In Afghanistan, Safia Ama Jan, became the first female assassinated since the fall of the Taliban. Just last week, two Iraqi women accused the Iraqi national security forces of gang-raping them in Baghdad headquarters. This year's theme for International Women's Day is "Ending Impunity for Violence Against Women and Girls"—a fitting mandate for all of us.

I am working on legislative measures to fight the global epidemic of gender-based violence. In addition, International Women's Day is also a perfect opportunity for the Administration to review its position and support ratification of the International Women's Rights Treaty (formally known as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)). I whole heartedly support this human rights treaty that brings together in one document women's economic, social, cultural, civil and political rights and is an important tool for women rights advocates around the globe.

I've said it before, but it bears repeating: Ending the systemic discrimination of women is not just a woman's issue, it is not just the responsibility of heads of state or Nobel Peace Prize winners, it is everyone's moral responsibility. You cannot build peace and you cannot build democracy when half of the population is not free. And no country can reach its full potential when women are not allowed to fully contribute. Spreading democracy must mean empowering women, ending domestic and sexual violence and holding abusers fully accountable. I urge my colleagues to join our Resolution to Commemorate International Women's Day on March 8th and thank advocates everywhere who work day in and day out I to improve women's lives.

SENATE RESOLUTION 94—HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY ON THE 4TH ANNIVERSARY OF THE DEPARTMENT

Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. STEVENS, Mr. WARNER, and Ms. COLLINS) submitted the following resolutions; which was considered and agreed to:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department's employees sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

AMENDMENTS SUBMITTED AND PROPOSED

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 335. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. KERRY, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 336. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 337. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 346. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11

Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

"(a) Grants Authorized.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

"(b) Programs Not Affected.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

"(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

"(5) Grant programs other than those administered by the Department.

"(c) Relationship to Other Laws.—

"(1) In general.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

"(2) Program integrity.—Each grant program under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

"(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

"(B) reporting the incidence of improper payments to the Department.

"(3) Allocation.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

"(d) Minimum Performance Requirements.—

"(1) In general.—The Administrator shall—

"(A) establish minimum performance requirements for entities that receive homeland security grants;

"(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

"(h) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $1,278,639,000; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

"(j) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

"SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

"SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike "611(j)(8)" and insert "611(j)(9)".

On page 86, line 2, strike "5196(j)(8))" and insert "5196(j)(9))".

On page 87, strike line 22 and insert the following:

"SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike "under this title" and insert "under section 2003 or 2004".

On page 91, strike line 16 and insert the following:

"SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike "the Homeland Security Grant Program" and insert "grants made under this title".

On page 97, strike lines 7 and 8 and insert the following:

"SEC. 2009. AUDITING.

"(a) Audits of Grants.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

"(d) Definition.—In this section, the term 'Emergency Management Performance Grants Program' means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109–295).

"SEC. 2010. SENSE OF THE SENATE.

"It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

"(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

"(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

"(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

"(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

"(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.".

On page 106, strike lines 1 through 9, and insert the following:

(b) Table of Contents.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109-347; 120 Stat. 1884), and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1903. Hiring authority.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.

"TITLE XX—HOMELAND SECURITY GRANTS

"Sec. 2001. Definitions.
"Sec. 2002. Homeland Security Grant Program.
"Sec. 2003. Urban Area Security Initiative.
"Sec. 2004. State Homeland Security Grant Program.
"Sec. 2005. Terrorism prevention.
"Sec. 2006. Restrictions on use of funds.
"Sec. 2007. Administration and coordination.
"Sec. 2008. Accountability.
"Sec. 2009. Auditing.
"Sec. 2010. Sense of the Senate.".

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

"SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

"(a) Definitions.—In this section:

"(1) Population.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(2) State.—The term 'State' has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

"(b) In General.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

"(c) Application.—

"(1) In general.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

"(2) Annual applications.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(d) Allocation.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

"(1) Baseline amount.—

"(A) In general.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

"(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

"(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

"(3) CONSISTENCY IN ALLOCATION.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

"(e) ALLOWABLE USES.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

"(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

"(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

"(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

"(f) COST SHARING.—

"(1) IN GENERAL.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

"(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(g) DISTRIBUTION OF FUNDS.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

"(h) LOCAL AND TRIBAL GOVERNMENTS.—

"(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

"(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"(i) EMERGENCY OPERATIONS CENTERS IMPROVEMENT PROGRAM.—

"(1) IN GENERAL.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

"(2) REQUIREMENTS.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9).

"(3) COST SHARING.—

"(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

"(B) IN KIND MATCHING.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.".

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 19 and 20, strike "0.45 percent" and insert "0.75 percent".

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FEDERAL FLIGHT DECK OFFICERS.

(a) IN GENERAL.—Section 44921(a) of title 49, United States Code, is amended to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish the Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence or air piracy. Such an officer shall be known as a 'Federal flight deck officer'.".

(b) AUTHORITY TO CARRY FIREARMS.—Section 44921(f) of title 49, United States Code, is amended to read as follows:

"(f) AUTHORITY TO CARRY FIREARMS.—

"(1) IN GENERAL.—The Secretary shall authorize a Federal flight deck officer to carry a firearm on the officer's person. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm in accordance with this section if the firearm is of a type that may be used under the program.

"(2) PREEMPTION.—Notwithstanding any other provision of Federal, State, or local law, a Federal flight deck officer may carry a firearm in any State and from one State to another State.

"(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—

"(A) IN GENERAL.—When operating to, from, or within the jurisdiction of a foreign government where an agreement allowing a Federal flight deck officer to carry or possess a firearm is not in effect, a Federal flight deck officer shall be designated as a Federal air marshal for the purposes of complying with international weapons carriage regulations and existing agreements with foreign governments. Nothing in this paragraph shall be construed to allow Federal flight deck officers to receive any other benefit of being so designated.

"(B) REQUIREMENT TO NEGOTIATE AGREEMENTS.—The Secretary of State shall negotiate agreements with foreign governments as necessary to allow Federal flight deck officers to carry and possess firearms within the jurisdictions of such foreign governments for protection of international flights against hijackings or other terrorist acts. Any such agreements shall provide Federal flight deck officers the same rights and privileges accorded Federal air marshals by such foreign governments.

"(4) DESCRIPTION OF AUTHORITY AND PROCEDURES.—The authority of a Federal flight deck officer to carry a firearm shall be identical to such authority granted to any other Federal law enforcement officer under Federal law. The operating procedures applicable to a Federal flight deck officer relating to carrying such firearm shall be no more restrictive than the restrictions for carrying a firearm that are generally imposed on any other Federal law enforcement officer who has statutory authority to carry a firearm.

"(5) LOCKED DEVICES.—

"(A) NO REQUIREMENT TO USE.—A Federal flight deck officer may not be required to carry or transport a firearm in a locked bag, box, or container.

"(B) REQUIREMENT TO PROVIDE.—Upon request of a Federal flight deck officer, the Secretary shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.".

(c) DUE PROCESS.—Section 44921 of title 49, United States Code, is amended by adding at the end the follow new subsection:

"(l) DUE PROCESS.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall establish procedures for the appeal of adverse decisions or actions. Such procedures shall provide timely notice of the action or decision, including specific reasons for the action or decision.".

(d) IDENTIFICATION AND SCREENING.—Section 44921 of title 49, United States Code, as amended by subsection (c), is further amended by adding at the end the following new subsections:

"(m) CREDENTIALS.—The Secretary shall issue to each Federal flight deck officer standard Federal law enforcement credentials, including a distinctive metal badge, that are similar to the credentials issued to other Federal law enforcement officers.

"(n) SECURITY INSPECTIONS.—A Federal flight deck officer may not be subject to greater routine security inspection or screening protocols at or in the vicinity of an airport than the protocols that apply to other Federal law enforcement officers.".

(e) REPORTS TO CONGRESS.—Section 44921 of title 49, United States Code, as amended by subsections (c) and (d), is further amended by adding at the end the following new subsection:

"(o) Reports to Congress.—

"(1) Reports on program.—Not less often than once every 6 months, the Secretary, in consultation with the Secretary of State, shall report to Congress on the progress that the Secretary of State has made in implementing international agreements to permit Federal flight deck officers to carry firearms on board an aircraft operating within the jurisdiction of a foreign country.

"(2) Report on training.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall report to Congress on the issues raised with respect to training in Department of Homeland Security Office of Inspector General report OIG-07-14 that includes proposals to address the issues raised in such report.".

(f) Conforming and Other Amendments.—Section 44921 of title 49, United States Code, as amended by sections (c), (d), and (e), is further amended—

(1) by striking "Under Secretary" each place it appears and inserting "Secretary"; and

(2) by striking subparagraph (G) of subsection (b)(3).

SA 335. Mrs. Feinstein (for herself, Mr. Cornyn, Mr. Lautenberg, Mrs. Hutchison, Mrs. Boxer, Mr. Schumer, Mrs. Clinton, Mr. Obama, Mr. Menendez, Mr. Kerry, Mr. Coburn, and Mr. Casey) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 49, line 12, strike all through the matter preceding page 106, line 7, and insert the following:

TITLE II—RISK-BASED FUNDING FOR HOMELAND SECURITY

SEC. 201. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) Risk-Based Funding in General.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

"SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

"(a) Risk-Based Funding.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

"(b) Covered Grants.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

"(1) State homeland security grant program.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) Urban area security initiative.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) Law enforcement terrorism prevention program.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(4) Citizen corps program.—The Citizen Corps Program of the Department, or any successor to such grant program.

"(c) Excluded Programs.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) Nondepartment programs.—Any Federal grant program that is not administered by the Department.

"(2) Fire grant programs.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(3) Emergency management planning and assistance account grants.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"(d) Effect on Covered Grants.—Nothing in this Act shall be construed to require the elimination of a covered grant program.".

(b) Covered Grant Eligibility and Criteria.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

"SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) Grant Eligibility.—

"(1) In general.—

"(A) General eligibility.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

"(B) Urban area security initiative.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

"(C) State homeland security grant program.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) Other grant applicants.—

"(A) In general.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

"(B) Consideration.—Applications for such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

"(3) Certification of regions.—

"(A) In general.—The Secretary shall certify a geographic area as a region if—

"(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

"(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

"(B) Existing urban area security initiative areas.—Notwithstanding section 2007(10)(B) and (C), a geographic area that, on or before the date of enactment of the Improving America's Security Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

"(b) Grant Criteria.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

"(c) State Homeland Security Plans.—

"(1) Submission of plans.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

"(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

"(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

"(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

"(D) describes how the State intends—

"(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

"(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

"(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

"(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

"(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

"(2) Approval by secretary.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(d) Consistency With State Plans.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

"(e) Application for Grant.—

"(1) In general.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) Deadlines for applications and awards.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants for all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) Availability of funds.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

"(4) Minimum contents of application.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

"(iii) a designation of a specific individual to serve as regional liaison; and

"(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

"(5) Regional applications.—

"(A) Relationship to state applications.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) State review and submission.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

"(C) Distribution of regional awards.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. In no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) Certifications regarding distribution of grant funds to regions.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) Direct payments to regions.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) Regional liaisons.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) Tribal applications.—

"(A) Submission to the state or states.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) Opportunity for state comment.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) Final authority.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) Tribal liaison.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

"(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) Limitation on the number of direct grants.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) Tribes not receiving direct grants.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

"(7) Equipment standards.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"(f) Homeland Security Grants Board.—

"(1) Establishment of board.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

"(A) the Secretary;

"(B) the Deputy Secretary of Homeland Security;

"(C) the Under Secretary for Emergency Preparedness and Response;

"(D) the Under Secretary for Border and Transportation Security;

"(E) the Under Secretary for Information Analysis and Infrastructure Protection;

"(F) the Under Secretary for Science and Technology; and

"(G) the Director of the Office of State and Local Government Coordination.

"(2) Chairman.—

"(A) In general.—The Secretary shall be the Chairman of the Board.

"(B) Exercise of authorities by deputy secretary.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

"(3) Risk-based ranking of grant applications.—

"(A) Prioritization of grants.—The Board—

"(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

"(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

"(B) MINIMUM AMOUNTS.—

"(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

"(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

"(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.".

SEC. 202. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 2003. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

"(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

"(1) IN GENERAL.—For purposes of making covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

"(A) the Task Force on Essential Capabilities established under section 2004;

"(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

"(C) the Secretary of Health and Human Services;

"(D) other appropriate Federal agencies;

"(E) State and local first responder agencies and officials; and

"(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

"(2) DEADLINES.—The Secretary shall—

"(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

"(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

"(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

"(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

"(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

"(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

"(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

"(C) the principles of regional coordination and mutual aid among State and local governments.

"(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

"(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

"(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

"(c) FACTORS TO BE CONSIDERED.—

"(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

"(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

"(A) Agriculture.

"(B) Banking and finance.

"(C) Chemical industries.

"(D) The defense industrial base.

"(E) Emergency services.

"(F) Energy.

"(G) Food.

"(H) Government.

"(I) Postal and shipping.

"(J) Public health.

"(K) Information and telecommunications networks.

"(L) Transportation.

"(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

"(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

"(A) Biological threats.

"(B) Nuclear threats.

"(C) Radiological threats.

"(D) Incendiary threats.

"(E) Chemical threats.

"(F) Explosives.

"(G) Suicide bombers.

"(H) Cyber threats.

"(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

"(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

"SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

"(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

"(b) REPORT.—

"(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

"(2) CONTENTS.—The report shall—

"(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

"(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

"(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

"(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

"(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

"(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

"(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

"(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

"(c) Membership.—

"(1) In general.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

"(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

"(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

"(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

"(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

"(2) Coordination with the Department of Health and Human Services.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

"(3) Ex officio members.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

"(d) Applicability of Federal Advisory Committee Act.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

"SEC. 2005. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING. .

"(a) Equipment Standards.—

"(1) In general.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 2002(e)(7). Such standards—

"(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

"(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

"(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

"(D) shall cover all appropriate uses of the equipment.

"(2) Required categories.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

"(A) Thermal imaging equipment.

"(B) Radiation detection and analysis equipment.

"(C) Biological detection and analysis equipment.

"(D) Chemical detection and analysis equipment.

"(E) Decontamination and sterilization equipment.

"(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

"(G) Respiratory protection equipment.

"(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

"(I) Explosive mitigation devices and explosive detection and analysis equipment.

"(J) Containment vessels.

"(K) Contaminant-resistant vehicles.

"(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

"(b) Training Standards.—

"(1) In general.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

"(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

"(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

"(2) Required categories.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

"(A) Regional planning.

"(B) Joint exercises.

"(C) Intelligence collection, analysis, and sharing.

"(D) Emergency notification of affected populations.

"(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

"(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

"(3) Consistency.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

"(c) Consultation With Standards Organizations.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

"(1) the National Institute of Standards and Technology;

"(2) the National Fire Protection Association;

"(3) the National Association of County and City Health Officials;

"(4) the Association of State and Territorial Health Officials;

"(5) the American National Standards Institute;

"(6) the National Institute of Justice;

"(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

"(8) the National Public Health Performance Standards Program;

"(9) the National Institute for Occupational Safety and Health;

"(10) ASTM International;

"(11) the International Safety Equipment Association;

"(12) the Emergency Management Accreditation Program;

"(13) the National Domestic Preparedness Consortium; and

"(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

"(d) Coordination With Secretary of HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.".

SEC. 203. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) Use of Grant Funds and Accountability.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by sections 201 and 202, is amended by adding at the end the following:

"SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

"(a) In General.—A covered grant may be used for—

"(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

"(2) exercises to strengthen terrorism preparedness and response;

"(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

"(4) developing or updating response plans;

"(5) establishing or enhancing mechanisms for sharing terrorism threat information;

"(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

"(7) additional personnel costs resulting from—

"(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

"(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

"(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

"(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

"(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

"(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

"(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

"(A) $1,000,000 per project; or

"(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

"(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, determines best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

"(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

"(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

"(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

"(15) other appropriate activities as determined by the Secretary.

"(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

"(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

"(2) to construct buildings or other physical facilities, except for—

"(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

"(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

"(3) to acquire land; or

"(4) for any State or local government cost-sharing contribution.

"(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

"(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary pays the costs directly attributable to transporting and operating such equipment during such response.

"(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

"(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

"(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination of funds and resources having value equal to at least 80 percent of the amount of the grant, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

"(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds under paragraph (1).

"(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

"(A) the amount obligated to that recipient in that quarter;

"(B) the amount expended by that recipient in that quarter; and

"(C) a summary description of the items purchased by such recipient with such amount.

"(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

"(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

"(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

"(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

"(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

"(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

"(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

"(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

"(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

"(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

"(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

"(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

"(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

"(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

"(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

"(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

"(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2002(e)(5)(E) or paragraph (1) of this subsection for an additional 15-day period.

The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

"(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

"(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

"(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

"(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

"(iii) the local government complies with subparagraph (B).

"(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

"(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

"(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

"(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

"(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

"(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

"(i) shall not affect any payment to another local government under this paragraph; and

"(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

"(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

"(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

"(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

"(2) containing information on the use of such grant funds by grantees; and

"(3) describing—

"(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 2003(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

"(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 2003(a).".

(b) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(c) REQUIRED COORDINATION.—The Secretary shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(d) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) coordinating industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.".

(e) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(f) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of "National Capital Region" applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(g) STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(h) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 204. MINIMUM PERFORMANCE REQUIREMENTS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, and 203 is amended by adding at the end the following:

"SEC. 2007. MINIMUM PERFORMANCE REQUIREMENTS.

"(a) IN GENERAL.—The Administrator shall—

"(1) establish minimum performance requirements for entities that receive homeland security grants;

"(2) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under paragraph (1) for—

"(A) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

"(B) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

"(3) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under paragraph (1) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

"(A) establishing a plan for the achievement of the minimum performance requirements under paragraph (1), including—

"(i) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

"(ii) conducting additional simulations and exercises; and

"(B) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under paragraph (1).

"(b) Waiver.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under subsection (a)(2).

"(c) Report to Congress.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

"(1) the performance of grantees under subsection (a)(1);

"(2) lessons learned through the simulations and exercises under subsection (a)(2); and

"(3) efforts being made to remedy failed performance under subsection (a)(3).".

SEC. 205. AUDITS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, 203, and 204 is amended by adding at the end the following:

"SEC. 2008. AUDITING.

"(a) Audit of Grants.—

"(1) In general.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use of funds under such grant program by such entity.

"(2) Timing.—The date described in this paragraph is the later of 2 years after—

"(A) the date of enactment of the Improving America's Security Act of 2007; and

"(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

"(3) Contents.—Each audit under this subsection shall evaluate—

"(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit; and

"(B) whether funds under that grant program were used by that entity as required by law.

"(4) Public availability on website.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

"(5) Reporting.—

"(A) In general.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

"(B) Contents.—Each report submitted under this paragraph shall describe—

"(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

"(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

"(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law.

"(b) Audit of Other Preparedness Grants.—

"(1) In general.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

"(2) Timing.—The date described in this paragraph is the later of 2 years after—

"(A) the date of enactment of the Improving America's Security Act of 2007; and

"(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

"(3) Contents.—Each audit under this subsection shall evaluate—

"(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

"(B) whether funds under each such grant program were used by that entity as required by law; and

"(C) the extent to which such funds were used to enhance preparedness.

"(4) Public availability on website.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

"(5) Reporting.—

"(A) In general.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

"(B) Contents.—Each report submitted under this paragraph shall describe—

"(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

"(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

"(ii) whether funds under each grant audited were used as required by law; and

"(iii) the extent to which funds under each grant audited were used to enhance preparedness.

"(c) Funding for Audits.—

"(1) In general.—The Administrator shall withhold 1 percent of the total amount of each covered grant or a grant under section 1809 for audits under this section.

"(2) Availability of funds.—The Administrator shall make amounts withheld under this subsection available as follows:

"(A) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

"(B) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

"(C) Amounts withheld from grants under the Law Enforcement Terrorism Prevention Program shall be made available for audits under this section of entities receiving grants under the Law Enforcement Terrorism Prevention Grant Program.

"(D) Amounts withheld from grants under the Citizen Corps Program shall be made available for audits under this section of entities receiving grants under the Citizen Corps Program.

"(E) Amounts withheld from grants under section 1809 shall be made available for audits under this section of entities receiving grants under section 1809.".

SEC. 206. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) Technical and Conforming Amendment.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Administration.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.".

(b) Temporary Limitations on Application.—

(1) 1-year delay in application.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase "by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,".

(2) 2-year delay in application.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) Definitions.—

(1) Title xx.—Title XX of the Homeland Security Act of 2002, as amended by sections 201, 202, 203, 204, and 205 is amended by adding at the end the following:

"SEC. 2009. DEFINITIONS.

"In this title:

"(1) Board.—The term 'Board' means the Homeland Security Grants Board established under section 2002(f).

"(2) Consequence.—The term 'consequence' means the assessment of the effect of a completed attack.

"(3) Covered grant.—The term 'covered grant' means any grant to which this title applies under section 2001(b).

"(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

"(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

"(9) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(10) REGION.—The term 'region' means any geographic area—

"(A) certified by the Secretary under section 2002(a)(3);

"(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

"(C) that, for purposes of an application for a covered grant—

"(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

"(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

"(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

"(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 2004.

"(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

"(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.".

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

"TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

"Sec. 2001. Risk-Based funding for homeland security.
"Sec. 2002. Covered grant eligibility and criteria.
"Sec. 2003. Essential capabilities for homeland security.
"Sec. 2004. Task Force on Essential Capabilities.
"Sec. 2005. National standards for first responder equipment and training.
"Sec. 2006. Use of funds and accountability requirements.
"Sec. 2007. Minimum performance requirements.
"Sec. 2008. Auditing.
"Sec. 2009. Definitions.".

On page 116, line 8, strike "0.75 percent" and insert "0.25 percent".

On page 116, line 13, strike "0.25 percent" and insert "0.08 percent".

On page 347, strike lines 19 through 22, and insert the following:

"(1) result in distributions to public safety entities among the several States that ensure that for each fiscal year—

"(A) no State receives less than an amount equal to 0.25 percent of the total funds appropriated for such grants; and

"(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.08 percent of the amounts appropriated for such grants; and

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SA 336. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 64, between lines 2 and 3, insert the following:

"(e) PROHIBITION OF PEER REVIEW PROCESS.—The peer review process may not be used in determining the allocation of funds among metropolitan areas applying for grants under this section.

SA 337. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 59, between lines 9 and 10, insert the following:

"(f) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

On page 86, strike lines 6 through 20.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, which was ordered to lie on the table; as follows:

On page 69, strike line 15 and all that follows through page 70, line 2, and insert the following:

"(d) MINIMUM ALLOCATION.—

"(1) IN GENERAL.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

"(A) except as provided in subparagraph (B), each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) receives an amount equal to not less than 0.25 percent of the total funds appropriated for the State Homeland Security Grant Program;

"(B) each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) that meets any of the additional high-risk qualifying criteria described in paragraph (2) receives an amount equal to not less than 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program;

"(C) the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands each receives an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program; and

"(D) directly eligible tribes collectively receive an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program, except that this subparagraph shall not apply if the Administrator receives less than 5 applications for that fiscal year from directly eligible tribes or does not approve at least 1 such application for that fiscal year.

"(2) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—The additional high-risk qualifying criteria described in this paragraph are—

"(A) having an international land border; or

"(B) adjoining a body of water within North America through which an international boundary line extends.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 15 . SPECIAL NEEDS REGISTRY PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "eligible entity" means a nonprofit entity that—

(A) possesses expertise in creating a coordinated response among individuals and organizations involved with individuals with special needs;

(B) has a documented successful history of technology implementation and program development in the service of linking public and private organizations in information-sharing initiatives, particularly with and among social agencies;

(C) has expertise in—

(i) managing technology implementations (including 9–1–1 data); and

(ii) using highly secure, auditable, Internet-based information dissemination methods;

(D) has alerting capabilities; and

(E) is capable of creating and managing directories of special needs people;

(2) the terms "emergency" and "major disaster" have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the terms "emergency response provider" and "local government" have the meanings given those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);

(4) the term "pilot program" means the Special Needs Registry Pilot Program established under subsection (b); and

(5) the term "special needs registry" means a voluntary and updatable registry of individuals with special needs that is readily accessible to emergency response providers.

(b) ESTABLISHMENT.—The Secretary shall establish a Special Needs Registry Pilot Program, to establish voluntary and updatable registries of individuals with special needs, readily accessible to emergency response providers to facilitate the evacuation of such individuals in the event of an emergency or major disaster.

(c) SELECTION.—The Secretary shall select an eligible entity to establish or operate a special needs registry in not fewer than 3 locations under the pilot program, including not fewer than—

(1) 1 location in an urban area that has a special needs registry and a system for integrating that registry with emergency response centers;

(2) 1 location in a rural area that has a special needs registry and does not have a system for integrating that registry with emergency response centers; and

(3) 1 location that does not have a special needs registry.

(d) REQUIREMENTS.—A special needs registry established or operated under the pilot program shall—

(1) be voluntary;

(2) have an easily accessible means of registration;

(3) include information regarding individuals with special needs sufficient to allow emergency response providers to find such individuals quickly;

(4) be updated regularly; and

(5) be—

(A) maintained in a secure, private, and encrypted environment; and

(B) distributed to appropriate local, county, State, and Federal emergency operations centers.

(e) REPORTS.—Not later than 10 months after the date that the Secretary selects an eligible entity under subsection (c), the Secretary shall submit to Congress a report—

(1) describing the use of funds under the pilot program; and

(2) recommending whether the pilot program should be extended or modified.

(f) TERMINATION.—The pilot program shall terminate 1 year after the date that the Secretary selects an eligible entity under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to carry out this section.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the item relating to section 1336 and insert the following:

Sec. 1336. Unified carrier registration system plan agreement.
Sec. 1337. Authorization of appropriations.

On page 298, strike line 8 and insert the following:

SEC. 1336. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA–LU Act (Public Law 109–59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 16, strike "and" after the semicolon.

On page 124, line 18, strike the period and insert "; and".

On page 124, between lines 18 and 19, insert the following:

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

Strike section 803 (relating to Transportation Security Administration personnel management) and insert the following:

SEC. 803. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE ISSUES; PAY FOR PERFORMANCE; UNION MEMBERSHIP.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding"; and

(B) by adding at the end the following:

"(2) RIGHT TO APPEAL ADVERSE ACTION.—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of Improving America's Security Act of 2007, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

"(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.

"(4) PAY FOR PERFORMANCE.—The Administrator shall establish a system to ensure that an individual described in paragraph (2) is compensated at a level that reflects the performance of such individual rather than the seniority of such individual.

"(5) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.".

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place it appears and inserting "Administrator".

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting ", or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note)," after "this Act".

(c) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration and the Comptroller General of the United States shall each submit an independent report to Congress that contains an assessment of employment matters at the Transportation Security Administration, including the implementation of this section.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE STRATEGY TO REDUCE GLOBAL POVERTY AND ELIMINATE EXTREME GLOBAL POVERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 9/11 Commission found that a "comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future".

(2) Global poverty creates conditions that give rise to terrorism.

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(2) CONTENT.—The strategy required under paragraph (1) shall include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in such paragraph.

(3) GUIDELINES.—The strategy required under paragraph (1) should adhere to the following guidelines:

(A) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries.

(B) Increasing overall United States development assistance levels while at the same time improving the effectiveness of such assistance.

(C) Enhancing and expanding debt relief.

(D) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(E) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(F) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(G) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, and reducing hunger and malnutrition.

(H) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy required under subsection (c).

(2) SUBSEQUENT REPORTS.—Not less than once every year after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (c)(1), and any changes to the strategy since the date of the submission of the last report.

(e) DEFINITIONS.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(2) EXTREME GLOBAL POVERTY.—The term "extreme global poverty" refers to the conditions in which individuals live on less than $1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term "global poverty" refers to the conditions in which individuals live on less than $2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROVISION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM.

(a) SHORT TITLE.—This section may be cited as the "September 11 Family Humanitarian Relief and Patriotism Act".

(b) DEFINITIONS.—

(1) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply for purposes of this section.

(2) SPECIFIED TERRORIST ACTIVITY.—For purposes of this section, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(c) ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The status of any alien described in paragraph (2) shall be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (2) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants a request under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(2) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant alien described in such section 101(a)(15) on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (1).

(B) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (1), unless the Secretary has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under paragraph (1) to engage in employment in the United States during the pendency of such application.

(4) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under paragraph (1) the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(d) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in paragraph (2), if the alien applies for such relief.

(2) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(B) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall promulgate regulations to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under paragraph (1).

(4) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for cancellation of removal under paragraph (1) to engage in employment in the United States during the pendency of such application.

(5) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(B) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

(e) EXCEPTIONS.—Notwithstanding any other provision of this Act, an alien may not be provided relief under this section if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

(f) EVIDENCE OF DEATH.—For purposes of this section, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSFER OF FUNDS FROM DTV TRANSITION AND PUBLIC SAFETY FUND.

(a) IN GENERAL.—Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 24) is repealed.

(b) AUTHORITY OF SECRETARY TO MAKE PAYMENTS FROM FUND.—The Secretary may make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2009 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the emergency communications operability and interoperable communications grant program established in section 1809 of the Homeland Security Act of 2002, as added by section 301(a)(1).

(c) LIMITATIONS.—Grants awarded under section 1809 of the Homeland Security Act of 2002, and funded by sums made available under this section may not exceed—

(1) $300,000,000 in fiscal year 2007;

(2) $350,000,000 in fiscal year 2008; and

(3) $350,000,000 in fiscal year 2009.

SEC. ___. REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary, in cooperation with the Chairman of the Federal Communications Commission, shall study the possibility of allowing commercial entities to develop national public safety communications networks that involve commercially based solutions.

(b) CONTENT OF STUDY.—The study required under subsection (a) shall examine the following:

(1) Methods by which the commercial sector can participate in the development of a national public safety communications network.

(2) The feasibility of developing interoperable shared-spectrum networks to be used by both public safety officials and private customers.

(3) The feasibility of licensing public safety spectrum directly to the commercial sector for the creation of an interoperable public safety communications network.

(4) The amount of spectrum required for an interoperable public safety communications network.

(5) The feasibility of having 2 or more competing but interoperable commercial public safety communications networks.

(c) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall report to Congress—

(1) the findings of the study required under subsection (a); and

(2) any recommendations for legislative, administrative, or regulatory change that would assist the Federal Government to implement a national public safety communications network that involves commercially based solutions.

SEC. . REPEAL.

Section 4 of the Call Home Act of 2006 (Public Law 109–459; 120 Stat. 3400) is repealed.

SEC. . RULE OF APPLICATION.

Notwithstanding any other provision of this Act, section 1381 of this Act shall have no force or effect.

SA 346. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United

States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 260, line 2, after "section" insert "such sums as may be necessary for fiscal year 2007 and".

On page 262, between lines 18 and 19, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 262, line 19, strike "(A)" and insert "(B)".

On page 262, line 20, strike "(B)" and insert "(C)".

On page 262, line 21, strike "(C)" and insert "(D)".

On page 263, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 18, strike "(A)" and insert "(B)".

On page 263, line 19, strike "(B)" and insert "(C)".

On page 263, line 20, strike "(C)" and insert "(D)".

On page 263, line 21, strike "(D)" and insert "(E)".

On page 263, between lines 25 and 26, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 26, strike "(A)" and insert "(B)".

On page 264, line 1, strike "(B)" and insert "(C)".

On page 264, line 2, strike "(C)" and insert "(D)".

On page 264, line 3, strike "(D)" and insert "(E)".

On page 264, between lines 6 and 7, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 264, line 7, strike "(A)" and insert "(B)".

On page 264, line 8, strike "(B)" and insert "(C)".

On page 264, line 9, strike "(C)" and insert "(D)".

On page 264, line 10, strike "(D)" and insert "(E)".

On page 270, between lines 15 and 16, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 270, line 16, strike "(A)" and insert "(B)".

On page 270, line 17, strike "(B)" and insert "(C)".

On page 270, line 18, strike "(C)" and insert "(D)".

On page 273, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 273, line 18, strike "(A)" and insert "(B)".

On page 273, line 19, strike "(B)" and insert "(C)".

On page 273, line 20, strike "(C)" and insert "(D)".

On page 278, line 18, strike the closing quotation marks and the second period.

On page 278, between lines 18 and 19, insert the following:

"(g) PASSENGER DEFINED.—In this section, the term 'passenger' includes revenue and nonrevenue passengers and Amtrak employees.".

On page 295, strike lines 4 through 7 and insert the following:

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended to read as follows:

"(a) REGULATIONS AND ORDERS.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970. Any regulation prescribed or order issued by the Secretary of Transportation involving railroad safety shall not be subject to challenge, under section 20114(c) of this chapter or under any other provision of law by which such a regulation or order may be subject to judicial review, on the ground that it impacts security.".

On page 298, line 6, after "section" insert "such sums as may be necessary for fiscal year 2007 and".

On page 298, between lines 15 and 16, insert the following:

"(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 16, strike "(1)" and insert "(2)".

On page 298, line 17, strike "(2)" and insert "(3)".

On page 298, line 18, strike "(3)" and insert "(4)".

On page 298, between lines 23 and 24, insert the following:

(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 24, strike "(1)" and insert "(2)".

On page 298, line 25, strike "(2)" and insert "(3)".

On page 299, line 9, strike "(3)" and insert "(4)".

On page 299, line 10, strike "(4)" and insert "(5)".

On page 305, line 17, after "section" insert "such sums as may be necessary for fiscal year 2007 and".

On page 307, after line 25, insert the following:

"(1) such sums as may be necessary for fiscal year 2007;

On page 308, line 1, strike "(1)" and insert "(2)".

On page 308, line 2, strike "(2)" and insert "(3)".

On page 308, line 3, strike "(3)" and insert "(4)".

On page 311, between lines 24 and 25, insert the following:

"(1) such sums as may be necessary for fiscal year 2007;

On page 311, line 25, strike "(1)" and insert "(2)".

On page 312, line 1, strike "(2)" and insert "(3)".

On page 312, line 2, strike "(3)" and insert "(4)".

On page 321, between lines 10 and 11, insert the following:

"(1) such sums as may be necessary for fiscal year 2007;

On page 321, line 11, strike "(1)" and insert "(2)".

On page 321, line 12, strike "(2)" and insert "(3)".

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON THE FUNDING OF FENCING AND VEHICLES BARRIERS ALONG THE SOUTHWEST BORDER OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 17, 2006, by a vote of 83 to 16, the Senate approved amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), the Comprehensive Immigration Reform Act of 2006, which required the Secretary of Homeland Security to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States.

(2) On August 2, 1006, by a vote of 94 to 3, the Senate approved amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), the Department of Defense Appropriations Act, 2007, which included a provision to appropriate $1,829,000,000 for the construction of 370 miles of fencing and 461 miles of vehicle barriers along the southwest border of the United States.

(3) On September 20, 2006, by a vote of 80 to 19, the Senate approved House Bill 6061 (109th Congress), the Secure Fence Act of 2006, which mandates the construction of fencing and border improvements along the southwest border.

(4) On October 26, 2066, the President signed the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), which mandates that "[n]ot later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States," including "physical infrastructure enhancements to prevent unlawful entry by aliens into the United States" into law.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) appropriate funds in the Department of Homeland Security Appropriations Act for fiscal year 2008 to fund, at a minimum, the strong commitment to border security represented in the President's budget request for fiscal year 2008, which is consistent with the congressional intent expressed in amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), and the Secure Fence Act of 2006; and

(2) appropriate funds in Department of Homeland Security Appropriations Acts for fiscal years after fiscal year 2008 in a manner consistent with the congressional intent expressed in such amendment 3879, such amendment 4775, and the Secure Fence Act of 2006.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Monday, March 5, 2007 at 2:30 p.m. for a hearing entitled, A Review of the Transportation Security Administration Personnel System.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 94, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 94) honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department's employees sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

MEASURE READ THE FIRST TIME—S. 761

Mr. REID. Mr. President, S. 761, introduced earlier today by Senators REID of Nevada, MCCONNELL, and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. REID. Mr. President, I will briefly comment on this action. It was a good occasion today. A press conference was held, led by myself and Senator MCCONNELL, with a good bipartisan group of excellent Senators, regarding legislation that would improve America's competitiveness. It is important legislation. It has been worked on by a number of bipartisan Senators, including Senator BINGAMAN. The person who worked on it, from my perspective, more than anybody else is the distinguished Senator from Tennessee, Mr. ALEXANDER, as did Senator ENSIGN and Senator LIEBERMAN. It is totally bipartisan.

I hope we can, on a bipartisan basis, move it out of here in the near future.

Mr. MCCONNELL. Mr. President, if I might add something, this is a classic example of the Senate at its best. It is a significant bipartisan measure put together, as the majority leader indicated, with leadership on his side of the aisle and on our side by Senators Alexander, Domenici, and Stevens. This is a significant piece of legislation that we hope to be able to move in the very near future.

Mr. REID. Mr. President, I object to the bill's second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 6, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 6; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the majority and the next 30 minutes under the control of the Republican leader or his designee; that following morning business, the Senate resume consideration of S. 4; that at 12 noon the Senate resume consideration of amendment No. 314, and the majority leader be recognized; that on Tuesday, the Senate recess from 12:30 to 2:15 p.m. for the weekly conference work sessions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO ADJOURN

Mr. REID. Mr. President, if there is no further business to come before the Senate today, and if the Republican leader has no further business, I ask unanimous consent that the Senate stand adjourned under the previous order following a very brief statement I am going to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF S. 4

Mr. REID. Mr. President, the Senate is in the second week of consideration of the 9/11 bill. S. 4 was reported out during the recess and was available to all Members on Monday, February 26.

We had to invoke cloture on the motion to proceed last Tuesday. Once cloture was invoked, there was a further delay in proceeding to the bill, and we were not allowed to begin consideration of the bill until Wednesday, February 28.

On Thursday of last week, Senator DEMINT offered his amendment to strike the TSA provision of the bill. We have been trying to get an agreement to vote on his amendment basically since that evening and on other amendments on the same subject matter as his amendment by Senators MCCASKILL and LIEBERMAN.

Today, Senator COLLINS offered her TSA amendment. We are willing to add her amendment to the agreement. That was objected to.

As I indicated and the distinguished Republican leader indicated, tomorrow I will move to table the DeMint amendment.

I mention this because this is a good, very important piece of legislation. It has all the markings of being able to do something on a bipartisan basis, once we get over these few little humps. There are now 31 amendments pending to the bill. Most of the amendments do not deal with 9/11 recommendations. They are important funding issues that must be resolved and other 9/11 issues I would like to resolve before there is a cloture vote on this bill. We have all day tomorrow and we have Wednesday to finish this bill.

Accordingly, I am going to wait as long as I can to file cloture. We need to resolve this bill this week. Immigration amendments are going to have to wait until we deal with that bill later this year. It is not going to be too late because we are going to have to do immigration. I know the immigration people feel strongly about this issue. A number of the people who have been heavily involved in this immigration debate previously have offered immigration amendments on this bill. I think it is better we do the immigration legislation all at once and not piecemeal. I know how strongly the people feel who have offered these amendments, but this is not the vehicle to offer those amendments. If cloture is invoked, most of these amendments will fall. In fact, I think all of them will.

I have indicated to the distinguished Republican leader that we are willing to make sure we can dispose of the amendments that appear to be germane prior to the cloture vote. We want to move this legislation as quickly as possible and as fairly as possible. So I hope the people who have amendments to offer will do it on this legislation. I hope they keep in mind that this is the 9/11 Commission recommendations and not an immigration bill.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, let me add briefly before we adjourn that I have asked my Members to come over, call up their amendments, and let's see how many we can get processed in the next couple of days. We are anxious to have amendments up and have amendments voted on and will be cooperating toward that end.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., March 6.

Thereupon, the Senate, at 7:22 p.m., adjourned until Tuesday, March 6, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 2007:

CONSUMER PRODUCT SAFETY COMMISSION

MICHAEL E. BAROODY, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED.

MICHAEL E. BAROODY, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE EMIL W. HENRY, JR.

DEPARTMENT OF STATE

PATRICK DENNIS DUDDY, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

CONFIRMATION

Executive nomination confirmed by the Senate Monday, March 5, 2007:

DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Monday, March 5, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 5, 2007.

I hereby appoint the Honorable MASIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. WALZ) for 1 minute.

THE TREATMENT OF OUR VETERANS

Mr. WALZ of Minnesota. Madam Speaker, the failures of this administration are once again on display today. From the failure to plan for the wars in Iraq and Afghanistan, to plan for the aftermath of Hurricane Katrina, and now we face the unconscionable failure to plan for the care of our veterans at Walter Reed and other facilities across the country.

This administration's inability to plan, their total disregard of expert advice, and the President's stubborn refusal to even acknowledge the consequences of marching our country off to war all have led to our servicemembers living in substandard conditions after coming back and fighting for this country.

Some of my colleagues deflect this criticism by saying yes, that's true, but what is your plan? Our plan is to actually plan ahead. Most members of the military like myself and the VSOs that support them anticipated the need for added resources to support our veterans at a time of war. But the President continued year after year after year to cut funding resources to the VA. The cost of war must include the cost of caring for our warriors.

Now another avoidable crisis is upon us and I say and the country says, Enough is enough. The era of putting politics before the needs of our citizens comes to an end. The American public will not stand for one more day of this incompetence. Now is the time to act. This Congress must exhibit the leadership that will restore the American people's confidence in their government and provide the services to our wounded veterans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are ultimately the beginning and the end. All time stands before You as ever-present. Be present to all the Members of Congress and all who work with them and beside them this day and this week.

May the daily decisions that Your people make be a sign to You, that acting with hearts set on what is right, seeking only lasting good for this Nation and for all peoples, they will prove themselves to be the faithful and free children of their heavenly Father.

May routine be transformed by Your spirit and so be filled with meaning. May the ordinary work of this institution, having consequences around the world, be undertaken by all as a mighty work, with fear of the Lord and give glory to Your Holy name both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICAN AID TO "HAMAS" UNIVERSITY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, incompetence seems to be running loose in a couple of Federal foreign aid programs. The United States dumps millions of American dollars for programs all over the world. Some of these may be worthwhile, but I want to mention some that defy common sense.

According to the Washington Times, the United States has been giving millions of dollars to two Palestinian universities with links to the terrorist organization Hamas. The money is sent through the United States Agency for International Development and through a sister group called the American Near East Refugee Aid.

The Islamic University, which is controlled by Hamas, has received money for student scholarships and money to build a state-of-the-art facility. Al Quds University also got millions of dollars for scholarships for 2,000 students. This is the same university that held a week-long celebration honoring the founder of the suicide belt that kills Americans and innocents. So it seems the good ole U.S. taxpayer is paying for both sides of the war on terror.

No American money should be given to any university that preaches and teaches hate and terror.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 122) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project, as amended.

The Clerk read as follows:

H.R. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.

(a) SHORT TITLE.—This section may be cited as the "Inland Empire Regional Water Recycling Initiative".

(b) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 16___. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

"SEC. 16___. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.

"(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section".

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the last item the following:

"16 . Inland Empire Regional Water Recycling Program.
"16 . Cucamonga Valley Water Recycling Project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 122, as amended, introduced by our colleague, Congressman DREIER of California, is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project and in the Cucamonga Valley Water District satellite recycling plant.

H.R. 122, as amended, would add approximately 100,000 acre-feet of new water annually to one of the largest recycled water distribution systems in the Santa Ana River Watershed. Some of the recycled water will be used to reclaim the groundwater basin and help drought-proof the service area. These water recycling plants will develop recycled water near where it will be used, offsetting the energy costs associated with pumping.

The Subcommittee on Water and Power held hearings on similar legislation in the 108th Congress. In the 109th Congress, similar legislation was passed by the House.

H.R. 122, as amended, will provide a very modest amount of Federal financial assistance to help in the construction of these worthy water recycling projects.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise to support H.R. 122, as amended, and yield myself such time as I may consume.

H.R. 122, sponsored by our colleague, DAVID DREIER, authorizes the Bureau of Reclamation to participate in two water recycling projects in Southern California that will allow the water districts there to be less reliant on imported water.

As the water demand grows and supplies become more scarce in Southern California, this bill would help to drought-proof this arid area. These projects would add over 75,000 acre-feet of water annually to one of the last recycled water distribution systems in the Santa Ana River Watershed. This legislation passed the House during the past two Congresses, and I urge my colleagues to support this noncontroversial bill.

Mr. Speaker, I would like to yield as much time as he may consume to the sponsor of this piece of legislation, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in strong support of this bill. As I was just told by a distinguished member of the committee staff, we hope that the third time is a charm here. We have been pursuing this for quite a while, and I hope very much that we will be able to see final implementation of this.

I would like to recognize the leadership again on both sides of the aisle; the Committee on Natural Resources, of course, Mr. BISHOP, who served with great distinction on the Committee on Rules. And I will say that we miss him upstairs in the Rules Committee. I especially miss the fact that we are no longer in the majority up in the Rules Committee, but he is serving very ably now as an important member of the Natural Resources Committee and the Water and Power Subcommittee. And I want to thank, of course, on the majority side the distinguished chairman of the full committee, Mr. RAHALL, my very good friend from California (Mrs. NAPOLITANO) with whom I worked closely on this, and of course the ranking member on the subcommittee, CATHY MCMORRIS RODGERS, and of course the ranking member of the full committee, Mr. YOUNG.

I want to really underscore the great commitment and support that was provided in this effort by my California colleague, Mrs. NAPOLITANO, who was an original cosponsor of this bill and has long been a great champion for many, many years of regional water solutions. I am also very pleased to have had the continued support and cosponsorship of other Southern California colleagues in a bipartisan way, KEN CALVERT, GARY MILLER, and of course I am pleased to see that we have just been joined on the floor here by my good friend, who represents the Inland Empire, Mr. BACA. And I should say, Mr. Speaker, that I just signed one of those cosponsor sheets and turned it in at the desk that will now include Mr. BACA's name as one of the cosponsors of this important legislation.

As many of you will recall, this bill was passed, as I said, by the last Congress; but it was held up in the other body over issues that were much larger regarding overall reform of the Bureau of Reclamation's title 16 program. And I do share the concern that the program, while hugely popular, successful and competitive, is oversubscribed and underfunded. That being said, Mr. Speaker, the need to reform the program shouldn't hold back good projects like this one.

The Inland Empire Water Recycling Initiative authorizes $30 million for the Inland Empire Utilities Agency and the Cucamonga Valley Water District to assist in constructing two water recycling projects. The projects will produce nearly 100,000 acre-feet of new water annually to the area's water supply. This initiative has the support of all member agencies of the Inland Empire Utilities Agency, which encompasses 240 square miles in Southern California. It also serves a number of cities that I am very honored to be able to represent, the cities of Rancho Cucamonga, Upland and Montclair, some of the fastest growing cities in our Nation.

These water agencies are using high-quality recycled water in many water intensive applications like landscape and agricultural irrigation, construction and industrial cooling. This allows fresh water to be conserved or used for drinking, which reduces our dependence on expensive imported water. In addition, by recycling water which would otherwise be wasted and unavailable, these agencies ensure that we wring the last drop of use out of water before it is ultimately returned to the environment.

It is imperative that we continue to approve measures preventing water supply shortages in the western United States. And, Mr. Speaker, this recycling initiative will help meet the water needs of the Inland Empire and begin a strategic Federal-local partnership to bring a significant amount of new water supply to this very important region in Southern California. This project has already been recognized nationally as one of the most cost-effective water reuse projects that we have.

The Inland Empire Utility Agency and the Cucamonga Valley Water District are innovative leaders in using high-quality recycled water in environmentally sensitive and creative ways. This allows fresh water to be conserved for drinking, reducing our dependence on expensive imported water.

The hard work of these two local water agencies should be recognized.

Mr. Speaker, I want to specifically recognize the tireless efforts of Rich Atwater, the CEO of the Inland Empire Utilities Agency, and Robert DeLoach, the CEO of the Cucamonga Valley Water District.

I would also like to commend the boards of these agencies for their leadership in providing our region with safe, clean, and affordable water. And I will say, Mr. Speaker, that at a time when we are focusing constantly on the need to look at ways to recycle and focusing on the issue of environmentally sound planning for our future, meeting our needs, this measure is, again, a model that can be used for the rest of the country.

At this juncture, I would be happy to yield to my very good friend, with whom I am privileged to share representing part of the Inland Empire, Mr. BACA.

Mr. BACA. I appreciate the comments by Mr. DREIER. I appreciate his leadership on this important issue of water. It is critical to the Inland Empire. This is one that needs to be addressed, and he has constantly addressed the issues of water in the Inland Empire, not only now, but in the past. And I rise in support of H.R. 122, the Inland Empire recycling project.

And I appreciate Grace Napolitano's leadership in this endeavor because this is a bipartisan effort for the Inland Empire and its region in the area. This is not a Republican or a Democratic issue, but an issue that pertains to water and water that is important to a lot of us in that region and throughout the State of California.

This project is important for my district. And he not only mentioned his district that covers Upland and Rancho Cucamonga, but it is important for my district and across Southern California because it would help solve California's state-wide water shortage.

We all have been warned about global warming and the impact it is going to have in terms of the future and the possibility of the lack of water. Well, this addresses some of that. By recycling the water in our region, we will be able to increase the local water supply and reduce our dependence on imported water from San Francisco Bay delta area.

□ 1415

The Bureau of Reclamation has ranked this project as one of the most cost-effective new water supply projects in California; I state, the most effective, cost-effective water supply projects in California. And it is also endorsed by all cities, including Fontana and Ontario, as well as community groups and business groups, and environmental leader groups, and I state, environmental groups and leaders throughout the Inland Empire.

I rise to give my full support, and I urge my colleagues to do the same on this important issue on water that impacts not only the Inland Empire but the State of California, and I ask full support.

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank my friend for his very able contribution.

Let me just say, Mr. Speaker, in closing that I think that this legislation underscores once again how the California congressional delegation continues, as it has in the past, ,to work in a bipartisan way addressing priority concerns that we have, whether it be transportation, dealing with the whole issue of base closure, dealing with the challenge of illegal immigration, dealing with this very important water resources issue, health care issues. California's delegation is working together in a bipartisan way to address them, and this legislation today is evidence of our great success at implementing the shared vision that we have for the constituents whom we are honored to represent in California. And I again thank both Democrats and Republicans on the Natural Resources Committee for their strong support of this important legislation.

And, again, as Mr. BACA said, I hope very much that the committee and others will utilize this very successful program as a model for future water recycling.

Mr. BISHOP of Utah. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 122, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOUTHERN IDAHO BUREAU OF RECLAMATION REPAYMENT ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 467) to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho, as amended.

The Clerk read as follows:

H.R. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Idaho Bureau of Reclamation Repayment Act of 2007".

SEC. 2. EARLY REPAYMENT OF A&B IRRIGATION DISTRICT CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A&B Irrigation District in the State (referred to in this Act as the "District") may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all lands the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this Act—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 467, as amended, introduced by our colleague Congressman SIMPSON, is to authorize early repayment of landowner obligations to the Bureau of Reclamation within the A&B Irrigation District in southeastern Idaho.

The A&B Irrigation District receives part of its irrigation water supply from the Bureau of Reclamation's Minidoka Project. H.R. 467, as amended, will provide administrative consistency between the landowners within the A&B Irrigation District and those within other districts served by the Minidoka Project.

Mr. Speaker, this legislation simply allows landowners to pay off their financial obligations related to the Bureau of Reclamation's Minidoka project. We believe this legislation is appropriate and, in fact, may provide a slight financial benefit to the United States.

In the 109th Congress, the Subcommittee on Water and Power held a hearing on similar legislation. This legislation was subsequently passed by the House. We have no objection to this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 467. H.R. 467, sponsored by our colleague MIKE SIMPSON, allows for the early repayment of capital costs associated with a Federal water project in Idaho.

Under existing law, landowners who benefit from this water project cannot prepay the capital costs they owe to the Federal Government. But this bill gives the Bureau of Reclamation the ability to accept prepayment from these landowners. This legislation benefits the American taxpayer because it allows early revenue to flow into the U.S. Treasury and allows local landowners to reduce their debt.

I urge my colleagues to support this very good, commonsense bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 467, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 276) to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

The Clerk read as follows:

H.R. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2007".

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) LIGHT STATION.—The term "Light Station" means Piedras Blancas Light Station.

(3) PUBLIC LANDS.—The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(4) OUTSTANDING NATURAL AREA.—The term "Outstanding Natural Area" means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to section 3.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

SEC. 3. DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.

(a) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled "Piedras Blancas Historic Light Station: Outstanding Natural Area", dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(c) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(d) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal

Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the public land mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

SEC. 4. MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.

(a) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements section 3(c).

(b) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in section 3(a).

(c) MANAGEMENT PLAN.—Not later than 3 years after of the date of the enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in section 3(a). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 3(a);

(2) objectives to restore the historic Light Station and ancillary buildings;

(3) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(4) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in subsection (a) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(5) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(d) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(e) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in section 3(a) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(f) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(g) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(h) OVERFLIGHTS.—Nothing in this Act or the management plan shall be construed to—

(1) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(2) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(3) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(i) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(j) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996 et seq.; commonly referred to as the "American Indian Religious Freedom Act").

(k) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this Act can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material related to this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The Piedras Blancas Light Station is one of only a handful of tall, seacoast lighthouses built on the West Coast. It is located in San Luis Obispo County in Southern California.

Completed in 1875, the lighthouse was manned by the Coast Guard until 1975, when it was automated. The Coast Guard transferred the lighthouse and the surrounding public land to the Bureau of Land Management in 2001. This area is not only historically significant, but it is also home to a population of gulls, cormorants and an elephant seal colony, numbering 10,000 animals.

H.R. 276, sponsored by my committee colleague Representative LOIS CAPPS, would establish the Piedras Blancas Historic Light Station Outstanding Natural Area to be managed by the Bureau of Land Management as part of the existing National Landscape Conservation System. This area would be managed by the BLM to conserve the significant historical and natural resources found there.

Mr. Speaker, Representative CAPPS has worked tirelessly on behalf of this legislation, and we commend her for her efforts. Identical legislation was approved by the House in the last Congress, and we urge our colleagues to support this measure once again.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 276.

Last year the Republican majority was supportive of this measure, and this bill was passed in the House of Representatives. This year, we once again support this bill and commend

Representative CAPPS for her work to recognize this historic site in her district.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, Representative CAPPS is traveling back from her district in California and could not be here on the floor. She has submitted a statement which we will be submitting for the RECORD today.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 276, the Piedras Blancas Historic Light Station Outstanding Natural Area Act.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. GRIJALVA, as well as the ranking members of the full Committee and Subcommittee for expediting the consideration of this legislation and for bringing H.R. 276 before us today. This bill was passed by the House of Representatives last year but was never acted on by the Senate.

H.R. 276 would designate the Piedras Blancas Historic Light Station—located in my congressional district—as an Outstanding Natural Area within the BLM's National Landscape Conservation System.

The Piedras Blancas Light Station is located on an 18-acre parcel of BLM administered land along the Pacific Coast in San Luis Obispo County. The property is adjacent to Pacific Coast Highway and the Hearst Castle State Historic Monument, and it looks over a pristine coastal area that includes the southern portion of the Monterey Bay National Marine Sanctuary and California Coastal National Monument. It is also nationally recognized as an important monitoring point for migrating whales, and is used by the U.S. Geological Survey, the National Marine Fisheries Service and a number of universities and colleges for marine wildlife and plant research.

The Light Station and the surrounding area are also important for tourism. For example, the national historic Light House—built in 1879—is a main destination focal point on the central coast, and the peninsula is very popular for viewing sea otters, elephant seals, and sea lions from shore. The elephant seal colony at Piedras Blancas attracts an estimated 400,000 visitors annually.

In 2001, BLM assumed ownership and management of the Light Station from the U.S. Coast Guard. Since then, BLM, State and local agencies, community stakeholders and conservation groups have developed a very successful partnership to preserve the Light Station.

Some of these partners include: the Piedras Blancas Light Station Association; California State Parks; San Luis Obispo County; the cities of Cambria and San Simeon; the California Coastal Conservancy and Coastal Commission; NOAA; and the Hearst Corporation.

As a result of their hard work, the site was re-opened to public tours in 2003—for the first time in 128 years. These partners continue to work together on a series of environmental education, historical restoration and resource protection programs; and, I'm confidant they will each support and showcase this national designation if enacted.

My legislation tracks the successful model of designating the Oregon Coast's Yaquina Head as an Outstanding Natural Area, which was signed into law in 1980. Yaquina Head was later included in the National Landscape Conservation System.

Like Yaquina Head, the addition of the Piedras Blancas Light Station to the NLCS would be an important step in protecting and preserving this valuable natural and historic resource. It will also focus attention on the restoration of the Light Station and surrounding area, specifically the three on-site National Register properties; and, it will serve as a means to increase public awareness of the Light Station's scientific, cultural and educational values.

Specifically, H.R. 276 stresses long-term conservation of the Light Station by requiring timely completion of a management plan. The management plan would be developed through a public process and include guidelines for restoration of the National Register of Historic Places buildings, including the Light House; public access; ecological and cultural resource management; and, fostering scientific study and research opportunities.

Mr. Speaker, the Piedras Blancas Light Station is a wonderful resource. It has the potential to serve as a model for future resource management, and therefore would be an appropriate addition to the BLM's National Landscape Conservation System.

Again, I would like to thank the Committee on Natural Resources for supporting this bill to designate Piedras Blancas Historic Light Station as an Outstanding Natural Area, and urge its immediate passage.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 276.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 903) to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

The Clerk read as follows:

H.R. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Northern Front Range Mountain Backdrop Protection Study Act".

(b) FINDINGS.—Congress finds the following:

(1) Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho and Roosevelt National Forests also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

(2) The open space character of this mountain backdrop is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses.

(3) Rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho and Roosevelt National Forests and is also placing increased pressure for development of other lands within and adjacent to that national forest.

(4) Efforts by local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver metropolitan area. However, some portions of the mountain backdrop in this part of Colorado remain unprotected and are at risk of losing their open space qualities.

(5) It is in the national interest for the Federal Government, in collaboration with local communities, to assist in identifying options for increasing the protection of the mountain backdrop in the northern Front Range area of Colorado.

(c) PURPOSE.—The purpose of this Act is to identify options that may be available to assist in maintaining the open space characteristics of lands that are part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 2. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY AND REPORT.—The Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the State and local officials and agencies specified in subsection (c), shall review the lands within the study area and, not later than one year after the date of the enactment of this Act, shall report to such officials and to Congress regarding the following:

(1) The present ownership of such lands.

(2) Which undeveloped land may be at risk of development.

(3) Actions that could be taken by the United States, the State of Colorado or a political subdivision of such State, or any other parties to preserve the open and undeveloped character of such lands.

(b) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) STUDY AREA.—The term "study area" means those lands in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that are situated west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, excluding lands within the city limits of the cities of Boulder or Golden, Colorado, as generally depicted on the map entitled "Northern Front Range Mountain Backdrop Study Area" dated April, 2006.

(2) UNDEVELOPED LAND.—The term "undeveloped land" means land that—

(A) is located within the study area;

(B) is free or primarily free of structures; and

(C) the development of which is likely to adversely affect the scenic, wildlife, or recreational value of the study area.

(c) CONSULTATIONS.—In implementing this Act, the Secretary shall consult with the following:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) The Boards of County Commissioners of Boulder, Jefferson, and Gilpin Counties, Colorado.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as authorizing the Secretary of Agriculture to take any action that would affect the use of any lands not owned by the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Today I rise, Mr. Speaker, in strong support of H.R. 903, introduced by my colleague on the Natural Resources Committee, the gentleman from Colorado, Representative MARK UDALL.

This legislation would require the Forest Service to review lands in or adjacent to the Arapaho and Roosevelt National Forests and report to Congress on the present ownership of the lands, and which undeveloped lands may be at risk of development, as well as apprising Congress of appropriate actions that could be taken to preserve the open and undeveloped character of these lands.

Rapid population growth in the northern Front Range area of Colorado is spreading west from Denver, pushing homes and shopping centers up the valleys and along the highways. This development then spreads out along the ridges and mountaintops that make up this backdrop. New homes and businesses in the wildland urban interface also create new liabilities for first responders and a more complicated management framework for forest managers.

The result of these changes is the potential loss of many of the very qualities that attract new residents and contribute to the quality of life of the region. H.R. 903 is designed to help provide a better understanding of what steps might be done to lessen the risk.

Mr. Speaker, I want to commend and congratulate my colleague, Mr. UDALL, for his commitment and leadership on this matter. A hearing was held on a nearly identical measure last Congress, and the bill was approved by the Natural Resources Committee and passed the House by voice vote last September.

Mr. Speaker, we strongly support H.R. 903 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 903.

Mr. Speaker, H.R. 903 would require the Forest Service to review non-Federal lands in or adjacent to the Arapaho-Roosevelt National Forest and recommend strategies to maintain open space. Republicans do not object to this legislation, but considering the current budget constraints on the Forest Service, we believe funds would be better used to tackle the enormous risk of catastrophic wildfire in Colorado. Currently, 42 percent of Colorado's forests are suffering from bark beetle infestation, which continues to spread and will likely kill thousands of acres of trees. These dead and dying trees pose extremely high wildfire risks to Colorado's forests. Surely funds would be better spent on removing dead and dying trees that pose a tremendous threat to homes and communities, watersheds and wildlife habitat.

Moreover, we believe that local and State governments should address open space and smart growth options rather than Federal Government agencies based here in Washington, D.C. While we commend Mr. UDALL's good intentions, we believe recommendations and solutions to these problems should come from the counties and the States, not from the Federal Government.

Mr. UDALL of Colorado. Madam Speaker, I rise in strong support of H.R. 903, the Colorado Northern Front Range Mountain Backdrop Protection Study bill.

It is identical to a measure that passed the House last year but on which the Senate did not complete action. I appreciate the actions of Chairman RAHALL, Ranking Member DON YOUNG, and the staff of the Natural Resources Committee for making it possible for the House to consider it today.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern sections of the Denver-metro area, especially the region just west of what will soon be the Rocky Flats National Wildlife Refuge.

The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado.

The portion of the range addressed in this bill also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

Its open-space character is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses.

But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also placing increased pressure for development of other lands.

We can see this throughout Colorado and especially along the Front Range.

Homes and shopping centers are spreading up the valleys and along the highways. This development then spreads out along the ridges and mountain tops that make up the backdrop.

The result is potential loss of many of the very qualities that attract new residents.

This bill is designed to help provide a better understanding of what steps might be done to lessen that risk.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop.

The bill acknowledges their good work and aims to assist further efforts along the same lines.

The bill does not interfere with the authority of local authorities regarding land use planning.

And it does not infringe on private property rights.

Instead, it will bring the land protection experience of the Forest Service to the table to assist local efforts to protect areas that comprise the backdrop.

Under the bill, the Forest Service will work in collaboration with local communities, the state, nonprofit groups, and other parties.

I think this is in the national interest.

The backdrop both beckoned settlers westward and was a daunting challenge to their progress. Their first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region, and the pioneers' independent spirit and respect for nature still lives with us to this day.

We need to work to maintain the mountain backdrop as a cultural and natural heritage for ourselves and generations to come.

This bill is intended to assist in that effort, and I urge its approval.

Mr. BISHOP of Utah. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 903.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENDING AUTHORIZATION FOR THE AMERICAN VETERANS DISABLED FOR LIFE MEMORIAL

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 995) to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

The Clerk read as follows:

H.R. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR ESTABLISHING DISABLED VETERANS MEMORIAL.

Public Law 106–348 is amended—

(1) in subsection (b)—

(A) by striking "The establishment" and inserting "Except as provided in subsection (e), the establishment"; and

(B) by striking "the Commemorative Works Act (40 U.S.C. 1001 et seq.)" and inserting "chapter 89 of title 40, United States Code";

(2) in subsection (d)—

(A) by striking "section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))" and inserting "section 8906 of title 40, United States Code";

(B) by striking "or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)),"; and

(C) by striking "section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)" and inserting "8906(b)(2) or (3) of such title"; and

(3) by adding at the end the following new subsection:

"(e) TERMINATION OF AUTHORITY.—Notwithstanding section 8903(e) of title 40, United States Code, the authority to establish a memorial under this section shall expire on October 24, 2015.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The 106th Congress authorized the Disabled Veterans Life Memorial Foundation to establish a memorial in Washington, D.C., to honor disabled veterans. The law specified that the memorial is to be established pursuant to the Commemorative Works Act. A memorial site located near the Rayburn House Office Building was identified, but the project is yet to advance due to security and traffic concerns raised by the Architect of the Capitol and the U.S. Capitol Police.

The foundation is in the process of negotiating a solution to that problem. However, the Commemorative Works Act specifies that the legislative authority for any memorial expires 7 years after the date of enactment, October of this year for this proposal. H.R. 995, sponsored by our colleague from Illinois, Representative PHIL HARE, amends the original authorization to extend authority to establish the memorial to October 24, 2015.

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This extension will allow additional time to ensure an appropriate commemoration to our Nation's disabled veterans to whom we owe a tremendous obligation.

While Representative HARE is a new Member of this House, he is well acquainted with the sacrifices made by our Nation's veterans, both from his service in the Army Reserves and his more than 20 years as district director for our former colleague and advocate for veterans, Mr. Lane Evans. We congratulate Representative HARE for his work on behalf of this important legislation.

Mr. Speaker, I might add that, given the ongoing and recent scandal regarding the care and support of our current disabled veterans, this legislation, H.R. 995, is timely and appropriate to honor and remind us of the sacrifice of all veterans and those that are disabled as a consequence of their service to this country. This is an obligation that is owed to them. This memorial would be a fitting reminder that we have an ongoing obligation and responsibility to their care and comfort.

Mr. Speaker, we strongly support H.R. 995 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 995 and yield myself such time as I may consume.

Mr. Speaker, H.R. 995 has been adequately explained by the majority and we support the extension to establish a memorial honoring our disabled veterans.

I note that the original law authorizing this memorial was authorized by our own war hero, Congressman SAM JOHNSON of Texas. Last year, Congresswoman Sue Kelly of New York introduced this extension bill, and I am happy to see that Congressman HARE is carrying on her legacy. I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HARE), the sponsor of this legislation.

Mr. HARE. Mr. Speaker, I would like to thank my colleague for the very kind words.

Mr. Speaker, today I rise in support of H.R. 995, a bill to extend the authorization for the American Veterans Disabled for Life Memorial. I introduced H.R. 995 along with my colleague Congressman MARK KIRK to provide the time necessary to raise the private funds and navigate the approval process in order to bring this memorial to life in Washington, D.C. Without this bill, the charter for the memorial will expire in October of this year.

I would like to thank Chairman RAHALL for quickly moving this legislation through the Resources Committee; and Lois Pope, the Chair of the Disabled Veterans LIFE Memorial Foundation, who has worked tirelessly to establish this memorial since 1996. I also appreciate the efforts of Congressman KIRK and Congressman DENNIS MOORE to ensure the memorial is funded and dedicated by 2010, and all the other Members who have made this legislation a priority in the 110th Congress.

There are more than 3 million disabled veterans living today and millions of veterans from past and future conflicts who will be honored by this long overdue memorial.

It is my hope as a member of the Committee on Veterans' Affairs that this memorial will only be the beginning of our recognition of the incredible sacrifices of our veterans. This memorial cannot repay the sacrifice of our disabled veterans, but it will serve as a reminder of the debt that we owe to each and every one of them.

Transcending conflicts, service branches and generations, the American Veterans Disabled for Life Memorial will express America's lasting gratitude to the men and women whose lives were forever changed in service to our country.

Due to its proximity to the Capitol, the memorial will remain in the sight of America's lawmakers, serving as a constant reminder of the human cost of conflict and the sacrifices of our disabled veterans. The memorial will be a setting for school groups to learn about disabled veterans, the cost of freedom and the challenges faced by those with disabilities. Most importantly, it will be a place for disabled veterans to come and know they are recognized by a grateful Nation.

I am proud to be a freshman legislator in the 110th Congress because we are changing this country's priorities. In our recently passed continuing resolution, we increased veterans health care by over $3.6 billion, and we are taking swift action to hold those who are responsible for the inexcusable conditions at Walter Reed accountable.

Congress has a responsibility to plan for the long-term well-being and health of our troops, and I am committed to taking care of our veterans when they are in conflict and when they return home. This bill is a critical first step in honoring the sacrifices our military men and women have made and continue to make for our country.

Mr. Speaker, I urge my colleagues to pass H.R. 995 and join me and the other

28 cosponsors to ensure this memorial is built and dedicated as soon as possible.

Mr. KIRK. Mr. Speaker, on February 12, I joined my colleague from Illinois, Mr. HARE, in introducing H.R. 995 to extend the authorization of the American Veterans Disabled for Life Memorial through 2015. This legislation will give the American Veterans Disabled for Life Foundation more time to raise the money needed to build this memorial just south of the Rayburn Building. I believe the time has come to recognize the sacrifices made by America's more than three million disabled veterans by building a memorial for them in here in Washington, D.C.

Last December President Bush signed into law a bill to transferring control of the land for the memorial from the District of Columbia to the National Park Service. Now the American Veterans Disabled for Life Memorial Foundation needs to raise approximately $65 million to cover the cost of construction. By passing H.R. 995 today, we will give the foundation time to raise this money.

Earlier this year I joined my colleague from Kansas, Mr. MOORE, in introducing legislation to authorize the minting of commemorative coins to help raise money for this cause. As we extend the authorization for the memorial today, I want to encourage my colleagues to join us in cosponsoring H.R. 634 to issue these coins. No federal funds will be used to build the disabled veterans memorial, but it is appropriate for Congress to do all it can to support and encourage its construction.

With more than three million disabled veterans in the United States today, it is fitting that a memorial to their sacrifice be erected in Washington, D.C. It is my hope that passing Mr. HARE's legislation will bring us closer to making the American Veterans Disabled for Life Memorial a reality.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to strongly support H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

Mr. Speaker, it is my distinct honor to stand here today to support a bill that will honor the service of veterans who have become disabled while serving in the Armed Forces. These veterans have given great contributions and made incredible personal sacrifices so that all of us in this country might live in a safe and secure nation and world. Establishing a memorial in the District of Columbia for these valiant warriors is only a small step towards repaying the insurmountable debt that all of us owe to all veterans. For, what is the price of freedom?

As President Kennedy once said, "The price of freedom is high, but Americans have always paid it." And no one has paid a higher price than the brave men and women through the years who gave the last full measure of devotion to their country. Whether it is the ultimate sacrifice of life or the loss of limb or the loss of time with family and friends, we owe our veterans an enormous outstanding debt of gratitude.

From Bunker Hill to Yorktown, from Washington, DC to the Battle of New Orleans, from Bull Run to Gettysburg and Antietam to Appamattox, brave Americans gave their lives so that the nation might live. And from Alsace Lorain to Verdun, and Normandy to Berlin and Pearl Harbor to Okinawa, from Inchon and Corregidor to Vietnam, Lebanon, Grenada, Kuwait, Afghanistan, and Iraq, Americans have nobly sacrificed their lives so that the world may live in freedom.

The debt of gratitude we owe to the soldiers, sailors, marines, and airmen who answered their nation's call and made supreme sacrifices can never be repaid. But the nation can follow President Lincoln's admonition to "care for him who has borne the battle, and for his [family]." Indeed, it is the least we can do.

It is out of my profound respect and gratitude for all who wear and have worn the uniform of the United States that I continue to work so hard to pass legislation that will ensure that veterans receive the health care, job opportunities, housing assistance, and educational benefits they deserve.

Because I realize that our veterans deserve our very best, I have recently introduced H.R. 1240, the Vision Impairment Specialist Training Act (VISTA). VISTA is a means to help our nation's blind and low-vision veterans by establishing a scholarship program for students seeking training in blind rehabilitation. There are 160,000 legally blind veterans in the United States, but only 35,000 are currently enrolled in the Veterans' Health Administration. Members of the Armed Forces are important to our Nation and we show them our appreciation by taking care of them when they no longer can serve.

Caring for our veterans also means giving them our time. I have had the honor of visiting with some of our wounded soldiers at Walter Reed Army Hospital in Washington, DC. Many of these soldiers were recovering from some of the most horrific wounds imaginable. But what made the most indelible impression on me was that to a man and woman, there was no self-pity or anger at their fate. Instead of anger or sorrow there was only concern for their fellow soldiers and pride in the certain knowledge that they had fought valiantly on behalf of a country they loved. There is no reason that any of our veterans should not receive the highest care from all of us in this country. I hope all Americans take the time to visit their local VA hospital and thank the wounded for their service to our country. We must do everything possible to let our veterans know how much we value their service.

Mr. Speaker, I strongly urge my colleagues to support H.R. 995.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 995.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 299) to adjust the boundary of Lowell National Historical Park, and for other purposes.

The Clerk read as follows:

H.R. 299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lowell National Historical Park Boundary Adjustment Act".

SEC. 2. AMENDMENTS.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes" approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

"(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).".

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

"(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

"(i) 91 Pevey Street.

"(ii) The portion of 607 Middlesex Place.

"(iii) Eagle Court.

"(iv) The portion of 50 Payne Street.

"(v) 726 Broadway.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 299, introduced by my colleague from Massachusetts (Mr. MEEHAN), provides for a minor boundary adjustment to the Lowell National Historic Park. Lowell National Historic Park was established in 1978 to commemorate the City of Lowell's prominent role in the American Industrial Revolution.

H.R. 299 would authorize the Secretary of the Interior to acquire five small tracts of land totaling less than 1 acre. These tracts are necessary to complete development of the canalway, a linear park and walkway along Lowell's 5.6-mile historic power canal system.

These parcels provide the access points needed for the development, maintenance, and surveillance necessary to complete the historic canalway. While the total boundary adjustment is less than 1 acre, it would allow public access to at least 2 miles of this historic canalway.

I want to commend my colleague from Massachusetts (Mr. MEEHAN) for his efforts on behalf of Lowell National Historic Park. He has worked diligently to advance many partnership efforts such as this one, which would bring together Federal, State, and local resources to preserve and interpret the park.

Mr. Speaker, H.R. 299 is supported by the administration, the City of Lowell, and the Commonwealth of Massachusetts. Identical legislation was approved by the House last Congress, and we urge our colleagues to support this measure today.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 299, and I yield myself such time as I may consume.

Mr. Speaker, the majority has adequately explained this bill, which passed the House in the 109th Congress and is supported by the administration. I urge adoption of this bill.

Mr. MEEHAN. Mr. Speaker, I want to thank the Gentleman from West Virginia (Mr. RAHALL) and the Gentleman from Arizona (Mr. GRIJALVA) for bringing this important bill to the floor.

This bill passed the House unanimously last December, and the other body was unable to take it up before the 109th Congress ended. I am hopeful that, given more time, this bill will work its way through the Senate and be signed into law by the President.

Mr. Speaker, my bill is simple but its impact cannot be overstated. This bill will authorize the Secretary of the Interior to acquire five small tracts of land totaling less than an acre and add them to the boundaries of the Lowell National Historical Park.

Adding these small tracts of land will allow the park to add more and safer access points, and allow the visiting public full access to the entire canal system.

The park was created in 1978, a product of the late Paul Tsongas and his vision for Lowell, Massachusetts. Paul knew that Lowell, as the cradle of America's Industrial Revolution, was worthy of preservation.

The park attracts three-quarters of a million visitors each year, and the ripple effect is significant.

Since the park has come into existence, Lowell has been named a Distinctive Destination City by the National Trust for Historic Preservation and an All American City by the National Civic League.

This bill will keep the progress at the Park rolling, by allowing the last two miles of Lowell's historic canal way to be accessed by the public.

I would like to thank Park Superintendent Michael Creasey, Assistant Superintendent Peter Aucella, and all the others that have worked on this project.

Their tireless efforts, and the effort of their staff, keep Lowell National Historical Park as one of the crown jewels of the national park system, and make the Mill City proud.

Mr. BISHOP of Utah. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 299.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DESIGNATING THE JIM WEAVER LOOP TRAIL AT WALDO LAKE IN WILLAMETTE NATIONAL FOREST

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 247) to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives.

The Clerk read as follows:

H.R. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) DESIGNATION.—Forest Service trail number 3590 in the Willamette National Forest in Lane County, Oregon, which is a 19.6 mile trail that begins and ends at North Waldo Campground and circumnavigates Waldo Lake, is hereby designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243) and shall be known as the "Jim Weaver Loop Trail".

(b) INTERPRETIVE SIGN.—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 247 was introduced by my colleague on the Natural Resources Committee, the gentleman from Oregon, Representative PETER DEFAZIO. This legislation designates an existing Forest Service trail in the Willamette National Forest in Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives. This trail will be designated as the Jim Weaver Loop Trail. It forms a 19.6-mile loop around Waldo Lake.

Congressman Weaver served in this body from the 94th Congress through the 99th Congress and was a former subcommittee chairman of the Committee on Natural Resources. He was a strong advocate of conservation and public lands. The establishment of this trail around one of Oregon's largest and most beautiful lakes is a fitting tribute to our former colleague. Under this bill, an interpretive sign will be installed at the trail head to indicate the name of the trail and provide information on the life and career of our former colleague, Congressman Weaver.

This bill before us today is identical to a measure that was reported favorably by the Natural Resources Committee last year.

Mr. Speaker, we strongly support H.R. 247 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 247 and yield myself 45 seconds.

Mr. Speaker, the majority has adequately explained this bill. We have no objections. It is a good bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, the gentleman from Oregon (Mr. DEFAZIO), the sponsor of H.R. 247, is at the moment traveling back to Washington, but he has a statement that will be submitted into the RECORD.

Mr. DEFAZIO. Mr. Speaker, I rise today in support of H.R. 247, a bill to rename Forest Service trail number 3590, which circumnavigates the world-renowned Waldo Lake, as the "Jim Weaver Loop Trail" in honor of former Congressman Jim Weaver. The legislation would also designate this 22 mile trail as a national recreational trail under the National Trails System Act. This legislation has special significance to me because Mr. Weaver was not only my predecessor as the representative of Oregon's Fourth Congressional District, but he was also my boss—both here in Washington, D.C. and back home in the district—and is a friend. I am pleased that the legislation is cosponsored and supported by all of Oregon's five House members. In addition, it is supported by the Forest Service and a number of local interest groups.

Jim Weaver has been an Oregonian for nearly sixty years. He represented the southwest portion of the state in the U.S. House of Representatives from 1975 to 1987. During his time in Congress, Mr. Weaver made natural resource conservation one of his signature pursuits. He was a tireless advocate for outdoor recreation, and the protection of some of Oregon's most treasured natural features.

He was the leading force responsible for the inclusion of new wilderness areas north of Waldo Lake in the Oregon Wilderness Act of 1984, and worked tirelessly with then Senator Hatfield to ensure that these lands received protection.

The 10 square mile Waldo Lake is considered ultraoligotrophic, meaning it's ranked as one of the purest bodies of water on Earth, and is comparable to distilled water. According to the Forest Service's Water Quality Report, two of the main reasons for its purity are the low levels of sedimentation and lack of development in the area, two characteristics which should be credited to Mr. Weaver's efforts.

Waldo Lake and the surrounding area, including the loop trail, is a popular recreation destination. Naming this trail for Mr. Weaver is a fitting tribute to the legacy of Congressman Weaver and his commitment to protecting Waldo Lake and the surrounding area.

This legislation gives long-overdue recognition to Congressman Weaver and forever associates his name with an area that he loves and worked hard to protect. I want to thank Chairman RAHALL and his Staff Director, Jim Zoia, and Ranking Member YOUNG for their efforts in dicharging the bill for today's floor action. I look forward to the Senate taking up the bill expeditiously, and I urge its adoption.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 247.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1047) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

The Clerk read as follows:

H.R. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1047, introduced by my colleague from Missouri, Representative CLAY, directs the Secretary of the Interior to carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

Construction of the memorial and military museum began in 1935. The site was dedicated by President Franklin Roosevelt in 1936. On Memorial Day, 1938, the building officially opened to the public. The Soldiers' Memorial Building is a stately structure which, in addition to serving as a memorial to those who lost their lives in the service of their country, also contains exhibit rooms that house a collection of military items. The building has been found eligible for listing in the National Register of Historic Places. It is operated by the City of St. Louis and made available to the public free of charge.

I want to commend my colleague from Missouri, Representative CLAY, for his efforts to preserve this memorial and museum, which was built to honor those who gave their lives to this country.

Mr. Speaker, the House approved identical legislation in the 109th Congress. We strongly support H.R. 1047 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

□ 1445

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has adequately explained H.R. 1047, but I wish to note that while this legislation passed in the House in the 109th Congress, it is not supported by the administration because the memorial is not distinguished beyond that of many war memorials, and it is not known whether it meets the criteria of national significance.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I first want to thank my friend and colleague from Arizona for yielding.

Mr. Speaker, the American people are unanimous in supporting the courageous men and women serving in our Armed Forces. In recent days, we were appalled to learn that our veterans are not receiving high-quality health care. We have been sickened by some of the stories and images of the patients at Walter Reed Hospital who have been neglected and left untreated. And we are beginning to understand that this is a nationwide crisis. We are all somewhat ashamed that we have failed to provide to those who have given the most to keep our Nation free and secure.

With these recent events in mind, I want to address the legislation before us today. H.R. 1047 is a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum in the city of St. Louis as a unit of the National Park System.

This memorial is a shining landmark to those brave men and women who gave their lives in World War I. Today, as much as any time in our history, the American people feel a very special connection to our military forces, and the citizens of our Nation have a real need to visit shrines that honor our wartime heroes.

The St. Louis Soldiers' Memorial is a valuable shrine where citizens can participate in the tradition of honoring our Nation's veterans. Initiated by the residents of St. Louis in the 1920s, after many years of fundraising, the land was acquired and the monument was constructed. On October 14, 1936, St. Louis Soldiers' Memorial Military Museum was officially dedicated by President Roosevelt. And St. Louis Soldiers' Memorial Military Museum also has a unique place in our Nation's history as it is the only structure in St. Louis that is known to have been dedicated by a sitting U.S. President.

The Soldiers' Monument is a national treasure, and it is recognized as an architectural masterpiece. Designed by one of the 20th century's foremost art deco sculptors, Mr. Walter Hancock, the entrance to the memorial is flanked by four limestone sculptures which symbolize the most important virtues in a soldier's life: courage, loyalty, sacrifice and vision. The ceiling of the monument is decorated with mosaic tiles in the shape of large gold stars that are dedicated to our Nation's Gold Star Mothers.

Today, the St. Louis Soldiers' Memorial is an important cultural resource and gathering place. It attracts about 48,000 visitors a year, and provides the setting for more than 20 ceremonies annually, including change-of-command and retirement ceremonies, and many other patriotic events hosted by veterans groups. It is also the center of an annual Veterans Day parade which is the largest of its kind in the Midwest, drawing participants from several States and hosting more than 100 marching units.

In recent years, the city of St. Louis has relied upon the support and contributions of active military personnel and veterans to enable it to maintain this cherished monument. We all want to honor the veterans and citizens of our Nation. We should have Federal monuments to help us all remember those family members and friends who have given their lives for us in combat.

It is the right time for the Federal Government to consider acquiring the St. Louis Soldiers' Memorial Military Museum in its inventory of national monuments. I believe that a study of the monument will show it is a historically important structure with a national significance.

H.R. 1047 is strongly supported by veterans groups and other civic organizations. I hope the Members of this body will endorse this important effort to create a Federal monument to honor our Nation's veterans. I urge my colleagues to support this legislation.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1047.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FIRST AND SECOND BATTLES OF NEWTONIA, MISSOURI, STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 376) to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled "Vision Plan for Newtonia Battlefield Preservation" and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5) shall apply to the study under subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona.

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 376, introduced by the gentleman from Missouri (Mr. BLUNT). This legislation would direct the National Park Service to conduct a study to determine how best to protect the sites related to the First and Second Battles of Newtonia, Missouri.

Two Civil War battles were waged near Newtonia which lies in Newton County, Missouri. The first, on September 30, 1862, involved 4,000 Confederate troops and 6,500 Union soldiers, and it is believed to be the only Civil War battle in which full American Indian units fought on both sides of the conflict.

The Second Battle of Newtonia occurred on October 28, 1864, and involved 1,500 Union cavalry engaging a Confederate Army returning from the unsuccessful Missouri and Kansas Campaign of Confederate General Sterling Price.

Mr. Speaker, I want to commend and congratulate my colleague, Mr. BLUNT, for this bill. A hearing was held on a nearly identical measure last Congress, and that bill eventually passed the House. We strongly support H.R. 376 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 376 introduced by the distinguished minority whip, Representative ROY BLUNT of Missouri. It would authorize the Secretary of the Interior to conduct a special resource study to determine the suitability of designating the First and Second Battles of Newtonia, Missouri, as a part of Wilson's Creek National Battlefield or as a separate unit of the National Park System.

I support this bill. I commend the leadership and persistence of Mr. BLUNT on this issue.

Mr. Speaker, I wish to, at this time, yield to the sponsor of the bill, the minority whip, such time as he may consume, Mr. BLUNT of Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and thank the subcommittee chairman and the committee for bringing this bill to the floor.

The language we are discussing today is designed to authorize a study by the National Park Service to determine the feasibility of creating a new Civil War battlefield at Newtonia, Missouri, or bringing those battlefield lands under the management of the Wilson's Creek National Battlefield near Springfield and also near the Newtonia battlefield site.

This measure is a necessary first step to determine if this battlefield, as I believe it will, fits the criteria necessary for being preserved as part of the National Park System. I believe the study will find that the two Civil War battles at Newtonia, like the Manassas Battlefield south of where we are now, hold a unique place in American history and are worthy of protection in the National Park Service system.

Two important battles were fought at Newtonia during the Civil War, one in 1862, where large numbers of American Indian troops on the Confederate side and the Union side, actually fought each other in battle. It was the largest of the rare engagements where native Americans fought on both sides in the Civil War. My understanding is that this is the place where those troops actually fought each other.

Two years later, in 1864, the last battle of the Civil War west of the Mississippi was fought at Newtonia as Confederate forces withdrew from Missouri after their defeat at Westport. Tennessee, Missouri and Virginia had the most battles in the Civil War, and this was the final battle in our State.

This legislation has really been strongly supported by the local community, as has the idea of preserving this battlefield. The Newtonia Battlefields Protection Association has spearheaded preservation efforts at Newtonia. In 2002, the association acquired 11 acres of the battlefield, along with the Ritchey Mansion, which is on the National Register of Historic Places for around $300,000. A year later, I delivered a ceremonial check for about half of that from the American Battlefield Protection Program to reimburse the local group that had put this association together.

The National Park Service rated the 1864 battlefield as a Priority I for preservation and the 1862 site as a Priority II. These sites are largely similar. They overlap in some places, but they are right next to each other.

A review by the National Park Service found the 1964 battlefield faced a greater threat from development. The not-for-profit Newtonia Battlefields Protection Association was formed in 1994 to work on funding to preserve the battlefields. In addition, the National Park Service has provided archaeological and historical surveys and assessments of the battlefield.

I think this study will answer the questions that need to be answered before any further steps are taken. I am grateful to the committee for bringing this legislation to the floor today. If this study is agreed to by both bodies, it might even be funded in this year's appropriation process.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 376.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

"COLUMBIA" SPACE SHUTTLE MEMORIAL STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 807) to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle *Columbia* in the State of Texas and for its inclusion as a unit of the National Park Service.

The Clerk read as follows:

H.R. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Columbia Space Shuttle Memorial Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term "memorial" means a memorial to the Space Shuttle Columbia that is subject to the study in section 3(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System to the Space Shuttle Columbia on land in the State of Texas described in subsection (b) on which large debris from the Shuttle was recovered.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(2) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(3) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(4) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(c) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona.

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

As we all remember, February 1, 2003, the Space Shuttle *Columbia* suffered a tragic failure during reentry into the Earth's atmosphere. As a result, seven crew members sadly lost their lives.

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H.R. 807, introduced by Representative GOHMERT, would authorize a study to determine how best to protect four parcels of land in east Texas where large portions of the wreckage were recovered. In addition to specific sites identified in the bill, the Secretary of the Interior would be authorized to recommend additional sites to Congress.

Mr. Speaker, the Nation continues to mourn the loss of the *Columbia*. We support the passage of H.R. 807, an important step toward ensuring that the sacrifices made by her crew and their families will always be remembered. We commend the Congressman for introducing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, it is my pleasure to yield as much time as he may consume to the author of this particular piece of legislation, the distinguished and debonair Congressman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I want to thank the gentleman from Arizona for his kindness and sensitivity in this issue, as well as the gentleman from Utah.

Mr. Speaker, I rise today to properly commemorate and memorialize one of this Nation's most heroic, yet heartbreaking, tragedies. The disintegration of the Space Shuttle *Columbia* as it reentered Earth's atmosphere in the spring of 2003 deserves such a memorialization.

This legislation will serve to begin the process of appropriately honoring the gallantry and sacrifice, not only of the seven brave souls of their crew and their families, but also the vast number of citizens who worked tirelessly in the recovery effort following the catastrophe. This bill will start that process that will ultimately result in appropriate memorialization of all the selfless and heroic efforts.

Tragically, parts of the shuttle were strewn over hundreds of miles of east Texas in my district, and the commitment of east Texans in the effort to recover as much of the wreckage as possible was pivotal in determining the cause of the incident in order to save future lives.

The ultimate sacrifice was made by Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist David Brown, Mission Specialist Kalpana Chalwa, Payload Commander Ilan Ramon, and Mission Specialist and Medical Doctor Laurel Blair Salton Clark who was the wife of my Texas A&M classmate John Clark, who himself is also a patriot as a captain in the United States Navy. John and Laura also have a wonderful son. All of these American heroes deserve a memorial befitting their devotion to their fellow man, their spirit of exploration and discovery, as well as their courage.

In the days and weeks following the tragedy, countless east Texans volunteered to help and support the tireless Federal workers who were charged with locating the shuttle debris.

Volunteers gave selflessly of their time and their resources by participating in searches, opening their homes, preparing food and serving the many people taking part in the recovery effort in towns such as San Augustine, Nacogdoches, Lufkin, Hemphill, as well as most of east Texas itself. San Augustine City Manager Duke Lyons said at the time the volunteers provided 3,000 to 4,000 meals per day in his area alone and did all that they could to provide shelter and anything else that was needed.

The legendary hospitality of east Texas was on display as business owners donated supplies, building space and other assets to support the Forest Service, FEMA, National Guard, and other governmental entities taking part in the recovery. All told, east Texans spent countless weeks supporting the 10,000 people searching for the shuttle remains.

The efforts of these constituents are best summed up by three fellow east Texans.

Texas Ranger Pete Maskunas said, "We got to see a small portion of east Texas pull together in a big way. The people here don't have much, but we gave everything that we had. We showed the Nation that, here in east Texas, we have got a big heart, and we are here to make things a lot better for people we don't even know."

San Augustine County Judge Wayne Holt said, "From the smallest child to the oldest man, if you needed somebody, they were there."

Nacogdoches County Judge Sue Kennedy said, "The generosity and unselfish, tireless efforts by the wonderful people of east Texas were so compelling and moving that even in 2007 we are being asked to teach seminars on how to mobilize an entire area in a sudden emergency."

I urge my colleagues to vote "yes" on H.R. 807, the *Columbia* Space Shuttle Memorial Study Act, because those involved deserve it. Thank you again to the chairman, the gentleman from Arizona, and the ranking member.

Mr. BISHOP of Utah. The tragedy of the Space Shuttle *Columbia* has touched the hearts of all of us, and Mr. GOHMERT should be commended for his attention to this.

I urge adoption of the bill.

Ms. BORDALLO. Mr. Speaker, I rise today to join my colleagues in support of H.R. 807, the *Columbia* Space Shuttle Memorial Study Act, a bill which would direct the Secretary of the Interior to conduct a study on the feasibility and suitability of establishing a memorial to the Space Shuttle *Columbia* in Texas and including it within the National Park System. This legislation is an important step toward honoring the courage and contributions of the crew of STS–107 and toward continuing to heal as a nation four years after the tragedy of the loss of the Space Shuttle *Columbia*.

Just over four years ago, the Nation lost seven heroes, Michael Anderson, David Brown, Kalpana Chawla, Laurel Clark, Rick Husband, Willie McCool, and Ilan Ramon. They were mothers and fathers, wives and husbands, daughters and sons, teachers and friends. There is one characteristic, however, that unites them all. They are all heroes in the truest sense of the word. We draw our strength and resolve from the example they set and we remain committed to our Nation's space program in their honor and because of all they have taught us. Today, we have the opportunity to further memorialize their contributions to space exploration and their inspirational lives by taking steps toward creating a permanent memorial to them and their service on behalf of our country in Texas.

Guam has a unique relationship with one of the crew members, Lieutenant Commander William C. McCool, who piloted the *Columbia* on that fateful day. Commander McCool lived in Guam while his father served as a Navy pilot and he attended Dededo Middle School and John F. Kennedy High School. He later married Lani Vallejos of Dededo, Guam. While America lost a hero, Guam lost a son in the aftermath of the *Columbia* tragedy. Commander McCool blessed our island and indeed our country with his passion, intellect, and purpose. The people of Guam are proud to call him one of our own and will always remember him as a role model for our children. The inspiration Commander McCool has been to our people is something that will not fade and that can never be taken away.

This memorial, as a part of the National Park System, will allow future generations to learn about the sacrifices the STS–107 crew made in the name of scientific advancements. It will be a testament to their courage and dedication to their colleagues and this Nation. I hope that the memorial will inspire all those who see it to believe in their dreams and their potential to achieve those dreams.

The foundation of this country is built on the hard work and dedication of people with novel and exciting ideas. The crew of the Space Shuttle *Columbia* embodied these American ideals and believed in the need for scientific advancement and space exploration. A national memorial to their lives and dreams will continue to inspire the spirit of Americans.

Let us always remember the courage and inspiration of the seven crewmembers of the Space Shuttle *Columbia*. This memorial, situated in the state where they dedicated their careers to space exploration, will be a testament to their lives and their legacy. I thank my colleague, Mr. GOHMERT, for sponsoring this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 807, the "Columbia Space Shuttle Memorial Study Act," which directs the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle *Columbia* in the State of Texas and for its inclusion as a unit of the National Park System.

Mr. Speaker, I support this bill because the seven astronauts whose lives were lost aboard Space Shuttle *Columbia* were extraordinary people. To the world those astronauts were valiant heroes; to us in Texas they were also friends, neighbors, and family.

They made the ultimate sacrifice on a mission that benefited all of humanity. They deserve the highest level of honor, and their sacrifice and dedication must be commemorated in a way that will serve to inspire the next generation of explorers. We can never forget this magnificent seven, those heroes who explored the heavens: Rick D. Husband; Michael P. Anderson; Laurel Clark; David M. Brown; William C. McCool; Kapana Chawla; and Ilan Ramon.

They were individuals of the highest caliber, always striving for excellence, and exemplifying the most noble of human traits. They were skilled professionals, scientists, clinicians, adventurers, and family men and women. The crew represented the diversity of our nation—black and white, men and women, immigrant and native-born, and included a comrade from Israel embodying the international goals of peace and cooperation.

The *Columbia* crew was deeply committed to the NASA mission. NASA provides insights into the origins, destiny, and wonder of the universe and is a source of dreams for young and old alike. These seven courageous explorers paid the ultimate price to advance our understanding of the universe, to advance our medical and engineering sciences, and to make the nation safer and more secure. Before the *Columbia* started its tragic descent, the shuttle crew completed some 80 scientific experiments. Much of their research data had already been relayed to Houston where it has added to the pool of scientific knowledge.

In the two previous Congresses, I introduced legislation authorizing the issuance of Congressional Gold Medals to the crew of Space Shuttle *Columbia*. In fact, 318 joined me in co-sponsoring that legislation but the bill was never brought to the floor for a vote.

I have reintroduced the bill in the 110th Congress (H.R. 266) authorizing the coinage of a Gold Medal to pay proper tribute to our astronauts. One of the main reasons that the medal is bestowed is to make the highest expression of national appreciation for distinguished achievements and contributions.

Mr. Speaker, very shortly I will be introducing legislation authorizing the Secretary of the Treasury to mint a coin commemorating the 50th Anniversary of NASA and the Jet Propulsion Laboratory. For a half century, NASA and the JPL have been involved in many defining events occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Mr. Speaker, I support H.R. 807 and urge my colleagues to do likewise. I also invite all members to join me in bringing to a vote on the floor H.R. 266 to award Congressional Gold Medals to the crew of Space Shuttle *Columbia* and in supporting legislation to authorize the Secretary of the Treasury to mint a coin in commemoration of the 50th Anniversary of NASA and the Jet Propulsion Laboratory.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 807.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BRIGADIER GENERAL FRANCIS MARION MEMORIAL ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 497) to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

The Clerk read as follows:

H.R. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brigadier General Francis Marion Memorial Act of 2007".

SEC. 2. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

(a) FINDINGS.—The Congress finds that:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him." Thus, the legend of the "Swamp Fox" was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms "commemorative work" and "the District of Columbia and its environs" have the meanings given to such terms in section 8902(a) of title 40, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Brigadier General Francis Marion commanded the Williamsburg Militia Revolutionary Force in South Carolina during the Revolutionary War.

He is distinguished for his innovative warfare techniques, his pivotal victory at Eutaw Springs in September 1781, and for his commanding the first racially integrated troop force. General Marion is perhaps even better known by the nickname given to him by an exasperated British commander, the Swamp Fox.

H.R. 497, introduced by Representative JOE WILSON, would authorize a private entity, the Marion Park Project, to establish a commemorative work in Washington, D.C., to honor General Marion. The memorial is to be established pursuant to the Commemorative Works Act and is to be privately funded.

Mr. Speaker, the House approved identical legislation in the last Congress, and we strongly support H.R. 497 today.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume, and I rise to support H.R. 497.

H.R. 497, introduced by Congressman JOE WILSON of South Carolina, would authorize the Marion Park Project to establish a commemorative work on Federal land in the District of Columbia to honor Brigadier General Francis Marion.

The work authorized by this legislation will be completed with private funds provided by the Marion Park Project and not by the Federal Government. Congressman JOE WILSON and Congressman HENRY BROWN should be commended for sending us such an outstanding bill.

I urge my colleagues to support H.R. 497.

Mr. Speaker, I am pleased to yield as much time as he may consume for this wonderful project honoring General Francis Marion, better known as the Swamp Fox in the Revolutionary War, to the distinguished gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. I certainly thank my good friend for yielding.

Mr. Speaker, H.R. 497 is an important bill for my constituents in South Carolina's First Congressional District. I thank my colleague and friend Congressman Joe Wilson for introducing this important piece of legislation.

General Francis Marion is an important part of the history of South Carolina, and the national forest bearing his name is located within my congressional district.

Francis Marion commanded the only Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines. General Marion's tactics, which were unheard of in rules of war at this time, commanded lightning raids on British convoys, and then he and his forces would retreat into the swamps to avoid capture.

British General Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him." Thus, the legend of the Swamp Fox was born. His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

H.R. 497 seeks to authorize the Marion Park Project and the committee of the Palmetto Conservation Foundation to establish a statue of General Francis Marion on Federal lands in D.C. in Marion Park at no Federal Government expense.

I was proud to work with Natural Resources Chairman NICK RAHALL and Ranking Republican DON YOUNG to assist in the passage of this bill for my constituents of South Carolina's First Congressional District and for all of South Carolina, and I urge my colleagues to support H.R. 497.

Mr. GRIJALVA. Mr. Speaker, I reserve my time.

Mr. BISHOP of Utah. Mr. Speaker, anything that deals with some place called Eutaw Springs in South Carolina has to be a good project. I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, let me thank Congressman WILSON for this legislation, Mr. BROWN as well, Mr. CLYBURN, Mr. SPRATT and Mr. BARRETT from South Carolina for introducing the bill that we have just finished.

I also want to, before I yield back, thank the gentleman from Utah, the ranking member, for assisting in bringing the pieces of legislation we had today forward.

Mr. WILSON of South Carolina. Mr. Speaker, I am pleased we are today considering the "Brigadier General Francis Marion Memorial Act". It is with the support of the entire South Carolina delegation that I reintroduced this legislation in January.

Brigadier General Francis Marion well represented the State of South Carolina and our fledgling Nation with his brave service in the Revolutionary War. As a South Carolinian, I am proud his legacy has been honored with a memorial park in Washington, DC. Yet, I feel strongly that a statue of the "Swamp Fox" should be erected on its premises. Passage of this bill is a crucial first step in making this dream a reality.

I would specifically like to thank Ken Driggers and Nancy Stone-Collum of the Palmetto Conservation Foundation. Additionally, I would like to thank the South Carolina Humanities Council for supporting John McCabe, the historian who originally had the vision to honor the "Swamp Fox." John created the Francis Marion Park Project to assist with fundraising and planning once this bill is enacted. The National Park Service also deserves recognition for their guidance through this important process.

The House of Representatives originally passed this bill in the 109th Congress, yet it failed to be considered by the Senate. It is my hope we can enact this legislation during the 110th Congress and erect a memorial befitting General Marion.

Today I was presented a copy of The South Carolina Encyclopedia, edited by the noted historian Walter Edgar. The book is a project of The Humanities Council, ably led by Director Randy Akers. Presenting the book was Bob Hazel of West Columbia who is former Council Board Chair who was elected to the board of the Federation of State Humanities Councils. South Carolina was the site of more battles and skirmishes than any other province during the American Revolution.

General Francis Marion is a significant entry in the encyclopedia with highlights beginning on page 591:

> Marion, Francis (1732–1792). Soldier. Marion, of Huguenot descent, was born in St. John's Berkley Parish, the youngest of six children born to Gabriel Marion and Esther Cordes. A planter, Marion in 1773 built his home, Pond Bluff, about four miles south of Eutaw Springs, a site now beneath the waters of Lake Marion. He commenced his military career in the parish militia in 1756 and joined the campaigns against the Cherokees (1759–1761), rising to the rank of first lieutenant. Having served in local offices, he was elected in 1775 to the First Provincial Congress. Commissioned a captain in the state's Second Regiment in June, he participated in the capture of Fort Johnson in September. As a major, Marion distinguished himself at the Battle of Sullivan's Island (June 1776), after which he was commissioned a lieutenant colonel in the Continental army.
>
> With a militia commission as a brigadier general, Marion organized a partisan force in the Pee Dee region. Between August and December 1780, in an otherwise dismal period for America, Marion gained national recognition for his actions at the Great Savannah (August 20), Blue Savannah (September 4), Black Mingo (September 29), Tearcoat Swamp (October 26), Georgetown (November 15), and Halfway Swamp (December 12–13). While some counts place the number of "Marion's Men" at more than two thousand, his band generally consisted of considerably fewer than that and included Continentals. Marion's nickname, the "Swamp Fox," reportedly came from the infamous British officer Banastre Tarleton, who, unable to snare Marion, called him a "damned old fox" and swore that "the devil himself could not catch him."
>
> Marion's small-scale hit-and-run tactics disrupted supply lines, intercepted communications, and hampered the enemy considerably. In December 1780 he established a camp on Snow's Island between Pee Dee and Lynches Rivers and Clark's Creek. Conditions improved by the spring of 1781, when Marion became a vital part of General Nathanael Greene's combined operations in South Carolina. In 1781 Marion's troops participated in the battles at Fort Watson (April 23), Fort Motte (May 12), Quinby Bridge (July 17), Parker's Ferry (August 13) and Eutaw Springs (September 8).
>
> After a penniless Marion, whose plantation had been ruined, was awarded a gold medal, a full Continental colonelcy, and command of Fort Johnson in Charleston harbor. He served in the S.C. Senate in 1783–1786, 1791, and 1792–1794 and was elected to the 1790 state constitutional convention.

I urge my colleagues to support H.R. 497.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 497.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 12 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH of Vermont) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 995, by the yeas and nays;

H.R. 497, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

EXTENDING AUTHORIZATION FOR THE AMERICAN VETERANS DISABLED FOR LIFE MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 995.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 995, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 119]

YEAS—390

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Ackerman
Barton (TX)
Bono
Brady (PA)
Brown, Corrine
Butterfield
Cummings
Davis (IL)
Davis, Jo Ann
DeGette
Diaz-Balart, L.
Edwards
Emerson
Engel
Fattah
Goode
Graves
Hunter
Issa
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Lantos
Larson (CT)
LaTourette
Meehan
Meek (FL)
Meeks (NY)
Miller (NC)
Moran (VA)
Murtha
Myrick
Neal (MA)
Peterson (PA)
Rush
Slaughter
Stark
Tauscher
Tiahrt
Towns
Waters

☐ 1901

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BRIGADIER GENERAL FRANCIS MARION MEMORIAL ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 497.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 497, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 120]

YEAS—390

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley

Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Ackerman
Barton (TX)
Bono
Brady (PA)
Brown, Corrine
Butterfield
Cummings
Davis (IL)
Davis, Jo Ann
DeGette
Diaz-Balart, L.
Edwards
Emerson
Engel
Fattah
Goode
Graves
Hunter
Issa
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Lantos
Larson (CT)
LaTourette
Meek (FL)
Meeks (NY)
Miller (NC)
Moran (VA)
Murtha
Myrick
Neal (MA)
Peterson (PA)
Rush
Slaughter
Stark
Tauscher
Tiahrt
Towns
Waters
Westmoreland

☐ 1912

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today, Monday, March 5, 2007 to vote on rollcall vote Nos. 119 and 120 due to a family medical matter.

Had I been present, I would have voted:

"Yea" on rollcall vote No. 119 on motion to suspend the rules and pass H.R. 995, a bill to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States;

"yea" on rollcall vote No. 120 on passage of H.R. 497, the Brigadier General Francis Marion Memorial Act of 2007.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business I was unable to vote on Monday, March 5, 2007. Had I been present, I would have voted "yea" on Final Passage of H.R. 995, To Amend Public Law 106–348 to Extend the Authorization for Establishing a Memorial in the District of Columbia or Its Environs to Honor Veterans Who Became Disabled While Serving in the Armed Forces of the United States, and "yea" on Final Passage on H.R. 497, the Brigadier General Francis Marion Memorial Act of 2007.

REPORT ON RESOLUTION PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN 110TH CONGRESS

Ms. MILLENDER-MCDONALD, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–29) on the resolution (H. Res. 202) providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 700, HEALTHY COMMUNITIES WATER SUPPLY ACT; H.R. 569, WATER QUALITY INVESTMENT ACT; AND H.R. 720, WATER QUALITY FINANCING ACT OF 2007

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Florida. Mr. Speaker, the Rules Committee intends to meet Tuesday, March 6, to report rules for floor consideration of H.R. 569, the Water Quality Investment Act; and H.R. 700, the Healthy Communities Water Supply Act. It is anticipated that the rules will require that amendments be preprinted in the CONGRESSIONAL RECORD prior to their consideration.

Members who wish to offer an amendment must preprint their amendments in the CONGRESSIONAL RECORD by the close of business Tuesday, March 6, to ensure that their amendments are printed prior to consideration of the bill on the House floor.

Amendments should be drafted to the text of H.R. 569 or H.R. 700 as reported by the Transportation and Infrastructure Committee. The bills are posted on the Rules Committee Web site. Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

In addition, Mr. Speaker, the Rules Committee intends to meet this week to report a rule that could limit the amendment process on H.R. 720, the Water Quality Financing Act of 2007.

Members who wish to offer an amendment to this bill should submit 55 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 12 noon on Wednesday, March 7.

Amendments must be drafted to the bill as ordered reported on March 1 by the Committee on Transportation and Infrastructure. A copy of that bill will be posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

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TEXAS INDEPENDENCE DAY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, last Friday, March 2, 2007, marked Texas Independence Day. 171 years ago that day the Texas Declaration of Independence was ratified by the Convention of 1836 at Washington-on-the-Brazos in Texas.

The Texas Declaration of Independence was produced literally overnight. Its urgency was paramount because while it was being prepared, the Alamo in San Antonio was under siege by Santa Anna's army of Mexico.

Immediately upon the assemblage of the Convention of 1836 on March 1, a committee of five delegates were appointed to draft the document. The committee consisted of George C. Childress, Edward Conrad, James Gaines, Bailey Hardeman, and Colin McKinney. It was briefly reviewed then adopted by the delegates the following day.

It started off echoing the lines of the American counterpart with the words: "When a government has ceased to protect the lives and liberty and property of the people . . ."

It spoke of numerous injustices inflicted upon the people of the State, then known as Coahuila y Tejas: the elimination of the State's legislative body; the denial of religious freedom; the elimination of the civil justice system; and the confiscation of firearms, which was one particularly intolerable act among Texans.

Finally, it stated that because of the injustice of Santa Anna's tyrannical government, Texans were severing their connection with the Mexican nation and declaring themselves "a free, sovereign, and independent republic . . . fully invested with all the rights and attributes" that belong to independent nations; and a declaration that they "fearlessly and confidently" committed their decision to "the Supreme Arbiter of the destinies of nations."

Mr. Speaker, I hope that Congress and this whole country join all Texans in honoring these brave men who stood up for liberty and freedom 171 years ago.

MORROW COUNTY ROADS AND ACCESS TO PUBLIC LANDS

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act is a breach of faith to more than 600 forested counties and 4,400 school districts across our great country.

There are more than 400 miles of paved road in Morrow County, Oregon, where every county road leads to a national forest. Loss of this program and funds means no portion of any paved road will be replaced and basic maintenance will stop. One of the most expensive roads for the county to maintain runs through the Umatilla National Forest and is a designated scenic byway.

Without county payments, people won't be able to safely access their public lands, and the hope of a new outdoor recreation economy to replace the lost timber jobs goes unfulfilled.

County Public Works Director Burke O'Brien says: "We are not the ones who stopped our sustainable Federal timber harvest. However, now we are being forced to lose even the funds promised to replace the lost forest revenues."

My colleagues, Congress must keep the Federal Government's word and its promise to the timbered communities. It is time to get a hearing and a markup and to pass H.R. 17. Time is running out for forested timber communities.

ANNOUNCEMENT OF UGANDA RESOLUTION

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to bring attention to the dire situation in Africa that does not receive the attention it deserves.

Today, along with Senator RUSS FEINGOLD, I introduced a concurrent resolution that I hope will eventually bring some peace to the ravaged region of northern Uganda. Specifically, it calls on the Government of Uganda and the so-called Lord's Resistance Army to recommit to a political solution to the conflict in northern Uganda and to recommence peace talks that are vital.

It also urges immediate and substantial support for the ongoing peace process from the United States and the international community.

Mr. Speaker, the tragedy in Darfur rightfully has been receiving a great deal of attention as of late. But to the southeast of that region, another tragedy has been developing for nearly two decades. More than 200,000 Ugandans have died from the violence and disease brought about by the conflict between the Ugandan Government and the LRA.

What is particularly disgusting about this conflict is the forced recruitment of children by LRA. The boys are turned into killing machines and the girls into sex slaves.

Former U.N. Under Secretary General Jan Egeland has called the crisis in northern Uganda the biggest forgotten humanitarian emergency in the world today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WELCH of Vermont). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 48th day since a great injustice took place in this country. On January 17 of 2007, two U.S. Border Patrol agents entered Federal prison to begin serving 11- and 12-year sentences respectively.

Agents Compean and Ramos were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. The smuggler's van contained $1 million worth of marijuana.

These agents never should have been prosecuted, but they are now handcuffed in Federal prison.

The U.S. Attorney's Office granted immunity to the smuggler and prosecuted the agents almost exclusively on the testimony of an admitted drug smuggler who claimed he was unarmed. The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights.

Mr. Speaker, he is not an American citizen. He is a criminal.

Mr. Speaker, countless citizens and dozens of Members of Congress want to know why our government is on the wrong side of this case. Over the past 6 months, Members of Congress have repeatedly petitioned President Bush to pardon these agents.

Since the agents' conviction, new details continue to emerge that call into question the prosecution and the outcome of this case. Recently, I sent a letter to the President detailing the troubling revelations that the prosecutors in this case may not have provided crucial evidence to the defense. This evidence includes a Homeland Security memo that states two supervisors at the scene knew about the shooting, but failed to report it. This contradicts the prosecution's claim that the agents knew they did something wrong and tried to cover up the shooting.

Since then, Drug Enforcement Agency, DEA, reports have also revealed that the Mexican drug smuggler brought a second load of 752 pounds of marijuana, but the prosecutors succeeded in keeping this information sealed from the jury and the public.

Citizens across this country and Members of Congress want to know why does the U.S. Attorney's Office in western Texas choose to go after law enforcement officers while protecting illegal aliens who commit crimes in this great Nation.

Mr. Speaker, every day that these men remain behind bars is a travesty of justice. Because the President has so far refused to stand up for justice in this case, last month Agent Ramos was assaulted in prison.

But, Mr. Speaker, the President has the power to immediately reverse this injustice by granting a pardon to these two innocent men.

And, Mr. Speaker, before I close, I want to say that the American people have rallied behind these two Border agents who are heroes in this country, not criminals. And it is time that this White House wake up and listen to the American people.

HONORING THOMAS F. EAGLETON FOR 50 YEARS OF PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CARNAHAN) is recognized for 5 minutes.

Mr. CARNAHAN. Mr. Speaker, this evening I would like to speak about a true statesman that we have lost in our country and in my home State of Missouri. We lost, over the weekend, former U.S. Senator Thomas F. Eagleton. Not only was he a true statesman, but he had a giant heart, a powerful intellect, and a keen wit.

He leaves behind his wife, Barbara, whom he married in 1956, two children, son Terence and daughter Christie, three grandchildren and a brother.

Not long ago, friends gathered in St. Louis and celebrated 50 years since Senator Eagleton had entered public service. And he had many chapters in an amazing life. He served his country honorably in the United States Navy, stationed at the Great Lakes Naval Training Center from 1948 to 1949, continued on to graduate with honors from Amherst College in 1951 and Harvard Law School in 1953.

He was admitted to the Missouri Bar in 1953; proceeded in a series of offices, beginning, he was elected as the youngest circuit attorney in the city of St. Louis in its history at the age of 27. He followed that by being elected the youngest Missouri State attorney general at the age of 31, and the youngest Lieutenant Governor of the State of Missouri by age 35.

He went on and in 1968 was elected to the United States Senate representing Missouri. In his first term in the United States Senate, at the age of 42, he was selected by George McGovern to be his Vice Presidential candidate. And while he was only that nominee for a few days, and he will be known as such in history, he went on to serve three terms in the United States Senate, sponsoring legislation, varied, but of great importance to our country, the Clean Air and Clean Water Acts, an amendment which halted the U.S. involvement in the Vietnam War, and as the chief author of the Federal War Powers Act that limits the authority of the President to conduct war without congressional approval.

After an amazing career in public service, he came home to St. Louis, and there he gave back to his community, to new generations of people to encourage them in public service, to new generations of students. He was a professor at Washington University in St. Louis and St. Louis University where he shared his vast knowledge and experience with young people who will be our leaders of tomorrow.

To others in public service, myself, I am fortunate to say, included, he was a great mentor, example and friend. He never failed to promote the people and the notions that he felt strongly about.

In his private life in St. Louis, he was well known for acting with regard to the civic good and giving back to his community. He worked to bring the St. Louis Rams to St. Louis, and recently, in the 2006 elections, was a chief advocate for Missouri's amendment to the Stem Cell Initiative which passed by a vote of the people.

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In downtown St. Louis, our new Federal courthouse is named after Senator Eagleton. It towers in our downtown just west of the famous St. Louis Arch. Thomas Eagleton's career and life towers in our country as a great example for all of us, whether we are involved in public service or not.

He was legendary for writing lengthy notes to people. I will treasure those notes that he has sent to me; those notes, that advice, that wise counsel that he shared with so many.

The impact that he has had on young people, their leadership for the future and what he has given to our great State and our country, he will be sorely missed but very well remembered.

DR. MICHAEL ELLIS DEBAKEY, FATHER OF CARDIOVASCULAR SURGERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I come to the floor of the House tonight to ask my colleagues to join me in supporting H.R. 1154. This bill designates a Congressional Gold Medal for the famed Houston heart surgeon, Dr. Michael DeBakey. This legislation has been introduced by my good friend from Texas (Mr. AL GREEN), but I feel it is incumbent upon me, as one of the physicians of the House of Representatives, to come to the floor and talk about how important this award is for this individual because, truly, Dr. Michael DeBakey changed the face of medicine forever in this country. His motto, as always, was, "Strive for nothing less than excellence," a motto that we might adopt in the House of Representatives today.

Dr. DeBakey received his bachelor's and his M.D. degree from Tulane University in New Orleans. While in medical school, Dr. DeBakey invented what became known as the roller pump, later to become a major component in the heart-lung machine used in open-heart surgery. This was a groundbreaking development because previous mechanical pumps had destroyed so many red blood cells in the mechanical action of pumping. The roller pump was truly a visionary change that Dr. DeBakey popularized when he was still in medical school in the 1930s.

He completed his internship at Charity Hospital in New Orleans. Charity Hospital, unfortunately, is no longer with us because of the ravages of Hurricane Katrina. Dr. DeBakey completed his residency in surgery at the University of Strasbourg, France and the University of Heidelberg in Germany.

He volunteered for service in World War II and subsequently was named director of the Surgical Consultants' Division of the U.S. Surgeon General's Office. His work during that war led that office to the development of the Mobile Army Surgical Hospital, so-called MASH units, those indeed that were popularized by movies and television shows back in the 1970s and were the forerunners of our forward surgical combat teams that have saved so many lives in Iraq and Afghanistan today.

He helped establish the specialized medical and surgical center system for treating military personnel returning home from war, subsequently known as the Veterans' Administration Medical Center System.

But it was at Methodist Hospital in Houston where Dr. DeBakey performed many of his groundbreaking surgeries, including the first removal of a carotid artery blockage in 1950, the year that I was born; the first coronary artery bypass graft in 1964; the first use of a ventricular assist device to pump blood and support a diseased heart in 1966; and some of the first heart transplants in 1968 and 1969.

He developed the self-contained miniaturized left ventricular assist device to pump blood for a diseased heart, something that is in use to this day. The techniques used to miniaturize the device's inner workings were developed with engineers working on the Nation's space program at nearby NASA.

He served as an adviser to nearly every United States President for the last 50 years. Think of that, Mr. Speaker: The medical adviser to every United States President for the last 50 years, as well as to heads of state throughout the world. He traveled, famously, to Russia in 1996 to consult on the surgery for Russian President Boris Yeltsin.

During his professional surgical career, he performed more than 60,000 cardiovascular procedures and trained thousands of surgeons who practice around the world. His name is affixed to a number of organizations, centers for learning and projects devoted to medical education and health education for the general public.

But think of this, Mr. Speaker, Dr. DeBakey also underwent an operation that was named for him. I picked up a copy of the New York Times last December and read a story about how Dr. DeBakey had undergone the surgery that he himself had described many years before. In fact, Dr. DeBakey admitted at that time that, although he knew he was ill, he never called his own doctor, and he never called 911. Quoting here, "if it becomes intense enough, you're perfectly willing to accept cardiac arrest as a possible way of getting rid of the pain," he told the New York Times. A wonderful, pragmatic individual.

He helped establish the National Library of Medicine, which is now the world's largest and most prestigious repository for medical archives.

Mr. Speaker, as we talk in this Congress about the need for improving the computer technology for medical records and medical information, Dr. DeBakey was on the forefront of that while most of us were still in grammar school.

In 1969, he received the highest honor a United States citizen can receive: the Presidential Medal of Freedom with Distinction. In 1976, his students founded Michael E. DeBakey International Surgical Society.

His contributions to medicine and his breakthrough surgeries and innovative devices have completely transformed our view of the human body and its longevity on this planet. At age 98, he deserves the highest award that Congress can bestow: the Congressional Gold Medal.

I urge my colleagues to join me in cosponsoring H.R. 1154, introduced by AL GREEN of Texas.

WALTER REED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to talk about the conditions that we have been hearing about on the care of our veterans at Walter Reed Outpatient Care.

Walter Reed is the first stop for many of our brave men and women returning from Iraq. These soldiers risked their lives defending this great Nation. They have lost friends in combat, and they have seen countless comrades lose limbs and suffer horrible wounds. They expect no reward in return for their bravery.

Unfortunately, the treatment they have received when entering the outpatient care is substandard. Conditions at Walter Reed Building 18, even though they are being improved today, should have never gotten to that condition.

We have all read reports on the matter; so I will not go into all of the details.

Mr. Speaker, if these conditions existed in the public, the authorities would have quickly been notified. However, the mismanagement of care does not end with Building 18. Many of our veterans are lost in the system once they are transferred to the outpatient care. Case files are being lost. Head trauma victims are not receiving the level of managed care they require. Non-English-speaking families are left to navigate through the red tape that exists at Walter Reed and, I am sure, many other veterans' hospitals.

The management at Walter Reed is directly responsible for these conditions, and I know those are changing now. But, again, we must make sure this does not happen again.

Congress has the ability to improve the situation for our new veterans. We are all aware of the benefits of health information technology. Health IT allows patients to move throughout the health care system in an easy manner. If Health IT was implemented at Walter Reed, our veterans would be able to move from inpatient to outpatient care without the fear that their records would be lost. The benefits our veterans would receive if health IT is implemented far outreach the cost of the system.

Many of our Iraqi veterans are coming home with head injuries. Roadside bombs and IEDs are responsible for this increase. These veterans require constant care and supervision. Many of them have lost cognitive abilities. In some of the worst cases, veterans are barely aware of their surroundings.

Let me say this: I know a lot about head injuries. Going back 13 years ago, my son was shot in the head, received traumatic head injuries, and he was left partially paralyzed. We were lucky. His mom was a nurse. She knew how to go through the system. He was also lucky that I had training in physical therapy. People understand, he was only 26 at that time, as many of our soldiers that are injured. They don't need just 3 hours of physical therapy a day; they need 4 in the morning, 4 in the afternoon, and then they need their families around them to take care of them in the evening time. It is hard. It is difficult work. But I know our young men and women are able to do this. The families need to be trained on how to work with their children that have head trauma.

But, again, it is up to us here in Congress, and I know there are hearings, but we must come up with answers on giving the treatment to these veterans with head injuries and to all our veterans that go through Walter Reed.

You cannot expect someone to go onto the campus and think that they are going to remember that they have an appointment the next day. You can't expect them to understand even sometimes where they are at that particular moment.

This has been treatment that we know how to give, and why we haven't given it to them I do not understand.

I know that Walter Reed is one of the best hospitals in the Nation, as long as you are in the hospital. But when you come out, that is where we are losing our veterans through the cracks. It is unacceptable, and we in Congress have a responsibility to make sure it doesn't happen.

During the Vietnam War, our military came home, and, unfortunately, we did not honor them the way they should have been honored. I thought we had learned our lesson.

The brave young men and women representing this country have done a wonderful job, and for us to even let down any kind of health care treatment for them is a black mark on this Congress and certainly on us, the United States of America.

I know the President has put a commission in place. I have been around here long enough to know, enough commissions. We need action. We can do it. That is what we are very good at, getting down to the bottom of it and putting in action. We can't have these veterans wait any longer.

Let me say this: Every day, Members of Congress get on the floor and say what a wonderful job our men and women are doing. Every day we honor them. And yet all of us have let them down. That is not acceptable. I hope that we will do better in the future. The future has to be now. The time has to be now. We cannot wait 2 to 3 to 4 months for a commission report.

THE COUNTDOWN CREW: COUNTDOWN TO THE TAX INCREASE BY THE DEMOCRATIC MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHUSTER. Mr. Speaker, we have come to the floor tonight again, my colleagues and I, to talk about something that is of great concern to us, great concern to the American people. And that is that, in just 1,398 days, there will be one of the largest tax increases in American history, over $200 billion, and that is going to occur if the majority party does not extend the tax cuts that the Republicans put in place in 2001, 2003 and extended some of them in the last Congress.

But that is going to happen. This huge tax increase is going to occur in America. And the Democrats don't have to do anything but run out the clock. If they sit on their hands, sit on the ball, we will see, in 1,398 days, as I said, one of the largest tax increases that the American people will have ever experienced.

Some of my colleagues on the other side have talked about the change that took place in this body, and there was a change. But I don't know anybody in America, nobody that I talk to in the Ninth Congressional District of Pennsylvania or across Pennsylvania, that voted to see their taxes get increased.

Over the last several months, over the last few years, several years actually, we have seen this economy move forward creating jobs. In fact, over the last 4 years, this economy has created 7.2 million jobs.

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It is because of those tax cuts that we put in place. The unemployment rate in America is at 4.6 percent. It is the lowest average unemployment rate in the four decades that we have experienced over the last three or four years.

Once again, if we don't extend these tax cuts, the American people are going to see more of their hard-earned dollars being sent off to Washington. If you look at a family of four that makes $40,000 or so combined income, has two kids in their family, if we don't extend these tax cuts, if the majority party, the Democrats in Congress, don't extend these tax cuts, people in that income range are going to see an increase of about $2,000 or $2,200 a year.

Some in this body may think that is not a lot of money, but I know to the hardworking people in central Pennsylvania that earn $40,000 in income, $2,200 is a lot of money. You can take that money and that is a nice down payment on a car. You can buy a new washer and dryer machine. You can save that money for college for your children. If you take that $2,000 or $2,200 a year over the next 10 years and invest it in a mutual fund returning about 5 percent income, that would grow to $30,000 in the next 10 years. That is a significant amount of money to send your child off to one of the higher education institutions in our country.

I think that the majority party ought to take a lesson from one of their own. Back in the 1960s when President Kennedy came into office, he cut taxes. What happened was that the economy grew and revenues to the government grew. We look back at history to President Ronald Reagan in the 1980s. He did the same thing. He cut the tax rates. The economy grew, it created jobs, and, lo and behold, more revenues flowed into the Federal Government.

That is again what we did in 2001 and 2003. We cut taxes, and history has repeated itself. This economy is one of the strongest economies in U.S. history. We are getting record levels of revenue coming into the government. So what we need to do is to continue to keep those tax rates low, extend those tax cuts.

Unfortunately for the American people, and that is one of the reasons we come to the floor on a weekly basis and talk about this, to make sure we bring the attention to the American people, make sure they are aware of what is going to happen, the Democrats, they said it very clearly in their campaign rhetoric in 2006, that the leader of the Ways and Means Committee, the new chairman, has said time and time again during that campaign election that he didn't know of any of President Bush's or the Republican tax cuts that deserve to be extended.

One of the first things they did when they became the majority party is they made it easier, not harder, but made it easier to raise your taxes. When the Republicans controlled the House, we made it the rules of the House that you couldn't raise taxes unless you had a three-fifths vote in the House to raise taxes. One of the first things the Democrats did was to make it easier. They decreased it to a simple majority to raise your taxes.

They put in place PAYGO. It should actually be PAYTAXGO, because it is going to make it easier for them. They are not going to touch any existing programs, but on new spending they are going to have to offset any new spending; and the way to offset that, the easiest way, is to increase taxes. I believe, as I believe many Americans believe, that that is what is going to happen.

The American people need to know this. We hope that people are tuning in and listening to us as we talk about this. We call ourselves the Countdown Crew. We are 1,398 days away from this huge tax increase unless the American people speak up, unless the American people talk to their elected officials and say they are not going to stand for a tax increase.

We have created a Web site, and we would love for you to e-mail us and let us know, give us your story of how the tax cuts, whichever one, whether it was the child tax credit, or the accelerated depreciation, dividend tax cuts, the death tax, which one of these tax cuts has benefited you. We would like to hear your story so we can talk about it.

There are millions and millions of Americans out there, young and old, low and medium income, that have benefited by these tax cuts. Our Web site, I guess it is our e-mail, is countdowncrew@mail.house.gov. Once again, there are some stories tonight. Later on in the evening we will be sharing with you that people around the country have sent us e-mails about how important these tax cuts are to them and how detrimental it will be to their small business or their family or communities across America.

I am pleased to be joined tonight by one of my colleagues from Kentucky, Mr. DAVIS. I yield to Mr. DAVIS to talk about some of these issues tonight.

Mr. DAVIS of Kentucky. Thank you, BILL. I appreciate the leadership you have taken on this issue. The one thing that our group is consistent in is all of us have come from the small business world. All of us have come from that arena that creates the jobs in America, pursuing a vision, pursuing opportunity.

For those who have just joined us, you have joined the Countdown Crew. You can join us at countdowncrew@mail.house.gov. We have gotten thousands of e-mails from around the United States based on the first few evenings that we have been talking about the impact of positive, progressive, pro-growth economic policies that allow working families to keep more of what they own and create incentives for small businesses.

As we go into the time right now, the reason we are called the Countdown Crew is because of the fact that unless legislation is passed to extend the tax cuts that have been so bountiful and so beneficial to the American people, to the United States economy, in creating millions of jobs, those tax cuts will expire at the end of 2010 and every working family in the United States is going to receive a tax increase.

And 1,398 days from now, there will be a tax increase on every working family. A family of four making between $30,000 and $50,000 a year will have a $2,092 tax increase imposed upon them. That doesn't come with additional legislation being passed. In fact, the chairman of the Ways and Means Committee, the gentleman from New York, has said that he is not going to introduce any tax legislation to extend those tax cuts and they will expire. So for everybody watching tonight, your tax bill is going to go up by a minimum of $2,000.

When you think about what that means, let's look at the other side, the positive side of the Republican policy, the conservative policy of allowing people to keep more of what they earn.

First, by keeping more of what you earn, it is invested in causes that are important for you, whether it is put into your home, whether it is put into your family, whether it is saved for education, whether it is invested in a new car, in clothing. We can think about any wide variety of issues, but those are the dollars that fuel the economy.

I believe very firmly we see it in the numbers, that when people are allowed to keep their own money in the aftermath of the 9/11 attacks by extending those cuts in a time of war, that we have seen unprecedented economic growth take place in this country and a recovery that shows right now industrial productivity, our manufacturing productivity in the United States, is at an all-time record high, which is an amazing thing as the United States economy continues to churn along. In fact, the growth that has taken place in the United States economy in the last 3 years is greater than the entire economic output of China, which is the largest potential economic competitor to us in the long run.

The reason that I share this is because it has made a difference in the lives of ordinary people. When folks are allowed to keep more of what they earn, they are going to make sure that those dollars are accomplishing things for their family, especially over the long term.

I would like to tell one story as we begin tonight that I think typifies the success that can be seen by allowing people to keep more of their own money. As BILL said, this is not a partisan issue. John Kennedy cut taxes and had economic growth take off and record revenues come into the Treasury. We have allowed people to keep more of what they earned, and what happened this past year, record revenues have come into the United States Treasury. And the real issue is controlling spending, not taking more of people's hard-earned dollars.

Well, pursuing that vision was something that BILL SHUSTER has done. It was something that I did back in the early 1990s starting my business, helping our manufacturing companies compete and keep their jobs here in the United States.

One person who I would like to highlight tonight, a man who has become my friend, but also somebody who pursued that vision himself, was a man named George Hammond. He runs Hammond's Automotive. He started with its first operation in Covington, Kentucky, over 20 years ago. He took that chance that many Americans take to pursue the American Dream.

He started off with a mechanics shop. The reason that his automotive shop grew in customers was not by popular advertising, it wasn't by media, it was by word of mouth, because the character of George and all the folks who worked with him demonstrated a desire to care for their customers and to make a difference, and they got more business and they grew. They opened a body shop.

Suddenly, the things that they began to encounter were the regulatory system that was increasing costs upon them as they were repairing cars. But even with that, he continued to grow beyond the impact of the regulatory system, hiring more people.

As a result of the tax policy that has taken place over the last 6 years, where people are allowed to keep more of their own money, unlike sending it to bureaucrats in Washington, D.C., where we may not know how it is going to be spent, George took that and he reinvested it. He reinvested it in his people, in training, and most recently opened another business in Burlington, Kentucky, moving out into the suburbs from Covington where he is reaching more and more people, all by word of mouth, and there a following that is going with that.

But I don't know what would have happened to George Hammond if he did not have that flexibility, if he had the tax increase that is coming down the road at the end of 2010, in 1,398 days. He probably wouldn't have had that opportunity to grow his business and create that opportunity.

But instead of raising taxes, we have created taxpayers with this policy. This is a family-friendly policy. That is a policy that allows people to pay for college tuition. It allows them to invest in their children's future. And for George Hammond, not only did it benefit him, but it benefited all of the employees, now going into a second generation of employees with three different business units that are creating jobs, creating a future for folks right there in Boone County and in Kenton County, Kentucky.

Mr. SHUSTER. How many people does George employ?

Mr. DAVIS of Kentucky. It is a typical small business where he has over 25 employees.

Mr. SHUSTER. That is small business personified, that 25 people. Those are the kinds of stories that I think we need to bring out.

Mr. DAVIS of Kentucky. I think the one thing that he has experienced, too, the discussions that we have had when I have taken my F-250 pickup truck in or our Chevy Astro van to get worked on, the one thing we talk about is health insurance. And I remember as a small business owner having to deal with the issues of the high cost of health insurance, dealing with tax policies. He has gone the extra mile to help his people, probably similar to some the experiences that you have had.

Mr. SHUSTER. Absolutely. I didn't mean to interrupt you, but I just wanted to know what size business that was and make sure the American people know that we are talking about people in their neighborhoods, in their communities, that employ 25, 30, 50, 100 people and that start from small and turn these enterprises into successful businesses. In most cases, my experience has been those small business owners, they are the backbone of the community. They are the ones that give to the local little league team. They are the ones that contribute to the hospital and the hospital boards. They are the ones making sure their communities are wonderful places to live, or are helping to make sure they are wonderful places to live.

Mr. DAVIS of Kentucky. I think that is a great point. George is an institution in the community. The one thing is that his attitude toward service has spiraled down to his employees, to their vendors, and that kind of dedication and devotion is I think not necessarily found in the very large corporations that are out there. It is those small businesses, like you say, that are connected.

For those folks who are watching, we invited you to join the Countdown Crew. You can contact us at countdowncrew@mail.house.gov. We encourage you to tell us your stories, your thoughts, your desires for policy.

In particular, what we are seeing over and over again in hundreds and hundreds and hundreds of messages that are shared back to us is the impact of a positive economic policy that allows people to keep more of what they earn. What we have coming, if we don't take action, if the House doesn't pass legislation by the end of 2010, every working family in this country is going to have a $2,092 increase. So many benefits are going away.

What we want to do is keep positive policies that empower people, create jobs, and create a future.

With that, I yield back to the gentleman.

□ 2000

Mr. SHUSTER. As soon as next week, the Democratic majority will be introducing their budget. It is my guess that they are going to spell out exactly how they are going to increase taxes on the American people to pay for that budget. They are going to have a choice. The choice is going to be either to continue the tax policies which have resulted in record job growth, 7.2 million jobs over the last 4 years, 40 quarters of an expanding economy; or they are going to choose to put the brakes on the growth of this economy by raising taxes.

I am going to predict tonight that if they decide to choose to raise taxes, which all indications lead me to believe they will, the brakes will go on this economy in very short order.

One of the important reforms that we as Republicans made when we were in the majority was to reduce the taxes on dividends and capital gains. In past history, dividends and capital gains were sort of viewed as only the fat cats in society, only the wealthy get to benefit by a reduction in taxes on dividends and capital gains. But that is not the case today.

Over 60 percent of the American population is invested into mutual funds and the stock market, into various other financial vehicles. It is widespread in the economy who invests and who can benefit from a decrease in the tax on dividends and a cut in the tax on capital gains.

Prior to 2003, tax cut dividends were subject to individual income taxes up to 38.6 percent on top of corporate taxes of 35 percent. It was double taxation. The corporations in America that you invested in, if you invested in General Motors or you invested in Wal-Mart and they made a profit, they got hit with a 35 percent tax increase, and then they paid out their dividends to the millions of people from all walks of life who invested in those corporations, and the dividend, it was hit at a tax rate of 38.6 percent or below. Among developing countries, only Japan has had higher tax rates on investment income than us.

In 2003, the top individual tax rate on dividends was cut by more than half down to 15 percent. Starting next year, there will be no dividend tax at all for lower income Americans which is absolutely essential to continue growth in this economy.

In addition, capital gains tax increased, with the top rates on long-term capital gains dropping from 20 and 10 percent down to 15 and 5 percent. The 5 percent rate will drop to zero next year for those in the bottom two tax brackets. Again, for families in the middle and lower income that have investments, they are not going to be taxed on those types of investments, or it is going to be significantly decreased.

Those lower tax rates have promoted a strong and growing economy, and has created 7.2 million new jobs. Our job creation in the last 4 years is greater than the European Union and the Japanese economy combined. This has been an economy that has grown strong and created millions and millions of jobs.

Again, if the Democrats fail to extend the tax relief, in 2010, those rates will return to where they were before we lowered them, and the American people are going to experience significant tax increases.

Because seniors rely on income from investments, they have benefited greatly from those lower taxes. That is why it is important. They are one of the key groups in our economy that have benefited by it.

The Treasury Department has estimated that 8.5 million seniors saved an average of $1,144 on their 2005 taxes as a result of lower rates on dividends and long-term capital gains. And $1,100 goes a long way towards buying something new for your home, whether it is a washer and dryer, or whether it is a senior giving it to their grandchildren to help them out as they make their way in the world and go to college and try to get an education.

According to the Tax Foundation in an analysis of IRS data, more than half of all taxpayers over the age of 65 received dividend income in 2004. Over half of the folks over 65 years of age are receiving dividend income. That is double the national average for all taxpayers.

Seniors also rely upon capital gains income. That same Tax Foundation report found that while nationally less than 13 percent of taxpayers claim capital gains income in 2004, that figure cost 30 percent, a third for taxpayers between the age of 65 and 74, and more than 27 percent for those over the age of 75. Seniors benefit greatly by the dividend and capital gains tax cuts.

On May 10, 2006, Flora Gramma Green, a national spokeswoman for the Seniors Coalition, described the importance of lower dividend tax rates for seniors living on a fixed income. She said, "When I planned for my retirement, I needed the dividend income just to have a secure retirement. I am not wealthy. I worry every day if I will have the money to buy the gas I need to get to the doctor, I worry if I will have the money I need for proper nursing care as I get older, and I worry that the monthly income I plan for will stretch far enough each month to let me pay my bills. The millions of fellow seniors who benefit from this tax reduction are in the same boat I am in. We need this tax break just to continue the safe and secure retirement that we planned for."

Those are the words of a senior who is certainly involved in the fight to continue to keep these tax rates low, to see that the tax rates are extended so that in just 1,398 days, which will be January 1, 2011, which is a short period of time away, we will see this $200 billion tax increase, and it is going to cut across all income spectrums, from low income to high income.

These folks are going to have to send more of their money to the Federal Government and not be able to put it back in the economy, creating jobs in the most efficient way that an economy can create jobs.

Mr. DAVIS of Kentucky. One thing I would highlight, a few examples to share just from back in our district, and feel free to jump in with your experiences from Pennsylvania, growing up in the Ohio Valley and seeing our industry having problems competing, I know one of the choices I had when I left high school was to go in the mills or go in the military. I am so glad I went in the military because when I came back years later, those mills were gone. The environment had changed dramatically, and expectations had changed dramatically.

The people who are allowed to keep more of what they earn are going to invest it locally and invest it in their family. As our dollars stay in our community, there is going to be increased opportunity.

In northern Kentucky where I live, in Kentucky's Fourth District, which runs on the south side of the Ohio River, right across from Cincinnati, we have one of the largest air hubs in North America, the Cincinnati-Northern Kentucky International Airport. Being in Kentucky, we are very proud of the fact that Cincinnati's airport is located in the great commonwealth of Kentucky, but there is a story which affects the Tristate area in a profound way that has taken place over the past couple of years.

Delta Airlines, one of the great flagship carriers of this country, has a major international hub located there. They also have a home grown regional carrier, Comair, which started out as a small commuter airline, which has grown into quite a presence.

They have gone through a very, very tough time over the past several years, since 9/11, dealing with the fluctuations in fuel prices and the issues of security costs, the challenges that have been faced in the economy turning around. The tax cuts that have been so beneficial to America's families that have created 7 million new jobs, that have allowed people to keep more of what they earn, on average between $2,000 and $3,000 per family in this country, has had a direct impact on this company.

The reason I want to highlight Delta and Comair and all of the businesses in our region, they have gone to great lengths to sacrifice and do something different than other airlines have. Rather than cutting their pensions for the expediency of institutional investors on Wall Street or other creditors, they worked with their creditors and all of their vendors not only to keep the airline going at a world class level, but to make sure that they kept their benefits and pension plans in place for their employees.

The commitment of the employees have been so great through all of this. Many of them have made tremendous sacrifices. The one thing I can see is that these employees who are making 40 percent or less than what they were making 1 year ago, 2 years ago, are now suddenly faced with not only having substantial reduction in their income to keep their job moving, but, in 1,398 days, according to this regressive policy, they are going to have an additional $2,092 on average added on top of those families.

I think it is entirely unreasonable because the impact can ripple all of the way across the economy, not only in terms of demands on those families, but the consuming families, some of the ways people spend that money, is travel. They travel for business. They buy products from companies that fuel that business travel economy. One of the great gateways to Florida, people traveling to vacation in the south from different parts of the United States, are flying on low-cost fares from Delta through Cincinnati and other gateways in the region. And that $2,000 on average per family will have an impact on that aspect of the economy, too.

You might ask, why are you bringing this up? Our economy is so complex, so interconnected, we are so interdependent on one another, by having a significant impact on one side will eventually have an impact on the other side. It is kind of an economic butterfly effect, not in the extreme like the proposition in chaos theory, but it will create a lot of chaos in our economy.

Another benefit I will share, I have a very good friend who is head of the Manufacturers Association, a committed, small business community executive, named Rick Jordan, who is chairman of the board of our Gateway Technical Community College which focuses on advanced manufacturing and information technology education to train our next generation workforce.

He is also the president of LSI Industries, which does extremely innovative engineering for lighting systems and retail display systems. One of the companies that has been driven by an increase in consumption in a very literal and physical sense is a big client of theirs, is Dairy Queen. Because people have had a little more discretionary income, they are able to meet their needs, and they want to take their family out for that treat, that hamburger, that ice cream. It just doesn't end there. When they hit the drive-through and they get that Blizzard for their kids, then it starts through the supply change and works its way back.

LSI, being one of our premier businesses in the Cincinnati-North Kentucky area, has their employees manufacturing all of the signage for all of the Dairy Queens in this competitive environment in the entire country. They won that contract because of the increased growth that has taken place when, over the last 4 years, when the full impact of this positive tax policy has been felt.

As we share other stories, I think those are two, one from manufacturing, from the leisure industry, from transportation, from the restaurant industry, which show this connectedness.

Mr. SHUSTER. Mr. Speaker, I don't want to mention his full name, but I had a conversation with a gentleman today who is a local businessman and employs about 120 people in one of my counties back in Pennsylvania. I am just going to call him Harold. I had a conversation with Harold on the phone today, and it was about the negative impact of these tax increases if we don't act on them.

As I was talking to Harold, he has been in business. Actually, his father started the business. Harold has been in it for 40 or 50 years. They started out with a couple of dump trucks and a bull dozer. Today they have a tremendous amount of equipment. They are an excavating business. They employ 120 people. But Harold's wife, Delores, just had a health scare, and so Harold has been looking at the business and what would happen if he were to pass away.

He said, you in Congress need to pass the death tax because if you don't, if I pass away, it is going to cost his children millions, up to several millions of dollars in taxes that they are going to have to pay in Federal and State tax, mainly Federal tax, to keep the business. He said, my children won't have access to that kind of cash, so they will have to liquidate the business if I were to die.

There are thousands of stories like that across America, that we need to make sure that we are extending the death tax and making sure that small-business owners like Harold and Delores, if they pass away, that their children will not have to liquidate a business because you have 120 families that they employ making a good living, living in rural Pennsylvania, that are potentially not going to have jobs if that were to happen.

Also, something that I think is important, as you mentioned, you were a small business owner, and I was a small business owner before I got here. Harold is the kind of guy in Pennsylvania, he is one of the pillars of the community. He is the guy that is always contributing to the community, giving back, whether he is on the hospital board or the economic development board. He is the guy making sure that he is contributing to the local Boy Scouts, to the Little League, making sure that the firemen have money, that he is supporting their efforts to raise money as they struggle to keep their ambulance and fire service going.

Those are the kinds of people, small-business owners, that have been in business for many, many years, that give back to their community, give back to their community and give back to their community.

□ 2015

Those are the kinds of people and those are the kinds of communities that are penalized with a tax like the death tax that would cause a business, one of the pillars of the community, to have to liquidate to raise the money to send it down here to Washington, to come into the Federal Treasury, and it would go out again probably 50 percent or 60 percent less of what came in. It would be less efficient than Harold being able, or Harold's family being able, to give back to the community and get the most impact out of a dollar.

Again, those are the kinds of people. I had a lunch with a gentleman in a similar business as Harold, gentleman by the name of Dave I will call him, who is the same type of person, started a business, told me about growing up on the farm in rural Pennsylvania, saying he did not have any money; he did not know any better. But he started out a with a flatbed truck hauling coal from the coal region of northeastern Pennsylvania back down to central Pennsylvania. That is how he got started, and today he has 200 employees, three different businesses, and is another gentleman who gives back to the community again and again and again.

That is what we are talking about. That is what makes America great, coming from a poor farmer to a prosperous business owner and a pillar of the community. Again, that is what makes America great. These are the kinds of people all across this country we have to make sure that we are not penalizing for being successful.

I yield back to the gentleman.

Mr. DAVIS of Kentucky. I think you have hit the nail right on the head there, and for those who just joined us, you are watching the Countdown Crew. You can contact us at countdowncrew@mail.house.gov. We come to the floor the first night of every vote to talk about the positive impacts of tax policies that let people keep more of what they earn, keep more of what they own by default, and ultimately create the jobs and create a future for folks here.

Most folks do not realize that with the vote that took place, changing the House's Congress in 2006, put us on the clock for a tax increase that will come. The chairman of the Ways and Means Committee, the tax-writing committee in the House, has said that there is no tax cut that he sees that is worth keeping.

I think that shows a blindness to the dramatic economic impacts that have hit where we are at all-time manufacturing productivity and all-time low unemployment that is remarkable in these times, that we have created 7 million new jobs. What is going to happen in 1,398 days is a tax increase that will hit the average working family in this country with a $2,092 tax increase, and that will happen without any legislation being introduced.

The way the prior tax cuts were drawn, we would extend them every 2 years. That extension right now appears to not be happening. On behalf of the Countdown Crew, we would encourage you to write your Member of Congress to encourage your Member for the district that is represented by you watching at home to make sure that those are extended.

More than that, we would like to hear your stories, if you would send to us countdowncrew@mail.house.gov and tell us what you have done with that additional money. We have heard stories of folks who have been able to meet personal needs, start businesses and create jobs. The goal of a constructive government policy related to revenue is not to raise taxes, not to create taxes for their own sake, but to create taxpayers to have an empowering policy that lets people work, pursue their vision, and pursue opportunity in the long run.

Probably one of the most interesting stories that I can share I think has a little bit of humor in it. If we go to a shopping mall in the United States right now, you can look out and see there is always a group of kids somewhere in the mall, the Goth group, that is dressed in black, black shirts, black shoes, black pants, black hair, black garments that they will have on them.

There is a little secret that I will share with America's youth and the Goth movement tonight. The color black, the person who owned the patent on the color black comes from the Fourth District of Kentucky. A brilliant chemical energy engineer named Bill Stoeppel some years ago discovered that there was a real problem in manufacturing waste in paints and in dyes for clothing and paint for the automotive industry. He developed a unique solution dispersion to carry the graphite that would be that color black. He named his little company Solution Dispersions. He took the idea from the experience that he had. He ended up buying a company that at one point he worked for. He started another facility in this business and it grew. He had an exclusivity, made a very, very small profit on processing this graphite for the large coatings and coloring companies that support our manufacturing industry around the United States.

Right there, in Cynthiana, Kentucky, is the headquarters of the color black. The reason I bring that up is there is one person, one man, who has created hundreds of jobs in different parts of the country and also is fueling a supply chain at a reduced cost to be able to compete not only domestically but internationally as well, with strong and high-quality products.

He did not just stop there and bury his money in the ground. The profits that he made he reinvested in his community. He was one of the people that you had alluded to earlier when you talked about Harold. Well, Bill was one of those pillars of the community that worked with the hospital and the school system, was somebody that was active in the Rotary Club, made sure that the hospital board had resources and assets, and he also invested back in the land, a personal love of his. He was ranching quality, very high quality grade, again creating more jobs and opportunity and participating in the consumption economy.

Many of those opportunities literally have the chance to go away on December 31, 2007. When we talk about tax policy, oftentimes there is a misnomer, this class warfare idea, that it is always the super-rich who get off or the rich who get off and do not pay their burden, that it is always unfairly pushed down on working families and on the poor.

The truth of the matter is with these tax cuts the ceiling was actually moved up. The burden was moved up. Millions were taken off the tax rolls. A new tax bracket was created for 10 percent which will disappear, a transitional tax bracket for those who were coming into the workforce, who are moving upward.

There is a $1,000 child tax credit that is coming. Just in my family alone, when that went from $500, and that was set a long time ago when $500 had a different value in the economy than it does now, to $1,000 that made a difference. Patty and I have six children. Right there that is a $3,000 tax increase to my family that will take place at the end of 2010.

The marriage penalty is going to be restored, and I think practically the one thing that we must do is make sure that we have policy that is friendly to families, that encourages jobs, and encourages and strengthens the family. By putting the marriage penalty back in place, it actually makes it more profitable to be single, and I think that flies in the face of our American values here.

You mentioned the estate tax earlier. It is a pernicious tax that confiscates money from families once that money has already been taxed. It is not the super, super-rich of the world, the Bill Gateses of the world, the multibillionaires of the world. They are not the ones that are going to have to worry about paying that. It is the small business owners who have capital-intensive businesses. It is going to be farmers, small manufacturers that have the most dramatic negative effect from that.

We had one took place in my county that is a perfect example of this, a farmer. When the patriarch died, they did not understand. They loved farming. They wanted to focus on that business. They did not understand the impact of an estate tax, having a farm in a growing county with appreciating real estate values. Because they had gotten some incomplete legal advice, they came to find out that they literally were going to have to sell half of a farm that had been in the family for five generations because they wanted to keep farming just to pay the tax bill. I think that flies in the face of American values. It flies in the face of creating opportunities.

Mr. SHUSTER. Absolutely. You talked earlier about the stories that we want to have sent to us, talking about real-life stories out there in America, how these tax cuts have helped them or what they are feeling in the economy or what they are feeling about their government. You can e-mail us at countdowncrew@mail.house.gov. That is countdowncrew@mail.house.gov.

I received an e-mail, and I wanted to read some of it to you. It is from Kent Berry, who is a small business owner from Gravel Ridge, Arkansas. I have never been to Gravel Ridge, Arkansas. It is about 15 miles north of Little Rock; and over the past months, Kent has been watching us.

Kent says he is swamped by Federal tax regulations which are driving him down. He goes on further to say: "More and more I feel that the deck is stacked against me. I witness so much nonproduction being rewarded with money which I had to struggle to remit. I'm beginning to feel that the American Dream is an optical illusion. I'm starting to envision the American Dream a lot like the carrot and stick. I keep pressing but it ain't gettin' no closer."

Kent continues: "I'm no constant agitator or perpetual malcontent, but I do enjoy C–SPAN and I did hear your e-mail address several times, and I'm writing to say that I'm struggling here.

"Government, like a lot of things, is a good thing. But like all good things, moderation."

And as Kent points out there, he is struggling out there because he has got a small business. He works hard to earn the money that he earns, and then he has to turn around and pay a tax bill that is bigger than he can probably handle. If we do not extend some of these tax cuts, the tax bill is going to be even greater for Kent.

I know his story and his feelings are like millions of Americans out there that want to make certain that if they are going to invest their capital, if they are going to invest their blood, sweat and tears into a small enterprise, that they have the ability to get a return, that they have a ability to save some money, that they have an ability to make sure that their family lives a little better life than they have.

This is the American Dream, as we have talked about a couple of these folks from your district and some from mine, that they start from meager beginnings and with hard work, with ingenuity, they grow a business and become significant parts of their communities, giving back to their communities. Those are the types of people that we want to make sure that they are not penalized, that they are not driven out of business because they have to have some big tax bill when they pass away, you know, whether it is taking that money and investing it into a mutual fund so they can get a nice dividend back and they are not overburdened with taxes, whether they take their company or their business or their property and sell it and do not have an oppressive capital gains tax.

As you mentioned, most Americans do not take the money and bury it in the backyard. They put it back into the economy. They invest it in a mutual fund. They invest it into another business or a property that builds something, but that money goes back into the economy to create jobs and to hopefully when they invest that money create a return for them so they can continue to live a good life.

Again, through my district, there are a number of people. I have mentioned the name before, a B.C. Stone, another one of those operations started out in a garage. I visited with those folks about a week or so ago. They started out in a garage and today with a couple of employees, and today they employ 70 people. Their business is prosperous. It is growing over the last 4 years, and Travis Collins, one of the owners, says it is directly because of the various tax cuts that we put in place. The economy is moving, booming, and so his business right along with it.

As I mentioned before, he has taken on an old hotel in my hometown of Everett, Pennsylvania, an over 110-year-old hotel, and he is restoring it and turning it into a 12-bedroom hotel with a first-rate restaurant in it. By doing this, he hopes he is going to make some money, but he really wants to give back to the community and this beautiful, small town that he grew up in and this hotel, quite frankly, was dilapidated. He is putting a fresh face on it, and he is going to try to attract people to come into the community, to spend money through tourism.

Again, these are the kinds of things that happen when you allow people to keep more of their own money. They invest it, they grow their business, they try to create jobs and make their communities better places to live and to work.

Mr. DAVIS of Kentucky. One of the things that relates to that, too, is that money just does not end at the personal savings account or even at the grocery store, the auto shop or dealership, or the Dairy Queen for that matter, as we mentioned earlier.

There are others who are very, very dependent upon the benefits, the profits of these small businesses, the revenue from salaries, from jobs that are created, and that is all of our public servants.

I have a daughter who is now doing her student teaching practicum. She is getting ready to go out and become a public school teacher in our district. Her salary ultimately is paid by the salaries of those who are employed, who own houses, who have jobs, who can contribute to the payroll tax in the community. Our policemen, our world-class law enforcement that we have, is funded. All the training that they receive is funded by taxpayer dollars that come from folks who are out in the economy, who are in jobs that are creating that value. They are creating that tax revenue that comes into the government, that pays for them. We have to make sure in order to keep them strong and to keep them well-funded we have to have a robust and strong economy.

□ 2030

The key to keeping those services world class, whether it is in education, whether it is public safety, whether it is even funding our military at a Federal level; a strong and robust economy is critical to that in the long run, because the entire supply chain, the entire chain of individuals is interconnected. We are in a society, in an economy, where everybody is connected, one to another, in some way. It is not just a circle of folks that we interact with, but it is those that we interact with. That chain moves on and on throughout the entire economy, rippling back and forth in a very positive way, in all, ultimately, being very beneficial.

I have two friends who are in the insurance business. Ironically, they are both not only good friends and strong supporters of mine, they are extremely active in the community. I think the only place that they are not working in concert together is with insurance offices. Bob Boswell and Bob Kelly of Florence, Kentucky, are literally across a mall road together.

But they get along well together, they work together on projects to benefit the community. They see it firsthand, introducing folks to financial planning. As they are trying to build a future, they are trying to look to the future for retirement savings. My friend, Dale Viniard, who is an insurance agent in Crestwood, Kentucky, was one of the very first people that Pat and I met when we moved to East Crestwood, Kentucky, at the opposite end of the district, experiences of people having a concern over their ability to provide for their family and the future, having that ability to make sure that they can have a job, make an income and ultimately have some type of retirement, build that nest egg.

When you touched on the impact of the capital gains tax earlier, I think it's a huge, huge issue, because the majority of Americans now don't have these defined pension plans like somebody might have gotten 50 years ago, working for the large automotive company. Because most people are coming out of the small business world that creates 88 percent of the new jobs in this country. Their retirement plans are going to be in some form of deferred compensation of 401(k). Some type of retirement savings are diversified, spread over different types of investments. In most cases, they will have some degree of control over that.

Just the change in these taxes could have a dramatic impact on senior citizens. They could literally see their tax burden double overnight when they seek to access their retirement funds just to live.

Again, once that money comes out of the economy, it is not creating jobs. That investment is there; not only is it benefitting them, but it is creating jobs for the future.

Mr. SHUSTER. Just in our closing minutes here, I want to reiterate, first of all, say we have been getting up here for the last several weeks talking about the coming tax increase, unless Congress and the Democratic majority acts, which will occur in 1,398 days, which will be January 1, 2011, and that occurs in 2008, some of the taxes, if they are not extended, will expire, 2009, 2010. Again, we want to hear from citizens around the country that have benefitted by these tax increases, tell us your story about your small business, how it has grown or how you started it.

You can get those stories to us at the countdowncrew@mail.house.gov. We want to hear those stories. Again, I want to close with just talking about what's going to happen with the dividend and the capital gains tax cuts if we don't act.

January of 2010, those rates will go back up. As I mentioned earlier, when folks think about those dividends, whether you have a mutual fund, you have an IRA, you have a 401(k), you have some pension fund out there. By and large, if not all of them, almost every one of them, is dependent on investments to put income in and pay out to the beneficiaries.

Prior to a 2003 tax cut, dividends were subject to an individual tax rate up to 38.6 percent and on top of a corporate tax rate of 35 percent. Those types of rates are coming back unless this Congress and unless this Democratic majority acts. In 2003, the top individual tax rate on dividends was cut by more than half, down to 15 percent; and starting next year, that dividend, no dividend tax on income, on lower-income Americans. That is substantial.

In addition to capital gains tax decreased with the top rates on long-term capital gains dropping from 20 and 10 percent down to 15 and 5 percent, and, again, the 5 percent rate will drop to zero next year for those in the bottom two tax brackets.

If the Democrats fail to extend this tax relief, again, in 2010, they are going to come back, and anybody out there in America that is retired, anybody out there, as I said, that has a 401(k), a mutual fund, they are going to be taxed at a higher rate on those dividends. So it is important that we act. That is, again, why we come to the floor once a week and remind the American people that this tax increase is coming.

You need to talk to your Member of Congress. I do not believe that anybody in the November elections voted to increase their taxes, and your Member of Congress needs to hear about it. We have to stop it because we want to see this economy continue to grow and to prosper.

Does the gentleman from Kentucky wish to close? The gentleman from Texas arrived, too.

Mr. DAVIS of Kentucky. Thank you. For those of you joining us at the end here, you are with the countdowncrew@mail.house.gov. Our motto is create taxpayers, not taxes. We want to allow you to keep more of what you earn, because when your dollars are in your pocket or in your community, it is creating America's jobs and advancing the economy.

One person who has joined us tonight is a former certified public accountant from the great State of Texas, and his name is Mike Conaway. We have worked together on numerous issues in the committees, and I think that he would like to share something for a couple of minutes here.

Mr. CONAWAY. Just to set the record straight, I am still a CPA. I am keeping my license current,

Mr. DAVIS of Kentucky. We were hoping you were a recovering CPA.

Mr. CONAWAY. Because, as you know, I am only one election away from being back in public practice. So maintaining my credentials that I have used for 30-plus years is important. Part of that work I did was with taxpayers, folks who actually make money and then pay taxes on that money.

There is nothing inherently moral or immoral about a tax rate. The number in itself is not magic. We have gotten ourselves into a real ugly box in comparing or contrasting or linking spending issues with particular tax rates. In my view, those are entirely two different issues all together.

We ought to determine what we ought to spend and what that appropriate amount is and then figure out how to collect the minimum amount of taxes needed to spend that. To the extent we try to link tax cuts on one type of a taxpayer to spending in other areas is a false argument. It is a straw man that is irrelevant in the grand scheme of things. I can assure you that the Federal Government's accounting system does not put cash from this particular tax rate into this bucket that is only spent on welfare; from this tax rate into one bucket, only goes in the Defense.

Cash is fungible. I think we should reformulate the debate away from this idea that there is some link between the specific tax rates and specific spending issues, because I believe that is just a false argument, and it leads us down a bad path. Let's focus on what we ought to be spending in a variety of areas, whether it is defense or health care whatever it might be, let's figure out what the right amount is for that area. Then let's look for a system that allows us to collect that in a straightforward, easy to comply with, fair basis. I don't think our current Tax Code meets any of those criteria.

I have made a living for a long time helping people comply with the complexity of it. You know, a lot of my colleagues are in the same boat. But this current system is unworkable, and it leads us down the wrong path.

As you have mentioned, we are now under 1,400 days away from the largest tax increase America has ever seen with the expiration of the current tax rate and the current tax schemes as it relates to the death tax.

We don't know if those are the right ones or not, but they are the ones we have got. The ones we have had in place since 2001, I think, in no small part have contributed to the growth of this economy, have contributed to taxpayers being able to have more of their own money, to put that investment back into their families, businesses and other things. The current tax rates are working, and to the extent that they expire and have automatic increases is unfortunate.

I understand we are about out of time. I appreciate getting to join you late in the hour.

Mr. SHUSTER. We certainly appreciate you coming here over the past several weeks. It is always good to have a CPA on the floor to be able to correct us when we spout off a number that is not quite accurate. You have been able to do that a number of times with us. We appreciate it.

I just want to point out again to people that may be watching tonight, such as a CPA, a small business owner. I was a small business owner. We all have children. Your children, I know, are grown now.

Mr. CONAWAY. Grandchildren.

Mr. SHUSTER. But it is important in America that small business owners and families are not burdened with these heavy taxes. We have to keep them low.

I think the gentleman from Kentucky might have a final passing word.

Mr. DAVIS of Kentucky. I want to thank everybody for joining us. For those of you who are regulars and are corresponding with us, we appreciate your joining us and contacting us at countdowncrew@mail.house.gov.

We believe that the key is not raising taxes; it is creating taxpayers to project economic growth and opportunity for the future. Our backbone is of small business owners that have created the jobs, created the vision, have created the innovation that have help make this country great. We want to continue standing by you and the working families of America.

With that, Mr. Speaker, we yield back the balance of our time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ARCURI). The Chair would remind Members to address their remarks to the Chair.

THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maine (Mr. MICHAUD) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. MICHAUD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and include extraneous material on the subject matter of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. MICHAUD. At this time, I know the gentleman from Wisconsin has another meeting he has to attend, so I would recognize the Congressman STEVE KAGEN from Wisconsin.

Mr. KAGEN. Thank you very much, Congressman MICHAUD. I certainly appreciate being with you this evening, especially after an enlightening hour of finding out that really they weren't borrowing and spending money.

But, indeed, this is the class of 2006. We were elected to take a positive change in a new direction. We are not the party of borrow and spend and borrow and spend. Because as you all know, the first two letters of borrow and spend are B and S. We are here this evening to talk with you about our trade policies. Indeed, our foreign trade with China has become entirely a negative number.

In this brief slide, the 2006 trade deficit will show you that the United States is losing. We have lost $233 billion a year in 2006. In the first 2001 numbers, $83 billion deficit has mushroomed to $233 billion.

In 2006, China ranked as the fourth largest export market for the United States and the second largest import market. They are our trading partner. We have had the American century, and now we are moving into what will become the Chinese century. But we should be ordered in the rule of law, and unfortunately for us here in the United States, we suffer because they are not following all of the laws.

In a recent article in The New York Times, it reads in part that the Chinese's real advantage results from subsidies. They include government grants for modernization, low-cost loans, debt forgiveness, tax breaks for export or businesses and subsidies for suppliers of wood and pulp, something we are keenly aware of in Wisconsin, in my district, which used to be known as Paper Valley.

According to government data available from the Chinese government themselves, more than 70,000 illegal seizures occurred of private property, of land in 2004. In 2003, the Chinese admit that 168,000 occurrences of seizures took place.

□ 2045

Well, this is what happens in a Communist country, and it is to their advantage.

The subsidies: According to our own U.S. Trade Representative, "The Chinese subsidies at issue are widely available and offer significant benefits, particularly through income and value added tax breaks. They make it harder for U.S. products to compete with Chinese products, not only in the U.S. and Chinese markets but in any market in the world. They accomplish this by providing a competitive advantage to a wide range of Chinese exports, including, for example, various steel products, wood products, such as hardwood, plywood and paper products, and by providing incentives for Chinese firms to purchase domestic products instead of those from the United States."

United States' manufacturers and exporters are suffering because there is another trade partner of ours that is not following the rules. Indeed, 15 to 20 percent of all products made in China are counterfeit materials. They need to follow the rules.

On this slide is a measure of their unfair trade. There are three things primarily that China is not complying with: currency manipulation, their yuan is below where market prices would bear the price; illegal subsidies; and illegal grants, grants given to companies that have no intention of paying them back. And what can we do about this? We really need balance in our trade deals. We don't need free trade; we need fair trade.

How do we fix an unfair trade deal? We need new leadership in the administration. We need a President and an administration that is interested in fair trade. And what must we do? We must establish fair trade and export our values, not our jobs. After all, if we don't make anything in America, we simply won't have anything.

Mr. MICHAUD. Thank you very much, Congressman KAGEN. This has definitely been enlightening. I really appreciate all the charts that you have. And you are absolutely right, the American people want the new direction for this country and are very pleased particularly with the freshman class, yourself leading the charge to make sure that we do have fair trade agreements. I want to thank you for your time coming to the floor this evening to talk about this very important issue.

I would now like to recognize another freshman Member of the 110th Congress class, the gentleman from Illinois who has taken a real leadership role as well on trade, but also on veterans affairs issues where he replaced a former colleague in this body, Lane Evans, who has been a mentor and has been a leader also on veterans' issues. I would like to yield to Congressman HARE of Illinois.

Mr. HARE. Thank you, Mr. MICHAUD. And I want to thank you for your leadership on this whole issue of trade. I was here last week, as you know, and we were talking about the Employee Free Choice Act. And I spoke then as a former labor organizer about the difficulties working men and women have in being able to join the union. Tonight I am here, and I want to tell a brief story, if I could, about what I think this whole trade situation boils down to.

In my district, we have a city called Galesburg, Illinois. It was the home of Maytag, manufacturing washers, driers and refrigerators; 1,600 very talented men and women worked in that factory. On two different occasions, the workers of that plant gave pay concessions back to keep that plant open. The State of Illinois, my home State, gave Maytag $24 million in State taxes for renovations to keep the factory there. The plant, about 8 months later, announced that it was moving to Sonora, Mexico.

The CEO said it was because of several things, but the bottom line was they could make more money manufacturing in Sonora, Mexico, for cheap labor. And 1,600 of those people are out of work, and 1,000 more recently followed a few weeks later in Herron, Illinois, from another Maytag facility. And the CEO of that corporation said, "You just have to understand, Congressman, I am in the business to make money for my shareholders. I don't really care about the people of this city and the educational system and what happens to them, and the small businesses that feed into Maytag. I am here to make money."

Well, I am here tonight to say a couple of things on this whole issue of trade. First, let me say, I said this on the campaign trail, Congressman. I am a card-carrying capitalist; I believe in trade. We have to have trade. I am not a protectionist, an isolationist. But I do know this. As my colleague, Representative KAGEN, said, we have to have some fair trade.

Under this NAFTA agreement, it was tough enough to lose those jobs, but we negotiated that; we, meaning our trade folks, negotiated a 5-year head start for those Maytag jobs in Mexico, gave the Mexican government a 5-year head start on refrigerator products. Now, how are you going to compete?

I went to an editorial board, and I remember saying to the publisher of the newspaper, if your competitor across the river had a 5-year head start on subscriptions and advertising and being able to get the news out each and every day, and you could not publish for 5 years, do you think you would be at a distinct disadvantage? He said, "Absolutely."

So here is what I think we need to do, in plain and simple language from a former clothing worker: I think we have to stop this exportation of manufacturing jobs across this country. And we have to be not just angry about it; we have to say: I am more than angry. I am now going to do something that we haven't done before. I am going to raise my voice and I am going to tell my elected Members of the Congress of the United States that if you vote to send our jobs overseas, we are going to vote to send you back to your district permanently, because in this business, we are supposed to be here to represent people.

The job of a Member of the United States Congress, to me, is standing up for ordinary people, and I am tired of seeing our jobs shipped overseas. And, more importantly, the American people hopefully watching and listening tonight are tired of their tax dollars being spent to subsidize those jobs being sent to Sonora, Mexico, where, by the way, the people down there have no trade unions, don't have enough money to even purchase the products that they are making. And I believe that all of us, whether you are a Republican or Democrat or Independent, have seen the hemorrhaging.

In textile, in my industry, thousands of jobs are gone, not because people couldn't do it, but because they can't compete against 18 cents an hour. It is impossible. Not simply because these people were getting benefits and other things that they desperately needed so they can do like I did and buy a home and put their kids through school and go to college and do the right thing; these are veterans of our country who have fought and defended it. They come back and had a job that was taken away from them, not because of anything they did wrong.

So here is what I propose: How about a little corporate responsibility? But how about, let's tell our trade negotiators that we want trade, but let's make it fair and free? Let us don't negotiate our manufacturing jobs overseas. And, by the way, let me just say, I have a lot of agriculture in my district, and farmers are the last group brought to bear on the trade negotiations. They are never brought to the table. I think we have to have, as Representative KAGEN said, an administration and a Congress that says to the trade negotiators, look, we want trade; we want to be able to negotiate a decent standard of trade for our folks. But we will not do it by simply abdicating our manufacturing base, whether it is in steel or textile or automobiles, whatever it is, because there are hundreds of thousands of people in this country, and not every one of them is going to sit behind a computer terminal the rest of their life and work. They want to be welders. They want to produce steel. They want to produce automobiles. They want to cut men's suits like I am wearing tonight that, by the way, was made in Chicago, Illinois, by working men and women.

So I would just encourage everybody this evening as we have this debate on trade that, from my perspective, I ran on this issue, and I am going to be a Congressman on this issue. I am not going to vote for a trade deal that is going to send one more job overseas. I am not going to vote for a trade deal that abdicates the responsibility, and to go back to my district and as some people say, well, you know, we are in a global economy. It is high tech. Well, I understand I am in a global economy. I wasn't born yesterday. But I also know, to those men and women from Maytag that don't know what they are going to do for their health care now that it is gone, for health care, their pensions that are on the line that they are losing, those people from KSIH that lost their jobs simply because they happen to be a union plan and maybe made a bit too much money; I say to those folks that, today, this Congress needs to stand up for working men and women. It needs to say we want trade in this country. We will work very hard to make sure that we have the ability to export our products, but at the same time, the one product that we are no longer going to export in this country is the men and women and their futures and their children, because there is no place for that in fair and free trade.

With that, I just want to thank the gentleman for allowing me to speak this evening for a few moments on this issue. I believe very deeply in this. The great news about being a freshman is sometimes we don't come with the best prepared speeches. I think we speak a lot from the heart. But I can tell you this much, from a former clothing perspective, in our union, there is a movie called, "The Inheritance," that talks about how the union was formed. And at the very end of it, a little old man looks into the end, and I would say to our friends on the other side of the aisle who don't want to work with us on this straight policy, he says, "You think this is the end? My friend, this is only the beginning."

This 1-hour tonight is the beginning of changing trade policy in this country and in this Chamber. And I am honored to be part of it.

Mr. MICHAUD. I thank you, Representative HARE, for your leadership role in this as well.

If I understand your comments correctly, you are not against trade deals, but you want to make sure that they are fair trade deals. And I really appreciate your perspective. But especially just coming off of a campaign, being a freshman Member working up in your State of Illinois, you know what is going on.

I think, all too often, once people get here in Washington, D.C., they tend to forget what is really happening in reality. And reality is, we have lost over 3 million jobs nationwide because of our unfair trade deals, and we have got to bring equity back in that. So I really appreciate your leadership in that role and look forward to working with you as we move forward to make sure that we do have fair trade deals here in this Congress.

It is now my great pleasure to introduce another freshman Member who has also taken a leadership role, from Iowa, Congressman BRUCE BRALEY.

Mr. BRALEY. I would like to thank my friend from Maine, and also my friend from Illinois who happened to bring up the issue with the Maytag jobs. And I think this leads us to another topic that is not discussed very often in terms of some of the hidden costs of our current trade policy.

The former world headquarters for Maytag was located in Newton, Iowa. And I grew up about 30 minutes from Newton, Iowa. I got my first driver's license at the Jasper County Courthouse in Newton, Iowa. Over 150 years ago, my great, great grandfather, George Washington Braley, walked from up in your neck of the woods from Vermont all the way to Iowa and settled in Jasper County. And Maytag has been a foundation of the economy in Jasper County for many, many years, and Mr. HARE talked about the plant in Illinois, the Maytag plant that lost many of its jobs to Mexico.

What happened about 10 years ago was, in an effort to develop competition between competing Maytag factories for the Neptune washers, it was decided that there were going to be incentives offered by the State of Iowa and the State of Illinois in the competition to keep those jobs in America. And so the legislature in Illinois and the legislature in Iowa both went to work to pass special tax statuses for expensing of manufacturing equipment to make it more attractive for those companies in Iowa and Illinois to be able to compete for these new Neptune washers.

Unfortunately, as we have seen, that competition was short-term only. And the Maytag headquarters no longer exists in Newton, Iowa. The Maytag jobs in Illinois have now left for Mexico. And we are seeing the impact that this trade policy that we have pursued for the past decade is having on American workers.

And, like my friend from Illinois, nobody I talk to, my friends in labor, my friends in small businesses and manufacturing, thinks that trade is a bad thing. We need to encourage trade, because that is what creates job opportunities for American workers. What we are talking about is making sure that our trade policies are fair and balanced. And one of the unique things that I have seen since I came here is that we seem to see more and more small- and medium-sized manufacturers and labor coming together and talking about a need for a comprehensive reform of our trade policies.

One of the things we know is that the Constitution gave this body, Congress, an important role to play in international trade, and one of the problems with the fast-track trade promotion authority that previous Congresses gave to the chief executive was that, in a sense, it involved an abdication of our responsibilities to be an active partner in setting trade policies. And what that means is that we have also abdicated some of our responsibilities to the workers of this country, to the workers of international countries where trade laws and workers rights are not held to the same high standards they are in the United States. We have penalized American manufacturers because of environmental regulations they are required to comply with in this country that are not imposed upon foreign manufacturers. And we have seen the exploitation of workers and human rights in other countries that allow goods to be produced at slave labor conditions and severely undercut the market for those goods on the international economy.

□ 2100

So I am here tonight with my friends to talk about why it is important that, when we go forward from this point, looking at the trade policies, not just for the current administration, but for future administrations, no matter which party happens to occupy the White House, it is important for us to look back on the historical role that Congress has played in making sure that our trade policies reflect the same basic values that made this country great in the first place. And so that is why I am here to talk about how we, as a body, have to step up to the plate and share our fair share of this responsibility moving forward.

And to my friend from Maine, where I know these policies have had a dramatic impact in a lot of different manufacturing and foreign good sectors, I would like to yield back and ask about some of the difficulties that his constituents have encountered in this same area.

Mr. MICHAUD. Well, I thank the gentleman for his discussion on this issue. You brought up a very good point. You had mentioned fast track. And I think what a lot of people don't realize is the fact that fast track only allows Congress two options, to vote "yes" or "no." We have no options to amend this trade deal. We just have to vote "yes" or "no." And we are abdicating our responsibilities by allowing fast track to occur, which hopefully, with a new Congress and a new direction, when we look at trade deals, we will be able to change fast track so that we can have an opportunity to make sure that we do have fair trade deals.

Mr. BRALEY of Iowa. Would the gentleman yield for a question?

Mr. MICHAUD. I yield.

Mr. BRALEY of Iowa. Were you serving in this body when fast track was authorized?

Mr. MICHAUD. No, I was not. I was serving in the Maine legislature, and I was opposed to it then. I am opposed to it now, especially when you see what damage fast track has caused to this Nation, what it has caused to our manufacturing. Maine alone, over the last 6 years or so, we lost 23 percent of our manufacturing base alone in the State of Maine. Certain labor market areas had unemployment rates over 30 percent. It has really devastated the State of Maine because of these unfair trade deals, and it is all related to the unfair trade deals.

Mr. BRALEY of Iowa. We know from history that timber has always played an important role in the economy of your State. How has the timber industry been affected because of what is happening in the global marketplace for timber and lumber sources from other areas that don't have to comply with the same types of restrictions we talked about earlier?

Mr. MICHAUD. As far as industries in the State of Maine, timber, the paper industry have definitely been devastated the most when you look at trade deals. We just actually had a few weeks ago Moosehead Manufacturing which closed its doors because of the imports from China. So it has had a negative impact primarily in the paper and in the timber industries.

Mr. BRALEY of Iowa. One the things that we often don't talk about when we talk about the loss of jobs overseas is the direct impact it has on the communities where those jobs depart from. And one of the things that we know, in talking about the sad story of Maytag in Iowa, is that at the time Maytag still functioned with its corporate headquarters in Newton, Iowa. They contributed almost $1 million a year just in property taxes alone to the city of Newton and Jasper County. That is just one small component of the many intangibles that we don't talk about with these trade policies and how they impact the communities that we represent over the long term.

One of the other things we know is that a lot of people who work in those good-paying jobs take on leadership roles in their communities as volunteers, as coaches, as mentors; and when they have to leave because they don't have a place to work anymore, all of that intangible benefit that contributes to the quality of life in a community leaves with them. So I think that sometimes we focus too much on the pure economic costs of these jobs that go overseas, and not enough on the real human costs that goes along with them.

Mr. MICHAUD. You are absolutely right. As a matter of fact, when you look at what is happening, a lot of municipalities, their primary business has been hit because of unfair trade deals. It has that rippling effect to other businesses within the community, but also the family structure. When you look at the fact that when Mills filed bankruptcy, and I have seen it in my own town, the divorce rate actually goes up. The alcoholism goes up, and you are losing that structure, and that is why we have to make sure that we do have fair trade deals.

As we heard earlier today from Congressman HARE, he is not against trade deals. He just wants to make sure that they are fair trade deals. And that is what we have to do as a Congress is to make sure that we do have fair trade deals.

I am very pleased to see that a lot of Members, new Members of Congress who have just come off the campaign trail, when they were campaigning, they were talking to their constituents, and they heard a lot about loss of manufacturing here in this country because of the trade deals. So I am very pleased to see that we have such a large group of freshmen Members on the floor this evening to talk about trade deals and what they are doing to this country, or what they are doing to their individual districts.

Mr. BRALEY of Iowa. I think a good example of that was one of the first things I did after becoming a Member of Congress was look at caucuses I could join that were going to be beneficial to the constituents that I represent in my district. One of the caucuses I joined was the Steel Caucus because there is a steel plant that has a direct economic benefit to employees in my district.

And one of the things I was struck by at the meeting that I went to, a breakfast meeting of the Steel Caucus, was it was bipartisan. There were representatives of the steel industry, of labor, and everybody was there to talk about the same problem, and that was cheap steel from China flooding the U.S. and international markets.

And one of the things that came up during those discussions, again in a bipartisan sense, was the myth of the so-called level playing field, which is that U.S. manufacturers who play by the rules, provide good, high-paying jobs with decent benefits, comply with environmental regulations, treat their workers fairly, are not on a level playing field when it comes to competing with Chinese competition and other parts of the world economy because other countries do not play by the same rules.

So I think one of the things that we need to be talking about here is how we can work in a bipartisan spirit to develop those coalitions that have a direct benefit for American workers, American manufacturers, American employers and consumers of these products, because we all are literally in this together.

Mr. MICHAUD. You are absolutely right. And actually speaking about in it together, we have been joined by another freshman Member from Pennsylvania, freshmen Member JASON ALTMIRE, who has also taken an interest and a leading role in the whole trade deal. I would like to yield to Mr. ALTMIRE for his comments.

Mr. ALTMIRE. I would like to thank the gentleman from Maine for his leadership on this issue. This is a critical issue.

And you mentioned a lot of us are freshmen, like the gentleman from Iowa, who are just coming off the campaign trail from a few months back. And I come from a district in western Pennsylvania, just north of Pittsburgh, and I have six counties going along, three of them go along the Ohio line, and the other ones go just north of Pittsburgh. And I would think you would be hard pressed to find a district in this country that has seen more damage done by the global marketplace than Pittsburgh over the past 30 or 40 years, and more recently over the past dozen or 15 years since NAFTA was passed in 1993.

And just for some historical perspective for what I am going to talk about, and I know you have mentioned it already, the country as a whole lost three million manufacturing jobs since NAFTA was agreed to in 1993. And that is one out of every six manufacturing jobs that existed in this country at that time. I don't think we can draw any other conclusion but that that was not beneficial to this country and had the effect of job loss. I mean, it is self-evident.

Now, manufacturing jobs are disappearing in Pennsylvania as well. We can trace about 100,000 jobs lost in Pennsylvania as a direct result of NAFTA. And of course when you get into indirect result, that number is much higher.

Now, there has been a loss of 210,000 manufacturing jobs total, 24 percent decrease in the State of Pennsylvania over just the past 6 years. That is total. That is not just NAFTA. That is all these trade agreements. So we have lost a quarter of our manufacturing jobs in just the past 6 years.

Now, in my district just last week, this has unfortunate significance that just last week we lost 85 workers from Wheatland Tube, a large manufacturing plant in my district; 85 workers were released on February 26. And this is just the latest in a series of downsizing that has taken place there.

And I would put in a mention of Congressman TIM RYAN from Youngstown, who is very involved in this issue as well. And he came over to Wheatland Tube with me during the campaign, and we met with some of the workers and the leadership there at that time, and they expressed their concerns about China and their inability to compete in a fair way with what is happening in China. And here we see only a few months later that 85 workers have now lost their jobs as a result of what is happening.

And I would mention this quote from the vice president from Wheatland Tube last week. He said, "We are not seeing relief from Chinese imports, and we are not going to sit around and wait for that relief. We need to right-size the company." And this is just one example.

Again, I have six counties in western Pennsylvania, and we are seeing this certainly all over the district and all over western Pennsylvania. But right there at Wheatland Tube, unfortunately, it hit home just last week.

Now, the onslaught of foreign subsidized goods that are illegally dumped in the U.S. is just one of the many problems that we are seeing that has not been addressed by this administration. And certainly these trade agreements are doing nothing about this. And the administration that has put forward CAFTA and some of the other more recent trade agreements continues down the same path.

And I can tell you that, with the possible exception of health care, there was no issue over the 18 months I spent on the campaign trail that came up more often and was of greater concern than these trade agreements in western Pennsylvania. So the American people have spoken on this issue. I can tell you, for sure, they spoke in my district, and I know they spoke in Mr. BRALEY's district. And we are going to hear from Congresswoman SUTTON later and Mr. ELLISON as well.

I think this is an issue whose time has come. It cannot be ignored any longer. These trade agreements have been detrimental to America. And none of us are saying we should bury our heads in the sand and ignore the global marketplace. What we are saying, as Mr. HARE eloquently put it earlier, is that we need to have trade agreements that represent fair trade. And fair trade means having the trading partner make some effort, at least an effort, to come into compliance with environmental laws, with workers' rights, certainly child labor laws. These are things that have been completely left out of these trade agreements. So we find ourselves just giving away the store and shipping those jobs overseas, as Dr. KAGEN's chart so eloquently illustrated.

Mr. BRALEY of Iowa. Will the gentleman yield for a question?

Mr. ALTMIRE. I would.

Mr. BRALEY of Iowa. I know the gentleman from Pennsylvania has a fondness for college football so I am going to root this question in that. One of the great football players at Iowa State University when I attended there in the mid-to-late 70s was a gentleman named Tom Perticone from Clareton, Pennsylvania. And while Tom was playing football at Iowa State, the movie "Deer Hunter" was very popular, which was filmed in and around Pittsburgh general area, and also near Clareton. And one of the things that film depicted so well was the whole culture of the community where a life's history has been devoted to a particular industry and how everything revolves around it. And we have seen that in my home community of Waterloo, Iowa, near the old Rath Packing Company, where a virtual community of businesses and services formed around the factory, and everyone's lives were tied up in that.

And I was hoping that you might be able to shed some light on the very real, personal toll on the culture of those communities in your district that have seen this dramatic shift, and how employment is available to the people who graduate from high school and don't have the same opportunities they did 15 years ago.

Mr. ALTMIRE. Well, in a word, it has been devastating, and we have seen the results. I talked about Wheatland Tube. I grew up about 100 miles from that plant, in a river town that was across from a big Allegheny Ludlam plant, which is where all the families worked. If you lived in that town, that is where you worked. And, unfortunately, things have not gone so well over the past couple of decades, both at that plant and another Allegheny Ludlam plant that I have in my district, and much of it has to do with these foreign trade issues. And as a result, now, when you travel through these communities, they used to be so vibrant and had a downtown that you could go through and it was hustle and bustle and there was activity. A lot of them now are ghost towns because we have seen the impact and the job loss that has resulted from the downfall of the steel industry 20 and 30 years ago, but more recently, the other heavy manufacturing that has been shipped overseas.

□ 2115

So it has been devastating to these communities, and you would only need to take one drive through much of my district to see the impact, because you can see the remnants of some of those plants. In many cases, they have been razed, and it is a brownfield site. But you can see the difference, and you can imagine what it used to be like 30 and 40 years ago and, in many cases, more recently.

I was just going to wrap up my portion by talking about what is coming next before us. And, again, none of us oppose the idea of trade. Fair trade is beneficial to both parties by definition. That is what we are talking about. But as the administration puts forward the Peruvian Trade Agreement, Colombia, Panama, and certainly fast track renewal, which the gentleman from Maine was talking about, we need to consider the fact that Congress, Representatives of the people, need to play an active role in these trade agreements. And, unfortunately, that has not been the case, which is why we have ended up with such one-sided agreement. So, as we consider those issues with Peru and Colombia and Panama and Presidential fast-track authority, I for one am going to support the working Americans of this country for fair trade practices.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Pennsylvania.

I really appreciate your willingness to come to the floor this evening. I know you care deeply about this issue, where it has affected your district dramatically, and your willingness to speak up for the working men and women and businesses here in this country to make sure that they have a fair shake at these trade deals. So thank you for your leadership. I look forward to working with you as we move forward to deal with these issues.

Now I would like to recognize a gentleman from Minnesota (Mr. ELLISON), who is also a member of the freshmen class, but he brings a uniqueness from the State of Minnesota as far as the effect that these unfair trade deals have had on the State of Minnesota and the businesses and the working people within Minnesota.

I yield to the Representative from Minnesota.

Mr. ELLISON. Mr. Speaker, let me thank the Member from Maine for his excellent leadership, looking out for the hard-working people of this whole United States.

It is true, I am honored to come from the Fifth Congressional District of Minnesota, but as I stand before you tonight, Mr. Speaker, I am honored to associate myself with the Member from Maine, with the Member from Ohio and Pennsylvania, because working people all over America need a fair trade and balanced trade situation. We can no longer abide doing trade deals which essentially support environmental policies that degrade other nations, that degrade workers in other nations, and that degrade human rights in other nations, and then thereby give other nations a competitive advantage over us because of the exploitation and ignoring important environmental regulations. And it is all very important because we need leadership tonight, Mr. Speaker, leadership which is willing to stand up and be counted for the American people, leadership which will not go with the wind but will actually change the wind. That is the leadership we need at this time.

Let me say that we need a trade policy that does three things, basically: respects workers' rights and their dignity; protects our fragile environment;

and upholds basic human rights. Today's trade policies in America do only a few of those things but very little of what we need.

What we see is a continual erosion at the very heart of America: the middle class. It started first with the elimination of our manufacturing jobs. And I now represent Minnesota, the Fifth District of Minnesota, but I started life out in Detroit, where I saw plants closing on a daily, weekly basis, and I saw jobs outsourced on a weekly basis. But now what we see is a situation in Minnesota where that has taken hold and we see jobs leaving left, right and center, and it has got to stop.

The global economy has evolved to a large extent and is reminiscent today of the Robber Baron era, where huge transnational companies scour the planet for the cheapest, most exploitable labor and the most lax environmental standards. We have the opportunity to change that in Congress, and we must change it.

But what kind of global economy do we want? The answer to that question must be determined and will be determined to a large extent by the rules incorporated in free trade agreements that define so much of the global economy. By what we decide in this Chamber, we will determine the shape of the global economy.

If we want sweatshops in the global economy and the continued erosion of our middle class, we could continue negotiating and passing trade deals with no protection for workers or the environment. Trade deals that threaten the prevailing wage laws. Trade deals that could force us to privatize public services.

But if we truly believe in a global economy that lifts the living standards at home and around the globe, one that seriously values the environment on which all life depends, then what we must do is we must do better. If we want a better global economy that lifts standards everywhere, we need to change our approach to trade agreements as we enter into this fast-track arena coming up.

First, we need to put an end to the fast-track trade negotiating procedure which previous Congresses have ceded to the Executive branch. The Founding Fathers wisely delegated that role exclusively to the branch of government closest to the people: the Congress. And we have the perfect opportunity to take back our constitutional responsibility by allowing fast-track promotion authority to expire in June. We can and will put forward a different, more humane method of negotiating international trade agreements, but it is time for fast track to die a rightful death.

Secondly, we must stop passing more trade deals designed to spread the sweatshop model of the global economy. It has become clear that NAFTA, after 13 years of real-life experience, has not worked. It has cost us a million manufacturing jobs, left Mexican workers without rights and still working for wages far below the Mexican poverty level. It has displaced more than 1.5 million Mexican farm families, leaving many with no alternative but to migrate north for a better life.

The same applies to CAFTA and the pending Peru and Colombia "free" trade agreements. Colombia is distinguished by being a country where trade unionists are assassinated more than in any other nation in the world.

Instead, we can construct a new global economy built on generosity and inclusivity; one that raises living standards and supports the vast and growing global middle class. But we can only do it by casting off the failed policies of recent decades and by building the middle class.

The choice is ours. The choice is clear. It is time to reclaim Congress's free trade authority and our country's, and the world's future.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Minnesota.

And we will work closely with you as we move forward to make sure that what trade deals we do pass in this Congress are fair trade deals. I want to thank you very much for your leadership and interest in this area.

Mr. ELLISON. Fair trade.

Mr. MICHAUD. Mr. Speaker, I now would like to yield to an individual who is also a member of the freshmen class but an individual who definitely has done a yeoperson's job in dealing with this trade issue. She knows the trade issues inside out. She has been a leader. She has organized the freshmen class to send a letter to the chairman of the Ways and Means Committee, Mr. RANGEL, because of the concerns about trade.

And, Ms. SUTTON, I want to really thank you from the bottom of my heart for what you bring to this whole debate as we debate the trade deals, and I look forward to working with you over this Congress to move forward to make sure we have fair trade deals.

So, Mr. Speaker, I now yield to Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman for those kind remarks and for yielding.

I thank you also not just for your leadership on behalf of the Members here, but I thank you for your leadership on this issue for the people that I represent, the good and fine folks of Northeast Ohio, from Lorraine to Akron to Barberton. This is so meaningful and so important, what we are doing here tonight and what we need to do, this Congress, to ensure that they have a better chance in this world.

It is crystal clear, not just from the discussion tonight but from what we see when we go home to our districts and we look across America, that our trade policies are not benefiting America's workers and America's businesses as they should. And there is a lot of angst and anger out there. People are really concerned.

The trade policies don't work for the average folks, but they also don't work, and I have to emphasize this, for American businesses as they should.

Working families in my congressional district in the State of Ohio and our Nation continue to face mounting job losses and a tumultuous economy. We have heard the numbers before, but they bear repeating.

Since 2000, we have lost 3 million manufacturing jobs nationally. And, unfortunately, 200,000 of those jobs have been from my home State of Ohio.

Now, it is clear that Congress needs to act. When things aren't working, we should change direction. And that is why I am so proud of these new Members whom we have had the opportunity to hear from today and the leadership that they are exhibiting to take this Congress and this country into a direction that will work for the American people. We can't stand idly by and watch our jobs go overseas and our families suffer at home and our trade deficits soar.

I want to point out that I, like so many of the others who have spoken before, feel it is very important to say I am not opposed to trade. You know, sometimes when we start having discussions like this, people try to pit you into one category or another. They like to say you are either for trade or you are a protectionist.

Well, this is not a question about protectionism versus trade. This is a question about the rules of trade, and this is a question about what rules we think should be in a new trade model that will allow for trade to be engaged in fully and fairly by this country but require that others play by the same rules.

Trade can benefit American businesses and workers, and it can be a tool to help developing countries that are looking to access our markets. I hold out hope, and I hope it bears out, that I will have the opportunity in this Congress to vote for a trade agreement that lifts up our working families at home and abroad; a trade agreement that protects our environment at home and abroad; and a trade agreement that has strong and enforceable provisions, ensuring that all partners are playing by the same rules.

Now, we have heard some discussion about fast track already this evening. And my colleague Representative BRALEY and Congressman MICHAUD, you have identified this as such a critical issue coming up very quickly, set to expire in June. And I can tell you that, on behalf of those I represent in Northeast Ohio, I, for one, will not be supporting its renewal.

Fast track has been a raw deal for many American workers and businesses. Fast track takes away the accountability and oversight that Congress has been given under the Constitution to deal with trade. And, frankly, it has left us in a position with misguided and downright shameful trade policies that we have today.

If we had not had fast track, Congress could have been in a place to play a significant role in shaping the trade agreements while it still might have made a difference. The problem with fast track is, by the time it gets here, all we get to do is say whether we are going to vote "yes" or "no" for what is a bad trade deal.

We need to move in a new direction on trade. It is a moral imperative, and our fight begins with ending fast track. But there are other concerns that we have talked about on the trade horizon, such as the deals with Peru and Colombia and Panama. And these agreements, they have been modeled after the same flawed model that NAFTA gave us. And NAFTA was responsible for 50,000 jobs losses in Ohio. It is no longer hypothetical. We don't have to wonder what is going to happen with NAFTA. NAFTA has been a disaster for the people I represent and for this country.

So while we continue to get these harmful trade agreements forced down our throats, we have failed to address many of the trade problems we face with China and Japan and Korea and others. And while our trade deficits soar to the tune of a record $800 billion, which I have to tell you is not a record we should be happy with, with these nations, our wages in our Nation stagnate and hundreds of thousands of jobs have been displaced.

What is it about these failed trade policies that those who continue to push them don't understand? This is not acceptable, and we cannot allow this race to the bottom to continue.

□ 2130

I thank the gentleman very much for his leadership. I thank you on behalf of those I represent. I will continue to work with you as much as I possibly can to develop a new trade model, one that will work for American workers and businesses.

Mr. MICHAUD. Mr. Speaker, I thank the gentlelady. You are absolutely right, it is these flawed models that continue to come up after the NAFTA model and all these other trade deals. Until you change that flawed model, we are still going to get these bad trade deals continuing.

You mentioned the Colombia Free Trade Agreement. I don't think there is any fix for this agreement. I think it is highly offensive that the Bush administration would even negotiate with a country that is infamous for the highest rate of trade unionist assassinations. More than 2,000 labor union activists have been murdered in Colombia since 1990; 60 assassinated in 2006 alone. I think that is just unconscionable.

I agree with Congressman Sandy Levin when he says that we have to look at these flawed models that are out there. These side agreements that people are talking about, they are not going to work. They don't have the force of law.

I think we definitely have a long ways to go before we have trade deals that I can support. And with the freshman class we currently have under your great, fantastic leadership, I applaud them, and encourage that each and every one of you continue to speak out on this issue, because it is an issue that is important to the American people, it is an issue that is important to our businesses, workers in this country, but it is also an issue that is very important when you look at our security and immigration.

When we heard the NAFTA discussion, when they passed NAFTA, we were encouraged; I was not here, but Members were encouraged to vote for it because it would help with the illegal immigration problem with Mexico. The problem has not been solved. It has gotten worse because the NAFTA agreement has not worked the way it was supposed to work.

So I look forward to working with you and the rest of the freshman class, along with other colleagues who are interested in this trade deal.

Speaking about other colleagues, another gentlelady from Ohio as well, Congresswoman KAPTUR, who has also been a strong leader in the trade debate over the past 5 years that I have been here, and she has been a tremendous advocate for making sure that we have fair trade deals, I see she has some charts up there with a lot of red ink. I assume that is probably the trade deficit that she is going to talk about.

I yield to the gentlelady.

Ms. KAPTUR. Congressman MICHAUD, Congresswoman SUTTON and Congressman BRALEY, I wanted to come to the floor tonight and say it is so wonderful to have you here in this beloved House, to try to course correct on a direction that the United States has been heading in the wrong direction now for over two decades. And with the new energy that you represent and the new leadership, I have no doubt that when fast track comes up for reauthorization later this year, we are going to stop it dead in its tracks and begin turning our country around again.

I just wanted to run to the floor just for a couple of minutes to put some notes in the RECORD and to say that for 23 years Congress has really doled out to the executive branch our trade-making authority under Article I, section 8.

If you go back to 1975 when fast track was first passed, the United States had trade balances up until then for almost the entirety of our history. Then as you look at each succeeding agreement, whether you go to 1993 and NAFTA, we were already amassing trade deficits after the first fast track was passed back in the seventies.

Then when PNTR with China was passed, plus NAFTA, plus all the other agreements that were signed, we moved into the most historic deficits represented by the lost jobs that Congresswoman SUTTON talked about, that Congressman BRALEY talked about, Congressman MICHAUD you talked about and personally lived through.

So we have seen real wages stagnant with those jobs lost. We have seen our jobs move overseas to the lowest-wage countries in the world, the most undemocratic. We have seen child labor flourish. We have seen bonded labor come back into our country as a result. We have global warming taking hold as our environmental regulations are really overturned under agreements like NAFTA. Illegal immigrants stream across our borders because they are treated like they have no value in their home countries. Our trade deficit continues to soar, and the drug trade locks in heavily.

So I wanted to come down tonight and present some of these figures and say that there is a pattern to history now. You are like the second wave. You are coming in here. Those of us who fought so hard against NAFTA in 1993, those of us who tried so hard to course-correct, we never had the votes. Unfortunately, it was so close; it was so very close. But people hadn't lived the washout. You now represent places that have experienced the results of this.

So we look forward to this coming vote this summer. It is such a joy to have you here, and I just wanted to thank you for your really determined leadership and for the people who voted you here so that you could come to Washington and make a difference. We so very, very much need your voices here.

When Fast Track expires at the end of June this year, Congress can reclaim our authority granted by Article 1 Section 8 of the Constitution "to regulate commerce with foreign nations." For 23 years, Congress and the working class watched the executive branch commandeer U.S. trade policy. We also saw real wages stagnate, American jobs move overseas, child labor flourish, global warming take hold, illegal immigrants stream across our borders, our trade deficit soar, and the drug trade thrive.

Like many of us here, I receive thousands of letters, phone calls, and e-mails from my constituents asking me to take action on these important issues.

While there is no one cause for any of these problems, Congress cannot ignore how U.S. trade policy impacts the full range of issues affecting Americans and the world. Congress must respond to the American people who demand action from us.

Congress has yielded enough power to the executive branch. If we renew Fast Track and continue to cede our Constitutionally-granted authority, we will only render ourselves more helpless in the face of a broken immigration system, economic instability, an environmental crisis, and a burgeoning drug trade.

Our previous trade agreements may not have been the sole causes of these emergencies, but trade policy is the key to solving them.

Congress needs to examine the root causes of our immigration problem and the exploitation of workers across the Americas. When the leaders of U.S., Mexico, and Canada signed NAFTA 14 years ago, they turned their backs on working men and women across the continent. The agreement continues to chip away at the U.S. economy, leaving millions jobless and accumulating a staggering and growing trade deficit with Mexico, now totaling a record $64.1 billion for 2006. At the same time, NAFTA ravaged the Mexican economy and destroyed the farming and agricultural sectors. This so-called "free trade" agreement has prompted hundreds of thousands of Mexicans to look for an escape from their worsening destitute circumstances to the U.S., and in doing so they risk their lives, the unity of their families and their futures.

U.S. trade policy upsets more than just our immigration crisis. Our faltering trade policy has also contributed to the global environmental emergency. When the Bush Administration entered into CAFTA, they did so with countries which rarely enforce their already limited environmental policies. Many of my constituents have already contacted me about the devastating environmental consequences of the Peru Free Trade Agreement. How can Congress fight global warming in the U.S. while allowing our trade rivals to destroy the rain forests and retain lax emissions standards? We must use trade as a tool to protect the environment, not to pillage it.

Lopsided flawed trade agreements weaken our economy. Since NAFTA's passage, over one million U.S. jobs were sucked into Mexico. Because of PNTR, more than 1.5 million jobs shipped out to China. After two centuries of trade surpluses, NAFTA ushered in an era of soaring trade deficits, even after proponents promised us bigger surpluses.

More recently, President Bush's trade policy in particular has caused more damage to our trade accounts. The trade deficit has climbed to record numbers each year since he took office in 2001. From $362 billion his first year to a whopping $763.6 billion last year, this President has been selling the U.S. to the highest foreign bidders.

Our constituents are calling Congress to action. Without the authority to regulate commerce with foreign nations, Congress cannot effectively respond to these crises.

Congress must stand for free trade among free people, and ensure that all Americans have access to middle class jobs at middle class wages with health and retirement benefits that cannot be rescinded. We must oppose Fast Track, reclaim our negotiating authority from the executive branch, and answer the pleas of the American people.

Mr. MICHAUD. Mr. Speaker, we are headed on a collision course. If you look at our budgetary deficit, we have the largest budgetary deficit in our history. The debt limit was increased to $9 trillion. We have the largest trade deficit in our history, which continues to rise because of these unfair trade deals. And if Congress does not get a handle on both the budgetary deficit and our trade deficit, we will no longer be the superpower that we are today.

When you look at our budgetary deficit, over 45 percent of that is owned by foreigners, China being one of them. If you look at our trade deficit with China, we saw charts earlier where it is skyrocketing.

When I hear my colleagues talk about the fact that we are going to put trade assistance funding in there so that we can retrain workers, they don't want trade adjustment assistance. They want their jobs. That is very important for them.

Ms. KAPTUR. Mr. Speaker, if the gentleman will yield further on that point, recently, about a week ago, Hershey Chocolate announced it was going to move its operations out of Pennsylvania to Mexico. They have already been testing those Hershey Kisses, those big ones they are making down there now and the taste has changed. I am thinking, where is the old Hershey bar that used to taste so good?

You look at all the jobs in Pennsylvania associated with all the dairying that goes on and then the processing. They say that they are going to save the tourist center, but it won't be real any more, because the jobs won't be there, both in the plant itself and in the countryside that provides the raw product into Hershey.

So you ask, why are we allowing ourselves to be hollowed out like this? Wall Street is really in a pitched battle with Main Street across this country, and we have to fight here to save those middle-class jobs.

Mr. MICHAUD. Absolutely. Congresswoman SUTTON mentioned earlier the fact this is not just a workers' issue; it is a business issue. The United States Business and Industry Council has been very supportive, very helpful with the Kaptur trade deal. They are going to be very helpful I think when you look at fast track and other areas. So this isn't just working people issues; it is business issues. A lot of people try to put workers against business. It is not that issue at all. It is these unfair trade deals.

I would like to ask Congresswoman SUTTON a question, if I might. How would you address this issue: We hear all kinds of times the issue, you are a protectionist. What is your response to that?

Ms. SUTTON. Well, again, this is the way those who like what is going on with our trade deals, and those would be more or less the multinational companies who are very involved in helping to push them, whenever we start talking about this and the real impact and the real effects, they like to call you names like protectionist.

That is how they shut the debate down; but we can't allow that to happen, because, again, this is not a question of protectionism versus trade. It is a question about what are the rules of trade going to be.

We just have to keep saying that, because there are going to be voices out there that would like people to believe otherwise. But all we are talking about is what kind of rules of trade do we believe should be engaged in.

Mr. MICHAUD. That is very good. I know we are running out of time. I do want to thank you, Congresswoman SUTTON and Congresswoman KAPTUR, for your leadership in this role, and I really appreciate the hard work that everyone is doing on this issue, especially our freshman class.

As Ms. KAPTUR had mentioned, the freshman class has really come forward and really taken on this issue, taken an interest in this issue, I think primarily because you just came off the campaign trail. You heard what people were talking about out there. It is important for Members who have been here for a while to listen to you as freshman Members because you definitely have a lot to talk about when it comes to this trade issue.

We have seen it firsthand. As I mentioned earlier, I worked at the mill for over 28 years, and I have seen firsthand what NAFTA has done to my town, my community, to individuals who worked in the mill.

So I want to thank each and every one of you for taking an interest in this very important issue.

Mr. KILDEE. Mr. Speaker: I am proud to join many of my House colleagues today to present a strong voice in opposition to renewing Fast Track trade negotiating authority in any way, shape or form.

Fast Track allows the President to negotiate trade agreements without input from Congress. In addition, Congress is prohibited from amending any trade agreements reached under Fast Track authority.

Cynically repackaged as "trade promotion authority" in 2002, under President Bush's watch, Fast Track has been utilized to unjustifiable ends. Wages are flat, our trade deficit has skyrocketed and good-paying manufacturing jobs have been lost by the thousands.

Increased imports from low-paid workers abroad, combined with threats made to workers by companies to move operations overseas, drive American workers' wages down. Through the 1950s and 1960s, the American middle-class grew and prospered. In 1973, the average U.S. worker made $16.06 an hour. Today, after adjusting for inflation, that same worker would make only $16.11 per hour.

In stark contrast to hourly wages, average U.S. worker productivity has nearly doubled over the same period. Clearly, the divide in America between the "haves" and "have-nots" is growing, and the richest few, along with multi-national corporations, are the big winners under our nation's flawed trade policy.

Up until 1973, the U.S. experienced relatively balanced trade, with small trade surpluses being the norm ($1.9 billion surplus in 1973). Since Fast Track was granted in 1974, the U.S. had a trade surplus in just one year (1975). Now, in 2006, our nation's trade deficit has skyrocketed to over $760 billion.

Our trade deficit has more than doubled since President Bush took office. For 2001, our trade deficit was $362 billion. Last year, our trade deficit reached yet another new record high at $764 billion.

Since WWII, good paying manufacturing jobs have been the driving force behind our nation's robust middle class allowing families to own homes, send their children to college and gain access to quality, affordable healthcare.

Since President Bush took office, the U.S. has lost 3 million manufacturing jobs. Michigan alone has lost 213,000 manufacturing jobs, or about one-quarter of the state's manufacturing jobs.

My record is clear. I voted against the Trade Act of 2002, which mistakenly granted this Administration "trade promotion authority." Now, it is time for Congress to put the brakes on the Bush Administration's failed trade policies and come to our senses to realize the damage done. First, we must not make matters worse. Congress should reject the pending free trade agreements with Peru, Colombia and Panama. My colleagues should not be misled. Fast track trade negotiating authority is not required to negotiate or approve free trade agreements.

Second, we need serious, thoughtful review of our nation's trade policies and their impact on wages, jobs and our trade balance. Pitting American industries against one another, political gamesmanship, and manipulation and sloganeering must come to an end so that Congress and the Administration should get down to business.

The United States is a world leader, and we must enact trade policies that truly encourage positive standards and quality of life for both the United States and our foreign partners. Reject renewal of Fast Track trade negotiation authority, so we can get back to sensible and fair trade policy.

SOLUTIONS TO TRADE PROBLEMS

The SPEAKER pro tempore (Mr. ARCURI). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I have had the privilege to be seated here in this Chamber and listen to the presentation over the last probably hour and a half or so. It is quite interesting as I listened to the presentation made by my colleagues on the other side of the aisle and the concern about the imbalance in trade, which I am concerned about, and the argument that we need not necessarily free trade, but fair trade.

As I carefully listened to the 60-minute presentation, I hear some things that are wrong, and I agree with some of them, as a matter of fact, most of them, but I heard no suggestions on how we are going to fix this, except ask the administration to do it better and get it right.

I think it is important for us, Mr. Speaker, if we are going to identify these issues that we are going to call problems that we should also step forward and have the will and the foresight to present some solutions.

So in the time I have had here to listen now, I will just present some solutions that I would have liked to have heard from my colleagues on the other side of the aisle, because I think we ought to be here to fix the problems we have.

First, I don't have quite the same number of trade deficit that the gentlelady from Ohio presented in the poster here just a little bit ago. I recall that 2 years ago, actually now 3 years ago, our trade deficit was a minus $617.7 billion. Last year it was a minus $725 billion. Her number was slightly higher than that. We should by now have the records for the 2006 trade deficit. I have not had access to that number, and I note the gentlelady from Ohio didn't present a number for the 2006 trade deficit, but it had been increasing about 20 percent a year for several years.

I heard no evidence that convinces me that NAFTA is the only reason. In fact, I will submit that there are a number of other reasons that we have a trade deficit. I would challenge my colleagues, join with me in some of these solutions that I will present here.

But before I do so, I am just going to go back and review some of the remarks that were made and then respond to them with solutions rather than lamentations, Mr. Speaker.

The gentleman from Wisconsin called for fair trade. He showed a poster that has a minus $233 billion trade deficit with China. I don't dispute that number. I expect that is as very close, if not as accurate, a number as there is out there. But that is a portion of and not even a majority of our trade deficit that we have from a global imbalance.

Then the gentleman from Illinois made the statement "We need fair trade." Fair trade in fact was called for by I believe every one of the speakers, and at least no one disagreed with that.

Well, Mr. Speaker, I refuse to allow my staff to use the word "fair." In fact, I refused to let my children use the word "fair" as they were growing up, because I know something that most Americans know, and that is anyone who has raised two or more children knows there is no such thing as fair.

If you are going to use "fair" and be able to define the word "fair," you have to be talking about a county fair or a State fair or some other type of gathering where people display their wares, because the term "fair" is not definable; it isn't universally understood. So one person's idea of fair is another person's idea of a injustice, and it will be ever thus.

We can talk about justice and equity, and we can talk about using the equal enforcement of trade agreements and laws, and I think we should do that; but to even try to define what we would like to do with a term like "fair," we have chosen the vaguest term that there is in the dictionary and the one that submits itself to anyone's redefinition of it.

Also the statement was made that we have no options, we have to vote these fast track trade agreements up or down. That is not true. Yes, they come to the floor as unamendable, but a couple of years ago, maybe 3 years ago, I amended two unamendable trade agreement, and I did so in committee.

□ 2145

These were trade agreements that had to do with Singapore and Chile. Ambassador Zoellick had negotiated immigration agreements into those trade agreements. And so with the wisdom and tenaciousness of the chairman of the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), we brought those trade agreements before the Judiciary Committee, and although they were unamendable trade agreements, up-or-down, to be voted on, we had a mock markup in committee. And in that mock markup, I was successful in getting two mock amendments put on the mock bill. And when we finished with our analysis of the trade agreements that had been negotiated by the U.S. Trade Representative and had perfected the trade agreements in the process of going through the mock markup, the U.S. Trade Representative then, even though it was supposedly impossible to go back and reopen those negotiations, reopened those negotiations and adapted those two amendments into the trade agreement, and we struck out the immigration language out of the trade agreement. It had no business. It had no place there, and that is one way you can effect a change if you disagree with the trade agreements.

But it sounds to me like the people that are speaking here are against all trade agreements no matter what they might be. They will always be able to oppose any agreement no matter how it is defined because they will always reserve the right to redefine their own term called fair. It will be, it isn't fair. We can't do it because it is not fair. Well, you have to be more specific than that.

As I listened to my colleague from Iowa talk about the Maytag issue at Newton, and that has left a big hole in the central part of Iowa, and I look back on the 34½ years of my marriage, and there has never been anything but a Maytag washer and dryer in my home washing clothes for our family. That is deep in our heritage, and we are loyal to the brand.

But part of the equation also was that, when it came time to resolve the labor disagreements and to settle the salary and benefit and pension plans, the burden of that was just too high to be able to hold the jobs in Iowa. It is too bad, but those were some of the circumstances that no one over here uttered, when you get collective bargaining and it drives the package up so high; when you overplay your hand, you lose the company. You don't have the option to back down, and the union doesn't come forward and say, I will be happy to take a $2 or $5 pay cut, or maybe we will negotiate the health care plan or do a package that has to do with our contribution versus our benefits, defined contributions versus defined benefits plan, that stuff is hard to get when you have a lucrative labor agreement, collectively bargained agreement, those types of agreements could not be resolved favorably to Maytag. That is one of the reasons why we no longer have Maytag centered up in Newton, Iowa. I think we need to talk about that.

Yes, these jobs are going overseas. But, also, Maytag made an investment overseas to go over there and make washing machines to sell to the Chinese. They invested initially $70 million in that plant. And, finally, after some years of trying, they couldn't make it work and pulled out of that investment.

There are many, many different components to these transactions. It isn't just simply American corporations, that they are simply greedy capitalists and that they quickly move our industries overseas. They are reluctant to go. But we set up the burden of taxation and regulation. And then you have the compensation packages of the collective bargaining agreements; and that being the environment here in the United States, having then to compete against the cheaper labor overseas. All of those things work against us, not just the corporations deciding to make a decision that is simply based on greed. That is not so, Mr. Speaker.

Also, the argument, the gentlelady from Iowa said our trade deficits soar, we need a new trade model. I heard no proposal of what that new trade model is. It is criticism, but it is not a solution. We need to provide solutions.

The other gentlewoman from Iowa talked about Hershey is moving out and going to Mexico. I am saddened to see that go. But some of my colleagues who have been here a number of years have had an opportunity to put a fix in place so we could sustain, could have sustained some of these businesses that we are losing, and we could still sustain many of these businesses today if we could get to work and roll up our sleeves and do the right thing for real tax reform.

That would be to simply bring forward H.R. 25, the FAIR Tax. And that eliminates the IRS and the Income Tax Code, so it eliminates personal and corporate income tax. It eliminates the tax on your interest income, your dividend income and your capital gains. And it eliminates the AMT. It takes the tax off your savings and investment, and your pension and Social Security. It does all of those things.

One of the things I would think my colleagues would want to do if they are concerned about the trade deficit, I would think that they would want to border adjust the taxes so we weren't operating here in the United States at a disadvantage, having to put taxes on the cost of our goods and be competing against imported goods from overseas that do not have that tax component in there. That is part of what they are talking about, is unfair trade, subsidized goods was the term used by the gentleman from Pennsylvania, the onslaught of foreign subsidized goods.

Well, they may be subsidized goods, and I am sure there is a definition that can be applied to that, but we do the opposite. We put the tax burden on everything that we manufacture in this country, on materials and labor, and it has to be built in and embedded in the cost of the things that we sell, because corporations, companies that are in business to sell a good or a service or any combination of the two, do not pay income tax. They can't pay income tax. They collect it from people. The end user, the last stop on the retail chain, are the ones that pay the taxes, but it is collected through the companies that sell the goods and the services, and then they transfer it to the IRS in the form of corporate income tax, business income tax and sometimes the personal income tax of the executives and the shareholders as well.

Corporations and businesses don't pay taxes; they collect it from real people. The consumer is the last stop on the retail dollar. Once we can get our minds around that absolute truth, then we can begin to talk about how we can work together to border adjust our taxes and become a more competitive Nation again.

The studies that we have had done indicate that the components boil down to this: On average, 22 percent of a product that is on the shelf for sale here in the United States, 22 percent is the embedded cost of the tax structure that the company that is producing that product has to build into the price. So that says, if you are selling a widget and that widget is a dollar, 78 cents is the cost of the widget and 22 cents is the cost of the tax.

If you put that on some more expensive items, go from the $1 widget to the $30,000 vehicle, and we have millions of dollars worth of vehicles coming into the United States every year. Some of our trade deficit, I can tell you, would be $800 million worth of Mazdas that come over from Japan every year, made in Japan, put on ships, brought here, off-loaded into the United States and marketed on our dealers' lots, $800 million. As that price goes up, and that is a couple-of-year-old number, we could be into a billion dollars, and that would be one-700th of our entire trade deficit because we are buying Mazdas but we are not exporting Chevys or Fords back to Japan. If we sent a billion dollars worth of Chevys or Fords to Japan instead of them sending a billion dollars of Mazdas to us, then we pick up a two-for, and we reduce that trade deficit by $2 billion, not $1 billion.

But if you put a Chevy and a Mazda on a dealer's lot and each has a sticker price of $30,000 and they are comparable vehicles, comparable quality and accessories that are built into that price so the competition will establish that price and they are selling against each other at $30,000; if we pass H.R. 25, the FAIR Tax and we cease taxing all productivity in America and we put the tax on sales instead of income, a national sales tax, that $30,000 Chevy, the price of it goes down.

If you take the tax component out, you take 22 percent out of that $30,000 Chevy, and it takes us into that area of $23,400. The Mazda stays at $30,000.

When we put our tax back in, we have to build it back in, the sales tax on the price, now the Mazda goes up by 23 percent, and it ends up as a $39,000 Mazda. That is the amount you would write the check for to drive it off the lot. But you would write the check for the Chevy or the Ford at $30,400. That is an $8,600 marketing advantage that we would gain simply by getting rid of the IRS and the Income Tax Code and put our tax back on sales and allowing these companies and competition to drive the embedded tax component out of everything that we are producing here in America.

That gives us a 28 percent marketing advantage here in the United States. So when foreign companies are competing against American manufacturers, they would have to look at that huge 28 percent advantage that we would have. I can tell you, there would be a lot more products produced in the United States.

I will take you back to the $800 million worth of Mazdas coming over from Japan by ship every year. Those cars are made in Japan. A lot of the components are put together in Japan, and wherever you make something, that is where the labor and jobs are. When we are purchasing from a foreign country, we are transporting and exporting our job market there.

Now, that is true for everything that we are purchasing that is a good from a foreign country. Those jobs, whenever we send money overseas and purchase a good from a foreign country, we are also transferring jobs there.

We pass the FAIR Tax, those jobs come back home, many of them, and we hold most jobs here. We end up with a 28 percent marketing advantage, and it does a number of other things. That is, it doubles our economy in 10 to 15 years. It fixes our balance of trade, that minus-$725 billion, probably a larger number now, because we can compete not only here better, and we will be pulling jobs back here and creating more jobs here in the United States, but also our export markets. Many times the export markets turn on a 1 or 2 percent margin.

We pick up instantaneously a 28 percent advantage from where we are right now if we can take the tax component out of the products that we are selling. So we do a number of good things. We hold our manufacturing base here. We hold our jobs here, especially our blue collar jobs, the jobs like Hershey and Maytag, that are leaving America. These are manufacturing jobs after manufacturing jobs. Those kinds of jobs stay here. We create more jobs here. These are American-made products, and the dollars will stay here. As those dollars stay here, they turn over seven times in a community, as the economists tell us they do. They create more and more and more jobs. Pretty soon we would have that trade deficit gone. We would end up with a trade surplus. We would end up with a healthy, robust industrial base in America and a strong economy that would be doubled in 10–15 years.

If we do that, the rest of the world would have to stand up and take notice. We are already the most dynamic economy the world has ever seen. But we have a problem, a series of them. But, Mr. Speaker, the problem I am speaking of is the problem of going back and indexing Alexander Tyler's statement, that when a democracy realizes it can vote itself benefits from the public treasury, on that day the democracy ceases to exist.

We are at least 44 percent of Americans not paying income tax. If we go to a national sales tax, a FAIR Tax, that does a number of things, but it untaxes the poor, and I will get to that in a moment. But it also makes taxpayers out of every consumer in America. And we are all consumers.

Each time we step up, and I think of little Johnny stepping up to the counter, and he is going to buy his baseball cards, and he is going to put a couple of dimes up there for Uncle Sam. Those children from little on up will understand that the Federal Government is expensive, and they will know that they are funding the Federal Government, and they will be buying into the Federal Government. And they will also be advocating for let me have a few less services and let me keep a few more of my dimes. That penetrates into young people.

I remember a story told by a candidate for Congress in last summer's primary election. He had a little son; I believe his name was Michael. Little Michael had saved up his money. Little Michael, he picked up his box of Skittles, and he had counted out 89 cents for the box of Skittles.

□ 2200

So he put his money up on the counter with the box of Skittles, carefully counted out 89 cents, and the lady at the check-out register rang it up and said that will be 96 cents. He did not have anymore money. He got that look on his face of what am I going to do; they are 89 cents; I have 89 cents. The lady said, well, with the tax. Little Michael turned to his dad and said, Dad, I have to pay tax on Skittles? Yes, that is what you have to do if we eliminate the IRS and the Federal income tax code. You could be a consumer who chooses when to pay your taxes, and like little Michael, pay taxes on Skittles at age seven or eight or less, and realize how expensive the Federal Government actually is.

That changes the psyche of an entire culture. People that are always looking to the Federal Government for a solution begin to realize they are funding the Federal Government and they are part of the solution. They are bought into this.

Going for a national sales tax, a consumption tax, a fair tax, Mr. Speaker, does everything good that everyone else's tax policy does and more besides, and that is not just my words. Those are also the words of one famed chairman who has been the lead guru on economics here in America for a lot of years.

It fixes everything that you can fix with a tax policy. It fixes everybody, all the pieces that come along here, puts them all together and does more besides. It border adjust taxes and it provides incentive for savings and investment. It doubles our economy in 10 to 15 years. It repairs our balance of trade and puts it on a surplus of balance of trade, and this growing economy then, on top of that, Mr. Speaker, it solves our deficit, our deficit in our revenue that we have here, our deficit spending because, when the economy doubles, we are going to have a lot more dollars that come flowing in here.

We replace the payroll tax, the Social Security, the Medicare and the Medicaid, with a consumption tax portion. I advocate for a 23 percent embedded tax that is made of these components. I said I would get back to this.

Three percent of that 23 percent provides a rebate into everybody's household to untax everyone in America up to the poverty level. So let us say the poverty level is $20,000 for a family of four, and I think the number is actually $18,500 for a family of four. They would pay about $458 in a month in taxes if they were going to consume to the level of their income. So this 3 percent goes into a fund, and immediately at the beginning of every month, it would do an automatic transfer into each household as registered by the Health and Human Services for the level of sales tax that that family would pay just up to the poverty level. So anybody that is living at the poverty level or below pays no tax, pays no national sales tax, but those that start spending above that, above that $18,500, they start then paying the sales tax on that until you get to someone like I presume Bill Gates would be a rather robust consumer, I do not know that, but if I were he, I would be a robust consumer. People of that kind of income will be the ones who will pay the highest percentage of tax off their income. This is progressive, but also, it untaxes the poor. The first 3 percent collected is the portion that goes in to untax everyone up to the poverty level, and then those of us who spend more than the poverty level will pay our fair share of taxes going on up. That is 3 percent.

Eight percent goes to replace the payroll tax, Social Security, Medicare and Medicaid, so that we no longer have to have that most regressive kind of a tax. That is a very regressive tax on especially the lower income people. There is no exemption for you if you are only making $10,000 a year. You are going to take the .0765 percent times two, and that is 15.3 percent, multiply that by your $10,000, and you are going to give up $1,530 to the payroll tax even if you only make $10,000 a year.

So you can see, Mr. Speaker, that is a 15 percent tax on some of the poorest people in America. We eliminate that tax and put it back on consumption. And by the way, when people max out on Social Security, the most wealthy people are paying at a lower rate on the payroll tax than the poor are among us. So payroll tax is a very regressive tax. We replace it with 8 percent. We untax everyone up to the poverty level with 3 percent, that is 11, and then to replace the income tax itself and be revenue neutral that takes a 12 percent embedded tax. That is how we get to 23.

This plan works. Every time I turn this rubrics cube around and look at it another way, it looks better and better and better, but my colleagues over here are content to stand here night after night, give us a list of lamentations on what is wrong with the President, the administration, the previous majority, the decisions that have been made here in this Congress over the last 15 years on trade. They argue that free trade is fine as long as it is fair trade, but I did not hear anyone advocate for any trade agreement that they ever agreed with. So that makes us trade isolationists unless they can come forward with some real changes.

Well, I will submit that I can support trade agreements. I can support them, Mr. Speaker, if we can have smart trade, but also, we need to have a more competitive environment for America's producers. That means pass the fair tax.

Also, a couple of years ago, I was sitting over in China. As I watched the negotiations go on and engaged in them, I saw the eyes of the negotiators on the other side of the Pacific Ocean, and I watched their smiles and I watched their heads nod. We were talking to them about the billions of dollars of intellectual property that is pirated by the Chinese, and it is essentially a national standard. At least there is so much of it that goes on, there is not a punishment going on for it, this standard of stepping in and stealing our intellectual property as quick as it comes on the market.

We might have a Hollywood movie that comes out and before the premier, the DVD has been pirated by the Chinese and it is on the streets in its black market version, undercutting the intellectual property and the creativity of Hollywood. Those things happen.

The copyrights and also the patents and the trademarks, those 3 pieces of intellectual property are consistently and persistently and strategically pirated by the Chinese. The Russians, too, only the Russians just are not as good as it yet, and they are getting better.

As I listened to those negotiations and as we put pressure on them over there to bring criminal charges against those who are stealing U.S. intellectual property rights and selling Rolex watches, fake Rolex watches would be another example that brings to that mind's eye, Mr. Speaker. As we put pressure on them to bring criminal charges and civil charges, they said to us, well, we are fining people for stealing U.S. intellectual property and we are moving forward more aggressively to enforce. So I asked them for a report on those fines, and they gave me 150 pages. It was all in Chinese, Mr. Speaker, so I did not really have the ability to determine that except that, by their witness and their verbal presentation to me, they had levied some fines for X number of yuan, Chinese dollars, but we also know that a government-owned company, that if it is owned by the government and if the government fines that company, it is like me deciding I am going to fine myself and I will take a couple of dollars out of this pocket and put it over here in this pocket. Makes no difference to a Communist State and State-owned businesses if the State fines the company. The State is the company, and so those statements did not move me very much, Mr. Speaker.

Then I asked about criminal charges, and they said, yes, we have brought some criminal charges and we are getting more rugged with our enforcement. So I asked the point blank question: Who have you locked up in jail? Who is in jail today because you are stealing our intellectual property? And of course, the answer was, Mr. Speaker, well, we have not locked anybody up just yet, but we are moving forward to enforce.

Well, I came to the conclusion that the Chinese saw it as a price of doing business. The cost of doing business was to smile and nod and speak nice and make nice to Americans that are over there that want to alleviate the burden of the pirating of the U.S. intellectual property rights and that they will continue smiling and nodding and hosting Americans as long as we are willing to come over there to complain, but nothing is going to happen. Nothing is ever going to happen unless we bring some leverage against them.

So I will submit a second solution for the folks over here and ask them: Do you care to weigh in on this? I would be happy to yield to you, and I hope you come to the floor at a later time, too, or we can get together and you can sign on to some of this legislation that actually provides solutions to the problems that you so articulately laid out here tonight.

But one of these solutions is this. Direct the U.S. Trade Representative to conduct a study to determine and evaluate the loss to American intellectual property rights holders to the Chinese for the pirating of those intellectual property rights. Once that amount is quantified, and Mr. Speaker, I can tell you it is in the billions, then direct the U.S. Trade Representative to levy a duty on all goods that come from China in an amount equivalent to be able to recover the complete loss that American property rights holders have sustained because of the piracy of their property rights and to distribute those proceeds back into the hands of the people that hold the copyrights, the trademarks and the other intellectual property rights.

That is another concrete solution that I would lay out here for the folks that come to the floor and talk about what is wrong but do not provide a solution and do not provide a way to fix things and turn them around and make them right, Mr. Speaker.

I did not necessarily come here tonight, though, to talk about the shortfalls of the presentation that was made by my colleagues on the other side of the aisle. I came here tonight, Mr. Speaker, to talk about a great big issue that we have to face in this country.

As I stand here, this being the week beginning the 5th of March, it has been my understanding for some two to three weeks that the senator from Massachusetts, Senator KENNEDY, was preparing to introduce a, I will put it in quotes, a "comprehensive" immigration bill sometime the week of the 5th of March. I am hopeful that that does not happen, at least coming out of him, the subcommittee chairman of the Immigration Subcommittee of the Judiciary on the Senate side.

We saw what they did last year over in the Senate and actually passed, and it was an abysmal piece of policy, Mr. Speaker. Now they are winding up to try it again, same person or persons, same face, same philosophy. That same philosophy is amnesty first, enforcement maybe never.

I remember Senator KENNEDY standing out here on the Mall just on the West side of our West portico when we had demonstrators by the tens and perhaps hundreds of thousands last spring. He said to them, and these demonstrators, many were not lawfully present in the United States, one can presume I think accurately, and he said to them, some say report to be deported; I say to you, report to become an American citizen.

That was the clarion call of the left wing liberals and the voice of Senator KENNEDY calling for people, come to America, come here illegally and when you are here, we are going to pave the way for a path to citizenship for you and hand over to you all the benefits of American citizenship.

Well, I say to Senator KENNEDY, if your mantra is amnesty, those of you who stand on amnesty, you deserve to be branded with the scarlet letter A for amnesty and treated as such because amnesty undermines the rule of law in this country.

These are some pillars of America that are essential for us in order to be able to sustain ourselves and sustain ourselves into the future. In order to identify those pillars of American civilization, we need to look back and identify what has been some of the roots of American exceptionalism. Why are we an exceptional Nation with such a dynamic economy? Why have we been so robust as a people?

There are a number of reasons, but one I would point out is that because we have brought in immigrants from all over the globe, because it was difficult to get here, because many of them had to sell themselves for seven years to pay off their passage to the United States, to work off the cost of that ride aboard ship across from Western Europe, for example, the people that had that sense of a dream, the sense of wanting to come here to realize their American dream, to raise their families here, they also had that sense of adventuresomeness.

Within all of that, the dream, the industriousness, the creativity, the sense of adventure, that desire to join with us in our manifest destiny as we settled a continent in lightening speed, all of that was the vitality that came in with our immigration. We were able to skim the cream off of the crop in Nation after Nation after Nation. Donor Nations gave up a measure of their most vital population because they came here so they could spread their wings and they could excel.

□ 2215

That is one of the pillars of American exceptionalism. Without belaboring that point very much any more, another pillar of American exceptionalism has been the foundation of our Constitution, which is drafted based upon the principles that you will find in the Declaration. And in the Constitution are our basic rights, freedom of speech, press, religion, assembly, and the second amendment rights, the right to keep and bear arms, and what used to be in our fifth amendment, the right to property, which says, "nor shall private property be taken for public use without just compensation."

But now after the Keloe decision, it says, "nor shall private property be taken without just compensation," the for public use words have been eliminated from the fifth amendment by the Supreme Court in the Keloe decision.

But up until that time, the sanctity of property rights rode right along with the sanctity of our first amendment rights, and we have done a good job of defending our second amendment rights. Throughout this is the vitality of America, because we have individual rights that are guaranteed, and they are passed down from God to each one of us. Then the individuals, we the people, then hand that responsibility over to our elected representatives to represent us in places like this House of Representatives.

But we have guaranteed rights, and those guaranteed rights and the rights of due process and to be protected from discrimination in a court of law have given us a sense of justice and a sense of the rule of law that gives every American, every American citizen and those who aspire to be American citizens, solid ground on which to stand, confidence that it is predictable into their future so that they can invest capital, borrow money against their property, be able to pay off the mortgage, be able to reach for the stars and dream, create and become an entrepreneur, be one of those people that really makes a big difference and realize their fortune and their dreams. These are some of the foundations of American exceptionalism, but the rule of law is a foundation for it.

If we grant amnesty to people who broke the law to come here, then we have undermined the rule of law. If we undermine the rule of law, we don't have the culture for a strong America any longer. We have lost a pillar for what makes us great.

So to reward law breakers does exactly that. As I listen to people that come in and testify in the immigration subcommittee meeting, I will often hear people; there will be those that come in and say, well, I was a beneficiary of the amnesty in 1986. I came in illegally when Ronald Reagan signed the amnesty bill; there was supposed to be some say as low as 300,000 that would get amnesty. I recall about 1 million, but we know that went over 3 million who received amnesty because the fraud was so rampant.

The document forgers kicked into high gear. For everyone that got a designed amnesty in a legal fashion, there were others who by hook and crook got their amnesty. But all of them are for amnesty today if they happen to be alive and still in this country, and so are their families and their friends for amnesty. They say, well, it is not a hard thing to figure out. It was good for my dad or my mother or my brother or my uncle. Look, they are here in America, and they are doing well.

Why shouldn't we give amnesty to other people, because it has been good to us. Now that is a very simple equation and not a very rational thought process but, for every one we grant amnesty to, there will be several who will say, I think that is a good idea because my friend or my relation thought amnesty was a good idea.

If this becomes amnesty for 12 million or 15 million or for 20 million or more, and they bring in their extended families at the tune of maybe as many as 273 for every anchor baby that comes into the United States, we won't just have 12 or 15 or 20 or more million who have no respect and, in fact, contempt for the rule of law; we will have 100 or more million that will have contempt for the rule of law.

That then would utterly destroy the rule of law in America. We would go back to a third world kind of country where the rule of law doesn't work down south in places like Mexico, Honduras, El Salvador, Colombia. It is the rule of who has the power and who has the guns.

I see that my friend and colleague from Texas, the wonderful doctor, whom I seek his counsel quite often, especially on these technical issues, has arrived on the floor. I would be happy to yield as much time as the doctor from Texas (Mr. BURGESS), would consume.

Mr. BURGESS. I would thank the gentleman for yielding. Certainly, I was sitting in my office and watching you, watching your discussion with the American people tonight. I am always so grateful that you take the amount of time that you do to come to the floor and explain things to people in simple commonsense language that the average person can understand. I heard your discussion, of course, on fundamental tax reform. As you know, I am committed also to fundamental tax reform.

I knew that you wouldn't want your good friend Steve Forbes to think that you had forgotten all of the good things he had told us in a meeting about his flat tax. So I just wanted to remind the Members of Congress that in addition to H.R. 25, which deals with a consumption tax, there is also another approach to fundamental tax reform, which is H.R. 1040, what a clever number and scheme that is, which is the resurrection, if you will, of the flat tax that was previously espoused and popularized by former majority leader Dick Armey, and, of course, the subject of the ever popular book by Steve Forbes, the "Flat Tax Revolution."

I am not sure how many weeks it has been on the bestseller list, but it certainly should have stayed on there for weeks at a time.

This really meets the criteria, meets the test that was set forth by the President at the start of his second term for a simple, fair, pro-growth tax. The flat tax almost immediately eliminates the marriage penalty. It repeals the death tax. It abolishes the alternative minimum tax. If there was ever a time to consider the abolishment of the alternative minimum tax, it is today with more and more middle class people being pulled into that type of unfair taxation. It eliminates multiple taxation of investment income, and it allows for immediate expensing of business equipment.

This bill, H.R. 1040, which is a voluntary election for a flat tax, it is not a requirement. If someone has constructed their time and their talents and their financial portfolio towards compliance with the IRS code, God bless them, my hat is off to them. But if they would rather take a more fundamentally sane approach to their family's finances, to their business's finances, and wish to elect a flat tax system, this should be available to them.

My concern is that we don't trust the American people enough, that if we gave them the opportunity to coexist with the IRS code as it exists today, it is completely unintelligible and not understandable by anyone with any level of education, or we gave them the opportunity to elect into a simple flat tax that they would choose to do so.

In fact, the gentleman from Iowa is quite aware that, since November, the elections in November, we have heard a lot of discussion from the other side of the aisle about the so-called tax gap, the tax gap being that $350 billion which is assessed by the IRS but never collected.

Well, what are the reasons it is not collected? To be sure, there is some fundamental dishonesty that exists in some people. But some people just look at the IRS code and say it is too complicated, I am going to ignore it and hope it goes away, I am not going to deal with this, and they are caught, and they are punished.

It is a shame that has to happen. If they were allowed the option of having a simple pro-growth system, such as the fair tax, such as the flat tax, I think the American people would be all the richer for it.

I just want to point out one passage in Mr. Forbes's book, which does not deal so much with the bill that I introduced, and I know it is going to surprise the gentleman from Iowa to hear that, but in 1989, a Senator requested a revenue forecast from Congress's Joint Committee on Taxation, on a hypothetical tax increase, raising the top rate to 100 percent. There is a flat tax, 100 percent on incomes over $200,000. The Joint Committee on Taxation responded by forecasting increased revenues of $204 billion in 1990, $299 billion in 1993. Incredibly, the Joint Committee on Taxation failed to recognize or at least assume that people would continue to work and work hard even if every penny of their income was taken away in income taxes.

I suggest that that indicates a departure and a divorce from reality that the Joint Committee on Taxation has, and it is for that reason that it is incumbent upon us to introduce measures that are, again, commonsense, straightforward measures that the American people can understand and get behind.

I notice that the speaker from Iowa had gone on from talking about taxation to talking about issues dealing with immigration. I will just say that we have had a lot of discussion in this Congress since Congress convened in January about the 9/11 recommendations or the recommendations of the 9/11 Commission from a couple of years ago.

To me, the two most important recommendations of the 9/11 Commission that have yet to be enacted, one was quite simply to build stable democracies in Middle East. I think we are doing that. We receive a lot of criticism for doing that, but that is one of the fundamental steps we must take in order to achieve stability worldwide and ultimately gain control in the global war on terror.

But the other concept, and it is so simple that it astounds me that it hasn't been taken up yet, and that is simply to secure the border. Both north and south, our American borders are not secure. They need to be secure; we deserve secure borders. The American people deserve secure borders after the ravages of 9/11, and I think that was a sensible recommendation the 9/11 Commission has made. I frankly do not understand why the House leadership has not taken that up with the seriousness it deserves.

With that, I want to thank the gentleman from Iowa and the Speaker for his indulgence.

Mr. KING of Iowa. In reclaiming my time, I thank the tenacious Texan for coming to the floor. He knows how much I revere Steve Forbes and Steve Forbes' financial acumen, as well as Alan Greenspan's. Perhaps on this subject matter it is one versus the other.

I also notice the gentleman from Texas, however compelling the argument, didn't present a list of things that his tax policy does better than the tax policy I advocate. But I think we both recognize that either is far better than what we are dealing with today.

There is nothing coming out of the other side of the aisle, particularly from the Chairman of the Ways and Means Committee, Mr. RANGEL, except, well, we are going to figure out some ways to raise some of these existing taxes and maintain the convolutions that are within them. That is what we have to look forward to.

The stock market last week had its worst single week in 4 years. I don't think its coincidental that the tax increases that this have come out of this Congress, the Pelosi Congress, and the noises coming out of the Ways and Means Committee, particularly the Chair, have added instability to our New York stock exchange and all of our financial markets. Once the inertia of this continues, we might find ourselves in a significantly poorer situation and not very far from now.

I, also, on the immigration issue, there were some statistics that I had made a promise that I would unfold here and send this message out, and that is that we are faced with a tremendous amount of loss here in America in the lives of Americans because we are not enforcing at our border.

As the gentleman from Texas said, we need to first stop the bleeding at the border and get that under control. We need to push all traffic, both, all products, all contraband, all human traffic, through the ports of entry. We need to beef up our ports of entry.

You know, as I was sitting in an immigration hearing a couple or 3 years ago, I began to listen to the testimony about how many people died in the Arizona desert in a year.

It is a significant number then; it was about 250. Now, I think it is 400. That is sad, and it is tragic, but I, again, wonder, the 11,000 a night that sneak into the United States across our southern border, I sat down there by the fence in the dark and had the infiltration going around on either side of me, and that 11,000 a night is calculated by this Border Patrol agent who testified they stop between a fourth and a third.

And they stop 1,188,000 last year. If you do the math on that, that shows about 4 million a year get into the United States, and out of that 4 million, that works out to be about 11,000 a night.

I would expect there is someone around here that knows the size of Santa Ana's Army when he came across the river. But me being a Yankee, I have to guess at it. I think it was about 6,000 strong. It was then that when they attacked the Alamo at San Antonio. But if it was 6,000 strong or less than that when they attacked the Alamo, I would just suggest that twice the size of Santa Ana's army comes across the border every single night.

They may not be in uniforms, and they may not be marching in orderly ranks, and they may not be all of them armed, but they are carrying with them $65 billion worth of illegal drugs coming into the United States, $65 billion.

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And we are spending $8 billion a year on our southern border. And out of that $8 billion, that is $4 million a mile, and we are getting some kind of efficiency rating of our dollars of maybe 25 percent of enforcement, and often I hear a 10 percent number from the Border Patrol people that are down there.

So what is the price to America? $65 billion worth of illegal drugs that comes out of the pockets of Americans. And the price in lives? The question that I ask and commissioned the GAO study for was, How many Americans die at the hands of those who do get across the border? And that number came out, not quite apples to apples and I had to do a calculation or two off of other government studies to match up with the GAO study from April of 2005, and it works out to be this: of the inmates in our Federal and State penitentiaries, 28 percent are criminal aliens. And I am going to presume that if we had enforced our laws, none of them would have been in the United States.

So if you take 28 percent and you calculate that across the murders that we have in America, and that is about 16,000, a little over that, you will end up with a number 28 percent of that is 4,518 murder victims in the United States at the hands of those who are criminal aliens in the United States. You add to that the victims of negligent homicide, most of them drunk driving victims, and that is going to run 28 percent of those, that comes out to 4,746, Mr. Speaker. So you add those two together, that is 9,264 lives in America die violently every year at the hands of criminal aliens, presumably who would not be in the United States had we aggressively enforced our laws.

That is a shocking and astonishing number. It is three times the amount of victims that we had on September 11, and that is an annual number every single year.

Now, what does it cost us in dollars? Incarceration costs alone of the 267,000 illegal aliens that we have locked up in our prisons that we can count, and many of them we don't know, but we know we can count 267,000 and they will cost us in incarceration costs $6.7 billion just to lock them up.

So we are spending $8 billion on the border on our Border Patrol for maybe

25 percent efficiency; we are spending $6.7 billion to lock up the criminal aliens and hold them in our prisons. And then, on top of that, the cost to murder victims, and that number has been calculated by government numbers at $3.9 million per murder victim. That comes out to be $17.05 billion in the cost of murder victims in dollars. And those victims of negligent homicide, I have measured that a little bit smaller at two-thirds of that overall cost of the murder victim because the investigations don't go so far. That comes to $11.37 billion.

So I add these numbers up: Incarceration costs, $6.7 billion; the value of lost productivity in lives of murder victims, $17.05 billion; the value in lost productivity in lives at negligent homicide victims, $11.37 billion. It comes up to $35.12 billion out-of-pocket costs out of the United States just for those who were killed and to lock up those who kill. That does not include rape victims, assault victims, grand larceny and theft victims. That list goes on and on and on.

Sex victims is another one. We have identified about 240,000 sex criminals who are criminal aliens. And of those, they have at least four identifiable victims. So you do the math on that. It is just a few short of 1 million victims of sex crimes, and many of those are sex crimes where there is a murder involved as well.

The price to this society is unbelievable. It has only begun to be quantified. But to put it in a context, it works like this: $65 billion worth of illegal drugs is costing our economy $35 billion-plus a year, just the victims of murder, negligent homicide, and to lock up those who do the same, $35 billion.

The value of the entire oil industry of Mexico is $28 billion. We pay more for murder victims and negligent homicide victims here in the United States and plus locking them up than all of the oil revenue of a pretty good oil-producing country the size of Mexico.

And then, additionally, another $8 billion a year just to guard our southern border. And on top of that, there will be a report coming out very soon, if it is not out already, that shows that remittances is a term they use. This is a transfer of wages from mostly immigrants here in the United States, some illegal, some legal, out of the United States. That number has been going up incrementally year by year, and last year it was $45 billion a year that was transferred out of the United States in remittances, or usually wire transfers, back to home countries.

This report that is due to come out if it is not out now will show $60 billion transferred in the last year, $30 billion of it going to Mexico, $30 billion of it going to other places in the western hemisphere, but usually the lion's share of that goes into Central America and the Caribbean.

So when you look at the dollars transferred out of our society, $60 billion being sent out by labor, $65 billion paying for illegal drugs, $35 billion to pay for the cost of violent death, and $8 billion to guard the border, you can see, I think, Mr. Speaker, how massive this burden is here for the taxpayers and the victims of crime here in the United States.

And one thing that I have always wondered about crime victims is that if society really paid that whole cost, if we had to write the check for the $35 billion or so that it costs for victims, the violent death in America at the hands of criminal aliens, if we had to write the check for that, the taxpayers would be outraged if it were a line item on an appropriations bill here in the United States Congress.

But, instead, it isn't quite like that. There are costs picked up by the taxpayers, investigations, prosecutions, incarcerations. We pick those up. But the real costs comes out of the lives of the people who are their victims in great huge whopping chunks of their lives, their future, for their families, their productivity, and leaves a hole that can never be healed again.

That is the burden that is all of this, and the injustice of it comes from the psychology that the State is the one that is wronged and the crime victim is made whole when the State believes that they are whole. And the crime victim in this country by our process is seldom made whole, and as a matter of fact, maybe is never made whole.

So we have a big problem here in America. But sometimes there are faces that need to be identified, too, Mr. Speaker, and so I have gathered up some of the faces of these perpetrators. When I stand here and say 9,264 violent deaths in America, that is kind of faceless. I would point out, too, though, that maybe people were skeptical of my numbers. Maybe they think that those numbers are too high. I would ask, what are your numbers? Produce those.

But here is another way of looking at it. Violent death in America is 4.28 out of every 100,000 people. Violent death in Mexico is 13.2 out of every 100,000. That is a good, solid three times the violent death rate in Mexico as it is the United States.

Now, Mexico happens to be one of the more peaceful countries south of us. If you go to Honduras, their violent death rate is nine times that of the United States. And I don't know what El Salvador's is, they don't publish that. But when you get to Colombia, their violent death rate is 15.4 times the violent death rate of the United States. And, on top of that, the people that are coming in from those countries are young men. Young men will commit more than twice as many violent crimes as any other demographic group, in fact, significantly more than that.

And they are coming from countries that are more violent, and they are bringing drugs from those countries to the tune of $65 billion. So there is crime and violence associated with the drugs; there is crime and violence associated with young men. There are young men coming from countries that are far more violent than in the United States. And when you sit down and do the math and calculate out, if you were going to predict the crime results here in America, you would find, Mr. Speaker, that the 28 percent that are incarcerated in our prisons today that are criminal aliens probably don't represent the overall crime impact on the United States society.

But to personalize this a little bit, I have brought a few of the faces of these evil perpetrators down here to the floor. This, being one of the more evil. This is the face of Santos Cabrera Borjas. He is a 22-year-old, was a 22-year-old illegal alien from Honduras, that country that has got nine times the violent death rate of the United States. They can live with a lot higher level of violence.

Here is the kind of violence you get with one of these people. On June 4, 2006, Borjas murdered an innocent 9-year-old boy named Jordin Paudler of Georgia by hacking him to death with a hatchet. Borjas was in a car that was driving through the neighborhood, it had a wobbly wheel, and this young 9-year-old boy Jordin Paudler called out to the car and said, You have got a bad wheel on your car, being helpful, like young boys will do, like a lot of good Americans are. And Santos Cabrera Borjas got out of the car and attacked this young 9-year-old boy with a hatchet and twice split his forehead with a hatchet and left it in, as I understand it, all because he tried to help.

This is an example, and I will bring many of these examples to the floor as time unfolds, Mr. Speaker, and this is one of the faces of evil. There are many, many faces of evil. We have a big debate in front of us. I thank you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today on account of illness.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today and March 6 on account of official business.

Mr. EDWARDS (at the request of Mr. HOYER) for today on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today and March 6 on account of official business.

Ms. KILPATRICK (at the request of Mr. HOYER) for today through March 8 on account of official business.

Mr. LARSON of Connecticut (at the request of Mr. HOYER) for today on account of a family medical matter.

Mr. RUSH (at the request of Mr. HOYER) for today and March 6 on account of official business.

Mrs. BONO (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

Mr. LATOURETTE (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today and March 6 on account of attending a funeral.

Mrs. EMERSON (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Mr. CARNAHAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and March 6 and 7.

Mr. SHADEGG, for 5 minutes, March 6.

Mr. AKIN, for 5 minutes, March 6.

Mr. GARRETT of New Jersey, for 5 minutes, March 6.

Mr. SALI, for 5 minutes, March 6, 7, and 8.

Mr. BURGESS, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today and March 6, 7, 8, and 9.

Mr. BURTON of Indiana, for 5 minutes, today and March 6, 7, 8, and 9.

Mr. PAUL, for 5 minutes, March 6, 7, and 8.

Mr. MORAN of Kansas, for 5 minutes, March 7.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 6, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

680. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 06-020] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

681. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Evergreen Point Bridge, Lake Washington, Washington [CGD13-06-029] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

682. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: USAV CANEY, Port of Ponce, Puerto Rico, United States [COTP San Juan 06-087] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

683. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Sault Ste. Marie Zone, Cheboygan River, Cheboygan, MI [CGD09-06-045] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Dogue Creek, Fairfax County, Virginia [CGD05-06-090] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

685. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 66, Seattle, Washington [CGD13-06-013] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

686. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. John's River, Jacksonville, FL to Ribault Bay [COTP Jacksonville 06-045] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

687. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 06-004] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

688. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Naples Beach, FL [COTP St. Peterburg 06-043] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

689. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, CA [COTP San Francisco Bay 06-010] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. John's River, Jacksonville, FL [COTP Jacksonville 06-058] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30529; Amdt. No. 465] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30523; Amdt. No. 464] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30524; Amdt. No. 3195] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30521; Amdt. No. 3192] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30525; Amdt. No. 3196] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30526; Amdt. No. 3197] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30527; Amdt. No. 3198] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30528; Amdt. No. 3199] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30493; Amdt. No. 3166] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30495; Amdt. No. 461] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER: Committee on Education and Labor. H.R. 493. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; with an amendment (Rept. 110–28, Pt. 1). Ordered to be printed.

Ms. MILLENDER-MCDONALD: Committee on House Administration. H. Res. 202. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress; with an amendment (Rept. 110–29). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 720. A bill to amend the Federal Water Pollution Control Act to authorized appropriations for State water pollution control revolving funds, and for other purposes, with an amendment (Rept. 110–30). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 493. Referral to the Committee on Energy and Commerce and Ways and Means extended for a period ending not later than March 23, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. WAXMAN, Ms. SOLIS, Ms. ROS-LEHTINEN, Mr. PALLONE, Mr. MARIO DIAZ-BALART of Florida, Mr. RANGEL, Mr. LAHOOD, Mr. FATTAH, Mr. PRICE of North Carolina, Mr. LANTOS, and Mr. GENE GREEN of Texas):

H.R. 1308. A bill to amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. PLATTS, and Mr. WAXMAN):

H.R. 1309. A bill to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ALTMIRE:

H.R. 1310. A bill to amend part D of title XVIII of the Social Security Act to waive the late enrollment penalty under such part for 2006 and 2007 and to fully subsidize any such penalties subsequently imposed for part D subsidy-eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. PORTER, and Mr. HELLER):

H.R. 1311. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Mrs. BLACKBURN, Mr. WEINER, Mr. COBLE, Mr. NADLER, Mr. CHABOT, Mr. SCHIFF, and Mr. DANIEL E. LUNGREN of California):

H.R. 1312. A bill to expedite adjudication of employer petitions for aliens of extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY of New York, Mr. MICA, and Mr. PASCRELL):

H.R. 1313. A bill to direct the Joint Committee on the Library to obtain a statue of Constantino Brumidi for display in the Capitol Visitor Center; to the Committee on House Administration.

By Mrs. BLACKBURN (for herself, Mr. PRICE of Georgia, Mr. GARY G. MILLER of California, and Mr. ROYCE):

H.R. 1314. A bill to provide that only certain forms of identification of individuals may be accepted by the Federal Government and by financial institutions; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH:

H.R. 1315. A bill to amend title 38, United States Code, to provide specially adaptive housing assistance to certain disabled members of the Armed Forces residing temporarily in housing owned by a family member; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Illinois (for himself, Mr. HASTERT, Mr. KIRK, Mr. LAHOOD, Mrs. JO ANN DAVIS of Virginia, Mr. SHIMKUS, Mr. COSTELLO, Mr. ALEXANDER, and Mr. MANZULLO):

H.R. 1316. A bill to provide institutions of higher education with a right of action against entities that improperly regulate intercollegiate sports activities; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1317. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 1318. A bill to amend title 38, United States Code, to repeal the authority for agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MATHESON:

H.R. 1319. A bill to authorize an additional use of the property containing the Mount Olivet Cemetery in Salt Lake City, Utah, that was conveyed by the United States to the Mount Olivet Cemetery Association in 1909, to authorize the reconveyance of the property subject to certain use restrictions, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 1320. A bill to protect important existing television band devices in the unassigned, non-licensed television channels from harmful interference from new devices; to the Committee on Energy and Commerce.

By Mr. RUSH:

H.R. 1321. A bill to amend title XVIII of the Social Security Act to improve payments under the Medicare clinical laboratory fee schedule; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BERMAN, Mr. CONYERS, Mr. DELAHUNT, Mr. DOGGETT, Mr. DOYLE, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. KAGEN, Mr. KENNEDY, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. MURTHA, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ROTHMAN, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, and Mr. WEXLER):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Mr. PERLMUTTER):

H.R. 1323. A bill to authorize a major medical facility project for the Department of Veterans Affairs at Denver, Colorado; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 1324. A bill to urge the Secretary of State to designate the Quds Force, a unit of Iran's Islamic Revolutionary Guards Corps, as a foreign terrorist organization; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES:

H.R. 1325. A bill to require the Government of Iraq to match, dollar for dollar, the amount of United States assistance awarded for the reconstruction of Iraq; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas:

H.R. 1326. A bill to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KUCINICH (for himself, Mr. SHIMKUS, Mr. EMANUEL, Mr. HASTERT, Mr. DINGELL, Ms. KAPTUR, Mr. RANGEL, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mr. LIPINSKI, Ms. WATSON, Mr. GRIJALVA, Ms. MOORE of Wisconsin, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. GUTIERREZ, Mr. HIGGINS, Ms. JACKSON-LEE of Texas, Mr. DOYLE, Mr. RYAN of Ohio, Mr. ARCURI, Mr. COSTELLO, Mr. CARNEY, and Mr. MURPHY of Connecticut):

H.J. Res. 39. A joint resolution proclaiming Casimir Pulaski be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 78. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen; to the Committee on House Administration.

By Mr. HOYER (for himself, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. NORTON, Mr. WYNN, and Mr. WOLF):

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Georgia (for himself, Mr. FORTENBERRY, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. SHULER, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 80. Concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community; to the Committee on Foreign Affairs.

By Ms. FOXX (for herself, Mr. COBLE, Mr. HAYES, Mr. MCHENRY, Mrs. MYRICK, and Mr. JONES of North Carolina):

H. Res. 210. A resolution commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I-AA Football Championship; to the Committee on Education and Labor.

By Mr. LEWIS of Kentucky:

H. Res. 211. A resolution recognizing and supporting the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY:

H. Res. 212. A resolution recognizing and honoring the 70th Anniversary of the founding of the National Association for College Admission Counseling; to the Committee on Education and Labor.

By Mr. WYNN (for himself, Mr. CONYERS, Mr. PAYNE, Mr. WALSH of New York, Mr. BLUMENAUER, and Mr. FRANK of Massachusetts):

H. Res. 213. A resolution expressing the sense of the House of Representatives that a United Nations Emergency Peace Service capable of intervening in the early stages of a humanitarian crisis could save millions of lives, billions of dollars, and is in the interests of the United States; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. SCHAKOWSKY.

H.R. 20: Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, and Mr. CONYERS.

H.R. 23: Mr. COHEN, Mr. BOUSTANY, Mr. MORAN of Kansas, Mr. MURTHA, Mr. HONDA, Ms. BERKLEY, Mr. PORTER, Mr. DUNCAN, Mr. KANJORSKI, Ms. CORRINE BROWN of Florida, Mr. DOYLE, and Ms. WOOLSEY.

H.R. 36: Mr. BOOZMAN and Mr. KNOLLENBERG.

H.R. 111: Mrs. CHRISTENSEN, Mr. MCINTYRE, Mr. TOWNS, Ms. LINDA T. SÁNCHEZ of California, Mr. SHUSTER, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. FALEOMAVAEGA, Mr. BRALEY of Iowa, Mr. TANCREDO, Mr. BURGESS, Mr. EVERETT, Mr. BARROW, and Mr. REYNOLDS.

H.R. 122: Mr. BACA.

H.R. 171: Mr. RUSH, Mr. WYNN, Ms. NORTON, Ms. CARSON, and Mr. MCDERMOTT.

H.R. 180: Ms. NORTON.

H.R. 197: Mr. ISRAEL, Mr. CONYERS, Mr. SHAYS, Mrs. MCCARTHY of New York, Mrs. DAVIS of California, Ms. HOOLEY, Mr. FARR, Mrs. MALONEY of New York, Mr. KAGEN, and Mr. GRAVES.

H.R. 211: Mr. SESTAK and Ms. DEGETTE.

H.R. 241: Mr. GRAVES.

H.R. 269: Mr. LEWIS of Kentucky, Ms. BORDALLO, Mr. BACHUS, Mr. MCCOTTER, and Mr. CRAMER.

H.R. 277: Mr. LEWIS of Georgia and Ms. LORETTA SANCHEZ of California.

H.R. 279: Mr. GILCHREST.

H.R. 294: Ms. KAPTUR.

H.R. 303: Mr. CARNEY, Mr. BOSWELL, Mr. ALTMIRE, and Mr. KENNEDY.

H.R. 325: Mr. HONDA and Mr. HOLT.

H.R. 333: Ms. BERKLEY, Mr. YARMUTH, Mr. JINDAL, Mr. SHULER, Mr. ALTMIRE, Mr. CARNEY, Mr. RAHALL, and Mr. LARSON of Connecticut.

H.R. 349: Mr. GERLACH and Mr. SOUDER.

H.R. 359: Mr. CONYERS.

H.R. 368: Mr. PLATTS, Mr. FILNER, Mr. SHIMKUS, Mr. KANJORSKI, Mr. COSTELLO, Mrs. MYRICK, Mr. GENE GREEN of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. JOHNSON of Illinois, Mr. WAMP, Ms. MCCOLLUM of Minnesota, Mr. GERLACH, Mr. STUPAK, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. CRAMER, Mrs. WILSON of New Mexico, Mr. RAHALL, Mr. ISRAEL, Ms. DELAURO, and Ms. BERKLEY.

H.R. 380: Mr. GORDON, Mr. KAGEN, Mr. MURPHY of Connecticut, and Mr. REYES.

H.R. 388: Ms. KAPTUR.

H.R. 410: Mr. COHEN.

H.R. 411: Mr. DOOLITTLE, Mr. CAMPBELL of California, Mr. SHUSTER, Mr. JINDAL, Mr. FRELINGHUYSEN, Mr. HUNTER, Mr. GOODLATTE, Mr. BARRETT of South Carolina, and Mr. HALL of Texas.

H.R. 440: Ms. JACKSON-LEE of Texas and Mrs. MCCARTHY of New York.

H.R. 468: Mr. BRADY of Pennsylvania and Ms. DEGETTE.

H.R. 489: Mr. MILLER of Florida.

H.R. 491: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 493: Mr. WYNN, Mr. CRAMER, Mr. ETHERIDGE, and Mr. ROSS.

H.R. 503: Mr. WAXMAN, Mr. CAPUANO, and Mr. CHABOT.

H.R. 508: Mr. ROTHMAN.

H.R. 511: Mr. BROWN of South Carolina.

H.R. 566: Mr. COHEN.

H.R. 612: Mr. CANNON.

H.R. 621: Mr. EVERETT, Mr. DOYLE, Mr. LINCOLN DAVIS of Tennessee, and Mr. SHUSTER.

H.R. 625: Mr. CAMPBELL of California, Ms. ROYBAL-ALLARD, and Mr. THOMPSON of California.

H.R. 627: Mr. MURPHY of Connecticut.

H.R. 634: Mr. BILBRAY, Ms. BEAN, Ms. ZOE LOFGREN of California, Mr. SPACE, Mr. WAMP, Mr. GENE GREEN of Texas, Mr. PASTOR, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. WU, Mrs. BIGGERT, Mr. KENNEDY, Mr. HALL of New York, and Mr. KING of New York.

H.R. 645: Mr. OLVER and Ms. SCHAKOWSKY.

H.R. 654: Mr. BAIRD, Mr. BRADY of Pennsylvania, and Mr. BECERRA.

H.R. 663: Mr. DEFAZIO.

H.R. 664: Mr. ROYCE.

H.R. 670: Mr. SMITH of Texas.

H.R. 675: Mr. CARNEY.

H.R. 684: Mr. KAGEN.

H.R. 695: Mr. GENE GREEN of Texas, Mr. KIND, Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. POMEROY, and Mr. MURPHY of Connecticut.

H.R. 698: Mr. BRALEY of Iowa, Mr. SPACE, Mr. GORDON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 711: Mr. RUPPERSBERGER, Mr. MATHESON, Mr. CARNEY, and Mr. BOOZMAN.

H.R. 719: Mr. CRAMER, Ms. JACKSON-LEE of Texas, Mrs. SCHMIDT, Mr. EMANUEL, Mr. MELANCON, Mr. KING of New York, Mr. PATRICK MURPHY of Pennsylvania, Mrs. LOWEY, Mr. POE, Mr. WALZ of Minnesota, Mr. HUNTER, Mr. BRALEY of Iowa, Mr. MCCAUL of Texas, Mr. MARSHALL, Mr. ARCURI, and Mr. CHANDLER.

H.R. 720: Mr. CAPUANO, Mr. CONYERS, Mr. GONZALEZ, Mr. DELAHUNT, Mr. MORAN of Virginia, Mr. CLEAVER, Mr. GILLMOR, Ms. LORETTA SANCHEZ of California, and Mr. STUPAK.

H.R. 722: Mr. COHEN.

H.R. 723: Mr. MCINTYRE and Mrs. LOWEY.

H.R. 728: Mr. MEEK of Florida.

H.R. 729: Mr. DOGGETT.

H.R. 743: Mr. MEEKS of New York.

H.R. 760: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. CALVERT, Mrs. TAUSCHER, and Mr. SPACE.

H.R. 787: Mr. MCNERNEY and Mr. WEXLER.

H.R. 790: Ms. BERKLEY.

H.R. 797: Mr. SENSENBRENNER, Mr. KAGEN, Mr. MCDERMOTT, Mr. MANZULLO, Mr. COHEN, Mr. BILIRAKIS, Mr. MICHAUD, and Mr. CLEAVER.

H.R. 801: Mr. KAGEN and Mr. ROSKAM.

H.R. 808: Mr. RAHALL.

H.R. 811: Mr. RAHALL and Mr. MURTHA.

H.R. 819: Mr. YARMUTH, Mr. KAGEN, and Mr. SERRANO.

H.R. 854: Mr. MURPHY of Connecticut.

H.R. 857: Mr. SAM JOHNSON of Texas.

H.R. 874: Mr. COHEN.

H.R. 875: Mr. COHEN.

H.R. 886: Mr. BAIRD.

H.R. 901: Ms. BERKLEY, Ms. ZOE LOFGREN of California, and Mr. JEFFERSON.

H.R. 942: Mr. DEFAZIO.

H.R. 947: Mr. Fattah.

H.R. 962: Mr. McNulty.

H.R. 985: Mr. Ellison and Mr. Israel.

H.R. 995: Mr. Space and Mr. Holden.

H.R. 998: Mr. Capuano, Mr. Clay, Mr. Al Green of Texas, and Mr. Hinojosa.

H.R. 1012: Mr. Gohmert.

H.R. 1013: Mr. Miller of Florida.

H.R. 1026: Mr. Poe.

H.R. 1034: Mr. Butterfield and Mrs. Capps.

H.R. 1055: Mr. Engel and Mr. Lewis of Georgia.

H.R. 1061: Mr. Oberstar, Ms. Schakowsky, Mr. Delahunt, and Mr. Dingell.

H.R. 1063: Mrs. Jo Ann Davis of Virginia and Mr. McHugh.

H.R. 1077: Mr. Forbes.

H.R. 1085: Mr. Walberg, Ms. Foxx, Mr. Hoekstra, and Mr. Lamborn.

H.R. 1086: Ms. Foxx and Mr. Walberg.

H.R. 1108: Mr. Murphy of Connecticut, Mr. Dent, and Mr. Boswell.

H.R. 1126: Mr. Akin, Mr. Butterfield, Mr. English of Pennsylvania, and Mr. Costello.

H.R. 1132: Ms. Carson, Mr. Grijalva, Mrs. Maloney of New York, Ms. McCollum of Minnesota, Mr. Delahunt, Ms. Hooley, Ms. Bordallo, Ms. Schwartz, Mr. Kind, Ms. Lee, Mr. Boustany, Mr. Platts, Mr. Cohen, Ms. Woolsey, and Mr. McNulty.

H.R. 1137: Mr. Carney.

H.R. 1154: Mr. Reyes, Mr. Towns, Mr. Castle, Mr. Bartlett of Maryland, Mr. King of Iowa, Mr. Boustany, Mr. McHenry, Mr. Gingrey, Mr. Conaway, Mr. Rush, Mr. Wynn, Mr. Doggett, Mr. Murtha, Mr. Moran of Virginia, Mr. Pascrell, Mr. Kucinich, Mr. Meek of Florida, Mr. Gillmor, Mr. Young of Alaska, Mr. Marshall, Mr. McDermott, Mr. Walden of Oregon, Mr. Gilchrest, Mr. Terry, Mrs. Wilson of New Mexico, and Mr. Weldon of of Florida.

H.R. 1155: Mr. Cohen, Mr. McNulty, and Mr. Jefferson.

H.R. 1187: Mr. Farr.

H.R. 1188: Mr. Rangel and Mr. Platts.

H.R. 1192: Mr. Grijalva, Mr. Hinchey, and Mr. Rush.

H.R. 1228: Ms. Norton and Mr. Moore of Kansas.

H.R. 1246: Mr. Courtney.

H.R. 1250: Mr. Dreier.

H.R. 1254: Mr. Burton of Indiana, Mr. Yarmuth, Mr. Towns, Mr. Van Hollen, and Mrs. Maloney of New York.

H.R. 1255: Mr. Yarmuth, Mr. Towns, Mr. Van Hollen, Mrs. Maloney of New York, and Mr. Paul.

H.R. 1261: Mr. Gohmert, Mr. Culberson, Mr. Franks of Arizona, Mr. Hall of Texas, Mr. Pearce, Mr. Miller of Florida, Mr. Akin, Mrs. Blackburn, Mr. Sensenbrenner, Mr. Gilchrest, Mr. Herger, Mr. Simpson, and Mr. King of Iowa.

H.R. 1272: Mr. Filner.

H.R. 1281: Mr. Rangel, Mr. McGovern, Mr. Clay, Mrs. Maloney of New York, and Mr. Grijalva.

H.R. 1283: Mr. Bachus, Mr. Rahall, Mr. Tim Murphy of Pennsylvania, Ms. Pryce of Ohio, Mr. Sensenbrenner, Ms. Hirono, Mr. Boswell, Mr. Reichert, Mr. Jefferson, Mr. Kind, Mr. Bonner, Mr. Rush, Mrs. Blackburn, Mr. Stark, and Mr. Olver.

H.R. 1298: Ms. Slaughter and Mr. Ellison.

H.R. 1303: Mr. Clay, Mr. Gonzalez, Mr. Cleaver, and Mr. Stark.

H.R. 1307: Mr. Carney.

H.J. Res. 9: Mr. Boustany.

H. Con. Res. 9: Mr. Etheridge.

H. Con. Res. 28: Mr. McHugh.

H. Con. Res. 43: Mrs. Jones of Ohio.

H. Con. Res. 71: Mr. Spratt, Mr. Engel, and Mr. Visclosky.

H. Con. Res. 75: Ms. Schakowsky and Mr. Rothman.

H. Res. 37: Mr. Rush, Mr. Lewis of Georgia, Mr. Waxman, and Mr. Gene Green of Texas.

H. Res. 67: Mr. Engel.

H. Res. 100: Mr. Price of North Carolina, Mr. Filner, Ms. Zoe Lofgren of California, Ms. Berkley, Ms. Kaptur, Mr. Gene Green of Texas, and Ms. Roybal-Allard.

H. Res. 107: Mr. Boren, Mrs. Blackburn, Mr. Levin, Mr. Gonzalez, Mr. Cohen, Mr. Lamborn, Mr. Murphy of Connecticut, Mr. Saxton, Mr. Tiberi, Mr. Ferguson, and Mr. Linder.

H. Res. 111: Mr. Altmire, Mr. Bilirakis, and Mr. Sessions.

H. Res. 117: Mr. Altmire.

H. Res. 118: Mr. Crowley, Mr. Honda, Mr. Grijalva, and Mr. Waxman.

H. Res. 119: Ms. Roybal-Allard, Mr. Rothman, and Mr. Brady of Pennsylvania.

H. Res. 121: Ms. Zoe Lofgren of California, Mr. Inslee, Mr. Hunter, Mr. Issa, Mr. Grijalva, Mr. Payne, Mr. Tom Davis of Virginia, and Mrs. McMorris Rodgers.

H. Res. 136: Mr. Kanjorski, Ms. Hirono, Mr. McGovern, Mr. McKeon, Mr. Platts, Mr. Stupak, Mrs. Emerson, Mr. Hare, Mr. Towns, Ms. Slaughter, Mr. Bishop of New York, Ms. Lee, Ms. Eddie Bernice Johnson of Texas, Ms. Berkley, Mrs. Boyda of Kansas, Mrs. Tauscher, and Mr. Braley of Iowa.

H. Res. 137: Mr. Rangel.

H. Res. 143: Ms. Zoe Lofgren of California and Ms. Kaptur.

H. Res. 146: Ms. Berkley, Mr. Cohen, and Ms. Loretta Sanchez of California.

H. Res. 149: Mr. Bishop of New York, Mr. Emanuel, Mr. Markey, Mr. Marshall, Mr. Ruppersberger, Mr. Towns, Ms. Ginny Brown-Waite of Florida, Ms. Clarke, Mrs. Tauscher, Mrs. Boyda of Kansas, Ms. Sutton, Ms. Carson, Mr. Pascrell, Ms. Bean, and Ms. Wasserman Schultz.

H. Res. 171: Mr. Gordon, Ms. Jackson-Lee of Texas, Mr. Lantos, Mr. Moran of Virginia, Mr. Etheridge, Mr. Wolf, Mr. Buyer, Mr. Clay, Mr. Carney, Mr. Boustany, and Mr. Johnson of Georgia.

H. Res. 175: Mr. McGovern and Mr. Rothman.

H. Res. 179: Mr. Tom Davis of Virginia and Mr. Waxman.

H. Res. 185: Mr. Honda, Ms. Schakowsky, and Mr. Rothman.

H. Res. 186: Mr. Smith of New Jersey, Mrs. Drake, Mr. Weiner, Mr. Paul, Mr. Higgins, Mr. Farr, Mr. Hastings of Florida, Mr. Filner, and Mr. Rohrabacher.

H. Res. 196: Ms. Jackson-Lee of Texas, Mrs. Tauscher, Mr. Reyes, Ms. Lee, Mr. Grijalva, and Mr. Farr.

H. Res. 197: Mr. Blumenauer, Ms. Lee, Mrs. Tauscher, and Mr. Towns.

H. Res. 208: Mrs. Jo Ann Davis of Virginia.

H. Res. 209: Ms. Castor.

EXTENSIONS OF REMARKS

CONGRATULATING MICHAEL ADY ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION VETERANS SMALL BUSINESS CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Mr. Michael Robert Ady, the president of M80 Office Systems, for being named as the 2007 U.S. Small Business Administration Veteran Small Business Champion for Guam.

Born in Joplin, MO, and educated at Midwestern College in Denison, IA, Mr. Ady studied business administration while serving in the U.S. Army. After his discharge in 1971, he went to work for Phillips and Ober in California and came to Guam in 1970 as the firm's general manager. Between 1984 and 1995, Mr. Ady served as general manager for several Guam companies, including Connell Brothers Guam, Oceana Trading, and Office Concepts. In 1995, he struck out on his own, establishing M80 Office Systems as a one-man operation in a home office with a single client. M80 Office Systems, today is a strong small business with 10 employees that specializes in office design and furniture supply. M80 ably serves both the public and private sectors.

Mr. Ady is a role model for other veteran entrepreneurs, and he takes that role seriously. He is an energetic supporter of veteran events and an always-willing volunteer participant in seminars, conferences and community events aimed at providing veterans with access to support, information, and educational programs to assist them with their lives and careers.

Mr. Ady is an active member of the Guam Chamber of Commerce and readily shares his knowledge and experience as a member of the Chamber's Small Business Development Committee. He was named co-chairman of the Small Business Development Committee in 2005. Mr. Ady was instrumental in aligning the committee's activities toward training and outreach programs to encourage more small business participation in chamber activities. As a result of the opportunities for participant feedback, participation in training programs increased 100 percent and membership in the Small Business Development Committee increased by 14 percent.

His other small business advocacy activities include serving as a business plan mentor at the 2003 Shell Guam Livewire Business Planning Competition for Youth, contributing as an exhibitor at the 2005 Small Business Matchmaking Fair, and presenting a veteran-owned business case study at the 2006 Guam SBDC Veterans Small Business Conference.

Mr. Ady is the recipient of numerous awards and commendations for his efforts to promote and support small business. He was named Panel Concepts' Dealer of the Year in 1997 and enrolled into Maxon Furniture, Inc.'s President's Club I 2006. In 2004, he was named the U.S. Air Force Reserves' Employer of the Year.

An avid surfer in his earlier years, Mr. Ady spends most of his leisure time with his family, working a farm in Yona. He, his wife Jovita, and their children Toby, Robert, and Robin raise mangoes, papayas, bananas, pineapples, betel nuts and local vegetables. We wish them a good harvest always, and we offer our best wishes as Mr. Ady now joins other Veteran Small Business Champions to be considered for the Small Business Administration's National Small Business Champion award.

TRIBUTE TO MRS. MARCELLA STEFANAC ANDERSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I congratulate Mrs. Marcella Stefanac Anderson on a momentous milestone, her 85th birthday, which took place on March 4, 2007. Marcella will be celebrating this milestone with family and friends on Saturday, March 10, 2007. Throughout the years, Marcella's presence in northwest Indiana has allowed her the opportunity to touch the lives of countless people.

Marcella Stefanac was born on March 4, 1912, in Powhatan Point, Ohio. She was an only child, born to Ivan and Albina Stefanac. An accomplished student, Marcella completed her bachelor of science degree at Washington University in Saint Louis, Missouri, and her master of science and doctorate degrees in education from Temple University in Pennsylvania. From there, she decided to go into the teaching profession. As a professor at Valparaiso University in Indiana for 22 years, Marcella was able to enhance the lives of many young people throughout the community. For her dedication to the students of Northwest Indiana, she is worthy of the highest admiration.

Equally as impressive, Marcella has always been seen as the foundation of her family. She and her husband, Jim Anderson, live in Hobart with their cat, Mickey. Jim and Marcella have one son, Bryn, who currently resides in Orange County, California. Marcella's family, as well as those whose lives she has touched, respect her for devoting unselfish love, time, commitment, guidance, and spirit to her family, her students, and her friends.

In addition to being greatly loved and admired by her family, her students, and her community, Marcella is also well known for her affiliations to several organizations, including the Alfred Adler Institute, where she provides private counseling services for those in need. From the ages of 66 to 83, Marcella also taught aerobics to senior citizens at the Pruzin Senior Center in Merrillville, Indiana. Marcella has always been known as a generous woman who is willing to help the people in her community. For her selflessness, she is to be commended.

Madam Speaker, Marcella Stefanac Anderson has always given her time and efforts selflessly to the community of northwest Indiana throughout her illustrious life. She has taught every member of her family and extended family the true meaning of service to others. I respectfully ask that you and my other distinguished colleagues join me in wishing Marcella a very happy 85th birthday.

IN RECOGNITION OF MATT POWLESS

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize Matt Powless for winning the 171-pound individual Indiana high school State wrestling championship. This title capped an incredible 51–0 season for the Evansville Memorial High School senior.

After finishing sixth in the State tournament last year, Powless returned to capture the first State wrestling title in Memorial history. Along the way he set school records for pins in a season and career. His long list of wrestling accolades includes sectional, regional, semistate, and conference titles.

In addition to his success on the mat, Powless also excels in the classroom. He ranks 13th in his high school class, with an exemplary 5.9 grade point average on a 6.0 scale. He has been named to six Academic All City Teams for wrestling and football. His continued academic success while devoting significant time to athletics is a testament to his intellect and dedication to excellence.

I congratulate Matt Powless for his remarkable wrestling season. He is the definition of a student-athlete and an excellent example for young people in my district. Great job, Matt.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING LUCY MONTINOLA ALCORN ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION SMALL BUSINESS PERSON OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize, congratulate and honor Ms. Lucy Montinola Alcorn on her selection as the U.S. Small Business Administration's 2007 Small Business Person of the Year for Guam. Lucy's dedication and commitment have made her company, Global Food Services, LLC, a growing and continuing success. Lucy is a fitting recipient of this honor.

Lucy, the fifth child born to Luis J. and Helen C. Montinola, is of Filipino and Chamorro descent. After finishing her education in the Philippines in 1979, she returned to Guam and worked in various sectors of the service industry, including customer support, sales, real estate and insurance. She never hesitated to help her husband, David Alcorn, in the management and operations of local food service providers.

In July 2003, Lucy fulfilled a dream by starting her own business, Global Food Services, LLC. With the support of the Guam office of the Small Business Administration, Global Food Services Group earned its certification as a Minority/Woman owned 8(a) and HUBZone Certified Small Disadvantaged Business. With the increase in military activities on Guam provided Lucy an opportunity to expand the operations of Global Food Services by competing successfully for contracts let by the Department of Defense.

Since its inception, the Global Food Services Group has maintained the distinction of being the first Guam-based, locally owned company to provide both direct and indirect support (quality of life) services to the U.S. Navy Bases on Guam. Presently, Global Food Services' focus has been on the management and operations of the Navy Family and Bachelor Housing Program; Morale, Welfare and Recreation programs; and providing food services, including the Department of Defense Education Activity (DoDEA) School Lunch Program.

Today, as part of her ongoing vision to expand her company, Lucy is leading Global Food Services in the pursuit of additional military and commercial projects on Guam with an ultimate goal of expanding its operations to the mainland U.S. and abroad. With a continued focus on long term sustainability of the company, she is dedicated to employee training and certification and exploration of new opportunities for her organization and individual employees.

Lucy has received the praise and admiration of Guam's entire business community. She is recognized not only for her tireless business drive, but also for her civic activities, which include her membership in the Guam Memorial Hospital Volunteers Association, the American Red Cross and the Parents Advisory Board for Father Duenas Memorial High School. Recognized by her colleagues in the Guam Chamber of Commerce for her business acumen and enthusiasm, Lucy was nominated for the Chamber's prestigious "Executive of the Year for 2004" and was elected to the Chamber's Board of Directors for 2007 to 2009. Though she dedicates much energy and time to the Global Food Services Group and to numerous civic activities, Lucy is ever mindful that she came from a closely knit family. Imbued with these family values, Lucy is devoted to her husband David and always a dedicated mother to her children, Dereck, Cassy and Nick.

Her dedication to the Guam community, her leadership in the business world, her contributions to the quality of life for members of the armed services, and her ability to balance her career with the responsibilities of raising her three children, make her recognition as the Small Business Person of the Year very fitting.

TRIBUTE TO STATE SENATOR ANITA BOWSER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. VISCLOSKY. Madam Speaker, it is with deep sadness and the utmost respect that I take this time to remember a dear friend and one of Indiana's most distinguished citizens, State Senator Anita Bowser of Michigan City. On Sunday, March 4, 2007, Anita, a member of the Indiana General Assembly for the past 27 years, passed away at the age of 86 after a courageous battle with breast cancer. Known for her commitment to preserving the rights of all citizens, Anita will surely be missed by her family, friends, and the people she so loyally served.

Though well-known for her career as a public servant, Anita's life of service to her fellow citizens goes far beyond her impressive career as an elected official. A revered scholar, Anita received her bachelor's degree from Kent State University and a law degree from the McKinley School of Law, as well as a master's degree from Purdue University and a master's degree and doctorate degree from the University of Notre Dame. It should come as no surprise, then, that Anita chose to use her vast knowledge to give back to her community by becoming an educator. Anita, who taught political science classes at Purdue University North Central for many years, touched and enriched the lives of her students, many of whom went on to very successful careers in an array of fields. As an instructor, she taught her students with the same passion, commitment, and energy that she demonstrated as a member of the Indiana General Assembly. Her passion for teaching and for challenging her students will forever be remembered, and her unwavering commitment to the betterment of society will forever live in the hearts and minds of those she mentored.

First elected to the Indiana General Assembly as a member of the Indiana House of Representatives in 1980, it was apparent upon her arrival that a true champion of civil rights had come to Indianapolis. Following a remarkable career as a State Representative, Anita was elected to the State Senate in 1992. As a member of both the House and Senate, Anita served on many committees, and prior to her passing, she was the ranking member on the Senate's Pension and Labor Committee, where she fought tirelessly for workers' rights. Additionally, though she received many awards and accolades for her efforts in promoting and preserving civil rights, Anita has the distinct honor of being the first woman to act as House Speaker in the history of the State of Indiana.

Throughout her illustrious career, aside from being known as an eloquent speaker, Anita was often referred to as the "Conscience of the General Assembly," Undoubtedly, this moniker stemmed from her desire to better society through supporting legislation aimed at what is just and what is right. This desire for equality and inclusion was demonstrated time and time again, even in her final speech from the podium, when she reminded her colleagues that the State constitution was intended to preserve rights, not to take them away.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring State Senator Anita Bowser for her outstanding devotion to her community and the State of Indiana. Her unselfish and lifelong dedication to her family, friends, students, and those she so faithfully served in her elected positions is worthy of the highest commendation. Anita's selflessness and her commitment to preserving the rights of all people are an inspiration to us all, and I am proud to have called her my friend.

IN RECOGNITION OF TERRI POCZERWINSKI

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the outstanding achievements of Terri Poczerwinski from Evansville, Indiana. Tomorrow, Mrs. Poczerwinski will be one of four graduates to receive the Career College Association's Graduate Recognition for Excellence, Achievement and Talent (GREAT) Award. To be selected among the 1.8 million students in career colleges across the country is truly a remarkable feat.

Mrs. Poczerwinski's story is one of triumph over tragedy. She enrolled in the medical assisting program at Indiana Business College (IBC) in April 2005. She excelled in her classes even while recovering from surgery the beginning of fall term. Then in November 2005, tragedy struck when Terri lost her daughter Melinda in the tornadoes that ravaged southwest Indiana. Despite struggling with her personal grief, Mrs. Poczerwinski continued her hard work and success in the classroom.

Then two days before Thanksgiving and again before Christmas, her son-in-law was injured by an improvised exploding device while serving in Iraq. But Mrs. Poczerwinski pressed forward, graduating from IBC last December with a 3.57 grade point average. She now works at Hebron Pediatrics.

I congratulate Mrs. Poczerwinski for her tremendous accomplishments in the face of adversity. She is an inspiration to us all.

CONGRATULATING LOURDES LEON GUERRERO ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION WOMEN IN BUSINESS CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to acknowledge and congratulate Ms. Lourdes Leon Guerrero on being selected as Guam's Small Business Administration's Women in Business Champion for 2007. The daughter of Jesus and Eugenia Leon Guerrero, founders of the Bank of Guam, Lou succeeds her father and brother Tony as the Bank of Guam's president and chairwoman of its Board of Directors. Lou's success began many years ago in the halls of the Academy of Our Lady of Guam, where she attended high school, and onto the campuses of the California State University in Los Angeles, where she earned her bachelor of science in nursing degree, and UCLA, where she earned a masters degree in public health.

After college, Lou returned to Guam to serve as a nurse. After serving for many years as a nursing administrator in one of Guam's largest family clinics, Lou began her public service in Guam's legislature, where she served as a senator for five terms. As a member of Guam's legislative body, Lou pursued policies which have improved healthcare services on Guam. She worked with the Commission on Nurse Leaders and the Civil Service Commission to secure fair and equitable pay for Guam's nurses. A strong advocate for a tobacco-free environment, Lou introduced and supported landmark legislation, including the Natasha Act, which prohibits smoking in public places on Guam. She has initiated the development of programs in order to ensure that women, children, the elderly and the disabled are provided accessible and affordable healthcare.

As a healthcare professional, Lou has fought for the viability of health insurance programs for the medically indigent and disabled. She has supported legislation which encourages the disabled to become self-sufficient entrepreneurs, and she has fostered policies which ensure that dignity and respect are always afforded to the community's senior citizens.

Lou continues to champion for the rights of the indigenous population on Guam, and to support Federal legislation which will recognize the loyalty and patriotism of the people of Guam during World War II and provide reparation for the horrific injustices endured by the Chamorro people during the occupation of Guam by Imperial Japanese forces.

Today, as chairperson of the board and chief executive officer of the Bank of Guam, Lou is active and involved with the Bank of Guam's daily operations, meeting regularly with the bank's policymakers and coordinating with the top management staff. Through her work, Lou continues the legacy of fairness, honesty, and trust that her father and brother began before her. By continuing this legacy, Lou has proven her dedication to serving the people of Guam and ensuring that the Bank of Guam continues to be an institution that can meet the unique needs of the local community.

TRIBUTE TO THE PORTAGE YOUTH COMMISSION'S FIRST ANNUAL YOUTH LEADERSHIP SUMMIT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you to recognize the Portage Youth Commission's first annual Youth Leadership Summit. This remarkable event, which will bring together students from over 40 area high schools, will take place on Saturday, March 17, 2007, at Woodland Park in Portage, IN.

The Portage Youth Commission was established in 2002 after local officials recognized the need for greater participation from the youth in the community. They knew the youth had a very influential voice, and that voice needed to be heard. Advised by Mayor Doug Olson and Councilwoman Olga Velasquez, the commission, made up of high school students from the city of Portage, has become a very significant component of the Portage community. Through their efforts, the commission has successfully founded a Youth Service Day and an annual charity art auction, and they have also sponsored various other events focused on the community's youth.

With this year's Youth Leadership Summit, the Portage Youth Commission hopes to set the tone for years to come. During this event, students from all parts of Northwest Indiana will come together to share experiences and learn valuable leadership skills that will benefit them throughout their lifetimes. The goal of the commission is that by learning from each other, as well as teaching each other, these students will realize that they are the leaders of tomorrow, and it is up to them to take responsibility for the progress of their communities and their Nation.

A special guest at this year's event will be Brett Eastburn, a motivational speaker who will address the students on the need for leaders to emerge in their generation. The summit will also consist of various exercises and activities aimed at promoting leadership qualities and a roundtable discussion on the importance of leaders in society.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing the efforts of the Portage Youth Commission and the organizers of their first annual Youth Leadership Summit as they strive to educate the youth of Northwest Indiana on the importance of true leaders in our society. Their inspiring efforts are to be commended.

TRIBUTE TO HONEY KESSLER AMADO AND JUDITH PODOLSKY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. WAXMAN. Madam Speaker, I rise to recognize two remarkable and accomplished women who are being honored as Women of Valor by the West Coast region of the American Committee for Shaare Zedek Medical Center in Jerusalem. Honey Kessler Amado and Judith Podolsky are both being named Women of Valor at a concert by the world-renowned Klezmer musician Giora Feidman on the evening of March 14, 2007, in Beverly Hills, California. I cannot imagine more deserving recipients of this honor.

Honey Kessler Amado has been keenly active in the Jewish community since college, when she served as a religious schoolteacher under her mentor and rabbi, Rabbi Mordechai Soloff. Honey became active in the Los Angeles Jewish community soon after her marriage to Ralph Amado, 30 years ago. She is now a central figure in the Los Angeles Jewish community and is regarded as an expert on issues affecting the community. She first worked in the Soviet Jewry movement, during which time she and Ralph traveled to the Soviet Union to visit Refusenik Jews. Her involvement and passion for the issue led her to become chair of the Commission on Soviet Jewry of the Community Relations Committee of the Jewish Federation Council.

Honey's work in Soviet Jewry led to her involvement in the Jewish National Fund, where she served as a regional and national officer. She also served as co-chair of the Jewish Feminist Center of the American Jewish Committee (AJC). She currently sits on the regional and national boards of the American Jewish Committee and serves as co-chair of AJC's regional International Relations Committee.

Honey also serves on the speakers' bureau and the Synagogue Advisory Council of Jewish World Watch, and on the board of the Los Angeles Jewish Symphony. At her synagogue, Temple Isaiah in West Los Angeles, she sits on the board of trustees and serves as chair of the Jewish World Watch Committee, having chaired and sat on several other committees of the synagogue.

In 2002, Honey was a member of a 9-person delegation from the AJC to go to Germany as a guest of Germany's Konrad Adenauer Foundation to address post-Holocaust relations between Germans and Jews and between Germany and Israel. In September 2005, she was invited to return to Germany as a representative of the AJC on an Adenauer Foundation delegation observing the campaign of the CDU/CSU party in Germany.

This past December, Honey volunteered through Sar-El (Volunteers in Israel) to work for two weeks on an Army base in Israel.

Honey and Ralph have three children: Jessica, Micah and Gabrielle. They have an extended circle of family and friends, which includes Esther, an Ethiopian law student they have been sponsoring through the North American Conference on Ethiopian Jewry, and

Brenna, a young Navajo child in New Mexico Honey mentors through Futures for Children.

Judith Podolsky has both volunteered and offered her professional services to the Jewish community for many years. She has been a tremendous fundraiser for numerous causes and is regarded as the consummate fundraiser for Israel.

Judy has received awards from the Masorti Foundation, the Schecter Institute, the University of Judaism and the Los Angeles Human Rights Commission for her remarkable contributions.

Judy has played an historic role in the Los Angeles Jewish community. She served as the first female President of a Los Angeles area synagogue—Beth Kodesh (now Shomrei Torah). In addition, she has served as the vice president of the Women's League for Conservative Judaism. Judy is a member of the Executives Support for the Associates/IMC Support Groups of the Los Angeles Jewish Home for the Aging. She is also a member of the Los Angeles Human Rights Advisory Commission and a lifetime member of Hadassah.

After 18 distinguished years as one of Jewish National Fund's most successful and beloved staff members, Judy enjoyed a brief retirement. She has recently joined the staff of the American Committee for the Shaare Zedek and is responsible for attracting one of the largest gifts ever received by the Medical Center.

Judy is a beloved, admired and respected mother, sister, aunt. She is a confidant to countless others. Her husband Stanley and her extended family will be with her to receive this prestigious award.

I ask my colleagues to join me in recognizing Honey Kessler Amado and Judith Podolsky for their tireless dedication to the Los Angeles Jewish community and in congratulating them on being named Women of Valor by the West Coast Region of the American Committee for Shaare Zedek Medical Center in Jerusalem.

CONGRATULATING MICHAEL W. NAHOLOWAA ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION FINANCIAL SERVICES CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise to recognize and congratulate Mr. Michael W. Naholowaa, vice president of the Bank of Guam and manager of the Bank's Upper Tumon Loan Center on being named the U.S. Small Business Administration 2007 Financial Services Champion for Guam. Mr. Naholowaa is responsible for all loan activities, including the underwriting and marketing of new and prospective businesses in Tumon/Tamuning, the heart of Guam's commercial district. He is also responsible for loan administration for the bank branches in the Commonwealth of the Northern Mariana Islands, CNMI, and the Micronesian region.

Mr. Naholowaa is known for his concern for his customers and for making an extra effort to advise and assist those would-be entrepreneurs who wish to start a business. Mr. Naholowaa is a true mentor for Guam's youth, and his dedication is evident in his community service. As a former Junior Achievement advisor, he remains actively involved in the Guam Junior Achievement program, helping young people hone their entrepreneurial skills and providing them the tools necessary to succeed in the future.

Mr. Naholowaa earned an associate's degree in Computer Science and a bachelor's degree in Business Administration from the University of Guam in 1975 and 1978, respectively. He continued his education in banking as he rose through the ranks in the Bank of Guam, graduating from the Pacific Coast Banking School of the University of Washington, Seattle, in 1988, and completing numerous Institute of Banking courses and workshops as well as Small Business Administration, RDA, and other government-sponsored courses and workshops.

Mr. Naholowaa is a past chairman of the CNMI Banking Association, a past vice chairman of the Guam Institute of Banking; past president and vice president of the Saipan Chamber of Commerce, and chairman of the Saipan Junior Achievement Program. He also served in various leadership positions for the Commonwealth Development Loan Fund, the Saipan Rotary Club, the CNMI Governor's Council of Economic Advisors, Bank of Guam Employee Club, Guam Lion's Club, and University of Guam Student Organization. Mr. Naholowaa currently is a member of the Guam Chamber of Commerce's Armed Services Committee and the Guam Junior Achievement program, and is vice president of the Alupang Cove Homeowners Association and the San Vitores Court Homeowners Association. He is also the current chairman of UOG's School of Business and Public Administration Advisory Council.

Mr. Naholowaa now joins other Financial Services Champions for consideration as the Small Business Administration's National Champion award. I wish Mike and his wife, Leah Beth, the best and thank them both for their service to the people of Guam.

RECOGNIZING THE 46TH ANNIVERSARY OF THE PEACE CORPS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to pay tribute to the 46th anniversary of the Peace Corps. For more than 4 decades, services donated by Peace Corps volunteers have played an integral role in developing countries, while fostering friendships and improving U.S. relations with their host countries. The Peace Corps' goals ultimately include promoting democratic values, peace and prosperity. More than 187,000 Americans have served worldwide in 139 countries, promoting an ethic of international stewardship and peace.

The Peace Corps was created by President John F. Kennedy on March 1, 1961, as an international volunteer organization dedicated to serving the United States and promoting peace around the world. During that time in history, the United States was deep into the Cold War, and President Kennedy saw the need for an organization to serve as a non-military response to the perceived threat of communism. President Kennedy invoked the spirit of American service in his 1960 inaugural address where he famously encouraged Americans to "ask not what your country can do for you—ask what you can do for your country." The program has since provided volunteers who train workers in the areas of education, the HIV/AIDS pandemic, small business development, agriculture, health care and public works.

While the world has changed dramatically since the 1960s, the challenges to peace and cooperation remain. I wholeheartedly support the current mission of the Peace Corps and its role in promoting cross-cultural relationships with our global neighbors. It is a tremendous educational tool and an opportunity for professional and personal development. Americans take as much away from their experiences as do the people in other nations whose lives they touch. It is my hope that the Peace Corps remains steadfast in its mission to foster peace and knowledge around the world and preserve the vision of President Kennedy.

Madam Speaker, I encourage my colleagues to acknowledge the importance of the Peace Corps organization and the commitment made by these volunteers. The Peace Corps volunteers' selfless dedication to this nation and the international community is an example to us all.

CONGRATULATING MARIQUITA C. LEON GUERRERO ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION HOME-BASED BUSINESS CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Mrs. Maraquita C. Leon Guerrero on being named the U.S. Small Business Administration 2007 Home-Based Business Champion of the Year for Guam. Mrs. Leon Guerrero, affectionately known as "Tita," is the proprietress of Tita's Bakery, a home-based bakery that has produced Chamorro pastries since 1965.

This honor is richly deserved. Tita has made a much-loved local confection very nearly an icon of my home district. Some people call them Chamorro jaw breakers, others call them a cookie, and still others a candy. Guguria is all of those. They are small, hard sugar-coated cookies made with coconut milk.

For more than 40 years now, Tita's Guguria has fulfilled the sweet-tooth cravings of my constituents who didn't want to undertake the laborious process of making guguria themselves. Newcomers to Guam quickly discover Tita's Guguria and have sent them to their families and friends far and wide. Tita's

Guguria also has become a staple in "care packages" from families at home to relatives here in the mainland. In 1998, during his visit to Guam, President Bill Clinton was served some of Tita's Guguria. Upon his return to Washington, DC, the White House placed an order for more.

Mrs. Leon Guerrero's business model—the secret to her success—is a classic one: She found a need and filled it admirably. But Tita did not intend to build a successful small business. Like most home-based entrepreneurs, she simply wanted to augment her family income. Her little bake shop, which started as a 12-by-14-foot room, now covers more than 5,000 square feet. One of Tita's daughters now follows in her mother's footsteps, operating her own home-based bakery business called "Tita, Jr.," which specializes in baked goods from handed-down family recipes.

Mrs. Leon Guerrero is a role model not only for her daughters but for all other would-be home-based entrepreneurs. She has proven that a good idea is a valuable thing, and hard work really does pay off. "You have to be happy, and you must enjoy your work in order to succeed," she is quoted as saying in a magazine feature.

Although she still gets up at 2 in the morning to start work, Tita devotes the weekends to her family. Her husband Ben is her most loyal and loving "employee"; he helps with deliveries. We send Tita, Ben, Genny, Renee, their grandchildren, and the employees of Tita's bakery our best wishes as they join other Home-based Business Champions from around the country for consideration to be the Small Business Administration's National Champion for that category.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. EMANUEL. Madam Speaker, I was absent from the Chamber for rollcall No. 103 on February 27, 2007. Had I been present, I would have voted "yea."

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE AMERICAN HERBAL PRODUCTS ASSOCIATION (AHPA)

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor the American Herbal Products Association (AHPA), an organization that is celebrating its 25th anniversary.

Since AHPA's founding in 1982, the organization has been at the forefront of promoting the responsible commerce of herbs and herbal products and has continually been a leader in the herbal products community. AHPA began by organizing growers, processors, manufacturers and marketers of herbal products and has since grown into a diverse trade association, representing over 250 companies in the herbal products industry and their affiliated businesses.

AHPA has distinguished itself in the dietary supplement world for the quality of its work and advocacy before lawmakers and regulators. AHPA is highly regarded in as a knowledgeable and trusted voice on issues that impact trade in herbal products. Over the years, AHPA has gained a reputation for tackling complex issues in this diverse sector.

One of the many contributions that AHPA is proud of is its publication of the reference, Herbs of Commerce, which established standardized common names for herbal ingredients and is used by the Food and Drug Administration as a reference in the labeling regulations for dietary supplements. AHPA also made significant contributions toward the passage of the Dietary Supplement Health and Education Act of 1994. More recently, AHPA played a seminal role in the effort to establish a Federal serious adverse event reporting mechanism for the dietary supplement industry. AHPA's lead voice on this issue was extremely instrumental in the passage in December 2006 of the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006.

AHPA and its members should be commended for their ongoing commitment to supporting the responsible commerce of herbs and herbal products in the United States. I once again rise to recognize this momentous occasion and to wish AHPA a happy 25th Anniversary.

THE PSORIASIS AND PSORIATIC ARTHRITIS RESEARCH, CURE, AND CARE ACT

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. WU. Madam Speaker, I rise today to support all those in the United States battling psoriasis and psoriatic arthritis and that is why on February 9, 2007 I introduced H.R. 1188, The Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act.

Today as many as seven and a half million Americans are affected by psoriasis—a chronic, inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. What's worse is that along with living with this disease is that many of these patients are still living with the painful stigma that has accompanied psoriasis for some many years.

The Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act seeks to create a fundamental understanding of where we are as a nation in fighting psoriasis and how we can align our resources and focus our efforts in combating the disease. The Act calls on the Secretary of Health and Human Services to convene a summit of researchers, public health professionals, representatives of patient advocacy organizations and policymakers to review current efforts in psoriasis and psoriatic arthritis research, treatment, quality-of-life being conducted by federal agencies whose work involves psoriasis and psoriatic arthritis and psoriasis and psoriatic arthritis related comorbidities.

The Act also commissions the Institute of Medicine to investigate and recommend changes to the current ways psoriasis is treated by the insurance industry and what treatments are available to patients and how effective available care is for patients.

Finally, the Act directs the Center for Disease Control and Prevention to begin to develop a patient registry to collect much-needed, and highly informative longitudinal data on psoriasis and psoriatic arthritis so researchers can begin to understand the long-term impact of these conditions and evaluate the effects of various therapies.

I would I also like to recognize the work of the National Psoriasis Foundation, and their leadership to work with patients and their families, doctors and researchers to work toward a better understanding of the disease and their commitment to improve the quality of life for people living with psoriasis and psoriatic arthritis.

This bill is an important move forward to realizing the promise of the current research in the field, as well as the creation of possibilities for the future.

I urge my colleagues to join me in supporting the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act.

CONGRATULATING PEREZ BROS, INC. ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION JEFFREY BUTLAND FAMILY-OWNED BUSINESS OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to congratulate the Perez Bros, Inc. of Upper Tumon, Guam on being named the U.S. Small Business Administration 2007 Jeffrey Butland Family-Owned Business of the Year for Guam.

Perez Bros, Inc. was founded by the late Frank D. Perez on September 1951. Perez Bros began as a hardware store outside his mother-in-law's home on Guam. It was a conglomerate comprised of a construction company, manufacturer of concrete block products, a hardware store and related services. In 1960, Frank D. Perez incorporated his company and opened a 12,000 square foot store in Hagatna, Guam. Perez Bros, Inc. now manufactures, supplies and transports ready-mix concrete masonry blocks, pre-cast concrete, limestone aggregates, and related concrete accessories. One of only two concrete manufacturers on Guam, Perez Bros, Inc. is the only locally owned concrete producer based on the founder and owner's indigenous background.

In the early 70's Perez Bros, Inc. started expanding, opening an asphalt and crusher plant. The company spent $1 million buying a fleet of dump trucks, mixers and paving equipment. Perez Bros, Inc. won bids for major projects on four island roadways. In 1973 Perez Bros, Inc. was hit hard by the oil crisis and eventually in 1982 Perez Bros, Inc. had to shut down their asphalt plant and hardware store. Guam's economy started an upswing when a tourism boom began in the latter part of the decade. Soon construction cranes putting up high-rise hotels were the dominant feature of the Tumon, Guam skyline. Perez Bros, Inc. was quick to take advantage of the boom. "We own the land that we quarry, we own the crusher that processes the rocks, the dump trucks that bring it here and the mixers that deliver it to our customers. So we really don't have, with the exception of the asphalt plant, we don't have an ongoing battle with bureaucracy," said Tom, son of the late Frank D. Perez, in an interview for a business magazine. Perez Bros, Inc. revenues peaked in 1998 during the tourism boom and continues to peak with the impending military buildup starting in 2008. The military estimates $10 billion will be pumped into Guam in the form of military and related construction projects over the next eight years.

Greg, Tom and John are three of the six sons born to the late Frank D. Perez. The brothers currently own and operate Perez Bros Inc. on Guam. Greg (the third eldest brother) serves as Vice President of Administration, Tom (the fifth eldest brother) is currently the President of Perez Bros, Inc and John (the youngest brother) have spent the last 20 years diversifying their business interests on Guam, creating hundreds of local jobs for Guam's workforce and strengthening Guam economy. Collectively, all three brothers were groomed by their father to pursue various disciplines relevant to continuity and growth of the family business. They continue to follow their father's vision and they hope to instill in their children the work ethic that their father instilled in them. This is important for the survival of the family business. The brothers realize that it is up to them to map out the company's next 50 years.

IN HONOR OF RUDY FARBER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. BLUNT. Madam Speaker, I rise today to recognize Rudy Farber, who recently celebrated his 50th year of service at the Community Bank and Trust in Neosho, Missouri.

At the age of 16, as soon as he could drive, Rudy began working in the bookkeeping department of the Bank of Neosho. Over the course of his career he has watched the bank go from figuring interest by hand to the automated process that it is today. Rudy became president of the bank in 1979, taking over for his father who had served as president since 1942. Rudy's father was dedicated to the community and Rudy has followed in his footsteps by believing that community bankers should be involved in community improvement. In 1987, Rudy introduced an employee stock ownership program for the bank. The employees currently own half of the bank and Rudy plans that in the future the employees will purchase his interest and keep the bank employee owned. Before becoming president, Rudy worked as an assistant cashier, assistant vice-president and served in the United States Navy from 1963–1967. The bank changed its name to the Community Bank and Trust in 1993 and now operates branches throughout Southwest Missouri. Rudy continues to serve as president and chairman of the Community Bank and Trust. Rudy and his wife Dorothy have two children, Aaron and Nori Vial.

I am proud to congratulate Rudy Farber on his 50 years of service as a community leader in Neosho.

HONORING THE CONTRIBUTIONS OF CASIMIR PULASKI

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. LIPINSKI. Madam Speaker, today we salute and honor the life of Casimir Pulaski. Casimir Pulaski was born in Poland and gained extensive military experience there before moving to the United States in 1777. At that time, the U.S. was in the midst of the Revolutionary War, and George Washington's army was in need of experienced commanders. Casimir Pulaski bravely volunteered to serve with the American troops, famously stating, "I came here, where freedom is being defended, to serve it, and to live or die for it." Casimir Pulaski soon distinguished himself in battles at Brandywine and Charleston before being fatally wounded during the Battle of Savannah. However, his military legacy lives on, as he is still known as the "Father of the American Cavalry".

As Illinois celebrates Casimir Pulaski Day today, it is my honor to join in recognizing the life and achievements of that great patriot. In Congress, I am working with many of my colleagues to pass legislation that would make Casimir Pulaski a citizen posthumously. I believe this is a fitting tribute for a man who did so much to win the independence, rights and liberties that Americans enjoy today.

HONORING THE LIFE AND SERVICE OF 2ND LIEUTENANT MARK J. DAILY

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. CAMPBELL of California. Madam Speaker, I rise today to honor the life of 2nd Lieutenant Mark J. Daily—an honorable citizen and hero in our nation's War on Terrorism.

Lieutenant Daily grew up in Irvine, California, and graduated from Woodbridge High School in 2001. He was known among family and friends as having an amazing breadth of knowledge, a strong desire to serve, and a wonderful sense of humor.

In 2005, Lieutenant Daily graduated from the University of California at Los Angeles as a Reserve Officers' Training Corps (ROTC) cadet with a bachelor's degree in political science. His ability and work ethic was further exemplified that year when he was named as both the ROTC outstanding cadet and a Distinguished Military Graduate, the highest honor one can receive in the ROTC.

As a member of the United States Army's 4th Brigade Combat Team, he was stationed in Iraq's northern city of Mosul. Tragically, on January 15, 2007, Lieutenant Daily made the ultimate sacrifice when he was killed conducting operations in the city.

Lieutenant Daily is survived by his wife, Snejana; his parents, John and Linda; his sisters, Christine and Nicole; and his brother, Eric. He valued their love, and they miss him terribly now. On his webpage, Lieutenant Daily listed his interests as "family, peace, and progress." And it is in the value that he placed on these three things that we see the quality of his character.

The night before he left for Iraq, Lieutenant Daily wrote an online weblog to friends and family entitled "Why I Joined." In the post, he articulately stated the importance of fostering a stable democratic government in Iraq, and the harsh consequences of failure. He called upon all Americans to challenge themselves, to not just enjoy the blessings of liberty, but to act upon them.

In the wake of his death, Lieutenant Daily's web log was widely distributed in newspapers and on the internet. These words have served as an inspiration and encouragement to many. It is clear he felt passionately about what he was doing and why he was doing it. What better way to remember his heart for service and commitment to progress than by reflecting on his own words. Mr. Speaker, the following web log entry was posted on his website on October 29, 2006:

WHY I JOINED

This question has been asked of me so many times in so many different contexts that I thought it would be best if I wrote my reasons for joining the Army on my page for all to see. First, the more accurate question is why I volunteered to go to Iraq. After all, I joined the Army a week after we declared war on Saddam's government with the intention of going to Iraq. Now, after years of training and preparation, I am finally here.

Much has changed in the last three years. The criminal Ba'ath regime has been replaced by an insurgency fueled by Iraq's neighbors who hope to partition Iraq for their own ends. This is coupled with the ever present transnational militant Islamist movement which has seized upon Iraq as the greatest way to kill Americans, along with anyone else they happen to be standing near. What was once a paralyzed state of fear is now the staging ground for one of the largest transformations of power and ideology the Middle East has experienced since the collapse of the Ottoman Empire. Thanks to Iran, Syria, and other enlightened local actors, this transformation will be plagued by interregional hatred and genocide. And I am now in the center of this.

Is this why I joined?

Yes. Much has been said about America's intentions in overthrowing Saddam Hussein and seeking to establish a new state based upon political representation and individual rights. Many have framed the paradigm through which they view the conflict around one-word explanations such as "oil" or "terrorism," favoring the one which best serves their political persuasion. I did the same thing, and anyone who knew me before I joined knows that I am quite aware and at times sympathetic to the arguments against the war in Iraq. If you think the only way a person could bring themselves to volunteer for this war is through sheer desperation or blind obedience then consider me the exception (though there are countless like me).

I joined the fight because it occurred to me that many modern day "humanists" who claim to possess a genuine concern for human beings throughout the world are in fact quite content to allow their fellow "global citizens" to suffer under the most hideous state apparatuses and conditions. Their excuses used to be my excuses. When asked why we shouldn't confront the Ba'ath party, the Taliban or the various other tyrannies throughout this world, my answers would allude to vague notions of cultural tolerance (forcing women to wear a veil and stay indoors is such a quaint cultural tradition), the sanctity of national sovereignty (how eager we internationalists are to throw up borders to defend dictatorships!) or even a creeping suspicion of America's intentions. When all else failed, I would retreat to my fragile moral ecosystem that years of living in peace and liberty had provided me. I would write off war because civilian casualties were guaranteed, or temporary alliances with illiberal forces would be made, or tank fuel was toxic for the environment. My fellow "humanists" and I would relish contently in our self righteous declaration of opposition against all military campaigns against dictatorships, congratulating one another for refusing to taint that aforementioned fragile moral ecosystem that many still cradle with all the revolutionary tenacity of the members of Rage against the Machine and Green Day. Others would point to America's historical support of Saddam Hussein, citing it as hypocritical that we would now vilify him as a thug and a tyrant. Upon explaining that we did so to ward off the fiercely Islamist Iran, which was correctly identified as the greater threat at the time, eyes are rolled and hypocrisy is declared. Forgetting that America sided with Stalin to defeat Hitler, who was promptly confronted once the Nazis were destroyed, America's initial engagement with Saddam and other regional actors is identified as the ultimate argument against America's moral crusade.

And maybe it is. Maybe the reality of politics makes all political action inherently crude and immoral. Or maybe it is these adventures in philosophical masturbation that prevent people from ever taking any kind of effective action against men like Saddam Hussein. One thing is for certain, as disagreeable or as confusing as my decision to enter the fray may be, consider what peace vigils against genocide have accomplished lately. Consider that there are 19 year old soldiers from the Midwest who have never touched a college campus or a protest who have done more to uphold the universal legitimacy of representative government and individual rights by placing themselves between Iraqi voting lines and homicidal religious fanatics. Often times it is less about how clean your actions are and more about how pure your intentions are.

So that is why I joined. In the time it took for you to read this explanation, innocent people your age have suffered under the crushing misery of tyranny. Every tool of philosophical advancement and communication that we use to develop our opinions about this war are denied to countless human beings on this planet, many of whom live under the regimes that have, in my opinion, been legitimately targeted for destruction. Some have allowed their resentment of the President to stir silent applause for setbacks in Iraq. Others have ironically decried the war because it has tied up our forces and prevented them from confronting criminal regimes in Sudan, Uganda, and elsewhere.

I simply decided that the time for candid discussions of the oppressed was over, and I joined.

In digesting this posting, please remember that America's commitment to overthrow Saddam Hussein and his sons existed before the current administration and would exist into our future children's lives had we not acted. Please remember that the problems that plague Iraq today were set in motion centuries ago and were up until now held back by the most cruel of cages. Don't forget that human beings have a responsibility to one another and that Americans will always have a responsibility to the oppressed. Don't overlook the obvious reasons to disagree with the war but don't cheapen the moral aspects either. Assisting a formerly oppressed population in converting their torn society into a plural, democratic one is dangerous and difficult business, especially when being attacked and sabotaged from literally every direction. So if you have anything to say to me at the end of this reading, let it at least include "Good Luck."—Lt. Mark J. Daily, United States Army.

CONGRATULATING ST. JUDE MEDICAL CENTER ON ITS 50TH ANNIVERSARY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. ROYCE. Madam Speaker, on behalf of the sisters, physicians and staff of St. Jude Medical Center, I rise to congratulate the hospital on its 50th Anniversary.

In 1957, the Sisters of St. Joseph of Orange opened a new hospital in Fullerton to continue their remarkable ministry of compassion and healing. Since then, St. Jude Medical Center, a nonprofit, faith-based facility, has grown into one of Southern California's most respected and technologically-advanced hospitals. And the same excellence that it strives for within its walls, is apparent in its efforts to touch lives outside its walls.

St. Jude continuously improves the health and quality of life of the people in the communities it serves. One example is the St. Jude Neighborhood Health Center. Located in an underserved area, this new facility offers a full range of outpatient care to uninsured and low-income families.

St. Jude's commitment to improving lives is evident in each of the 14 hospitals within the St. Joseph Health System (SJHS), the Catholic healthcare ministry of the sisters. In Southern California, SJHS is considered the preeminent healthcare network and includes four hospitals, outpatient facilities, hospice and home health care agencies, and physician groups.

INTRODUCTION OF "OPENNESS PROMOTES EFFECTIVENESS IN OUR NATIONAL GOVERNMENT ACT OF 2007"

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. SMITH of Texas. Madam Speaker, today I introduced the "Openness Promotes Effectiveness in our National Government Act of 2007" (the "OPEN Government Act").

This legislation will give the public more information and better insight into the workings of government by strengthening the Freedom of Information Act (FOIA).

The OPEN Government Act also creates a broader definition of "news media" so that additional types of news media can obtain government documents at minimal cost.

The legislation establishes a system that assigns individualized tracking numbers to requests for information so individuals can track their requests.

I want to protect our open system of government and ensure that the Federal government responds to the American people.

Unfortunately, the process for obtaining government information is overly burdensome and federal agencies have become less and less responsive to requests for information.

This deters citizens from obtaining information to which they are entitled.

Taxpayers should have the opportunity to obtain information quickly and easily from the Federal government.

I had hoped to work with the Democrats to draft bipartisan legislation this year and we were able to compromise on several provisions of the bill.

Unfortunately, we could not come to an agreement on all provisions.

The bill I am introducing today includes provisions regarding recovery of attorneys' fees when an individual has been wrongly denied information, penalties for agencies that do not comply within the specified FOIA time limits, and additional agency reporting requirements.

However, the key issue the Democrats insisted on adding to the bill was a statutory presumption of disclosure surrounding FOIA.

It would in essence reverse the FOIA guidelines set out by former Attorney General John Ashcroft.

In 2001, then Attorney General Ashcroft established a policy that information from the government should not be provided if it was likely to threaten national security or invade personal privacy.

My bill would continue this policy and make FOIA requests subject to these national security and personal privacy concerns.

This bill makes it easier for citizens to get an answer to their requests for information. Citizens should have the opportunity to obtain information quickly and easily from the Federal government.

BICENTENNIAL OF THE BRITISH ABOLITION OF THE TRANS-ATLANTIC SLAVE TRADE—ACKNOWLEDGMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the Bicentennial of the British Abolition of the Trans-Atlantic Slave Trade and enter into the record an article from the Africana Heritage newsletter, published by the Schomburg Center for the Research in Black History and Culture entitled "Bicentennial of the American and British Abolition of the Trans-Atlantic Slave Trade. "

On March 25, 1807, the British Parliament passed the Abolition of the Slave Trade Act. This act outlawed slave trading, granted authority to the British Royal Navy to search and seize ships, and also required payment for the freedom of slaves. This act also was a pivotal piece of legislation and eventually contributed to the full abolishment of slavery in Great Britain and in the United States.

This bicentennial offers an opportunity, for people around the world, to remember the historical significance of the slave trade and slavery as a whole. We must never forget the immeasurable human cost of slavery or the aftermath that still lingers today. Considerable progress has been made toward equality and to repair the damage caused by the British institution of slavery, but work still needs to be done in the area of race relations for people of African descent in the U.S. and abroad. The bicentennial provides us an opportunity to remember the history of our past while working toward equality today.

In March of 2007, Great Britain will begin a year long commemoration of the bicentennial in several ways. Approximately $37.5 million has been allocated for projects. Specifically, the government is funding projects that involve education on the history of the transatlantic slave trade in schools and communities. The dedication of funding to educate people about the Trans-Atlantic slave trade is noteworthy. I applaud Great Britain for their efforts and look forward to the planning of similar events in the United States during the coming year.

BICENTENNIAL OF THE AMERICAN AND BRITISH ABOLITION OF THE TRANS-ATLANTIC SLAVE TRADE

Two hundred years ago, on March 3, 1807, President Thomas Jefferson signed into act a bill approved by Congress the day before "to prohibit the importation of slaves into any port or place within the jurisdiction of the United States." A few weeks later, on the 25th, the British House of Lords passed The Slave Trade Abolition Bill. In neither country did new legislation signify the immediate end of the international slave trade. Twenty years earlier, the Constitution of the United States (article I, section 9) had clearly spelled out that it could not be banned before 1808, and it was not until January 1, 1808 that the American and British acts went into effect.

Nevertheless, the deportation of Africans continued: legally to Brazil, and the French and Spanish colonies; and illegally to the United States and the British West Indies. Of the 12.5 million men, women, and children uprooted by the trans-Atlantic slave trade—93 percent towards South America and the Caribbean—3.5 million were transported between 1801 and 1867.

Throughout 2007, the bicentennial of the abolition of the international slave trade will be commemorated in Great Britain—the largest slave trading country with more than 40 percent of the deportations—and Anglophone Caribbean countries with exhibitions, conferences, and other activities. About $37.5 million have been awarded in Great Britain to various projects. The American commemoration will take place in 2008.

MAJOR MANIFESTATIONS OF THE BICENTENNIAL IN GREAT BRITAIN:

Bristol

Between 1698 and 1807, Bristol sent 2,000 slave ships to Africa. To commemorate the city's involvement in the slave trade, The Bristol Industrial Museum will propose an exhibition on the slave trade and its abolition. The British Empire and Commonwealth Museum's exhibition "Breaking the Chains" will open on February 15 and run for two years.

Hull

The Wilberforce House Museum and the Wilberforce Institute will develop and update their slavery and abolition collections. The University of Hull will organize a conference, "Slavery: Unfinished Business," on May 16–18.

Liverpool

The International Slavery Museum will open on August 23 in the city that deported 1.5 million Africans in 5,000 voyages (300 to North America), making it the first slave-trading port in Europe.

London

The Museum of London and The Museum in Docklands will present exhibitions on the role of London in the slave trade. The city—second in Europe after Bristol—sent more than 2,700 slave ships to Africa.

The Victoria and Albert Museum will have two exhibitions starting on February 20, on the impact and legacy of slavery on art.

Manchester

A partnership of 11 organizations will examine the economic, cultural, and social effects of the slave trade on Great Britain beyond the port cities in a wide-ranging project called "Revealing Histories."

Portsmouth

The Royal Naval Museum will show an exhibition on the role of the Royal Navy's Africa Squadron in the repression of the transatlantic slave trade.

Warwick

A conference, "Free at Last? Commemorating the Bicentennial Anniversary of the Abolition of the British Slave Trade," will take place from July 11 to 13.

York

The University of York will present a conference on April 12–14, "Abolitions, 1807–2007: Ending the Slave Trade in the Atlantic World."

Conference in Ghana

From August 8th to the 12th, the Omohundro Institute of Early American History and Culture (Virginia), UNESCO, the Gilder Lehrman Institute of American History (Yale), the W. E. B. Du Bois Institute (Harvard), the Reed Foundation, and the Wilberforce Institute will convene an international conference, "The bloody Writing is for ever torn': Domestic and International Consequences of the First Governmental Efforts to Abolish the Atlantic Slave Trade."

SUPPORT FOR THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. WOLF. Madam Speaker, earlier this year I reintroduced legislation in the House of Representatives aimed at addressing the looming financial crisis facing the Nation, the Securing America's Future Economy (SAFE) Commission Act. The bill would establish a national bipartisan commission that will put everything—entitlement spending as well as all other Federal programs and our Nation's tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the process set in 1988 to close military bases. Mandating congressional action on the panel's recommendations is what differentiates this commission from previous ones.

I submit for the RECORD an op-ed by Dr. Ed Feulner, President of the Heritage Foundation. Dr. Feulner believes that the SAFE Commission provides an opportunity to address this looming crisis. This legislation can provide a path toward a safe and secure economy for generations to come—a renaissance for America.

This legislation will be good for the future of America.

[From the Sun Times, Feb. 28, 2007]

WE NEED A NEW COMMISSION TO TACKLE ENTITLEMENT PROGRAMS

(By Ed Feulner)

In any policy battle, it helps to have allies. So it's good that AARP seems finally ready to help press for reform of entitlements such as Social Security, Medicare and Medicaid.

AARP's shift can be seen in its latest TV ad, "Future Champions." It shows children stressing the need to "find real long-term solutions to some of America's most pressing issues—health care and long-term financial security."

The ad is misleading in some ways. Speaking about entitlements, one boy asks, "Will we keep those promises?" when, of course, this child has made no promises. In fact, the big three entitlement programs are promises made by older generations—to give themselves benefits that younger workers will have to pay for through ever-rising payroll taxes.

But the overall message of the ad is that we need to make some big changes to fix entitlements. That's a refreshing change from two years ago. Back then, when President Bush was urging the creation of individual retirement accounts within Social Security, AARP's ads insisted, "If you had a problem with the kitchen sink, you wouldn't tear down the entire house," hinting that entitlement problems weren't all that bad.

But the organization now seems to understand that the country's on the verge of a fiscal catastrophe.

The Congressional Budget Office predicts that spending on Social Security, Medicare and Medicaid will soar from just over 8 percent of GDP today to almost 19 percent in 2050, when the cute children in today's TV ads will be middle-aged parents. Their bill will be gigantic: $38 trillion to pay for the Social Security and Medicare benefits their parents have promised themselves—but not arranged to pay for. Add in the national debt and other entitlements, and it works out to $440,000 for every household in the United States today—enough to buy each of those families a new home. Or two.

So how can we fix things? Well, as we learned in the debate over Social Security, we can't simply take on one problem at a time. If we try to reform just one of the big programs, some group will always fight for the status quo. We need to fix all three at once.

Also, we need to give lawmakers some cover. To accomplish that, Congress should form a commission such as the one Rep. Frank Wolf (R-Va.) proposed last year. Wolf would label it "SAFE," for "Securing America's Future Economy." It would have 16 voting members, including at least four members of Congress, the director of the Office of Management and Budget and the secretary of the Treasury.

The commission would be bipartisan and have one year to develop plans to:

Fix the imbalance between long-term federal spending promises and projected revenues.

Boost national savings to spur domestic investment and economic growth.

Simplify the budget process to place greater emphasis on long-term fiscal issues.

The first thing the commission would do is leave Washington and discuss reform options with Americans. That should help it avoid the temptation to hatch some scheme behind closed committee-room doors. Plus, the members would surely find, as the Heritage Foundation has with our ongoing Fiscal Wake-Up Tour, a real desire out there to fix entitlement programs.

Once it reports to Congress, lawmakers would be required to hold a simple up-or-down vote on each of its recommendations. This should help break the legislative logjam. Just as base-closing commissions enabled lawmakers to shutter obsolete military bases (even those in their own districts or states), a SAFE Commission would help lawmakers make necessary changes without being accused of "destroying" entitlement programs.

Many of us over 50 realize that our generation, however inadvertently, created the coming entitlement crisis, and we understand it's up to us to solve it. AARP will be a welcome ally—if we can believe their ads. Establishing a SAFE Commission should help us find out.

HONORING READ ACROSS AMERICA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. RAHALL. Madam Speaker, in May 1997, a small reading task force at National Education Association came up with a big idea. "Let's create a day to celebrate reading," the group decided. "We hold pep rallies to get kids excited about football—why don't we do something to get kids excited about reading? We'll call it 'NEA's Read Across America' and we'll celebrate it on Dr. Seuss's birthday." And so was born on March 2, 1998, the largest celebration of reading this country has ever seen.

To commemorate this special day, I recently joined third-graders at Coal City Elementary and read to them some of Dr. Seuss' more famous stories, including The Cat in the Hat, which marks its 50th anniversary this year. As always, it was a joy to spend some time with the students and their instructors, Sandra Snuffer, Donna Thomas and Janet Smith. I was inspired by the students' interest in learning, and encouraged by our educators' dedication to teaching them the importance of literacy.

Of course, as we all know, just as reading should not be confined to our classrooms, neither should our efforts to encourage literacy be confined to one single day of the year. As President Bill Clinton once said, "Literacy is not a luxury, it is a right and a responsibility. If our world is to meet the challenges of the twenty-first century we must harness the energy and creativity of all our citizens."

It's hard to believe, but 20 percent of the people you see during the course of a day cannot read, according to most recent statistics. In the Third District of West Virginia, this average is even higher, at 24 percent. This is a startling statistic that needs to change and we are deeply indebted to the organizations that devote themselves to this important cause—organizations like the Literacy West Virginia, which has councils in all of West Virginia's 55 counties. On February 21, I had the opportunity to meet with the Tri-State Literacy Council and its director Dee George at the Cabell County Library to discuss the great strides the organization is making in adult education.

I am proud of my record of support for literacy programs and initiatives. Time and again I have opposed budget proposals from this Administration that would cut funding to important literacy programs which are intended to assist families break the cycle of poverty and illiteracy. And I will continue to fight policies that undermine the hard work so many are doing to improve reading levels in the Mountain State.

I have also again contacted my colleagues on the Appropriations Committee in Congress urging them to provide $25 million in federal funds to the Reading Is Fundamental Inexpensive Book Distribution Program (RIF), allowing this important literacy initiative to continue operating at its current level. As the Nation's largest children's literacy organization, RIF last year provided more than 16 million new books free of charge to nearly 4.5 million of the Nation's most underserved children in all fifty states.

Literacy is the gateway to educational excellence and a key to success in our society. On Read Aloud Day, let us recommit to helping improve the lives of the men, women, and children in West Virginia and across America who cannot read.

Because with literacy, to borrow from the great Dr. Seuss himself:

You have brains in your head.
You have feet in your shoes
You can steer yourself
any direction you choose.

TRIBUTE TO MS. C. "JEANNE" TIMMONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. FILNER. Madam Speaker, earlier his month the United States Coast Guard and the entire Coast Guard community lost a great friend and colleague with the retirement of Ms. C. "Jeanne" Timmons.

Jeanne began her incredible career with the United States Government in May 1963, when she became a staffer to Congressman Victor Wickersham from her home State of Oklahoma. Over the next 26 years in the U.S. House of Representatives, she worked for Congressman Jack Flynt, Congressman Bob Sikes, Congressman Earl Hutto, and the House Coast Guard Subcommittee.

In July 1989, Jeanne left the House to begin a new career with the United States Coast Guard, where she was able to utilize her expertise and passion to enhance recreational boating programs in our Nation. Her tenure with the Coast Guard has included various positions, all related to recreational boating safety. She has worked as a State Grant Regional Coordinator, the Chief of the State Affairs Branch, a Program Analyst, the Chief of the Program Management Division, and finally the Executive Director of the National Boating Safety Advisory Council.

Throughout her career, Jeanne's invaluable knowledge and experience were a tremendous asset to Congress, the Coast Guard, and to the boating community as a whole. I take this opportunity to commend and thank Jeanne for her years of service in the United States Government and wish her good health and good luck in her future endeavors.

IN RECOGNITION OF THE OCCASION OF THE SCHOMBURG CENTER FOR RESEARCH IN BLACK CULTURE 80TH ANNIVERSARY AFRICANA HERITAGE AWARDS GALA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the Schomburg Center For Research in Black Culture for hosting the 80th Anniversary Africana Heritage Awards Gala, in which 13 living legends were honored and to enter into the record an article from the Africana Heritage newsletter entitled "80th Anniversary Gala Pays Tribute to 13 Living Legends."

On October 6, 2006, the Schomburg Center For Research in Black Culture, which is a community treasure, recognized and honored Black achievement by paying tribute to living legends Maya Angelou, Chinua Achebe, Clarence Avant, Harry Belafonte, Elizabeth Catlett, Aime Cesaire, Ruby Dee, John Hope Franklin, William Greaves, Ernest Kaiser, Don Newcombe, Herman J. Russell, and Percy

Sutton. The legends have made significant contributions to African American history and culture in areas such as law, business, acting, music, filmmaking, poetry, and sports. Each honoree was presented with a Heritage Award statuette. I was honored to present an award to Percy Sutton.

The well organized gala was attended by over 1,000 people. Honorees and guest enjoyed music and poetry performed by the Eli Fountain Percussion Discussion Ensemble, Angelique Kidjo, Kaissa, Kayo, Avery Brooks, and Phylicia Rashad. Dinner was also served. The gala marked a historical moment for the Schomberg Center. The honorary chairs for the gala including myself were President Bill Clinton, Senator HILLARY RODHAM CLINTON, David Dinkins, Catherine C. Marron, and Paul LeClerc.

The Schomburg Center for Research in Black Culture, which is located in Harlem, is a part of the New York Public Library. It was named after black scholar Arturo Alfonso Schomburg in 1940 and in 1972 was designated as a Research Library within the New York Public Library.

It contains an immeasurable wealth of information in the form of manuscripts, rare books, archives, art, photographs, oral history recordings, motion pictures, and videotapes relative to global African and African diasporan experiences.

I have introduced legislation, H. Con. Res. 57, to recognize the Schomburg Center for Research and Black Culture for educating the people of the United States about the African-American migration experience, and for other purposes.

[From the African Heritage Newsletter]

80TH ANNIVERSARY GALA PAYS TRIBUTE TO 13 LIVING LEGENDS

Legends came to life for the nearly one thousand guests gathered at Frederick P. Rose Hall, Home of Jazz at Lincoln Center for the Schomburg Center's 80th Anniversary Africana Heritage Awards Gala, on Friday, October 6, 2006. Chaired by Billye S. Aaron and Sherry B. Bronfman, the Gala Honorary Chairs included President William Jefferson Clinton, Senator Hillary Rodham Clinton, Congressman Charles B. Rangel, The Honorable David N. Dinkins, Chairman of the Board, The New York Public Library Catherine C. Marron, and President and CEO, The New York Public Library Dr. Paul LeClerc.

One of the most memorable evenings in the Center and New York's cultural history, the event honored an extraordinary group of 13 individuals, whose careers and lives have had an immeasurable impact on African-American and American culture. The honorees included author, poet, dancer, actress, and director, Maya Angelou; author and scholar, Chinua Achebe; music executive and producer, Clarence Avant; singer, actor, and activist, Harry Belafonte; sculptress and printmaker, Elizabeth Catlett; author, poet, and playwright, Aimé Césaire; actress, writer, activist, Ruby Dee; historian and author, John Hope Franklin; filmmaker and producer, William Greaves; librarian, bibliographer, and editor, Ernest Kaiser; athlete and community leader, Don Newcombe; entrepreneur and civic leader, Herman J. Russell; and lawyer, activist, political and communications leader, Percy Sutton.

The evening began with a VIP reception at the Mandarin Oriental Hotel for the award recipients and major donors, and continued at the Frederick P. Rose Hall with: a cocktail reception in the Atrium, tribute program in The Rose Theater, and a post-tribute dinner in the Allen Room. At the Mandarin, many of the honorees gathered and mingled with distinguished guests including the Gala Co-Chairs Billye Aaron and Sherry Bronfman; Honorary Chairs Congressman Charles B. Rangel and The Honorable David N. Dinkins; and Vice Chairs Hank Aaron, Joyce Dinkins, Evem Cooper Epps, president of the UPS Foundation and vice president of its Corporate' Relations, Ingrid Saunders Jones, senior vice president of The Coca-Cola Company and chair of the Coca-Cola Foundation, and The Honorable Andrew J. Young; along with New York City Council Speaker Christine Quinn, President and CEO of Major League Baseball Bob DuPuy, actor Danny Glover, and author Walter Mosley. Entertained by Saleem Waters, the group also included poet Sonia Sanchez, author Walter Mosley, NYU Professor Manthia Diawara, Essence Magazine Editorial Director Susan L. Taylor, and New York Assemblyman Keith L.T. Wright.

The tribute program in the Rose Theater began with a prelude of songs spanning 80 years to mirror the center's and the honorees' lifetimes by Eli Fountain Percussion Discussion Ensemble, featuring musicians Lyndon Achee, Alex Blake, Brian Carrot, Miles Dalto, Roland Guerreo, Phoenix Rivera, William Smith, Marc Taylor, and special guest artist Patato Valdez on the congas. Program hosts, actors Avery Brooks and Phylicia Rashad, greeted the audience followed by welcomes and acknowledgements by Howard Dodson and David Ferriero and Co-Chairs Billye Aaron and Sherry Bronfinan. Author and spoken word artist Kayo presented the first performance tribute to the honorees, "I Can Move Mountains." The award presenters gave biographical sketches and read the citation for each honoree before presenting the award statuettes with the assistance of four students from the Schomburg Center/New York Life Junior Scholars Program. The audience paid tribute to each recipient with a standing ovation. The first awards were presented to Ernest Kaiser by Schomburg Chief Howard Dodson; William Greaves by President of the Black Filmmaker Foundation Warrington Hudlin; Ruby Dee by actress Lynn Whitfield; and Harry Belafonte by Sherry Bronfman and Danny Glover. West African singer Angelique Kidjo then performed a special song in honor of the Africana Heritage Award recipients. The second set of awards were presented to Don Newcombe by Hank Aaron and Bob DuPuy; Clarence Avant by Billye Aaron; Herman Russell by Ingrid Saunders Jones; and Percy Sutton by Charles Rangel and David Dinkins. Avery Brooks performed Sterling Brown's poem "Strong Men" followed by Percussion Discussion, which kept the audience excited throughout the evening with their distinct and diverse sound.

The third and final set of honorees to receive statuettes were Elizabeth Catlett by Evern Cooper Epps and David Driskell, Dean of African-American Art Historians; John Hope Franklin by Howard Dodson; Aime Cesaire by Walter Mosley; Maya Angelou by Andrew Young; and Chinua Achebe by Manthia Diawara, Professor of Comparative Literature and Film and Director of Africana Studies and the Institute of African American Affairs at New York University. The final performance tributes were Phylicia Rashad's reading of Maya Angelou's "Phenomenal Woman," and a musical selection by vocalist Kaïssa, from Cameroon.

After the tribute program, the honorees and major donors enjoyed dinner in the Allen Room. Awaiting them was a breathtaking view of New York City from the room's dramatic glass wall facing Broadway and Central Park, allowing guests a remarkable—but rare view of the City's streetscape. Tables with lavender rose centerpieces designed by Sandra Parks on royal blue overlays designed by David Fleming, along with music by Saleem Waters added to the extraordinary ambience. The Gala closed with words of appreciation from Howard Dodson, marking one of the most historical moments in the history of the Schomburg Center.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 6, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine investing in our nation's future through agricultural research.

SR–328A

Energy and Natural Resources

To hold an oversight hearing to examine market constraints on large investments in advanced energy technologies and investigate ways to stimulate additional private-sector investment in the deployment of these technologies.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine strengthening American competitiveness for the 21st Century.

SH–216

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine policy implications of pharmaceutical importation for U.S. consumers.

SR–253

Judiciary

To hold hearings to examine the McCarran-Ferguson Act and Antitrust Immunity.

SD–226

Veterans' Affairs
To hold an oversight hearing to examine the Veterans Administration adjudication process.
SR-418

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine Department of Defense medical programs.
SD-192

Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine fees, interests rates and grace periods relating to credit card practices, focusing on high fees charged for late payments, over-the-limit charges, including how those fees are assessed, how they add to interest costs, and how they contribute to consumer debt, and an industry practice requiring consumer payments to be applied first to balances with the lowest interest rates instead of to balances with the highest interest rates.
SD-342

2 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold an oversight hearing to examine the enforcement of the antitrust laws.
SD-226

Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy.
SD-138

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine national imperatives for Earth Science research.
SR-253

3 p.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Environmental Protection Agency.
SD-406

MARCH 8

9:15 a.m.
Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine cross-border trucking with Mexico.
SD-138

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Admiral Timothy J. Keating, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, Lieutenant General Victor E. Renuart, Jr., USAF, for appointment to be general and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command, and Lieutenant General Robert L. Van Antwerp, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers/Commanding General, United States Army Corps of Engineers.
SH-216

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine the Administration's proposal to reauthorize the Federal Aviation Administration Part II.
SR-253

Foreign Relations
To hold hearings to examine time for a new strategy relating to Afghanistan.
SD-419

Indian Affairs
To hold hearings to examine the Indian Health Care Improvement Act Amendments of 2007.
SR-485

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, Vietam Veterans of America, and Non Commissioned Officers Association.
SD-106

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration and the National Science Foundation.
SD-192

Finance
To hold hearings to examine perspectives on the 2007 trade agenda.
SD-215

Health, Education, Labor, and Pensions
To hold hearings to examine follow-on biologics.
SD-430

Judiciary
Business meeting to consider the nominations of Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, and Vanessa Lynne Bryant, to be United States District Judge for the District of Connecticut, the possibilty of the issuance of certain subpoenas to former U.S. attorneys, S. 236, to require reports to Congress on Federal agency use of data mining, S. 261, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 231, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012, S. 368, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, S. 655, to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American Red Cross in the 21st century, S. 627, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, S. Res. 88, honoring the extraordinary achievements of Massachusetts Governor Deval Patrick, and S. Con. Res. 14, commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.
SD-226

Small Business and Entrepreneurship
To hold hearings to examine small business solutions for combating climate change.
SR-428A

2 p.m.
Foreign Relations
To receive a closed briefing regarding Gulf security.
S-407, Capitol

2:30 p.m.
Appropriations
Homeland Security Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Homeland Security.
SD-192

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

MARCH 9

9 a.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Commodity Futures Trading Commission and the Small Business Administration.
SD-138

MARCH 13

10 a.m.
Judiciary
To hold hearings to examine judicial nominations.
SD-226

MARCH 14

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on education and training.
SR-418

10 a.m.
Judiciary
To hold hearings to examine reinvigorating the Freedom of Information Act relating to open government.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine technology solutions for climate change.
SR-253

MARCH 20

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine energy innovation.
SR–253

MARCH 27

9:30 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SH–216

Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

MARCH 28

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine transitioning to a next generation Human Space Flight System.
SR–253

MARCH 29

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, Ex-POWs, Military Order of the Purple Heart, and Fleet Reserve Association.
SD–106

HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. GIFFORDS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, March 6, 2007.

I hereby appoint the Honorable GABRIELLE GIFFORDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

WE MUST TAKE CARE OF OUR VETERANS

Mr. BLUMENAUER. Madam Speaker, historically, the month of March has been a time when we greet representatives of our Nation's veterans who come to Capitol Hill to advocate on behalf of their fellow veterans. This year, however, it is hard not to feel a sense of shame as we see the veterans spreading out over Capitol Hill again carrying their message. Sadly, as has been shown in our hearings and on the front pages of our papers around the country in countless news accounts, Congress has done a poor job of listening to their needs in the past, and we are seeing more than ever the need to address those concerns directly.

I haven't supported the reckless treatment of our veterans. I have supported our Democratic efforts when we were in the minority, fighting for appropriate funding and equipment. But we can only go so far with an administration that has been focused on its own version of reality and its own priorities very much at variance with our veterans, and that have been enabled for the last 6 years by a Republican leadership with their own sense of priorities.

We have seen and heard from our veterans about the long waits, the red tape. It is not, however, the fault of some faceless bureaucracy as implied by Vice President CHENEY yesterday, because there are countless dedicated men and women who still provide good care for most of our veterans and who want to do better. It is an administration and its policies and the people that they have put in charge that must change. And, of course, it is the war in Iraq, itself.

It is not just a question of money. We have given plenty of money to this administration, more in fact than they have asked for. We are spending more on our military and veterans than the entire rest of the world combined. But because of the mismanagement, we have been giving too much to the wrong people to do the wrong things, dealing with the wrong priorities.

I just left a budget hearing. We are still looking at an administration that wants to lavish billions on missile defense and Cold War era weapons, while having proposals that would cut programs for traumatic brain injury and, according to the Congressional Budget Office, underfund our veterans' needs by some $3.4 billion over the next 5 years.

We are dealing with an administration that has put political operatives in sensitive positions. The head of the Veterans Administration, for example, is a former head of the Republican Party who was surprised about the budget problems, whose administration forgot about the thousands of returning veterans that were going to need more services, who was baffled by the security lapses in the veterans' files on VA computers.

This last week, I hope the tide is turning. I hope that finally the spotlight that has been focused on amplifying the concerns that a number of us have heard and have talked about in the past, will make a case that will not be possible for this administration to ignore any longer.

Mr. Vice President, it's not just the Federal bureaucracy. It's your bureaucracy after 6 years. It's your budgets, your priorities, your leaders who are failing.

I am confident that this Congress will be able to turn the tide so next year, when our veterans' representatives are here on Capitol Hill, we are not going to feel guilty; that we will be able to look our young men and women who are in the service today and the people who are recovering from their service overseas in the eye, knowing that we, this Congress, the administration and the American people have done all we could for them.

FIRST COOLING, NOW WARMING

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Thank you, Madam Speaker.

My colleagues, here is a quote from a Newsweek article: "There are ominous signs that the Earth's weather patterns have begun to change dramatically, and that these changes may portend a drastic decline in food production, with serious political implications for about every nation on Earth. The drop in food output could begin quite soon, perhaps only 10 years from now."

My colleagues, Newsweek published this dire warning in its April 28, 1975 issue, years before global warming began getting the headlines it does today.

Did Newsweek accurately forecast the coming of global warming more than 30 years ago? No. The article entitled "The Cooling World" warned that the Earth's climate seemed to be cooling to the point that populations around the world are in imminent danger because of the coming ice age.

Newsweek was not the only publication to warn about the supposed threat of global cooling during the 1970s. In an article entitled "Another Ice Age?" the June 24, 1974 issue of Time reported: "When meteorologists take an average temperature around the globe, they find that the atmosphere has been growing gradually cooler for the past three decades." And Time's article did not predict a break in this decade-long cooling trend.

The article continued to warn that "telltale signs were everywhere, from the unexpected persistence and thickness of packed ice in the waters around Iceland to the southward migration of warm-loving creatures like the armadillo from the Midwest."

Fortune magazine also gave warning. A February 1974 article entitled "Ominous Changes in the World's Weather" claimed that "there is a fair agreement among researchers that the earth is now heading very slowly into another major ice age, such as the one that brought the glaciers deep into North

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America before it retreated some 10,000 years ago."

This article also pointed to the supposedly unusual weather patterns of the day as indication of much worse weather to come: "Climatologists now blame those recurring droughts and floods on a global cooling trend. It could bring massive tragedies for mankind."

These days, of course, we no longer hear much, if anything, about the possibility of runaway global cooling triggering another ice age. Instead, we hear a lot about the threat of catastrophic global warming. Now, what happened? Well, the temperature trend changed. After dropping for about 35 years, the temperature started to rise in the mid seventies, although the global temperature now is only slightly higher than it was in the 1940s when the cooling trend began.

Over the centuries and millennia, the weather has changed, at times radically. During the 10th century, the Vikings established prosperous colonies in Greenland, having named the island for its lush pastures. By the early 15th century, however, these were wiped out by cold and hunger, and now four-fifths of Greenland lies buried under hundreds of feet of ice cap. No one blamed human activity for this climate shift or the ice age.

But in the seventies, some experts argued that human impact on the environment had grown to the point where their atmospheric pollutants were contributing significantly to global cooling, just as some experts argue that CO_2 and other greenhouse gas emissions are causing global warming today.

Climatologists suggested that dust and other particles released into the atmosphere as a result of farming and the burning of fossil fuels were blocking more and more sunlight from reaching and heating the surface of the Earth. They projected that man's potential to pollute would increase six- to eightfold over the next 50 years. And as Reid Bryson stated in Fortune in February 1974, "It is something that, if it continues, will affect the whole human occupation of the Earth, like a billion people starving."

Another of the concerned scientists was Dr. Stephen Schneider, the co-author of the Science report, who in the seventies was worried about the threat of global cooling. Now at Stanford University, Dr. Schneider not only sees things differently but is considered one of the leading experts now sounding the alarm about global warming. In a recent MSNBC report, Dr. Schneider argued that today's warming trend "has been induced by humans using the atmosphere as a free place to dump our tailpipe waste." However, not everyone sounded the alarm about global cooling in the seventies, just like not everyone is sounding the alarm about global warming today.

Madam Speaker, the fact that so many experts were wrong about global cooling in the seventies does not necessarily mean that they are wrong about global warming today, but it does at least show that experts are sometimes incredibly, incredibly wrong.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. WOOLSEY) at noon.

PRAYER

The Reverend Stan Gruneich, National Chaplain, The American Legion, offered the following prayer:

Holy God, our help in ages past, present and future. In this place of history and memory, we remember with gratitude that You have blessed our Nation with this great land as our heritage for this space in time. Grant that in humility we all may live worthy of that trust.

Bless this legislative body with clear vision, deep insight and courage to seek and do what is right. In Your gracious mercy, Lord, may each strive to see the best in everyone else. It is then that we can discern what is best for all here and in the world around us.

We pray for the men and women of our military services. Sustain them and their families during difficult times. Give Your comfort to the wounded in body or mind. Grant eternal rest to those who died in the line of duty.

Lord, hear our prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from South Dakota (Ms. HERSETH) come forward and lead the House in the Pledge of Allegiance.

Ms. HERSETH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND STAN GRUNEICH

(Ms. HERSETH asked and was given permission to address the House for 1 minute.)

Ms. HERSETH. Madam Speaker, I rise today to recognize Reverend Stan Gruneich, National Chaplain of the American Legion, as guest chaplain of the House of Representatives.

On behalf of the entire House, thank you, Reverend, for your prayer, for serving as guest chaplain, for your military service to this country, and for your service to the American Legion as national chaplain. We are honored to have you here today.

Reverend Gruneich was appointed National Chaplain of the American Legion on August 30, 2006. A U.S. Army Vietnam-era veteran, he received his bachelor of arts degree and his master's in divinity from the University of Sioux Falls in Sioux Falls, South Dakota.

He is a member of the Kelly-Porter Post 70 in Flandreau, South Dakota. During his 22 years in the American Legion, Chaplain Gruneich has held several key positions. In addition to serving as post commander, he brings 15 years of experience as the South Dakota department chaplain to the floor today.

Reverend Gruneich, I look forward to continuing to work with you and your colleagues in the American Legion to ensure our Nation's veterans receive the benefits they have earned and deserve.

Madam Speaker, thank you. And thank you again to the Reverend, as we thank him for sharing his spiritual guidance and wisdom here today in the House of Representatives and for his commitment to serving his fellow veterans.

SCOTT GARDNER ACT

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Today, I reintroduce the Scott Gardner Act. Tragically, Scott Gardner, who was a loving husband and father, was killed by a drunk illegal alien who remained in our country even though he had previous DWI convictions.

And we have had other constituents killed recently. Jasmine Lawrence and Min Chang were both killed in wrecks caused by drunk-driving illegal immigrants in Charlotte, North Carolina, area roads.

Most recently, 20-year-old LeeAnna Newman and her unborn child were killed just outside of my district after her car was struck by an illegal alien who later admitted to getting behind the wheel after drinking tequila. He had a previous conviction also in North Carolina.

This act will give our law enforcement and immigration officials the capacity and resources to deal with illegal aliens driving under the influence in a manner that fits the crime. It would make DWI grounds for mandatory detention and deportation of illegal aliens, and it would aid law enforcement and our immigration laws by requiring the sharing of information among Federal, State and local law enforcement agencies, who would be required to collect this information during the course of their normal duties.

State and local law enforcement agencies would be given the resouces required to detain illegal aliens for DWI and immigration violations until they could be transferred to Federal authorities for deportation.

It is a travesty that our country allows illegal immigrants to remain after being found guilty of DWI.

We cannot prevent every instance of illegal aliens driving under the influence.

However, there is no reason we should not take every measure possible to remove habitual DWI offenders from our roads.

Our constituents expect us to ensure their safety and security.

The Scott Gardner Act will go a long way toward clearing our roads of criminal illegal aliens who represent a grave threat to the safety of our citizens.

THE EMPLOYEE FREE CHOICE ACT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, the new Democratic Congress continues to listen to the concerns of middle-class Americans.

We know that average American families have actually lost ground over the past several years, even after several years of economic growth and high corporate profits. Wages are stagnant, personal debts are at an all-time high, and individual savings are at an all-time low. Higher education and health care costs are skyrocketing.

Last week, the Democratic Congress took a step towards helping middle-class families by passing the Employee Free Choice Act, which helps Americans join together to bargain for better wages, benefits and working conditions.

Once again, our legislation passed with bipartisan support, and once again, it will benefit working families across this country. This is just one more example of how the new Congress is leading this Nation in a new direction, just as the American people asked us to do last November.

SLOW-BLEED IS NO OPTION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, right now, brave Americans are going door to door in some of the most dangerous parts of Iraq. They are working with the Iraqi people to bring stability to Iraq, and they are doing this because it is their duty and because they understand our enemy, what is at stake should we not succeed.

Right now, in households all across this country, there are families praying for the safe return of their loved ones. They understand the dangers. They know what is at stake. Unfortunately, in Washington, it would seem that too many politicians do not realize what is at stake, what the consequences are of failure. Instead, some propose we tell these soldiers and their families that Congress believes that the only choice is to close the door. They say retreat is our only option. Their desire is to adopt a policy of slow bleed, methodically squeezing off the necessary funding.

We all know our enemy is committed. We also know that this slow-bleed tactic, supported by some here in Washington, is a weakly disguised measure to turn our backs on our soldiers. That is something, Madam Speaker, that I cannot support.

SCOTT GARDNER ACT

(Mr. McINTYRE asked and was given permission to address the House for 1 minute.)

Mr. McINTYRE. Madam Speaker, I am pleased to be speaking today about an extremely important piece of legislation that my good friend, Representative SUE MYRICK, and I are introducing. The Scott Gardner Act strengthens our national immigration laws and preserves our public safety.

On July 16, 2005, 33-year-old husband and father, Scott Gardner, was killed by a drunk driver while his family was driving to the beach located in my congressional district. His wife was critically injured and his two children were robbed of their father for the rest of their lives. The drunk driver was a repeat offender and an illegal immigrant, an individual who should never have been in this country in the first place.

This tragedy was completely preventable, but our broken borders allowed an illegal immigrant with four prior drunk driving charges to remain in the United States. This situation must change so that we never lose another life to a criminal who doesn't deserve rightfully to be in our country.

This act, the Scott Gardner Act, would ensure that DWI is grounds for mandatory detention and deportation of illegal aliens. It would improve communications between Federal, State and local agencies. And it would allow those agencies and law enforcement to collect immigration information in the course of their normal duties.

FAMILY FARM PRESERVATION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, America has some of the most beautiful farmland in the world. But rapidly expanding urban sprawl is threatening this cherished natural resource every day. In fact, since 1960, approximately 1.5 million acres of American farmland have been converted to nonagricultural uses each year.

This week, I will introduce legislation aimed at slowing this trend that threatens family farms and our cherished open spaces. The Family Farm Preservation Act would encourage farmers to continue farming their land by exempting them from capital gains taxes when they sell their land development rights to qualified groups committed to conservation. Without protection from this significant tax burden, too many farmers are being forced to sell their land to developers, and that means fewer family farms and ever-shrinking open spaces.

By giving farmers an incentive to continue farming their land, this bill helps preserve the cherished way of life while protecting beautiful American landscapes at the same time. I hope all my colleagues will support the Family Farm Preservation Act.

PRESIDENT'S HOMELAND SECURITY BUDGET

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Madam Speaker, in his second State of the Union Address, President Bush stood in this very Chamber and told the Nation that the government would take unprecedented measures to protect our people and defend our homeland. As I stand here, almost 5 years after the creation of the Department of Homeland Security, the President has delivered a budget that will not keep that promise.

The President's proposed budget once again provides inadequate appropriations for Homeland Security. President Bush proposes slashing grants to our first responders. This will include massive cuts to both our firefighter grants and our State homeland security grants. It includes cuts to law enforcement and cuts to the Justice Department, and all of this while trying to fund tax cuts for the wealthiest among us.

Madam Speaker, this Democratic Congress remains focused on protecting this Nation from the real threat of global terrorism. Democrats are fighting for America's future. We will secure not only our homeland but our families, our jobs and our children's future.

HONDURAS MISSION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to recall the memory of three selfless and courageous Georgians, who tragically were killed in an accident last month while performing missionary work in rural Honduras.

Perry Goad and Ric Mason of Cartersville and Martha Fuller of Newnan were doing God's work on a church mission in the tiny village of Mal Pais. Together with a group of volunteers from several Georgia churches, they were working to set up running water, connect electricity, pave roads and improve life for the families living in Agalta Valley. It was during this effort that the group's truck rolled over on an undeveloped stretch of road, killing Perry, Ric and Martha.

Madam Speaker, these are three outstanding citizens who eagerly dedicated their time, their effort, their love and spirit to helping those in need. They were not content to simply sit in church and learn about the problems facing our world. They made an effort to go out and to fix these problems. And indeed, our community has truly lost three guiding lights.

Madam Speaker, I ask you to join me in remembering the righteous lives of Perry Goad, Ric Mason and Martha Fuller and in offering prayers of healing to the other volunteers who were injured in the accident.

FALSE LINK BETWEEN AL QAEDA-IRAQ

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. It is not surprising to learn that during the Scooter Libby trial, Vice President CHENEY's former communications aide, Catherine Martin, said that delivering a message on Meet the Press was a tactic we often use. By the way, within the last 10 minutes, Mr. Libby has been found guilty on four of five counts.

The truth shall lead America. The truth is that the 9/11 Commission found no credible evidence of a link between Iraq and Al Qaeda and the attacks upon the United States. The epicenter of our war against terror is not Iraq but on the border of Pakistan and on the border of Afghanistan.

The American people deserve the truth instead of deceptive tactics. And if this administration won't give the people the truth about this war, then this Congress will.

He stated, Mr. CHENEY, five separate occasions that Saddam Hussein was joined at the hip with bin Laden. He told the American people five times a lie and repeated it year after year on the same TV station. The epicenter of our war on terror is on the border of Afghanistan and Pakistan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members must refrain from engaging in pesonalities toward the Vice President.

WE MUST TAKE CARE OF OUR VETERANS

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, all of us in this Chamber agree, our recovering veterans deserve hospitals that are clean, secure and sanitary when they return home from the battlefield defending our great Nation in the name of liberty.

The recent findings at Walter Reed Army Medical Center are a grave breach of trust to those who shed blood on the battlefield fighting for our freedoms. This Congress must work with the administration to implement a comprehensive evaluation of conditions at Walter Reed and hold those in charge accountable for these deplorable conditions.

The bipartisan commission created by the President to determine whether similar problems exist at other military and VA hospitals is also a necessary and appropriate course of action. Going forward, we must ensure world-class standards and patient-centered efficiency for our veterans. Better oversight is clearly necessary to ensure military facilities exemplify our soldiers' honor and courage.

As hearings on the conditions at Walter Reed are held this week, this Congress must reaffirm its commitment to our wounded soldiers and veterans to ensure they are provided first class medical care.

WALTER REED SCANDAL

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, the long-festering situation at Walter Reed's Building 18 is nothing short of a national scandal. I am pleased that the new 110th Congress is taking critical steps this week to investigate problems at the facility, and hold accountable leaders that allowed these conditions to deteriorate to this disgraceful state.

Last week, I met with veterans from my district to express deep concern about the lack of adequate transportation for veterans, the increasing length of time it takes for veterans to receive benefits or access health care and the stagnant funding of the VA system over the last 6 years. And they describe a system unable to cope with increasing patients at a time of war.

The challenges faced by these Connecticut veterans are emblematic of a military and VA health system swamped by the influx of wounded from the wars in Iraq and Afghanistan, and shortfalls of funding to adequately care for them caused by the misplaced priorities of the last Congress.

In the first days of this new Congress, we took an important step to address this problem by providing an additional $3.6 billion for veterans health care, yet as my constituents related, there remain critical issues that need to be addressed as we move forward. The men and women who serve this country deserve nothing less than a health care system worthy of their service and sacrifice.

□ 1215

CALLING FOR RESOURCES, ATTENTION, AND ACCOUNTABILITY FROM GOVERNMENT

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Madam Speaker, you cannot run America on the cheap.

In the wake of Katrina, we learned that years of requests for investment in infrastructure and basic human needs had been ignored. After sending our troops into Iraq, we learned that they lacked basic protective equipment because this administration was looking to save pennies even as it was wasting billions of dollars on private contracts run amok.

Now the scandal at Walter Reed Hospital is revealing that behind the curtain even our neediest veterans are not being spared the double whammy of inadequate resources and lax accountability.

All Americans should be outraged at this and demand accountability. But we should also be outraged at the cynical agenda this administration has brought to all government functions. Resources are cut, making it impossible for the affected workforce to deliver high-quality services. At the same time, critical functions are contracted out to the private sector without adequate oversight. Then the administration turns around and says, see, government doesn't work.

Madam Speaker, it's time we reversed course and put adequate resources, attention, and accountability towards the needs of all our citizens but most especially our veterans.

PENTAGON SHOULD HAVE TAKEN ACTION EARLIER THAN THE RELEASE OF THE POST INVESTIGATION

(Mr. SPACE asked and was given permission to address the House for 1 minute.)

Mr. SPACE. Madam Speaker, both high-ranking Pentagon officials and the White House have said that they were shocked to learn of the shoddy treatment wounded soldiers were receiving at Walter Reed. They say the first time they heard about this treatment was from The Washington Post investigation last month.

Madam Speaker, there is simply no way that the Bush administration did not know that this was a problem before the Post report. Several GAO reports have been conducted at the urging of Congress, and the findings of those reports back up exactly what we are now seeing at Walter Reed.

The Washington Post was also not the first media outlet to highlight this problem. Salon magazine reported on the mistreatment of soldiers at Walter Reed 2 years ago.

And yet the Bush administration continues to claim that it knew nothing about this until the Washington Post investigation last month. The administration is either completely out of touch or it simply does not believe taking care of our wounded military personnel is a top priority. Either way, it should be a top concern for this Congress and the American people.

BUSH ADMINISTRATION SHOULD NOT BE NICKEL-AND-DIMING AMERICA'S INJURED SOLDIERS

(Mr. SIRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIRES. Madam Speaker, The Washington Post headlines said it best: "Rotten Homecoming—This is no way to treat a veteran."

A 4-month Washington Post investigation found frustrating delays some of our returning soldiers are facing in receiving the compensation they are owed for the service to this Nation. One soldier was sent to Walter Reed after being smashed in the head by a steel cargo door of an 18-wheeler near the Iraqi border. Now the Pentagon is saying that the soldier's mental impairment comes from his being slow in high school, not from the dramatic head injury he suffered in combat.

Madam Speaker, this Congress has already begun investigating the outrageous problems our soldiers are facing at Walter Reed. President Bush cannot send them off to battle without properly caring for them when they return home.

CONGRESS MUST STOP FUNDING THE WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, it appears that Congress, in the name of supporting the troops, will soon give President Bush the money he needs to continue the war in Iraq even though we don't take care of the troops when they come home.

If Congress funds the war, what will happen next? More troop casualties; more innocent civilians die; more destruction to Iraq; more destruction to our budget here at home; cuts in health care and education and job creation and housing and, yes, in veterans care.

Unless Congress cuts off funds and brings our troops home, we will be in Iraq for years to come. And for what?

I have introduced H.R. 1234, a bill to bring our troops home and stabilize Iraq.

Congress must take the first step and stop funding the war. Support the troops. Bring them home. Support H.R. 1234

BUSH ADMINISTRATION NOT PROPERLY PLANNING TO CARE FOR WOUNDED MILITARY PERSONNEL

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Madam Speaker, the treatment some of our wounded military personnel are receiving at Walter Reed Army Hospital and other facilities around the Nation is outrageous and should be fixed immediately.

The conditions and the neglect that many of these wounded soldiers are facing is just another example of this administration's failure to plan for the war in Iraq. It was bad enough that the administration went into this war without properly planning for the aftermath of the fall of Baghdad. It is inexcusable that the same administration does not have an acceptable plan to care for wounded soldiers who return from combat in Iraq.

We have all heard the stories about soldiers being moved into Building 18 with mold, mice, and cockroaches because Walter Reed had simply run out of space.

Time after time this administration has cut the Veterans Administration budget during a time of war. And now the President wants to send an additional 21,000 troops into Iraq. How can we think of sending more troops into Iraq when we don't have enough space here in our military hospitals to provide the wounded with the care they rightfully deserve?

We promise our veterans the quality care they need and deserve when they sign up to serve our country. It is time we make good on that promise.

WALTER REED HOSPITAL

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Madam Speaker, at yesterday's hearing on Walter Reed, I asked the brass whether putting Walter Reed on the BRAC closure list had affected the hospital's staffing and stability. All responded that it had. Army Vice Chief of Staff Cody said, "We're trying to get the best people. Who would want to sign up to work at a hospital that might be closing?"

You don't close your premium military hospital in the middle of a shooting war and the war on terrorism. I can't imagine that Congress would spend $3 billion on bricks and mortar that could go to wounded soldiers and to veterans. Yet as long as BRAC mandates closure, vital staff who value their careers get the closure signal.

This week I intend to file a bill to keep Walter Reed open. Too much harm has been done already. Let's not compound Walter Reed's problems by keeping a costly closure threat on the books.

SCHIP

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to speak about the immediate crisis in Georgia's PeachCare program.

Georgia's SCHIP program is expected to have $131 million in shortfall this fiscal year. This shortfall has forced the Georgia Department of Community Health to announce that by March 11, in only 5 days, it will no longer accept new enrollees. This means that by next week nearly 300,000 children in Georgia will remain uninsured and unable to participate in this hugely successful program.

The leadership in the Georgia General Assembly seems to think that eliminating some children from the program will help resolve the PeachCare crisis. The Governor has so far not stated publicly that he will use available State money to sustain PeachCare during this shortfall crisis. And Congress, for its part, has been unable to act quickly enough to appropriate the funds that Georgia and the other 13 shortfall States need.

The Georgia General Assembly, the Governor, and the Congress must act immediately to save the PeachCare program. Georgia must continue to provide health care to children who are currently enrolled in the PeachCare program and to all of those children who are eligible for the program.

Long live the Dixie Chicks.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 2007.
Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 2, 2007, at 12:30 pm:

That the Senate passed S. 743.

That the Senate agreed to without amendment H. Con. Res. 47.

That the Senate agreed to S. Con Res. 16.

Appointments:

British-American Interparliamentary Group

North Atlantic Treaty Organization Parliamentary Assembly

Canada-United States Interparliamentary Group

Mexico-United States Interparliamentary Group

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HONORING THE LIFE AND ACHIEVEMENTS OF THE LATE DR. JOHN GARANG DE MABIOR

Mr. PAYNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 98) honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan, as amended.

The Clerk read as follows:

H. RES. 98

Whereas Dr. John Garang de Mabior, founder and leader of the Sudan People's Liberation Movement/Army (SPLM/A), was born on June 23, 1945, in Bor, Sudan;

Whereas Dr. Garang joined the Anya-Nya Movement in 1970, a liberation movement in Southern Sudan, and after the 1972 Addis Ababa Peace Agreement, he became a member of the Sudanese Armed Forces;

Whereas as Deputy Director of the Military Research Branch of the Sudanese Armed Forces, Dr. Garang demonstrated his leadership abilities in the early stages of his military career;

Whereas Dr. Garang studied economics at Grinnell College and received his master of arts and doctorate degrees from Iowa State University;

Whereas Dr. Garang skillfully managed to consolidate his base after the devastating split in the SPLM/A in 1991;

Whereas as the undisputed leader of the SPLM/A, Dr. Garang demonstrated remarkable political and military leadership for over two decades;

Whereas Dr. Garang was a soldier, a scholar, a statesman, and a father, who had a clear vision and unwavering love for his people and country;

Whereas Dr. Garang fought for 22 years to achieve a just peace for his people, but only served 21 days as First Vice President of Sudan;

Whereas Dr. Garang fought not only for the people in Southern Sudan, but also for the forgotten and long marginalized people of the Nuba Mountains, Southern Blue Nile, Darfur, and other regions of the country;

Whereas Dr. Garang worked tirelessly to help build international support for a new Sudan that would be multi-ethnic, multi-religious, democratic, and united;

Whereas the new Sudan envisioned by Dr. Garang, if fully realized, would be a country in which all Sudanese would live in peace without discrimination and hatred, with equality, pride, and dignity;

Whereas Dr. Garang creatively and painstakingly managed the often conflicting aspirations of his people for an independent Southern Sudan and his vision for a new Sudan;

Whereas the Comprehensive Peace Agreement, which was signed by the Government of Sudan and the SPLM/A on January 9, 2005, provides Southern Sudan the right to self determination through a referendum after six years and also offers the northern establishment in Sudan the opportunity to make unity attractive during the interim period;

Whereas on July 8, 2005, millions of people throughout Sudan came to show their support in Khartoum when Dr. Garang was sworn in as First Vice President of Sudan; and

Whereas on July 30, 2005, Dr. John Garang died in a helicopter crash returning to Southern Sudan from Uganda: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and achievements of Dr. John Garang de Mabior;

(2) reaffirms its commitment to a just and lasting peace in the Republic of the Sudan;

(3) calls for full implementation of the Comprehensive Peace Agreement without any delay;

(4) strongly urges the people of Southern Sudan and its leaders to continue to support Dr. Garang's vision for a new Sudan;

(5) strongly urges the full commitment of the United States, the United Nations, the European Union, the African Union, and the League of Arab States to support Dr. Garang's vision for a new Sudan by endorsing democratic elections throughout Sudan in 2009, as provided by the Comprehensive Peace Agreement;

(6) strongly supports the creation of a Dr. John Garang de Mabior Institute for Agriculture, Peace, and Economic Development in Southern Sudan; and

(7) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Secretary of State with a request that the Secretary transmit it to Dr. Garang's widow, Rebecca Garang, and to the Government of Southern Sudan, through the Office of the Sudan People's Liberation Movement (SPLM) in the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 98.

Let me begin by thanking Chairman LANTOS for his leadership in the Foreign Affairs Committee, which allowed our resolution to come through the committee, and our ranking member. And I would like to also give special acknowledgment to Congressman FRANK Wolf, who for many, many years, even preceding my entrance to Congress, was working on issues dealing with the problem in Sudan. And he worked very closely with the late Dr. John Garang de Mabior to help bring about peace in southern Sudan.

Madam Speaker, H. Res. 98 honors the life and achievements of Dr. John Garang de Mabior and reaffirms the continued commitment of the House of Representatives to a just and lasting peace in Sudan. The resolution honors the life and achievements of Dr. Garang; reaffirms its commitment to a just and lasting peace in the Republic of Sudan; calls for the full implementation of the Comprehensive Peace Agreement without delay; strongly urges the people of southern Sudan and its leaders to continue to support Dr. Garang's vision for a new Sudan; and strongly supports the creation of a Dr. John Garang de Mabior Institute for Agriculture, Peace, and Economic Development in southern Sudan.

Dr. Garang had a vision for a new Sudan, a Sudan which is multicultural, multi-ethnic, and peaceful. He fought for 21 years as the leader of the Sudanese People's Liberation Movement/Army to achieve a just peace for his people but only served 21 days as the first Vice President of Sudan before being killed in a tragic and mysterious helicopter crash on July 30, 2005, in his region of south Sudan where he was to be sworn in as President.

Dr. John, as he was affectionately called, was a powerful human being and a symbol of a people's freedom from oppression. Dr. John was born into a poor family of the Dinka ethnic group in the Upper Nile region of Sudan. He was orphaned by the age of 10 but supported by his family members. When the first civil war started in 1962, he was too young to fight and was sent away to school in Tanzania and later came to the U.S. to get his degree and studied at the University of California Berkeley but decided to go back.

□ 1230

The fact is that Dr. Garang was a person that we honor and respected so much, and he will live on in that country. But there was this tragic and mysterious crash on July 30, 2005, which took his life. At the time I was traveling the region in hopes of seeing Dr. Garang in Southern Sudan to discuss the status of the Comprehensive Peace Agreement. It was a terribly saddening situation when I received the news of his crash.

Besides leaving behind a wife and five children, he also was mourned by the people of all of Sudan, from east, west, the center, to the north as well as the south. They all saw him as their hope for future peace and justice in Sudan.

Thankfully, the number two member of the SPLM, Dr. Salva Kiir, was installed as the new first vice president of the government of Sudan and President of the government of South Sudan, and we are working to help professionalize the government of Southern Sudan and the SPLA. This is a critical time for real and lasting peace in Sudan.

We must support the government of Southern Sudan in development efforts and arrange for elections in 2 years. We also must ensure that the people of Southern Sudan get the right to self-determination through a referendum in 2011, as provided for in the Comprehensive Peace Agreement.

I have followed the crisis in Sudan for most of the last 21 years as the Islamic government in Khartoum waged war against the Sudanese People's Liberation Army/Movement and the people of the south. More than 4 million people were displaced from Southern Sudan, and over 2 million people were killed over the course of this 21 year war.

During that time, the National Islamist Front Government, led by Omar el Bashir, committed innumerable brutalities of unimaginable scope against the people of the South and the marginalized areas of Southern Blue Nile and Nuba Mountains. It was the longest running war in Africa until January 9, 2005, when the parties signed the Comprehensive Peace Agreement.

I was in Nairobi for the signing of the CPA and was cautiously hopeful that the long awaited peace in Sudan would work. However, once the north-south conflict reached a point where an agreement was imminent, the government began its attack on the innocent civilians in Darfur. With the help of the Janjaweed, the National Congress Party, formerly the National Islamic Front, had destroyed villages and communities, and maimed, raped, killed and terrorized the people of Darfur.

In the annual Country Report on Human Rights released today, the State Department called Darfur "the most sobering reality in 2006." Over 400,000 are dead; more than 2.5 million displaced.

The people of Sudan have suffered tremendously under the hands of this government which, by the way, came to power in a bloody coup in 1989. This same government harbored Osama bin Laden for 5 years between 1991 and 1996. He plotted several terrorist attacks from there.

However, the Comprehensive Peace Agreement so many people have worked for has not been implemented fully, and the genocide in Darfur is not abating. We must be firm with Khartoum. Khartoum must comply with the CPA. Khartoum must stop the killings in Darfur.

I urge my colleagues to support the passage of this resolution.

I also want to take the opportunity on the floor of the House of Representatives to congratulate Ghana on 50 years of independence from Britain. Today, people from all over Ghana and all over the world and many heads of state are celebrating the first Sub-Saharan country to gain its independence 50 years ago. So the correlation between the new Southern Sudan and what happened 50 years ago in Ghana is very important.

Let us remember that Ghana's first leader, Kwame Nkrumah, had a broad vision of African unity. President Nkrumah did not make a distinction between north and south. He called it one continent. His belief is in one Africa, one of the underpinnings for African unity.

So Africa certainly has a long way to go, but the continent as a whole is more stable today than it was many years ago, and with better governance and use of resources, as well as fairer trade policies by the U.S. and other Western countries, African countries can grow and develop into one of the most important areas in the world.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank Chairman PAYNE for his words. I am also pleased to support House Resolution 98, highlighting the life and achievements of the late John Garang and reaffirming the commitment of the House to a just and lasting peace in Sudan.

While much attention is currently focused on the crisis in Darfur and that region of western Sudan, it is critical that we do not allow ourselves to become complacent in the south. After all, it was in the south that over 20 years of war between the government in Khartoum and the Sudan People's Liberation Army left over 2 million people dead and 4 million others displaced. It was in the south that the government of Sudan honed its craft in genocide, manipulating ethnic tensions, arming proxy militias, conducting aerial bombardments of civilians and engaging in forced displacement, mass murder, looting, torture and rape. It was also in the south that a generation of boys was lost, having been forcibly conscripted to serve as child soldiers for the Armed Forces of Sudan, associated militias and the Sudan People's Liberation Army.

Any analyst will tell you that war is a terrible business, and the war in Southern Sudan was no exception. There were no saints. That said, it is clear that without the leadership of Dr. Garang, it is likely that the oppressors would have succeeded and that the opportunity for peace presented by the conclusion of the Comprehensive Peace Agreement for Sudan in 2005 would have been lost.

Dr. Garang envisioned a united democratic Sudan, a country in which all citizens enjoyed the freedom to live, to worship and to prosper without the fear of discrimination or persecution. If realized, this dream would proffer untold benefits, not only for the people of the south, but also for those fighting inequality in eastern Sudan and Darfur. He fought fiercely toward this end and succeeded in overcoming seemingly insurmountable challenges so that the south could negotiate with one voice.

After years of negotiations and countless failed attempts, it appeared that Dr. Garang's efforts would finally pay off in January of 2005 as the historic peace agreement which would end Africa's longest running civil war was signed in Nairobi, Kenya. His tragic death on July 30, 2005 proved to be the first major test of the Comprehensive Peace Agreement for Sudan. Unfortunately, it would not be the last.

It is critical that the United States Government not lose sight of the challenges that remain in implementation. Too many innocents have died. It is time for all Sudanese to pursue the path toward peace and it is incumbent upon us to help them on their way.

I urge my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 98. I rise to honor the life and achievements of the late Dr. John Garang de Mabior. I rise to reaffirm the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan.

Let me express my thanks to Mr. PAYNE and Mr. WOLF, the chair and ranking member of the Subcommittee on Africa and Global Health of the Committee on Foreign Affairs, respectively. I also wish to express my appreciation to the many other co-sponsors of this resolution who have worked long and hard to help bring about a just and lasting peace in Southern Sudan.

Madam Speaker, the life of Dr. John Garang de Mabior, "Dr. John," as he was affectionately called, is testimony to mankind's innate capacity to do good and a powerful symbol of a peoples' struggle for freedom. In honoring

Dr. John today, we also keep alive the dreams of his people. One day peace and justice will flow like milk and honey for all people throughout Southern Sudan.

Dr. John was born into a poor family of the Dinka ethnic group, in the Upper Nile Region of Sudan. He was orphaned by the age of 10 but was supported by his family members. It truly took a village to raise a child and what a child he was!

When the civil war broke out in 1962, Dr. John was too young to fight and was sent away to high school in Tanzania. In 1969, he earned a scholarship attend Grinnell College in Iowa. After graduation he could have attended graduate school at the University of California at Berkeley but turned it down, choosing instead, to return to Tanzania to study agricultural economics where he could be closer to his people.

In 1972, Dr. John joined the Sudanese military and became a career soldier. He eventually took a leave and earned his doctorate in agricultural economics from the University of Iowa. But a life of academic repose was not for Dr. John for he was a man of action and passion. And the actions and passions of his time called him to a life of struggle on behalf of the oppressed people of his country.

In 1983, Dr. John left the military and joined the newly created Sudanese Peoples' Liberation Army, a movement opposed to the imposition of Sharia law. Thus began his long career as the political and military leader of the people of Southern Sudan.

Throughout this struggle, Dr. John developed a strong political and personal relationship with many Members of the House of Representatives.

The struggle for justice in Sudan was not a partisan issue for Members of Congress. Strong bonds of collegiality and friendship were formed through our efforts to shape U.S. foreign policy toward Sudan.

In that sense, Dr. John's life and struggle, and the struggle of the Southern Sudanese people served to unite Democrats and Republicans in a common cause for freedom.

When I first met with Dr. John in my congressional office, I recall he did not waste words. In his soft-spoken way, he laid out very clearly his vision for Southern Sudan. And, in his highly dignified way, this powerfully charismatic man of deep conviction and strong moral character asked for my support and the support of the United States Congress on behalf of his people. It was clear to me then, as it is now, that Dr. John lived a purposeful life of singular devotion to the liberation and well-being of his people.

Dr. John's tragic death in the mountains of Uganda shocked the world. It seems enormously unjust for this man, who brought his people through a long and devastating civil war, who became Vice President of Sudan, and who later became head of Southern Sudan, to die in 2005 in a helicopter crash.

Madam Speaker, out of this historic tragedy, the people of Southern Sudan have been called to carry on. As Dr. John said after being inaugurated: "I congratulate the Sudanese people. This is not my peace or the peace of al-Bashir; it is the peace of the Sudanese people."

Madam Speaker, the recognition this House today gives Dr. John Garang de Mabior should also remind us of the importance of redoubling our resolve to end the genocide in Darfur. There is wide-spread and broad-based consensus in America and between Democrats and Republicans that the ongoing genocide in Darfur is intolerable and must be ended. Thus, this is an area in which there is ample opportunity for the Congress and the Bush administration to find common ground to alleviate the overwhelming suffering in Darfur.

Not since the Rwandan genocide of 1994 has the world seen such a systematic campaign of displacement, starvation, rape, mass murder, and terror as we are witnessing in Darfur for the last 3 years. At least 400,000 people have been killed; more than 2 million innocent civilians have been forced to flee their homes and now live in displaced-persons camps in Sudan or in refugee camps in neighboring Chad; and more than 3.5 million men, women, and children are completely reliant on international aid for survival. Unless the world stirs from its slumber and takes concerted and decisive action to relieve this suffering, the ongoing genocide in Darfur will stand as one of the blackest marks on humankind for centuries to come. The people of Darfur cannot wait. The time has come for decisive leadership from the United States.

It has been more than 2 years since I and my colleagues in the Congressional Black Caucus Darfur Task Force met with Secretary Colin Powell to press successfully for the administration to declare that the campaign of ethnic cleansing and atrocities carried out against civilians primarily by the Government of Sudan and its allied Janjaweed militias is genocide.

It has been more than a year since I flew to Chad and walked across the border to Sudan and met with African Union troops who pleaded for more peacekeeping authority and the resources to protect the refugees from violence, rather than merely monitor it. After returning from that Congressional delegation, I worked with other Members of Congress to secure increased funding to aid the thousands of Sudanese displaced to refugee camps in Chad and to provide additional funding to assist Chad in responding to the humanitarian crisis.

It has been almost 2 years since the UN Security Council adopted Resolution 1556 demanding that the government of Sudan disarm the Janjaweed. This demand was later followed by Resolution 1706, which authorizes a 20,000 strong U.N. peacekeeping force.

It has been 6 months since the Darfur Peace Agreement was brokered in May 2006 between the Government of Sudan and one faction of Darfur rebels.

But still the violence continues; indeed, the violence is escalating. This violence is making it even more dangerous, if not impossible, for most of the millions of displaced persons to return to their homes and for humanitarian relief agencies to bring food and medical aid. According to Jan Egeland, the U.N.'s top humanitarian official, the situation in Darfur is "going from real bad to catastrophic."

We have come full circle. Violence is increasing, peace treaties are falling apart, and again as a member of the Congressional Black Caucus Darfur Taskforce and a ranking member on the House Judiciary immigration subcommittee, I have been meeting with Secretary of State Condoleezza Rice seeking an increase in the number of refugee visas for Darfur students to come to the United States to study. I will continue my ongoing, unceasing efforts to end the suffering in Darfur and bring peace to Sudan. These efforts include intensifying my discussions with Secretary Rice, the United States Ambassador to the United Nations, representatives of the Arab League, and humanitarian groups such as Human Rights Watch, Amnesty International, and various African public policy groups to discuss ways and means of bringing peace to that troubled land.

It is also not too early to begin the hard thinking and hard work needed to transform the Darfur region from killing field to economically, politically, and socially viable and peaceful community. This work will, of course, require the active and purposeful engagement of the United States and other key stakeholders, such as China, and the Arab League. In this connection, I have been engaged in an ongoing dialogue with government representatives of Egypt, a dialogue that has already yielded significant dividends. For example, Egypt has implemented several fast track projects in southern Sudan in different sectors involving health, agriculture, electricity, irrigation, infrastructure, and education in order to make unity an even more attractive option to the people of south Sudan.

It must be noted that no just and lasting peace in Sudan can be achieved without the responsible intervention of China. For too long China, which is Sudan's biggest oil customer, has also served as Khartoum's enabler and protector by preventing the U.N. Security Council from imposing more serious sanctions on Sudan in response to the genocide and crimes against humanity committed in Darfur. As former Deputy Secretary of State Robert Zoellick stated in a major policy speech on China a year ago: "China should take more than oil from Sudan—it should take some responsibility for resolving Sudan's human crisis." Based on my meetings with Zhou Wenzhong, China's ambassador to the United States, I am hopeful that China can be persuaded to provide the type of constructive leadership in Sudan befitting a great power.

There is much work to be done and not much time, Madam Speaker. And I have no doubt that our response will be worthy of our responsibility as a world leader. But today, it is right and good and just to pause, reflect, and honor the remarkable life of a remarkable human being—Dr. John Garang de Mabior, which we will do by adopting H. Res. 98.

I urge all my colleagues to join me in supporting the resolution.

Ms. LEE. Madam Speaker, I rise today in support of H. Res. 98, honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan. I thank my distinguished colleague Chairman PAYNE for his leadership in honoring a present-day freedom fighter.

Dr. Garang's lasting legacy is the Comprehensive Peace Agreement ending the thirty year civil war. But, it was against all odds that he was able to become such a leader.

It was a long journey for Dr. Garang who came from a poor family in a small Dinka village in southern Sudan. In an interview once, he told a reporter that his village was in such neglect that no one was able even to read. Thanks to a relative he was able to attend school in a nearby village and set the course for his educational advancement to eventually earn his doctorate from Iowa State University.

Yet, the plight of the people in his home country ravaged by civil strife and numerous injustices compelled him to return home. He was greeted by the Sudanese government's policies that marginalized and suppressed African communities in the South. The North had better schools, employment opportunities and infrastructure developments. Even today, you can go to Juba, in southern Sudan, to see its effects where there is no electricity, running water or paved roads.

In the face of such challenges Dr. Garang fought to achieve a "new Sudan" where all were united and equal and worked to turn his rebel movement into a popular government, open to dialogue, cooperation and constantly suiting the needs of the nation.

Accordingly, I pay tribute to Dr. Garang's tireless efforts for the struggle of peace in Sudan. Dr. Garang was a charismatic figure who awakened the consciousness of a society. And he set the bar very high.

In order to ensure a lasting peace, we must urge President Al-Bashir and all stakeholders to maintain the integrity of the Comprehensive Peace Agreement, to respect human rights and to create a stabilized nation where everyone enjoys their full rights of citizenship. This is the best way to honor the spirit of Dr. Garang's life's work.

Madam Speaker, there is still work to do. Dr. Garang's premature death left a great void. May his death not be in vain. That is why I pledge my continued support for peace and development in Sudan. As we honor one of Sudan's greatest leaders as well as one of Africa's, I further extend my commitment to end the genocide in Darfur. I know Dr. Garang would agree that peace must be everywhere.

Mr. RANGEL. Madam Speaker, I rise today in support of H. Res. 98 honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to ensuring peace in the Sudan.

Born in 1945 to a poor family in Wagkulei village in Sudan, Dr. Garang was orphaned by the age of ten. Described as charismatic and a natural leader, he joined the first Sudanese civil war in 1962 but, because of his youth, was encouraged to pursue his education. After obtaining a B.A. in economics in 1969 from Grinnell College, an M.A. and Ph.D. from Iowa State University and studying East African agricultural economics as a Thomas J. Watson Fellow at the University of Dar es Salaam he returned home to join the Sudanese rebels.

A professional military man, Dr. Garang quickly rose through the ranks of the Sudanese military, which he joined following the Addis Ababa agreement of 1972. Peter Moszynski, a writer and aid worker who covered the Sudanese war, describes Dr. Garang as "an expert in survival: someone who knew how to bend with the wind yet maintain his political objectives, someone who knew how to seem all things to all men." This description not only captures the enigmatic nature of a man who remained at the center of guerrilla warfare for more than 20 years, but also explains how Dr. Garang became the undisputed leader of the Sudan People's Liberation Movement/Army (SPLM/A). Committed to obtaining a just peace for his people he worked tirelessly and diligently to build support for a new Sudan, one that would be multi-ethnic, multi-religious, democratic and above all, united.

Dr. Garang was instrumental in the passage of the Comprehensive Peace Agreement, signed by the Government of Sudan and the SPLM/A in 2005, which gave southern Sudan the right to self determination and pushed for unity between the North and South. This Peace Agreement is representative of Dr. Garang's vision for a united Sudan, a Sudan committed to equity, democracy and peace.

As we continue to work toward ending the genocide throughout the region it is imperative that we remember the work and life of Dr. Garang. A man of true conviction and unfaltering courage; a man who believed, as I do, that unity, peace and democracy are achievable in the Sudan.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Mr. PAYNE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 98, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

NATO FREEDOM CONSOLIDATION ACT OF 2007

Mr. TANNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 987) to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

The Clerk read as follows:

H.R. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Freedom Consolidation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that "full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . .".

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North Atlantic Treaty Organization, and declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance".

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that "Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO" and that "Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date".

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107–187; 22 U.S.C. 1928 note), Congress endorsed ". . . the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996".

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration".

(9) At the Washington Summit of the North Atlantic Treaty Organization in April

1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring "[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area ... [t]he three new members will not be the last ... [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location ...".

(10) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Republic of Macedonia, Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that—

(A) their countries will cooperate in jointly seeking membership in the North Atlantic Treaty Organization in the next round of enlargement of the North Atlantic Treaty Organization;

(B) the realization of membership in the North Atlantic Treaty Organization by one or more of these countries would be a success for all; and

(C) eventual membership in the North Atlantic Treaty Organization for all of these countries would be a success for Europe and for the North Atlantic Treaty Organization.

(11) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated "[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have ... I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings ... [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others ... [w]e will not trade away the fate of free European peoples ... [n]o more Munichs ... [n]o more Yaltas ... [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom".

(12) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated "NATO's doors will not close behind its first new members ... NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership ... [n]o nation will be automatically excluded ... [n]o country outside NATO will have a veto ... [a] gray zone of insecurity must not reemerge in Europe".

(13) At the Prague Summit of the North Atlantic Treaty Organization in November 2002, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia were invited to join the Alliance in the second round of enlargement of the North Atlantic Treaty Organization since the end of the Cold War, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "NATO's door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty".

(14) On May 8, 2003, the United States Senate unanimously approved the Resolution of Ratification to Accompany Treaty Document No. 108-4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, inviting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the North Atlantic Treaty Organization.

(15) At the Istanbul Summit of the North Atlantic Treaty Organization in June 2004, the North Atlantic Treaty Organization heads of state and government issued a communiqué reaffirming that NATO's door remains open to new members, declaring "[w]e celebrate the success of NATO's Open Door Policy, and reaffirm today that our seven new members will not be the last. The door to membership remains open. We welcome the progress made by Albania, Croatia, and the former Yugoslav Republic of Macedonia (1) in implementing their Annual National Programmes under the Membership Action Plan, and encourage them to continue pursuing the reforms necessary to progress toward NATO membership. We also commend their contribution to regional stability and cooperation. We want all three countries to succeed and will continue to assist them in their reform efforts. NATO will continue to assess each country's candidacy individually, based on the progress made towards reform goals pursued through the Membership Action Plan, which will remain the vehicle to keep the readiness of each aspirant for membership under review. We direct that NATO Foreign Ministers keep the enlargement process, including the implementation of the Membership Action Plan, under continual review and report to us. We will review at the next Summit progress by aspirants towards membership based on that report".

(16) Georgia and Ukraine have stated their desire to join the Euro-Atlantic community, and in particular, are seeking to join the North Atlantic Treaty Organization. Georgia and Ukraine are working closely with the North Atlantic Treaty Organization and its members to meet criteria for eventual membership in NATO.

(17) At a press conference with President Mikhail Saakashvili of Georgia in Washington, DC on July 5, 2006, President George W. Bush stated that "... I believe that NATO would benefit with Georgia being a member of NATO, and I think Georgia would benefit. And there's a way forward through the Membership Action Plan ... And I'm a believer in the expansion of NATO. I think it's in the world's interest that we expand NATO".

(18) Following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between the Alliance and Georgia.

(19) At the NATO-Ukraine Commission Summit in Brussels in February 2005, President of Ukraine Victor Yushchenko declared membership in NATO as the ultimate goal of Ukraine's cooperation with the Alliance and expressed Ukraine's desire to conclude a Membership Action Plan.

(20) At the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on the potential membership of Ukraine in NATO.

(21) At the Riga Summit of the North Atlantic Treaty Organization in November 2006, the Heads of State and Government of the member countries of NATO issued a declaration reaffirming that NATO's door remains open to new members, declaring that "all European democratic countries may be considered for MAP (Membership Action Plan) or admission, subject to decision by the NAC (North Atlantic Council) at each stage, based on the performance of these countries towards meeting the objectives of the North Atlantic Treaty. We direct that NATO Foreign Ministers keep that process under continual review and report to us. We welcome the efforts of Albania, Croatia, and the former Yugoslav Republic of Macedonia to prepare themselves for the responsibilities and obligations of membership. We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defence, reform of the defence-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability."

(22) Contingent upon their continued implementation of democratic, defense, and economic reform, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization and a clear expression of national intent to do so, Congress calls for the timely admission of Albania, Croatia, Georgia, Macedonia, and Ukraine to the North Atlantic Treaty Organization to promote security and stability in Europe.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, and the Gerald B. H. Solomon Freedom Consolidation Act of 2002;

(2) supports the commitment to further enlargement of the North Atlantic Treaty Organization to include European democracies that are able and willing to meet the responsibilities of Membership, as expressed by the Alliance in its Madrid Summit Declaration of 1997, its Washington Summit Communiqué of 1999, its Prague Summit Declaration of 2002, its Istanbul Summit Communiqué of 2004, and its Riga Summit Declaration of 2006; and

(3) endorses the vision of further enlargement of the North Atlantic Treaty Organization articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our allies in the North Atlantic Treaty Organization to work with the United

States to realize a role for the North Atlantic Treaty Organization in promoting global security, including continued support for enlargement to include qualified candidate states, specifically by entering into a Membership Action Plan with Georgia and recognizing the progress toward meeting the responsibilities and obligations of NATO membership by Albania, Croatia, Georgia, Macedonia, and Ukraine.

SEC. 4. DESIGNATION OF ALBANIA, CROATIA, GEORGIA, MACEDONIA, AND UKRAINE AS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) DESIGNATION.—

(1) ALBANIA.—The Republic of Albania is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) CROATIA.—The Republic of Croatia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(3) GEORGIA.—Georgia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(4) MACEDONIA.—The Republic of Macedonia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(5) UKRAINE.—Ukraine is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia, and Ukraine pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), and the designation of Slovakia pursuant to section 4(a) of the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107–187; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other countries pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

Of the amounts made available for fiscal year 2008 under section 23 of the Arms Export Control Act (22 U.S.C. 2763) such sums as may be necessary are authorized to be appropriated for assistance to the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia, and Ukraine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank Chairman LANTOS and my good friend, Representative PAUL GILLMOR from Ohio, for helping with this bill, and also the ranking member on the Foreign Affairs Committee.

NATO is probably arguably one of the most important organizations now in this post-cold war period. NATO, our allies in Europe and Canada, have presently almost 17,000 troops on the ground in Kosovo and 35,000 in Afghanistan. The alliance is strong, and it is very important from the standpoint of being an international organization that can go anywhere and bring order to chaos and back it up with some military capability. That is unique and critical, in my judgment, in this post-Cold War world.

NATO itself symbolizes really the cooperative effort across the Atlantic to promote regional and area-wide stability and also to encourage fledgling democracies, particularly in Eastern Europe. This legislation before us recognizes the continuing efforts of Albania, Croatia, Georgia, Macedonia and Ukraine to become members of NATO and encourages them to continue on that path. It is a statement from the Congress that we believe that what they are doing is important, and we believe that they are moving in the right direction.

Since 1989, 10 countries have joined NATO. We have seen Eastern European countries join NATO and make a remarkable contribution to the ongoing effort not only in Afghanistan and in the Balkans, but also as it relates to the furthering of democracy across some of those formerly Warsaw Pact countries. Every President has endorsed the efforts that are embodied in this bill in terms of the expansion of NATO, and this process is not yet complete.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for recognizing the great work that both Chairman LANTOS as well as Congressman GILLMOR of Ohio have done in paying attention to this issue of NATO.

Madam Speaker, I am so pleased to support this very timely legislation. This measure is a further step in helping to ensure that NATO, its member states and those aspiring to join this alliance are united in pursuit of European democracy and security.

Since its formation in 1949, NATO's mission has been to safeguard the freedom, common heritage and civilization of its members by promoting stability and well-being in the North Atlantic area.

☐ 1245

The measure before us serves to express America's continued support for these important goals.

The NATO Freedom Consolidation Act should help to nurture all those European states that may eventually join that alliance and give it a sense of common strategic peacekeeping goals, by encouraging them to prepare, assume and maintain the responsibilities of membership.

Specifically, the legislation calls for the timely admission of Albania, Croatia, Georgia, Macedonia, and Ukraine to NATO and authorizes security assistance for these countries in fiscal year 2008. The standards for joining NATO should not be lowered in any way and each country should be evaluated individually on the merits.

Albania, Croatia, and Macedonia have been making progress on reforms through their participation in the NATO Membership Action Plan since 2002.

Georgia and Ukraine have not yet been granted a Membership Action Plan, but these two nations are making strides in order to qualify for MAP.

The NATO Freedom Consolidation Act will provide important incentives and assistance to the countries to continue the implementation of democratic, defense and economic reforms. In these times, Madam Speaker, when we have important missions to accomplish overseas, I encourage my colleagues to vote in support of this measure.

Madam Speaker, I yield such time as he may consume to Mr. GILLMOR, who just returned from a NATO conference overseas.

Mr. GILLMOR. Madam Speaker, I thank the gentlewoman for yielding and also for her support of this resolution. I am very pleased to join with my colleague, JOHN TANNER, in supporting this resolution.

NATO is our most successful military alliance, maybe the most successful military alliance in history. It won the Cold War, and it is also providing security now in many other areas of the world that are outside the exact geographical footprint of the NATO countries. For example, as Mr. TANNER pointed out, there are troops in the Balkans. There are NATO troops in Afghanistan where they are carrying the fight. Many of those NATO allies have had troops also in Iraq.

Very shortly after NATO was created in 1949, there was another group called the NATO Parliamentary Assembly to keep a close liaison between the North Atlantic Council, which is NATO, and the parliaments of those countries. Mr. TANNER and I have had the opportunity to represent the United States on that organization for I think a little over 10 years, and it has been a very valuable organization from the point of view of the United States. We have both had the opportunity at different times to serve as vice president of it and as chairman of the Economic and Security Committee, and Mr. TANNER now leads our delegation to that group.

One of the things that I think is important about that when we go, as Republicans and Democrats, we seem to quit being Republicans and Democrats when we get outside of the United States. I would say when we meet with our European allies, the only way they know which party we belong to is when they ask us, because we speak with one voice.

But many of the nations on the other side of the Cold War east of the Iron Curtain are now members of NATO, and they are some of the strongest and most enthusiastic members. As recently as 2004, seven new countries were added, all of them Warsaw countries, bringing the NATO membership to 26: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

I want to point out that NATO is not a club you just join. You have to earn membership in NATO. It is a military alliance. You have to meet the criteria, and you have to contribute your part to that military strength in order to be a member. As long as the new members meet those commitments, NATO will continue to be a strong alliance and one of the strongest forces for peace, stability, and democracy in the world.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Mr. TANNER. Madam Speaker, it is my pleasure to recognize a member of our delegation to the NATO PA; and by the way, Mr. GILLMOR is a vice president of the NATO PA this term, and I am proud to serve with him, and now I would like to recognize a member of our delegation to the NATO Parliamentary Assembly, the gentlewoman from Missouri (Mrs. EMERSON), and yield to her such time as she may consume.

Mrs. EMERSON. Madam Speaker, I rise in support of H.R. 987.

I want to tell a little story, if that is all right. Back in 1968 when I was 17 years old and a senior in high school, my high school actually organized a spring break Eastertime trip to the Soviet Union, to Czechoslovakia, to Poland, and to East Berlin. It was my first trip out of the country; it was my first trip on an airplane; and of all places to go, it was behind the Iron Curtain.

I knew a lot about NATO back then simply because we were studying it in my civics class, but I really didn't understand the importance of NATO until I went on that trip; and I didn't understand what it all meant until I went with my colleagues to my very first NATO Parliamentary Assembly meeting a few years ago.

When you went to visit countries behind the Iron Curtain back when communism was rampant, it was remarkable to go into these countries where you had no freedom, no expression of thought, no nothing. It was gray and it was dreary, and it was so sad. Even though we were able to spend, at least in Czechoslovakia, time with some students, you really understood the importance of protecting your civil rights and your freedom of speech. I really understood that for the first time because of course we were all as kids afraid that we were being bugged in our hotel rooms and we were afraid to say anything because we thought we would get taken by the police.

Anyway, back to my first NATO meeting and we are sitting across the table from members of the Czech Republic, from Latvia, Lithuania, Estonia, countries that had always been under the iron thumb of communism and the Soviet Union, and with the fall of the Berlin Wall, of course, were able to come into their own once again. That is one of the most remarkable things about getting to known our fellow parliamentarians and understanding their great desire to join an alliance like NATO that has done really an amazing job in protecting the North Atlantic region and our allies throughout that particular area.

I don't know that people really understand the importance of this treaty organization and how it has fostered security and cooperation for almost 60 years now.

I know, though, that the work of NATO is not complete because we have newly democratic countries such as Georgia and the Ukraine who have expressed strong interest in joining NATO, as well as other countries like Croatia and Macedonia who have actually opened constructive dialogues on their potential for NATO membership.

When you have lived or touched on what it is like to live in countries that had no freedoms or protections like NATO can offer, it is so important for us to look favorably upon their opportunity to join this important treaty organization.

There is no doubt in my mind that NATO membership will be able to further our goal of extending democracy throughout the globe. Certainly H.R. 987 will help accomplish this goal, and I am very pleased that my colleague, Mr. TANNER, has offered this bill; and I look forward to its passage.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time, and I thank Mr. TANNER for his leadership.

Mr. LEVIN. Madam Speaker, I rise today in support of H.R. 987, the NATO Freedom Consolation Act. In particular, I want to applaud my friend Mr. TANNER, and the members of the Foreign Affairs Committee, for taking care to support Ukraine's progress towards NATO membership and designating that country as eligible for assistance under the NATO Participation Act.

Last week, I participated in a meeting between Members of the Congressional Ukrainian Congress and Members of the Ukrainian Parliament. During that meeting, it was suggested that policymakers here in Washington might be experiencing "Ukraine fatigue."

We are not Ukraine fatigued; we are Ukraine concerned. We have seen clearly, both during the Orange Revolution and in last year's parliamentary elections, that democracy works in Ukraine, but we are concerned by what it has produced.

President Yushchenko, and indeed many in Ukraine, have signaled a strong desire to join NATO. While there have been differences of late over the pace at which Ukraine should make progress towards that goal, this legislation takes exactly the right approach in reinforcing our commitment to help Ukraine achieve it.

In particular, we can assist Ukraine in continuing a variety of reforms that not only move the country towards NATO eligibility, but also help the Ukrainian people build a properous and stable country more broadly. Further, it is critical that we help the Ukrainian people understand what NATO membership means, both its benefits and its responsibilities.

Again Madam Speaker, I strongly support this legislation to facilitate further expansion of NATO, particularly with regard to assistance for Ukraine, and I urge its passage.

Mr. TANNER. Madam Speaker, I want to thank Mrs. EMERSON and Mr. GILLMOR, and you, Ms. ROS-LEHTINEN, for participating. This is an important bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 987.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 149) supporting the goals of International Women's Day.

The Clerk read as follows:

H. Res. 149

Whereas there are over 3,000,000,000 women in the world, representing 51 percent of the world's population;

Whereas women continue to play the prominent role in caring for families within the home as well as serving as economic earners;

Whereas women worldwide are participating in the world of diplomacy and politics, contributing to the growth of economies, and improving the quality of the lives of their families, communities, and nations;

Whereas women leaders have recently made significant strides, including the 2007 election of Congresswoman Nancy Pelosi as the first female Speaker of the House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as the first female President in Africa's history, and the 2005 election of Angela Merkel as the first female Chancellor of Germany, who will also serve as the second woman to chair a G8 summit beginning in 2007;

Whereas women account for 80 percent of the world's 70 million micro-borrowers, 75 percent of the 28,000 United States loans supporting small businesses in Afghanistan are made to women, and 11 women are chief executive officers of Fortune 500 companies;

Whereas in the United States, women are graduating from high school at higher rates and are earning bachelors degrees or higher degrees at greater rates than men, with 88 percent of women between the ages of 25 and 29 having obtained a high school diploma and 31 percent of women between the ages of 25 and 29 earning a bachelors degree or higher;

Whereas despite tremendous gains, women still face political and economic obstacles, struggle for basic rights, face the threat of discrimination, and are targets of violence all over the world;

Whereas worldwide women remain vastly underrepresented in national and local assemblies, accounting on average for less than 10 percent of the seats in parliament, except for in East Asia where the figure is approximately 18 to 19 percent, and in no developing region do women hold more than 8 percent of the ministerial positions;

Whereas women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;

Whereas in the United States between 1995 and 2000, female managers earned less than their male counterparts in the 10 industries that employ the vast majority of all female employees;

Whereas of the 1,300,000,000 people living in poverty around the world, 70 percent are women and children;

Whereas according to the United States Agency for International Development, two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls are less likely to complete school than boys;

Whereas worldwide women account for half of all cases of HIV/AIDS, approximately 42,000,000 cases, and in countries with high HIV prevalence, young women are at a higher risk than young men of contracting HIV;

Whereas globally, each year over 500,000 women die during childbirth and pregnancy;

Whereas domestic violence causes more deaths and disability among women between ages 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide, at least 1 out of every 3 women and girls has been beaten in her lifetime;

Whereas according to the Centers for Disease Control and Prevention, at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime;

Whereas worldwide, 130,000,000 girls and young women have been subjected to female genital mutilation and it is estimated that 10,000 girls are at risk of being subjected to this practice in the United States;

Whereas according to the Congressional Research Service and the Department of State, illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 1,000,000 and 2,000,000 women and children each year, of whom 50,000 are transported into the United States;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas in times and places of conflict and war, women and girls continue to be the focus of extreme violence and intimidation and face tremendous obstacles to legal recourse and justice;

Whereas March 8 has become known as International Women's Day for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of International Women's Day;

(2) recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for equality in the face of adversity;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic human rights of women and girls both in the United States and in other countries; and

(4) encourages the President to—

(A) reaffirm his commitment to pursue policies to protect fundamental human rights and civil liberties, particularly those of women and girls; and

(B) issue a proclamation calling upon the people of the United States to observe International Women's Day with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution, and I first want to thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the other cosponsors of this resolution for recognizing International Women's Day in honor of the contributions and achievements of women all over the world and the importance of promoting and protecting their rights.

I want to pay special tribute today to my distinguished female colleagues on the Committee on Foreign Affairs, who are performing their important responsibilities with distinction and honor. I also want to recognize my distinguished colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), who has achieved the distinction of becoming the first woman to obtain the ranking position on this committee.

Today, women all over the world are becoming leaders in science, medicine, the arts, politics, business, and even the military.

Despite this progress, women and girls continue to represent the majority of the poor, the chronically hungry, refugees, the HIV-infected, the sick, the uneducated and the undereducated, the unemployed and disenfranchised people.

Women are also subject to specific forms of physical and structural violence and discrimination because of their gender. These include sexual violence in both conflict and nonconflict situations, sex trafficking, and domestic violence from their partners and family members.

Cruel cultural practices targeted at women include denial of voting rights, freedom of movement, and property rights. Women are also subjected to genital mutilation, forced and early marriages, humiliating and harmful widow practices, bride burnings and honor killings. Women also continue to experience an unequal remuneration for work of equal value, discrimination in hiring and admission to educational institutions, and lack of flexibility for special needs such as paid and extended family leave.

It is not enough to simply declare the equality of women, condemn their mistreatment, and increase the number of women in the workplace. We must, in all sectors of society, address the structural mechanisms which deny women and girls access to the same rights and opportunities as boys and men.

□ 1300

We must also attack and eliminate the criminal and cultural practices which destroy the lives and freedom and the health of women.

Statistics prove that when women are better off in our society, their children are happier, healthier and more educated, and our world is better off.

I will do everything in my power to ensure that every piece of legislation we consider in the committee will improve the security, opportunity and prosperity of women, and I know my colleagues will share this important goal.

In honor of our wives, our mothers, our daughters, our female colleagues and our Speaker, and women around the world, I am proud to support this resolution, and I urge all my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I thank Ambassador WATSON for her eloquent statements and as well as for her leadership in our Foreign Affairs Committee.

Madam Speaker, I also rise in support of H. Res. 149, supporting the goals of International Women's Day. International Women's Day has developed into a day of recognition and celebration of the contributions and social advancement of women.

I want to thank the author of this resolution, Representative SCHAKOWSKY of Illinois, for accepting the suggested changes that we had to her base text prior to the introduction and committee consideration.

These very modest clarifications emphasize that we are seeking to promote for women and girls the full and equal enjoyment of those fundamental human rights and civil liberties that are the birthright of all people, regardless of gender, race or creed, not some separate of gender-based claims or a problematic agenda related to abortion.

We must all advance the cause of human dignity by ending violence against women and girls, by protecting their fundamental freedoms and civil liberties, and promoting their genuine welfare through robust educational and economic opportunities.

To the extent that International Women's Day serves those purposes, it deserves our recognition.

I ask my colleagues to render their full support to this important measure

Madam Speaker, I reserve the balance of our time.

Ms. WATSON. Madam Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the author of the bill.

Ms. SCHAKOWSKY. Madam Speaker, I thank the gentlewoman for yielding to me and for her great support for this measure, and I also thank Representative ROS-LEHTINEN for her help for a long time making this resolution possible today.

I do rise in support of H. Res. 149, the International Women's Day resolution. I want to also thank Representative JUDY BIGGERT, who is the lead Republican sponsor, for her consistent support and work to bring this resolution to the House floor. We have introduced this resolution honoring women three times, and it has been a pleasure working with her over the years.

Also, as the vice chair of the Women's Caucus, I am honored to have this resolution to be the first of our top five priority agenda items to make it to the House floor with such remarkable bipartisan support under the leadership of the chairwomen, LOIS CAPPS and CATHY MCMORRIS RODGERS. I appreciate their help.

Each year, countries around the world mark March 8 as International Women's Day as a day to recognize the contributions and the impact that women have made to our world's history, to recognize those women who have worked for gender equality and to acknowledge the work that is yet to be done.

Over the years, women have made significant strides. Women all over the world and throughout history have consistently contributed to their economies, participated in their governments and improved the quality of life of their families and their Nations.

In 2007, Congresswoman NANCY PELOSI became the first woman in the history of the United States to be Speaker of the House. In 2006, I attended the inauguration of Michelle Bachelet, the first woman President of Chile, and visited in Liberia its President Ellen Johnson-Sirleaf, the first woman President in Africa's history. In the 110th Congress, we have an all-time high of 74 women in Congress, a 35 percent increase from just 8 years ago. However, women still make up only 16 percent of the House of Representatives.

In the United States, we have made significant strides in education. In fact, women now graduate from high school at higher rates and earn bachelor's or higher degrees at greater rates than men. While that is true, yet two-thirds of the 876 million illiterate individuals in the world are women. That is, two-thirds of them are women. Two-thirds of the 125 million school-aged children who are not attending school worldwide are girls, and girls are less likely to complete school than boys elsewhere around the world.

Women are making progress in business, and women make up 11 of the current CEOs of Fortune 500 companies. However, more progress still needs to be made. While great strides have been made in business, women still earn less, own less and have less access to education and employment than men. Globally, while women work two-thirds of the world's working hours and produce one-half of the world's food, we still earn only 1 percent of the world's income and own less than 1 percent of the world's property. Of the 300 million people living in poverty, 70 percent are girls and women.

Although Congress passed the PROTECT Act, a good bipartisan bill to prevent trafficking, there are still millions of women and girls who are trafficked, physically abused, sexually abused or face the threat of violence every day. In Iraq, Darfur and Afghanistan, women and girls continue to be the targets of extreme violence, brutality and intimidation where they face overwhelming, if not insurmountable, obstacles to legal recourse and justice. And in times of war and conflict, although most women and children are not engaged in that conflict, they continue to suffer the most.

So, Madam Speaker, it is important that Congress recognize the importance of March 8 and participate with the rest of the world in celebrating International Women's Day. Hopefully, the passage of this critical resolution will help raise awareness of the work we need to do and will help women continue to overcome the overwhelming obstacles that are still left to be overcome.

We must make a commitment to invest in women. Women contribute to the growth of economies and improve the quality of the lives of their families, the health of their communities and their Nations. We have won many battles for equality and justice for women worldwide, and we can do it.

The passage of this resolution puts us, the United States House of Representatives, firmly on the side of women who are seeking gender equality across the world, and I urge its passage

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I yield 3½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I thank my colleague for yielding, and it is such a pleasure to rise in strong support of H. Res. 149 and to commend my colleague from Illinois, JAN SCHAKOWSKY, for bringing attention through this resolution to International Women's Day, and to thank my colleagues here in the House for their support of this resolution.

As my friend from Illinois has pointed out, with today's passage of this resolution, the Congressional Caucus for Women's Issues is passing the first item on its must-pass agenda list for the 110th Congress. What a fitting way that we begin this session and acknowledge the importance of International Women's Day and the significance of it in our country and around the world.

As we look around this world and we look here at home, we see that women are reaching the highest levels of power in many parts of the world and with our own country as well. They are being elected and appointed into positions previously reserved only for men.

We see this in our communities, in business positions and education and in civic life and we see it here in Congress. As has been noted, we have for the first time in our 200-year history as a democracy we have a woman Speaker of the House. We have in this 110th Congress the most women who have every served in this House. The Senate can say the same this year.

At the same time, today, women remain around the world and here in this country more likely to live in poverty, lack education, be victimized by violence than ever before.

It is my pleasure and privilege to serve on the House Democracy Assistance Commission. In that capacity, I have visited several emerging democracies and have met with parliamentarians of other countries where these democracies are emerging. In each case, it is the women Members who reach out to me on behalf of their sisters throughout their country, and note with dismay that they have so many challenges to meet the needs of the women that they serve.

I was especially touched when I visited the women of Afghanistan in their 1-year-old democracy who have struggled over the years and are still struggling and are so determined, despite the extreme oppression by the Taliban, determined to take their role in the parliament. Both threats on their lives and harassment and violence have marred that passage. Determined to make a better life for themselves and their children.

Let me call out a similar kind of situation, a grassroots networking that I have seen and we have all experienced around this world today, networking to provide microloans from woman to woman, as is one of the nonprofit organizations called, giving women the opportunity to become self-sufficient for themselves and their families. They look to us as role models and as leaders, and yet we have our own challenges here.

So as we become that role model for so many democracies around the world in so many emerging democracies, as we see that we have challenges facing our women in this country, let us celebrate then International Women's Day this Thursday making a firmer commitment to improving the lives of women here in the United States and throughout this world.

Ms. WATSON. Madam Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank my good friend from California for yielding to me and my good friend as well from Illinois for coming forward with this bill.

To tell you the truth, I had often looked at bills which celebrate groups in two ways, because I noticed that only insurgent groups have such days named for them or groups most in need, and so they become days of celebration. I have warmed to them only because I have recognized why such groups have their own day, International Women's Day for example.

It is because having such a day provides an opportunity for a call to action. I wish I could come to the floor to celebrate women internationally. It is hard for me to do that when I see the progress in the global economy and look at what has happened and is happening internationally to women who are still chattel in most places in the world, who essentially would qualify as an oppressed group, not as a group seeking equality. So I think we ought to use International Women's Day to speak out for women who cannot speak for themselves.

What is to me perhaps most tragic is that the experience that most women in this country welcome is one that women across the world, particularly in developing countries, may dread, and that is the experience of pregnancy. Where pregnancy cannot be controlled by a woman, it is not the extraordinarily wonderful and welcome state that it is in our country. There will never be equality for women until women can control their own fertility.

□ 1315

As long as women are subject to men, as long as they have no control over their own fertility, then you will see women with as much HIV and AIDS as men. Where saying "no" to a man isn't something you do as a woman, but something you can't do as a woman, you are not equal.

So today I call attention to the world that our country has done very little to help women across the world control their fertility and understand what equality means. We would not have women marching for equality and toward equality today if each and every woman who chose was not able to control her fertility. May we help obtain the same for our good sisters around the world.

Mr. HOYER. Madam Speaker, I am proud today to join Congresswoman JAN SCHAKOWSKY—who continues to do a great job as a Chief Deputy Whip—in recognizing the importance of International Women's Day on March 8.

Almost 100 years ago, a group of courageous women proposed creating an International Women's Day to honor the women's rights movement and to continue the fight for universal suffrage. This day has since expanded in scope to serve as an opportunity to celebrate the accomplishments of women, and recommit ourselves to ending discrimination and violence against women across the globe.

Since the first commemoration of International Women's Day in 1910, women have made significant advances. Women have been elected to the highest levels of government across the world, and they serve as the leaders of nations such as Chile, Liberia, and Germany. An estimated 10.4 million businesses in the United States are owned by women. Worldwide, women receive eighty percent of all micro-loans to start small businesses. In the United States, women are graduating from high school and college at record rates.

However, while these accomplishments are indeed significant, we still have far more work to do. In the United States and across the world, women still face obstacles to political and economic equality. While women work two-thirds of the world's working hours, they earn only one percent of the world's income. Of the 1.3 billion people living in poverty, 70 percent are women and children. Violence against women continues at a horrific rate. These are unacceptable statistics, and we must do everything we can to change them.

As we mark this year's International Women's Day, we must renew and reaffirm our commitment to stopping violence against women and putting an end to discriminatory practices so that all women have a real opportunity to participate in society to the fullest.

By recognizing International Women's Day and all that it represents, we give hope to women across the world. We honor the women who have fought—and continue to fight—for their rights, and I am proud to stand with them as we continue efforts to achieve equality and justice.

Again, I thank Congresswoman SCHAKOWSKY for introducing this important bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to women by supporting the goals of International Women's Day. As a woman, I recognize and honor all the women who have fought and struggled for the equality of women.

Women from all parts of the world are divided by ethnic, linguistic, cultural, economic and political differences. This day will allow for the differences to be overshadowed by the similarities. This day will enable them to look back to a tradition that represents decades of struggle for equality, justice, peace, and development.

International Women's Day recognizes the importance of securing peace and allowing social progress by identifying the rights of women to equal opportunity and freedom. Women are being given the opportunity to participate in the workforce and contribute to international peace and security; this is an extraordinary advancement.

As Members of Congress, we need to reaffirm the commitment of ending discrimination and violence against women and girls. We must continue to encourage the President to affirm his commitment to pursue policies to protect human rights and civil liberties.

Madam Speaker, the key fact remains: women themselves have the right to live in dignity. Let us rededicate ourselves to making that a reality by honoring International Women's Day. I urge my colleagues to vote in support of International Women's Day.

Mrs. BIGGERT. Madam Speaker, I rise today to support the goals of International Women's Day. This is a day that not only recognizes the struggles women and girls have faced and continue to face throughout the world, but also celebrates their significant advancements and achievements.

Founded in the United States in the early 1900's, International Women's Day has grown to be recognized throughout the world each year on March 8th: from Australia, to Singapore, to Afghanistan, to Chile. This year alone, there are 269 International Women's Day events scheduled around the globe, with 44 occurring in the United States.

Since the inception of International Women's Day, women have made considerable progress throughout the world. A vast majority of women now have the right to vote. There currently are eleven women heads of state and 27 women presiding over national assemblies across the globe—including NANCY PELOSI, the first female Speaker of the U.S. House.

Some of women's most notable legislative successes here at home include: securing the right to vote in 1920; passage of the Equal Pay Act in 1963; Title IX in 1972; and the Violence Against Women Act in 1994.

Despite these significant achievements, women in the United States and throughout the world still face obstacles to full equality. Women and girls are more likely to be illiterate, impoverished and a victim of domestic violence. Additionally, the U.S. Department of State estimates that every year, 800,000 to 900,000 people are victims of trafficking—most of them are women and girls.

I stand here today—in solidarity with women and girls around the globe—to bring attention to International Women's Day. It is important to recognize and celebrate the obstacles women have surmounted on the road to equality. Additionally, I hope to bring attention to the inequalities that we still face, so that we can continue to break down gender barriers in the hope that we can one day eradicate gender inequality.

Mr. LANTOS. Madam Speaker, I rise in support of H. Res, 149, a resolution supporting International Women's Day on March 8, 2007. For several decades the international community has reserved this day to celebrate the achievements and contributions of women around the world. International Women's Day is also a time to recognize and remember the work we still have before us to achieve equal social and political rights for women.

Today, women all over the world are becoming leaders in every professional field imaginable. The achievements of women in politics are especially noteworthy. As we celebrate Women's History Month in the United States, it is my honor to recognize this important Day under the historic leadership of the first woman Speaker of the House, my fellow Californian, NANCY PELOSI.

The 110th Congress also marks the rise of six women to seven committee chair positions, the most ever held by women in any prior Congress:

Congresswoman JUANITA MILLENDER-MCDONALD from California is chairing the House Committee on Administration;

Congresswoman LOUISE SLAUGHTER from New York is chairing the House Rules Committee;

Congresswoman NYDIA VELÁZQUEZ from New York is chairing the House Committee on Small Business;

Congresswoman STEPHANIE TUBBS-JONES from Ohio is chairing the House Committee on Standards of Official Conduct;

Senator DIANNE FEINSTEIN from California is chairing the Senate Committee on Rules and Administration; and

Senator BARBARA BOXER from California is chairing the Senate Committee on the Environment and Public Works and is currently Acting Chair for the Senate Select Committee on Ethics.

These women all honor our Nation with their distinguished service and leadership.

I also want to pay special tribute to my distinguished colleague Congresswoman ROS-LEHTINEN who has achieved the distinction of becoming the first woman Ranking Member on this committee. We all benefit from her contributions and those of all of the women Members who are performing important responsibilities on the Committee of Foreign Affairs with honor and distinction.

Despite notable political progress for women in leadership positions in the U.S. and around the world, women continue to struggle for equal social and political rights; access to health care, education and work; and freedom from civil conflict, violence, human trafficking and various cultural practices that put women's lives at risk.

The theme for this year's International Women's Day captures a critical goal we all must share: "ending impunity for violence against women and girls."

While manifestations of violence against women and girls vary across social, economic, cultural and historical contexts, it is clear that violence against women and girls remains a devastating reality in all parts of the world. The global evidence is chilling. Violence against women is a pervasive violation of human rights and a major impediment to achieving gender equality, development and peace.

According to the United Nations:

> Domestic violence is the largest form of abuse of women worldwide, irrespective of region, culture, ethnicity, education, class and religion. Violence against women is the most common but least punished crime in the world.
>
> The number of women forced or sold into prostitution is estimated worldwide at anywhere between 700,000 and 4 million per year. Profits from sex slavery are estimated at $7 to $12 billion per year. The number of women trafficked into forced labor put these numbers at even more astounding levels.
>
> It is estimated that more than two million girls are genitally mutilated per year.
>
> Systematic rape continues to be used as a weapon of terror in many of the world's recent conflicts—including Darfur, Bosnia and Rwanda.

While international, regional and national legal and policy frameworks have been established, to address violence against women and girls, implementation of these laws and norms remains insufficient and inconsistent around the world. Gender inequality, poverty and endless cycles of violence are exacerbated as a result of failures to hold perpetrators of violence against women and girls accountable for their actions.

Eliminating violence against women remains one of the most serious and urgent challenges of our time. Each one of us has a duty to support and sustain a political and social environment where violence against women and girls is not tolerated; where friends, family members, neighbors, men and women, intervene to ensure these crimes and acts are not committed with impunity.

I will do everything in my power as chairman to ensure that every piece of legislation we consider in this Committee will improve the security, opportunity and prosperity of women and I know my colleagues will share this important goal.

I want to thank my colleague Congresswoman JAN SCHAKOWSKY and the other cosponsors of this resolution for giving us this opportunity to recognize the importance of International Women's Day. I am proud to support this resolution and I urge all my colleagues to do the same.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today as a cosponsor of House Resolution 149, in support of International Women's Day. I thank my colleague, Congresswoman SCHAKOWSKY of Illinois, for introducing this important resolution.

Women in every country around the world face an every-day battle for their safety, and for equal rights, civil rights, and human rights.

Even here in this country, every day, women are victims of sexual assault, abuse, and domestic violence.

Today, I stand with my colleagues in the House—with women in this country, and with women around the world—to make a commitment to work together to end discrimination and violence against women.

Yesterday, I returned from a trip where I led a Congressional delegation of female members to visit Iraq. While. we were there, we met with Iraqi women who told us that they are treated like second class citizens.

This is unacceptable. Women in Iraq deserve the same basic human rights and civil liberties as men. It is fitting that we should take this occasion, on the day before March 8th—International Women's Day—to restate this basic and essential message.

I urge my colleagues to unanimously support this resolution, a message to women everywhere—that this House is committed to fight for their civil rights, human rights, and their right to live each day without fear of sexual abuse, assault, and domestic violence.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H. Res. 149, which supports the goals of International Women's Day (IWD). International Women's Day is a day on which millions around the world come together to commemorate their continued struggle for equality, justice, peace, and development for all women around the world.

International Women's Day has grown to become a global day of recognition and celebration across developed and developing countries alike. For decades, IWD has grown from strength to strength annually. For many years the United Nations has held an annual IWD conference to coordinate international efforts for women's rights and participation in social, political and economic processes.

Madam Speaker, 1975 was designated as 'International Women's Year' by the United Nations. Women's organizations and governments around the world have also observed IWD annually on March 8 by holding large-scale events that honor women's advancement and while diligently reminding of the continued vigilance and action required to ensure that women's equality is gained and maintained in all aspects of life.

There are over 3,000,000,000 women in the world, representing 51 percent of the world's population; we need to celebrate and emphasize the important roles that women play around the world.

Throughout history women have faithfully and fervently forged a strong fight to tear down the walls of discrimination, bridge the gap between the haves and have-nots, and lay the foundation of a towering edifice of equality and justice. Some of these strong soldiers for justice include Harriet Tubman, Sojourner Truth, and Rosa Parks. I am extremely proud of the recent passage of H.R. 4510, a bill on which Senator HILLARY CLINTON and I worked diligently together to pay tribute to the enormous contributions Sojourner Truth made in the interests of all women. H.R. 4510 directs the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol. On behalf of women in this country, and all around the world, it was important to urge the recognition and honor of abolitionist Sojourner Truth with the addition of her likeness to the statue commemorating women's suffrage in the United States Capitol.

Women continue to play the prominent role in caring for families within the home as well as serving as economic earners. Women are defined by their versatility. Women not only cook, clean, and care for their children, but they also own and operate businesses, teach our schoolchildren, drive buses, create art, practice medicine and law, and legislate, as well as perform in many other capacities.

All over the world women play important roles in the world of diplomacy and politics, contribute to the growth of economies, and improve the quality of the lives of their families, communities, and nations.

Madam Speaker, we recently celebrated the 2007 election of Congresswoman NANCY PELOSI as the first female Speaker of the House, a significant stride in the cause of promoting the advancement of women as leaders and major players in politics. We also witnessed the recent passage of H.R. 4510, a bill I proudly introduced which directed the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol. On behalf of women in this country, and all around the world, it was important to urge the recognition and honor of abolitionist Sojourner Truth with the addition of her likeness to the statue commemorating women's suffrage in the United States Capitol. We also witnessed the 2006 election of Michelle Bachelet as the first female President of Chile; the 2006 election of Ellen Johnson-Sirleaf as the first female President in Africa's history; and the 2005 election of Angela Merkel as the first female Chancellor of Germany, who will also serve as the second woman to chair a G8 summit beginning in 2007.

Women account for 80 percent of the world's 70 million micro-borrowers and 75 percent of the 28,000 United States loans supporting small businesses in Afghanistan are made to women, and 11 women are chief executive officers of Fortune 500 companies.

In the United States, women are graduating from high school at higher rates and are earning bachelors degrees or higher degrees at greater rates than men, with 88 percent of women between the ages of 25 and 29 having obtained a high school diploma and 31 percent of women between the ages of 25 and 29 earning a bachelors degree or higher.

But in spite of tremendous gains, women still face political and economic obstacles, struggle for basic rights, face the threat of discrimination, and are targets of violence all over the world.

Worldwide women remain vastly underrepresented in national and local assemblies, accounting on average for less than 10 percent of the seats in parliament, except for in East Asia where the figure is approximately 18 to 19 percent. In no developing region do women hold more than 8 percent of the ministerial positions.

Women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property.

In the United States between 1995 and 2000, female managers earned less than their male counterparts in the 10 industries that employ the vast majority of all female employees. Of the 1,300,000,000 people living in poverty around the world, 70 percent are women and children.

Madam Speaker, we need to continue to support programs that ensure women and girls across the globe are empowered with an education so that they reach their performance potentials and therefore function as productive citizens of the world.

According to the United States Agency for International Development, two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls are less likely to complete school than boys.

Women are particularly vulnerable to health problems and we must continue to fight to ensure that every woman around the world has access to adequate health care and health insurance.

Worldwide women account for half of all cases of HIV/AIDS, approximately 42,000,000 cases, and in countries with a high prevalence of HIV/AIDS, young women are at a higher risk than young men of contracting HIV. Globally, each year over 500,000 women die during childbirth and pregnancy.

We must also provide adequate protection and support systems that empower women to avoid or discontinue the victimization of abusive relationships. Domestic violence causes more deaths and disability among women between ages 15 and 44 than cancer, malaria, traffic accidents, and war. Worldwide, at least 1 out of every 3 women and girls has been beaten in her lifetime.

According to the Centers for Disease Control and Prevention, at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime.

Worldwide, 130,000,000 girls and young women have been subjected to female genital mutilation and it is estimated that 10,000 girls are at risk of being subjected to this practice in the United States. According to the Congressional Research Service and the Department of State, illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 1 million and 2 million women and children each year, of whom 50,000 are transported into the United States. Between 75 and 80 percent of the world's 27,000,000 refugees are women and children.

In times and places of conflict and war, women and girls continue to be the focus of extreme violence and intimidation and face tremendous obstacles to legal recourse and justice.

Madam Speaker, March 8 has become known as International Women's Day for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace. For these reasons, the people of the United States have reason and should be eager to participate in International Women's Day.

I strongly support H. Res. 149.

Ms. WOOLSEY. Madam Speaker, I am so pleased that the House is joining the global community in celebrating International Women's Day.

As a woman, a mother, and a grandmother, I see the amazing accomplishments women have made in my lifetime—including the first woman Speaker of the House.

However, we still have a lot of challenges ahead of us—women still face discrimination in the workplace, lack affordable healthcare, earn less than their male counterparts and struggle to pay for childcare.

I look forward to working with the new Democratic Congress to bring real change to the women and girls of this country and provide them a future of hope and optimism.

Mr. BRALEY of Iowa. Madam Speaker, I rise in support of H. Res. 149, which recognizes and honors the purpose of International Women's Day.

Recognizing the contributions American women have made to our Nation's progress over the course of history is so very important because their contributions have too frequently taken place out of the limelight.

It is truly remarkable when one takes note of the expansive list of contributions women have made to our country throughout its history.

From my own State of Iowa, Lilia Abron became the first African-American woman in the Nation to obtain a doctoral degree in chemical engineering at the University of Iowa.

Phyllis Propp Fowle, a native of Iowa, became the first female Judge Advocate General Officer in the U.S. Army.

Arabella Mansfield became the first female lawyer in the United States after being admitted to practice law in Iowa.

And I constantly remind myself I would not be here today had it not been for my own mother. She went back to school to obtain her four year teaching degree so she could help my family make ends meet after my father was injured in a grain elevator accident.

Using a single calendar day of the year to honor the barriers these women and countless others broke and the sacrifices they made is the least we can do to thank them for their contributions to our society.

I only hope that their stories inspire other women—and men—to work hard to achieve the promise this Nation was founded on: a place where all people are created equal.

Ms. WATSON. Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of our time.

Thank you, Ambassador Watson, and thank you to the gentlewoman from Illinois for introducing this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 149.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

LYNDON BAINES JOHNSON DEPARTMENT OF EDUCATION BUILDING

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 584) to designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building, as amended.

The Clerk read as follows:

H.R. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 400 Maryland Avenue Southwest in the District of Columbia shall be known and designated as the "Lyndon Baines Johnson Department of Education Building".

SEC. 2. REFERENCES.

Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Lyndon Baines Johnson Department of Education Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 584.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

I commend Congressman GENE GREEN of Texas for his steadfast advocacy to this bill. In the 109th Congress, he introduced H.R. 4252, a bill to designate the Department of Education headquarters building. Lyndon Baines Johnson, "the teacher who became President," was one of the leading political figures of the 20th century, I think, on both sides of the aisle, it would be agreed.

He served the country in ways too numerous to mention, including lieutenant commander in the U.S. Navy during World War II.

A Member of both Houses of Congress, Vice President of the United States and, of course, the 36th President of the United States, we are all aware of President Johnson's humble beginnings in Stonewall, Texas. In 1927, he enrolled in Southwest Texas State Teachers College at San Marcos, Texas, now the Texas State University at San Marcos.

He graduated with a bachelor of science degree in August 1930. After graduation, he taught at Pearsall High School in Pearsall, Texas, and taught public speaking at Sam Houston High School in Houston, Texas. In a special election in 1937, President Johnson won the U.S. House of Representatives seat representing the 10th Congressional District of Texas, defeating nine other candidates. In the next election he was elected to a full term in the 76th Congress and to each succeeding Congress until 1948.

After the bombing of Pearl Harbor, on December 7, 1941, President Johnson became the first Member of Congress to volunteer for active duty in the Armed Forces, enlisting in the U.S. Navy, reporting for active duty on December 9, 1941.

President Johnson received the Silver Star for gallantry from General Douglas MacArthur.

In 1948, he campaigned for and was elected to the U.S. Senate. He was elected minority leader of the Senate in 1953 and majority leader in 1955, where he served until January 1961, when he resigned to become Vice President of the United States.

Lyndon Johnson became the 36th President of the United States on November 22, 1963, after the tragic assassination of President John F. Kennedy.

During his administration, education was one of the many areas where Johnson blazed new ground. He pursued numerous education initiatives and signed many landmark education bills into law.

In 1963, President Johnson approved the Higher Education Facilities Act, which authorized a 5-year program of Federal grants and loans for construction for improvement of public and private higher education facilities in 1964. President Johnson signed the Library Services Act in order to make high-quality public libraries more accessible to both urban and rural residents.

Later that year, President Johnson signed the Civil Rights Act, which, among its provisions, authorized the Federal authorities to sue for the segregation of schools and to withhold Federal funds from education institutions that practiced segregation, if I may say so. The bill also authorized title VII of the 1964 Civil Rights Act, the equal employment part of the act it was my great privilege to enforce as Chair of the EEOC.

In 1965, President Johnson signed the Elementary and Secondary Act. This was the first general aid-to-education program ever adopted, and it provided programs to help educate disadvantaged children in urban and rural areas.

Later that year, he also signed the Higher Education Act, which was the first U.S. congressional approval for scholarships to undergraduate students.

In 1965 as well, President Johnson launched Project Head Start as an 8-week summer program to help break the cycle of poverty by providing preschool children of low-income families with a comprehensive program to meet their emotional, social, health, nutritional, and psychological needs.

In 1966, President Johnson signed the International Education Act, which promoted international studies at United States colleges and universities.

In 1968, he signed the Elementary and Secondary Education Act amendments of 1967, establishing bilingual education programs for non-English speaking children and providing more funds for special education for handicapped education.

Later that year, he also signed the Handicapped Children's Early Education Assistance Act, which authorized experimental programs for handicapped children of preschool age. After leaving office, President Johnson continued his involvement in education and taught students while he wrote his memoirs and pursued other academic endeavors. President Johnson died January 22, 1973.

Lyndon Baines Johnson will be remembered not only as a great President and Member of the House and of the Senate, but also as a champion of education. Thus, the Department of Education, located at 400 Maryland Avenue, Southwest, Washington, D.C., most appropriately should bear the name of and be designated as the Lyndon Baines Johnson Department of Education Building.

Madam Speaker, I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 584 designates the Department of Education Building as the Lyndon Baines Johnson Department of Education Building. Lyndon Baines Johnson was born in Stonewall, Texas, on August 27, 1908, and his connection to education began very early in life when at the age of 4 his mother persuaded the teacher at the nearby one-room junction school to take him as a student.

Lyndon Baines Johnson enrolled in the Southwest Texas State Teachers College in 1927. He graduated in 1930 and embarked on a teaching career that would eventually lead him to the White House. As was pointed out by the gentlelady, in 1937 he was elected to the U.S. House of Representatives in a special election.

He was subsequently re-elected to the House in each succeeding Congress until 1948 when he was elected to the United States Senate. In 1961, he resigned from the Senate to become the 37th Vice President; and on November 22, 1963, a day we all remember, Lyndon Baines Johnson became the 36th President of the United States.

This teacher who would become President pursued numerous education initiatives, as was pointed out. He signed into law education legislation such as the Higher Education Facilities Act, the Library Services Act, the Elementary and Secondary Education Act, and the Higher Education Act, just to name a few.

After leaving office, President Johnson continued to have an impact on education, as he taught students while he was writing his memoirs, and subsequently passed away on January 22, 1973.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I am pleased to recognize the gentleman from South Carolina for such time as he may consume.

Mr. CLYBURN. Madam Speaker, as a former public school teacher who started his educational pursuits as a 4-year-old in his mother's kindergarten, I proudly rise in support of H.R. 584. legislation to designate the headquarters building of the Department of Education here in Washington as the Lyndon Baines Johnson Federal Building.

Madam Speaker, most people remember President Johnson for his poise and confidence as he assumed the Presidency during a turbulent and mournful time for our Nation. He is also remembered for his leadership and vision with the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

It was his support in the White House for a movement that I and my brothers and sisters were fighting for on buses and at lunch counters throughout the South and helped bring here today.

But I give special thanks to his work in an area that is dear to my heart, education. President Johnson recognized the power of education to strengthen the Nation and help bring people out of poverty. He made his name as the first education President by signing into law over 60 education bills during his Presidency, most notably the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, and the Higher Education Act of 1965.

He was the first President to recognize the need for strong Federal investment in education, backing programs that funded not only elementary and secondary education, but higher education with the Federal student loan program for college and graduate school students. He gave us the Head Start Program, which since its inception has helped millions of disadvantaged children get off on the right foot by providing health, nutritional and educational assistance, recognizing that an investment in our children at an early age pays off in the long run.

His domestic vision for this country was revolutionary in the areas of civil rights and the fighting of poverty. We still see the benefits of his vision for a Great Society today. That is why I am proud to join my colleagues in passing this legislation to designate the Department of Education, the first Federal building in Washington to bear his name. I thank the gentlelady for yielding me this time, and I thank her for her leadership.

□ 1330

Mr. GRAVES. Madam Speaker, I wish to yield 6 minutes to the ranking member of the House Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I want to thank Congressman GRAVES for his gracious allocation of time.

I rise in strong support for H.R. 584, a bill to name the Department of Education headquarters in Washington, D.C., as the Lyndon Baines Johnson Federal Building. I am proud to be the primary Republican sponsor of this legislation, and I believe that all the Republicans in the Texas delegation have also cosponsored this particular piece of legislation.

I commend Mr. GREEN of Texas for being the primary sponsor of the overall bill and his tireless work on this. He has worked on it for a number of years now, and it is good to see that it has finally come to fruition.

I never had the privilege to meet the late President Lyndon Baines Johnson. I wish I had. I am a great admirer of his in many ways, not so much some of the policies that he pursued, but I am a great admirer of the enthusiasm and the tenacity with which he pursued those policies.

In my first campaign for Congress in 1984, I read the first Caro book, "Path to Power," the first installment of that, and required all my campaign staff to read that book; because President Johnson, when he ran for Congress in the 1930s in the middle of the Depression, he made it a motto of his that he would literally search out the voters of his congressional district one by one, whether they were in the fields plowing or in the stores working or at church socials or wherever. He went where the people were to spread his message.

And I took that to heart, and numerous times traveled hundreds of miles to meet with small groups and in a few cases one or two people just so I could have an option. On one occasion, I went and met with a gentleman at 6 a.m. because he didn't think I would show up at 6 a.m., and so he said meet him at 6 a.m. when he opened his business. And I was there at 5:45. On another occasion, a banker in Houston couldn't see me. I waited in his waiting room from 4 o'clock in the afternoon until 8:30 that evening, and finally, in exasperation, he agreed to see me and, before I left, had given me a substantial contribution and agreed to let me use his name on my steering committee. Those were both things that I got from the way President Johnson ran his campaign.

In terms of his policies, the two bills that he supported that became law that had the greatest impact on my life were the creation of the White House Fellows program in 1965. I was a White House Fellow in 1981 and 1982. That is a program that President Johnson established to bring young Americans to Washington for a year to work in the Cabinet agencies, and then either go back to their areas or to stay in Washington. And so far, there have been about, I believe, 700 young Americans have gone through that program. Texans like Henry Cisneros come to mind, a former White House Fellow. Colin Powell is a former White House Fellow, Senator SAM BROWNBACK in the other body is a former White House Fellow. But it had a tremendous impact on my life and led me for the first time to think about trying to become a Member of this body.

Another program that President Johnson established was the Head Start program. And in the summer I believe of 1964 or 1965, when that program was established in Waco, Texas, my mother became a Head Start assistant at Brooke Avenue Elementary School in Waco, Texas, at a time when my family was in need of financial income, and so she decided to work part time outside the home and went to work at a Head Start program; and, because of that, became a school secretary and spent her career in education. The impact on me that summer was, I was the oldest child, and it forced me to learn to cook, learn to clean and learn to take care of my three younger brothers and sisters.

I will never forget the day that my father showed up for lunch and I had been trying to make gravy. To this day, that gravy is still in the pan because it would not come out of the pan when you turned it upside down. That was my one and only attempt to learn how to make gravy. And my father said, "From now on, son, if you need to make gravy, ask your mother to do it or ask me to do it, but nobody can eat what you are trying to make." So thanks to President Johnson, I never had to learn to cook, because that was one of the few times I even attempted it.

So I rise in strong support of this piece of legislation. President Johnson was a great President, he was a great American, and he was obviously a great Texan. And there are still people in Washington today that are effective in the political arena. People that come to mind that are still active in Washington, Jack Valenti who was for many years the president of the Motion Picture Association of America who came to Washington with President Johnson, and an attorney named Harry McPherson who is still active in his practice, he, too, was involved with the President. Some of the former members of this body, the late Jake Pickle, the late Jack Brooks, were LBJ proteges. And then former Governor of Texas, John Connelly, a good friend of mine who helped me politically when I was getting started, is another protege of Lyndon Johnson.

So I am proud to be a cosponsor of the bill with Congressman GREEN. I think it is right to honor President Johnson with this building. He wanted to be known as the "educational president" and did many, many things to bring forth public education for our citizens.

Ms. NORTON. Madam Speaker, I yield to the gentleman from Texas, Mr. GREEN, the author of the bill, such time as he may require.

Mr. GENE GREEN of Texas. Madam Speaker, as author and sponsor of the bill, I rise in strong support of H.R. 584. I would like to thank both Chairman OBERSTAR and Chairwoman NORTON and Ranking Member MICA and Ranking Member GRAVES for moving this legislation out of committee, and I like to thank Majority Leader HOYER for bringing it to the floor.

A bipartisan group of Texas delegation members introduced this bill to name the Department of Education headquarters building in Washington, D.C. the Lyndon Baines Johnson Federal Building. We now have over 50 cosponsors from around the country, and I am proud to be joined on this legislation by the ranking member of the Energy and Commerce Committee, JOE BARTON, who just spoke, Congressman MIKE MCCAUL, and also our dean of the Texas delegation, Congressman SOLOMON ORTIZ. Representative MCCAUL actually represents the Johnson family in Congress. Their bipartisan efforts have helped move this bill to the floor, and I think they should be congratulated for the efforts.

I would say one thing, though. Former Congressman Jack Brooks is not deceased. He is still much alive, and Congressman BARTON, I suspect you will be getting a call very shortly from Jack Brooks, as we all know, former dean of the Texas delegation.

I did have the opportunity at a very young age to meet President Johnson. In January 1973, I was a young State Representative in Austin, Texas, my first term. President Johnson came to our swearing in my first term in 1973, and I actually got a very candid photo with him that I hang proudly in our office here in Washington. He passed away a week later, and I was honored to be able to go to his funeral and his burial there at the Johnson Ranch.

President Johnson was a proud Texan, and back in those days, many of my Republican friends were Democrats as well. President Johnson pioneered issues such as civil rights and voting rights, but his educational leadership stands out even among these accomplishments. President Johnson passed away over 30 years ago, and to this day, he has no Federal buildings in his name in the Capitol area. So we believe the Education Building is a fitting honor. Presidents Reagan and Bush have been honored with the International Trade Center for President Reagan and the Central Intelligence Agency building for President Bush reflecting their priorities and contributions.

President Johnson presided during turbulent times in our Nation's history. He ascended to the presidency after the Kennedy assassination and faced a difficult conflict in Southeast Asia. President Johnson was a very human figure, but his legacy is with us in many ways today.

Lyndon Johnson's first priority in life was education. He was the first "Education President." Before Johnson, educational opportunity in America was not a national priority, as it continues to be today for both our parties, including current President George W. Bush.

In 1927, Lyndon Baines Johnson's career and education began when he went to Southwest Texas State Teachers College in San Marcos, Texas. He earned money as a janitor and taught the fifth, sixth, and seventh grades at the Mexican-American School in the South Texas town of Cotulla. He taught later at Sam Houston High School, which is part of our congressional district.

As a Jeff Davis High School student, which Madam Speaker, you actually visited a few years ago, in 1965 and 1966, I saw the impact of the first Federal dollars that came to my high school firsthand.

In his memoirs, President Johnson declared, "There is an old saying that kids is where the money ain't." And I need to repeat that. That may be true today, Madam Speaker, "That kids is where the money ain't, which summed up one of the major problems confronting the American educational system when I became President." And that is a direct quote.

Continuing the quote, "because of these convictions, I made a personal decision during the 1964 Presidential campaign to make education a fundamental issue and to put it high on the Nation's agenda.

"I proposed to act on my belief that, regardless of a family's financial condition, education should be available to every child in the United States, as much education as he or she could absorb. I had no intention of walking away from this fight."

President Johnson succeeded in his fight to improve education for all Americans. He signed into law 60 education bills, including the Economic Opportunity Act of 1964, which established the Head Start program, the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965.

The Elementary and Secondary Education Act was the first real Federal assistance to grade school education, and it is widely supported today. The President actually signed that in a one-room schoolhouse in Stonewall, Texas, with his elementary school teacher.

In large part, President Johnson's education priorities are accepted by both political parties, as some of them were then. The Higher Education Act passed by 368–22 in the House and 79–3 in the Senate, strong bipartisanship votes.

In discussing President Johnson's education legacy, we have to recognize First Lady, Lady Bird Johnson, who was also a major contributor and strong advocate for his educational initiatives. During her White House years, Ms. Johnson served as honorary chair of the National Head Start program, the program for underprivileged school children which prepares them to take their places in the classroom on par with their peers.

In part for her education efforts, President Ford presented her with the country's highest civilian award, the Medal of Freedom. Mrs. Johnson turned 94 last December, and hopefully she is listening to this debate.

Mrs. Johnson also received the Congressional Gold Medal from President Reagan in 1988. This legislation is a fitting honor for both President Lyndon Baines Johnson and also First Lady, Lady Bird Johnson.

Mr. GRAVES. Madam Speaker, I yield 7 minutes to another gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. I want to thank my colleague from Texas, Mr. GREEN, for introducing this bill. It has been a real honor to work with you on this bill. I am proud to be a lead sponsor and to have played a role in terms of whipping votes on my side of the aisle and getting this bill to the floor of the House where it stands today.

Madam Speaker, I rise in support of this important piece of legislation which honors a former President of the United States and his commitment to better educate the future generations of America.

Today, we will vote to name the Department of Education building in Washington, D.C., the Lyndon Baines Johnson Federal Building. And, by doing so, we honor a son of Texas who left a positive mark on me, my family, the State of Texas, and this country.

Born on August 27, 1908, in Stonewall, Texas, Lyndon Johnson's family knew that he was destined to do great things. The future President got his experience in Washington first as a secretary to Congressman Richard Kleburg. Shortly after that, Johnson met Claudia Alta Taylor, a woman the world has come to affectionately know as Lady Bird.

In 1937, after the death of Congressman James Buchanan, Lyndon Johnson entered a special election for the 10th Congressional District of Texas, a district which I am proud to represent today. Representative Johnson beat nine other candidates to win the seat, an experience that I can personally relate to.

In addition to his tour of duty during World War II, LBJ would spend the next 23 years in the Congress as both a Congressman and Senator. During his career in the Congress, Johnson would serve as Senate minority and Senate majority leader. As President Kennedy's Vice President, Johnson served as the chairman of NASA and the Presidential Space Committee.

Lyndon Johnson early on earned a reputation for getting things done for the betterment of our Nation, and he used that intensity to lead America to land a man on the moon and continue America's dominance in space.

□ 1345

But it was Lyndon Johnson's steady and calming leadership after the assassination of President Kennedy which helped to lead our Nation through one of its most turbulent and tragic hours.

Taking the experience he had gained from his younger days as a teacher, President Johnson focused on working with the Congress and passing several landmark education bills. These initiatives served as a foundation for a new standard of education in America. Among them were programs such as Head Start, the first Federal aid to public schools and the first Federal student loan programs.

President Johnson recorded in his memoirs, he said, "I remember seeing in the folder of reading material I took to my bedroom one night, the account of a 62-year old man who learned how to write his name after years of making an X for his signature. He was so excited that he sat for a whole hour just writing his name over and over again."

Johnson said, "Reading about this man whose life had been so enriched, I was almost as excited as the man himself."

Now, that sums up so much of the man President Johnson was. In his story, our striving for increased opportunity and education took shape and became real and valid. It is this love and dedication to education that makes this bill the ideal way, in my view, and my judgment, to honor President' Johnson's memory.

While President Johnson will always be remembered as a champion of the Civil Rights Act, it was President Johnson's wish that the education papers from his Presidency be the first set of records to be made public because he believed, and I quote, in his words, "You can't get your civil rights without your education." This is why, in my judgment, he will always be known as the first "Education President."

One of the greatest honors I have had during my tenure in the Congress was the opportunity to sit down with Lady Bird Johnson, who I am proud to have as a friend and a constituent. I spoke with her about my intention to see this bill through the Congress and have the Department of Education named for her husband. And the excitement and the gratitude in her eyes that she responded with will be a memory that I will cherish for the rest of my life.

As the Representative of President Johnson's former congressional district, I have been inspired by his dedication to the American people. I specifically look back to his work in supporting the space program and education as I consider ways to further improve our great Nation.

So I urge my colleagues to honor this great Texan and to support the Lyndon Baines Johnson Department of Education Act.

May God bless Lyndon Johnson, and may God bless our national treasure, Lady Bird, may God bless Texas, and may God bless the United States of America.

Ms. NORTON. Madam Speaker, may I ask how much time remains on both sides?

The SPEAKER pro tempore. The gentlewoman has 5½ minutes. The gentleman has 7 minutes.

Ms. NORTON. Does the gentleman have any further speakers?

Mr. GRAVES. I don't.

Madam Speaker, I would be more than happy to yield 5 minutes to Chairman NORTON.

The SPEAKER pro tempore. Without objection, the gentlewoman will control 5 additional minutes.

There was no objection.

Ms. NORTON. Madam Speaker, I appreciate very much the courtesy of the gentleman in yielding additional time, and I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, today, we belatedly honor the Education President by affixing his name to the Education Building.

President Johnson began as student Johnson, a Blanco County farm boy going to college in Hays County, Texas, at Southwest Texas State Teachers College. It was a time when he remarked that "poverty was so common we didn't even have a name for it."

He borrowed $75 to get his college education, which is one of the reasons he appreciated the need for strong student financial assistance programs. And he even took leave there at Southwest Texas, as it later became known, in order to teach school and earn a little money to stay in school.

Recently, we dedicated an LBJ museum in San Marcos to commemorate his years as a student there, recognizing that now Texas State University continues to provide quality higher education to students across the State, Nation and globe.

President Johnson continued his involvement as President with students. One of my own most memorable experiences as a university student was going with a small delegation of university student leaders to meet with President Johnson in the residence at the White House and having an opportunity to ask him questions about the important work that he was doing in Washington.

In 1994, I had the good fortune to be elected to represent the congressional district that Lyndon Johnson once served in this House, having served in the State Senate before that time.

With his own premature passing, we lost the opportunity to have his continued involvement in Texas, but we have been blessed, as other speakers have noted, with the active involvement of the woman we know only as "Lady Bird," who continues now, even at this point in her life, to make public appearances and support causes for education and other good deeds in the Central Texas area.

Similarly, we are blessed that his commitment to education is reflected in the work of his daughter, Luci Baines Johnson Turpin, and his granddaughter, Catherine Robb, who are active participants in our Central Texas community. This family recognized that, as President Johnson said of the NATO alliance many years ago, "There are no problems we cannot solve together, and very few we can solve by ourselves."

The importance of working together is true, whether our objective is to provide more children an education, guarantee seniors' retirement security or protect our veterans with the coverage that they earned and deserve.

As we name this building to honor President Johnson, I think that we share his commitment to the least, the last, and the most in need. All of us welcome this measure as a fitting tribute to a man who did so much for this country, so much for education, and so much to improve the quality of life for all Americans.

Ms. NORTON. Madam Speaker, I am pleased to yield 2 minutes to another gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, as a proud Texan, I rise this afternoon in support of H.R. 584 in naming the Department of Education Headquarters Building in Washington, D.C. after the first "Education President," President Lyndon B Johnson.

Like myself, President Johnson began his career in the field of education and, like me, he also had to borrow money in order to attend college.

In 1927, he borrowed $75, as indicated by the previous speaker, to attend the Southwest Texas State Teachers College in San Marcos, Texas. He temporarily dropped out of school to serve also as a principal and teacher, and he taught at a school in South Texas in La Salle County in a city by the name of Cotulla, which is a city that I had the pleasure of representing while I was representing the 28th Congressional District. There he taught a good number of Mexican Americans as a young man.

On August 19, 1930, President Johnson graduated with a Bachelor's Degree in Science and continued teaching at Pearsall High School, also in the 28th Congressional District that I served.

Pioneering the importance of education as our President, on April 11, 1965, Johnson signed the Elementary and Secondary Education Act, which was the first Federal general aid to education law and focused on disadvantaged children, both in inner cities and rural communities throughout this country.

Madam Speaker, President Johnson has no Federal buildings in the District of Columbia named after him, and since he enacted over 60 education bills in his term, including the Economic Opportunity Act, Head Start, the Elementary and Secondary Education Act (title I) and the Higher Education Act, (beginning student loan program), the Department of Education building is a fitting honor for President LBJ.

I urge my colleagues in joining me in passing H.R. 584.

Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Madam Speaker, I thank the gentlelady for yielding me the time, and our Republican colleagues for the graciousness in extending our time.

I first met Lyndon Baines Johnson when he was a Senator from Texas and he came to my high school and showed the commitment that he had to education and to inspiring young people to go into public service. I was one of those young people who responded to his words at that time. And I am privileged today to represent the area where the Lyndon Baines Johnson Space Center, the Johnson Space Center, is located in Texas, and it continues to be a beacon to inspire young people to enter into, particularly math and science education, critical areas that we need.

And I am also privileged to speak today in support of this piece of legislation, H.R. 584, a bill to name the Department of Education's Washington headquarters in honor of one of our Nation's greatest Presidents, President Lyndon Baines Johnson.

As a Texan, it gives me particular pride to help this effort to name the building after a man who did so much to enhance and improve the educational system for all Americans. Not only did he begin his storied career in public service as an educator, as I did, and some of my colleagues who have already spoken, President Johnson also ushered in the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, and the Higher Education Act of 1965, all keystones in our efforts to provide excellent and enduring educational opportunities for all of our children.

The House should take this simple step to honor a great leader and educator and, of course, a great Texan. It is a fitting tribute to his family that remains, including Lady Bird. I ask for the support of all Members of this piece of legislation, H.R. 584.

Ms. NORTON. Madam Speaker, may I ask Mr. GRAVES, the gentleman from Missouri, whether he has any more speakers and if he is prepared to yield back his time?

Mr. GRAVES. I have none. I yield back the balance of my time.

Ms. NORTON. I thank the gentleman again for his courtesy in allowing a number of Members to speak with the time he provided.

Madam Speaker, before I yield back the remainder of our time, I must say that it would be hard to find a greater domestic policy President than Lyndon Baines Johnson. The only one I could think of would be FDR himself, and of course, President Johnson updated the Roosevelt New Deal. In fact, we are naming the education building, the Department of Education building after President Johnson. We could as soon have named the HHS building. This is the Medicare President. This is the Medicaid President.

On both sides of the aisle, the historic accomplishments of this great President have been embraced. And I must tell you, they have certainly been embraced by our constituents. He updated the New Deal. And as we consider what domestic legislation lies ahead for us, I think we would do well to remember that history gets made in one era; and the New Deal era with Social Security, unemployment insurance and the like, and then in another era, new issues come forward. President Johnson found those issues. None could have been more important than education and health care, and I appreciate the bipartisan nature of this bill.

No building should be named in Washington that is not embraced on both sides of the aisle, and there is no more appropriate person to name this building after than President Lyndon Baines Johnson.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 584, a bill to designate the Department of Education headquarters building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building."

I commend the gentleman from Texas, Mr. GREEN, and his colleagues of the Texas delegation, for their steadfast advocacy for this bill. In the 109th Congress, Mr. GREEN introduced a similar bill, H.R. 4252. Regrettably, the House did not take action on that legislation.

Lyndon Baines Johnson, "the Teacher who became President," was one of the leading political figures of the 20th century. He served his country in ways too numerous to detail, including as lieutenant commander in the U.S. Navy during World War II, Member of both houses of Congress, Vice President of the United States, and the 36th President of the United States.

President Johnson was born on August 27, 1908, in Stonewall, TX. In 1927, he enrolled in Southwest Texas State Teachers College at San Marcos, TX—Texas State University—San Marcos. He took a leave of absence for a year to serve as principal and teach fifth, sixth, and seventh grades at Welhausen School, a school in the south Texas town of Cotulla. He graduated with a bachelor of science degree in August 1930. After graduation, he taught at Pearsall High School in Pearsall, TX, and taught public speaking at Sam Houston High School in Houston, TX.

In a special election in 1937, Johnson won the U.S. House of Representatives seat representing the 10th Congressional District of Texas, defeating nine other candidates. In the next election, he was re-elected to a full term in the 76th Congress and to each succeeding Congress until 1948.

After the bombing of Pearl Harbor on December 7, 1941, Johnson became the first Member of Congress to volunteer for active duty in the Armed Forces—U.S. Navy, reporting for active duty on December 9, 1941.

Johnson received the Silver Star from GEN Douglas MacArthur for gallantry in action during an aerial combat mission over hostile positions in New Guinea on June 9, 1942. President Roosevelt ordered all Members of Congress in the Armed Forces to return to their offices, and Johnson was released from active duty on July 16, 1942.

In 1948, he campaigned for and was elected to the U.S. Senate. He was elected minority leader of the Senate in 1953 and majority leader in 1955, where he served until January 1961, when he resigned to become Vice President.

Lyndon Johnson became the 36th President of the United States on November 22, 1963, after the assassination of President John F. Kennedy.

During President Johnson's administration, education was one of the many areas where Johnson blazed new ground. He pursued numerous education initiatives, and signed many landmark education bills into law.

In 1963, President Johnson approved the Higher Education Facilities Act—P.L. 88–204—which authorized a 5-year program of Federal grants and loans for construction or improvement of public and private higher education academic facilities. This legislation created the largest education program since enactment of the National Defense Education Act of 1958, and it was the first comprehensive education bill enacted in the post-World War II period that was not tied to national defense.

In 1964, President Johnson signed the Library Services Act—P.L. 88–269—to make high quality public libraries more accessible to both urban and rural residents. The funds made available under this act were used to construct as well as operate libraries, and to extend this program to cities as well as rural areas. Later that year, President Johnson signed the Civil Rights Act—P.L. 88–352—which, among its landmark provisions, authorized Federal authorities to sue for the desegregation of schools and to withhold Federal funds from education institutions that practiced segregation.

In 1965, President Johnson signed the Elementary and Secondary Act—P.L. 89–10. This legislation was the first general aid-to-education program ever adopted by Congress, and it provided programs to help educate disadvantaged children in urban and rural areas. Later that year, he also signed the Higher Education Act—P.L. 89–329, which was the first program approved by Congress for scholarships to undergraduate students.

President Johnson launched Project Head Start, as an 8-week summer program in 1965, to help break the cycle of poverty by providing pre-school children of low-income families with a comprehensive program to meet their emotional, social, health, nutritional, and psychological needs. Recruiting children ages three to school-entry age, Head Start was enthusiastically received by education and child development specialists, community leaders, and parents across the Nation. Currently, Head Start continues to serve children and their families each year in urban and rural areas in all 50 States, the District of Columbia, Puerto Rico, and the U.S. territories, including many American Indian and migrant children.

In 1966, President Johnson signed the International Education Act—P.L. 89–698, which promoted international studies at U.S. colleges and universities.

In 1968, he signed the Elementary and Secondary Education Act Amendments of 1967—P.L. 90–247, establishing bilingual education programs for non-English speaking children, and providing more funds for special education for disabled children. Later that year, President Johnson also signed the Handicapped Children's Early Education Assistance Act—P.L. 90–538, which authorized experimental programs for disabled children of preschool age.

After leaving office, Lyndon Baines Johnson continued his involvement in education and taught students while he wrote his memoirs and pursued other academic endeavors. Lyndon Johnson died January 22, 1973.

Lyndon Baines Johnson will be remembered not only as a great President and Member of Congress, but also as a champion for education. Thus, it is very appropriate that the headquarters building of the Department of Education, located at 400 Maryland Avenue Southwest in the District of Columbia, be designated as the "Lyndon Baines Johnson Department of Education Building."

I urge my colleagues to join me in supporting H.R. 584.

Mr. HOYER. Madam Speaker, today I join Congressman GENE GREEN and a bipartisan group of the Texas delegation in supporting the renaming of the Department of Education headquarters building to the "Lyndon Baines Johnson Federal Building."

It is a fitting tribute to name the building that houses the Department of Education after President Lyndon B. Johnson. Under his watch, over 60 education bills were signed into law, several of which changed the face of education in America.

One such bill enacted by President Johnson is the Elementary and Secondary Education Act of 1965. For the first time, Federal funds were explicitly directed to elementary and secondary public schools. These funds have improved the quality of education received by millions of students over the past 42 years.

President Johnson soon followed this measure with the Higher Education Act of 1965. This legislation made a college education possible for millions of Americans by creating the Federal student aid program.

Additionally, the Economic Opportunity Act of 1964 contained the provisions creating the Head Start Program, which has put generations of preschool-age children on the path of learning and success. Head Start gives children the foundation they need in order to be successful in school in the future.

As President Johnson himself once said, "Poverty must not be a bar to learning and learning must offer an escape from poverty." By opening the doors of education to millions of Americans, President Johnson improved countless lives and put the American dream within the reach of many.

I thank Congressman GREEN for bringing this bill to the floor so that we all may recognize the contributions of President Johnson to this Nation and to our educational system.

Mr. ORTIZ. Madam Speaker, I rise in support of H.R. 584, a bill introduced by my friend GENE GREEN of Houston, which names the Department of Education Headquarters Building in Washington, DC, after President Lyndon B. Johnson.

President Johnson's legacy is vast and mostly underappreciated. He was a visionary in terms of groundbreaking social legislation that literally changed the way this country elected leaders, treated one another in the workplace, and educated our children.

President Johnson passed away over 30 years ago, and is survived by his First Lady, Lady Bird Johnson. Despite the groundbreaking work in education and so many other levels, no Federal buildings bear his name in the national Capital area.

In May 1964, Johnson called for a nationwide war against poverty and outlined a vast program of economic and social welfare legislation designed to create what he termed the Great Society. Central to his vision of a nation no longer hindered by poverty and hate was an education for every child, no matter what their economic status.

During his time in office, President Johnson passed over 60 education bills, including the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and created the Head Start Program. Taken together, these legislative feats form the basis of public education in the United States today.

President Johnson grew up in San Marcos, TX, seeing abject poverty all around him and seeing the power scheme that separated white children from Hispanic and African-American children. From his earliest days, he concluded the only true equalizing influence in our Nation was through an equal education for all Americans, no matter what their skin color or their economic status.

The Department of Education headquarters building on Maryland Avenue, SW., in Washington, DC, has no name on it today. Bearing the name of our 36th President would be a fitting tribute to the life and legislative accomplishments in education of the Johnson presidency.

While novel in his day, the Johnson administration's policy to place a national priority on education is supported by large majorities of both parties today, illustrating the long-term righteousness of Johnson's cause.

Truly, the only silver bullet to equalize people in this Nation is education. That was LBJ's vision, and perfecting that vision should be our duty in the 21st century.

I thank the gentleman from Texas for his work in bringing this bill to the floor today.

Mr. ENGEL. Madam Speaker, I rise today in strong support of H.R. 584, a bill to name the headquarters of the United States Department of Education after President Lyndon B. Johnson.

In the entire District of Columbia, with all its Federal buildings, parks and monuments, there is not a single Federal facility named after the man many historians call one of the best Presidents in American history. From his stewardship of legislation creating Medicare and Medicaid, to his passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, President Johnson left a legacy on this Nation that we still enjoy today.

In addition to his quest to achieve racial equality in the United States, President Johnson was an avid supporter of education. In

1965 he signed the Elementary and Secondary Education Act into law. This landmark bill provided significant federal funding to public schools. Also in 1965, he stewarded the Higher Education Act to passage. Thanks to this legislation, children in poverty for the first time were able to attend college.

Madam Speaker, like President Johnson, I was a public school teacher, and I understand the importance of a good education. Let me conclude by quoting President Johnson himself.

> I shall never forget the faces of the boys and the girls in that little Welhausen Mexican School, and I remember even yet the pain of realizing and knowing then that college was closed to practically every one of those children because they were too poor. And I think it was then that I made up my mind that this Nation could never rest while the door to knowledge remained closed to any American.

Madam Speaker, I can think of no better person after whom we should name the building of the Department of Education. I urge my colleagues to support H.R. 584.

Mr. HINOJOSA. Madam Speaker, I rise in proud support of H.R. 584, a bill to re-name the Department of Education Building after a great Texan and a great American, Lyndon Baines Johnson. I would like to thank my good friend and colleague, GENE GREEN for bringing this bill to us.

Today, we aspire to fulfill the vision of the Great Society that President Johnson envisioned for this Nation—in his words—a place where the meaning of man's life matches the marvels of man's labor.

Early on in his life, President Johnson was exposed to the unacceptable inequities in our Nation's education system. As a teacher and a principal in Cotula, TX, President Johnson worked with impoverished Hispanic students for whom the dream of pursuing higher education was all but out of reach. He saw a nation failing to live up to its potential because it failed to develop the talents of its low-income and minority citizens. He vowed not to rest until America's opportunities were open and accessible to everyone.

It is a fitting tribute to name the Department of Education headquarters after the President who brought us the Head Start Program, the Higher Education Act and student financial aid, as well as the Elementary and Secondary Education Act, which today we know as the No Child Left Behind Act.

Under his watch, our Nation made a commitment to education so that opportunity and success would no longer be determined by family wealth or the color of one's skin.

President Johnson was a visionary and a patriot. For me, a member of the Education and Labor Committee, he was a hero.

I urge all my colleges to support H.R. 584.

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 584, legislation to designate the Department of Education headquarters in Washington, DC, after our 36th President, Lyndon Baines Johnson.

An elementary school teacher himself, President Johnson had a deep appreciation for the importance of education. In his "Great Society" speech at the University of Michigan in 1964, President Johnson stated:

> We must seek an educational system which grows in excellence as it grows in size. This means better training for our teachers. It means preparing youth to enjoy their hours of leisure as well as their hours of labor. It means exploring new techniques of teaching, to find new ways to stimulate the love of learning and the capacity for creation.

President Johnson's statement rings true to this day. Now is an especially important time to revisit his vision. As the global marketplace becomes more competitive, it is becoming clear that education is the vehicle that will drive U.S. global leadership into the future. It is therefore vital that we renew our commitment to Federal education programs.

Some of President Johnson's largest education initiatives were passed in 1965, including the Elementary and Secondary Education Act—ESEA—and the Higher Education Act HEA. ESEA provided the first program ever adopted by Congress to provide Federal support for public schools, and HEA provided the first-ever Federal financial aid programs to help students afford college. In addition, 1965 saw the passage of legislation to create the National Head Start program and the National Endowments for Arts and Humanities.

For over 40 years, President Johnson's education initiatives have helped millions of children across the country achieve the American dream. It is only fitting that the Federal Department of Education building be named after a man who was a pioneer in his endeavors to promote Federal investment in education.

I am proud to be an original cosponsor of this legislation and I urge my colleagues to join me in voting for it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of this legislation to name the Department of Education Building in honor of President Lyndon B. Johnson.

President Johnson believed that everyone should have the right to a free and adequate education regardless of their gender, race or economic status. President Johnson fought for opportunity and access for all Americans, and I can truly think of no one better person for whom to name the Department of Education building.

President Johnson's first job was as a Texas elementary school teacher and principal at a segregated school attended by only Mexican-Americans. He held that experience with him, and continually fought for education and equality for all Americans. President Johnson recognized that education meant opportunity for millions of Americans who would otherwise never be able to achieve the American dream.

The strides made for educational equality and fairness under the Johnson administration were truly remarkable. Under President Johnson, we adopted many landmark education policies including the Early and Secondary Education Act of 1965, the National Endowment for the Arts, the National Endowment for Humanities, and the Higher Education Act of 1965. Perhaps no other President has ever overseen so many pioneering changes to the way that we educate our Nation's children.

I fully support Congressman GENE GREEN's effort to name the U.S. Department of Education building in honor of President Lyndon B. Johnson, and I urge my colleagues to vote in support of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, as an original cosponsor and proud Texan, I rise today in strong support of H.R. 584, which designates the national headquarters building of the U.S. Department of Education located in the District of Columbia as the Lyndon Baines Johnson Department of Education Building. I support this bill because it is a fitting tribute to the greatest "education President" in the history of our Nation.

It is no exaggeration to say, Madam Speaker, that Lyndon Baines Johnson's record of extending the benefits of education to all Americans in every region of the country, of every race and gender, irrespective of economic class or family background, remains unsurpassed. Lyndon Johnson recognized that the educated citizenry is a nation's greatest economic asset and most powerful guardian of its political liberties.

Madam Speaker, Lyndon Johnson did more than any single American, living or dead, to make the Federal Government a partner with States and localities in the vitally important work of educating the people of America, from pre-kindergarten to post-graduate school. It makes perfect sense, therefore, to name the headquarters building of the U.S. Department of Education in his honor.

Madam Speaker, Lyndon Baines Johnson was one of the leading figures of the 20th century. This teacher who became a President served his country in numerous, distinguished ways, including as lieutenant commander in the U.S. Navy during World War II, as a Member of both Houses of Congress, as Vice President of the United States, and as the 36th President of the United States.

Lyndon Baines Johnson was born on August 27, 1908, in Stonewall, TX. In 1927, he enrolled in Southwest Texas State Teachers College at San Marcos, TX—Texas State University—San Marcos. He took a leave of absence for a year to serve as principal and teach fifth, sixth, and seventh grades at Welhausen School, a Mexican-American school in the south Texas town of Cotulla. He graduated with a bachelor of science degree in August 1930. After graduation he taught at Pearsall High School in Pearsall, TX, and taught public speaking at Sam Houston High School in Houston, TX. In the spring of 1931, his debate team won the district championship.

In a special election in 1937, Johnson won the U.S. House of Representatives seat representing the 10th Congressional District of Texas, defeating nine other candidates. He was re-elected to a full term in the 76th Congress and to each succeeding Congress until 1948.

After the bombing of Pearl Harbor on December 7, 1941, Johnson became the first Member of Congress to volunteer for active duty in the Armed Forces—U.S. Navy, reporting for active duty on December 9, 1941. Johnson received the Silver Star from GEN Douglas MacArthur for gallantry in action during an aerial combat mission over hostile positions in New Guinea on June 9, 1942. President Roosevelt ordered all Members of Congress in the Armed Forces to return to their offices, and Johnson was released from active duty on July 16, 1942.

In 1948, after a campaign in which he traveled by "newfangled" helicopter all over the State, Johnson won the primary by 87 votes and earned the nickname "Landslide Lyndon," and in the general election was elected to the U.S. Senate. He was elected minority leader of the Senate in 1953 and majority leader in 1955. He served in the U.S. Senate until he resigned to become Vice President in January 1961.

Lyndon Johnson became the 36th President of the United States on November 22, 1963, after the assassination of President John F. Kennedy.

During his administration, education was one of the many areas where President Johnson blazed new ground. He pursued numerous education initiatives, and signed many landmark education bills into law.

In 1963, President Johnson approved the Higher Education Facilities Act—P.L. 88–204, which authorized a five-year program of Federal grants and loans for construction or improvement of public and private higher education academic facilities. This legislation was the largest education program enacted by Congress since the National Defense Education Act of 1958, and it was the first broad education bill enacted in the post-World War II period that was not tied to national defense.

In 1964, Johnson signed the Library Services Act—P.L. 88–269—to make high quality public libraries more accessible to both urban and rural residents. The funds made available under this act were used to construct as well as operate libraries, and to extend this program to cities as well as rural areas. Later that year, President Johnson signed the Civil Rights Act—P.L. 88–352, which among its landmark provisions authorized Federal authorities to sue for the desegregation of schools and to withhold Federal funds from education institutions that practiced segregation.

In 1965, President Johnson signed the Elementary and Secondary Education Act—P.L. 89–10—at the former Junction Elementary School in Stonewall, TX, where he first attended school. Sitting beside him as he signed the bill was his first teacher, Mrs. Kathryn Deadrich Loney. This legislation was the first general aid-to-education program ever adopted by Congress, and it provided programs to help educate disadvantaged children in urban and rural areas. Later that year, he also signed the Higher Education Act—P.L. 89–329, which was the first program approved by the U.S. Congress for scholarships to undergraduate students.

In 1965, President Johnson launched Project Head Start, as an 8-week summer program, to help break the cycle of poverty by providing pre-school children from low-income families with a comprehensive program to meet their emotional, social, health, nutritional, and psychological needs. Recruiting children from ages three to school-entry age, Head Start was enthusiastically received by education and child development specialists, community leaders, and parents across the Nation. Currently, Head Start continues to serve children and their families each year in urban and rural areas in all 50 States, the District of Columbia, Puerto Rico, and the U.S. territories, as well as many migrant children.

In 1966, President Johnson signed the International Education Act—P.L. 89–698, which promoted international studies at U.S. colleges and universities.

In 1968, he signed the Elementary and Secondary Education Act Amendments of 1967—P.L. 90–247, establishing bilingual education programs for non-English speaking children, and providing more funds for special education for disabled children. Later that year, he also signed the Handicapped Children's Early Education Assistance Act—P.L. 90–538, which authorized experimental programs for disabled children of pre-school age.

After leaving office, Lyndon Johnson returned to his native Texas and continued his involvement in public education. His presidential papers are housed at the Lyndon Baines Johnson Library and Museum at the University of Texas, which in 1970 established the Lyndon Baines Johnson School of Public Affairs, The "LBJ School," as is commonly known, pioneered what was then regarded as a novel approach to training for public service.

The curriculum combined courses in theory with courses that took students into government agencies to work and conduct research; the faculty included academics from various disciplines as well as practitioners from various levels of government; public service programs included an academic publishing program as well as workshops for government officials. This blend of the academic and the practical remains the distinguishing characteristic of the LBJ School and this highly effective approach to training for public service is today an accepted model for public affairs graduate programs across the country.

Madam Speaker, Lyndon Baines Johnson, who died January 22, 1973, will be remembered not only as a great President and Member of Congress, but also as the greatest champion of accessible and affordable quality education for all. President Johnson truly understood the importance of leaving no child behind, and he didn't.

For all these reasons, Madam Speaker, it is most appropriate that the headquarters building of the Department of Education located at 400 Maryland Avenue, SW., in the District of Columbia be designated the "Lyndon Baines Johnson Department of Education Building."

Mr. AL GREEN of Texas. Madam Speaker, it is a great privilege to honor the 36th President of the United States, a great Texan and American, Lyndon Baines Johnson, by passing this resolution naming the headquarters of the Department of Education the "Lyndon Baines Johnson Federal Building." President Johnson's lifelong commitment to improving the American education system and the lives of children across the United States makes him a perfect choice for this honor.

President Johnson, known as the "Education President," made education a top priority of his Great Society programs, with an emphasis on helping poor children. This commitment resulted in the passage of the "Elementary and Secondary Education Act" and the "Higher Education Act" in 1965.

The Elementary and Secondary Education Act was the first comprehensive federal education program that provided substantial funds for elementary and secondary schools. This Act funded schools progressively, giving impoverished districts financial support to allow them to fund schools adequately.

The Higher Education Act also greatly improved our educational system by expanding access to higher education for low-income students. The Act established new grants, federal loans and work-study programs that have given innumerable students the opportunity to take advantage of their potential and go to college.

President Johnson also established the Head Start program, which has been critical to ensuring that low-income children have access to pre-school programs. Years of experience have shown that early childhood education leads to improved academic performance and life outcomes. Since its inception, the Head Start program has given over 22 million low-income children the opportunity to take advantage of early childhood education.

President Johnson's commitment to educating all American children was also evidenced by his appointment of the great justice Thurgood Marshall to the Supreme Court. Justice Marshall rose to prominence by winning the historic Brown v. Board case as chief counsel for the National Association for the Advancement of Colored People. By outlawing segregation in our schools, this case for the first time gave American children hope for the future, regardless of the color of their skin. That President Johnson was willing to appoint as justice a man who had dedicated so much of his life to justice for American children shows the commitment of President Johnson himself to this noble goal.

No president in the history of our great nation has shown a greater level of dedication to the education of our children than President Johnson. I believe that it is just and fitting that the Department of Education headquarters be named in honor of a man with such unparalleled commitment to the education of our nation's children. I commend my colleague Mr. GENE GREEN from Texas for introducing this resolution.

Ms. NORTON. Madam Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 584, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the 'Lyndon Baines Johnson Department of Education Building' ".

A motion to reconsider was laid on the table.

☐ 1400

R. JESS BROWN UNITED STATES COURTHOUSE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 399) to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse".

The Clerk read as follows:

H.R. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Courthouse to be constructed at the site bounded on the north by Court Street, on the west by West Street, on the south by South Street, and on the east by President Street in Jackson, Mississippi, shall be known and designated as the "R. Jess Brown United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "R. Jess Brown United States Courthouse".

The SPEAKER pro tempore (Mr. ROTHMAN). Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material concerning H.R. 399.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise to support H.R. 399, a bill to designate the courthouse to be constructed in Jackson, Mississippi, as the R. Jess Brown United States Courthouse.

R. Jess Brown was born in Coffeyville, Kansas on September 2, 1912. He was educated in the Muskogee, Oklahoma, public schools and received a bachelor of education degree from the Illinois State Normal University in 1935 and a master of education degree from the University of Indiana in 1943. He attended Texas Southern Law School.

In 1953, he was admitted to the bar for the State of Mississippi and admitted to practice before the United States District Court for the Southern District of Mississippi. In 1955, he cofounded the Magnolia Bar Association, and he later served on the board of the National Bar Association for nearly 15 years. In 1958, he was admitted to practice before the United States Supreme Court.

As associate counsel for the NAACP Defense and Educational Fund, Mr. Brown filed the first civil rights suit in Mississippi in the 1950s in Jefferson Davis County, seeking the enforcement of the right of black citizens to become registered voters. In 1961, Mr. Brown represented James H. Meredith in a suit to enter the University of Mississippi. This victory in this case opened the doors to that university to all Mississippi citizens. While an associate with the NAACP Legal Defense Fund, he played a major role in fighting discrimination in transportation and other public accommodations, working together with Thurgood Marshall, who would later become Associate Justice of the United States Supreme Court.

Mr. Brown also served as counsel to the American Civil Liberties Union, where he was successful in obtaining reversals of convictions of black defendants because of discrimination in jury selection. He also represented numerous black defendants in cases where the State sought the death penalty. As a result of these appeals, none of these defendants were ever executed.

R. Jess Brown died in Jackson, Mississippi, on January 2, 1990. He is remembered as a brave American, brilliant attorney, civil rights leader, and devoted family man. It is both fitting and appropriate that the United States courthouse, soon to be constructed in Jackson, Mississippi, would be designated the R. Jess Brown United States Courthouse.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 399 designates the United States courthouse, which is to be constructed in Jackson, Mississippi, as the R. Jess Brown United States Courthouse. This bill honors R. Jess Brown's work as an attorney and civil rights leader.

As was so eloquently pointed out, and I think Chairman NORTON went through it very well, Mr. Brown was the associate counsel for the Legal Defense and Education Fund for the National Association for the Advancement of Colored People, where his work was well documented.

He worked alongside Thurgood Marshall, who would later become Associate Justice to the United States Supreme Court. And as Mr. Brown was working for the NAACP in that capacity, he filed the very first civil rights suit in Mississippi in the 1950s.

Mr. Brown died in Jackson, Mississippi, on January 2, 1990.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to introduce the author of the bill, who represents the district in Jackson, Mississippi, where this courthouse will be located.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 399, the bill naming the soon-to-be-constructed courthouse in Jackson, Mississippi, after attorney R. Jess Brown.

For most of those individuals here, I represent Jackson, Mississippi. I knew R. Jess Brown. Most of the African American attorneys in the State of Mississippi would not be there had it not been for R. Jess Brown's tenacity and perseverance to encourage other people to participate.

Both speakers have talked about his ability as a lawyer; but the one thing that I would like to share is, while he did not graduate from law school, when he was practicing, you could practice law if you could pass the bar. He taught himself law and ultimately became one of the great lawyers in our State. He represented James Meredith. He represented Medgar Evers. He represented teachers who were trying to get equity in pay. He represented other students trying to go to the University of Southern Mississippi, a number of schools.

But the good thing about R. Jess Brown, Mr. Speaker, he also was a teacher. He always had time for young people. He taught at Alcorn State University as well as Lanier High School at a time where practicing law was not as beneficial as it is perhaps now.

I am happy to join the support of H.R. 399, this bill nominating the soon-to-be-constructed courthouse after R. Jess Brown.

The Brown family in Jackson, Mississippi, is well known. The widow of attorney Brown will be quite pleased with this. Oftentimes we don't give flowers to people while they are living, but perhaps this legacy in naming this Federal courthouse after attorney R. Jess Brown is fitting and proper.

So R. Jess Brown, Mr. Speaker, will be remembered more than as a brilliant attorney and civil rights leader. He will be remembered as a great American. As such, it is very appropriate that the United States courthouse soon be built in Jackson, Mississippi, is designated the R. Jess Brown United States Courthouse.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 399, a bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse".

R. Jess Brown was born in Coffeeville, Kansas, on September 2, 1912. He was educated in the Muskogee Oklahoma public schools and received a Bachelor of Education Degree from Illinois State Normal University in 1935, and a Master of Education Degree from the University of Indiana in 1943. He attended Texas Southern Law School.

In 1948, he was a co-plaintiff in a suit for equal salaries for Jackson, Mississippi school teachers.

In 1953, he was admitted to the bar for the State of Mississippi and admitted to practice before the United States District Court for the Southern District of Mississippi. In 1955, he co-founded the Magnolia Bar Association, and he later served on the Board of the National Bar Association for nearly 15 years. In 1958, he was admitted to practice before the United States Supreme Court.

As associate counsel for the NAACP Legal Defense and Educational Fund, Brown filed the first civil rights suit in Mississippi in the 1950s in Jefferson Davis County, seeking the enforcement of the right of black citizens to become registered voters. In 1961, Brown represented James H. Meredith in his suit to enter the University of Mississippi; his victory in this case opened the doors of that university to all of Mississippi's citizens. While an associate with the NAACP Legal Defense Fund, he played a major role in fighting discrimination in the areas of transportation and other public accommodations working along side Thurgood Marshall, who would later become Associate Justice of the United States Supreme Court.

Brown also served as counsel for the American Civil Liberties Union, where he was successful in obtaining reversals of convictions of black defendants because of discrimination in jury selection. He also represented numerous black defendants in cases where the State sought the death penalty. As a result of these appeals, none of these defendants were ever executed.

R. Jess Brown died in Jackson, Mississippi, on January 2, 1990.

R. Jess Brown will be remembered as more than a brilliant attorney and civil rights leader; he will also be remembered as a great American. As such, it is very appropriate that the U.S. Courthouse in Jackson, Mississippi, be designated the "R. Jess Brown United States Courthouse".

I urge my colleagues to join me in supporting H.R. 399.

Mr. GRAVES. Mr. Speaker, I would urge my colleagues to support this bill, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I think this bill deserves the unanimous vote of Members on both sides of the aisle. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 399.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 544) to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

The Clerk read as follows:

H.R. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the "Santiago E. Campos United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Santiago E. Campos United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material concerning H.R. 544.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 107th, 108th and 109th Congresses, Congressman Tom Udall introduced legislation to designate the Federal courthouse in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse. No action was taken during the past Congress. Therefore, it is with great pleasure that the 110th Congress finally moves forward with this bill to honor an outstanding American.

Judge Campos was a life-long resident of the United States and graduated first in his class from the University of New Mexico. He served the people of New Mexico and his country with honor and great distinction. He was a World War II veteran, serving the United States Navy as a seamen first class from 1944 to 1946. After leaving the Navy, Judge Campos attended the Central College in Fayette, Missouri, and received his law degree from the University of New Mexico in 1953, graduating first in his class again. From 1954 to 1957, he worked as an assistant attorney general and subsequently as first assistant attorney general for the State of New Mexico. After 14 years in private practice, Judge Campos was elected district judge for the First Judicial District of New Mexico in 1971 and served in that capacity until 1978.

President Jimmy Carter appointed him to the Federal bench in 1978. Judge Campos was the first Hispanic appointed to the Federal bench in New Mexico. He served as chief judge from 1987 until 1989. Known for his compassion, quick wit and inquisitive mind, Judge Campos was a role model for students, fellow jurists and professional colleagues. He was well liked among peers and judicial staff as well.

I strongly support Congressman UDALL and his efforts on behalf of this bill, and I urge my colleagues to join in support of H.R. 544.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I would yield myself such time as I may consume.

Mr. Speaker, H.R. 544, introduced by Representative UDALL of New Mexico, designates the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse. The bill honors Judge Campos, who was the first Hispanic to be appointed to the U.S. District Court of New Mexico.

Judge Campos served in the United States Navy during World War II and graduated first in his law class at the University of New Mexico. His career in public service included serving as the assistant and first assistant attorney general in New Mexico, and serving as a district court judge in New Mexico's First Judicial District, and culminated in his appointment to the Federal bench.

Judge Campos was appointed by President Carter in 1978 to the District Court of New Mexico. He served as chief judge from 1987 to 1989 and became a senior judge on December 26, 1992. He served with distinction on the bench, and on January 20, 2001, Judge Campos passed away.

I support this legislation, and I encourage my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. I thank the gentleman. And I concur and strongly support this legislation as well.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 544, a bill to designate the United States Courthouse at South Federal Place, Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

I commend the Gentleman from New Mexico (Mr. UDALL) for his steadfast support of this bill to honor an outstanding jurist.

Mr. UDALL introduced identical legislation in three previous Congresses—H.R. 5083 in the 107th Congress, H.R. 2274 in the 108th Congress, and H.R. 984 in the 109th Congress. Regrettably, the House never considered those bills. I am pleased that we are moving forward on this legislation today.

Santiago E. Campos was born on December 25, 1926, in Santa Rosa, New Mexico. He served in the United States Navy as a Seaman 1st Class from 1944 to 1946. After leaving the Navy, Judge Campos attended Central College in Fayette, Missouri, and received his law degree from the University of New Mexico in 1953, graduating first in his class.

From 1954 until 1957, he worked as an Assistant Attorney General and subsequently as First Assistant Attorney General for the State of New Mexico. After 14 years in private practice, Judge Campos was elected District Judge for the 1st Judicial District of New Mexico in 1971, and served in that capacity until 1978. In 1978, Judge Campos was appointed to the Federal Bench by President Jimmy Carter and began serving on July 20, 1978.

Judge Campos was the first Hispanic American to serve as a Federal Judge in the District Court of New Mexico, as well as the first

Hispanic American to serve as its Chief Judge. He held the title of Chief U.S. District Judge from February 5, 1987, to December 31, 1989, and took senior status on December 26, 1992. Judge Campos died on January 20, 2002, after suffering a long bout with cancer.

During his career, Judge Campos was named an honorary member of the Order of the Coif. He also received the Distinguished Achievement Award of the State Bar of New Mexico in 1993, and in the same year the University of New Mexico honored him with a Distinguished Achievement Award.

H.R. 544 has received the unanimous endorsement of the Judges of the 10th Circuit Court in New Mexico and the district judges of the District of New Mexico.

In honor of Judge Campos's trailblazing legal career in New Mexico and his outstanding contributions to the legal profession, it is both fitting and proper to designate the courthouse located at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

I urge my colleagues to join me in supporting H.R. 544.

Mr. UDALL of New Mexico. Mr. Speaker, it brings me great pleasure to rise today in support of H.R. 544, legislation I introduced to honor Judge Santiago Campos by naming after him the Federal courthouse in Santa Fe, New Mexico. Judge Campos was the first Hispanic appointed to the Federal bench in New Mexico, and naming this building after him is a long overdue tribute.

Judge Campos passed away on January 20, 2001 at the age of 75 years old. He was a lifelong New Mexican and graduated first in his law school class at the University of New Mexico. He was appointed to the Federal bench in 1978, serving until his death in 2001, including as chief judge from 1987 through 1989.

But Judge Campos' career of public service only culminated with his service as a United States District Court Judge. He also served in the United States Navy as a seaman first class. He served as the assistant and first assistant attorney general of New Mexico. And before being named to the Federal bench, he served as a district court judge in the first judicial district in the State of New Mexico.

Judge Campos served with distinction on the bench and displayed both firmness and compassion with those who entered his courtroom. He was very active during cases, often exercising his right to question witnesses in the middle of cross-examinations. Many agree that he became more involved in a case than other judges, but still let a lawyer try his own case. One of his most memorable cases ordered the Gannett Co. to return The New Mexican, Santa Fe's daily newspaper, to its former owner, Robert McKinney, due to a breach of contract.

Naming the Federal courthouse after Judge Campos is all the more fitting because of his role in transforming the U.S. Courthouse into the beautiful active place it is today. Judge Campos had a grand vision for the Santa Fe courthouse that, through his hard work, was realized during his lifetime. He was remembered for being very hands-on during the remodeling process, often seen climbing through the rubble of the construction area with a hammer in hand, questioning the contractor, and pitching in with the construction workers. As Judge Campos' former secretary, Yolanda Salazar, put it, "He was the moving force in reviving the Federal courthouse in Santa Fe and restoring it as a hallmark of justice with the respect it merits."

There are many individuals throughout New Mexico who are eager to see this legislation passed and the courthouse named after Judge Campos. He was a mentor, a friend, and an inspiration to countless New Mexicans and his spirit lives on at the U.S. Courthouse in Santa Fe. To again quote Yolanda Salazar, she said, "I will forever look upon this courthouse as 'his courthouse.'" Passing this legislation will ensure that those who look upon the courthouse will remember it as Judge Campos' courthouse as well.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 544.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1415

CHARLIE W. NORWOOD LIVING ORGAN DONATION ACT

Mr. INSLEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 710) to amend the National Organ Transplant Act to clarify that kidney paired donation does not involve the transfer of a human organ for valuable consideration, as amended.

The Clerk read as follows:

H.R. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charlie W. Norwood Living Organ Donation Act".

SEC. 2. NATIONAL ORGAN TRANSPLANT ACT; AMENDMENT REGARDING PAIRED DONATION OF HUMAN KIDNEYS.

(a) IN GENERAL.—Section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)) is amended by adding at the end the following: "The preceding sentence does not apply with respect to the paired donation of human kidneys.".

(b) DEFINITION.—Section 301(c) of the National Organ Transplant Act (42 U.S.C. 274e(c)) is amended by adding at the end the following:

"(4) The term 'paired donation of human kidneys' means the donation and receipt of human kidneys under the following circumstances:

"(A) An individual (referred to in this paragraph as the 'first donor') desires to make a living donation of a kidney specifically to a particular patient (referred to in this paragraph as the 'first patient'), but such donor is biologically incompatible as a donor for such patient.

"(B) A second individual (referred to in this paragraph as the 'second donor') desires to make a living donation of a kidney specifically to a second particular patient (referred to in this paragraph as the 'second patient'), but such donor is biologically incompatible as a donor for such patient.

"(C) Subject to subparagraph (D), the first donor is biologically compatible as a donor of a kidney for the second patient, and the second donor is biologically compatible as a donor of a kidney for the first patient.

"(D) If there is any additional donor-patient pair as described in subparagraph (A) or (B), each donor in the group of donor-patient pairs is biologically compatible as a donor of a kidney for a patient in such group.

"(E) All donors and patients in the group of donor-patient pairs (whether two pairs or more than two pairs) enter into a single agreement to donate and receive such kidneys, respectively, according to such biological compatibility in the group.

"(F) Other than as described in subparagraph (E), no valuable consideration is knowingly acquired, received, or otherwise transferred with respect to the kidneys referred to in such subparagraph.".

SEC. 3. ADDITIONAL FUNDING FOR THE MEDICARE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.

Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(1) in subparagraph (A), by adding at the end the following: "In addition, there shall be available to the Fund for expenditures during 2009 an amount equal to $30,000,000 and for expenditures during or after 2013 an amount equal to $470,000,000."; and

(2) in subparagraph (B)—

(A) in the heading, by striking "FURNISHED DURING 2008";

(B) by striking "specified in subparagraph (A)" and inserting "specified in the first sentence of subparagraph (A)"; and

(C) by inserting after "furnished during 2008" the following: "and for the obligation of the entire first amount specified in the second sentence of such subparagraph for payment with respect to physicians' services furnished during 2009 and of the entire second amount so specified for payment with respect to physicians' services furnished on or after January 1, 2013".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 710

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 710, a bill originally introduced by Representative Norwood of Georgia, only for the purpose of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to pass the Charlie W. Norwood Living Kidney Organ Donation Clarification Act. We do so both to honor Dr. Norwood, who provided such great service to his district and to the country for many years; of course, Dr. Norwood did so as the result of being a recipient of lung transplants himself; but also to honor the thousands of Americans who are today waiting for kidney transplants. This bill, we believe, will be a great step forward to hasten the day when those folks can potentially have kidney transplants.

It is a fitting tribute to Dr. Norwood for his tireless efforts to improve our Nation's health and his great work in fighting as a patient's advocate. I will submit for the record a statement from Dr. Norwood in support of this legislation.

Second, I would like to thank the staff of both of the committees, as well as Dr. Norwood's office and personal staff, for their work to make this bill a reality.

This legislation would allow a procedure commonly known as paired donation to be legal, to make that clear, and to provide hope to patients waiting for kidney transplants. Paired organ donation will make it possible for thousands of people who wish to donate a kidney to a spouse, a family member or a friend but find that they are medically incompatible to still become living kidney donors.

This is very important, because, as of February 23, we had over 70,000 patients who are now on the waiting list for a kidney transplant, and yet we performed only 16,500 kidney transplants in 2005, of which only 6,500 were living kidney donors. H.R. 710 will take a significant step towards reducing the number of patients on the waiting list and giving many more the hope that their wait will not be endless.

Further, this bill is supported by numerous medical organizations, including the United Network for Organ Sharing, the American Society of Transplant Surgeons, the American Society of Transplantation, the National Kidney Foundation and the American Society of Pediatric Nephrology.

I have sort of a local person who gives me advise about this, Dr. Connie Davis, who is a transplant expert, a physician, and she says that this bill is a huge step forward for the transplant community as clinical efforts in the direction of paired donation have been severely hampered by concerns over the legal status of such activity.

I believe it is imperative that we make it clear that there is no intent by Congress to bar this procedure. It is my hope that the Senate will act quickly on this. Simply put, we want this legislation to save lives immediately.

So, for the 70,000 patients waiting for lifesaving kidney transplants, with time spent on costly and often arduous dialysis treatment, their time on the waiting list can be significantly shortened with passage and implementation of this bill.

It is an honor to stand here working for the name of Dr. Charlie Norwood. I want to thank all those who have worked on this bill, and I hope very shortly we can have this on the President's desk and help those 70,000 people to a healthy future and great productive years, just like Dr. Norwood had in the U.S. Congress.

STATEMENT OF THE HONORABLE CHARLIE NORWOOD

Mr. Speaker, I rise in support of H.R. 710, the Living Kidney Organ Donation Clarification Act. This bill will explicitly state that Americans in need of a kidney will have a greater chance of receiving one through the process of paired donation.

Over 70,000 Americans are currently in need of a kidney transplant. As a result of significant demand and limited supply, most transplantees wait for over four years before receiving a kidney. Four years for their lives to be saved or lost.

During this time, if their kidneys fail, End Stage Renal Disease can set in. These patients must undergo dialysis. While dialysis extends patients' lives, their condition often prevents them from being fully engaged in their community and career. Dialysis is life-extending, but not life-bettering.

Sadly, in many cases, this is where patients lose their battle. In 2004 alone, 3,823 transplant candidates died awaiting a kidney. As our population ages, that figure is going to increase.

Mr. Speaker, medical science has enabled us to perform more successful organ transplants than ever before. These transplants give patients a new lease on life. Many Members in this body or their loved ones have been touched by the lifesaving gift of organ donation, myself included.

Kidney transplants from living donors tend to be highly successful, but in many cases, those who want to give a kidney to a loved one feel they cannot help because they are not biologically compatible with the patient in need.

H.R. 710 is very simple. It clarifies that paired donation is legal under the National Organ Transplant Act. As a result, a pair consisting of a kidney transplant candidate and an incompatible living donor can be matched with another such incompatible pair to enable two transplants that otherwise would not occur.

Remember those 3,823 souls and ask yourself—could you justify not allowing a process of simply cross-matching to save their lives?

I urge my colleagues to join me in supporting this legislation in memory of those who have died waiting for a kidney as well as the thousands of Americans who are seeking a transplant or trying to become a living donor to save a loved ones' life.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I want to thank Chairman DINGELL and Subcommittee Chairman PALLONE and Ranking Member DEAL and Congressman INSLEE for expediting consideration of this specific piece of legislation.

As I have pointed out earlier on the House floor after notification of Congressman Norwood's passing, he wrote me a letter the last day he was in Washington before he flew home to Georgia, and this particular piece of legislation was the primary issue in that letter. It is very, very heartwarming, and I am very grateful that the majority would move this piece of legislation as quickly as they have done. I want to thank them sincerely for doing that.

As has been pointed out, this piece of legislation will be called the Charlie Norwood Living Kidney Organ Donation Clarification Act, and it is in honor of Congressman Norwood, the late Congressman from the Tenth District of Georgia.

There are over 78,000 Americans who need kidney transplants. The average wait is over 4 years. Paired donation can create greater access to kidney transplants. A paired donation consists of a transplant candidate and an incompatible living donor who are matched with another similar pair so as to enable two transplants that would otherwise not occur.

The legislation before us today clarifies the ability to perform paired transplantations through the National Organ Transplant Act, or NOTA. This legislation clarifies that paired donations are not considered a valuable consideration.

This legislation has received the strong support of all the major transplant organizations, including the United Network for Organ Sharing, the American Society of Transplantation, the Association of Organ Procurement Organizations, the National Kidney Foundation, the American Society of Pediatric Nephrology, the Cedars Sinai Health Systems, Johns Hopkins, and the American Society of Transplant Surgeons.

As a consequence of the legislation that Congressman Norwood and Congressman INSLEE have crafted, we assume that at least an additional 2,000 organ transplants a year will occur. That is truly a gift of living that will keep on giving for many, many years to come.

This legislation, unfortunately, will be the last of many great pieces of legislation that Congressman Norwood helped to pass when he was a colleague of ours in this body. He was a true statesman and sincerely a warm, personal friend of mine. I will miss him greatly.

Before I yield back, I want to tell a story about Charlie and then read something into the RECORD.

Congressman Norwood always considered himself to be very prepared. He was always ready for almost any contingency.

The night that we voted the Medicare Modernization Act part D prescription drug benefit on this floor will be a time that will long be remembered because it was such a close vote and it took so long to get it passed. Charlie and myself and three other members of the Energy and Commerce Committee on the Republican side had been a part of a group to craft an alternative program for the part D prescription drug benefit. Some of our alternative program was in the final legislation, but not all of it. As a consequence, Charlie was listed as a "lean no." He was in reality a "hard no," but he listed himself as a "lean no."

As we all know, when the climactic vote occurred, there weren't enough yeses on the board to pass it. So I went to one of the senior leaders of the majority party, I am not going to say which one, but I went to one of the senior leaders and I said, "I think we can get Charlie Norwood to vote for this bill." They said, "No, you're not going to get Charlie to vote for the bill." I said, "I think we can, if you'll talk to him."

So I went to Charlie and I said, "Would you talk?" Charlie said, "I don't want to talk to anybody. I'm going to vote against the bill."

I went back and forth. I finally arranged a meeting back in the Republican cloakroom where Charlie would discuss this particular piece of legislation.

Now, he had been a no, no, no, no, no for the last 2 weeks. So when I finally got the two parties together, Norwood immediately pulled out a list from his pocket. Now, he is deceased, so whatever the statute of limitations is has expired. And this Congressman, who had been a lean no, lean no, lean no, had a list of 10 things, 10, that if the senior leadership on the Republican side would consider, he would consider voting for the bill. Ten.

Obviously, that discussion didn't go too far, so he ended up voting no. But he was prepared, and he had a list of things.

Now, in that same sense of being prepared, Mr. INSLEE has already put into the RECORD Congressman Norwood's statement on this bill. Isn't that amazing? I am going to read it into the RECORD. This is the floor statement in support of this bill by the late Congressman Charlie Norwood of the 10th District of Georgia.

"Thank you, Mr. Speaker. I also offer a sincere thank you to Ranking Member BARTON, Chairman DINGELL and Mr. INSLEE for all of their help moving this bill. Committee staff, including Katherine Martin, John Ford and Peter Goodloe should be acknowledged for their aid as well. A special thank you to Nick Shipley with Mr. INSLEE's office who worked with J.P. from my staff from day one as a tireless advocate to get this bill into law.

"It has been said that common sense is the knack of seeing things as they are and doing things as they ought to be done. Well, let me tell you how things were being done. For years, people missed or were delayed in an opportunity to have a life-saving kidney transplant simply because a member of the executive branch couldn't grasp the true intent of the National Organ Transplant Act's valuable consideration clause. The valuable consideration clause was meant to outlaw the buying and selling of organs, which everyone agrees is proper.

"Now, there are two types of transplant donors, living and cadaveric, or deceased. As a lung transplant recipient, I benefited from the latter, but in the case of the first, a friend or a relative wanting to spare their loved ones from death or dialysis graciously offers to give up one of their kidneys. Regardless of the method, both patient and donor must be biologically compatible.

"In recent years doctors discovered that by using the simple database methods that we use in our everyday lives and business, a paired donation could take place with these living donors.

"In the process of a kidney paired donor transplant, a pair consisting of a kidney transplant candidate and an incompatible living donor is matched with another such incompatible pair to enable two transplants that otherwise would not occur.

"Now, I'm just an old country dentist, but isn't this just common sense? I want to give to someone, but I'm not compatible, but I can give to another patient. Their willing, yet also incompatible, friend can give to my loved one. As a result, two people live; two more slots are opened on the list for even more transplants to take place. Common sense, Mr. Speaker.

"However, instead of every single transplant center undertaking this commonsense approach, some folks were denied the chance to be cross-matched and, instead, their loved one suffered and even died while awaiting a transplant.

"73,652. That is roughly the number, Mr. Speaker, of people waiting for a kidney transplant. I can't imagine looking at any of those people and telling them 'I am sorry, some bureaucrat 10 years ago inspired fear around the simple process to save you today, so you will have to languish on the list and hope for the best.'

"I will tell you what: That is hogwash. Times have changed. Paired donation is saving lives today and will save even more once we get this bill done. H.R. 710 has the support of every major transplant organization, from the United Network for Organ Sharing, who will manage the national list, to the surgeons who will perform the transplants, to the patient advocates to the hospitals.

"In fact, a study published in the Journal of Transplantation predicts a 14 percent increase in the live kidney donor transplants performed each year if paired donation were allowed. Moreover, for each patient who receives a kidney, Medicare will save $220,000 in dialysis costs.

"In fact, Johns Hopkins just did a five-way paired donation where five people were saved instead of being put on the waiting list. Now imagine the good a national list will do. Thousands will be saved through simple common sense. Paired donation is the way things ought to be done.

"How often can we stand in this well on this floor and know what we are doing will save the government money, improve patient quality of life and save lives? Not too often, Mr. Speaker. I can testify to that.

"What the bureaucracy has failed to correct, this Congress will now step up and take care of, unfortunately for all of those who have not been able to benefit, not a minute too soon.

"I yield back the balance of my time."

That is the floor statement of the late Congressman Norwood on a bill that, at the time he prepared this, he wasn't sure would get to the floor.

□ 1430

Yet because of his tenacity and preparedness and the willingness of Mr. DINGELL and Mr. INSLEE and Mr. PALLONE and Speaker PELOSI, the bill is on the floor. I would urge all of my colleagues to support this bill. I do intend to ask for a rollcall vote and let us leave a living legacy of life for the late Congressman Charlie Norwood.

Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I want to thank Mr. BARTON for reading Dr. Norwood's eloquent statement into the RECORD.

I want to note that kidney donation is not just for the recipients. It is for their families and the places they work, and even the U.S. Congress. The reason we had the benefit of Dr. Norwood's wisdom for years in the U.S. Congress was because of a lung transplant. I want to note that what we are doing today is not only helping those 70,000 people, but also their families and workplaces and the whole U.S. economy.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL), the ranking member of the Health Subcommittee.

Mr. DEAL of Georgia. Mr. Speaker, I thank the ranking member for yielding me this time.

I too wish to express appreciation to the sponsor and all of those who have made it possible to bring this bill to the floor today. It is certainly altogether fitting and proper that we name this bill after the late Charlie Norwood.

This bill does two very important things that Charlie really believed in. The first is he believed in organ transplant. As Mr. INSLEE alluded, he was the recipient of a lung transplant that extended his life. He believed in organ transplants.

The second thing that it does is something that he really believed in as well, and that is overcoming bureaucratic red tape that made no common sense. And that is what this bill does. Pairing of donations for kidneys makes all of the common sense in the world. It will save lives and money. Certainly in the tradition of Charlie Norwood, it will perpetuate the importance of organ donations and do so in the memory and in the honor of a great Member of this body.

Mr. INSLEE. Mr. Speaker, I would yield to the dean of the House whose leadership helped bring this bill to the floor today, the gentleman from Michigan (Mr. DINGELL), for such time as he may consume.

Mr. DINGELL. Mr. Speaker, my colleagues have said strongly why this is a good piece of legislation and why it should be enacted. I strongly support it, and I urge my colleagues to vote for H.R. 710, the Charlie W. Norwood Living Organ Donation Act. I am delighted that the Commerce Committee could report this good piece of legislation to the House floor, and I am pleased by the consequences of it because we will achieve more help to those in need of organ donation, something which is of great importance to the country and to those who are in such grave and serious need.

Charlie Norwood wanted this bill very badly. It is a good bill. We are delighted that we could bring to the House floor a good bill which not only does good but which honors its author, Charlie Norwood, by carrying forward his goals, his purposes, and his intentions with regard to helping his fellow Americans. I am delighted we can do this for Charlie Norwood who was a valuable member of the committee and who will indeed be missed by his colleagues in Congress on both sides of the aisle.

I have a longer statement which will appear in the RECORD which I believe sets forth some of the things already said by my colleagues. I thank my good friend, the manager of the bill on this side, and the former chairman of the committee, the gentleman from Texas (Mr. BARTON), my dear friend, for their leadership on this matter.

I rise in strong support of H.R. 710, the "Charlie W. Norwood Living Organ Donation Act."

Representative Charlie Norwood was a dear friend and colleague of mine. Beginning in 1995, Charlie served the people of the tenth district of Georgia admirably and honorably in the House of Representatives. Sadly, Charlie lost his long battle with cancer on February 13, 2007, but he shall not be forgotten and we will pass this legislation in his honor.

H.R. 710 would modify the National Organ Transplant Act (NOTA) to clarify that "paired" kidney donations do not violate a clause of the act regarding "valuable consideration," which outlaws the buying or selling of kidneys and other organs.

A "paired" donation occurs when a donor who is willing to give a kidney to a family member or friend, but is biologically incompatible, donates to another patient, who also has an incompatible donor. By cross-matching two or more incompatible donor-recipient pairs, more patients can receive kidneys and more donors can give them.

Currently, an estimated 6,000 individuals nationwide have offered kidneys to family members and friends, only to have the donation rejected because they are incompatible. Many providers will not perform paired donations, however, for fear of violating NOTA. If paired donations were allowed, a study published in the Journal of Transplantation by Johns Hopkins Hospital and the Massachusetts Institute of Technology predicts that there would be a 14 percent increase in the number of live kidney donor transplants performed each year.

The controversy over paired organ donation began with an interpretation by the Department of Health and Human Services (HHS) stating that paired donation MAY be in violation of NOTA's valuable consideration clause. The clause was intended to outlaw the buying or selling of transplantable human organs. This stigma against paired donation elicits concern within some areas of the transplant community, which desperately wants clear legislative guidance on this issue.

This legislation is supported by leading organ donation and organ transplant organizations such as the National Kidney Foundation, the American Society of Transplantation, the American Society of Transplant Surgeons, the Association of Organ Procurement Organizations, the Organization for Transplant Professionals, and the United Network for Organ Sharing (UNOS).

Paired transplantation is a way to solve the dilemma faced by people who want to become living organ donors for a family member or friend, but are unable to do so because they are biologically incompatible. And one of the added benefits of this bill is that it produces savings. Since Dr. Norwood was dedicated to making sure that physicians were treated right and paid properly, we will be using this savings to do just that.

I would like to sincerely thank Representatives Norwood and INSLEE for their leadership, dedication, and diligent work on this important legislation. I urge all of my colleagues to join me in strong support of H.R. 710, the "Charlie W. Norwood Living Organ Donation Act."

Mr. BARTON of Texas. Before I yield to Dr. GINGREY, I want to thank the gentleman from Michigan for his excellent leadership and his willingness to expedite this process. It is because of JOHN DINGELL that this bill is on the floor this afternoon. We on the minority are very appreciative of that.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the ranking member for recognizing me, and I have a longer speech that I want to submit for the RECORD. I think my staff must have been looking over the ranking member's shoulder when they wrote it. He has already said those nice things about our good friend, Charlie Norwood.

I was touched, though, in the letter that he received and read, the phrases "hogwash" and an "old country dentist." I was sitting here thinking, I can see Charlie saying those things on this floor. That is the way he was and that is the way we remember him. He wasn't an old country dentist, let me assure you. He was a prosperous dentist in Augusta, Georgia, a population of 130,000, the home of the Masters; but that was Charlie.

Let me join JOE BARTON, the ranking member, in thanking Chairman DINGELL. I mentioned this bill to the chairman last week, and he looked at me and said, Doc, and he had a little mist of tear in his eye, he said, Don't worry about this; we are going to do this. And I knew then that the chairman and Representative INSLEE and others were fully supportive of what Charlie was trying to do.

If he was thinking just of himself, Mr. Speaker, this bill probably would say the Living Lung Organ Donation Act, which also would be possible; but that wasn't Charlie. He was thinking about those 70,000 other people who are waiting for a kidney.

Charlie himself had to wait a long time to get that lung. Too long, we think. I don't know if it would have saved his life if he would have had an opportunity for a paired living lung donor, but he was thinking of others who were suffering, and as others have said, to bring a commonsense solution to problem solving in a bipartisan way. They described Charlie as a dog that has got ahold of a bone and won't let it go. Well, we can say to Charlie today, as part of our legacy to him, that he has succeeded.

Mr. Speaker, let's support this bill as a legacy and tribute to the great Member, Charlie Norwood

Mr. Speaker, this legislation honors a dear friend and former colleague in this body, the late Congressman Charlie Norwood. Charlie worked tirelessly as an advocate for patients across our Nation, and this bill is a fitting tribute to the tremendous impact he's made on healthcare in America.

Mr. Speaker, in this country, there are more than 74,000 men, women and children on the waiting list for a kidney transplant. Unfortunately, if the current trend of kidney transplants continues, only about half of these candidates will ever receive a life-saving transplant. Tragically, in 2004, nearly 4,000 listed patients died while awaiting a kidney.

One way for individuals to avoid the kidney transplant waiting list all together is to find a living donor, like a friend or family member who is willing to selflessly donate a kidney to save a loved one. The limitation on this compassion is that only compatible matches can donate kidneys; if your friends and family are not a match, they can't be your donor.

But those of us who knew Charlie know that he was an excellent problem solver, always turning challenges into opportunities. With the limited donor options individuals face within their community of family and friends, patient advocates and healthcare providers have pushed for living organ donors. Charlie was convinced of the unlimited potential that could be realized when the pool of living donors would be expanded beyond one's immediate family and friends. In fact, there have been success stories of hospitals doing just this—finding pairs of living kidney donors who aren't matches for their own loved ones, but are matches for someone else's loved one.

Unfortunately, due to conflicting interpretations of the National Organ Transplant Act, hospitals across the country are hesitant to make this type of procedure a rule—and this where the Charlie Norwood Living Kidney Organ Donation Act will create miracles.

H.R. 710 would clarify in statute that this type of paired living kidney donation would be allowed under Federal law. This will alleviate the concerns of hospitals and healthcare providers that want to give all kidney patients the hope that transplants represent but ambiguity in law currently prevents.

Mr. Speaker this is a win-win situation. More patients would benefit from a kidney transplant, thereby reducing the number of individuals on the waiting list. In turn, more Americans—both on the waiting list and off—will have that miraculous second chance at life.

Mr. Speaker, passing this legislation will be a lasting tribute to Charlie Norwood's selfless efforts to help those in need. While we all wish our friend's lung transplant had saved his life, we can honor him by giving Americans across our Nation greater access to the potential miracle of an organ donation.

Mr. INSLEE. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished member of the Georgia delegation, Congressman John Linder.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the underlying legislation, and in support of the memory and legacy of its author, my friend and colleague, Charlie Norwood.

Many people may remember the story of Nicholas Greene, the 17-year-old boy who was killed during a family vacation in Italy. The tragic and sudden loss of this young boy was turned into a story of hope and love when his parents generously donated his organs. Out of his tragic death sprang life, as seven people received Nicholas' heart, liver, kidneys, corneas, and pancreatic cells.

If there is one lesson we can take from Nicholas' great gift to the world and from the strong humanitarian legacy of Charlie Norwood, it is that we must support life whenever we have that opportunity.

H.R. 710 specifically excludes kidney-paired donation from the National Organ Transplant Act's valuable consideration clause. The valuable consideration clause has a noble purpose, which is to keep people from buying and selling human organs. In the case of kidney-paired donation, which is held to the highest of medical ethical standards, that purpose is obstructing the ability to save lives. By supporting this bill, we can give countless people a better chance for survival.

Let me be clear: paired-organ donation does not constitute the buying or selling of organs. If we believe as much, then we accept the idea that the gift of life has a monetary value. Charlie vehemently opposed this concept, and so should we.

Thousands of people die each year waiting on a transplant list, praying for the right match for a kidney. Paired donation will significantly increase the number of available kidneys each year, allowing even more people to live productive, healthy lives.

H.R. 710 honors the memory of our friend Charlie Norwood, it honors the memory of Nicholas Greene and his family, and it honors all those Americans who have lost their lives while waiting on a transplant list. As such, I urge all of my colleagues to join me in passing this critically important vehicle for giving the gift of life to others.

Mr. INSLEE. Mr. Speaker, in closing, I want to make a point. I think this is a great bipartisan success, to try to improve organ donation prospects for these 70,000 Americans. But we have more work to do. This bill is not the end of our efforts. I worked for 2 years with MIKE BILIRAKIS, a great Republican, to try to have people in hospitals work with families on transplant donation issues. We need to fund that bill, and I hope we can have a bipartisan effort to do that.

We have work to do to fund immunosuppressant drugs. Right now, we are not funding the drugs that donees need to suppress the immunological response to donation.

So I hope we can continue to work in a bipartisan fashion to help these 70,000 Americans. We will remember Charlie Norwood's efforts in this regard and on future successes

Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to another distinguished member of the Georgia delegation, Jack Kingston from Savannah.

Mr. KINGSTON. Thank you, Mr. BARTON, and I thank Dr. BURGESS for letting a noncommittee member go first. I appreciate the courtesy; and I wanted to thank Mr. INSLEE for his help on this bill and all of the work and leadership by both parties on this.

If Charlie Norwood were here today, he would be sitting there and he would be embarrassed. He would be deflecting all of these sweet things that are being said about him. But if this bill was controversial and was having a tough fight, Charlie Norwood would be right in the middle of it and pushing it along and making sure it got done and standing up for the folks outside the 70,000-plus folks who are in line for an organ transplant right now. That is who he always answered to.

I remember the Norwood-Dingell bill on the Patients' Bill of Rights, how he did not appreciate the leadership in our party's position on it, so he went out and found alternative ways to get it done. And in that case, he cobbled together a bipartisan group of Democrats and Republicans to push his Patients' Bill of Rights because Charlie Norwood was a fighter, and he was always a fighter for a good cause. So it is fitting and proper for him to be recognized in this bill.

A couple of weeks ago I was at the University of Georgia, which is located in Athens, my hometown and in Charlie Norwood's district. And I met with Dr. Steve Stice. He told me he is doing a lot of work on stem cell, and he casually mentioned that the University of Georgia had cloned about 50 cattle and sheep. I could not believe they had cloned that many.

But as I listened to him and all of the technological breakthroughs that are happening in the world of science and medicine today, I think what lies out there in organ transplant, we have not even scratched the surface. There will be medical revolutions in the years to come because of the technology that is out there.

So our laws and what we are doing today is keeping the law current with the technology and with the science. That is why it is a good thing to do this. Think about Floyd Spence, our colleague from South Carolina, who had a lung transplant for 12 years, and our brave Charlie Norwood. Think about what they do; they educate the rest of us.

Our day in office for all of us will end. Either politically or biologically or for whatever reason, but what a great thing it is to have that service time in the House be used to hold a baton high that you can pass on to the next generation and have true national impact. That is what we are doing here today.

Mr. BARTON of Texas. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining.

Mr. BARTON of Texas. I, unfortunately, can only yield 1 minute to the gentleman from Texas (Mr. BURGESS), a member of the committee.

Mr. BURGESS. Mr. Speaker, I thank Mr. BARTON for the time, and I thank Chairman DINGELL for bringing this bill to the floor. This is a wonderful legacy for Charlie Norwood. Charlie was all about clarification and common sense. We miss him on the committee. Personally, he was my mentor and had seen me through many issues on the committee. But I can think of no more fitting way to close out the legacy of Charlie Norwood than with this act that brings clarification to Federal law and allows paired donations to proceed apace.

Charlie Norwood, from life hereafter, has reached back to this House and delivered one last dose of common sense. Thank you, Charlie.

Mr. BARTON of Texas. Mr. Speaker, could I ask unanimous consent for 3 additional minutes to tell one last Charlie Norwood story.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1445

Mr. BARTON of Texas. Mr. Speaker, before I close, since we have painted Charlie Norwood to be such a saint today, I have got to kind of get a little bit truer picture of him.

In the Energy Policy Act debate of 2005, there was a provision in the bill that was not controversial in the overall part of the bill, but it was very controversial in certain areas of the country. One of those areas was in Charlie's area of the southeast.

I had been working with him all through the debate to try to get him to help me forge a compromise on this particular issue, and he agreed that the compromise was the best public policy, but it wasn't the policy that his region supported. So he was in a difficult position of agreeing with me, the chairman, on what the good public policy was, but knowing that that was not a vote that he would be supported in taking for his region.

I went round and round with him about how to convince him to support this particular item in the bill, and he just flat couldn't do it. But I finally got him to agree that, at the critical moment, he would not be there to vote against it. In other words, he would be absent, meeting a constituent or something, and he just couldn't be there. He and I agreed on this, and our staffs had worked it out so that when the time came to vote, Mr. Norwood would not vote "no," which would make me happy, but he wouldn't vote "yes" either, which would have made me even happier. He just wouldn't vote.

So, sure enough, the critical moment came, and the vote occurred. True to his word, Charlie Norwood was not around, but as soon as I gaveled the vote, he burst into the room, Mr. Chairman, Mr. Chairman, could I be recorded. I said, no, the vote has already expired. He said, what kind of hogwash is this and just raised holy cane, purely for theatrical purposes, but you know, the point had been made.

So his constituency felt justified in his support, and I felt justified in he didn't vote against me, and yet he had upstaged his chairman, but in some cases, that was Charlie Norwood.

We rise in support of this bill. It does save money. It saves $30 million or $40 million the first year and I think $400 million to $500 million over the 10-year scoring period. So we are going to work with the majority to find a way to put these savings to use so, once again, Congressman Norwood not only is doing a good thing, providing a gift to the living, but this piece of legislation, if it becomes law, will also save the taxpayers money.

I would strongly urge a "yes" vote on this bill

Mr. HOYER. Mr. Speaker, I am proud to support legislation by Congressman JACK INSLEE that will save thousands of lives by speeding the kidney donation process.

By making paired kidney donation legal, this bill will facilitate the identification of kidney donors and speed the process by which donors are matched with patients. In fact, this bill could increase the number of live kidney donor transplants performed each year by 14 percent according to a study by the Journal of Transplantation.

In addition to the positive effects for kidney transplant patients, speeding the donation process will also help reduce federal spending. According to the Congressional Budget Office, this bill will reduce Medicare spending for dialysis by $500 million over 10 years.

This legislation has a wide base of support from the medical community, including the United Network for Organ Sharing, the American Society of Transplantation, the Kidney Fund, the Transplant Surgeons, and the Association of Organ Procurement Organizations. I am proud to add my vote of support to this list.

This bill will give much needed hope to the more than 95,000 people who are waiting for a life-saving organ donation. I commend Congressman INSLEE for introducing this important bill.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and pass the bill, H.R. 710, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 15. Concurrent resolution authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen.

COMMENDING AND CONGRATULATING VIRGINIA STATE UNIVERSITY ON ITS 125TH ANNIVERSARY

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 182) commending and congratulating Virginia State University on the occasion of its 125th anniversary, as amended.

The Clerk read as follows:

H. RES. 182

Whereas Virginia State University, overlooking the Appomattox River in the Town of Ettrick in Chesterfield County, will celebrate its 125th anniversary in 2007;

Whereas Virginia State University (VSU) was founded on March 6, 1882, as the Virginia Normal and Collegiate Institute, making it the first fully State-supported 4-year institution of higher learning for black Americans and one of Virginia's two land-grant institutions;

Whereas since its humble beginnings, Virginia State University has responded to the needs of Virginians as a dynamic institution offering an accessible, affordable, quality education;

Whereas with an enrollment of nearly 5,000, VSU students live and attend classes on a beautiful 236-acre main campus with more than 50 buildings, including 15 dormitories, 16 classroom buildings, and a 416-acre agricultural research facility;

Whereas the first president of Virginia State University was John Mercer Langston, who became the first African American elected to Congress from Virginia;

Whereas Virginia State University has an exemplary and dedicated faculty and staff, who are committed to offering their students the personal attention that smaller institutions can offer;

Whereas Virginia State University's academic programs include the Bridges to Baccalaureate program for students transferring from 2-year colleges who want to major in the sciences, the Ronald E. McNair Scholars Program for students planning to pursue doctoral degrees, and the Honda Campus All-Star Challenge;

Whereas Virginia State University offers 45 baccalaureate and master's degree programs within its 5 schools (the School of Agriculture, School of Business, School of Engineering, Science, and Technology, School of Liberal Arts and Education, and the School of Graduate Studies, Research, and Outreach), and a Certificate of Advanced Study may also be earned from each school;

Whereas honors scholarships are available to entering VSU freshmen, including the Presidential and Provost Scholarships;

Whereas in 2003 Virginia State University introduced its first doctoral program and 12 enthusiastic students enrolled in the new Doctor of Education in Administration and Supervision program;

Whereas in 2005 Virginia State University began a vital new nursing degree program, an important initiative that will train nurses to meet the urgent demand for qualified medical professionals in the hospitals and clinics of Southside Virginia;

Whereas the School of Graduate Studies, Research and Outreach allows students, often working adults with diverse professional and educational backgrounds, to more conveniently continue their education on a full-time or part-time basis; the school also provides workshops, seminars, and credit courses on campus and at sites in Richmond, Emporia, Petersburg, Chesterfield, Dinwiddie, Henrico, and other Southside Virginia locations; and

Whereas Virginia State University has a long and rich history and has grown and changed considerably since 1882, and it continues that growth today, enriching individual lives, the surrounding community, and the Commonwealth through excellent teaching and innovative and engaging programs of study: Now, therefore, be it

Resolved, That the House of Representatives commends and congratulates Virginia State University on the occasion of its 125th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 182 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 182 is a resolution commending and congratulating Virginia State University on the occasion of its 125th anniversary. H. Res. 182 was introduced by my colleague from Virginia from the Fourth Congressional District of Virginia, Mr. FORBES.

Virginia State University was founded on March 6, 1882, as the Virginia Normal and Collegiate Institute, making it the first fully State-supported 4-year institution of higher learning for African Americans. Today, it is one of Virginia's two land-grant institutions.

The first president of Virginia State University was John Mercer Langston who upon his election to Congress in 1890 was the first African American elected to Congress and, until my election in 1992, had been the only African American elected from Virginia.

In 1935, Virginia State University founded a 2-year satellite school at Norfolk, Virginia. That school today is known as Norfolk State University.

Today, Virginia State has an enrollment of nearly 5,000 students who live and learn on a 236-acre main campus overlooking the Appomattox River in Chesterfield County, Virginia. The school also has a 416-acre agricultural research facility.

The University's academic programs include the "Bridges to Baccalaureate" program for students transferring from 2-year colleges who want to major in science, as well as the Honda Campus All-Star Challenge and the Ronald E. McNair Scholars Program for students planning to pursue doctoral degrees.

Virginia State has helped set the standard for minority-serving institutions in Virginia and across the Nation by providing quality higher education opportunities for 125 years.

My family has a proud Trojan tradition. My mother attended Virginia State, my older brother is a graduate of Virginia State, and I am honored to have an honorary degree from Virginia State.

So I congratulate Virginia State University on its 125th anniversary and wish them another successful 125 years.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I rise in support of H. Res. 182, a resolution to recognize the contributions of Virginia State University on the occasion of its 125th anniversary.

I want to thank the gentleman from Virginia (Mr. FORBES) and my colleague on the Education and Labor Committee, Mr. SCOTT, for introducing this resolution and recognizing the important role that Virginia State University plays in educating young people from all over the world.

As a historically black college and university, or HBCU, Virginia State University is one of a diverse community of institutions. Historically black colleges and universities include 2- and 4-year institutions, public and private institutions, as well as single-sex and coed institutions. To be designated a historically black college or university, an institution must have been established prior to 1964 with a primary mission of educating African Americans.

Mr. Speaker, HBCUs have a long, proud and well-established heritage. These institutions have been educating the students of this Nation for over 100 years. While comprising fewer than 3 percent of the country's 2-and 4-year institutions, HBCUs are responsible for producing a significant number of all bachelor's, master's and professional degrees earned by African Americans.

Congress has repeatedly recognized the importance of the historically black colleges and universities. Between 1995 and 2006, congressional funding for the Strengthening Historically Black Colleges and Universities Program rose from $109 million to $238 million, a 118 percent increase. What is more, funding for the HBCU Grad Program increased from $19.6 million to $57.9 million, an increase of 195 percent.

Virginia State University, located in Petersburg, VA, was originally founded on March 6, 1882, as the Virginia Normal and Collegiate Institute and was the first fully State-supported 4-year institution of higher education for African Americans and one of Virginia's two land-grant institutions. VSU's first president, John Mercer Langston, went on to become the first African American Member of Congress from the Commonwealth of Virginia.

This school offers 43 undergraduate degree programs and 15 graduate degree programs. The campus is composed of more than 50 buildings, which include a 416-acre agricultural research facility. Since its founding, VSU has grown from a small HBCU to an institution that enrolls just over 5,000 students, 96 percent of whom are African American.

Mr. Speaker, it is for all of these reasons and more that I urge my colleagues to honor the 125th anniversary of Virginia State University and support H. Res. 182

Mr. Speaker, I now yield as much time as he needs to my colleague from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I would like to begin by thanking Chairman MILLER and Ranking Member MCKEON for their work in getting this resolution to the floor. I also want to thank my friend and colleague, Congressman SCOTT, for his hard work and the work of his staff in getting the bill here and also Congresswoman FOXX for her efforts and her staff in helping to get H. Res. 182 on the floor today.

Mr. Speaker, I rise today, as do my colleagues, to commend Virginia State University on the celebration of their 125th anniversary. This resolution honors Virginia State University's continued resolve to provide an excellence in education since March 6, 1882.

Mr. Speaker, today we just pause and we say to all of the current students of Virginia State University, to the alumni, to the faculty and to the administration, thank you for a job well done in the pursuit of excellence that you have done for these last 125 years.

As you may know and you have heard mentioned today, Mr. Speaker, Virginia State University is located in my district in Chesterfield County, and it is warmly embraced by the neighboring city of Petersburg. It was the first university to be fully funded by the Commonwealth of Virginia as an institution of higher learning for African Americans.

Currently, Virginia State University offers 45 baccalaureate and master's degree programs and introduced their first doctoral program in 2003. This campus includes 236 acres and an additional 416-acre agriculture research facility. They host nearly 5,000 students and continue to grow.

It fills me with pride to stand on the House floor today to present this resolution. We have had a long-standing relationship with Virginia State University and look forward to continuing this through the years to come.

Mr. Speaker, this resolution comes before the House floor cosponsored by the entire Virginia congressional delegation. Though I cannot speak for my colleagues, I believe I can say we are proud of the progress Virginia State University has provided through its 125 years of service to the students in Virginia and beyond. This anniversary represents a significant milestone in the Commonwealth of Virginia's history.

The university is more than worthy of this distinguished recognition for the impressive advancements and accomplishments in their 125-year history, and we are honored to acknowledge their achievements today

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, 125 years ago, Virginia State University was founded. I want to thank my colleague from Virginia for his leadership in introducing this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 182, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1500

AUTHORIZING USE OF ROTUNDA FOR CEREMONY TO AWARD CONGRESSIONAL MEDAL OF HONOR TO THE TUSKEGEE AIRMEN

Ms. MILLENDER-McDONALD. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 15) authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen.

The Clerk read as follows:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on March 29, 2007, for a ceremony to award a Congressional Gold Medal collectively to the Tuskegee Airmen in accordance with Public Law 109-213. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of Senate Concurrent Resolution 15, which would authorize the use of the Capitol rotunda on March 29, 2007, to present a Congressional Gold Medal to members of the Tuskegee Airmen.

With the passage of the Civilian Pilot Training Act of 1939, Tuskegee University, along with various civil rights groups and the black press, began an effort to transform Federal Government policies and procedures that excluded African Americans from pilot training programs.

In this initial phase, Tuskegee Institute, which had a proven civilian pilot training program and had a history of producing graduates with the highest of flight aptitude exam scores, was awarded a contract by the U.S. Army Air Corps to help train America's first black military aviators.

Between 1940 and 1946, nearly 1,000 black pilots were trained at Tuskegee University. This undertaking produced the unrivaled Tuskegee Airmen, who are credited with not losing a single bomber to enemy fire in more than 200 combat missions as air escorts, a record unmatched by any other fighter group.

The Tuskegee Airmen destroyed some 260 enemy aircraft. These brave men accumulated a total of 850 medals for their service and valor. Tuskegee University continues its legacy of leadership in aeronautics.

Today, it is the first and only Historically Black College or University to offer a degree in aerospace science engineering. Since 1983, it has produced the largest number of black aerospace engineers of any institution in America.

In spite of the adversity and limited opportunities, African Americans have played a significant role in the U.S. Navy and military history. The Tuskegee Airmen overcame segregation and prejudice to become one of the most highly respected fighter groups of World War II.

So on March 29, 2007, the President of the United States will present the Congressional Gold Medal to the survivors expected to attend the ceremony, after which the medal will be given to the Smithsonian Institution and will be displayed in the future as appropriate.

Last year, the House and Senate unanimously passed legislation brought to the floor by the Financial Services Committee to authorize the Congressional Gold Medal, which became Public Law 109-213. The bill had 310 cosponsors in the House and 77 in the Senate. Our colleague, the Honorable CHARLIE RANGEL of New York, has worked tirelessly as the lead House sponsor of this legislation, and he has been the catalyst to ensure that these men got their rightful spot in history.

Since the House Administration Committee has jurisdiction over matters relating to the Smithsonian Institution, I am especially pleased that language was able to be worked out in the bill which would allow the Smithsonian to accept this historic medal on behalf of the American people and to display it as appropriate, including a location associated with the Tuskegee Airmen.

Mr. Speaker, I reserve the balance of my time

Mr. McCARTHY of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of S. Con. Res. 15, which authorizes the use of the rotunda of the Capitol for the ceremony to award the Congressional Gold Medal to the Tuskegee Airmen.

I would like to thank the distinguished chairman from New York (Mr. RANGEL) for sponsoring the House version of this resolution. I would also like to thank my Chair of House Administration for her work as well.

All of our men and women of the armed services deserve our praise and recognition for the contributions they have made in defense of our country. It is notable that in the case of the Tuskegee Airmen they were fighting not one but two battles. As they bravely flew and maintained combat aircraft in World War II, these men also fought against the notion that somehow the color of their skin would affect their ability to courageously protect our Nation.

In 1941, the formation of the all African American squadron based in Tuskegee, Alabama, a group that would come to be known as the Tuskegee Airmen, was largely regarded as an experiment of the U.S. military to test the combat readiness of the all-black fighting squadron. Sadly, there were some at the time who expected or perhaps even hoped that the experiment would fail. Instead, the Tuskegee Airmen became one of the most highly regarded units of the war, fighting bravely with distinction.

Among the honors bestowed upon them, they were awarded 150 Distinguished Flying Crosses, 744 Air Medals, 14 Bronze Stars, and 8 Purple Hearts. I proudly support authorization of the use of the Capitol rotunda where they will be recognized once more for their bravery and for blazing a trail, not only in the sky, but in the history as well.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I reserve the balance of my time.

Mr. McCARTHY of California. Mr. Speaker, I yield as much time as he may consume to the gentleman from the great State of California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of this resolution authorizing the use of the rotunda of the Capitol for the ceremony honoring the Tuskegee Airmen with the Congressional Gold Medal. I am pleased that S. Con. Res. 15 is currently under consideration.

As we all know, the Tuskegee Airmen were young men who enlisted to become America's first black military airmen at a time where, sadly in this country, there were many people who argued that black men lacked the necessary skills or ability to be part of an effective military force. Well, the Tuskegee Airmen effectively dispelled that notion that in any way African Americans were second-class citizens.

Mr. Speaker, although the term "hero" is perhaps overused in today's discourse, there is no better description of the Tuskegee Airmen. Not only were they the first black airmen to perform as they did, but they put their lives on the line for all Americans, regardless of color.

For that, we are all eternally grateful and eternally in their debt; and it is not only appropriate, but fitting, for us to take this step today. As one in his younger years who had an opportunity to meet some of these Tuskegee Airmen, I can tell you that they carried themselves with a great deal of pride in the contribution they had made to this Nation, and any conversations I had with such airmen, that is what they stressed, their contribution to this Nation.

So it is fitting that we take the time, as a thankful Nation, to give them this respect and honor them in this singular way with a Congressional Gold Medal and to have this done here at the center, at the heart of our democracy, the rotunda of the United States Capitol.

Mr. McCARTHY of California. Mr. Speaker, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. On March 29 of this year, this Nation will give to its Americans, rightfully, the Congressional Gold Medal that they deserve

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 78, which authorizes the use of the Capitol Rotunda for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen. I strongly support the resolution because it is an appropriate and fitting tribute to one of the greatest groups of the Greatest Generation.

On July 19, 1941, the American Air Force created an all black flight training program at the Tuskegee Institute in Alabama. The Tuskegee Airmen were not only unique in their military record, but they inspired revolutionary reform in the Armed Forces, paving the way for integration of the Armed Services in the U.S.

The first class of cadets began in July of 1941 with 13 men, all of whom had college degrees, some with PhDs and all had pilot's licenses. From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that "coloreds" were incapable of operating expensive and complex combat aircraft. Stationed in the segregated South, the black cadets were denied rifles.

The Tuskegee Airmen were credited with 261 aircraft destroyed, 148 aircraft damaged, 15,553 combat sorties and 1,578 missions over Italy and North Africa. They destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions. "We proved that the antidote to racism is excellence in performance," said retired LTC Herbert Carter, who started his military career as a pilot and maintenance officer with the Tuskegee Airmen's 99th Fighter Squadron. Clearly, the experiment, as it was called, was an unqualified success.

The Tuskegee Airmen were awarded 3 Presidential Unit Citations, 150 Distinguished Flying Crosses and Legions of Merit, along with The Red Star of Yugoslavia, 9 Purple Hearts, 14 Bronze Stars and more than 700 Air Medals and clusters. On February 28, 2006, the House passed H. Con. Res. 1259, authorizing the award of a Congressional Gold Medal on behalf of the Tuskegee Airmen. The President signed the legislation and it became Public Law 109-213 on April 11, 2006. The concurrent resolution before us authorizes the use of the Capitol Rotunda on March 29, 2007, for the award ceremony.

I would like to thank Congressman RANGEL for his tenacity in seeing to it that the contributions of Tuskegee Airmen are fully recognized and acknowledged by the people of the United States. I urge my colleagues to join me in supporting the resolution.

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for use of the Capitol Rotunda for the Tuskegee Airmen Congressional Gold Medal Ceremony. The bill to award the Gold Medal passed unanimously on February 28, 2006 with bipartisan support. This was a long time coming. The Tuskegee Airmen, along with their families and friends are very happy that they will finally receive the highest honor this great body can award. The President will present the Gold Medal on March 29, 2007. Other dignitaries and leaders will also be present to witness this very historical event.

The Tuskegee Airmen are a distinguished group of World War II African American veterans who fought against segregation and discrimination at home and the enemy abroad. Their fight was with dignity, steadfastness, and pride. After completing training in Tuskegee, Alabama, they bravely headed to Europe to defend their country. They completed 15,500 missions, destroyed 260 enemy aircraft, sank 1 enemy destroyer, and demolished numerous enemy installations. During their service, the Airmen earned 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars. That is remarkable.

The Tuskegee Airmen were trailblazers and paved the way for other African Americans to serve and defend the U.S. Their exemplary work and commitment demonstrated once again that African Americans were not only highly capable, but willing to serve and die for freedom. As a Korean war veteran, I'm honored to have benefited from their courage and service to the military and the Nation.

As I express my support for using the Capitol Rotunda to honor great men who have served our country, I must pay honor to the men and women who are on the battlefield today. We must never forget their immeasurable sacrifices. I urge you to support this resolution and to keep our troops and their families in your thoughts and prayers.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MILLENDER-McDONALD) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 15.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on Senate Concurrent Resolution 15.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

RECOGNIZING THE CONTRIBUTIONS OF THE NEGRO BASEBALL LEAGUES AND THEIR PLAYERS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 162) recognizing the contributions of the Negro Baseball Leagues and their players, as amended.

The Clerk read as follows:

H. RES. 162

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its leagues until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the "Negro Baseball Leagues", were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew "Rube" Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy "Satchel" Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Kansas City Monarchs of the Negro American League, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Newark Eagles of the Negro National League, became the first African American to play in the American League in July 1947, was an All-Star 9 times in the Negro Leagues and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Kansas City Monarchs of the Negro American League, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chaired the Negro Leagues Baseball Museum Board of Directors, and worked tirelessly to promote the history of the Negro Leagues;

Whereas the talents of such players as James Thomas "Cool Papa" Bell and Oscar Charleston earned them recognition in the Baseball Hall of Fame as well as the Sporting News List of Baseball's Greatest Players, but were all denied admission to the Major Leagues due to the color of their skin;

Whereas Minnie Miñoso played in the Negro Leagues for several years before being allowed to play in the Major League and was denied admission to the Hall of Fame, because during his prime years, he was a victim of racial discrimination;

Whereas Autozone Park in Memphis, Tennessee, has been designated to host on March 31, 2007, the inaugural Civil Rights Game between World Series champions, the St. Louis Cardinals and the Cleveland Indians in commemoration of the Civil Rights Movement; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) requests that the President issue a proclamation recognizing "Negro Leaguers Recognition Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, in 1872, Bud Fowler became the first African American to enter organized baseball. At the time, Sporting Life magazine called him "one of the best general players in the country. If he had had a white face," they said, "he would be playing with the best of them." There were only a handful of black players during that time.

By the end of the 1800s, the door to organized baseball was slammed shut to African Americans, and as a result, in 1920, Andrew "Rube" Foster managed a Negro baseball team and organized seven other team owners to join him to form the Negro National Baseball League. Mr. Foster is known by many people to be the father of the Negro Baseball League.

For his efforts and contributions to baseball, he was inducted into the National Baseball Hall of Fame in Cooperstown, New York. Since 1920, many teams were formed to expand the Negro Baseball Leagues. He produced many extraordinary players like Satchel Paige, "Cool Papa" Bell, "Double-Duty" Radcliffe, "Groundhog" Thompson and many others.

Presently, there are 278 members of the National Baseball Hall of Fame, 18 whom had played in the Negro League. These greats include Willie Mays and Jackie Robinson, who first played in the Negro Leagues and then entered Major League Baseball.

Indeed, the players in the Negro Leagues were of such high caliber that many of them later moved to other major leagues and enjoyed better statistics playing there than they did in the Negro Leagues.

The opening of the doors of the major leagues to Negro League players often is attributed to Branch Rickey, who made a bold decision to sign Jackie Robinson to play for the Brooklyn Dodgers in 1947. Unfortunately, many owners of Negro baseball teams could not compete in the recruitment and financial compensation for African American players, which later caused many African American teams to fold in the early 1960s.

Some people shake their heads and say that the Negro Leagues' players came along too early. I think "Cool Papa" Bell had it right when he said "they opened the door, just too late."

But then it is never too late to right what has been a wrong, to create equal opportunity and to open the doors for the Luke Easters, the Minnie Minosos, the Kirby Picketts, the Barry Bondses, the Frank Thomases, and countless others who have thrilled and delighted us with their skills.

The achievement and success of African American baseball players on the baseball field have helped break down color barriers and integrate African Americans into all aspects of society.

□ 1515

This bill recognizes the teams and the players of the Negro Baseball Leagues for their achievements, their sacrifices, their dedication, and their contributions to baseball and the Nation. I commend the gentleman from Tennessee (Mr. COHEN) for introducing the bill, and I urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 162, which honors the Negro Baseball League.

Those of us who love baseball relish the comparisons between players of different eras that our rich statistical records permit. Nobody who witnessed Hank Aaron, a Negro League alum, break Babe Ruth's home record can deny the impact that feat had on the game and on society.

The shame of racism, which afflicts our country even today, prevents us from properly assessing the place in the game of Negro League players. We know that some of the greatest players ever to pick up a bat and ball toiled in those leagues. But who was better, Josh Gibson or Johnny Bench? Satchel Paige or Cy Young? Cool Papa Bell or Mickey Mantle? How would the Pittsburgh Crawfords, who had six Hall of Famers, stack up against the 1927 Yankees, the best team of baseball's all-white era?

Baseball today is one of America's most perfect meritocracies. If you can throw 92-mile-per-hour strikes or hit them consistently, there is a place in the game for you.

It wasn't until 1890, when team owners began to see the potential of their product, that black players began to disappear from white teams. And then it wasn't until the mid 1940s when Branch Rickey of the Dodgers decided he would rather beat the Yankees than honor the unspoken agreement to keep black players out of the game that black players returned.

Today we understand as a Nation that talent comes in all shapes, sizes, and colors. Baseball taught us that.

Negro League players taught baseball that. For that, Mr. Speaker, we are eternally grateful.

I urge all my colleagues to join me in supporting H. Res. 162.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I ask that the Representative from Tennessee, Representative STEVE COHEN, have as much time as he might consume

Mr. COHEN. Mr. Speaker, I rise in support of H. Res. 162, which recognizes the contributions of Negro Baseball Leagues.

The Negro Baseball Leagues are part of our history when segregation was the rule, segregation was the law. It is an unfortunate, most unfortunate part of America's history, part of a blemish on the soul of America, part of the blemish on the Constitution, on our laws, and the basis of the founding of the country.

No Nation has a more distinguished, honorable, and respected foundation conceived in life, liberty, and the pursuit of happiness, and equal justice for all. But in so many institutions it wasn't true, it wasn't real, until about the 1960s. The work of a great Democratic Congress and President Johnson and others, Republicans as well in a bipartisan move, overcame and repealed Jim Crow laws and passed amendments and laws that allowed people to use public facilities and to have integration in this country and to give everybody the American Dream, which had been denied for over 200 years in this country.

The baseball leagues that were reserved for Negroes were an example of that. There were great players who didn't have the opportunity to perform and achieve until integration. Branch Rickey of the Dodgers brought Jackie Robinson up in the 1940s, and there were great players that didn't have that opportunity.

I want to tell you one story about one particular baseball player who is in this resolution. He is in this resolution because he deserves to be in any resolution about baseball, about discrimination, and about kindness, Minnie Minoso. Minnie Minoso was a Cuban, African Cuban, who came to this country. I guess he would be an African American.

Minnie Minoso started his career in the Negro League, and didn't get to the Major Leagues until he was about 28 or 29 years of age. He had a great career. He led the American League in triples and doubles and stolen bases, one time in RBIs, received three or four Golden Glove awards, named to the All-Star games many, many times, and had statistics with home runs and batting average at nearly .300 for his career that should have qualified him for the Hall of Fame. But he hasn't gotten into the Hall of Fame, and he is not going to get in the Hall of Fame because he wasn't allowed to start in Major League Baseball until he was 28 or 29 because of discrimination.

Well, in 1955, at a spring training game in Memphis, Tennessee, at Russwood Park, I went to a ball game in Memphis. I had had polio the previous year, and I attended the game with my White Sox cap and White Sox T-shirt, on crutches. A player came up to me and offered me a baseball; I was down by the railing trying to get them. The player was named Tom Poholsky, who was white. And I thanked him, but he told me, You shouldn't thank me. You should thank that player over there, number 9, Minoso. Minoso gave Poholsky the ball and wanted me to have it. But because of segregation in this country, Minnie Minoso, one of 60 players, they hadn't cut the rosters yet for spring training, was the only player who had the kindness in his heart to see somebody who was a ball fan who couldn't play at the time because he was on crutches. But in a segregated South, he couldn't give me that ball. He couldn't have a decent act of kindness because of segregation.

Well, I got the ball, and I went down with my dad and we got to know Minnie Minoso, and it started a friendship that has continued to this day. Minnie Minoso was a class act, a wonderful human being who goes beyond baseball, the most popular player ever to wear a White Sox uniform, and a person who has given his life to baseball. But because of the denial of segregation, not allowing him to play in the Major Leagues until he was 28 or 29, he will not get the respect he is due, just like other players in the Negro Leagues didn't. So many of them who were great players, who would have led the majors in stolen bases, in doubles, in triples, in home runs, in RBIs, or average, as shown over the years by great players like Maury Wills and Bob Gibson and so many other great players who got the opportunity to play and show they could perform.

This year in Memphis on March 31, the major leagues are having a civil rights game. The last exhibition game of the season will be in Memphis at Auto Zone Park; it will be the Cleveland Indians and the St. Louis Cardinals play. There will be a special luncheon the day before the game where the widows of Roberto Clemente and Buck O'Neal will be honored, as well as Spike Lee, for contributions that baseball and civil rights have given to the growth of this country.

It is somewhat ironic in a way that we now see what baseball did to help integrate our country. And this resolution, which is part of the process of showing what this country has gone through, is about a time when we had segregation. Baseball helped integrate society. It helped get little young white kids to appreciate black players and see simple acts of kindness and see the absurdity of segregation. It gave me the opportunity in 1961 in Memphis to go to the Lorraine Hotel, then an all-Negro institution, and see a hero and other players like Walter Bond and Dick Powell staying in the segregated black hotel when the Caucasian players were at the Peabody, and see how ridiculous is this that my hero, an All-Star, a Golden Glove award winner, has to stay at the Lorraine Hotel which was not up to standards.

Baseball has come a long way. The Negro Leagues did a lot to give entertainment to Negroes and Caucasians who went to those games, and gave players an opportunity to play. And it is unfortunate they had to exist, but they did. They gave these players a great opportunity, from Josh Gibson, the great catcher, Satchel Paige, Buck O'Neal, and so many others who are enshrined in the Hall of Fame in Kansas City where there is a Negro League Baseball museum. But they also gave this country the opportunity to look at segregation for what it was, stupid, ignorant, retarded, and gave a process by which we overcame.

Sports have been a great vehicle to overcome discrimination and prejudice, and it was done in baseball, through heroic works by Branch Rickey, heroic at the time of Jackie Robinson who took all kinds of taunts. Now there is a Hall of Fame and there are players in there of both races, and you get there by talent. And that needs to happen all throughout this society and all throughout this country.

I was pleased to bring this resolution because of my experience with Minnie Minoso, my love of baseball, and the fact that baseball gave me an exposure to the horrors of segregation and what it did to my hero and a man who was kind to me through the years, Minnie Minoso. But there were so many others. I went to games at Martin Stadium in Memphis, which is the home of the Memphis Red Sox, and it was all Negro players. They were great players. They didn't get an opportunity to show their skills. They later did.

I urge all my colleagues to support House Res. 162, recognizing the contributions of the Negro Baseball League, but at the same time reflect on how sad it was that there had to be a Negro Baseball League, and to reflect upon the need to make amends, not just to African Americans who were enslaved by this country's laws and limited and punished and enslaved by Jim Crow laws, but at the same time to think about the greatness of our country and mend a fault and a tear in our Constitution and our soul and civic justice, and put it together and apologize for slavery and Jim Crow, and make our country more whole and do the right thing. When you are wrong, you apologize. When you do evil, you do apologize, and you move forward. They are different bills, and I hate to mix them, but they are all part of the same story.

America needs to move forward, and progress has been made. We need to appreciate the past, but see where we were and move forward. And I am honored to be with the other sponsors of this bill, I think there are hundreds of them, and recognize the contributions of the Negro Baseball League and the story that baseball has played, and ask everybody in America to pay attention on March 31 to the final exhibition game of the season which will be televised on ESPN, a civil rights game that will highlight the civil rights heroes through sports, where Julian Bond will speak at a luncheon at the Peabody Hotel and tell a story of integration and success through sports that came too late in this country's history.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my distinguished colleague from the State of Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I hadn't intended to come over and speak on this, but the gentleman from Tennessee's eloquence moved me to also add my support for this resolution. I supported it through the committee process. But to also recognize the contributions of the players, the Josh Gibsons, the Buck O'Neals who, because of the bars of segregation at the time, were never allowed to participate in what we now know as the Major Leagues.

But this resolution speaks to the fact that their contributions, that their activities and their records are also an important part of American history and of baseball history, and they should be remembered for their contributions. And that is what this resolution does. In their own ways, they are not only great players, great all-stars, great performers, and great athletes, but they also were pioneers. And I am proud to be here to support the gentleman's resolution.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 162, which recognizes the contributions of the Negro Baseball Leagues and their players for their achievements, dedications and sacrifices to baseball and the Nation.

African Americans began to play baseball in the late 1800s on military teams, college teams, and company teams. They eventually found their way to professional teams with white players. Moses Fleetwood Walker and Bud Fowler were among the first to participate. However, racism and "Jim Crow" laws would force them from these teams by 1900. Thus, black players formed their own units, "barnstorming" around the country to play anyone who would challenge them.

In 1920, an organized league structure was formed under the guidance of Andrew "Rube" Foster—a former player, manager, and owner for the Chicago American Giants. In a meeting held at the Paseo YMCA in Kansas City, MO, Foster and a few other Midwestern team owners joined to form the Negro National League. Soon, rival leagues formed in Eastern and Southern states, bringing the thrills and innovative play of black baseball to major urban centers and rural countrysides in the U.S., Canada, and Latin America. The Leagues maintained a high level of professional skill and became centerpieces for economic development in many black communities.

In 1945, Major League Baseball's Brooklyn Dodgers recruited Jackie Robinson from the Kansas City Monarchs. Robinson now becomes the first African American in the modern era to play on a Major League roster. While this historic event was a key moment in baseball and civil rights history, it prompted the decline of the Negro Leagues. The best black players were now recruited for the Major Leagues, and black fans followed. The last Negro Leagues teams folded in the early 1960s, but their legacy lives on through the surviving players and the Negro Leagues Baseball Museum.

The Negro Leagues Baseball Museum is extremely significant because it represents many of the outstanding contributions that blacks made to the game of baseball notwithstanding their initial exclusion from the professional baseball league here in this country. The museum was designated America's National Negro Leagues Baseball Museum when the House passed a resolution. The museum, in the 18th and Vine Historic Jazz District, was founded in 1990 to commemorate an era when many of baseball's top players could not perform on the game's biggest stage, the major leagues, but instead made their own history. The museum draws about 60,000 visitors a year who can view evidence of the great contributions made to America's favorite pastime.

The legacy of the Negro Baseball Leagues also lives on through the multitude of great black and Latino players who have contributed greatly to the game of baseball. The contributions of the Negro Baseball League players certainly paved the way for baseball giants such as Jackie Robinson, Hank Aaron, Willie Mays, Roberto Clemente, and Barry Bonds. Hank Aaron is the Major League Baseball homerun record-holder because of the significant role the Negro Baseball Leagues played in the black community. The Negro Baseball League is not only a great contribution to the black community but also to the Nation and the world.

Mr. Speaker, I strongly urge my colleagues to support H. Res. 162 to recognize the contributions of the Negro Baseball Leagues and their players for their achievements, dedication and sacrifices to baseball and the Nation.

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Res. 162, recognizing the contributions of the Negro Baseball Leagues and their players for their achievements, dedication and sacrifices to baseball and the Nation.

During the late 1800s, despite numerous attempts, viable, professional leagues, with players of color, had difficulty growing into large professional enterprises. The Negro Baseball League grew out of both necessity, as segregation prevented players of color from participating in organized leagues, such as the National Association of Base Ball Players, which banned black athletes, ahd a love for the game of baseball. During these times, although few black players played alongside white players most were subjected to regional prejudices and bans preventing black players from playing, lodging or eating in segregated establishments.

In the years following the American Civil War and the Reconstruction era, black baseball emerged as a viable and exciting enterprise in the East and Mid-Atlantic states. One of the first baseball games between two all-black teams was held in September 1860 in Hoboken, New Jersey. In the years that followed, black teams played one another when they could, through informal networks. In the early 1880s there were some 200 all-black independent teams that played one another throughout the country. It would take the collaboration of three men: John W. "Bud" Fowler, one of the first known professional black baseball players; Moses "Fleetwood" Walker and Frank Grant to organize these teams in what became known as the Negro League.

The first all-black professional team was formed in 1885, when the Babylon Black Panthers was sponsored by a white businessman from Trenton, New Jersey. Renamed the Cuban Giants, the team, along with 10 others, formed the first Negro League, called the southern League of Base Ballists. The league was a commercial success and by the end of World War I black baseball had become the premier entertainment attraction for urban black populations. In 1920, under the leadership of Andrew "Rube" Foster, owner of the Chicago American Giants, the disparate black leagues of the National Negro League was formed.

Throughout the history of the Negro League players filled stands, electrified fans and performed athletic feats that were previously unimaginable. The skills, spirit and dedication of players not only contributed to the viability of all-black teams but also helped integrate the sport of baseball. Players like Jackie Robinson, the first black player to play in the major league, Larry Doby, Leroy "Satchel" Paige and so many others found their start in the Negro League and without the Negro League baseball might not be the consummate American sport it is today.

Ms. FOXX. Mr. Speaker, I too want to commend Mr. COHEN for his eloquence, for introducing this resolution; and I urge all Members to support the passage of H. Res. 162, and I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 162, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILDREN AND FAMILIES DAY

Ms WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 62), supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes.

The Clerk read as follows:

H. CON. RES. 62

Whereas research shows that spending time together as a family is critical to raising strong and resilient kids;

Whereas strong healthy families improve the quality of life and the development of children;

Whereas it is essential to celebrate and reflect upon the important role that all families play in the lives of children and their positive effect for the Nation's future;

Whereas the fourth Saturday of June is a day set aside to recognize the importance of children and families; and

Whereas the country's greatest natural resource is its children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of a National Children and Families Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

☐ 1530

Ms. WATSON. Mr. Speaker, the most sacred institution of our society is that of the family. And within the family, its most precious asset, and that is its children. I stand before you today asking that my colleagues support me in establishing a National Children and Families Day.

President Bush has stated that, "Families instill in our children values; they shape character and are the foundation of a hopeful society." These are the goals for which we strive on National Children and Families Day. It is the intent of the National Children and Families Day to emphasize the importance of loving and stable relationships between parents, communities and children.

I once heard a teacher ask her class, What is the greatest Nation in the world? As the students muttered the names of countries worldwide, she pointed to her head and said, Imagination.

Through National Children and Families Day, I wish to cultivate and encourage the active imaginations of children, for we know that from creative and innovative thinking comes the ability to hope and dream for a brighter future.

Creating an environment that instills important values and builds strong character and provides sound education for our children is a vital national priority. With a firm foundation, children will be better able to face the challenges of the future.

As a legislator, I often find myself thinking of the countless children I represent whom I view as future voting constituents. And I think of how the policies we enact today could hinder or empower them 10, 15 or 20 years from now.

This, Mr. Speaker, is why I urge my colleagues to support National Children and Families Day.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with so many distractions in our lives today, it is important to take a step back to acknowledge the central role that families play in the development of our Nation's youth. This resolution celebrates those aspects found in a positive family atmosphere which promotes healthy and well-adjusted young men and women.

It is true that the children are our future, and the strength of our country has been and will continue to be built on families providing educational, social, ethical and moral guidance to our children.

The devotion of time is one of the most important things we can do to help maintain a positive family environment. And while it may be difficult to find time in our hectic schedules, things as simple as playing with educational toys, reading together or visiting an age-appropriate museum will stimulate a child's curiosity that will be beneficial throughout their lives.

Also, something as easy as slowing down enough to take the time to listen to one another, maybe by having dinner as a family whenever possible is a time tested way to nurture a child through family participation during their formative years.

Young people are increasingly exposed to the stress and pressures of our modern society. In order to combat these negative influences, we must take it upon ourselves, as a society, to expose young people to loving and supporting families whenever possible. As an example, doing a community service project as a family is one of the many ways to teach children that to build a community and to thrive as a society, we should all share in assisting one another.

National Children and Families Day provides us an opportunity to recognize our responsibility to create family environments that nurture the next generation and to promote a positive environment for families across America.

I urge my colleagues to join me in supporting H. Con. Res. 62.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 62, which supports the goals and ideals of National Children and Families Day. The purpose of H. Con. Res. 62 is to encourage adults to listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes.

As Chair of the Children's Caucus, I strongly believe that we must continue creating positive and effective support systems for our children so that they will become healthy, productive citizens. To do this, we must ensure that all of our children have access to quality education and healthcare. We must also give quality time to our children.

Mr. Speaker, National Children and Families Day encourages parents to spend time with their children and to spend time together around the dinner table.

Our young children are increasingly facing monumental challenges such as drug and alcohol addiction, pregnancy, depression, and obesity. We must invest the time and money in the necessary resources needed to help our children combat these challenges. I recently hosted a briefing, "Childhood Obesity: Factors that are Impacting the Disproportionate Prevalence in Low-Income and Minority Communities," to discuss the causes of, and search for solutions to the childhood obesity epidemic. Eating dinner at the dinner table with parents is one of the suggested ways children may develop healthier eating habits.

According to research by The National Center on Addiction and Substance Abuse (CASA) at Columbia University, the more often children eat dinner with their families, the less likely they are to smoke, drink or use drugs. The research suggested that the conversations that go hand-in-hand with dinner will help parents learn more about their children's lives and better understand the challenges they face.

Mr. Speaker, I strongly urge my colleagues to support H. Con. Res. 62 to support the goals and ideals of a National Children and Families Day.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 62.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND ACHIEVEMENTS OF LEO T. McCARTHY AND EXPRESSING PROFOUND SORROW ON HIS DEATH

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 180) honoring the life and achievements of Leo T. McCarthy and expressing profound sorrow on his death.

The Clerk read as follows

H. RES. 180

Whereas Leo McCarthy was born in Auckland, New Zealand, on August 15, 1930;

Whereas Leo McCarthy immigrated to the United States with his parents at the age of three and settled in San Francisco, California;

Whereas Leo McCarthy earned his undergraduate degree from the University of San Francisco and his law degree from San Francisco Law School;

Whereas Leo McCarthy served the United States in an intelligence unit of the Strategic Air Command of the United States Air Force from 1951 to 1952 during the Korean War;

Whereas Leo McCarthy was elected to the San Francisco Board of Supervisors in 1963 and again in 1967;

Whereas Leo McCarthy was elected to the California Assembly in 1968 and served until 1982;

Whereas Leo McCarthy led the California Assembly with honor and distinction as its Speaker from 1974 until 1980;

Whereas Leo McCarthy instituted reforms in the California Assembly to provide more accountability and greater public access;

Whereas Leo McCarthy was a champion of coastal protection and secured passage of the California Coastal Act;

Whereas Leo McCarthy worked to secure permanent financing for the Bay Area Rapid Transit (BART) system;

Whereas Leo McCarthy was elected Lieutenant Governor of the State of California three times, serving from 1982 through 1994;

Whereas Leo McCarthy established the Feminization of Poverty Task Force, comprised of women leaders from business executives to former welfare recipients to develop ways to overcome economic barriers that confront women;

Whereas Leo McCarthy helped implement the Greater Avenues for Independence (GAIN) program to help welfare recipients move into the workforce;

Whereas Leo McCarthy collaborated with business leaders and advocates to publish "Child Care: The Bottom Line" to educate businesses about the economic and productivity benefits of employer-provided child care;

Whereas Leo McCarthy sponsored the Nursing Home Patients' Protection Act, which made landmark improvements in the treatment of patients in nursing homes;

Whereas Leo McCarthy drafted and sponsored a resolution declaring breast cancer an epidemic in California and called for Federal action;

Whereas Leo McCarthy sponsored the Mammography Quality Assurance Act to create new standards governing mammography facilities and technology;

Whereas Leo McCarthy worked to promote minority and women-owned businesses, publishing and distributing 100,000 copies of the award-winning guide, "Starting and Succeeding in Business: A Special Publication for Small, Minority, and Women-Owned Businesses";

Whereas Leo McCarthy established the Task Force on the Seriously Mentally Ill to develop an alternative service delivery system to assist Californians suffering from severe mental illnesses;

Whereas Leo McCarthy sponsored the Chemical Safety Act to facilitate toxic waste prevention and cleanup;

Whereas Leo McCarthy established the Lieutenant Governor's Commission on the Prevention of Hate Violence to investigate the causes of hate crimes and identify innovative ways of promoting tolerance;

Whereas Leo McCarthy, serving as acting Governor, led the State of California through the initial turmoil of the 1989 Loma Prieta earthquake;

Whereas Leo McCarthy served on the University of California Board of Regents and the California State University Board of Trustees;

Whereas Leo McCarthy was twice a candidate for the United States Senate;

Whereas Leo McCarthy was appointed to the National Gambling Impact Study Commission;

Whereas Leo McCarthy was a beloved mentor to generations of public servants;

Whereas Leo McCarthy founded the Leo T. McCarthy Center for Public Service and the Common Good at the University of San Francisco;

Whereas Leo McCarthy was, for 51 years, the beloved husband of Jacqueline Burke McCarthy;

Whereas Leo McCarthy was the father of two daughters and two sons, and grandfather of 11;

Whereas Leo McCarthy earned the highest respect of the people of California for his record of accomplishment on their behalf; and

Whereas the House of Representatives has learned of the death of Leo McCarthy on February 5, 2007: Now, therefore, be it

Resolved, That the House of Representatives——

(1) expresses its profound sorrow and deep condolences to the McCarthy family on the occasion of the death of Leo McCarthy on February 5, 2007; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the family of Leo McCarthy.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, public service is the cornerstone of living democracy. That said, I do fervently believe it takes a special person to give their life to serve the public. I stand before you to honor an individual who, for over 30 years, dedicated his life to public servitude, former California Lieutenant Governor, Leo T. McCarthy.

Lieutenant Governor McCarthy was one who valued what was best for all of Californians, not just those that were of means and access. Much of this can be attributed to McCarthy's humane beginnings as the child of a poor immigrant family. It was during the time McCarthy's father, Daniel, opened a pub which became the community haven for the local Irish Catholic population, that young McCarthy became smitten with service. In his youth, McCarthy engaged in many service-oriented activities, which included early studies for the priesthood and service within the United States Air Force.

After earning his law degree, he began a career in politics that spanned over three decades. He served first as a member of the California Board of Supervisors and, in 1968, won a State assembly seat, where he eventually assumed the role of Speaker.

During his tenure in the California Assembly, McCarthy instituted a number of reforms. He reduced the number of oversight committees, provided members with bill analysis for floor sessions and provided more accountability and greater public access.

Leo McCarthy was a man on a mission, and in 1982, he ascended to what would become the pinnacle of his political career, the role of Lieutenant Governor of the State of California. As Lieutenant Governor, McCarthy wanted to unify the differing socioeconomic and cultural climates of the State. He established the Feminization of Poverty Task Force, which was comprised of women from all walks of life to develop ways to overcome economic barriers common amongst women and girls.

He also enacted legislation to better regulate nursing home patients and ensure that women had the best possible preventive care. He was an advocate for minority and female-owned businesses, and coerced business leaders into understanding the economic benefits of work site child care facilities.

When asked to reflect about his years in the public sector, Leo McCarthy said, "I was lucky. I was in a position to make a contribution. I felt very fortunate to have played a role. Some days were miserable, and some unhappy, but there were a lot of days that were great. There was a sense of satisfaction and being helpful to people."

Mr. Speaker, I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Leo McCarthy was a dedicated public servant and long time political force in the San Francisco area for decades. It is with sad news that we speak about him on the floor today after learning about his recent death.

Throughout his political career, he worked tirelessly on issues such as coastal protection, nursing home reform, breast cancer awareness, female-owned small businesses, financing for the Bay Area Rapid Transit System, employer provided child care and the prevention of hate crimes, just to name a few.

He was born in Auckland, New Zealand and emigrated with his family to

California at the age of 4. The son of an Irish bar owner, he was raised in San Francisco's Mission district and attended St. Ignatius College Preparatory.

Before his political life began, he served his country proudly in the Korean war in the U.S. Air Force. He earned his undergraduate degree from the University of San Francisco and his law degree from San Francisco law school.

He began his political career as the youngest member of the San Francisco Board of Supervisors in 1963 before serving on the California Assembly from 1969 to 1982. He honorably led the California Assembly as its Speaker from 1974 to 1980. He was elected to a record three terms as Lieutenant Governor before retiring from politics in 1994. While serving as Lieutenant Governor, he instituted reforms to provide more accountability and greater public access. Among his work, he established the Feminization of Poverty Task Force comprised of women leaders from business executives to former welfare recipients to develop ways to overcome economic barriers confronting women. He also supported the Greater Avenues for Independence Program to help welfare recipients enter the work force.

After retiring from politics in 1994, his passion and dedication to public service continued with the creation of the Leo T. McCarthy Center for Public Service and the Common Good at the University of San Francisco. The goal of the center is to inspire and equip students for lives and careers of ethical public service and serving others. Since its inception in the fall of 2001, the McCarthy Center has initiated several programs including academic courses, public panels, internship programs and faculty-led projects that engage students in the analysis of social and political issues. Leo McCarthy's leadership in the center spread inspiration throughout all the students and staff involved. It exemplified his dedication to his community and to the greater good. He will be greatly missed by all those who knew him and worked with him.

I ask all Members to join me in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I ask that the author of the bill, Representative ANNA ESHOO from California, be given 5½ minutes to speak.

Ms. ESHOO. Mr. Speaker, I thank my distinguished colleague and my colleagues on the Republican side of the aisle for being here today to pay tribute to really a great and very good man, Leo McCarthy.

I had the pleasure of knowing Leo for many, many, many years. He was not only my mentor; he was my friend. He was dear to my family. But he inspired me in public service. I had the privilege of serving as his chief of staff of his district office, which was in San Francisco, at the time, and I learned so much from him.

There are so many times, my colleagues, that the closer we get in terms of view of someone, the less we may like what we see. With Leo McCarthy, the closer I got, the more I saw, the more my respect for him was deepened.

□ 1545

He was a man of the fullest integrity. He was an honest man. An honest man. And he made everyone proud of his service to people not only in his beloved city of San Francisco but in the entire State of California. I think he helped to make California more golden of a State.

He was a policy wonk. He knew exactly why he had gone into government service. In all of his years serving on the board of supervisors in the city and county of San Francisco to his election to the assembly, the California Assembly, to his elevation as Speaker of the California Assembly, and then the time that he served as Lieutenant Governor, political writers, the people that he served, the counties throughout our State, 58 counties and the people that live in them, knew that Leo McCarthy's word was golden, that he was there to serve them and that that is what motivated him.

He was a great family man. All the years that he served in Sacramento, he drove home every single evening to be with his family in San Francisco. It was really the measure of the man. The love of his life was Jackie McCarthy, and he always said that she did the hard work because she was at home raising four extraordinary children: Sharon, Conna, Niall, and Adam. I wish all of my colleagues could have heard these four adults pay tribute to their father at St. Ignatius Church at the magnificent funeral mass that was in celebration of his good life.

He was a man filled with faith, and he served at a very early time in the minor seminary. And he said to me one day, Anna, that didn't last too long. And I responded to him, Leo, it lasted a lifetime. Because he blended his faith with the service that he gave to people and he was rooted in it.

When he left public life, he went on, and in the latter years of his all too short life, I think, I always wanted Leo to live forever, he founded a center at the University of San Francisco, his alma mater that he loved so much. And during the funeral mass, the Jesuits paid tribute to him. There must have been 30 Jesuits on the alter, the archbishop of San Francisco, the former bishop of Oakland, and the auxiliary bishop, John Westor, all there to pay tribute to Leo McCarthy. That Center for Public Service and the Common Good spoke of Leo's desire to help students get involved in public policy at the State, at the Federal, and the local levels.

Leo McCarthy had a singular friend that loved him in unquestioned ways. He was his aid when Leo first went to Sacramento as a member of the State legislature. He then was elected in his own right to the State legislature. He then went on to become the mayor of San Francisco. And that man is Art Agnos. Every single day of Leo's too long illness, which marked all of last year, and at all other times in his life but especially during that difficult time, Art Agnos was by Leo's bedside every day, every night.

So, Mr. Speaker, I want to conclude by thanking all the members of the committee for passing the resolution. It will mean a great deal to the family. I thank Josh Andrews in my office. I thank all of my colleagues. I know this will mean a great deal to the family.

And I say to whomever is listening in, God rest Leo McCarthy's noble soul.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I thank very much my colleague for yielding me this time.

I am very, very appreciative of this resolution being on the floor today. A phrase oft used in the West would suggest that you should "bring us men to match our mountains." And in California such men have made truly a magnificent difference in the way the far West was developed. Leo McCarthy certainly was at the top rank of those leaders.

I first met Leo McCarthy when he and I were elected to the State legislature together. We were classmates and colleagues and friends. A supervisor and assemblyman, became Speaker of the House, Lieutenant Governor of our State, a magnificent leader who absolutely wallowed in the business of public policy. He cared about making a difference on a number of issues across the spectrum of those issues that impact people's lives. He was a guy who was devoted to his family, as has been suggested, but also devoted to public service.

As we pay tribute to Leo McCarthy today, let us seek other men and women who would so serve, for, indeed, he is an example of the very best among us and reflects the best of our public affairs.

Let me say that probably most important to me over the years was the fact that Leo, while he played a very significant partisan role, absolutely knew in his soul that real solutions did not come by way of partisan confrontation. A magnificent leader who I am proud to say was my very good friend.

Ms. WATSON. Mr. Speaker, I request that Representative JIM COSTA of California speak for 2 minutes.

Mr. COSTA. Mr. Speaker, I thank the Chair, ranking members, and colleagues, especially those who, like myself, from California had an opportunity to serve with Leo McCarthy.

Leo McCarthy, as has been said, put faith, family, and service as the preeminence in his life goals, and he lived them every day by example.

Leo McCarthy was Speaker when I was first elected to the State Assembly in 1978. Those were heady days in California, and Speaker McCarthy had a contentious caucus that he had to work with among younger members who thought that they oftentimes knew better. But I can tell you that from the lessons I learned firsthand from Speaker McCarthy, later to be our Lieutenant Governor, was that of being a quintessential legislator. He believed in process, he believed in transparency, he believed in accountability, and he believed in working in bipartisan fashions to solve problems for people of California. And because of those facts, Leo McCarthy's speakership was successful.

I was part of a group that ended up in what often happens within political families, a difficult speakership fight, and I chose for various reasons not to support Speaker McCarthy. Nonetheless, we travailed for over a year. During that entire time, Leo maintained class and maintained dignity and attempted to still reach out and bring the caucus back together.

That was not to be, but his legacy was the fact that he always, always treated people the way he wanted to be treated himself. And for that I would like to join with my colleagues in the memory of a tremendous public servant, not only in California but throughout our country, Leo T. McCarthy.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in strong support of this resolution.

And I want to thank my very distinguished colleague ANNA ESHOO for authoring this, and I want to congratulate my California colleagues on both sides of the aisle for once again coming together to recognize public service.

Mr. Speaker, I never had the opportunity to serve in Sacramento, but I did know Leo McCarthy to be an extraordinary public servant. And one of the things that is very moving, as I listened to the remarks of my colleague from Highland, Mr. LEWIS, who was elected with Governor McCarthy in 1968 to the California State legislature and as I listened to ANNA ESHOO, who I had no idea she was his district office representative, I was reminded of the fact that public service is a very important calling. And as I listened to Ms. FOXX outline the service record, although I suspect she never met Leo McCarthy, she went through his extraordinary accomplishments.

As a legislator, I am reminded of the fact that we need to recognize that we are here to do the people's business. Yes, we need to have that clash of ideas. Yes, it is important that we engage in vigorous debate. But at the end of the day, we are here to accomplish very important things for the people whom we are honored to represent.

It was in 1963, as has been pointed out, that he first ran for the County Board of Supervisors, and I will say I learned not only that ANNA ESHOO was his district representative, I had heard that he was from New Zealand originally, but then when I heard he was from Auckland, I was of course reminded of the old story about the guy who got on an airplane to go to Oakland, California, and ended up in Auckland, New Zealand. And it sounded like Leo McCarthy actually took the reverse route, and I wondered how many times he was headed to Oakland that people might have thought that he was going home to Auckland.

But the fact is I had great regard for Leo McCarthy, and I wondered why anyone would leave New Zealand, because it is a spectacular spot. In fact, I have said on more than a few occasions if I didn't have the opportunity to live in the United States of America, New Zealand would be the spot that I would live in.

But having said that, I will simply say that my colleagues, Republican and Democrat alike, had great regard for Leo McCarthy and his extraordinary public service to the people of California.

May God rest his soul, and our thoughts and prayers are with his wonderful family members. And I know that one of the things Leo McCarthy said when asked the question what his greatest accomplishments would be, he said it was his family, and so our thoughts and prayers are with them.

Ms. WATSON. Mr. Speaker, I request 2½ minutes for Representative HOWARD L. BERMAN from California.

Mr. BERMAN. Mr. Speaker, I thank my colleague Ms. WATSON for yielding me this time.

I came to Sacramento as a State assemblyman, elected in 1972, began my service in 1973, and had never known Leo McCarthy or met him before that time. Already in the California Assembly, a speakership fight was brewing between Leo McCarthy and sort of the favored candidate over the vacancy which would occur when the Speaker at that time was planning to run for Governor and would be giving up his seat. In the course of the year and a half between the time I came to Sacramento and the time that I voted for Speaker, I got to know someone who was particularly unique in terms of public office and public service.

I would say three words characterize the service of Leo McCarthy in all aspects of his public career and, I think, of his personal life: probity, energy, and a tremendous level of integrity.

This was a very unusual public servant. He cared deeply about the public interest, about policy, about learning what needed to be known to be effective and advocating for policies, about building legislative consensus, and about making things happen.

During the 5 years that he was Speaker in the State Assembly, I had the honor of being for 4½ of those 5½ years his majority floor leader. The end of our legislative careers wasn't quite as good as the start of it because we ended up in a speakership fight that got rather out of control and 11 months of battle. I think of speakership fights in California as war by other means, and that is what we had during that time. And, unfortunately, after that time while our relationship was civil and friendly, it was never as close as it was before.

□ 1600

I have never met anybody who made his fundamental decisions on what legislation to prioritize, what to push based on a focus on the public interest without regard to what a particular lobbyist or a particular specialist might push, with a level of integrity and with a level of energy, it has already been referenced in terms of his career, that was really unique in public office. He really was a very fine man, a very youthful man. In fact, his passing is so tragic because of that youth and vigor that he always exhibited.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 180, and I yield back the balance of my time.

Ms. WATSON. I request that the Speaker take as much time as she desires, Mr. Speaker.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding. To both of them, thank you for bringing this resolution honoring Leo McCarthy to the floor. He was a very special person to us, and I thank you. Congresswoman ESHOO, thank you for your leadership in bringing this as well.

I am pleased to join my California colleagues, and others, in singing the praises of one great man, Leo McCarthy.

Mr. Speaker, in the Book of Ecclesiastes, there is a chapter known as the Eulogy of Heroes; its words could be used to describe Leo McCarthy.

"Now let us praise great men, the heroes of our nation's history, through whom the Lord has established His renown and revealed His majesty. Some were sage counselors who led the people by their counsel and by their knowledge of the law; out of their fund of wisdom, they gave instruction. They were men of loyalty, whose good deeds have not been forgotten."

I know that all who knew Leo McCarthy knows how fitting that description is of him. Leo McCarthy was indeed such a person. And as the Eulogy of Heroes proclaims, "He will be buried in peace, but his name lives forever, as people recount his wisdom."

Leo's great wisdom was in knowing that the future of his children, Sharon, Conna, Adam and Niall, was linked to the destiny of all children. There were many years when, as the most senior Democrat in California politics, Lieutenant Governor Leo McCarthy was the main person standing between drastic cuts to benefits for our children, the elderly and the disabled.

Leo took seriously the responsibility to carry the banner of the Democratic Party, as he advanced social and economic justice. As Speaker of the State Assembly House and Lieutenant Governor, Leo promoted a values-based agenda to educate our children, grow our economy and protect our environment. He did so living up to the highest ethical standards, and he always strove to act in a bipartisan way.

Leo's word was his bond. And when he promised that he would protect our seniors and stand up for California's magnificent coastline, he kept his word. In fact, Leo was so scrupulously principled and honest that there are those of us who thought he must be wearing a Boy Scout uniform under his business suit. What was under there was a heart of gold. And really, in all of the testimonials that followed Leo's passing, I said he had the heart of a lion; they said he was a lion.

Leo opened public service to so many Californians, opening up the Democratic Party and welcoming in the grassroots. As a former staffer of his said, Leo liked to take chances on talent. From him they got not only their start but also their ethics, how to look after their family, their community and their country at the same time.

He also encouraged the next generation of leadership through his work at the University of San Francisco as head of the Leo T. McCarthy Center for Public Service and the Common Good. Leo helped to give me my start, encouraging me not only to support candidates but to run in my own right. I consider him both a dear friend and a purposeful mentor.

He made my first run for Congress a family affair, with my children working alongside his children to elect me to Congress. I said, again, he had a heart of gold, he also had the heart of a lion which sustained him through his illness. With all the strength that he could muster and a clear mind, he gave me sage counsel and wise instruction, as the eulogy said, through this last campaign, always reminding me that it was necessary to win in order to keep faith with the American people. And I know he took special joy in our victories in November, indeed, they were his victories as well.

Leo was optimistic to the end. And as recently as Saturday night, which was the Saturday night before he passed, I spoke to him and he said, My morale is high. I am home with Jackie, that is his wife, and my children and my grandchildren are with me. More than anything, Leo loved his family, his wife Jackie, his children and grandchildren.

My husband Paul and I and my entire family extend our deep sympathy to Jackie, Sharon, Conna, Adam and Niall. Again, I hope it is a comfort to them that so many people mourn their loss, sing Leo's praises and are praying for them at this sad time.

Mr. Speaker, Leo McCarthy will be buried in peace, but his name lives forever as people recount his wisdom.

Ms. WATSON. Mr. Speaker, I request 2 minutes for the gentleman from California, SAM FARR.

Mr. FARR. Mr. Speaker, I am one of the Members that served with Leo McCarthy. I was a member of the California legislature. And like Speaker PELOSI, he was the one who convinced me, when I was a young staff member working for the California legislature in 1975, that I ought to return to my district and start running in public life for politics. And that is what got me into being a county supervisor, and the rest is history.

But serving with Leo McCarthy indeed is distinction for all the reasons talked about. But I loved his youthful energy. The shock of Leo McCarthy dying is that he never looked old, never seemed old. He always had the energy of youth; looked young; and just was a remarkable person. He twice ran for the United States Senate. And doing that in California is indeed a tough problem because the State is so big, so expansive, and it requires so much time, and Leo would never abandon his family.

I remember, Leo was born in Auckland, New Zealand, and I remember going on a trip to Auckland, New Zealand with him. He was welcomed home as a town hero. He pointed out that because he was born in that town, he could never run for President of the United States, not being a native born. I also traveled with him to Canada, when we went on several of the communications issues. And I remember him so devoted to Jackie that he took all his life savings to make sure that Jackie could have a wonderful coat that she wanted, and I know that she still has that.

Ladies and gentlemen, Leo McCarthy was the kind of person you want in public life. And indeed, California is better off for having him serve. It is a great State, and he made it greater. He produced a lot of us that are serving in Congress. And certainly, almost like a daughter, ANNA ESHOO, the author of this resolution, and NANCY PELOSI, Speaker of the House, he has a lot to be proud of. We are very proud that we were able to work for him, serve for him and be in public life with him.

All our condolences go to Jackie and the family.

Ms. WATSON. Mr. Speaker, I request unanimous consent to extend the time of debate 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I request 2 minutes for the gentleman from California, BRAD SHERMAN.

Mr. SHERMAN. Mr. Speaker, I want to thank Congresswoman ESHOO for offering this important legislation that I am proud to have cosponsored, honoring the life and achievements of Leo McCarthy and expressing the sorrow of the House of Representatives on his death.

The resolution properly recounts and reflects Leo's many accomplishments, a lifetime dedicated to effective service on behalf of the people of California and of the United States. Yet Leo McCarthy's life was much more than the titles he earned and the awards he accumulated. He was a loving husband to Jacqueline, his wife of 51 years, and a father of four children and 11 grandchildren. When Leo McCarthy died on February 5, he also left a world of friends.

It is fitting that my colleagues have obtained the opportunity to speak of Leo's many outstanding personal accomplishments and his qualities, his loyalty, his friendliness, his wise counsel. Those of us who knew Leo knew these qualities well.

As Speaker of the California Assembly for 6 years, and then during his unprecedented three terms as Lieutenant Governor, Leo was responsible for path-breaking legislation such as the California Coastal Act and the Nursing Home Patients Protection Act. He led the way toward implementation of important initiatives to educate business on the value of employer-provided health care and programs to help welfare recipients move into the workplace.

Leo was a charitable man who encouraged public service through his contributions and his service at the University of San Francisco and as head of the Leo T. McCarthy Center for Public Service and the Common Good.

I join in expressing the profound sorrow of this House and in offering my personal condolences to the McCarthy family on Leo's death. Our prayers are with all of you who mourn Leo McCarthy.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Leo McCarthy, former Lieutenant Governor of California, who passed away last month after a long illness due to a kidney ailment.

Born in New Zealand, Leo began his lifetime of public service for his adopted country as a member the United States Air Force Strategic Air Command in the Korean War.

His political service began in 1963 when he was elected to the San Francisco Board of

Supervisors, and later to the California Assembly, where he had the honor and distinction of serving as speaker from 1974 to 1980.

In 1982 he was elected Lieutenant Governor—a position he held until 1994.

Leo's dedication to his community was clear from the diversity of issues on which he worked: from assisting welfare recipients, to increasing breast cancer awareness, to finding ways to stop toxic contamination.

He also worked to promote tolerance by establishing the Lieutenant Governor's Commission on the Prevention of Hate Violence.

After leaving the political field, Leo continued to serve the community by founding the Leo T. McCarthy Center for Public Service and the Common Good at the University of San Francisco.

This Center, where young men and women can learn and be inspired to pursue a life and career of ethical public service, is a fitting legacy for a man whose life was devoted to serving the community.

Leo McCarthy is survived by his wife, Jacqueline, their four children and eleven grandchildren. Our thoughts and prayers are with them.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Res. 180. This bipartisan resolution honors the life and achievements of Leo T. McCarthy, and expresses profound sorrow on his recent death.

I want to thank my friend and colleague from California, Representative ESHOO, for sponsoring this resolution.

Leo McCarthy was many things in his life. He was an airman, a politician, and a life-long public servant. But above all things, he was a decent and compassionate man.

Leo was first elected to the California Assembly in 1968.

He served with honor and distinction as its Speaker from 1974 and 1980 and went on to serve as Lieutenant Governor of California for three terms.

Leo's accomplishments in office express the compassion and love he possessed for his fellow man.

His leadership helped change the way California looked at issues like child care, breast cancer research, elder care, and treatment for the mentally ill.

Beyond his professional work, he was a loving family man, and dedicated friend and mentor to countless of my California peers.

I urge my colleagues to honor the life of this good man. May he rest in peace.

Mr. THOMPSON of California. Mr. Speaker, I rise today to extend my deep sympathies to the family of the honorable Leo T. McCarthy, including his loving wife, Jackie Lee Burke, his four wonderful children, Sharon, Conna, Adam and Niall, and his 11 grandchildren.

Leo McCarthy's passing is a great loss for the state of California. He was a champion of equality and social justice. He was a model of public service, both as a legislator and a citizen.

Leo McCarthy dedicated his life to improving the lives of his fellow Californians.

In the California State Assembly, Leo McCarthy reformed the institution by bringing increased openness and accountability to the legislative process.

As a three-term Lieutenant Governor, Leo McCarthy took on some of our state's most challenging social issues. He implemented programs that empowered our state's impoverished and disenfranchised citizens and aided those who could not stand for themselves. These programs have greatly increased the quality of life in California, and each day numerous Californians benefit from his wisdom and leadership.

Leo McCarthy was also a champion of the environment. He led the enactment of the California Coastal Act, which has helped conserve California's precious coastal resources and further protect our coast from offshore drilling.

Leo McCarthy was also a model politician. I had a great deal of respect for the honesty and fairness he brought to the political process. I admired how he instilled the values of public service and social justice into future generations. The Leo T. McCarthy Center for Public Service and the Common Good at the University of San Francisco is an example of how his legacy will benefit our state for years to come.

Mr. Speaker, Leo McCarthy's contributions to our state are immeasurable. He was a friend to me and all of California, and his presence will be missed even as his legacy endures.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 180.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 98, by the yeas and nays;

H. Res. 149, by the yeas and nays.

The vote on H.R. 710 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

HONORING THE LIFE AND ACHIEVEMENTS OF THE LATE DR. JOHN GARANG DE MABIOR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 98, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 98, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 22, as follows:

[Roll No. 121]

YEAS—410

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hincjosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre

McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodrigues
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—22

Abercrombie
Bono
Brown, Corrine
Butterfield
Cubin
Davis (IL)
Davis, Jo Ann
DeLauro
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (OH)
Kilpatrick
Larson (CT)
McGovern
Meek (FL)
Meeks (NY)
Rush
Tauscher
Tiahrt
Udall (NM)
Wasserman Schultz

☐ 1641

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Stated against:

MOMENT OF SILENCE IN MEMORY OF FORMER U.S. SENATOR THOMAS F. EAGLETON

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, I want to advise and remind the Members of the passing of former U.S. Senator Thomas F. Eagleton of Missouri over this past weekend, and I ask the House to observe a moment of silence in his memory.

The SPEAKER pro tempore. All Members will rise.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 149.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 149, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 122]

YEAS—403

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Abercrombie
Bono
Brady (PA)
Brown, Corrine
Butterfield
Cubin
Davis (IL)
Davis, Jo Ann
DeLauro
Fattah
Gordon
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (OH)
Kilpatrick
Larson (CT)
Markey
Meek (FL)
Meeks (NY)
Price (GA)
Radanovich
Rush
Sali
Saxton
Space
Tauscher
Tiahrt
Udall (NM)
Wasserman Schultz

☐ 1652

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today, Tuesday, March 6, 2007 to vote on rollcall vote Nos. 121 and 122 due to a family medical matter.

Had I been present, I would have voted:

"Yea" on rollcall vote No. 121 on passage of H. Res. 98, a bill honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan. "Yea" on rollcall vote No. 122 on passage of H. Res. 149, a bill supporting the goals of International Women's Day

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, I regret that due to official business, I was unable to vote on Tuesday, March 6, 2007. Had I been present, I would have voted "yea" on rollcall vote 121, Final passage of H. Res. 98 as amended, Honoring the Life and Achievements of the late Dr. John Garang de Mabior and Reaffirming the Continued Commitment of the House of Representatives to a Just and Lasting Peace in the Republic of the Sudan, and "yea" on rollcall vote 122, Final Passage of H. Res. 149, Supporting the Goals of International Women's Day.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 569, WATER QUALITY INVESTMENT ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–31) on the resolution (H. Res. 214) providing for consideration of the bill (H.R. 569) to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 700, HEALTHY COMMUNITIES WATER SUPPLY ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–32) on the resolution (H. Res. 215) providing for consideration of the bill (H.R. 700) to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 866

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 866.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FEDERAL GOVERNMENT PROTECTING BORDER VIOLATORS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, being a lawman in the vastness of west Texas has always been a rough task. Now it is more difficult because the Federal Government has taken the side of the lawbreaker over the lawman.

Deputy Gilmer Hernandez of Edwards County, Texas, was recently on patrol in the darkness of the night in Rocksprings, Texas, when he spotted a van violating Texas traffic laws. He pulls the van over and notices numerous people lying down on the floor.

Then without warning, the driver suddenly drives off and tries to run over Deputy Hernandez. Hernandez shoots out the tires of the van in self-defense. The other illegals jump out and take off.

The Texas Rangers do a thorough investigation and clear Deputy Hernandez of any wrongdoing, but the Mexican Government arrogantly demands the Federal Government prosecute Hernandez for using his gun, and the Feds do exactly that.

Hernandez is convicted, and now he is in jail awaiting sentencing by a Federal judge, all because he did his job. Our government ought to support the border protectors like Hernandez and prosecute the border violators. Why is our Federal Government taking the wrong side in the border war?

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NO PLAN B IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker and my esteemed colleagues, one of the most grievous blunders in the whole Iraq debacle was the total failure to figure out what we would do after toppling Saddam Hussein. The architects of this war thought that was the whole task. Mission accomplished.

There was no plan for how to manage the aftermath. No plan for keeping the peace in a country with deep sectarian divisions, no plan for how to institute democracy in a society with no democratic infrastructure or institutions. Well, now we see history repeating itself, because The Washington Post reported yesterday that the Bush administration and top military commanders apparently have no idea what the next step is if the troop escalation plan fails, which General Petraeus himself believes probably will.

The Post reports that the Chairman of the Joint Chiefs of Staff, Peter Pace, told a meeting of the Nation's Governors: "I'm a Marine, and Marines don't talk about failure. They talk about victory."

Well, confidence is one thing. Single mindedness is another, and, frankly, if the Bush national security team had a better track record of smart decisions and strategic successes, I might be willing to give them the benefit of the doubt. But as it turns out, these folks have been wrong, very wrong, throughout most of this occupation.

Indeed, when President Bush announced the so-called surge nearly 2 months ago, he essentially conceded that mistakes had been made and not everything his administration has done in Iraq has gone by design.

But as yesterday's Post article points out, we are way beyond plan B. This is more like plan D. There have been many times that we have been told the necessary adjustments are being made to achieve victory, whatever that means, in the context of Iraq.

But here we are, 4 years into this war, still spinning our wheels and nearly 3,200 Americans dead, and the ones who come home in one piece sent to military hospitals that are in deplorable conditions, often delivering substandard care. How many more chances does the Bush administration get to make things right in Iraq? I say: none. There is only one solution: bring our troops home in short order as soon as logistically and safely as possible.

☐ 1700

In a way, actually, all the discussion about whether plan A, B, C, D, is, at best, something of a distraction is like arguing about what was the worst part of a root canal. The fact is, the whole Iraq enterprise was fundamentally flawed from the beginning and never should have been launched in the first place. There is not much we can do now to reverse the unforgivable mistake of this Iraq occupation and the unspeakable damages done, but we can do something to ensure it doesn't last a minute longer. We can here in the United States Congress use our Constitutional powers to ensure that not one more family has to lose a son or daughter, a husband or wife, a mother or father for someone else's ideological mess.

It is time, Mr. Speaker. It is time for this tragic chapter in American history to finally end. It is time to bring our troops home.

U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore (Mr. HOLT). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 49th day since two U.S. Border Patrol Agents entered Federal prison. Agents Ramos and Compean were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our borders into Texas.

These agents never should have been sent to prison. There are legitimate legal questions about how this prosecution was initiated and how the prosecutor's office proceeded in this case.

To prosecute the agents, the U.S. Attorney's Office granted immunity to the known drug smuggler. Homeland Security officials promised Members of Congress information about this case, then they could not provide the information. Recently, reports indicated that the prosecutors in this case may have withheld crucial evidence from the defense. Mr. Speaker, I am going to repeat that. Recently, reports indicated that the prosecutors in this case may have withheld crucial evidence from the defense.

Drug Enforcement Agency reports have revealed that the Mexican drug smuggler brought a second load of marijuana, 752 pounds, into the United States. In fact, Mr. Speaker, this drug smuggler is not an American citizen, and he is suing the Border Patrol for $5 million. But, Mr. Speaker, the information I just mentioned, this information was kept from the jury and the public.

Mr. Speaker, I have sent a letter to House Judiciary Chairman JOHN CONYERS asking for hearings on this case and, Mr. Speaker, other Members have made the same request of the chairman. And knowing the chairman to be a fair-minded person, I hope that he will hold hearings on this prosecutor in west Texas and how he looked into this case and brought this case to the jury, because, again, these Border Agents are heroes. They are not convicts; they are heroes.

Over the past 6 months, dozens of Members of Congress have asked the President to pardon these agents. I myself have sent five letters to the President asking that he pardon these two agents. They are heroes of this country. They should not be in Federal prison.

Mr. President, we are calling on you to listen to the American people and to the thousands of citizens who have petitioned you to pardon these men. It is time for justice to prevail over an injustice.

WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, in a few short days the Congress of the United States will have an opportunity to end the war in Iraq if it so pleases, or we will vote to approve the supplemental and give the President of the United States the money that he is asking for to continue the war possibly through the end of his term.

In the next 5 minutes, I would like to discuss the implications of Congress's action and a plan that would enable us to take a new direction in Iraq, to bring our troops home, to stabilize Iraq, to close our bases, to end the occupation, and to end the war.

Last week, I submitted to this Congress such a plan embodied in H.R. 1234. H.R. 1234 is a plan to end the war, and it contains a number of elements which were arrived at with the help of people who have long experience at the U.N. in peacekeeping missions and security missions, experts in international relations, and military experts.

Two days ago, the administration said that it has no plan B for Iraq. As a matter of fact, a senior general said, "Plan B is plan A," which means that the administration is committed to a course of action which would keep our troops in Iraq through the end of its term. That is simply not acceptable.

In November, the American people voted for a new direction. In November, the American people changed the leadership of the Congress, voted to turn both the House and the Senate from Republican control to Democratic control, and I submit the issue was the war.

All across this country there is a great concern about the rising number of casualties; about that even when our troops serve and they come home after being injured, they are not being cared for; about the costs of the war, how we are seeing our budgets for housing and health care, for education, for seniors services, and, indeed, for veterans affairs reduced.

America is losing not only the lives of our soldiers, not only are we going into a great financial debt borrowing money from Beijing to fight a war in Baghdad, but we are losing our moral position in the world, continuing to prosecute a war that is simply based on lies. Let's face it, every assertion made that took us into Iraq has been ripped away as being a lie.

So what are we to do? H.R. 1234 does the following: It is predicated on Congress taking action to end the war, stop the funding. At that point, the administration will go to the world community and say, "Look, the money is no longer here for the war. We are going to close our bases, we are going to end the occupation, we are going to bring our troops home." Only by asserting that we will end the occupation will we be in a position to be able to get help from the world community, which really doesn't want anything to do with this war absent the United States taking a new direction.

The insurgency is fueled by the occupation. It is well understood. So we end the occupation. But then that is not enough. We need the international community to help us build a peacekeeping and security force that would move in as our troops move out.

The elements of the plan embodied in H.R. 1234 are the following: Not only do we end the occupation and bring our troops home and get the international community involved, but we also create the context for a program of reconciliation between the Shiites, the Sunnis, and the Kurds. Right now there is no movement towards reconciliation, because with the U.S. occupying, the Shiites don't have any incentive at all to do that. We need to move out so that we can set in place a program of reconciliation and a program of honest reconstruction. No more theft from the American taxpayers or the Iraqi people by these contractors whose performance has been absolutely abominable, who have stolen billions of dollars. Give the Iraqi people a chance to have their own reconstruction program, with the jobs going to the people of Iraq so they can feed their families. In an economy with 50 percent of the people unemployed, we need to take a new approach and end the reconstruction program as it exists and start a new one.

In future presentations to this Congress, I intend to lay out the rest of H.R. 1234, which is the plan to end the war, bring our troops home, stabilize Iraq, and take a new chapter in America's relationship with the world.

THE GLOBAL NATURE OF OUR ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, as we clearly saw last week with the sharp decline in our stock market following a major drop in the Chinese market, the increasingly global nature of our economy is one of the most defining issues of our time. The growing connectedness of the world's consumers, producers, workers, and investors is having an impact on virtually every aspect of our lives. And with all the rapid change that globalization is bringing about, it is very natural for us to ask ourselves the question: Have these changes been for the better? We want to know if globalization is improving our lives or making them worse.

Mr. Speaker, one of the biggest concerns that we have when we look at this question is the issue of income inequality, something that many people are talking about. We read reports of massive executive salaries, and compare them to the circumstances of America's middle class and the concerns that working families have, and we inevitably wonder if the system is in fact fair. I recently spoke here on this issue, on this very question.

The critical issue is not, Mr. Speaker, whether those at the top are becoming more prosperous; the critical issue is whether everyone is becoming more prosperous, particularly those who are at the bottom of the economic ladder.

We looked at the issue of wages and saw that they are growing for all workers. But when we looked even deeper, we saw that the outlook is even more positive. The purchasing power of working families is increased by lower taxes and greater access to low-cost goods through international trade. This growing purchasing power, along with rising wages, is increasing the standard of living for all Americans, with the greatest positive impact for those who are just beginning to move up the economic ladder.

Today, I want to look at another issue that helps to answer the question of whether quality of life is improving for everyone; that is, the issue of jobs, Mr. Speaker. More specifically, new job creation, and the quality of those new jobs.

Jobs are perhaps the most critical issue in determining standards of living. Does everyone who wants a job have a job? Does that job provide the opportunity to prosper and improve one's quality of life? Just as we saw with wages, the numbers demonstrate a very positive outlook for workers. Unemployment is at 4.6 percent, a rate that is exceptionally low. Mr. Speaker, in fact, we have had 16 straight months of unemployment at 5 percent or less. At the same time, the workforce has been rapidly expanding. Our economy has created nearly 7½ million new jobs in the last 3½ years. There are 146 million Americans working today, more than at any time in our Nation's history. The jobs outlook in the United States continues to be very, very good.

But just like with wages, we see an even fuller picture, a better picture when we dig just a little deeper. Average monthly hires last year were nearly 5 million, the highest rate ever since data have been collected. Of those 5 million, the share of workers who left their old job voluntarily for new work was also at the highest level. 58.3 percent made that move. This means that workers are not just finding jobs, they are finding better jobs, better opportunities. Anyone who has been stuck in a dead-end job knows that this is a huge quality of life issue.

Having a job is essential to providing for a family, and any job can serve as a starting point to success. But having a good job that offers new opportunities to prosper is essential to a growing standard of living.

The fact that we are seeing 5 million new hires every month demonstrates a great deal of churn and dynamism in our workforce, and we know that that change is not always easy.

But the rapidly growing number of workers who are voluntarily leaving their old jobs demonstrates that new and better opportunities are being created. It demonstrates, Mr. Speaker, the increased confidence in our workforce that comes with growing prosperity and the prospect of a better life. And it also helps to answer the question of whether the standard of living is improving for everyone, not just those who are at the top of the economic lead ladder.

□ 1715

New jobs and new opportunities are helping to make all of us more prosperous.

Mr. Speaker, I urge my colleagues on both sides of the aisle to continue to pursue pro-growth economic policies, including an embrace of America's global leadership role. Those policies have brought about this dynamic work force, where everyone is upwardly mobile.

BALLAD OF THE ALAMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE.

In the southern part of Texas
In the town of San Antone
There's a fortress all in ruins
That the weeds have overgrown.
You may look in vain for crosses
And you'll never see a one.
But sometime between the setting
And the rising of the sun
You can hear a ghostly bugle
As the men go marching by.
You can hear them as they answer
To that roll call in the sky.
Colonel William Barrett Travis, Davy Crockett
And 180 more.
Captain Dickinson, Jim Bowie
They're all present and accounted for.

Mr. Speaker, these are the lyrics to Marty Robbins' "Ballad of the Alamo."

It was there in an old beat up Spanish mission in south Texas' called the Alamo on March 6, 1836, 171 years ago today, that 187 men stood defiant against oppression and tyranny. They were an odd looking bunch. They were dressed in buckskin. They had large knives, tomahawks and long rifles. They were of all races, of all States, and 13 foreign countries, including Mexico. They were facing a professional army over 20 times their size.

They were there because of the new dictator of Mexico, Santa Anna. He had abolished the democratic Mexican constitution and made himself dictator of all of Mexico.

Hispanics and Anglos living in the Texas part of Mexico wanted the Mexican constitution restored, or independence from Mexico.

Santa Anna then invaded Texas with three armies to put down the dissenters. The men at the Alamo were led by a 27-year-old lawyer from South Carolina and Alabama named William Barrett Travis.

There is a lot of legend, lore and tradition about the defense of the Alamo. But what is true, Mr. Speaker, is that the Alamo defenders believed that some things were worth living for and dying for. One of those being the word, liberty.

Being surrounded, Travis knew he could not hold off Santa Anna's army and he sent out numerous dispatches for help. I have a copy of one of those letters on my office wall. It reads, "Fellow citizens and compatriots, I am besieged by 1,000 or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for over 24 hours, but I have not lost a man. The enemy has demanded surrender at its discretion, otherwise this fort will be put to the sword. I have answered that demand with a cannon shot and the flag still waves proudly over the north wall. I shall never surrender or retreat. I call upon you in the name of liberty and patriotism and everything dear to our character to come to my aid with all dispatch. If this call is neglected, I am determined to sustain myself for as long as possible and die like a soldier that never forgets what is due his honor and that of his country. Victory or death, William Barrett Travis, commander of the Alamo."

Travis held out for 5 days and 6 days and up to 13 days. But no troops ever came to help the Alamo defenders except the 32 men from Gonzales, Texas.

Eventually Travis and the boys were overwhelmed, and not one was spared by Santa Anna. But victory was expensive for the dictator Santa Anna. Travis, in his last letter from the Alamo said, "Victory will be more costly for Santa Anna than defeat." He was right. Santa Anna's losses were staggering. He also had a crippled army and lost the moral victory to the Texas war of independence.

Then on April 21, 1836, General Sam Houston routed Santa Anna's larger army at the marshes of San Jacinto. Texas became an independent nation and was so for 9 years. And Mr. Speaker, the rest, they say, is Texas history.

William Barrett Travis is my favorite person in all of history. My grandson is named Barrett Houston in his honor.

I conclude these remarks about the Alamo with Marty Robbins' closing lines:

The bugles are silent.
There's rust on every sword.
There's a small band of soldiers
That lie asleep in the arms of the Lord.
And like a statue on his pinto
Rides a cowboy all alone.
And he sees the cattle grazing
Where just a century before
Santa Anna's guns were blazing
And the cannons used to roar.
His eyes turn sort of misty
And his heart begins to glow
And then he takes his hat off slowly
To the men of that Alamo.
To the 13 days of glory
At the siege of the Alamo.

Mr. Speaker, that's just the way it is.

THE ENUMERATED POWERS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, today I rise to speak of the importance of the 10th amendment and of a bill that I have introduced each Congress since the 104th Congress, the Enumerated Powers Act. I speak today as a member of the Constitution caucus, chaired by my colleague, Congressman SCOTT GARRETT of New Jersey. It is a caucus that is dedicated and works tirelessly to illuminate the importance of the Constitution and of the 10th amendment.

The 10th amendment to the United States Constitution reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Let me emphasize that again. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

What that means is that the Founding Fathers intended our national government to be a limited government, a government of limited powers that cannot expand its legislative authority into areas reserved to the states or to the people. As the final amendment in the 10 Bill of Rights, it is clear that the Constitution establishes a Federal Government of specifically enumerated and limited powers.

For that reason, as I indicated, I have introduced, each year since I have been in this Congress, the Enumerated Powers Act. This bill would require that all pieces of legislation introduced in the Congress, by a Member of Congress, would have to contain a statement setting forth the specific constitutional authority granted by the Constitution to the U.S. Congress by which that piece of legislation was to be enacted. This measure would enforce a constant and ongoing re-examination of the role of our national government.

The Enumerated Powers Act is simple. It is simply intended to require a scrutiny that we should look at what we enact and that, by doing so, we can slow the growth and reach of the Federal Government, and leave to the states or the people, those functions that were reserved to them by the Constitution.

It will perform three most important functions.

First, it would encourage Members of Congress to pause and reflect and to consider whether they propose a piece of legislation, whether it belongs at the Federal level in the allocation of powers under our U.S. Constitution, or properly belongs with the states or with the people.

Second, it would function to force us to include a statement in the legislation explaining by what authority we are acting.

And third, it would give the United States Supreme Court the ability to look at the constitutional justification for each piece of legislation, and if that constitutional justification did not stand up to scrutiny, the courts and the people would find it easier to hold the Congress accountable and to eliminate those acts which are beyond the scope of the Constitution.

In 1787, when the Founding Fathers wrote our Constitution, they created a national government with great powers but limited powers, believing that granting specific, rather than general legislative power to the national government would be a central mechanism for protecting freedom while allowing us still to achieve the objectives of a national government. As a result, the Constitution gives the Federal Government only 18 specific enumerated powers, just 18 powers.

For the largest part of our history, for the first 130 years, the Constitution served as a bulwark against excessive Federal regulation and against excessive all powerful Federal Government. Unfortunately, the restraint that Congresses demonstrated under that provision of the Constitution has largely been abandoned in the latter half of the 20th Century and now in the 21st Century.

Beginning with the New Deal, modern Congresses have displayed a willingness to ignore the 10th amendment in order to greatly expand the Federal Government.

Let me be clear. Virtually all the measures which go beyond the scope of the powers granted to the Federal Government by the 10th amendment are well-intentioned. But unfortunately, many of them are not authorized by the Constitution. The Federal Government has ignored the Constitution and expanded its authority into every aspect of human conduct, and quite sadly, it is not doing many of those things very well.

The size and scope of the Federal Government has exploded, and there is a belief that the Federal Government can do anything. And yet, that is not what the Founding Fathers intended.

For too long, the Federal Government has operated without constitutional restraint, blatantly ignoring the principles of federalism.

I urge my colleagues to join me in supporting a review and a criticism and an evaluation of the proper role of the Federal Government in order to empower the American people and to distribute power as the Constitution contemplated it.

SECURE RURAL SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes.

Mr. SALI. Mr. Speaker, I rise today to speak about an issue that is of vital importance to Idaho's First Congressional District, my State as a whole, and the greater western region of our country.

It is critical that Congress include language in the Emergency Supplemental to reauthorize and fully fund a 1-year extension of Secure Rural Schools and Community Self-Determination Act of 2000. It affects more than 615 rural counties and 4,400 schools near national forests in 39 states and literally, tens of thousands of students.

Without reauthorization, in Idaho alone, we would lose $23.3 million in funding this next year. That is a staggering loss in my small rural state.

In order to fully understand this issue we need to go back to the final year of Theodore Roosevelt's presidency to the establishment of the 1908 Payment Act for National Forests. Under this act, the Forest Service has paid 25 percent of its gross receipts to the states for the use of roads and schools in the counties where our national forests are located. The receipts come from leases, rentals, timber sales or other fees paid for using the National forest lands or resources. This is especially critical in Idaho, where more than 60 percent of our land is federally managed.

Congress realized at the time it was difficult for rural communities to be financially independent if they were surrounded by Federal land. If we privatized the land in those counties, they would be collecting property tax.

But they cannot because the land is managed by Uncle Sam.

The Secure Rural Schools and Community Self-Determination Act of 2000, or a bipartisan Craig-Wyden plan was passed by Congress and signed into law by President Clinton to provide funding to offset the loss of revenues to counties resulting from the severely reduced Federal timber sales in rural communities. The laws kept schools opened, roads maintained, search-and-rescue missions operating and many other essential services afloat.

The 5-year time frame of the Craig-Wyden measure was designed to allow counties sufficient time to broaden their economic bases to replace historic timber sale income. The Federal timber sale program in Idaho has, to put it mildly, come up short. Idaho's communities want to log and carefully make use of the State's timber resources, but regulatory restrictions won't let them.

□ 1730

And that is why we need to take action.

Allow me to cite one example. I have the good fortune of representing the people of Shoshone County. Shoshone County is a rural county with about 13,000 students. Shoshone County receives the second largest amount of funds under the Secure Rural Schools Act, about $4.3 million. This is an already economically depressed community. About 75 percent of Shoshone County is in the Federal system, and yet the county is responsible to maintain more than 400 miles of public roads.

On my recent trip home just days ago, I had the opportunity to meet with Shoshone County commissioners and superintendents of public schools. For Shoshone County, losing these funds, 40 percent of their budget, means massive layoffs in an already small school system, loss of transportation for children to get to school, placing children in hazardous conditions to get to school. The road system needs constant care and maintenance. They can barely get by with what they have now.

We don't let Idahoans harvest timber. We expect them to maintain Federal roads. We provide them no fiscal relief or support. We want a top quality education for our children, but they have no economic base to raise even modest taxes.

Congress has to step in. We have to act now. First, in the short term, the solution is for Congress to approve a 1-year extension of Craig-Widen in the emergency supplemental. Second, while providing interim funding, Congress must come up with a long-term solution to this situation. I believe ultimately the answer lies in increasing timber harvesting.

The House Appropriations Committee will mark up the emergency supplemental this week. The emergency supplemental will be the last opportunity to address this issue before counties have to start implementing cuts to schools and services. Without a 1-year reauthorization of and funding for the Secure Rural Schools and Community Self-Determination Act, the predicament will be an emergency without rescue for hundreds and hundreds of rural counties across America.

I want to urge my colleagues to support this crucial 1-year extension.

FEDERAL GOVERNMENT LAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today the Federal Government owns over 30 percent of the land in this country. State and local governments and quasi-governmental agencies are controlling the other 20 percent. Half the land, 50 percent, is in some type of government or public ownership or control.

We could probably live with this, but the problem is that government at all levels keeps taking over more and more property at a faster rate than ever before.

People don't get upset unless or until their property gets taken. And it sounds great for a politician to create a park, but now we have so many parks, recreation areas, nature preserves, national forests, and on and on that we can't take care of all of them.

We are constantly being told we have a mega-billion-dollar maintenance backlog for the national parks and all these other public areas; yet we keep taking over more land. You really can never satisfy government's appetite for money or land.

We just do not teach our young people how important private property is to both our freedom and our prosperity. We see this most clearly in the fact that counties that have high percentages of public land are almost always poverty areas or at least counties with incomes far below the national average. Also, because we keep taking so much land off the tax rolls, we keep shrinking our tax base at the same time that all of the schools and government agencies tell us they need more money.

Now almost every State has gone to lotteries, casinos, or some type of gambling in a desperate attempt to get more revenue because property taxes just don't raise enough money since so much land has been taken off the tax rolls. Because of this, I believe gambling addiction is going to become a real problem in this country in the years ahead.

Another part of this problem is that government at all levels keeps putting more and more restrictions on the land that remains in private hands. The Washington Post had a headline a few months ago that said: "Judge Saves Land From Development." It might also have said: "Judge Preserves Land for Wealthy" or "Judge Keeps Young People From Buying Homes."

Preventing more land from development is driving up the cost of homeownership and putting it out of reach for many young families. It is also forcing more people into apartments or townhouses or homes on postage-stamp-size lots, leading to new problems from congestion.

The Washington Times pointed out that more than five times as much land, more than five times as much land, has been set aside as national parks, wilderness areas, Federal forests, and Federal grazing areas than has ever been developed. Today, you could put every family of four in the State of Texas and give them 3 acres of lands each and leave the whole rest of the country empty. Over three-fourths of the population lives on 3½ percent of the land.

USA Today reported last November 30 that the U.S. now has 37 million acres of private land under some type of protective trust or restrictive easement, a 54 percent increase just since 2000. Also, conservation of private land from 2000 to 2005 averaged 2.6 million acres a year, which USA Today said was almost half the size of New Jersey, each year. This is information from the Land Trust Alliance, which represents 1,200 of the 1,667 local, State, and national land trusts.

Another group, the Nature Conservancy, manages 1,400 areas in the U.S. and now has assets of $4.14 billion. Some people will recall The Washington Post series about the sweetheart deals the Nature Conservancy was doing for its wealthy contributors and board members. The Nature Conservancy had income of $1.8 billion in 2004 and 2005 and has set aside 15 million acres. According to its tax returns, the Nature Conservancy in fiscal year 2005 received over $97 million in government grants, over $14 million in government fees and contracts, and over $165 million from sales of land almost all to government. All this is always reported in the news as the greatest thing since sliced bread; but unless these activities are slowed, which is very doubtful, young people will find it extremely difficult to find places to start small businesses or build new homes. Also, there will be less money for people to travel to and enjoy all the parks, preserves, national forests, and recreation areas we already have.

Mr. Speaker, if we keep taking more and more property off the tax rolls, we are going to really cut back on government services. Much worse, if we keep destroying private property and restricting development, we are going to slowly do away with the dream of homeownership and we are eventually going to bring about a lower standard of living for our children and grandchildren.

OUR MILITARY HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I have long believed that how we treat the most vulnerable in society says a great deal about who we are as a Nation. So you can imagine that I, along with tens of millions of Americans, was appalled at the recent revelations in the media about the care at the outpatient facility at the Walter Reed Army Medical Center.

Now, let me say, having visited Walter Reed more than once with my wife to visit injured Hoosier soldiers returning from battle, that there are, in fact, dedicated caregivers at the Walter Reed Army Medical Center, doctors and nurses and members of the facility staff who spend their days and nights helping the wounded. But the now infamous Building 18, a decrepit former hotel outside the main gates of Walter Reed, has come to public notice. It housed more than 80 soldiers. With moldy walls, soiled carpets, leaky pipes, mice, and cockroach infested, this facility was a national embarrassment.

I am outraged that our wounded warriors were forced to endure these terrible conditions. Our troops deserve better care, and they deserve it as soon as possible.

But more than the filthy living conditions, Mr. Speaker, the dirty secret of the military health care system in this country is that our injured veterans, after navigating the dangers of the battlefield, must navigate a bureaucratic morass to get the care they deserve. After receiving lifesaving surgeries at military facilities, wounded soldiers, sailors, airmen, and marines must negotiate an overwhelming amount of red tape. I have seen it firsthand, working with families attempting to make their way through our veterans' and military health care system.

I was at the President's speech this morning at the 47th annual gathering at the American Legion as the President said that these bureaucratic delays as well as these living conditions must come to an end. The President said, "It is unacceptable to me. It is unacceptable to you. It is unacceptable to our country. And it is not going to continue."

I applaud the President and Secretary Gates for all they have done to hold the entire chain of command responsible for the conditions at Walter Reed, but we must do more to fundamentally bring reform to the system whereby we provide health care services to our veterans.

Today, the American Legion signed an agreement, for instance, with Walter Reed Army Medical Center to establish an office at the facility to assist in the transition of wounded servicemembers from the Department of Defense to the Department of Veterans Affairs. This is a good start. The hope is that the legion office will significantly alleviate the long backlogs in out-processing wounded soldiers. Thank God for these veterans who are willing to help.

As a fiscal conservative, I have long called for smaller, more accountable government. In the area of military health care, we need now, more than ever, more accountable government. I appreciate the President's emphasis on the need to improve the delivery of services and not just throw more money at it. Washington D.C. and especially this Congress under current management and, quite frankly, prior management often solves problems by throwing more money at it. But assuming Congress enacts the President's 2008 budget, the VA health care budget alone will be up 83 percent since he took office.

Money alone is not the answer. We must change the way we serve the medical needs of those who have served us in uniform. We need substantive reforms, and it is my hope that the Dole-Shalala Commission and the Secretary of Veterans Affairs task force that the President announced this morning are able to meet those immediate needs.

The President said, and I would echo today, "We have a moral obligation to provide the best possible care and treatment to the men and women who have served our country. They deserve it, and they're going to get it."

But let us not just solve the problem with more money, with changes in the chain of command. Let us work in a bipartisan way in this Congress to fundamentally bring changes to our health care system that serves our military, that serves our veterans, that ultimately will rise to the level that each one of them deserves.

The Old Book says if you owe debts, pay debts; if honor, then honor; if respect, then respect. One of the ways that our Nation discharges a debt that we cannot ever fully repay to those who have worn the uniform is to ensure that they receive the medical treatment that they so richly deserve. And I commit myself to that today.

THE ENUMERATED POWERS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. AKIN) is recognized for 5 minutes.

Mr. AKIN. Mr. Speaker, I rise today to discuss and to support the Enumerated Powers Act introduced by Congressman SHADEGG. The Enumerated Powers Act is most important to protect the tenth amendment. We understand that with the word "federalism."

People perhaps, though, are not so aware of where the concept of federalism originally came from. They think some brilliant founders got together in Philadelphia in 1789 and came up with the idea of federalism, but, in fact, that is not quite true.

The concept of federalism dates way, way back to 18 years after the arrival of the Pilgrims in the Plymouth Colony. It goes to the time when the State of Connecticut was being founded and a great preacher by the name of Hooker preached a series of sermons outlining how the government in Connecticut should be structured. Those sermons resulted in what was called then the "Fundamental Orders of Connecticut." And what it said was that Hartford had certain enumerated powers and of anything not specifically enumerated for Hartford to handle, the other towns would have those powers.

So it was that we started with the idea of federalism, that is, that there is only specific power granted to the central organizing authority, in this case the U.S. Constitution.

□ 1745

Now, the Enumerated Powers Act requires that all bills introduced in the U.S. Congress include a statement setting forth the specific constitutional authority under which the law is being enacted. It would, of course, enforce, then, the reexamination of the proper role of the national government and it will fundamentally alter the ever-expanding reach of the Federal Government. The Enumerated Powers Act requires scrutiny of the Federal Government to slow this reach, particularly in the sense that it will require that there be a properly cited constitutional authority to precede the legislation proposed.

Now, the Constitution gives the Federal Government only 18 specific enumerated powers. But ignoring the principles of Federalism in the Constitution, starting with FDR and continuing through LBJ's Great Society right down to the modern day, Congresses have displayed a willingness to ignore the 10th Amendment in order to greatly expand the Federal Government.

The size and scope of the national government has exploded over the last seven decades. Congress has created ineffective costly programs, incredible annual deficits and a huge debt exceeding $7 trillion that will be passed only to our children and grandchildren. State and local governments are now dependent upon the Federal Government for funding, and the Feds now tamper with issues that are best understood by States and localities, with education and welfare reform being two cases in point.

I believe that Ronald Reagan had it right: "I have always felt that the nine most terrifying words in the English language are, 'I'm from the government and I'm here to help.'''

We need to uphold the entire Constitution, not just the parts we choose to use for our own ends.

UMBRAGE TAKEN AT COMMENTS REGARDING DEMISE OF VICE PRESIDENT

The SPEAKER pro tempore (Mr. HOLT). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I was watching television last night, I think it was the O'Reilly Show, I am not sure exactly, but I believe it was the Bill O'Reilly Show on Fox Network, and they had an excerpt of another show from which were taken some remarks by a well-known comedian and political advocate in which he was inferring that the country would be better off if the Vice President of the United States died. I took great umbrage at that. I was very, very upset about that, because Vice President CHENEY has been an outstanding servant of this country for a long, long time.

I had the pleasure of serving with Vice President CHENEY when he served in this body as the Republican whip. He worked very hard in the Ford administration as the chief of staff. I don't know that anybody has ever really been able to question his integrity, because he is a man of integrity, and he has been trying his best to assist the President of the United States in dealing with some very, very troubling issues, not the least of which are the war against terror and the war in Iraq.

Mr. Speaker, I won't mention the comedian, the political pundit, who made the remarks on television on HBO just recently, but I will just say that I think it is very, very bad taste for anyone to infer, even infer, that the Vice President of the United States, Mr. CHENEY, who has done such an outstanding job for this country over a long period of time, should be better off dead. That was the inference that was made. I think it was wrong, and I hope that doesn't happen in the future.

I may take issue with political leaders on the other side of the aisle, and I may very much in very severe ways disagree with them, but in no way would I ever indicate that they should be better off under the ground than on top of the ground, even though we have severe differences. And for anyone to infer that the Vice President should die really, really bothers me, especially in this time we are in, these very troubling times.

Vice President CHENEY is a great man. He has done an outstanding job for this country and he should be respected, even if you disagree with him.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this evening, as every Tuesday evening, I rise on behalf of the 43 member strong fiscally conservative Democratic Blue Dog Coalition. We are a group of fiscally conservative Democrats that are doing our best to restore common sense and fiscal discipline to our Federal Government. Part of that is accountability.

This evening I am pleased to be joined by another gentleman from Arkansas, Mr. BERRY, from Arkansas's First Congressional District, as we talk about restoring not only common sense and fiscal discipline to our national government, but accountability to our Federal agencies.

Mr. Speaker, a week ago, Saturday, February 24, 2007, at about three in the afternoon, not one but two tornadoes devastated the rural delta county of Desha County. The county seat is Arkansas City. It was spared. McGehee was spared for the most part. But Dumas, a town of about 5,000 people, was hit, and hit hard, as you can see from this photo provided to me by Agnes Ross at the Dumas Clarion. This is what was left of the Fred's Dollar Store. My district director's dad was in the meat locker of the grocery store, Matt Butcher, next door, which was also destroyed. In fact, Mr. Speaker, 150 homes were either destroyed or heavily damaged. Depending on whose numbers you want to rely on, somewhere between 600 and 800 workers were displaced from work, because wherever they worked was destroyed or heavily damaged. That community of Dumas and much of Desha County went without power for five days.

It was bad enough that the Governor cut short his trip to the National Governor's Association meeting here in Washington and flew home, and I was privileged to join him in going to Dumas and spending the afternoon visiting folks and reassuring folks that help was on the way. It was bad enough that the Governor called out 150 members of the Arkansas National Guard.

That was February 24, 2007. More than a week later, the President still has not declared Desha County a Federal disaster area and FEMA has not responded to my request to move 150 mobile homes that were purchased for Hurricane Katrina to Dumas and Desha County to be used for temporary housing while these good folks in this forgotten delta county get their lives put back together and rebuild their homes.

Mr. Speaker, this is one example of the damage. Again 150 National Guard soldiers called out; 150 people's homes either destroyed or severely damaged; 600 to 800 workers temporarily displaced from their job because wherever they worked was destroyed or heavily damaged; no power for 5 days. And yet the Federal Emergency Management Agency says that this forgotten delta county, Desha County, is not worthy of a Federal disaster declaration. They want to talk about all these rules and regulations and all this bureaucratic this and bureaucratic that.

You would expect that from the IRS, Mr. Speaker, you would expect that from most Federal agencies. But when I think of the Federal Emergency Management Agency, when I think of FEMA, I think of first responder. I think of one Federal agency that should be able to cut through the bureaucratic red tape and get something done. If FEMA can't do it, no Federal agency can do it, and FEMA is not.

I guess what infuriates me more is a week after these two tornadoes struck Dumas and Desha County, and here is another good photo of one of the houses that was destroyed, we can't convince FEMA that that home is destroyed, but we believe it was destroyed, it is certainly uninhabitable, but what gets me is, a week ago Saturday, the tornadoes hit Dumas. The President has yet to declare it a Federal disaster area, FEMA has yet to help with temporary housing, or anything else, for that matter, and yet the following Saturday, and my heart goes out to the people in Alabama and Georgia, we were fortunate in Dumas and Desha County, we did not have a loss of life. We did have a couple of dozen injuries, some of them very serious, but the good Lord was working overtime in Dumas, Arkansas, a week ago Saturday. There is no doubt about that. People go through and tour this town and they scratch their head. How in the world did no one die? And for those who did die in those tornados that came about a week later in Georgia and Alabama, our heart goes out for those people.

But it really galled me to see the director of FEMA with the President in Alabama and Georgia holding hands singing "Kumbaya" and talking about the new and improved FEMA. The new and improved FEMA has forgotten this delta county.

And this story gets better, and is hard to believe. But you can see here, this is one of the 150 homes that is either destroyed or badly damaged. Dumas is a rural community. It is not like there are a lot of rental houses available there. People, even those with insurance, need a place to live while they get their life put back together and their homes rebuilt, which could take up to a year. And this story gets better, or a better word, this story gets more tragic. Some of you are aware of this, Mr. Speaker.

When Hurricane Katrina hit the gulf coast in August 2005, one of the first things FEMA did was they ordered thousands of brand new, fully furnished mobile homes; not the camper trailers. We are talking brand new, fully-furnished mobile homes, 14 to 16 foot wide, 60 foot long, built-in microwaves, coffee tables, end tables, sofas, dining room sets, built-in central heat and air with the unit ready to drop out of the back. Most of them are equipped, or filled, I should say, with Ashley furniture.

Hope, Arkansas, because it is the old proving grounds from World War II, and it is an old military airport and they had some inactive runways and tarmacs, well, FEMA approached the City of Hope, which is also in my district. Hope used to be known as the birthplace of President Clinton. Now we are known as the largest trailer park in the world.

So FEMA entered into an agreement with the City of Hope to store these mobile homes in Hope. Not store. Actually, it was to be a FEMA staging area where they would transition through there on their way from wherever they purchased them to the gulf coast region. That was shortly after August 2005, Hurricane Katrina.

They kept delivering these mobile homes to Hope. They kept bringing more and more mobile homes to Hope. This an aerial photo that I took Saturday. This is current. I took this Saturday at the Hope Airport from a small plane. This is a current aerial photo.

All these white things, those are mobile homes that were purchased for Hurricane Katrina victims August 2005. And the staging area quickly became a storage area where more and more mobile homes arrived, but none of them ever left. Why? Because, at the time, FEMA said, oh, we don't place mobile homes in flood plains.

Well, they knew that they don't place mobile homes in flood plains before they bought them. And guess what? Everybody that lost their home in Hurricane Katrina and needed a home lived in a floodplain. So these homes were never placed.

Then President Bush was at the Democratic Caucus last month at Williamsburg, and he and I talked about this after the chairman of the Homeland Security Committee, BENNIE THOMPSON, questioned him specifically about these mobile homes, and the President told me, we are saving them for future disasters.

In Dumas, Arkansas, a week ago Saturday, the people were struck not by one but by two tornadoes; 150 homes destroyed or badly damaged; 600 to 800 workers out of work because wherever they worked has been destroyed or heavily damaged; 150 members of the Arkansas National Guard called out; and yet, that was a week ago Saturday, on Monday, the Governor and I toured Dumas and on Tuesday at 9 a.m. in a conference call I asked David Paulison, the Director of FEMA, to release 150 of these 8,420 mobile homes. That is how many are currently at the Hope Airport from the photo taken Saturday. There is 8,420 of these parked at the airport in Hope today.

I respectfully requested 150 of these be moved to Dumas, which is only 3 hours away, to provide temporary housing for the people of Dumas and Desha County while they rebuild their homes.

□ 1800

I am still waiting on an answer. So I called him back again Thursday. He still couldn't give me an answer. They still have not declared this forgotten delta county a Federal disaster, and they have yet to move a single one of these mobile homes. If what I saw in Dumas is not a Federal disaster, Mr. Speaker, I doubt we will ever see another Federal disaster again.

And, Mr. Speaker, if they refuse to move 150 of these 8,420 mobile homes from Hope to Dumas to help folks, isn't that what FEMA is supposed to be in the business of doing? Then do you really believe any of these will ever be moved for the public good to help people? It is reprehensible; I am appalled by it. I am ashamed of our government, Mr. Speaker. This is a symbol of what is wrong with FEMA. This is a symbol of why so many people in this country have given up on their Federal Government.

And the story gets better. Shortly after Hurricane Katrina and all these mobile homes showed up in Hope and they weren't moving them to the people that needed them on the gulf coast, Mr. Speaker, I spoke up and brought a photo similar to this to the House floor and I said, FEMA, if you do not move these homes to the people who need them on the gulf coast, they are going to start sinking into the cow pasture, the hay meadow, thinking that would get FEMA off high center and they would start moving them to the people that needed them. What did FEMA do? They showed up with $7 million worth of gravel to put under them. Folks, you cannot make this up; it is too unbelievable.

And so if I appear frustrated this evening, I am because a week ago Monday, Governor Beebe and I toured Dumas and the Back Gate community. And in Back Gate, at least a week ago, and perhaps tonight, there were 30 people crowded in a metal building, calling it home because they have no place to live. I talked to Agnes Ross at the Dumas Clarion earlier today and she said she ran into somebody on the streets of Dumas earlier today, an elderly woman that had no place to go, no place to live, and yet 8,420 brand new, fully furnished mobile homes are sitting there at the airport in Hope, Arkansas, 3 hours from Dumas.

When the Blue Dog Coalition talks about restoring accountability to our government and making Federal agencies answer for their action, or a lack of action, this is a good example. This is about as good as it gets. And, Mr. Speaker, I am not here to beat up the President or beat up the director of FEMA. I tried for a week to go through the proper channels and get this done, but for the life of me I am imploring the President and the director of FEMA, Mr. Speaker, to move just a few of those mobile homes from Hope to Dumas to help these folks, provide them temporary housing while they try to get their lives put back together and their homes rebuilt.

MARION BERRY, a Congressman from the First District of Arkansas, is from Gillette. He doesn't live but a few miles from Dumas. He knows these people, too. This storm affected his area, and he is very aware of what is going on and the lack of attention from FEMA. At this time I would yield to him. I want to thank him for joining me this evening to talk about trying to help the folks of Dumas and Desha County, this forgotten delta county.

Mr. BERRY. I thank the gentleman from south Arkansas, and I certainly appreciate his leadership in this matter.

I would also encourage everyone that can hear my voice to keep in our hearts and minds and certainly in your prayers our men and women in uniform, especially those on the battlefield this evening. Reach out to them and their families and let them know that you understand and appreciate the sacrifice and commitment they make out of the goodness of their hearts.

My esteemed colleague from south Arkansas is absolutely correct. We have these horrible tornados almost every year in Arkansas. We had two in the First Congressional District that I am privileged to represent last year. We have had as many as a hundred in one day all across Arkansas.

I have served in this Congress since 1997, and from 1997 to January of 2001 we had a director of FEMA that remains distinguished to this day and always will. His name was James Lee Witt. He knew how to run an agency. He didn't make excuses. When a tornado hit, you didn't have to call FEMA, you didn't have to call the director, you didn't have to call anybody. They would just show up, Johnny-on-the-spot. They knew what they were doing. They were trained. They could make decisions. They helped people start putting their lives together. They helped communities and local governments clean up the mess. They provided the necessary financing to get the economy going again. They worked with the public schools to get them repaired and back in order.

Today, FEMA is a worse disaster than the storms. If they show up at all, which they haven't in Desha County, and my colleague, Mr. ROSS, is absolutely right, I just live right across the river from Desha County, it is part of my home. Today, if they show up at all, it is for a photo op. I saw this past Saturday on CNN, FEMA has a new truck, a communications truck. They were so proud. They were explaining that this communications truck, and I would love to know how much it cost, was the secret to their success because they were going to be able to use that truck to take pictures and broadcast them back to FEMA headquarters and they would get the same information they could have gotten from CNN 3 hours ago. All of this would be hysterically funny if it was not so tragic.

This is not a funding issue. It is just a simple matter of incompetence from the top to the bottom. This administration simply does not know how to run a government agency.

I have not talked to Mr. Paulison. I have talked to him on previous occasions, and he defines the word "bureaucrat," which is a sad thing to have to say about anyone. It is the job of the Congress to hold these people accountable.

I have had conversations with Secretary Chertoff. And he assures me that these trailers that are down in Hope, we are going to take care of those. This was over a year ago. He appeared before the Appropriations Committee and explained that in just a few months these were all going to be moved out and everything was going to be wonderful. They are just sitting down there going to ruin. Nobody is using them. But they wouldn't let the victims of tornados in my district last year use them. They won't let the good people of Desha County use them this year. This just doesn't make any sense.

It is the job of the Congress, and that is the reason my colleagues and I are here this evening, to begin the process to hold these incompetent bureaucrats accountable for the terrible way they are running this agency. For crying out loud, if you can't do anything else, give us a "no" answer. Tell us something. Don't just let it stay out there and twist in the wind.

I can tell you this: You don't have to be all broke out in brilliance to look at these pictures or drive through that community and know a terrible disaster took place, and they are deserving of the help of the Federal Government. What a sad thing it is to go from an agency and a government only 6 years ago that would come to the aid of the people when a disaster happened, to this horrible mess that we call FEMA today that is so incompetent all they can do is spend money where it doesn't help the people. It is time that they at least appeared before this Congress and make some kind of a pathetic explanation as to why they are operating the way they are at this time. And let's hope that by some stroke the administration and the White House, who is ultimately in charge, will at least have the credibility and feel responsible enough to get control of that agency, because we know there will be more disasters that will happen to the American people, and we are going to need help from our Federal Government.

We cannot continue to operate this way. What a sad thing it is to see this agency and the way they treat people who have had their lives destroyed, their jobs destroyed, their homes destroyed, and yet they are not even deemed worthy by the director of FEMA or the Secretary of Homeland Security of a little bit of help and a little bit of recognition by the Federal Government so they can get some help on their own.

And can you imagine, if the Secretary of Homeland Security can't see that FEMA works, can you imagine the mess that the rest of Homeland Security is in? What a terrifying thought that these people are in charge of anything, but certainly in charge of our homeland security and in charge of the very Federal agency that is charged with bringing assistance and helping the people when these tragedies take place.

I would join my colleague in recognizing tragedies that took place in Alabama and Georgia and the loss of life and how terrible that was, and we hope they get treated better. They certainly deserve to be treated well. They deserve all the help it is possible to give them at this time.

Let's hope that we are not back here in 2 weeks to hear stories from Alabama and Georgia about how, well, FEMA came and they had their picture made with us and they gave us a big hug, and then they left and nothing happened. They deserve better. And let's hope that they get better. We also deserve to have help for the people in Desha County in south Arkansas in the First Congressional District. They deserve to be treated better, also.

And, Mr. Speaker, I can tell you that my colleague, Mr. ROSS, will not rest, nor will the Arkansas delegation, nor will the Governor of the State of Arkansas rest until we see the recovery taking place and the wonderful community of Dumas, Arkansas, begin to be restored and the economy begins to prosper again, and the people begin to put their lives back together.

I thank my colleague for his leadership, and I will yield back.

Mr. ROSS. I thank the gentleman from Arkansas for joining me this evening and talking about the lack of accountability within the Federal Emergency Management Agency.

To recount, February 24, 2007, a week ago Saturday, not one, but two tornadoes devastated the town of Dumas and the Back Gate community in Desha County. The Governor declared it a State disaster, called out 150 members of the Arkansas National Guard who were there for nearly a week. It took crews of more than a hundred working for 5 days to restore electricity to that delta county. Some 600 to 800 people remain out of work because of the damage done to their workplace. And yet here we are, a week ago Saturday in Dumas, horrible tornados. And the ironic thing is that FEMA has a staging area with 8,420 brand new fully furnished mobile homes 3 hours away, filled with Ashley furniture and built-in microwaves ready to be set up, and the mayor and the county judge, Marion Gill, the mayor of Dumas, Mark McElroy, the county judge in Desha County, they have got sites available. The zoning is cleared with city water, with water and electrical and sewer hook-ups, and yet FEMA, which is supposed to be in the business of helping people, refused to move a single one of these to the more than 150 people who lost their home, like this family right here.

□ 1815

This is one of the 150 homes that were either totally destroyed or heavily damaged. Yes, some of these folks had insurance, but yes, we have 8,420 mobile homes 3 hours away that are not doing anybody any good sitting at the airport in a hay meadow. They were purchased to help people.

There is no place to rent in Dumas. These folks in Dumas and Desha County need a place to live temporarily. We are not asking that they give these mobile homes to them. We are asking for temporary assistance. That is what FEMA is in the business of or supposed to be. Allow these folks to temporarily live in 150 of these 8,420 brand new mobile homes, filled with Ashley furniture.

They are not doing anybody good in Hope. Let us get them moving, Mr. Speaker, to Dumas, Arkansas, and let these folks in Dumas who lost their homes or had their homes heavily damaged live in them temporarily while they get their life put back together and rebuild their homes.

Mr. Speaker, this is not the first time we have raised this issue. Here is the timeline, talk about accountability and restoring accountability to our government: Saturday, February 24, two tornadoes devastated the communities of Dumas and Back Gate in Desha County. Monday, February 26, I surveyed the damage on the ground and in the air along with Governor Beebe and other elected officials. Governor Beebe named Desha County a State disaster area and announced his plans to request a Federal disaster declaration.

Tuesday, February 27, I held a conference call with FEMA Director David Paulison, along with Senator LINCOLN from Arkansas and staff for Senator PRYOR. In the call, I conveyed my support of Governor Beebe and requested

FEMA expedite their decision and action as well as encouraged FEMA to use 150 manufactured homes from this supply of 8,420 of them from Hope, Arkansas, just 3 hours away, for the families without shelter in Desha County.

Later Tuesday, my staff talked with FEMA again regarding the status of the disaster declaration, and they expressed that they did not read the laws as we did and that they are still working with Arkansas to gather information. In other words, the bureaucracy began.

Wednesday, February 28, I joined with both senators, Senator LINCOLN and Senator PRYOR from Arkansas in sending a letter to President Bush and FEMA Director Paulison supporting Governor Beebe's request for a Federal disaster declaration.

Thursday, March 1, 2007, I again talked with FEMA Director Paulison regarding the lack of a response and movement of these mobile homes from Hope and expressed my displeasure with his office. It had been 6 days since the tornadoes and the communities were just beginning to regain electricity in parts of the town. At that point, FEMA says the reason for not declaring a disaster area is the high rate of insured homes and the fact that the State is capable of taking care of the damage.

Supposedly, they told CNN, FEMA did, that the State has a surplus this year, and they do not need their help. Well, Mr. Speaker, that is the craziest thing I have ever heard of. The city and county is a very rural area. It is in the delta region. They lost half their sales tax base when a big retail store left about a year ago. They had a Fred's Dollar Store and a grocery store left, and they have been destroyed. They have, at least for a short period of time, perhaps up to a year, lost much of their tax base. At the same time, they are struggling to pay for a new county hospital and new city hospital there in Dumas, and they are not getting any help from the one agency that we thought was supposed to be there to help us in the time of need, the Federal Emergency Management Agency.

Friday, March 2, 2007, I again joined with Senators LINCOLN and PRYOR to send another letter to FEMA in support of Governor Beebe and the immediate need for mobile homes in Desha County.

Saturday, March 3, during an address in Memphis, Tennessee, at the 55th Annual Mid-South Farm and Cotton Gin show, I commented on the lack of response from FEMA one week after the tornadoes.

I went to Hope, and I stood in front of these 8,420 mobile homes to highlight the waste of taxpayers' money, the fact that these brand new, fully furnished manufactured homes are just 3 hours away from Dumas, yet they are not being put to good use. They are not helping the people some 3 hours away in Dumas.

Then, Tuesday, March 5, 2007, that is today, I joined Senators LINCOLN and PRYOR in sending a letter in support of Governor Beebe's request to the U.S. Small Business Administration to request small business disaster loans be administered in Desha County to help the 25 businesses which were destroyed and the more than 800 employees who are now without a job or a place to work nearby, some 600 to 800 depending on which day it is and which businesses are able to get back up.

My office hand delivered letters from me and photos I took, this photo right here. We delivered an 8x10 copy of this photo along with a letter today to President Bush, to FEMA Director Paulison, and to the Department of Homeland Security Secretary Chertoff, making one final plea to assist these folks in this forgotten delta county.

Well, we have gone on long enough on this, Mr. Speaker, but I think it is important. As members of the Blue Dogs, we talk about accountability, and you cannot talk about accountability and the lack of it without talking about FEMA. Again 8,420 brand new mobile homes sitting there at the Hope airport, not doing anybody any good, and I have got 150 homes either totally destroyed or damaged like one 3 hours away.

It has been more than a week. FEMA refuses to send a single mobile home to assist these folks. If they are not going to move them 3 hours away to a disaster area, Mr. Speaker, I can assure you these mobile homes will never be put to the public good. They will never go to help people if they are not going to help people 3 hours away in their time of need.

I am, once again, Mr. Speaker, imploring the President and the director of FEMA and the Secretary of Homeland Security to do the right thing and to get some of these mobile homes moving to Dumas, where tonight 30 people are living in a metal building. They need our help, Mr. Speaker.

That is what the Blue Dog Coalition is all about. We are about trying to restore common sense and fiscal discipline to our national government, and we are about accountability.

In fact, Mr. Speaker, we have what is called the Iraq War Accountability Act, and we are going to be talking about that more this evening.

Mr. Speaker, as you walk the halls of Congress, it is easy to know when you are walking by an office that belongs to a member of the fiscally conservative Democratic Blue Dog Coalition. Why? Because you will see this poster. A poster reminding Members of Congress and reminding the people who walk the halls of Congress that our Nation is in debt.

Today, the U.S. national debt is $8,811,969,377,773 and some change, and if you divide that by every man, woman and child in America, your share, Mr. Speaker, of the national debt is $29,245. It is time that this Nation get its fiscal house in order, and one of the ways we do that is by restoring accountability to our Federal agencies, which is what this business with FEMA is all about, trying to restore accountability and common sense and cutting through the bureaucracy and red tape to help people in their time of need.

At this time, it is a pleasure for me to yield to my friend from the State of Ohio (Mr. WILSON). We are pleased to have Mr. WILSON as a new Member of the fiscally conservative Democratic Blue Dog Coalition, and at this time, I recognize Mr. WILSON.

Mr. WILSON of Ohio. Mr. Speaker, it is hard to believe when the Katrina accident happened that we were out of line as much as we were and not responsive, as has been indicated here this evening, and it is even harder to believe that after the correction of that, we are back in the same boat again.

I know they changed FEMA directors. Mr. Brown was terminated and went on. And then now we have a new group of people running FEMA, but it does not seem to be any better.

Mr. Speaker, the Blue Dogs stand for accountability. We stand for accountability in a lot of different ways. We feel that there are some truly misguided priorities that are hurting our country and hurting us as people here.

Mr. Speaker, just Sunday evening, millions of Americans watched "60 Minutes." We heard what the Blue Dogs have been talking about for more than a decade.

In the report, the U.S. Comptroller General, the Nation's top accountant, urged people to wake up to our budget crisis before it is too late. These are his words, Mr. Speaker.

"What's going on right now is we're spending more money than we make." Couldn't be much more simple. "We're charging it to a credit card and expecting our grandchildren to pay."

Mr. Speaker, that is absolutely wrong. The Comptroller General is absolutely right. Our fiscal mess is outrageous, and we as Blue Dogs stand for accountability. Reckless budgets and irresponsible spending has got us into the fix we are in, and now it is the responsibility of this Congress to help us get out.

The administration has had misguided priorities that have been painfully clear. They send pallets of cash to Iraq while our veterans at home suffer in dirty, broken-down facilities, not getting the medical care that they need after putting their life on the line for our country. Recent reports of the deplorable conditions and the roach-infested rooms at Walter Reed are an outrage, and they are unacceptable.

Mr. Speaker, it is an understatement to say that our brave veterans deserve so much more than the way they are being treated.

We must hold this administration accountable for this reckless approach that has allowed millions of dollars to go missing in Iraq while our brave young men and women who need proper medical care have gone without it. We must provide real oversight to keep this from happening again, just like we need to provide real oversight as we work for a responsible budget.

Mr. Speaker, what will happen if we do not clean up this fiscal mess? We only need to listen to the words of the Comptroller General again in last Sunday's "60 Minutes" presentation. He said, "We suffer from a fiscal cancer. It's growing within" our country. "And if we do not treat it, it could have catastrophic consequences for" America.

As Blue Dogs, Mr. Speaker, we will shine a bright light on this cancer and nurse our budget back to health. Our future and the future of our children and our grandchildren depend on it.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. WILSON), an important member of the fiscally conservative Blue Dog Coalition, for sharing your thoughts with us this evening as we try to, Mr. Speaker, talk about the need to restore fiscal discipline and accountability to our government. You gave a good example of putting an end to the debt and the deficit spending, and we have had examples this evening about restoring accountability to government, and the accountability and lack of it within FEMA.

We are going to hear about other areas where we need to restore accountability within our Federal Government this evening, and we will talk some about the Blue Dog Coalition's Iraq War Accountability Act.

We support our troops. In fact, we support them so much we want to make sure this $12 million an hour that is being sent to Iraq of your hardearned tax money, Mr. Speaker, is going to support our men and women in uniform. Unfortunately, as we have learned, much of it is not, and that is why we have this legislation, H.R. 97, the Iraq War Accountability Act.

Mr. Speaker, if you have got any comments, questions or concerns for us, you can e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

At this time, Mr. Speaker, I yield to another member of the fiscally conservative Democratic Blue Dog Coalition, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. ROSS), my good friend, who every day is working to represent the constituents of his State.

I share, too, the concerns with the lack of accountability that has taken place over the last 4 years as we have put America's finest men and women in uniform in harm's way, fighting this war on terrorism, but specifically in Iraq and Afghanistan, and only to find that too often we have not done the necessary planning, we have not put the necessary resources in place nor have we taken the time to ensure that their work is focused on in a way that brings results, the kind of results that all Americans as taxpayers want to see when we invest in our Nation's interests.

The Iraq Accountability Act is an important step to try to reinstate credibility through this war effort, and therefore, we are urging our colleagues throughout the House to embrace this effort. This is not a partisan issue. This is all about making sure that when we invest $25 billion in reconstruction, when we need that kind of investment here at home, that it, in fact, is not taken in by sole source contracting single bids; that, in fact, that the work actually takes place at a level of quality so that the Iraqi government or the citizens can, in fact, benefit from that investment of infrastructure.

□ 1830

We just saw recently about the construction of a police station that was so shoddily built with U.S. taxpayers dollars that, in fact, it has been deemed unusable.

So as fellow Blue Dog members, we really urge in a bipartisan basis for us as a House to come together. We are the people's House, after all, and it is important that we put partisan politics at the water's edge. We are in a real mess in Iraq. There is no doubt about that. I have every hope, as do most Americans, that, in fact, we do the right thing in ensuring that this effort takes place in a way that brings our American troops home as safely and as quickly as possible.

However, if this surge is not successful, as I asked Secretary of State Condoleezza Rice in the Foreign Affairs Committee just 2 weeks ago, that I think it is absolutely critical that we understand what our backup plan is. I think the American public is getting tired of us pursuing these efforts without the sort of time invested effort that is going to ensure that if this effort is not successful, we have a backup and that we are not simply winging it, because I think too often that has been the history of the recent past in this engagement.

Mr. Speaker, and my colleague, Congressman MIKE ROSS, I would like to shift this effort of accountability and transparency back to our Nation's shores. I was very moved by the comments Congressman MIKE ROSS made when he talked about the devastating impact of those tornados in his district back in Arkansas. I saw the devastation on television shortly after it occurred.

I e-mailed my friend, Congressman MIKE ROSS, and asked him how it was there. He talked about the horrific challenges his constituents were facing, and I felt for him. I felt for him because whether we like it or not, natural disasters occur throughout the country, whether it is in Florida, whether it is Katrina in Louisiana and Mississippi. I know, because just in January we had a similar natural disaster in California, called the freeze.

This devastating freeze has now impacted the State of California over $1.3 billion. Now, when you have a freeze that impacts communities in many counties such as we had in California in January, it doesn't take on the same sort of graphic visuals that a tornado or a hurricane does, but it is the worst freeze we have had in over 10 years. Governor Schwarzenegger immediately declared the State a disaster, an area designated as 31 counties eligible for State aid, and the State has been putting money in there.

We have signed a bipartisan letter to the President asking for Federal support. The estimate is that the freeze has affected not only $1.3 billion in losses, and those numbers are adding up, but over 12,000 farm workers, as well as farmers, have been impacted. The livelihood of these farmers, these farm workers and the communities they live in have threatened the economies of these towns where we have had 50 percent, 70 percent unemployment just in the last 4 to 6 weeks.

I was talking to a good friend of mine, Sarah Reyes, who heads up the community foodbank back in Fresno County. She told me that in the last 6 weeks they have fed over 91,000 families, 91,000 families that don't have jobs, that are out of work. But still, even though we have sent this letter, the Governor made the declaration, 31 counties have been impacted, the administration has yet to declare the freeze a Federal disaster.

So you ask why, why is our Governor, Governor Schwarzenegger's request being ignored? Why is the letter that has been signed by both Democrats and Republicans among the California congressional delegation being disregarded? Why is the administration acting so casually about a situation that puts families out of work and family businesses at risk?

Mr. President, the freeze may not make the sort of pictures that we have seen in Florida or in Arkansas or in Louisiana or in Mississippi; but I can tell you, if you come to those communities and visit and meet with those farm workers who are out of work, you talk to those farmers and their families who have invested their entire lives in their family farm, you will see just as dramatic an impact as any devastation of any other natural disaster. So I think it is time for the administration to focus on the accountability in its efforts in California for those families that have been so impacted by this devastating freeze. Accountability is what people expect their government to do. They expect their government to solve problems.

When the President spoke here in the State of the Union in January and said that folks are less concerned about the partisan squabbling that takes place and they are more concerned about doing the people's business, I agree with the President. In fact, this is part of the people's business, being accountable, being transparent, and making sure that after action that has already taken place, clearly 6 weeks, now going on to 7 weeks, after the initial disaster, that yet we have no response from Washington.

Ladies and gentlemen, folks in California and those 31 counties expect better. My constituents expect better, and I am hopeful that soon the President and the administration will step up to the plate and take FEMA's recommendation and that the Office of Management and Budget will suggest to the President that, in fact, California is deserving of the same sort of support and response and accountability that all of our citizens expect.

I thank the gentleman from Arkansas, my dear friend and colleague, Mr. MIKE ROSS.

Mr. ROSS. An important member of the Blue Dog Coalition, a group of fiscally conservative Democrats who spends many a Tuesday night here on the floor with me talking about the need to restore common sense and fiscal discipline to our Federal Government.

Why? Because today the U.S. national debt is $8,811,969,377,773 and some change. For every man, woman and child in America, their share, our share of the national debt is $29,245. It is what those of us in the Blue Dog Coalition have coined as the debt tax, d-e-b-t, and that is one tax that cannot go awayand cannot be cut until our Nation gets its fiscal House in order.

Why is this important? Our Nation is borrowing nearly $1 billion a day. In addition to billing $1 billion a day, we are spending about half a billion every day paying interest on the debt we already got before it goes up another $1 billion today, a half a billion dollars a day. What could we do with that?

Just in my district alone, give me three days' interest on the national debt, and I could complete I–49 across the western side of Arkansas. Give me another three days' interest on the national debt, and I could complete I–69 through the delta region of south Arkansas, two important interstate road projects that could help create economic opportunities and lift up one of the poorest regions in our country.

Yet these priorities continue to go unmet. Why? Because of a lack of fiscal discipline, because too much of your hard-earned tax money is going to pay interest, not principal, but just interest on the national debt. Year after year, it is hard now to believe, but from 1998 to 2001, we had a balanced budget in this country and a surplus, the first time either a Democrat or a Republican had given us that, in about 40 years.

Yet, we have squandered that, this administration and this Republican Congress, for the past 6 years, year after year, have given us the largest deficit ever in our Nation's history and the largest debt ever in our Nation's history.

In fact, to put it in perspective, the total national debt from 1789 to 2000 was $5.67 trillion. But for 2010, the total national debt will have increased to nearly $11 trillion. That is a doubling of the 211-year debt in just 10 years. Interest payments on this debt are one of the fastest-growing parts of the Federal budget, the debt tax we call it, d-e-b-t; and it is one tax that cannot be repealed.

Our Nation is spending more money paying interest on national debt than we are educating our children. If that is not wrong, I don't know what is. It is morally wrong.

Well, you could see the current national debt is at an all-time high. Why do deficits matter? Because they do reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who now own 40 percent of our debt. Mr. Speaker, this administration in the past 6 years has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined.

Mr. Speaker, you might be surprised at who they are. It is kind of like David Letterman and his Top 10 list. Here is the Top 10 list of people that we have gone out and borrowed money from in the last 6 years. The United States of America goes out to other countries and borrows money to fund tax cuts in this country for folks earning over $400,000 a year.

Here is the Top 10, we have borrowed, the United States of America has borrowed, $637.4 billion from Japan; China, $346.5 billion; the United Kingdom, $223.5 billion. You will love this one, OPEC, the United States of America has borrowed $97.1 billion from OPEC; Korea, $67.7 billion; Taiwan, $63.2 billion; the Caribbean Banking Centers, $63.6 billion; Hong Kong, $51 billion; Germany, $52.1 billion.

Rounding out the Top 10 countries, where the United States of America has gone and borrowed money from foreign central banks and foreign lenders, you will not believe this one, Mexico. The United States of America has borrowed $38.2 billion from Mexico to fund tax cuts in this country for people who earn over $400,000 a year.

We are trying to fix this, and in this new Democratic majority, I am proud to tell you that not in the first 100 hours, but the first 24 hours, the new Democratic leadership listened to the 43-member strong fiscally conservative Democratic Blue Dog Coalition and reinstituted what is known as the PAYGO rules, which means pay-as-you-go. Those were the rules that were in place on this House floor from 1998 through 2001 when President Clinton gave this Nation its last balanced budget.

Some Republicans will have you believe, oh, that means they want to raise taxes to fund a program. Not so. That means that we think you should review programs and find programs that don't work and cut them to pay for new programs. Pay-as-you-go does not mean raise taxes to fund a new program. It means restore accountability to our government, no more rubber-stamp Congress.

It means we are going to demand accountability from our Federal agencies; and when programs don't work, and when agencies don't know how to administer them, we are going to cut them and use that money to fund other programs that can work.

Well, we have talked a lot this evening about accountability, and I am real proud to be joined by one of the authors of our Iraq War Accountability Act. We support our troops. In fact, the gentleman here with me tonight, from Pennsylvania, Mr. MURPHY, is an Iraqi war veteran. My brother-in-law is serving tonight in the Middle East.

We support our troops, but we also want to make sure that this $12 million an hour of your tax money that is being sent to Iraq is accounted for, and that it is being spent on our troops to protect them so they can return home safely.

For the remaining 5 or 10 minutes we have got this evening, I recognize the gentleman from Pennsylvania, a new member but an important member of the Blue Dog Coalition, Mr. MURPHY.

Mr. PATRICK J. MURPHY of Pennsylvania. Thank you, Congressman ROSS. I will make sure that when my wife and I retire today we will pray for your brother-in-law over in the Middle East. He is one of our heroes, and we are proud of his service to the country.

I rise today to bring an end to the pattern of systemic neglect from the White House. Last November, American families sent Democrats to Congress to bring about change. There are now 49 new Members in the House of Representatives. Five of those Members are veterans. Of those five, I am proud to say they are all Democrats. I am also proud to say that three of the five are from the great Commonwealth of Pennsylvania in Admiral SESTAK, Commander CARNEY, and myself.

Change from the neglect our military veterans are currently experiencing, as they try to get the health care they deserve, Americans have seen now the past few days what is going on in Walter Reed. It is our opinion that this is criminal neglect.

☐ 1845

But when the people voted for change in November, they voted to change from the strategy in Iraq that has American troops refereeing a civil war while too many Iraqis sit on the sidelines, and a change in the way we pay for the war in Iraq.

The American taxpayers have spent more than $400 billion in Iraq. If they were to see an invoice, just one invoice, taxpayers would see the widespread waste, fraud, and abuse. And that is why, as Blue Dogs, we stood together with the Iraqi Accountability Act. Fifty-eight Members of Congress agreed to this act. Congressmen ALLEN, ALTMIRE, ARCURI, BACA, BAIRD, BARROW, BEAN, BERRY, BISHOP, BOSWELL, BOYD, BOYDA, BRADY, BRALEY, CARDOZA, CASTOR, CHANDLER, COSTA, DAVIS, DONNELLY, ELLSWORTH, GILLIBRAND, GONZALEZ, HARE, HARMAN, HERSETH, HILL, HODES, HOLDEN, ISRAEL, MAHONEY, MARSHALL, MATHESON, MCINTYRE, MCNERNEY, MELANCON, MARCHANT, MILLER, MITCHELL, DENNIS MOORE, GWEN MOORE, PETERSON, POMEROY, ROSS, SALAZAR, SCHWARTZ, SCOTT, SHULER, TANNER, THOMPSON, WELCH, FILNER, WALZ, CLARKE, ELLISON, SIRES, HOLT, REYES.

All of these Members, all 58 Members are cosponsors to the Iraq Accountability bill, and they signed on because they have seen what is really going on. They have seen that over the past 4 years families of my district of Bucks County, Pennsylvania and northeast Philadelphia and across the country have heard a lot of bad news from Iraq.

But we are also hearing about money lost and weapons missing. Recently here in Congress we heard from the Special Inspector General for Iraq Reconstruction. He spoke to the Armed Services Committee, and he told us about $9 billion that has simply vanished. But as many as 14,000 weapons have disappeared, weapons that could be in the enemy's hands right now. These are dollars and these are weapons that were sent to the Iraqis that have gone missing because of mismanagement and fraud. It is not just about the money, but it is also about the safety of our troops. Those missing weapons could arm an entire division of the Muqtada al-Sadr army, an entire division.

Mr. Speaker, it is long past time that we kept track of the money and the weapons that we are giving to the Iraqis and replace the fraud, waste, and abuse with proper oversight, responsibility, and accountability.

The legislation that the Blue Dogs are supporting addresses the glaring lack of oversight and accountability in Iraq and addresses how taxpayer dollars are spent on the war. It puts forward commonsense proposals that ensure that fewer resources are wasted and more resources get to the troops on the battlefield.

This legislation calls for transparency in how Iraq's war funds are spent. It urges the establishment of a Truman committee-type commission to track and curb the fraud, waste, and abuse. It calls for the Iraqi war to go through the normal budgeting process, not through emergency bills or supplementals. These are measures everyone should agree on regardless of the political party.

American families are frustrated with the war in Iraq. This legislation will go a long way toward providing the change that we all seek and the transparency that we all deserve. It is time for answers, Mr. Speaker, and it is time for accountability, and it is time to put an end to the pattern of neglect.

Mr. ROSS. I thank the gentleman from Pennsylvania for his work in helping write the Iraq War Accountability Act, which calls for transparency on how Iraq war funds are spent. It creates a Truman-like commission to investigate the awarding of contracts, the need to fund the Iraq war through the normal appropriations process and not the so-called emergency supplementals that hide the funding, and using American resources to improve Iraqi assumption of internal policing operations. Another example of how the Blue Dogs are leading the way, Mr. Speaker, in trying to restore accountability to our government here at home as well as in Iraq.

And in closing, Mr. Speaker, as I began this Special Order this evening, I talked about the terrible tornados that devastated Dumas and Desha Counties in my district, and I enter into the RECORD two letters addressed to the President, one February 28 and one March 5, 2007.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 28, 2007.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to support Governor Mike Beebe's request for a Presidential declaration of major disaster for Desha County in Arkansas. Currently, the State of Arkansas and local communities are beginning the process of recovering from the heavy rains, high winds, and tornadoes that touched down in Arkansas on Saturday, February 23rd. Pursuant to the provisions of Section 501(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, we ask that the State of Arkansas receive a federal disaster designation for the damage assessed in Desha County.

As you are probably aware, we represent a predominantly rural state where municipal governments are often ill-equipped to respond to disasters of this magnitude. We have no doubt that all available resources at the state and local level are being used, but federal assistance will be needed to help the affected communities recover.

We would also like to specifically request that Desha County be approved for the FEMA Individuals & Households Program (IHP) to include Temporary Housing and assistance with Mobile Homes and Travel Trailers, Small Business Administration disaster loans, and Direct Federal Assistance. The availability of rental property is restricted with the closest jurisdiction being approximately 45 miles.

As you know, many of the manufactured homes and travel trailers purchased by FEMA for use in the Hurricane Katrina disaster are currently sitting unused in Hope, Arkansas. It is our belief that these manufactured homes and travel trailers should be made available to those Arkansans left homeless by Saturday's storms. The inability of FEMA to find a permanent home for these manufactured homes and travel trailers in areas affected by Katrina has been a source of frustration for the Arkansas delegation and our constituents. However, their close proximity to the disaster in our state provides a perfect opportunity to put some of them to a good use.

Mr. President, we respectfully request your swift consideration and approval of this request. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

BLANCHE L. LINCOLN.
MARK PRYOR.
MIKE ROSS.

MARCH 5, 2007.

Hon. GEORGE W. BUSH
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT, I am writing to you because I have great concerns regarding the lack of a federal disaster declaration for Desha County, Arkansas, and the desperate need for temporary housing for this storm-ravaged Delta County.

On February 24,2007, two terrible tornadoes hit the towns of Dumas and Back Gate in Desha County, Arkansas. While my heart goes out to the people in Alabama and Georgia who were recently hit by deadly tornadoes, I write to you because I am concerned that the Federal Emergency Management Agency (FEMA) has now forgotten about our situation in Arkansas. The tornadoes that passed through our state destroyed or heavily damaged more than 150 homes; caused 800 people to be out of work because 25 businesses were destroyed; required the Governor to send in the National Guard to enforce security and for clean up purposes; and forced the town to be without electrical power for five days. In this small town, with an estimated population of 5,300, this level of damage and destruction has been overwhelming.

Desha County has still not been declared a federal disaster area, and one of my greatest concerns is the fact that there is no alternative housing for those residents who have been displaced. Nearly 9,000 brand new, fully furnished mobile homes sit less than three hours away at a FEMA staging area in Hope, Arkansas, and all I ask that you make wise use of our taxpayers' money and instruct FEMA Director David Paulison to move 150 of these mobile homes to Desha County for temporary housing.

Last week, I toured the devastation in Desha County with Governor Mike Beebe and strongly supported his request to you for a federal disaster declaration to assist those businesses and individuals that have been damaged or left without shelter. I also joined Arkansas's U.S. Senators Blanche Lincoln and Mark Pryor in support of that request. At that time FEMA Director Paulison informed me in a phone conversation that the

Governor's request had been passed on from the FEMA Region VI office to FEMA's Washington, DC office and was pending his review.

Mr. President, as you and I spoke a month ago at the House Democratic Caucus Retreat in Williamsburg, Virginia, the need to put to use the nearly 9,000 brand new, fully furnished mobile homes stored in Hope could not be greater. It has now been more than a week since these storms hit our state, and I respectfully request that you do what is right and declare Desha County, Arkansas, a federal disaster area. Such a declaration would enable area businesses to take advantage of federal resources and allow you to begin moving mobile homes from the Hope Airport to Desha County for temporary housing.

I have toured the devastation in Desha County and seen first-hand the effects of this storm. I have also enclosed a photo taken Saturday of the nearly 9,000 fully furnished mobile homes purchased for Hurricane Katrina victims but never used that sit unused in Hope, Arkansas. I again ask that you declare Desha County a federal disaster area and make 150 mobile homes available so that victims can have access to temporary emergency shelter. This is the right thing to do and I look forward to your response.

Sincerely,

MIKE ROSS.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate that recognition. I want to thank the leadership on the Republican side for the opportunity to address once again the House of Representatives and talk about some important issues that our Nation is dealing with, and bring the latest version of the Official Truth Squad. This is a group of folks who have determined to try to bring some sunlight and some truth to the issues that we talk about here in Washington. And after the last hour, Mr. Speaker, a lot of truth needs to be shed, because the amount of misinformation and disinformation that our friends on the other side of the aisle have put forward needs to be corrected, and so we are here as the Official Truth Squad to do just that. It is a great privilege, and I want to thank the Republican Conference, the Republican leadership for that opportunity.

The Official Truth Squad started as a group of freshmen last term who were frustrated by, as I said, the disinformation and the misinformation that was perpetrated and brought forward on this House floor day after day after day after day, and we thought that it was appropriate to get together and attempt to bring some light to issues, attempt to bring some facts to issues. And we have a favorite quote.

We have a lot of favorite quotes, but one of our favorite quotes is indeed one of my favorite quotes that I think crystallizes exactly what the mission is here. And in Washington it is so difficult to try to get to the second clause of this sentence. But this is from Daniel Patrick Moynihan, Senator Moynihan, a former United States Senator from the State of New York and a former United States representative of the United Nations, a wonderful gentleman, a very wise individual. And he said, "Everyone is entitled to their own opinion, but not their own facts." Everyone is entitled to their own opinion, but not their own facts.

So it is in that spirit, Mr. Speaker, that we come to the floor tonight and talk about a number of issues, and try to shed some of that light, try to bring some facts to the table.

We get visited oftentimes here in Washington by folks who are constituents, folks from back home. They come here and they visit us, and they talk about the kinds of issues that are important to them. And today, Mr. Speaker, and yesterday in Washington we have been visited, all of us have been visited, I know, by members of the VFW, by the Veterans of Foreign Wars. And it is very humbling to sit and to talk with members of the VFW, to listen to their stories, to hear their concerns, to appreciate the challenges that they have and the issues that they believe Congress ought to be addressing.

These are truly heroes. They are truly heroes from previous conflicts that our Nation has been involved in. And it is distressing when you talk to these members of the VFW and you hear their same kinds of concerns about facts.

Many of them from my district came, and they wanted to know why there was not the kind of correct information that was getting out on the floor of the House of Representatives, why we weren't talking about the truth as it relates to, not just our veterans, but the current situation in the world. They were extremely concerned that so many of our friends on the other side of the aisle were distorting the truth, were not bringing real information to the American people, and were causing great challenges for all of us to try to do the right thing as it relates to our Nation and to our members of the military right now who are defending liberty around the globe, and to assist veterans in their time of need. And so I shared my concern with them about the information that was being brought forth, especially about the situation in Iraq.

As you know, Mr. Speaker, we have heard what the strategy of the Democrats is as it relates to Iraq. They have preemptively surrendered. One of their Members has defined what has been described as a slow-bleed policy. It kind of gives you chills when you think about it, Mr. Speaker, a slow-bleed policy. That individual was interviewed 2 or 3 weeks ago, and during that period of time when asked how is he going to institute this, how is he going to institute this slow-bleed policy on the military as a Member of the House of Representatives, an influential Member of the House, a member of the majority party, a member who has an opportunity to do great things, and what he has said is, "They won't be able to continue. They won't be able to do the deployment. They won't have the equipment."

Mr. Speaker, that is chilling. That is chilling.

It is made all the more disgusting because of the comments of our own Speaker who said that funds would never be cut off from our troops in harm's way. And here the individual who is charged with developing the strategy for the majority party in the House of Representatives on Iraq says, "They won't be able to continue. They won't be able to do the deployment. They won't have the equipment."

Mr. Speaker, I don't know about you, but I get e-mails and communications sent to me from constituents who are serving in Iraq. I know men and women who are serving in Iraq who are doing their duty. To have a Member of the House of Representatives in a remarkably influential role say he is going to do all he can to limit the equipment that will protect our men and women in harm's way in Iraq and around the world is deplorable. It is deplorable.

Mr. Speaker, that is a fact. Not an opinion, not my opinion. That is a fact. That is what he said. That is what he plans on doing. That is what he said he will work to convince his party to do.

About that same time, our Speaker was quoted as making the following claim, "Democrats have proposed a different course of action over and over again, and we have suggested a different plan." That is the claim. That is the facts of the statement.

The truth, according to United States Senator JOE LIEBERMAN who has been a stalwart in recognizing the danger that the world finds itself in and recognizing the importance of supporting our troops who are in harm's way, the truth, as he states it, is, "Any alternatives that I have heard ultimately don't work. They are all about failing. They are all about withdrawing. And I think allowing Iraq to collapse would be a disaster for the Iraqis, for the Middle East, and for us."

□ 1900

Mr. Speaker, I find the double talk that is coming out of the majority party's mouth at this time as it relates to protecting our troops and fighting for freedom and liberty to be not only disingenuous, I find it to be a disservice to the American people, because when we are not talking about facts, it is impossible to reach the right conclusion.

All of us come to this body with various experiences, different backgrounds, different professions, different work experience. Mine is as a physician. I spent over 20 years, nearly 25 years practicing medicine. And I knew that when I took care of patients, that if I didn't do my level best to make certain that I had made the right diagnosis, that I had dealt with truthful items to get to the right diagnosis, I couldn't institute the right treatment.

And so I would suggest, Mr. Speaker, to my colleagues that unless we recognize truthful statements, unless we recognize the facts that are presented to us, that we will not make the right diagnosis. And I would suggest, Mr. Speaker, that the other side, the majority party has failed to make the correct diagnosis, so it will be difficult for them to institute the right treatment.

Now, I won't go so far as to say, although I might be legitimate in doing so, that occasionally, when physicians make the wrong diagnosis, they are charged with malpractice. But I would ask my friends on the other side of the aisle to appreciate and recognize that truth will get you to the right diagnosis, which will allow all of us to work together to identify what the right treatment ought to be.

And that is in the case with this reprehensible, "slow bleed" policy that has been put forward by the majority party, as much it is with the rest of the policies that we will address, some of which we will address tonight.

I want to just highlight a couple other matters as it relates to this "slow bleed" policy. And Mr. Speaker, as you know what that has been defined as is cutting off the funding or decreasing the funding, not for the troops specifically but for the equipment, for the logistics, for the support staff that is required, all of the things that make it so our men and women can be secure in the knowledge that they are able to have all the equipment and the personnel available to protect themselves and to carry out their mission.

So, once again, the quote from our Speaker, another quote from our Speaker about, almost now 2 months ago, from January 19, 2007. The quote was, "Democrats will never cut off funding for our troops when they are in harm's way."

The reality is, and it goes into a broken promise that I believe, we believe, the other side is getting very adept at. They are continuing to break promises that they make with the American people over and over again. This one, the promise was, we will never cut off funding for the troops.

The reality, according to Mr. JOHN CONYERS, Representative JOHN CONYERS, "The founders of our country gave our Congress the power of the purse because they envisioned a scenario exactly like we find ourselves in today. Not only is it in our power, it is our obligation. It is our obligation to stop President Bush."

Another quote from Representative MAXINE WATERS, Representative from California, made just a couple of weeks ago, "I will not vote for one dime. I will not vote for one dime."

So, Mr. Speaker, we see the promises that are being made, that are being talked about to the American people, but the truth of the matter is that the majority party is continuing to break promises, and I find that very distressing. I also find that of great concern to being able, once again, to reach the right diagnosis of the challenges that we have before us and then moving forward with the correct treatment.

I want to talk for a little bit, now, Mr. Speaker, about another item that has, another issue that has not had a whole lot of light from the other side of the aisle on it, and that is our economy and the remarkable economic growth that this Nation has seen over the last three to 4 years.

If you look at truth, and you look at facts, one would have to admit that this has been a remarkably robust economy. We have now seen nearly 3½ years of solid, consistent economic expansion which followed the downturn, the economic downturn and the recession of 2001.

The measure of economic expansion can be measured by all sorts of different parameters, and we are going to look at a couple of them this evening. Measure of economic expansion can be measured by real GDP growth, gross domestic product growth. And that has averaged a robust 3.6 percent since the enactment of what, Mr. Speaker? Tax reductions in 2003. The tax relief measures of 2003 have resulted in, I believe, we believe, a remarkably robust economy.

And so as we move through these facts tonight, as we move through these measures, it is important to appreciate, well, how did that all come about? Why did that happen? It didn't just happen willy nilly. And so what we have seen over the last 3½ years is a remarkably robust growth in the gross domestic product; 3.6 percent, as I mentioned, over that period of time. Mr. Speaker, that is faster than the averages of the 1970, which was 3.4 percent, the 1980s, which was 3.1 percent, and I know this will come as a shock to some folks, Mr. Speaker, but those glory days of the 1990s, when we all thought that the economy was booming as rapidly as it could and as good as it could; in fact, that growth during the 1990s was 3.3 percent, again, compared to 3.6 percent since the tax reductions, appropriate tax reductions in 2003.

What we have on this chart, Mr. Speaker, is the unemployment rate, and it is another kind of gauge of how the economy is doing. How many jobs is our economy creating? And that is the good news, Mr. Speaker, that since June of 2003, 7.4 million new jobs; 7.4 million new jobs, Mr. Speaker, which is a remarkable number, an average of 169,000 new jobs each and every month.

Now, you would say, well, that had just been going on just like that before the reductions in the tax rates in 2003. But this poster, Mr. Speaker, speaks to that. What this poster shows is the level of unemployment, the percent level of unemployment in our Nation and plots it over a period of time.

Here on the far left portion of the graph, we have 2001, and on the far right portion, we have 2007. So over the past 7 years, 6 to 7 years, what we see is this red line that demonstrates the level of unemployment. And we see it climbing from a rate of mid 4 percent until 2003, at this point where it reached its apex, its highest amount of about 6.3 percent. And at that point, something happened.

Something happened, Mr. Speaker. And what happened was that this administration recognized and this Congress recognized that the economy needed stimulating, needed some encouragement, needed some investment. And our good friends on the other side of the aisle oftentimes say, well, when the economy needs more money what we need to do is to get more taxes from the American people. We need to take more money from them so that government has the amount of money that it needs to be able to do whatever they would like to do with revenue that comes into the Federal Government.

But what we understand, and what fiscal conservatives understand and what true historians understand is that, when you cut taxes, when you decrease taxes on the American people, revenue goes up, the economy booms, and jobs are created. And that is what happened in 2003, Mr. Speaker. And you see, since then, a steady decline in the unemployment rate. Why? Because the American people had more money in their back pocket, because American people know best how to spend their money, not government. It is not the government's money. It is the American people's money. And when they have that money and can make those decisions, those personal financial decisions, then our Nation is helped in ways that are incalculable. Incalculable. And what happens is that the economy grows, the economy booms, and more jobs are created.

What about household net worth? We have heard, well, it is not getting down to real people. It is not getting down to those who own homes. In fact, Mr. Speaker, there are more individuals, more people, more percent and more numbers of Americans owning homes now than ever before in the history of our Nation. Mr. Speaker, that is a good thing. That is a good thing.

I know there is a lot of doom and gloom out there, and a lot of people in this town don't want the American people to know that there are some good things that are happening in our Nation. I, frankly, get tired of all the naysayers. I know that people in my district do as well, because they know what is happening on the ground and what is happening out there across America is that more Americans own their home now than ever before in the history of our Nation.

And that is not just absolute numbers. That is a percent. Nearly 70 percent of the American people own their home. That is a record. That is a record, Mr. Speaker.

And when you look at household net worth, household net worth, the value of homes for the American people has reached an all-time historic high, and in the last year, it increased by 7 percent. We see the unemployment rate down to 4.6 percent in January of this year.

We talked about some averages for economic growth over the last couple of decades, comparing now, where we are right now, to where we have been over the last couple of decades.

What about unemployment? Well, the unemployment rate that we have right now, at 4.6 percent, is lower than the average for the 1960s, 1970s, 1980s, and yes, Mr. Speaker, the 1990s, too. Isn't that something? That is wonderful news. That is great news. And I would suggest to my colleagues in the House that it would be important to relay that news to your constituents. That is a good thing.

The average rate in the 1960s of unemployment was 4.8 percent. Right now, 4.6 percent. The average for the 1970s, difficult time, 6.2 percent. Right now, Mr. Speaker, 4.6 percent. The average through the 1970s, 7.3. Right now, Mr. Speaker, 4.6 percent. And you remember the 1990s? Again, that wonderful time, those halcyon days of the 1990s, when our economy was booming and everybody was doing just grand?

Well, Mr. Speaker, the average unemployment rate in the 1990s was 5.8 percent. Today, 4.6 percent. Mr. Speaker, that is a fact.

And remember, Mr. Speaker, people are entitled, as Senator Moynihan used to say, they are entitled to their opinion, but they are not entitled to their own facts.

And then we hear, well, there are jobs, yes, but they are not good jobs. They are not real jobs. They aren't jobs that have seen any real economic growth. Well, let's look at some facts there, too, Mr. Speaker.

Productivity growth, which is a fundamental driver of the potential long-term economic growth, what kind of productivity, what kind of output our economy is producing, grew at a rate of 2.1 percent in 2006. The average growth between 1993 and 2000, remember those halcyon days, Mr. Speaker, the average growth during that period of time in productivity was 1.8 percent.

□ 1915

The average growth now, productivity growth: 2.1 percent.

So, Mr. Speaker, these are good days from an economic standpoint.

And then wage growth, we hear from some of our friends on the other side of the aisle, well, they just aren't good jobs. Real wage growth isn't happening. But wage growth plus benefits growth, total compensation, which had lagged behind productivity growth earlier in this recovery, surged in the last year, in 2006. It was up 6.3 percent, 6.3 percent on an analyzed rate in the fourth quarter of 2006.

Mr. Speaker, that is good news. That is good news. I would once again urge my friends on the other side of the aisle to convey that good news to their constituents. And then I would urge them to ask why is that happening, why have we seen this kind of good news.

Well, Mr. Speaker, it is because of the appropriate tax reductions that this Congress, this administration passed on to the American people in 2003.

We have many folks who will say, well, when you cut taxes, what happens is that the government doesn't have enough money to be able to do what it needs to do. And that sounds plausible, I guess. But when you look at what really happens, when you look at what happens historically and you look at what has happened with this tax reduction in 2003, what we have seen is a significant increase in revenue coming into the Federal Government. And it ought not be a surprise, Mr. Speaker, because in the two major tax reductions that have occurred in this Nation over the last 45 years, the tax reductions of President Reagan's administration and, yes, Mr. Speaker, the tax reductions of President Kennedy's administration, both of those tax reductions saw a significant increase in the amount of revenue that comes into the Federal Government. And why is that? It seems kind of counterintuitive. Why is that?

Well, again, when you allow the American people to make decisions about their own money and not have the government making decisions about that money, they decide for themselves when to save or to spend or invest that money, and what that does is stimulate the economy in ways that the government never, never can stimulate.

And consequently what you see, Mr. Speaker, is this kind of graph: here we have the capital gains tax revenues. These are revenues from taxes on the gains that are seen across all types of investments. And what we have is the amount of money from that capital gains that came into the Federal Government in the years 2003, 2004, 2005, and 2006 on the same track as heading for 2007. And the yellow line on the bottom here, Mr. Speaker, is the projection that the CBO, the Congressional Budget Office, made prior to the tax reductions, appropriate tax reductions. So we see a gradual, steady increase in the amount of money coming into the Federal Government based upon capital gains tax revenue. The same graph would hold for dividend taxation revenue.

And what we see actually happened when the tax reductions were instituted is the blue line, and it tracked a little bit above it for the first year. But what we always see, when you keep tax reductions in place, is more economic development, more job growth, more gross domestic product growth, more revitalization of the economy; and so what happens is that annual revenues coming into the Federal Government actually increase, and they increase by a huge amount. Increase by a huge amount.

The tax relief has resulted in significant economic growth that has resulted in significantly higher tax revenue. After the declines from 2000 to 2003, revenue surged in 2004, 2005, and 2006. In 2005 the revenues grew by 14.6 percent. In 2006 they were up by 11.8 percent.

This next statement, Mr. Speaker, is important because it speaks to the permanence and the penetration of the result of these tax reductions and how they affect the economy and how they affect our Nation. Those two revenue increases, 14.6 percent in 2005 and 11.8 percent in 2006, that was the first time since the mid-1980s, and you will recall that that was the last time we had significant tax reductions, the first time since the mid-1980s that our Nation has generated double-digit revenue growth in consecutive years. Remarkable, Mr. Speaker. It really is.

And I would think that any individual charged with representing this Nation and charged with having some input into how to keep this economy moving and how to generate more growth in this economy would want to know why, why did that happen? What happened in 2003 to turn that around?

And it is still continuing. Revenues continue to surge in fiscal year 2007. Through the first 4 months of the year, revenues are up by 9.8 percent, with 12.6 percent for individual receipts and 22.1 percent for corporate receipts.

Mr. Speaker, these are incredible numbers, truly incredible numbers. So one would think that Members of the House of Representatives, Members of the Senate, who are charged with formulating national policy that by any estimation anybody would look at these numbers and say, yes, that kind of looks pretty good, maybe we ought to continue that. And if you are charged with developing policy, Federal policy, national policy that results in these kinds of good numbers, you would think that they would want to know why, how did that happen.

How did that happen? Well, there are some other charts that I would like to share with you that will demonstrate how that happened and the effect of it.

I think it is always helpful, Mr. Speaker, to compare what happened before the tax reductions and what has happened since because unless you can point to a date on the calendar when something concrete changed and identify the occurrences in this Nation from an economic standpoint before that date and after that date, it becomes difficult to answer that question why, why did these seemingly good things happen?

So this poster here demonstrates business investment before and after the tax relief of 2003. And this is remarkably telling. As you see, the middle line here is the percent of business investment, either increased investment or decreased investment. And you could say, Mr. Speaker, that through 2001 and 2002 and the first quarter of 2003, virtually all of those quarters had decreased business growth or investment. In fact, the average was a decrease of 5.6 percent. And that is a decrease from year to year to year. So, in fact, the cumulative amount of decreased investment is huge.

And then something happened here. Mr. Speaker, on this vertical line, something happened. And it answers the question why, why did we see these remarkable improvements? And it was the appropriate tax reductions of 2003. And these are undeniable numbers. This is the business investment after the tax reductions of 2003, and they have averaged since that time 7.29 percent every quarter. So you see it over and over and over and over again. In fact, we have had 15 straight quarters of economic business investment increase. And that is not because the business of America says it is not a good idea to invest, it is not a good idea to grow. That is because they say it is a great idea. And the policies that have been put in place at the Federal Government level will result in their opportunity to succeed, their opportunity for their employees to succeed, the opportunity for employees to then take that success from the company and from the employee and go buy homes and go buy cars and go buy all sorts of items that are needed by each and every American. And what happens then is that it just becomes a wonderfully self-perpetuating cycle.

But, Mr. Speaker, the reason that it is important to look at this and the reason that I am talking about this tonight and that we on our side of the aisle are trying to bring truth and light to this issue is because there is a plan on the other side of the aisle to do away with the tax reductions that have resulted in all this wonderful, wonderful economic news. And that is just baffling to me when I think about again the challenge, the charge that each of us in this House has, which is to, I believe, develop policies that will work to the benefit of the vast majority and as many Americans as possible.

And these types of numbers here, these facts, Mr. Speaker, not opinions, but facts, demonstrate that that is exactly and precisely what the tax reductions have done from 2003. And they have done so by decreasing also the budget deficit. And, again, if the economy is booming to a greater degree, if it is more successful, more people working, more people investing, more people participating in the American Dream, that is a good thing. And what happens is that more revenue comes into the Federal Government, and what happens, Mr. Speaker, to the budget deficit? It decreases. It goes down. In fact, if we allow the tax reductions to remain in place, which is what we absolutely ought to do, and some of our friends on the other side of the aisle, some of our friends in the majority party have already said they don't believe any of those tax reductions ought to remain in place, that every American ought to have a tax increase, but if we allow them to stay in place, what this chart demonstrates, Mr. Speaker, is that the budget will balance of its own accord because of the policies already in place within a 4-year period of time. Within a 4-year period of time.

Now, our friends on the other side of the aisle, they will come up to the well of the House and they will say, sure we have got to balance the budget, but we have got to raise taxes to do it.

Mr. Speaker, it just isn't so. It just isn't so. So I would encourage all Members of the House to look at these numbers, to appreciate the trend that has occurred, the facts of the economic numbers that we have available to us in this Nation, and to appreciate that there is a reason, there is a reason that more people are working now. There is a reason that more people are owning their own home. There is a reason that more individuals are able to invest in this economy. There is a reason that there is more money coming into the Federal Government. And that reason is we are allowing more Americans to keep more of their hard-earned money.

Oftentimes I hear in committee meetings many Members of Congress who will talk about the government's money as if it is the government's, as if it is ours in Congress, that we have ownership of this money and that we ought to be able to just spend it as we please without absolute priorities.

We heard our good friends earlier this evening talk about PAYGO, pay-as-you-go, making certain that new programs that come before the Congress, that any costs for those new programs will be offset by decreasing the expenditures for another program. But what they don't tell you, Mr. Speaker, is that in that small print of the rules that they have passed, it doesn't apply to the vast majority of the budget. It doesn't apply. And, in fact, what the Rules Committee upstairs does over and over and over again is to say we are going to bring this bill to the floor and we are going to adopt this program and we will adopt it and not require it to comply with the PAYGO rules that this House has supposedly adopted.

That is what happened in the very first 100 hours, Mr. Speaker, the vaunted 100 hours, that period of time when the new majority was taking this Nation in what they called a "new direction." Well, they were. And the direction they were taking them was into the red, further into the red, by spending more money without any offsets.

Mr. Speaker, I don't think that is what the American people voted for in November of 2006. I just don't believe that. And when I go home, that is what people tell me at home. They don't believe that the Federal Government ought to be spending more money. They think that we ought to be decreasing the expenditures, not increasing them.

So the challenge from an economic standpoint is truly the size of the Federal budget and the lack of ability of this Congress, this new majority Congress, to prioritize where it wants to spend the hard-earned taxpayer money.

□ 1930

Again, Mr. Speaker, it is not the government's money. It is not the government's money. It is the American people's money, and they work hard, hard, for that money, and we ought to be very diligent about how we address spending their hardearned money.

I believe that we ought to allow them to keep a whole lot more of their hardearned money. I believe, if you look objectively at the facts of our economy right now, we are moving along pretty well. But there is caution on the horizon.

We are moving down a highway, and we are ticking along pretty well, our speed is pretty much at the speed limit, but the signs are flashing. They are flashing, and they are saying, caution ahead, caution ahead, because, in our Federal budget, there is automatic spending that is occurring, and it is occurring primarily in three programs: Social Security, Medicare and Medicaid, three wonderfully successful programs providing great comfort and assurance to the individuals who receive the benefits from those programs.

Each of those programs have been promises made to the American people, and those programs ought to continue for the individuals who are eligible for those programs currently in the manner in which they were instituted. But if we continue them in that manner for every American who reaches that wonderful age of 62 or 65 and becomes eligible for them, then this is what happens, Mr. Speaker.

This chart demonstrates the entitlement programs, and I don't like that word "entitlement," I like the word "automatic," because it is automatic spending. It just keeps on going. These programs have a formula built into them that generates increased money going into those programs year after year after year because there are more individuals who become eligible for them, because of the demographics of our society. But we are an aging society. There are more individuals who are becoming eligible for these programs, and consequently, it takes more money.

This poster demonstrates the percentage of the Federal budget that is generated in tax revenue, and this line here is the revenue of the Federal budget. So we average somewhere a little below 20 percent of the gross domestic product coming in as tax revenue. If we continue that right along, that is, if we don't raise taxes on the American people, which is what we are committed to doing, that is, not raising taxes, this is about the level of revenue that we will have as a nation.

Down below are the fiscal years starting with 2007, this year, and moving forward all the way to 2050. People say well, that is a long way away, and they are absolutely right. But if no changes are made in these three programs, Medicare being the blue, Medicaid being the yellow and Social Security being the green, this chart demonstrates that those three programs, those three automatic spending programs, will consume the entire Federal budget, the entire Federal budget by the year 2045 or 2046.

That seems like a long way away, Mr. Speaker, but do you know what? That is under 40 years from now. Under 40 years ago was the late sixties, and I remember the late sixties very well. Many of us will remember when the United States landed on the moon. That is about 40 years ago, 38 years ago. Many individuals, most individuals who were alive at the time will certainly remember when President Kennedy was assassinated. On the one hand, it seems a long time ago. On the other hand, it doesn't seem like very long at all. It doesn't seem like very long at all. So this is not a long way away.

What this is screaming at us, what this is shouting at us, what this is saying to us as we travel down that road and those caution lights are flashing, is that we as a United States Congress, in order to be wise and prudent and spend taxpayer money appropriately, these programs need to be reformed. We need to keep the solemn promise that we have with the American people who are in these programs currently, and we need to make certain that we move forward aggressively and actively with programs that will make it so these are financially sound programs.

Now, there are a couple ways you can go. There are a couple directions you can head when you reform programs like this. The real question that becomes asked when you reform these kinds of programs is this question, Mr. Speaker. It is the question that is really being shouted right now in Washington. That is the question, who decides? Who decides?

We all come to Washington as Members of Congress with different experiences, as I mentioned. We come to Washington with different political stripes. We come to Washington with different political philosophies. We come to Washington with various degrees of understanding or appreciation for our Nation's history and how we became great.

Right now, we are at a crossroads, Mr. Speaker. We are at a crossroads for our financial programs. We are at a crossroads for so many of our social programs. We are at a crossroads for, I believe, our Nation when it relates to freedom and liberty. And the question being asked is, who decides?

Are we going to, with our tax policy, allow the Federal Government to make more and more decisions as it relates to how to spend the hard earned taxpayers' money? Are we going to allow the Federal Government to be the ones that prioritize how the American pocketbook ought to be spent? Are we going to allow the Federal Government to increase its involvement in American lives?

Our friends in the majority party talk about new direction. Mr. Speaker, that is the new direction that I see. When they talk about it, bill after bill and policy after policy, if you look at each and every one, whatever the policy is, the question that they are answering is, who decides?

Their answer to that question, more often than not, Mr. Speaker, is that the Federal Government ought to be deciding, not the States, not the local communities and not the American people.

Mr. Speaker, I happen to believe firmly in the rectitude of decisions made by the American people. I believe strongly that decisions are best when left to the American people, about almost anything. I believe that the American people know best how to spend their hardearned money.

That is why I believe that it is incumbent upon all of us to ask those questions, why is the economy doing as well as it is right now, appreciating the truth in the facts that have been presented this evening that demonstrate that the reason that the economy is doing so well right now is because Americans have more of their hardearned money in their back pocket so that they can decide when they spend or they save or invest their money. What that results in is the ability and the opportunity for them to make those personal decisions; not the Federal Government.

So, Mr. Speaker, when you see people coming down to the floor of the House and they are asking questions about or asking their colleagues to support this program or that program or this policy or that policy, I would ask you to think about this question: Well, who is deciding? Who are they asking to make decisions in this bill? And more often than not, Mr. Speaker, I think you will appreciate that this new majority, the Democrat majority that is currently controlling this House of Representatives, is answering that question with the Federal Government. The Federal Government is deciding.

I mentioned earlier, Mr. Speaker, that I am a physician. In my previous life, I was a doctor. I practiced medicine outside of Atlanta for nearly 25 years. I have great concerns about the direction of health care in our Nation.

We are at one of those crossroads, and this is the question that this Congress will have to answer as it relates to health care: Who decides? Who is going to be allowed to make personal health care decisions? Is it going to be patients and doctors, is it going to be families and their children, along with the guidance of a medical professional, or is it going to be the Federal Government? Is it going to be individuals in buildings around this Capitol and around this Nation who may or may not have any medical training or any medical experience at all that will be making decisions, personal health care decisions, for people?

I don't think that is the direction in which we ought to go, Mr. Speaker, and I don't think that is what the American people believe we ought to do as it relates to health care, and I certainly don't believe that that is the new direction that the American people thought they were going to get when they went to the polls last November.

You say, well, what kind of program could that be? Well, Mr. Speaker, there are a number of proposals that have been put forward by members of the majority party, and not just freshman members, not just members who don't have any input, real input, into the nuts and bolts of health care policy that is coming forward. In fact, what we have are the chairs of the committees of jurisdiction, the chair of the House Ways and Means Committee that has jurisdiction over health care and the chair of the Energy and Commerce Committee that has jurisdiction over health care in this Nation.

Those individuals, certainly the latter, has said that what he believes we ought to move toward in terms of health care in this Nation is what he describes as Medicare for all. Medicare for all.

Mr. Speaker, I am here to tell you that all patients have to do around this Nation, all citizens have to do around this Nation, is the next time they talk to their doctor, ask their doctor, do you believe that our health care system would be better if it were to look like Medicare? Do you believe that my personal insurance would be better if it were like Medicare? Do you believe that allowing the Federal Government to make health care decisions like they do in Medicare for our entire Nation is the right way to go?

I don't believe that is the case, Mr. Speaker. I don't believe that is what the American people want, and I know, I know that when patients ask their doctors around this Nation, that is not what they will want.

Why? Why wouldn't we want Medicare for all? Let me give you an example or two, Mr. Speaker.

We had a huge debate a couple of years ago in this Nation about whether or not Medicare ought to cover prescription medication for Medicare recipients. That debate went on for a few years. It was a proposal by this administration, passed by this Congress in 2003, and we have seen that program instituted over the past 14 months, 15 months, and it is a relatively successful program.

But I don't want to talk about the merits of the program, because that is a different debate. I want to talk, Mr. Speaker, about a program that takes 40 years to decide that it needs to cover prescription medication for seniors in this Nation. That is Medicare. It is a government program that cannot, it is impossible for it to be responsive to people. It is impossible for it to incorporate the kind of new inventions and wonderful treatment options that are available to the American people in a private system. It is impossible for them to be able to incorporate those treatment changes to benefit patients.

Why is it impossible? Because it is a massive government bureaucracy, and a massive government bureaucracy cannot be by its very definition nimble and flexible and responsive to the American people. And that is the answer to this question, who decides? Who decides?

This new majority thinks that the Federal Government ought to be deciding personal health care decisions for people. I, and most of my colleagues on our side of the aisle, simply believe that ought not be the case; that patients and doctors, that families and children in consultation with their doctor, that those people ought to be the ones that are making those personal health care decisions.

So I urge my colleagues to ask as we go through the next number of months, as we go through the kind of policy suggestions and bills that will come to the floor, to ask this question. I know what my answer is. Who ought to decide in terms of the policies that we brought forward? I know what my answer is. I believe that the American people ought to be the ones deciding.

□ 1945

I believe that the American people ought to be the ones that have an opportunity to say, I think that my hard-earned money ought to be spent in this way. I ought to be allowed to decide when to spend or save or invest my money, not the Federal Government, not the Federal Government. As well intentioned as they are, and individuals who work in the Federal Government by and large are extremely well intentioned, they are encumbered by the very apparatus that is in place because of the size and massive nature of our Federal Government. It is impossible for them to be responsive to the American people. It is impossible for them to be as nimble as they ought to be, to be as flexible as they ought to be.

Health care is one example where science is exploding, and all sorts of wonderful opportunities are available for the treatment of disease. But should we in this House of Representatives be the ones deciding what kind of health care treatment ought to be given in a very particular instance? I would say no. Those decisions ought to be the decisions of people, individuals with their doctor and their family.

So I urge my colleagues as we look at the issues that come before us over the next number of months to ask this question: Who decides? Who ought to decide? I think if they answer honestly, they will come down on the side that I have come down on, and that is on the side of the American people.

I would encourage my colleagues when they go home this weekend when they talk to their constituents to ask their constituents, who do you think ought to decide how to spend your money? Should you, should the American people decide that, or should the Federal Government? Should the American people be able to decide what kind of health care treatment they ought to receive, or should the Federal Government? Should the American people be able to decide what kind of education system they want for their children, where they want their child educated, what kind of curriculum they want for their children in their community, or should that decision be made by the Federal Government?

Huge questions, Mr. Speaker. We are at a crossroads. We are at a crossroads in this Nation on so many areas. Our time right now is to govern responsibly. It is our time to make certain that we listen to our constituents. It is our time to do our due diligence to make certain that we appreciate how we became this wonderful and glorious and grand and great Nation. It is our responsibility in the United States Congress to listen to the truth, to appreciate how we got to where we are right now and to incorporate the structure that allowed us to become this great and wonderful and glorious Nation, to be the Nation that truly is the beacon to all who love freedom and love liberty around this world. How did we become that Nation, and to incorporate the reasons, the rationale and the policies that brought us to that point into the policies that we promote to move our Nation forward.

I am confident that if we do that, we will answer the question of who decides, with the American people being first and foremost. I am confident if we do that as a Congress, we will make the right conclusions. I am confident if we do that as Congress, we will make the right diagnosis for this Nation, and we will develop the right treatment plan as we go forward.

I want to thank once again the leadership for allowing me the opportunity to come and speak to the House this evening and bring some truth and light to some issues that are oftentimes very complex, but oftentimes very simple because we ask simple questions. We ask simple questions: Who should decide? Should it be the American people or the Federal Government? Mr. Speaker, I vote for the American people.

PEAK OIL

The SPEAKER pro tempore (Mr. ARCURI). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I believe this is the 24th time since the 14th day of last March that I have come to this floor to talk about a subject which is growing in importance. That subject is energy.

I had the privilege of leading a codel to China. We left just after Christmas and we spent New Year's in Shanghai. There were nine of us who went there, and the primary purpose of that congressional delegation was to talk to the Chinese primarily about energy.

I was both surprised, shocked, and really pleasantly surprised that they began their conversation about energy by talking about post oil. This just wasn't the energy people in China, it was high officials in other parts of the government. Everywhere we went and spoke with them, they talked about post-oil, a recognition that oil cannot be forever, and they talked about a five-point program.

The first point of this program was conservation, a recognition that the world has no surplus energy to invest in developing alternatives. If there was any surplus energy, we wouldn't be paying $60 a barrel for oil.

Conservation not only frees up oil, but it buys some time because if we in fact are producing oil at the rate at which it is consumed and we cannot easily increase that production, then we have not only run out of surplus energy, we have also run out of time. So an aggressive conservation program will buy some time and free up some energy that we can invest in alternatives.

So the first part of their five-point plan was conservation. The second and third points was diversify, get energy from as many other nonfossil fuel sources as you can, and get as much of it as you can from your own country. From a national security perspective, that makes good sense.

The fourth point in their five-point program, and again, it wasn't just the energy people in China talking about this, it was leaders in government in several other parts of the government, the fourth part of their five-point plan was be kind to the environment. You think, gee, that is strange they would say that since they are the world's biggest polluter. They are the world's biggest country. Their economy grew at 11.4 percent for the last quarter. And they know they are a big polluter. They are apologetic. They have 1.3 billion people, and they don't know how to use energy wisely, and they are asking for cooperation so they might use their energy as efficiently as we use ours.

The fifth point was that we need international cooperation because this planet is a little spaceship, not all that big. It once seemed absolutely enormous when we sailed the ocean in sailing ships, but now with airplanes it seems much smaller. We are here together, so we have a global responsibility.

I thought of this attitude on the part of the Chinese when I read an article that appeared in the New York Times on page 1 on March 5. It says, "Oil innovations pump new life into old fields."

Bakersfield, California. That is out in the desert. I used to teach medical school out there and drove through Bakersfield coming east. This states the Kern River oil field, discovered in 1899, revived when Chevron engineers here started injecting high-pressure steam to pump out more oil. The field, whose production had slumped to 10,000 barrels a day in the 1960s now has a daily output of 85,000 barrels. In Indonesia, Chevron has applied the same technology to the giant Duri oil field discovered in 1941, increasing production there to more than 200,000 barrels a day, up from 65,000 barrels a day in the mid-1980s. And in Texas, ExxonMobil, the world's largest oil company, expects to double the amount of oil it extracts in its Means field which dates back to the 1930s. Exxon, like Chevron, will use three-dimensional imaging of the underground field and the injection of gas, in this case carbon dioxide, to flush out the oil.

I might pause to interject here that this is a very appropriate use of carbon dioxide. It is a greenhouse gas. Its concentration in the atmosphere has about doubled in the last couple hundred years, and most of the world's scientists who study weather believe that the Earth's temperature is increasing and that the greenhouse gases, chief among them carbon dioxide, are responsible. So sequestering the carbon dioxide and pumping it down into these wells to force the oil out is a doubly good thing. It keeps it from going into the atmosphere, and it gets some additional oil.

This article continues, within the last decade, technology advances have made it possible to unlock more oil from old fields, and at the same time higher oil prices have made it economical for companies to go after reserves that are harder to reach. With plenty of oil still left in familiar locations, forecasts that the world's reserves are drying out have given way to predictions that more oil will be found than ever before.

Well, I have a chart here which looks at the oil discoveries back through the last number of years, last 70 years, and we see here in the bar graph the discoveries of oil and we see there were some big discoveries in the 1940s and 1950s and 1970s and down in the 1980s. And ever since that time, it has been down, down, down. That is in spite of ever-better technology for discovering oil.

They mention the 3–D seismic computer modeling they are using. We now have a pretty good idea of the Earth's geology, and so we know where we might find gas and oil. Some very unique geological conditions are necessary in order to have gas and oil. We don't really know how the oil and gas got there, but there are some reasonable conjectures, and if you understand these conjectures and if they are correct, it gives you some clue as to how much more gas and oil we are likely to find.

The most popular theory goes that a long time ago when the Earth was more uniformly warm than today, there did not appear to be the torrid equator or the frigid poles, and because there were subtropical seas at the North Slope and in ANWR and in Prudhoe Bay, and those subtropical seas had a seasonal growth and then death of algae-like organisms and maybe some small, animal organisms with them like the algae that grows on your pond today. I don't know that they had winters, but they had seasonal growth, and each season it would mature and die and then sink to the bottom, and Earth runoff would mix in and overlay it, and then the next year another layer of the organic material was deposited. This continued until there was big buildup, a lot like at the bottom of a lake.

Then the theory says that the tectonic plates of the Earth moved and surface seas with all of the organic material mixed with the inorganic, rock and sand, were now submerged down under considerable pressure and near enough to the molten core of the Earth there was just the right combination of pressure and temperature. And with time, this organic material was converted into what we know as gas and oil.

Now the products were some very short-chain products such as gases, methane, the shortest of the chains; and then very long chain ones which end up as Vasoline or waxes or something like that. If there was not a rock dome over this, kind of an umbrella of rock, then the gases would have escaped through the years and what would be left was some tarry stuff that you couldn't pump because you would have to heat it up. That is known as heavy oil where it exists today. You have to heat it up or mix it with volatiles to get it moving.

This dome keeps the gas from escaping. This was the explanation why for many oil wells when you finally pump down into the oil, it is not a pocket of oil that you are sucking out like a soda through a straw. It is all mixed with sand and rock, fractured rock and so forth, but it will flow. For wells that were gushers, this gas pressure that accumulated under the rock dome was now pushing down on this oil, and it pushed it up the well pipe. So we had these gushers.

☐ 2000

Well, this may not have been the way that oil and gas was produced, but it certainly sounds logical because that is where we find it, where we have these rock domes and so forth. What that means is, of course, that with these current techniques that we have of mapping the world, we can find those areas which have rock domes, which were likely to and with the location relative to the edges of the tectonic place, we can now identify where it is probable that you might find gas and oil production. And with ever-increased capabilities, computer modeling and 3-D seismic, we have found less and less oil through the years.

Now, this chart has another curve on it, and that is the consumption curve. Interesting curve. You will notice for a long time we were finding enormously more oil than we were using, because we were using this much, but we had found that much. But from about 1980 on, increasingly we have found less and less oil and used more and more oil.

I would like you to note the interesting change in the curve here in the 1970s. There was a stunning statistic up until the seventies, the Carter years, with this rate of increase and use. Every decade the world was using as much oil as it had used in all of previous history. Now that is a stunning statistic. What that means is that when you have used half the world's oil, there would then be 10 years left at current use rates. Well, we had a big shock in the 1970s at the Arab oil embargo, and we learned how to be much more efficient. For, what, 10 years or so here, there was essentially no increase in oil, and now it is slowly going up again as the world's economies grow. In China, bicycles are banned on some of their streets. I was late getting to one of the appointments there because of traffic jams in Beijing. I was, a couple of years ago, in Moscow, and traffic jams in Moscow. I was there in 1973, and the streets were essentially deserted. The only cars I saw there were a few government cars. So all over the world there is a surge in interest in automobiles, and they are now being bought by the Indians. And not very long, the Indian middle class will be as big as our whole population. Information technology, which they excel, is increasing this middle class.

Now, this chart looks at what the future may hold. This article that I just read, "Oil Innovations Pump New Life Into Old Wells" says that we are going to have more oil than we have ever found. Now, we are not really finding new oil, most of this is oil that is in some of these fields, and these bars will go up higher here because now, with enhanced recovery, we are able to get more oil out. And they are making the projection that we are going to find as much more oil as we have remaining. And one projection is, and I will come to that in a few moments, that we are going to find as much more oil as we have ever found.

The next chart shows an interesting picture. This is the same consumption curve that you saw there with the same perturbations between the seventies and the eighties as a result of the Arab oil embargo.

Now, this chart, which is from our Energy Information Agency, is assuming something that I think is not rational to assume, and that is that we are going to find as much more oil as all of the reserves which we now know to exist.

A couple of congresses ago, I chaired the Energy Subcommittee on Science, and one of the first things I wanted to do was to determine the dimensions of the problem, and so we had oil experts from all over the world come in. How much oil did we find? How much of what we found is still there? And there was surprising unanimity from just under 2,000 giga barrels to just over 2,000 giga barrels. That is their figure here of 2.248,000 billion barrels.

Now, we use giga barrels. They said billion barrels here, that is because it is for an American audience. But if you were in England, a billion is a million million, in this country it is a thousand million. So you may confuse the audience when you are talking about billions. If you use giga, apparently gigs is a billion the world around. But what I want to point out in this chart is that even if they are correct, that the main amount, expected amount of oil that we will find, is 3,000 giga barrels, that moves the peak out from the present to only 2016. So even if they are right, and I think the probability that they are right is small, and I will give you several evidences of that as we go along, but even if they are right, even if we find as much more oil as all the reserves that we now know to exist out there, that will move the peak out only from about now, when most of those who work in this area believe that peaking has occurred or will shortly occur. If we find there is much more as that which remains, and by the way, of this 2,248,000 giga barrels, we have used about half of that, and about half of it remains. Now, with this enhanced oil recovery that this article is talking about from the New York Times, we will get a bit more of that. How much more remains to be seen. But if we find this extra roughly thousand giga barrels, that will only move the peak out to 2016. Now, one of the authorities in this area believes that we will find another thousand giga barrels, and we will be up around 4,000 giga barrels total. If that is true, since this is an exponential curve, and this was only, what, 16 years? The next may be only 12 years. So that moves the peak out only to about 2028. And that assumes that we are going to find as much more oil as all the oil that has ever been found.

The next chart shows an interesting prediction, and the data that was collected following the prediction. This shows the discovery curves. What this does here is to kind of round out those big bars that you saw in the previous one. And here they have done a very interesting thing. They have taken the F–5, F–50 and F–95, which was fractional, and I don't have the chart to how they got there, but I can tell you how they got there. What they did is run a lot of simulations. And they had the number of simulations on the ordinate, and they had the amount of oil that the simulation indicated would be found on the abscissa. So, they put these numbers into their computer simulation, and they got numbers out, and they graft all those numbers. And then they found the mean of those numbers, and they found that 95 percent, which meant that 95 percent of the predictions indicate you would find more oil than that and so forth. And so they assumed that the most likely thing would be the mean. Now, it was a mean of their projections. But somehow that F got translated when it went from USGS to the Energy Information Agency, it got translated to P, which is the probability. Now, if this is really probability, this is a bizarre use of statistics.

So they show here three probabilities. They show the P–95 probability, the P–50 probability and the P–5 probability. Now, if these really are probabilities, there should be another green line coming down this way; because if you are only 50 percent certain, obviously that is a pretty broad funnel you create out there. If you are only 5 percent certain, it is really broad. It is like the path of the hurricane. For the next 24 hours, they know pretty well where it will be, so that is pretty narrow. But as you go out in time, 2, 3 and 4 days, why it gets wider and wider because you are less and less certain of where it is going. So there should have been another green line down here and another blue line down here because you have a broad uncertainty if you are only 5 percent certain.

But notice what the actual data points have been doing. They have been following, as you might suspect, the 95 percent probability, if in fact it is probability. Obviously 95 percent probable is a lot more probable than 50 percent probable.

In a wide-ranging study published in 2000, a U.S. Geological Survey estimated that ultimately recoverable sources of conventional oil total about 3.3 trillion barrels, that was this little mean number in the previous chart right here, of which a third has already been produced. What has been produced is a half of what we have discovered. They are predicting that we will discover for that mean, as they call it, as much more oil as all of the reserves that we now know to exist.

More recently, Cambridge Energy Research Associates, an energy consultant, estimates the total base of recoverable oil, and here they have 4.8 trillion. The little chart I showed you before had that at just under 4 trillion, you will remember. But notice from the peaking chart that even if that is true, that will push peaking out to only a bit before 2030. That is not all that far into the future.

Then they say there is a minority view held largely by a small band of retired petroleum geologists and some Members of Congress, that would be me, that oil production has peaked, but the theory they say has been fading. Well, they should have told that to T. Boone Pickens, because an Associated Press article, March 1 of this year, just a few days ago, this is from Doha, Qatar, he is over there talking about oil. And by the way, I didn't know until I read this article that he started his professional life as a petroleum geologist. We know him as a very wise investor on Wall Street. Legendary Texas oil man T. Boone Pickens sees today's stubbornly high price as evidence that daily global production capacity is at or very near its peak.

If demand for crude rises beyond the current global output of roughly 85 million barrels a day, Pickens told the Associated Press, prices will rise to compensate, and alternative sources of energy will begin to replace petroleum.

If I am right, T. Boone Pickens says, we are already at the peak. If that is true, the price will have to go up.

And then he makes this statement: "I think there are less reserves around the world than are being reported." Well, the two sources I mention are reporting greatly increased reserves. T. Boone Pickens says that he believes that they are over-reporting, said the 78-year-old former—by the way, young people can be very bright, but wisdom comes with age, and so T. Boone Pickens has 78 years of wisdom—who now heads the Dallas-based Hedge Fund BP Capital. There are no audited reserves in the Mid East. It makes me suspicious, he says. We really don't know how much oil is in the Mideast because they do not open their books for us to see.

Forbes publisher, Steve Forbes, challenged Pickens' assumptions during an exchange during the conference saying political, not technological or geological, road blocks stood in the way of increasing the world's oil production. Now, I know Steve Forbes, and I admire him very much, but I think that he gives far too much credit to the marketplace. Many people believe that the market is both omniscient, that is, all knowledgeable, and omnipotent, all powerful.

If we had unlimited resources, the market might do what Steve Forbes has confidence that it will do. With the right incentives in places, such as Mexico, more oil could be brought to market and prices could drop, Forbes said. Pickens responded by saying that Mexico is a declining producer of oil, as are most other countries, indeed. Thirty-five out of the top 43 oil-producing countries in the world have already reached peak.

□ 2015

Pickens responded by saying that Mexico is a declining producer of oil, as are most other countries, naming the United States, Norway, Britain and soon Russia. By the way, Russia did peak once already, and then they kind of fell apart with the dissolution of the Soviet Union. They are reaching a second peak, which I believe will be less than the first peak.

"The world has been looked at," Pickens told Forbes. "There is still oil to be found, but not in the quantities we have seen in the past. The big fields have been found and the smaller fields, well, there is just not enough of them to replenish the base. Global consumers, led by the United States, have already pumped 1.1 trillion barrels of oil, roughly half of the 2.2 trillion barrels that have been discovered," or what Pickens describes as nearly half of the world's estimate. He thinks we will find a little more, 2.5 trillion barrels of oil. Other experts put reserves at 3 trillion, Energy Information Agency; or 4 trillion barrels of oil, Cambridge Energy Research Associates.

"From now on," Pickens said, "rising demand will be met by higher prices, rather than ever larger crude oil production. Alternative energy sources will begin to take a share of the energy market until the world evolves from a hydrocarbon-based economy to something that is a mix of hydrocarbons and something else. Everything from nuclear, coal, wind, solar, hydrogen and biofuels stands a chance to assuage growing demand for energy."

I would just like to make a comment about hydrogen. All the others are truly energy sources. Nuclear, coal, wind, solar, biofuels are energy sources. Hydrogen is not an energy source. So why do we list it there? You can't mine hydrogen; you can't pump hydrogen. The only way you can get hydrogen is to make it from something else. Unless you are going to violate the second law of thermodynamics, it will always take more energy to make hydrogen than you will get out of hydrogen.

It is made today largely from natural gas. It can also be made by electromagnetizing water, splitting water into hydrogen and oxygen. Well, if you will always use more energy to make the hydrogen than you get out of the hydrogen, why would we be interested in hydrogen?

Well, for two reasons. One is that when you finally burn it, you get water. Water is the oxide of hydrogen. When you burn hydrogen, you get hydrogen oxide. We commonly call it water. That is pretty nonpolluting.

The second reason we are interested is that it is a great candidate for fuel cells if we ever get economically supportable fuel cells. We have been working on them for a long time, experts tell us, maybe 20 years. We will have economically supportable fuel cells, but that's the reason we talk about hydrogen.

A lot of people believe hydrogen is an energy source. Hydrogen, think of it as a battery, is something that carries energy from one place to another place. You can't put the falling water in your car and run it, nor can you put the electricity, unless you have a lot of batteries in your car to run the car, but you can take the electricity you get from the hydroelectric plant, split water, compress the hydrogen, put the hydrogen in your car. So you are really running your car on the energy from the waterfall.

But secondhand you produce hydrogen with it, and if you have a fuel cell in your car, now you will not only be running your car, polluting, just with water, which is pretty nonpolluting, but you will also get at least twice the efficiency out of that as you get out of the reciprocating engine.

The next chart is a very interesting one that shows us the sources to which one might turn to get energy other than the energy we get from fossil fuels. This chart reminds me very much of a young couple whose grandmother has died and left them a big inheritance, and they now have established a pretty lavish lifestyle. Eighty-five percent of all the money they spent came from their grandmother's inheritance and only 15 percent of the money they spend comes from what they earn.

They look at their grandmother's inheritance and how old they are, and, gee, this money is not going to last until we retire, so obviously we have got to do something, and that something is going to be either make more money or spend less money. That is pretty much exactly where we are relative to energy.

Eighty-five percent, some people will tell you 86 percent, but 85 percent of all the energy that we are expending today comes from natural gas, from petroleum, and from coal; and that leaves only 15 percent of the gas to come from other sources, of energy to come from other sources.

A bit more than half of that 15 is nuclear energy. That is 20 percent of our electricity, and in France, by the way, about 80 or 85 percent of their electricity comes from nuclear; and in our country, about 20 percent, but it is 8 percent of our total energy.

So when you look at the true renewables, only 7 percent now, it is a little different that this today, because this is a 2000 chart, and we have been really ramping up with solar cells, for instance, producing solar electricity. That market has been growing at about 30 percent a year. That is incredible growth.

But this started out as 1 percent of 7 percent, that is .07 percent. Suppose it is four times bigger today, that is .28 percent, less than a third of a percent, big deal. We have got a long way to go.

Thirty-eight percent of this renewable energy comes from wood, but that is not the person heating their house with wood so much as it is the timber industry and the paper industry wisely using what would otherwise be a waste product to produce energy. Waste to energy, 8 percent of this 7 percent.

There is a really state-of-the-art plant up here in Dickerson. They will be happy to have you come visit. It is really a showcase, and they are burning waste to produce electricity.

Now, one word of caution about waste: that huge stream of waste represents a big investment of fossil fuels, and don't count on having that big stream of waste in an energy-deficient world. We will live comfortably, we can live comfortably, but we will be producing far less waste in the future because all of that waste represents the use of fossil fuels.

If T. Boone Pickens is correct, and, by the way, he is not the only one, there are a number of experts out there who believe that we have peaked or are about to peak, there will be less and less of this waste. But at least for a moment it is a great use of this waste material, much better, I think, than putting it in a landfill. Recycle what you can; what you can't recycle, why, burn it to produce energy.

Wind. That is growing; it is really efficient. Our big wind machines today are producing electricity at about 2.5 cents a kilowatt hour. By the way, none of those big ones are made in our country. I hope we can change that, but Norway makes them, for instance.

These are huge machines with blades that turn very slowly. You have to be a really sick bird or bat that flew into those. These aren't the little ones they had first where the blades twirled around quickly and did kill some birds and bats. You may have seen them. They are really quite large, and, I think, quite handsome.

That could and should grow. It is really growing in California. It is a totally renewable resource. By the way, the wind is simply secondhand sun. The wind blows because the sun heats the Earth unequally and so it is differential temperatures on the surface that cause the winds to blow.

Then the big chunk of these renewables are conventional hydroelectric. Now, in our country we have pretty much tapped out on the conventional hydroelectric. We probably dammed every river that should have been dammed and maybe a few that shouldn't have been dammed. They are now building fish ladders, and we are blowing up some of those dams because we think that the environmental pressures are greater than the relatively small amount of electricity we get from some of those.

That probably can't grow much in our country, conventional, but microhydro produces far less environmental impact and some believe might be as big as conventional hydro. This is a little dam and small amounts of electricity, maybe only watts, but 100 watts, 24/7, that will produce a fair amount of light for your reading, for instance.

At this 2000 chart, alcohol fuel represented 1 percent of 7 percent, that is .07 percent. Today it represents more than that. We have a number of ethanol plants; it is growing very rapidly. There is a very interesting speech given by Hyman Rickover to an audience of physicians. The 50th anniversary of that will be in just a few days, few weeks, the 14th day of May. In that article he noted, that speech, really, we used to have a transcript of it, he noted that one day there would be competition between energy and food for our biological crops.

I thought of that when I spent some time on a couple of occasions recently with our dairymen; and what has happened is that with the relatively small amount of ethanol we have made from corn, the supply demand has been so changed that in September of last year corn was $2.11 a bushel, and in December it was $4.08 a bushel, nearly double. The price of tortillas in Mexico has gone up, which is hurting poor people there, and our dairymen are going bankrupt because of the high cost of feed. Now, this is a boon to the corn producer, but it is anything but that to the animal feeder, because with the relatively small amount of ethanol that we have made, we have doubled the price of corn.

Well, this pretty much is where we are going to have to find alternative energy sources, and it is quite obvious, if you stop and think about it. You may want to put this off into the future, but at some point we will reach peak oil. I think we are there or nearly there for conventional oil.

Then at some point in the future, oil and gas will be so hard to find, and so expensive, that other sources of energy will be more attractive. We will look back in the future at the age of oil, and what an incredible age it was.

If you do a Google search for Hyman Rickover and energy, you will pull up the transcript of this fascinating talk that he gave almost 50 years ago. He, in that talk, goes through a very interesting history of the development of civilization and the role that energy played in the development of that civilization.

All one has to do is kind of reverse the tape, as you may see, when somebody jumps into a swimming pool, and you reverse the tape and they jump back out of the swimming pool. So we can see the contributions energy made to the development of civilization, and you reverse that tape, you can get some idea as to what would happen to our civilization if we are not able to derive energy from other sources equivalent to that, which we are getting from fossil fuels.

The next chart is a very interesting one from CERA, Cambridge Energy Research Associates, and this has several projections of peaking on it.

Now, the title of this article is "Undulating Plateau Versus Peaking," and what they are contending in the article is that those who believe in peaking probably also believe in the tooth fairy, that they are about as probable. But in that article they have this graph which shows a peak. I agree with them that it will not be a smooth plateau, that it will be undulating.

I disagree that it will be that far in the future and it will be that broad. But let's look at this chart. They agree that if we find no additional large quantities of oil, that's the roughly 2 trillion barrels that will have been found, that's the current discovered oil in the previous charts, the peaking will be occurring fairly soon.

If we find another, roughly another trillion barrels by enhanced recovery and going under 7,000 feet of water and 30,000 feet of rock, as that last oil find in the Gulf of Mexico was, that we can get that much more conventional oil. So peaking will be pushed out to about this point.

☐ 2030

And then they are looking at unconventional oil. And just a word about some of that unconventional oil. There are incredibly large potential reserves of unconventional oil. For instance, the tar sands of Alberta, Canada, contain more potential oil than all the oil that has been discovered so far. The same thing is true of our oil shales out in Utah and Colorado.

So why aren't we resting easy then that there is no problem for the immediate future because there is this incredible reserve of oil? Now, they believe that we are going to tap a pretty large amount of that.

In Alberta, Canada, they are exploiting this field. They have a shovel which lifts 100 tons at a time. It dumps into a truck which hauls 400 tons, and they carry this 400 tons to a cooker. They have what is called stranded natural gas in Alberta, a lot of gas and not many people. And since gas is hard to transport, it is not worth much because there is not many people there to use it, so we call it stranded. So its value is low. And from a dollar and cents perspective, they are making a lot of money in Alberta. It is costing between $18 and $25 a barrel; that is bringing $60 a barrel. That is a very handsome profit, so they are aggressively exploiting this field. They are using natural gas to cook the oil. The natural gas will not last forever. They know that, so now they are looking at the possibility of building a nuclear power plant there.

I have asked: How long do you have to operate a nuclear power plant before you get back to the fossil fuel energy it took to build the nuclear power plant? I get wildly divergent estimates of how long that is, which makes the point that we really need for this dialogue, which we really need to have, we really need an honest broker to help us agree on the facts, because it is very difficult to have an enlightened discussion when you can't agree on the facts. That honest broker might very well be the National Academy of Sciences. They are very knowledgeable. They are highly respected, and I think that they would assume this responsibility and I hope that we can find the resources so that they can do that.

Now, the Canadians know that this is not sustainable. The gas will run out. And, in addition to that, this vein, if you think of it as a vein which has now pretty much surfaced, it will shortly duck under a heavy underlay so there will be a lot of material to remove above it, so much so that they could not economically continue to mine it and carry it to the cooker. So then they will have to develop it in situ, in place. They really don't know yet how they would do that.

Now, the real profit that you need to look at in any of these things is what is called energy-profit ratio, how much energy you put in and how much energy you get out. In the big oil fields, and we have no giant oil fields in our country. We have never had one. The Ghawar War Field, perhaps the grand daddy of all oil fields in Saudi Arabia, has been producing oil for a very long time, and for much of its life, it was producing $100 worth of oil for $1 worth of investment, energy-profit ratio of 100.

Our oil was never that good. It started out maybe 10 or 20, and now it is down to 1 or 2 energy-profit ratio, how much energy you have to put in compared to how much energy you get out. And so although there are very large potential reserves in these unconventional oil fields, the net that you get out will be very much less. Even if it is feasible to get it out, the net will be very much less than the amount of oil which is there.

Now, they are working very hard in Canada. It is a huge enterprise. They are producing about 1 million barrels a day. That is a lot. But that is less than 5 percent of what we use in this country, and just a bit more than 1 percent of the 85 million barrels a day that the world uses. So even though this is a tremendous effort and a lot of oil produced, it still is making a fairly small contribution to the total amount of oil in the world.

Now, I would ask the listener, Mr. Speaker, to draw their own conclusions: How much additional oil do you think we will get from current fields with enhanced oil recovery? Even if we get as much more as all of the present projected reserves, that will only push the peak by their own chart, which we saw a bit ago, out to 2016. And if we find double the amount of oil that we have ever found, it pushes it out only to about 2027 or 2028. That is not the distant future.

The next chart is really an interesting one, and I think graphically this kind of presents the dilemma that the world is in, and this is what the geography of world would look like if the size of a country was relative to the amount of oil reserves that it has. It is a really interesting map; isn't it? Saudi Arabia dwarfs everything else. And notice little Kuwait, a tiny corner of Iraq. You can see now why Saddam Hussein was interested in Kuwait, a tiny province down there at the southeastern corner of Iraq, just a fraction of the geography of Iraq, but nearly as big as Iraq. It dwarfs the United States. Here we are; we would fit five times into Kuwait. They have five times the reserves that we have.

Notice the two largest countries in the world, China and India; 1,300,000,000 people in China; 1 billion in India and growing. They don't have the birth control, the population control they have in China, and it won't be very long until India's population is equal to that of China. I mentioned a bit ago that it won't be too long before the middle class in India is the size of our total population, 300 million people. They all want cars. They all want heated and air conditioned homes. All of this takes energy.

So the traditional roughly 2 percent increase per year in energy demand is going to pick up with the development of countries like China and like India. Russia, which is now a huge exporter of oil, notice, they are only four times the size of the United States, a fraction of the size of Saudi Arabia, probably a bit smaller than Kuwait.

Notice where most of the world's oil is. There is some in this hemisphere, in Venezuela, but the rest of it is all northern Africa and the Middle East. Someone had noted that it is very strange that the world of Islam has most of the oil and the Christian world has most of the arable land. It seems to me there ought to be some opportunity for partnering. We can produce the food; they can produce the energy. But those kind of relationships in this confrontational world are hard to achieve.

The next chart is one that further develops this picture. And what this shows is the world, not as that would be proportioned by oil but as it is, and it shows what the symbols here, who is buying oil where. And these symbols for China, you notice one here, they almost bought Unocal in our country, and China is now buying up oil around the world very aggressively, not just buying oil, but in the process making friends. "Would you like a hospital? How about a soccer field?" And the Chinese are doing this all over the world. You can see their symbols where they are all over the world, and notice many of them in that oil rich crest of Africa and the Middle East.

Why are they doing this? The Chinese economy is growing at over 10 percent. The last quarter for which I saw data was 11.4 percent. They have to have observed that oil is fungible; that it really doesn't matter who owns the oil, which is why I didn't have any big problem with them buying Unocal. It doesn't really matter who owns the oil. The country, the company that gets the oil is the high bidder because oil moves in a global marketplace. Today, it was roughly $61 a barrel. So it doesn't make one bit of difference who owns the oil. The person who has the money, who bids the highest, gets the oil.

So, if this is how oil moves on the world market, why would China be buying up all of this oil? We happen to have one of the largest reserves of coal. We have 250 years of coal at current use rates. But if you increase the use of coal only 2 percent; by the way, this exponential growth is poorly understood by most people. After the discovery of nuclear energy, Dr. Einstein was asked what the next great energy source in the world would be, and he kind of jokingly responded that there was nothing quite like the power of compound interest.

Let me tell you just a little story to help understand this. The story is told that chess was developed in an ancient small kingdom. And the king was very appreciative, and he told the inventor of chess that, "You have made such a contribution to our culture that I will give you anything reasonable that you ask."

And so the inventor said, "Oh, king. I am a very simple man. I have simple needs. If you would just take my chess board with, what, 64 squares on it, and if you put a grain of wheat on the first square and two grains of wheat on the second square and four grains of wheat on the third square and eight on the fourth and so forth until you filled all of the squares of the chess board, that will be an adequate compensation."

The king said to himself, "Foolish fellow. I would have given him anything reasonable. All he is asked for is a little wheat on his chess board."

The king of course could not do that, because the amount of wheat that would have been on that chess board I understand represents a decade of world harvest of wheat. That is what exponential increase does.

Well, the world has been increasing at about 2 percent a year. That rate of growth will increase. There is an easy formula that you can use. If you divide the percentage growth into 70, it will give you doubling time. So 2 percent growth doubles in 35 years; 10 percent growth doubles in 7 years. So you can now get doubling time if you divide the percent into 70.

This coal that would last us 250 years, if you have only 2 percent increase in growth, that exponential function decreases the duration of its use to just 85 years. And since coal will not be useful for many of the uses of energy that we have, we are going to have to convert it into a gas or a liquid. And the energy to do that if you take it from coal will now reduce the amount of time that that 250 years of coal will last to 50 years.

But since energy sources move on a world market, we might be expected to share that liquid from coal or gas from coal with the rest of the world. And since we use ¼ of the world's energy, that 50 years divided by 4 comes down to 12½ years. So this amazing 250 years of coal suddenly shrinks to just 12½ years at only 2 percent growth if we are sharing it with the rest of the world.

Well, we may decide that, since the coal is ours, that we won't need to share it with the rest of the world if there is an acute energy shortage here.

□ 2045

That would be a logical decision that a country would make.

Now, if we, if there is a possibility we would not want to share our coal with the rest of the world, is there a possibility that China might not want to share their oil, which they have now bought in all of these countries around the world; that they would not want to share their oil with the rest of the world?

Mr. Speaker, with that thought in your mind, you might reflect on the fact that China today is aggressively building a blue water navy. Some I think 60 percent of their oil goes through the Straits of Moloch. We now could cut off that oil.

From a national security perspective, I can understand why they would have a meaningful interest in a blue water navy large enough to protect their supply lines for oil.

By the way, talking about choke points for oil, I think 40 percent of the world's oil moves through the Straits of Hormuz. And if that were mined, or if super tankers were sunk there to block that, 40 percent decrease in the amount of oil would bring all of the world's economies to their knees, essentially overnight. I hope that we are guarding well the Straits of Hormuz because that would, indeed, be the ultimate in asymmetric attack.

I have here a little article called, "Corn Based Plastic Coming Soon." Now, of course, we live in a plastic world. And all of these plastics are made from oil. If you will look at your car, if you look at your home, you look at your television set, you look at almost anything in your environment, and I suspect this rug was made out of oil. Our pesticides, our herbicides, our pharmaceuticals, our make up, this is all made out of oil or a great part of it is made out of oil. So there is an interest in getting the things we make out of oil, much of our clothing is made out of oil, interested in being able to get these fibers, this material from something else, and so this is an article, "Corn Based Plastic Coming Soon."

Every bushel of corn that we produce requires a lot of fossil fuel energy. And almost half that energy comes from natural gas, which currently is used to make nitrogen fertilizer. Corn, as a plant, is a pig. It requires and uses incredible amounts of nutrients. And we have now engineered hybrid corn so that it can be planted close together. It grows rapidly. It uses the sunlight efficiently, and it uses enormous amounts of energy. And so, this corn based plastic that they are talking about, I don't know what the efficiency there is. But if it is no better than the efficiency of making ethanol, and ethanol, remember, every gallon of ethanol represents at least three-fourths of a gallon of fossil fuel to make it. Some, Dr. Pimenthal, for instance, believes that if you really cost-account all the energy that goes into producing corn, that you use more fossil fuel energy to produce the corn than you get out of the corn. I hope he is wrong. I believe he is wrong. Anyway, after you have produced the ethanol from the corn, you still have a pretty good feed left, and I don't think his calculation took that into effect.

So this corn based plastic really is, in large measure, just recycling fossil fuels. It may make you feel good to say that my shirt is made from corn. But when you recognize the incredible amounts of fossil fuel energy, if it is the same efficiency as using ethanol, at least three-fourths of the fiber of your shirt might just as well have been made from oil because that oil or some fossil fuel source was used in growing the corn from which the plastic was made.

Mr. Speaker, we will continue next week.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 97

Whereas Thomas F. Eagleton spent his 30-year career in elected office dedicating himself to his country and his home state, representing Missouri in the United States Senate for 18 years;

Whereas Thomas F. Eagleton served in the United States Navy from 1948 until 1949;

Whereas Thomas F. Eagleton, a graduate of Amherst College and Harvard University Law School, launched his political career with his election as St. Louis Circuit Attorney in 1956 and was elected Missouri Attorney General in 1960 and Missouri Lieutenant Governor in 1964;

Whereas Thomas F. Eagleton was elected to the United States Senate in 1968, ultimately serving three terms and leaving an imprint on United States history by co-authoring legislation creating the Pell Grant program to provide youth with higher education assistance, helping to create the National Institute on Aging, and leading the charge to designate 8 federally-protected wilderness areas in southern Missouri;

Whereas Thomas F. Eagleton continued to contribute to his community, state, and nation following his 1986 retirement by practicing law, teaching college courses, writing political commentaries, and encouraging civility in politics;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Thomas F. Eagleton, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate stands adjourned today, it stand adjourned as a further mark of respect to the memory of the Honorable Thomas F. Eagleton.

RENEWABLE FUELS

The SPEAKER pro tempore (Mr. ARCURI). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized and the privilege to address you here on the floor of the United States Congress this evening. And I appreciate the previous speaker, who has brought up the issue of renewable fuels and the overall energy situation that America is addressing here. And this dialogue has got to be expanded and continued, and so this input that comes from the gentleman from Maryland is an essential part of our discussion and our debate. I know that when Professor Bartlett digs up some scientific information and lays it out here for us, we know that it is well researched and it is well founded and well grounded, and that it becomes a significant part of the overall debate.

And I would add some more things to this overall debate as we talk about energy and then, perhaps, Mr. Speaker, I will move into some other issues as well that are of important concern to the American people.

On this energy that we are dealing with, I have continually heard from the other side of the aisle, well, we can't drill in ANWR. I haven't heard why. We can't drill in the outer continental shelf. I haven't heard why.

I have heard that we have to conserve energy. I think that is good, but it is hard to do that without having the proper financial incentives in place. And one thing we haven't done is reward the companies for doing the exploration, particularly, the exploration for American oil, Mr. Speaker.

And so, as I look at this overall picture, I will submit this scenario that we need to do, and that is, we must grow the size of the energy pie, this overall circle pie chart that we use that is the 100 percent model. And in there are the components we have today called gasoline, diesel fuel, coal, natural gas, nuclear power, hydroelectric, solar, wind; the list goes on of those components, some hydrogen. But it is a smaller size of supply than we need, and that is why our energy prices are high. And that is linked with the rest of the world, certainly.

But here in the United States, we need to be looking at this from the perspective of reducing and eventually eliminating our dependence upon Middle Eastern oil. That is essential that we do that because the funds that are going into Middle Eastern oil, when we are buying oil on the market, those funds, some of them, end up in the hands of our enemies, in the hands of the terrorists, in the hands of the Islamic jihadists. And that is the strongest incentive to becoming more dependent upon domestic energy and less dependent on Middle Eastern energy.

But additionally, our balance of trade goes the wrong way for us. When we are importing energy from overseas in places like the Middle East, that transfers the wealth of the United States over to and puts it into the countries of the Middle East. And so our approach here needs to be the expansion and the continued promotion of these energy supplies that we have that we can develop here in the United States.

The most obvious of those are the biodiesel components, which have been expanding rapidly here in the United States, and particularly in Iowa and particularly in Iowa's Fifth Congressional District, the western third of the State. We are now and have been for some time the number one congressional district out of all 435 in biodiesel production. And that biodiesel production comes from animal fats and soybeans, and the extraction of that processed into diesel fuel, that has proven to be a very effective and reliable, and much of it a biodegradable type of a fuel, much more environmentally friendly than the diesel fuel that is on the market that comes out of the sands of Saudi Arabia, for example. And so our leadership there in the biodiesel production needs to be expanded, and we are on a track to do that.

We are also, in the district that I represent, ranking number two of the 435 Congressional districts in ethanol production. By some time this year, in 2007, we will be number one in ethanol production. That will rank us first in the Nation in ethanol production of the 435 congressional districts, and also first in the Nation in biodiesel production.

We rank currently today about fourth or at least tied for fourth in wind generation of electricity. That will go up to at least second time this year, and perhaps it will be first.

But some of the things that we are creating here is an intellectual property, Mr. Speaker, a knowledge base that, of the billions of dollars of capital that we have poured into renewable energy, primarily in the ethanol and the biodiesel, but also in the wind generation of electricity, that capital investment produces the energy out of our crops and out of our wind. But additionally, we are building a knowledge base, an understanding of what enzymes work best, what practices work best. We are squeezing more ethanol out of a bushel of corn than we have ever squeezed out of there before, and we will soon be up to that 3 gallons a bushel of ethanol production. And as the enzymes get better and the process gets better, we will also be able to extract ethanol out of the cellulosic, which is about any kind of plant product that is made out of cellulose and other products as well. But that would be the primary ones.

And as we develop our skills, I run into people around the country, especially in our hearings for agriculture, and they will come up to me and say, really, the future for our energy is in ethanol. We need to learn how to do that. We need to go to Brazil and see how they make ethanol in Brazil. And my response to that is, why don't you come to Iowa, see how we make ethanol in Iowa? I have been to Brazil to see their operations down there. They need to come to Iowa to see how we make ethanol in Iowa.

And, in fact, the United States has surpassed Brazil in ethanol production. They make most of theirs out of sugar cane. We make most of ours out of corn. But we passed up Brazil a couple of years ago in overall gallon production of ethanol.

And Iowa produces 26 percent of the ethanol that is produced in the entire country. And our plants are far more modern than those that you see in Brazil. Technology a little different because there they will some days make sugar out of the sugar cane when the market is right, and other days they make ethanol out of the sugar cane. But ours are still far more modern. We conserve energy. We have got efficiencies there. We have software packages that manage and control the flow of all the operations within the plant. We have one or two people sitting there monitoring that 24/7. But an impressive combination of technology and people and know-how pulled together.

And I often, Mr. Speaker, use the model of how Texas was the place where they discovered oil. And among the places, and Texas produced a lot of the oil back starting in the teens to some degree, but more like the 1920s and the 1930s. And as they, the boom State of Texas hit oil, and they began to develop and produce oil and distribute and refine it and distribute it around the country, they also developed the skills, the skills and the expertise of deeper drilling and other ways to extract oil out of the formations, fishing skills to fish broken bits out of wells, Red Adair's oil well firefighters, some of those examples, and then of course the seismic technology and all of the things that go along to making an oil industry profitable.

Well, as the oil began to play out in Texas, the expertise kept growing, and there is a tremendous amount of wealth in Texas that comes from the intellectual property that has been created, the common knowledge or the knowledge base that has been built.

We are doing the same thing in the Midwest in the renewable fuels category, Mr. Speaker. And as that knowledge base grows, there will be people that are brought up, educated in, work in and nurtured within this epicenter of renewable fuels that we are today in the neighborhood that I have the privilege to represent. And as they look around, they will move outside the area, and they will begin to add their skills to ethanol biodiesel production plants that move out to the limits of the corn belt and the soybean belt.

And as that happens, there will be, of course a center of knowledge, a center of technology and people, can-do people with know-how, that emanate from the epicenter of renewable fuels. That is a big future, I believe, for us. And that is one component in this overall energy pie that we need to grow.

So as we grow our ethanol production from corn and grow our biodiesel production from mostly animal fats or mostly soybeans, but also animal fats, that would be a processing product that comes from our plants. As that grows, we also are looking at developing the cellulosic ethanol, and that can come from any kind of plant. And we are 5 to 6 years away from being able to produce the cellulosic ethanol in the kind of volume where we can see how we might be able to add a lot more gallons to the overall supply of gasoline type products that are consumed on our vehicles on the roads.

□ 2100

And yet where we are, that cellulose comes in the form of corn stalks and cane products and switch grass and the list goes on, wood chips. Anything that has plant and fiber in it is cellulose that can be converted into ethanol. So we don't know to the extent that that will be built out across the country, but I believe this: I think you can draw circles on the map in the corn belt where there will be ethanol plants and they will draw corn from those areas. And then there will be other circles where the biodiesel plants draw soybeans particularly or else extracted oil from soybeans into that area. And the gaps, I think, get filled with cellulosic. And there will also be dual crops that come out at least for some time that convert the shell corn into ethanol and the corn stalks into cellulosic ethanol. That kind of thing will happen too to the extent that the economics will drive this.

Capital makes good decisions on where it goes. It will always being attracted to where there is profit. It will always shy away from places where there isn't profit. And right now the capital is being attracted to the renewable fuels. That is a piece of this overall energy pie, and the size of the piece that is ethanol today and renewable fuels needs to get bigger.

Also, we look out on the Outer Continental Shelf. There are 406 trillion cubic feet of natural gas that we know of offshore, a lot of that offshore in Florida. We opened up a tiny little sliver of that, I think it was Lease 181, to allow for a little more drilling way offshore in Florida, but we are wasting or ignoring a tremendous resource where we should be down there tapping into that massive supply of natural gas, pumping it into our markets here because of the foundation for a lot of our production in our plants, particularly plastic production, is in natural gas, is in feedstock, as well as natural gas is a feedstock for commercial fertilizer, and the control of that fertilizer will also be part of the control for the overall food production in the United States.

So it is essential that we keep at an economic and I will even say a cheap supply of natural gas on the markets. And it is foolish for us to ignore the supply that we have and not be out here extracting that natural gas out from underneath the seabed. There has never been a spilled natural gas that had any environmental damage. It has always been one of the safest things that we can do and certainly one of the cleanest things that we can do. Natural gas is a wonderful product, and that natural gas needs to be put into our markets to keep our fertilizer costs down, to keep our production costs down, and to be used more sparingly in the production of electricity because that is a higher cost type of an item, and that can be done more with coal or with clean burning coal.

And we need to also be expanding our energy use beyond the natural gas. We should look at our domestic supplies of crude oil, and offshore there is also a significant amount of domestic supplies of crude oil. One of the largest fields discovered is southwest of New Orleans, offshore in the Gulf of Mexico. And that supply down there, that find that is discovered by Chevron, can be something that will rival and perhaps exceed one of the large finds up on the North Slope. But the North Slope needs to be opened up too, and I mean specifically ANWR, the Arctic National Wildlife Refuge. That is an area up there that if God was going to put oil somewhere that we ought to go get that is not going to impact on very many species or on human population, that, Mr. Speaker, is the place.

I have traveled up there, and I have looked at the fields in ANWR. I looked at the oil that is developed on the North Slope of Alaska. And I can see, and I don't think there is a disagreement, that it has been a very environmentally friendly development that took place up there in the 1970s, and we can do better yet just a little ways to the east in a similar type of a terrain, because we have the technology to allow us to do directional drilling. So we can sit in one spot and we can drill in an area out in multiple directions and extract that oil in a single location with a very minimal footprint on the area up there in ANWR.

There is no justifiable reason not to tap into that. Whatever the promise happened to be back in the 1970s that some people here on the floor of the House have said, well, there was a promise that we would never drill in ANWR or we would never let you drill in the North Slope, well, I don't know who made that promise. I don't see that that promise is in law. I know it is not in the Constitution. But even if it is in law, and I don't believe it is, Mr. Speaker, one legislature, one Congress can't bind a succeeding Congress. They can't make a decision in 1970 that keeps us from doing the right thing in 2007.

And our Founding Fathers would have never taken a position like that. So whoever thinks that they have been disenfranchised by a promise shouldn't have been willing to accept that kind of promise back in the 1970s, if it was ever made. But what would we get out of that, foolishly hanging on to somebody's idea that because it is called the Arctic National Wildlife Refuge that somehow we can't have a little spot there that is equivalent of a postage stamp on a football field to go set a rig there, drill some holes in the ground, and pull that back out and only have a little rock pad about 50 feet wide by 100 feet long that even Dennis Kucinich wouldn't recognize as an oil field except you would have to take him up there and show him. And that is the case for many people that oppose drilling up there.

The oil is there. It is there for a reason. We need to dump it on our market and do it now. A million barrels a day could be coming back down into this market here in the United States, and that is a million barrels a day that we wouldn't be drawing out from Middle Eastern oil, and the profit from that million barrels a day would not be going into the hands of jihadists or potential jihadists or neighbors to jihadists. It would be going into American companies, and it would be saving money in the pockets of the American people, Mr. Speaker.

And those are two logical things that we need to do: drill the Outer Continental Shelf for oil and gas everywhere that we can find it, go up to ANWR and drill up there because we have already found it. We know it is there.

And so those two are simple commonsense inarguable points that can only be addressed in opposition by emotionalism and hyperbole, not by rational logic or empirical data.

And as we look across at the rest of the energy that we need to produce, we are doing a great job with the wind energy. We have got the wind chargers pumping out electricity. One thing about it, the air really never gets where it wants to go. It keeps traveling around this globe. And we can harness that tremendous amount of energy, and we do so, and turn it into generated electricity, a very clean, a very safe supply of energy. I am glad to see those tall surrealistic windmills churning out all at an identical speed, pumping electricity down through the cables into the ground and on off to our customers. That is a very gratifying thing.

And we would have difficulty, with the political climate that we face today, in expanding our hydroelectricity capability. Whether we can do that or not, I would like for any opportunities and be supportive of the rational ones, but we must keep alive the hydroelectric generation of electricity that is taking place across this country. That is some of the cheapest electricity that we have and some of the safest electricity that we have and some of the most environmentally friendly electricity that we have.

We will have flood control projects on these rivers, or we will have bottoms flooded out continually and, since we built those, particularly Pick-Sloan on the Missouri River when you take advantage of the gravity situation of the water dropping down off of the dams down through the generation plants.

Another place that we need to expand is going to be our nuclear capability. I don't believe we built a new nuclear plant, nuclear electrical generating plant, in the United States since the mid-1970s. And yet statistically nuclear power is by far the safest form of electricity that we have that we can generate. If you want to count the accidents, the fatalities, all the records about the safety of nuclear stand up to support that nuclear is safer than any other. And when you look across the world in places like France, we make a little fun of the French, but they made a good decision on their electricity. They have a different kind of demand than we have, different levels of resources. But their prudent decision sets up nuclear plants in France, and 78 percent of their electricity is generated by nuclear plants.

To the extent that we can generate more electricity with nuclear, that would take the load off the natural gas that is being used in particularly these new plants where they are burning natural gas to generate electricity. That, I believe, is an imprudent path to go down, to build generating plants that plan to burn natural gas, especially if you are doing so in States like Florida that oppose drilling off their own shores where there is gas sitting there in massive quantities but still are building gas-fired generating plants across the State of Florida. Those things add to the negative and make it harder for us.

And I know that there are States that have an ability and a confidence that they can produce cleaner burning coal, and coal-fired generators have been a very effective and efficient way to generate electricity, the base plants in particular, and there is coal that is hauled all across this country by rail from Wyoming all the way to Georgia, if I remember right, 16 million tons going into Georgia out of Wyoming coal because that is the most economical way they can generate electricity in those areas in Georgia that receive that coal from up in the Powder River Basin in Wyoming.

But the point is to continually grow the size of this energy pie, put more Btus on the market. One of those pieces of the pie needs to be conservation, to save the part that we are wasting, and then expand the size of the pie for the renewable so that there is more ethanol, more biodiesel, more wind-generated electricity, nuclear-generated power, more base plants for coal-fired generating plants and other means that we can use more coal; and in the process of doing that, we have taken the pressure off. There will be less pressure on gasoline, on diesel fuel, on the places we are most vulnerable, from the Middle Eastern oil and Middle Eastern energy.

That is the path we need to follow, Mr. Speaker, and I believe that is the path that is mostly going to be consistent with that that was presented by the gentleman from Maryland who spoke just ahead of me.

But I wanted to talk about the energy issue in the beginning because I intend to, in what is left of this presentation this evening, Mr. Speaker, talk about how we fix our problems here in the United States, how we address our global problems. And I have addressed the energy issue. And when we have cheap energy, we are going to have at least a foundation for a strong economy. That is why energy is important. We can't be hostage to other countries. We can't have someone else draining the profit and the lifeblood off of the workers of Americans by pocketing high profits because they happen to be sitting in a place where there is a lot of energy supply themselves with low input costs. That is the case today with Middle Eastern oil. That is why I raise the energy issue.

The second thing that matters is how we deal with our foreign relations. We are vulnerable to Middle Eastern oil today. Some 60 percent or more of our oil is imported from overseas. And whether you take that directly from places like Saudi Arabia or Iran or Iraq, other countries there in the Middle East, Kuwait, for example, or whether you buy it from the Canadians, and we don't have much access to markets from the Russians, but from the western shore of Africa, wherever that oil comes from, you are taking it from the world market, the overall supply of oil in the world market. And if you do that, it is essentially the equivalent of purchasing the Middle Eastern oil. And when that happens, of course, as I said two or three times, that money gets into the hands of Islamic jihadists.

And so today we are in a global war against terror and these terrorists are Islamic jihadists. They live scattered across most continents, if not all continents. There are enclaves there, cells where they are training and planning to attack us. They believe they are called by Allah to kill us because they label us as infidels. It says so in their Koran.

Thomas Jefferson bought a Koran or acquired a Koran, and in there he studied it so he that he could begin to understand the Islamic enemy called the Barbary pirates. And the language is the same. It says the same thing today, and the extremists believe that directs them to kill the people that they define as infidels and infidels being described as nonbelievers in their religion.

□ 2115

So, that is the root of this belief. They believe they are commanded to fall upon us and attack us with every stratagem of war and to continue doing so until such time as the infidels either convert or pay tribute.

That was their demand at the beginning of the wars with the Barbary pirates that began in 1784. That war, the long-lasting war with the Barbary pirates, with the same kind of philosophical enemy and nearly same location, that lasted over 30 years, by my calculation 32 years before it was wrapped up. In fact, it may have been a little longer than that.

The resistance finally stopped in 1830 when the French went in and occupied Algiers. We did our part up to that period of time. It is my recollection the United States was in combat about 32 years, or through a drawn-out war for 32 years, about 6 years of intense combat through that period of time, beginning in 1784, the year after hostilities with the British ceased.

So this is not anything new for us. We just need to go back and read our history and understand that they believe they have to kill us, that that is their religious belief to do so. And Thomas Jefferson said so. All we had to do was read Jefferson. He studied. It reflects today about the enemy we are up against.

Now, this even my needs to have some bases to operate from. They had a base to operate from in Afghanistan. The Taliban and the al Qaeda working with the Taliban, they need anarchy. They need a failed state, a state that doesn't have the rule of law, that doesn't have security, that has a collapsed economy, a place where they can operate freely. They had done so with the Taliban, working with al Qaeda in Afghanistan.

When September 11 came, we went to Afghanistan and put an end to their terrorist camp. When it came time to liberate Iraq, it was a similar motive. And we know that al Qaeda has always seen Iraq since the victorious liberation in Afghanistan, they have always seen Iraq as the central battlefield in this global war on terror, Mr. Speaker.

So, this is the nature of our enemy. And wherever we fight them, they populate most of the continents all around the globe. We have seen the second generation Pakistanis rise up in Great Britain and turn around and plot to and ultimately attack the British people, their hosts in Great Britain. Those kind of cells exist in the United States, they exist in many countries of the world, and that is some of the nature of the enemy we are up against.

So, how do we deal with this kind of enemy? We have addressed it to the extent that we brought a measure of freedom to Afghanistan. We are surely not done there. There is more violence there in the last year, not less. That is a bad sign. We are more aggressive than we have been in the past, not less. That is a good sign. And we have NATO in there now working directly with us, and that is also a very good sign. They have started a spring offensive, and that is going to keep al Qaeda back on their heels. But we may not for a long, long time put this enemy a way to where they quit attacking us.

They don't really have a head leader. They don't have a capital city. They don't have a definable military that we can attack and destroy. But they do attack us with whatever they have, with the resources that they have, and we know that they are in Iraq in significant numbers and we have been fighting there, along with somewhere between five and eight different factions that are engaged in the violence there in Iraq.

But the most pervasive concern that I have, Mr. Speaker, is that Iran has been fighting a proxy war against the United States in Iraq. I have known for approximately 2 years that the Iranians were funding the insurgency there, that they were making munitions, that they were shipping those munitions into Iraq, that they were training and supporting the insurgency in Iraq and committing and fighting a proxy war against the United States within Iraq, from Iran.

Yet the information that we had at the time wasn't quite solid enough to go public, not quite solid enough to accuse the Iranians of what I have known for 2 years they were doing. But today we know. We know they have infiltrated people, military personnel and trainers into Iraq. We know that they are making sophisticated devices to knock out our armored personnel carriers and our tanks and armored Humvees. And we have had at least 170 Americans who have been killed because of these devices, these sophisticated improvised explosive devices. That is an act of war against the United States troops that is taking place in Iraq at the hands of the Iranians.

Now, the downside, the worst case scenario of this is, as I listened over on this side of the aisle a couple of weeks ago, 2½ weeks ago when we had our debate about the resolution that did this contradictory thing, respected the troops and opposed their mission, a disgraceful debate that we had on the floor, but many Members on that side of the aisle said it is a civil war, that we should get out, we should not be engaged in a civil war.

First of all, Mr. Speaker, it is not a civil war in Iraq. There is not a force in Iraq that is seeking to unseat and depose and replace the duly elected democratic government of Iraq. You have not heard that out of the mouths of the leaders of the insurgencies that are there. They are not there to destroy the government in Iraq. So, that is rule number one. If they are not trying to depose the government, probably it is a pretty good sign it is not a civil war.

Rule number two is there are hundreds of thousands of Iraqis in uniform today that are defending and fighting for Iraqis. These uniformed Iraqi military and security personnel are not choosing up sides to shoot at each other. If they did that, we would maybe have a definition of a civil war. So, since the Iraq military and the Iraq security personnel are not fighting against each other, but they are fighting to provide security in Iraq, that says there is not a civil war. Because no one is trying to depose the legitimate government of Iraq, that says it is not a civil war.

So that puts the argument I think away on that. You can argue there is unrest, and there is, and there are fighting factions that are competing against each other for power in a relative vacuum in some of the areas, but that doesn't constitute a civil war.

But even if it were, Mr. Speaker, I would point out the United States has engaged in a number of civil wars to try to put down the kind of unrest and been successful to some degree. One of those places would be in Kosovo. We have been in there now for more than 10 years. We have suppressed a civil war there and saved a lot of lives and had a measure of safety because of that.

So, it is not a civil war, but if it were, that is not a reason not to be there, Mr. Speaker. There is a very good reason to be there, and I will point out that very good reason, and that is the Iranian hegemony is pervasive in Iraq. They are bonded with and are a powerful, strong influence with the two largest Shia organizations in Baghdad and the areas outside and south of Baghdad, all the way to the southern border.

The Shia region of Iraq would be taken over by the influence of the Iranians. If we pulled out of there, the Iranians would fill that vacuum. Yes, there would be some fighting amongst the other factions, but I believe the Iranians fill that vacuum.

If the Iranians fill the vacuum through their relationships with the Shia leaders that they have already been nurturing and funding and supporting, one of them would be Moqtada al-Sadr, who has absconded to Iran with his leaders, with the commanding officers of his militia, if that happened, those people get propped up. Sadr gets propped up, Hakeem gets propped up, and the Iranian influence gets ahold of the 70 to 80 percent of the oil in Iraq that is in the area of the Shias today. Maybe eventually all of it, but almost immediately they get their hands on 70 to 80 percent of the Iraqi oil.

Mr. Speaker, if that happens, then you have the Iranians sitting there where their cash boxes will be flushed, their war chest be full. They will be overflowing with cash. They will be able to will buy any kind of nuclear power that they want to buy, any kind of nuclear material they want to buy. They will be able to accelerate and buy more centrifuges and process fuel and develop nuclear weapons at a faster pace, and they aren't far from having that accomplished now.

They will be able to develop a means to delivery that nuclear capability in the form of missiles, and if they aren't able to develop that technology there in Iran, they can pay for it and accelerate their research to get that done. If they aren't, they can turn around and buy that on the open market somewhere, the means to deliver, from places like North Korea, which has demonstrated a propensity for marketing off their nuclear capability.

But I think we are not many years away from Iran having a nuclear capability. And a cash flush Iran with a nuclear capability and a means to deliver it doesn't mean it just threatens Tel Aviv, Mr. Speaker. It isn't just that Ahmadinejad has declared that he wants to annihilate Israel. That is a big deal. They are the only democracy in the Middle East, aside from Iraq today. But Ahmadinejad has vowed to destroy Israel and the United States.

But those missiles and that nuclear capability that they would acquire if we withdraw from that area would give them also the ability to reach Western Europe, the ability one day not very far down the line to reach the United States, and it becomes a far more difficult equation for us to deal with.

This time, this place, right now, is the opportune time to resolve the issue of the conflict in the Middle East. We have invested blood and treasure, precious blood and valuable treasure, and we owe it to the memories of those who have committed their lives and given their lives to this cause to get the issue resolved in Iraq.

We are far from not being able to win there, and anyone who thinks that this is a difficult military situation hasn't read back through American history to see some of the circumstances that we have come out of in the past, Mr. Speaker.

But thinking of the concept of a cash-flush Iran with their hands on the valve that controls 42.6 percent of the exportable world's oil supply, control of Straits of Hormuz, to be able to fill their coffers up with cash until they overflow, buy their nuclear capability and buy their missiles as a means to deliver it, and then look around the world and say, well, I am called upon by Allah to annihilate you infidels, and I want to start with the Israelis over here, so what I am going to do is maybe not fire off the missile right away, because it might start off a kind of a nuclear firestorm. I will just turn down the valve on the oil and starve the Americans out.

Think what happens Mr. Speaker, if as vulnerable as we are to imported Middle Eastern oil, if we let Ahmadinejad crank down that valve at the Straits of Hormuz and shut down or shut off 42.6 percent of the world's marketable oil supply. It wouldn't take anywhere near that amount to bring this economy in the United States to its knees, because we are too dependent.

If they did that, and our economy would shrink down into at least a recession, most likely a severe depression, and us going into a recession or depression immediately impacts China, China is dependent upon our economy because we are buying a lot of their goods, and China is also dependent upon foreign oil to provide energy for their growing demand that they have. They have a voracious appetite for oil and they are reaching out across the world to purchase more and more oil reserves and find ways to keep that oil flowing into their country.

But if Ahmadinejad gets his hands on that oil, that 70 to 80 percent of the Iraqi oil, and flush with cash cranks that valve down on the world's exportable oil supplies, the United States economy could be pushed into a collapse, Mr. Speaker. The Chinese economy could be pushed into a collapse, Mr. Speaker. And the winner would be Iran, who into have free sailing all over the Middle East, and the winner would also be Russia, who has a tremendous supply of oil. They would become more and more cash flush, more and more rich, more and more able to buy the things that strengthen them militarily.

This equation that I have described, Mr. Speaker, describes why Putin in Russia has been taking a more and more belligerent posture as the weeks and months unfold. He sees this chess game folding out on the world's chess board. I don't know why we can't see it here in the United States Congress, Mr. Speaker. But that is the reality we are faced with in that scenario.

So, we must put our cross hairs on the Iranian nuclear capability today. We must say to them, you will never be a nuclear powered country, you will never have a military means to have nuclear power and a means to deliver it, and we have made a decision that

that won't happen here in the United States and we are going to go through every diplomatic channel possible, try every kind of sanction, every kind of blockade, every kind of diplomacy that we can, to convince Iran they should stop, back off, dismantle their nuclear effort. But that would be the only option for them. The other option would be to eliminate their endeavor to become a military nuclear power.

□ 2130

That is where the negotiations need to start in Iraq. Iran has to back off. They need to understand that their involvement in the proxy war against the United States and Iraq accelerates the day when they will, with a thunderous response, lose their nuclear capability should they persist down this path they are heading down.

That is where the crisis is today. But the people in Iran have something to say about what kind of a country they are. And they have something to say about what kind of country they will become.

I am hopeful that the people in Iran will look at their leader, who appears to be an unstable and very much a vindictive, violent man, and come to the streets of Iran and find a way to replace him with someone who can bring Iran back into the 21st century so they can become a moderate, Islamic state that can deal with science and technology and education and use their oil wealth to help support the people in the country rather than the kind of violence being planned by Ahmadinejad.

That will help a lot, if Iran should become a free country. For example, Afghanistan today is a free country. Iraq today is a free country. Iran sits in the middle. They are a geographical link between the two. If Iran can be flipped over and become a regime-change free country, we will have the core of the Middle East, the center for the kind of Islamic jihadists that are coming after us from around the world, after Western civilization itself. The center would become a free territory where there are far less odds that they would be raising the jihadists that they are in the environment that they have today.

There would still need to be some things done in the mountains of Pakistan and within Saudi Arabia. There needs to be things done in Great Britain, for that matter; but that would take us a long way towards a final victory in the global war on terror. And being able to eliminate real estate and places where they could train and foster terrorism would be an essential key in a final victory against these Islamic jihadists.

Mr. Speaker, I have spoken to the issue of energy and why we have to do something about energy, and that is take the money out of the hands of our enemies and put it into the hands and the control of the American people. But at the same time, we must succeed in the Middle East. We have come this far. We are very, very close to being able to see an Iraq that can be an ally, a trading ally, a military ally, a partner that will see us as a friend to them in the Middle East.

It has been a precarious path that we have followed. I believe it has been the right path when you look back and ask the question: What did you know and when did you know it?

You can argue each side of everything, but where we are today is where we are. We must move forward and succeed. The military situation there is not a crisis. It is not precarious, but we do have a situation where there is far too much violence there; and a strategy which has been driven by our President, what is commonly called "the surge," has reduced the casualties in Baghdad and divided Baghdad into nine different sections to where it is far easier to control the smuggling of arms and devices between regions in the city.

If we can resolve that in Iraq, and I believe we will get there if we don't lose our resolve here, then we have taken a giant step forward. As we become less dependent on Middle East oil, the United States gets back on stable footing again.

Now, we have a situation also, though, where it is not just that we are purchasing foreign oil, and that is working against us in our balance of trade. In addition to that, we are importing more and more goods from foreign countries and our trade deficit has gone up from 2 years ago, $617.7 billion in our trade deficit. Last year it was $725 billion. This year, the number usually comes out in February, but the trend has been for our trade deficit to increase about 20 percent a year. I think we can look to expect that is going to happen, and we will see a trade deficit in the $800 billion or more category, Mr. Speaker.

Now, there are those who are not concerned about the trade deficit. They say as long as we can buy cheap products built by cheap labor, we should not be concerned. And they will say because we are deficit spending, we shouldn't be concerned about borrowing money from the Chinese bank, for example.

Well, I would ask those people who are so confident as money shifts in this direction, what would be your ideal kind of economy? Why wouldn't you start with an ideal, lay out the metric for the ideal economy, and then try to achieve the ideal?

I would submit it this way. I would like to have a balance of trade. I would like to not be buying more than we are selling. Any business can think of it in those terms. If you are in business and you are producing $100,000 worth of product a year and are selling that out on the open market, and you turn around and you are buying back $110,000 worth of product, it is easy to see you are going in the red. That is how the trade deficit works. There are currencies that change that equation some, and there is credit that changes that, and the credit on our capital; but I would want to ideally start with a balance in trade, and then work to have an export surplus because the wealth comes back to the United States and we would hold their collateral. That would be one thing.

I would want to have a balanced budget here in the United States. I would want to spend no more than I take in. I am different than the PAYGO argument that comes here because I think we have to keep taxes low so we have a vibrant economy that has an incentive.

We did that. In 2001 and 2003, we did two rounds of tax cuts. That saved our economy from an inevitable recession and perhaps a depression that came from the bursting of the dot-com bubble about the time President Bush took office, and it also came from the September 11 attacks, which we know about, the money we had to spend to set up homeland security and the billions of dollars to protect ourselves, and also the billions of dollars we had to spend militarily to take our fight to the enemy.

But this economy needs to be a strong economy. It needs to be healthy and vibrant. I am for balanced trade, perhaps with an export surplus; and I am for a balanced budget, and I am for paying off the national debt. I think we need to do all of that in the form of reducing the demand on discretionary spending in the United States, by setting up the long-term reform of Social Security and Medicare so that growing entitlement funds can be shrunk down, because as it grows, there is going to be nothing left in the budget except Medicare and Medicaid and the interest on our national debt.

It is always easier to fix the problem earlier than later before it becomes a crisis. We didn't have the political will to do that a couple of years ago when President Bush went across the country and gave speech after speech promoting the reform of Social Security. That needs to be done some time. It will happen when the young people start to come forward and start to have their voice heard, along with the senior citizens in America.

But this budget needs to be balanced. We need to end up with a surplus and collect more than we spend and use that to pay down our national debt. Some of that happened. It happened up until the September 11 attacks. That took us out of the balanced budget that was there.

Mr. Speaker, it is time to get back to it. One of the ways we can do that is not with a gimmick; it is with a total tax reform. The most aggressive organization we have for an agency in

America, the one that goes out and really does their job is the Internal Revenue Service. They collect that money that they have due. They are effective and efficient at it.

We have a Tax Code that is more pages than I can remember, and more complicated than anybody can comprehend. And that Tax Code is the best Tax Code that money can buy. K Street here in Washington, D.C. and the lobby that is here has created this Tax Code by getting their little exemption and their little tax deduction. As this adds up, it gets more complicated and convoluted, and it suppresses the growth in our economy, Mr. Speaker.

So what we need to do is look at this Tax Code that we have and say we can't fix this Tax Code. It is beyond anybody's comprehension how to do it, and it is beyond our ability to get it solved politically. The only thing you can do is take the Tax Code and throw it over the side. I would be happy to pitch it into the bay in Boston Harbor and eliminate the Tax Code and never let it grow back again. Also, eliminate the IRS because there is where it would grow, another type of a tax policy that we have today, and go to a national sales tax, a national consumption tax, a fair tax, Mr. Speaker.

If we do that, we have changed the entire dynamic of our taxation in America. It works like this: Ronald Reagan once said what you tax you get less of. If we stick with the tax side, what you tax you get less of. What we do here, in our lack of infinite wisdom, is Uncle Sam has a first lien on all productivity in America.

If you punch the time clock at 8 in the morning, Uncle Sam wants his money first. You will work there until April 14 or April 15 before he gets his due, and then you can start giving your money to the State and on down the line. After a while, you get to keep some of the fruits of your own labor.

But the Federal Government has the first lien on your labor starting the second you go to work anytime. If you pick up the phone and make those extra sales calls for that commission, he has the first lien on that commission.

If you invest your money and you collect the interest, maybe passbook savings, Uncle Sam has the first lien on the productivity of your investment.

If it is a pension income, if it is Social Security income, if it is capital gains, if it is any kind of productivity at all, your labor, your investment, Uncle Sam has the first lien on all of that productivity.

So people make decisions like, I don't think I want to work that extra overtime this week. It is not really worth it because too big of a piece comes out of my check and goes to the Federal Government. I think I'll take the day off. I am going to enjoy life a little bit. After all, I don't get to keep enough of the money I earn.

Or, I am not going to expand that extra line in my factory because, after all, I am in a tax bracket that says I can maintain a level of comfort here, so I am not going to take that risk because the reward is not great enough. That is part of the vision that is going on also.

I am not going to make the extra phone calls for the extra sales because I don't want to pay the tax. I want to be able to keep the money I earn.

That is the mind-set of anyone. The psychology has always been the reason a controlled economy, a managed society, like, for example, flat out pure communism or European-style socialism, the reason the Soviet Union collapsed was because they did not let people have an incentive to be productive and let them earn and keep the money they made. They took that away from them, and human beings being not as rational as capital is, but human beings being rational, they make those decisions that I talked about, those decisions like, I am not going to put out this effort.

You have heard this: from each according to their ability, to each according to their need. That was the belief of Karl Marx and that was the belief of Lenin and that was the belief of Mao Tse-Tung.

But the equation that they miss is if you are going to take from a producer according to their ability, and maybe they have the ability to produce five or six times as much as somebody who has the need, why in world would they put out five or six times the productivity of the person who is going to be receiving the fruits of their labor?

The answer to that is of course they won't, and of course they don't, and that is why the economies in managed societies like the Soviet Union will collapse because they don't tap into the best instincts of human nature, which is we want to work hard, we want to produce, we want the fruits of our labor. And by the way, if we are allowed to keep the fruits of our labor, we will also contribute and donate and tithe better than any other people on Earth.

We do all of that, we need to go to a national sales tax, a consumption tax, so you decide when you pay your taxes.

I think there is a Texan here with something boiling up inside him, and I would be very happy to yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank my friend, the gentleman from Iowa, the Honorable Mr. KING. I have been hearing most of the hour you have been talking about the concepts that I know you and I hold so dear.

There was a group from my hometown, Mr. Speaker, Tyler, Texas, that had come to Washington. They are an inspirational group. They are from Grace Community School. I took them around the Capitol tonight. They know their history. It is great when you see education work.

□ 2145

You see the very things you have been talking about, the free market, at work, and that free enterprise works and that really get backs to our very founding, the Judeo-owe Christian values that were so often espoused as the Declaration of Independence was written.

I have had people say the Constitution itself, there is nothing at all like it. By the way, you cannot send out a letter with the letters addressed or dated as you date them because it says like for today, March whatever day, all my letters, whatever day, "in the year of our Lord," now this year 2007. I was originally told by the franking people, we do not believe you can send that out with "in the year of our Lord" on there; that may be inappropriate. My comment was, if you are saying it is unconstitutional to date a letter the same way the Constitution is dated, then we have got a real problem here. He did not realize the Constitution is dated in that manner, "in the year of our Lord, 1787."

But anyway, there are groups there are schools where they still learn that kind of history, the very thing my friend Mr. KING has been talking about.

I just wanted to pay tribute to the speaker of this group. I know the rules are that we are not to recognize people in the gallery. So I will not violate the rules, but it is a wonderful group that understands the values, the very values the gentleman from Iowa has been discussing, and it just makes me proud to be an American to hear you talk about the values I grew up on, the values that I know are being instilled in the young people still today.

I thank the gentleman from Iowa (Mr. KING), my good friend, and I would encourage you to keep up the good job.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for picking up on that. There is a reason why there is a strong affinity between this Western Iowan and this Texan and lot of the Texas delegations.

I know that today is the anniversary of the final battle of the Alamo, and I am very much aware of what that means in Texas and across this country. In fact, if you walk into my office, this Iowan's office, framed there is a letter from Colonel Travis. That level of freedom, the Texans reached out for freedom and they had to fight for it a number of times, number of different ways. I like that flag that hangs in Mr. HENSARLING's office that shows a picture of the cannon and says, "Come and take it." That is the right kind of attitude.

We have this freedom here in America, and there are people here that do not want our freedom, they detest our freedom. They just want to take our lives, and to understand an enemy like that goes beyond the scope of our religious foundation and our beliefs. So I think it is important for us to understand this enemy.

I would reflect upon a major from Kentucky whom I spent some time with in the Middle East in the early part of December who said: Thank you for all your prayers. Thank you for the support for our military. We have everything we need. We have the training, the technology. We have the weapons. For men that have to do this job, we have everything we need, but when you pray for us, pray for the American people. Pray that the American people will understand the threat that we are up against, and pray that they will not lose their resolve. We will not lose ours.

I think that might be an appropriate time, unless the gentleman from Texas has another remark to make in watching the clock, Mr. Speaker, I would like to close with that thought, that our military is not going to lose their resolve. They understand this enemy that we are against. This Congress needs to understand this enemy we are against. A majority of the American people understand the enemy we are against, and we have a historical time here.

We can close the door on the legacy of Vietnam, Lebanon, Mogadishu, and we can build upon the success in Afghanistan, and we can close the situation in Iraq and build upon that success. If we do that, we have a bright and free future. If we fail to do that, every enemy that wants to come after us will come after us.

I appreciate again Mr. GOHMERT coming down here, the way you engage with your constituents and the way that you bring these values, these American values out of the heartland to flow all the way through the middle part of the United States here. I am proud to serve with the gentleman from Texas, Mr. Speaker, and I am glad to have had the privilege to address you in this chamber.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and until 4:00 p.m. March 7.

Ms. DELAURO (at the request of Mr. HOYER) for today after 4:00 p.m. and until 4:30 p.m. March 7 on account of a death in the family.

Mr. LARSON of Connecticut (at the request of Mr. HOYER) for today and the balance of the week on account of a family medical matter.

Ms. WASSERMAN SCHULTZ (at the request of Mr. HOYER) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. LORETTA SANCHEZ of California) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, March 8, 9, 12, and 13.

Mr. GOHMERT, for 5 minutes, today and March 7.

Mr. PENCE, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and March 7.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 743. An act to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated; to the Committee on the Judiciary.

S. Con. Res. 16. Concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 7, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

701. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Electronic Filing of Notices of Exemption and Exclusion Under Part 4 of the Commission's Regulations (RIN: 3038-AC33) received February 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

702. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Material Inspection and Receiving Report (DFARS Case 2003-D085) (RIN: 0750-AE73) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

703. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Carbon, Alloy, and Armor Steel Plate (DFARS Case 2005-D002) (RIN: 0750-AF17) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

704. A letter from the Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — DoD Policy on Organizations That Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining [DOD-2006-OS-0057] (RIN: 0790-AH99) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

705. A letter from the Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — Service by Members of the Armed Forces on State and Local Juries [DOD-2006-OS-0204] (RIN: 0790-AI07) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

706. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessments (RIN: 3064-AD09) received December 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

707. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; West Virginia; Amendment to the Definitions of a "Major Source" and "Volatile Organic Compound" [EPA-R03-OAR-2006-0625; FRL-8280-8] received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

708. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Financial Accounting, Reporting and Records Retention Requirements Under the Public Utility Holding Company Act of 2005 (FERC Docket No. RM06-11-000) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

709. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition (RIN: 31 50-AH93) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

710. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36 (b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-

10, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Taiwan for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

711. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104-164, section 655(a) (110 Stat. 1435); to the Committee on Foreign Affairs.

712. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

713. A letter from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to impose new foreign policy-based export controls on exports of certain items under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 7, 2003; to the Committee on Foreign Affairs.

714. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing possible unauthorized retransfers and misuses of defense articles; to the Committee on Foreign Affairs.

715. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the quarterly report of obligations and outlays of FY 2004, FY 2005 and FY 2006 funds under the Emergency Plan for AIDS Relief through September 30, 2006, 2006 pursuant to Division D, Pub. L. 108-199; to the Committee on Foreign Affairs.

716. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the December 21, 2006 — February 21, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

717. A letter from the Secretary, Department of Education, transmitting the fifty-fifth Semiannual Report to Congress on management decisions and final actions taken on audit recommendations, covering the period April 1, 2006 through September 30, 2006 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

718. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

719. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

720. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

721. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

722. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

723. A letter from the Director, Peace Corps, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Corps' report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

724. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2006, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

725. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2008, prepared in compliance with OMB Circular No. A-11; to the Committee on Oversight and Government Reform.

726. A letter from the Inspector General, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

727. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York [Docket No. 051128313-6029-02; I.D. 120406C] received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

728. A letter from the Deputy Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Conducting Precision Strike Weapons Testing and Training by Eglin Air Force Base in the Gulf of Mexico [Docket No. 060629183-6289-02; I.D. 022106A] (RIN: 0648-AT39) received December 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

729. A letter from the Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 060925247-6323-02; I.D. 091106B] (RIN: 0648-AU84) received December 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

730. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, transmitting the Bureau's final rule — Establishment of the Outer Coastal Plain Viticultural Area (2003R-166P) [T.D. TTB-58; Re: Notice No. 59] (RIN: 1513-AB13) received February 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

731. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2008, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on January 2, 2007]

Mr. EHLERS: Committee on House Administration. Report on the Activities of the Committee on House Administration During the 109th Congress (Rept. 109–752). Referred to the Committee of the Whole House on the State of the Union.

[Filed on March 6, 2007]

Ms. MATSUI: Committee on Rules. House Resolution 214. Resolution providing for consideration of the bill (H.R. 569) to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (Rept. 110–31). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 215. Resolution providing for consideration of the bill (H.R. 700) to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects (Rept. 110–32). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 799. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, with an amendment (Rept. 110–33). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. ROYBAL-ALLARD (for herself and Mr. George Miller of California):

H.R. 1327. A bill to direct the Occupational Safety and Health Administration to complete its rulemaking on Employer Payment for Personal Protective Equipment for workers; to the Committee on Education and Labor.

By Mr. PALLONE (for himself, Mr. Rahall, Mr. Young of Alaska, Mr. Kildee, Mr. George Miller of California, Mr. Faleomavaega, Mrs. Christensen, Mr. Grijalva, Mr. Boren, Mr. Hinchey, Mr. Kennedy, Mr. Kind, Mr. Inslee, Mr. Baca, Mr. Udall of New Mexico, Mr. Renzi, Mr. Wu, Mr. Conyers, Mr. Oberstar, Mr. Thompson of California, Mr. Waxman, Mr. Cole of Oklahoma, Mr. Boswell, Ms. Herseth, Mr. Engel, Mr. Kagen, Ms. Bordallo, Mrs. Bono, Mr. Moran of Virginia, Mr. McDermott, Mr. Honda, Mr. Filner, Mr. McKeon, and Ms. Solis):

H.R. 1328. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself and Mr. DEAL of Georgia):

H.R. 1329. A bill to amend title XXI of the Social Security Act to make available additional amounts to address the funding shortfalls in the State Children's Health Insurance Program for fiscal year 2007; to the Committee on Energy and Commerce.

By Mr. CARNEY (for himself and Mr. BURTON of Indiana):

H.R. 1330. A bill to amend title 10, United States Code, to extend the time limit for the use of education assistance by members of the Selected Reserve and members of the reserve component supporting contingency operations and certain other operations; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. BACHUS, Mr. BECERRA, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BURGESS, Mr. CLEAVER, Mr. CUELLAR, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mr. DEFAZIO, Mr. EDWARDS, Mr. EHLERS, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of New York, Mr. HASTINGS of Florida, Ms. HOOLEY, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KIND, Mr. LAMPSON, Mr. LANTOS, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCCAUL of Texas, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SHULER, Mr. SMITH of Texas, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UPTON, Mr. VAN HOLLEN, Mr. WAMP, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WU):

H.R. 1331. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for new qualified plug-in hybrid motor vehicles; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Mr. CHABOT, and Ms. VELÁZQUEZ):

H.R. 1332. A bill to improve the access to capital programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. DENT (for himself, Mrs. EMERSON, Mr. EHLERS, Mr. LAHOOD, Mr. REICHERT, Mr. GERLACH, Ms. GINNY BROWN-WAITE of Florida, Mr. KIRK, Mr. PATRICK MURPHY of Pennsylvania, Ms. FOXX, Mr. MCCAUL of Texas, Mr. ROGERS of Alabama, Mr. BARTLETT of Maryland, Mr. UPTON, Mr. HOLDEN, Mr. GRAVES, Mr. PLATTS, Mr. KING of Iowa, Mr. RUPPERSBERGER, Mr. BRADY of Pennsylvania, Mr. MICHAUD, Mr. ENGLISH of Pennsylvania, Mr. MCCOTTER, Mr. TERRY, Mr. DUNCAN, Mr. SHUSTER, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. RENZI, Mrs. BLACKBURN, Mr. SPRATT, Mr. SMITH of Nebraska, Mr. TOM DAVIS of Virginia, Mr. BOSWELL, and Mr. KING of New York):

H.R. 1333. A bill to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. REICHERT):

H.R. 1334. A bill to provide for the tax treatment of income received in connection with the litigation concerning the Exxon Valdez oil spill, and for other purposes; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 1335. A bill to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER:

H.R. 1336. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Natural Resources.

By Mr. COLE of Oklahoma:

H.R. 1337. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Mr. HALL of New York, Mr. LEVIN, Mr. LARSON of Connecticut, Ms. DEGETTE, Ms. BORDALLO, Mr. SKELTON, Mr. HONDA, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. DOYLE, Mr. KILDEE, Mr. BOSWELL, Ms. CARSON, Mr. FILNER, Mr. OBERSTAR, Mr. WYNN, Ms. ESHOO, Mr. PRICE of North Carolina, Ms. SCHWARTZ, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. BUTTERFIELD, Mr. MORAN of Virginia, Mr. LANTOS, Ms. WOOLSEY, Ms. NORTON, Mr. DINGELL, Ms. MCCOLLUM of Minnesota, Mr. DOGGETT, Mr. OBEY, Mr. MOORE of Kansas, Ms. KILPATRICK, Mr. DEFAZIO, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, Mr. ALLEN, Mr. SHERMAN, Mr. CONYERS, Mr. KENNEDY, Mr. RYAN of Ohio, Mr. BACA, Ms. SOLIS, Mr. ELLISON, Mrs. MCCARTHY of New York, and Mr. GRIJALVA):

H.R. 1338. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and Labor.

By Mr. FORTUÑO:

H.R. 1339. A bill to make residents of Puerto Rico eligible for the earned income tax credit; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 1340. A bill to amend the Internal Revenue Code of 1986 to promote freedom, fairness, and economic opportunity by establishing National Enterprise Zones to promote prosperity in economically depressed areas; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Ms. DEGETTE, Mr. KUCINICH, and Mr. JONES of North Carolina):

H.R. 1341. A bill to require corporate income reported to the Internal Revenue Service to be included in annual reports to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. GINGREY:

H.R. 1342. A bill to suspend the visa waiver program until certain entry-exit control requirements are met, and for other purposes; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas (for himself and Mr. PICKERING):

H.R. 1343. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Energy and Commerce.

By Ms. HERSETH (for herself, Mr. POMEROY, Mrs. EMERSON, and Mr. MCGOVERN):

H.R. 1344. A bill to improve Federal nutrition programs; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS (for himself, Mr. REYNOLDS, and Ms. SLAUGHTER):

H.R. 1345. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the energy employees occupational illness compensation program; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Ms. BALDWIN, Ms. BERKLEY, Mrs. CAPPS, Ms. CARSON, Mr. CLEAVER, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. ELLISON, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. KUCINICH, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAUL, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WEXLER, Ms. WOOLSEY, Mr. CONYERS, Ms. ESHOO, Ms. HIRONO, and Mr. KAGEN):

H.R. 1346. A bill to amend the Elementary and Secondary Education Act of 1965 to direct local educational agencies to release secondary school student information to military recruiters if the student's parent provides written consent for the release, and for other purposes; to the Committee on Education and Labor.

By Ms. HOOLEY (for herself, Ms. BEAN, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. PATRICK MURPHY of Pennsylvania, Ms. BERKLEY, Mr. STARK, Mr. FILNER, Mr. MILLER of North Carolina, Ms. MATSUI, Mr. LIPINSKI, Mr. BOSWELL, Mr. KIND, Mr. SPRATT, Mr. BAIRD, Mrs. CAPPS, Ms. DEGETTE, Mr. WYNN, Mrs. MALONEY of New York, Mr. CONYERS, Mr. COURTNEY, Mr. DEFAZIO, Mr. HOLT, Mr. INSLEE, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. ROSS, Ms. SCHAKOWSKY, Mr. TANNER, Mr. THOMPSON of California, Mr. VAN

Hollen, Ms. McCollum of Minnesota, and Mr. Boren):

H.R. 1347. A bill to extend the period during which members of the Armed Forces deployed in contingency operations may request and receive reimbursement for helmet pads, which are designed to protect the wearer from bomb blasts and non-ballistic impacts, that are purchased by such members; to the Committee on Armed Services.

By Mr. KENNEDY (for himself and Mr. Sullivan):

H.R. 1348. A bill to redesignate the National Institute on Drug Abuse as the National Institute on Diseases of Addiction, and to redesignate the National Institute on Alcohol Abuse and Alcoholism as the National Institute on Alcohol Disorders and Health; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 1349. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. EHLERS (for himself, Mr. Emanuel, Mr. Kirk, Mr. Dingell, Mr. Reynolds, Mr. LaTourette, Mr. Walberg, Mrs. Miller of Michigan, Mr. Knollenberg, Mr. Camp of Michigan, Mr. Hoekstra, Mr. Upton, and Mr. Stupak):

H.R. 1350. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, Science and Technology, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mrs. Maloney of New York):

H.R. 1351. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Science and Technology.

By Mr. MARKEY (for himself, Mr. Waxman, Mr. Conyers, Mr. George Miller of California, Mr. Capuano, Mr. Van Hollen, Mr. Allen, Mr. Blumenauer, Mr. Davis of Illinois, Mrs. Davis of California, Mr. Grijalva, Mr. Hinchey, Mr. Holt, Mr. Kucinich, Ms. Lee, Mr. Lewis of Georgia, Mrs. Maloney of New York, Ms. McCollum of Minnesota, Mr. McGovern, Mr. Payne, Mr. Serrano, Mr. Pastor, Ms. Schakowsky, Mr. Tierney, Ms. Woolsey, Ms. Baldwin, Mrs. Capps, Ms. DeLauro, Mr. Farr, Ms. Jackson-Lee of Texas, Ms. Matsui, Mr. McNulty, Mr. Meehan, Mr. Michaud, Mr. Moran of Virginia, Mr. Nadler, Mr. Olver, Mr. Price of North Carolina, Mr. Rothman, Mr. Thompson of California, Mr. Udall of New Mexico, Ms. Watson, Mr. McDermott, Mr. Rush, Mr. Honda, and Mr. Sires):

H.R. 1352. A bill to prohibit the return or other transfer of persons by the United States, for the purpose of detention, interrogation, trial, or otherwise, to countries where torture or other inhuman treatment of persons occurs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOORE of Kansas (for himself and Mr. Salazar):

H.R. 1353. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget and to provide that Social Security contributions are used to protect Social Security solvency by mandating that Trust Fund monies cannot be diverted to create private accounts; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mr. LaHood, Mr. Crowley, Mr. Farr, Mr. Grijalva, Ms. Kaptur, Mr. Kennedy, Mr. Markey, Mrs. McCarthy of New York, Ms. Woolsey, Mrs. Maloney of New York, Ms. Berkley, Mr. Stark, Ms. Hirono, Mr. Waxman, Ms. McCollum of Minnesota, Mr. Langevin, Mr. Capuano, Mr. Hare, Mr. Van Hollen, Mr. Nadler, Mr. Ramstad, Mr. McDermott, Mr. Honda, Mr. Pascrell, Mr. Wu, Mr. Filner, Mr. Rush, Mr. Shays, Mr. Berman, Mr. Peterson of Minnesota, Ms. Carson, Ms. Matsui, Mr. Kagen, Mr. Wexler, Ms. Shea-Porter, Mr. Murtha, Mr. Bishop of Georgia, Mr. Boyd of Florida, and Mr. Rothman):

H.R. 1354. A bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself and Mr. McIntyre):

H.R. 1355. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. Mica, Mr. Costello, and Mr. Petri) (all by request):

H.R. 1356. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2010, to improve aviation safety and capacity, to provide stable, cost-based funding for the national aviation system, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. Blunt, Mr. Lantos, Mr. Cantor, Mr. Sherman, Mr. Fossella, Mr. Pence, Mr. Chabot, Mr. Tancredo, Mr. Burton of Indiana, Mr. Rohrabacher, Mr. Smith of New Jersey, Mr. Fortuño, Mr. Wexler, Mr. Crowley, Mr. Klein of Florida, and Mr. McCaul of Texas):

H.R. 1357. A bill to require divestiture of current investments in Iran, to prohibit future investments in Iran, and to require disclosure to investors of information relating to such investments; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mr. Pastor, Mr. Flake, and Mr. Renzi):

H.R. 1358. A bill to create a new nonimmigrant visa category for registered nurses, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG (for himself, Mr. Westmoreland, Mr. Miller of Florida, Mr. Garrett of New Jersey, Mr. Lamborn, Mr. Gingrey, Mr. Flake, Mr. Gohmert, Mr. Marchant, Ms. Foxx, Mr. Bartlett of Maryland, Mr. Burton of Indiana, Mr. Herger, Mr. Akin, Mr. Conaway, Mr. Bishop of New York, Mr. Paul, Mr. McCotter, and Mrs. Myrick):

H.R. 1359. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 1360. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ (for herself, Mr. Baker, Mr. Jefferson, Mr. Taylor, Mr. Melancon, Mr. Gonzalez, Mr. Grijalva, Mr. Lipinski, Ms. Moore of Wisconsin, Mr. Braley of Iowa, and Mr. Johnson of Georgia):

H.R. 1361. A bill to improve the disaster relief programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. WAXMAN:

H.R. 1362. A bill to reform acquisition practices of the Federal Government; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. Shays):

H.R. 1363. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Education and Labor.

By Mr. MCGOVERN (for himself and Mrs. Bono):

H. Con. Res. 81. Concurrent resolution expressing the sense of the Congress regarding bone marrow diseases; to the Committee on Energy and Commerce.

By Mr. FERGUSON:

H. Con. Res. 82. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the USS New Jersey and all those who served aboard her; to the Committee on Oversight and Government Reform.

By Mr. POE (for himself, Mr. GRAVES, Mr. GINGREY, Mr. DAVIS of Kentucky, Mr. SIMPSON, Mr. GOODE, Mr. WAMP, Mr. AKIN, Mrs. BLACKBURN, Mr. JONES of North Carolina, Mr. GARY G. MILLER of California, Mr. FEENEY, Mr. HUNTER, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. MCHENRY, Mr. FORBES, Mr. DOOLITTLE, Mr. MCCRERY, Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, Mr. MCCAUL of Texas, Mr. CAMPBELL of California, Mr. SAM JOHNSON of Texas, Mr. ROYCE, Mr. ROHRABACHER, and Mr. BILBRAY):

H. Con. Res. 83. Concurrent resolution expressing the sense of the Congress that State and local governments should be supported for taking actions to discourage illegal immigration and that legislation should be enacted to ease the burden on State and local governments for taking such actions; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H. Res. 216. A resolution commending the Juniata College volleyball team for winning the NCAA Division III Women's Volleyball Championship; to the Committee on Education and Labor.

By Mr. WU:

H. Res. 217. A resolution expressing the sense of the House of Representatives concerning the 50th anniversary of Celilo Falls; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LATOURETTE introduced a bill (H.R. 1364) for the relief of Zdenko Lisak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. REYES.

H.R. 39: Mr. BRALEY of Iowa.

H.R. 74: Mr. HILL.

H.R. 101: Ms. WASSERMAN SCHULTZ.

H.R. 133: Mr. EVERETT.

H.R. 140: Mr. GORDON and Mr. MEEHAN.

H.R. 146: Mr. WOLF.

H.R. 157: Mr. GRIJALVA and Mr. LEWIS of Georgia.

H.R. 216: Mr. CONYERS.

H.R. 217: Mr. CONYERS and Mr. STARK.

H.R. 243: Mr. MCCOTTER.

H.R. 367: Mr. MCCAUL of Texas.

H.R. 413: Mr. HONDA.

H.R. 419: Mr. COLE of Oklahoma.

H.R. 436: Mr. MILLER of Florida.

H.R. 464: Ms. WATSON.

H.R. 507: Mr. LEWIS of Georgia, Mr. SPACE, Mr. ROSS, Mr. REYES, Mr. CUMMINGS, Mr. CLAY, Mr. ETHERIDGE, and Mr. CONYERS.

H.R. 549: Mr. COHEN, Mr. JOHNSON of Illinois, Mr. RADANOVICH, and Ms. CARSON.

H.R. 570: Mr. GERLACH.

H.R. 588: Mr. CARNEY.

H.R. 642: Ms. BERKLEY, Mr. HOLDEN, and Mr. SCOTT of Virginia.

H.R. 643: Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. BOOZMAN, Mr. RUSH, Mr. HASTINGS of Florida, and Mrs. DAVIS of California.

H.R. 661: Mr. WU.

H.R. 662: Mr. FATTAH, Ms. JACKSON-LEE of Texas, and Mr. WAXMAN.

H.R. 694: Mr. BRADY of Pennsylvania and Mr. JEFFERSON.

H.R. 710: Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. WOLF, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. HELLER, and Ms. HIRONO.

H.R. 718: Mr. WILSON of South Carolina, Mrs. CUBIN, and Mr. ALEXANDER.

H.R. 721: Mr. MICHAUD, Mr. BOYD of Florida, and Mr. NUNES.

H.R. 727: Mr. PATRICK MURPHY of Pennsylvania, Mr. ENGEL, and Mr. HOLDEN.

H.R. 736: Mr. MANZULLO.

H.R. 746: Ms. NORTON and Mr. PAYNE.

H.R. 748: Mr. MCINTYRE, Ms. MCCOLLUM of Minnesota, and Mr. BOSWELL.

H.R. 769: Mr. KLINE of Minnesota.

H.R. 787: Ms. CLARKE, Mr. ELLISON, Mr. SIRES, Mr. JACKSON of Illinois, Mr. CAPUANO, Mr. WYNN, and Mr. PASCRELL.

H.R. 805: Mr. CARNAHAN, Mr. MCCOTTER, Mr. MCCAUL of Texas, and Mr. HOLDEN.

H.R. 814: Mr. GRIJALVA.

H.R. 822: Mr. RUSH and Mr. HONDA.

H.R. 847: Mr. PEARCE and Mr. COHEN.

H.R. 869: Mr. SPACE, Mr. RAHALL, and Mr. TERRY.

H.R. 872: Mr. REYES and Mr. KAGEN.

H.R. 873: Mr. COHEN.

H.R. 876: Mr. GENE GREEN of Texas.

H.R. 887: Mr. GENE GREEN of Texas.

H.R. 901: Mr. CROWLEY, Mrs. MCCARTHY of New York, and Mr. WAXMAN.

H.R. 913: Mr. LAMPSON.

H.R. 916: Ms. LINDA T. SÁNCHEZ of California.

H.R. 931: Mrs. MUSGRAVE.

H.R. 933: Mr. COHEN.

H.R. 938: Mr. BOOZMAN.

H.R. 947: Ms. KILPATRICK.

H.R. 950: Mr. HOLDEN.

H.R. 962: Ms. MATSUI.

H.R. 971: Mrs. MCMORRIS RODGERS, Mr. BRALEY of Iowa, Mr. MCINTYRE, Mr. BOUSTANY, Mr. KLEIN of Florida, Mr. MCHUGH, Mr. HERGER, Mr. FILNER, Mr. ORTIZ, and Mr. SALAZAR.

H.R. 972: Mr. HOLDEN.

H.R. 1017: Mr. LEVIN and Mr. COHEN.

H.R. 1030: Ms. BORDALLO.

H.R. 1031: Mr. THOMPSON of Mississippi, Mr. AL GREEN of Texas, Mr. JEFFERSON, Ms. LEE, Ms. WATSON, Mr. CUMMINGS, Mrs. CAPPS, Mr. RUSH, Mr. MCNULTY, Mr. HONDA, Mr. CUELLAR, and Mr. ABERCROMBIE.

H.R. 1032: Ms. WATSON and Mr. MCCOTTER.

H.R. 1038: Mr. WAMP.

H.R. 1055: Mr. GENE GREEN of Texas.

H.R. 1061: Mr. WELCH of Vermont.

H.R. 1072: Mr. RUSH, Mr. MCDERMOTT, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Mr. CUMMINGS, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, and Ms. WOOLSEY.

H.R. 1073: Mr. WEINER, Mr. WALSH of New York, Mr. GENE GREEN of Texas, Mr. KING of New York, Mr. COSTELLO, Mr. ORTIZ, Mr. BISHOP of New York, Mr. PASTOR, Ms. ZOE LOFGREN of California, Mrs. BOYDA of Kansas, and Mrs. MALONEY of New York.

H.R. 1076: Mr. COSTELLO.

H.R. 1082: Mr. KILDEE, Mr. STARK, Mr. PAYNE, Mr. UDALL of Colorado, Mr. MCHUGH, Mr. ELLISON, and Mrs. NAPOLITANO.

H.R. 1092: Mr. MCDERMOTT.

H.R. 1093: Mr. FARR, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. GARY G. MILLER of California, and Mr. CONYERS.

H.R. 1125: Mr. BISHOP of Georgia, Mrs. CAPITO, Ms. SHEA-PORTER, Mr. COBLE, Mr. HALL of Texas, Mr. MACK, Mr. JONES of North Carolina, Mr. MANZULLO, Mr. MATHESON, Mr. RENZI, Mr. PAUL, Mr. HUNTER, Mr. ROSKAM, and Mr. STARK.

H.R. 1126: Ms. SUTTON, Mr. ALTMIRE, Mr. WILSON of Ohio, and Mr. HOLDEN.

H.R. 1144: Mr. COHEN, Ms. DEGETTE, Mr. HONDA, Mr. JINDAL, Ms. ZOE LOFGREN of California, Mr. GONZALEZ, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. PASTOR, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, and Mr. WEXLER.

H.R. 1146: Mr. EVERETT.

H.R. 1152: Mr. ROGERS of Michigan.

H.R. 1176: Mr. GRIJALVA.

H.R. 1192: Mr. GERLACH.

H.R. 1238: Mr. WAXMAN.

H.R. 1250: Mr. SENSENBRENNER.

H.R. 1261: Mr. MACK, Mr. WALBERG, Mr. CANNON, Mr. DAVIS of Kentucky, Mr. TERRY, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. MARCHANT, Mr. DOOLITTLE, and Mr. MCCAUL of Texas.

H.R. 1280: Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. HIGGINS, Mr. HILL, Mr. KILDEE, and Mr. BERMAN.

H.R. 1283: Mr. COOPER and Mr. PRICE of North Carolina.

H.R. 1303: Mr. LIPINSKI, Mr. BERMAN, and Mr. JOHNSON of Illinois.

H.R. 1307: Mr. YOUNG of Florida, Mr. MCCAUL of Texas, and Mr. EVERETT.

H.R. 1308: Mr. BERMAN.

H.R. 1324: Ms. ROS-LEHTINEN and Mr. SHERMAN.

H.J. Res. 1: Mr. FORTENBERRY and Mr. BOSWELL.

H.J. Res. 14: Mr. RAHALL, Ms. KAPTUR, Ms. NORTON, and Mr. FILNER.

H. Con. Res. 49: Mr. LAMBORN and Mr. KINGSTON.

H. Con. Res. 53: Mr. CALVERT, Mrs. MYRICK, and Mr. TERRY.

H. Con. Res. 71: Mrs. MYRICK.

H. Res. 49: Mr. BURTON of Indiana and Mr. PASTOR.

H. Res. 87: Mr. CARNEY.

H. Res. 97: Mr. OLVER, Mr. FILNER, Mr. WALZ of Minnesota, Ms. CLARKE, Mr. ELLISON, Mr. SIRES, Mr. HOLT, Mr. REYES, Mr. NADLER, and Mr. STARK.

H. Res. 101: Mr. PRICE of North Carolina.

H. Res. 107: Mr. FATTAH.

H. Res. 121: Ms. SLAUGHTER, Mr. MEEKS of New York, and Ms. JACKSON-LEE of Texas.

H. Res. 136: Mr. KING of New York, Mr. BOOZMAN, Mr. KIND, Mr. MCDERMOTT, Mr. MICA, and Ms. ZOE LOFGREN of California.

H. Res. 149: Mr. HALL of New York.

H. Res. 158: Mr. PICKERING, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. PETRI, Mr. BARTLETT of Maryland, Mr. HOBSON, Mr. RUPPERSBERGER, Mr. TIAHRT, Mr. TERRY, Mr. GONZALEZ, and Mr. WALBERG.

H. Res. 182: Ms. JACKSON-LEE of Texas and Mr. COHEN.

H. Res. 186: Mr. GENE GREEN of Texas, Mr. KLEIN of Florida, and Mr. MCCOTTER.

H. Res. 196: Ms. WOOLSEY, Mr. BERMAN, Mr. GONZALEZ, and Mr. KUCINICH.

H. Res. 197: Mr. GONZALEZ, Ms. ZOE LOFGREN of California, Mr. SERRANO, Mr. WYNN, Mr. MCDERMOTT, Mr. CARNAHAN, Mr. HALL of New York, Mr. BACA, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. BERKLEY, Ms. KAPTUR, Mr. CROWLEY, Ms. DEGETTE, Mr. FILNER, Mr. OLVER, Ms. VELÁZQUEZ, Mr. ORTIZ, Mr. REYES, Ms. WOOLSEY, and Mr. GENE GREEN of Texas.

H. Res. 208: Mr. MARSHALL, and Mr. MCNULTY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 866: Mr. MARIO DIAZ-BALART of Florida.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 569

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 1: At the end of the bill, add the following:

SEC. 3. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

H.R. 569

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 2: Page 5, after line 9, add the following:

(e) PARTICIPATION IN EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAM.—Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended by adding at the end the following:

"(j) PARTICIPATION IN EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAM.—The Administrator may make a grant to a State, municipality, or municipal entity under subsection (a) only if the State, municipality, or municipal entity provides assurances satisfactory to the Administrator that the State, municipality, or municipal entity will impose conditions requiring all persons, including contractors and subcontractors, carrying out activities using amounts of the grant—

"(1) to elect to participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

"(2) to comply with the terms and conditions of the election.".

H.R. 569

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 3: Page 4, line 6, strike "$250,000,000" and insert "$237,500,000".

Page 4, line 7, strike "$300,000,000" and insert "$285,000,000".

Page 4, line 7, strike "$350,000,000" and insert "$332,500,000".

Page 4, line 8, strike "$400,000,000" and insert "$380,000,000".

Page 4, line 9, strike "$500,000,000" and insert "$475,000,000".

H.R. 700

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 1: At the end of the bill, add the following:

SEC. 3. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

H.R. 700

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 2: Page 2, after line 5, insert the following:

(a) PARTICIPATION IN EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAM.—Section 220(c) of the Federal Water Pollution Control Act (33 U.S.C. 1300(c)) is amended—

(1) by striking "The Administrator" and inserting the following:

"(1) AUTHORITY UNDER STATE LAW.—The Administrator"; and

(2) by adding at the end the following:

"(2) PARTICIPATION IN EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAM.—The Administrator may make a grant under this section to an entity only if the entity provides assurances satisfactory to the Administrator that the entity will impose conditions requiring all persons, including contractors and subcontractors, carrying out activities using amounts of the grant—

"(A) to elect to participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

"(B) to comply with the terms and conditions of the election.".

Page 2, at the beginning of line 6, insert "(b) AUTHORIZATION OF APPROPRIATIONS.—".

H.R. 700

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 3: Page 2, after line 5, insert the following:

(a) SELECTION OF PROJECTS.—Section 220(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1300(d)(2)) is amended by inserting before the period at the end the following: "or whether the project is located in an area which is served by a public water system serving 10,000 individuals or fewer".

Page 2, at the beginning of line 6, insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—

H.R. 700

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 4: Page 2, after line 5, insert the following:

(a) ELIGIBILITY.—Section 220(c) of the Federal Water Pollution Control Act (33 U.S.C. 1300(c)) is amended by inserting before the period at the end "and the entity does not permit the use of its water for retail sale of water in containers of 5.7 gallons (20 liters) or less".

Page 2, line 6, before "Section" insert "(b) AUTHORIZATION OF APPROPRIATIONS.—".

H.R. 700

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 5: Page 2, line 9, after the dollar amount insert "for fiscal years ending before October 1, 2008".

SENATE—*Tuesday, March 6, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who commanded humanity to be fruitful, bless our Senators in their work. Help them to be faithful in the discharge of their duties and honorable in all of their dealings. Give them self-control in speech and temper as You empower them to be models of humility and thoughtfulness. Strengthen them to labor so that in thoughts, words, and deeds they may glorify You.

Lord, give them the wisdom to build new bridges of friendship and to discover fresh opportunities for service. May their labors for liberty be as the light of morning when the Sun rises and like the tender grass springing out of the Earth.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following whatever time the leaders utilize, the Senate will be in a period of morning business for 60 minutes, with each side controlling 30 minutes and the majority going first.

Following morning business, the Senate will resume consideration of S. 4.

Yesterday, I offered a unanimous-consent agreement to have votes on the pending amendments relating to collective bargaining. There was an objection to that request.

In view of that objection, I indicated I would move to table the DeMint amendment, and I will make that motion at 12 noon today, so Members can expect the first vote at noon today.

Today being Tuesday, the Senate will recess at 12:30 until 2:15 for our weekly conferences.

I would also like to remind Members that tomorrow at 11 o'clock, King Abdullah, the King of Jordan, will address a joint meeting of Congress in the House Chamber. The Senate will depart for the House Chamber around 10:45 a.m.

MEASURE PLACED ON THE CALENDAR—S. 761

Mr. REID. Mr. President, it is my understanding that S. 761 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

> A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. REID. Mr. President, I object to any further proceedings on this piece of legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

IRAQ

Mr. REID. Mr. President, every morning I get up and do my exercise. It takes me about an hour to go out and do what I do in the morning. This morning was very cold. I listen to the radio. I listen to the news every morning. It is with a heavy heart that I finished my exercise this morning and came into my home and got ready to come to work.

Nine American soldiers were killed in Iraq yesterday. I don't know how many were wounded. I don't know how many were grievously wounded. But I have to focus on those nine soldiers and their families.

I am fortunate. I am one of four sons. My brother Dale died as a young man, and I still have not gotten over my brother Dale dying at 46, 47 years old. I know his death is not comparable, of course, to these valiant soldiers who were killed in Iraq yesterday, but he is still my brother and I still feel very badly.

I can't imagine how the nine soldiers' families feel today. Some of them have not yet been notified that their loved one has been killed, but most of them by now have been notified. This is a reminder of what is happening in Iraq thousands of miles from here but affecting the lives of everyday Americans. The current approach isn't working. We need to change course in Iraq.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the majority and the second 30 minutes under the control of the Republican leader or his designee.

The Senator from Washington is recognized.

VETERANS HEALTH CARE

Mrs. MURRAY. Mr. President, I listened to the majority leader talk a few minutes ago about going out to do his morning exercise and hearing once again of nine soldiers who were killed today in Iraq and the heavy burden all of us have as we sit and listen to the debate about Iraq and how we should proceed and how we cannot ever forget the burden it places on so many families and will continue to be on so many families for years to come.

I have been out on this floor several times to talk about the administration's failure to care for our troops. I am sure it is not going to be my last time; in fact, I am positive it will not be my last time. I am going to keep talking about these men and women and their families who have been impacted so dramatically and what we are doing as a nation to make sure we are there for them every step of the way. Unfortunately, the list of failures is very long—too long. Recently, we heard about the obstacles of service men and women with traumatic brain injuries when they return home from battle. I have seen these men and women. I have watched what happens to them. It is not a couple of days. It is not a couple of months. It is a lifetime of dealing with a traumatic brain injury and how it impacts them, their families, their ability to be able to be productive, their family's ability to be able to put food on the table and continue to care for the person. It is a long-term cost. It is part of the cost of the war, and it is a burden we should all be sharing and as of yet have not been sharing.

We have heard about the shameful treatment of patients at Walter Reed Hospital. We have all felt so compassionate as we listened to these men and women and the squalid conditions they lived in. I am here to tell my colleagues, this is a syndrome, the "Walter Reed" syndrome. It is not just at Walter Reed. We are hearing from men and women across the country who have been impacted by this war and have been sort of the forgotten stepchildren of this war, left in a facility somewhere, and their families are struggling every single day, every single minute to deal with these young men and women. Sometimes they are older. I have talked to men and women who are in their 50s who are members of the Guard and Reserve who have been impacted. Some are grandparents.

This morning the President announced that one of our former colleagues, Senator Bob Dole, will join with former Secretary of Health and Human Services Donna Shalala, who will cochair a panel to look into the problems at the Department of Defense and the veterans health care system. I am pleased the President finally, after 4 years, is putting an emphasis on this crisis. I think he has chosen two very well-qualified individuals to lead this panel, but I remain very concerned.

First of all, let me remind everybody that the President received recommendation after recommendation from panel after panel during this administration, and time and time again he refused to implement their suggestions or simply ignored them. We see that on the Senate floor today. We are out here debating the 9/11 Commission. They released their findings years ago. Few of them have been implemented. It has taken a shift in power from Republicans to Democrats to finally implement the 9/11 Commission recommendations.

Even more recently, the Iraq Study Group, another bipartisan, highly regarded commission, released its findings on a path forward in Iraq. The President applauded the members of the group, said they were great, but he has ignored their recommendations. Instead, he has left it up to us in Congress to try to bring a new direction to the war in Iraq.

So we are right, I believe, to be wary of this new step from the President—two good people, Bob Dole, Donna Shalala, and another highly regarded commission to look into this. I know those members will take their time and evaluate everything. But once they make their recommendations, my question to all of us is: What will the President do with them? The President knows how to talk the talk, but I am pretty worried he doesn't know how to walk the walk.

I am here this morning to say our troops don't need any more rhetoric. They do need a lot of action. That is why the Senate Democrats are determined to address these problems, not just at Walter Reed—of course at Walter Reed but beyond that—through comprehensive action aimed at taking care of the men and women who serve us from the battlefield all the way to their local VA and for a lifetime, if that is what it takes.

We need decisive action, not commission after commission and report after report that the President can simply choose to ignore. I hope this commission will, as well as the group actually who has been set up by Secretary Gates, who has responded, I believe, in a strong manner, I hope they come forward with positive ideas that will benefit our troops. But I also promise to our troops, to our men and women, to our veterans, and to all their families that we in this body are not going to sit idly by and wait for another commission report or for this President to act.

Lost in the news coverage last week of this whole Walter Reed fiasco was a report on the President's failure to provide adequate mental health care for our Armed Forces. That report which was lost in all of this was a military psychologist-led task force, and they told us 30 percent of our troops meet standards for having a mental disorder, but less than half of them ever receive care. Thirty percent of the men and women we send to Iraq and Afghanistan come home with what is termed a mental disorder. Yet less than half of them ever receive care. The stories I hear from these troops and from their families and the people whom I talk to are heartbreaking.

My staff this past week spoke to one soldier who returned from his second tour in Iraq and is suffering from a severe case of post-traumatic stress disorder. He said that at his hospital, if you are not missing a limb, you are virtually invisible. If you are not missing a limb, you are virtually invisible. To me, that is appalling, and I fear that is not an isolated case. Sometimes those in need choose not to seek help, but for many of them, the ones who want and need mental health care or who their families know need mental health care and are trying to get them into the system, the services haven't been available.

Amazingly, only 40 percent of the Army and Navy's Active-Duty, licensed clinical psychologist positions are filled. Only 40 percent of them are even filled. The psychologists who are on staff report being worked to the bone and having a low motivation for work. I talked to a psychologist myself recently on a visit, and he told me he was doing the same thing he did during the Vietnam war, and he said to me: I don't know if I can do this anymore. These psychologists are worked to the bone and they are tired. They are tired because they see men and women who are not getting the care and they are worried they can't keep up—almost 4 years into this war, 4 years into this war. To me, this is so unacceptable.

It is unacceptable that there are severe staffing shortages in mental health care when men and women need help. An equally troubling conclusion of the report—that was lost last week because we are so focused on Walter Reed, but I think we need to focus on it—was that our National Guard and Reserve Forces are being particularly hit hard by the shortage in mental health care. We know that Guard and Reserve members come from some of our smallest communities, and they have sacrificed so much for this country. They have left loved ones and left their jobs for months to go over and police an Iraqi civil war. For the President's escalation plan, now we are seeing many of them being forced to go back a second, third time—and I even talked to one soldier who is going back the fourth time—without the necessary break. These brave men and women accepted these realities without complaint. Two to one, they say to me: I am honored to serve my country.

Despite all that has been asked of them and all they have given, this administration is not providing the mental health care they need.

However disturbing these findings are—and they are horribly disturbing—the worst aspect is that there has been report after report after report, year after year after year, detailing the lack of mental health care.

Last year, as I have said on the floor before, the Government Accountability Office found similar problems. Last spring, in an unusually candid interview—almost a year ago now—the VA's Under Secretary for Health Policy Coordination, Dr. Frances Murphy, said mental health care services are inadequate and that when services are available, "waiting lists render that care virtually inaccessible."

This is the President's administration, his Veterans' Administration and Under Secretary there, who has been telling us for almost a year now that waiting lists render mental health care services virtually inaccessible. What has this President's response been? Total silence. I ask: How does that fall on the ears of these soldiers and their families?

This administration has known about these problems for years. But we have seen no changes and no improvements.

With minimal amounts of sleep, our service men and women work longer days than you and I can imagine. They see things none of us should ever witness: bodies blown to pieces, mutilation, the blood of their fellow soldiers on the streets of a country we have no place being.

All of this is for a war we were misled into supporting. There were no weapons of mass destruction, Saddam Hussein was never connected to al-Qaida, and nobody can say we are spreading democracy to Iraq today. In truth, we are fighting a war with no cause.

These stresses and images from a pointless conflict take a toll on our troops. It takes a toll on their families. They suffer mental stress, which is no surprise to anybody; it ought to be expected. As Americans across this country—but especially Senators—it is our solemn duty, as those who have not seen the horrors of battle, to care for those who have. Even more so, as the one who sent Americans to Iraq, it is the duty of the President.

Providing mental health care for our children falls under this duty—a duty that, sadly, this President has failed to fulfill.

So I came to the floor this morning to remind my colleagues—my Republican colleagues and this President—actions speak louder than words. Talk does not improve the quality of the living conditions, and it doesn't make adequate mental health care available. Talk is cheap. Eventually, after a lot of talk and no action, words catch up with you. That is what we are seeing today. The Bush administration says they have provided for our Active-Duty warriors and our veterans, but story after story, report after report proves otherwise.

Unfortunately, it is pretty clear to all of us now that from enlistment to retirement, this administration has failed our troops. It is time for us to take action. I look forward to working with all of my colleagues on this floor to have action and not just words. I don't want to see report after report, all this year long and a year from now, stories that continue. We have a responsibility, when we send men and women overseas to fight for us, that we are on this floor fighting for them.

This Congress, so far, has failed to do that in many ways. This White House has done it day after day. I call on all of my colleagues to step up at every step of the way as we approve bill after bill, supplemental budgets, authorization bills, to stand up and speak out for our troops and no longer ignore the reality of this war.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be able to address the Senate in morning business and the time be discounted from the minority's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING MARIO CHANES DE ARMAS

Mr. MARTINEZ. Mr. President, I rise today to pay tribute to a Cuban patriot—Mario Chanes de Armas.

When we speak of individuals who have spent their lives fighting for the fundamental right of people to live in freedom, we often think of individuals like Nelson Mandela and Natan Sharansky.

However, today I want to share with you the story of Mario Chanez de Armas. He spent 30 years as a prisoner of conscience in Castro's gulag. He was the longest serving political prisoner the world has known—30 years imprisoned for his political views.

Sadly, Mr. Chanes died last week at the age of 80 before his one true dream could be fulfilled—freedom for the people of Cuba.

I want to extend my condolences to the members of his family and his many friends.

He was a man of great conviction and held a true love for humanity. Mario Chanes was a freedom fighter in the truest sense of the words. Originally a labor leader, Chanes de Armas demonstrated leadership and charisma and was an early ally of the then perceived "reformer" Fidel Castro. They had worked together for democracy and against the Batista dictatorship. He and Castro shared a cell in Batista's prison until they were both released.

Shortly after the Castro take over Mario began to see the true nature of the individual that was his former cell mate. He realized that Castro did not care about civil liberties and human rights or democracy as he once claimed but rather Castro became what he remains today—irrational, a devoted communist, and an enemy of freedom, a brutal dictator. For pointing out the danger Castro posed to Cubans, Chanes de Armas was jailed as a counter-revolutionary.

He served for 30 years in deplorable conditions.

Human Rights Watch reports that Cuban political prisoners spend months in isolation cells, sometimes without light or ventilation. They are often provided no beds—no mattresses. Their rations of food and water are barely enough to sustain life. Sanitation and medical conditions are so bad that inmates often leave prison with serious ailments—if they are allowed to leave at all.

Chanes de Armas suffered these conditions. For his continued resistance against the dictatorship, he was put in tapiadas, steel isolation cells, and gavetas, "drawers" so narrow that he only had room to stand. And for what? For refusing to change his political beliefs and for rejecting communism. They never broke his spirit in spite of all the punishment.

Mr. President, Today I want us to take a moment to remember Mario Chanes de Armas—to honor him, his legacy, our continued battle for freedom and the ideals in which he believed and tried so hard to bring to Cuba—liberty, democracy, human rights, rules of law. His dream lives on and his legacy lights the way.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

TRANSPORTATION SECURITY OFFICERS

Mr. BROWN. Mr. President, there are 43,000 men and women working as transportation security officers, or TSOs, for the Transportation Security Administration. They deserve our respect, not our indifference.

The McCaskill amendment is straightforward. It provides TSOs basic rights and protections in the workplace.

The DeMint amendment, however, strips away those rights and protections. Proponents have raised specious arguments about the consequences of providing worker protections to people whose job it is to protect us. In fact, the opposite is true.

The McCaskill amendment helps ensure that a screening system intended to prevent acts of terrorism actually prevents acts of terrorism. If we want TSOs to protect our health and safety, we should protect theirs. For the sake of screeners and travelers both, TSOs should not be overworked.

For the sake of screeners and travelers both, TSOs should not fear retaliation if they report security breaches.

For the sake of screeners and travelers both, TSOs should have somewhere to turn if they are being harassed or bullied at the workplace or if there are health and safety issues in the workplace.

Basic rights, basic common sense. That is what the McCaskill amendment is about. It doesn't give TSOs the right to strike. It does not compromise the public safety. Actually, it promotes the public safety.

I urge every Member of this body to allow TSOs the same basic rights and privileges and protections as other Federal employees. Vote yes on the McCaskill amendment because you care about these workers, and vote yes because you care about all of us, the people they are protecting.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

COLLECTIVE BARGAINING

Mr. BURR. Mr. President, I take the floor today to speak on two subjects and very briefly to address my colleague from Ohio. Mr. President, I wish to make an important point about why these collective bargaining provisions are, in fact, harmful to the United States of America and to the American people. It is a pretty simple point.

Terrorists don't have collective bargaining agreements. I will say that again. Terrorists don't have collective bargaining agreements. Terrorists don't go on strike. Terrorists don't call their unions to negotiate before they attack. They are always plotting and, because of this, we must be always working vigilantly to protect our homeland.

Today we are debating how quickly we are going to respond to threats from terrorists who are eager to strike us, and some in this body are suggesting that we should give the ability of the people who are on the front lines to collectively bargain. It is absurd. It is absolutely absurd. But I assure my colleagues, if this collective bargaining language stays in, we risk doing exactly that—accepting something absurd.

(The remarks of Mr. BURR pertaining to the introduction of S. 765 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURR. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

RISK-BASED FUNDING

Mr. MARTINEZ. Mr. President, I wish to speak this morning in favor of Feinstein-Cornyn amendment No. 335 and highlight how important it is that our homeland security grants be awarded on the basis of risk.

As we have debated and discussed on the floor of this Chamber on numerous occasions, the smartest and most pragmatic approach to funding for homeland security grants is based on the level of risk faced by communities, not by some arbitrary formula.

It is a simple approach. Places that face more risk and are more attractive targets to terrorist attacks should receive more funding. This was the approach articulated and supported by the 9/11 Commission, and it is one that this body should have approved.

As we all know, the way homeland security funds are distributed now reflects a political compromise. It does not reflect a realistic assessment of our Nation's security needs. Some money will be based on risk, but all States are guaranteed of receiving some funding.

It makes very good sense to create a structure whereby first responder funds are allocated based on risk of a terrorist attack. In my home State of Florida, we have ports, tourism, and population centers. We have major cities, such as Miami, Tampa, and Jacksonville, all with stadiums, professional sports franchises, and busy downtowns.

As a former mayor of Orange County, I recognize the critical need for risk-based funding of homeland security grants.

If you look at the population of Orlando, it appears to be a moderately sized city. However, if one considers the interests of the greater Orlando area with tourist attractions, amusement parks, and resorts, at any one time, there can be millions of Americans and foreign visitors in the Orlando area.

According to the Orlando County Visitors Bureau, roughly 45 million visitors come to central Florida each year—45 million visitors. There is no way our current funding system accounts for this reality. Across Florida, we have significant roadways, railways, and some of the busiest ports in the world. We are told all are potential targets, but our current method of funding does not reflect the needs of my State or that of many other States. We need to correct this problem. The American people expect us to correct this problem. That is why I am supporting the Feinstein-Cornyn amendment.

Following the recommendations of the 9/11 Commission, this amendment would, first of all, ensure that homeland security grants are allocated on a risk-based formula built on assessment of threat, vulnerability, and consequence to the maximum extent practicable. Secondly, it would assure a guaranteed minimum funding for homeland security grants, without turning the program into another grant system for redistributing Federal funds arbitrarily. The amendment also directs the DHS Secretary to consider transient and tourist populations as risk targets for deciding the disbursal of funding for homeland security grants. Finally, it sets minimum performance requirements for homeland security grants and a 2-year audit cycle for grant recipients by the DHS inspector general.

Under this amendment, every State would continue to receive some funding; it is just that now the cities and States most at risk would receive most of the funding. This amendment certainly makes sense to Florida's new Governor, Charlie Crist, who believes it to be the best option for Florida. I feel the same way. I know other Senate colleagues of mine believe Senators FEINSTEIN and CORNYN have put together a commonsense amendment that helps the cities and States most at risk. I will vote in favor of this amendment, and I encourage my colleagues to do the same.

Our Secretary of Homeland Security, Michael Chertoff, also thinks it a prudent move and said as much during a debate on the homeland security grants during 2005. Secretary Chertoff remarked then:

> Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

What this means is communities across this Nation—whether they are large or small; whether or not they would appear to be high-risk terrorist targets—are receiving precious resources that are going to local law enforcement agencies so they can upgrade their equipment and other resources. We should not be allocating, in some formulaic method, the limited money set aside for first responders. We need to take a more direct approach.

There is a reason terrorists struck New York and Washington on September 11: They wanted to strike two of our most powerful cities. They wanted to cripple our Government and sabotage our economy. It is for these reasons that cities such as New York and Washington should receive homeland security grants that are commensurate with that risk. A spending formula does not speak to this basic reality.

I support the Feinstein-Cornyn amendment and ask my colleagues to support this amendment as well.

As we continue this important debate, the heart of our efforts should be on making America safer, not rewarding particular communities or interest groups. It is disheartening to me that so much of the debate thus far has been about granting additional rights to unions. Is this going to make us any safer? Is it worth all the time we are spending on it? Of course not.

Rather than debating all aspects of union rights associated with our national security, we should be considering some other proposals that have been offered, such as increasing penalties for those found to be financially supporting the families of suicide bombers or granting additional subpoena authority to Federal terrorism investigators so they can find individuals who wish to do us harm and then bring them to justice. This debate should be about strengthening our national security; it should not be about strengthening unions. This should not be about political payback; it should be about making America safer. Anything less would be a disservice to this body and do little to further the safety and security of those we are elected to represent.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The bill clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

DeMint amendment No. 314 (to amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism.

McConnell (for Kyl) amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin modified amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Feinstein amendment No. 335 (to amendment No. 275), to improve the allocation of grants through the Department of Homeland Security.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Collins amendment No. 342 (to amendment No. 275), to provide certain employment rights and an employee engagement mechanism for passenger and property screeners.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Sessions amendment No. 347 (to amendment No. 275), to express the sense of the Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States.

Mr. LEAHY. Mr. President, is there a pending amendment?

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 347.

AMENDMENT NO. 333 TO AMENDMENT NO. 275

Mr. LEAHY. Mr. President, I ask to set that aside and call up amendment No. 333.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, and Mr. ENZI, proposes an amendment numbered 333 to Amendment No. 275.

Mr. LEAHY. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the minimum allocation for States under the State Homeland Security Grant Program)

On page 69, lines 19 and 20, strike "0.45 percent" and insert "0.75 percent".

Mr. LEAHY. Mr. President, I can explain this easily. It is a bipartisan amendment. I offer it on behalf of myself and Senators THOMAS, STEVENS, ROBERTS, PRYOR, SANDERS, ENZI, HATCH, and WHITEHOUSE to restore the minimum allocation for States under the State Homeland Security Grant Program. Right now, in the underlying bill, it is proposed at .45 percent. Our amendment would restore it to current law which is .75. That means that every State would have, of the homeland security money, at least .75 percent of it.

I should point out, incidentally, as with current law, our State minimum, under our amendment, would apply only to 40 percent of the overall funding of this program. This may sound somewhat tricky, but what it means is we have special funding for certain unique areas—ports areas, large cities and all—but this applies to only 40 percent of the overall funding. The majority of the funds would continue to be allocated based on risk assessment criteria—again, the idea of a major port, or something like that, as are the funds under the several separate discretionary programs which Congress has established for solely urban and high-risk areas. These are also governed by risk assessment calculations. That is not something that is going to be affected by the so-called small State minimum.

The underlying bill before the Senate would reduce the all-State minimum for SHSGP in the Law Enforcement Terrorism Prevention Program to .45 percent. In the other body it is reduced even further, to .25 percent. So we know this is going to be a matter in conference under any circumstances. In fact, due to the formula differences—it is somewhat complicated, but as a result, there is no guarantee that the minimum would not even be further reduced during conference negotiations.

Small- and medium-sized States face a loss of millions of dollars for our first responders if the minimum is lowered. If you reduce the all-State minimum to .45 percent, the underlying bill would reduce the guaranteed dollar amount for each State by 40 percent. With the appropriations for the formula grants having been cut by 60 percent since 2003—it was $2.3 billion in 2003; it is $900 million in fiscal year 2007—if you have a further reduction in first responder funding, it is going to hinder, actually, every State's effort to deal with potential terrorist attacks. That applies to fiscal year 2007 homeland security and law enforcement terrorism grants which were funded at $525 million and $375 million, respectively, for a total of $900 million.

Under the current all-State minimum, the base amounts States receive is $6.75 million. Under the 2007 levels, each State would face a loss of an estimated $2.7 million or 40 percent under this new formula, and this is assuming we do not go even lower when we go to conference with the other body. For small States—one that comes to mind is Montana. Why that particular one came to mind I don't know. Maybe looking at the distinguished Presiding Officer made me think of it. But the cuts would be even deeper should the President's budget requests for next year be approved. He requested only $250 million for these two important first responder grant programs.

Under the .45 percent minimum proposed by the underlying bill and the .25 percent minimum proposed by the Feinstein-Obama amendment, the guaranteed amount for each State would drop to $1.125 million and $625,000 respectively.

Again, these are all numbers and percentages you talk about. But what it means is it would be a loss of millions of dollars in homeland security funding for fire, police, and rescue departments in small and medium-sized States. At the same time we are being told, you have got to prepare to be able to do this and do that; we have to be able to have a unified response around our Nation, we are going to have to call on you first and foremost; you have got to have your radios, your equipment, your training. Oh, by the way, find the money somewhere. You are part of a national effort, but find the money somewhere in your small communities or States to do it.

It deals a crippling blow to launch federally mandated multiyear plans for terrorism preparedness. Basically we can say from Washington what you should do in these multiyear plans. We tell you how to coordinate, how you train and plan, and it may be a small town on the border, the Federal border, you could be on a major waterway, but find the money somewhere. We want you to do this because the Nation needs you, we just cannot help you.

Now, I understand there is a budget crunch. We need a lot of money to send over to Iraq so the Iraqis can prepare for national defense. We need a lot of money to send over to Iraq so they can spend it on their police departments. We need a lot of money to send over to Iraq so they can spend it on their fire departments. I don't know, maybe I am old-fashioned in this regard, but I think maybe we kind of ought to look at our police departments first, our fire departments first. If I have a burglar in the middle of the night, I am not going to call the Iraqi police department, I am going to call my local police department. If we have a fire, I am not going to call the Iraqi fire department, I am going to call my own fire department. If we have a terrorist attack, if we have a terrorist attack coming across our border or on one of our major waterways, I am not going to call the Iraqi fire department or police department, I am going to call our own. We are going to be the first responders. It is not going to do much good to say, sorry, we do not have the money for you because we needed it for your counterparts in Iraq.

Even if the current .75 percent minimum is applied to the President's budget request, as my amendment does, States would still see a major drop. They would be guaranteed a minimum amount of $1.875 million. That is a drop of $4.875 million from the fiscal year 2007 guaranteed minimum amount.

Now, I have voted for, I have supported, antiterrorist efforts for our large States. We have seen what terrorism can do in larger States. In Oklahoma, it was, of course, homegrown. In Oklahoma City it was an American, former member of our armed services who attacked. But the damage to our people was as great as somebody coming from outside.

In New York City, it was from outside our Nation, the Twin Towers, and every one of us who goes to work in this building that was targeted for destruction by the terrorists. I have no problem in giving special funding to places that might be seen as being possible high-profile targets. But I wrote the current all-State minimum formulas as part of the USA PATRIOT Act in 2001 to guarantee each State receives at least a fraction of 1 percent, three-quarters of 1 percent of the national allotment to help meet their national domestic security needs. Some States may have many times that, of course. But each State receives some kind of a minimum amount because every State—rural, urban, small or large—has basic security needs. They are going to have basic security requests from the Federal Government, and they deserve to receive Federal funds under this partnership to meet both those needs and the new homeland security responsibilities the Federal Government demands.

As I said before, high-density urban areas have even greater needs, and that is why this year alone we provided $1.3 billion for homeland security programs which Montana cannot apply for, Vermont cannot apply for. I don't have any problems with that. There is only a small number of urban areas that can, and we have a special pot of money for that.

Those needs deserve and need to be met. We are talking about the amount of money for homeland security which is a fraction of what we currently are spending in Iraq anyway. At some point we have to talk about what our needs are here inside the homeland.

I worked very hard over the years to help address the needs of larger States and high-density areas. I have done it on the Appropriations Committee, I have done it in the Judiciary Committee, and I have opposed the administration's efforts to pit our States against each other as they have tried to mask their efforts, the administration's efforts, to cut overall funding for first responders.

Smaller States especially would never be able to fulfill the essential duties they are asked to do by the Federal Government on top of their daily responsibilities without some Federal support, such as DHS currently suggesting that States will have to pay for REAL ID implementation, this idea they have come up with, which is basically having a national identification card. No matter what you call it, it is the first time in our history that we have a national identification card. But you know that is going to cost the States, this idea that was cooked up out of an office here in Washington. It is going to cost our individual States $16 billion. If you cut down the minimum even more at the same time you are making substantial drops in overall first responder funding, then small and medium-sized States are not going to be able to meet these Federal mandates for terrorism prevention, preparedness, and response.

Some from urban States argue that Federal money, the Federal money to fight terrorism, is being spent in areas that do not need it; it is wasted in small towns. They claim the formula is highly politicized and insist on the redirection of funds to urban areas that they believe face these heightened threats of terrorist attacks.

Well, what the critics of the all-State minimums seem to forget is that since the September 11 terrorist attacks, the Federal Government has asked every State, every State and every local first responder, every local first responder, to defend us as never before on the front lines in the war against terrorism.

Emergency responders in one State have been given the same obligations as those in any other State to provide enhanced protection, preparedness, and response against terrorists. The attacks of 9/11 added to the responsibilities and risks of first responders across the country.

In recent years, due to the .75 all-State minimum allocation for formula grants, first responders have received resources to help them meet their new responsibilities. They have made their neighborhoods safer. They made our communities better prepared. A lot has been done.

I hope my colleagues will support my amendment to restore the .75 percent minimum base and give us the kind of support and resources for our police, fire, and EMS services in every State if we want them to carry out the responsibilities.

I see the distinguished senior Senator from Utah, one of our cosponsors on the floor.

I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, Senator COBURN be given an opportunity to make his comments, and then immediately following him Senator DEMINT be given his opportunity to speak here on the floor.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I thank the distinguished President of the Senate.

Mr. HATCH. Mr. President, last week I shared some of my thoughts and concerns regarding section 803 of S. 4. I am referring to the section that was inserted into this important piece of legislation during the committee consideration; this section would permit TSA's Transportation security officers, our Nation's airport security screeners, to engage in collective bargaining—a change that was not recommended by the 9/11 Commission.

During those remarks, as a former union member, I argued that collective bargaining would adversely affect one of the greatest weapons that our Transportation security officers employ: the flexibility to change tactics quickly.

Why? Because we all know that one of the central aspects of any collective bargaining agreement is a determination of the conditions by which an employee works; when a person works, where he or she works, and how he or she works are all matters which are open to negotiation. Obviously, efficiency and productivity can be dramatically affected—for better or worse—by a collective bargaining agreement.

In my last address on this issue, I also pointed out that flexibility has been one of the central tenets of our Nation's successful antiterrorism response, as was shown so well last August when the security services of the United Kingdom discovered a well-organized conspiracy that reportedly sought to blow up commercial aircraft in flight using liquid explosives disguised as items commonly found in carry-on luggage.

As that case showed only too well, quick and decisive action was required to protect our citizens and commerce from a very real threat. That action was taken by our Transportation security officers, who, within 6 hours of learning of the plot, made quick use of this highly classified information and trained and executed new security protocols designed to mitigate this threat.

What would have been the result if collective bargaining had been in effect? Very real questions and uncertainties can be raised about the impact that a TSA subject to collective bargaining could have had on the discovery of that plot. Should the Government have to bargain in advance over what actions it can or cannot take when dealing with an emergency situation? If so, how would we know what to bargain for? Would there be time to conduct this negotiation? I think not.

One of the TSA's great strengths in responding to the U.K. plot was the fact that a fundamental change in our tactics was accommodated in a short period of time. Would not the vital capability of a uniform response to emerging threats be drastically curtailed if Transportation security officers were permitted to join different unions at various airports? Think about that. There would be separate collective bargaining agreements at various locations which would force TSA to implement dissimilar procedures in order to meet the legal requirements of each agreement. That obviously will not work.

I can see the posters now: "Defend America, but only during the hours and under the conditions that my union negotiated."

What about the relationship that will be created between supervisors and Transportation security officers? Might not collective bargaining create an atmosphere of us-versus-them? During a war, is this the attitude that we wish to foster? Rather, should we not attempt every day to enhance all of our agency's capabilities by building a team mentality?

What about training?

What about training? One of TSA's great successes took place in 2005 when the agency, in fewer than 6 weeks, was able to train 18,000 transportation security officers in new methods to discover explosives.

What would have occurred if a collective bargaining agreement had been in place? Rules governing training are often found in collective bargaining agreements—rules that require further negotiation as to the need, method, and time of training. It is common to hear in other situations that these negotiations require 60 to 180 days before training is implemented. Would that be a change for the better? I think not.

As I mentioned before, during the U.K. plot transportation security officers were retrained in 6 hours, and in fewer than 6 weeks they received new explosive training. Are we to sacrifice this impressive capability for an ad hoc system that might work after 60 or 180 days of negotiation? I would think not. Now, that would be a true gift to al-Qaida.

Additionally, many collective bargaining agreements require that an employer only judge if a worker has learned a new technical skill on a "pass or fail" basis. Imagine that. Would you feel safe traveling in an aircraft knowing that all a security screener had to do was get 1 point above failing to be certified in a technical skill or would you feel safer under the current system that rewards technical skill, readiness for duty, and operational performance? I know which system gets my vote.

Then there is the question of the law. Can the Federal Government prevent employees, especially those with national security functions, from engaging in collective bargaining? The law and decisions reached by our Federal courts are clear. Under section 111(d) of the Aviation and Transportation Security Act, the Under Secretary of Transportation for Security—which is the position now held by the Assistant Secretary of Homeland Security for the Transportation Security Administration—has the discretion:

> To employ, appoint, discipline, terminate, and fix the compensation, terms and conditions of employment of the Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out screening functions.

In 2003, the then-Under Secretary signed an order that stated:

> In light of their critical national security responsibilities, Transportation Security Officers shall not, as a term or condition of their employment, be entitled to engage in collective bargaining.

Unions, of course, challenged this law before the Federal Labor Relations Authority and the Federal courts, charging that it violated the transportation security officers' constitutional rights and Federal law that allow workers to join unions.

The Federal Labor Relations Authority upheld the opinion that:

> There is no basis under law to reach any result other than to dismiss the union's petitions. Congress intended to treat security

screeners differently than other employees of the agency.

On appeal to the Federal courts, the D.C. Circuit Court affirmed the decision of the district court that the Federal Labor Relations Authority was the correct venue for the union's complaint and that the union's constitutional claims should be dismissed.

As I have said on many occasions, I support collective bargaining, but I will not support collective bargaining under these conditions.

We are at war. The decisions we make will mean the difference between life and death. I will not risk the lives of Americans so that an important constituency of the other party—or both parties, for that matter—can receive a political reward.

I hope my colleagues will join me in opposing this section and supporting the DeMint amendment that will remove it from that bill.

Mr. President, I understand the distinguished Senator from Oklahoma wishes to speak next, and I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the section of S. 4, our committee's legislation, which will extend to transportation security officers—so-called TSOs who screen passengers and baggage at airports throughout our country—the same employee rights most everybody else in TSA and most everybody else in the Department of Homeland Security already has.

I am going to stop for a moment. I note the presence on the floor of the Senator from Oklahoma. I believe there was an order for him to be called on next. I want to ask him if he intends to address the motion to table that will be made at noon.

Mr. COBURN. I do.

Mr. LIEBERMAN. I am going to yield the floor to him, and I hope I can take some time back after he is finished.

Mr. COBURN. Mr. President, the unanimous consent request was for myself, followed by Senator DEMINT, and I will be happy to yield if I have remaining time.

I need to do a little housekeeping first. I ask unanimous consent that the pending amendment be set aside to call up amendment No. 345.

The PRESIDENT pro tempore. Is there objection?

Mr. LIEBERMAN. I object, Mr. President. I don't know which amendment the Senator wants pending. I need to have a conversation with the Senator from Oklahoma about which amendment this is.

The PRESIDENT pro tempore. The Senator from Connecticut objects.

Mr. COBURN. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have had a conversation with the Senator from Oklahoma, and I remove my objection to his request.

AMENDMENT NO. 345

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 345 be called up and the pending amendment be set aside.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 345.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize funding for the Emergency Communications and Interoperability Grants program, to require the Secretary to examine the possibility of allowing commercial entities to develop public safety communications networks, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. TRANSFER OF FUNDS FROM DTV TRANSITION AND PUBLIC SAFETY FUND.

(a) IN GENERAL.—Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 24) is repealed.

(b) AUTHORITY OF SECRETARY TO MAKE PAYMENTS FROM FUND.—The Secretary may make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2009 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the emergency communications operability and interoperable communications grant program established in section 1809 of the Homeland Security Act of 2002, as added by section 301(a)(1).

(c) LIMITATIONS.—Grants awarded under section 1809 of the Homeland Security Act of 2002, and funded by sums made available under this section may not exceed—

(1) $300,000,000 in fiscal year 2007;

(2) $350,000,000 in fiscal year 2008; and

(3) $350,000,000 in fiscal year 2009.

SEC. . REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary, in cooperation with the Chairman of the Federal Communications Commission, shall study the possibility of allowing commercial entities to develop national public safety communications networks that involve commercially based solutions.

(b) CONTENT OF STUDY.—The study required under subsection (a) shall examine the following:

(1) Methods by which the commercial sector can participate in the development of a national public safety communications network.

(2) The feasibility of developing interoperable shared-spectrum networks to be used by both public safety officials and private customers.

(3) The feasibility of licensing public safety spectrum directly to the commercial sector for the creation of an interoperable public safety communications network.

(4) The amount of spectrum required for an interoperable public safety communications network.

(5) The feasibility of having 2 or more competing but interoperable commercial public safety communications networks.

(c) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall report to Congress—

(1) the findings of the study required under subsection (a); and

(2) any recommendations for legislative, administrative, or regulatory change that would assist the Federal Government to implement a national public safety communications network that involves commercially based solutions.

SEC. . REPEAL.

Section 4 of the Call Home Act of 2006 (Public Law 109-459; 120 Stat. 3400) is repealed.

SEC. ___. RULE OF APPLICATION.

Notwithstanding any other provision of this Act, section 1381 of this Act shall have no force or effect.

AMENDMENT NO. 301

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 301 be called up.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 301.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 301

(Purpose: To prohibit grant recipients under grant programs administered by the Department from expending funds until the Secretary has reported to Congress that risk assessments of all programs and activities have been performed and completed, improper payments have been estimated, and corrective action plans have been developed and reported as required under the Improper Payments Act of 2002 (31 U.S.C. 3321 note))

On page 106, between the matter preceding line 7 and line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) "appropriate committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) "improper payment" has the meaning given that term under section 2(d)(2) of the

Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—A grant recipient of funds received under any grant program administered by the Department may not expend such funds, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

AMENDMENT NO. 314

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 301 be set aside and we return to the pending amendment that we had prior to my asking that those two amendments be called up.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wish to spend a little bit of time talking about the process.

Yesterday, curiously, we had a hearing on the opportunity for labor representation for TSO officers. It is curious in that we had the hearing after the bill was on the floor because we didn't have the hearing before to know what we were talking about before we formulated the bill. That is because we wanted to rush this bill, and rather than do it right, we did the process backward.

But I think it is very instructive for us to hear what the testimony was yesterday. Kip Hawley is the Administrator of TSA. Some very important things were brought out in that hearing that most Americans probably don't think of often. Let me quote some of the things he said:

> The job of the Transportation Security Officer is one in which you don't know whether you have an emergency until it is over, and in the aviation business, that is too late. There are a bedeviling array of dots out there and we have the responsibility to make sure that not one of them is allowed to progress and become an attack on the United States. So we constantly try to move and adjust and change and you cannot be sure until it is too late that you have had an emergency. You do not get an advanced warning.

In response to Senator AKAKA regarding TSA's collaboration with employees on the decision to double the amount of bonus money that would be made available under their bonus performance plan, the question by Senator AKAKA was:

> Did you invite any union representatives to the initial development efforts?

In response to his question, he said:

> No, sir. Our employees didn't have to pay union dues to get that service.

One of the other key points Secretary Hawley made is his concerns about his ability to move and sustain their strategy and flexibility.

Also coming out of that was the note that the union which would represent security officers won't be negotiating for pay. Well, what will they be negotiating for? They will be negotiating over everything else other than pay. Why is it important? Everything else is what matters.

What matters is—and specifically the reason this was not allowed when the 9/11 Commission Report was written and when the bill establishing TSA was set up—there is a moving target, and that flexibility in work rules, in relationships, in movement of people, in tier job training, and in multifaceted interface of those officers with any situation on the ground has to be able to be done and done on the move, all the time—not in an emergency because every day has to be thought of as an emergency. What we do know is all that is what they want to negotiate. That is the last thing we should be negotiating.

It comes down to this point, and the point is this: Do people who work for the Federal Government have rights? Absolutely. Should they be treated fairly and have the opportunity to have a good wage, a good appeal process, whistleblower protection? Yes. But is that right greater than the right of the American people to have secure and safe air travel? I would put forth for this body that it is not, that the betterment of the whole and the protection of the whole far outweighs any individual right within TSA to collectively bargain on the very things that are going to keep the flying American people safe.

What we do know is there are only 1,300 members out of 42,000 screeners now. They can all join a union, and they can have that representation in terms of their interface with management. What we also know is that the people who really want this opportunity are not the transportation security officers. Who wants this opportunity is the union and the politics of payback.

So this isn't really about responding. As a matter of fact, all of the claims that have been made, we fleshed all those out yesterday in the hearing. As to severance rates, as to work injury, as to movement, as to wage rates, as to bonus, as to productivity—all that was fleshed out. It should have been fleshed out before this bill ever came to the floor but, unfortunately, it wasn't. All that was fleshed out yesterday, and what came down is we have a very responsive agency that in the vast majority of the cases is doing a great job with their employees. We have great transportation security officers who are being remunerated properly and don't want to pay $360 a year for something that wants to negotiate the very thing that will take away the safety of our air transport system.

With that, I yield to the Senator from South Carolina.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. MENENDEZ. Mr. President, I ask the Senator from South Carolina to yield briefly so I can offer an amendment and then return to the regular order.

Mr. DEMINT. Mr. President, if he is offering the amendment without an attached speech, I am fine with that. The majority leader limited our time and he will take the floor at 12. I will yield for the offering of an amendment.

AMENDMENT NO. 352

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the present amendment be set aside and I send an amendment to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 352.

Mr. MENENDEZ. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) the use of existing programs, including the Container Security Initiative established by section 205 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 945) and the Customs-Trade Partnership Against Terrorism established by subtitle B of title II of such Act (6 U.S.C. 961 et seq.), to reach the benchmarks described in paragraph (1); and

(4) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

Mr. MENENDEZ. I yield the floor.

AMENDMENT NO. 314

Mr. DEMINT. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the DeMint amendment: Senators VITTER, CRAIG, ROBERTS, BUNNING, ENZI, HATCH, and GRAHAM.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I want to speak about the DeMint amendment and make sure all of my colleagues are clear on what is about to happen.

The majority leader has said at 12 o'clock today he will make a motion to table or to kill the DeMint amendment to the 9/11 bill. It would be a large mistake for this body to kill this amendment, because it enables our airport security personnel to keep Americans safer.

One of the biggest threats we have now as a nation is we are beginning to forget 9/11 and what happened and what could happen. We are forgetting we are under a constant threat, that we live under alerts every day. It is not a matter of saying one day is an emergency and one day is not. It is not a matter of saying one passenger is an imminent threat but the other one might not be.

Our transportation security agency is charged with making sure we screen every passenger, every bag, and that we have an alert system based on intelligence and other information that allows them to move toward possible threats.

Unfortunately, we have heard Members of this Senate saying the war on terror is not an emergency, that al-Qaida is not a new imminent threat, when we know that every day al-Qaida may have a new plan to attack Americans at different points.

When the Homeland Security agency was formed, we had a debate about whether the transportation security agencies, the officers working for them, the screeners, should have collective bargaining. It was agreed at the time, because of the need for flexibility and constant change, that screeners would have the freedom to join a union, and a number of workers' rights and protections were put into place, but that they would not have collective bargaining arrangements as some of our other agencies do.

I point out we have heard some in this Chamber use border security as an example of collective bargaining working. What I hold in my hands is only one example of a collective bargaining agreement for our Customs Service.

We cannot make a case that our border security has worked well. We have over 12 million illegals in this country that testify it is not. Our customs system is becoming well known as being one of the slowest in the world. Collective bargaining will not work for our airports. I am afraid, again, we are beginning to forget we are in an emergency situation. The 9/11 Commission didn't recommend we change current airport security.

My amendment is designed to keep current law the same. The majority leader will ask this Chamber to kill that bill, which would mean we would lose the 9/11 security bill we have all worked on.

I ask unanimous consent that several items be printed in the RECORD. First is a letter from the Assistant Secretary of Homeland Security, Kip Hawley, who tells us if collective bargaining is implemented with the transportation security agency, it will significantly reduce their ability to keep our country safe. Next is a letter with over 36 Senators signing it, saying they will sustain the President's veto of the 9/11 bill if it hampers our security by injecting collective bargaining into the process. Next is a letter from the House of Representatives, with 155 signatures, saying they will sustain the veto.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE ASSISTANT SECRETARY,
Arlington, VA.

Hon. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATOR DEMINT: In the aftermath of 9/11 when the Transportation Security Administration (TSA) was created, Congress gave the TSA extraordinarily flexible human resource tools. Congress recognized—and the 9/11 Commission reinforced—that the terrorist threat is adaptive and that in the post-9/11 era, our security systems must be fast and flexible.

The Senate is now considering legislation to replace these effective human resources tools with collective bargaining. Its effect would have serious security consequences for the traveling public.

In the post-9/11 environment, TSA's mission requires that its Transportation Security Officers (TSOs) be proactive and constantly adaptive, able to quickly change what they do and where they do it. After the liquid explosives incident in the United Kingdom, TSOs reported for work on August 10 and, without prior notice, trained for and implemented the most extensive security changes rolled out since 9/11—and they did it in real time, literally live and on television.

Implementing an outdated system that brings bargaining, barriers, and bureaucracy to an agency on whom travelers depend for their security does not improve security. A system that establishes outside arbitrators to review TSA's constant changes after the fact—without the benefit of classified information that might explain the rationale—would be ineffective, unwieldy, and detract from the required focus on security. Today, TSA is able to make necessary personnel changes to ensure topnotch performance; under collective bargaining, ineffective TSOs could be screening passengers for months while the process runs its course.

The TSO position itself has been improved recently. Training has been more professional so TSOs can exercise independent judgment in their work. TSOs are accountable for their performance—with significant pay raises and bonuses available ($52 million just awarded for 2006), and a clearly defined path to promotions and career development.

TSA depends on the capabilities granted by Congress to mitigate the real and ongoing terrorist threat. Dismantling those tools and replacing them with a cumbersome, ineffective system would have a troubling, negative effect on security. I urge you oppose provisions that remove from TSA's arsenal the resources and tools that so significantly contribute to our ability to fulfill the security mission.

Sincerely yours,
KIP HAWLEY.

U.S. SENATE,
Washington, DC.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We are concerned that one of the provisions in S. 4, the 9/11 Commission Rccommendations bill, will undermine efforts to keep our country secure. Like you, we believe we need an airport security workforce that is productive, flexible, motivated, and can be held accountable. S. 4 would introduce collective bargaining for Transportation Security Administration (TSA) workers, which would reverse the flexibility given to TSA to perfonn its critical aviation security mission. Removing this flexibility from TSA was not recommended by the 9/11 Commission and it would weaken our homeland security. If the final bill contains such a provision, forcing you to veto it, we pledge to sustain your veto.

Sincerely,
(SIGNED BY 36 SENATORS).

CONGRESS OF THE UNITED STATES,
Washington, DC, March 5, 2006.

President GEORGE W. BUSH,
Washington, DC.

DEAR PRESIDENT BUSH: One of the provisions in S. 4 will severely complicate efforts to keep the traveling public safe and secure.

We believe that providing a select group of federal airport security employees with mandated collective bargaining rights could needlessly put the security of our Nation at risk. Moreover, nowhere in the 9/11 Commission Report did the Commission recommend that Transportation Security Administration (TSA) employees be allowed to collectively bargain. We need an airport security workforce that is productive, flexible, and accountable.

TSA employees at our Nation's airports currently enjoy the ability to unionize and are afforded a fair and balanced working environment.

If a bill is sent to you with such a provision, forcing you to veto the bill, we pledge to sustain your veto.

Sincerely,
(SIGNED BY 155 MEMBERS OF CONGRESS):

Mr. DEMINT. Mr. President, a vote to kill the DeMint amendment is a vote to kill the 9/11 bill we have all worked on. Let there be no question about it, the vote should be no. There is no reason to change the operation of the transportation security agency and to inject third party negotiations, particularly when it involves sensitive information.

So let us be clear that the motion to table my amendment is a motion to make our airports less secure. I urge my colleagues to vote no on the motion to table.

Mr. President, I see our minority leader is here. I will yield to him for comments at this time.

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. COBURN. Will the leader yield for a parliamentary procedure?

Mr. McCONNELL. Yes. The Senator from Oklahoma wants to modify an amendment, I believe.

AMENDMENT NO. 294

Mr. COBURN. Mr. President, earlier we called up an amendment that was pending. I ask unanimous consent that the pending amendment be set aside for the moment while we call up amendment No. 294.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 294.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and I ask that we return to the pending amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that the provisions of the Act shall cease to have any force or effect on and after Dcember 31, 2012, to ensure congressional review and oversight of the Act)

After title XV, add the following:

TITLE XVI—TERMINATION OF FORCE AND EFFECT OF THE ACT

SEC. 1601. TERMINATION OF FORCE AND EFFECT OF THE ACT.

The provisions of this Act (including the amendments made by this Act) shall cease to have any force or effect on and after December 31, 2012.

AMENDMENT NO. 314

Mr. HARKIN. Mr. President, one thing I have learned in my years in public service is that if you want answers to the big problems in our society, you have to ask the people who work with those problems every day. When there is a meth crisis in my State, the first people I want to talk to about it are the police chiefs and sheriffs because they are the ones that have to think every day about how a meth distributor might think, where they hide, and how they operate. When I want to know how education policy is affecting children in the classrooms, I talk to teachers and parents.

So it only stands to reason that if we want to know where the holes in our TSA screening processes are, then we ought to be talking to the transportation security officers, or TSOs. These are the people who are responsible for screening airline passengers. A good way for the screeners to band together and share their collective thoughts on how to improve safety in our airports is by allowing them to collectively bargain. I realize that some members of this body have antiunion sentiments. They think that if folks come together and try to negotiate for better pay and working conditions that we won't be able to expect consistently high results.

Let me remind my colleagues that before we created a Department of Homeland Security, we routinely heard horror stories about the non-Federal airport screeners making near minimum wage pay and working in terrible conditions resulting in high turnover and a lack of experience and dedication to our shared goal of keeping our airways safe.

So we created a Federal workforce. We knew that the pay and benefits that the Federal Government provides can attract top notch workers. I strongly feel that Federal TSOs are the first people to care about safety in our airports.

I would remind my colleagues that many Federal workers who are critical to our Nation's security, such as Capitol Police, Border Patrol agents, Customs agents, and immigration enforcement officers are all allowed to collectively bargain while ably serving our Nation's security interests. We are simply saying that TSOs should have the same rights and responsibilities as other Federal workers performing similar functions who also are allowed to collectively bargain but not to strike or disclose information that would somehow jeopardize national security.

I would also like to point out that last fall, the United Nations International Labor Organization opined that TSOs should have the right to organize. This is a disgrace, that we are allowing fear to override rationality in supporting our need for a well-trained, well-compensated workforce that can more ably make suggestions about how to improve security in our Nation's airports.

One of the most critical protections that the DeMint amendment would strip is protection from retaliation against whistleblowers. Whistleblowers are some of our most valuable assets in identifying and eliminating systemic fraud. I, for one, want to see a vigilant Federal workforce ready to shed as much sunlight as possible on any practices at any agency that are in contradiction to our goal of promoting the national defense. I don't see a need to explicitly limit TSO whistleblower authority when the Administrator already has the ability to expressly prevent TSOs from divulging information that jeopardizes national security. Most notably, FBI whistleblower Coleen Rowley's invaluable information about failures in our intelligence system led to a reworking of the agency in a way that can hopefully help the flow of information that could prevent another September 11-type attack. One whistleblower can change the world. Stifling that activity can and will do more harm than good.

Here is the irony—administration officials threatening out of one side of their mouths to halt legislation containing important homeland security improvements over an irrational disposition against unions, while out of the other side of their mouths calling supporters of the right to organize enemies of security. I ask this: Is it so important to strip away TSO collective bargaining rights that we must sacrifice all of the other important components of this legislation? The truth is that we all want more security. This is precisely why we want TSOs to have fair pay and benefits and a channel for their concerns for everyone's safety. We need seasoned personnel with reasonable work hours and benefits. A good way to keep good people on the job is by giving them a voice at work. What we are fighting for is a security enhancement, not a detraction.

The truth is that there is nothing in the collective bargaining process that would make TSOs less capable of serving the public. We have nothing to lose and everything to gain by giving them collective bargaining rights and the clear ability to communicate their concerns about screening protocols with the TSA.

I ask my colleagues to defeat the DeMint amendment—to support our constitutionally granted freedom of association, and to protect the millions of Americans who rely on TSOs to protect their safety every day.

Mr. KENNEDY. Mr. President, the men and women who serve as transportation security officers, TSOs, are on the front lines of our effort to keep America safe. They do backbreaking, difficult work, day and night, to preserve our national security. Yet for years they have been treated as second-class citizens.

These officers do not have the same rights and protections enjoyed by most Federal employees, including other employees at the Department of Homeland Security. They don't have a voice at work. They don't have protections if they speak out about safety conditions or security issues. And they have no right to appeal if they are subject to discrimination or unfair treatment.

Because they lack these basic protections, TSOs often labor in disgracefully poor working conditions. In 2006, they had the highest rate of injury among all DHS agencies—more than twice that of any other security agency. Inadequate staffing means TSOs are often forced to work mandatory, unscheduled overtime, leaving them exhausted and creating unsafe conditions. They can be fired for speaking out about unfair treatment, unsafe working conditions, or national security issues, and they have no effective way to appeal such unfair treatment.

As a result, TSOs have the lowest morale and highest rate of turnover among Federal agencies. In 2006, the attrition rate for TSOs was 16 percent—more than 3 times that of any other security agency, and more than 6 times the national average for the Federal government. They have a higher attrition rate than even high turnover private sector employers. The chances are good that the person preparing your coffee at the airport has more experience than the screener who checked your bags for bombs.

These sky-high attrition rates are alarming. The lack of experienced security screeners threatens our national security. Constant turnover reduces institutional knowledge and undermines the agency's ability to implement effective security procedures. It also has a high financial price—the cost of training new employees has risen so high that TSA has had to request an additional $10 million in funds from Congress for this year to address these turnover concerns.

Low morale and high turnover at a front-line security agency is a recipe for disaster. We have to solve the problem. Our Nation, and these hard-working federal employees, deserve better.

TSOs have earned the right to be treated with respect. They deserve the same fundamental workplace rights as other Federal security employees, including whistleblower protections, appeal rights, and collective bargaining rights. The issue is one of basic respect for this valuable workforce.

I have heard some deeply disturbing rhetoric from my Republican colleagues about the effect of restoring these collective bargaining rights. It has been suggested that if these rights are restored, workers will try to hide behind their contracts and not respond in an emergency. It has been suggested that collective bargaining rights keep security workers from performing their jobs effectively.

These suggestions are an insult to every man and woman in uniform who works under a collective bargaining agreement across this country. To suggest that union workers will not do what is best for our country in the event of an emergency is scandalous, particularly in light of recent history.

Every New York City firefighter, EMT and police officer who responded to the disaster at the World Trade Center on 9/11 was a union member under a collective bargaining agreement. No one questions these employees' loyalty or devotion to duty because they are union members.

On 9/11, Department of Defense employees were required to report to wherever they were told, regardless of their usual work assignments. No Federal union tried to hold up this process in any way to bargain or seek arbitration. Not a single grievance was filed to challenge the assignments after the fact.

Other Federal security employees already have the protections that the bill would provide, including Border Patrol agents, Capitol police officers, Customs and Border inspection officers, and Federal Protective Service officers. Many of these officers—particularly customs and border inspection officers who work at airports, seaports, and border crossings—perform fundamentally similar tasks to TSOs and have been performing them effectively with collective bargaining rights for years. It is an insult to each of these men and women to suggest that they will not be capable of fully performing their important duties if they are given a voice at work.

Collective bargaining is the best way to bring dignity, consistency, and fairness to the workplace. It will make our TSO workforce safer and more stable, and enhance our security. Restoring these essential rights is long overdue, and I urge my colleagues to oppose the DeMint amendment that would remove these valuable protections from the bill.

Mr. AKAKA. Mr. President, I rise today to speak in opposition to the amendment offered by Senator DEMINT that would continue to deny basic employee rights and protections to transportation security officers, TSOs, at the Transportation Security Administration, TSA.

Yesterday, I chaired a hearing of the Senate Oversight of Government Management Subcommittee to review TSA's personnel system. Very quickly, the discussion turned to collective bargaining. Despite claims that collective bargaining would be a threat to national security, TSA Administrator Kip Hawley said that the San Francisco International Airport, which uses private sector screeners who engage in collective bargaining, is safe. In addition, Mr. Hawley cited the London bombing plot and how TSA needed the flexibility to move TSOs to respond to that situation. When asked, he also admitted that the airports in the United Kingdom, which have screeners who engage in collective bargaining, are also safe.

I, along with every other American, want TSA to have the flexibility to move staff and resources as necessary to keep air travel safe. However, I do not believe that this flexibility precludes workers from having basic rights and protections. In 2002, when Congress created the Department of Homeland Security, we debated this very issue. The President argued that he needed flexibility in the areas of pay, classification, labor relations, and appeals in order to prevent and respond to terrorist attacks. While the Homeland Security Act gave the President that flexibility, it also explicitly provided for full whistleblower protections, collective bargaining, and a fair appeals process. I fail to see why TSA employees should be denied these same protections.

Since 2001, TSA has faced high attrition rates, high numbers of workers compensation claims, and low employee morale which, in my opinion, are a direct result of a lack of employee rights and protections. Without collective bargaining, employees have no voice in their working conditions, which could drastically reduce attrition rates. Moreover, without a fair process to bring whistleblower complaints, employees are constrained in coming forward to disclose vulnerabilities to national security. At our hearing yesterday, Mr. Hawley said that he knew of only one TSO whistleblower case that was investigated by the Office of Special Counsel, OSC, in the past 2 years. For non-TSOs, the number of whistleblower cases is 12. However, OSC informs me that it has received 124 whistleblower complaints since OSC began investigating TSO whistleblower cases. This demonstrates to me that even without full rights and protections, employees are trying to come forward and disclose wrongdoing and threats to public health and safety. However, a lack of protections may keep others from coming forward when only one TSO has seen a positive resolution to their case.

Granted, TSA has made improvements in managing the screening workforce, but we must build upon these efforts and give employees a real place at the table. Protecting employees from retaliatory action complements efforts to secure our nation. Strong employee rights and protections ensures that we have a screener workforce focused on their mission and not preoccupied by fear of retaliatory treatment by management. As such, I urge my colleagues to ensure that TSOs, who work to provide safe air transportation for all Americans, receive basic worker rights and protections.

I have a letter from the Federal Law Enforcement Officers Association which opposes the premise that collective bargaining could adversely affect national security. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Lewisberry, PA, March 2, 2007.

Hon. DANIEL AKAKA, *Chairman,*
Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, U.S. Senate, Washington, DC.

DEAR CHAIRMAN AKAKA: As the President of the Federal Law Enforcement Officers Association (FLEOA), representing over 25,000 Federal law enforcement officers, I am writing to you regarding a potential threat of a veto of vital law enforcement legislation (H.R. 1 and S. 4) that Congress is about to pass, because of the provision giving TSA employees collective bargaining rights.

We have sat back in silence and watched the on-going debate over collective bargaining rights for TSA employees, since this does not directly impact our members. However, now that this issue has the potential to stop implementation of the final 9/11 Commission Recommendation Bill, we deem it appropriate to weigh in.

The absurd premise put out by both DHS and TSA that being a union member precludes someone from serving our country in a national security capacity is unacceptable. There are currently hundreds of thousands of law enforcement officers on a Federal, State and local level who are all members of a union and have collective bargaining rights. This has never impacted their ability to react to terrorist threats, respond to terrorist incidents or impaired their ability to fulfill their critical mission of homeland security. This was quite evident on September 11, 2001.

FLEOA supports and agrees with the recent statement of AFGE President John Gage, when he stated, "The notion that granting bargaining rights to TSOs would result in a less flexible workforce is just plain nonsense, and is also an insult to the hundreds of thousands of dedicated public safety officers with collective bargaining rights from Border Patrol Agents to firefighters to Capitol Hill Police."

Senator Akaka, thank you for your support in this matter and your continued support for the entire Federal workforce. You truly are a friend to all of us in Federal law enforcement and we appreciate all of your efforts on our behalf.

Sincerely,

ART GORDON,
National President.

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. McCONNELL. Mr. President, the vote we are about to have should give all Members of the Senate a sense of deja vu; we have been here before. We are about to vote on an amendment that is reminiscent of a rather significant debate we had in the fall of 2002 in connection with the creation of the Department of Homeland Security. The issue at that time, as is the issue this morning, is the question of whether we are going to have collective bargaining for the transportation security agency.

The public spoke rather loudly in the fall of 2002 in the form of Senate elections that year. They thought collective bargaining for transportation security workers was not a good idea. The public was correct then, and I think that is the public view today. In the ongoing debate over Iraq, it is easy to forget the success we have had in fighting terrorism, and chief among that is the fact that America has not seen a terrorist attack at home in 5½ years since 9/11. There is one reason, and that is the heroic work of our soldiers in Afghanistan and Iraq and the tireless efforts of our homeland defenders in detecting, preventing, discouraging, and disrupting those attacks in our country. Yet, today, these two pillars of our post-9/11 security are being put at risk by those who have the audacity to put union work rules above the national security.

It is no secret that big labor expects something in return for last November's elections. But America's security should not be on the table. It is ironic that Democrats who campaigned on the pledge that they would implement all of the recommendations of the 9/11 Commission are now forcing us to consider something that wasn't in the report at all. This measure was not in the report and they are blocking us from considering something that was in the report. I am talking about the proposal to give all 43,000 airport screeners the ability to collectively bargain. Not only was this proposal not in the 9/11 report, it would end up undermining the commission's recommendation.

A key recommendation of the 9/11 Commission said:

> The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility.

That is in the 9/11 report. We saw this during the U.K. bombing threat in August. TSA workers who showed up for work at 4 a.m. that morning in the United States were briefed on the plot and trained immediately in the new protocol. Within 12 hours, we had taken classified intelligence and adapted to it. There was no noticeable impact on U.S. flights.

It was a different situation over in Great Britain, where unionization is the norm. Dozens of flights had to be canceled as they worked out an understanding on how they would respond to the new threat, travelers were delayed, and backups ensued literally for days. We saw the importance of mobility earlier that year when TSA acquired new technologies for bomb detection. It trained nearly 40,000 airport screeners in the new methods in less than 3 weeks. The TSA says that under collective bargaining the same training would take 2 to 6 months.

We are not going to let big labor compromise national security. The President has said he will veto a 9/11 bill if it includes collective bargaining. We have the votes to sustain that veto. The House has just announced it has the votes to sustain a Presidential veto.

This bill will not become law with this dangerous provision in it. The only question now is why we are being kept from passing a 9/11 bill that focuses on security alone. The President made it clear he will veto the bill if it includes a provision that compromises security. The American people have already made clear where they stand on collective bargaining.

Remember, as I stated, we have been down this road before. We had a huge debate in Congress over collective bargaining when we created the Department of Homeland Security. Americans didn't like the idea of labor slowdowns among security personnel in 2002. They said so at the polls in November of 2002. The answer, I am afraid, is clear: This new attempt to insert this into the 9/11 bill is a show that was meant to appease a voting bloc. We know how this charade is going to end. Republicans won't let security be used as a bargaining chip. We are not going to let it happen.

It is too bad Americans will have to wait even longer for this bill to be signed into law because of the efforts to satisfy organized labor.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I move to table amendment No. 314, and I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Dole
Enzi
Johnson

The motion was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Jersey.

AMENDMENT NO. 352

Mr. MENENDEZ. Mr. President, just a little while earlier, I offered an amendment that deals with trying to move us forward in a middle ground on the question of cargo screening.

Last week, this body voted down an amendment that I offered with Senator SCHUMER that would have set some strong, clear deadlines to achieve 100 percent scanning of cargo coming into our Nation's ports. While I wish we could have persuaded more of our colleagues to support this framework for expanding scanning of our cargo containers, I understand a number of our colleagues have serious concerns about the consequences of setting a strict timeline to achieve 100 percent scanning. I hope this body will take a step forward toward achieving that goal rather than take no action at all.

With that in mind, the amendment I have offered I hope will find a middle ground. This amendment would ensure that we are indeed on the road to 100 percent scanning of cargo, but it would not do so within the confines of any strict deadline. Instead, it builds upon the framework of the SAFE Port Act to call for a plan to meet the goal of 100 percent scanning. The SAFE Port Act already requires the Department of Homeland Security to report on the lessons learned from the pilot program currently underway at six ports. This amendment would simply expand that reporting requirement by calling on the Department to submit a plan for achieving 100 percent scanning of cargo before it reaches U.S. ports.

I think all of us agree that we want to obtain the goal of 100 percent scanning of cargo containers. We may disagree on how to implement that goal or what timeline we should set, but at the end of the day I think we all know that 100 percent scanning is the ideal that we should strive for. That is essentially what this amendment is about. It simply prods the Department to come up with a plan to take the lessons learned from the pilot project and submit a proposal for reaching 100 percent scanning.

We have to look at a few contradictions in our national security. Not everyone who walks into the White House is a high threat. Yet we screen 100 percent of people. We need to apply the same understanding to other aspects of our security. We must recognize that the terrorists will come to understand what we consider as high-risk cargo. As we say we are looking at high-risk cargo and we do 100 percent of that, that still leaves 95 percent of all the cargo unscanned. Eventually, the terrorists will adapt and they will determine that they should go and try to place their device in that which is not considered high-risk cargo. Without 100 percent scanning, we will not be able to adapt to terrorists as they change their tactics.

We have seen in aviation security how they have changed their strategy from box cutters, to shoes, to liquids. The methods they use to infiltrate our security continue to evolve. So must we. We are naive to think only high-risk cargo should be scanned. We need to be able to be as adaptable as they are so we can stay one step ahead.

My colleagues, in noting their opposition to the Schumer-Menendez amendment last week, did not object to the goal of reaching 100 percent scanning. In fact, the distinguished Senator from Maine stressed the importance of moving forward with vigorous implementation of the SAFE Port Act, including the requirement that 100 percent of all high-risk cargo be scanned. I would argue this amendment helps achieve that goal and will ensure that we continue to move forward toward 100 percent scanning.

Last year, I offered an amendment that would have required the Department to develop a similar plan to achieve 100 percent scanning, and there were a few provisions my colleague from Maine took issue with, and so we have amended this version. In the scheme of things, this is a very small additional requirement for the Department, but in my opinion it takes us a significant step forward toward a very crucial goal.

Finally, this amendment does not ignore the progress we are making because of the SAFE Port Act. In fact, it would build upon the SAFE Port Act's goal of expanding scanning at foreign ports on a reasonable timeline.

I also hope my colleagues will not look at the 9/11 Commission Report as a way to argue that improving security of our cargo is not in line with the 9/11 Commission recommendations. There is no doubt our ports remain one of the most vulnerable transportation assets. The 9/11 Commission recognized this. Let's take a step back and look at what the Commission actually said.

First, I think it is important to keep the Commission's report in context. It runs nearly 600 pages and covers an incredible amount of material, from a factual accounting of the events leading up to September 11, an assessment of the weaknesses of our national security, and, finally, what the Commission itself calls a limited number of recommendations. The recommendations are wide ranging in scope, and there is no way we can expect each recommendation to carry out each detail of what that recommendation should entail and the action that should be carried out.

In discussing cargo security, the Commission lumped it together with aviation and transportation security. Given the nature of the attacks, we understand the obvious focus on aviation security. However, the Commission also noted the vulnerabilities in cargo security and lamented the lack of a strategic plan for maritime security.

In making its recommendations on transportation security, the Commission called on Congress to do two very specific things: Set a specific date for the completion of these plans, and hold the Department of Homeland Security accountable for achieving them.

I could not agree more. We come to the floor calling for the opportunity to work our way, building upon the present port security initiative—to work our way to see the Department of Homeland Security give us a plan to achieve that final goal, recognizing all of the challenges. In doing so, we move closer and closer to that day in which, in fact, we will be adaptable to the reality that at some point the terrorists will come to understand that only going after high-risk cargo leaves them a huge opening, 95 percent of all the other cargo, to get in their weapon of mass destruction.

That is not a risk that we can afford. We need to be right all the time. They only need to be right once. Therefore, I believe this is an amendment that creates a middle ground and moves us forward to that 100 percent scanning opportunity and therefore improves our national security. I hope when the time comes to vote on it we will have the support of our colleagues in this body.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Connecticut.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Con. Res. 15 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 15) authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LIEBERMAN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 15) was agreed to, as follows:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on March 29, 2007, for a ceremony to award a Congressional Gold Medal collectively to the Tuskegee Airmen in accordance with Public Law 109-213. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 352 WITHDRAWN

Mr. LIEBERMAN. Mr. President, on behalf of Senator MENENDEZ, I ask unanimous consent to withdraw amendment No. 352, which he had introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 354 TO AMENDMENT NO. 275

Mr. LIEBERMAN. On his behalf, I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Mr. MENENDEZ, proposes an amendment numbered 354 to amendment No. 275.

Mr. LIEBERMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

Section 232(c) of the Security and Accountability For Every Port Act (6 U.S.C. 982(c)) is amended—

(1) by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later"; and

(2) by inserting at the end the following new paragraph:

"(2) PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.—

"(A) IN GENERAL.—The first report under paragraph (1) shall include an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

"(B) PLAN CONTENTS.—The plan under paragraph (A) shall include—

"(i) specific annual benchmarks for the percentage of cargo containers destined for the United States that are scanned at a foreign port;

"(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

"(iii) the use of existing programs, including the Container Security Initiative established by section 205 and the Customs-Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

"(iv) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

"(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) after the intial report shall include an assessment of the progress toward implementing the plan under subparagraph (A).".

Mr. LIEBERMAN. Mr. President, I believe the Senator from Pennsylvania is here. I will yield to him in a moment.

I am pleased to note the presence of the Senator from Illinois, who has come to the floor to propose an amendment with regard to the funding formula in the bill. This would make the third such amendment. I hope we will have a good, hearty debate on those three and then go to votes either later today or tomorrow morning on them which, of course, I hope will reject all three and sustain the wisdom of the committee, but that will be determined by the body.

I yield to the Senator from Pennsylvania.

AMENDMENT NO. 286 TO AMENDMENT NO. 275

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, on behalf of Senator LEAHY, Senator DODD, and myself, I call up amendment No. 286. This is an amendment which would repeal the provisions of the Military Commission Act, striking Federal court jurisdiction for habeas corpus except for the Circuit Court for the District of Columbia.

I have previously talked to Senator LINDSEY GRAHAM and Senator JON KYL to give them notice that we would be calling up this amendment. I discussed the issue with Senator LIEBERMAN, the manager of the bill, as to procedures which we may follow, but I wanted to call it up and have it pending and proceed to debate it at a later time.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. LEAHY, and Mr. DODD, proposes an amendment numbered 286 to amendment No. 275.

The amendment follows:

(Purpose: To restore habeas corpus for those detained by the United States)

At the appropriate place, insert the following:

SEC. ___. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.".

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Specter amendment which was just called up.

Mr. OBAMA. I ask unanimous consent to be added as a cosponsor to the amendment just introduced by Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 338 TO AMENDMENT NO. 275

Mr. OBAMA. Mr. President, I ask unanimous consent that the pending business be set aside so I may call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I call up amendment No. 338 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER, proposes an amendment numbered 338 to amendment No. 275.

The amendment follows:

(Purpose: To require consideration of high-risk qualifying criteria in allocating funds under the State Homeland Security Grant Program)

On page 69, strike line 15 and all that follows through page 70, line 2, and insert the following:

"(d) MINIMUM ALLOCATION.—

"(1) IN GENERAL.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

"(A) except as provided in subparagraph (B), each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) receives an amount equal to not less than 0.25 percent of the total funds appropriated for the State Homeland Security Grant Program;

"(B) each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) that meets any of the additional high-risk qualifying criteria described in paragraph (2) receives an amount equal to not less than 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program;

"(C) the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands each receives an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program; and

"(D) directly eligible tribes collectively receive an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program, except that this subparagraph shall not apply if the Administrator receives less than 5 applications for that fiscal year from directly eligible tribes or does not approve at least 1 such application for that fiscal year.

"(2) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—The additional high-risk qualifying criteria described in this paragraph are—

"(A) having an international land border; or

"(B) adjoining a body of water within North America through which an international boundary line extends.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, it was a typical fall day in New York City. People were headed to work, cars were stuck in traffic, the subways were packed, and the construction crews were busy rebuilding at Ground Zero. Nearby, Con Ed personnel were at work in a manhole, and they made a tragic discovery: ID tags and human remains not seen since that other fall day 5 years earlier. The city paused again. It launched another effort to recover and identify those taken from us on that dark September day.

The recovery is continuing after all this time. The recovery continues 5½ years later, and just last week more victims were unearthed. After all this time, we are still recovering from September 11. Our prayers remain with the family members and friends who still mourn and miss the fathers and mothers and children who made their lives complete. During the Homeland Security Committee meeting to discuss the underlying bill, I met with some of those loved ones.

That is why we are here today. We are here to do the work that ensures no other family members have to lose a loved one to a terrorist who turns a plane into a missile, a terrorist who straps a bomb around her waist and climbs aboard a bus, a terrorist who figures out how to set off a dirty bomb in one of our cities. This is why we are here: to make our country safer and make sure the nearly 3,000 who were taken from us did not die in vain; that their legacy will be a more safe and secure Nation. That is what lies at the heart of this 9/11 bill. It is not just about how we send the money from Washington to States and local governments; it is about saving lives and doing everything in our power to prevent another attack, to prevent another tragedy, to ensure no one climbs down a manhole expecting to do their work only to find the deceased left in darkness 5 years earlier. That is why we are here—to protect our people.

Most of us had hoped these steps would have already been taken, would have been taken many years ago, that we would have capitalized on the unity and national spirit we shared after the towers fell, the Pentagon was hit, and the Pennsylvania field smoldered. It is never too late to do, however, what is right for our country.

It has been more than 2½ years since the 9/11 Commission issued its report. Not only did the panel of dedicated American researchers find out what happened that day, but they also gave a list of serious recommendations about how to make our country safer in the future. The 9/11 Commission showed us how to move beyond the politics of division in order to achieve the solemn task of better protecting our country.

In its report, the Commission said the following:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities [and] federal homeland security assistance should not remain a program for general revenue sharing.

This is one of the goals of the 9/11 Commission. My amendment that I just introduced moves us closer to a true system of risk-based allocation of State homeland security grants and ensures that funding goes to areas most at risk of terrorist attacks.

This is not an issue of big States versus little States or urban States versus rural States. It is about good policy and about maximizing our use of the people's money.

Today, the system is set up so that all States receive at least .75 percent of the State Homeland Security Grant Program dollars. After each State receives that minimum level of funding, the dollars are then allocated according to risk. As a result, the current amount of State minimum funding eats up approximately 40 percent of that funding.

While the new bill does attempt to address this problem—and I applaud Chairman LIEBERMAN and Senator COLLINS for trying to bring the .75 percent down to .45 percent—the bill does not go far enough. It is a good first step, but we are already 50 yards behind, sending too much money to areas where there are not real risks, threats, and vulnerabilities. That is why we must use the most dollars in those areas which are at the greatest risk of attack. We cannot afford to waste a single cent on places that do not need immediate help when first responders in major cities still lack the basic communications equipment they need to talk to one another if, Heaven forbid, tragedy strikes again.

That is why the families of 9/11 recently issued a statement saying:

> Reports of air conditioned garbage trucks being purchased with homeland security funds are indicative of the frivolity that results from non risk-based methods. When the threat against our Nation is so real, we cannot afford not to take it seriously.

That is why the 9/11 Commission said Congress should not use this money as porkbarrel. That is why in 2005 the Commission issued a report giving the Nation an "F" for risk-based funding. That is why 9/11 Commission Chairman Lee Hamilton recently sent me a letter. He wrote:

> Since 9/11 and since the issuance of our report, the United States has not allocated homeland security resources wisely. Resources for homeland security are not unlimited, so it is thus essential that they be distributed based on a careful analysis of the risk, vulnerability and potential consequences of a terrorist attack. Adopting such a risk-based approach would make the best use of our homeland security resources, and would make the American people safer.

That is why 9/11 Commissioner Tim Roemer wrote in support of this amendment, saying:

> We cannot afford to waste any more money, time or effort.

That is why the amendment I offer today, a bipartisan amendment with the support of Senators WARNER, COBURN, LANDRIEU, KENNEDY, MENENDEZ, CLINTON, and SCHUMER, reduces the guaranteed State minimum to .25 percent and allows those States on our northern and southern borders to see an increased minimum of .45 percent. This basic framework was adopted by a wide bipartisan margin in the House in January.

It is time for all of us to approach homeland security funding not as something we can bring home to the States we represent but funding we can use to better protect the United States of America. As we lower the guaranteed amount, we increase the funding available to protect those places most at risk, and 40 States will receive either the same amount or an increase in the funding they need to better protect our borders, our ports, our railways, our subways, our chemical plants, our nuclear powerplants, our food supply, and our firefighters, police officers, and EMTs.

We have waited more than 5 years to better develop our approach to funding our security in a post-9/11 world. Sometimes division and politics have prevented us from doing what we need to do. But I believe those days are finally behind us. We have a real chance to not only learn from our mistakes but to get the job done and better protect our people. That is why we are here—to make our country as safe and secure as we can. That is the common cause we all share. The American people need to see that in us today. The 9/11 Commission experts that from us. The families and friends of the 9/11 victims are owed that from us—that we will never forget those who died. We will never forget those who are suffering and sick because of their heroism that day. We will never forget that 60 percent of the victims were never identified. We will never forget that we are still recovering from 9/11—and that is why our work goes on.

Mr. President, let me add one last point.

I recognize it is difficult for some to see any shift of funding because it is difficult if that State potentially sees their funding reduced. But even within Illinois, I confront some of these same issues.

The fact of the matter is I have fought at the State level and have said publicly we should make sure risk assessments entirely determine how money within Illinois is allocated. That is the same approach we need to take for the Nation as a whole. Keep in mind my home city of Chicago is actually doing quite well under the current formula. So this is not something that is based solely on any parochial concerns.

I ask unanimous consent that the statements of the 9/11 families, the 9/11 Commission chairman, Lee Hamilton, and 9/11 Commissioner Tim Roemer be printed in the RECORD, as well as a chart showing how each State would fare under my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WOODROW WILSON INTERNATIONAL
CENTER FOR SCHOLARS,
Washington, DC, February 27, 2007.

Senator BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.

DEAR BARACK: Thank you for inquiring about my position with regard to risk-based homeland security funding.

In our report, the 9/11 Commission issued the following recommendation:

"Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington D.C. and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel."

Since 9/11, and since the issuance of our report, the United States has not allocated homeland security resources wisely. Resources for homeland security are not unlimited, so it is thus essential that they be distributed based upon a careful analysis of the risk, vulnerability, and potential consequences of a terrorist attack. Adopting such a risk-based approach would make the best use of our homeland security resources, and would make the American people safer.

With best wishes,

Sincerely,

LEE H. HAMILTON,
President and Directors.

WASHINGTON, DC,
March 5, 2007.

Senator BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR: The Homeland Security and Government Affairs Committee has produced a strong bill and is off to a productive start, yet there are areas in need of improvement.

I am writing today to support your efforts to more fully implement the 9/11 Commission's recommendation that State homeland security grants should be based solely on an assessment of risks and vulnerabilities.

Your amendment moves in the right direction. By reducing the amount of funding available through the "minimum allocation," this amendment increases the availability of funding for our most at-risk facilities and infrastructure.

As you know, the bi-partisan National Commission on Terrorist Attacks upon the United States, said:

"We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel."

Two years ago, the Commission gave Congress and the administration failing grades in their implementation of our recommendations: five Fs, twelve Ds, and 2 Incompletes. On homeland security, the government received an F because too many of our vulnerabilities received too few resources. We cannot afford to waste any more money, time or effort.

Obviously, there is much more to accomplish to make America safer. I commend these efforts to move the Senate in a better direction and believe this amendment creates the opportunity for the full spirit of the 9/11 Commission's recommendation to be realized in conference with the House.

Yours sincerely,

TIMOTHY J. ROEMER,
Former 9/11 Commissioner.

FAMILIES OF SEPTEMBER 11,
New York, NY, February 26, 2007.

STATEMENT REGARDING HOMELAND SECURITY GRANTS

Families of September 11 stands in strong support of allocating all homeland security grants based on risk. There are limited funds to protect our homeland—each and every dollar should be spent effectively on protecting the areas at most risk as a first priority. None should be used for general revenue sharing or political purposes.

The 9/11 Commission recommends that homeland security assistance be based "strictly on an assessment of risks and vulnerabilities." They continue to say that "Congress should not use this money as a pork barrel." We stand in complete agreement.

Reports of air-conditioned garbage trucks being purchased with homeland security funds are indicative of the frivolity that results from non risk-based allocation methods. When the threat against our nation is so real, we cannot afford not to take it seriously.

Congress has a duty to spend taxpayer dollars wisely to protect the homeland. Sometimes the right choices are not easy—we understand that. But the stakes are too high not to make them. We ask Congress to do what is right and to legislate that all homeland security grants be allocated strictly on appropriately-assessed risk.

State	Obama amendment	S. 4 as amended	Obama amendment less S. 4
Alabama	$12,173,119	$11,988,972	$184,147
Alaska	4,109,312	4,109,312	0
Arizona	13,232,207	12,961,248	270,959
Arkansas	2,282,951	4,109,312	(1,826,361)
California	134,446,429	130,575,288	3,871,141
Colorado	14,354,975	14,106,024	248,951
Connecticut	10,039,748	9,918,964	120,784
Delaware	5,368,960	5,386,903	(17,943)
District of Columbia	2,282,951	4,109,312	(1,826,361)
Florida	60,448,703	58,830,723	1,617,980
Georgia	29,078,462	28,392,210	686,252
Hawaii	2,282,951	4,109,312	(1,826,361)
Idaho	7,753,324	7,645,093	108,231
Illinois	49,264,671	47,978,868	1,285,803
Indiana	14,726,698	14,466,707	259,991
Iowa	10,007,425	9,887,601	119,824
Kansas	10,928,653	10,781,467	147,186
Kentucky	12,981,213	12,773,065	208,148
Louisiana	22,565,218	22,072,415	492,803
Maine	4,109,312	4,109,312	0
Maryland	11,688,262	11,518,515	169,747
Massachusetts	24,488,484	23,938,558	549,926
Michigan	32,771,939	31,920,631	851,308
Minnesota	4,109,312	4,109,312	0
Mississippi	2,282,951	4,109,312	(1,826,361)
Missouri	27,139,035	26,510,385	628,650
Montana	4,109,312	4,109,312	0
Nebraska	9,603,377	9,495,554	107,823
Nevada	8,876,092	8,789,870	86,222
New Hampshire	4,109,312	4,109,312	0
New Jersey	16,019,650	15,721,257	298,393
New Mexico	4,109,312	4,109,312	0

State	Obama amendment	S. 4 as amended [1]	Obama amendment less S. 4
New York	75,487,831	73,367,819	2,120,012
North Carolina	21,886,418	21,413,777	472,641
North Dakota	6,234,105	6,170,997	63,108
Ohio	24,319,267	23,719,012	600,255
Oklahoma	12,690,299	12,490,791	199,508
Oregon	2,282,951	4,109,312	(1,826,361)
Pennsylvania	27,632,456	26,933,796	698,660
Rhode Island	2,282,951	4,109,312	(1,826,361)
South Carolina	11,866,043	11,691,016	175,027
South Dakota	2,282,951	4,109,312	(1,826,361)
Tennessee	2,362,848	4,109,312	(1,746,464)
Texas	71,301,900	69,306,214	1,995,686
Utah	2,282,951	4,109,312	(1,826,361)
Vermont	6,428,048	6,359,179	68,869
Virginia	13,352,937	13,133,748	219,189
Washington	24,610,182	24,001,285	608,897
West Virginia	10,152,882	10,028,738	124,144
Wisconsin	13,377,664	13,102,384	275,280
Wyoming	2,282,951	4,109,312	(1,826,361)

Mr. OBAMA. Mr. President, I wish to commend Chairman LIEBERMAN and Senator COLLINS for their hard work on this issue. I acknowledge that the underlying bill is an improvement over the status quo. It is just that we can do so much better. I ask that we ensure this amendment be included in the final package we vote on.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. OBAMA. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Illinois for his thoughtful statement on his amendment. I rise to respectfully disagree with it.

In our committee, we work very hard to not just balance the political interests, but to balance the needs of all parts of our country for a reasonable amount of homeland security funding, which we, consider, I think, consistent with the most progressive thinking on this subject which is to be not just terrorist-related funding but all-hazards-related funding.

In other words, when we send homeland security funding to a State or a municipality, we are trying to help them not only prepare for the possibility, God forbid, of a terrorist attack but also to be ready to respond to the much more common occurrence, which is to say a natural disaster. The funding formula we have presented, which was part of our bill that came out of our committee with strong bipartisan support, including the support of the distinguished occupant of the chair, the Senator from Delaware, is I think a balanced proposal.

This distributes, in fact, most of the homeland security grant money based on risk, as the 9/11 Commission called for, but respectfully disagrees with the Commission that the money should all be distributed based on only risk because our conclusion is not based on theory but reality. Terrorists may strike anywhere in this country, not just in the big cities or the highest visibility targets, and we base that on what has happened around the world, what has happened here, in fact, with domestic terrorism, striking at the Murrah Federal Building in Oklahoma City, as we all remember some years ago, but around the world, terrorists striking at apartment buildings, discos, schools, in communities large and small.

Unfortunately, in this age we are living in post-9/11, we can all imagine, and I use that term in the way the 9/11 Commission did, that part of our failure as a nation before 9/11 was a failure of imagination, which is to say that we could not imagine that human beings would do what the terrorists did to us on 9/11.

After that, we started to imagine, and one can imagine the various targets in this open society of ours that terrorists who want to create havoc and fear can strike all around the country.

The other point is this, that everyplace in the country, as we saw in the case of Katrina, most visibly and movingly, can be struck by natural disasters. So the funding formula in the committee bill learns both from the tragic lessons of 9/11 and Katrina.

We have different grant programs. The Urban Area Security Initiative, the so-called UASI Grant Program, is totally and strictly, in terms of the 9/11 Commission, distributed based on risk. In fact, the State Homeland Security Grant Program which Senator OBAMA's amendment deals with, we think 95 percent of that will be given out based on risk.

Let me give a brief explanation of what is happening. This is in the weeds, but under current law, .75 percent is guaranteed—of the total funding for the State Homeland Security Grant Program—is guaranteed to each State. That is a minimum for each State for the reasons I have stated.

The House of Representatives, in their judgment, altered that and went to a minimum amount of .25. They did not literally respond to the 9/11 Commission recommendation for total risk, which is to say, whatever the Department of Homeland Security decided is a risk assessment formula for distribution, they lowered it to .25, as the amendment from the Senator from Illinois would do. The committee decided to reach for a compromise on this one and set a minimum of .45 percent of the total funding for every State.

We have done some runs on this. The formula says that, distribute the funds first based on risk, but then if States fall below the .45 percent, then give them that minimum. By our run of the numbers, based on the risk assessment standards the Department has been using, we think 95 percent of the money will, in fact, be distributed based on risk.

I wish to make this point, something that I think is sometimes overlooked in the discussion. Take the existing formula which has .75, three-quarters of 1 percent of the total, going to each State. The fact is, even under that formula, which only Senator LEAHY, in his wisdom, would preserve in his amendment—even under that formula, the lion's share of the money, or a very large share of the money, has gone to a very few States.

This graph shows that. The fact is, this is fiscal year 2006 funding. In fiscal year 2006, the State of California received $226 million in homeland security grant funding. That is more than the total received by the 22 States at the bottom that received the least funding, the minimum.

Now, as you can see in this chart, that is California. Next is New York. Next is Texas. The fact is almost half of the entire distribution of funding went to five States: California, Florida, Texas, Illinois, and of course New York. So what I am saying is that we are lowering that. I think the big States, the high-visibility potential targets are receiving a lot of money. It would be unfair to cut that even more. Now, Senator FEINSTEIN does not only do what Senator OBAMA does, she cuts into the minimums we have established in the new dedicated grant funding program for interoperability communications.

There I think we have a very strong argument that we want people, our first responders, to be able to communicate with one another, not only in acts of terrorism—in times of terrorism—but in times of natural disaster. The interoperability grants are important for that reason.

We have placed a chart on the desks of all the Senators, and it lists all the States. It shows that under the amendment the Senator from Illinois has introduced, 32 of the States will receive less guaranteed funding than they receive now.

Ironically, the District of Columbia is one of the entities that suffers the greatest cut. Of course, most anybody would say that the District of Columbia is a high-visibility target, in fact, was targeted through the Pentagon on 9/11/2001.

Respectfully, I will oppose the amendment of the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator COLEMAN and Senator COBURN be added as cosponsors to the Collins amendment No. 342.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the Senator from Illinois to reduce the minimum guarantee to States under the State Homeland Security Grant Program.

My colleague and friend from Connecticut has done an excellent job explaining the problems with this amendment. Let me reinforce a few of the points he has made. As my colleagues can see from the chart behind me, under Senator OBAMA's amendment, 32 States and the District of Columbia would have a decrease in the guaranteed funding. Under the Obama amendment, two previous targets of attack, both the District of Columbia and Oklahoma, would receive less guaranteed funding than 18 other States. Indeed, Senator OBAMA's own projections show that the District of Columbia, presumably one of the highest risk areas in the country, would lose almost 45 percent of its total funding under his proposal

I think we need to keep in mind that assessing risk is not an exact science. Who would have guessed that Portland, ME, would have been the departure point for two of the hijackers on 9/11? Who would have guessed that four of the hijackers would train and live in Norman, OK? Who would have guessed that two of the hijackers would have spent considerable time in Stone Mountain, GA? My point is the evidence is clear that terrorists train, hide, and transit through more rural areas, which is one reason that the chairman and I have put such emphasis on preventing terrorist attacks and have allocated a percentage of funds to be used specifically for that purpose.

Now I wish to specifically address the chart that is being circulated by the distinguished Senator from Illinois. The breakdown of the winners and losers under his amendment on his chart relies upon the Department of Homeland Security allocating future risk-based funding in the same manner as it did in 2006. We know that is not going to happen. The process by which the Department allocated funding based on its risk analysis was denounced all around. I could quote the Senators from New York and California, as well as the Senator from Connecticut, Minnesota, and myself. All of us believed that whether we represented big States, small States or medium-sized States, the methodology was flawed.

Indeed, the Department has moved away from that methodology. So it is a false assumption to assume the exact same risk analysis is going to be used in future years, when, in fact, we know it would not be. I wish to point out, in fiscal year 2006, 60 percent of the Homeland Security Grant funds were allocated based on risk. We are requiring that an estimated 95 percent be allocated based on risk, but we want that risk formula reported to Congress. We want to take a look at it. We are working with the Department on it. If we are going to become better prepared as a nation, all States must have a predictable, steady stream of homeland security funding. We need to bring all States up to reach minimum levels of preparedness, because otherwise the terrorists will exploit the weak links.

We also know many of the parts of our critical infrastructure are located in more rural areas. Nuclear powerplants are a prime example. Military bases are yet another example. So the problem is one cannot assume the only targets are in large urban areas. That is not true.

There was another point the Senator from Connecticut made that is a very important point, and that is this is an all-hazards approach to funding. As the Presiding Officer well knows, because he participated so actively in the investigation held by the Homeland Security Committee into the failed response to Hurricane Katrina, there is virtually no area of our country that is immune from natural disasters. The same kinds of communications equipment that come into play when there is a terrorist attack are also needed when a hurricane or an ice storm or an earthquake strikes. So I think we have struck the right balance in our proposal.

Now, I would note the Senator's proposal does not hit my home State. It does not hurt Maine, because he has additional funding for border States, so I am not arguing out of a parochial interest. I am arguing for the formula in our bill because it takes an all-hazards approach. It understands all States have vulnerabilities. It recognizes we need to improve every link in the chain, that we need to bring all States up to minimal levels of preparedness, and they are simply not there now. It recognizes we need predictable funding streams so that States, regions, and communities can enter into multiyear projects, because a lot of these projects, such as with interoperable communications, require more than 1 year to get to the goal.

The potential of terrorist attacks against rural or at least nonurban targets is increasingly recognized as a national security threat. Our committee held hearings on the threat of agri-terrorism—an attack on our food supply. That would be devastating for our Nation. A study conducted by the Harvard School for Public Health shows rural areas face profound homeland security challenges. A great many power and water supplies, as well as virtually our entire food supply, are located outside of urban areas.

The RAND Corporation has repeatedly warned:

> Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas.

Again, that report recognized much of the Nation's infrastructure and potential high-value targets are located in rural areas.

I hope our colleagues will join us in voting against the amendment offered by the Senator from Illinois. I truly believe it would not advance the goal we all share of strengthening our homeland security.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. If the Senator from Maine will yield, I want to ask a couple of questions based on my understanding. Maybe I am confused.

We based our assessment of which States see an increase, which States do not see an increase, and which States see a decrease under our bill on the CRS analysis, assuming $913 million appropriated. They tell us 34 States will see an increase in funding, 6 States will see the same amount of funding under my amendment to S. 4, and 10 States will see a loss. We have not had the benefit of the analysis that was just presented on that chart indicating 32 States would see a decrease, so I am curious if either the chairman or the Senator from Maine would tell me where they got that statistic. Because I understand the statement was made: Well, the formulas may change, and this was based on the previous formula.

I have no problem with changing the formula so it is more risk-based assessed. But I don't understand how it is that simply because we are going to eliminate some of the flaws of the previous formula that somehow—or the risk assessments, that somehow that is going to change the basic assessment that was made by the Congressional Research Service.

I am happy for either Senator to respond.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I will start a response. Senator OBAMA has circulated a document which indicates if this formula is applied, I believe 34 States will get more money than under our proposal. We have a chart we are circulating which says that, in fact, 32 States lose. That is translated into the map here. Here is what the difference is, because in some sense we are measuring different things. In our chart, we are measuring the guaranteed funding of .45 under ours and .25 under that of the Senator from Illinois. The reason we are doing that is because that is all we can say with certainty that is guaranteed. We are both in fact using the same bottom line or top line, which is $913 million, which is the level the bill, S. 4, authorizes for the State Homeland Security Grant funding. The reason this says 32 States and the District of Columbia will lose guaranteed funding under the amendment of the Senator from Illinois is because that is what we have studied: the guaranteed minimum. Because the rest is an assessment of risk that is left to the Department of Homeland Security which it applied this year and it has already said it would never apply again because it was so criticized by New York and others.

So let me in fairness yield—it takes two of us to equal the Senator from Illinois on this.

Mr. OBAMA. Very briefly——

Mr. LIEBERMAN. We will round-robin. I yield to my friend from Illinois.

Mr. OBAMA. Thank you very much. I want to make clear now, it sounds to me as if we are comparing apples and oranges. Assuming we—which is what CRS did—apply the same formula on my amendment, my amendment would have 34 States see an increase in funding, and 6 States would remain the same. Now, if the funding formula changes, it might change 1 or 2 States, depending on what the risk assessments were, but it is not going to result in 32 States suddenly seeing a decrease in funding. This is a decrease in funding based on the bare minimums without applying any of the additional funding which we know is going to be coming. So it strikes me that chart does not describe at all the reality of what would happen under my amendment. I want to make sure I am clear in terms of what we are preparing here, because the best estimate of how this funding will be impacted is based on the CRS's own assessment of what would have happened this year.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mrs. MCCASKILL). Does the Senator yield?

Mr. OBAMA. It is their time.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. OBAMA. I certainly yield to the distinguished Senator from Maine to respond to my inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Thank you, Madam President. I thank the Senator from Illinois so that I may respond to his questions.

The only thing we can count on is what the minimum is going to produce. CRS, the same as the Senator from Illinois, used last year's DHS risk assessment—a risk assessment we already know DHS has abandoned; a risk assessment that resulted in significant cuts in funding to New York City; a risk assessment that was roundly criticized by virtually every member of our Homeland Security Committee. What we are trying to do is to share with our colleagues what we know for sure, and what we know for sure is what the impact of the minimum funding percentage is under our proposal versus under the proposal of the Senator from Illinois.

What we did is we looked at what the guaranteed funding—that is why it says guaranteed funding—would be under Senator OBAMA's amendment, and as you see 32 States and the District of Columbia would lose under the amendment. I say to my friend from Illinois that I am surprised he would want to cut funding for the District of Columbia when that is a high-risk area that did not do well under the Department's formulation of applying risk and thus does not do well under the formula of the Senator from Illinois.

Mr. OBAMA addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. OBAMA. Madam President, I want to be exactly clear on what we are talking about here so there is no confusion among my colleagues. No one disputes that under my amendment, the minimum funding changes. That is the whole point of the amendment, is to change the minimum funding levels and shift more of the money into the risk-based assessment. So to state that 32 States lose on the minimum funding levels is to state the obvious. That is the point of the amendment.

The point is more money then goes into the risk-based funding, and when you factor that in, unless there is going to be no risk-based funding—I mean I suppose that is a possibility, but I don't think so—all that money, when you factor it in, will result in, under last year's formula, 34 States gaining and 6 States staying the same.

Now, I also agree with the distinguished Senator from Maine that there were problems with last year's formula, and I am fine with changes to that formula. I have actively supported changes to that formula, including any possible shortchanging of high-risk areas such as Washington, DC or New York.

The point of my amendment is very simple, and that is more money is allocated on the basis of risk. I am not concerned about predetermining where those risks are. That is the job of the Department of Homeland Security, and that is the purpose of our amendment.

I want to be clear. Under your chart, Illinois loses money that is guaranteed under the minimum funding, as does New Jersey, Oklahoma, and Louisiana. But I would note that Senators MENENDEZ, COBURN, and LANDRIEU were all cosponsors because they understand when the money is allocated based on risk, then wherever we live throughout the United States, we are going to be potentially better off.

I am going to make one last point and then I am happy to listen to a response. Both Senators LIEBERMAN and COLLINS talked about an all-hazards funding approach. I have no objection to that either. But keep in mind, we are talking here about the State Homeland Security Grant Program, which is not supposed to be targeted at all hazards. We have a separate program—the Emergency Management Grant Program—that is supposed to be addressing all hazards and that is why this amendment does not touch that portion of homeland security funding that is directed at all hazards. That is not the purpose of the State Homeland Security Grant Program. The purpose of that is supposed to be to deal with potential terrorist threats. That is why the 9/11 Commission and Chairman Lee Hamilton of the 9/11 Commission and the 9/11 families, all of whom I think have great concern about the safety of all Americans, indicate it makes sense for us to allocate this as much on the basis of risk as possible.

It is for that reason that the House allocated funding on the basis of the formula we are discussing. I wish to make sure that anybody who is listening understands, yes, the guaranteed minimum funding might be less for 32 States, but that is because more of the money goes into the pot based on risk. When you add the funding that will be allocated on the basis of risk, then we can assume that at least 34 States would see an increase under my amendment, and 6 States would see about the same amount of funding. If the formula changes, it is conceivable that instead of 34 States, it may be 32 States or 36 States that see an increase in funding; instead of 6 States with the same amount under both amendments, it might be 4 States or 8 States. But the basic principle is that the funding is going to be allocated on risk. The Emergency Management Planning Grant Program deals with all-hazards funding.

Mr. LIEBERMAN. Madam President, very briefly, this is an important debate. I say this to my friend from Illinois about the CRS estimate of his amendment.

If you take the risk analysis the Department of Homeland Security applied for this year, those numbers look correct. But what we are saying is we know the Department of Homeland Security would not use that same risk analysis because they have said so. We also know the risk analysis has changed year by year through the Department of Homeland Security. I am going to be real local about this. My hometown, New Haven, CT, in the fiscal year 2004 grant, got a grant under the Homeland Security Grant Funding Program, specifically the Urban Area Security Initiative. In the years since then, because the risk analysis changed, New Haven has received zero UASI money. So that is the basis on which we contend that the Senator's amendment would amount to 32 States getting less money than they would under our proposal.

Our proposal is evaluated based on the guaranteed minimum because that is all we will know for sure after we adopt the law.

My friend from Illinois is good, but he has not reached the level of prophet. None of us can know—perhaps Secretary Chertoff—what the Department of Homeland Security will use as a risk analysis formula in the years ahead. The top five States are getting about half of the homeland security grant funding now at the .75 level, and we are coming in, in the spirit of compromise, at .45. So they will probably get a larger share of that money—California, Florida, Texas, Illinois and, of course, New York.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I think it has been a good debate. The Senator from Illinois offered a thoughtful amendment, raised some questions, and I think the managers of the bill, the Senators from Connecticut and Maine, have defended well the language in the bill.

For our colleagues who may be watching this—or if they are at committee hearings, perhaps their staffs are watching—I ask a couple of rhetorical questions as we decide how to vote on Senator OBAMA's amendment.

Should most of the funds for homeland security be allocated on the basis of risk? Sure. Should the lion's share of the funding be allocated on the basis of risk? Certainly, it should. Should all the funding for homeland security be allocated on the basis of risk? No.

What Senator OBAMA is trying to do is thread the needle and get us closer to somewhere between the lion's share and all the funds being allocated on the basis of risk. We have all heard the old adage that beauty is in the eye of the beholder. So is risk. Senator COLLINS talked about some staging that was done by the perpetrators of violence on 9/11 from places such as Stone Mountain, GA; Portland, ME; and maybe Norman, OK. Maybe Senator LIEBERMAN talked about the kinds of targets that terrorists have chosen in this country and others that maybe would not have come to mind, such as the Federal courthouse in Oklahoma City, in a disco or a bus or a train.

I don't think most people think of Delaware as a very high-risk State. As we think what is a target for terrorists, in my State we have a lot of chemical plants. Delaware used to be known as the chemical capital of the world; I don't know if it still is. We have a lot of inviting targets for people who want to do mischief. There are nuclear powerplants across the river in New Jersey, and they are closer to my home than to the Senator's from New Jersey. We have northeast corridor train tracks, not just for passengers, that run up and down my State on which all kinds of hazardous cargo is carried by Norfolk Southern and CSX Railroad. We have a busy Delaware River; hazardous cargo goes down that river every day.

Some people might look at those in my State and say there is not much risk there and, as a result, they don't need extra money. In my judgment, those are risky targets, which invite some mischief. We don't need an enormous amount of money to help prepare for some harm that may come to those targets and the people who live around them, but we need a reasonable amount. The idea that .45 percent of one program, among several that are funded through this bill, is somehow too much, I don't buy that. The real compelling point is that, if you do the math, multiply .45 percent times 50 percent, you come up with .22, .23 percent on the basis allocated by the fact that your State is under the minimum. When you run through the numbers, as the Senators have said, 95 percent of the money under this funding program, the State Homeland Security Grant Program, would be allocated on the basis of risk. For the Urban Area Security Initiative, I think all the money is allocated on the basis of risk.

That having been said, we can have "food fights," I call them, and debates all day trying to figure out should the minimum be .75 or .45 or .25 percent. Our committee said .75 percent is too much. We believe .25 percent as a minimum is too little. We believe .45 percent, which leads to about 95 percent of the funding under this specific grant program being allocated on the basis of risk, is about right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Madam President, I have a very quick comment, and then I will yield to the Senator from New Jersey, who wants to speak on this amendment. I wish to make perfectly clear that the statement made by the Senator from Delaware is absolutely right. Every State has some risks. I have no doubt that Delaware has chemical plants and there are ports and various facilities that constitute real risk. Under the formula I am advocating, the funding is allocated on the basis of risk that will take into account such infrastructure. The notion somehow that the Department of Homeland Security will not take chemical plants into account is simply incorrect.

Rural States, small States, large States—for all states, all of the allocations that are made, other than the .25 percent guaranteed level of funding, would be made on the basis of risk. The Department of Homeland Security will presumably make an educated, expert assessment on the risk that exists in Delaware, Maine or Connecticut. So it is not as if those States would not be getting money under this amendment. It is simply that the judgment of those experts, who are paid to determine what the threats are and what the risks are, would be the guiding basis upon which we make these decisions.

Mr. CARPER. Before the Senator yields, I have one further comment. I take far greater comfort in the words of my friend from Illinois. But what we heard about Washington, DC.—this place was a target. We had people who lost their lives not many miles from where we are. There was another plane trying to get here. Somehow this place, our Nation's capital, which we acknowledge was a prime target on 9/11, and probably is today, should somehow be allocated less funding under the formulas—not the one in the bill but allocated less funding—doesn't make sense to me.

The PRESIDING OFFICER. The Senator from Illinois still has the floor.

Mr. OBAMA. Madam President, I would like to yield the remaining time to the Senator from New Jersey.

The PRESIDING OFFICER. There is no controlled time.

Mr. OBAMA. The Senator from New Jersey has been waiting for quite some time.

Mr. KYL. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside for the purpose of resubmittal of a technical correction to an existing amendment and laying down a second amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 317, AS MODIFIED

Mr. KYL. First, I ask unanimous consent that amendment No. 317 be modified, and I send the modification to the desk. The minority has been given a copy.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 317), as modified, is as follows:

(Purpose: To prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults)

At the end, add the following:

SEC. . PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.

(a) Offense of Rewarding or Facilitating International Terrorist Acts.—

(1) In general.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) Definitions.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) Prohibition.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

"(c) Jurisdictional Bases.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(2) Technical and conforming amendments.—

(A) Table of sections.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.
"2339E. Providing material support to international terrorism.".

(B) Other amendment.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting "2339E (relating to providing material support to international terrorism)," before "or 2340A (relating to torture);".

(b) Increased Penalties for Providing Material Support to Terrorists.—

(1) Providing material support to designated foreign terrorist organizations.—Section 2339B(a) of title 18, United States Code, is amended by striking "15 years" and inserting "25 years".

(2) Providing material support or resources in aid of a terrorist crime.—Section 2339A(a) of title 18, United States Code, is amended by striking "15 years" and inserting "40 years".

(3) Receiving military-type training from a foreign terrorist organization.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

(4) Addition of attempts and conspiracies to an offense relating to military training.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

(c) Denial of Federal Benefits to Convicted Terrorists.—

(1) In general.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

"(a) In General.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) Federal Benefit Defined.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(2) Technical and conforming amendment.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"2339F. Denial of Federal benefits to terrorists.".

(d) Addition of Attempts or Conspiracies to Offense of Terrorist Murder.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting ", or attempts or conspires to kill," after "Whoever kills"; and

(2) in paragraph (2), by striking "ten years" and inserting "30 years".

(e) Addition of Offense of Terrorist Kidnapping.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

"(b) Kidnapping.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.".

(f) Addition of Sexual Assault to Definition of Offense of Terrorist Assault.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(2) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(3) in the matter following paragraph (2), by striking "ten years" and inserting "40 years".

AMENDMENT NO. 357 TO AMENDMENT NO. 275

Mr. KYL. I send a second amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. Kyl] proposes an amendment numbered 357 to amendment No. 275.

Mr. KYL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to amend the data-mining reporting requirement to protect existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data mining in order to exclude routine computer searches)

At page 174, strike line 1 and all that follows through page 175, line 18, and insert the following:

"The terms "data-mining" and "database" have the same meaning as in § 126(b) of Public Law 109–177.

(c) Reports on Data Mining Activities by Federal Agencies.—

(1) Requirement for report.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be

made available to the public, except for a classified annex described in paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, consistent with the protection of existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity."

Mr. KYL. Madam President, I rise today to address an amendment that I have filed to the 9/11 recommendations bill, amendment no. 317. This amendment would prohibit rewarding the families of suicide bombers for such attacks, and stiffen penalties for other terrorist crimes.

The first part of the amendment would create a new offense of aiding the family or associates of a terrorist with the intent to encourage terrorist acts. This provision is targeted at those individuals who give money to the families of suicide bombers after such bombings. The amendment would make it a Federal offense to do so if the act can be connected to the United States, and if die defendant acted with the intent to facilitate, reward, or encourage acts of international terrorism.

Let me offer an example of why this amendment is necessary. In August 2001, a Palestinian suicide bomber attacked a Sbarro pizza parlor in Jerusalem. He killed 15 people. Among those killed was an American citizen, Shoshana Greenbaum, who was a schoolteacher and who was pregnant at the time.

Shortly after this bombing took place, the family of the suicide bomber was told to go to the Arab Bank. The bomber's family began receiving monthly payments through an account at that bank, and later received a lump sum payment of $6,000.

According to accounts in the press, this is not the only time that the Arab Bank has funneled money to the families of suicide bombers. One news account describes a branch of the bank in the Palestinian territories whose walls are covered with posters eulogizing suicide bombers.

According to other news accounts, suicide bombers in the Palestinian territories are recruited with promises that their families will be taken care of financially after the attack. Saudi charities, the Palestinian authority, and even Saddam Hussein have rewarded suicide bombers' families for their acts. According to the BBC, Saddam Hussein paid a total of $35 million to terrorists' families during his time.

Obviously, Saddam Hussein's actions are no longer a concern, but we should all be deeply concerned about other wealthy individuals and financial institutions who continue to pay out these rewards. It is undoubtedly the case that in some instances these payments make the difference in whether an individual will commit a suicide bombing.

My amendment would make it a Federal crime, with extraterritorial jurisdiction in cases that can be linked to U.S. interests, to pay the families of suicide bombers and other terrorists with the intent to facilitate terrorist acts.

My amendment also makes several other needed improvements to our antiterrorism laws.

The amendment increases the maximum penalties for existing material support offenses. The material-support statutes have been the Justice Department's workhorse in the war against terrorists, accounting for a majority of prosecutions. These statutes are also very effective at starving terrorist groups of resources. My amendment increases the penalty for giving material support to a designated foreign terrorist organization from a maximum of 15 years to a maximum of 25 years. The penalty for providing material support to the commission of a particular terrorist act is increased from a maximum of 15 years to a maximum of 40 years. And the maximum penalty for receiving military-type training from a foreign terrorist organization is increased from 10 years to 15 years. The amendment also adds attempts and conspiracies to the substantive offense of receiving military-type training, and denies Federal benefits to persons convicted of terrorist offenses.

Finally, my amendment expands existing proscriptions on the murder or assault of U.S. nationals overseas for terrorist purposes, so that the law punishes attempts and conspiracies to commit murder equally to the substantive offense. The amendment adds a new offense of kidnapping a U.S. national for terrorist purposes, regardless of whether a ransom is demanded. And the amendment adds sexual assault to the definition of the types of injury that are punishable under the existing offense of assault resulting in serious bodily injury.

I ask unanimous consent that a number of news articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Federal News Service, May 11, 2005]

PROGRAM TRANSCRIPT—FUNDING TERRORISM

BRIAN WILLIAMS: Following the money in the war on terrorism. As NBC News first reported a few weeks ago, U.S. government regulators have uncovered evidence that suggests a prominent Middle Eastern bank with a branch here in New York City has had dozens of suspected terrorists as customers and may even have transferred funds for suspected al Qaeda terrorists through its New York office.

Now U.S. News has learned a criminal investigation of the bank is under way. Our NBC News senior investigative correspondent, Lisa Myers, has our exclusive report in depth.

LISA MYERS: August 2001. A suicide bomber hits the Sbarro pizza parlor in Jerusalem, killing 15, including an American—Shoshana Greenbaum, a pregnant schoolteacher.

The Palestinian bomber? Izz Ad-Din Al-Masri. His parents told NBC News that soon after the bombing a group which helps families of suicide bombers told them they'd be compensated for their son's 'sacrifice.'

'They told me to go to the Arab Bank and open an account and you will receive a salary.'

He says almost immediately he began receiving $140 a month. And after the Israelis leveled his house, he says he was told to go the bank and pick up more money.

(Myers' question to Shuhail Ahmed Al-Masri, Izz Ad-Din Al- Masri's father): So you went to the Arab bank, and they gave you $6,000?

SHUHAIL AHMED AL-MASRI: Yes. Six thousand dollars.

MYERS: This is the branch of the Arab Bank where Al-Masri's father says he was told to open an account, where he says received money almost every month for the last three years.

The branch, plastered with posters eulogizing suicide bombers, isn't the only one allegedly paying bombers' families. This ad in a Palestinian newspaper told dozens of martyrs' families to pick up money at the nearest branch of the Arab Bank.

Jimmy Gurule was a top U.S. official in charge of cutting off money to terrorists.

JIMMY GURULE (former U.S. Treasury official): Those types of payments were aiding and abetting terrorism.

MYERS: The FBI tells NBC News that it's now conducting a criminal investigation into the Arab Bank's alleged movement of funds for suspected terrorists. The investigation was triggered after U.S. regulators examined Arab Bank operation in New York City, here in this building on Madison Avenue.

U.S. officials tell NBC News that regulators found that the bank had as customers 40 to 60 suspected terrorists and groups allegedly associated with al Qaeda, Hamas and Hezbollah. Officials say all had accounts with the bank or had moved money through the NEW YORK office.

GURULE: I'm not aware of another situation involving a bank operating in the United States that has conducted itself in such a manner.

MYERS: The Arab Bank, headquartered here in Jordan, turned down repeated requests for an interview, so we visited bank headquarters in Amman.

(Myers at the bank): Lisa Myers with NBC News.

MYERS: We only got as far as the lobby.

OMAR AL-SHEIK (Arab Bank official): Of course not.

MYERS: Does the bank believe it's proper to move money to help terrorists'?

OMAR AL-SHEIK: Of course not.

MYERS: In a statement, the Arab bank denies ever knowingly doing business with terrorists. And officials insist the bank has never moved money for anyone officially designated a terrorist by the U.S. government.

However, NBC News provided the bank with these documents showing it dealt with three Hamas terror groups, even after they were blacklisted by the U.S. It's against the law for banks in the U.S. to handle transactions for terrorists on the blacklist.

The bank says these three transactions still were legal because they occurred outside the U.S., but that in the future it will honor the U.S. blacklist worldwide.

As for suicide bombers, the Arab Bank strongly denies ever knowingly handling payments for bombers' families. 'Arab Bank considers suicide bombings an abominable human act.'

Then what about the ad telling bombers' families to collect money at the Arab Bank?

The bank says it didn't place the ad.

After NBC provided account numbers for the Al-Masris, the bank froze their account, which the bank claims was opened before the bombing.

Shoshana Greenbaum's father, who moved to Israel after her death, is now suing the bank.

ALAN HAYMAN (Greenbaum's father): This organization, if allowed to continue in business with a mere slap on the wrist, would be sending a message that it's perfectly all right to support terrorism.

MYERS: The Arab Bank, which Israeli officials call 'the Grand Central Station of terrorist financing,' has been forced down much of its U.S. operation but remains a dominant player in the Middle East.

Arab Bank's Terror Trial Hit

A Federal judge in Brooklyn ordered Jordan's Arab Bank to stand trial in New York on charges that it knowingly financed the Palestinian suicide bombers who have killed and maimed thousands, including many American citizens.

The survivors of suicide attacks in Israel and family members of Americans killed or wounded in the attacks sued Arab Bank last year.

The suits argue the bank had full knowledge of the acts committed by their clients from Hamas, Palestinian Islamic Jihad and the Al-Aqsa Martyrs brigades.

The victims also charge Arab Bank's distribution of payments to the families of suicide bombers was a part of the terror recruiting process.

"[The charges] support an inference that Arab Bank and the terrorist organizations were participants in a common plan under which Arab Bank would supply necessary financial services to the organizations which would themselves perform the violent acts," wrote U.S, District Judge Nina Gershon in an opinion released yesterday.

In July, The Post broke the story that the bank required intricate and official so-called Martyr's Kits to process the payments, concrete proof that the bank knew where its payments were destined.

A bank spokesman said "Arab Bank remains confident that it will prevail at trial. The bank abhors terrorism and has not, and would not, knowingly or willfully support terrorism." Judge Gershon dismissed the bank's argument that these were "ordinary banking services."

She said "there is nothing routine about the services the bank is alleged to provide."

Sick 'Martyr Kits'—Secret Files Finger Bank in Mideast Terror Payoffs

Secret documents known as "martyrs' kits" obtained by The Post provide a startling glimpse into the world of suicide bombers, who are recruited with promises that their families will be well taken care of financially.

These kits ensure that the families of Hamas, PLO and Palestinian Islamic Jihad killers get generous "charitable donations" from Saudi Arabia-based organizations and, while he was in power, Saddam Hussein.

The documents reviewed by The Post include a martyr kit for Maher Kamel Hbeishe, a Hamas fanatic who blew himself up on a Haifa bus Dec. 2, 2001, killing 15 Israelis and wounding 40.

Much of the kit's paperwork carries the corporate logo of the Arab Bank—the Middle East's most important and influential financial institution—and the numbers of the accounts through which his family was paid.

The cover on Hbeishe's file—in the records of Saudi relief committees—proclaims: "the martyrs receive reward from their Lord, they and their light."

Replete with florid Arabic tributes to dead terrorists, the paperwork explains the manner of death, making it clear that the bank knew exactly whom it was giving money to and why.

If the terrorist were successful, the family would receive $5,316; being wounded or captured would earn them a lesser amount.

Though small by Western standards, the payments are more than six times the West Bank's average annual income of $850.

To get its money, Hbeishe's family was most likely contacted by the so-called "social welfare arm" of Hamas and instructed to open up an Arab Bank account. Then representatives of Hamas would use the information in the martyrs' kit to provide the bank with the name of the attacker and the beneficiaries getting checks.

The Saudi charities—called relief committees—that provide the funding for the terrorists make no secret of their activities, even taking out full-page ads in newspapers. One such ad listed more than 1,000 individuals who had been wounded or captured by the Israelis during the intifada and whose families were eligible for benefits.

Every ad explicitly directs the family members to go to Arab Bank.

A bank spokesman said, "Arab Bank abhors terrorism. The bank would never do business with individuals or organizations it knows to be terrorists."

It said that the documents obtained by The Post proved only that relatives of the two suicide bombers had accounts there, which is not surprising given the bank's 50 percent market share in the West Bank.

Lee Wolosky, a lawyer suing the bank on behalf of families murdered in terrorist attacks, said, "New Yorkers would be outraged if a bank on Madison Avenue was alleged to have provided financial support to the families of al Qaeda terrorists. These allegations are no different."

[From the BBC News]

Palestinians Get Saddam Funds

Saddam Hussein has paid out thousands of dollars to families of Palestinians killed in fighting with Israel.

Relatives of at least one suicide attacker as well as other militants and civilians gathered in a hall in Gaza City to receive cheques.

"Iraq and Palestine are in one trench. Saddam is a hero," read a banner over a picture of the Iraqi leader and Palestinian leader Yasser Arafat at the ceremony.

With war looming in the Middle East, Palestinian speakers condemned the United States and Israel, which dismissed the ceremony as support for terrorism.

One by one, at least 21 families came up to receive their cheques from the' Palestinian Arab Liberation Front (PALF), a local pro-Iraq group.

A Hamas suicide bomber's family got $25,000 while the others—relatives of militants killed in fighting or civilians killed during Israeli military operations—all received $10,000 each.

Another banner in the hall described the cheques as the "blessings of Saddam Hussein" and PALF speakers extolled the Iraqi leader in fiery speeches.

"Saddam Hussein considers those who die in martyrdom attacks as people who have won the highest degree of martyrdom," said one.

The party estimated that Iraq had paid out $35m to Palestinian families since the current uprising began in September 2000.

Saddam's avowed support for the Palestinians, and his missile attacks on Israel during the Gulf War, have won him wide backing in the territories.

Israel condemned the Iraqi handouts as funding for terrorism.

"It shows that Saddam is involved in every activity that is terrorism and murderous and leads to instability in the Middle East," said Amira Oron, a spokeswoman for the Foreign Ministry.

However, families at this week's ceremony said the money would be used to rebuild homes destroyed by Israel and bring up orphaned children.

"Saddam supports the families of the martyrs, not terrorism," said Ahmed Sabah, 69, whose son was killed by an Israeli missile strike in December.

"It is a shame that Arabs stand silent as America prepares to occupy Iraq."

Israel blamed Mr Sabah's son Mustafa for bomb attacks on three Israeli tanks which killed seven soldiers in 2002.

Tahseen Maghani, whose Hamas militant son Karam was killed trying to infiltrate the Jewish settlement of Netzarim, said he would use the money to plant crops and build a house.

"These are tough times for Saddam but his kindness will help us a lot," he said.

"Saddam is the only one that has stood with us."

Sabri Salama, a relative of two Palestinian teenagers killed in an Israeli air strike on Gaza in January, said America was "the chief terrorist state".

Ibrahim Zanen, a PALF spokesman, said he hoped the ceremony would not be the last.

[From the Daily Standard, Dec. 19, 2005]

Meet the New Boss—President Abbas's Palestinian Authority Looks Distressingly Familiar

(By Scott Johnson)

Are things getting better in Israel? Charles Krauthammer recently observed that "the more than four-year-long intifada, which left more than 1,000 Israelis and 3,000 Palestinians dead, is over. And better than that, defeated." Krauthammer believes that Israel's Gaza withdrawal was a success and that the electoral campaigns underway in both Israel and the Palestinian Authority can fairly be attributed to Israeli unilateralism and Palestinian maturation.

All of which may be true. Yet the news from Israel isn't all good. Far from it. The terror war against Israel certainly continues. Every day Israeli security forces receive 10 to 30 security alerts regarding prospective attacks within Israel. Only the successful attacks make the news, such as the December 5 bombing that took five lives at the mall in Netanya.

More worrisome is that the terror groups operate at will within the Palestinian Authority. Among them are Hamas, Hezbollah, and Palestinian Islamic Jihad—all groups with foreign bases of support in Syria, Iran, or Saudi Arabia. These groups parade openly and operate with impunity within the territory of the Palestinian Authority. The numerous security services of the Palestinian Authority have yet to disarm them. Other terror groups actually operate as militias under the umbrella of Fatah, the party over which Palestinian Authority President Mahmoud Abbas presides. Among them, for example, is the al-Aqsa Martyrs' Brigade.

The Palestinian Authority has also taken action to support terrorists within its jurisdiction. Rachel Ehrenfeld reported on the Palestinian Authority's continuing financial support of terrorists in a November 29 Jerusalem Post column. Ehrenfeld cited a senior PA official explaining that the Palestinian Authority has created a special committee to determine the pension eligibility of all members of armed organizations. Earlier reports indicate that the Palestinian Authority contributes $4 million a month to support terrorists held in Israeli jails. (For those looking to see the glass as half full, PA finance minister Salam Fayad resigned over this issue—which is a truly optimistic development.)

Earlier this month Israel National News reported that President Abbas approved a law providing financial support to the families of "shahids" (martyrs)—including suicide bombers. Abbas's approval of the law was announced in the pages of the semi-official PA newspaper, Al-Hayat Al-Jadida the day of the Netanya bombing. (In addition to the sums indicated in the linked story, the law provides for a lump sum payment of $2,200 to the surviving family of "martyrs.")

The law would allow the Palestinian Authority to step into the role—recently vacated by Saddam Hussein—of providing financial support to the families of suicide bombers attacking Israel. Asked for comment, a U.S. State Department Near East spokesman noted that Abbas had not signed the law and that the State Department had expressed its concern to Abbas regarding it.

That's technically true: The law has been passed twice by the PA legislative council. Abbas's signature and a third approval of the law by the PA legislative council are necessary for final enactment. Perhaps the State Department's expression of concern will head off its final enactment. Yet that the law that reached President Abbas's office—and that he appears to have announced his approval of it—seems telling.

[From the Washington Times, July 31, 2006]

ISLAMIST TERROR TWINS; SHI'ITE, SUNNI JIHADISTS POSE DANGER

(By Rachel Ehrenfeld)

It took the United States four years after September 11 to develop a useful working definition of the gravest danger to world peace. Last October President Bush finally identified our enemies: "Islamic Radicals . . . empowered by helpers and enablers . . . strengthened by front operations who aggressively fund the[m]." Making no distinction between Sunni or Shi'ite radicals, he concluded that defeating "the murderous ideology of the Islamic Radicals," is the "great challenge of our century."

Mr. Bush keeps addressing the turmoil in the Middle East focusing on Hezbollah as a regional struggle. Yet, defeating Israel and controlling the Middle East is only part of the global mission of both Sunni and Shi'ite terrorists. Their goal is to establish the Caliphate, extending the rule of Shariah to the entire world.

Israel is now fighting two of radical Islam's most virulent versions—the Shi'ite Hezbollah and the Sunni Hamas. Israel fights not only for its own survival. Its ability to defeat Hamas and Hezbollah will determine the survival of the United States and all Western-style democracies.

When Hezbollah attacked Israel over two weeks ago, Mr. Bush accused Syria of being the primary sponsor of Hezbollah, providing it with shipments of Iranian-made weapons. The president added: "Iran's regime has also repeatedly defied the international community with its ambition for nuclear weapons and aid to terrorist groups. Their actions threaten the entire Middle East and stand in the way of resolving the current crisis and bringing lasting peace to this troubled region."

One wonders what the leader of the free world needs to witness before he connects the dots. Radical Islam, or Islamofascism, as he himself described it on other occasions, is not limited to the Middle East, or promoted and advanced only by Iran, Hezbollah and Syria. Sunni radicals such as Hamas, Islamic Jihad and the numerous offspring of al Qaeda pose similar threats to Israel, the region, the United States and the rest of the world.

All radical Muslims, according to the president, are terrorists "target[ing] nations whose behavior they believe they can change through violence." Their goal, he said, is to "establish a radical Islamic empire that spans from Spain to Indonesia." Then, they "would be able to advance their stated agenda: to develop weapons of mass destruction, to destroy Israel, to intimidate Europe, to assault the American people, and to blackmail our government into isolation."

"Against such an enemy there is only one effective response," concluded Mr. Bush: "We will never back down, never give in, and never accept anything less than complete victory." Yet, Israel is pressured for restraint by most U.S. allies, including the Saudis.

Nonetheless, the White House, politicians and the international media fall all over themselves to praise the Saudis for admonishing Hezbollah as yet more evidence of their commitment to ending extremism. In fact, the Saudis demonstrate their commitment only to end Shi'a extremism. In typical double-talk, while lambasting Hezbollah, the Saudis refrain from condemning Hamas, and in fact, they are its principal financiers from the beginning.

On Tuesday, the Saudi Government announced generous financial contributions to rebuild Lebanon and Palestine. The Saudis also held a well-advertised "popular fundraising campaign," urging Saudis, all Arabs and Muslims "to show the usual generosity and commitment towards the Arabs and Muslim Nation." Last week's Saudi Telethon raised $32 million, and an additional $13.5 million was raised in the UAE. There is little doubt that some of this money would find its way to the families of "martyrs" from Hezbollah, Hamas and Islamic Jihad carrying out the "mission" of Jihad.

This fundraiser brings back memories of previous Telethons such as the April 2002 King Fahd-sponsored fundraiser for the Palestinian intifada, and the August 2005 Saudi fundraiser for the Palestinian cause, aired on Iqra TV. The organizers then stated: "Jihad is the pinnacle of Islam. A person who cannot wage Jihad with his soul is required to wage Jihad with his money . . . our brothers in Palestine desperately need financial support, which goes directly to this cause, and helps them to carry out this mission." On July 27, $29 million were raised in the latest Saudi telethon. Some of this money would surely find its way to the families of "martyrs" from Hamas and Islamic Jihad carrying out the "mission" of Jihad.

The radical Sunni modus operandi differs not at all from that of Hezbollah's Shi'ite terrorists. Al Qaeda and Hamas also provide social services, jobs, medical care and schools to the needy. And like Iran and Hezbollah, the Saudis use their fortunes both to fund radical terrorist groups and to develop vast international Islamic communications networks which they leverage in order to expand their anti-American and anti-Israel propaganda, while aptly manipulating U.S. leaders and the media.

The Saudi fears of a nuclear Iran are behind their condemnation of Hezbollah. However, since Hassan Nasrallah is now the leading figure of the Arab world, supported by The Muslim Brotherhood, and "the most prominent cleric in the Arab world, [Sheikh Yousef Al] Qaradhawi," the Saudis can not afford to ignore Nasrallah's popularity. That is why the Saudis publicly asked the United States to pressure Israel into ceasefire. But the growing violence of and anti-American propaganda by Sunni radical groups worldwide funded by Saudi paymasters should serve as potent reminder for the U.S. to demand that our Saudi "ally" stop their own terrorist financing and the propagation of their own version of radical Islam, Wahhabism, around the world. Moreover, the United States should focus on developing alternative energy sources, consequently reducing billions of dollars now available to fund terrorism.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 338

Mr. MENENDEZ. Madam President, I rise in strong support of the amendment by my distinguished colleague from Illinois. His effort is not about Illinois or any of the other significant States. His effort ultimately culminates in 34 States getting additional funds and moving far closer to the 9/11 Commission's unanimous bipartisan recommendation that funding for homeland security should follow risk and risk alone.

Having said that, he still doesn't deny to other States the opportunity to have some baseline of homeland security funding. He still preserves an element for all States. But I think here is how we determine the equation. It is very interesting that one chart says 32 States and the District of Columbia will lose, but that depends upon the factor you are using.

The reality is, under Senator OBAMA's amendment, which I am proud to cosponsor, when you include the totality of homeland security funds, 34 States receive an increase—that is a significant majority of the States—and we move closer to the public policy recommendation the 9/11 Commission made that all homeland security funding should be based on risk and risk alone.

Now, whether you were on the street below at the World Trade Center or across the river in New Jersey watching the towers burn or halfway across the country watching the horrific events unfold on television, we all experienced the blow our Nation suffered that day.

I say to my distinguished colleague from Maine who mentioned a stone—I forget exactly—a location in Georgia and some other locations in rural parts of America where supposedly some of the terrorists were, but where were their targets? Not where were they hiding, but where were their targets? Their targets are very clear.

We all suffered a blow that day, but there is something unique about the locations that were chosen by the terrorists to strike. Thousands work in the Pentagon. Roughly 50,000 people worked in what was the World Trade Center, and 200,000 visitors used to go there on any given day, including many of the people from my home State of New Jersey who perished that day. Where were the planes coming from? They were coming from major airports—Logan, Newark, Dulles. To where? To major cities in California—Los Angeles, San Francisco.

So the terrorists made calculations about where and how they could inflict the most damage on our Nation because while New York and the Pentagon were the epicenters of that act, the reality is the ripple effect came across economically as well as in terms of the loss of lives across the whole country. But they understood the unavoidable facts of where their targets were. Their targets were not in rural parts. They may have hidden there as they got ready to commit their dastardly act. Their targets were in the places they could make unavoidably the greatest impact. The fact is, these targets are consistently in some of the most densely populated areas of the Nation where the greatest risk lies.

This debate should not be about fighting to maintain a certain level of funding as general revenue sharing. At issue is how to best allocate limited resources to those parts of our Nation facing the greatest risk. Senator OBAMA does that by having 34 States enhance their position and 6 being unchanged.

We cannot deny that some States simply have more risk than others. Some States simply have more risk than others. Just as I would not argue for the same share of agricultural funding for New Jersey as Iowa, or I could not possibly make an intellectually honest fight for the same level of hurricane preparedness as Florida, neither can many of my colleagues argue that some States have the same risks as other States throughout the Nation. If we had unlimited funds, that would be different. That is not the case. The case is, we have limited funds.

Senator OBAMA's amendment clearly drives us closer and closer to risk being the determining factor. That is what the 9/11 Commission unanimously said, that is what the 9/11 families have said, that is what the Chairman and Vice Chairman of the 9/11 Commission said, that is what the amendment of the Senator from Illinois ultimately does, and that is why I am proud to be a cosponsor of the amendment and one that ultimately understands that there clearly are greater risks in certain parts of the Nation. The terrorists know that. They understand the greatest consequences they can strike at and create the greatest horror for their efforts, and that is going to be a continuing truth. It is a continuing truth I hope the Senate will acknowledge in voting for Senator OBAMA's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Madam President, I thank my distinguished colleague from New Jersey for an eloquent summation of what this amendment is about. What I would like to do is reiterate my response to some of the issues that were raised by the distinguished Senators from Connecticut and Maine.

No. 1, we are talking about real money. We don't have exact figures, but let's assume we are talking about around $80 million that would be shifted from guaranteed funding to the States and instead would be allocated on the basis of risk. That $80 million will mean firefighters are getting the equipment they need in States that have higher risks. It will mean more money will be available for interoperability systems. It means this money will be allocated to States that have chemical plants and nuclear plants in higher proportion than those States that do not. In each case, this money, under my amendment, will be allocated on the basis of the risk assessments made by experts, as recommended under the 9/11 Commission Report, and will not be allocated simply on the basis that every State gets a piece of the pie regardless of risk, threats and vulnerabilities.

To go back to the issue of how many States benefit or lose, my main point is that we all win when the money is allocated on the basis of risk. We all win. Every State wins. But in terms of the estimates of which States gain and which States lose, I reiterate, the chart that was put up by the Senator from Maine is only talking about the amount of money that is allocated on the basis of guaranteed funding, not based on risk. The additional funding, the lion's share of the funding, as the Senator from Delaware stated, will be allocated on the basis of risk, and once you factor that in, then you can be assured that the overwhelming majority of States will get more money under my amendment than they will under the underlying bill. That is the central point. Don't get confused when it is stated that 32 States stand to lose money under this amendment. They stand to lose the guaranteed money because more money goes back into risk assessment, and once it is put back into the States, then you will see a majority of States gaining under my amendment.

Madam President, there is one last point I wish to reiterate. One of the seemingly plausible arguments made by the Senator from Connecticut and the Senator from Maine was that we want an all-hazards funding approach—hurricanes, natural disasters. We want to make sure that money is fairly allocated. I reiterate, that is not the point of this program. We have another program that allocates on the basis of all hazards. That is the Emergency Management Planning Grant Program.

So if they want to make an argument that money should be allocated to all States at a certain percentage to guarantee minimum funding for all hazards funding, that is entirely sensible, but that is not what this funding stream is all about. This funding stream is supposed to address the specific risks and threats of terrorism. So if we want to follow the recommendations of the 9/11 Commission Report, then we must protect against those particular risks for which the program is designed.

I appreciate the healthy debate. This does not always happen on the floor of the Senate. I thank my colleague from Connecticut, the chairman of the committee, for entertaining as many questions as he did, and I thank him for his patience.

I reiterate that the underlying bill is an improvement over the status quo, but the same principles that drove the Senator from Connecticut and the Senator from Maine to change and reduce the amount of minimum funding each State obtains is the same principle of my amendment. I just take it a step further.

In fact, I wouldn't be surprised that if you applied the manner of calculating funding that was up on the chart behind the Senator from Maine, it is not clear to me you wouldn't see a whole bunch of States losing under the change the Chairman has proposed as well. But what he realizes and the reason he thinks the underlying bill makes sense is because that money is going to be distributed based on risk, and in the end a lot of States will do better. This amendment is no different. It simply takes it a step further in line with what the House has done and in line with what the 9/11 Commission Report recommends.

I urge all my colleagues to join on this amendment. I believe it will be an improvement not just for some States but for the entire country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Illinois. It has been a good debate. Again, we don't have these often enough on the floor.

I hope our friends understand the difference. Again, we know we are basing our comparison of the two formulas on the guaranteed minimums, which are the only things we can be sure about. My friend from Illinois takes the risk assessment from this year and projects it forward. It happens to have underfunded the District of Columbia, which is why they lose under this proposal as well. I will leave that for the moment and simply say that we are having a good debate about how to distribute the money.

One thing I believe we all agree on—I know my friend from Illinois and I certainly do—is that the Federal Government has been underfunding the State Homeland Security Grant Program and all the others. So while we have these significant arguments about how to divide the pie, the other part of this debate—which, fortunately, we have an agreement on—is that the pie should be bigger.

In this bill, for State homeland security grants, we go back to the high level of fiscal year 2004, $3.1 billion. Quite shockingly, the administration has lowered the money in each of the years since then, though no one's estimate would say the threat to homeland security is less than it was in 2004. That agreement we have, though we have a mutually respectful disagreement about how to divide the pie.

While we are on this subject, there was a reference earlier on the question of how the money is being spent. We hear references to this now famous air-conditioned garbage truck from New Jersey. Likewise, there was apparently a police department that is purported to have purchased leather jackets for its officers. Presumably, allegedly, these items where purchased with State homeland security grant funds. If, in fact, that is what happened—although there is some suspicion that the air-conditioned garbage truck was bought with funds that came through the Department of Justice, not the State homeland security grant funding—it was, obviously, wrong and unacceptable. This has been used to undercut support for the program generally.

I assure my colleagues, however they vote on the funding formula—and, incidentally, New Jersey is one of the States, as the Senator from New Jersey indicated, that would gain under the amendment of the Senator from Illinois high-risk States can misspend money just as easily as low-risk States. In fact, they have more money to spend, so the probability is higher.

Here is what I want to assure my colleagues: S. 4, the underlying bill, is designed to make sure the money we send back to the States and localities is spent for homeland security. Under Homeland Security Presidential Directive No. 8, the Department of Homeland Security has issued target capabilities for prevention, preparedness, and response that all communities must be able to achieve. What are target capabilities? They include risk management, citizen preparedness, information sharing, intelligence gathering, and medical triage—all necessary elements of homeland security and disaster response.

Under the Post Katrina Act that stemmed from our committee's investigation of Government failures during Hurricane Katrina, the Senate and the House and the President implemented these target capabilities as statutory requirements. So S. 4 requires that all homeland security grants must be spent in a way that works to reach the specific target capabilities stipulated by the Department of Homeland Security and the national preparedness goal. Obviously, this air-conditioned garbage truck would be an illegal expenditure, as would the purported purchase of leather jackets for a police department somewhere in America. In turn, each of these expenditures, whether at the State, local, or tribal level, must be consistent with a State homeland security plan that is required by S. 4.

S. 4 authorizes specific uses for the grants; among which are the following:

Developing plans and risk assessments, which are essential for the optimal and most efficient allocation of resources;

Designing, conducting, and evaluating training and exercises, including for mass evacuations, as we learned was so essential in Hurricane Katrina;

Purchasing and maintaining equipment, such as interoperable communications devices that are critical to responding to a disaster;

Additional measures, including overtime personnel costs, when required to respond to an increase in the threat level under the Homeland Security Advisory System;

The protection of critical infrastructure and key resources; and

Establishing fusion centers that comply with specific information-sharing guidelines as described in title I of this bill.

S. 4 also ensures that the Department has the flexibility to approve activities funded by the grants, but again, all expenditures must be tied to the achievement of target capabilities.

Additionally, S. 4 contains explicit restrictions on the use of homeland security grants: We prohibit funds from being spent on recreational or social purposes.

These provisions, backed up by extensive accountability and audit requirements, will ensure that funds are spent in the most efficient and effective way possible. Some have suggested that the misuse of grant funds in the past has been a result of extraneous funds being distributed in the form of a State minimum. But, in fact, I point out that the air-conditioned garbage trucks were purchased by New Jersey—a State which my colleagues have pointed out is one of the higher-risk States, and has, in fact, received a significant portion of antiterrorism funding. Likewise, the leather jackets were purchased by the D.C. Police Department—again, one of the areas of the country with the highest risk assessments. So no State should be considered immune from such expenses, and it is wrong to imply a link to State minimums. S. 4 will ensure that each grant awarded is tied to a carefully analyzed homeland security plan, and is expended for a specific target capability.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, earlier today, the Senate tabled an amendment offered by the Senator from South Carolina, Mr. DEMINT, that would have struck all of the provisions in the bill related to the employment rights of the employees of the Transportation Security Administration, TSA. Last night, I filed an amendment on behalf of myself, Senator VOINOVICH, Senator WARNER, Senator SUNUNU, Senator COLEMAN, and Senator STEVENS that seeks to strike a middle ground in this area.

Through our committee's work on homeland security, it has become clear that the ability to respond quickly and effectively to changing conditions, to emerging threats, and to crisis situations is essential. From the intelligence community to our first responders, the key to this response is flexibility, putting assets and, more importantly, personnel where they are needed, when they are needed.

My question about giving TSA employees the right to collectively bargain is whether this additional right would hamper flexibility at this critical time.

I have been a strong supporter of Federal employees throughout my time in the Senate. I very much appreciate the work they do not only in the Department of Homeland Security but throughout the Federal Government. It is my hope that we will be able to work cooperatively to forge a compromise that preserves the needed flexibility that has been described to us in both classified sessions and open hearings while protecting the rights of TSA employees. These are employees who are working hard every day to protect us.

The TSA is charged with great responsibility. In order to accomplish its critical national security mission, the Aviation Transportation Security Act provided TSA with the authority to shift resources and to implement new procedures daily—in some instances hourly—in response to emergencies and changing conditions. This authority enables TSA to make the best and fullest use of its highly trained and dedicated workforce.

We have already seen the benefit of this flexibility. In both the aftermath of Hurricane Katrina and the thwarted airline bombing plot in Great Britain last year, TSA was able to change the nature of its employees' work and even the location of their work in response to these emergencies. Last December, when blizzards hit the Denver area and many local TSA officers were unable to get to the airport, the agency acted quickly, flying in voluntary TSOs from Las Vegas to cover the shifts and covering the Las Vegas shifts with officers transferred temporarily from Salt Lake City. Without the ability to rapidly ask for volunteers and deploy them to Denver, the Denver airport would have been critically understaffed while hundreds, perhaps thousands, of travelers were stranded. This flexibility is essential.

The legislation before the Senate is designed to implement the unfulfilled recommendations of the 9/11 Commission. Most of those recommendations were enacted in 2004, but when we look at this report we don't see recommendations about changing the employees' conditions at TSA. Before we so dramatically change the TSA personnel system, we must ensure that we do not interfere with TSA's ability to carry out its mission.

That doesn't mean the status quo is adequate. I believe we know enough now that we should proceed with providing TSA employees important protections enjoyed by other Federal employees. Let me mention two such important protections with which we should proceed. The first is to bring them under the Whistleblower Protections Act. There is simply no reason TSA employees should not enjoy the formal protections and procedures set forth in that act.

Second, these TSA employees should have the same kinds of rights as other Federal employees to appeal adverse employment actions—disciplinary actions, for example, demotions, even firings—to the Merit System Protection Board. That would give them an independent agency to review their complaints, and that is an important protection as well.

In addition to these two very important provisions, the amendment makes clear that TSOs have the right to join labor unions. My amendment also requires TSA to establish a pay-for-performance system. That already exists in the agency, but we want to codify that.

Finally, the amendment would require TSA and the Government Accountability Office, GAO, to report to Congress in 1 year to assess employment matters at TSA, indicating what further changes, if any, should be made in the TSA personnel system.

I believe this takes the right approach. This is not an all-or-nothing debate, and yet that is what we seem to have boiled it down to. I urge my colleagues to take a look at the amendment. I am very pleased to have the cosponsorship of several Senators, and I hope that we will have the opportunity to vote on it, if not today, tomorrow.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 294

Mr. COBURN. Madam President, I want to discuss an amendment that has been previously called up, amendment No. 294. This is an amendment on the 9/11 bill.

Mr. LIEBERMAN. Madam President, will the Senator yield for a question?

Mr. COBURN. I will be happy to yield for a question.

Mr. LIEBERMAN. I have no objection, obviously, to the Senator from Oklahoma proceeding to the discussion. I want him to know that Senator COLLINS and I are negotiating a consent agreement on votes on the funding formulas and we may, with the Senator's permission, interrupt him as he goes forward if we reach that agreement.

Mr. COBURN. I will be more than happy to be interrupted by the chairman.

Mr. LIEBERMAN. I thank the Senator.

Mr. COBURN. Mr. President, I am a member of the Homeland Security and Government Affairs Committee, as is the Presiding Officer today. We have gone through this bill—this is the second time—looking at 9/11 and what we need to do in terms of our risk, in terms of how we protect the homeland.

As this bill is drafted, its implementation authority never expires. It never stops. So what we have is approximately $4 billion a year from now on. Actually, what we say is: however much money is needed in year four of the bill to be spent on homeland security, whether or not we need to or whether it is time to relook at the priorities of the bill.

This is an amendment that I offered in committee. I got one Democratic vote for it and my own. But what this amendment does is sunset this bill in 5 years and says it is time to take a look at it again.

One of the critical things we did following 9/11 was the PATRIOT Act, and we sunset it. Last year we took it up again and we sunset a good portion of it again. So we will look at it again.

This bill is never sunset. It is like the hundreds of other bills this body has passed, that we pass and we never look at again. We never do oversight. We never make the decisions. We just let the money keep rolling out the door and charging it to our grandchildren. This is a very simple, straightforward amendment.

All this amendment says is that 5 years from now, this one goes "time out," it is over, do it again with a fresh look at the problems that we face in this very dangerous world, a fresh look at the success we have made, the accomplishments today, and ask where we need to go.

The bill, as written, assumes that nothing in the future, in terms of our risk, is going to change. I would put forward 5 years from now everything will have changed in terms of the risks that we are going to face. If we have done our jobs right with this bill, many of the areas of preparedness that we are attempting to direct funds to in this bill will be solved. Why should we continue to have money going to areas that we have solved rather than redirect money to areas that we have not solved, or maybe for our children's sake, not spend any money because there is no need other than the need for politicians to tell people at home that we sent money to them.

So this is a very simple, very straightforward amendment that says improving America's security by implementing the unfinished recommendations of the 9/11 Commission Act of 2007 will cease having an effect on December 31, 2012.

Good government is what the American people both expect and desire. They also deserve good government. They deserve the wisdom of knowing we cannot know what is in the future today, so let's limit what we do until we can relook at it again.

Having held 46 hearings with Senator CARPER in the last 18 months on the Federal Financial Management Subcommittee of the Homeland Security and the Government Affairs Committee, what we know is what Congresses have done in the past have created about $200 billion worth of waste per year in this country.

Now, sadly, the Congress refuses to address those duplications, the fraud and the waste that is associated with that $200 billion worth of waste, fraud, and abuse. We should not add to that. We should not have a program that goes on ad nauseum addressing needs of today and saying it is OK.

All I am asking with this amendment, and I think most commonsense Americans would ask, what is so hard about saying this ends and we have to look at it again in 2012? Make the decision again based on what the very real risks are and, oh, we might even consider what our financial condition is when we decide what we are going to spend on security and what else might ought not be paid for by the Federal Government as we fund homeland security and protect this Nation.

This provision will cause us to review the needed programs and authorize spending. It will cause us to make better decisions 5 years from now than we can make today.

I will draw the corollary as a primary care physician, what I know about my 55-year-old patients with hypertension and high cholesterol. And I am going to have an example today. I said: Here is what you need to do for the next 5 years. Do not come back and see me. Your risks probably are not going to change. I can predict exactly what you are going to need. Do not worry. I will just give you prescriptions for the next 5 years.

That is what we are doing on this bill. We are not doing it for just 5 years, we are doing it for the rest of the patient's life. We would never go to a physician who treated us that way. Yet that is the way this bill approaches the future.

What are the reasons to oppose this bill? One is lack of a desire to tackle the hard job of looking at this again in 5 years. One is arrogance; we know what we are going to need. There is no way we can. Political expediency, that might have something to do with it, to be able to tell the special interest groups and our campaign donors that we have got them taken care of for the next 10 years.

I quote my chairman for whom I have the utmost respect. Here is what his quote was on the PATRIOT Act.

> The best thing we did with the PATRIOT Act was to sunset it, was to say that it needs to be reauthorized or it will go out of existence. And we are going to look back and see what happened with the PATRIOT Act so we can make a better decision in the future.

I have trouble not understanding why that same wonderful logic and great common sense should not be applied to this bill.

Senator REID in 2005:

> But we are currently considering renewal of those provisions that were considered so expensive or so vulnerable that Congress wisely decided for a 4-year sunset.

The author of the act wanted Congress to reassess in a more deliberative manner with the benefit of experience. We are presented with an opportunity again now, 4 years later, to get it right. Why would we not want to sunset this bill? I have even a bigger one. Why do we not want to sunset every bill, to go back and look at it and reassess it so we get rid of the waste, the fraud and duplication, to do the very things that we were sent to do?

I will not spend a great deal more time. I recognize that the ranking member, Senator COLLINS, and Senator LIEBERMAN have some business they want to consider. I would remind Senators there is no score on this bill. CBO hasn't scored this bill. We know the one from the House was $20 billion. Should we not look at $20 billion worth of spending again in 5 years and ask if it is under our priorities? Were we wise? What have we learned? What can we do better? What worked? What did not work?

Why would we not want to do that? I think it is a no-brainer to sunset this bill so that we, in fact, can learn from our mistakes, learn from our priorities, look at the world the way it will be 5 years from now rather than the way the world is today, and also, yes, consider the fiscal situation in which we find ourselves.

I also am adamantly opposed to any piece of legislation that says, "such sums." Well, does this legislation mean we want to spend $100 billion 6 years from now? That is what we are saying if we are giving to the Appropriations Committee all our power to make the decision on areas that are under our purview 6 years from now. Don't we believe we ought to do that? I believe we ought to maintain that power, and actually it is not 6 years, it is 4 years from now because in the fourth year is when we do that.

Congress needs more sunsets, not fewer sunsets. We have an inexcusable situation that we have seen today with much of the Government operating on expired authority—expired authority. Madam President, $170 billion of what was appropriated last year was under expired authority.

Congress has not done its job to reauthorize those programs. So let's look at this again in 5 years, in 2012. We can start with January 2012. By the end of that year we can have said: Here is what we need to do for 2013. We will do it with wisdom; we will be able to do it with insight. We also will be able to do it with competence that we know what is best for our country, which we cannot predict today under this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that at 4:10 p.m. today the Senate resume debate on the following amendments, and that the time until 5:30 p.m. run concurrently: Feinstein amendment No. 335, Obama amendment No. 338, and Leahy amendment No. 333; that all time be divided and controlled between the chairman and ranking member of the Homeland Security Committee and the sponsors of the amendments; that no amendments be in order to any of the amendments covered under this agreement prior to the vote; that there be 2 minutes of debate between each vote; that the amendments be voted in the order listed under this agreement, and that at 5:30 p.m., without further intervening action or debate, the Senate proceed to vote in relation to each amendment covered under this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I would ask unanimous consent that after the three votes I be recognized on the floor for another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. I would object for the moment pending a conversation between the Senator from Oklahoma and the managers of the bill.

The PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Madam President, I suggest the absence of a quorum and ask that the time be charged equally between both parties.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I yield 5 minutes of my time to the Senator from Wyoming.

Mr. THOMAS. Madam President, I want to make a comment or two about the distribution of funding for homeland security. Of course, there has been a great deal of discussion about it, but we haven't heard much from small States.

I am from Wyoming and I suggest to my colleagues that we have needs—perhaps at a different level but we have needs—like everyone else for homeland security. So I have been a little disappointed with my colleagues' comments yesterday and some today with respect to securing America. I actually hadn't heard anything about rural areas, as they are at risk as well. I know we have fewer people. But what I did hear is that rural America doesn't need homeland security funding, and that is not the case.

Most people don't know that Wyoming, which I guess is probably at the moment our smallest populated State, is the largest exporter of energy in the United States. We have oil reserves, we have gasfields, we have coal mines, we have powerplants, we have uranium mines, all of which contribute to the rest of the country and to the security of the rest of the country. If folks don't believe our rail lines and transmission lines and refineries and pipelines are not targets, then we need to reevaluate that. We need to think about it again. As a matter of fact, if you were someone seeking to do damage, you might think it is easier to go into a rather rural area and stop some of the energy development than to go into an urban area and have to go through all the network that is involved.

This energy we talk about is the very same energy that drives our economy; it turns on the lights in Los Angeles and New York City. So there are important factors to keep in mind, to keep in perspective as we go about this idea of homeland security and as we think about where the homeland security risks are.

Certainly I will tell my colleagues that Wyoming is not as at risk as Washington and New York, but, nevertheless, there is a fairly high level of risk on rural States that provide these kinds of resources. Our State is nearly 100,000 square miles in size. It is a State of diverse topography and harsh weather. Major railroads and interstate highways that connect the east and the west coasts of this country traverse the State. Whether it is ships that come into the east and west coasts or whatever, they go through this area and therefore that makes it certainly subject to various kinds of events that could happen in terms of homeland security.

The movement of hazardous waste by train and vehicle puts the citizens I represent in harm's way every day. When homeland security grants first began, Wyoming initially received roughly $20 million. Wyoming's share has dropped to $9 million over the course of time.

Let me put this debate in context. My State stands to receive roughly $10 million out of $3 billion under the plan that has been suggested that we have. I certainly understand that cities such as New York need more than my State; no one is questioning that. I also recognize that large urban areas have more resources to draw upon than rural areas do. We have less resources to protect the things we have that are not only for our State but that are for our Nation. Congress has debated and established a fair system. Every State should be provided with baseline funding.

I fully support allowing the Department of Homeland Security to determine who has the greatest risk to qualify for the urban area security funding as current law provides. Big-city States have their own urban programs so I cannot understand the uproar and anger officials from large populated States have toward their rural neighbors.

Wyoming generally doesn't ask for a lot, of course, but my State has a lot more to offer than just wide open country for people on the coast to fly over.

Let me repeat for my colleagues that Wyoming is the largest exporter of energy in the lower 48. Protecting Wyoming's infrastructure and securing our resources is critical not only to our State but to national well being. I would remind my colleagues who have directly and indirectly criticized small States that the States they represent are not the only ones that have risks that need to be addressed.

I strongly support Senator LEAHY's amendment to put fairness back into the process. Protecting rural America is something that should be important to all of us. It is all a part of our Nation. No one wins by the current effort to pit big cities against rural America.

I hope we can come to an agreement that does deal with national security and gives us an opportunity to secure all of the resources in our Nation for national benefit.

Thank you, Madam President. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I yield 5 minutes of the time allocated to me to the Senator from West Virginia, Mr. ROCKEFELLER, who will speak on another matter than the three amendments but is sympathetic to the position I am taking on the three amendments.

Mr. ROCKEFELLER. Madam President, there is a procedural process that is missing.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, was the time running under the quorum call being charged equally or just to one side?

The PRESIDING OFFICER. The time for this quorum call has been counted against Senator LIEBERMAN. The Thomas quorum call counted against Senator COLLINS.

Ms. COLLINS. Madam President, I ask unanimous consent that any further quorum calls between now and the beginning of the votes at 5:30 be counted equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I suggest the absence of a quorum, to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 375

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 20, S. 372, the Intelligence authorization, 2007; that the Rockefeller-Bond amendment at the desk be considered and agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; that a statement by Senator ROCKEFELLER be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, on behalf of another Senator—not myself—I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Madam President, let me take this opportunity to thank many people but not the particular Senator who is objecting—1 out of 100. Nevertheless, Senators REID, BOND, myself, and others have worked very hard to move this fiscal year 2007 Intelligence authorization bill forward. All parties have been enormously supportive in this effort. It is one of the more embarrassing efforts I have been associated with in my 24 years in this body. I must express my dismay, my absolute dismay. I will hold it to that.

Despite considerable efforts on the part of the chairman and Vice Chairman BOND and extensive efforts and negotiations to get agreement on this bill, there is still an objection from one Senator for its consideration. Is it just another bill? Not quite. The Senate's failure to pass this critical national security legislation for the past 2 years is remarkably shocking and inexcusable.

In 2005, the Senate failed, for the first time since the establishment of the congressional intelligence committees, to pass an annual Intelligence authorization bill. That means for 27 years we passed authorization bills for the Intelligence Committee. It is not an inconsequential committee. It instructs how intelligence is to be done. There are a number of changes that have been agreed to. All of that failure was followed by a repeat failure in 2006—in 2005 and then in 2006.

So from 1978 through 2004, the Senate had an unbroken 27-year record of completing its work on this critical legislation. You cannot move to appropriations until you go through authorization, particularly in a field such as intelligence authorization that has an unbelievably important role. The Intelligence authorization bill has been considered must-pass legislation for many years—until recently. Now, in the midst of the war on terror, with things going downhill in Iraq, going downhill in Afghanistan, and our continued military involvement in both places, when good intelligence is not just vital but a matter of life and death—and I emphasize the second—we have been prevented from passing that bill that provides the legislative roadmap for our intelligence programs.

Similar to the Defense authorization and appropriations bills, the Intelligence authorization bill is at the core of our efforts to protect America. That is why it is simply incomprehensible, shocking, and debasing that we cannot find a way to bring up and pass this critical legislation.

The result of this continued obstruction will be diminished authority for intelligence agencies to do their job in protecting America. I hope the Senator involved takes satisfaction in that. I am not sure his constituents—if it is a he—would. Yes, I am angry.

The authorization bill contains 16 separate provisions enhancing or clarifying the authority of the Director of National Intelligence. The bill includes major improvements in the way we approach and manage human intelligence, information sharing, protection of sources and methods, and even the nominations process for key intelligence community leaders.

I came to the floor several times last year to explain those provisions in detail. Today, I reiterate how important this legislation is to the war on terrorism and to every other aspect of our national security, including the ongoing fight in Iraq and Afghanistan. This should have happened years ago. Somebody objects and, of course, it cannot happen; the rules of the Senate prevail.

There is no reason the Senate cannot pass this bill quickly, so that we can confer with the House before the committee is required to turn its attention to drafting and reporting out what will be another experiment, the 2008 authorization, which we should already be halfway toward completing. If there is objection to passing this bill by unanimous consent, we have been—the vice chairman and I, who worked very well together—more than willing to negotiate a time agreement and quickly debate and pass this long-overdue national security bill.

It is essential we assist the men and women of the intelligence agencies to continue their vital work on the frontlines of Iraq and Afghanistan and something called the war on terror.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. ROCKEFELLER. Madam President, I conclude by simply saying we need this bill.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state his inquiry.

Mr. LEAHY. Has there been time reserved for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. LEAHY. Further parliamentary inquiry: Is there an order for recognition?

The PRESIDING OFFICER. There is not.

Mr. LEAHY. Further parliamentary inquiry: Does anybody else have time reserved to them?

Mrs. FEINSTEIN. I believe I do for an amendment.

The PRESIDING OFFICER. The Senator from Illinois and the Senator from California each have 13 minutes.

Mr. ROCKEFELLER. Madam President, may I just appeal to whatever reasoned and reasonable people there may be around here, and that is that the vice chairman of the Intelligence Committee has something to say on this matter which relates to what I said. There is a sequential power in that which I think deserves consideration.

Mr. LEAHY. Madam President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, in order for the Senator from Missouri to speak, would the Senator from Maine or one of the sponsors have to yield time to him?

The PRESIDING OFFICER. That is correct.

Ms. COLLINS. How much time does the Senator from Maine have remaining?

The PRESIDING OFFICER. There is 6 minutes remaining.

Ms. COLLINS. Madam President, I yield 4 minutes to the Senator from Missouri.

Mr. BOND. Madam President, I thank the ranking member of the committee.

When this committee was formed a long time ago—30 years ago—we lacked congressional oversight. Since 9/11, we found that congressional oversight had not been as good as it should have been, and one of my first acts when I was appointed vice chairman was I suggested to the chairman that passing the authorization bill was the top priority. He agreed. We have to be able to pass authorization bills if we are to have an impact on the intelligence community.

There are already a number of Rockefeller-Bond amendments on this 9/11 bill. There will be more.

There are some who say there is nothing an executive branch agency values more than a lack of congressional oversight. But I believe congressional oversight can help them do their job better.

Is this bill perfect? No. But it is largely the same bill as last year, and we have changed provisions that were objectionable. On the good side, it would ensure that the exemption of Freedom of Information Act requirements carries over to operational files. There is a specific provision creating, within the Office of the Director of National Intelligence, a National Space Intelligence Center.

In reviewing all these, we worked very closely together to deal with problems in the bill. I believe we have taken care of most of the problems people raised. What I am afraid of is that people are objecting to the bill without knowing what is in the bill, without knowing the changes we have made, the accommodations that have been made by the chairman and by the vice chairman to make this bill acceptable.

Some have said that the administration has concerns. If the administration has concerns, obviously they could exercise those concerns in a veto. But if they have concerns, I am not sure they know the changes and the provisions we have added to this bill.

I invite my colleagues who have problems with the bill to talk with me or with the chairman about the bill so we can move it. We have worked long and hard to help improve the operations of the intelligence community. Our bill is the one way we have of providing that guidance and sharing with the intelligence community the issues that the bipartisan members of this committee believe are important.

I invite anybody, all people or any person who has a hold on this bill, to come forward and find out what is in the bill. Don't judge it by what you think it may contain.

Madam President, I yield the floor.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I believe I have 13 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 335

Mrs. FEINSTEIN. Madam President, yesterday I spoke on an amendment we offered. It is cosponsored by the Senator from Texas, Mr. CORNYN, as well as Senators LAUTENBERG, HUTCHISON, BOXER, SCHUMER, CLINTON, OBAMA, MENENDEZ, KERRY, COBURN, and CASEY. Essentially, what this amendment does is provide that more funds will go to States and localities based on risk, threat, and vulnerability.

As you know, Madam President, the 9/11 Commission in their 25th recommendation said, "Homeland security assistance should be based strictly on an assessment of risk and vulnerabilities." "And Federal homeland security assistance should not remain a program for general revenue sharing."

In current law, 40 percent of the money goes to a guaranteed minimum allocation—in other words, revenue sharing—and 60 percent is allocated based only on risk and effectiveness. The Lieberman-Collins bill—and I thank them—changes that. Twenty-four percent of the money goes to satisfy this minimum revenue-sharing requirement, and 76 percent is allocated on risk and effectiveness. That is a major step forward. There is no question about that. However, Senator CORNYN and I and our cosponsors believe that in this day and age, we have to give more money to risk, vulnerability, and threat. Therefore, the formula we present in this amendment will give 87.5 percent of the dollars based on risk and effectiveness, regardless of where that risk and effectiveness is, and 13 percent will go to satisfy guaranteed minimum allocation.

The second point I wish to make is that 35 States would benefit under this amendment: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

I believe this is the right way to allocate homeland security dollars.

Do you have the risk? Is there a threat? The President, in his State of the Union Message, mentioned how a threat and a terrorist plot against the tallest building on the west coast was eradicated. That tallest building on the west coast is shown in this picture. It happens to be the Library Tower building in Los Angeles—now under a new name, but nonetheless "Library Tower" is its historic name. This is the largest tower on the west coast. There was reportedly a second strike by al-Qaida devoted to the west coast. So it seems to me that if there is this kind of a threat, the money should go where the threat is.

States such as New York, California, and Texas have vast infrastructures. Terrorists go where the hit is going to be greatest, where the infrastructure is—big ports, big petroleum reserves, big buildings, big congregations of people—and where they can do the most psychological damage.

So we feel very strongly that this money should have an even stronger formula that puts money where the risk and threat actually are.

I do wish to correct one thing. Someone on the floor, and I don't know who, but somebody said Washington, DC, would receive less money under this amendment. We do not alter the risk-based distribution of the Urban Area Security Initiative Funds—which are called, in the vernacular of Washington, UASIF—and that comprises the lion's share of homeland security preparedness received in our Capital. Washington received nearly $50 million in UASIF funds last year alone. So we do not believe Washington would be negatively affected.

I know Senator LAUTENBERG wishes to come to the Chamber to speak. May I inquire how many minutes of the 13 I have remaining?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mrs. FEINSTEIN. Madam President, I reserve the remainder of my time and yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, would that it were that easy, as my friend from California has said, I would be eager to vote for her amendment, but she is assuming that rather than following what the law now says, the head of the Department of Homeland Security will use discretion always to benefit everybody's State—something we saw does not always work, as the people suffered after Katrina.

Under the amendment of the Senator from California, States that will substantially gain are California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Washington. The States, however, that lose or break even by lowering the all-State minimum for homeland security formula grants are these. I hope Senators are listening because they are going to be called upon to vote. These are the States which lose or break even. They don't receive an additional amount. The States that lose or break even by lowering the all-State minimum are Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma.

Madam President, I haven't used my 13 minutes yet, have I? I still have a lot more States to name.

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. LEAHY. I may need it.

Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

In case anybody missed that, these are the States which will lose if my colleagues do not adopt the Leahy-Thomas, et al amendment. These States will lose if my colleagues adopt the amendment of the Senator from California: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia; Wisconsin, and Wyoming. The Senators from those States, of course, feel free to vote any way they want, but should anybody be checking back home, they should know what their vote means.

I hope my colleagues will support the Leahy-Thomas amendment, No. 333, to restore the minimum allocation for States in the State Homeland Security Grant Program from .45 percent, which is proposed by the underlying bill, and bring it back to current law. We are not asking for an increase but bring it back to current law, which is .75 percent. If you don't, the proposed changes in the formula result in the loss of millions in homeland security funding for the fire, police and rescue departments in small- and medium-sized States. It will also deal a crippling blow to dozens of States' efforts to fulfill federally mandated multiyear plans to build and to sustain their terrorism preparedness.

What I am saying is, the Federal Government has said: Here, small States, cities, communities. Here is what we are saying you have to do. Initially, they said: We will give you some money to help. But now we are going to say: You still have to do it, but tax your people to do it. We don't have the money. We are going to send it to the Iraqi fire departments and to the Iraqi police departments. We are going to send it to the Iraqi homeland security. We can't spend it on your State.

As with current law, the State minimum under our amendment would continue to apply—and this is important—only to 40 percent of the overall funding under this program. The majority of the funds would continue to be allocated based on risk assessment criteria, which are the funds of several separate discretionary programs the Congress has established for solely urban and high-risk areas. A lot of these smaller States have voted for these extra amounts for these urban and high-risk areas. I think it is a good idea. The majority of the funds are not allocated to these smaller States or to areas based on risk assessment requirements. The underlying bill now before the Senate would reduce the all-State minimum. The House bill reduces it even further.

We know, however, that this is a matter that is going to face the conference anyway, and because of these formula differences, there is no guarantee that the minimum will not even further be slashed during conference. Small- and medium-sized States face enormous cuts. With appropriations for formula grants already being cut by 60 percent since 2003—$2.3 billion in 2003 to $900 million in fiscal year 2007—further reductions to first-responder funding would hamper even more these States' efforts. The cuts would be even deeper should the President's budget request for next year be approved, since he has requested only $250 million for these two important first responder grant programs.

I am almost tempted to tell some of these small States and towns to change their names to Baghdad or northern Iraq or something similar to that and they will get all the money they want but not if they want to defend their own people here in the United States. I have heard the argument from urban States, arguing that Federal money to fight terrorism is wasted in smaller States. They seem to forget that the attacks on 9/11 added to the responsibilities and the risks of all the State and local first responders nationwide. The Federal Government has called on all of them, and the portion that is allocated to all States—again, only a portion of these funds—is part of the Federal Government's fulfillment of that directive.

I hope my colleagues will support my amendment to restore the .75-percent minimum base and ensure continued support and resources for our police, fire, and ambulance services in every State. Homeland security is a new responsibility entrusted to our first responders, and this program, along with this assurance of basic help—not the special help that goes to the large States but the special help that goes where we see special needs—but this basic help will make a big difference.

Madam President, how much time do I have?

The PRESIDING OFFICER. Four minutes.

Mr. LEAHY. Very quickly. Vote against my amendment, and here are the States that lose: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. If you want to vote for my friend from California, the States that do gain are: California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Washington.

Madam President, I reserve the remainder of my time.

Mrs. FEINSTEIN. Madam President, I believe I have 6 minutes, and I would like to use 2 of them.

I very much disagree with the figures of the distinguished Senator from Vermont. We wrote to the Congressional Research Service and asked them to compute the grant numbers. They gave us back a document, dated February 27, that relates to the two programs funded in this bill. One of them is the State Homeland Security Grant Program and the other is the Law Enforcement Terrorism Prevention Program, and these are the numbers that CRS presents. Actually, Vermont, according to CRS, benefits $72,250, according to the Congressional Research Service, as do 35 States. I didn't make up these numbers.

Madam President, I ask unanimous consent to print in the RECORD the memorandum from the Congressional Research Service, which is a straight mathematical computation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 27, 2007.

MEMORANDUM

To: Senator Dianne Feinstein, Attention: Ahmad Thomas.

From: Steven Maguire, Analyst in Public Finance, Government and Finance Division.

Subject: DHS Grants to States and Insular Areas Under H.R. 1, S. 4, and S. 608.

This memorandum responds to your request for a comparison of three legislative proposals: H.R. 1, S. 4 as approved by the Senate Homeland Security Committee, and S. 608. In particular, you asked CRS to estimate how much each state would receive through two programs under each proposal: (1) the State Homeland Security Grant Program (SHSGP) and (2) the Law Enforcement Terrorism Prevention Program (LETPP). All three proposals would lower the minimum grant award that states could receive under current law. S. 608, unlike H.R. 1 and S. 4, only sets a minimum for funds authorized for SHSGP. You asked CRS, for comparative purposes, to include LETPP funds in the minimum when calculating the state-by-state allocations.

Note that a third related DHS grant program, the Urban Areas Security Initiative (UASI), is not considered in this memorandum. The total grant amount to each state would change if UASI grant awards were included. However, the information needed to estimate UASI grant awards to each state under the three legislative proposals is not publicly available.

A question that immediately arises is how proposed changes to the minimum grant awards would affect the aggregate SHSGP and LETPP grant amounts awarded to each state, the District of Columbia, Puerto Rico, and the insular areas. Answering that question precisely, however, is problematic because DHS does not disclose the risk and effectiveness scores it assigns to grant applications. Accordingly, we relied on three basic assumptions to generate what we consider responsible "rough justice" estimates of grant amounts under the aforementioned approaches:

Assumption 1. DHS Risk and effectiveness scores for each applicant under the three proposals will equal those for FY2006. This assumption is valid only to the extent that the determinants of risk and effectiveness that pertain to each applicant and the DHS scoring system do not significantly vary from one year to the next.

Assumption 2. A proxy for each grant recipient's risk and effectiveness score in FY2006 can be found in the ratio of (a) the amount of the recipient's FY2006 total grant that was based on risk and effectiveness to (b) the sum of risk and effectiveness amounts for all recipients. In other words, if one assumes that if a recipient received 5 percent of the total funds available for allocation on the basis of risk and effectiveness in FY2006, then that recipient will receive 5 percent of the total funds available for allocation on the basis of risk and effectiveness under S. 608, H.R. 1, and S. 4.

Assumption 3. The total authorization for S. 608 and H.R. 1 will match the amount authorized in S. 4, to wit: $913,180,500.

CAVEAT

The estimates presented in the following discussion are intended for illustrative purposes only. Actual grant allocations will almost certainly differ from the estimates presented here. In addition, estimates for S. 608, which do not include funds for LETPP in the minimum, are based on the assumption that LETPP funds are included.

CALCULATING THE ESTIMATES

Estimating grants for each eligible recipient involves the following steps, the results of which are shown in Table 1:

1. Establish the proxies for risk and effectiveness.
2. Allocate the total available $913,180,500 in proportion to the proxies.
3. When a recipient's risk and effectiveness allocation is less than the statutory minimum, allocate an additional amount to reach the minimum.
4. Because this results in a total greater than $913,180,500, proportionally reduce the grants of all recipients in excess of the minimum to prevent exceeding the authorization.
5. Display the resulting adjusted estimated allocations. .

Establishing Proxies for Risk and Effectiveness Scores. In FY2006, Congress appropriated a total of $912 million for the SHSGP and LETPP programs—40 percent ($365 million) was allocated to satisfy the minimum grant award requirements for eligible recipients and the remaining 60 percent ($547 million) was allocated based on risk and effectiveness. Examination of column (b) in Table 1 shows, for example, that California received 15.18 percent of the $547 million; New York, 8.52 percent; Texas, 8.05 percent; and Florida, 6.82 percent. These percentages and the corresponding percentage for each grant recipient serve as a proxy for each jurisdiction's risk-and-effectiveness score for the CRS estimated allocations under S. 608, H.R. 1, and S. 4.

Estimating Risk and Effectiveness. H.R. 1 and S. 4 would allocate total SHSGP and LETPP amounts by risk and assessment subject to statutory minimums—lower than under existing law. In order to estimate the risk and effectiveness allocations for each eligible jurisdiction, we multiply the proxy percentage discussed above by the total authorization of $913,180,500. For comparative purposes, as you instructed, CRS used the same methodology for S. 608.

Meeting the Minimums. As noted earlier, existing law sets two minimum amounts based on the total appropriation: 0.75 percent per state, the District of Columbia, and Puerto Rico, 0.25 percent for other U.S. insular areas. S. 608 would ensure a minimum of

0.25 percent per state, the District of Columbia, and Puerto Rico and 0.08 percent for other insular areas. In contrast, S. 4 would ensure a minimum of 0.45 percent per state, the District of Columbia, and Puerto Rico. The other U.S. insular areas would be guaranteed the same 0.08 percent. Under H.R. 1, however, there would be three minimum amounts based on the total appropriation: 0.45 percent for international border states (18 states); 0.25 percent for states without an international border (32 states), the District of Columbia, and Puerto Rico; and 0.08 percent for the other U.S. insular areas. With an authorization of $913,180,500, these minimums would be $4,109,312 and $2,282,951 for the two categories of states, respectively, and $730,544 for insular areas.

The last column of Table 1, column (f), compares S. 608 to S. 4. A positive amount in column (f) indicates that the state would receive more under S. 608 than under S. 4.

For a complete explanation of the methodology used to redistribute funds so that all jurisdictions receive the required minimum, and the total authorization is not exceeded, see CRS report RL33859, Fiscal Year 2007 Homeland Security Grant Program, H.R. 1 and S. 4: Description and Analysis, by Shawn Reese and Steven Maguire.

If you have any questions about this memorandum, please call me on extension 7-7841 or send an e-mail to smaguire@crs.loc.gov.

TABLE 1.—COMPARISON OF S. 608, H.R. 1, AND S. 4 ASSUMING A $913,180,500 AUTHORIZATION FOR SHSGP AND LETPP

Jurisdiction	FY2006 share of risk and effectiveness (Percent)	Estimated post-adjustment allocations			S. 608* less S. 4
		S. 608*	H.R. 1	S. 4 as amended Feb. 15, 2007	
Alabama	1.37	$12,319,320	$12,173,119	$11,988,972	$330,348
Alaska	0.15	2,282,951	4,109,312	4,109,312	(1,826,361)
Arizona	1.48	13,336,170	13,232,207	12,961,248	374,922
Arkansas	0.19	2,282,951	2,282,951	4,109,312	(1,826,361)
California	15.18	136,342,240	134,446,429	130,575,288	5,766,952
Colorado	1.61	14,533,429	14,354,975	14,106,024	427,405
Connecticut	1.13	10,154,413	10,039,748	9,918,964	235,449
Delaware	0.60	5,414,579	5,368,960	5,386,903	27,676
D.C.	0.10	2,282,951	2,282,951	4,109,312	(1,826,361)
Florida	6.82	61,308,537	60,448,703	58,830,723	2,477,814
Georgia	3.28	29,474,566	29,078,462	28,392,210	1,082,356
Hawaii	0.17	2,282,951	2,282,951	4,109,312	(1,826,361)
Idaho	0.86	7,776,296	7,753,324	7,645,093	131,203
Illinois	5.56	49,959,177	49,264,671	47,978,868	1,980,309
Indiana	1.66	14,910,648	14,726,698	14,466,707	443,941
Iowa	1.12	10,121,611	10,007,425	9,887,601	234,010
Kansas	1.23	11,056,458	10,928,653	10,781,467	274,991
Kentucky	1.46	13,139,360	12,981,213	12,773,065	366,295
Louisiana	2.54	22,865,040	22,565,218	22,072,415	792,625
Maine	0.14	2,282,951	4,109,312	4,109,312	(1,826,361)
Maryland	1.31	11,827,296	11,688,262	11,518,515	308,781
Massachusetts	2.76	24,816,737	24,488,484	23,938,558	878,179
Michigan	3.69	33,164,749	32,771,939	31,920,631	1,244,118
Minnesota	0.26	2,396,830	4,109,312	4,109,312	(1,712,482)
Mississippi	0.22	2,282,951	2,282,951	4,109,312	(1,826,361)
Missouri	3.06	27,506,469	27,139,035	26,510,385	996,084
Montana	0.17	2,282,951	4,109,312	4,109,312	(1,826,361)
Nebraska	1.08	9,711,591	9,603,377	9,495,554	216,037
Nevada	1.00	8,973,555	8,876,092	8,789,870	183,685
New Hampshire	0.11	2,282,951	4,109,312	4,109,312	(1,826,361)
New Jersey	1.80	16,222,713	16,019,650	15,721,257	501,456
New Mexico	0.18	2,282,951	4,109,312	4,109,312	(1,826,361)
New York	8.52	76,512,088	75,487,831	73,367,819	3,144,269
North Carolina	2.47	22,176,206	21,886,418	21,413,777	762,429
North Dakota	0.69	6,234,620	6,234,105	6,170,997	63,623
Ohio	2.73	24,587,125	24,319,267	23,719,012	868,113
Oklahoma	1.43	12,844,146	12,690,299	12,490,791	353,355
Oregon	0.23	2,282,951	2,282,951	4,109,312	(1,826,361)
Pennsylvania	3.11	27,949,291	27,632,456	26,933,796	1,015,495
Rhode Island	0.11	2,282,951	2,282,951	4,109,312	(1,826,361)
South Carolina	1.33	12,007,705	11,866,043	11,691,016	316,689
South Dakota	0.13	2,282,951	2,282,951	4,109,312	(1,826,361)
Tennessee	0.26	2,364,029	2,362,848	4,109,312	(1,745,283)
Texas	8.05	72,264,278	71,301,900	69,306,214	2,958,064
Utah	0.17	2,282,951	2,282,951	4,109,312	(1,826,361)
Vermont	0.71	6,431,429	6,428,048	6,359,179	72,250
Virginia	1.50	13,516,579	13,352,937	13,133,748	382,831
Washington	2.77	24,882,340	24,610,182	24,001,285	881,055
West Virginia	1.14	10,269,219	10,152,882	10,028,738	240,481
Wisconsin	1.50	13,483,777	13,377,664	13,102,384	381,393
Wyoming	0.12	2,282,951	2,282,951	4,109,312	(1,826,361)
U.S.	99.24	904,815,934	904,861,958	903,128,069	1,687,865
Puerto Rico	0.11	2,282,951	2,282,951	4,109,312	(1,826,361)
U.S. & P.R.	99.35	907,098,886	907,144,910	907,237,381	(138,495)
Virgin Islands	0.07	730,544	730,544	730,544	0
Am. Samoa	0.43	3,889,981	3,843,957	3,751,486	138,495
Guam	0.07	730,544	730,544	730,544	0
N. M. Islands	0.07	730,544	730,544	730,544	0
All Areas Total	100.00	913,180,500	913,180,500	913,180,500	0

Source: Estimates calculated by CRS. Caveat: for illustrative purposes only; other estimating methods based on different assumptions would yield different results.

Note: *8. 608, as introduced, includes only the SHSGP funds for purposes of calculating a minimum. For comparative purposes, the calculations in this table assume S. 608 would include LETPP in the minimum when allocating an authorized amount of $913,180,500 to each state, territory, and other insular area.

Mrs. FEINSTEIN. As I say, I understand there is a basic conflict here between small States and big States. There is a basic conflict between those who think the money should be spread around and those who believe this money should be used based on risk, vulnerability, and threat. I am in the latter. If the big threat is in Vermont, I am all for the money going to Vermont. I have no problem with that.

I look at the intelligence and I see the threats as they come in and I think the agencies that make the decisions should send the money based on their analysis of the intelligence and the threats.

I do wish to at least give my source, which is the Congressional Research Service, for these numbers which show 35 States as beneficiaries.

I know Senator LAUTENBERG should be here momentarily. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

Ms. COLLINS. Mr. President, I ask unanimous consent that a letter from the National Criminal Justice Association, in support of the formulas in the underlying bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CRIMINAL
JUSTICE ASSOCIATION,
Washington, DC, March 2, 2007.
Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.
Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATORS LIEBERMAN AND COLLINS: On behalf of the National Criminal Justice Association (NCJA), I write to express our support for a number of important provisions in the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, or S. 4. NCJA members administer justice assistance grant funding in the states and tribal nations, and state and local criminal justice practitioners from all parts of the criminal and juvenile justice systems. In addition, NCJA provides direct technical assistance and training to state and local homeland security grant administrators for all U.S. states and territories.

First, thank you for maintaining the Law Enforcement Terrorism Prevention Program (LETPP) in your bill. The LETPP provides needed support to public safety agencies across the country for terrorism prevention, training and information sharing. As a direct result of the LETPP funding over the past several years, state and local law enforcement agencies have become stronger partners with other homeland security disciplines in the effort to prevent, not just respond to, a terror attack. In addition, the LETPP provides invaluable financial assistance to our state and local law enforcement partners as they address the country's homeland security priorities outlined in the National Preparedness Goal. One of the most successful initiatives undertaken by state and local first responders has been the all-source, Intelligence Fusion Centers, funded primarily through the LETPP program. Clearly the LETPP has been a tremendous mechanism by which state and local public safety programs have been built to address the new requirements for all-hazards and terrorism prevention and response.

Second, we commend the Committee's creation of an Office for the Prevention of Terrorism. As described in the bill, this new office would be a useful point of coordination and support for law enforcement within the Department of Homeland Security. Coordination and information sharing among the federal, state and local law enforcement and public safety agencies is critically important. This new office would serve as a point of liaison and as an advocate for prevention and law enforcement activities, thereby increasing coordination, focusing funding and, ultimately, increasing the safety of our citizens.

Third, we ask for your continued support for a minimum guarantee for State Homeland Security Grant Program (SHSGP) funds. The primary goals of any national homeland security strategy should be to: increase preparedness in our largest urban areas; protect our targets of international significance; and, to increase overall national preparedness. An attack or disruption of our power or water or food supply could occur anywhere. Core foundations of our economy could be crippled from outside one of our major urban areas. States are working hard to protect assets of national importance within their borders and the safety of all our citizens. Only by continuing a fair, balanced and substantial state minimum guarantee can we be assured that all states reach a threshold of preparedness under a national preparedness plan.

We thank you for your work on this important piece of legislation.

Sincerely,

CABELL CROPPER,
Executive Director.

Ms. COLLINS. Mr. President, I wish to make sure my colleagues recognize that under the amendment offered by my distinguished colleague and friend from California, that States would have absolutely no guarantee at all of minimum funding under the Law Enforcement Terrorist and Prevention Program. This is a very important program. It has provided needed support to public safety agencies across the country for terrorism prevention, training, and information sharing. As the direct result of the LETPP funding over the past several years, State and local law enforcement agencies have become strong partners with homeland security.

I wish to point out one of the most important uses of funds under this program has been to establish with State and local first responders all-source intelligence fusion centers that have been funded primarily through the LETPP program. Clearly, it has been a very successful program, and one of my concerns about the amendment offered by my friend from California is she eliminates the minimum under this program. That means that potentially a State could receive no funding at all under this program.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The time will be charged equally to all controlling time.

Mr. LIEBERMAN. Mr. President, I will proceed and yield myself time.

The first two amendments, one offered by the Senator from California and the second offered by the Senator from Illinois, are an attempt to get more funding for the large States at the expense of the smaller States, and there is a myth around about the fact that the larger States are not being adequately funded. The fact is that under the fiscal year 2006 homeland security grant funding, five States—California, Texas, New York, Florida, and Illinois—received 42 percent of the antiterrorism funds, while 20 States received less than 12 percent cumulatively.

California received in fiscal year 2006 as much money as the 22 States at the bottom in funding.

I wish to thank my staff members for their humility in holding up that chart.

What I am saying is, somebody said the money is being spread across the country like peanut butter. No way. There is a lot of peanut butter and jelly going to the larger States. They deserve it, but they would, by these two amendments, the Feinstein and Obama amendments, would take even more money, as the Senator from Vermont quite movingly demonstrated in his rollcall of the losing States. Why do the smaller States deserve something? Because that is the nature of the enemy. Everybody is vulnerable to this terrorist enemy to some degree. We are not making this up.

Mr. President, I ask unanimous consent, since we yielded 6 or 7 minutes to the Intelligence chairman and vice chairman, to add 4 minutes to the time I was allocated under the initial proposal. It may be that we will still be able to vote at 5:30.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Reserving the right to object. The Senator from California, I believe, still has time remaining.

Mr. LIEBERMAN. Yes, indeed. This will not interfere with the time she has reserved for the Senator from New Jersey.

Mr. LAUTENBERG. All right. The Senator from California is giving her time to me, so I wanted to be sure that time remains.

Mr. LIEBERMAN. Yes, indeed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Here is the point. We know the terrorists on 9/11 struck New York, Washington, and Washington was probably intended again—the plane went down in Pennsylvania. But what was the single most devastating terrorist attack in the United States before 9/11? It was the bomb at the Murrah Federal Building in Oklahoma City, but Oklahoma City would not benefit from these amendments from the Senators from California and Illinois.

Let's go around the world. In 2001, a plot was uncovered by intelligence agencies to attack an American school in Singapore. In 2002, in Bali, Indonesia, terrorists targeted a discotheque. In 2003, terrorists struck a residential compound in Riyahd. In 2004, terrorists targeted a school in Beslan. In October 2004, computer disks were discovered in Iraq at a known insurgent's home containing detailed floor layouts and evacuation routes for plans in various States in the United States of America.

This is the nature of the enemy. This is an inhumane but thinking enemy. They will strike where they determine we are most vulnerable. That is why we think, as a matter of elemental fairness but also sound and strong homeland security, that most of the money ought to go to the large States with the most visible, potential terrorist targets, but that some minimal amount ought to go to all States.

Senator LEAHY would do that beyond what the bill does. Senator FEINSTEIN and Senator OBAMA would reduce the amount most of the States would get under this proposal from what the committee bill recommends. That is why I strongly oppose the first two amendments that will come before us at around 5:30.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I come to the floor to support the Feinstein-Cornyn amendment and tell you I must say I do not get it. We are talking now about the security of our country. We are talking about whether we put the fences up around the most susceptible targets or whether we put fences, protective fences, around places in the country where there is no threat.

To every place there is a threat. No matter where you go, you can see a place that can be a threat. But where the disease is, that is what the hospital is there for. Take those who have the potential for the disease. If you use an analogy, you don't start putting the antidote in places where the likelihood of catching this disease is not very strong.

We are looking at this amendment and this bill. Thirty-four States, besides New Jersey, will have resources taken away. In my State, the FBI has determined the 2-mile stretch between the airport, Newark-Liberty International Airport and Port Newark, is America's most at-risk area for a terrorist attack. We know that in a moment of an orange alert the Prudential Building in Newark has been a specific target of terrorists. In fact, in the summer of 2004 only three specific areas were identified as potential targets under the orange alert: northern New Jersey, New York, and Washington, DC. Yet I have listened to my colleagues, and it disturbs me that they trivialize this purchase of some trucks in New Jersey. If those trucks were used to take debris out of an exploded or damaged area, they would be pretty valuable trucks. If there were snow on the ground when an attack took place, it would be absolutely essential that we have those trucks.

We were struck and 700 people from New Jersey died, as did 2,400 others from other places around the area. We know where the heat is when it gets hot. We ought not be dealing out pork. This is not a restaurant. We are not talking about pork. We are not talking about putting money out there in case there is an attack here or there. We know where the attacks take place. They take place in places with high density populations such as London or Spain. We know New Jersey is at risk. New York is at risk. We know other major cities are at risk. They have been identified, and homeland security funds to fight terrorism should go to those places.

Recommendation 25 of the 9/11 Commission report said homeland security grants should be distributed based solely on risk. We are having a debate here, saying no, the fact that there are risks should not count because everybody is at risk. Everybody is at risk but not at the same degree.

I hope our colleagues will respond in a way that is recommended by the 9/11 Commission, supported by Secretary Chertoff of the Department of Homeland Security, and logic. Logic is on this side.

I encourage my colleagues to embrace a risk-based approach and support the Feinstein-Cornyn-Lautenberg amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is left to the proponents of the various amendments?

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes remaining, the senior Senator from Vermont has 2½ minutes remaining, and the junior Senator from Illinois has 13 minutes remaining.

Mr. LEAHY. I thought we were voting at 5:30. That time has slipped or is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, using part of my remaining time, again I would tell my friends, my dear friend, the senior Senator from New Jersey and others, we have set aside nearly 60 percent of these funds for special purposes, high-threat areas, areas that we determine need that money. We are talking about the all-State minimum going to what is remaining.

Again, I hope someone is listening to this debate. You can vote for these next two amendments and a few States will gain from them, but if you vote for these next two amendments, here are the States that will lose or at best break even: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma—Mr. President, I haven't used my 13 minutes yet, have I, because I still have a lot of States to name here——

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. LEAHY. I may need it—Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Without sounding like a poor rendition of Johnny Cash's song "I Have Been Everywhere, Man"—one of my favorites, I might say; he actually mentions Brattleboro, VT. If you vote for my amendment, which will be the third one, here are the States that do not lose or break even. These are the States that will be protected under current funding: Alabama, Alaska—these are States I hope will support the amendment of the Senator from Vermont, because it is to their State's benefit: Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming—I realize the District of Columbia can't vote, but if they could, they would vote with us.

Mr. President, how much time is remaining to the Senator from Vermont or is any time remaining?

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from Nevada.

AMENDMENT NO. 363

Mr. ENSIGN. Mr. President, I ask unanimous consent to be allowed to send an amendment to the desk, so it becomes pending. I already cleared it with both the ranking member and the chairman.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 363 to amendment No. 275.

Mr. ENSIGN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters)

On page 389, after line 13, add the following:

SEC. 15 . LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall—

(1) be protected from civil liability to the same extent as employees of the Department; and

(2) upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency;

(B) work under the direct supervision of an officer or agent of that agency; and

(C) notwithstanding any State or local law requiring specific qualifications for law enforcement officers, be deputized to perform the duties of a law enforcement officer.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days; or

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Mr. ENSIGN. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 335

Mr. LIEBERMAN. Mr. President, we have a few moments before the vote will go off. I gather Senator OBAMA is going to yield back the time remaining to him. I say to my friends, the committee bill reported out on a bipartisan vote, 16 to 0, with one abstention, has a balanced formula in it that overall would increase homeland security funding to all States. We recognize with respect, and I think a sense of reality, that all of the States and all of the people of the United States are vulnerable in the war against terrorism, and there ought to be some minimum amount for our first responders at each State level.

The two amendments we are going to vote on, therefore, I oppose, because they would alter the formula in the bill. Under the Feinstein amendment, 34 States lose homeland security funding as compared to the formula in the bill. I repeat, we understand there are, based on subjective risk assessments, visible targets that appear particularly in larger States that one might say were probably more likely to be targets of terrorists. We acknowledge that. Our formulas give most of the money to these areas.

I repeat a number that struck me. In this fiscal year, 42 percent of the homeland security grant funding goes to 5 States: California, Texas, New York, Florida, and Illinois. It should go to these states. But I do not think, insofar as the first two amendments that are sponsored by colleagues from California and Illinois, they should want more of the money, and take it from 34 States—in the case of the first amendment by Senator FEINSTEIN from California; that they should take from the other States which have needs as well.

This is a balanced formula in the underlying bill that gives the overwhelming amount of money out to the States based on risk, but says each State deserves some minimum because of the nature of the threat we face.

The first amendment will be the one offered by the Senator from California. I urge my colleagues to oppose that amendment.

May I ask the Chair, has all time been used up except for the time of the Senator from Illinois?

The PRESIDING OFFICER. The Senator is correct.

Mr. LIEBERMAN. I understand through the staff of the Senator from Illinois that he is prepared to yield back his time.

Mr. President, I think, consistent with the spirit, if not the exact letter, of the unanimous consent we agreed to, there should be a minute given to the Senator from California in support of the amendment, and perhaps a minute to my ranking member in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, the point of this amendment is to produce a bill that, as nearly as possible, mirrors the recommendations of the 9/11 Commission. Those recommendations were clear and distinct. Money should go to communities based on risk, threat, and vulnerability. This should not be a revenue-sharing program. Yes, the big States have more infrastructure, more highrises, more tunnels, more subways—the kinds of things that are attractive to terrorists. If that is in fact the case, as judged not by us but by the experts, then that money should be able to go where there is risk, threat, and vulnerability.

That is all this amendment does. We did not pull our figures out of the clear blue that concluded that 35 States are benefitted. These are the products of the Congressional Research Service analysis. We sent them the facts, and what they say is, assuming a $913 million authorization for the State Homeland Security Grant Program and the Law Enforcement Terrorist Program, this would be the result.

You cannot say whether someone is going to get a grant, but these are their nearest computations of who would benefit on that list. Yes, some States do lose; there is no question.

Please vote "yes" on this amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, this amendment is virtually identical to a proposal we voted on last July during the Homeland Security appropriations bill. In fact, we have repeatedly voted on this formula issue. We need to bring all States up to a certain baseline level of preparedness. That does not mean we do not figure in the risk; we do. Indeed, under our bill 95 percent of the State Homeland Security Grant Program funds and 100 percent of the Urban Area Security Initiative funding will be allocated based on risk.

The Senator's analysis does not look at the impact she would have on all four of the programs included in our bill, yet her amendment does affect all four, and that is the reason our analysis is different.

We cannot assume a precise calculation of risk. A Federal building in Oklahoma City was not an obvious target for a terrorist bombing, and yet we know the tragic attack that occurred in that city.

Rural flight schools were not obvious training grounds for terrorists, and yet we know that terrorists trained in Norman, OK.

Portland, ME, was not an obvious departure point for the terrorist pilots as they began their journey of death and destruction on September 11, and that is exactly what occurred.

My point is that terrorists can and do shelter, train, recruit, plan, prepare, and attack in unlikely places. That is one reason our bill puts so much emphasis on prevention, an emphasis that would be lost in the Senator's amendment.

I urge opposition to the amendment.

The PRESIDING OFFICER. All time is expired.

The question is on agreeing to the Feinstein amendment No. 335.

Mr. LIEBERMAN. Mr. President, I move to table the Feinstein amendment No. 335 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—56

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Byrd
Carper
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Ensign
Enzi
Feingold
Grassley
Hagel
Harkin
Hatch
Inouye
Klobuchar
Kohl
Leahy
Lieberman
Lincoln
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Pryor
Reed
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Snowe
Stevens
Sununu
Tester
Thomas
Thune
Whitehouse
Wyden

NAYS—43

Allard
Boxer
Brown
Burr
Cantwell
Cardin
Casey
Chambliss
Clinton
Coburn
Cornyn
DeMint
Dole
Durbin
Feinstein
Graham
Gregg
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Levin
Martinez
McCain
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reid
Schumer
Smith
Specter
Stabenow
Vitter
Voinovich
Warner
Webb

NOT VOTING—1

Johnson

The motion was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 338

The PRESIDING OFFICER. Without objection, there will now be 2 minutes of debate equally divided on Obama amendment No. 338.

The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, this amendment aims at moving us closer to a risk-based allocation of resources. It takes us a step closer to the 9/11 Commission report. I want to let everyone know that 34 States actually potentially do better under this amendment. Six States are held harmless, and there are some States that would get less money. But keep in mind the whole goal of this particular program is to ensure that money is allocated on the basis of risk. It would still be .25 percent of the money allocated to every State. It would still be a minimum, and there would still be money through other programs that would ensure that money is allocated to States for all-hazard purposes.

So I strongly urge all in this Chamber to take a look at this bill and look at the chart that we passed out. There have been arguments from my good friend, the Senator from Connecticut, as well as the Senator from Maine, suggesting that somehow States get less money. That is only the baseline; it does not include the money that would be allocated on the basis of risk.

I urge a "no" vote on this motion to table.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment by the Senator from Illinois, and in that sense to support the very balanced formula in our underlying bill which gives most of the money in homeland security grant funding based on risk but acknowledges that every State faces the threat of terrorism and therefore deserves some minimum amount of funding. This amendment essentially raises the same points that the amendment offered by the Senator from California did, which my colleagues were just good enough to table. The amendment of the Senator from Illinois would leave 32 of our States with less guaranteed funding than the underlying bill, S. 4.

I urge my colleagues to support the committee bill and oppose this amendment.

Mr. President, I ask unanimous consent that the next two votes be 10-minute votes as opposed to 15.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I now move to table the amendment offered by the Senator from Illinois and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—59

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Craig
Crapo
DeMint
Dodd
Dole
Ensign
Enzi
Graham
Grassley
Hagel
Harkin
Hatch
Inhofe
Inouye
Isakson
Klobuchar
Kohl
Leahy
Lieberman
Lincoln
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Sessions
Shelby
Snowe
Stevens
Sununu
Tester
Thomas
Thune
Whitehouse
Wyden

NAYS—40

Bingaman
Boxer
Brown
Burr
Cantwell
Cardin
Casey
Clinton
Conrad
Cornyn
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hutchison
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Levin
Martinez
McCain
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Rockefeller
Schumer
Smith
Specter
Stabenow
Vitter
Voinovich
Warner
Webb

NOT VOTING—1

Johnson

The motion was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 333

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Leahy amendment No. 333. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is the Leahy-Thomas amendment. The Senate has rejected the last two amendments. This is the amendment that protects small and medium States. The Leahy-Thomas amendment would protect Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

I am not suggesting people should vote from a parochial interest, but I want my colleagues to know the vast majority of States—small and medium—in this country would be protected by the Leahy-Thomas amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. Mr. President, I think this is a very equitable and timely distribution of these funds. I urge my colleagues to support this amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 333. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Brownback
Byrd
Carper
Cochran
Coleman
Conrad
Craig
Crapo
Dodd
Dorgan
Enzi
Feingold
Grassley
Hagel
Harkin
Hatch
Inouye
Klobuchar
Kohl
Leahy
Lincoln
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Specter
Stevens
Tester
Thomas
Thune
Whitehouse
Wyden

NAYS—50

Alexander
Allard
Bond
Boxer
Brown
Bunning
Burr
Cantwell
Cardin
Casey
Chambliss
Clinton
Coburn
Collins
Corker
Cornyn
DeMint
Dole
Domenici
Durbin
Ensign
Feinstein
Graham
Gregg
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Martinez
McCain
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Schumer
Snowe
Stabenow
Sununu
Vitter
Voinovich
Warner
Webb

NOT VOTING—1

Johnson

The amendment (No. 333) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, that was the last vote for tonight. I have been in contact with the two managers of the bill and the distinguished Republican leader, and we are trying to work out some votes in the morning prior to King Abdullah. What we would like to do is have a vote on McCaskill and Collins, and then we also have some nongermane amendments we have been given by the minority that they would like to dispose of, and we have a couple of nongermane amendments on this side we would like to dispose of. The staff, during that hour or two, will work to see if we can come up with some kind of agreement toward completion of this bill.

I want all Senators to know, as I announced at the Democratic caucus today, that I am going to file cloture tomorrow on this bill. I hope we can have a good, full day of trying to complete this bill, and I also hope we can work something out where we may not have to have a cloture vote on Friday. If we do, we have to finish this bill this week. We could have some votes late into Friday. Everyone should be put on notice now that it may be necessary to have some Friday votes.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized, following the Senator from Arizona for 3 minutes and the Senator from Connecticut for 5 minutes, for such time as I might consume on an amendment on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. AKAKA. Mr. President, I will not object, but I would like to receive the President's assurance that this matter will continue to be debated tomorrow.

Mr. COBURN. I have no problem agreeing to debate this again tomorrow.

Mr. AKAKA. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 357, AS MODIFIED

Mr. KYL. Mr. President, first I have a modification of my amendment No. 357 I would like to send to the desk. That amendment has already been offered.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At page 174, strike line 1 and all that follows through page 175, line 18, and insert the following:

"(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of one or more electronic databases, where—

(A) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity on the part of any individual or individuals;

(B) the search does not use personal identifiers of a specific individual or does not utilize inputs that appear on their face to identify or be associated with a specified individual to acquire information, to retrieve information from the database or databases; and

(C) at least one of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public, any databases maintained, operated, or controlled by a State, local, or tribal government (such as a State motor vehicle database), or databases of judicial and administrative opinions.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, without revealing existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity."

AMENDMENT NO. 317

Mr. KYL. Mr. President, at this point I wish to briefly address another amendment, amendment No. 317, which is already pending. This is an amendment which would prohibit rewarding families of suicide bombers for such attacks and stiffen penalties for other terrorist crimes. This is one we can hopefully adopt on a bipartisan basis. It would create the new offense of aiding the family or associates of a terrorist with the intent to encourage terrorist acts. It is targeted at those individuals who give money to the families of suicide bombers after such bombings. The amendment would make it a Federal offense to do so if the act can be connected to the United States and if the defendant acted with the intent to facilitate, reward, or encourage international acts of terrorism.

Let me offer an example of why this amendment is necessary. In August of 2001, a Palestinian suicide bomber attacked a Sbarro pizza parlor in Jerusalem. Among those killed was an American citizen, Shoshana Greenbaum, who was a schoolteacher and who was pregnant at the time. Shortly after this bombing took place, the family of the suicide bomber was told to go to the Arab Bank. The bomber's family began receiving monthly payments through an account at that bank and later received a lump payment of $6,000.

According to press accounts, this is not the only time Arab Bank has funneled money to the families of suicide bombers. One news account describes a branch of the bank in the Palestinian territories whose walls are covered with posters eulogizing suicide bombers.

According to other news accounts, these suicide bombers in the Palestinian territories are recruited with the promises that their families will be taken care of financially after the attack. Saudi charities, the Palestinian Authority, and even Saddam Hussein have rewarded suicide bombers' families for their acts. According to one account, Saddam Hussein paid $35 million to terrorists' families during his time. Obviously, his actions are no longer of concern, but we should all be deeply concerned about other wealthy individuals and financial institutions that continue to pay out these rewards. It is undoubtedly the case that in some instances, these payments make the difference in whether an individual will commit a suicide bombing.

My amendment will make it a Federal crime, with extraterritorial jurisdiction in cases that can be linked to U.S. interests, to pay the families of suicide bombers and other terrorists with the intent to facilitate terrorist acts. My amendment also makes other improvements to the antiterrorism laws, primarily by increasing the maximum penalties for various aspects of the material support offenses, which already exist in law.

I hope, as I said, my colleagues will view this as an amendment which we can adopt on a bipartisan basis. It is an important amendment to ensure that another avenue of terrorism can be shut off. I ask for my colleagues' affirmative consideration of this amendment No. 317, and I thank the Senator from Oklahoma for his courtesies extended to me.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me also address my thanks to our colleague from Oklahoma. Before I discuss the Banking Committee's contribution to this important bill, I would like to take a moment to provide some thoughts on the overall bill—especially the initiatives pertaining to our Nation's homeland security. Over 5 years after the tragic events of 9/11 and almost 20 months since the tragic events of Hurricanes Katrina and Rita, we continue to hear from Governors, county executives, mayors, first responders, health professionals, and emergency preparedness officials that our country as a whole remains unprepared for another manmade or natural disaster. We have heard the argument, which I support, that Congress needs to do more to support regional and local efforts to protect Americans.

Overall, I believe this bill takes a critical step forward in protecting Americans at home from manmade and natural disasters. It codifies several recommendations made by the 9/11 Commission—seminal recommendations that, nearly 3 years after being issued, have still not been implemented by this White House or the Congress.

I support the measures in this bill designed to allocate critical resources based on concrete risk and effectiveness analysis. I also support the measure in this bill that establishes a minimum base of funding for all States. We all know how important initiatives like the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program are to our States and localities. While I believe those areas with higher degrees of risk from manmade and natural disasters should receive adequate resources proportionate to that risk, I also believe that all areas of our country should receive a base amount of funding that guarantees the protection of all Americans.

I am going to jump to the section of the legislation over which the Senate Banking, Housing, and Urban Affairs Committee has specific jurisdiction. The Presiding Officer is a distinguished member of the committee. He will recall just a few weeks ago we marked up the transit security bill which is now a part of this legislation.

I thank Senator RICHARD SHELBY, my ranking member on the committee, former chairman of the committee, for his cooperation, and I thank all members of the committee. We marked up this piece of the bill now before the Senate, unanimously. It is very much a reflection of what the committee did previously in the 109th Congress to deal with transportation security, and we thought it was an important matter to raise at the outset.

My compliments to the chairman of the committee for the underlying legislation, who is responsible for the homeland security issues, and his colleague from Maine, for the tremendous work they have done on this bill, and for others who have been involved in it.

I would be remiss if I also didn't commend the distinguished chairman of the Commerce Committee, Senator INOUYE, and his ranking member, Senator STEVENS, for their work, as well as Senator REID, the majority leader, for bringing this all together in one package.

It is also important we recognize how important transit security is. The Presiding Officer and others will recall we had a hearing on this subject matter and heard from some very interesting witnesses. It is not all that common that we invite witnesses who are not U.S. citizens to come and participate in congressional hearings. But given the tragedies in Madrid and London, we thought it might be worthwhile to hear from those who manage the transit operations in those two cities to come and share with us information about those two experiences. I think their testimony was very helpful in galvanizing the importance of this issue and the attention of the committee and, we hope, our colleagues as well.

We learned in those hearings, of course, that transit attacks have unfortunately been the major source of some of the terrorist activities over the last number of years. It is no secret that worldwide terrorists have favored public transit as a target. Transit has been the single most frequent target of terrorism.

In the decade leading up to 2000, 42 percent of terrorist attacks worldwide targeted rail systems or buses, according to a study done by the Brookings Institution. In 2005 they attacked, as I mentioned, London's rail and bus system killing 52 riders and injuring almost 700 more in what has been called London's bloodiest peacetime attack. In 2004 they attacked Madrid's metro system killing 192 people and leaving 1,500 people injured.

The Banking Committee heard testimony from the leaders of these two transit systems, as I mentioned. Transit is frequently targeted because it is tremendously important to any nation's economy. Securing our transit systems and our transportation networks generally is a difficult challenge under any circumstances. Every act to increase security generally potentially limits the specific security needs of a transit agency. The bill includes grants for security equipment, evacuation drills, and, most importantly—what we heard from the witnesses, particularly from Madrid and London—worker training. Indeed, the bill requires worker training for all systems that receive security grants. The importance of worker training can be scarcely overstated. Transit workers are the first line of defense against an attack and the first to respond to an event of an attack.

Mr. O'Toole, the director of London's transit system said:

> You have to invest in your staff and rely on them. You have to invest in technology, but don't rely on it.

Finally, the bill authorizes funds for the research of new and existing security technologies and fully authorizes the funding of the Information Sharing Analysis Center, a valuable tool that provides transit agencies timely information on active threats against their systems.

Over the years we have invested heavily in aviation security. In fact, we have invested about $7.50 per aviation passenger per trip. About 1.8 million people travel using the aviation system daily in this country. 14 million people use mass transit systems every workday. We have invested about $380 million in the security of mass transit systems. That is about one penny per passenger per trip.

I am not suggesting, nor do we require, that there be an equilibrium between the security systems of both aviation and mass transit systems. But our bill does provide an authorization of $3.5 billion to increase exactly the kind of operations I have described briefly, including the training issues which are critically important.

We believe with this additional authorization, and we hope an appropriate appropriation from the responsible committees, that we will be able to provide some additional security for this critically important system of our economy.

Again, I am grateful to the members of the committee, as well as my colleagues here, for their indication of support of this effort. It is going to be very important to all of us across this country. This is not limited, obviously, to the east coast or west coast. In fact, now some of the most urbanized States in the country are Western States with mass transit systems. It is going to be very important we provide the kind of support that this provision of the bill does.

Again, my thanks to Senator SHELBY, to all members of the committee who played a very constructive role in crafting this legislation, as they did in the 109th Congress and, again, to my colleague from Connecticut and my colleague from Maine for their fine work on this issue, making this a part of this bill. I urge the adoption of this section when the full bill is considered.

Again, my thanks to my colleague from Oklahoma for providing some time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Kyl amendment is the pending amendment.

AMENDMENT NO. 345

Mr. COBURN. I ask unanimous consent that pending amendment be set aside in consideration of an amendment that has already been called up, my amendment, No. 345.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. This is a pretty straightforward amendment.

I also ask unanimous consent Senator McCAIN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. One of the first things we found out after 9/11 was a lot of our emergency workers could not talk to each other. That was one of the most glaring, obvious defects in our response to emergencies—that emergency personnel had difficulty, from one group to another, talking to one another. As a matter of fact, it limited their ability to save lives.

From the beginning of the 9/11 Commission and from the start, in 2002, that has been addressed in multiple ways. The purpose of this amendment is to describe what is obviously something that is not good for us as a nation.

We presently have occurring with the Deficit Reduction Act of 2005 an electromagnetic spectrum which was sold off and $1 billion reserved under a program called the Public Safety Interoperability Public Service Grant Program. That $1 billion was carved off and that is where we are going to spend it. I don't disagree with that at all.

What this bill has is another $3.4 billion for interoperable grants addressing the same problem in a different way than what the other grant program was. One of our problems as a nation is we have too many programs that are doing the same thing. They duplicate one another. One is better and the other is not. Yet we continue sending money down both holes, not making adjustments as to which gives us the best value for our money.

What has happened with this money from the Commerce Department, through a memorandum of understanding, is the administration of this grant program has been transferred to the Department of Homeland Security with a little flat that the Department of Commerce kept $12 million for themselves.

This memorandum of understanding was dated just a few weeks ago, February 16, and what it did is it gave the administration near complete administrative control of this grant program, the one from Commerce, the one from 2005, to the Department of Homeland Security. This grant program has yet, to date, to receive any applications for any grants to be administered under the program. This is 2005; 2006 we did this. Now we are into March of 2007, and we have not received the first application.

S. 4, being considered on the Senate floor now, as I said, creates yet another interoperable grant program, the Emergency Communications and Interoperability Grant Program. This program is also going to be administered by the Department of Homeland Security. The purpose of this grant program is to make grants to States for purchasing interoperable equipment and training personnel, testing on how and when to use it—similar to the PSIC grant which was mainly for equipment. This program authorizes $3.3 billion to be authorized in grants over the first 5 years of the program and indefinite amounts, "such sums as are necessary," after that.

A question comes to mind: How much money would it take for every first responder in this country to have interoperable communications? We don't address that in this bill. We just keep sending the money for it, after we send the first $3.3 billion and then whatever it takes after that, rather than looking and reassessing what our need is.

If S. 4 passes in its current form, Congress will have authorized the creation of two nearly identical interoperability grant programs. Again, interoperability is this concept that first responders can talk to one another: if there is a fire going on in Tulsa, and there is a need that Oklahoma City firefighters will be there, that they can talk to them; that if there is something going on in Arkansas and Oklahoma first responders need to be there, there is the ability for them to talk to one another over their communications gear.

One of these grant programs is housed at Commerce but run by DHS. The other is going to be housed at DHS. The differences between these two programs in their details are minimal. Both provide for funding of equipment, both provide for funding for training, and both will exist side by side until 2010, when PSIC expires.

The purpose of this amendment would be to combine the two duplicative grant programs for interoperability. It does it by repealing the PSIC Grant Program at Commerce and it redirects the funding set aside for the PSIC Grant Program at Commerce to funding the Emergency Communications and Interoperability Grant Program at DHS. This will not decrease the amount of money. We are going to still spend $4.3 billion. But we are going to do it through one grant program rather than two.

There are not going to be two sets of signals out there for the States that want to go after this money or the communities that need to go after this money. There is going to be one.

There are a couple of technical changes with this that are required, which is repealing the Call Home Act of 2006, which sets a deadline of September 30, 2007. We haven't had the first grant application right now, so that gives us less than 6 months to get grants in and advised and granted on the PSIC Grant Program.

Finally, I think a very important part of this amendment requires that DHS study and report to Congress on the feasibility of engaging the private sector in developing a national interoperable emergency communications network. Neither of these grant programs address the national focus that would be needed. One of the problems in Katrina was all the people who went down there, the 9/11 responders and emergency responders, couldn't communicate with the emergency responders in Louisiana.

What this says is, aren't there some brains out there in the private sector who could tell us what we need to do and then we could have our grant programs actually go to buy the equipment, the training, so the program is already figured out so we don't have duplication so the people in Oklahoma can talk to the people in Kansas and Nebraska and in New York—all across the country. There is no national security reason why we need two interoperable communication grant programs for the States.

The second point: The administration—this is another area of this bill that they strongly oppose, setting up two identical or very similar grant programs.

No. 3, the Department of Commerce has essentially contracted this grant program out to DHS. It rightfully should be.

No. 4, the 9/11 economic report explicitly stated that Congress should not use grant programs as porkbarrel. If we have two grant programs running side by side and one isn't talking to another and a State has gotten one and they don't know the State is applying for the same thing at the other, how much stewardship have we practiced with the American taxpayers' money? We have not.

One of the prime recommendations of the 9/11 Commission was to reorganize the grant programs to eliminate confusion. That is exactly what this amendment does. It reorganizes the grant programs into one grant program, one place where you go to get it, one source of planning, one source of administration for it.

I will not go into the reasons why we have two programs, but needless to say it is because Members of Congress are not talking to each other. We have two interoperability grant programs that are not interoperable because we have a Congress that is not interoperable in communications with one another in terms of committee to committee or Member to Member.

The Department of Homeland Security has been cleared as the lead Federal agency for interoperability emergency communications. That is where these grants ought to be. That is who we are going to hold accountable. By not having them both in the same department, then we are not going to be able to hold them accountable when we do oversight.

The other thing is the average American cannot afford to purchase two of anything. Many times with these two programs, we are going to see the same thing paid for twice because the right hand is not going to know what the left hand is doing. There is no good policy reason for the Federal Government to have these two programs.

The other thing I think is fairly easy to recognize is if you have two grant programs, it is hard for the American public to realize how much money we are spending on the grant programs because you have got to find one and then the other. The total, which is going to be $4.3 billion, is not recognized now.

The final reason is our first responder organizations write grants. They are already required, in terms of all of the things we have done in terms of emergency preparedness, to provide multiple proposals annually right now to get Federal funding. Why would we not want them to have one application for interoperability? It is a waste of their time and the State's time.

The arguments you are going to hear tomorrow—we are going to debate this amendment again tomorrow afternoon with my colleagues from Hawaii and Alaska. They are going to say the PSIC Grant Program is only authorized until 2010, so after that there would not be a problem anymore for two grant programs. That is not a good reason to have two grant programs.

The public safety interoperability program requires the department to coordinate its efforts with the Secretary of Homeland Security. Yes, they did. They signed a memorandum of understanding that says they are going to run it all.

Finally, the Commerce Department has the authority and expertise over emergency communication grant programs. Although the PSIC Program was placed in Commerce, all of the operational authority for that grant program was essentially transferred to the Department of Homeland Security.

The Department of Homeland Security essentially treats the PSIC as part of its own budget, showing that Commerce has no real role in administering this program.

Another argument would be the programs are not identical but focus on different aspects of communications interoperability; it would hurt the emergency response community to get rid of either one of the programs.

Well, the one that is in this bill does it all. The one that is in the Commerce bill that we have already allocated $1 billion for is mainly about equipment, it is not as much about training.

We ought to know, if we are going to spend $4.3 billion that emergency responders anywhere ought to be able to talk to one another. We do not know that with this money. There is no string on this money that says that is the end goal. That is why a study coming out of the Department of Homeland Security that says go look at the outside and ask the private sector to tell us how do we take this spectrum that has been set aside, two different sections of spectrum for this, and how do we create a plan so that throughout the whole country, no matter what the need is, one group of emergency responders can talk to another?

That is what we ought to be getting for our $4.3 billion. That is not in either one of those programs. So what we are going to do is we are going to spend $4.3 billion on these grant programs, with no assurances that we are going to accomplish the very thing we seek to accomplish.

I believe there could not be a more wasteful attempt at our spending when we do not know what we are going to do for an endpoint on the spending.

A few comments about the overall bill. There has to come a point in time in this country where we recognize that we do not have enough money to do everything we need to do to protect us. That is true today. Where we ought to be putting our money is where we think the highest risks are. I agree with the Presiding Officer. Areas such as New Jersey are at much greater risk and ought to get much greater funding. They have a greater risk and a greater need.

Does that mean I am pleased if that means soft targets in Oklahoma are going to be exposed? No, but there has to be a dispensing of the money based on what the most likely risks are. So when we finish all of this, we will have gotten what we wanted.

Earlier today, I offered an amendment to sunset this bill in 5 years. We will look at it again and see what have we accomplished. What is left to accomplish? Where is the greatest area of risk? What do we still need to do? We have not done that in this bill. That is how we are going to make good policy—making sure that the dollars we spend to protect America are spent on the areas that will get us the most in this bill that we are debating today. We refuse to do that. It authorizes this bill to continue forever.

There is no sunset to it. There is no stop to say that we need to relook at this. There is nothing for the Congress to come back and look at as we did in the PATRIOT Act, where we required that we had to come back and look at it. We sunsetted it. And even though we passed the PATRIOT Act last year, we took sections of it that we said we know we are going to want to look at again, so we sunsetted it.

If we are going to be good stewards with the American taxpayer's money, we ought to sunset this bill. We ought to sunset these two interoperability programs so that we know whether we have accomplished what we desire and know what the problems are so that we can predict them. By not sunsetting, by not combining the programs, by not efficiently spending and wisely planning the spending of the American taxpayer dollars is getting us on down the road where we do not want to be, which is more and more of what we are spending today being paid for more and more by our grandchildren and children of tomorrow.

I thank you for the time. I look forward to debating this bill tomorrow with Senator STEVENS and Senator INOUYE. My hope is that Senator MCCAIN, who is a member of the Commerce Committee, will be here to aid in this. There is no reason for us to have two programs making States apply for two different grant programs that essentially do the same thing.

We would not do that ourselves in our homes. We would not set up two parallel requirements to accomplish the same goal. We should not be doing it in this bill.

Mr. AKAKA. Mr. President, I rise today in support of the grant funding formula in the underlying bill, S .4, as well as Senator REID's amendment in the nature of a substitute. I also wish to underscore the comments made previously by the chairman and ranking member of the Homeland Security Committee on which I serve. As Senators LIEBERMAN and COLLINS have articulated so well, I do not question the need for heavily populated States such as New Jersey and Texas to receive appropriate sums of homeland security grant funding to address their homeland security needs, nor do I question the need to protect chemical plants or to protect nuclear power plants. All of this is beyond question.

The point of this debate is protecting America against many risks, both natural and manmade. The State of Hawaii is subject to many natural disasters including hurricanes, floods, earthquakes, volcanoes, tsunamis, wildfires, droughts, and tropical storms. In addition, Hawaii is unique in that it is 2500 miles from the U.S. mainland. If disaster strikes Hawaii, natural or otherwise, it does not have neighboring States to rely on for assistance. It therefore must have numerous safety and security systems in place and be relatively self-reliant. Hawaii is also the gateway to the Pacific and, as such, provides support to American Samoa, Guam, and the Northern Mariana Islands through the U.S. Pacific Command, PACOM, in the event of a disaster. Hawaii also provided assistance and support to Thailand in the aftermath of the December 26, 2004, tsunami.

It is critical to remember that, although the Federal Emergency Management Agency, FEMA, was folded into the Department of Homeland Security, DHS, its mandate as the principal Federal agency charged with addressing preparation, mitigation, and response to all disasters, both natural and manmade, remains.

On January 18, 2007, DHS Secretary Chertoff announced his plan to reorganize DHS. That plan calls for FEMA to assume control of the Grants and Training program, including the State Homeland Security Grant Program, SHSGP, and other grant programs—grant programs that fund not only activities to prepare for, mitigate, and respond to terrorist attacks but also activities to prepare for, mitigate, and respond to natural disasters. Securing our homeland does not only mean protecting it from terrorists but also from the effects of mother nature, a force capable of directing a Katrina-sized hurricane to our soil.

In his recently released book, "The Edge of Disaster," Dr. Stephen Flynn, a senior fellow with the National Security Studies Program at the Council on Foreign Relations, argues that 90 percent of Americans reside in an area that will experience a moderate to major natural disaster at any given time. This is not just about urban areas; this is about nearly every American being faced with a significant natural disaster with a far higher likelihood than any terrorist attack. As Dr. Flynn observes, we need "an all-hazards approach" in "constructing safer communities and reducing the overall fragility of the nation."

Hurricane Katrina illustrated that the United States has limited surge capacity at the State and local levels to respond to a large-scale natural or manmade event. Aging infrastructure, including faulty power grids, shortages in medical personnel and supplies make the United States vulnerable and exacerbate the impact of any attack or natural disaster. If we have a weak infrastructure, faulty and eroding levees, hopelessly outdated communications systems, then we are vulnerable and no amount of radiation portal monitors, RPMs, will protect us from the catastrophic impact of a terrorist attack or natural disaster.

I strongly support the homeland security grant formula contained in S .4 and Senator REID's amendment in the nature of a substitute. I oppose any efforts to lower guaranteed funding levels for all States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SPORTSMANSHIP DAY

Mr. REED. Mr. President, I would like to acknowledge that today, March 6th, 2007, we celebrate the 17th annual National Sportsmanship Day. Created by the Institute for International Sport at the University of Rhode Island in 1991, this initiative seeks to promote and develop the highest ideals of sportsmanship and fair play among not only America's youth but also the international community. Over its 17 years, more than 13,500 schools and 80 million individuals across all 50 States and many countries around the world have participated in National Sportsmanship Day activities. On this day, in elementary schools, middle schools, high schools, and colleges, students, teachers, coaches, and parents will discuss issues regarding sportsmanship and fair play.

This year, National Sportsmanship Day will focus on the themes "Don't Punch Back, Play Harder" and "Defeat Gamesmanship." These themes will prompt participants to explore the practical values of "competitive self-restraint" and playing within the intended spirit of the rules. It is important for both our society and our culture that we instill these values in our youth. Additionally, the celebration will include the 14th annual USA Today National Sportsmanship Day Essay Contest.

I am pleased to say that Rhode Island is home to the Institute for International Sport and National Sportsmanship Day. For 17 years, the institute and this initiative have enhanced the nature and health of competition among our Nation's youth. The efforts of Senator Claiborne Pell and his able staff member Barry Sklar, Senator John Chafee, founder Dan Doyle, and many others have contributed to the success of this endeavor. I know that this year's National Sportsmanship Day celebration will continue to promote fair play and in so doing ensure a sound foundation of sportsmanship for today and for the future.

VANDALISM OF AHAVAS TORAH SYNAGOGUE

Mr. SMITH. Mr. President, it is with great sorrow that I bring to the attention of the Senate the recent vandalism and desecration of Eugene, OR's only conservative synagogue, Ahavas Torah Synagogue, on February 22, 2007. The targets of this vile act were two sacred Torah scrolls and accompanying prayer books. Police officers responding to neighbors' calls found the building ransacked and a locked wooden chest containing the Torah scrolls pried open; the scrolls themselves were torn and damaged.

This event comes as a shock to the dozen families who make up Eugene's small Orthodox community, but unfortunately is not an isolated event. In 2002, Temple Beth Israel Synagogue was vandalized during a Shabbat service; in 2001 the congregation received hundreds of hate-filled letters; and in 1994 the synagogue was fired upon with armor-piercing rifle rounds.

I am compelled to speak out against this deplorable act of vandalism at the Ahavas Torah Synagogue, which proves that hate crimes still pose a serious threat to our Nation's security and values. All forms of hatred and intolerance should be combated with every available tool and America's leaders need to send a clear message that acts of violence targeted at individuals of any group will not be tolerated. For this reason, I have been a cosponsor and strong supporter of hate crimes prevention legislation.

The Talmud teaches us that he "who can protest an injustice, but does not, is an accomplice to the act." Even though the existence of hatred is foretold in the Torah, acts of anti-Semitism and hate must be stopped before anyone can truly worship safely and freely.

ADDITIONAL STATEMENTS

HONORING RITA A. ALMON

• Ms. COLLINS. Mr. President, I wish to honor Ms. Rita A. Almon, who has served as program director for the U.S. Senate Youth Program for 29 years. She will retire after this year's 45th anniversary program, which is currently being held March 3 to 10, 2007, in Washington, DC.

During her tenure Ms. Almon has overseen the education and safety of thousands of high school student delegates who come annually to the Nation's Capital for this unique educational program about government, leadership and public service. She has worked closely with Senators and their staffs as well as with senior officials from each branch of Government to secure an opportunity for these young men and women to see their Government up close and to meet the individuals who make it work.

The mission of the U.S. Senate Youth Program, as set out in S. Res. 324 in 1962, states that "the continued vitality of our Republic depends, in part, on the intelligent understanding of our political processes and the functions of our National Government by the citizens of the United States; and the durability of a constitutional democracy is dependent upon alert, talented, vigorous competition for political leadership."

Rita A. Almon has achieved the mission of the U.S. Senate Youth Program by adhering to the highest standards of ethics and integrity, setting a shining example for the young men and women who participate. I join my colleagues in commending her and wish her well in her future endeavors.•

TRIBUTE TO MARVIN VAN HAAFTEN

• Mr. HARKIN. Mr. President, one of the joys of my job as a Senator is working closely with talented, dedicated Iowans from all walks of life. One of the exceptional people is Marvin Van Haaften, director of the Iowa Governor's Office of Drug Control Policy. With his retirement in January, he will conclude an extraordinary career in public service spanning over three decades.

Marvin Van Haaften has lived in Marion County most of his life, but his law enforcement experience and expertise has been felt throughout the State of Iowa. Before being named by Governor Tom Vilsack to be Iowa's drug policy coordinator in December 2002, he served as Marion County sheriff for 18 years. He is a graduate of the FBI National Academy, certified as a peace officer by the Iowa Law Enforcement Academy, served in the National Guard, and was a licensed medical examiner investigator.

One key to his success is that he speaks with the authority of a seasoned veteran of decades on the front line fighting crime and improving public safety. Marvin was named Sheriff of the Year in 1991 by the Iowa State Sheriffs' and Deputies' Association and served as its president in 1996. With more than 32 years of law enforcement experience, he has taught extensively in the field of rural law enforcement, particularly death investigation and domestic violence crimes. He has provided local and national leadership on the role of law enforcement in strategic victim safety and offender apprehension, and served on the board of directors of the National Center for Rural Law Enforcement. Marvin also served on many local and State committees such as the Iowa Criminal and Juvenile Justice Planning Advisory Council, the board of the Mid-Iowa Narcotics Enforcement Task Force, the board of the 18-county South Central Iowa Clandestine Laboratory Task Force, and was third vice president on the board of directors of the Iowa Association of Counties.

As a law enforcement officer, Marvin has seen firsthand the ravages that domestic violence inflicts on innocent women and children. For that reason, he has been a committed advocate for combating domestic abuse. During the nineties he served on the President's National Advisory Council on Domestic Violence, chaired by the Attorney General and Secretary of Health and Human Services, setting policy and developing domestic abuse and sexual assault training for the Nation. He was also a member of Iowa's Domestic Violence Death Review Team, the Lieutenant Governor's STOP Violence Against Women Coordinating Council, and the National Sheriffs Association's Domestic Violence Committee.

The commitment that Marvin brought to domestic violence, he also brought to his role as Iowa's drug policy coordinator and director of the Office of Drug Control Policy. As a law enforcement officer, he saw the destruction that drug abuse wreaks on families—the broken homes and ruined lives. He worked very hard at both the State and national level to ensure that the voices and needs of local law enforcement were heard. He will leave very big shoes to fill. I personally am very grateful for the excellence, professionalism, and long hours that he brought to this job.

Marvin also realizes the importance of a healthy, supportive family in a person's life: Marvin has been married to his wife Joyce for 42 years and has 5 grown children and 11 grandchildren. I am sure they will enjoy his retirement, but my staff and I will miss his counsel and his can-do attitude. I have turned to him again and again over the years, and he has never let me down. It has meant so much to be able to rely on someone of his caliber for authoritative answers and prompt answers.•

IN MEMORY OF JOHN F. BASS

• Mrs. McCASKILL. Mr. President, today, I honor John Bass, a much loved member of the St. Louis community, who died last month at the age of 80. John Bass was soft-spoken and low-key but he was also a fighter. As a young man, he served his country in the U.S. Navy. When he returned from service, he found himself living in a racially divided, socially and economically troubled city. Determined to bring change to his community, John literally fought his way through a college education. As a champion boxer, he won a boxing scholarship to Lincoln University. But John's true fight for St. Louis came long after he hung up his gloves.

As an educator in Beaumont High School, John was a calming presence in a school bitterly divided by racial tension. There, at Beaumont, and probably for the first time in his life, John was sent to the principal's office the hard way. After he began his new job as principal of Beaumont High, he provided the calm, wise leadership that was necessary to soothe wounds that years of inequality inflicted on our Nation's educational system.

John was already a distinguished member of the St. Louis community when he rolled up his sleeves and delved into politics to bring positive change to the city of St. Louis by shaping its policies. He did not come from a family of politicians, and he did not inherit a political power base. He came to politics as a thoughtful, practical, and hard-working man who wanted to make his community a better place to live. With these attributes, John Bass won the trust and respect of St. Louis.

John served as an alderman, State senator, and cabinet official, but is best known for becoming the first African American to win the office of comptroller in St. Louis history. When he ran for that office in 1973, the mayor told him that the prevailing racial tensions in St. Louis would prevent his election. Undeterred, John ignored that prediction, won his seat, crashed his way into the city's most important financial post, and left his mark on the city of St. Louis. Regarded highly by his contemporaries as well as older and younger politicians, John helped pilot the city of St. Louis through some of its most turbulent years.

With John's passing, we have lost a prolific public servant, a trusted friend, and a quiet but powerful leader.•

TRIBUTE TO AHMET ERTEGUN

• Mr. VOINOVICH. Mr. President, I wish to honor a celebrated American pioneer, a legendary entrepreneur, a devotee, an integral cultivator of uniquely American music, and a great benefactor both to my home State of Ohio and my hometown of Cleveland, the late music executive Ahmet Ertegun.

The son of a Turkish Ambassador to the United States, Ertegun arrived in this county in 1935 as a young boy destined for diplomatic service. Yet at an early age he developed a profound love for music, especially jazz and blues, that blossomed into a lifelong, remarkable career.

At the age of 24, he cofounded the independent Atlantic Records label, mounting a historic and formidable challenge to contemporary industry giants by his keen ability to scout and develop talent. In other words, he knew a winner when he met one. John Coltrane, Ray Charles, and the Rolling Stones are among those in his repertoire.

An exemplary immigrant, Ahmet was well known for his "culturally triangular" relationships: He was a Turkish Muslim; many of his fellow executives were Jewish, and many of the artists they produced were African-American Christians.

David Geffen, the acclaimed entertainment mogul whom Ertegun introduced to the record business, noted that fewer people have had a greater impact on the music industry and that no one loved music more than he did.

Ahmet's deep appreciation and respect for musical roots and history prompted him to establish a Rock and Roll Hall of Fame.

The Hall of Fame Foundation was created in 1983, and soon after, its board of trustees began searching for a suitable home for the museum. At that time, about the midpoint of my decade as mayor of Cleveland, a regional renaissance was in full bloom, and Cleveland was making a comeback. The city had a clear vision of our new destiny and knew where we were headed.

The great people of my city had a dream: to land that Hall of Fame at home, in the heart of rock 'n' roll, right where it belonged.

Moved by the undaunted initiative of Greater Cleveland civic and business leaders, I joined their determined effort, boarded on a plane to New York, and pitched the idea to Ahmet and his board of trustees.

Our team's stunning case suddenly made Cleveland a top contender. The news of our heavy impression galvanized the city and evoked a flood of public spirit and support that greeted Ahmet and his board upon their subsequent visit to scout the town.

Well, Ahmet never lost his ability to recognize a winner, and when he stepped off the plane in Cleveland, he met one. I had the honor of presenting him with a key to our city and leading him on a local tour, showcasing what we had to offer.

A few months later, Ahmet and his board reached a decision, and in their good judgment, they selected Cleveland, where the term "rock 'n' roll" had been coined. We in Cleveland were both proud and humbled.

I am pleased to report, for more than a decade, the Rock and Roll Hall of Fame in Cleveland has been a popular global destination and a success for my hometown, for the State of Ohio, and for America.

I am fortunate that for a time, my duties in public services dovetailed with Ahmet's vision for the future of the Rock and Roll Hall of Fame.

He has been recognized many times throughout his life. In 1987, he was inducted into the Rock and Roll Hall of Fame. In 2000, our own U.S. Library of Congress honored him as a living legend. And today, just a few weeks after his death, I recognize him for his indelible contribution to the fabric of our great Nation.•

MESSAGE FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project.

H.R. 247. An act to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives.

H.R. 276. An act to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

H.R. 299. An act to adjust the boundary of Lowell National Historical Park, and for other purposes.

H.R. 376. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes.

H.R. 467. An act to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho.

H.R. 497. An act to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

H.R. 807. An act to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System.

H.R. 903. An act to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

H.R. 995. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 1047. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

H.R. 247. An act to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; to the Committee on Energy and Natural Resources.

H.R. 276. An act to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 299. An act to adjust the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 376. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 467. An act to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

H.R. 497. An act to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; to the Committee on Energy and Natural Resources.

H.R. 807. An act to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the

Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 903. An act to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 995. An act to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Energy and Natural Resources.

H.R. 1047. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Stanley Davis Phillips, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

HIGH POINT, NC,
December 27, 2006.

DEAR SENATORS: I would like to update my family information concerning political donations. The original form was requested in August and completed in September. Since that time, my family has made contributions to the following:

2006

S. Dave Phillips, Mitt Romney, South Carolina Pac, $3,500.

Katherine A. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Katherine A. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Lillian J. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Lillian J. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Katherine J. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Katherine J. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Boyd A. Phillips, Mitt Romney, South Carolina Pac, 3,500.

Boyd A. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Lucy D. Phillips, Mitt Romney, South Carolina Pac, 3,000.

Lucy D. Phillips, Mitt Romney, Commonwealth Pac, 5,000.

Also, I would like to list the contribution that my family made to the President Inauguration in 2005. We were listed as an underwriter and the amount was $250,000. We understand that it is not necessary to list this item because it is not political, but we feel that it is appropriate.

STANLEY DAVIS PHILLIPS.

Nominee: Stanley Davis Phillips (Dave).

Post: Ambassador to Estonia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, see attached.
2. Spouse, see attached.
3. Children and Spouses: Lillian J: Phillips, Katherine J. Phillips, Boyd A. Phillips, Lucy D. Phillips.
4. Parents: Lillian Jordan Philips—deceased; Earl N. Phillips—deceased.
5. Grandparents: deceased.
6. Brothers and Spouses: Earl N. Phillips, Jr.; Sallie B. Phillips (estranged & divorcing). See attached.
7. Sisters and Spouses: No sisters.

FEDERAL CAMPAIGN CONTRIBUTIONS

1. Stanley Davis Phillips (Dave).

Amount, Date, and Donee: $25,000, 01/06, Joint Candidate Committee; $10,000, 02/06, Tribute Victory Fund; $25,000, 09/06, Republican National Committee; $5,000, 09/06, Mitt Romney Campaign Committee; $5,000, 04/05, Leadership Circle PAC; $25,000, 05/05, Republican National Committee; $4,200, 05/05, Elizabeth Dole for Senate Committee; $25,000, 03/04, Republican National Committee; $1,000, 05/04, Richard Burr for Senate Committee; $5,000, 06/04, Leadership Circle PAC; $2,000, 05/04, Bush-Cheney '04; $2,500, 07/04, 2004 Joint State Victory Committee; $27,500, 10/04, 2004 Joint Candidate Committee; $2,000, 06/03, Bob Etheridge for Congress; $2,000, 09/03, Broyhill for Congress; $25,000, 09/03, Republican National Committee; $100, 09/03, Virginia Fox for Congress; $2,000, 10/03, Richard Burr for Senate Committee; $1,000, 09/02, Bob Etheridge For Congress; $5,000, 10/02, Dole North Carolina Victory Commitee.

Spouse—Katherine A. Phillips (Kay)

Amount, Date, and Donee: $25,000, 01/06, Joint Candidate Committee; $10,000, 02/06, Tribute Victory Fund; $25,000, 09/06, Republican National Committee; $5,000, 04/05, Leadership Circle PAC; $800, 05/05, Elizabeth Dole for Senate Committee; $25,000, 05/05, Republican National Committee; $2,000, 06/04, Virginia Johnson for Congress; $5,000, 06/04, Leadership Circle PAC; $29,500, 07/04, 2004 Joint Candidate Committee; $2,500, 07/04, 2004 Joint State Victory Committee; $2,000, 06/03, Bush-Cheney '04; $25,000, 09/03, Republican National Committee.

Lillian J. Phillips.

Amount, Date, Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Katherine J. Phillips.

Amount, Date, and Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Boyd A. Phillips.

Amount, Date, and Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Lucy D. Phillips.

Amount, Date, and Donee: $25,000, 04/04, Republican National Committee; $35,500, 07/04, 2004 Joint Candidate Committee; $32,500, 07/04, Joint State Victory Committee; $2,000, 07/04, Bush-Cheney '04.

Brother—Earl N. Phillips, Jr.

Amount, Date, and Donee: $1,000, 04/05, Sharp Pencil PAC; $2,000, 03/04, Republican Party of Florida; $500, 05/04, Virginia Johnson for Congress; $4,000, 06/04, Richard Burr for Senate; $2,000, 07/04, Coble for Congress; $25,000, 10/04, Republican National Committee; $5,000, 10/04, 2004 Joint State Victory Committee; $28,500, 10/04, 2004 Joint Candidate Committee II; $2,000, 10/04, Bush-Cheney Compliance Committee; $25,000, 09/03, Republican National Committee.

Spouse—Sallie B. Phillips Industries

Amount, Date, and Donee: $25,000, 10/04, Republican National Committee; $7,500, 10/04, 2004 Joint State Victory Committee; $2,000, 10/04, Coble for Congress; $2,000, 10/04, Bush-Cheney Compliance Committee; $35,500, 10/04, 2004 Joint Candidate Committee II; $25,000, 10/03, Republican National Committee.

*William B. Wood, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Nominee: William B. Wood.

Post: Ambassador to Afghanistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, 0.
2. Spouse, N/A.
3. Children and Spouses, N/A.
4. Parents, N/A.
5. Grandparents, N/A.
6. Brothers and Spouses, Peter R. Wood, 0.
7. Sisters and Spouses, N/A.

*Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service with the rank Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Nominee: Ryan C. Crocker.

Post: Ambassador to the Republic of Iraq.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents: Mother: Carol Crocker, none. Father: Howard Crocker, deceased.
5. Grandparents: Deceased since 1923.
6. Brothers and Spouses, none.
7. Sisters and Spouses, none.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mr. BINGAMAN):

S. 765. A bill to establish a grant program to improve high school graduation rates and prepare students for college and work; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, and Mr. SCHUMER):

S. 766. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 767. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 768. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. CHAMBLISS, Ms. COLLINS, and Mr. ALLARD):

S. 769. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself and Mr. HATCH):

S. 770. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mr. VOINOVICH, Mr. MENENDEZ, Ms. CANTWELL, Mr. LIEBERMAN, Mr. CARPER, and Mr. SCHUMER):

S. 771. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. VITTER, and Mr. ROCKEFELLER):

S. 772. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. ROCKEFELLER, Ms. SNOWE, Ms. COLLINS, Mr. LOTT, and Mr. SUNUNU):

S. 773. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. CRAIG, Mr. LEAHY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. CRAPO, Mr. OBAMA, and Mr. FEINGOLD):

S. 774. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Mr. VOINOVICH, Mrs. CLINTON, and Mr. COLEMAN):

S. 775. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 776. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the energy employees occupational illness compensation program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG:

S. 777. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BURR, Mr. KERRY, and Mr. SANDERS):

S. 778. A bill to amend title IV of the Elementary and Secondary Education Act of 1965 in order to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG:

S. 779. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. PRYOR:

S. 780. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 781. A bill to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S. 782. A bill to designate the United States courthouse to be constructed in Jackson, Mississippi, as the "Thad Cochran United States Courthouse"; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 783. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT):

S. 784. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the spent nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 785. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 786. A bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchased livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. ALLARD, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 95. A resolution designating March 25, 2006, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mrs. MCCASKILL (for herself, Mr. BOND, Mrs. CLINTON, Mrs. BOXER, Ms. STABENOW, Ms. CANTWELL, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. BINGAMAN, Mr. LEVIN, Mr. DODD, Mr. OBAMA, and Mr. HARKIN):

S. Res. 96. A resolution expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mrs. MCCASKILL, Mr. BOND, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 97. A resolution relative to the death of Thomas F. Eagleton, former United States Senator for the State of Missouri; considered and agreed to.

By Mrs. FEINSTEIN:

S. Res. 98. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 513

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 527

At the request of Mr. FEINGOLD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

S. 535

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 613

At the request of Mr. LUGAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 623

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 623, a bill to amend the Public Health Service Act to provide for the licensing of comparable and interchangeable biological products, and for other purposes.

S. 624

At the request of Ms. MIKULSKI, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 625

At the request of Mr. KENNEDY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 634

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 637

At the request of Mr. SESSIONS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 637, a bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 667

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 675

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 676

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 676, a bill to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 691

At the request of Mr. CONRAD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 756

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 756, a bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S.J. RES. 5

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 92

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 286

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 286 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 305

At the request of Mr. SESSIONS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 305 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 314

At the request of Mr. DEMINT, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAIG), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 314 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 317

At the request of Mr. KYL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 317 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 333

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 333 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 335

At the request of Mr. MARTINEZ, his name was added as a cosponsor of amendment No. 335 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 339

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 339 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 342

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 342 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 343

At the request of Ms. CANTWELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 343 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 345

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 345 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 348

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 348 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. BINGAMAN):

S. 765. A bill to establish a grant program to improve high school graduation rates and prepare students for college and work; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I wish to talk about education, something many in this body take very seriously. I rise today to address the Nation's dropout crisis. Each day that our schools are open, approximately 7,000 students drop out of high school. That is 1.2 million students annually who do not complete their high school education. Almost a third of American students who enter high school in the ninth grade drop out of school and never receive their high school diploma.

I know our students, our schools, our communities can do better. To ensure that these young people have a better future and that America maintains its competitiveness in a global economy, I suggest to all my colleagues that we must do better.

According to a Manhattan Institute study, the high school graduation rate for the class of 2003 nationwide was only 70 percent. Thirty percent of our students in this country do not cross the goal line of graduation. Even more alarming, however, is that high school graduation rates for subgroups of students in 2003 were for White students, 78 percent; African Americans, 55 percent; Hispanics, 53 percent.

Graduating from high school is a 50-50 proposition in 930 of our high schools in our country. Fifty percent of the students in 930 schools do not get their high school diplomas. In 2,000 high schools, it is a 60-40 proposition. Sixty percent are going to get their diploma, 40 percent will not get their diploma.

Just last week, my home State of North Carolina released its most current data on our State's dropout crisis. Our statistics, likewise, point to an urgent need to pay attention to our public high schools and these students.

North Carolina's statewide graduation rate was 68 percent. Yet for Black students, that rate falls to 60 percent; for low-income students, 55 percent; and for Hispanic students, 52 percent. Nearly 80 percent of the Nation's high schools that produce the highest number of dropouts are in 15 States, and I am embarrassed at the fact that North Carolina is one of them.

To retain our competitive edge in the world economy, America's youths must be prepared for the jobs of today and the jobs of the future, jobs which increasingly require a postsecondary education. Unfortunately, in 2003, 3.5 million Americans ages 16 to 25 did not have a high school diploma and were not enrolled in school.

Individuals without a high school diploma experience higher rates of unemployment, incarceration, and are more likely to live in poverty and receive public assistance than individuals with at least a high school diploma.

We know the statistics, but they are worth repeating. Mr. President, 4 out of every 10 people ages 16 to 24 without a high school diploma receive some type of government assistance. A high school dropout is eight times more likely to be incarcerated than a person with a high school diploma.

I am fortunate to represent a State with a rich history in its commitment to higher education. The State of North Carolina is the home of the Nation's first State university, the University of North Carolina at Chapel Hill, which welcomed students for the first time to its campus on January 15, 1795. All total, North Carolina has 127 degree-granting institutions of higher education—75 public and 52 private. However, North Carolina and the rest of the country cannot rest on their laurels with their higher education systems. We should be and are proud of our high college-going rate in North Carolina. Yet while 64 percent of recent North Carolina high school graduates go on to college, that number is far too low.

There is no silver bullet that will fix our educational system, including high school reform which many have talked about. I hope more and better research will give us a better direction and maybe better answers, but until then, there are a number of things that we can and we should be doing to improve what is a problem that must be addressed.

In particular, we know the three Rs to making our public high schools work better for today's students are rigor, relevance, and relationships. Today, Senator JEFF BINGAMAN from New Mexico and I are introducing bipartisan legislation, the Graduate for a Better Future Act. This is to help turn the tide of our Nation's dropout crisis.

Senator BINGAMAN has been a stalwart leader in the Senate on issues relating to dropout prevention. I am proud to join him in an effort to lower high school dropout rates and to raise high school graduation and college-going rates.

This legislation will create a competitive grant program targeted at school districts and high schools with the lowest graduation rates, focused on those three Rs of high school reform: rigor, relevance, and relationships.

Funds under this act would be used for models of excellence for academically challenging high schools to prepare all students for college and for work; to offer academic catchup programs for those students who enter high school and do not meet proficient levels in mathematics, reading, language arts, or science that enable such students to meet proficient levels and remain on track to graduate from high school with a regular high school degree; to implement early warning systems to quickly identify students at risk of dropping out, especially systems that track student absenteeism, one of the greatest predictors that a student may drop out of high school; to implement comprehensive college guidance programs that ensure all students and their parents are regularly notified of high school graduation requirements, college requirements for entry, and provide guidance and assistance to students in applying for postsecondary education and in applying for Federal financial assistance and other State, local, and private financial aid and scholarships; to implement a program that offers all students opportunities for work-based and experiential learning experiences, such as job shadowing, internships, and community service so that students make the connection between what they are learning in school and how that applies to the workplace that we want them to be in; and to implement a student advisement program in which all students are assigned to and have regular meetings with an academic teacher adviser.

A recent survey of high school dropouts by Civic Enterprises presents a picture of the American high school dropout that is surprising to many. I know it surprised me. Eighty-eight percent of those students who dropped out of high school had passing grades when they dropped out. Let me say that again. Eighty-eight percent of the students who dropped out of high school had passing grades which would have enabled them to complete their high school diploma. But they dropped out. Fifty-eight percent dropped out with 2 or fewer years to complete high school; 66 percent said they would have worked harder if expectations had been higher; 81 percent recognized that a high school diploma was absolutely vital to their success in life; and 74 percent said they would have stayed in school if they had it to do all over again.

Mr. President, this is the point where we get a redo. We get an opportunity to make sure students get an opportunity in the next generation so they don't make the same mistakes the last ones did.

Over the past 25 years, the difference in earnings between workers with lower and higher levels of education has grown. As my home State of North Carolina has experienced, gone are the days when an individual with only a high school diploma or GED can find a high-paying job in industries such as manufacturing, textiles, or furniture.

The global economy has changed the marketplace, and the competition is no longer the person who sits next to us. It is the person who graduates from the school we will never hear about or have an opportunity to visit.

We know more education pays off. Over his or her lifetime, an individual without a high school diploma will earn approximately $1.1 million less than an individual with a bachelor's degree, $1.5 million less than an individual with a master's degree, and $2.4 million less than an individual with a doctoral degree.

What is the message to our children and our grandchildren? Is it that the future is more competitive than the past, that to be competitive in the job market means we have to raise our educational skills, and as parents and grandparents, we have to make it happen? The answer is yes.

The Senate can no longer sit by and accept rates of 30 percent of our students who don't cross the goal line of high school and accept that without a fight. We can do better, and we should do better.

I look forward to working with my colleagues on the Health, Education, Labor, and Pensions Committee, and with my cosponsor, Senator BINGAMAN, to face our Nation's dropout crisis head on. This is a first start. This is the ability to educate parents and students about not only how we engage them in the proficiencies they need to be competitive but, more importantly, how we teach them that our expectations are greater than what they felt in the past.

It is time that the Senate lead by example to begin to pass legislation that has a real impact on the high school graduation rates in this country; that we can look back and say it was this legislation that started the process, and it was quickly followed up with additional legislation that helps our youth compete, regardless of where that job is and regardless of who their competition is.

As this legislation comes before the committee and comes to this floor, I urge my colleagues to pay particular attention to the impact it has on our children and our grandchildren but, more importantly, on our competitiveness in the future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Graduate for a Better Future Act".

(b) Table of Contents.—The table of contents to this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Program authorized.
Sec. 6. Reporting and accountability.
Sec. 7. Evaluation and report.
Sec. 8. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The high school graduation rate for the class of 2003 was only 70 percent nationwide. Thus, almost ⅓ of American students who enter high school in 9th grade drop out of school and never receive a high school diploma.

(2) Large disparities exist in the high school graduation rates among various subgroups of students. Although the high school graduation rate for white students was 78 percent in 2003, the rate for African American students was only 55 percent, and the rate for Hispanic students was only 53 percent.

(3) For students in approximately 2,000 high schools across the United States, the chance of graduating from high school is less than 60 percent.

(4) In 2003, 3,500,000 Americans ages 16 to 25 did not have a high school diploma and were not enrolled in school.

(5) To retain its competitive edge in the world economy, it is essential that America's youth be prepared for the jobs of today and for the jobs of the future. Such jobs increasingly require a post-secondary education.

(6) Individuals without a high school diploma experience higher rates of unemployment, incarceration, living in poverty, and receiving public assistance than individuals with at least a high school diploma.

(7) Over his or her lifetime, an individual without a high school diploma will earn approximately $1,100,000 less than an individual with a bachelor's degree, $1,500,000 less than an individual with a master's degree, and $2,400,000 less than an individual with a doctoral degree.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to create models of excellence for academically rigorous high schools, including early college high schools, in order to prepare all students for college and work;

(2) to raise high school graduation rates and college-going rates;

(3) to reduce college remediation rates;

(4) to create a seamless curriculum between high school and college;

(5) to improve teaching and curricula to make high school more rigorous and relevant;

(6) to improve instruction and access to supports for struggling high school students;

(7) to improve communication between parents, students, and schools; and

(8) to create, implement, and utilize early warning systems to help identify students at risk of dropping out of high school, especially systems that monitor student absenteeism.

SEC. 4. DEFINITIONS.

(1) Advanced Placement or International Baccalaureate course.—The term "Advanced Placement or International Baccalaureate course" means a course of college-level instruction provided to middle school or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization.

(2) College-going rate.—The term "college-going rate" means the percentage of high school graduates who enroll at an institution of higher education in the school year immediately following graduation from high school.

(3) Dual credit courses.—The term "dual credit course" means a college course that—

(A) may be taken at a high school or at an institution of higher education;

(B) is taught by—

(i) college faculty; or

(ii) high school faculty with credentials that the eligible entity determines are appropriate; and

(C) the successful completion of which can earn high school academic credit as well as college academic credit.

(4) Eligible entity.—The term "eligible entity" means—

(A) a State educational agency;

(B) a national, regional, or statewide nonprofit organization with expertise and experience in working with local educational agencies and high schools to raise high school academic achievement, high school graduation rates, and college-going rates; or

(C) a partnership consisting of a State educational agency and an entity described in subparagraph (B).

(5) Eligible local educational agency.—The term "eligible local educational agency" means a local educational agency with a high school graduation rate of 60 percent or less—

(A) in the aggregate; or

(B) applicable to 2 or more of the following subgroups of high school students served by the local educational agency:

(i) Economically disadvantaged students.

(ii) Students from major racial or ethnic groups.

(6) High school.—The term "high school" means a nonprofit institutional day or residential school, including a public charter high school, that provides high school education, as determined under State law.

(7) High school graduation rate.—The term "high school graduation rate" means the percentage of students who graduate from high school with a regular diploma in the standard number of years as measured by a valid and reliable measure of high school graduation rates, such as the averaged freshman graduation rate.

(8) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) Local educational agency.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) Parent.—The term "parent" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(11) Rigorous secondary school program of study.—The term "rigorous secondary school program of study" means a rigorous secondary school program of study recognized as such by the Secretary for purposes of subparagraph (A)(i) or (B)(i) of section 401A(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–1(c)(3)).

(12) Secretary.—The term "Secretary" means the Secretary of Education.

(13) State educational agency.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(14) Student with a disability.—The term "student with a disability" means a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

SEC. 5. PROGRAM AUTHORIZED.

(a) In General.—From amounts appropriated under section 8 for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable eligible entities to award subgrants to eligible local educational agencies for the authorized activities described in subsection (d).

(b) Duration.—

(1) Grants.—The Secretary may award grants under this Act (other than a planning grant under subsection (c)(3)) for a period of not more than 6 years.

(2) Subgrants.—An eligible entity may award subgrants under this Act for a period of not more than 5 years.

(c) Eligible Entity Authorized Activities.—

(1) Distribution.—An eligible entity that receives a grant under this Act—

(A) shall reserve not more than 15 percent of the grant funds to carry out the activities described in paragraphs (2) through (5); and

(B) shall use not less than 85 percent of the grant funds to award subgrants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the authorized activities described in subsection (d).

(2) STATE LEVEL PLANNING AND ADMINISTRATION.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for planning and administration, including—

(A) evaluating applications from eligible local educational agencies;

(B) administering the distribution of subgrants to eligible local educational agencies; and

(C) assessing and evaluating, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(3) LOCAL EDUCATIONAL AGENCY PLANNING GRANTS.—

(A) IN GENERAL.—From amounts reserved under paragraph (1)(A), an eligible entity may award a planning grant to an eligible local educational agency.

(B) AMOUNT.—An eligible entity shall award each planning grant under this paragraph in the amount of $10,000.

(C) DURATION AND USE OF PLANNING GRANT FUNDS.—Each planning grant shall be—

(i) awarded for a period of 1 year;

(ii) nonrenewable; and

(iii) used to plan and apply for a subgrant awarded under paragraph (1)(B).

(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for technical assistance, including—

(A) assisting eligible local educational agencies in accomplishing the tasks required to implement a program under this Act;

(B) implementing a program of professional development for teachers and administrators, in high schools that receive funding under this Act, that prepares teachers and administrators to implement the authorized activities described in subsection (d); and

(C) assisting eligible local educational agencies in designing a program to be assisted under this Act.

(5) REPORTING.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for annually providing the Secretary with a report on the implementation of this section as required under section 6.

(d) ELIGIBLE LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.—Each eligible local educational agency receiving a subgrant under this Act, shall use the subgrant funds to carry out each of the following activities:

(1) To implement a college-preparatory curriculum for all students in a high school served by the eligible local educational agency under this Act (and for students with disabilities in accordance with the individualized education program of the student) that is, at a minimum, aligned with a rigorous secondary school program of study.

(2) To implement accelerated academic catch-up programs, for students who enter high school not meeting proficient levels of academic achievement in mathematics, reading or language arts, or science, that enable such students to meet the proficient levels of achievement and remain on track to graduate from high school on time with a regular high school diploma.

(3) To implement an early warning system to quickly identify students at risk of dropping out of high school, including systems that track student absenteeism.

(4) To implement a system of student and classroom progress monitoring, which may include the adoption and use of diagnostic or formative assessments that—

(A) measure student academic progress in the core academic areas; and

(B) may identify areas in which students need additional academic assistance and support.

(5) To implement a comprehensive college guidance program that—

(A) will ensure that all students in a high school served by the eligible local educational agency under this Act, and their parents, are regularly notified throughout the students' time in high school, of high school graduation requirements and college entrance requirements; and

(B) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial aid assistance and other State, local, and private financial aid assistance and scholarships.

(6) To implement a program that offers, all students in a high school served by the eligible local educational agency under this Act, opportunities for work-based and experiential learning experiences, such as job-shadowing, internships, and community service.

(7) To implement a program that ensures that all students in a high school served by the eligible local educational agency under this Act, have access to and enroll in courses in which the students may earn college credit for courses taken while in high school, such as a dual credit course, or an Advanced Placement or International Baccalaureate course.

(8) To implement a program of student advisement in which all students in a high school served by the eligible local educational agency under this Act are assigned and have regular meetings with an academic teacher advisor.

(9) To implement a program of teacher professional development and institutional leadership that includes use of diagnostic and formative assessments to identify student and teacher needs, to assess classroom practice, and to improve classroom instruction.

(e) APPLICATIONS.—

(1) ELIGIBLE ENTITY.—Each eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(A) include a description of how subgrants made by the eligible entity under this Act will meet the requirements described in subsection (d);

(B) include a description of the peer review process the eligible entity shall use to evaluate applications from eligible local educational agencies;

(C) contain an assurance that the eligible entity, and any eligible local educational agencies receiving a subgrant from that eligible entity, will, if requested, participate in the independent evaluation under section 7(1);

(D) describe how the eligible entity will use grant funds received under this section;

(E) describe how the eligible entity will assist eligible local educational agencies that receive planning grant funds or subgrant funds under this Act in securing any necessary waivers from the State educational agency that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time; and

(F) describe how the eligible entity will assess and evaluate, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a subgrant under this section shall submit an application to the eligible entity at such time and in such manner as the eligible entity may require. Each application shall—

(A) include a description of each high school that will receive funding from the eligible local educational agency under this Act, including such high school graduation, academic achievement, demographic, and socioeconomic data as the eligible entity may request;

(B) contain an assurance that academic merit tests will not be used to determine student enrollment in each such high school;

(C) contain a description of specific outreach and recruitment efforts at each such high school that will be undertaken for student populations historically underrepresented at institutions of higher education;

(D) contain an assurance that a college-preparatory curriculum will be offered to all students at each such high school (and to students with disabilities in accordance with the individualized education program of the student), that is, at a minimum, aligned with a rigorous secondary school program of study;

(E) include a comprehensive description of how curriculum at each such high school will be developed, structured, and delivered;

(F) include clearly delineated benchmarks for improved student academic achievement, high school graduation rates, and college-going rates at each such high school;

(G) include a description of assessments that will be used at each such high school, including assessments for school accountability purposes and student progress monitoring purposes;

(H) contain a comprehensive plan for professional development at each such high school that includes intended changes in teaching practices that will result in improved student academic achievement, high school graduation rates, and college-going rates;

(I) include a detailed description of work-based and experiential learning experiences that will be offered for all students at each such high school, such as job shadowing, internships, and community service;

(J) contain an assurance that all students at each such high school will be assigned and have regular access to an academic teacher advisor;

(K) contain an assurance that the eligible local educational agency will grant each such high school any necessary waivers from local educational agency policies and rules that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time;

(L) include a plan that details how programs assisted under this Act will be sustained after the end of subgrant funding under this Act;

(M) in the case of dual credit courses and early college high schools, contain formal agreements between the eligible local educational agency and institutions of higher education that detail shared responsibility for each such high school and students at the high school;

(N) include a description of school staffing considerations and how teachers will be selected for each such high school;

(O) include a detailed plan of the college awareness program at each such high school that addresses applying for admission to an institution of higher education and applying for financial aid; and

(P) contain an assurance that the eligible local educational agency will report to the eligible entity all data necessary for the eligible entity's report under section 6.

(f) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (c).

(3) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this Act shall be used to supplement, not supplant, other Federal and State funds available to carry out the activities described in subsection (d).

SEC. 6. REPORTING AND ACCOUNTABILITY.

(a) COLLECTION OF DATA.—Each eligible entity receiving a grant under this Act shall collect and report annually to the Secretary such information on the results of the activities assisted under the grant as the Secretary may reasonably require, including information on—

(1) the number and percentage of students in the State who are assisted under this Act and graduate from high school on time with a regular high school diploma;

(2) the number and percentage of students, at each grade level, in the State who are assisted under this Act and meet or exceed State reading or language arts, mathematics, or science standards, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3));

(3) the number and percentage of students, at each grade level, in the State who are assisted under this Act and are on track to graduate from high school on time and with a regular high school diploma;

(4) the number and percentage of students in the State who are assisted under this Act and participate in work-based and experiential learning experiences, such as job shadowing, internships, community service, and descriptive information on the types of experiences in which such students participated;

(5) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and enrolled in not less than 2 of the following:

(A) a dual credit course; or

(B) an Advanced Placement or International Baccalaureate course;

(6) the number and percentage of students in the State who are assisted under this Act and receive a passing grade or higher for a dual credit course, or an Advanced Placement or International Baccalaureate course;

(7) the number and percentage of students in the State who are assisted under this Act and apply to an institution of higher education while still in high school;

(8) the number and percentage of students in the State who are assisted under this Act and are accepted to an institution of higher education while still in high school;

(9) the number and percentage of students in the State who are assisted under this Act and enroll in an institution of higher education in the school year immediately following the students' high school graduation;

(10) the number and percentage of students in the State who are assisted under this Act and enrolled in remedial mathematics or English courses during their freshman year at an institution of higher education;

(11) the number and percentage of students, in grade 10, in the State who are assisted under this Act and take the PSAT; and

(12) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and take the SAT or ACT, and the students' mean scores on such assessments.

(b) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the information required under subsection (a) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1111(b)(1)(C)(i)).

SEC. 7. EVALUATION AND REPORT.

From the amount appropriated for any fiscal year under section 8, the Secretary shall reserve such sums as may be necessary—

(1) to conduct an independent evaluation, by grant or by contract, of the program carried out under this Act, which shall include an assessment of the impact of the program on high school graduation rates, college-going rates, and student academic achievement; and

(2) to prepare and submit a report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $500,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, and Mr. SCHUMER):

S. 766. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce the Paycheck Fairness Act in recognition of Women's History Month. I'd like to thank my colleagues Senators KENNEDY, HARKIN, BOXER, CANTWELL, DODD, FEINGOLD, KLOBUCHAR, LEAHY, MENENDEZ, MIKULSKI, MURRAY, REED, REID and SCHUMER for joining me in reintroducing this legislation to prevent, regulate and reduce pay discrimination for women across the country. I also want to acknowledge Congresswoman DELAURO for being the champion of this legislation in the House of Representatives.

As America celebrates Women's History Month, it's important that we not only take pride in how far women have come in our lifetime, but also recognize the work we must continue to achieve true pay equity in this country. Over the past four decades, we have made tremendous strides in closing the wage gap between women and men. But research still shows us that pay discrimination continues to result in women earning less than men for performing the same job.

Today, women working full time, year-round, still make only 77 cents for every dollar that a man makes—meaning that for every $100 she earns, a typical woman has $23 less to spend on groceries, housing, child care, or other expenses. Women of color fare even worse: African-American women earn only 67¢, and Latinas only 56¢, for every $1.00 earned by white men.

Just two weeks ago, the Wall Street Journal published an article entitled "Women Post Job Gains, Data Show." The article showcased proof of progress over the past decade. From the year 2000 through 2005, women posted a net increase of 1.7 million jobs paying above the median salary, while men gained a net increase of just over 220,000 of such positions, according to the Bureau of Labor Statistics. The issue of the wage gap, however, continues to affect women workers. In 2005, the median weekly pay for women was $486, or 73 percent of that for men—$663.

While we often associate the pay wage with low-paying jobs, this inequity is not exclusive to the lower class. The New York Times recently reported that Wimbledon has finally agreed to pay its women tennis champions the same amount of prize money as their male counterparts. Last year's men's champion received $1.170 million, while the tournament's women's winner got $1.117 million.

That is why I am pleased to be introducing the Paycheck Fairness Act—a bill that will build on the promise of the Equal Pay Act and help close the pay gap.

The Paycheck Fairness Act has three main components.

First, it prevents pay discrimination before it starts. By helping women strengthen their negotiation skills and providing outreach and technical assistance to employers to ensure they fairly evaluate and pay their employees, the Paycheck Fairness Act gives employers the tools they need to level the playing field between men and women.

Second, the Paycheck Fairness Act creates strong penalties to punish those who do violate the act. By strengthening the penalties for employers who violate the Equal Pay Act, this bill sends a strong message—Equal Pay is a matter to be taken seriously.

And finally, the Paycheck Fairness Act ensures that the Federal Government, which should be a model employer when it comes to enforcing Federal employment laws, uses every tool in its toolbox to ensure that women are paid the same amount as men for doing the same jobs.

There is no question that we have come a long way since the Equal Pay Act became law 44 years ago. But we still have a lot of work to do.

According to the National Committee on Pay Equity, working women stand to lose $250,000 over the course of their career because of unequal pay practices—a difference in pay that cannot be fully explained by experience, education, or other qualifications. And the pay gap follows women into retirement: unmarried women in the workforce today will receive, on average, about $8,000 per year less in retirement income than their male counterparts. As a result, millions of American families lose out because equal pay is still not a reality.

It is my hope that many more of my colleagues will join me in recognizing this is more than a women's issue—it is a family issue. It is in all of our interests to allow women to support their families and to live with the dignity and respect accorded to fully engaged members of the workforce.

Mr. KENNEDY. Mr. President, one of the most profound economic shifts of the past century has been the entry of women into the workforce in tremendous numbers. In 1900, women made up only 18.4 percent of the working population. Today, more than 46 percent of the workers who claim a paycheck each week are women.

Unfortunately, while America's women are working harder than ever, they are not being fairly compensated for their contributions to our economy.

Discrimination against women continues to be prevalent in the workplace. Women earn about 77 cents for each dollar earned by men, and the gap is even greater for women of color. In 2004, African-American women earned only 67 percent of the earnings of White men, and Hispanic women earned only 56 percent.

Unfortunately, the problem is not getting better. The current wage gap of 23 cents is the same gap that existed in 2002. Since 1963, when the Equal Pay Act was passed, the wage gap has narrowed by less than half of a penny a year.

While many argue that this persistent pay gap is a consequence of women's choosing to take time out of the workforce, the evidence shows that other factors, including discrimination, are a significant cause. In 2004, the Census Bureau concluded that the substantial gap in earnings between men and women could not completely be explained by differences in education, tenure in the workforce, or occupation. Similarly, a recent General Accounting Office report concluded that the difference in men and women's working patterns does not explain the entire disparity in their wages. Discrimination plays a significant role as well.

It is appalling and unacceptable that such discrimination still exists in America, and we need to combat it with Federal legislation. The issue is simple fairness, and Congress needs to act.

I am proud to join with Senator CLINTON and Senator HARKIN in introducing the Paycheck Fairness Act today. This important legislation will give America's working women the tools they need to fight for fair pay. It will make sure our fair pay laws apply to everyone, and it will strengthen the penalties for employers that are not playing by the rules.

These important reforms are long overdue. I urge my colleagues to stand up for working women and end wage discrimination by passing the Paycheck Fairness Act.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 767. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 768. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, 33 years ago, this Nation faced a crisis that touched every American. In 1973, in the shadow of a war against Israel, the Arab nations of OPEC decided to embargo shipments of crude oil to the West.

The economic effects were devastating. For American drivers, the price at the gas pump rose from a national average of 38.5 cents per gallon in May 1973 to 55.1 cents per gallon in June 1974. The stock market fell, and countries across the world faced terrible cycles of inflation and recession that lasted well into the 1980s.

Lawmakers in Washington reacted by calling for a nationwide daylight savings time and a national speed limit. They established a new Department of Energy that eventually created a strategic petroleum reserve. Perhaps most important, Congress enacted the Corporate Average Fuel Economy standards, or CAFE, the first-ever requirements for automakers to improve gas mileage on the vehicles we drive.

At the time, auto executives protested, saying there was no way to increase fuel economy without making cars smaller. One company predicted that Americans would all be driving sub-compacts as a result of CAFE. But CAFE did work, and under the direction of Congress, the National Highway Traffic Safety Administration, NHSTA, nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 mpg for cars in 1985. Today, CAFE standards save us about 3 million barrels of oil per day, making it the most successful energy-saving measure ever adopted.

Now 30 years later, Americans again are feeling the pain at the pump. The price of oil has reached up to $78 a barrel, and Americans have paid more than $3.00 a gallon for gas. America's 20-million-barrel-a-day habit costs our economy $800 million a day, or $300 billion annually. Because we import 60 percent of our oil, much of it from the Middle East, our dependence on oil is also a national security issue as well. Al-Qaida knows that oil is America's Achilles heel. Osama bin Laden has urged his supporters to "Focus your operations on oil, especially in Iraq and the gulf area, since this will cause them to die off."

At a time when the energy and security stakes couldn't be higher, CAFE standards have been stagnant. In fact, because of a long-standing deadlock in Washington, CAFE standards that initially increased so quickly have remained stagnant for the last 20 years.

Since 1985, efforts to raise the CAFE standard have been stymied by opponents who have argued that Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in the production of less safe cars and a loss of American jobs. This has been a bureaucratic logjam that has ignored technological innovations in the auto industry and crippled our ability to increase fuel efficiency.

To attempt to break this two-decade-long deadlock and start the U.S. on the path towards energy independence, I have joined with Senators LUGAR, BIDEN, SMITH, BINGAMAN, COLEMAN, and SPECTER to introduce the Fuel Economy Reform Act of 2007. This bill would set a new course by establishing regular, continual, and incremental progress in miles per gallon, targeting 4 percent annually, but preserving NHTSA expertise and flexibility on how to meet those targets.

Over the past 20 years, NHTSA's efforts to improve fuel economy have been encumbered with loopholes and resistance. With this bill, CAFE standards would increase by 4 percent every year unless NHTSA can justify a deviation in that rate by proving that the increase is technologically unachievable, does not materially reduce the safety of automobiles manufactured or sold in the U.S., or can prove it is not cost-effective when comparing with the economic and geopolitical value of a gallon of gasoline saved. We specifically define the grounds upon which NHTSA can determine cost-effectiveness. By flipping the presumption that has served as a barrier to action, we replace the status quo of continued stagnation with steady, measured progress.

Under this system, if the 4 percent annualized improvement occurs over ten years, this bill would save 1.3 million barrels of oil per day—or 20 billion gallons of gasoline per year. If gasoline is just $2.50 per gallon, consumers will save $50 billion at the pump in 2018. By 2018, we would be cutting global warming pollution by 220 million metric tons of carbon dioxide equivalent gases.

The Fuel Economy Reform Act also would provide fairness and flexibility to domestic automakers by establishing different standards for different types of cars. Currently, manufacturers have to meet broad standards over their whole fleet of cars. This disadvantages companies like Ford and General Motors that produce full lines of small and large cars and trucks rather than manufacturers that only sell small cars.

In order to enable domestic manufacturers to develop advanced-technology vehicles, this legislation provides tax incentives to retool parts and assembly plants. This will strengthen the U.S. auto industry by allowing it to compete with foreign hybrid and other fuel efficient vehicles. It is our expectation that NHTSA will use its enhanced authority to bring greater market-based flexibility into CAFE compliance by allowing the banking and trading of credits among certain vehicle types and between manufacturers.

Finally, the bill also would expand the tax incentives that encourage consumers to buy advanced technology vehicles. The bill would lift the current 60,000-per-manufacturer cap on buyer tax credits to allow more Americans to buy ultra-efficient vehicles like hybrids.

By ending a 20-year stalemate on CAFE, the Fuel Economy Reform Act will recapture the innovation that Congress and the auto industry launched in response to the OPEC crisis. In the process, we will safeguard our national security, protect our economy, reduce consumer pain at the pump, and protect our climate, environment, and public health. I urge my colleagues to join our bipartisan coalition and support the Fuel Economy Reform Act.

I ask unanimous consent that the text of these two bills be printed in the Record.

There being no objection, the text of the bills were ordered to be printed in the Record, as follows:

S. 767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Economy Reform Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the "risk premium" paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 3. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) Definition of Automobile.—

(1) In general.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking "rated at—" and all that follows through the period at the end and inserting "rated at not more than 10,000 pounds gross vehicle weight.".

(2) Fuel economy information.—Section 32908(a) of such title is amended, by striking "section—" and all that follows through "(2)" and inserting "section, the term".

(3) Effective date.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) Definition of Passenger Automobile.—

(1) In general.—Paragraph (16) of section 32901(a) of such title is amended by striking ", but does not include" and all that follows through the end and inserting a period.

(2) Effective date.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 4. AVERAGE FUEL ECONOMY STANDARDS.

(a) Standards.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting "Manufactured Before Model Year 2013" after "Non-Passenger Automobiles"; and

(B) by adding at the end the following: "This subsection shall not apply to automobiles manufactured after model year 2012.";

(2) in subsection (b)—

(A) in the heading, by inserting "Manufactured Before Model Year 2013" after "Passenger Automobiles";

(B) by inserting "and before model year 2010" after "1984"; and

(C) by adding at the end the following: "Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)";

(3) by amending subsection (c) to read as follows:

"(c) Automobiles Manufactured After Model Year 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

"(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

"(ii) based on 1 or more vehicle attributes that relate to fuel economy—

"(I) separate average fuel economy standards for different classes of automobiles; or

"(II) average fuel economy standards expressed in the form of a mathematical function.

"(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

"(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

"(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

"(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

"(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

"(i) are technologically not achievable;

"(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

"(iii) is shown not to be cost effective.

"(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

"(i) is technologically achievable;

"(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

"(iii) is cost effective.

"(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

"(A) value to consumers;

"(B) economic security;

"(C) national security;

"(D) foreign policy;

"(E) the impact of oil use—

"(i) on sustained cartel rents paid to foreign suppliers;

"(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

"(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

"(iv) on import costs and wealth transfers during oil shocks;

"(v) on macroeconomic dislocation and adjustment costs during oil shocks;

"(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

"(vii) on the timing and severity of the oil peaking problem;

"(viii) on the risk, probability, size, and duration of oil supply disruptions;

"(ix) on OPEC strategic behavior and long-run oil pricing;

"(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

"(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

"(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

"(xiii) on all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

"(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

"(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

"(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

"(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

"(I) additional relevant factors, as determined by the Secretary.

"(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

"(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

"(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

"(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

"(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

"(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

"(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

"(C) The report submitted under subparagraph (A) shall include—

"(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

"(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

"(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

"(E) The report submitted under subparagraph (A) shall—

"(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

"(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

"(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer."; and

(4) in subsection (g)(2), by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking "passenger" each place it appears;

(ii) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (c) or (d) of section 32902";

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking "passenger" each place it appears; and

(II) in paragraph (1), by striking "subject to" and all that follows through "section 32902(b)–(d) of this title" and inserting "subject to subsection (c) or (d) of section 32902"; and

(ii) in subsection (b)(1)(B), by striking "under this chapter" and inserting "under section 32902(c)(2)".

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 5. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting "Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may

only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii)." after "earns credits.";

(2) by striking "3 consecutive model years immediately" each place it appears and inserting "model years"; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting "for purposes of compliance with section 32902(c)(2)" after "except that".

(b) Multi-Year Compliance Period.—Section 32904(c) of such title is amended—

(1) by inserting "(1)" before "The Administrator"; and

(2) by adding at the end the following:

"(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.".

(c) Judicial Review of Regulations.—Section 32909(a)(1) of such title is amended by striking out "adversely affected by" and inserting "aggrieved or adversely affected by, or suffering a legal wrong because of,".

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Economy Reform Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the "risk premium" paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 3. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) Definition of Automobile.—

(1) In general.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking "rated at—" and all that follows through the period at the end and inserting "rated at not more than 10,000 pounds gross vehicle weight.".

(2) Fuel economy information.—Section 32908(a) of such title is amended, by striking "section—" and all that follows through "(2)" and inserting "section, the term".

(3) Effective date.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) Definition of Passenger Automobile.—

(1) In general.—Paragraph (16) of section 32901(a) of such title is amended by striking ", but does not include" and all that follows through the end and inserting a period.

(2) Effective date.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 4. AVERAGE FUEL ECONOMY STANDARDS.

(a) Standards.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting "Manufactured Before Model Year 2013" after "Non-Passenger Automobiles"; and

(B) by adding at the end the following: "This subsection shall not apply to automobiles manufactured after model year 2012.";

(2) in subsection (b)—

(A) in the heading, by inserting "Manufactured Before Model Year 2013" after "Passenger Automobiles";

(B) by inserting "and before model year 2010" after "1984"; and

(C) by adding at the end the following: "Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)";

(3) by amending subsection (c) to read as follows:

"(c) Automobiles Manufactured After Model Year 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

"(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

"(ii) based on 1 or more vehicle attributes that relate to fuel economy—

"(I) separate average fuel economy standards for different classes of automobiles; or

"(II) average fuel economy standards expressed in the form of a mathematical function.

"(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

"(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

"(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

"(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

"(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

"(i) are technologically not achievable;

"(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

"(iii) is shown not to be cost effective.

"(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

"(i) is technologically achievable;

"(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

"(iii) is cost effective.

"(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

"(A) value to consumers;

"(B) economic security;

"(C) national security;

"(D) foreign policy;

"(E) the impact of oil use—

"(i) on sustained cartel rents paid to foreign suppliers;

"(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

"(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

"(iv) on import costs and wealth transfers during oil shocks;

"(v) on macroeconomic dislocation and adjustment costs during oil shocks;

"(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

"(vii) on the timing and severity of the oil peaking problem;

"(viii) on the risk, probability, size, and duration of oil supply disruptions;

"(ix) on OPEC strategic behavior and long-run oil pricing;

"(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

"(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

"(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

"(xiii) on all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

"(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

"(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

"(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

"(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

"(I) additional relevant factors, as determined by the Secretary.

"(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

"(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

"(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

"(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

"(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

"(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

"(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

"(C) The report submitted under subparagraph (A) shall include—

"(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

"(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

"(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

"(E) The report submitted under subparagraph (A) shall—

"(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

"(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

"(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer."; and

(4) in subsection (g)(2), by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking "passenger" each place it appears;

(ii) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (c) or (d) of section 32902";

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking "passenger" each place it appears; and

(II) in paragraph (1), by striking "subject to" and all that follows through "section 32902(b)–(d) of this title" and inserting "subject to subsection (c) or (d) of section 32902"; and

(ii) in subsection (b)(1)(B), by striking "under this chapter" and inserting "under section 32902(c)(2)".

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 5. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting "Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii)." after "earns credits.";

(2) by striking "3 consecutive model years immediately" each place it appears and inserting "model years"; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting "for purposes of compliance with section 32902(c)(2)" after "except that".

(b) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting "(1)" before "The Administrator"; and

(2) by adding at the end the following:

"(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.".

(c) JUDICIAL REVIEW OF REGULATIONS.—Section 32909(a)(1) of such title is amended by striking out "adversely affected by" and inserting "aggrieved or adversely affected by, or suffering a legal wrong because of,".

SEC. 6. CONSUMER TAX CREDIT.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking "(determined without regard to subsection (g))" and inserting "determined without regard to subsection (f))".

(B) Section 38(b)(25) of such Code is amended by striking "section 30B(g)(1)" and inserting "section 30B(f)(1)".

(C) Section 55(c)(2) of such Code is amended by striking "section 30B(g)(2)" and inserting "section 30B(f)(2)".

(D) Section 1016(a)(36) of such Code is amended by striking "section 30B(h)(4)" and inserting "section 30B(g)(4)".

(E) Section 6501(m) of such Code is amended by striking "section 30B(h)(9)" and inserting "section 30B(g)(9)".

(b) Extension of Alternative Vehicle Credit for New Qualified Hybrid Motor Vehicles.—Paragraph (3) of section 30B(i) of such Code (as redesignated by subsection (a)) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(c) Computation of Credit.—Section 30B of such Code is amended by striking "city" each place it appears and inserting "combined".

(d) Effective Dates.—The amendments made by subsections (a) and (b) of this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date. The amendments made by subsection (c) shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 7. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

"(b) Qualified Investment.—For purposes of this section—

"(1) In general.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

"(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

"(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

"(2) Attribution rules.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) Definitions.—In this section:

"(1) Advanced technology motor vehicle.—The term 'advanced technology motor vehicle' means—

"(A) any qualified electric vehicle (as defined in section 30(c)(1)),

"(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

"(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

"(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

"(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

"(2) Electric drive transportation technology.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

"(3) Eligible components.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator;

"(ii) power split device;

"(iii) power control unit;

"(iv) power controls;

"(v) integrated starter generator; or

"(vi) battery;

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) accumulator or other energy storage device;

"(ii) hydraulic pump;

"(iii) hydraulic pump-motor assembly;

"(iv) power control unit; and

"(v) power controls;

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine;

"(ii) turbo charger;

"(iii) fuel injection system; or

"(iv) after-treatment system, such as a particle filter or NOx absorber; and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(4) Eligible taxpayer.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(d) Engineering Integration Costs.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(f) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) No Double Benefit.—

"(1) Coordination with other deductions and credits.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) Research and development costs.—

"(A) In general.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) Costs taken into account in determining base period research expenses.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(h) Business Carryovers Allowed.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

"(i) Special Rules.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply.

"(j) Allocation of Credit to Purchasers.—

"(1) Election to allocate.—

"(A) In general.—In the case of an eligible taxpayer, any portion of the credit determined under subsection (a) for the taxable year may, at the election of such taxpayer, be apportioned among purchasers of qualifying vehicles from the taxpayer in the taxable year (or in any year in which the credit may be carried over).

"(B) Qualifying vehicles.—For purposes of this subsection, the term 'qualifying vehicle' means an advanced technology vehicle manufactured at a facility described in subsection (b)(1)(A).

"(C) FORM AND EFFECT OF ELECTION.—An election under subparagraph (A) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(2) TREATMENT OF TAXPAYER AND PURCHASERS.—The amount of the credit apportioned to any purchaser under paragraph (1)—

"(A) shall not be included in the amount determined under subsection (a) with respect to the eligible taxpayer for the taxable year; and

"(B) shall be treated as an amount determined under subsection (a) for the taxable year of the purchaser which ends in the calendar year of purchase.

"(3) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of an eligible taxpayer determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the taxpayer for such year, an amount equal to the excess of—

"(A) such reduction, over

"(B) the amount not apportioned to such purchasers under paragraph (1) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the eligible taxpayer.

"(4) WRITTEN NOTICE TO PURCHASERS.—If any portion of the credit available under subsection (a) is allocated to purchasers under paragraph (1), the eligible taxpayer shall provide any purchaser receiving an allocation written notice of the amount of the allocation. Such notice may be provided either at the time of purchase or at any time not later than 60 days after the close of the calendar year in which the vehicle is purchased."

"(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2011.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(g).".

(2) Section 6501(m) of such Code is amended by inserting "30D(k)," after "30C(e)(5),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1999.

By Mr. SALAZAR (for himself, Mr. CHAMBLISS, Ms. COLLINS, and Mr. ALLARD):

S. 769. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, today I am introducing the Troops to Teachers Improvement Act of 2007, which will help more of our veterans and service members find second careers in our classrooms. This bill will expand the accessibility of this program, so that more military personnel will be able to enroll, receive $5,000 toward their teaching certification, and teach in a school near their home. I am proud to be joined by Senator CHAMBLISS, Senator COLLINS, and Senator ALLARD in introducing this legislation. On the House side, Congressman PETRI and Congresswoman MATSUI have introduced a companion to this bill.

Since it was created in 1994, the Troops to Teachers program has helped place over 10,000 new teachers in classrooms around the country. The program provides guidance, teacher certification assistance, and bonuses for military personnel who give at least three years of service in the classroom.

When Congress established the Troops to Teachers program, it created two levels of bonuses for military personnel and veterans who participate. An individual was eligible for a $5,000 stipend so long as he or she taught in any school in a district that received Title I funding under the Elementary and Secondary Education Act. This meant that an individual could teach three years in any of a vast majority of schools in the country and still be eligible for the $5,000 bonus.

Congress allowed a person to receive an additional $5,000 if he or she taught three years in a school that served a high percentage of disadvantaged students. The total bonus of $10,000 was meant to draw these talented new teachers into schools that needed them most.

For over a decade, this bonus structure was highly successful. In Colorado alone, the program has provided around 80 new hires a year to schools where new teachers are desperately needed.

But in 2005, the Department of Education limited the number of schools that were eligible to participate and therefore made it more difficult for individuals to receive the baseline $5,000 bonus. The Department of Education was able to do this because when the Troops to Teachers program was reauthorized under the No Child Left Behind Act, there was a mistake in the reauthorization language that created confusion about which schools an individual may teach in order to be eligible for the $5,000 bonus. As I pointed out a moment ago, when Congress created the Troops to Teachers program, it said that an individual could receive the bonus if he or she taught in a "high-need" school, that is, in any school in a district that received Title 1 funding. In Colorado, that meant that around 98 percent of school districts qualified. But, because Troops to Teachers was mistakenly placed in a section of NCLB with a different definition of "high need," an individual can now only receive the $5,000 bonus if he or she teaches in a school that has more than 10,000 students or has more than 20 percent of its students from families below the poverty line.

As a result of this change, enrollments in the Troops to Teachers program have dwindled over the past two years. Western and rural States, in particular, have been negatively impacted. In Colorado, new hires out of Troops to Teachers have dropped from 79 for the 2003–2004 school year to 43 for the 2006–2007 school year.

This drop-off in new hires from Troops to Teachers is problematic for several reasons. First, we should be finding ways of attracting new teachers to our classrooms, not devising bureaucratic barriers that keep them out. Experts predict that we will need approximately 2 million new teachers in the next decade, and we need teachers who will give more than a year or two of service. Today, half of newcomers to the teaching profession last less than five years. The good news is that Troops to Teachers has an 83 percent retention rate for its teachers. A full 223 of the 343 original participants are still teaching today, more than a decade after the program's creation.

Troops to Teachers also helps fill a need for diversity in the classroom—83 percent of program participants are male, compared to 18 percent of teachers nationally, and 37 percent are ethnic minorities, compared to 15 percent of teachers nationally.

The second problem with the new eligibility criteria is that it disproportionately hurts rural veterans and rural school districts. It's hard to find a school district in western Colorado or on the eastern plains that has 10,000 students. Are we expecting a Troops to Teacher participant living in Yuma County, population 9,789 to drive to Denver to teach in an eligible school there so they can receive the $5,000 stipend?

The third problem with the new criteria is that it hurts retiring service members who want to pursue a second career in education. This country has a long history of providing educational benefits to our men and women in uniform through the 1944 GI Bill and successive legislation. Troops to Teachers furthers this great cause by helping our men and women in uniform extend their education and earn a teaching certificate. With over 1.3 million veterans from Iraq and Afghanistan, many of whom are currently transitioning back to civilian life, we have an opportunity to bring the best and the brightest who are now serving in the military straight into the classrooms, where they can continue to extend their service to their country.

The bill I'm introducing today provides a simple fix to the problems that arose for the Troops to Teachers program under the No Child Left Behind Act. The bill simply says that if there is no school within 50 miles of the home of a Troops to Teachers participant, the individual may teach in any school in a district that receives Title 1 funding and receive the initial $5,000 bonus. This bill will allow thousands of retiring service members in rural communities to take advantage of the Troops to Teachers incentives and transition to a second career in the classroom. I also want to point out that this bill still prioritizes schools that fit the current definition of "high need"—that is, schools with over 10,000 students or with 20 percent of its students from families below the poverty line—but it also provides an outlet if there are no schools in the area that fit those criteria. This bill does not affect the additional bonus that Troops to Teachers participants have always been able to receive if they teach in a school with a high percentage of disadvantaged students.

I am hopeful that when we reauthorize the No Child Left Behind Act, we take another look at Troops to Teachers to help make it more accessible to veterans from Iraq and Afghanistan, National Guard members, and reservists. Troops to Teachers is a good program that should be strengthened and supported when it is reauthorized. Yet, we shouldn't wait until then to fix this needless problem that is hampering the program's effectiveness today. I urge my colleagues to support this problem, today, by supporting the quick, straightforward solution that this bill provides.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Troops to Teachers Improvement Act of 2007".

SEC. 2. PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE UNDER TROOPS TO TEACHERS PROGRAM.

Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended in subsection (a)(1)(B) by striking "for not less than 3 school years" and all that follows through the period at the end and inserting the following: "for not less than 3 school years, to begin the school year after obtaining that certification or licensing, with a high-need local educational agency or public charter school, as such terms are defined in section 2101 or, if there is no high-need local educational agency or public charter school for which the member is qualified to teach within a 50-mile radius of the member's residence, then under circumstances covered by section 2302(b)(2).".

By Mr. HARKIN (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mr. VOINOVICH, Mr. MENENDEZ, Ms. CANTWELL, Mr. LIEBERMAN, Mr. CARPER, and Mr. SCHUMER):

S. 771. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, our Nation faces a public health crisis of the first order. Poor diet and physical inactivity are contributing to growing rates of chronic disease in the U.S. These problems do not just affect adults, but increasingly affect the health of our children as well. Research suggests that one-third of American children born today will develop type II diabetes at some point. For some minority children, the numbers are even more shocking, as high as 50 percent. At the same time, since 1963, rates of obesity have quadrupled among children ages 6 to 11 and tripled among children ages 12 to 19. Even our youngest children are not immune. Since 1971, among children ages 2 to 5, obesity rates have tripled.

There are many reasons for this public health crisis, and accordingly, addressing the crisis will require multiple solutions as well. One place where we can start is with our schools, which have been inundated with foods and drinks having little or no positive nutritional value. A recent study from the Government Accountability office found that 99 percent of high schools, 97 percent of middle schools, and 83 percent of elementary schools sell foods from vending machines, school stores, or a-la-carte lines in the cafeteria. And it is not fresh fruits and vegetables and other healthy foods that are being sold. No, the vast majority of the foods being sold in our schools outside of Federal meal programs are foods that contribute nothing to the health and development of our children and are actually detrimental to them.

Not only does the overconsumption of these foods take a toll on the health of our children, but they also have a negative impact of the investment of taxpayer dollars in the health of our kids. Every year the Federal Government spends nearly $10 billion to reimburse schools for the provision of meals through the National School Lunch Program and School Breakfast Program. In order to receive reimbursement, these meals must meet nutrition standards based upon the Dietary Guidelines for All Americans, the official dietary advice of the U.S. government. However, sales of food elsewhere in our schools do not fall under these guidelines. Therefore, as children consume more and more of the foods typically sold through school vending machines and snack bars, it undermines the nearly $10 billion in federal reimbursements that we spend on nutritionally balanced school meals.

Finally, the heavy selling of candy, soft drinks and other junk food in our schools undermines the guidance, and even the instruction and authority of parents who want to help their children consume sound and balanced diets. The American public agrees. A Robert Wood Johnson Foundation poll from several years ago found that 90 percent of parents would like to see schools remove the typical junk food from vending machines and replace it with healthier alternatives. My bill seeks to restore the role and authority of parents by ensuring that schools provide the healthy, balanced nutrition that contributes to health and development.

What really hurts children and undermines parents is the junk food free-for-all that currently exists in so many of our schools. How does it help kids if the school sells them a 20-ounce soda and a candy bar for lunch when their parents have sent them to school with the expectation that they will have balanced meals from the school lunch program?

Today, along with my colleague Senator MURKOWSKI of Alaska, I will introduce bipartisan legislation to address this problem—and to do what is right for the health of our kids. This bill has broad support in both the education and the public health communities and is supported by the National PTA, the National Education Association, the American Federation of Teachers, the American Medical Association, the Center for Science in the Public Interest, the School Nutrition Association, the Food Research and Action Center, the American Heart Association, the American Dietetic Association, the American Diabetes Association, and the American Academy of Pediatrics, among others.

The Child Nutrition Promotion and School Lunch Protection Act of 2007 does two very simple but important things:

First, it requires the Secretary of Agriculture to initiate a rulemaking process to update nutritional standards for foods sold in schools. Currently, USDA relies upon a very narrow nutritional standard that is nearly 30 years old. Since that definition was formulated, children's diets and dietary risk have changed dramatically. In that time, we have also learned a great deal about the relationship between poor diet and chronic disease. It is time for public policy to catch up with the science.

Second, the bill requires the Secretary of Agriculture to apply the updated definition everywhere on school grounds and throughout the school day. Currently, the Secretary can only issue rules limiting a very narrow class of foods, and then only stop their sales in the actual school cafeteria during the meal period. As a result, a child only needs to walk into the hall outside the cafeteria to buy a lunch consisting of soda, a bag of chips and a candy bar. This is a loophole that is big enough to drive a soft drink delivery truck through—literally. It is time to close it.

The bill is supported in the Senate by a bipartisan group of Senators. Joining me in introducing the bill are Senator MURKOWSKI of Alaska, Senator DURBIN of Illinois, Senator VOINOVICH of Ohio, Senator MENENDEZ of New Jersey, Senator LIEBERMAN of Connecticut, Senator SCHUMER of New York, Senator CANTWELL of Washington, and Senator CARPER of Delaware. The diverse group of supporters of this bill cuts across ideological lines and shows that when the health of our children is at stake, we can put aside our differences in the interest of our children.

This bill, by itself, will not solve the problem of poor diet and rising rates of chronic disease among our children and adults. But it is a start. Scientists predict that—because of obesity and preventable chronic diseases—the current generation of children could very well be the first in American history to live shorter lives than their parents. If this isn't a wake up call, I don't know what is.

Our children are at risk. The time to act is now. And that's why I am pleased to introduce the Child Nutrition Promotion and School Lunch Protection Act of 2007.

By Mr. KOHL (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. VITTER, and Mr. ROCKEFELLER):

S. 772. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, as Chairman of the Senate Antitrust Subcommittee, I believe it is my role to investigate and help end—monopolistic practices that exploit American consumers. In that spirit, I rise today to introduce along with my colleagues, Senators COLEMAN, FEINGOLD, VITTER and ROCKEFELLER, the Railroad Antitrust Enforcement Act of 2007. This legislation will eliminate obsolete antitrust exemptions that protect freight railroads from competition.

Consolidation in the railroad industry, allowed under the exemptions my legislation would repeal, has resulted in only four Class I railroads providing over 90 percent of the nation's freight rail transportation. The lack of competition was recently documented in a Government Accountability Office October 2006 report. That report found that, "concerns about competition and captivity, in the rail industry, remain as traffic is concentrated in fewer railroads." The report also stated that the Surface Transportation Board, the entity charged with ensuring that the industry remains competitive, has failed to do so. In August 2006, the Attorneys General of 17 states and the District sent a letter to Congress citing problems due to a lack of competition and asked that the antitrust exemptions be removed.

The ill-effects of this consolidation are exemplified in the case of "captive shippers"—industries served by only one railroad. Over the past several years, these captive shippers faced spiking rail rates. They are the victims of the monopolistic practices and price gouging by the single railroad that serves them, price increases which they are forced to pass along into the price of their products, and ultimately, to consumers. And in many cases, the ordinary protections of antitrust law are unavailable to these captive shippers—instead, the railroads are protected by a series of exemptions from the normal rules of antitrust law to which all other industries must abide.

These exemptions have put the American consumer at risk, and in Wisconsin, victims of a lack of railroad competition abound. A coalition has formed, consisting of about 40 affected organizations—Badger CURE. From Dairyland Power Cooperative in La Crosse to Wolf River Lumber in New London, companies in my State are feeling the crunch of years of railroad consolidation. To help offset a 93 percent increase in shipping rates in 2006, Dairyland Power Cooperative had to raise electricity rates by 20 percent. The reliability, efficiency, and affordability of freight rail have all declined, and Wisconsin consumers feel the pinch.

And similar stories exist across the country. That is why I'm joining with my colleagues to introduce the Railroad Antitrust Enforcement Act of 2007. This legislation will force railroads to play by the rules of free competition like all other businesses.

The current antitrust exemptions protect a wide range of railroad industry conduct from scrutiny by governmental antirust enforcers. Railroad mergers and acquisitions are exempt from antitrust law and are reviewed solely by the Surface Transportation Board. Railroads that engage in collective ratemaking are also exempt from antitrust law. Railroads subject to the regulation of the Surface Transportation Board are also exempt from private antitrust lawsuits seeking the termination of anti-competitive practices via injunctive relief. Our bill will eliminate these exemptions.

No good reason exists for them. While railroad legislation in recent decades—including most notably the Staggers Rail Act of 1980—deregulated much railroad rate setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition.

Our bill will bring railroad mergers and acquisitions under the purview of the Clayton Act, allowing the Federal Government, State attorneys general and private parties to file suit to enjoin anti-competitive mergers and acquisitions. It will restore the review of these mergers to the agencies where they belong—the Justice Department's Antitrust Division and the Federal Trade Commission. It will eliminate the exemption that prevents FTC's scrutiny of railroad common carriers. It will eliminate the antitrust exemption for railroad collective ratemaking. It will allow State attorneys general and other private parties to sue railroads for treble damages and injunctive relief for violations of the antitrust laws, including collusion that leads to excessive and unreasonable rates.

In sum, by clearing out this thicket of outmoded antitrust exemptions, railroads will be subject to the same laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anti-competitive conduct and to seek redress for their injuries.

It is time to put an end to the abusive practices of the Nation's freight railroads. On the Antitrust Subcommittee, we have seen that in industry after industry, vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products—whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product—deserve the full application of the antitrust laws to end the anti-competitive abuses all too prevalent in this industry today. I urge my colleagues to support the Railroad Antitrust Enforcement Act of 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Antitrust Enforcement Act of 2007".

SEC. 2. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with "Code." is amended to read as follows: "*Provided*, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code.".

SEC. 3. MERGERS AND ACQUISITIONS OF RAILROADS.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

"Nothing contained in this section shall apply to transactions duly consummated pursuant to authority given by the Secretary of Transportation, Federal Power Commission, Surface Transportation Board (except for agreements described in section 10706 of title 49, United States Code, and transactions described in section 11321 of that title), the Securities and Exchange Commission in the exercise of its jurisdiction under section 10 (of the Public Utility Holding Company Act of 1935), the United States Maritime Commission, or the Secretary of Agriculture under any statutory provision vesting such power in the Commission, Board, or Secretary.".

SEC. 4. LIMITATION OF PRIMARY JURISDICTION.

The Clayton Act is amended by adding at the end thereof the following:

"SEC. 29. In any civil action against a common carrier railroad under section 4, 4C, 15, or 16 of this Act, the district court shall not be required to defer to the primary jurisdiction of the Surface Transportation Board.".

SEC. 5. FEDERAL TRADE COMMISSION ENFORCEMENT.

(a) CLAYTON ACT.—Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking "subject to jurisdiction" and all that follows through the first semicolon and inserting "subject to jurisdiction under subtitle IV of title 49, United States Code (except for agreements described in section 10706 of that title and transactions described in section 11321 of that title);".

(b) FTC ACT.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 44(a)(1)) is amended by striking "common carriers subject" and inserting "common carriers, except for railroads, subject".

SEC. 6. EXPANSION OF TREBLE DAMAGES TO RAIL COMMON CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) inserting after subsection (a) the following:

"(b) Subsection (a) shall apply to common carriers by rail subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint challenging a rate has been filed.".

SEC. 7. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) IN GENERAL.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking ", and the Sherman Act (15 U.S.C. 1 et seq.)," and all that follows through "or carrying out the agreement" in the third sentence;

(B) in paragraph (4)—

(i) by striking the second sentence; and

(ii) by striking "However, the" in the third sentence and inserting "The"; and

(C) in paragraph (5)(A), by striking ", and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement"; and

(2) by striking subsection (e) and inserting the following:

"(e) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a proposed agreement described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the proposed agreement on shippers, on consumers, and on affected communities.".

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "The authority" in the first sentence and inserting "Except as provided in sections 4 (15 U.S.C. 15), 4C (15 U.S.C. 15c), section 15 (15 U.S.C. 25), and section 16 (15 U.S.C. 26) of the Clayton Act (15 U.S.C. 21(a)), the authority"; and

(B) by striking "is exempt from the antitrust laws and from all other law," in the third sentence and inserting "is exempt from all other law (except the antitrust laws referred to in subsection (c)),"; and

(2) by adding at the end the following:

"(c) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a transaction described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8–9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such transaction for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the transaction on shippers and on affected communities.".

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 10706 of title 49, United States Code, is amended to read as follows: "**RATE AGREEMENTS**".

(2) The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows:

"10706. Rate agreements.".

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to the provisions of subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) CONDITIONS.—

(1) PREVIOUS CONDUCT.—A civil action under section 4, 15, or 16 of the Clayton Act (15 U.S.C. 15, 25, 26) or complaint under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) may not be filed with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempted from the antitrust laws as defined in section 1 of the Clayton Act (15 U.S.C. 12) by orders of the Interstate Commerce Commission or the Surface Transportation Board issued pursuant to law.

(2) GRACE PERIOD.—A civil action or complaint described in paragraph (1) may not be filed earlier than 180 days after the date of enactment of this Act with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am proud today to join with my colleagues, Senator Kohl, Senator Coleman, Senator Feingold, and Senator Vitter, to introduce the Railroad Antitrust Enforcement Act of 2007. If enacted, this bill would close an incomprehensible legal loophole that has allowed our Nation's freight railroads the unfettered ability to act in anticompetitive ways for too many years. Since before I came to the United States Senate I have been quite stunned at the ability of railroad companies, by virtue of an exemption from our antitrust laws, to ignore the legitimate complaints of their customers, to sidestep the appropriate concerns of elected officials and leaders in the private sector alike, and to consolidate operations and power to the detriment of the consumer.

The Railroad Antitrust Enforcement Act would benefit businesses, employees, and consumers by providing meaningful government oversight where none exists currently. It will give our Nation's shippers—long captive to monopoly abuses courts were powerless to check, the Surface Transportation Board was unwilling to acknowledge—remedies that will make for a more open and competitive freight rail marketplace.

In my home State of West Virginia and in towns all across the country, companies and consumers are negatively impacted by lack of competitive rail transportation options—a phenomenon often referred as a shipper being "captive" to one railroad. Because the antitrust exemptions in place allowed railroads to ignore the rules by which virtually all other American corporations are required to operate, railroads have refused to negotiate in good faith with their customers over the costs of shipping important rail-dependent commodities such as coal, bulk chemicals, and grains and other agricultural products. Manufacturers have been left at the mercy of the railroads and are forced to pay exorbitant transportation rates to ship their goods. Many manufacturers struggle to be competitive with competitors here and abroad because they simply do not have real transportation choices. The bottom line, which should come as no surprise to my colleagues, is that if industrial inputs and the fuel used to produce half of our electricity are artificially high in price, consumers are left paying higher prices for just about everything they buy. This continues to have an overwhelmingly negative affect on West Virginia's economy, as industries served by only one carrier face pressures to cut production in the state, or to leave it altogether.

How has this been allowed to come to pass? It will probably come as a shock to members of the Senate, but the railroad industry is exempt from the Nation's antitrust laws related to mergers, acquisitions, and pooling arrangements approved by the Surface Transportation Board (STB). They are also exempt from antitrust laws that would otherwise influence ratemaking. Under the current exemptions, private parties cannot file antitrust suits against railroad companies to halt what in would be for every other industry illegal practices. Under current law, railroads are allowed to continue a wide range of anti-competitive practices that severely inhibit the ability of our Nation's businesses from shipping their goods at reasonable rates. What this Nation has experienced in the more than 25 years since the Staggers Act partially deregulated the freight rail market are not efforts by railroads to modernize their systems, improve efficiency, and upgrade service. Rather, rail carriers have manipulated the system to charge their so-called "captive" customers as much as they chose to charge, not what the market would normally bear.

Specifically, the Railroad Antitrust Enforcement Act will alter exemptions in current law to allow for the following: Permit the Justice Department and the Federal Trade Commission (FTC) to review mergers under the Clayton and Sherman Acts, and allow them to bring legal action to block anti-anticompetitive railroad mergers. Remove antitrust exemptions that have allowed railroads to merge, acquire new properties, set rates collectively, and otherwise coordinate policies across the entire freight rail market. Allow State Attorneys-General and other private parties to sue for treble damages for violations of antitrust laws, including for collusive activity leading to excessive and unreasonable rates. Allow State Attorneys General and private parties to sue for court orders to halt anticompetitive conduct. Expand the jurisdiction of the FTC to allow it to enforce antitrust law in the railroad industry.

By granting consumers and shippers long-denied access to the protections of our antitrust laws with regard to the freight rail industry, the Railroad Antitrust Enforcement Act may make strides toward creating the competitive freight rail marketplace envisioned by Congress when it passed the Staggers Act in 1980. I hope so. However, because I believe rail customers and retail consumers need greater protection still, along with some of my cosponsors today and others, later this month I will be introducing additional, broader rail policy legislation to declare the rights shippers were meant to have, and the responsibilities railroads were meant to have, when Congress passed the Staggers Act.

For the system to work, there must be a meaningful way to seek redress of grievances and punish wrongdoing. The Railroad Antitrust Enforcement Act will go a long way toward correcting some of the glaring problems those of us who pay attention to the rail marketplace have known about for a long time. It will not fix all the problems in the system, but perhaps its provisions will encourage railroads to negotiate with their customers in good faith. The lack of fairness in the current system is devastating to businesses in my state of West Virginia, and to companies and consumers in every part of the country.

I again express my support for the Railroad Antitrust Enforcement Act of 2007, and I urge my colleagues to do the same. This is a problem that affects rural America and urban America, the Grain Belt and the Coalfields, and all points on the compass. Indeed, no American consumer is unaffected by this problem, and all American consumers should take heart: If we enact this bill, help will be on the way.

By Mr. WARNER (for himself, Mr. ROCKEFELLER, Ms. SNOWE, Ms. COLLINS, Mr. LOTT, and Mr. SUNUNU):

S. 773. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce legislation to provide some relief for our Nation's retired Federal employees from the severe increases in Federal Employee Health Benefit program (FEHBP) premiums. This measure extends premium conversion to Federal and military retirees, allowing them to pay their health insurance premiums with pretax dollars.

Access to affordable health care is a critical issue for everyone. While Federal employees enjoy the ability to choose among a wide variety of health plans to best suit their needs, substantial increases in FEHBP premiums threaten to make health insurance coverage cost prohibitive for many Federal employees, their dependents, and Federal retirees.

In response to these cost increases, a Presidential directive issued in 2000 extended premium conversion to current Federal employees who participate in the Federal Employees Health Benefits Program. Premium conversion allows individuals to pay their health insurance premiums with pre-tax dollars. It is a benefit already available to many private sector employees and State and local government employees. While premium conversion does not directly affect the amount of the FEHBP premium, it helps to offset some of the cost by reducing an individual's Federal tax liability. Regrettably, our retired civil servants, who pay the same premiums as Federal employees, do not have this same opportunity.

Extending this benefit to Federal retirees requires a change in the tax law, specifically Section 125 of the Internal Revenue Code. This legislation makes the necessary change in the tax code.

Under the legislation, the benefit is concurrently afforded to our Nation's military retirees to assist them with increasing health care costs.

A number of organizations representing Federal and military retirees, including the National Association of Retired Federal Employees and the Military Coalition, have come out strongly in support of this bill.

My support for this legislation spans four Congresses. In the 109th Congress, my premium conversion bill received considerable bipartisan support with 64 cosponsors. It is my sincere hope that this legislation will be passed by Congress this session. I encourage my colleagues to join me in supporting this critical legislation and to show their support for our Nation's dedicated Federal civilian and military retirees. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

"(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

"(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to in such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

"(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits programs established by chapter 55 of title 10, United States Code.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.

(a) In General.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

"(b) Coordination With Medical Deduction.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).".

(b) Deduction Allowed Whether or Not Individual Itemizes Other Deductions.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by redesignating paragraph (19) (as added by section 703(a) of the American Jobs Creation Act of 2004) as paragraph (20) and by inserting after paragraph (20) (as so redesignated) the following new paragraph:

"(21) TRICARE supplemental premiums or enrollment fees.—The deduction allowed by section 224.".

(c) Clerical Amendment.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 224. TRICARE supplemental premiums or enrollment fees.
"Sec. 225. Cross reference.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. IMPLEMENTATION.

(a) FEHBP Premium Conversion Option for Federal Civilian Retirees.—The Director of the Office of Personnel Management shall take such actions as the Director considers necessary so that the option made possible by section 125(g)(5)(A) of the Internal Revenue Code of 1986 shall be offered beginning with the first open enrollment period, afforded under section 8905(g)(1) of title 5, United States Code, which begins not less than 90 days after the date of the enactment of this Act.

(b) TRICARE Premium Conversion Option for Military Retirees.—The Secretary of Defense, after consulting with the other administering Secretaries (as specified in section 1073 of title 10, United States Code), shall take such actions as the Secretary considers necessary so that the option made possible by section 125(g)(5)(B) of the Internal Revenue Code of 1986 shall be offered beginning with the first open enrollment period afforded under health benefits programs established under chapter 55 of such title, which begins not less than 90 days after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. Hagel, Mr. Lugar, Mr. Kennedy, Mr. Craig, Mr. Leahy, Mr. McCain, Mr. Lieberman, Mr. Crapo, Mr. Obama, and Mr. Feingold):

S. 774. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Uniformed services.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In General.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) Effective Date.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.—

(1) In general.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) Waiver.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) Procedures.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) Termination of Continuous Period.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) Treatment of Certain Breaks in Presence.—

(1) In general.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) Extensions for exceptional circumstances.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) Exemption From Numerical Limitations.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) Regulations.—

(1) Proposed regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) Interim, final regulations.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed

under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. CARPER (for himself, Mr. VOINOVICH, Mrs. CLINTON, and Mr. COLEMAN):

S. 775. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, today I join my good friend, Sen. GEORGE VOINOVICH, in introducing a bill to study the current state and future needs of our national infrastructure, including rail, airports, wastewater treatment facilities, waterways and levees.

The American Society of Civil Engineers estimates that $1.6 trillion is needed over a five-year period to bring the Nation's infrastructure to a good condition. Clearly, we need to look at our needs and find a better way to maintain the infrastructure we have, while meeting new demand—all in a way that is fiscally sustainable.

Last Congress, during the debate about the surface transportation reauthorization, we discussed the problems facing our roadways. Poor road conditions cost U.S. motorists $54 billion per year in repairs and operating costs and 3.5 billion hours a year in traffic. Over 27 percent of the Nation's bridges are structurally deficient or functionally obsolete. While transit use increased faster than any other mode of transportation—up 21 percent—between 1993 and 2002, the Federal Transit Administration estimates $14.8 billion is needed annually to maintain conditions.

In Delaware, while population growth grew a robust 23 percent from 1990 to 2003, vehicle travel on our highways increased 38 percent. And driving on roads in need of repair cost Delaware motorists $160 million a year in extra vehicle repairs and operating costs. To take a look at what must be done to maintain our highways and transit as well as address future needs, and ways to pay for all of that, Congress created a commission to study these issues in SAFETEA–LU and report back to Congress with recommendations.

But there are more types of infrastructure in need of attention than just highways and transit. Air travel has reportedly surpassed pre-September 11, 2001, levels and is projected to grow 4.3 percent annually through 2015. Aging wastewater management systems discharge billions of gallons of untreated sewage into U.S. surface waters each year. And the EPA estimates that $390 billion over the next 20 years will be needed to replace existing systems and build new ones to meet increasing demands.

Further, limited rail capacity has created significant chokepoints and delays, as freight rail tonnage is expected to increase at least 50 percent by 2020 and intercity passenger rail ridership has increased to approximately 25 million a year. To accommodate both freight and passenger rail demand, $12–13 billion a year in investments will be needed.

After Hurricane Katrina led to the failure of floodwalls in New Orleans, Congress asked the Corps of Engineers to inspect other flood control structures to identify other repair needs. The Corps found that 146 levees in 28 States, Puerto Rico and the District of Columbia are in danger of failing.

In Delaware, vehicle travel on our highways has increased 38 percent from 1990 to 2003, costing Delaware motorists $160 million a year in extra vehicle repairs and operating costs—$273 per motorist. Delaware also has $304 million in drinking water infrastructure needs over the next 20 years and $288 million in wastewater infrastructure needs.

Understanding the problem and plotting a plan of attack are essential for attracting and maintaining business and investment in our economy and communities. The legislation we are proposing today would give the National Commission on the Infrastructure of the United States until February 15, 2009, to complete a study of the Nation's infrastructure, in consultation with the appropriate Federal, State and local agencies as well as private sector stakeholders. The Commission would study the age and condition of public infrastructure, the capacity to sustain current and anticipated economic development, the methods used to finance public infrastructure, and the return to the economy from public works investment.

Many times, when we debate infrastructure needs, people simply call for additional funds. Unfortunately, the taxpayer is losing confidence in the way we invest their tax dollars. Failures, like the floodwalls in New Orleans, harm confidence in the government's ability to protect communities from natural disasters. The fact that we've made no changes to the Corps' flood control program in the wake of that catastrophic failure has further damaged government credibility.

Increasing traffic in spite of the investment of billions of dollars every year in highways and bridges reduces confidence in government's ability to address traffic congestion. Failure to invest in rail while both freight usage and passenger ridership is at all time highs makes the taxpayer doubt that government is spending their tax dollars according to the needs of the people.

Part of the solution is, likely, greater funding. But the American people need to be confident in the products we provide before they are going to sign a check for more funding. That is why the Commission will study innovative financing, such as tax-credit bonds and private investment. But also, the Commission will study the impact of State and local governments' land use and economic development decisions on Federal infrastructure costs, and provide Congress with some insight as to how the various levels of government can better coordinate to gain greater efficiencies from our infrastructure investment.

Stronger coordination, greater investment and creativity are the keys to maintaining our infrastructure and investing in future needs—as well as a healthy and robust economy. I look forward to guidance from this Commission as to how Congress can better do just that.

By Mr. CRAIG:

S. 777. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am reintroducing the Withholding Tax Relief Act of 2007, which would repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005.

Last year, Congress answered Americans' calls for tax relief when it passed the Tax Increase Prevention and Reconciliation Act of 2005. The lower taxes on capital gains and dividends—and the higher alternative minimum tax exemption amounts—contained in the legislation assisted small businesses, encouraged the kind of investment that creates jobs and makes our economy grow, and ensured fairer tax treatment for middle-income families who would otherwise be left picking up the bill for a tax intended for the wealthy.

Alongside these essential tax relief provisions, however, conferees quietly inserted Section 511, a last-minute $7 billion tax penalty on government contractors, into the bill. Thus, the bill, whose aim was "tax increase prevention," actually raised taxes. On the same day the President signed the Tax Increase Prevention and Reconciliation Act into law, I introduced the Withholding Tax Relief Act of 2006 and made good on my promise to work to repeal Section 511. Today, I am renewing that promise.

Section 511—the largest revenue-raiser by far in the Tax Increase Prevention and Reconciliation Act—imposes a sweeping new 3 percent tax withholding on all government payments for products and services made by the Federal Government, State governments, and local governments with expenditures of $100 million or more. It affects payments for goods and services under government contracts and payments to any person for a service or product provided to a government entity—for example, Medicare and certain grants—beginning in 2011.

Section 511 will not close the tax gap—or the difference between what American taxpayers owe and what they actually pay—as proponents of the provision argue. Section 511 is estimated to "increase" revenue by $7 billion from 2011 to 2015, but raises $6 billion of that amount due solely to accelerated tax receipts and not an actual revenue increase from tax compliance. It generates only $215 million in 2012 and increases slightly in each of the three years thereafter hardly the $290 billion annual tax gap the IRS estimates. Further, Section 511 is based on revenues from government payments with no relationship to a company's taxable income or tax liability. Section 511 hurts honest taxpaying businesses without providing any additional enforcement mechanisms for tax delinquents.

Section 511's costs to businesses are substantial. Although proponents of Section 511 call the 3 percent withholding rate "low" and "conservative," in most cases, businesses make substantially less than 3 percent profit on their contracts and sometimes, turn no profit at all. Section 511 will effectively withhold entire paychecks—interest free—thereby impeding the cash flow of small businesses, eliminating funds that can be used for reinvestment in the business, and forcing companies to pass on the added costs to customers or finance the additional amount.

Section 511 will also impose significant administrative costs on the Federal, State, and local governments—costs so high, in fact, that the Congressional Budget Office (CBO) said the provision constitutes an unfunded mandate on the state and local governments. The projected costs of Section 511, says CBO, will far exceed the allowable $50 million annual threshold.

More than the costs to government, though, Section 511 stands to negatively impact nearly every sector of the economy—from health care and technology to building and transportation—and there is already talk of expanding the provision's reach and accelerating its effective date. What there wasn't talk of, though—at the inception of Section 511—was the provision itself. Congress never debated the merits of an expanded withholding requirement—as a revenue-raiser or as a way to narrow the tax gap—in a committee or on either chamber's floor. If it had, Congress would have realized that it does neither of these things well. Section 511 is the start of years of bad tax policy. We can do better than this, and I urge my colleagues to join me in working to repeal this unfair tax penalty.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Withholding Tax Relief Act of 2007".

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. KENNEDY (for himself, Mr. BURR, Mr. KERRY, and Mr. SANDERS):

S. 778. A bill to amend title IV of the Elementary and Secondary Education Act of 1965 in order to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing the Teaching Fellows for Expanded Learning and After-School Act to tap the idealism, energy, and talent of 2-year and 4-year college graduates to serve as teaching fellows in our Nation's highest need schools.

The Act will establish a new cadre of talented leaders to establish, expand or improve expanded learning initiatives, 21st century community learning center programs and after-school programs. These programs will build essential academic and youth development skills for all students in targeted grade levels in expanded-day programs. They will also assist teachers during the school day in linking the school curriculum more closely with after school programming.

As we know most Olympic athletes train harder when a gold medal is in sight. Employees work overtime when a business launches a breakthrough product. Communities rally to provide material relief and comfort when natural disasters strike. When success matters most, increased effort is essential for achieving a worthy goal, and that fundamental principle can work in education too.

The time has come for the Nation to go the extra mile to meet our education goals and ensure that all children develop the skills they need to participate fully in our economy and in the civic life of their communities. If students are to learn more—the core premise of the No Child Left Behind Act—they must have more time to meet these expectations.

Teaching Fellows recruited under this bill will receive intensive training by experienced high-quality after-school programs and will serve for two years. The Act will also enable Teaching Fellows to pursue a bachelor's or graduate degree in education, in order to give communities a pipeline of leaders ready for future involvement in education and youth development.

For the most part, reform efforts to date have equated education reform with school reform. As a result our attention has been focused on the 1,000 hours a year children are in school, while largely overlooking the 4,000 hours a year when children are awake and out of school.

Teachers must, of course, remain at the heart of our strategy to improve education. But they need help. We need to expand learning time, involve caring adults in the lives of children, and make learning more relevant and engaging, especially for students who are struggling.

The school calendar today is largely a relic of the agrarian age. It fails to respond to the realities that students must develop new skills for modem needs, and that in most families, parents are working during many of the after-school hours. Fourteen million children come back to empty homes after school. Voters across party lines, demographic groups, and geographic areas have said for 5 consecutive years that they overwhelmingly support after-school programs for all. Police chiefs, sheriffs and prosecutors overwhelmingly agree that investing in after-school programs is more effective in reducing youth violence and crime than hiring more police officers or stiff penalties. Diverting less than one percent of at-risk youth from a life of crime would save society several times the cost of the after-school programs. It is time for a new learning day to dawn in our country. Our communities and our citizens need to waken to clear call for involvement and investment in this aspect of public education.

The Teaching Fellows for Expanded Learning and After-School Act draws on the impressive experience of after-school programs and schools that have developed, and tested these ideas and shown they can work. The Act is inspired by the Teaching Fellowship Program created by Citizen Schools, a national network of after-school programs with a track record of significant impact on academic achievement. A rigorous, long-term evaluation has shown that such students outperform their peers on six out of seven measures of school success.

The Act also draws on the superb work of LA's BEST and After-School All-Stars, as well as the experience and innovations of other schools and programs across the country.

Under the Act, the Department of Education will make grants to partnerships between local education agencies and strong community organizations, institutions of higher education, and community learning centers. These partnerships will recruit and place Teaching Fellows to work full-time in high-need schools that serve low-income students. Grants from the Department of Education will be at least $15,000 per Fellow annually, so that recipients can recruit, select, train, and support the Fellows. Fellows will also be able to earn a national service education award for each term of service. Partnerships will be required to obtain non-federal matching funds to leverage the federal government's investment and to involve the private sector in expanding these educational opportunities.

Expanded learning time and after-school programs are the new frontier of education reform in America. Teaching Fellows recruited under the Act will complement the outstanding efforts of classroom teachers and infuse new energy, talent, and idealism in the after-school sector. They will also be an essential resource for the nation's parents, encouraging students to understand their potential and helping them to see the true promise of the American Dream.

This bill is supported by thirty-seven groups representing education and after-school communities. I ask unanimous consent that their letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COLLABORATION FOR YOUTH,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Hon. RICHARD BURR,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The National Collaboration for Youth is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T-FELAS) Act.

T-FELAS will establish a new service teacher corps and expands learning and enrichment opportunities targeted towards the hours after the school day ends. As a group that focuses on youth, and particularly at-risk youth, we know the need for expanded learning and positive youth development experiences in the hours after school. We also know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career, and this bill will strive to do just that.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T-FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to working with your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Thank you for your leadership, and public service.

Sincerely,

America's Promise—The Alliance for Youth, Marguerite Kondracke, President and CEO, American Humanics Inc., Kala M. Stroup Ph.D, President, Big Brothers Big Sisters of America, Judy Vredenburgh, President and CEO, Camp Fire USA, Jill Pasewalk, President and CEO, Communities In Schools, Inc., Daniel Cardinali, President, First Focus, Bruce Lesley, President, Leadership & Renewal Outfitters, Janet R. Wakefield, President and CEO, MENTOR/National Mentoring Partnership, Gail Manza, Executive Director, National 4-H Council, Donald T. Floyd, Jr., President and CEO, National Collaboration for Youth, Irv Katz, President and CEO, National Network For Youth, Victoria Wagner, President and CEO, Search Institute, Peter M. Benson, Ph.D President and CEO, Youth Service America, Steven A. Culbertson, President and CEO.

NATIONAL AFTERSCHOOL ASSOCIATION,
March 5, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions,
Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: On behalf of the National AfterSchool Association, I am pleased to offer our support for the Teaching Fellows for Expanded Learning and After-School (T-FELAS) Act of 2007. We appreciate your attention to, and support for, the need for quality afterschool programs and for attracting young professionals to the field.

By creating a cadre of talented young people to serve as Fellows in expanded-day and afterschool programs, the T-FELAS Act will help ensure that such programs are infused with well-educated front-line staff who can support students in activities that will enhance their development and success in school. The Fellowships and opportunities to pursue additional education should help attract graduates interested in afterschool work, but who might not be able to enter the field without such supports.

Research shows that more highly-educated and well-trained staff who understand how children develop are the key to high quality afterschool programs. As the leading voice of the afterschool profession, representing over 9,000 afterschool practitioners, administrators, and policymakers, we at the National AfterSchool Association applaud this creative approach to bringing talented new workers into the field. We look forward to working with you both on this initiative and on approaches to address the larger issues of overall compensation and training levels in the field that make long-term retention of staff difficult for afterschool programs.

Thank you again for your leadership in ensuring that well-trained and supportive adults are available to enhance the lives of our young people.

Sincerely yours,

JUDITH N. NEE,
President and CEO.

VOICES FOR NATIONAL SERVICE,
February 23, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of Voices for National Service, we are writing to thank you for sponsoring the Teaching Fellows for Expanded Learning and After School Act of 2007. This legislation addresses a critical need in communities across our country and offers an exciting opportunity to expand national service.

The T-FELAS Act will recruit outstanding college graduates to become Teaching Fellows and to serve in schools and after-school programs that serve low-income students. Through their service, Teaching Fellows will take their first steps along a pathway of service and educational leadership. These dynamic, aspiring educators will earn Segal AmeriCorps Education Awards which will support them as they go on to careers as classroom teachers and after-school leaders. Their experience in linking in-school and after-school learning will play a critical role in advancing academic achievement and expanding educational opportunity.

Voices for National Service is a coalition of national service organizations and state commissions from across the country that provide direct services to communities in need, matching the talents of committed citizens with service opportunities in schools, community centers, senior homes, health clinics, and national parks and recreation areas. Collectively, we reach thousands of Americans in need every day. We are excited to support this important initiative and look forward to contributing to its success. The T-FELAS Act will strengthen public education, create a powerful pipeline of future educational leaders, and move students in schools across the country toward the American Dream of college and career opportunity.

Sincerely,

Karen Baker, Executive Director, California Volunteers; Michael Brown, CEO, City Year, Nelda Brown, Executive Director, National Service-Learning Partnership; Kyle Caldwell, President & CEO, ConnectMichigan Alliance; AnnMaura Connolly, Senior Vice President, City Year; Calvin George, National Director, National Association of Community Health Centers; Jacqueline Johnson, Executive Director, Connecticut Commission for Volunteer Services; Marsha Meeks Kelly, Executive Director, Mississippi Commission for Volunteer Service; Marguerite Kondracke, President & CEO, America's Promise; Michelle Nunn, CEO, Hands On Network; Sally Prouty, President, The Corps Network, Eric Schwarz, President, Citizen Schools; Dorothy Stoneman, President, YouthBuild USA; Marty Weinstein, Chairperson, California AmeriCorps Alliance.

ILLINOIS CENTER FOR VIOLENCE PREVENTION,
February 15, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: We are writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T-FELAS) Act, which will establish a new service teacher corps and expands learning and enrichment opportunities targeted towards the hours after the school day ends.

The Illinois Center for Violence Prevention (ICVP) is a leader on the issue of out-of-school time programs in the state of Illinois. We have long supported strategies to enhance the quality of out-of-school time services, since high quality programs are able to provide extended learning opportunities and positive youth development experiences for our youth. ICVP coordinates the Illinois After-school Partnership, co-chaired by our state's Department of Human Services and our State Board of Education. The Partnership is working on policy and program enhancements to increase the quality and availability of out-of-school-time opportunities. The Partnership has been examining the professional development needs of the current and future workforce for this field, and is participating in a state-wide effort to increase career pathways for youth workers.

The T-FELAS Act will be a valuable and needed tool that will help develop the next generation of youth workers, versed in essential youth development skills, and who view public service and youth work as a career. We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development.

Thank you for your public service and leadership on this issue. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

DEBBIE BRETAG,
Executive Director.

AFTERSCHOOL ALLIANCE,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

Hon. RICHARD BURR,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The Afterschool Alliance is very pleased to have the opportunity to express our support for the Teaching Fellows for Expanded Learning and After-School Act of 2007 (T-FELAS). This legislation will expand the federal government's interest in and support for afterschool programs that keep kids safe, improve academic achievement, and support working families by investing in quality initiatives. On behalf of the advocates, afterschool providers, researchers and parents that make up the Alliance network, thank you for your longstanding support for our goal of Afterschool for All.

Just as having a highly qualified teacher in the classroom leads to student success, having well trained, skilled leadership in afterschool programs ensures that the programs provided contribute to children's academic and social development and give young people the opportunities that will assure their college and workplace readiness in the future. The T-FELAS program will provide partnerships that offer afterschool programs, including the 21st Century Community Learning Centers, the chance to expand the quality and capacity of services offered in targeted communities. It will give individuals the financial support they need to pursue careers in the afterschool field and to put their training and talents to use serving children and families that need their help most.

The Alliance endorses this legislation and looks forward to working with you in the future to translate our common vision of high quality afterschool and expanded learning opportunities for all into reality.

Sincerely,

JODI GRANT,
Executive Director.

FIRST FOCUS,
February 16, 2007.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: First Focus is pleased to endorse the Teaching Fellows for Expanded Learning and After-School Act of 2007 (T-FELAS).

Quality after-school programs are critical for the nation's young people. After-school programs keep children safe and productive while their parents are at work; however, less than half of parents of 6- to 17-year-olds say there are enough affordable afterschool programs according to a recent study conducted for America's Promise—The Alliance for Youth.

T-FELAS will help to not only expand after-school opportunities for young people, but it will also help to ensure that new and existing after-school opportunities are of high quality. We appreciate the emphasis placed on positive youth development in your legislation, as well as your inclusion of an independent evaluation and the dissemination of best practices through the Federal Youth Development Council. These measures will strengthen outcomes for children and help to ensure that after-school programs throughout the country benefit from the lessons learned by the Expanded Learning and After-School Fellows.

First Focus is a new bipartisan advocacy organization that seeks to make children and their families the first focus of federal budget and policy decisions. T-FELAS is an important way to do so. We are pleased to support your efforts and look forward to working with you.

Sincerely,

BRUCE LESLEY,
President.

NEXT GENERATION YOUTH WORK COALITION,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The Next Generation Youth Work Coalition is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T-FELAS) Act

T-FELAS will establish a new service teacher corps and expand learning and enrichment opportunities targeted towards the hours after the school day ends. Both of these are much needed improvements that will help ensure that children and youth have the supports they need to succeed.

The Next Generation Youth Work Coalition is a group of individuals and organizations dedicated to developing a strong, diverse after-school and youth development workforce that is stable, prepared, supported and committed to the well-being and empowerment of children and youth, and particularly at-risk youth. We know the need for expanded learning and positive youth development experiences in the hours after school. We know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career. Our research shows that those who chose to work come from varied backgrounds but share a common belief—that they can make a difference.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T–FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to supporting your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact Pam Garza if we can be of any assistance: pam@nassembly.org or (202) 347–2080 x15.

Thank you for your leadership on behalf of the youth in our nation.

Sincerely,

KAREN PITTMAN,
Co-Chair.
PAM GARZA,
Co-Chair.
DEB CRAI,
Co-Chair.

FEBRUARY 19, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.
Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR BURR: On behalf of the board and staff of the Johns Hopkins University Center for Summer Learning, it is my pleasure to express our support for the Teaching Fellows for Expanded Learning and After-School (T–FELAS) bill.

This important legislation would enhance out-of-school time learning opportunities for young people, and provide a new mechanism for recruiting and retaining teachers and staff for such programs. By offering fellowships to recent college graduates who work in after-school and summer programs serving Title I students, the bill would dramatically enhance the quality and amount of learning opportunities available for disadvantaged students. The program would result in a 25–30% increase in the time students spend engaged in learning and improve a wide range of developmental outcomes for youth.

In addition, the legislation would create a talented new group of educators who specialize in motivating young people to learn outside the traditional classroom. The fellows who participate in the program will provide critical linkages between the school day and after-school programs and become dynamic future leaders in the field of education and youth development.

Thank you so much for supporting this legislation and please feel free to contact me directly at (410) 516–6221 if we can provide any assistance to this effort.

Sincerely,

RON FAIRCHILD,
Executive Director,
Center for Summer Learning.

FEBRUARY 15, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of the Teaching Fellows for Expanded Learning and After School Act of 2007. The T–FELAS Act addresses a critical need for schools, communities, and working families.

It will dramatically strengthen after-school and expanded learning time programs and make them full partners in restoring the promise of educational opportunity for all children.

Teachers in our schools are doing their best, but America's traditional 6–hour school day is obsolete. Our students need more learning time, more caring adults involved in their learning, and more relevant, hands-on learning activities that inspire and motivate them.

At Citizen Schools, we have seen firsthand the impact that Teaching Fellows can make. Citizen Schools operates a national network of after-school programs that advance student achievement and mobilize adult volunteers to teach hands-on apprenticeship courses. Our programs blend real-world learning projects with rigorous academic and leadership development activities, preparing students in the middle grades for success in high school, college, the workforce, and civic life. Citizen Schools currently serves 3,000 students and engages 2,400 volunteers in California, Massachusetts, New Jersey, North Carolina and Texas. In Massachusetts our programs operate in Boston, Lowell, Malden, New Bedford, Worcester, and Springfield.

Citizen Schools works intensively with low-income students, most of whom are struggling academically. A rigorous independent evaluation has reported that Citizen Schools' students significantly out-performed a matched comparison group on key metrics of school success and advancement, including grades and standardized test scores.

The Teaching Fellowship program that Citizen Schools has piloted attracts dynamic, aspiring educators and community builders to careers in education. In the morning our Fellows support classroom teachers and in the afternoon they serve as front-line teachers and team leaders at our after-school programs. Teaching Fellows also have the opportunity to earn a Master's Degree in Education, preparing them for careers as teachers and educational leaders. Teaching Fellows have been the crucial factor in delivering powerful results for our students.

The T–FELAS Act will advance the achievement of our neediest students and open new horizons of opportunity to them. Thank you so much for your leadership in introducing the T–FELAS Act.

Sincerely,

ERIC SCHWARZ,
President and CEO.

SAVE THE CHILDREN,
Washington, DC, February 13, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: I am writing to express Save the Children's support of the Teaching Fellow for Expanded Learning and AfterSchool (T-FELAS) Act, which will expand learning opportunities outside of the school day and establish a new service teacher corps.

Save the Children provides literacy and obesity prevention programs after school and during the summer to children living in poor, often isolated, rural areas. We know the difference these activities make in their lives. Students in our programs are not only safe during the critical hours from 3 to 6 p.m.; they are also doing better in school. Evaluation results from the past three school years found that our literacy program is improving the reading levels of regular participants. Fifty-four percent of the children participating made gains in reading proficiency greater than would be expected if they were just attending school.

We also know first-hand the difficulties of recruiting and retaining trained, dynamic staff. The T-FELAS Act will assist the caring individuals working with high-need children in rural communities improve their qualifications by enabling them to pursue an undergraduate or graduate level degree in education, expanding their opportunities to in public education and youth development programs.

We look forward to working with you and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

MARK K. SHRIVER,
Vice President and Managing Director.

FEBRUARY 15, 2007.

DEAR BRENDA WRIGHT: I am writing in support of the T-Felas bill that Senators Kennedy and Burr are sponsoring. As a provider of high quality after school enrichment I would love to see more awareness of the opportunity for extended learning time and the strides that organizations such as ours have made in the field. We have an incredible opportunity to truly make a positive impact on the lives of these students both academically and behaviorally.

Thank you for your support of this bill.

JERRI FATTICCI,
North Carolina State Director,
Citizen Schools.

WELLESLEY CENTERS FOR WOMEN,
Wellesley, MA, Feb. 16, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR BURR: The National Institute on Out-of-School Time is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T–FELAS) Act.

T–FELAS will help ease the difficulty of recruiting and paying new educators and leaders for high need schools and afterschool programs. NIOST is actively involved in developing increased educational opportunities for people who choose afterschool as their profession and is excited about how T-FELAS will also increase the viability of afterschool as a professional career. Talented front-line educators are needed to serve in expanded learning and after-school environments to help students meet the ever-increasing challenges of the real world.

T–FELAS will encourage and enable qualified people interested in teaching and afterschool to spend time learning in the field while completing their own education. The funding of dynamic Teaching Fellows to administer and improve expanded-day programs and to also assist teachers during the school day is a great plan. Research indicates that relationships between school and afterschool staff can contribute to positive academic and developmental outcomes for youth. The Teaching Fellows have the potential of playing an important role in supporting those relationships.

The National Institute on Out-of-School Time looks forward to watching this bill as it progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

ELLEN GANNETT,
Director, The National Institute on
Out-of-School Time.

SEARCH INSTITUTE,
February 14, 2007.
Senator EDWARD KENNEDY,
317 Russell Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY: I am writing to express my strong support for the Teaching Fellows for Expanded Learning and After-School Act. This bill, fondly known as T-FELAS, is an exciting proposal that will recruit, train and place Fellows in expanded learning and after-school environments.

I am particularly gratified to see that the bill ensures that each Fellow will be provided with training on the power of positive relationships and the value of developmental assets. This is so important! Research has consistently shown that increased developmental assets promote academic success, divert youth from risky behavior and give young people the strengths they need to make positive choices in life.

I assure you that providing the Fellows with training in positive youth development and the 40 Developmental Assets will have a dramatic and profound impact on their ability to serve the youth under their care. When Fellows develop sustained, strength-based relationships with children and adolescents, these after-school and summer hours will produce all the positive outcomes we hope to see from our students.

Again, thank you for your service and your efforts to ensure that all youth have an opportunity to thrive!

Best regards,

PETER BENSON, PH.D.,
President.

POLICY STUDIES ASSOCIATES, INC.,
Washington, DC, February 15, 2007.
Senator EDWARD M. KENNEDY,
Chairman, HELP Committee, Hart Senate Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of your bill to amend ESEA Title II to create the Expanded Learning and After-School Fellows program.

I direct evaluations of large-scale after-school programs in many locations, including Boston, New York City, statewide in New Jersey, and rural America (as sponsored by Save the Children). Our studies have consistently shown the value to youth of staffing these programs with well-educated individuals who have four-year college degrees. Such individuals bring an understanding of the learning process plus an enriched store of background knowledge. Because they have completed a college education, they understand its value and can communicate high standards and the value of hard work to the youth with whom they work.

In one example, from a 2004 multi-year evaluation of programs in New York City sponsored by The After-School Corporation (TASC), I wrote: In sites where at least 25 percent of project staff had a four-year college degree, participants had more positive changes in test scores than in TASC sites with a lower proportion of staff members with such degrees (effect size of 0.14 in math and 0.13 in reading). Staff with college degrees may be better able to see and to exploit the varied learning opportunities embedded within themes and topics adopted by after-school projects.

You or your staff should call on me at any time if I can be helpful with regard to this bill. I can be reached at (202) 939-5323 and at ereisner@policystudies.com.

Sincerely,

ELIZABETH R. REISNER,
Principal.

THE FORUM FOR YOUTH INVESTMENT,
February 19, 2007.
Hon. EDWARD M. KENNEDY,
317 Russell Senate Office Building
Washington, DC.

DEAR SENATOR KENNEDY: The Forum for Youth Investment is writing to express its support of the Teaching Fellows for Expanded Learning and After-School (T-FELAS) Act.

T-FELAS will establish a new service teacher corps and expand learning and enrichment opportunities targeted towards the hours after the school day ends. Both of these are much needed improvements that will help ensure that children and youth have the supports they need to succeed.

The Forum for Youth Investment is committed to ensuring all young people are Ready by 21™—ready for college, work and life. We know the need for expanded learning and positive youth development experiences in the hours after school. We know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career. Our research shows that those who chose to work come from varied backgrounds but share a common belief—that they can make a difference.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T-FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to supporting your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact Nicole Yohalem if we can be of any assistance—at nicole@forumfyi.org or (202) 207-3341.

Thank you for your leadership on behalf of the youth in our nation.

Sincerely,

KAREN PITTMAN,
Executive Director,
Forum for Youth Investment.

By Mr. CRAIG:

S. 779. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce a one year only reauthorization of the Secure Rural Schools and Community Self-Determination Act.

For the last six years, this Act has provided critical funding to our rural schools and counties and has built collaboration on the ground through the accomplishments of the Resource Advisory Committees.

Unfortunately Congress has not been able to reauthorize P.L. 106-393 and I do not feel the schools and counties should become victims while we in Congress negotiate a path forward.

Thus, I am introducing this bill today and will work to include it in any legislation that is being considered by the Senate.

The Act has been an enormous success in achieving and even surpassing the goals of Congress. This Act has restored programs for students in rural schools and prevented the closure of numerous isolated rural schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to suburban and urban students. Over 4,400 rural schools receive funds because of this Act.

Next, the Act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs have been formed. These RAC's cover our largest 150 forest counties. Nationally these 15-person diverse RAC stakeholder committees have studied and approved over 2,500 projects on Federal forestlands and adjacent public and private lands. These projects have addressed a wide variety of improvements drastically needed on our National Forests. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

The accomplishments of this Act over the last few years are positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our National Forests.

If we do not work to reauthorize this Act, all of the progress of the last six years will be lost. Schools in timber dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

By Ms. LANDRIEU:

S. 783. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I come before the Senate today to re-introduce—with some changes—a bill that I first introduced on April 6, 2004, in the 108th Congress and which I reintroduced in the 109th Congress. This bill will transfer 3,083 acres of Federal land to the Barataria Preserve Unit of the Jean Lafitte National Historical Park, and authorize the Park to purchase up to 821 acres of neighboring private lands from willing sellers. The lands in question contain important freshwater wetlands, and would allow the park boundary to conform to existing waterways and levee corridors.

As of today, the Senate has twice passed—once in the 108th Congress and once in the 109th Congress—a form of this bill by unanimous consent. I trust that few will find anything too objectionable about these provisions in the 110th Congress either. After all, it simply places lands that are already under Federal control under the management authority of the National Park Service, which already manages neighboring lands and helps protect their environmental, cultural and historic integrity.

The first major tract in question is the Bayou aux Carpes wetlands, which were acquired by the Justice Department in 1996 as a result of the settlement of a lawsuit. Although the National Park Service has constructive possession of the deeds, it lacks legal management authority. The area has exemplary natural resource values and has been designated by the Environmental Protection Agency as a wetland of significant value. Most importantly, because of the hydrologic connection between the two areas, the environmental health of the Jean Lafitte Park's Barataria Preserve is dependent on the continued health of the Bayou aux Carpes.

The second major tract is the Bayou Segnette wetlands, which are presently managed by the Army Corps of Engineers. The inclusion of this area in the Barataria Unit will allow for better control over water entering the park from outside sources.

My bill also authorizes the acquisition, from willing sellers, of approximately 821 acres of privately owned lands which are adjacent to the park. Approximately half of this area is designated as jurisdictional wetlands, with limited access and no potential for development. All of this land has been included within the boundary at the request of the owners. This provision was also included in the earlier versions of this bill that were passed in the 108th and 109th Congresses.

Lastly, allow me to explain what is new about this bill: this bill also authorizes the Jean Lafitte National Historic Park and Preserve to acquire the Fleming-Berthoud Plantation—previously known as the Mavis Grove Plantation. This plantation is one of the southernmost early sugar plantations and surrounds a prehistoric Indian mound and historic cemetery on the edge of the bayou, which is one of the most scenic and most photographed cemeteries around New Orleans. Recently, it was highlighted in the recent Cabildo exhibition and book on historic cemeteries of New Orleans.

The original plantation contained more than 10,000 acres and was a large sugar plantation. After floods destroyed area sugar plantations in the 19th century, this was turned into one of the larger cypress tree lumbering plantations. The Berthoud family bought it in the late 19th century and the Fleming family bought it in the early 20th century.

The 1,000-year-old prehistoric Indian mound and historic above-ground tombstone cemetery are relatively well preserved and have been twice declared eligible for the National Register of Historic Places by state officials; though no action has yet been taken on that designation.

Currently, many of the historic plantation structures are unrestored, vacant and in poor condition. But the main plantation house remains in good condition. I have been told that it was photographed for the cover of National Geographic Magazine in the 1930s and has been the setting for close to 10 Hollywood movies.

The other buildings include a 75-foot, 175-year-old brick sugar refining chimney, in relatively good condition; an overseer's Creole style cottage from the mid 1800s cited by historians as a fine early example of island architecture; a 19th Century annex building connected to the original plantation house, now in poor condition; a 1920s house built on the original sugar refinery foundations; an early blacksmith shop and several other barns and buildings, most in poor condition.

My bill will authorize the National Park Service to acquire this land from the family, who I am told support the transaction and the restoration of the land and buildings. I am also told that historic preservation organizations may step forward to provide private funding in support of the National Park Service's acquisition of the land.

In all, I think that this bill marks an important day for Louisiana. We are authorizing the management and preservation of several ecological, cultural and historic gems. I hope that my colleagues will fully support this endeavor as they have in the past.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007".

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking "of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978," and inserting "generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered , and dated ______________,".

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking "(a) Within the" and all that follows through the first sentence and inserting the following:

"(a) IN GENERAL.—

"(1) BARATARIA PRESERVE UNIT.—

"(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the area, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—Any private land located in the area, as depicted on the map described in section 901, may be acquired by the Secretary only with the consent of the owner of the land.

"(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary, under subparagraph (A), completes the acquisition of a parcel of private land located in the area, as depicted on the map described in section 901, the boundary of the historical park and preserve shall be adjusted to reflect the acquisition.

"(iii) JURISDICTION OF NATIONAL PARK SERVICE.—Any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service.

"(iv) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land in the area identified on the map that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.";

(B) in the second sentence, by striking "The Secretary may also" and inserting the following:

"(2) FRENCH QUARTER.—The Secretary may";

(C) in the third sentence, by striking "Lands, waters, and interests therein" and inserting the following:

"(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water"; and

(D) in the fourth sentence, by striking "In acquiring" and inserting the following:

"(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring";

(2) by striking subsections (b) through (f) and inserting the following:

"(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

"(1) fresh water drainage patterns;

"(2) vegetative cover;

"(3) the integrity of ecological and biological systems; and

"(4) water and air quality."; and

(3) by redesignating subsection (g) as subsection (c).

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking ", except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he" and inserting "on land, and interests in land and water managed by the Secretary, except that the Secretary".

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking "Pending such establishment and thereafter the" and inserting "The".

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking "Barataria Marsh Unit" each place it appears and inserting "Barataria Preserve Unit"; and

(2) by striking "Jean Lafitte National Historical Park" each place it appears and inserting "Jean Lafitte National Historical Park and Preserve".

By Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT):

S. 784. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Accountability for Nuclear Waste Storage Act of 2007".

SEC. 2. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

(a) IN GENERAL.—Title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) is amended by adding at the end the following:

"Subtitle I—Dry Cask Storage of Spent Nuclear Fuel

"SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

"(a) DEFINITIONS.—In this section:

"(1) CONTRACTOR.—The term 'contractor' means a person that holds a contract under section 302(a) and is licensed by the Commission to possess spent nuclear power reactor fuel.

"(2) SPENT NUCLEAR FUEL DRY CASK.—The term 'spent nuclear fuel dry cask' means the container (and all the components and systems associated with the container)—

"(A) in which spent nuclear fuel is stored and naturally cooled at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site; and

"(B) with a design that is approved by the Commission by license or rule.

"(3) SPENT NUCLEAR FUEL POOL.—The term 'spent nuclear fuel pool' means a water-filled container on a nuclear power reactor site in which spent nuclear fuel rods are stored.

"(b) TRANSFER OF SPENT NUCLEAR FUEL.—

"(1) IN GENERAL.—A contractor shall transfer spent nuclear fuel from spent nuclear fuel pools to spent nuclear fuel dry casks at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site in accordance with this section.

"(2) SPENT NUCLEAR FUEL STORED AS OF DATE OF ENACTMENT.—Not later than 6 years after the date of enactment of this section, a contractor shall complete the transfer of all spent nuclear fuel that is stored in spent nuclear fuel pools as of the date of enactment of this section.

"(3) SPENT NUCLEAR FUEL STORED AFTER DATE OF ENACTMENT.—Not later than 6 years after the date on which spent nuclear fuel is discharged from a reactor, a contractor shall complete the transfer of any spent nuclear fuel that is stored in a spent nuclear fuel pool after the date of enactment of this section.

"(4) INADEQUATE FUNDS OR AVAILABILITY.—If funds are not available to complete a transfer under paragraph (2) or (3), or if spent nuclear fuel dry casks suitable for the particular fuel are not available on reasonable terms and conditions, the contractor may apply to the Commission to extend the deadline for the transfer to be completed.

"(5) COMMISSION LICENSING.—

"(A) IN GENERAL.—The transfer under paragraph (2) or (3) shall be to spent nuclear fuel dry casks generally licensed by the Commission.

"(B) GENERALLY LICENSED SPENT NUCLEAR FUEL DRY CASKS UNAVAILABLE.—If generally licensed spent nuclear fuel dry casks described in subparagraph (A) are not available, the deadlines established in paragraphs (2) and (3) may be met by the good faith filing of an application to the Commission for a specific independent spent fuel storage installation license.

"(C) EXPEDITED REVIEW.—The Commission shall expedite the review and decision of the Commission on an application received under subparagraph (B) in a manner that is consistent with public health and safety, common defense and security, and the right of an interested person to a hearing under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(c) FUNDING.—The Secretary shall make grants to compensate a contractor for expenses incurred in carrying out subsection (b), including costs associated with—

"(1) licensing and construction of an independent spent fuel storage installation located at the power reactor site;

"(2) fabrication and delivery of spent nuclear fuel dry casks;

"(3) transfers of spent nuclear fuel;

"(4) documentation relating to the transfers;

"(5) security; and

"(6) hardening and other safety or security improvements.

"(d) CONVEYANCE OF TITLE.—

"(1) CERTIFICATION AND CONVEYANCE OF TITLE.—

"(A) CERTIFICATION.—The Commission shall certify to the Secretary when safe and secure transfer of spent nuclear fuel has been carried out under paragraph (2) or (3) of subsection (b).

"(B) ACCEPTANCE OF TITLE.—On receipt of the certification, the Secretary shall accept the conveyance of title to the spent nuclear fuel dry cask (including the contents of the spent nuclear fuel dry cask) from the contractor.

"(2) RESPONSIBILITY.—

"(A) IN GENERAL.—A conveyance of title under paragraph (1)(B) shall confer on the Secretary full responsibility (including safety, security, and financial responsibility) for the subsequent possession, stewardship, maintenance, monitoring, and ultimate disposition of all spent nuclear fuel transferred to the Secretary.

"(B) LICENSES.—On conveyance of title—

"(i) the general or specific Commission license held by the contractor for the spent nuclear fuel dry cask shall be terminated; and

"(ii) a general license for the spent nuclear fuel dry cask under sections 53 and 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2111) shall be issued to the Secretary.

"(C) REGULATIONS.—Not later than 5 years after the date of enactment of this section, the Commission shall promulgate regulations that establish the terms and conditions for licenses described in subparagraph (B)(ii).

"(e) ADMINISTRATION.—

"(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary shall establish the capability to carry out subsection (d)(2) in a manner that protects the public health and safety and common defense and security, and complies with all applicable laws.

"(2) CONTRACTS WITH LICENSEES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with a holder of the operating license issued by the Commission for 1 or more of the power reactors located on or adjacent to the spent nuclear fuel dry cask for the performance of all or part of the tasks required to carry out subsection (d)(2).

"(B) EFFECT OF CONTRACT.—A contract described in subparagraph (A) shall not relieve the Secretary of the ultimate responsibility of the Secretary under subsection (d)(2) and as a licensee of the Commission.".

(b) USE OF WASTE FUND.—Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the costs incurred in carrying out subsections (c) and (e) of section 185.".

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 785. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today, together with my colleague Senator LIEBERMAN, to introduce the Telecommuter Tax Fairness Act of 2007.

The Telecommuter Tax Fairness Act of 2007 will end an outdated legal doctrine that unfairly penalizes thousands of workers in Connecticut and across the country whose only offense is that they sometimes work from home.

Technology continues to transform the way business is conducted in America and all over the world. Telecommunications advances such as cell phones, email, the Internet, and mobile networking have not only made Americans more productive, they have also given people greater flexibility in where they can work without compromising productivity. As a result, more Americans now have the freedom to work from home or other alternative offices when their physical presence is not required at their primary place of work.

This option to telecommute offers tremendous benefits for businesses, families, and communities. It helps employers lower costs and raise worker productivity, and individuals better manage the demands of work and family. It also reduces congestion on our roads and rails, and in so doing, lowers pollution.

Despite the many benefits of telecommuting, some states continue to maintain and enforce outdated laws that unfairly penalize people who choose to work from home. New York, in particular, has been among the most aggressive.

Under its so-called "convenience of the employer" rule, New York requires out-of-State residents who work for an employer in New York to pay New York taxes on income earned outside the State, even if the State in which the employee is physically present also applies tax to the same income. New York only allows exceptions for cases of "necessity," as opposed to "convenience," and the State has determined that telecommuting falls into the latter, taxable category. While there are several States that have "convenience of the employer" rules, no other State applies it with the same rigor as New York.

Under this rule, if a Connecticut resident who normally works in New York—as thousands of Connecticut residents do—chooses to work from home some days, New York forces her to pay taxes for income earned on those days not only to Connecticut, the state in which she is physically present, but also to New York. This rule unfairly subjects the many workers who telecommute from their homes or other sites outside of New York to a double tax on the part of their income earned from home.

According to Connecticut's attorney general, thousands of Connecticut residents alone are affected by this unfair double taxation. However, it isn't only Connecticut residents who are at risk.

Thomas Huckaby is a Tennessee-based computer programmer that telecommuted for a firm in Queens, New York. In 1994 and 1995, Mr. Huckaby spent 75 percent of his time working in Tennessee and the remaining 25 percent working in the Queens office and attempted to apportion his income accordingly. New York, however, sought to tax 100 percent of his income and was successful due to its "convenience of employer" rule. On March 29, 2005, the New York Court of Appeals upheld New York's rule in a 4 to 3 decision. The Supreme Court declined to hear his appeal.

A similar story involves Arthur Gray, a New Hampshire resident who worked for the New York office of Cowen & Co. as an investment counselor from 1976 through 1996 and paid New York state income taxes during that time. In 1997, Arthur Gray, per his employer's request, opened and managed an office from his home in New Hampshire. Several times during the year, Mr. Gray worked in New York, but most of his days were spent in New Hampshire. When paying his taxes during this time, he paid New York state income taxes for the days he was in New York, but not for the days he worked in New Hampshire. New York, however, sought to tax 100 percent of his income and was successful due to its "convenience of the employer" rule.

These are only two examples of the far-reaching consequences of this "convenience of employer" rule. There are thousands of individuals across the country who are adversely impacted by this rule. Most, however, lack the time, money, or energy to take their case to court.

This potential for double taxation is not only unfair, it also discourages people from telecommuting when we should be doing the opposite.

Legislation is needed to protect these honest workers who deserve fair and equitable treatment under the law. The Telecommuter Tax Fairness Act of 2005 accomplishes this by specifically preventing a State from engaging in the current fiction of deeming a nonresident to be in the taxing state when the nonresident is actually working in another state. In doing so, it will eliminate the possibility that citizens will be double-taxed when telecommuting.

Establishing a "physical presence" test—as this legislation does—is the most logical basis for determining tax status. If a worker is in a State, and taking advantage of that State's infrastructure, the worker should pay taxes in that State.

Some suggest that the double-taxation quandary can easily be fixed by having other States provide a tax credit to those telecommuters. However, why should Connecticut, or any other State, be required to allow a credit on income actually earned in the State? If a worker is working in Connecticut, he or she is benefiting from a range of services paid for and maintained by Connecticut, including roads, water, police, fire protection, and communications services. It's only fair that Connecticut ask that worker to help support the services that he or she uses.

This is not just an issue that deals with a small group of citizens from one small state.

Rather, this is an issue that affects workers all over the country. It will only grow more pressing as people and businesses continue to seek to take advantage of new technologies that influence the way we live and work.

I hope our colleagues will favorably consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommuter Tax Fairness Act of 2007".

SEC. 2. LIMITATION ON STATE TAXATION OF COMPENSATION EARNED BY NONRESIDENT TELECOMMUTERS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new section:

"§ 127. Limitation on State taxation of compensation earned by nonresident telecommuters

"(a) IN GENERAL.—In applying its income tax laws to the compensation of a nonresident individual, a State may deem such nonresident individual to be present in or working in such State for any period of time only if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such compensation with respect to any period of time when such nonresident individual is physically present in another State.

"(b) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that—

"(1) such nonresident individual is present at or working at home for convenience, or

"(2) such nonresident individual's work at home or office at home fails any convenience of the employer test or any similar test.

"(c) DETERMINATION OF PERIODS OF TIME WITH RESPECT TO WHICH COMPENSATION IS PAID.—For purposes of determining the periods of time with respect to which compensation is paid, no State may deem a period of time during which a nonresident individual is physically present in another State and performing certain tasks in such other State to be—

"(1) time that is not normal work time unless such individual's employer deems such period to be time that is not normal work time,

"(2) nonworking time unless such individual's employer deems such period to be nonworking time, or

"(3) time with respect to which no compensation is paid unless such individual's employer deems such period to be time with respect to which no compensation is paid.

"(d) DEFINITIONS.—As used in this section—

"(1) STATE.—The term 'State' means each of the several States (or any subdivision thereof), the District of Columbia, and any territory or possession of the United States.

"(2) INCOME TAX.—The term 'income tax' has the meaning given such term by section 110(c).

"(3) INCOME TAX LAWS.—The term 'income tax laws' includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

"(4) NONRESIDENT INDIVIDUAL.—The term 'nonresident individual' means an individual who is not a resident of the State applying its income tax laws to such individual.

"(5) EMPLOYEE.—The term 'employee' means an employee as defined by the State in which the nonresident individual is physically present and performing personal services for compensation.

"(6) EMPLOYER.—The term 'employer' means the person having control of the payment of an individual's compensation.

"(7) COMPENSATION.—The term 'compensation' means the salary, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

"(e) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

"(1) any tax laws other than income tax laws,

"(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

"(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

"(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income.".

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

"127. Limitation on State taxation of compensation earned by nonresident telecommuters.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 786. A bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchased livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, Senator FEINGOLD and I have in the past sponsored the Transparency for Independent Livestock Producers Act, or what we have generally referred to as the "Transparency Act." Today we are once again working together in a bipartisan fashion to reintroduce this important legislation.

My sponsorship of the packer ban this Congress is based on the belief that independent producers should have the opportunity to receive a fair price for their livestock. Over the years we have seen widespread consolidation and concentration in the packing industry. Add on the trend toward vertical integration among packers and there is no question why independent producers are losing the opportunity to market their own livestock during profitable cycles in the live meat markets.

The past CEO of a major packer in 1994 explained that the reason packers own livestock is that when the price is high the packers use their own livestock for the lines and when the price is low the packers buy livestock. This means that independent producers are most likely being limited from participating in the most profitable ranges of the live market. This is not good for the survival of the independent producer.

This bipartisan legislation would guarantee that independent producers have a share in the marketplace while assisting the Mandatory Price Reporting system. The proposal would require that 25 percent of a packer's daily kill comes from the spot market.

By requiring a 25 percent spot market purchase daily, the mandatory price reporting system, which has been criticized due to reporting and accuracy problems, would have consistent, reliable numbers being purchased from the spot market, improving the accuracy and transparency of daily prices. In addition, independent livestock producers would be guaranteed a competitive position due to the packers need to fill the daily 25 percent spot/cash market requirement.

The packers required to comply would be the same packers required to report under the Mandatory Price Reporting system. Those are packs that kill either 125,000 head of cattle, 100,000 head of hogs, or 75,000 lambs annually, over a 5 year average.

Packers are arguing that this will hurt their ability to offer contracts to producers, but the fact of the matter is that the majority of livestock contracts pay out on a calculation incorporating Mandatory Price Reporting data. If the Mandatory Price Reporting data is not accurate, or open to possible manipulation because of low numbers on the spot market, contracts are not beneficial tools for producers to manage their risk. This legislative proposal will hopefully give confidence to independent livestock producers by improving the accuracy and viability of the Mandatory Price reporting system and secure fair prices for contracts based on that data.

It's just common sense, when there aren't a lot of cattle and pigs being purchased on the cash market, it's easier for the Mandatory Price reporting data to be inaccurate or manipulated. The majority of livestock production contracts are based on that data, so if that information is wrong, the contract producers suffer.

This legislation will guarantee independent livestock producers market access and a fair price. It will accomplish these goals by making it more difficult for the Mandatory Price Reporting System to be manipulated because of low numbers being reported by the packs. The Transparency Act is crucial legislation to guarantee livestock producers receive a fair shake at the farm gate and I am looking forward to working on this legislation in a bipartisan fashion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following:

"SEC. 260. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED PACKER.—

"(A) IN GENERAL.—The term 'covered packer' means a packer that is required under this subtitle to report to the Secretary each reporting day information on the price and quantity of livestock purchased by the packer.

"(B) EXCLUSION.—The term 'covered packer' does not include a packer that owns only 1 livestock processing plant.

"(2) NONAFFILIATED PRODUCER.—The term 'nonaffiliated producer' means a producer of livestock—

"(A) that sells livestock to a packer;

"(B) that has less than 1 percent equity interest in the packer, which packer has less than 1 percent equity interest in the producer;

"(C) that has no officers, directors, employees, or owners that are officers, directors, employees, or owners of the packer;

"(D) that has no fiduciary responsibility to the packer; and

"(E) in which the packer has no equity interest.

"(3) SPOT MARKET SALE.—

"(A) IN GENERAL.—The term 'spot market sale' means a purchase and sale of livestock by a packer from a producer—

"(i) under an agreement that specifies a firm base price that may be equated with a fixed dollar amount on the date the agreement is entered into;

"(ii) under which the livestock are slaughtered not more than 7 days after the date on which the agreement is entered into; and

"(iii) under circumstances in which a reasonable competitive bidding opportunity exists on the date on which the agreement is entered into.

"(B) REASONABLE COMPETITIVE BIDDING OPPORTUNITY.—For the purposes of subparagraph (A)(iii), circumstances in which a reasonable competitive bidding opportunity shall be considered to exist if—

"(i) no written or oral agreement precludes the producer from soliciting or receiving bids from other packers; and "(ii) no circumstance, custom, or practice exists that—

"(I) establishes the existence of an implied contract (as determined in accordance with the Uniform Commercial Code); and

"(II) precludes the producer from soliciting or receiving bids from other packers.

"(b) General Rule.—Of the quantity of livestock that is slaughtered by a covered packer during each reporting day in each plant, the covered packer shall slaughter not less than the applicable percentage specified in subsection (c) of the quantity through spot market sales from nonaffiliated producers.

"(c) Applicable Percentages.—

"(1) In general.—Except as provided in paragraph (2), the applicable percentage shall be 25 percent.

"(2) Exceptions.—In the case of a covered packer that reported to the Secretary in the 2006 annual report that more than 75 percent of the livestock of the covered packer were captive supply livestock, the applicable percentage shall be the greater of—

"(A) the difference between the percentage of captive supply so reported and 100 percent; and

"(B)(i) during each of calendar years 2008 and 2009, 10 percent;

"(ii) during each of calendar years 20010 and 2011, 15 percent; and

"(iii) during calendar year 2012 and each calendar year thereafter, 25 percent.

"(d) Nonpreemption.—Notwithstanding section 259, this section does not preempt any requirement of a State or political subdivision of a State that requires a covered packer to purchase on the spot market a greater percentage of the livestock purchased by the covered packer than is required under this section.

"(e) Relationship to Other Provisions.—Nothing in this section affects the interpretation of any other provision of this Act, including section 202.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 95—DESIGNATING MARCH 25, 2006, AS "GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY"

Mr. SPECTER (for himself, Mr. Allard, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Brown, Mr. Carper, Mr. Casey, Mr. Chambliss, Mrs. Clinton, Mr. Cochran, Mr. Craig, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Inouye, Mr. Isakson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg,, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Menendez, Ms. Mikulski, Ms. Murkowski, Mr. Nelson of Florida, Mr. Obama, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Schumer, Mr. Smith, Ms. Snowe, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Thomas, Mr. Voinovich, Mr. Warner, Mr. Whitehouse, and Mr. Wyden) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, "Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region and has invested over $15,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes from 202 countries and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001 included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2007 marks the 186th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2007 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 96—EXPRESSING THE SENSE OF THE SENATE THAT HARRIETT WOODS WILL BE REMEMBERED AS A PIONEER IN WOMEN'S POLITICS

Mrs. McCASKILL (for herself, Mr. Bond, Mrs. Clinton, Mrs. Boxer, Ms. Stabenow, Ms. Cantwell, Ms. Mikulski, Mrs. Feinstein, Mrs. Murray, Mrs. Lincoln, Ms. Klobuchar, Mr. Bingaman, Mr. Levin, Mr. Dodd Mr. Obama, and Mr. Harkin) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 96

Whereas Harriett Woods, a native of Cleveland, Ohio, launched a 50-year political career with a neighborhood crusade against rattling potholes;

Whereas Harriett Woods, who died of leukemia at the age of 79 on February 8, 2007, had many firsts, including being the first female editor for her college newspaper at the University of Michigan, the first woman on the Missouri Transportation Commission, and the first woman to win statewide office in the State of Missouri as Lieutenant Governor;

Whereas, from 1991 to 1995, Harriett Woods served as president of the National Women's Political Caucus, a bipartisan grassroots organization whose mission is to increase women's participation in the political process at all levels of government; and

Whereas Harriett Woods was integral to the electoral successes of what became known as the Year of the Woman, when in 1992, female candidates won 19 seats in the House of Representatives and 3 seats in the Senate: Now, therefore, be it

Resolved, That it is the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics, whose actions and leadership inspired hundreds of women nationwide to participate in the political process and to break gender barriers at every level of government.

Mrs. McCASKILL. Mr. President, today I am proud to submit as my first piece of legislation as a United States Senator, a resolution to honor the memory of a great woman and a great leader—Harriett Woods.

It is also a privilege to submit this resolution with Senators Bond, Mikulski, Clinton, Cantwell, Murray, Stabenow, Lincoln, Boxer, Feinstein, Klobuchar, Bingaman, Levin, Obama, Harkin, and Dodd.

Harriett, who died last month at the age of 79 from leukemia, had many firsts in her rich life: she was the first female editor of her college newspaper at the University of Michigan. She was the first woman on the Missouri Transportation Commission and she was the first woman to win statewide office in the State of Missouri when she was elected Lieutenant Governor.

But Harriett's career in public service only tells part of the story. Harriett was a born leader and she used it to inspire hundreds of women across the country to get involved at all levels of government. For 5 years, she served as president of the National Women's Political Caucus, a bipartisan grassroots organization whose mission is to increase women's participation in the political process.

Her struggle to win a U.S. Senate seat in 1982 against Senator John Danforth was the inspiration to the founders of Emily's List, which is dedicated to recruiting and funding viable women candidates. Many thought that Harriett could have won that race, which she lost by a scant 27,247 votes, had she not run out of money.

Harriett was also integral to what became known as the Year of the Woman, when in 1992, female candidates won nineteen seats in the United States House of Representatives and three seats in the United States Senate.

Harriett realized 25 years ago, before most women even considered the notion, that there was only one way women were going to take their seat at the table of political power in our great Nation: by daring to fail, by embracing breathtaking risk, and by standing up to the bouncer at the door of the back room filled with the good old boys who ran for office. When that bouncer told Harriett that she could not come in, she said, just watch me.

And when that same bouncer tried to kick her out of the room, she said just try it. And after she was comfortable in that room, she didn't sit down. She went out and found other women and led them to that room by pure unadulterated leadership.

Harriett wrote a wonderful book about her life as a national political leader. She closed the book with the following:

Somewhere, at this very moment, in some neighborhood in America, a woman very like my younger self is confronting a problem that affects her life, and family. Perhaps it's the need for a playground for her children; maybe it's a threat to clean water from rural animal waste. She has spoken up, but no one is willing to take action. She's never been a public person, and famous woman senators seem a world away. Still, she cares deeply about finding a solution. After agonizing thought, she makes a crucial decision. She will step up to power, and another woman leader will be born.

Many of the women who hold or have held public office, including myself, have Harriett Woods to thank for leading the way. So thank you, Harriett. Thank you on behalf of all the women who will follow you, all the women who will stand on your shoulders.

SENATE RESOLUTION 97—RELATIVE TO THE DEATH OF THOMAS F. EAGLETON, FORMER UNITED STATES SENATOR FOR THE STATE OF MISSOURI

Mr. REID (for himself, Mr. McConnell, Mrs. McCaskill, Mr. Bond, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Brown, Mr. Brownback, Mr. Bunning, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Cardin, Mr. Carper, Mr. Casey, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Corker, Mr. Cornyn, Mr. Craig, Mr. Crapo, Mr. DeMint, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Klobuchar, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Mr. Menendez, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Sanders, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Tester, Mr. Thomas, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, Mr. Webb, Mr. Whitehouse, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. Res. 97

Whereas Thomas F. Eagleton spent his 30-year career in elected office dedicating himself to his country and his home state, representing Missouri in the United States Senate for 18 years;

Whereas Thomas F. Eagleton served in the United States Navy from 1948 until 1949;

Whereas Thomas F. Eagleton, a graduate of Amherst College and Harvard University Law School, launched his political career with his election as St. Louis Circuit Attorney in 1956 and was elected Missouri Attorney General in 1960 and Missouri Lieutenant Governor in 1964;

Whereas Thomas F. Eagleton was elected to the United States Senate in 1968, ultimately serving three terms and leaving an imprint on United States history by coauthoring legislation creating the Pell Grant program to provide youth with higher education assistance, helping to create the National Institute on Aging, and leading the charge to designate 8 federally protected wilderness areas in southern Missouri;

Whereas Thomas F. Eagleton continued to contribute to his community, state, and nation following his 1986 retirement by practicing law, teaching college courses, writing political commentaries, and encouraging civility in politics;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Thomas F. Eagleton, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate stands adjourned today, it stand adjourned as a further mark of respect to the memory of the Honorable Thomas F. Eagleton.

SENATE RESOLUTION 98—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. Res. 98

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mrs. Feinstein, Mr. Inouye, Mrs. Murray, Mr. Bennett, and Mr. Chambliss.

Joint Committee of Congress on the Library: Mrs. Feinstein, Mr. Dodd, Mr. Schumer, Mr. Bennett, and Mr. Stevens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 349. Mr. BOND (for himself and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 350. Mr. BOND (for himself and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, supra; which was ordered to lie on the table.

SA 351. Mr. INOUYE (for himself and Mr. Stevens) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr.

LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 352. Mr. MENENDEZ proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 353. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 354. Mr. LIEBERMAN (for Mr. MENENDEZ) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 355. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 356. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 357. Mr. KYL proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S . 4, supra.

SA 358. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 359. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 360. Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 361. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 362. Mr. KOHL (for himself, Mr. SPECTER, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 363. Mr. ENSIGN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 364. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 365. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 366. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 367. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 368. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 369. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 370. Mr. BOND submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 371. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 372. Mr. FEINGOLD (for himself, Mr. CRAIG, Ms. MURKOWSKI, Mr. SPECTER, Mr. SALAZAR, Mr. DURBIN, Mr. SUNUNU, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA. 349. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 237, strike line 16 and all that follows through page 239, line 4, and insert the following:

(c) NATIONAL INTELLIGENCE PROGRAM DEFINED.—In this section, the term "National Intelligence Program" has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SA. 350. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 239, line 15, insert "(1)" after "REQUESTS OF COMMITTEES.—".

On page 239, line 19, strike "15 days" and insert "30 days".

On page 239, beginning on line 22, strike "the Permanent" and all that follows through "information relates" on page 240, line 1, and insert "or the Permanent Select Committee on Intelligence of the House of Representatives".

On page 240, between lines 3 and 4, insert the following:

"(2) A committee making a request under paragraph (1) may specify a greater number of days for submittal to such committee of information in response to such request than is otherwise provided for under that paragraph.

SA. 351. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 4, strike the item relating to section 1366 and insert the following:

Sec. 1366. In-line baggage system deployment.

On page 5, after the item relating to section 1376, insert the following:

Sec. 1377. Model ports-of-entry.
Sec. 1378. Law enforcement biometric credential.
Sec. 1379. International registered traveler program.
Sec. 1380. Employee retention internship program.

On page 5, strike the items relating to sections 1381 through 1384 and insert the following:

Sec. 1391. Interoperable emergency communications.
Sec. 1392. Rule of construction.
Sec. 1393. Cross border interoperability reports.
Sec. 1394. Extension of short quorum.

On page 330, beginning in line 7, strike "paragraph (2);" and insert "subsection (g);".

On page 332, strike lines 21 and 22 and insert the following:

SEC. 1366. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

On page 337, line 5, strike "fully implement" and insert "begin full implementation of".

On page 342, line 9, strike "47135(m));" and insert "47134(m));"

On page 342, line 21, strike "47135(m))." and insert "47134(m))."

On page 343, beginning in line 9, strike "to the Transportation Security Administration before entering United States airspace; and" and insert "at the same time as, and in conjunction with, advance notification requirements for Customs and Border Protection before entering United States airspace; and".

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight

commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1377. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and courteous international visitor screening process in order to facilitate and promote travel to the United States; and

(2) implement the program initially at the 12 United States international airports with the greatest average annual number of arriving foreign visitors.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) customer service training for Customs and Border Protection officers (including training in greeting arriving visitors) developed in consultation with the Department of Commerce and the United States Travel and Tourism Advisory Board, customer service ratings for such officers' periodic or annual reviews, and a requirement that officers provide a self-addressed, postpaid customer comment form; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PATROL OFFICERS FOR HIGH VOLUME PORTS.—Before the end of fiscal year 2008, the Secretary of Homeland Security shall employ an additional 200 Customs and Border Protection officers to address staff shortages at the 12 busiest international gateway airports in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1378. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Paragraph (6) of section 44903(h) of title 49, United States Code, is amended to read as follows:

"(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

"(i) consult with the Attorney General concerning implementation of this paragraph;

"(ii) issue any necessary rulemaking to implement this paragraph; and

"(iii) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

"(B) PROGRAM REQUIREMENTS.—The program shall—

"(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

"(ii) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

"(iii) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

"(iv) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

"(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

"(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

"(i) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

"(II) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

"(iii) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

"(iv) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

"(D) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.".

(b) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SEC. 1379. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

"(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports,and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US VISIT program, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security.

"(B) FEES.—The Secretary may impose a fee for the program and may modify the fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US VISIT entry and exit system, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.

"(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.".

SEC. 1390. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall be—

(1) compensated for training and services time while participating in the program: and

(2) required to agree, as a condition of participation in the program, to accept employment as a screener upon successful completion of the internship and upon graduation from the secondary school.

On page 345, strike lines 15 and 16, and insert the following:

SEC. 1391. INTEROPERABLE EMERGENCY COMMUNICATIONS.

On page 358, strike line 19 and insert the following:

SEC. 1392. RULE OF CONSTRUCTION.

On page 359, strike line 7 and insert the following:

SEC. 1393. CROSS BORDER INTEROPERABILITY REPORTS.

On page 361, strike line 14 and insert the following:

SEC. 1394. EXTENSION OF SHORT QUORUM.

SA 352. Mr. MENENDEZ proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) the use of existing programs, including the Container Security Initiative established by section 205 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 945) and the Customs-Trade Partnership Against Terrorism established by subtitle B of title II of such Act (6 U.S.C. 961 et seq.), to reach the benchmarks described in paragraph (1); and

(4) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

SA 353. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 150, line 10, after "section 1016" insert "and information use, collection, storage, and disclosure".

SA 354. Mr. LIEBERMAN (for Mr. MENENDEZ) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

Section 232(c) of the Security and Accountability For Every Port Act (6 U.S.C. 982(c)) is amended—

(1) by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later"; and

(2) by inserting at the end the following new paragraph:

"(2) PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.—

"(A) IN GENERAL.—The first report under paragraph (1) shall include an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

"(B) PLAN CONTENTS.—The plan under paragraph (A) shall include—

"(i) specific annual benchmarks for the percentage of cargo containers destined for the United States that are scanned at a foreign port;

"(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

"(iii) the use of existing programs, including the Container Security Initiative established by section 205 and the Customs-Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

"(iv) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

"(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) after the intial report shall include an assessment of the progress toward implementing the plan under subparagraph (A).".

SA 355. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 10, before the semicolon insert "regarding equipment and software".

On page 113, between lines 23 and 24, insert the following:

"(G) the extent to which a grant would minimize the need for local government agencies to replace communications equipment;

On page 122, between lines 20 and 21, insert the following:

(d) SAFECOM.—Not later than 6 months after the date of enactment of this Act, the Secretary shall revise the recommended grant guidance for emergency response communications and interoperability grants under the SAFECOM Program of the Department to ensure that it—

(1) is technology neutral;

(2) supports a system-of-systems approach; and

(3) is representative of open-standards based software and equipment.

(e) EVALUATION OF DEPARTMENT OF DEFENSE COMMUNICATIONS SYSTEMS.—Section 1803(d) of the Homeland Security Act of 2002 (6 U.S.C. 573(d)) is amended by striking paragraph (4) and inserting the following:

"(4) a list of best practices relating to the ability to continue to communicate and to provide and maintain interoperable emergency communications in the event of natural disasters, acts of terrorism, or other man-made disasters, including—

"(A) an evaluation, in consultation with the Secretary of Defense, of technological approaches used by the Armed Forces of the United States to achieve interoperable communications and the applicability of such approaches to addressing the interoperable emergency communications needs of Federal agencies and State, local, and tribal governments; and

"(B) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of natural disasters, acts of terrorism, or other man-made disasters.".

On page 124, line 7, after "equipment" insert "and software".

On page 124, line 8, after "identity" insert "equipment and software".

On page 124, line 14, after "training" insert ", software,".

On page 124, line 18, after "equipment" insert "and software".

SA 356. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

"(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within seven days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

"(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

"(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

"(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

"(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

"(B) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

"(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the Office of the Inspector General which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) Separate Budget Account.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) Construction of Duties Regarding Elements of Intelligence Community.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community.".

(b) Repeal of Superseded Authority To Establish Position.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SA 357. Mr. KYL proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At page 174, strike line 1 and all that follows through page 175, line 18, and insert the following:

The terms "data-mining" and "database" have the same meaning as in 126(b) of Public Law 109–177.

(c) Reports on Data Mining Activities by Federal Agencies.—

(1) Requirement for report.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described in paragraph (2)(H).

(2) Content of report.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, consistent with the protection of existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

SA 358. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PILOT PROJECT TO REDUCE THE NUMBER OF TRANSPORTATION SECURITY OFFICERS AT AIRPORT EXIT LANES.

(a) In General.—The Administrator of the Transportation Security Administration (referred to in this section as the "Administrator") shall conduct a pilot program to identify technological solutions for reducing the number of Transportation Security Administration employees at airport exit lanes.

(b) Program Components.—In conducting the pilot program under this section, the Administrator shall—

(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry; and

(2) work with airport officials to deploy such technologies in multiple configurations at selected airports at which at least 75 percent of the exits are not co-located with a screening checkpoint.

(c) Reports.—

(1) Initial report.—Not later than 90 days after the enactment of this Act, the Administrator shall submit a report to the congressional committees set forth in paragraph (3) that describes—

(A) the airports selected to participate in the pilot program;

(B) the potential savings from implementing the technologies at selected airport exits; and

(C) the types of configurations expected to be deployed at such airports.

(2) Final report.—Not later than 1 year after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees described in paragraph (3) that describes—

(A) the security measures deployed;

(B) the projected cost savings; and

(C) the efficacy of the program and its applicability to other airports in the United States.

(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $6,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SA 359. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. DHS INSPECTOR GENERAL REPORT ON HIGHWAY WATCH GRANT PROGRAM.

Within 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation on the Trucking Security Grant Program for fiscal years 2004 and 2005 that—

(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and

(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—

(A) infrastructure protection;

(B) training;

(C) equipment;

(D) educational materials;

(E) program administration;

(E) marketing; and

(F) other functions.

SA 360. Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

At the end of title XV, add the following new section:

SEC. 1505. SENSE OF CONGRESS ON THE NUCLEAR PROGRAM OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) President of Iran Mahmoud Ahmadinejad refuses to abandon the uranium enrichment program of the Government of Iran, and continues to work towards advancing that program.

(2) The United Nations Security Council unanimously passed Security Council Resolution 1737 on December 23, 2006, which imposed sanctions on trade and expertise related to the nuclear infrastructure of Iran and the transfer to Iran of International Atomic Energy Agency technical aid.

(3) United Nations Security Council Resolution 1737 (2006) states that if Iran refuses to comply with the Resolution within 60 days, the Security Council "shall adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary".

(4) According to a report issued by the International Atomic Energy Agency on February 21, 2007, Iran failed to comply with United Nations Resolution 1737 within 60 days.

(5) The refusal of the Government of Iran to comply with International Atomic Energy Agency orders to prove the peaceful intent of its nuclear program and with United Nations Security Council Resolution 1737 (2006) indicates that the efforts of the Government of Iran toward uranium enrichment are not for peaceful means.

(6) The Government of Iran has contributed to instability in the Middle East and has shown itself unwilling to use its influence to support peaceful transformation in the region, including through the following actions:

(A) The Government of Iran has demonstrated its ability to strike United States military forces and allies in the Middle East with missiles.

(B) Weapons produced in Iran have moved into Iraq and other countries in the region in support of violent religious extremism, a practice which the Government of Iran is either incapable or unwilling to stop.

(C) President Ahmadinejad continues to assert that Israel will be "wiped off the map" and consistently denies the existence of the holocaust, as evidenced through hosting an "International Conference to Review the Global Vision of the Holocaust" on December 11, 2006.

(7) John Michael McConnell, Director of National Intelligence, indicated in a hearing of the Committee on Armed Services of the Senate on February 27, 2007, that economic sanctions on Iran uniformly applied by the international community could have a major effect on the economy of Iran.

(8) The placement and implementation of sanctions on countries such as North Korea and Libya have made progress in bringing about change.

(9) Despite the release of an internal European Union document dated February 7, 2007, which indicated that European Union officials believe that preventing Iran from developing a nuclear weapon is not likely, on February 12, 2007 the European Union agreed, in compliance with United Nations Security Council Resolution 1737 (2006), to impose limited sanctions on Iran in order to prevent the sale of materials and technology that could be used in Iran's nuclear program.

(10) Full economic sanctions on the part of the entire international community have not been applied to Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the nuclear program of the Government of Iran continues to be of grave concern and should be considered a serious threat to the United States and its military forces and personnel in the Middle East, and to United States allies and interests in Europe, the Middle East, and Asia;

(2) as a result of the failure of Iran to comply with United Nations Security Resolution 1737 (2006), the United Nations Security Council should implement additional sanctions in order to persuade Iran to comply with requirements imposed by the International Atomic Energy Agency;

(3) full economic sanctions, uniformly imposed by the entire international community, including Russia and China, offer the best opportunity to bring about significant change in Iran to prevent the development of a nuclear weapon in Iran; and

(4) the elimination of the threat of a nuclear Iran is in the long term interest of the people of Iran, the region, and the world.

SA 361. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE XVI—ADVANCEMENT OF DEMOCRATIC VALUES

SECTION 1601. SHORT TITLE.

This title may be cited as the "Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007" or the "ADVANCE Democracy Act of 2007".

SEC. 1602. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1603. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;

(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;

(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedom of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law;

(6) to provide appropriate support to nongovernmental organizations working to promote freedom and democracy;

(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;

(8) to commit to the long-term challenge of promoting universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 1604. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term "Annual Report on Advancing Freedom and Democracy" refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms "Community of Democracies" and "Community" mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) DEPARTMENT.—The term "Department" means the Department of State.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1611. DEMOCRACY LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) NEW POSITIONS.—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out the responsibilities described in subsection (b), including hiring additional staff to carry out such responsibilities.

SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out the responsibilities under subsection (a), including hiring additional staff to carry out such responsibilities.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1621. ANNUAL REPORT.

(a) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting "entitled the Advancing Freedom and Democracy Report" before the period at the end.

(b) SCHEDULE FOR SUBMISSION.—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) CONFORMING AMENDMENT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 2151n note) is amended by striking "30 days" and inserting "90 days".

SEC. 1622. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee, on Democracy Promotion and the Internet Website of the Department of State

SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

(a) SENSE OF CONGRESS.—Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State for the purpose of implementing the Advisory Committee on Democracy Promotion $1,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1632. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1641. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1642. ADVANCE DEMOCRACY AWARD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to fund the award described in subsection (a), including costs associated with travel of the recipient to Washington, DC.

SEC. 1643. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1644. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

Subtitle E—Alliances With Democratic Countries

SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) Establishment of an Office for the Community of Democracies.—

(1) In general.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for establishing and maintaining the Office of the Community of Democracies.

(b) International Center for Democratic Transition.—

(1) Sense of congress.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

(2) Authorization of appropriations.—

(A) In general.—There is authorized to be appropriated for a grant to the International Center for Democratic Transition $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(B) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in this paragraph shall remain available until expended.

Subtitle F—Funding for Promotion of Democracy

SEC. 1661. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.

(a) Purpose.—The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Human Rights and Democracy Fund to carry out the purposes of this section $100,000,000 for fiscal year 2008 and $150,000,000 for fiscal year 2009.

(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriation in this subsection shall remain available until expended.

SA 362. Mr. KOHL (for himself, Mr. Specter, and Mr. Leahy) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

TITLE ___.—CIGARETTE TRAFFICKING

SEC. 01. SHORT TITLE; FINDINGS; PURPOSE.

(a) Short Title.—This title may be cited as the "Prevent All Cigarette Trafficking Act of 2007" or "PACT Act".

(b) Findings.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States has increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) Purposes.—It is the purpose of this title to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 02. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) Definitions.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the "Jenkins Act") (referred to in this title as the "Jenkins Act"), is amended by striking the first section and inserting the following:

"SECTION 1. DEFINITIONS.

"As used in this Act, the following definitions apply:

"(1) Attorney general.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

"(2) Cigarette.—

"(A) In general.—For purposes of this Act, the term 'cigarette' shall—

"(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

"(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

"(B) Exception.—For purposes of this Act, the term 'cigarette' does not include a 'cigar,' as that term is defined in section 5702 of the Internal Revenue Code of 1986.

"(3) Common carrier.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

"(4) Consumer.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

"(5) Delivery sale.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

"(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

"(6) Delivery Seller.—The term 'delivery seller' means a person who makes a delivery sale.

"(7) Indian Country.—The term 'Indian country' has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve.

"(8) Indian Tribe.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

"(9) Interstate Commerce.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

"(10) Person.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

"(11) State.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(12) Smokeless Tobacco.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

"(13) Tobacco Tax Administrator.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

"(14) Use.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.".

(b) Reports to State Tobacco Tax Administrators.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking "cigarettes" each place it appears and inserting "cigarettes or smokeless tobacco";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "Contents.—"after "(a)"

(ii) by striking "or transfers" and inserting ", transfers, or ships";

(iii) by inserting ", locality, or Indian country of an Indian tribe" after "a State";

(iv) by striking "to other than a distributor licensed by or located in such State,"; and

(v) by striking "or transfer and shipment" and inserting ", transfer, or shipment";

(B) in paragraph (1)—

(i) by striking "with the tobacco tax administrator of the State" and inserting "with the Attorney General of the United States and with the tobacco tax administrators of the State and place"; and

(ii) by striking "; and" and inserting the following: ", as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;";

(C) in paragraph (2), by striking "and the quantity thereof." and inserting "the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and"; and

(D) by adding at the end the following:

"(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.";

(3) in subsection (b)—

(A) by inserting "Presumptive Evidence.—" after "(b)";

(B) by striking "(1) that" and inserting "that"; and

(C) by striking ", and (2)" and all that follows and inserting a period; and

(4) by adding at the end the following:

"(c) Use of Information.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.".

(c) Requirements for Delivery Sales.—The Jenkins Act is amended by inserting after section 2 the following:

"SEC. 2A. DELIVERY SALES.

"(a) In General.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

"(1) the shipping requirements set forth in subsection (b);

"(2) the recordkeeping requirements set forth in subsection (c);

"(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

"(A) excise taxes;

"(B) licensing and tax-stamping requirements;

"(C) restrictions on sales to minors; and

"(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

"(4) the tax collection requirements set forth in subsection (d).

"(b) Shipping and Packaging.—

"(1) Required Statement.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS'.

"(2) Failure to Label.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

"(3) Weight Restriction.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

"(4) Age Verification.—

"(A) In General.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

"(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

"(ii) shall use a method of mailing or shipping that requires—

"(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

"(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

"(iii) shall not accept a delivery sale order from a person without—

"(I) obtaining the full name, birth date, and residential address of that person; and

"(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

"(B) Limitation.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

"(c) Records.—

"(1) In General.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

"(2) Record Retention.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

"(3) Access for Officials.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

"(d) DELIVERY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

"(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

"(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

"(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

"(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

"(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

"(1) IN GENERAL.—

"(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2007, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

"(i) distribute the list to—

"(I) the attorney general and tax administrator of every State;

"(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

"(III) at the discretion of the Attorney General of the United States, to any other persons; and

"(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

"(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

"(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

"(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

"(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

"(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

"(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

"(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

"(E) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

"(2) PROHIBITION ON DELIVERY.—

"(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

"(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

"(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

"(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

"(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

"(3) SHIPMENTS FROM PERSONS ON LIST.—

"(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

"(i) the person ordering the delivery shall be obligated to pay—

"(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

"(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

"(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

"(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

"(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

"(4) PREEMPTION.—

"(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

"(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

"(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

"(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

"(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

"(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

"(B) RELATIONSHIP TO OTHER LAWS.—Nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

"(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

"(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

"(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of chapter 49 of the United States Code, sections 14501(c)(2) or 41713(b)(4)(B).

"(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette

Trafficking Act of 2007, or the amendments made by that Act, may be construed to preempt or supersede State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or smokeless tobacco to individual consumers.

"(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

"(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

"(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

"(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

"(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

"(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

"(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

"(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

"(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

"(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

"(8) LIMITATIONS.—

"(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

"(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

"(ii) determine whether a person ordering a delivery is in compliance with this Act; or

"(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

"(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

"(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

"(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

"(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

"(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

"(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

"(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.".

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

"SEC. 3. PENALTIES.

"(a) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

"(2) EXCEPTIONS.—

"(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

"(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

"(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

"(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

"(A) in the case of a delivery seller, the greater of—

"(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

"(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

"(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

"(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

"(3) EXCEPTIONS.—

"(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

"(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

"(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

"(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

"(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

"(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).".

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

"SEC. 4. ENFORCEMENT.

"(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

"(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

"(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

"(1) IN GENERAL.—

"(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

"(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

"(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

"(3) USE OF PENALTIES COLLECTED.—

"(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

"(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

"(4) NONEXCLUSIVITY OF REMEDY.—

"(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

"(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

"(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

"(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

"(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

"(e) NOTICE.—

"(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

"(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

"(f) PUBLIC NOTICE.—

"(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

"(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).".

SEC. ___03. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

"(j) TOBACCO PRODUCTS.—

"(1) PROHIBITION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (C) and (C), all cigarettes (as that term is defined in section 1(2) of the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the 'Jenkins Act')) and smokeless tobacco (as that term is defined in section 1(12) of that Act), are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection.

"(B) REASONABLE CAUSE TO BELIEVE.—For purposes of this section, notification to the United States Postal Service by the Attorney General, a United States attorney, or a State Attorney General that an individual or entity is primarily engaged in the business of transmitting cigarettes or smokeless tobacco made nonmailable by this section shall constitute reasonable cause to believe that any packages presented to the United States Postal Service by such individual or entity contain nonmailable cigarettes or smokeless tobacco.

"(C) CIGARS.—Subparagraph (A) shall not apply to cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

"(D) GEOGRAPHIC EXCEPTION.—Subparagraph (A) shall not apply to mailings within or into any State that is not contiguous with at least 1 other State of the United States. For purposes of this paragraph, 'State' means any of the 50 States or the District of Columbia.

"(2) PACKAGING EXCEPTIONS INAPPLICABLE.—Subsection (b) shall not apply to any tobacco product made nonmailable by this subsection.

"(3) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, and any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

"(4) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this subsection shall be subject to an additional penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

"(5) USE OF PENALTIES.—There is established a separate account in the Treasury known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.".

SEC. 04. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this title or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term "delivery sale" means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term "importer" means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term "Master Settlement Agreement" means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms "Model Statute" and "Qualifying Statute" means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term "Tobacco Product Manufacturer" has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 05. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS.

(a) IN GENERAL.—Any officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives may, during normal business hours, enter the premises of any person described in subsection (b) for the purposes of inspecting—

(1) any records or information required to be maintained by such person under the provisions of law referred to in subsection (d); or

(2) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

(b) COVERED PERSONS.—Subsection (a) applies to any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, within a single month.

(c) RELIEF.—

(1) IN GENERAL.—The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by subsection (a).

(2) VIOLATIONS.—Whoever violates subsection (a) or an order issued pursuant to paragraph (1) shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.

(d) COVERED PROVISIONS OF LAW.—The provisions of law referred to in this subsection are—

(1) the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the "Jenkins Act");

(2) chapter 114 of title 18, United States Code; and

(3) this title.

(e) DELIVERY SALE DEFINED.—In this section, the term "delivery sale" has the meaning given that term in 2343(e) of title 18, United States Code, as amended by this title.

SEC. 06. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this title or the amendments made by this title is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country (as that term is defined in section 1151 of title 18, United States Code);

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under existing Federal law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes or tribal members or in Indian country;

(4) any existing Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, or tribal reservations; and

(5) any existing State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this title or the amendments made by this title shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this title or the amendments made by this title is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this title or the amendments made by this title is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this title shall be resolved in favor of this section.

SEC. ___07. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section 05 shall take effect on the date of enactment of this Act.

SEC. ___08. SEVERABILITY.

If any provision of this title, or an amendment made by this title, or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of it to any other person or circumstance shall not be affected thereby.

SA 363. Mr. ENSIGN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 389, after line 13, add the following:

SEC. 15___. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall—

(1) be protected from civil liability to the same extent as employees of the Department; and

(2) upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency;

(B) work under the direct supervision of an officer or agent of that agency; and

(C) notwithstanding any State or local law requiring specific qualifications for law enforcement officers, be deputized to perform the duties of a law enforcement officer.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant; or

(B) 30 days; or

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 364. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, between lines 6 and 7, insert the following:

SEC. 401A. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Health and Human Services shall submit to Congress a report on the shortage of nurses and physical therapists educated in the United States.

(2) CONTENTS.—The report required by paragraph (1) shall—

(A) include information from the most recent 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify the nurses and physical therapists receiving initial licenses in each State and the nurses and physical therapists licensed by endorsement from other States;

(D) identify, from among the nurses and physical therapists receiving initial licenses in each year, the number of such nurses and physical therapists who received professional educations in the United States and the number of such nurses and physical therapists who received professional educations outside the United States;

(E) to the extent possible, identify, by State of residence and the country in which each nurse or physical therapist received a professional education, the number of nurses and physical therapists who received professional educations in any of the 5 countries from which the highest number of nurses and physical therapists emigrated to the United States;

(F) identify the barriers to increasing the supply of nursing faculty in the United States, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies for Federal and State governments to reduce such barriers, including strategies that address barriers that prevent health care workers, such as home health aides and nurse's assistants, from advancing to become registered nurses;

(H) recommend amendments to Federal law to reduce the barriers identified in subparagraph (F);

(I) recommend Federal grants, loans, and other incentives that would increase the supply of nursing faculty and training facilities for nurses in the United States, and recommend other steps to increase the number of nurses and physical therapists who receive professional educations in the United States;

(J) identify the effects of emigration by nurses on the health care systems in the countries of origin of such nurses;

(K) recommend amendments to Federal law to minimize the effects of shortages of nurses in the countries of origin of nurses who immigrate to the United States; and

(L) report on the level of Federal investment determined under subsection (b)(1) to be necessary to eliminate the shortage of nurses and physical therapists in the United States.

(b) CONSULTATION.—The Secretary of Health and Human Services shall—

(1) enter into a contract with the Institute of Medicine of the National Academies to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.) that would be necessary to eliminate the shortage of nurses and physical therapists in the United States by January 1, 2015; and

(2) consult with other agencies in working with ministers of health or other appropriate officials of the 5 countries from which the highest number of nurses and physical therapists emigrated, as reported under subsection (a)(2)(E), to—

(A) address shortages of nurses and physical therapists in such countries caused by emigration; and

(B) provide the technical assistance needed to reduce further shortages of nurses and physical therapists in such countries.

(c) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1996, 1997," after "available in fiscal year"; and

(B) by inserting "group I," after "schedule A,";

(2) in paragraph (2)(A), by inserting "1996, 1997, and" after "available in fiscal years"; and

(3) by adding at the end the following:

"(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.".

SA 365. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 148, between lines 7 and 8, insert the following:

SEC. 406. IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE AFTER JUNE 1, 2009.—Section 7209(b)(1)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended—

(1) by striking "not later than three months" and inserting "not earlier than 6 months";

(2) by striking "subsection (B)" and inserting "subparagraph (B)"; and

(3) by striking "whichever is earlier" and inserting "whichever is later".

(b) ISO STANDARDS FOR CARD READERS.—Section 7209(b)(1)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended—

(1) in clause (vi), by striking "and";

(2) in clause (vii), by striking the period and inserting "; and"; and

(3) by inserting after clause (vii) the following new clause:

"(viii) the National Institute of Standards and Technology certifies that the Departments of Homeland Security and State have selected card readers that meet or exceed such security standards as the International Organization for Standardization may establish.".

(c) APPLICATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE TO CHILDREN.—Section 7209(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended—

(1) by striking "The plan" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the plan"; and

(2) by inserting after subparagraph (A), as redesignated, the following new subparagraph:

"(B) APPLICATION TO CHILDREN.—The plan developed under paragraph (1) shall allow a citizen of the United States or Canada to travel from Canada into the United States without carrying or producing the documents described in paragraph (1) if such citizen—

"(i) carries and produces a certified copy of such citizen's birth certificate; and

"(ii) either—

"(I) has not attained age 16 and is traveling with the consent of such citizen's parent or guardian; or

"(II) has attained age 16, but has not attained age 19, and is traveling—

"(aa) with the consent of such citizen's parent or guardian;

"(bb) with a group of other such citizens who have attained age 16, but have not attained age 19, including a public or private school group, a religious group, a social or cultural organization, or a youth athletics organization; and

"(cc) under the supervision of an adult carrying the documents described in paragraph (1) for such adult.".

(d) Improving Registered Traveler Program.—

(1) Creation of remote enrollment centers.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of 6 remote enrollment centers for the registered traveler program authorized under section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)), commonly referred to as the NEXUS program.

(2) Creation of mobile enrollment centers.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of 4 mobile enrollment centers for the program described in paragraph (1). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(3) Online application process.—The Secretary of Homeland Security shall design an online application process for the program described in paragraph (1). Such process shall permit individuals to securely submit their applications online and schedule a security interview at the nearest enrollment center.

(4) Promoting enrollment.—

(A) Creating incentives for enrollment.—In order to encourage applications for the program described in paragraph (1), the Secretary of Homeland Security shall develop a plan to charge participants a fee that is as low as practicable for each card issued. The fee for the first renewal application for participation in such program shall be waived. The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that explains the reasons for the fee that is established.

(B) Publicity campaign.—The Secretary shall carry out a program to educate the public regarding the benefits of the program described in paragraph (1).

(5) Travel document for travel into United States.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), an identification card issued to a participant in the program described in paragraph (1) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

SA 366. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MEDICAL ISOTOPE PRODUCTION.

Section 134 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(b)) is amended—

(1) in paragraph (1), by striking subparagraph (D);

(2) by striking paragraph (2);

(3) in paragraph (3), by striking "paragraph (2)" and inserting "this section";

(4) in paragraph (4)—

(A) in subparagraph (A)(iv), by striking "cost differential in medical isotope production in the reactors and target processing facilities if the products" and inserting "cost differential of radiopharmaceuticals to patients if the radiopharmaceuticals"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) Feasibility.—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if it could be accomplished without a large percentage increase in the cost of radiopharmaceuticals to patients.";

(5) in paragraph (5), by striking "(4)(B)(iii)" and inserting "(4)(B)";

(6) in paragraph (6), by striking "(4)(B)(iii)" and inserting "(4)(B)"; and

(7) in paragraph (7), by striking "subsection" and inserting "section for highly enriched uranium for medical isotope production".

SA 367. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, strike line 12 and all that follows through page 305, line 18, and insert the following:

of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of high hazard materials, as defined in this title, and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities;

(C) a feature that allows a driver of such vehicles to broadcast an emergency message; and

(D) a feature that can be concealed and installed by a motor carrier on a commercial motor vehicle and can be activated by a law enforcement authority to disable the vehicle and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials.

(2) Considerations.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of high hazard materials by commercial motor vehicles; and

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials.

(b) Regulations.—Not later than 1 year after the date of the enactment of this Act, the Secretary, through the Transportation Security Administration, shall promulgate regulations to carry out the provisions of subsection (a).

(c) Funding.—There are authorized to be appropriated to the Secretary to carry out this section, $7,000,000 for each of fiscal years 2008, 2009, and 2010, of which—

(1) $3,000,000 per year may be used for equipment; and

(2) $1,000,000 per year may be used for operations.

SA 368. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1104. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289; 120 Stat. 1311), as amended by Public Law 109-369 (120 Stat. 2642), Public Law 109–383 (120 Stat. 2678), and Public Law 110–5, is amended by adding at the end the following new subsection:

"(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.".

SA 369. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PROTECTION OF FIREFIGHTERS

SEC. 01. SHORT TITLE.

This title may be cited as the "Volunteer Firefighter and EMS Personnel Job Protection Act".

SEC. _02. DEFINITIONS.

In this title:

(1) EMERGENCY.—The term "emergency" has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(2) MAJOR DISASTER.—The term "major disaster" has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) QUALIFIED VOLUNTEER FIRE DEPARTMENT.—The term "qualified volunteer fire department" has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986.

(4) VOLUNTEER EMERGENCY MEDICAL SERVICES.—The term "volunteer emergency medical services" means emergency medical services performed on a voluntary basis for a fire department or other emergency organization.

(5) VOLUNTEER FIREFIGHTER.—The term "volunteer firefighter" means an individual who is a member in good standing of a qualified volunteer fire department.

SEC. 03. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) TERMINATION PROHIBITED.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(b) DEPLOYMENT.—The prohibition in subsection (a) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(1) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(2) is a volunteer firefighter who—

(A) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(B) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(C) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(c) LIMITATIONS.—The prohibition in subsection (a) shall not apply to an employee who—

(1) is absent from the employee's employment for the purpose described in subsection (a) for more than 14 days per calendar year;

(2) responds on the emergency or major disaster without being officially deployed as described in subsection (b); or

(3) fails to provide the written verification described in subsection (e) within a reasonable period of time.

(d) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in subsection (a).

(e) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(1) the employee responded to the emergency or major disaster in an official capacity; and

(2) the schedule and dates of the employee's participation in such response.

(f) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the employee's employment for the purpose described in subsection (a) shall—

(1) make a reasonable effort to notify the employee's employer of such absence; and

(2) continue to provide reasonable notifications over the course of such absence.

SEC. 04. RIGHT OF ACTION.

(a) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section __03 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(1) reinstatement of the individual's former employment;

(2) payment of back wages;

(3) reinstatement of fringe benefits; and

(4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section 03.

SEC. _05. STUDY AND REPORT.

(a) STUDY.—The Secretary of Labor shall conduct a study on the impact that this title could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

SA. 370. Mr. BOND submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress, including recommending that the committees of Congress that are charged with oversight of the intelligence community be provided with the authority to authorize and appropriate funds for intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The House of Representatives, under the leadership of the Speaker of the House, has implemented structural changes within that body with respect to oversight of intelligence.

(6) The Senate has not passed a resolution that expressly grants and carefully limits the authority of the Select Committee on Intelligence of the Senate to both authorize and appropriate funds for activities carried out by the intelligence community, as recommended by the 9/11 Commission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform; and

(2) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

SA. 371. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 91, between lines 15 and 16, insert the following:

"(f) EMERGENCY PLANNING FOR THE ELDERLY.—

"(1) DEFINITION.—In this subsection, the term 'emergency' has meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

"(2) PLANNING.—

"(A) IN GENERAL.—The Secretary shall ensure that any emergency planning program or activity that receives funds under a grant administered by the Department specifically takes into account the evacuation, transportation, health care needs, and other needs of the elderly in the event of an emergency or major disaster.

"(B) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

"(i) the input of geriatricians and other gerontology experts; and

"(ii) congressional hearing records on emergency planning for the elderly.

"(3) TRAINING.—The Secretary shall ensure that any program or activity to train emergency response providers (including law enforcement officers) regarding responding to an emergency or major disaster that receives funds under a grant administered by the Department includes specific training components on the needs of the elderly.

"(4) EXERCISES.—The Secretary shall ensure that each exercise designed to prepare for responding to an emergency or major disaster conducted with funds received under a grant administered by the Department includes, as a component of the exercise, responding to the needs of the elderly.

"(5) EDUCATION.—The Secretary shall—

"(A) develop consumer education materials specifically designed to assist the elderly in preparing themselves for any sort of emergency; and

"(B) develop and distribute templates to local governments (including emergency management agencies and community-based service providers) that can be tailored to each community.

SA. 372. Mr. FEINGOLD (for himself, Mr. CRAIG, Ms. MURKOWSKI, Mr. SPECTER, Mr. SALAZAR, Mr. DURBIN, Mr. SUNUNU, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE —WARRANTS, ORDERS, AND NATIONAL SECURITY LETTERS

SEC. 01. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking "30 days" and inserting "7 days".

SEC. 02. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking "a production order" the first place that term appears and inserting "a production order or nondisclosure order"; and

(ii) by striking "Not less than 1 year" and all that follows through the end of the clause; and

(B) in clause (ii), by striking "production order or nondisclosure"; and

(2) in subparagraph (C), by striking clause (ii) and redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "If, at the time of the petition," and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking "If the recertification that disclosure may" and all that follows through "made in bad faith.".

SEC. ___03. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

"(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

"(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

"(ii) either—

"(I) pertain to a foreign power or an agent of a foreign power;

"(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

"(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and".

SEC. ___04. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 194) is amended by adding at the end the following:

"(c) OTHER SUNSETS.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

"(A) Section 2709 of title 18, United States Code.

"(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v).

"(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

"(D) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee will hold a hearing entitled "Small Business Solutions for Combating Climate Change," on Thursday, March 8, 2007 at 10 a.m. in Russell 428A.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, March 6, 2007, at 9:30 a.m. in SH-216, Senate Hart Office Building. The subject of this committee hearing will be "Child Nutrition and the School Setting."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, at 9:30 a.m., in open session to receive testimony on care, living conditions, and administration of outpatients at Walter Reed Army Medical Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007, at 10:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Corporate Average Fuel Economy Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, 2007, at 2:15 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part II" on Tuesday, March 6, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness List:

H.E. "Bud" Cummins, III, Former U.S. Attorney, Eastern District of Arkansas, Little Rock, AR.

David C. Iglesias, Former U.S. Attorney, District of New Mexico, Albuquerque, NM.

Carol Lam, Former U.S. Attorney, Southern District of California, San Diego, CA.

John McKay, Former U.S. Attorney, Western District of Washington, Seattle, WA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, March 6, 2007 at 9:30 a.m. in the Cannon Caucus Room, to hear the legislative presentation of the Veterans of Foreign Wars.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Ryan C. Crocker to be Ambassador to Iraq. This was reported out of the Foreign Relations Committee earlier today. I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RELATIVE TO THE DEATH OF THOMAS F. EAGLETON

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 97 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 97) relative to the death of Thomas F. Eagleton, former United States Senator for the State of Missouri.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed at the appropriate place in the RECORD as if given, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Thomas F. Eagleton spent his 30-year career in elected office dedicating himself to his country and his home state, representing Missouri in the United States Senate for 18 years;

Whereas Thomas F. Eagleton served in the United States Navy from 1948 until 1949;

Whereas Thomas F. Eagleton, a graduate of Amherst College and Harvard University Law School, launched his political career with his election as St. Louis Circuit Attorney in 1956 and was elected Missouri Attorney General in 1960 and Missouri Lieutenant Governor in 1964;

Whereas Thomas F. Eagleton was elected to the United States Senate in 1968, ultimately serving three terms and leaving an imprint on United States history by co-authoring legislation creating the Pell Grant program to provide youth with higher education assistance, helping to create the National Institute on Aging, and leading the charge to designate 8 federally-protected wilderness areas in southern Missouri;

Whereas Thomas F. Eagleton continued to contribute to his community, state, and nation following his 1986 retirement by practicing law, teaching college courses, writing political commentaries, and encouraging civility in politics;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Thomas F. Eagleton, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate stands adjourned today, it stand adjourned as a further mark of respect to the memory of the Honorable Thomas F. Eagleton.

MEMBERSHIP OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 98.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 98) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed too, the motion to reconsider be laid on the table, and that any statements relating thereto be printed at the appropriate place in the RECORD as if given, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 98) was agreed to, as follows:

S. RES. 98

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mrs. Feinstein, Mr. Inouye, Mrs. Murray, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mrs. Feinstein, Mr. Dodd, Mr. Schumer, Mr. Bennett, and Mr. Stevens.

ORDERS FOR WEDNESDAY, MARCH 7, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Wednesday morning, March 7; that on Wednesday following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that the Senate then return to S. 4 and the McCaskill amendment No. 316 and the Collins amendment No. 342 and debate them concurrently until 10 a.m., with the time equally divided and controlled between Senators MCCASKILL and COLLINS or their designees, and that no amendments be in order to either amendment prior to the vote; that at 10 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the McCaskill amendment; that upon disposition of that amendment, the Senate vote in relation to the Collins amendment; that there be 2 minutes equally divided between the votes; and that following the second vote, the Senate proceed as a body to the House of Representatives for the joint meeting to hear an address by the King of Jordan; that the Senate then stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate today, and the Republican leader has no business to be brought before the Senate, I ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 97, as a further mark of respect to our late colleague, former Senator Thomas Eagleton.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, March 7, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, March 6, 2007:

DEPARTMENT OF STATE

RYAN C. CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE RANK PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

INTRODUCTORY VETERANS' BENEFITS PROTECTION ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. LEWIS of Kentucky. Madam Speaker, in times of war and in times of peace we must always show our gratitude for those of us who have worn the uniform of the United States military.

In the closing hours of the 109th Congress, legislation was passed a comprehensive bill, the Veterans Benefits, Health Care, and Information Technology Act of 2006. Included in this good bill was a bad provision to make it easier for lawyers to be involved in the Veterans claims process at the Department of Veterans Affairs.

I have introduced the Veterans' Benefits Protection Act to correct this mistake. Bringing lawyers whose primary goal is their own financial gain into the system will only complicate the process and lead to inequities in a system that we count on to care for those who have served. A number of Veterans in my District have raised concerns that benefits may be slowed or diminished in value.

It is no secret that there are backlog problems that need to be fixed at the VA. Serious reforms should be considered. However, bringing more lawyers into the system will not be beneficial to a majority of Veterans who are patiently waiting for claims that are owed to them by the government.

A Veteran should be able to focus on paying for medicine and other daily necessities and never need to devote a portion of benefits that are owed to pay for legal fees. Turning to a lawyer for assistance should be an option of last resort for a Veteran with claims. There are numbers of resources: individuals, Veterans organizations, and Congressional offices that offer services to assist Veterans at no cost.

I urge my colleagues to consider supporting The Veterans' Benefits Protection Act, repealing a process that will likely lead to inequities in payments for those who have served.

RECOGNIZING STAN COTTRELL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. LEWIS of Kentucky. Madam Speaker, today I introduced a resolution to recognize efforts taken by a Kentuckian to continue the dialogue between the United States and China.

Later this year Stan Cottrell, a distance runner born in Hart County, Kentucky will be involved in a "Friendship Run" across the Great Wall of China. Mr. Cottrell made his first run through China in 1984. Upon completion he will return to the United States to do a relay with three men from China across our beautiful country.

Madam Speaker, I urge the adoption of this measure recognizing Mr. Cottrell's unique efforts to extend the discourse between the U.S. and China.

PAYING TRIBUTE TO JUDY REICH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Judy Reich for her efforts on behalf of the community.

For years, Judy has been working to educate and enrich the lives of the people of Southern Nevada. In her capacity as Program Director and Community Affairs Director of KVBC, Channel 3, Las Vegas; Judy has been instrumental in the production of programs such as "Action Seniors," "Youth!" and directed Channel 3's Back to School Fair. Judy also established and coordinated Channel 3's Christmas Angel Tree Program and produced a number of Public Service Announcements.

In addition to her work at Channel 3, Judy has been very active in a number of community outreach, and philanthropic programs. Judy has served on the Marketing Committee and the Board of Directors of the Las Vegas Natural History Museum as well as on the Board of Directors of the After School All Starts Program. In addition, the Kids to Kids program and Desert Pines Middle School have all had the benefit of her leadership.

Among her many passions is her work with a number of public health awareness programs. For several of years, Judy has worked with the Juvenile Diabetes Research Foundation, where she has served on the Board of Directors, the Government Relations Committee, and as a volunteer lobbyist. Judy has also advocated for public health and awareness through her work with the American Heart Association.

Madam Speaker, I am proud to honor my friend Judy Reich. Her efforts on behalf of the Southern Nevada community have enriched countless lives and should be applauded. I thank her for her dedication and commitment and wish her the best in her future endeavors.

COMFORT WOMEN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. HONDA. Madam Speaker, I rise today in shock and disappointment at recent news from Japan, where it was reported that Prime Minister Shinzo Abe has denied the historical fact that the Japanese Imperial Army forced as many as 200,000 women into sex slavery during the Second World War, and publicly stated that Japan will not issue an apology, even if a resolution is passed in the United States House of Representatives.

On February 15, a hearing on this issue was held by the Subcommittee on Asia and the Pacific of this House's Committee on Foreign Affairs. This was truly a historic occasion, because it brought three survivors of the Comfort Women horrors to Washington to tell their very real, very personal stories. Not only did that hearing give us an opportunity to reflect on one of the darker episodes of human history, it provided us with a chance to make history by bringing that darkness and forgotten tragedy to light and justice.

Those three women, now advanced in years—Jan Ruff O'Herne, Yong Soo Lee, and Koon Ja Kim—traveled thousands of miles to bring their stories to us, stories which were for many decades kept only in their hearts for reasons best understood only by those who had to endure what these women—and some 200,000 others throughout Asia—had to endure.

Some might ask: Why, more than 60 years after the end of the Second World War, are we discussing the ordeals of the so-called Comfort Women? Shouldn't this be considered a mere footnote to history? Aren't there more important or more pressing issues at hand in the early years of the 21st century?

Those who ask such questions fail to comprehend the lasting relevance of the experience of these women during the war, and of the continuing, obstinate failure, in the face of overwhelming evidence and international scrutiny, of the Government of Japan to formally acknowledge, apologize and accept unequivocal responsibility for their suffering and torture.

The recent news from Tokyo and Prime Minister Abe's inexplicable denial adds greater resonance to our exploration of this topic. One Japanese Diet Member said, with no apparent irony, that the Comfort Women brothels were no different than a buffet lunchroom. Nariaki Nakayama said bluntly: "Some say it is useful to compare the brothels to college cafeterias run by private companies, who recruit their own staff, procure foodstuffs and set prices."

Madam Speaker, without objection, I wish to insert into the CONGRESSIONAL RECORD an article on this issue that appeared in the New York Times on Thursday, March 1, reporting Prime Minister Abe's remarks.

ABE REJECTS JAPAN'S FILES ON WAR SEX

(By Norimitsu Onishi)

TOKYO, March 1.—Prime Minister Shinzo Abe denied Thursday that Japan's military had forced foreign women into sexual slavery during World War II, contradicting the Japanese government's longtime official position.

Mr. Abe's statement was the clearest so far that the government was preparing to reject

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a 1993 government statement that acknowledged the military's role in setting up brothels and forcing, either directly or indirectly, women into sexual slavery. That declaration also offered an apology to the women, euphemistically called "comfort women."

"There is no evidence to prove there was coercion, nothing to support it," Mr. Abe told reporters. "So, in respect to this declaration, you have to keep in mind that things have changed greatly."

The United States House of Representatives has begun debating a resolution that would call on Tokyo to "apologize for and acknowledge" the military's role in wartime sex slavery.

But at the same time, in keeping with a recent trend to revise Japan's wartime history, a group of conservatives in the governing Liberal Democratic Party is stepping up calls to rescind the 1993 declaration. Mr. Abe, whose approval ratings have been plummeting over a series of scandals and perceived weak leadership, seemed to side with this group. A nationalist who has led efforts to revise wartime history, Mr. Abe softened his tone after becoming prime minister last fall. In fact, he first said he recognized the validity of the declaration, angering his conservative base.

"Some say it is useful to compare the brothels to college cafeterias run by private companies, who recruit their own staff, procure foodstuffs and set prices," Nariaki Nakayama, the leader of 120 lawmakers who want to revise the declaration, said Thursday.

"Where there's demand, business crops up," Mr. Nakayama said, according to The Associated Press. "But to say women were forced by the Japanese military into service is off the mark. This issue must be reconsidered, based on truth, for the sake of Japanese honor."

Historians believe some 200,000 women—Koreans, Chinese, Taiwanese, Filipinos, as well as Japanese, Dutch and other European women—served in Japanese military brothels. For decades, Japan denied that its military had been involved, calling the brothels private enterprises and the women prostitutes.

But in 1992, a Japanese historian, Yoshiaki Yoshimi, outraged by government denials, went to the Self-Defense Agency's library and unearthed, after two days of searching, documents revealing military involvement in establishing brothels. One was titled "Regarding the Recruitment of Women for Military Brothels." Faced with this evidence, the government acknowledged its role and issued the declaration.

But the response angered people across the political spectrum. The women and their supporters said that the government was not fully acknowledging its responsibility because the declaration was issued by Yohei Kono, then chief cabinet secretary, and not adopted by Parliament. It is known inside Japan simply as the "Kono Statement."

What is more, supporters accused the government of evading direct responsibility by establishing a private, nongovernment fund to compensate the women. Many former sex slaves have refused to accept compensation from this fund.

But conservatives said the declaration went too far in acknowledging the military's role in recruiting the women. While the documents showed that the military established the facilities, Mr. Yoshimi did not find documentation that the military had forcibly recruited the women. Conservatives have seized on this distinction to attack the declaration.

Supporters of the women say that the Japanese authorities famously burned incriminating documents or kept them hidden.

At the same time, many former sex slaves have stepped forward in recent years with their stories. Three testified in the United States Congress recently, saying that Japanese soldiers had kidnapped them and forced them to have sex with dozens of soldiers a day.

Given this recent news report, Madam Speaker, it becomes even clearer that the experience of the Comfort Women is not just an episode that belongs on the backburner of history. Instead, it is a vivid reminder that the human rights of women around the world are never fully secure. We know that rape, sexual abuse and sometimes murder of women and girls in war are still committed by armies and paramilitary forces in various countries. One thinks of Darfur, of Bosnia, of East Timor. I am sure that Members of this House and those listening to these proceedings can think of other examples.

Denial of the unimaginable atrocities committed by Imperial Japan's Armed Forces against the Comfort Women during World War II should not be tolerated. Neither are they to be forgotten nor swept under the rug by those who hope the subject will go away simply because the victims are growing old and will soon be gone. The fact that some political leaders in modern Japan hold onto the view that the Comfort Women issue is a "historic fabrication" is, in a word, appalling.

The Japan Times also recently interviewed Yasuji Kaneko, an 87 year old former foot soldier in the Japanese Imperial Army during World War II. He stated that he "still remembers the screams of the countless women he raped in China as a foot soldier . . . They cried out, but it didn't matter to us whether the women lived or died . . . We were the Emperor's soldiers. Whether in military brothels or in the villages, we raped without reluctance." His statement was no historical fabrication.

It is our moral imperative to act and act courageously on this issue. I am a strong proponent of encouraging our friend and ally, the Government of Japan, to set the record straight on the Comfort Women tragedy and educate its future generations properly about what occurred. In doing so, Japan will take an important step in our collective aim to eliminate violence against women in war by making it unambiguously unacceptable.

It is unacceptable to view rape as merely endemic to war, or an incidental adjunct to armed conflict. Rape is a unique weapon focused on non-combatants and intended to instill terror in its victims and to demonstrate the power of the perpetrators. It is a truly uncivilized act, and defending Imperial Japan's widespread use of rape during its Asian conquests is beneath modern, democratic Japan's better values and aspirations.

Madam Speaker, on January 31, along with six of our colleagues, I introduced House Resolution 121, which addresses the issue of protecting the human rights of the Comfort Women. The denial by Prime Minister Abe of Japan that Comfort Women were forced into sexual slavery is unacceptable and stands to underscore why passage of H. Res. 121 is important. It is my hope that we will be able to have a full vote by the House of Representatives sooner rather than later.

I would also like to thank the Comfort Women survivors—Jan Ruff O'Herne, Yong-Soo Lee, and Koon-Ja Kim—for journeying so far last month to testify on behalf of their 200,000 sisters who suffered under Imperial Japan. Their courage and the dignity with which they have lived their lives deserve our admiration and utmost respect.

ACKNOWLEDGING THE ACHIEVEMENTS OF WILLIAM TELL, IN CELEBRATION OF BLACK HISTORY MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. RANGEL. Madam Speaker, I rise today in recognition of Black History Month and to spotlight the success of William Tell, Chairman and CEO of 1 Source Consulting Inc. a strategic consulting firm, which provides business strategy and IT solutions. Tell recently made history by acquiring a seven-year contract from the Department of Energy. Tell, whose larger clients include Homeland Security Department, Bureau of Alcohol, Tobacco, Firearms & Explosives, Justice Department and the U.S. Securities and Exchange Commission's Office of Information Technology, partnered with RS Information Systems Inc to secure the $1.4 billion government contract, the largest contract awarded to a small business.

Beyond a commitment to excellence in the business world Tell maintains a commitment to the community to enriching the lives of others, particularly African Americans. In September 2006, 1 Source Consulting Inc. partnered with San Diego Charger Shawne Merriman, to donate $10,000 to the Frederick Douglass High School Football Program. The company has also assisted in Hurricane Katrina relief efforts and partnered with Goodwill.

William Tell is a living testament to the ingenuity and acumen of black business leaders everywhere. His accomplishments should be celebrated in the spirit of remembering the rich legacy of African American leaders everywhere.

TRIBUTE TO UASA OF SONOMA COUNTY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor United Against Sexual Assault—UASA—of Sonoma County on the occasion of its 33rd anniversary. Founded in 1974 as Women Against Rape, the agency consisted of a phone number to call for emotional support. Today that crisis line operates 24 hours a day, and the organization has an official board, paid staff, and volunteers who last year donated over 10,000 hours.

Over the past 33 years, UASA has greatly expanded the services offered to the people of

Sonoma County. It provides extensive training on helping victims, including not only women and girls, but also men, children, and the families of victims. Staff and volunteers also accompany victims and their families for police reporting, court appearances, medical exams, or other personal situations.

Prevention programs include outreach to elementary through high school youths, reaching approximately 6,000 young people every year, as well as parents and school personnel. Other efforts include bilingual outreach to Hispanic teens, teen peer education training, anti-racism curriculum which deals with violence against the lesbian/gay/bisexual/transgender community, and a unique men's program featuring men educating men. All services are offered at no cost.

UASA also plays a key role in the county's pioneering SART—sexual assault response team—which unites law enforcement, mental health, legal, and advocacy programs to support victims and families. This collaborative project makes services easily accessible and minimizes the stress felt by victims. The agency is also working with the District Attorney's office to establish a county-wide Family Justice Center.

Executive Director Gloria Young has provided visionary leadership in shepherding the agency through many of these transitions. In 2004, Gloria received the Outstanding Executive Director Award from the California Coalition Against Sexual Assault. She has postponed her scheduled retirement this year in order to remain at the helm during a time when some services are threatened by the closing of a major hospital.

Madam Speaker, UASA's long-term mission is to eliminate all forms of sexual assault. I know that with its inspired leadership, dedicated staff, and committed volunteers United Against Sexual Assault of Sonoma County has brought our community a long way towards achieving this goal and will not be satisfied until they have reached it. I salute UASA on their anniversary and look forward to the day when their services are no longer needed.

PAYING TRIBUTE TO JOHN JAMES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend John James, a former Nevada State Climatologist who passed away on Monday, January 15, 2007.

John moved to Nevada in 1969 to help found the Sierra Nevada College at Incline Village. Soon thereafter, in 1971, John began work as a research associate for the Forest Institute for Ocean and Mountain Studies in Carson City. Following his work as a research associate, John taught at the University of Nevada, Reno where he was an associate professor of geography and served as chair of the University's Institutional Athletic Board.

John, whose interest in weather and climate patterns was sparked while serving as a military cartographer in Korea during the Korean war, was the State's climatologist for 23 years. In this capacity, John was able to study, maintain, and document the State's weather records through a network of volunteers. Under Governor Richard Bryan, John was appointed chairman of the Governor's Drought Committee when Nevada suffered during an extended drought period.

Madam Speaker, I am proud to honor the life and legacy of my good friend John James. His record of dedicated service to the State of Nevada is admirable. He will be profoundly missed.

INTRODUCTION OF THE STUDENT PRIVACY PROTECTION ACT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. HONDA. Madam Speaker, I rise today to announce the introduction of my bill, the Student Privacy Protection Act.

The Student Privacy Protection Act is legislation that will restore the privacy rights of children and families that were taken away by a little-known provision of the Elementary and Secondary Education Act, the so-called No Child Left Behind Act.

Under No Child Left Behind, high schools are required to turn over lists of student contact information to the Department of Defense, which adds this information to an extensive database of children. The Department of Defense claims to need the names, addresses, and phone numbers of high school students for recruiting purposes, because it enables recruiters to contact children directly in their homes and at school, which is often done without the knowledge or consent of their parents.

As a former high school teacher and principal, I am concerned that the fundamental right of privacy has been taken away from both parents and children. U.S. Supreme Court Justice Louis Brandeis defined privacy as "the right to be left alone." Families are not being left alone, and their personal, private information is being divulged without their knowledge. Any database of personal information is subject to abuse. A government that was established for the pursuit of life, liberty, and happiness has no business collecting extensive personal data about Americans.

I have the greatest respect for Americans who choose to enter the military, as well as for those in the Armed Forces who engage in the recruiting process. Those efforts, however, should respect the privacy rights of children and their families.

No Child Left Behind requires schools to give military recruiters the names, addresses, and telephone numbers of students, unless their parents "opt-out" of the list. Schools are only required to provide one notice of the military recruiting list, so it can be easily overlooked by parents, or perhaps never received. Moreover, language and cultural barriers can prevent understanding of the opt-out process, especially in immigrant communities that are subject to aggressive military recruiting. If parents do not respond, and do not explicitly object to having their child's personal information released to recruiters, it is assumed that they have no objections. Under current law, they must "opt-out" in order to protect their rights.

The privacy rights of all Americans should be respected. One should not have to ask for these rights.

Today, I am reintroducing the Student Privacy Protection Act, which I introduced in the 109th Congress. This legislation will restore the privacy rights of parents and children. The Student Privacy Protection Act will change the military recruitment provision of No Child Left Behind from an "opt-out" system to "opt-in." Under my bill, families may still choose to "opt-in" to the recruiting database, but privacy will be respected by default.

I urge my colleagues to join me in supporting the rights of students and the rights of families, by supporting the Student Privacy Protection Act.

NATIONAL PEACE CORPS WEEK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Ms. WOOLSEY. Madam Speaker, I rise today, during National Peace Corps week, to commemorate the service of the current 7,749 Peace Corp volunteers making long-lasting contributions to communities in 73 countries around the world.

Forty-six years ago, President John F. Kennedy created the Peace Corps with the aim of enabling ordinary men and women to combat the debilitating effects of poverty, disease, and war in developing countries. More than 187,000 volunteers have served in 139 countries, and it is clear that the Peace Corps' impact has been truly extraordinary.

The leadership embodied in the Peace Corps Volunteers have helped farmers find new efficient methods for crop production, developed new business plans for economically depressed communities, and inspired countless children by acting as mentors and teachers. Their compassion and commitment to service have led to significant achievements in fostering improved understanding and strengthening the bonds of friendship.

Peace Corps Volunteers remain committed to addressing some of the world's most pressing problems today. These men and women have offered crucial assistance to communities struggling to halt the spread of HIV/AIDS, to regions devastated by Hurricane Katrina, and to countries rebuilding after deadly tsunamis. For their brave service and dedication, these Volunteers deserve to be commended.

To date, the 6th District of California has produced almost 400 Peace Corps Volunteers, including the following 28 current volunteers: Troy A. Agron, who is working in Azerbaijan; Caron L. Alarab, Guinea; Carol A. Batz, Tonga; Libby A. Bersot, Botswana; Jennifer M. Busick, Bolivia; Eldon L. Christenson, Guinea; Rustin P. Crandall, Guyana; Joseph P. Deschenes, Albania; Tameron A. Eaton, Eastern Caribbean; Amil A. Gehrke, Georgia; Robyn M. Grahn, Honduras; Donald F. Hesse, Jordan; Jessica D. Holloway, Armenia; Connor J. Kamada, Senegal; Anna F. Kuhn, Tanzania;

Abigail M. Lafrenz, Bulgaria; Bridget M. Leddy, Kyrgyzstan; Ana Alecia Lyman, Mozambique; Sydney F. McCall, Bolivia; Morgan C. Montgomery, Honduras; Laura M. Norton, Madagascar; Jordan M. Reeves, Panama; Uriah S. Reisman, Panama; Jacob E. Rich, Peru; Emily C. Ryan, China; Elicia F. Smith, Kenya; Katherine L. Theiss-Nyland, Malawi; Kyla H. Wall-Polin, Bulgaria.

Madam Speaker, I ask my colleagues to join me today to honor the 46th anniversary of the establishment of the Peace Corps and to celebrate the achievements of these passionate men and women who have succeeded in making our world more peaceful.

PAYING TRIBUTE TO CHRIS MEYER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Chris Meyer, the Vice President of Convention Center Sales for the Las Vegas Convention & Visitors Authority.

In his role with the Las Vegas Convention & Visitors Authority, Chris has effectively promoted and implemented important programs which have marketed Las Vegas as a trade show destination. As a result of his efforts through Trade Show Trade Mission, the Las Vegas Convention & Visitors Authority has marketed Las Vegas as a destination for trade shows for organizations such as the Consumer Electronics Show, the National Association of Broadcasters, Magic, and ConAg/ConExpo.

By helping to redefine Las Vegas as a trade show destination, Chris and the Las Vegas Convention & Visitors Authority have increased Las Vegas tourism and revenue. As a result of Chris's Trade Mission, international tourism has increased as well. According to estimations, as a result of the Trade Missions to Brazil and China, an additional 3,000 Brazilian and Chinese tourists have visited the Las Vegas area. This alone has led to approximately $4,515,000 of revenue for the Las Vegas area.

Madam Speaker, I am proud to honor Chris Meyer and his many achievements. His dedication to the Las Vegas community is commendable and I wish him continued success in his future endeavors.

NEIGHBORHOOD CENTERS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. GENE GREEN of Texas. Madam Speaker, the promise of America means different things to different people. To some, it may represent better economic opportunities. To others, it is having access to a better education, better healthcare, or a better job. To still others, it is simply the chance for a better life.

But regardless of how we define the "promise of America," there is little doubt that Neighborhood Centers Inc.—Houston's largest and fastest-growing human services agency—is making that promise a reality for thousands of people in Southeast Texas. And the scope of that accomplishment is being underscored this month, as Neighborhood Centers celebrates its 100th anniversary of providing education, resources, and connections to the area's most vulnerable communities. Our Congressional District is served very well by Neighborhood Centers Inc.'s facilities and programs.

Founded in 1907 by Alice Graham Baker—the grandmother of former Secretary of State James Baker III—Neighborhood Centers Inc. stands as a shining example of how innovative strategies and consistency of purpose, animated by a heart as big as Texas, can produce truly transformational change.

From its inception, Neighborhood Centers has focused on helping underserved communities to achieve their full potential. The organization pursues this mission not by concentrating on the weaknesses of a neighborhood and its residents, but by building on the unique skills, strengths, resources, and capabilities that already exist. It then works to nurture these assets in order to create self-sufficiency, individual empowerment, and long-term economic and social development.

The result is a unique approach for connecting people with what they need to fully realize the promise of America: child and family care, education, job skills, entrepreneurial incubators, leadership development, legal assistance, after-school programs, citizenship services, teacher training, and activities for seniors that encourage aging in place.

The ability and willingness to provide these services have brought Neighborhood Centers face to face with numerous challenges over the years. But challenges are not uncommon to the agency. It has traditionally been Houston's go-to organization when it comes to dealing with the region's most complex issues. As Angela Blanchard, president and CEO, once said: "The harder it is, the better we like it."

Neighborhood Centers' response to Hurricane Katrina demonstrates clearly that those are not mere words.

When the storm forced hundreds of thousands of New Orleans residents to flee to Houston, Neighborhood Centers created a special program called Stay Connected. It provided evacuees assistance in finding jobs, healthcare, homes, and other essential human needs. It worked to restore a sense of community for those who decided to make Houston their home. It helped rebuild lives, renew hope, and revitalize opportunity. To date, Stay Connected—which is largely staffed by Katrina victims—has served more than 4,000 families.

That brings me to my final point about Neighborhood Centers: This is an organization defined by compassion, concern, and commitment.

The agency and everyone involved with its mission—including corporate partners such as JPMorganChase, Shell, Chevron, and Aramark—share an unbounded faith in human potential.

They truly believe that people, when treated with respect and dignity and given a chance to grow and to build self-esteem, can have a profoundly positive impact on families, communities, and the entire social and economic fabric not only of Houston but of America as well. Potential is not just an abstract concept to Neighborhood Centers. It is a concrete foundation for touching lives, lifting hearts, and fulfilling promise.

Over the past 100 years, Neighborhood Centers has never sidestepped an opportunity—or avoided an obligation—to keep that potential alive. In doing so, it has not simply made the American Dream a reality. It has kept the Human Dream alive. I cannot think of a more significant contribution to this country to those who make it great.

RECOGNIZING THE LIFE OF ESTHER RENTERÍA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Ms. SOLIS. Madam Speaker, I rise today to honor my good friend and fellow Californian, Esther Rentería, who passed away January 8, 2007, at her Montebello, California home at the age of 67. Esther was a skilled journalist who was committed to increasing the presence of Latinos in broadcast media.

For decades, Esther advocated to increase the numbers of Latinos in the news and other television programs. She understood the importance of Latino children watching people on television who looked like them and could relate to them. Esther's endless advocacy and enthusiasm helped increase and positively modify the presence of Latinos in the media.

In 1969, Esther was the first Latina to appear in a nightly newscast with the premiere of "Ahora!" on KCET–TV, and in 1970 she worked as an associate producer on "The Siesta Is Over," a series based on issues relevant to the daily lives of Latinos in the U.S. In 1986, she cofounded the National Hispanic Media Coalition, an organization that monitors Federal Communications Commission regulations on broadcast media. The organization successfully petitioned the FCC to revoke broadcast licenses of those television stations who neglected to hire a sufficient number of Latinos.

Esther's work did not end with her behind-the-scenes efforts to make Latinos more visible on national TV. She also founded the Hispanic Americans for Fairness in Media to award scholarships to young students who aspire to future careers in media. Esther's advocacy on behalf of the Latino community has been instrumental to the changes that have taken effect since. Esther is survived by her husband, Martin Rentería, former chief of police for the Montebello Unified District's police department, four sons, and a sister.

I extend my sympathy to Esther's husband, children, and family. She will be missed dearly.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Wednesday, Feb. 28, 2007, I was unavoidably detained and thus I missed rollcall vote No. 110. Had I been present, I would have voted "aye" on H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act.

PAYING TRIBUTE TO MR. TIM SNOW

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Tim Snow for his long and distinguished career at Thomas & Mack Development Group.

Tim began his work with the Thomas & Mack Development Group in California during the mid-1980s and soon after moved to Las Vegas where he was instrumental in implementing extensive land development projects. Tim is responsible for developing a 100-acre area of land near McCarren International Airport into the McCarren Center. Today, the McCarren Center is comprised of 30 buildings and nearly 2 million square feet of office and light industrial space.

During his tenure at Thomas & Mack Development, Mr. Snow also developed a 20-acre ranch which today stands as the headquarters for Harrah's Entertainment. While with the Thomas & Mack Development Group, Mr. Snow oversaw the development of the Blue Diamond Ranches, the Eastgate Plaza, and the Nevada Financial Center. Mr. Snow also shares an ownership position in the important 100-acre Northern Beltway Industrial Center. Throughout his long and illustrious career with the Thomas & Mack Development Group, Tim has guided the expansion of the Las Vegas Valley and his vision has led to the development of a mature business and thriving community.

Madam Speaker, I am proud to honor my good friend Tim Snow. His dedication to the Las Vegas community is commendable and I applaud his distinguished record of success. I wish him the best in his retirement.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to reasons beyond my control.

On Monday, March 5, 2007, I had to tend to some family matters and thus missed rollcall votes 119 and 120. Had I been present, I would have voted "yea" on all votes.

RECOGNIZING THE ACHIEVEMENTS AND MILESTONES OF ODESSA BROWN

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Ms. WATSON. Madam Speaker. it is an honor and privilege that I rise today to recognize Odessa Juanita Brown for her achievements and milestones as she celebrated her 85th birthday on March 1, 2007. I have known Odessa for most of my life. She and her husband Frank, and their children lived on Cimarron Street, in Los Angeles, and my family lived around the corner—that date's back to the late-1950s. Our families have remained in contact since then.

Odessa Brown has remained a committed community servant, participant in civic and fraternal groups, and an active church member over that 50-year period. She has been a member of Trinity Baptist Church for 61 years; a member of Alpha Kappa Alpha Sorority, Chapter Alpha Gamma Omega of Los Angeles, California, the same Chapter of which I am a member, for 25 years; and a volunteer at the election polls for the last 20 years. Odessa has been Worthy Matron of Skylight Chapter 51 of the Eastern Star and was a member of the NAACP . Today she is taking computer technology classes at Santa Monica Emeritus College. Not enough of a role model, yet? Well, Odessa has maintained an exercise routine of walking a mile almost every day for more than two decades—including hills, by the way.

Odessa Brown's leadership skills, her commitment to service, and her creative talents have been a true lifetime blessing to her family and community. She served as a Brownie and Girl Scout leader of her daughters' troops. She used her artistry to design and sew her daughters' beautiful handmade dresses when they were small. Everyone knew the three Brown girls because of their uniquely crafted dresses.

Odessa's culinary talents are also memorable, and family, friends, visitors have craved her cooking from coast to coast. She has creatively hosted small and large family dinners and barbeques, and cooked for neighborhood block parties and festivals. Her "monkey bread," oh, yes, that monkey bread—is the most desired food at all family gatherings.

Odessa is a dedicated and devout Christian, and her church continues to be important part of her life. She and her husband, Frank, joined Trinity Baptist Church in 1946, the year they were married. She has been an active member since. Their five children—Marion, Gwen, Kathleen, Frank, and Reginald—grew up in Trinity. Her grandson, James, attends Trinity, and her other grandchildren, who live outside Los Angeles—Cameron, Brian, Rachel, Charesse, Kahlil, Imani, and Camara—have visited. Odessa's great grandchildren, Cameron and Ciera, are expected to one day be the fourth generation to worship at Trinity. Odessa is a Deaconess and is a longtime member of the Gospel Choir, which was directed by the late Inez Caston. Odessa regularly and lovingly still participates in church projects.

Odessa was born in Lewisville, Arkansas, on March 1, 1922, and Frank was born in Stamps, Arkansas. They joined the church not long after they had moved to Los Angeles. They were part of the great war-era migration of African Americans from the south to the north and west.

Odessa was the fifth child of Annie and Joe Brown. She had three brothers—Joseph, Clarence (deceased), and Cleant, and three sisters, Mary (deceased), Bernice (deceased), and Margie. The church was an important part of their community and Odessa was baptized at Galilee Baptist Church in Lewisville at 11 years of age.

From a young child, Odessa was extremely creative, artistic, and talented, whether she was in the kitchen helping her mother bake or designing and sewing outfits for her dolls. She started cooking at the age of seven and her teacher was her sister, Mary. When her parents attended church, they would return to a fantastic meal. Her parents were surprised to find out that she was the genius behind the great family meals. Her mother taught her how to sew and she quickly picked up the skill. She always helped her Mom around the house.

Odessa's parents were extremely resourceful. The Brown family understood the value of land ownership. Annie Brown's family was considered middle class, and they owned land. She inherited river land from her parents, which is still owned by the Brown Family, and she and her husband, Joe, purchased land together, as well. Joe was a hard working, proud farmer who raised his seven kids with the proceeds from the land. He grew corn, cotton, truck patches (watermelon), and raised animals (chickens, hogs and cows). He marketed his own products and sold direct to consumers. He also showcased his animals at conventions and fairs.

He was a chef and cooked at clubhouses, and was known for another unique skill—making ice cream. He sold his produce and ice cream at church conventions, and his fondness for making ice cream was passed down to Odessa, who developed homemade ice cream as a specialty. Annie also was an entrepreneur and learned how to use a pressure cooker to process vegetables and fruit. This, of course, was a rarity in that period. With this unique talent, the community could have food stored during the winter months. Annie became the expert who trained others in the community on the benefits of using the pressure cooker to preserve foods.

In 1942, many things changed in the lives of the Brown family, as it did for most families in the country. The three Brown brothers, Joseph, Clarence, and Cleant joined the Army to serve their country during World War II. Joe Brown, now had a challenge. He too desired to serve his country and left for California to work in the Navy Shipyard in northern California. Odessa and her sister left Lewisville for California. For a short time, Odessa worked at a Ford Plant in northern California. Frank, having finished his tour of duty in the U.S. Army, decided to settle in Los Angeles. Odessa and Frank married, and began building a family. They soon settled as one of the first African American families in Leimert Park.

Years later, after her eldest children left home for college, Odessa decided it was time to pursue her dream. She registered for college and earned her bachelors of arts degree from California State University at Dominquez Hills. Odessa then taught as a substitute teacher in the Los Angeles Unified School System.

Her quest to learn continues, as she has mastered the newest technologies. She now uses the computer and sends e-mail messages to her family. She continues to exercise her creative design skills by knitting and crocheting, and shares knitted scarves and crocheted blankets with family and friends.

Madam Speaker, please join me in recognizing Odessa Juanita Brown as she celebrates her 85th birthday. She is truly an inspiration and a community treasure. I wish her many more years of health and prosperity.

RECOGNIZING THE 95TH BIRTHDAY OF THE GIRL SCOUTS OF THE USA

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to recognize the 95th birthday of the Girl Scouts of the USA. I wish to recognize the incredible contributions Girl Scouts have made to the United States over the past 95 years.

Since their inception in 1912, the Girl Scouts have used different skill-building exercises and instruction to inspire over 50 million young women of this country to reach their full potential as members of their communities and as citizens of the United States. With the acceptance of the Girl Scout Promise, young women around the world make a commitment to respect themselves and others, to help people at all times, and to be honest and caring in all that they do. Today, over 3.5 million Girl Scouts are working with each other and their communities to help build a brighter future for all of us.

This Saturday, young women from over 200 Girl Scout troops in my district will gather for a Girl Scouts of the USA birthday party. I am honored to have the privilege of joining them for this special celebration and I look forward to proudly thanking them for all of their hard work. These young women are truly an inspiration to me, to the Fourth Congressional District of Pennsylvania, and to all American citizens.

PAYING TRIBUTE TO KATHLEEN BOUTIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Kathleen Boutin for her leadership as director of Nevada Partnership for Homeless Youth.

For the past 7 years, the Nevada Partnership for Homeless Youth has provided a safe and secure environment for abused and neglected children. At their facility, the Partnership provides a nurturing environment that teaches these children life skills and provides them with new opportunities for success.

Under Kathleen's leadership and direction, the Nevada Partnership for Homeless Youth operates two Safe Place programs, two drop-in centers and two additional centers are being constructed. In 2005, Nevada Partnership was responsible for Clark County's first count of homeless youth. This past year, they have assisted over 1,500 homeless youths. The Partnership also provides Nevada's homeless youth with medical care, emergency shelter services, long-term residential programs and the opportunity to transform their lives.

Madam Speaker, I am proud to honor Kathleen Boutin for her leadership of the Nevada Partnership for Homeless Youth. The service that she and her organization provide for the area's homeless youth is laudable. I applaud Kathleen for her leadership and wish her continued success in their efforts to improve the lives of our cities' youth.

BLUE DOG COALITION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, one of the benefits in being a Member of Congress is the privilege of working in our Nation's Capitol. The United States Capitol, in my mind, is among the greatest museums in the world—filled with fine art, intricate architecture, and amazing statues of our country's most important historical figures.

Obviously, the Capitol is a place of great historical significance. One of the most important votes ever taken in this House was the declaration of war against Japan on December 8, 1941. This was followed 3 days later with declarations against the Axis, Germany and Italy. This in turn was followed in 1942 by declarations against Hungary, Bulgaria, and Romania. My friends, this was the last time Congress formally declared war against any nation.

For me, and I know for many of my friends in the Blue Dog Coalition, the opportunity to serve in this body is an honor bestowed on us by our constituents. Quite frankly, a great responsibility comes with this honor—a responsibility to represent the views of all our constituents, rather than the views of partisans on the left and right. This is why the Blue Dog Coalition advocates for a middle-ground in our policies, and I think the American people agree, the middle is the best place to govern. Madam Speaker, we have to be bipartisan, we have to be sensible, and we have to try and work together in a harmonious way to find solutions to the difficulties facing our Nation.

When I first came to Congress a Member asked me what I wanted to change about America. I thought about this real, hard, and I was surprised at how quickly I came to my answer. My answer was that I did not want to change America. No country in the world cares for its citizens and provides them with the amount of support as the government of these United States of America. While I do not want to change America, our country does have problems, and I think we can address these best by working together. So, I want to challenge my colleagues on both sides of the aisle, let us start being a little more civil and little more cooperative with each other.

Two weeks ago the House debated a resolution honoring our soldiers and disagreeing with the President's proposal to send an additional 21,500 troops to Iraq. Sadly, many of my friends on the other side of the aisle allowed the debate to disintegrate into questions about the patriotism of Members of Congress, as though you are only patriotic if we blindly follow the President's every decision lock step. How shameful. I wonder what our Founding Fathers would think of the idea that the President's policies shouldn't be question or criticized. Seems to me if that was the Founder's goal they wouldn't have created the Congress, a bicameral co-equal branch of government. Instead they would have suggested we create a new kingdom out of America, or perhaps advocated for a government very similar to the one we overthrew in Iraq. Thankfully, in their infinite wisdom the Founders understood the necessity of debate, of questioning the administrations' policies, of a representative Republic. How ironic that members of the Republican Party came down to the floor and questioned the patriotism of Members of Congress for doing exactly what the Founders intended—debate policies so you can arrive at the best decision for the American people.

Now, one of the biggest challenges facing America, and something Congress debates every year around this time is our budget situation and our deficit. In 1980 I was elected to the State House in Tennessee. I remember one day traveling to Nashville from my home in Byrdstown when I heard on the radio that we had just increased our national debt to $1 trillion. That frightened me. A trillion dollars is a lot of money, but it was a particularly high amount in the 1980s. Back then it was a struggle to raise our debt limit by $15 to $20 billion. Now we raise our debt ceiling every year by hundreds of billions of dollars without even batting an eye. Many times we do it without having an up-or-down vote on that particular debt increase.

After I heard that report on the radio back in 1981 I began to pay closer attention to our national debt. Over the next 12 years I watched as our debt by grew by almost $3 trillion. I kept thinking to myself, how is this possible? It took almost 200 years for the debt to reach $1 trillion, and yet, over a short period of time in the 80s and early 90s the debt tripled. Then in the 1990's we put in place pay-as-you-go budget rules that forced Congress and the administration to budget like every American family—meaning that the Federal Government could only spend what it took in. The result was a return to budget surpluses that helped us actually pay down a little bit of our national debt. Now, I know it was only a projection, but by the time President Clinton left office we were looking at having a 10-year surplus over $5 trillion. Unfortunately, the next administration and Republican-led Congress allowed PAYGO to expire and the results were predictable, and $8 trillion reverse of fortunes. So now we find ourselves in a situation where our annual deficits, excluding the Social Security surplus, exceed $400 billion and our national debt is currently $8.8 trillion, which amounts to $29,000 for every man, woman, and child in this country. Where is the fiscal responsibility in that? What happened to the Republican Party? The so-called party of smaller government just couldn't resist dipping into the Treasury's cookie jar to feed their spending frizzy. Sadly, the big losers of this policy are my grandchildren and the soldiers returning home from war. They will be the ones taxed with paying down our debt. That, my friends, is immoral and shameful.

You know, my chief of staff recently had a baby they nicknamed Willis. The first thing Willis did when he came into this world was cry. Now I know why he was crying. He had just been born and he inherited his share of the national debt—$29,000. By the time he is old enough to have a job his share of the debt limit will be more than five times the cost of the first house I bought for my family in the late 1960s. We have got to do better than this. We have a moral responsibility to do better than this. This Congress has taken the first steps by reinstating PAYGO rules in the House. Now we must go one step further and make them part of the statute.

Now, I would like to go back and talk about Iraq a little more. Too often I hear folks in this Chamber saying the Democratic policy is "cut and run" and the White House policy is "stay the course." Both of these are wrong. We can't stay the course, and we can't cut and run.

Last week I saw that Vice President CHENEY was in Japan thanking our troops, and I remembered that we still have troops in Japan following World War II. We also have military bases still operating in Germany from that war. Additionally, we have thousands of troops in South Korea even though the Korean War ended long ago. We still have soldiers in Kosovo and Bosnia and Serbia and the Balkans from our involvement there in the 1990s. You know, it is worth noting that our friends on the other side of the aisle criticized President Clinton in the 1990s for our involvement in that conflict, saying it was not our duty to "Nation build," and they wanted to set up a timetable for withdrawal. I believe our current President even lobbed those criticisms when he was a candidate. Sometimes I feel like hypocrisy is the currency of Washington.

Continuing to look around the world you will notice we have a military presence in Turkey, the United Arab Emirates, Kuwait, and Saudi Arabia. Of course some of them are there for our current war, but many were there beforehand as a result of the Persian Gulf war. The Persian Gulf war was U.N.-sanctioned, and it is my understanding that we overwhelmed Saddam Hussein with our troop numbers, and then we used no-fly-zone in the south and north to essential block him in his own country. But we had to keep our military in the area to protect the vast oil reserves in the Middle East region of the world.

In my opinion, from looking at history, we will always have a military presence in the Middle East. The question is how will we stay in the Middle East?

Quite frankly, we must stay in the Middle East in a manner that will help ensure the security and peace of the area. Of course we want the Iraqis to win the peace and control their own country, so the key issue is how do we help them in this endeavor? Since we destroyed the Iraqi army, one that was able to resist a larger Iranian army for 10 years, we must act as their army until we have trained enough of their new army to the point where they can take over. In the meantime, I believe we need to pull our troops out of the kill zone in Baghdad and move them to the border with Syria and Iran to cut off any support for the insurgency that may be coming from those countries. At the same time the Iraqi police forces and new military must engage and control the fight within the country. It is their country; they have to win the peace. However, we can and should support them in eliminating any terrorist cells that pop up in Iraq. I believe we can do this with quick-strike forces and our advanced weaponry with minimal American casualties.

Twelve million Iraqis voted in December of 2005. This sent me the signal that they want their own country—not an American occupied country. They have established a constitution and set up their government with elected officials and various departments. Now they also have to fight those within their country who threaten their democracy. We can assist, but the will has to be theirs.

PAYING TRIBUTE TO DR. SUSAN LINDQUIST

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Dr. Susan Lindquist for receiving DRI's Nevada Medal for 2007.

Dr. Lindquist has spent decades researching the causes and possible treatments for neurological diseases such as Parkinson's disease, Creutzfeld-Jacob Disease, and Mad-Cow disease. Through the course of her research, Dr. Lindquist has made significant contributions to biological research methodology and clinical treatment. Like many great scientists, Dr. Lindquist has also had to find new strategies and revolutionary tactics, such as transforming the practice of Drosophila genetics, thereby producing the first precise method of inserting and deleting genes in a higher organism.

Over the course of her long and illustrious career, Dr. Lindquist has served as a professor in the Department of Molecular Biology at the University of Chicago and as the Albert D. Lasker Professor of Medical Science from 1999–2001. Dr. Lindquist is also a member, and former director, of the Whitehead Institute, a professor of biology at the Massachusetts Institute of Technology, and a Howard Hughes Medical Institute investigator. Among her many accolades, Dr. Lindquist was named one of Discover magazine's top 50 woman scientists in 2002, and Scientific American's top 50.

Madam Speaker, I am proud to honor Dr. Susan Lindquist and her achievements. Her contributions to medical science and biological research are truly extraordinary. I applaud her efforts and wish her the best in her future endeavors.

INTRODUCTION OF A BILL TO AMEND THE NATIONAL TRAILS SYSTEM ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing a bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes.

This legislation shall authorize the Secretary of the Interior to study certain routes of the Oregon Trail to determine the suitability of becoming part of the Oregon National Historic Trail. Additionally, a 20-mile southern alternative route of the Pony Express trail shall be considered along with portions of Missouri Valley and central and western routes of the California trail to be designated as the Pony Express National Historic Trail and the Californian National Historic Trail respectively. Lastly, the Secretary shall undertake the study of certain routes for the consideration of the Mormon Pioneer National Historic Trail.

The recognition and maintenance of these trails provide our citizens with an opportunity to retrace the journeys of our ancestors, and engage in living history.

PERSONAL EXPLANATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. BARTON of Texas. Madam Speaker, on Monday, March 5, 2007, I was unable to fly to Washington, DC. As a result, I missed votes on this day. I ask that my statement be placed in the appropriate part of the RECORD to reflect how I would have voted on the following roll-call votes, had I been present.

Monday, March 5, 2007: "Yea" on motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 390–0 (Roll No. 119). H.R. 995: To amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

"Yea" on motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 390–0 (Roll No. 120). H.R. 497: To authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on

Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

CONGRATULATING WILLIAM KETTER UPON HIS INDUCTION INTO THE NEW ENGLAND PRESS ASSOCIATION'S HALL OF FAME

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. MEEHAN. Madam Speaker, I rise today to congratulate, William Ketter, upon his induction into the New England Press Association's Hall of Fame. For over 40 years, Mr. Ketter has worked in the newspaper business as a reporter, editor, and vice president, making innumerable contributions to journalism in Massachusetts and New England.

Mr. Ketter spent the first 16 years of his career with United Press International working as a political reporter, editor, and vice president. He would spend the next 20 years as editor and vice president of the Patriot Ledger in Quincy, Massachusetts, leaving only to become a vice president at the Boston Globe and chairman of Boston University's Journalism school.

In 2002, Mr. Ketter joined the Eagle Tribune, a daily newspaper in my district, as editor in chief and vice president of news. In 2005, when Community Newspaper Holdings Inc. of Birmingham, Alabama purchased the Eagle Tribune Publishing Company, Mr. Ketter became vice president of news. He now supervises editorial operations at several newspapers throughout Massachusetts, including the Eagle Tribune in Lawrence, MA, The Salem News, the Gloucester Daily Times and the Daily News of Newburyport, as well the rest of CNHI's 95 daily and 50 nondaily newspapers and publications throughout the country.

Mr. Ketter has also served on the Pulitzer Prize Board, is a former president of the American Society of Newspaper Editors, and in 1994, served as chairman of the first World Editors Forum.

Mr. Ketter currently serves as the New England Academy of Journalists, and is a recipient of the Academy's "Yankee Quill Award" for outstanding contributions to journalism in New England.

In addition to this work, Mr. Ketter has focused his energy on bridging the gap between print media to the Internet, overseeing programs using both means to connect with readers.

Mr. Ketter has also become a leading voice on issues facing the people of Massachusetts, the United States and the world. I recently offered into the CONGRESSIONAL RECORD, a series of articles from the Eagle Tribune on the problem of gambling addiction, and its effect on society, and individual families. I commend Mr. Ketter for his hard work and attention to this serious issue.

Mr. Ketter has also been a strong advocate defending the right to free press and has traveled the world to advocate for the free press in developing nations.

I commend William Ketter for his work as a journalist in Massachusetts and as an advocate for the issues near and dear to his heart, and I congratulate him for induction into the New England Press Association's Hall of Fame.

PAYING TRIBUTE TO KATHLEEN McDONOUGH WARD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life and legacy of Kathleen McDonough Ward and in recognition of a new elementary school being named in her honor.

Kathleen began teaching in Peoria, Illinois, in 1969. In 1973, she moved to Las Vegas where she started making an impact as a substitute teacher for the Clark County School District. Three years later she taught full time at Paul Culley, Rex Bell, and Helen Her Elementary Schools. It was at Helen Her Elementary where she became very committed to a multi-age teaching concept that impacted students lives.

In addition to her significant achievements as an educator, Kathleen has also been very active in the civic community. She was an active member in the Junior Mesquite Women's Club and served as chairwoman for the Community Improvement Project for the Nevada Federation of Women's Clubs. Kathleen helped to organize the Readers/Writers group which has been in existence for over 10 years. Kathleen also organized projects to bring substantial contributions to the Candle Lighters to assist children with cancer. In 1993, after receiving her master's degree from the University of Las Vegas, she was diagnosed with breast cancer and subsequently retired in 1999. Sadly, in 2002, Kathleen lost her battle with cancer.

Madam Speaker, I am proud to honor the life and legacy of Kathleen McDonough Ward. Her dedication to education and commitment to her fellow citizens was commendable.

SALUTE TO SERGEANT TOMMASO POPOLIZIO—FALLEN HERO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. PAYNE. Madam Speaker, I rise today to honor the life and achievements of a fallen Newark police officer whose tragic loss in the line of duty is mourned by his family, friends, fellow law enforcement officers, and our entire community. Sergeant Tommaso Popolizio died in the early morning hours of Saturday, March 3, 2007, at the age of 33, while working to keep our streets safe. He leaves behind his wife, four children, father and five siblings.

Sergeant Popolizio, born and raised in Newark, dedicated his life to the city where he and his family put down roots. His parents, Nicola and Sarah, immigrated to the United States in the late 1960s from Italy and settled in the North Ward of Newark, New Jersey, my home city. The youngest of seven children, Sergeant Popolizio attended my alma mater, Barringer High School and went on to study at Rutgers University, Newark. He joined the Newark police force in 1995, the first of three brothers to do so.

Sergeant Popolizio once said, "I try to do as much as I can every day that I go out there." Committed to bettering our city, Sergeant Popolizio, the consummate police officer, always rose to the occasion whether on or off duty. Noted for his bravery and dedication, Sergeant Popolizio protected our city streets and saved a number of lives. Upon first joining the police force, he was fired upon during a chase to apprehend dangerous suspects. In 1999, Sergeant Popolizio and another officer rushed into a burning building and rescued three children. Chalking up such instances of bravery to "all in a day's work," Popolizio never sought recognition, never shrank from duty, and always gave one-hundred percent to his job. It is therefore no surprise that someone with such heart and tenacity as Sergeant Popolizio was bestowed with honors and rose up the ranks of the Newark Police Department. As an East District supervisor, Sergeant Popolizio was known for his positive influence in leading by example.

Madam Speaker, I ask my colleagues here in the U.S. House of Representatives to join me in honoring Sergeant Tommaso Popolizio, who died as he lived his life—selflessly and with integrity. I am honored to have had him represent my home city and I know my colleagues join me in extending our deepest sympathy to the family of one of Newark's fallen heroes.

INTRODUCTION OF THE GREAT LAKES COLLABORATION IMPLEMENTATION ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. EHLERS. Madam Speaker, the Great Lakes provide drinking water for 40 million people, and 56 billion gallons of water per day are used for municipal, agricultural, and industrial use. The Great Lakes contain 5,500 cubic miles of freshwater—that's 6 quadrillion gallons of water, equal to 90 percent of U.S. supply and 20 percent of world supply. In fact, if you emptied the Great Lakes onto the continental U.S., everything would be under 9½ feet of water. The Great Lakes shoreline stretches for 10,210 miles. That's a lot of sand for summer Saturdays at the beach. The Great Lakes contain over 250 species of fish, and they sustain a $4 billion sports fishery industry and millions more in commercial fishing.

Is it any wonder that we call them great? The lakes are the foundation of our region's quality of life, and they are a national treasure.

The Great Lakes are so vast, so majestic, and so plentiful that we might think they can withstand any contamination. We take them for granted. But the Great Lakes have suffered from years of industrial pollution, stormwater and agricultural runoff, the introduction of invasive species, and wetlands and coastal habitat loss. The size and shape of the Lakes only contribute to the problem. The retention rate for Lake Superior is 191 years. Lake Michigan is 99 years. It takes the Lakes that period of time to cycle through water and get rid of pollutants. The Lakes are nearing a tipping point of environmental pollution from which they might not be able to recover. Closed beaches, fish consumption restrictions, loss of wildlife habitat, and depleted fish stocks are harbingers of problems that will only worsen over time.

Thankfully, we largely know what needs to be done to clean up and protect the Lakes. In December 2005, the Great Lakes Regional Collaboration, initiated through an executive order by President Bush, produced a strategic action plan for protecting and restoring the Great Lakes. The Regional Collaboration—a partnership of Federal program managers, State governors, mayors, scientists, industry leaders, anglers, hunters, environmentalists, and other interested private stakeholders—focused their attention on addressing the most critical threats to the Lakes. The diverse group of 1,500 participants developed recommendations for addressing aquatic invasive species, habitat protection, coastal health, Areas of Concern and contaminated sediment, nonpoint source pollution, toxic pollutants, scientific research and monitoring, and sustainable development.

Today I am introducing comprehensive legislation to address these threats. As its name implies, my bill—the Great Lakes Collaboration Implementation Act—makes many of the necessary legislative changes to implement many of the policy recommendations contained in the Strategy. This bill prevents further biological contamination from aquatic invasive species introductions. It also helps clean up contaminated sediments in rivers and harbors and restores beneficial uses of those waters. Provisions in the legislation will restore wetlands and other fish and wildlife habitat, and help communities improve their wastewater infrastructure and prevent sewer overflows. Finally, the bill strengthens scientific research and monitoring activities in the Lakes, so that we can monitor our progress and make good decisions on what steps to take next in clean up and restoration efforts.

The solutions are practical and manageable. The sooner we pass this bill and provide the necessary funding levels for these programs, the less costly the solutions will be in the long run. I urge my colleagues to support this critical legislation.

AN IMPORTANT HEALTH AND SAFETY ISSUE FOR BERGEN COUNTY WOMEN AND CHILDREN

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to bring to this body's attention a serious health issue affecting women and unborn children in Bergen County, New Jersey.

The Bergen Record reported last Wednesday, February 28 that the Metropolitan Medical Associates Clinic in Englewood, New Jersey had been closed down following a complaint filed by Newark Beth Israel Medical Center when it treated a woman for complications from an abortion performed at the Metropolitan Clinic. The Clinic, which performs more than 10,000 abortions a year, including about 1500 partial birth abortions, was closed for posing "immediate and serious risk of harm to patients." This very same clinic was barred from performing abortions in 1993 for its failure to protect the health and safety of its patients.

As the Record reported, "An order to halt medical services is extremely rare. This is only the second time in the last five years the [Department of Health and Senior Services] has closed one of the State's 619 ambulatory-care facilities for 'deficient care.'" Ironically, the Clinic is redirecting its patients to another local clinic owned by the same company that offers sub-par services at the Metropolitan Clinic.

Perhaps, more ironic, however, is that the State has stepped in to protect the women seeking abortions from the physical hazards posed by the Clinic's substandard care. It has not sought to address the emotional damage that these women may suffer from the trauma of an abortion. And, it certainly has not sought to address the fatal tragedy that befalls the more than 10,000 children whose mothers come to the Clinic each year.

PERSONAL EXPLANATION

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. JEFFERSON. Madam Speaker, due to a prior commitment being held in my district on Thursday, March 1, 2007, I missed the H.R. 800 "Employee Free Choice Act" vote. If I had been here, I would have voted "yes" on this bill.

TRIBUTE TO KAREN FANT: CONSERVATIONIST AND DEFENDER OF OUR WILD LANDS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. INSLEE. Madam Speaker, I rise today to pay tribute to Ms. Karen Fant, who devoted her life to preserving wilderness and wildlife in Alaska and the Pacific Northwest. We mourn the loss of such a treasured conservationist and pioneer in the Washington state environmental movement. She spent four decades organizing for conservation, working for groups including the Alaska Coalition, Sierra Club, Olympic Park Associates, Wild Sky Working Group, Washington Wilderness Coalition, and Save Our Wild Salmon Coalition. Her activism spanned many years, crossed state lines, and extended as far as Chongqing, China, where she dedicated herself to developing a strategy to address environmental degradation in Asia as a board member of the Seattle-Chongquing Sister City Association.

Born in Altadena, California, Karen grew to cherish wilderness at an early age, spending her childhood hiking the Sierra Nevada Mountains with her family. She continued this passion, earning a degree in geology at the University of California, Santa Cruz. Formally beginning her long legacy of protecting our wild forests, Karen first went to work for the Sierra Club in the 1970s, fighting for roadless forest preservation. In 1979, she cofounded the Washington Wilderness Coalition, an organization dedicated to empowering Washington state citizens to preserve and restore wilderness areas through grassroots advocacy and public education.

Karen once said, "We will continue to work on these issues as long as there is wild land left in the country." Friends have described her as selfless, caring, inspirational, effective, dedicated, wise, humble and relentless in organizing and empowering people to speak up for the wild places in America and around the world. Karen was the epitome of the dedicated and effective activist. She touched the lives of countless individuals throughout the Northwest. She had a knack for recognizing everyone's ability to make a difference, and encouraged people to stand up and speak out for what they believe in. She was never the loudest person in the room, but often the most effective voice at bringing people and ideas together to advance the protection of wilderness and the wild creatures that depend on it. She delighted in walking in wild, unspoiled places and bringing others out to experience the serenity, joy, and splendor of wilderness. Because of her work, the conservation community in Washington has been left with an immense knowledge of what is at stake as we fight to protect the wilderness areas that remain in the United States.

Karen was instrumental in passing the 1984 Washington State Wilderness Act, which sets aside over one million acres of new wilderness. She also initiated the efforts to preserve Wild Sky. She organized to protect the Owyhees Canyonlands in Idaho and the Arctic National Wildlife Refuge in Alaska. Finally, she organized in support of a bill that is close to my heart, The National Forest Roadless Area Conservation Act. Passage of this bill is vital to protect areas in the national forest deemed as roadless and ensure that they remain free from development or devastation. As the original sponsor of this bill, I encourage you to support the protection of our national forests.

This spring, Karen's ashes will be spread among some of her favorite wilderness areas in the North Cascades and Sierras Nevadas, areas that continue to need protection to this day. Here in the U.S. Congress, I cannot imagine a better way to honor Karen's conservation legacy than for my colleagues to join me in supporting H.R. 866, the Wild Sky Wilderness Act of 2007, which will be marked up in the Natural Resources Committee this week. This bill would serve to protect and expand the federal wilderness of the Skykomish River Valley in Washington State and ensure that ecosystems and stunning vistas in this area are enjoyed by people and wild creatures for generations to come. Passage of this legislation would be the perfect tribute to Karen's legacy.

If Congress could merely echo the unwavering efforts of this woman, we would no doubt be doing a great service to our children and grandchildren in ensuring there are wild lands for them to enjoy far into the future.

INTRODUCTION OF THE "TORTURE OUTSOURCING PREVENTION ACT"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. MARKEY. Madam Speaker, I rise today to introduce, for the third time, legislation to prohibit the outsourcing of torture by the United States government. I am hopeful that this Congress the House will finally take up legislation on this matter.

I know that policy battles can drag on for seemingly endless lengths of time. I remember that Senator Proxmire spent nearly 20 years arguing that the United States needed to ratify the Convention Against Genocide before finally succeeding to rally the Senate to action. But I know too that we cannot delay any longer in addressing the Administration's practice of transferring detainees for interrogation or other purposes to countries where there are substantial grounds for believing that the transferred individuals could face torture. I feel a rising optimism that we can end this repugnant and counterproductive practice of so-called extraordinary rendition soon, and certainly within the timeframe of this Congress.

There is no doubt that the United States is greatly challenged by violent extremists, and the terrible attacks of September 11 were not so much attacks upon our country as upon the values of liberalism, openness and democracy that we champion throughout the world. But there is a right way and a wrong way to conduct ourselves as we defend the United States from murderous criminals and terrorists.

The wrong way is to lower our standards of conduct further and further for the sake of expediency. The wrong way is to compromise our core values of human rights and dignity for all people in the face of an enemy who disdains such ideals. The wrong way is to undermine and destroy international treaties guaranteeing all people security from cruel, inhumane, or degrading treatment; especially when these treaties are the last line of defense for our soldiers and personnel overseas unfortunate enough to be captured on the battlefield.

The right way is to proudly and publicly hold the United States to the highest standards and prove again that our nation is founded upon the rule of law.

The practice of extraordinary rendition is a travesty, and it is illegal under any reasonable reading of U.S. and international law. The Convention Against Torture, ratified by the Senate in 1986, provides that the United States may not "expel, return, or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." And in 1998, this Congress passed the Foreign Affairs Reform and Restructuring Act (FARRA), which states that "it shall be the policy of the United States not to expel, extradite, or otherwise affect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States."

Both the Convention Against Torture and FARRA prohibit the transfer of an individual to a state where there are "substantial grounds for believing" that the individual will face torture. How has the Administration gotten around this prohibition when sending detainees to countries like Syria, Jordan, Uzbekistan, and Egypt; countries which our own State Department reports are habitual abusers of human rights? The Administration has received, and accepted, so-called "diplomatic assurances" from these torturing countries that they will not abuse transferred detainees. It is shocking that the Bush Administration has repeatedly and cynically accepted the word of known torturers without any mechanism to ensure that these promises were not broken.

The Torture Outsourcing Prevention Act will require that the Secretary of State compile an annual list of all countries in the world known to use torture; it will be illegal to transfer individuals to the countries on this list, regardless of the citizenship or physical location of the individuals. Furthermore, the Torture Outsourcing Prevention Act will close the loophole of "diplomatic assurances" which the Administration has exploited to outsource the torture of prisoners to countries such as Syria.

The Torture Outsourcing Prevention Act provides waiver authority over the prohibition to the Secretary of State when it is certified to the appropriate Congressional committees that the country in question no longer practices torture and there is a verifiable mechanism in place to assure that the person transferred will not face torture.

The Torture Outsourcing Prevention Act does not inhibit treaty-based extraditions in any way. In those cases, current law already provides that an individual facing extradition may challenge the extradition in the courts with an assertion of their rights under the Convention Against Torture.

Madam Speaker, it is past time for the Congress to end the practice of extraordinary rendition. I urge adoption of this important legislation.

RECOGNIZING DR. JAMES C. METTS, JR. UPON HIS RECEIPT OF THE AMERICAN CENTER OF POLISH CULTURE AWARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Ms. KAPTUR. Madam Speaker, the American Center of Polish Culture today presented Dr. James C. Metts, Jr. an award to recognize his research on the fate of General Casimir Pulaski's remains. Dr. Metts, coroner of Chatham County, Georgia, served as the chairman of a 10-year investigaton to positively identify General Pulaski's remains. Mr. KINGSTON and I want to congratulate Dr. Metts upon receiving this award.

The birthday of Brigadier General Casimir Pulaski in George Washington's Continental Army was marked for the first time on Capitol Hill on Tuesday, March 6, 2007, the 262nd anniversary of his birth in Warsaw, Poland.

To celebrate the occasion, the National Polish Center (also known as the American Center of Polish Culture of Washington, DC) sponsored a birthday breakfast at the Rayburn House Office Building. Among those who came were sponsors of the resolutions to make Pulaski an honorary U.S. citizen and other notables from Congress and the Polish-American community. The featured speaker, Dr. Thaddeus Radzilowski, was president of the Piast Institute in Detroit, Michigan, and former president of St. Mary's College in Orchard Lake, Michigan.

Dr. Metts was recognized for his leadership and report on General Pulaski, whose remains were found September 1996. They had been buried in a crypt under the Pulaski Monument in Savannah, Georgia, since 1853, though Pulaski had been widely rumored to have been buried at sea.

Edward Pinkowski, internationally known authority on General Pulaski, was the chief sponsor of the Pulaski identification project.

Pulaski's remains were examined by forensic specialists in Savannah since 1996. Dr. Metts said the remains are "consistent in remarkable detail with the physical appearance, life history, and cavalry lifestyle of Casmir Pulaski."

Pulaski's remains were re-interred in October 2005 in front of the monument in Savannah's Monterey Square.

At the Washington event, a wreath was laid at the heroic-size marble bust of Pulaski located in the Capitol Building. The bust was carved by Henry Dmochowski (1810–1863) from Carrara marble and moved to Capitol Hill in 1882.

According to Jack Pinkowski, Ph.D., vice chairman of the National Polish Center, "this first birthday celebration at the Capitol is important because it identifies Pulaski's correct birth date as March 6, 1745. It also gives us an opportunity to recognize the 10 years of work of Dr. Metts and his team in Poland and in the United States.

Casimir Pulaski was born and raised in Warsaw, the son of Count Joseph Pulaski, a member of the Polish parliament (Sejm). The young Pulaski won his reputation as a guerilla fighter in Poland's struggle for independence.

Political intrigue forced him to leave Poland in 1772, and he spent time in Turkey, Germany, and France. He went to America in 1777 with a letter of recommendation from Benjamin Franklin, who was solicited by Pulaski's friends. Pulaski was commissioned by the Continental Congress as a brigadier general to command four cavalry regiments and later formed the Pulaski Legions.

Among his exploits in the American fight for freedom were saving George Washington's life and the successful defense of Charleston in May 1778. He was wounded at the Siege of Savannah on October 9, 1779, and died on board the ship *Wasp*. He was secretly buried on Greenwich Plantation next to Thunderbolt Bluffs on the banks of the Wilmington River next to the plantation where the *Wasp* was tied up to a finger wharf and where Samuel Bullfinch, captain of the *Wasp*, wrote a letter that notified General Benjamin Lincoln of Pulaski's death. He said that Pulaski died on board his ship on October 15.

Pulaski remains a symbol of Polish courage, Polish initiative, and Polish friendship for the United States.

We thank Dr. James C. Metts, Jr. for his efforts to remind us of this American Revolutionary War hero, and congratulate him on his receipt of the American Center of Polish Culture award.

INTRODUCTION OF LEGISLATION TO IMPROVE FEDERAL NUTRITION ASSISTANCE

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Ms. HERSETH. Madam Speaker, I rise today to introduce legislation comprised of three sections to improve federal nutrition assistance.

The National School Lunch and Breakfast Programs are two of the Nation's most successful and popular programs. Each day almost 30 million children participate in the lunch program and 9 million in the breakfast programs. Yet, there are children who are eligible for the programs who cannot participate.

Children from families with incomes between 130 percent and 185 percent of the poverty line are eligible for reduced price meals. A reduced price breakfast costs 30 cents per meal per child and a lunch is 40 cents per meal per child. While it may be hard to imagine, this modest fee appears to be a barrier to low income working households.

In 2004, the Child Nutrition and WIC Reauthorization Act (P.L. 108-265) authorized a pilot program to determine for sure whether it was the reduced price fee that was keeping children from the program or whether there might be other reasons for the lack of participation. I believe the time has come to finally fund this pilot and I propose that the Congress take this action as a part of the farm bill.

USDA has suggested that a valid pilot could be implemented for approximately $23 million, $10 million per year for two years, plus the cost of evaluation. This amount would not allow for a five state, state-wide pilot as was authorized but it would provide for a valid test of whether the fee is the barrier that is keeping the children from the program.

Evidence has clearly proven that hungry children cannot learn. Therefore, if we are going to educate our children in America to compete effectively in a world market, we must provide for sound nutritious school meals. As the Congress restructures our farm programs, and reauthorizes the food stamp program, we should also fund this small but important school meal pilot.

Most of the school boards in South Dakota have endorsed funding for this pilot, as has the South Dakota Farmers Union and the Argus Leader, our largest newspaper. Nationally, the pilot also enjoys wide support. The School Nutrition Association, the Military Impacted School Association, National Farmers Union, the National Association of Elementary School Principals all support funding the pilot. The National School Boards Association has gone further and supports gradually eliminating the reduced price category, expanding the free meal category to the WIC income guideline. In short, if a family qualified for free WIC benefits, the family would also qualify for free school meals. Many state and local school boards agree with this policy.

Additionally, I'd like to acknowledge the administering State agencies and school districts that work so hard to ensure that every school meal these children receive meets the nutrition standards set forth in the Dietary Guidelines for Americans as required by law. To allow the USDA to better support school food professionals in their efforts, this legislation provides for a survey of foods purchased by school food authorities to be conducted once every 5 years. This data would also help the USDA to better manage the commodities that the Department purchases on behalf of schools, and also assess the economic impact of school food purchases on different commodity sectors. The most recent data on school food purchases is over a decade old and I believe this worthwhile investment is overdue.

Finally, this legislation would increase the minimum spent for food program administration in the Food Distribution Program on Indian Reservations (FDPIR). FDPIR provides commodity foods and education to low-income households that reside on Indian reservations so that they can maintain a nutritionally balanced diet with foods they might not otherwise have access to where they reside. There are approximately 257 tribes that receive commodity foods through FDPIR and an increase in the distribution of administrative funds is in order to better reflect the actual participation rates in this critical program.

I encourage my colleagues to support this beneficial and important legislation. It sets forth modest proposals that could make a world of difference to children and families most at risk of severe hunger.

TRIBUTE TO MR. DANIEL HACKMEIER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. STUPAK. Madam Speaker, I rise today to salute a late American hero from my district. Mr. Daniel Hackmeier served our Nation with honorable distinction during World War II. Mr. Hackmeier passed in July of last year. This week, the City of Houghton, local military organizations, and community groups in the Houghton area will come together to honor Mr. Hackmeier and pay tribute to his service to our country.

Mr. Hackmeier enlisted in the United States Air Corps (which later became the Air Force) in April of 1939. He was first stationed at Selfridge Field in Mt. Clemens before being deployed to Nichols Air Force Base in the Philipines. While stationed at Clark Field, Mr. Hackmeier was promoted to Staff Sergeant Major for the 24th Pursuit Group.

When hostilities with the Japanese began, Mr. Hackmeier became part of the 71st Provisional Infantry. On April 9, 1942, when Bataan fell to Japanese forces, Mr. Hackmeier was taken prisoner by the Japanese. In the custody of the Japanese, Mr. Hackmeier was forced to partake in the infamous Bataan Death March, one of the darkest episodes of the war in the Pacific. It has been estimated that 600–650 American and 5,000–10,000 Filipino prisoners of war died during this horrific ordeal. After surviving the Bataan Death March, Mr. Hackmeier endured as a prisoner of war for three and a half years at the Cabanatuan Prison Camp in the Philipines and later in Niigata, Japan.

According to those who knew him well, while captive, Mr. Hackmeier and his fellow prisoners kept up their spirits by singing the American folk song "San Antonio Rose." Upon his release from captivity in 1945, Mr. Hackmeier was transported back to the United States by the Air Corps. When asked what airbase he would like to be transported to, Mr. Hackmeier replied, "San Antonio."

Upon arriving in San Antonio, Mr. Hackmeier met his own "San Antonio Rose," his future wife, Betty. Betty and Daniel were married in September of 1948. Over the course of their lives, Betty and Daniel would have five children, nine grandchildren and four great-grandchildren.

Mr. Hackmeier remained with the U.S. Air Force after World War II and he received numerous military decorations. He was awarded the Bronze Star for his heroism in the Battle of Bataan. He also received the Combat Infantryman's Badge as well as the Presidential Unit Citation with two oak clusters and commendation ribbons. In addition, he was given several theater and campaign ribbons. In 1960, he received the prestigious Airman of the Year Award.

Mr. Hackmeier became acquainted with Michigan's Upper Peninsula (U.P.) while he was in the Air Force as he was assigned to teach ROTC at Michigan Technological University (MTU) in Houghton, Michigan. There, Mr. Hackmeier came to know and love Houghton and the U.P.

In 1961, Mr. Hackmeier was promoted to Chief Master Sergeant while serving at Maxwell Air Force Base in Texas. He retired later that year, having spent thirty years serving our Nation.

Upon retirement from the Air Force, Mr. Hackmeier returned to the Houghton area that he had become so fond of while teaching ROTC. Becoming an active member of the community, he joined Copper Country Ford dealership, a position he held for twenty-five years. His wife, Betty, also became active in the Houghton community, spending twenty-five years as a Food Supervisor at Michigan Technological University.

Madam Speaker, like most heroes, Mr. Hackmeier did not seek recognition for his valor. When those around him in the community referred to him as a hero, this humble man was known to simply respond, "The real heroes are the men that died there."

Madam Speaker, inscribed on the monument to the Pacific War Dead, in Corregidor, Philippines are the words:

Sleep my Sons, Your Duty Done . . .
For Freedom's Light Has Come.
Sleep in the Silent Depths of the Sea
Or in Your Bed of Hallowed Sod.
Until You Hear at Dawn
The Clear Reveille of God

While Mr. Hackmeier's final resting place may be Houghton and not the Pacific, like his comrades who did not survive Bataan, his duty truly has been done. As the people of Houghton, Michigan come together to recognize this hero, I would ask the entire U.S. House of Representatives to join me in saluting Mr. Hackmeier for his lifetime of service and in offering our thoughts and prayers to his wife, Betty, and his entire family.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. COLE of Oklahoma. Madam Speaker, the CONGRESSIONAL RECORD lists me as not voting on rollcall vote 115, Ms. FOXX's amendment to H.R. 800. I had intended to vote "aye."

TRIBUTE TO HERMAN BRUBAKER AND DONALD H. SCHRIVER

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2007

Mr. BOEHNER. Madam Speaker, I rise today to recognize a couple of buckeyes who have played an instrumental role in the growth and development of the dairy industry.

During my years in Congress, I have had the good fortune of representing, Herman Brubaker. Herman is a dairy farmer in the Preble County town of West Alexandria and he is a leader in the dairy industry.

While serving as chairman of the Board of Dairy Farmers of America, Inc. (DFA), the Nation's largest dairy marketing cooperative, Herman played an instrumental role in unifying the Nation's dairy producers' efforts to work together and promote dairy consumption. For those of you unfamiliar with DFA, it is a farmer owned cooperative with 24,000 dairy farmer members in 49 states.

Herman was the President of the Board of Directors of the Strongsville, Ohio—based Milk Marketing Inc. dairy cooperative in 1998 and played an instrumental role in that cooperative joining together with cooperatives throughout the country to form DFA. His efforts were so impressive that he was chosen as the first chairman of DFA's board of directors. He held this position until he retired in 2002. Herman has also served on the National Milk Producers Federation's board of directors.

Although Herman and I have not always agreed on the details of dairy policy, I have always been impressed with his work on behalf of dairy farmers. We have had some spirited discussions and I can honestly say it has been a pleasure to serve as his Member of Congress.

I also stand to recognize Donald Schriver, who recently retired as the executive vice president of DFA is an Ohio native and a 1969 graduate of the Ohio State University. Donald Schriver grew up on a dairy farm in Lorraine County, Ohio, and has spent a lifetime within agribusiness and the cooperative business world. Like Herman, Donald was an official with Milk Marketing, Inc. when it joined with other cooperatives to form DFA. Since DFA formed in 1998, Donald has played a vital role in the cooperative's growth and development.

I thank these men for their continued support of the dairy industry. I wish them well as they enjoy their retirements.

HOUSE OF REPRESENTATIVES—*Wednesday, March 7, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. McCOLLUM of Minnesota).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *March 7, 2007.*
>
> I hereby appoint the Honorable BETTY McCOLLUM to act as Speaker pro tempore on this day.
>
> NANCY PELOSI,
> *Speaker of the House of Representatives.*

PRAYER

The Reverend Martin L. Wilson, El Paso Sector Chaplain, U.S. Border Patrol, offered the following prayer:

Heavenly Father, we thank You as we gather in this place today for the gift of Your divine providence, for this House and what it represents to the citizens of our great Nation and, indeed, to the world.

We are grateful to You, O Lord, for those patriots who have served in these hallowed halls, who have penned for us those freedoms we so thoroughly enjoy. I pray, Lord, for the matters that are before the Members. As modern day patriots, inspire them in the protection of our people, our culture, and our way of life and the preservation of our civil liberties for generations to come.

I humbly also ask for the protection of those on the front lines, the guardians of our borders. Bless them with courage and integrity to bring honor to our land and to be victorious against all the evils that come against us.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. SENSENBRENNER) come forward and lead the House in the Pledge of Allegiance.

Mr. SENSENBRENNER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND MARTIN WILSON

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. REYES) is recognized for 1 minute.

There was no objection.

Mr. REYES. Thank you, Madam Speaker.

Madam Speaker, it is a special privilege for me to recognize Chaplain Martin Wilson. Chaplain Wilson is a 21-year veteran of the United States Border Patrol currently assigned to the Family Support Unit in El Paso, Texas. The Family Support Unit is a 1-year pilot program intended to provide Border Patrol agents, staff and their families with a support network to help manage times of crisis. During his early years in the Border Patrol, Chaplain Wilson served as a program manager under my command as Sector Chief.

Chaplain Wilson is married to San Juanita Wilson who today are celebrating their 27th wedding anniversary. Together they have four children: Alicia; Marty, Jr.; Stephanie; and Daisy. Marty, Jr. recently followed in his father's footsteps, becoming the second in his family to join the United States Border Patrol.

In addition to his duties as Sector Chaplain, Chaplain Wilson serves as the associate pastor at La Verdad Community Baptist Church and is an advocate for people with physical and developmental disabilities.

Thank you, Chaplain Wilson, for joining us this morning and for serving our Nation as a Border Patrol agent.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Majesty King Abdullah II, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, March 1, 2007, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS MAJESTY KING ABDULLAH II IBN AL HUSSEIN, KING OF THE HASHEMITE KINGDOM OF JORDAN

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Majesty King Abdullah II into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from California (Mr. LANTOS);

The gentleman from West Virginia (Mr. RAHALL);

The gentleman from New York (Mr. ACKERMAN);

The gentlewoman from New York (Mrs. LOWEY);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from California (Mr. ISSA); and

The gentleman from Indiana (Mr. PENCE).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the part of the Senate to escort His Majesty King Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Vermont (Mr. LEAHY);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Mississippi (Mr. LOTT);

The Senator from Arizona (Mr. KYL); and

The Senator from Texas (Mr. CORNYN).

The Deputy Sergeant at Arms announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador of the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

At 11 o'clock and 5 minutes a.m., the Deputy Sergeant at Arms announced His Majesty King Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan.

The King of the Hashemite Kingdom of Jordan, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Majesty King Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan.

[Applause, the Members rising.]

ADDRESS BY HIS MAJESTY KING ABDULLAH II IBN AL HUSSEIN, KING OF THE HASHEMITE KINGDOM OF JORDAN.

King ABDULLAH II. Madam Speaker, Mr. Vice President, Honorable Senators and Members of Congress, my friends, thank you for such a warm welcome. It is an honor to stand, as my father did, before this historic institution. Allow me to thank you on behalf of all Jordanians.

Jordan and the United States have had a long friendship. It is a special privilege to be here in the year that the American Congress welcomes its first woman Speaker and its first Muslim-American Member of Congress. These milestones send a message around the world about the America I know so well, a place where individuality is nurtured, a place where hard work is rewarded, a place where achievement is celebrated. The America I know so well believes that opportunity and justice belong to all.

In my days in Massachusetts, I also learned something about New England virtues. There wasn't actually a law about talking too much, but there was definitely an attitude that you didn't speak unless you could improve on silence.

Today, I must speak, and I cannot be silent.

I must speak about a cause that is urgent for your people and for mine. I must speak about peace in the Middle East. I must speak about peace replacing the division, war, and conflict that have brought such disaster for the region and for the world.

This was the cause that brought my father King Hussein here in 1994. With Israeli Prime Minister Yitzhak Rabin beside him, he spoke of a new vision for the Middle East. Their courageous work for peace received bipartisan support from your leaders. And there was tremendous hope for a new era. There was tremendous hope that people would be brought together. There was tremendous hope that a final and comprehensive settlement of all the issues would be achieved.

Thirteen years later, that work is still not completed. And until it is, we are all at risk. We are all at risk of being victims of further violence resulting from ideologies of terror and hatred. It is our greatest and most urgent duty to prevent such dangers to our region, to your country and to the world. The choice is ours: an open world full of promise, progress and justice for all; or a closed world of divided peoples, fear, and unfulfilled dreams. Nothing impacts this choice more than the future of peace in the Middle East.

I come to you today at a rare, and indeed historic, moment of opportunity, when there is a new international will to end the catastrophe. And I believe that America, with its enduring values, its moral responsibility, and yes, its unprecedented power, must play the central role.

Some may say, "Peace is too difficult. We can live with the status quo." But, my friends, violent killings are taking place as part of this status quo. Palestinians and Israelis are not the only victims. We saw the violence ricochet into destruction in Lebanon last summer. And people around the world have been the victims of terrorists and extremists who use the grievances of this conflict to legitimize and encourage acts of violence. Americans and Jordanians and others have suffered and survived terrorist attacks. In this room, there are representatives of American families and Jordanian families who have lost loved ones. Thousands of people have paid the highest price, the loss of their life. Thousands more continue to pay this terrible price, for their loved ones will never return. Are we going to let these thousands of lives be taken in vain? Has it become acceptable to lose that most basic of human rights? The right to live?

The status quo is also pulling the region and the world towards greater danger. As public confidence in the peace process has dropped, the cycle of crises is spinning faster, and with greater potential for destruction. Changing military doctrine and weaponry pose new dangers. Increasing numbers of external actors are intervening with their own strategic agendas, raising new dangers of proliferation and crisis. These are groups that seek even more division: faith against faith, nation against nation, community against community. Any further erosion in the situation would be serious for the future of moderation and coexistence, in the region and beyond. Have we all lost the will to live together in peace celebrating one another's strengths and differences?

Some may say, "But there are other, urgent challenges." How can there be anything more urgent than the restoration of a world where all people, not only some people, all people have the opportunity to live peacefully? This is not only a moral imperative. It is essential to the future of our world, because long-term, violent crisis is the enemy of all global prosperity and progress.

Certainly our era faces critical issues. There is great public concern here, just as in our region, about the conflict in Iraq. The entire international community has vital decisions to make about the path forward, and how to ensure Iraq's security, unity, and future. But we cannot lose sight of a profound reality. The wellspring of regional division, the source of resentment and frustration far beyond, is the denial of justice and peace in Palestine.

There are those who say, "It's not our business." But this Congress knows: there are no bystanders in the 21st century. There are no curious onlookers. There is no one who is not affected by the division and hatred that is present in our world.

Some will say: "This is not the core issue in the Middle East." I come here today as your friend to tell you that this is the core issue. And this core issue is not only producing severe consequences for our region, it is producing severe consequences for our world.

The security of all nations and the stability of our global economy are directly affected by the Middle East conflict. Across oceans, this conflict has estranged societies that should be friends. I meet Muslims thousands of miles away who have a deep, personal response to the suffering of the Palestinian people. They want to know how it is that ordinary Palestinians are still without rights and without a country. They ask whether the West really means what it says about equality and respect and universal justice.

Yes, my friends, today I must speak. I cannot be silent.

Sixty years of Palestinian dispossession, 40 years under occupation, a stop-and-go peace process, all this has left a bitter legacy of disappointment and despair on all sides. It is time to create a new and different legacy, one that begins right now; one that can set a positive tone for the American and Middle East relationship; one that can restore hope to our region's people, to your people, and to the people of this precious world. Nothing can achieve that more effectively, nothing can assert America's moral vision more clearly, nothing can reach and teach the world's youth more directly than your leadership in a peace process that delivers results not next year, not in 5 years, but this year.

How do we get there? Not by a solution imposed by one side. A lasting peace can only be built on understanding, agreement and compromise.

It begins with courage and vision. We, all of us, must take risks for peace. The Arab states recognized that reality in 2002, when we unanimously approved the Arab Peace Initiative. It puts forward a path for both sides to achieve what people want and need: a collective peace treaty with Israel and normal relations with every Arab state, collective security guarantees for all the countries of the region, including Israel, an end to the conflict, a dream every Israeli citizen has longed for since the creation of Israel, and an agreed solution to the refugee problem, a withdrawal from Arab territories occupied since 1967, and a sovereign, viable, and independent Palestine.

The commitment we made in the Arab Peace Initiative is real. And our states are involved in ongoing efforts to advance a fair, just, and comprehensive peace. His Majesty King Abdullah Bin Abdul Aziz of Saudi Arabia initiated the 2002 proposal. Today, he continues to rally international support. Momentum is also building among Muslim countries outside the Arab world. Ten days ago, in Islamabad, the foreign ministers of key Muslim states met. They came together to assure Palestinians and Israelis that they are not alone, that we back their effort to make and build peace.

The goal must be a peace in which all sides gain. It must be anchored in security and opportunity for all.

It must be a peace that will free young Palestinians to focus on a future of progress and prosperity.

It must be a peace that makes Israel a part of the neighborhood, a neighborhood that extends from the shores of the Atlantic Ocean, across the breadth of the southern Mediterranean, to the coast of the Indian Ocean.

It must be a peace that enables the entire region to look forward with excitement and hope, putting its resources into productive growth, partnering across borders to advance development, finding opportunities, and solving common challenges.

This goal is visionary, but, my friends, it is attainable. History shows that longtime adversaries can define new relationships of peace and cooperation. The groundwork for a comprehensive, final settlement is already in place. At Taba, as in the Geneva Accords, the parties have outlined the parameters of the solution.

But we need all hands on deck. The international community, especially the United States, must be engaged in moving the process forward to achieve real results. Above all, we must make our process serve our purpose. We must achieve an agreed solution to the conflict.

Madam Speaker, Mr. Vice President, Honorable Members, your responsibility today is paramount. Your potential to help Palestinians and Israelis find peace is unrivaled. This is because the people of the region still regard the United States as the key to peace, the one country most capable of bringing the two sides closer together, holding them accountable, and making a just settlement reality.

Time after time, there has been progress towards peace when Americans have actively engaged. Camp David, Madrid, Wye River, nearly every breakthrough was accomplished when America was determined to help the parties succeed.

On behalf of all those who seek and strive for peace in my part of the world, I ask you now to exert that leadership once again. We ask you to join with us in a historic effort of courage and vision. We ask you to hear our call, to honor the spirit of King Hussein and Yitzhak Rabin, and help fulfill the aspirations of Palestinians and Israelis to live in peace today.

Let me reaffirm that Jordan is committed to playing a positive role in the peace process. It is part of our larger commitment to global coexistence and progress. Ours is an Islamic country with a proud record of diversity, moderation, and shared respect.

Allow me to say, we thank the Congress and the administration for supporting Jordan's progress and development. I deeply value the partnership between our peoples, and the contributions of so many Americans to the future of our country.

My friends, "A decent respect for the rights and dignity of all nations, large and small." That's how President Roosevelt—the great FDR—described the basis of American foreign policy. He pledged American support for the four freedoms, freedom from fear, from want, freedom of speech, and freedom of religion, everywhere in the world.

The Four Freedoms speech was given right here, before Congress. And that is entirely fitting. Because it is here in the People's House that the voices and values of America have made hope real for so many people.

Today, the people of the Middle East are searching for these four freedoms. Today, the people of the Middle East are searching for new hope, hope for a future of prosperity and peace. We have seen the danger and destruction of violence, hatred, and injustice. But we have also seen what people can achieve when they are empowered, when they break down walls, when they commit to the future. And we know that Middle East peace can be a global beginning, creating new possibilities for our region and the entire world.

We look to you to play a historic role. Eleven American Presidents and 30 American Congresses have already faced this ongoing crisis. For not the future generation, but the generation alive today, let us say together: No more. Let us say together: Let's solve this. Let us say together: Yes, we will achieve this.

No Palestinian father should be helpless to feed his family and build a future for his sons and daughters. No Israeli mother should fear when her child boards a bus. Not one more generation should grow up thinking that violence and conflict are the norm.

As Roosevelt also said, "The justice of morality must and will win in the end." But he knew that it was up to responsible nations to stand up for justice when injustice threatens.

This is our challenge as well. And we must not leave it to another generation to meet this challenge.

Thirteen years ago, my father was here to talk about his hopes for peace. Today, we are talking about a promise that is within our reach.

We can wait no longer and that is why I am here before you. We must work together to restore Palestine, a nation in despair and without hope. We must work together to restore peace, hope and opportunity to the Palestinian people. And in so doing, we will begin a process of building peace, not only throughout the region, but throughout the world. How much more bloodshed and how many more lives will it cost for this grave situation to be resolved?

I say: No more bloodshed and no more lives pointlessly taken.

The young boy, traveling to school with his brother in Palestine, let him have a life of peace.

The mother, watching with fear as her children board a bus in Israel, let her have a life of peace.

The father in Lebanon, working hard to provide an education for his children, let him have a life of peace.

The little girl, born in Iraq, with her wide eyes full of wonder, let her have a life of peace.

The family, together eating their evening meal, in Asia, Africa, North America, South America, Europe, Australia, and the Middle East, let them all have a life of peace.

Today my friends, we must speak. We cannot be silent.

The next time a Jordanian, a Palestinian, or an Israeli comes before you, let it be to say: Thank you for helping peace become a reality.

Peace be upon you.

Thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 35 minutes a.m., His Majesty King Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the Dean of the Diplomatic Corps from the Chamber.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 38 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1218

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHIFF) at 12 o'clock and 18 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that the proceedings during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one-minutes, 15 minutes per side.

THE IMPERATIVE OF PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, a few minutes ago we heard King Abdullah of Jordan declare the imperative of peace between the Israelis and the Palestinians as central to assuring peace not only in the Middle East but throughout the world.

Speaking not only of Israelis and Palestinians but of Lebanese and Iraqis and of people all over the world, King Abdullah said, "Let them have a life of peace."

Indeed, it is our responsibility as leaders of the United States to respond to such an eloquent call by creating a restart of the peace process, which brings security, justice and peace to both Palestinians and Israelis.

When our brothers and sisters are killing each other, it is for us to use the power of compassion and love so that all may survive and prosper in security and peace.

This is a good moment for us to make a restart. This is a good moment for us to create a new context. This is a good moment for us to join with King Abdullah in speaking of people in the Middle East and throughout the world and saying, "Let them have a life of peace."

BRAC FUNDING

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, earlier this week I visited Walter Reed Army Medical Center, including outpatient residence Building 18.

Despite Walter Reed's status on the BRAC list, there is no excuse for offering anything but world-class patient care to our returning wounded warriors.

According to the BRAC Commission, Bethesda Naval Medical will take on the important mission currently handled by Walter Reed in 2011. Yet, only 5 weeks ago, the majority decided to take away $3 billion from the BRAC account that is needed to allow them to build the facilities to take on this overwhelming responsibility.

I have asked the question then, and 5 weeks later have yet to have an answer, where is the money for BRAC and when will the money be restored for patient care for our men and women returning from battle?

SONIC FOUNDRY

(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, I rise to recognize one of Wisconsin's own, the Sonic Foundry Company, for its well-deserved attention as leaders of the company rang the opening bell to start the NASDAQ trading day this morning.

Sonic Foundry is an example of a company excelling in innovation. Its Web technology is transforming business, government and educational institutions by allowing people to receive critical information and share knowledge. Their Mediasite technology is trusted by Fortune 500 companies, educational institutions and government agencies. In Wisconsin, use of this technology saved the State's budget $800,000 in its first year of use.

Sonic Foundry's Mediasite technology also allows the exchange of video greetings and interactive content to be passed between separated family members. Military families have been provided this service for free during holiday occasions.

Wisconsin is proud of Sonic Foundry's accomplishments.

DIRECTO A MEXICO

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Federal Government is helping and encouraging illegals in this country to send money south of the border. Here is how it works.

The Federal Reserve, in a program called Directo a Mexico, allows illegals that have no Social Security numbers and no American IDs to send billions of dollars through U.S. banks to Mexico.

The Federal Reserve, also at taxpayer expense, provides banks with promotional marketing propaganda in Spanish so as to appeal to the ever-growing illegal population. This untaxed money to Mexico is about $23 billion a year and a drain on the United States economy.

The banks make a profit off the illegals and their transfers. It is all about banking greed. These transactions should be taxed, and the banks should be required to collect the taxes.

Keep some of that money in the United States to pay for all the social services that illegals obtain and don't pay for. Banks should not be in the business of helping illegals in the United States send money anywhere, and neither should our Federal Government, for that matter. But banking greed seems to rule the day.

And that's just the way it is.

WALTER REED ARMY MEDICAL CENTER

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I stand today for our veterans. The American public has heard the revelations of poor conditions at Walter Reed and other military medical centers around the country.

The fact that we are not providing adequate support and resources for the brave men and women who fought for our country is a national disgrace. We must ensure soldiers have the training, resources and care while in combat and when they return home.

Next week, I will be visiting Walter Reed to talk to administrators and patients about the care our veterans are receiving. I will also visit Jefferson Barracks and the John Cochran Hospital in Missouri. By evaluating our current facilities, we can determine the strengths to build upon and weaknesses to address.

I remain determined to ensure our veterans are receiving the care and support they have earned and been promised, and I call upon every Member of this House to join in fighting for those who have fought for us.

FISCAL YEAR 2008 BUDGET

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, next week we will mark up the budget for fiscal year 2008. That budget will set the tone for the year and will affect the fiscal direction of our country.

Simply chasing higher spending with higher taxes, as the Democrats want, fails to address the unsustainable growth of government spending. Also, entitlement spending currently consumes more than half the budget and is projected to grow by nearly 6 percent per year, faster than the entire government costs now. We must take immediate and substantive steps to ensure we can meet commitments in the future.

Mr. Speaker, Republicans will put forth a budget that balances the budget by 2012, without raising taxes, by keeping our economy strong, creating jobs and by reforming and strengthening entitlement programs.

Let's work together to balance the budget, but let's make sure we do it the right way. The question will be answered this month, which is, will Democrats work with us toward these goals or go back to the days of tax and spend?

DEMOCRATIC CONGRESS PROVIDING PROPER OVERSIGHT OF POOR TREATMENT OF WOUNDED SOLDIERS

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, the American people are rightfully outraged by the stories coming out of Walter Reed.

On Monday, the House Oversight and Government Reform Committee held its first hearing at Walter Reed to determine how long these problems have been going on and how best we can fix the problems as soon as possible. Three other hearings are scheduled throughout the week.

But this administration has some tough questions to answer. First, when did they know that wounded military personnel were not receiving the treatment they deserve? The President said he wasn't aware of these problems until the Washington Post investigation, but several GAO reports have been released outlining some of these problems. Was the administration ignoring these reports or just ignoring the problem?

And, second, why did the administration choose to privatize services at Walter Reed? And how did they go about choosing a company with ties to Halliburton?

Our soldiers deserve better, and I am confident that this Congress will provide the necessary oversight so that we can fix these problems immediately.

FIRST AMENDMENT AND FREEDOM OF THE PRESS ARE STILL BEHIND BARS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, if there is anything we learned from the conviction of Vice Presidential aide Scooter Libby yesterday, it is that the first amendment and the freedom of the press are still behind bars. The need for a Federal media shield bill has never been more apparent.

Yesterday, Mr. Libby was convicted of lying to a grand jury. That is reprehensible, and he will be held to the strictest account.

But as the Washington Post editorial page pointed out this morning, his chief accuser, Joe Wilson, also lied about who sent him to Africa, what he found there, and about whether his wife was a covert CIA agent. The Washington Post even called Joe Wilson today a "blowhard."

Ironically, while Mr. Wilson was lying to the press and creating a partisan furor, Mr. Libby was telling the truth to reporters, and that is what got him in trouble.

The case presented us with a long spectacle of reporters being jailed and threatened with jail time for not revealing confidential sources. Because there is no Federal media shield law, the real losers in all of this difficult and tragic case are not actually reporters or the press, but the American public.

My own colleague, Congressman RICK BOUCHER, and I will be reintroducing the Free Flow of Information Act. I urge my colleagues in Congress to take it up expeditiously. It is time to restore the fabric of the first amendment freedom of the press.

GI BILL

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, I rise today in support of our Nation's veterans. The GI bill has provided education to many of our Nation's fine, honorable men and women. Unfortunately, there is a provision which excludes our National Guard and Reserve from receiving their GI bill benefits after they have left the military.

I have introduced bipartisan legislation, H.R. 1330, which will give the National Guard and Reserve members up to 10 years to take advantage of their GI bill education benefits. This proposal is similar to the benefits extended to active duty members of the military right now.

This bill extends a much-deserved and needed benefit to our troops. Because the National Guard and Reserve are playing an ever-increasing role in combat operations, they are finding it harder to achieve their educational goals while they are enlisted. This bill will better allow troops to serve their country honorably and then reward them with higher education when they return.

The National Guard and Reserve are becoming indistinguishable from the active duty now. They are in need of this benefit. We owe this to our troops and to our military families back home.

I urge all Members of Congress who care about our troops and military families to sign on to this legislation.

☐ 1230

WE MUST LIVE UP TO OUR OBLIGATIONS TO THOSE WHO HAVE SERVED OUR NATION

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, earlier this week I participated in a Government Reform hearing at Walter Reed Hospital.

During that hearing, we heard from soldiers wounded in the defense of our Nation and their families. Like most Americans, I was disappointed and saddened by what we learned. What we heard represents an absolute failure of military leadership and accountability.

Defense Secretary Gates has called for a review of all service branch medical facilities. Yesterday, the President announced the creation of a bipartisan commission to examine all U.S. military and veterans care facilities. The commission will be headed by former Senator Bob Dole and former Health and Human Services Secretary Donna Shalala.

In addition to the Government Reform Committee, I serve on the House Armed Services Committee and on the Veterans' Affairs Committee. Both committees have upcoming hearings on the care and condition of soldiers at Walter Reed Hospital.

We take seriously the health care of those who have provided service to our Nation. There is no excuse for what happened at Walter Reed Hospital. We must live up to our obligations to those who have served our Nation at such personal sacrifice.

HONORING OUR COMMITMENT TO OUR TROOPS

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, honoring our soldiers means honoring our commitment to these soldiers.

Supporting the troops means several things: It meant, first of all, making sure that the mission was essential to the United States before putting them in harm's way. Secondly, it meant making sure, if they were in harm's way, they had the equipment that they needed. And, third, after they had borne the battle, we had an obligation, if we were going to support the troops, by providing medical care for them. This administration has failed on all three levels.

How did this VA medical care disaster happen? This is absolutely shameful. In a House hearing on Monday, the top military brass said there was enough money in the budget to provide care. So what was the problem here? Was it a lack of real support for the troops?

This administration owes these soldiers and their families an apology and a pledge to start really supporting the troops.

THE PRESIDENT'S BUDGET AND HOMELAND SECURITY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the President's fiscal year 2008 budget perpetuates more of the same wrong priorities that have failed the American people over the past 6 years.

One of the most egregious offenses of his proposed budget this year is that, while he calls for nearly $2 trillion in tax cuts for the wealthy over the next 10 years, he once again refuses to fully fund our homeland security programs. In fact, his budget provides only a 1 percent increase, despite numerous unmet homeland security needs.

The President drastically cuts grants to first responders, State homeland security and firefighter assistance, and eliminates programs like local law enforcement terrorism prevention, staffing for adequate fire and emergency response, and metropolitan medical response. He even freezes funding to secure critical infrastructure needs like our ports, railways, and transit systems.

Mr. Speaker, giving tax breaks to the wealthy at the expense of protecting the homeland is not the priority of most Americans. Democrats will fight for a budget that makes keeping our Nation safe a top priority.

THE DEPLORABLE CONDITIONS AT WALTER REED

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, the situation at Walter Reed Medical Center is an embarrassment to our country. The deplorable conditions for outpatient care at Walter Reed are not fit for men and women who have sacrificed to serve our country. The delayed and mishandled care of these individuals has harmed their recovery and placed significant strain on their families.

This is not the way our combat veterans deserve to be treated. These conditions demonstrate a catastrophic failure of planning on the part of the administration.

Although the Army has stated its intention to remedy the situation quickly, we must act for those who are currently held at Walter Reed, for it is clear that the Army is not currently equipped to do so. It is unacceptable for those who served us abroad to languish in a no man's land at home.

Mr. Speaker, in the coming days I will introduce a bill to allow Walter Reed outpatients the option of moving to a VA facility closer to their homes and families while still getting their military pay and benefits. We must show that our country supports our troops not only in word but also in action.

THE ISRAELI/PALESTINIAN CRISIS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few minutes ago, Mr. Speaker, the King of Jordan offered a challenge to America and the world to allow Palestinian children and Israeli children to live in peace, as well as children around the world.

I for one, Mr. Speaker, accept the challenge and cite this government and particularly this administration for its slowness and its inattentiveness to the crisis and the solution and resolution of a roadmap for peace between the Israelis and the Palestinians.

The King was right. In 2002, the Arab states did stand up and offer suggestions. Many of them may not have been those that we might have agreed with, but it is important, Mr. Speaker, that we now come to the table for the crisis is spiraling out of control. People are dying. Children are without opportunities. And the Iraq war only fuels the fire of dissent and confusion.

It is time now for our soldiers to come home. It is time now for us to take leadership in the Palestinian and Israeli crisis. And, yes, it is time now for us to treat our soldiers at Walter Reed and elsewhere with dignity. I join my colleagues in that fight for soldiers and for peace.

CALLING FOR FEDERAL ASSISTANCE FOR THOSE IMPACTED BY THE TORNADO IN DESHA COUNTY

(Mr. ROSS asked and was given permission to address the House for 1 minute.)

Mr. ROSS. Mr. Speaker, on February 24, a tornado hit Dumas in Desha County, Arkansas. The Governor called out the National Guard for nearly a week. For 6 days, there was no electricity to this delta county. 650 people remain out of work because their workplace has been severely damaged or destroyed, and 150 homes were either heavily damaged or destroyed. And here we are more than a week later still waiting for the President and the Director of FEMA to declare this forgotten delta county a Federal Disaster Area. In fact, the FEMA spokesman, John Philbin, in the Arkansas News Bureau, Stevens Media, is quoted today in an Aaron Sadler story as saying "The damages or need for Federal assistance are not readily apparent."

Mr. Speaker, the people at FEMA certainly did not visit the same Dumas and Desha County that I did. The people of Dumas and Desha County need the help of the Federal Government, and I implore the President and the Director of FEMA to assist this forgotten delta county.

□ 1240

WATER QUALITY INVESTMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 214

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 569) to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my good friend, Mr. LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, House Resolution 214 provides for consideration of H.R. 569, the Water Quality Investment Act of 2007, under an open rule with a preprinting requirement. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be considered as read. The rule provides that any amendment to the committee amendment in the nature of a substitute must be printed in the CONGRESSIONAL RECORD prior to consideration of the bill. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, as I just stated, House Resolution 214 is an open rule. This is the third open rule recommended by the Rules Committee during the 110th Congress. The committee's fourth open rule will be considered on the floor tomorrow.

The Democratic majority is backing up its commitment to greater openness with real action. The Rules Committee's two prior open rules permitted Members to offer 19 amendments on the floor. The House adopted the overwhelming majority of them. It goes to show the Members often can improve legislation when given the opportunity; and I am sure that we will have a good debate today, also.

The underlying legislation made in order under this rule represents a long-overdue, necessary investment in our Nation's clean water infrastructure. The Water Quality Investment Act provides sorely needed funding for cities and States to upgrade combined sewer systems.

Mr. Speaker, we all take our sewer systems for granted. Most of our country's wastewater infrastructure is out of sight and, for the majority of our constituents, it is out of mind as well. But once these sewers back up and overflow into our streets and rivers, sewers become an urgent issue.

Combined sewers are an older technology. They were built back when it made sense to collect wastewater and storm runoff in the same pipes. They do not have the same capacity of more modern infrastructure. During heavy storms, they often back up and overflow. When this happens, untreated wastewater stagnates in our streets and pollutes our rivers. Raw sewage seeps into basements, public parks and other areas where young children play. Public health is severely impacted.

The long-term investment fallout can be even worse. My hometown of Sacramento struggles with the problems posed by combined sewers. During the heavy winter storms which periodically sweep through California, these sewers in our central city can overflow. When this happens, over 500,000 gallons of wastewater flow into our public waterways and neighborhoods.

My constituents already face dangers of flooding from the two large rivers which ring our city. They should not have to worry about additional flooding from our underground sewers.

This problem is not unique to Sacramento. Over 700 cities across the country have combined sewer systems. These cities need help from the Federal Government to undertake the costly task of upgrading their infrastructure. A vote for this bill before us today is an investment in the health of these cities and towns all throughout our country.

I would like to thank Chairman OBERSTAR for the focus he has shown in shepherding this bill through the Transportation and Infrastructure Committee. This bill became trapped in committee under the previous majority. I think we are all happy to see it finally make it to the floor under the new majority.

We all have a stake in keeping our infrastructure up to date and protecting our constituents' health. Upgrading combined sewers today will do both of these things. I urge all Members to pass this fair and open rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my good friend, the gentlewoman from California, for the time.

Mr. Speaker, American taxpayers have invested billions in sewage treatment infrastructure, resulting in decades of progress in reducing waterborne illness from contaminated drinking water and beach closures and shellfish bed closures.

Unfortunately, whenever there is an accidental breach in sewage treatment facilities, we see the repercussions of polluted water to human health, to our communities, and also to important industries such as tourism. That is why it is sound economic and environmental policy to invest in effective sewage treatment that ensures that the United States has a healthy and vibrant aquatic ecosystem and clean water.

But the costs for these sewer systems is very expensive. In 2003, the Miami-Dade Water and Sewer Department in my community evaluated its wastewater needs through the year 2020 and determined that in order to maintain adequate transmission systems capability, treatment, disposal and the prevention of sanitary sewer overflows that department alone would have to spend over $2 billion.

The cause of many sanitary sewer overflow events is that the infrastructure is failing due to structural deterioration and corrosion. Federal funding, such as is provided in this legislation, could give an additional incentive to proactively identify the infrastructure requiring replacement prior to failure.

In 2000, Congress amended the Clean Water Act to add section 221. Section 221 authorized appropriations of $750 billion for each of fiscal years 2002 and 2003 to the Environmental Protection Agency to make grants to States and municipalities for controlling combined sewer overflows and sanitary sewer overflows. This authorization was conditioned upon the receipt of at least $1.3 billion in appropriations for the Clean Water State Revolving Loan Funds. No funds were appropriated for sewer overflow grants in either fiscal year 2002 or 2003.

This legislation that we bring to the floor today reauthorizes section 221 of the Clean Water Act which provides authority to help municipalities and

States control combined sewer overflows and sanitary sewer overflows. Grants provided by this bill will help keep our water safe and healthy and will also keep our ecosystem clean of wastewater.

I know the majority party likes to pat themselves on the back for bringing another bill under a modified open rule. I wish to point out for the record that, once again, the majority does so only on bills that are clearly noncontroversial.

Let's take a close look at the bills that they previously allowed to be considered under an open rule. Both were clearly bipartisan bills, each of which was originally authorized by the Republican whip, Mr. BLUNT. One passed the House of Representatives unanimously, the other by voice vote.

I would say, Mr. Speaker, that if the majority really wants to live up to its campaign promise of more open process, they should provide open rules on bills that would be a bit more debatable.

Mr. Speaker, nonetheless, I strongly support the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

□ 1250

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, wastewater infrastructure may not be the most glamorous of issues. Nonetheless, it is an important one for the health of our environment and our constituents.

No American should have to walk outside after a storm to see sewage in the streets. None of our constituents should have to fear that swimming or boating in rivers will expose them to industrial waste. Unfortunately, the sad truth is that our country's combined sewers are not up to the task of cleaning our waters.

The good news is that the underlying bill made in order under this open rule will help our local municipalities fix this problem. It is an opportunity to invest in our national infrastructure, protect our environment, and secure our public health.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Ms. MATSUI). Pursuant to House Resolution 214 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 569.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 569) to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants, with Mr. SCHIFF in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 30 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Today, the House will consider the first of three bills reported from the Committee on Transportation and Infrastructure that seek to improve overall water quality of this Nation.

The first bill is H.R. 569, the Water Quality Investment Act of 2007, sponsored by a former committee colleague, Mr. PASCRELL, as well as Mr. CAMP and Mr. CAPUANO.

This legislation authorizes $1.8 billion in Federal grants over the next 5 years to address combined sewer overflows and sanitary sewer overflows nationwide. CSOs and SSOs are overflows of untreated waste that can occur during wet weather events as a result of poor maintenance, deteriorating infrastructure, or inadequate incapacity. These overflows are significant concerns for public health and safety because they often result in discharges of raw sewage into neighboring rivers, streets, beaches and basements.

In the first year of authorization, H.R. 569 requires the administrator to make grants directly to municipalities on a competitive basis. For fiscal years 2009 and thereafter, the bill directs the administrator to establish a funding formula, after notice and comment, that allocates to each State a proportional share of grant funding based on the total needs of the State to address CSOs and SSOs within its borders.

States would be responsible for awarding grants to municipalities using these allocated funds. I applaud the tireless efforts of Congressmen PASCRELL, CAMP and CAPUANO in advocating for increased funding to address CSOs and SSOs.

The Committee on Transportation and Infrastructure has twice approved legislation to reauthorize appropriations for this important effort. It is my hope that this year Congress will finally approve legislation and forward it to the President for his signature.

I urge my colleagues to support this legislation which is both vital and overdue.

Mr. Chairman, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 569 reauthorizes grants to help communities address the widespread problem in our country of sewer overflows.

As a result of inadequate or outdated wastewater infrastructure, raw sewage can overflow into rivers or back up into people's basements, and this has been a nationwide problem.

To correct these problems, local communities will have to make infrastructure investments totaling as much as $150 billion. To provide communities some assistance to meet these needs, H.R. 569 authorizes additional resources for EPA to make sewer overflow control grants to States and local communities. This was a program that was authorized before and is now needing reauthorization. I urge all Members to support this bill.

Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PASCRELL) such time as he may consume.

Mr. PASCRELL. Mr. Chairman, I thank the gentlewoman from California and the gentleman from Louisiana, and I want to commend Congressman CAMP from Michigan for being a stalwart in this area. It has taken us a long time, a few years. We have had bipartisan support in the past, Mr. Chairman, but we aim to put closure on this at this time.

Mr. Chairman, the EPA estimates that the Nation's wastewater infrastructure will face a funding shortfall of between 300 and $400 billion over the next 20 years. That should give us pause because of all the work and help from both sides of the aisle in protecting our waterways.

□ 1300

I am very proud to rise today in strong support of this bill, the Water Quality Investment Act, H.R. 569. I want to thank Mr. OBERSTAR, chairman of the Transportation Committee, and, of course, Ranking Member MICA and Chairwoman JOHNSON and Ranking Member BAKER for helping to get this bill on the floor.

Congressman CAMP and I have pursued this issue for many years, as I have said, in order to authorize the wastewater infrastructure funding that our cities and towns so badly need; and, Mr. Chairman, I might add, there are 30 mayors in the House. We need a little bit of that mayor persuasion and touch to deal with a lot of problems that we face on this floor, both domestically and internationally. The mayors know every day what they face on 24/7 and in the community, every community, be it large or small. Because you cannot see something, people forget about how significant it is.

I also want to thank Congressman CAPUANO and others in this worthy endeavor.

H.R. 569 has garnered co-sponsorship from both sides and was unanimously voted out of committee and was even reported out of committee during the past two Congresses for the simple reason that combined sewer overflows and sanitary soil overflows affect millions of people in each and every State in the Union. We are talking about affecting the lives of over 40 million people here in what we are doing to today.

The United States' antiquated wastewater infrastructure is deteriorating. State and local governments are often unable to stop sewage and untreated waste from flowing into the streets, into basements, into rivers and into lakes. So all the work that we have done on making our water clean is being undone if we do not attack these two major problems.

Combined sewer systems found mainly in older cities are one source of these overflows. A total of 772 municipalities throughout America would serve these 40 million which I just spoke of.

My home State of New Jersey has 31 combined sewer systems, water, sanitation coming together at over 200 discharge points throughout the State. Many of those discharges, including several in my own town of Paterson, New Jersey, flow into the Passaic River, a heavily polluted waterway in the heart of my district.

Sanitary sewer systems often overflow as well, releasing untreated waste into our environment, closing our beaches, we have been famous for that, too, New Jersey, and contaminating highways, waterways and drinking water supplies. In 2003, New Jersey closed over 30,000 acres of classified shellfish growing areas due to a large sanitary sewer overflow.

Upgrading these sewer systems is extremely expensive. The Environmental Protection Agency estimates that the total cost of repairing the combined sewer systems in America will be about $51 billion. The price tag for fixing the U.S. sanitary sewer systems hovers around $89 billion. We are talking about $140 billion.

As a former mayor, I know that wet weather issues are one of the most pressing issues facing urban America. Cities are doing their best to increase capacity and upgrade facilities with the resources they have, but they need our help.

Most communities with combined sewer overflow problems have fewer than 10,000 people. They cannot afford to impose more fees and taxes upon struggling residents who have borne the vast majority of costs associated with sewer overflows. If we impose a Federal mandate demanding clean water, we must follow up with the Federal ability to pay.

As the spring rains loom on the horizon, we cannot let small communities throughout this country shoulder this tremendous burden alone.

This bill authorizes $1.8 billion for Federal grants from the EPA over a 5-year period. Although it is only a drop in the bucket compared to what we really need, it should provide some relief to our municipalities; and it sends a signal that we really mean business this year and that we are doing that business on a bipartisan basis and that that is the only business we should be about on the important problems facing Americans.

I want to wholeheartedly thank the Speaker and the majority leader and the rest of the House leadership for addressing legislation this week that will provide immeasurable benefit to communities throughout this country to help have clean, safe water for their residents.

I applaud Chairman OBERSTAR for his leadership and wish to express my constituents' sincere gratitude for his action on this important issue. This truly has been bipartisan legislation. This is what we talk about and so infrequently implement.

So I thank the minority side, the majority side, wherever that line is, who knows, and I say this is a good piece of legislation.

Mr. BOUSTANY. Mr. Chairman, I am pleased to yield such time as he may consume to my friend, the gentleman from Michigan (Mr. CAMP). He is a cosponsor of this legislation and has authored similar legislation in previous Congresses.

Mr. CAMP of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 569, the Water Quality Investment Act. I want to thank Representative PASCRELL for introducing this bipartisan legislation. I am proud to be an original cosponsor of this bill. I authored similar legislation in the last two Congresses.

Sewer maintenance is a serious problem for Michigan and the Fourth Congressional District. Many of the sewers in this country, including several in my State, were built during the 19th century. The problems associated with old sewer lines are especially rampant in low-lying coastal areas such as Michigan, where water runoff collects.

Sewer overflows discharge untreated or partially treated human and industrial waste, toxic materials, debris and disease-causing organisms into the environment and pose a grave threat to the environment and public health. In 2005, there were over 1,000 reported sewer overflows across the State of Michigan. These events spilled 20 billion, and I repeat 20 billion, gallons of sewage and wastewater onto the ground and into rivers, lakes and streams.

The Environmental Protection Agency estimates that the total cost for repairing every sewer line in the country is $140 billion. Local governments clearly cannot fix this mess alone and meet their obligations under the Clean Water Act.

The Water Quality Investment Act goes a long way toward ending the public health and environmental crisis associated with sewer overflows by authorizing Federal funds to repair and replace outdated systems. I urge my colleagues to approve H.R. 569 today.

I would like to thank those individuals who helped move this legislation forward, including Mr. PASCRELL, the sponsor, and for his long support of this legislation; Mr. OBERSTAR, the chairman of the Transportation and Infrastructure Committee; and Mr. MICA, the ranking member of this committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Chairman, I am proud to cosponsor legislation that will stop pollution from sewer overflows and preserve our clean water everywhere.

Today, I rise in support of H.R. 569, the Water Quality Investment Act. This important legislation will authorize grants to municipalities and States to reduce combined sewer overflows and sanitary sewer overflows in our Nation's water supplies.

Everyone should be glad that we are ensuring clean water is a top priority, not just for our families but for our Nation and certainly for every citizen in Wisconsin.

I am pleased that this Congress is addressing this serious problem and this challenge that our Nation's water and sewerage infrastructure poses. This legislation, along with the other water bills offered later this week, will finally begin to update and repair the outdated and aging systems that have been ignored for far too long.

By adding this critical funding to the Clean Water Act, we will ensure the communities like those in my northeastern Wisconsin district, who would otherwise be unable to upgrade their aging sewer systems, will have the necessary funding to do so.

CSO and SSO overflows in the Great Lakes are a particularly serious impact on all the health of everyone living in our region.

☐ 1310

Our environmental stability and the economic prosperity of the region depend upon clean water. I am proud to cosponsor this legislation that will aid communities and municipalities. In eliminating overflow pollution, it will create separate sewage and storm water flows.

I also wish to thank Chairman OBERSTAR and Chairwoman JOHNSON for bringing this important legislation to the floor.

Mr. BOUSTANY. Mr. Chairman, I am pleased to yield such time as he may consume to my friend from Tennessee, a senior member of the Transportation and Infrastructure Committee, Mr. DUNCAN.

Mr. DUNCAN chaired the Water Resources and Environment Subcommittee in the previous Congress and has been a leader on this issue.

Mr. DUNCAN. I certainly want to first thank Dr. BOUSTANY for yielding me this time and for his hard work on this legislation. As he mentioned, I had the privilege of chairing the Water Resources and Environment Subcommittee for 6 years, for the past 6 years, and he served as my vice chairman during part of that time. I appreciate his work.

I also want to salute my really good friend, Congresswoman EDDIE BERNICE JOHNSON of Texas, whom I admire and respect so much, and who was my ranking member of that subcommittee and now serves as the full chairman.

I want to also commend Congressman BILL PASCRELL, the gentleman from New Jersey, who has been interested in this issue for several years, as has my colleague, the gentleman from Michigan, Mr. CAMP, and who are the primary sponsors of this legislation.

Mr. Chairman, I have said many times that there is nothing that the people of this country take for granted as much as they do our clean water and waste water systems in this country that are so very important, first of all, to our environment, our public health, but also to our economy.

We have environmental extremists in this country who don't want us to cut any trees, dig for any coal, drill for any oil or produce any natural gas, and they basically want to shut our whole economy down. I don't go along with their agenda, but I can tell you that this bill is one of the most important bills that we could do for the environment. Those who really care about the environment should be over here in strong support of this bill.

The water infrastructure network has done some real yeoman's work in regard to the needs of this country, in this regard, for the last few years, and they have estimated that we have needs over the next 20 years or so of over $400 billion in our clean water and waste water systems in this country.

This bill and the other two bills we will take up later this week certainly are very important, and they are good starts in alleviating some of this problem. It has been said that we have spent more from a Federal level on the water system in Iraq over the last 4 years than we have spent from the Federal level on the water systems in this country. Certainly more money has been spent in this country on our water systems, but that has been done by the ratepayers and the local and State governments.

There is an important Federal role in this regard because people in California drink the water in Tennessee and vice versa. We have a mobile society, and there is an important role for this Congress to play and for our Federal Government to play in this regard.

I think this bill is a good start in the right direction, and I urge all of my colleagues to support this legislation. There are going to be, I think, two or three amendments offered from our side to make the bill a little more fiscally conservative, and, certainly, I have no objection to that.

But we need to pass this legislation, because, as Mr. CAMP said, there is a lot of this water infrastructure in our country, both waste water and clean water, that dates back to the 19th century. We need a lot of work if we are going to have the water systems and the kind of country that our people want us to have.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I want to thank my colleague and friend from New Jersey for introducing this important legislation, and I wish to commend Chairman OBERSTAR and Chairwoman JOHNSON for their leadership in moving this bill to the floor.

Mr. Chairman, this bill is extremely important to my district, which is bordered by water on three sides. Each year, many of my constituents and millions of other Americans are sickened by swimming in water contaminated by sewer overflows. This inadequately treated sewage is filled with bacteria and viruses.

Also, the cumulative costs from sewer systems result in thousands of days of closed beaches at a cost of billions of dollars due to swimming-related illnesses. The impact of such contamination to my district, with over 300 miles of coastline, can be devastating to the fishing and tourist economies that depend upon clean water and healthy beaches.

According to the EPA, an estimated 850 billion gallons of raw sewage and industrial waste escape each year much of it into public waters. Unfortunately, despite this obvious need, the President's fiscal 2008 budget cuts infrastructure funding by $400 million or 36.6 percent. It is my hope that our budget resolution and our appropriators will override this cut.

Yet many Americans do not become aware of sewage leaks until they show up on a closed beach or, worse yet, are made ill because many sewer systems do not routinely monitor to detect sewer overflows or report those that do occur to environmental or public health agencies.

This bill authorizes $1.8 billion over the next 5 years for grants to prevent dangerous sewer overflows. More needs to be done, but this is a good first step. Vote for this bill, protect the health of our Nation's beachgoers and protect our environment.

Mr. BOUSTANY. Mr. Chairman, I am pleased to yield 4 minutes to the gentlelady from Michigan (Mrs. MILLER) a member of the Transportation and Infrastructure Committee.

Mrs. MILLER of Michigan. I certainly appreciate the gentleman for yielding some time to me here today.

Mr. Chairman, I rise in very strong, extremely strong support of this particular piece of legislation we are looking at today, the Water Quality Investment Act of 2007. I am actually a brand new member of the Transportation and Infrastructure Committee this term, but I have wanted to get on this committee ever since I came to Congress, and it is particularly because of issues like this that we are talking about today.

My home State of Michigan actually has more shoreline than any other State in the Nation, except Alaska. If you think of the mitten of Michigan and think of the Great Lakes, of course, surrounding, fresh water and clean water and the Great Lakes, I mean, we are the Great Lakes State. It is an economic impetus for us. It really is our very identity.

In fact, the Great Lakes system is actually one-fifth of the fresh water supply of the entire planet. Sometimes people don't recognize that, but they are one-fifth of the fresh water supply of the world. In my area, in the Detroit area, actually, there are over 5 million Americans just right there in southeast Michigan who are drafting their fresh water supply from the Great Lakes, and, of course, the Canadians on the other side, our great neighbors to the north as well. But these waters are absolutely a national treasure, and I think we need to do everything that we possibly can within our power to preserve them and to protect them.

Of course, one of the great problems is that many of the communities along the shoreline have very, very old, very antiquated infrastructure. It is decaying infrastructure; it is not right sized. It has all the problems that are not particularly inherent to a city like Detroit or an area like southeast Michigan.

We see it all around the Nation, particularly in our industrialized areas there, and we have not been capable, or we have not had the political will, I should say, of spending the dollars to keep up with the growth with our underground infrastructure. Of course, people don't see the underground infrastructure a lot of times. We are not thinking about it as we should.

Local communities, of course, are struggling with declining tax dollars. In Michigan, we are having a huge amount of decline in State revenue sharing as well. They have very tight budgets, and even though they have had their best efforts, they just have not, the local communities in the State, have not been able to keep up with the infrastructure needs to keep our water quality clean.

We in this Congress have invested tax dollars in so many things that our constituents have questions. Somebody was just mentioning we maybe spent more money on water systems and infrastructure in the country of Iraq than we have in our own Nation in recent years. Some would say that some of the things we do here are not in the national interest. But that is not the case, not the case with this very, very important piece of legislation.

I believe that this legislation will provide vital assistance to States and local communities throughout our entire Nation to meet the critical need, to keep our water clean and pure. That is a charter that we all share.

Whatever our constituency is, we are the stewards of this fantastic country and magnificent treasures like the Great Lakes or so many other areas around the country, and we need to make sure that we do keep our water clean and pure for our generation as well as the next.

In fact, and let me just mention, several months ago, actually with a Canadian-based research group, we do a lot of work, as you might imagine, in Michigan with our Canadian counterparts there. They were calculating that the United States and Canadian cities dump a combined 24 billion gallons of municipal sewage directly into the water systems each and every year, which is the equivalent of more than 100 Olympic-size swimming pools full of raw sewage each and every day.

□ 1320

In fact, they characterized the study as we were treating our Great Lakes like a toilet is what they said; and, unfortunately, there is a very choking grain of truth to that.

So I certainly support the legislation. I want to commend Chairman OBERSTAR and Ranking Member MICA for bringing it forward. I urge all of my colleagues to support this very bipartisan piece of legislation that is so important to our Nation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I now recognize Mr. HILL of Indiana for 2 minutes.

Mr. HILL. Mr. Chairman, I rise in support of this legislation as well. I applaud the authors and the coauthors for introducing it.

Southern Indiana has the same problem that all communities across the country are having with sewer repairs, and it is good to see that this bipartisan piece of legislation is probably going to pass.

You know, the last time I was home, I was talking to a fellow in one town in southern Indiana that actually had to wear boots in order to mow his lawn in the summertime because of the sewage that was bubbling up.

The city of New Albany, which is right along the Ohio River, is probably going to spend half of its budget revenue on fixing their sewers.

The Environmental Protection Agency approximates that each year combined sewer overflows discharge about 850 billion gallons of wastewater and storm water containing untreated wastes, toxic debris and other pollutants.

Not only New Albany, but other towns in southern Indiana, like Huntingburg, Rockport and Milltown in southern Indiana are having trouble paying for their higher sewer rates; and although they depend on sewer maintenance and repair for economic growth, not to mention basic sanitation issues, rural communities like these sometimes have difficulty with funding these types of projects because they are so small.

Mr. Chairman, in 2005, there were nearly 400 documented sewer overthrows throughout Indiana's Ninth District. I think we can do a lot better than that. That is why I am happy that the House is addressing this issue today. It is time to step up and assist communities in need.

The Water Quality Investment Act would greatly assist communities all over America and in my district to improve water quality and control sewer overflow by authorizing $1.5 billion in grants to communities over the next 5 years. These communities can use these funds to construct treatment facilities and update aging sewers to deal with the sewer overflows.

Mr. Chairman, I urge my colleagues to support this bill and rise in bipartisan support. Hopefully, it will pass.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, could you tell us how much time is remaining?

The CHAIRMAN. The gentlewoman from Texas has 15 minutes remaining.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3½ minutes to Mr. BLUMENAUER from the State of Oregon.

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on the bill and commend her leadership.

I had the privilege, for 10 years, of serving on this subcommittee. I miss the work that is being done. But I am pleased that in the first days of this Congress we are moving forward with important bipartisan legislation that can make a huge difference for communities around the country.

The city that I call home, Portland, Oregon, is one of over 1,100 communities around the country with a combined sewer overflow problem. The EPA estimates that there is something like 40,000 discharges of raw sewage that occur each year from sanitary sewer systems with a volume into the billions of gallons each year. In my community, this represents an investment well of over $1 billion to try and deal with the problems of an antiquated system, much of which was built before 1960; and, compared to what is happening in other parts of the country, that is a modern system.

This is a situation where we, as a country, have long overlooked making the type of systematic investments that are important. I appreciated my colleague, Mr. DUNCAN from Tennessee, who talked about the potential for a $400 billion shortfall. Well, it is really not clear exactly whether it is $400 billion, $500 billion, you pick a number, being able to meet the needs of America's communities that are being stressed, not just by aging systems but by growth and development. Sprawl across the country is putting more and more strain on these inadequate systems at a time when we are finding out more and more of what needs to be done to protect the public health and infrastructure.

Mr. Chairman, around the world, at any given time half the people are sick needlessly from waterborne disease. In this country, we have had a better record. But we have had problems here, and we are on the edge in many places around the country. I can't say enough about my appreciation for moving forward with this in an expeditious manner.

Unfortunately, other areas of the Federal Government haven't quite caught up to the leadership of the subcommittee bringing this forward. I am sad to note that the administration continues its trend of downplaying this problem with its 2008 budget and its stated opposition to this bill. I am confident that there will be such an overwhelming show of support for it that we will be able to convince others that it is a good investment.

Solving America's water quality issues requires a partnership. Already, State and local jurisdictions are being stressed. We are finding the private sector stepping up and making higher and higher investments. The average rate payer is facing exponential increases.

In my community, in the course of 10 years we are going to double the sewer rates. I met with a group of professionals this last week that said that, at the current rate of expenditure, we could actually have the entire country's GDP devoured by local utility cost for sewer and water. That is not going to happen because of the leadership that we see here now.

I look forward to a strong bipartisan vote in support of it, and I hope that my colleagues will take the time to visit with the hundreds of consulting engineers and local government officials who are on the Hill today to tell them that we have taken a step forward, and we look forward to working with them to finish the job.

Mr. BOUSTANY. Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentlelady from Florida (Ms. CORRINE BROWN), a member of the committee.

Ms. CORRINE BROWN of Florida. I want to thank Chairman OBERSTAR and Mr. MICA and Mr. DUNCAN and Chairwoman JOHNSON and Mr. PASCRELL for their hard work in bringing this bill to the floor; and I want to congratulate my good friend, EDDIE BERNICE JOHNSON, for bringing her first bill to the floor this week as chairwoman of the Water Resources Subcommittee.

I am so pleased that our committee, with the guidance of our transportation guru, Mr. OBERSTAR, will be making access to a safe wastewater infrastructure and a clean water supply a top priority.

There are places in my district and in the State of Florida where the sewer and water system are as bad as some systems that I have seen in Third World countries. Let me repeat. There are places in my district that remind me of being in a Third World country when it comes to water and sewer, and this infrastructure is what separates us from those countries. This is why cleaning up these systems is so important and why this legislation is so necessary.

This bill provides $1.8 billion over 5 years to municipalities and States to improve and prevent sewer overflow by improving the aging and obsolete sewer systems that plague many towns and cities. These improvements will not just protect the environment but will improve overall public health.

One of the greatest things about serving on the Transportation Committee is that our committee actually puts people to work in good-paying jobs that benefit the public. We all talk a lot on this floor about supporting hardworking Americans, but some people don't believe that those workers deserve fair wages for their hard work. This is why it is so important that we support Davis-Bacon and ensure that everyone who works hard can experience the American Dream.

□ 1330

Mr. BOUSTANY. Mr. Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I now recognize the distinguished Chair of the entire committee, Mr. OBERSTAR, to close general debate.

The CHAIRMAN. The gentleman from Minnesota is recognized for 9½ minutes.

Mr. OBERSTAR. As far back as the 108th Congress, the committee considered and favorably reported this bill to address the urgent and mounting needs of comprehensive wastewater infrastructure. A visionary on the committee and leading the charge on this legislation was our former committee member, Mr. PASCRELL, the gentleman from New Jersey, who spoke earlier. He and Mr. CAPUANO, the gentleman from Massachusetts, urged upon the committee a vigorous program of reinvestment in the Nation's wastewater infrastructure needs. The committee, in fact, in the 108th Congress considered and favorably reported this bill with total bipartisan support.

Regrettably, it didn't reach the House floor in the 108th Congress. It wasn't reported from the committee in the 109th Congress. The needs have only grown. They have worsened. In those areas of the gulf stricken by the Katrina and Rita and Wilma hurricanes, the needs are crushing as the gentleman from Louisiana can well attest.

So we have moved again expeditiously in the committee to bring this bill to the House floor. I thank all those who have participated: the gentleman from New Jersey; the gentleman from Massachusetts; especially the Chair of our Subcommittee on Water Resources, the gentlewoman from Texas; and the gentleman from Louisiana who is now managing the bill on the Republican side. These are serious, urgent problems, combined sewer overflows.

The administration in their statement of opinion on the bill sort of suggests that this is not a national problem. We settled that issue in 1956, that clean water is a national problem when my predecessor, John Blotnik, authored the very first legislation, the Federal Water Pollution Control Act Amendments 1956, signed into law by President Dwight Eisenhower. Every President since then has acknowledged the need for the Nation to address the problems of clean water in our rivers, the tributaries to those rivers, the lakes, the estuaries and the saltwater regions of coastlines of the United States and the Great Lakes.

The vast majority of cost in cleaning our Nation's wastewater falls on the shoulders of local communities, local ratepayers, with some participation from States varying from one State to the other, and now through the Clean Water Revolving Loan Fund.

We have felt that, as the committee that originated this legislation, that led the charge for the Nation to clean up the Nation's rivers, lakes and receiving waters of all types, to leave a heritage for those who come after us of clean water. This investment we make today, that will, I am very confident, quickly be considered by the other body, and I am quite confident will be signed into law by the President, will move us along the way toward that goal of meeting the Nation's need for clean water.

As is stated in the opening paragraph of the Clean Water Act of 1972, the purpose of the act is to establish and maintain the chemical, biological and physical integrity of the Nation's waters. With this legislation, we make a down payment on meeting that objective.

Mr. WELDON of Florida. Mr. Chairman, I rise to express my concerns about the bill that is before us, H.R. 569. At the beginning of the 110th Congress, the Democrat majority talked about the need for fiscal responsibility and with much fanfare passed the pay-go rules. Yet, for almost every bill that has been considered thus far this year they have waived the pay-go rules. They do so again today.

The bill they have brought to the House floor authorizes $1.8 billion in increased federal spending over the next five years for state and local sewer programs. This $1.8 billion price tag is more than a half-a-billion more than what the Republican majority put forward in the last Congress when it was seeking to reauthorize this program.

The bill under consideration today is anything but music to taxpayers' ears. Essentially, the Democrats are proposing a no-strings-attached taxpayer handout to states for local water sewer projects without responsible cost-sharing arrangements provided in currently existing programs.

Furthermore, Florida communities would receive very little, if any, assistance. The state of Florida has already addressed many of the problems associated with mixed storm water and sewage systems and would thus receive very little benefit. So, this largely creates a new program for which Florida taxpayers will pay on others' behalf.

A more equitable and fiscally responsible approach is to not divert funding from the State Revolving Fund program as is proposed in this bill. The SRF already helps states and local communities fund various water improvement projects. However, it does so in a more equitable and fiscally responsible manner by providing low-cost loans and other cost-sharing arrangements that encourage states and local communities to take ownership of high priority projects.

Today's bill undermines this responsible approach and would incentivize states and local communities to become more dependent on federal subsidies for short- and long-term financing of their water sewer systems, rather than on the existing SRF. This bill simply hands money to the states, who then pass it on to local communities, without requiring them to have a detailed financing plan in place, and without cost sharing.

For these reasons I am not able to support H.R. 569.

Mr. McGOVERN. Mr. Chairman, Congress has long recognized the need to protect our nation's water supply. Over three decades ago, we passed the Clean Water Act (CWA) establishing a federal program to aid wastewater treatment plant construction and upgrades. And, in the years since, over $76.5 billion has been provided to assist cities in building and upgrading sewage infrastructure.

Ask any mayor or council member in your district, and I am certain that they will agree this money has been well-spent helping communities to prevent the discharge of waste into surface waters. Unfortunately, while funding needs have increased over the years (21% between 1996 and 2000), Congress has yet to increase its appropriations to meet this growing demand. In the end, our cities and towns have been left to cover many of these costs alone.

In my district, the city of Fall River has been undertaking significant wastewater upgrades, costing in excess of $100 million. Within the community, there is strong support for complying with the Clean Water Act, and the city itself has devoted a significant amount of public funds to support this effort. But, the reality is that without federal assistance, they would be unable to meet the standards mandated by the CWA.

The towns of Westborough and Shrewsbury share a treatment plant and are facing similar challenges with costly upgrades. And in my hometown, the Upper Blackstone Water Pollution Abatement District servicing the City of Worcester and surrounding communities has found itself in a nearly identical position.

Similarly, the city of Marlborough operates two wastewater treatment plants; one on the easterly side of the City discharges into the Hop Brook River and the second on the westerly side of the City discharges into the Assabet River. Under the conditions of the City's NPDES permits, they are required to make substantial upgrades to both of their treatment plants. The City of Marlborough's engineering consultant estimates these upgrades to cost between $60 and $80 million depending on whether the City is required to recharge into the groundwater as opposed as directly into the river.

Over the years, I have worked to obtain some modest direct federal financial relief for these projects, but it has been clear that the needs of these two cities have far exceeded the funding available. In fact, under the Republican-led Congress, funding for the Clean Water State Revolving Loan Fund, which addresses critical water infrastructure needs, was slashed by 34 percent. And, though sewer overflow grants were authorized for 2002 and 2003, the Republican leadership refused to appropriate any funds and let the authorization expire.

In the end, this failure to increase federal funding for these programs is what makes the Clean Water Act an unfunded mandate in the eyes of the cities and towns we are all elected to represent.

And that is why this legislation we have before us today, H.R. 569, is so important. It authorizes $1.5 billion in grants to local communities over the next five years to prevent dangerous sewer overflow. Such funding will be invaluable to communities like Fall River and Marlborough, and I urge my colleagues to join me in supporting H.R. 569.

Mrs. GILLIBRAND. Mr. Chairman, I rise today in strong support of H.R. 569, the Water Quality Investment Act.

This bipartisan bill authorizes $1.8 billion dollars over the next five years for grants to prevent dangerous sewer failures—which can create significant public health hazards in communities across Upstate New York.

This bill is critically important in helping districts such as mine—as our rural communities are invariably faced with aging sewer systems.

Upstate New York is on the verge of a great economic revival, but in order to take that next step, we must address our major water concerns. To attract and keep businesses in our towns we need the infrastructure to support them.

This legislation has the potential to help benefit over 10 communities in my Upstate New York District. From Whitehall to Mechanicville, to Hudson—today we are making an important investment in our future.

I am pleased to see this Congress recognizes the need to update our water systems and hope to see a continued emphasis on infrastructure investments that will benefit rural communities like those I represent in New York.

The Water Quality Investment Act doesn't only make sense from an economic standpoint—but it is vitally important from an environmental standpoint as well.

Water systems in my district serve some of the nation's most pristine waters including Lake George in the Adirondack Mountains. Towns like Ticonderoga need this help to preserve our environmental treasures.

I thank you again Mr. Chairman, for the opportunity to speak in support of this crucial bill, and I urge my colleagues to join me in support of this vital funding that will protect lives, preserve the environment, and help cities and states pay for modernizing their sewer infrastructure

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 569, the Water Quality Investment Act. This legislation is extremely important to our local communities to improve stormwater and sewer system infrastructure.

In my congressional district alone, I have numerous communities, including the city of Sparta, the village of Coulterville, New Baden, Nameoki, and Ewing Township, that all need storm water and sewer system infrastructure improvements. However, the local communities have no money to make those improvements. We must provide a better standard of environmental health to our communities so that public health and our natural resources are not compromised.

H.R. 569 seeks to help by providing $1.8 billion over a 5-year period for sewer overflow control grants provided by the EPA. These grants would be used by communities to plan, design and construct treatment works to address combined sewer overflows and sanitary sewer overflows.

Mr. Chairman, we must help our State and local governments meet Federal standards and provide them with much needed relief. If it is a priority to build sewer and wastewater infrastructure in Iraq, it should be a priority here at home.

Again I strongly support H.R. 569 and urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support H.R. 569, the "Water Quality Investment Act," which authorizes $1.8 billion in much needed funds for municipalities to control combined sewer overflows, CSOs, and sanitary sewer overflows, SSOs, at the local level, and to better reduce sewer overflows, which will allow them to maximize environmental and health benefits. This necessary increase in funding is a good first step toward addressing the U.S. Environmental Protection Agency's estimated sewer overflow control costs of over $150 billion nationally.

Mr. Chairman, sewer system overflows are a growing problem in the United States today. Most Americans do not know that many of our municipalities utilize sewer systems constructed as far back as the 1860s. This antiquated infrastructure is deteriorating, and as a result, State and local governments are often unable to stop sewage and untreated waste from flowing into streets, basements, rivers, and lakes. It goes without saying, Mr. Chairman, that sewer overflows represent a major public health hazard.

Combined sewer systems, those handling both waste water and storm water, which are found mainly in older cities, are one source of these overflows. Our most recent data indicates that a total of 772 municipalities have combined sewers, serving approximately 40 million people. According to the Environmental Protection Agency, these combined sewer overflows, CSOs, discharge about 850 billion gallons of wastewater and storm water containing untreated waste, toxic debris, and other pollutants.

Sanitary sewer systems often overflow as well, releasing untreated waste into our environment in all 50 States and the District of Columbia. For example, in 2003, New Jersey closed over 30,000 acres of classified shellfish growing areas due to a large sanitary sewer overflow, SSO. Another year saw over 1,000 sewer overflows in Michigan, totaling over 20 billion gallons in spilled sewage.

Upgrading these systems is extremely expensive. The EPA estimates that the total cost of repairing the country's combined sewer systems is nearly $51 billion. The price tag for fixing U.S. sanitary sewer systems hovers around $89 billion. Sewer overflow control grants were authorized for 2002 and 2003, but the Republican-controlled Congress never appropriated any funds and let the authorization expire.

But the new majority in this House understands that ensuring clean water is a top priority for America's working families. A clean and healthy environment begins with clean water. H.R. 569 will help to make the Nation's water supply cleaner and healthier by authorizing $1.8 billion in much needed funding for municipalities to control combined sewer overflows, CSOs, and sanitary sewer overflows. That is why H.R. 569 is strongly endorsed by dozens of water management, environmental, public resource, building trades, and civil engineering associations, including the following:

American Concrete Pipe Association; American Concrete Pressure Pipe Association; American Council of Engineering Companies; AFSME; American Public Works Association; American Society of Civil Engineers; American Sportfishing Association; Associated General Contractors of America; Associated Equipment Distributors; Association of Equipment Manufacturers; and Association of California Water Agencies.

American Supply Association; Construction Management Association of America; California Rebuild America Coalition; Chesapeake Bay Foundation; Clean Water Action; Clean Water Construction Coalition; Design-Build Institute of America; Environmental and Energy Study Institute; Food & Water Watch; Laborers' International Union of North America; and International Union of Bricklayers and Allied Craftworkers.

International Union of Operating Engineers, AFL–CIO; National Association of Counties; National Association of Flood and Stormwater Management Agencies; National Association of Clean Water Agencies; National Association of Regional Councils; National Association of Sewer Service Companies; National Association of Towns and Townships; National Construction Alliance; National League of Cities; National Precast Concrete Association; and National Ready Mixed Concrete Assocation.

National Rural Water Association; National Society of Professional Engineers; National Urban Agriculture Council; Pipe Rehabilitation Council; Portland Cement Association; Rural Community Assistance Partnership; SAVE International; Underground Contractors Association of Illinois; Uni-Bell PVC Pipe Association; United Association of Journeymen and Apprentices in the Plumbing and Pipe Fitting Industry, AFL–CIO; The Vinyl Institute; The Western Coalition of Arid States; and United Brotherhood of Carpenters and Joiners of America.

Mr. Chairman, I strongly support H.R. 569 and urge all my colleagues to join me in supporting this legislation that addresses one of the real and pressing needs of the American people.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical matter and I would like to submit this statement for the record in support of H.R. 569, the Water Quality Investment Act.

The overflow of sewage into streets, basements, rivers and lakes is a serious environmental and health problem. Communities across New England face a higher risk of sewer overflows because of their aged and deteriorating infrastructure. For example, in my home State of Connecticut, the City of Hartford's sewer system was built 150 years ago. It was designed to support roughly 15,000 people, but today the expanded system, including the district's central Hartford Treatment Plant, serves 400,000 people in 6 towns. As a result, over 1 billion gallons of untreated sewage overflows every year in Greater Hartford. On average, combined sewer overflows occur more than 50 times a year, which impacts 30 miles of the Connecticut River, including area basements and streets.

In Connecticut's First District, which I represent, the Metropolitan District Commission (MDC) is responsible for providing water supply, water treatment and water pollution control to eight cities and towns, including Hartford, West Hartford, East Hartford, Newington, Wethersfield, Rocky Hill, Windsor and Bloomfield. In order to support the rehabilitation and the rebuilding of Hartford's core system, in addition to satisfying State and Federal consent orders to eliminate sanitary sewer overflows, the MDC must expend more than $1 billion. On November 7,2006, the voters in the eight MDC municipalities approved an $800 million bond referendum for addressing the sewer overflow problem. However, without much needed Federal support, the annual cost to homeowners will increase from $119 per year to more than $1,000 per year. In Hartford, the city's residents have an average income less than the region's average and as a result of these regressive wastewater fees, will experience an even greater economic burden.

It is because of outdated wastewater systems, clean water needs and the direct impact it has on communities like those in Connecticut that the legislation before the House today is so important. The Water Quality Investment Act would reauthorize Sewer Overflow Control Grants for $1.8 billion over the next 5 years. These grants were authorized in Fiscal Year 2002 and Fiscal Year 2003, however, no funds were ever appropriated and the authorization of this program was allowed to expire.

Today and later this week when the House considers the Healthy Communities Water Supply Act (H.R. 700) and the Water Quality Financing Act (H.R. 720), the Democratic Majority is sending a clear message to the American people—this Congress is committed to investing in the health and safety of your family and your community. I urge all of my colleagues in supporting the underlying bill.

Mr. HARE. Mr. Chairman, I rise today as a cosponsor of the Water Quality Investment Act and strongly urge its passage.

Many communities in my district, such as the city of Monmouth, have severe capacity issues with their wastewater treatment systems. Several of these communities are rural but are experiencing new growth and cannot afford to expand their wastewater systems or update their antiquated and deteriorating facilities. The overflow of sewer systems can cause untreated waste to run into streets, basements, rivers and lakes, posing obvious health, safety and environmental problems.

Additionally, 772 municipalities across the country, the majority having fewer than 10,000 people, have combined sewer systems. These systems partially separate sewage and stormwater runoff and are extremely vulnerable to sewer overflows during periods of peak rainfall. The EPA estimates that each year, overflows from combined sewer systems discharge about 850 billion gallons of wastewater and storm water containing untreated waste, toxic debris, and other pollutants into the environment.

It is imperative that we help localities improve their sewer infrastructure for the health and safety of their residents and to meet their obligations under the Clean Water Act.

The Water Quality Investment Act would authorize $1.8 billion in federal grants over five years to municipalities for sewer overflow control and improved infrastructure. This new funding is a good first step toward addressing the EPA's estimated sewer overflow control costs of over $150 billion.

This legislation is supported by the National Association of Clean Water Agencies, which services the majority of Americans, and the Water Infrastructure Network, a broad-based coalition of environmental, conservation, municipal, public health, engineering, construction, and energy groups.

I again urge my colleagues to vote for this bipartisan legislation. Sewer system overflows are a public health risk with the biggest threat occurring in smaller communities that cannot finance the modernization of their systems. We are obligated to help these communities protect their citizens, which is why we must pass this bill.

Mr. CAPUANO. Mr. Chairman, I rise today in strong support of H.R. 569, introduced by my colleagues Mr. PASCRELL and Mr. CAMP. This bill would reauthorize a grant program that expired in 2003, which authorized grants to States and municipalities to combat the problem of combined sewer overflows and sanitary sewer overflows. I was proud to be an original co-sponsor of this legislation.

In 2001, the EPA estimated there were 772 communities in the country that have combined sewer systems, including all of the communities in my district: Boston, Cambridge, Chelsea, and Somerville. The EPA also estimated that to address these problems would cost communities $50.6 billion for CSOs and an additional $88.5 billion to address SSOs. These enormous costs cannot be borne by the communities alone.

Since the Clean Water Act was first passed in 1972, the condition of our Nation's waters has improved greatly. H.R. 569 demonstrates a renewed commitment by Congress to clean water by providing targeted assistance to address two large outstanding problems still affecting water quality, CSOs and SSOs. I urge my colleagues to support this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Quality Investment Act of 2007".

SEC. 2. SEWER OVERFLOW CONTROL GRANTS.

(a) ADMINISTRATIVE REQUIREMENTS.—Section 221(e) of the Federal Water Pollution Control Act (33 U.S.C. 1301(e)) is amended to read as follows:

"(e) ADMINISTRATIVE REQUIREMENTS.—A project that receives assistance under this section shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund under title VI, except to the extent that the Governor of the State in which the project is located determines that a requirement of title VI is inconsistent with the purposes of this section.".

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 221(f) of such Act (33 U.S.C. 1301(f)) is amended by striking "$750,000,000" and all that follows before the period and inserting "$250,000,000 for fiscal year 2008, $300,000,000 for fiscal year 2009, $350,000,000 for fiscal year 2010, $400,000,000 for fiscal year 2011, and $500,000,000 for fiscal year 2012".

(c) ALLOCATION OF FUNDS.—Section 221(g) of such Act (33 U.S.C. 1301(g)) is amended to read as follows:

"(g) ALLOCATION OF FUNDS.—

"(1) FISCAL YEAR 2008.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2008 for making grants to municipalities and municipal entities under subsection (a)(2) in accordance with the criteria set forth in subsection (b).

"(2) FISCAL YEAR 2009 AND THEREAFTER.—Subject to subsection (h), the Administrator shall

use the amounts appropriated to carry out this section for fiscal year 2009 and each fiscal year thereafter for making grants to States under subsection (a)(1) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516.".

(d) REPORTS.—The first sentence of section 221(i) of such Act (33 U.S.C. 1301(i)) is amended by striking "2003" and inserting "2010".

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment that is filed and should be in order at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KING of Iowa:

Page 4, line 6, strike "$250,000,000" and insert "$237,500,000".

Page 4, line 7, strike "$300,000,000" and insert "$285,000,000".

Page 4, line 7, strike "$350,000,000" and insert "$332,500,000".

Page 4, line 8, strike "$400,000,000" and insert "$380,000,000".

Page 4, line 9, strike "$500,000,000" and insert "$475,000,000".

Mr. KING of Iowa. Mr. Chairman, my amendment is a simple amendment. What it does is it recognizes that this authorization was authorized by Congress in 2002. It was authorized for $1.5 billion. This authorization takes us on up well over that. What I have done with my amendment is I do a 5-percent reduction in the authorization by the individual line items, and they all are on page four, so it amounts to a 5-percent reduction and takes us down to a number just a little bit above the inflation-adjusted 2002 number. So the $1.5 billion that was 2002 after adjusted for inflation comes to $1.69 billion. My amendment takes it up to just about $1.7 billion. This overall is not in the President's budget and we don't have this in any other budget, in Republicans or Democrats here, so this is an extra authorization.

Federal spending in the 110th Congress is out of control. The first five bills of the 110th Congress wasted about $14 billion of taxpayer money. If American taxpayers are going to be forced to foot the bill for projects that cities and States should be paying for, then they should only have to be forced to pay a reasonable amount. And if Members cannot vote for a reasonable reduction as done by this amendment, it proves that the majority in this Congress carries with it a tax-and-spend attitude. The restraint is what is in my amendment.

The funding authorized under this bill is $1.8 billion. My amendment will bring spending in line to about the inflation-adjusted portion, as I mentioned earlier. We need to make sure that our adjustments do so without wasteful government spending. We should not sit back and allow the majority to force their expansive jumbo jets or their poorly masked, earmark-ridden continuing resolutions on the American taxpayers.

Mr. Chairman, we all have to learn to tighten our belts. We have to learn how to do more with less. We have to draw the line somewhere. And we actually should draw it everywhere where we can to squeeze this down. The checks that this Congress have already written in a closed and rigid process are simply too large. In last year's elections, the new majority party promised the American people that they would rein in Federal spending and return fiscal restraint to Washington, DC. So far, that has not been what I have seen here in this Congress. I offer this opportunity to the minority and the majority to bring us back to a level of fiscal restraint.

We can and must do something about the deficit. We must do it right now. We have our opportunity right here. By voting for this amendment, you are stating that American taxpayers should not have to pay higher taxes in the future because we couldn't control our spending today. I think it is clear. This is a carefully drafted and a reasonable spending restraint amendment. It is a 5-percent reduction and it takes us down to an inflation-adjusted number from the 2002 authorization. I haven't heard a lot of discussion here about the expansion in needs. I did hear some significant requests that I think are relatively legitimate.

□ 1340

But it is important for us to be responsible in our request. It is important that we tighten our belt a little bit. If we can take it up one notch here, we can take it up another notch on another authorization and another appropriation, Perhaps we can get through this process. Having met PAYGO, for example, maybe we can get through this process and actually have a budget that is closer to balance than some we have seen in the past. Maybe we can get to the point of the promises that were made that we are going to have a balanced budget this year. I am looking forward to seeing that. I am trying to be helpful in offering this amendment, and I would ask my colleagues to support this fiscal restraint, fiscally responsible, reasonable amendment that preserves the authorization of 2002, makes adjustments for inflation so real dollars will buy the same amount of projects that would have been brought subsequent to the 2002 authorization, which, of course, was not appropriated to.

Mr. Chairman, I urge passage of this amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from Iowa has made a very thoughtful presentation and offers an amendment that is founded on some logic of the previous history of the legislation, and suggests that we proceed at what he considers a Consumer Price Index rate of increase over the previous legislation, 2002 bill. If the gentleman is prepared to accept success, we will accept his amendment.

I yield to the gentleman.

Mr. KING of Iowa. I appreciate the gentleman's remarks, and I am very much in agreement with you that this is a responsible thing for us to do. And I again thank you, and I would be very happy to accept the recommendation and your support, and I would be willing to do the same.

Mr. OBERSTAR. Mr. Chairman, we are prepared to accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PRICE of Georgia:

At the end of the bill, add the following:

SEC. 3. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

Mr. PRICE of Georgia. Mr. Chairman, as you know, this bill, the Water Quality Investment Act of 2007, would reauthorize an expired Federal program that provides grants to States for the purpose of providing money to a municipality or municipalities for planning, designing and construction of treatment works for combined sewer overflows and sanitary sewer overflows.

This bill authorizes, at least did prior to the last amendment, $1.8 billion in

Federal grants. And while this bill is important, equally important is that my amendment will apply the principle of pay-as-you-go, something that we have heard a lot talked about here by the new majority.

Any new spending authorized in this bill would be required to be offset by a specific amount to make it so that there would be no increase in Federal spending.

Simply, the amendment provides that no authorization of appropriations made by this act that results in costs to the Federal Government shall be effective, except to the extent that the act provides for equal decreases in spending somewhere else in the Federal Government.

An excerpt from the "New Direction for America," which was proposed by the now majority party last year when they were running for the majority, said, "Our new direction is committed to pay-as-you-go budgeting. No more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans."

Mr. Chairman, that sounds great, and I agree with that. My concern is what we may have here is another example of Orwellian democracy where just because you say something means it is so. But, Mr. Chairman, rules aren't rules if you only follow them when you want to.

So this is a matter of principle. It is a matter of accountability. My amendment is very simple and would provide that no additional spending would be undertaken unless it were offset elsewhere.

I would urge my colleagues to adopt this sensible PAYGO amendment to this Water Quality Investment Act of 2007.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I read with interest and puzzlement the gentleman's amendment that requires offsetting decreases in spending of the Federal Government, such that the net effect of this act does not either increase the Federal deficit nor reduce Federal surplus, of which we do not have one at this point.

We have inquired of the Congressional Budget Office about the language of the bill. The legislation before us, H.R. 569, does not include direct spending. The Congressional Budget Office estimates in their statement included in the committee report language: CBO estimates that implementing this legislation would cost about $1.45 billion over the next 5 years, which should be less now with the King amendment, and an additional $0.35 billion after 2012, assuming appropriation of the authorized amounts. Enacting the bill, CBO says, would not affect direct spending or receipts.

So I think the gentleman's amendment, while well intentioned, goes beyond the purpose of PAYGO. It would apply if we were taking money out of the highway trust fund. This is direct spending, although the highway trust fund is a different matter because there is already an antideficiency provision, you cannot spend more than the highway trust fund has in its account; and it is managed in a different manner.

So, we do not have direct spending authority in the legislation. And, therefore, the gentleman's amendment is not applicable, is not valid, and I would oppose the amendment.

I yield to the gentleman if he would like to respond.

Mr. PRICE of Georgia. I thank the gentleman for yielding. And given that I may disagree with that, but I would ask then, as a matter of principle, would you then not agree that adopting this amendment simply puts on record that we as a Congress believe that any money that would result as a result of this bill should be offset?

Mr. OBERSTAR. Reclaiming my time, adopting the amendment would create a false impression that we in fact have created a direct spending authority in the legislation. And the gentleman is perfectly within his rights to offer such an amendment on direct spending legislation, for which I would have no objection, but in this legislation, it creates the false impression that we are in fact creating direct spending authority when in fact we are not. And, if adopted, it would create an unacceptable and invalid precedent.

Mr. PRICE of Georgia. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I appreciate that perspective. We worked with legislative counsel on this, as well as the Parliamentarian, and believe this is an appropriately crafted amendment. And I understand and appreciate the gentleman's reservation.

Mr. OBERSTAR. Mr. Chairman, I respectfully oppose the amendment. I would appreciate it if the gentleman would withdraw the amendment and not have a recorded vote on it, but he is certainly within his rights to proceed further on it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment confuses the issue of authorization of appropriations and actual funding of these programs through the appropriations process. This amendment would require that any authorization of appropriations be considered with the corresponding offset, regardless of whether the program ever receives any funding.

In the example of the sewer overflows grant program, we are considering today a program that I remind my colleagues has never been funded through the appropriations process. This amendment would require the identification of $1.45 billion over the next 5 years in offsets regardless of whether appropriations are ever enacted in this program.

□ 1350

During the first few days of the legislative session, the new Democratic majority renewed PAYGO rules to require the identification of offsets of any changes in mandatory spending by legislative initiatives. This important provision expired under the Republican control of the House with no attempt to restore these protections to the Federal budgetary process.

As the gentleman is well aware, in the first days of the 110th Congress, the Democratic majority reinstituted PAYGO rules that requires the offsets in Federal receipts resulting from legislative proposals.

This bill has no effect on direct spending. In its analysis of the bill, the Congressional Budget Office specifically stated enacting the bill would not affect direct spending or receipts. However, to require offsets for any authorization of appropriations, regardless of its impact on Federal receipts, is beyond the scope of PAYGO and an appropriate limitation of the ability of Congress to address the needs of the Nation.

I oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman from Georgia (Mr. PRICE), respectfully, to withdraw this amendment. And if I may just take a few moments.

The pay-as-you-go rule, which was adopted by the House of Representatives, presents consideration of bills that affect direct or mandatory spending as we know it, or revenues, unless the measures also contain offsets, as I am sure my friend from Georgia knows.

Direct spending includes funds for entitlement programs, Social Security, Medicare, Medicaid, the Federal Employee Retirement and Unemployment Compensation and other programs that you and I, I think, would consider mandatory. All other spending in the budget is referred to as the discretionary spending, which is provided in and controlled by the annual appropriations process and is not subject to PAYGO. That is why the Congressional Budget Office has stated that this legislation does not trigger the PAYGO rule. CBO says, this is not direct spending, so it is not applicable in this legislation.

Now, I think your point is that maybe we ought to put everything under the same umbrella, but then you are going to have to change every authorizing program in the Congress.

This is a reauthorization. We are authorizing a program that already exists. The original authorization was signed into law in fiscal year 2001 in the omnibus appropriations bill. We are going to offset each and every reauthorization we consider in the House? I don't know if that is the direction you want to go in.

This majority, the Democratic majority, and we are talking about a bipartisan bill here, voted out unanimously in conference, this majority has instituted strong PAYGO rules, pay as you go. We are taking fiscal responsibility very seriously.

Nonetheless, neither this bill nor any other reauthorization bill falls under House PAYGO rules; and I wanted to make that clear.

The fact is that this is too critical a program, and I don't sense the sense of urgency here. This is too sensitive an issue, too urgent an issue to jeopardize with attempts to score a political point, as the gentleman from Georgia is attempting to do, I believe, if he considers to move forward. Failing to prevent sewer overflows will result in more sewage, more toxins, more debris making the way into our waterways and drinking water.

We have worked on both sides of the aisle for so many years to clean this mess up. What legacy do we leave to our children if we don't do this?

It is our duty to prevent beach closures, shellfish bed closures, contamination of drinking water and other environmental and public health concerns that result from sewer overflows before it is too late.

I would ask my friend from Georgia if he would consider not asking for a vote on this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. May I make another attempt with my colleague?

If I may make another appeal to the gentleman from Georgia. In the bill that we will consider on Friday to replenish State revolving loan funds, we submitted the legislation to the Office of Management and Budget and to the Congressional Budget Office. Both came back and said there is a possibility, not the possibility, there is the reality that local governments will float municipal bonds to match and to repay the cost of the loan from the State revolving loan fund. Those municipal bonds will result in a reduction in Federal revenues. Therefore, you must create an offset.

We then, taking that direction from CBO, reevaluated the bill in a bipartisan fashion. We reduced its authorization number from $20 billion to $14 billion, the period of time from 5 to 4 years, created the offset for the $14 billion.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. PASCRELL) has expired.

Mr. PASCRELL. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. PRICE of Georgia. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Objection is heard.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to withdraw my reservation should the same courtesy be extended to me to have an opportunity to address the issues that have been raised.

Mr. OBERSTAR. Mr. Chairman, I asked unanimous consent that the gentleman may be given two additional minutes so that I might yield to the gentleman from Georgia for him to respond.

The CHAIRMAN. Is there objection to the request?

Mr. PRICE of Georgia. Mr. Chairman, I withdraw my reservation.

Mr. OBERSTAR. Having made that presentation, if I may yield to the gentleman from Georgia for his response.

Mr. PRICE of Georgia. Well, I appreciate the gentleman yielding, and I appreciate the passion that this has resulted in on the other side.

I want to make it very clear, this is an important bill. There is no doubt about it. I have municipalities, cities that are certainly in need of assistance. But it is also important that we make certain that we prioritize here in Washington how we spend hard-earned taxpayer money. And if we are not going to start on that road now, when are we going to start?

We have heard a lot about fiscal responsibility from your side of the aisle. We heard a lot last year. We have heard a lot of promises. But what, in fact, has happened is that so much of the spending that we do here in Washington doesn't come under this umbrella of PAYGO that has been adopted by the House.

In fact, I would venture to say that the press releases that were released by my good friends when they adopted PAYGO didn't have any fine print in it that said, oh, by the way, it doesn't apply to discretionary spending. So PAYGO isn't PAYGO unless it is PAYGO for everybody; come one, come all.

So I would respectfully suggest that my good friends ought to, in the spirit of true fiscal responsibility, ought to support this amendment, and we can move forward arm in arm and make certain that we are spending the hard-earned taxpayers' money of America wisely.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. PASCRELL) has expired.

(On request of Mr. PASCRELL, and by unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. I explained the situation with H.R. 720, the State Revolving Loan Fund, Mr. Chairman, so that the gentleman from Georgia would have understanding and confidence that the committee has done its homework, has acted responsibly on the matter of offsets where there is direct spending or where there is a reduction in Federal revenues.

☐ 1400

We submitted H.R. 720 to review by CBO and the Office of Management and Budget. Both were of the opinion that there would be a reduction in revenues if municipalities issue municipal bonds and that those municipal bonds will be tax exempt and therefore a reduction in revenues.

The distinction between that legislation and this is that there is no direct spending involved. There is no resulting responsibility on governments to take action that would result in a reduction in revenues, nor is this an appropriation. It is not a direct spending. And, therefore, it is not subject to the PAYGO rules.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ROHRABACHER:

Page 5, after line 9, add the following:

(e) PARTICIPATION IN EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAM.—Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended by adding at the end the following:

"(j) PARTICIPATION IN EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAM.—The Administrator may make a grant to a State, municipality, or municipal entity under subsection (a) only if the State, municipality, or municipal entity provides assurances satisfactory to the Administrator that the State, municipality, or municipal entity will impose conditions requiring all persons, including contractors and subcontractors, carrying out activities using amounts of the grant—

"(1) to elect to participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

"(2) to comply with the terms and conditions of the election.".

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ROHRABACHER. Mr. Chairman, my amendment would, very simply, prohibit government contracts in various water projects in terms of the Water Quality Investment Act from being provided to contractors who are hiring illegal immigrants. Among the many infrastructure treasures this Nation must guard, of course, is our water supply. And we want to ensure, if we are going to expend billions of dollars, taxpayer dollars, in improvements, that everyone the Federal Government is responsible for paying to work on these projects has a right to work here.

My amendment simply says that any recipient of a government grant or contract under this bill must use Social Security's basic pilot verification system to ensure that all employees are in this country legally.

The basic pilot program was expanded in 2003 and now covers 50 States. Many private employers who wish to be good corporate citizens already use the program.

This program is offered to every employer at no cost. When it comes to something as critical as our Nation's health and our water supply, this Congress has no excuse not to ensure that taxpayer dollars and government-funded jobs go to those who are in this country legally and who are legally entitled to get those jobs. The American people expect and deserve to have the Federal Government set an example for private industry when dealing with a system so essential to the health and well-being of our people.

Let us note that there is a lot of talk about prevailing wage going on in Congress as if we have to ensure that there is a higher wage given to people who work on government projects. Well, the very easiest way to do that is to ensure that contractors who work on government programs are not hiring illegal immigrants.

What we have here is a situation where a large number of people in this body are unwilling to confront the illegal immigration challenge at the expense of whom? The American working people whose jobs are being bid down in terms of the wages and the American taxpayers, who are, in this case, if we don't confront that problem, are going to basically have to pay higher taxes in order to pay for the same project. So, thus, we have the American working people and the American taxpayer both being hurt by not forcing employers to ensure that they are hiring legal workers for these various programs.

Now, I know the American people would agree with me, and I urge my colleagues to support this amendment, which is pro-working man and pro-taxpayer.

POINT OF ORDER

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I raise a point of order against this amendment. The amendment imposes conditions for receipt of these funds that are unrelated to the underlying bill. Specifically, the amendment requires contractors to participate in the employment eligibility verification pilot program of the Illegal Immigration Reform and Immigrant Responsibility Act. The amendment is not germane to H.R. 569 and violates clause 7 of rule XVI of the Rules of the House.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ROHRABACHER. Mr. Chairman, I believe my amendment is germane. After all, we do add many such regulations on bills that we pass. They have to meet certain standards. This standard certainly is no different than many of the other standards.

It is just that this body refuses ever to involve themselves in anything that would stem the flow of illegal immigrants into this country and quit giving people an incentive to come here to take the jobs and the benefits that belong to the American people. And certainly this amendment, which is no different than many other types of restrictions that we place on government spending, is certainly germane to this bill. And, therefore, I would argue my case that it is germane.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The gentlewoman from Texas makes a point of order that the amendment offered by the gentleman from California is not germane.

H.R. 569 authorizes the Environmental Protection Agency to make grants for sewer overflow control projects.

The amendment would impose a condition on the making of such grants. It would require the recipients of the funds to certify that all entities carrying out the sewer overflow control projects had elected to participate in an employment eligibility verification program under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

As recorded in Deschler-Brown Precedents, volume 11, chapter 28, section 30.23, an amendment conditioning the availability to certain recipients of funds in an authorization bill upon their compliance with laws not otherwise applicable to those recipients and within the jurisdiction of other House committees may be ruled out as not germane.

As the Chair understands it, participation in the employment eligibility verification program is voluntary on the part of employers. The amendment would require such participation by recipients of the funds authorized by the bill. As such, the amendment requires the recipients to comply with a law not otherwise applicable and within the jurisdiction of other House committees.

The amendment is not germane. The point of order is sustained. The amendment is not in order.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASCRELL) having assumed the chair, Mr. SCHIFF, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 569) to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants, had come to no resolution thereon.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 569.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 9 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1606

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KIND) at 4 o'clock and 6 minutes p.m.

WATER QUALITY INVESTMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 214 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 569.

☐ 1607

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 569) to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 printed in the CONGRESSIONAL RECORD by the gentleman from California (Mr. ROHRABACHER) had been disposed of.

AMENDMENT NO. 1 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 260, not voting 13, as follows:

[Roll No. 123]

AYES—166

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—260

Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Blunt
Bono
Boyda (KS)
Camp (MI)
Christensen
Cubin
Davis, Jo Ann
DeLauro
Faleomavaega
Fattah
Larson (CT)
Payne

□ 1635

Messrs. DINGELL, CALVERT, AL GREEN of Texas, MCNERNEY, SIMPSON, KNOLLENBERG, COSTELLO, WOLF, COHEN, REHBERG, TIAHRT and FRELINGHUYSEN changed their vote from "aye" to "no."

Mr. GOODE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIND) having assumed the chair, Mr. HASTINGS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 569) to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants, pursuant to House Resolution 214, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute reported from the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCHENRY. In the current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McHenry moves to recommit the bill H.R. 569 to the Committee on Transportation and Infrastructure with instructions to report back the same forthwith with the following amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 3. LIMITATION ON THE USE OF FUNDS.

None of the funds authorized by this Act, including the amendments made by this Act, may be used—

(1) to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer; or

(2) to pay for expenses related to the membership of any individual or entity in an organization or association.

☐ 1640

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. McHENRY. Mr. Speaker, this motion to recommit would reinforce existing Federal law by making it clear that none of the funds authorized in this act would be used for lobbying or to retain lobbyists in order to attempt to influence Federal, State or local governments or officials within said governments.

This motion to recommit is an insurance policy that guarantees this bill won't be a kickback to K Street. This majority was elected on ending the K Street Project. In House Resolution 6, section 202, they changed rule XXIII to ensure that the K Street Project is ended.

If those words on opening day are to become a reality, I encourage the majority to support this motion to recommit that ensures that a K Street-type project would not be further propagated in this legislation.

There is a simple principle here; put plainly, I am asking the Members of the House to follow their own rules set up on opening day. From time to time, it is important to challenge Congress's words by calling them to action. And if this new majority is to live by the words they set up by opening day, then they should support this motion to recommit.

I would like to yield to my colleague from Georgia, Congressman Price.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his simple motion to recommit.

This really is a simple motion to recommit. What it says is that the money that is authorized and appropriated should go for its intended purposes. It would expand upon existing law by specifically prohibiting Federal funds from being used to pay for membership in any association or organization. It is important to make clear that the funds should only be used for the purposes intended by Congress, mainly the construction of facilities and infrastructure to treat combined sewer overflows.

Now, while associations and organizations can sometimes provide very meaningful opportunities for collaboration and knowledge dissemination, it would not be appropriate to use scarce, hard-earned Federal taxpayer dollars to pay for membership in such associations.

Mr. Speaker, I don't know if my colleagues are aware of this, but some of these dues in these associations and organizations run up to $48,000 to $50,000 a year. Certainly, hard-earned taxpayer money should not go for that purpose. So, in the spirit of responsible spending and to decrease the abuse of hard-earned taxpayer dollars, I urge the adoption of this motion to recommit.

Mr. McHENRY. Reclaiming my time, I would like to in particular talk to my 13 colleagues on the Democrat side, Mr. Speaker, and they realize that a motion to recommit is not a procedural motion; it is actually policy. And when those 13 Democrats voted for the recommit on the card check legislation, they said clearly they understand the underlying policy in a motion to recommit.

We are talking policy here today, Mr. Speaker. In this House, if the Democrat majority was truly elected and is committed to severing the link between legislation and lobbyists, they will vote for this motion to recommit. This motion to recommit is a gut check for Congress, especially the new Members of this body who have not been here before this last election cycle. It is gut check time for them, for them to explain to their constituents that they like the idea of limiting lobbyists' influence, and whether or not they are willing to fulfill that vote here on the House floor today.

This truly is an insurance policy that guarantees this bill won't simply be a kickback to K Street by this new majority.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise to speak on the motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the motion?

Mr. OBERSTAR. No. I seek to speak on the motion.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, the operative provision of H.R. 569, section 221, provides, "The administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design and construction of treatment works to intercept, transport, control or treat municipal combined sewer overflows and sanitary sewer overflows." It says nothing about paying lobbyists, retaining a lobbyist or influencing Federal, State or local government entity or officer. But if the gentleman is concerned that somehow money might be diverted in that, we are fully prepared to accept the amendment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McHENRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passing the bill and on suspending the rules and passing H.R. 710.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 8, as follows:

[Roll No. 124]

AYES—425

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof

Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Abercrombie
Bono
Camp (MI)
Cubin
Davis, Jo Ann
DeLauro
Fattah
Larson (CT)

□ 1711

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. OBERSTAR. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 569, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 3. LIMITATION ON THE USE OF FUNDS.

None of the funds authorized by this Act, including the amendments made by this Act, may be used—

(1) to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer; or

(2) to pay for expenses related to the membership of any individual or entity in an organization or association.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 58, not voting 8, as follows:

[Roll No. 125]

YEAS—367

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—58

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray

Bishop (UT)
Blackburn
Brady (TX)
Burgess
Campbell (CA)
Cannon
Carter
Conaway
Culberson
Deal (GA)
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Hall (TX)
Hensarling
Herger
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Linder
Mack
Marchant
McCaul (TX)
McHenry
Miller (FL)
Moran (KS)
Musgrave
Neugebauer
Paul
Pence
Pitts
Price (GA)
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Thornberry
Weldon (FL)
Westmoreland

NOT VOTING—8

Abercrombie
Bono
Camp (MI)
Cubin
Davis, Jo Ann
DeLauro
Fattah
Larson (CT)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 1720

Mr. GARRETT of New Jersey changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHARLIE W. NORWOOD LIVING ORGAN DONATION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 710, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and pass the bill, H.R. 710, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 126]

YEAS—422

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Bono
Camp (MI)
Cubin
Davis, Jo Ann
DeLauro
Fattah
Larson (CT)
Lynch
Miller, George
Pomeroy

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1728

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, March 7, 2007 to vote on rollcall vote Nos. 123, 124, 125 and 126 due to a family medical matter.

Had I been present, I would have voted:

"Nay" on rollcall vote No. 123 on an amendment to H.R. 569 to prohibit the bill's authorization levels or other provisions from taking effect if they would result in costs to the federal government;

"Aye" on rollcall vote No. 124 on the motion to recommit H.R. 569 with instructions;

"Aye" on rollcall vote No. 125 on passage of H.R. 569, the Water Quality Investment Act;

"Aye" on rollcall vote No. 126 on the suspension of the rules and passage of H.R. 710, the Charlie W. Norwood Living Organ Donation Act.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 202, PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN 110TH CONGRESS

Mr. ARCURI, from the Committee on Rules, submitted a privileged report

(Rept. No. 110–34) on the resolution (H. Res. 219) providing for consideration of the resolution (H. Res. 202) providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Monday, March 5, and Tuesday, March 6, I was detained because of my representation of the United States House of Representatives at a commemoration commemorating the 50th year of independence of the nation-state of Ghana.

If I had been present, on rollcall No. 122, H. Res. 140, supporting the goals of International Women's Day, I would have voted "yea"; on rollcall No. 121, H. Res. 89, honoring the life and achievements of the late Dr. John Garang de Mabior, I would have voted "yea"; rollcall vote No. 120, H.R. 497, the Brigadier General Francis Marion Memorial Act, I would have voted "yea"; and rollcall No. 119, to amend Public Law to extend the authorization for establishing a memorial in the District of Columbia to honor veterans who served in the Armed Forces, I would have voted "yea."

☐ 1730

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MATHESON). The Chair will entertain 1-minute requests.

COUEY GUILTY VERDICTS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, earlier this afternoon, justice was finally rendered in the guilty verdicts in the kidnapping, assault, rape and murder of Jessica Lunsford. Jessica's family lives in my district, and the Nation's sympathy certainly went out to the Lunsford family when Jessica went missing.

Today's verdict obviously is one that we hope that if Mr. Couey has a conscience that he will not appeal this decision. However, Americans must realize that John Couey is one of thousands of sexual predators around the Nation. It is very sad, but parents in every neighborhood and community should remain vigilant in protecting their children from strangers.

Certainly our hearts and prayers go out to Mark, Archie and Ruth Lunsford. I hope that the guilty verdict today provides some closure for the family and that they feel that justice has been served.

We must also remember that Jessica Lunsford was the emphasis behind the Jessica Lunsford Act, which was signed into law.

TWO-STATE SOLUTION IN THE MIDDLE EAST

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, we had the honor of listening to King Abdullah of Jordan and his speech before. I must be candid and say that I was somewhat disappointed in some of the things that he mentioned.

When he talked about the plan in Riyadh for two states living side by side, we all, of course, hope for that, but the plan in Riyadh forces Israel to go back to the 1967 borders, which are indefensible and is really a nonstarter.

If the Palestinians really want peace in the region, then they know what they have to do. They need to do three things, and the Hamas government needs to do three things. They need to recognize the right of Israel to exist, they need to abide by all previous agreements signed by the Palestinians, and they need to renounce terror and violence.

I would have liked the King to have said that. I think that would have been most hopeful, but it is important that all of us that want peace in the Middle East work to the ultimate solution, which is two states in peace, living side by side, an Arab Palestinian state and Jewish Israeli state, and it can only happen if the Arabs recognize Israel's right to exist.

PEACHCARE

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, today, I rise again to address the impending crisis threatening Georgia's PeachCare program.

In just 4 days, no new children will be permitted to enroll. The program will have a $131 million shortfall, and neither the State of Georgia nor the Congress will have acted to save PeachCare.

As Members of Congress, it is hard to imagine our children being uninsured, yet thousands of children in Georgia face that harsh reality every day. That is unacceptable. No child should be without health care.

Congress and the State of Georgia owe it to these children to ensure that the PeachCare program survives.

PRESIDENT SHOULD NOT PARDON LIBBY

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, yesterday a jury here in Washington convicted Scooter Libby, the Vice President's former chief of staff, of obstruction of justice, giving false statements to the FBI and perjury. Libby's attorneys say they will appeal. Meanwhile, the White House remains silent about whether or not the President will pardon Mr. Libby.

From the very beginning, this case has been about more than just Libby's attempts to lie to a Federal prosecutor. As egregious as that is, and Mr. Libby should be punished for it, perhaps even worse are the revelations that came out during this trial of how the Bush administration operated when it came to issues of national security.

Testimony from Libby's trial shows the great lengths the Bush administration was willing to go to silence opponents of the war. In the case of Valerie Plame, the administration was more than willing to out an intelligence operative. It did not matter that they may have been jeopardizing her life or the lives of other intelligence agents that she may have been working with. All the administration cared about was silencing a critic of the war.

President Bush should realize how serious this case is and should state for the record today that he will not pardon Mr. Libby.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OPPOSITION TO EXPANDED MEXICAN TRUCKING IN THE U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, in just a matter of weeks, thousands of Mexican trucks will stream across America's southern border and pour onto U.S. highways throughout the country.

The U.S. Department of Transportation has given 100 Mexican trucking companies the green light to unleash an unlimited number of trucks onto the highways of America as part of a 1-year pilot program.

Right now, Mexican trucks are only permitted to travel inside a 25-mile commercial zone along the U.S. border, but, soon, thousands of Mexican trucks will have full access to all the Nation's roads.

Allowing low-paid drivers and substandard trucks to travel our Nation's roads will endanger the safety of American citizens. It will cost thousands of American jobs.

As an extension of NAFTA, this program is just another example of U.S. trade policies that fail American workers. Before NAFTA, our Nation ran a trade surplus with Mexico. Now, the U.S. runs a $65 billion annual trade deficit with Mexico. The U.S. has lost 3 million manufacturing jobs in just the past 6 years.

Launching this pilot program in the name of free trade is just one more example of how our government continues to give away American jobs. This program will not only hurt the economy but will put our national security at risk.

The Department of Transportation claims that all of these Mexican trucks will be inspected by U.S. officials in Mexico and at the border, but, Mr. Speaker, less than 10 percent of all Mexican trucks entering the commercial zone are inspected now, only 10 percent. The U.S. cannot afford to send inspectors to Mexico when only a fraction of the hundreds of thousands of U.S. truck companies are inspected each year.

With no guaranteed way to inspect the cargo of each and every truck, this program could easily aid terrorist activities, the entry of illegal drugs and illegal human smuggling.

Mr. Speaker, for the sake of appeasing Mexico, our government is not protecting the national security of this country and the future of our economy. This program does nothing but endanger the safety of American citizens, and it is unacceptable.

I hope the American people will continue to contact this administration to tell them of their outrage and disappointment.

□ 1740

Mr. Speaker, before I close, this is from a heading in an eastern North Carolina paper that says, "Bush Decision on Mexican Trucks Promotes Era." People are upset and mad. I want to read just very briefly, "The news that Mexican trucks will be allowed to haul freight deep into the United States drew angry reaction Friday from labor leaders, safety advocates and Members of Congress." They said, "Mexico has substandard trucks and low-paid drivers that will threaten national security, cost thousands of jobs and endanger motorists on the northern side of the Mexican border."

Mr. Speaker, I hope that the people of this great Nation will listen to these discussions and debates by my colleagues on both sides of the aisle, because if we are concerned about national security, we should not allow these trucks to have free access to the roads of the American people.

GLIDER PILOTS OF WORLD WAR II

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to honor the glider pilots of World War II.

Glider planes were lightweight aircraft without engines that were used to drop supplies and reinforcement personnel for troops and surveillance. They were very efficient, because they made no noise and could fly into the enemy areas undetected.

The gliders would be towed by larger planes in order to take off, but then would fly and land on their own. The glider pilots flew dangerous missions and were constantly at risk for being shot down. Glider pilots were instrumental in the invasion of Normandy on D-Day, despite the fact that pilots had to improvise on landings, since no known landing strips were known to be behind enemy lines.

Later in the war, the Germans would plant wooden poles in open fields to prevent glider pilots from landing. The U.S. Army Air Forces began training glider pilots in 1942. The program quickly grew during the war. Eventually, over 6,500 men were trained to be glider pilots.

Throughout World War II, the glider pilots flew eight successful missions. The glider pilots' first mission occurred on July 19, 1942, Operation Husky, which was called for the glider pilots to carry British airborne troops into Sicily. Despite the heavy casualties from landing at the sea, the glider pilots completed their mission.

In March of 1944, the glider pilots completed Operation Broadway in Burma. The glider pilots took the Japanese completely by surprise, carrying troops, airborne engineers and equipment by night. They seized and prepared landing strips for forthcoming transport planes and evacuated the wounded. The glider pilots accomplished this feat in 2 hours, completing a mission that would have taken 2 months by ambulance.

Perhaps the most famous mission of the glider pilots was the Battle of Normandy. On D-Day the glider pilots participated in the largest combined airborne and seaborne invasion in history. They carried troops of the 82nd and 101st Airborne Division and their equipment to landing areas behind enemy lines. Their work helped to secure victory in World War II.

Mr. Speaker, each year we lose more and more of these courageous veterans. I believe Congress must recognize their accomplishments for the future generations of our veterans. That is why I have introduced House Concurrent Resolution 42. This bill recognizes the glider pilots and the many troops who put their lives on the line to defend the ideas and the freedoms of our country. All of our glider missions were successful. Unfortunately, casualties were suffered.

On March 20, "Silent Wings," a documentary on these great pilots, will be released. The documentary features interviews with glider pilots, Members of Congress and media icons. I will be sponsoring a viewing of this powerful film on the evening of March 20.

I hope you will all join me to commemorate these veterans. We must all remember and teach future generations about the sacrifices that glider pilots and all veterans made for our country. I urge my colleagues to support the glider pilots and cosponsor H. Con. Res. 42.

TOUGHER BORDER CONTROL POLICIES WILL HELP REDUCE CRIME IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to discuss the sorry State of our Nation's borders. As we have read in the newspapers every day, we have an estimated 12 to 15 million people living illegally in the United States.

Now, I understand that this is a divisive issue for many people, even for some in this body. I, myself, understand the needs of Florida's citrus growers and sugar cane farmers to have a reliable source of agricultural workers. But as my constituents tell me all the time, what part of illegal doesn't Congress understand?

I know that we need a guest worker program, but not one that includes amnesty or a pathway to citizenship, as some have called it. A guest worker program should be just that, a program where migrant workers are guests in our country and return home when their visa expires.

Unfortunately, that is not what happens today. We have hundreds of thousands of people sneaking across our borders every day. We don't know who they are, where they are headed or what their intentions are.

Some of those on the other side of the aisle make the argument that the people sneaking across our borders are just good honest people looking to make a better life for themselves. That may indeed be the case for some. But in a post-9/11 world, we can't take that chance. Many of them are common crooks, low-level thugs, brutal gang members, drug dealers, murderers, rapists or kidnappers or serial killers.

One example recently in Florida took place with the brazen abduction of a young man by the name of Clay Moore in Manatee county, which is just outside of my congressional district. Thirteen year-old Clay was waiting for a school bus with other kids when a man driving a pickup truck pulled up alongside of them and kidnapped Clay by gun point. Law enforcement issued an AMBER Alert and set up a concerted manhunt to find Clay and his abductor.

Unlike the case of Jessica Lunsford or Sarah Lunde, in this case, the story ends with good news, not a body bag. Clay managed to escape, but not after being driven to the middle of the woods, duct-taped to a tree for several hours. He freed himself by using a safety pin he had hidden in his mouth to cut the duct tape holding him to the tree, and then he called home for help.

Clay is a brave and resourceful young man to have gotten away without being harmed. I can only wonder if he and his family watched old reruns of MacGyver to learn the safety pin trick.

This story ended well for Clay. But the bad news for America is that the alleged abductor was an illegal immigrant who had been deported once from the country. A news report from the Bradenton Herald even describes the problems authorities had tracking him down. "Obtaining the warrants took longer than expected due to the suspected kidnapper's multiple aliases. Beltran-Moreno is an undocumented immigrant who at one time was deported from the United States," they said. When I came down to the floor earlier, the authorities still had not caught Beltran-Moreno. News reports indicated that he was trying to make it to Mexico to escape prosecution and punishment.

Mr. Speaker, if our immigration laws had been enforced and if we had stronger border security measures in place, this kidnapper would not have been in America and would not have had the opportunity to kidnap young Clay Moore. Instead, a dangerous criminal flees, leaving his whereabouts unknown and his motives unclear. This is unacceptable.

The House has passed strong border security legislation in the past, but the Senate is taking its open path, a path towards amnesty. My constituents in and the constituents of many in this Chamber believe that that is absolutely the wrong path to take. Americans deserve real security and real results.

With other like-minded Members of Congress, I will work to pass legislation that keeps illegal kidnappers and illegal aliens like Beltran-Moreno off our streets and away from our children.

THE STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL AND THE NATIONAL COMMISSION TO PLAN AND COORDINATE THE BICENTENNIAL CELEBRATION OF THE WAR OF 1812

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today to introduce two related bills. The first would create a Star-Spangled Banner National Historic Trail to commemorate the Chesapeake Bay Campaign of the War of 1812. The second bill I am introducing would create a national commission to plan and coordinate the bicentennial celebration of the War of 1812.

The Star-Spangled Banner National Historic Trail would match some of the most important events of the War of 1812. The trail commemorating the only combined naval and land attack on the United States begins with June 1814 battles between the British Navy and the American Chesapeake flotilla in Saint Leonard's Creek in Calvert County and ends at Fort McHenry in Baltimore, where our National Anthem was composed and the British met their ultimate defeat.

□ 1750

Maryland is blessed with a multitude of historic and cultural attractions across the State. Fort McHenry is a classic example of this rich heritage and a centerpiece of the legislation I introduce today. Francis Scott Key best captured the essence of Fort McHenry in his poem written as a prisoner aboard a British frigate during the bombardment of the fort. The text of the poem later became our National Anthem.

For decades, my family has enjoyed Fort McHenry's history as well as its tremendous vistas of our beloved Chesapeake Bay. Just recently, I spent the morning there with my son, an avid birder and budding naturalist, exploring the wetland restoration area that abuts the fort.

The second bill I introduce today would create a Star Spangled Banner and War of 1812 Bicentennial Commission to plan and coordinate the bicentennial celebration of the War of 1812 and the composition of our National Anthem. The Commission would be made up of citizens from States that the National Park Service has determined to be the most historically significant, as well as National Park Service officials, historical experts and other individuals selected by congressional leadership.

With the bicentennial of the War of 1812 quickly approaching, we should move swiftly to approve this measure and enable the Commission to plan a suitable bicentennial celebration.

Mr. Speaker, the War of 1812 was a seminal moment in American history. Many refer to it as the "second war of independence." When the war began, our fragile experiment in democracy was still in its early stages, and the Nation found itself under attack from one of the most powerful countries in the world. Many wondered whether democracy could hold together through the trials of war. The War of 1812 proved that liberty and security are not mutually exclusive conditions and set the stage for the spread of democracy around the world.

Mr. Speaker, just this morning I met with War of 1812 experts and historic preservationists from throughout the State of Maryland at Fort McHenry. For years, these individuals have been dedicated advocates for creating the Star Spangled Banner Trail and Bicentennial Commission. This legislation represents a culmination of their interests and hard work. I am very proud to be introducing it today, and I hope my colleagues will join with me to pass both bills during this Congress.

LANCE CORPORAL ANTHONY AGUIRRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and the orders of officers appointed over me according to the regulations of the Uniform Code of Military Justice. So help me God."

Each day, new Marines take this oath to serve and protect the United States and freedom-loving people. They live their lives by it, and they die by it.

LCpl Anthony Aguirre dreamed his whole life of taking this oath and becoming a member of this elite fighting force. Anthony was from Channelview, Texas. At a young age, he knew he wanted to be a Marine. He felt so compelled to serve our country that he took every opportunity to become involved in any military program that he could find, like the Junior ROTC at Channelview High School.

When he was in the Junior ROTC, Anthony was the company commander. During his senior year in high school, he achieved the rank of cadet captain. Many of those who were involved with the ROTC with Anthony remember him as a patriot. He always had a sense of duty to this country. Even after graduation, Anthony often stopped by the high school to proudly talk with the Junior ROTC cadets about the Marines. According to the ROTC instructor, Anthony wanted to be a Marine because he thought it was the toughest of military U.S. services.

Lance Corporal Aguirre joined the United States Marine Corps 1 year after graduating from Channelview High School and became a member of the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force in Hawaii.

His sister, Christine, said that Anthony thought of doing nothing else with his life but being in the Marine Corps. So Anthony Aguirre joined the

United States Marine Corps. He served our country in Iraq, but he met a warrior's fate a few days ago. This is a photograph of Anthony Aguirre. Anthony was killed in Iraq, and the funeral for him was today.

Let me tell you a little bit about the funeral, Mr. Speaker. As the funeral procession passed through the streets of Channelview, estimates were that over 8,000 people were there from the schools, the local refineries, the fire department and the neighborhoods. They stood on the side of the road for miles waving American flags for this Marine.

Anthony Aguirre was buried today in Highland, Texas. The high school flag was flown at half mast in his honor, and later the flag was given to his sister, Christine Castillo, and his brother, Earnesto Salinas. Tony had numerous other siblings and cousins.

Now I want to tell you how he died, Mr. Speaker. On February 26, 2007, at the age of 20, in an act of fearless courage, LCpl Aguirre put his life on the line for his brothers in arms. And while fighting the forces of evil in Al Anbar Province in Iraq, Anthony stepped on an improvised explosive device. IEDs, as they are called, are a coward's way of killing U.S. soldiers, women, children and the elderly.

But he didn't immediately jump, as would be a reflection or a reaction for most of us. He kept his foot on the IED and he told the other 20 Marines standing around him to clear the area and take cover. When he saw that they were out of harm's way, he took his foot off the device. He gave his life so that other Marines could live.

When this group of Marines reported back to their commander, they told him that Tony had just saved their lives. The commander immediately knew they were referring to LCpl Anthony Aguirre.

Amazing men, these young guns of the Marine Corps of today.

On a road called Crosby-Lynchburg in my district, there are flags mounted along this rural road in honor of the brave life of Lance Corporal Aguirre. And as the community laid another one of America's sons to rest today, the catalog of history is etched with another name of an extraordinary Texas hero and Marine.

Lance Corporal Aguirre died as he lived, for the Marines, for his brothers in arms.

Shakespeare put it best in Henry V when he echoes Aguirre's commitment to fellow warriors. He says, From this day to the ending of the world, we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother.

We shall remember Lance Corporal Aguirre. Semper Fi, Lance Corporal Aguirre. Semper Fi.

And that's just the way it is.

THE SCANDAL AT WALTER REED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the scandal at Walter Reed is not an isolated incident. It is directly related to our foreign policy of interventionism. There is a pressing need to reassess our now widely accepted role as the world's lone superpower. If we don't, we are destined to reduce our Nation to something far less powerful.

It has always been politically popular for politicians to promise they will keep us out of foreign wars. Likewise, it has been popular to advocate ending prolonged and painful conflicts, like the war in Korea and Vietnam, and now Iraq.

As recent as the campaign of 2000, it was quite popular to condemn nation building and reject the policy of policing the world in the wake of our involvement in Kosovo and Somalia. We were even promised a more humble foreign policy.

Nobody wins elections by promising to take us to war. But, once elected, many politicians greatly exaggerate the threat posed by a potential enemy, and the people too often carelessly accept the dubious reasons given to justify wars.

☐ 1800

Opposition arises only when the true costs are felt here at home.

A foreign policy of interventionism costs so much money that we're forced to close military bases in the United States even as we're building them overseas. Interventionism is never good fiscal policy. Interventionism symbolizes an attitude of looking outward, toward empire, while diminishing the importance of maintaining a constitutional republic.

We close bases here at home—some want to close Walter Reed—while building bases in Arab and Muslim countries like Saudi Arabia. We worry about foreign borders while ignoring our own. We build permanent outposts in Muslim holy lands, occupy territory and prop up puppet governments. This motivates suicide terrorism against us.

Our policies naturally lead to resentment, which in turn leads to prolonged wars and increased casualties. We waste billions of dollars in Iraq while bases like Walter Reed fall into disrepair. This undermines our ability to care for the thousands of wounded we should have anticipated despite the rosy predictions that we would be greeted as liberators in Iraq.

Now comes the outrage.

Now Congress holds hearings.

Now comes the wringing of hands. I guess better late than never.

Clean it up. Paint the walls. Make Walter Reed look neat and tidy. But this won't solve our problems. We must someday look critically at the shortcomings of our foreign policy, a policy that needlessly and foolishly intervenes in places where we have no business being.

Voters spoke very clearly in November: They want the war to end. Yet Congress has taken no steps to defund or end a war it never should have condoned in the first place.

On the contrary, Congress plans to spend another $100 billion or more in an upcoming Iraq funding bill, more than even the administration has requested. The 2007 military budget, $700 billion, apparently is not enough. All of this is done under the slogan of supporting the troops, even though our policy guarantees more Americans will die and Walter Reed will continue to receive tens of thousands of casualties.

Every problem Congress and the administration creates requires more money to fix. The mantra remains the same: Spend more money even though we don't have it; borrow from the Chinese, or just print it. This policy of interventionism is folly, and it cannot continue forever. It will end, either because we wake up or because we go broke.

Interventionism always leads to unanticipated consequences and blowback, like a weakened, demoralized military; exploding deficits; billions of dollars wasted; increased inflation; less economic growth; an unstable currency; painful stock market corrections; political demagoguery; lingering anger at home; and confusion about who is to blame.

These elements combine to create an environment that inevitably undermines personal liberty. Virtually all American wars have led to diminished civil liberties at home. Most of our mistakes can be laid at the doorstep of our failure to follow the Constitution. The Constitution, if we so desire, can provide needed guidance and a road map to restore our liberties and change our foreign policy. This is critical if we truly seek peace and prosperity.

WALTER REED ARMY MEDICAL CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today with an apology. Last week, I was in the grocery store in Jacksonville, Florida. A veteran working part time told me about a friend who was at Walter Reed, and he had pictures showing the problems that were occurring there. He walked me to the car and said that there was no way he would ever vote again for a Republican after seeing what the pictures showed.

I couldn't believe what he was describing to me of a military facility.

And I told him, "You can't believe everything that you see on the Internet." The next day, the very next day, the story was in the Washington Post. I am going back to that grocery store to personally apologize to that veteran. The fact that an active duty soldier was treated this way is inconceivable.

I did not vote for this war. The military is doing the job they were sent to do. There was a flaw in the mission from the beginning, and the flaw lies with us. American soldiers have performed admirably under trying conditions, conditions they were not trained for and conditions they should not be in. We won the war but lost the occupation. Our soldiers deserve better when they get back.

We can send 484 tons of money, $12 billion, to Iraq for who knows what, but when it comes to the well-being of those soldiers, there is no money. According to the VA, it will cost $1.7 billion to include all veterans in the VA health care system.

What are the priorities of this administration? There are all kinds of justifications, all kinds of sanctimony, frightening the American people into supporting a $600 billion war in Iraq. We have a $3 trillion budget, and we are sending nearly $1 trillion to a country of 28 million people.

We are building an embassy in Baghdad of 104 acres. This is six times larger than the United Nations compound in New York and two-thirds the acreage of Washington's National Mall. The embassy compound, 21 buildings on 104 acres, is the size of Vatican City and will be the largest in the world. It will employ over 5,500 people. The embassy will cost over $1 billion. This is the priority of this Bush administration.

My colleagues, this war needs to come to an end. The American people want the troops home. This was the message sent loud and clear to the Bush administration during the November elections. Yet for some reason, they just don't get the message. Nearly 70 percent of the American people want us out of Iraq, and 100 percent deplore the treatment the administration is giving the veterans at the time of their most urgent need.

I will go back to Jacksonville and apologize to this veteran. I will be able to look him in the eye and say that this will not stand. We will make sure our soldiers come back to the best care this great Nation can provide.

I am reminded, in closing, of the words of the first President of the United States, George Washington, whose words are worth repeating at this time:

"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

THE REALITY OF A MODERN DAY SCHOOL TEACHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, when the question is asked, other than a family member, name one person who has made a difference in your life, the most often answered response is that of a favorite teacher. This simple response speaks volumes about the influence that an educator has on the lives of a young person and the future of our Nation.

The education profession has long been known for inadequate pay but a high job satisfaction. Teachers have been willing to forfeit material gain for the joy of seeing the eyes of their students light up when they discover a difficult concept or when they grasp a new idea. We have long understood that teachers truly shape the world by their work, and their greatest product is an educated child.

Lately, though, the job satisfaction that brought so many teachers into the profession seems to have left the classroom. Unfortunately, much of this development can be attributed to No Child Left Behind. The joy of teaching has been replaced by the pressure-filled staff meetings where educators spend their time talking, not about how to help a child learn but, rather, their school's test scores.

□ 1810

Morale in the education world has diminished, and more teachers are at wits end.

Recently, Holly Lindsay, a teacher in Lindsborg, Kansas, told me of her frustration with her profession. She writes, "I am a first-year teacher, and I am beginning to get very discouraged. I went into the teaching profession to help students learn and to encourage them to follow their dreams. However, I am finding that more and more of my time is spent preparing students for standardized tests. These tests do not prepare students for any career. They only teach students how to take a test. I am very disappointed with the education system right now. With all these tests, we don't have time to teach. It is also very frustrating when we have to prove our abilities with countless hours to show that we are highly qualified. In no other profession are there such lofty goals for their employees with such little benefit. I truly feel that the time and effort I put into teaching is not worth my while. No Child Left Behind is wonderful in theory, but impossible to carry out. Not every child is equal in ability, and no teacher should be expected to make it so."

The number of teachers leaving the profession is exceeding the number of teachers entering the profession by 23 percent. With over 25 percent of our teaching force eligible to retire within the next 10 years, this young educator's thoughts should be a warning. Teachers that have been career educators are bailing out as soon as they can because they do not want to deal with the unnecessary red tape and the growing pressures that are being placed upon them.

Another staggering fact is that one-third of new teachers quit the education profession within the first 3 years of teaching. In my rural Kansas district, if we have to shut the doors on rural schools it will not be because of lack of students, it will be because we cannot find the teachers to fill the teaching vacancies.

Congress must be sensitive to the responsibility we hold in making educators want to walk out of the classroom and never look back. Congress needs to look closely at our role and the trends and make sure that we are not encouraging this situation by continuing to overregulate the classroom. We need to strive for improvements in our education system, but we must make sure that we are not legislating accountability simply for the sake of a sound bite. We must not take the joy and passion out of this noble profession by requiring things that are simply not possible.

This year, Congress is set to examine No Child Left Behind and potentially reauthorize it. While I voted against this law, I voted against No Child Left Behind, I look forward to being involved in the upcoming discussions about how we reform and change the education system. My hope is that we will look closely at the unintended realities that so many of our teachers face and will be willing to make the changes necessary to provide the policies that will help them succeed as they go about the business of educating our greatest asset, our young people, and fulfilling the jobs they so love.

MOURNING THE PASSING OF FORMER ILLINOIS CONGRESSWOMAN CHARLOTTE THOMPSON REID

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to honor the memory of a former member of this body and one of my personal role models, the distinguished gentlewoman from Illinois, Congresswoman Charlotte Thompson Reid, who passed away on January 25, 2007.

At the age of 93, Charlotte Reid leaves behind an extraordinary legacy of faithful public service that will be remembered always by the people of Illinois, and especially by those in her beloved hometown of Aurora.

As a young lady, Charlotte Reid attended Illinois College in Jacksonville and began her career as a professional singer on NBC radio. She was a singer under the name of Annette King on the very popular Don McNeil's Breakfast Club early morning radio show. I don't think that most of the members of this body would remember that show, but I remember listening to it as a child as I was getting ready for school.

Following the show in 1962, after the sudden death of her husband, Frank, after he had won a primary and before the general election, Charlotte Reid was asked to step in and take his place for a seat as representative in the U.S. Congress for the 15th District of Illinois. Renowned for her hard work, gentle charm and integrity, Charlotte Reid won the election and went on to serve almost five distinguished terms in the House of Representatives. She was known for hosting events of singing and music at her Washington, D.C., home after hours. Legend is that she probably was the first woman to appear on the House floor in a pantsuit, an event that was noted by the minority leader Gerald Ford that day.

At a time when only a dozen women had a voice in the Chamber, Charlotte, or "Charlie" as she was known to her friends, inspired not just me but an entire generation of women to take leadership roles in our communities.

Following her time in Congress, Charlotte continued to serve her country in many different capacities, including as a member of the Federal Communications Commission, she had been appointed by President Nixon; the Board of Defense Advisory Committee on Women in the Services; and the Presidential Task Force on International Private Enterprise.

Mr. Speaker, it is my distinct honor to take this opportunity to celebrate the legacy of one of Illinois' most venerable daughters. And to her family, I offer my heartfelt condolences and my prayers, especially her three children, including my good friend and former colleague in the Illinois General Assembly, State Representative Patricia Reid Lindner, her daughter, as well as her eight grandchildren and 13 great grandchildren.

TRIBUTE TO LYNDON BAINES JOHNSON, 36TH PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud Texan, I rise today to pay tribute to Lyndon Baines Johnson, the 36th President of the United States and the greatest "Education President" in the history of our Nation.

It is no exaggeration to say, Mr. Speaker, that Lyndon Baines Johnson's record of extending the benefits of education to all Americans in every region of the country, of every race and gender, irrespective of economic class or family background, remains unsurpassed. Lyndon Johnson recognized that the educated citizenry is a nation's greatest economic asset and most powerful guardian of its political liberties.

Mr. Speaker, Lyndon Johnson did more than any single American, living or dead, to make the federal government a partner with states and localities in the vitally important work of educating the people of America, from pre-kindergarten to post-graduate school. It makes perfect sense, therefore, to name the headquarters building of the U.S. Department of Education in his honor.

Mr. Speaker, Lyndon Baines Johnson was one of the leading figures of the 20th century. This teacher who became a president served his country in numerous, distinguished ways, including as Lt. Commander in the U.S. Navy during World War II, as a Member of both houses of Congress, as Vice President of the United States, and as the 36th President of the United States.

Lyndon Baines Johnson was born on August 27, 1908, in Stonewall, Texas. In 1927, he enrolled in Southwest Texas State Teachers College at San Marcos, Texas (Texas State University–San Marcos). He took a leave of absence for a year to serve as principal and teach fifth, sixth, and seventh grades at Welhausen School, a Mexican-American school in the South Texas town of Cotulla. He graduated with a Bachelor of Science degree in August 1930. After graduation he taught at Pearsall High School in Pearsall, Texas, and taught public speaking at Sam Houston High School in Houston, Texas. In the spring of 1931, his debate team won the district championship.

In a special election in 1937, Johnson won the U.S. House of Representatives seat representing the 10th Congressional District of Texas, defeating nine other candidates. He was re-elected to a full term in the 76th Congress and to each succeeding Congress until 1948.

After the bombing of Pearl Harbor on December 7, 1941, Johnson became the first Member of Congress to volunteer for active duty in the armed forces (U.S. Navy), reporting for active duty on December 9, 1941. Johnson received the Silver Star from Gen. Douglas MacArthur for gallantry in action during an aerial combat mission over hostile positions in New Guinea on June 9, 1942. President Roosevelt ordered all Members of Congress in the armed forces to return to their offices, and Johnson was released from active duty on July 16, 1942.

In 1948, after a campaign in which he traveled by "newfangled" helicopter all over the state, Johnson won the primary by 87 votes and earned the nickname "Landslide Lyndon", and in the general election was elected to the U.S. Senate. He was elected Minority Leader of the Senate in 1953 and Majority Leader in 1955. He served in the U.S. Senate until he resigned to become Vice President in January 1961.

Lyndon Johnson became the 36th President of the United States on November 22, 1963, after the assassination of President John F. Kennedy.

During his administration, education was one of the many areas where President Johnson blazed new ground. He pursued numerous education initiatives, and signed many landmark education bills into law.

In 1963, President Johnson approved the Higher Education Facilities Act (P.L. 88–204) which authorized a five-year program of federal grants and loans for construction or improvement of public and private higher education academic facilities. This legislation was the largest education program enacted by Congress since the National Defense Education Act of 1958, and it was the first broad education bill enacted in the post-World War II period that was not tied to national defense.

In 1964, Johnson signed the Library Services Act (P.L. 88–269) to make high quality public libraries more accessible to both urban and rural residents. The funds made available under this Act were used to construct as well as operate libraries, and to extend this program to cities as well as rural areas. Later that year, President Johnson signed the Civil Rights Act (P.L. 88–352), which among its landmark provisions authorized federal authorities to sue for the desegregation of schools and to withhold federal funds from education institutions that practiced segregation.

In 1965, President Johnson signed the Elementary and Secondary Education Act (P.L. 89–10) at the former Junction Elementary School in Stonewall, Texas, where he first attended school. Sitting beside him as he signed the bill was his first teacher, Mrs. Kathryn Deadrich Loney. This legislation was the first general aid-to-education program ever adopted by Congress, and it provided programs to help educate disadvantaged children in urban and rural areas. Later that year, he also signed the Higher Education Act (P.L. 89–329), which was the first program approved by the U.S. Congress for scholarships to undergraduate students.

In 1965, President Johnson launched Project Head Start, as an eight-week summer program, to help break the cycle of poverty by providing pre-school children from low-income families with a comprehensive program to meet their emotional, social, health, nutritional, and psychological needs. Recruiting children from ages three to school-entry age, Head Start was enthusiastically received by education and child development specialists, community leaders, and parents across the nation. Currently, Head Start continues to serve children and their families each year in urban and rural areas in all 50 States, the District of Columbia, Puerto Rico, and the U.S. Territories, as well as many migrant children.

In 1966, President Johnson signed the International Education Act (P.L. 89–698), which promoted international studies at U.S. colleges and universities.

In 1968, he signed the Elementary and Secondary Education Act Amendments of 1967 (P.L. 90–247), establishing bilingual education programs for non-English speaking children, and providing more funds for special education for disabled children. Later that year, he also signed the Handicapped Children's Early Education Assistance Act (P.L. 90–538), which authorized experimental programs for disabled children of pre-school age.

After leaving office, Lyndon Johnson returned to his native Texas and continued his involvement in public education. His presidential papers are housed at the Lyndon Baines Johnson Library and Museum at the University of Texas, which in 1970 established the Lyndon Baines Johnson School of Public Affairs, The "LBJ School," as is commonly known, pioneered what was then regarded as a novel approach to training for public service.

The curriculum combined courses in theory with courses that took students into government agencies to work and conduct research; the faculty included academics from various disciplines as well as practitioners from various levels of government; public service programs included an academic publishing program as well as workshops for government officials. This blend of the academic and the practical remains the distinguishing characteristic of the LBJ School and this highly effective approach to training for public service is today an accepted model for public affairs graduate programs across the country.

Mr. Speaker, Lyndon Baines Johnson, who died January 22, 1973, will be remembered not only as a great President and Member of Congress, but also as the greatest champion of accessible and affordable quality education for all. President Johnson truly understood the importance of leaving no child behind, and he didn't.

For all these reasons, Mr. Speaker, it is most appropriate that the House voted to rename the headquarters building of the Department of Education located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building."

Finally, Mr. Speaker, I pay tribute to President Johnson's leadership in the area of civil rights. In response to the civil rights movement, Johnson overcame southern resistance and achieved passage of the Civil Rights Act of 1964, which effectively outlawed most forms of racial segregation. As he put down his pen, Johnson is alleged to have told an aide: "We have lost the South for a generation." In 1965, he achieved passage of a second civil rights bill, the Voting Rights Act, that outlawed discrimination in voting, thus allowing millions of southern blacks to vote for the first time.

In other actions on the civil rights front, Johnson nominated civil rights attorney Thurgood Marshall to the positions of Solicitor General and later Associate Justice of the Supreme Court, making him the first African American to serve in either capacity. After the murder of civil rights worker Viola Liuzzo, Johnson went on television to announce the arrest of four Ku Klux Klansmen implicated in her death. He angrily denounced the Klan as a "hooded society of bigots," and warned them to "return to a decent society before it's too late." He turned the themes of Christian redemption to push for civil rights, thereby mobilizing support from churches North and South.

On June 4, 1965 at the Howard University commencement address, he said that both the government and the nation needed to help achieve goals: . . . To shatter forever not only the barriers of law and public practice, but the walls which bound the condition of many by the color of his skin. To dissolve, as best we can, the antique enmities of the heart which diminish the holder, divide the great democracy, and do wrong—great wrong—to the children of God.

Lyndon Baines Johnson was a giant of a man and a towering figure in the history and life of our nation. We are not going to see his like again.

THE UNITED STATES OF THE 21ST CENTURY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes as the designee of the minority leader.

Mr. KIRK. Mr. Speaker, as we take up the agenda of the new Congress in the 110th iteration, we should look to new issues which address the needs of the American people in this century, in this time.

When we look at what that new agenda should include, it should reflect the values and lifestyles and locations of Americans where they actually live today, and not the way that we think they lived 50 years ago.

When we look at the America of the 21st century, we see a country that has changed radically from an old vision of our Nation as one-third rural, one-third urban, and one-third suburban. If you hold that idea, you are about 40 years out of date. The new United States of the 21st century is a majority part suburban. In fact, in the last Presidential election, for the first time in our country's history, over half of all voters were living in suburban communities. When you ask these voters, "What do you think the Congress should work on to make sure that it is addressing key needs of your family and your community," they overwhelmingly put forward a list of priorities that have been consistent for the last decade and that is: action on public education, on health care, on conservation, and on economic growth.

Responding to these needs, in the last Congress we formed the Suburban Agenda Caucus to then develop a political program here in the Congress to address those needs; and in this Special Order that we are going to have tonight, we are going talk about the next chapter, the suburban agenda for 2007. By talking about what these key pieces of legislation are, we have gone beyond platitudes or general policy descriptions to describe actual pieces of legislation that should be adopted in this Congress addressing the education, health care, conservation, and economic needs of the American people.

The suburban agenda is presented here in its new 2007 form. It includes the Gang Elimination Act of 2007, legislation by Congressman Dave Reichert that would seek to identify the top three major international drug gangs in the United States that represent a threat to our country's security. In fact, if you added up all of the documented gang members in the United States, it would amount to the fifth-largest army on the earth and one that represents a clear and present danger to the safety and security of many kids throughout America.

☐ 1820

I will just say that in my own congressional district the average gangland shooter in North Chicago or Waukegan, Illinois, is in the eighth grade; and this legislation is critical to provide Federal backup to suburban law enforcement to take on the new threat of gangs moving into the suburbs.

A second piece of the Suburban Agenda is the Teacher and Student Safety Act, legislation by Congressman GEOFF DAVIS. This legislation seeks to make sure that every classroom in America is as safe as possibly can be maintained, using the judgment of full-time registered teachers who know their classrooms and their kids best.

Under this legislation, a full-time registered teacher would be allowed to search a book bag or a locker if they have any colorable suspicion that a weapon has come into the classroom.

In my own congressional district, in the Winnetka school system, and certainly we all remember the Columbine school attacks, we saw troubled kids bring weapons into the classroom with tragic results.

As a former teacher, I know that I knew my kids best; and, using that judgment, we can make sure that classrooms are safer in America.

One of the critical opportunities that we have in our country is improving health care, especially using new technology and expanding health insurance for Americans; and there we have the Health Insurance for Life Act by Representative CHARLIE DENT.

The Health Insurance for Life Act addresses a critical problem in America, which is that the average suburban family will have five different jobs over their life, and they may worry that in between jobs they would lose coverage or be dropped or develop a pre-existing condition which would interfere with the continuation of health care insurance for their family.

The Health Insurance for Life Act of 2007 simply says that for every American already in an insurance pool, who already enjoys COBRA health reinsurance rights for 18 months, that you can continue those, that insurance, for as long as you need to.

Almost every suburban family in America has a problem that they have heard about, either in their own family or in their neighborhood, regarding predators on-line, people that would be using, for example, the number one Web site on the planet, myspace.com, to reach out to kids and to attack them in a way that was simply alien or impossible in the previous century.

The Deleting On-Line Predators Act, which passed in last Congress by a vote of 400–15, says that our first line of defense are parents, moms and dads who know about this danger and are upgrading the protections of their kids on-line. For example, in the 21st century, how the computer should be really in the living room and not the bedroom, where parents can have routine and casual contact with their on-line habits of their kids; or that every 21st century parent should demand the rights of the passwords of their children to make sure that they know where their kids have been.

The Deleting On-Line Predators Act also says to schools and libraries that, as we upgrade protections for kids online in the home, that we also do them in public spaces to, consistently and across the board, deny opportunities to the estimated 50,000 sexual predators on-line who are on-line at any one time.

Congressman JIM GERLACH has also introduced another key piece of the Suburban Agenda. That is the Open Space and Farm Land Preservation Act to make sure that we improve the tax treatment and grant programs to preserve suburban open space, so that we do not enter a state of drift in which suburban open space disappears across the country, and we have an unending series of strip malls.

And the final piece of the Suburban Agenda for 2007 is the Senior Safety and Dignity Act by Representative GINNY BROWN-WAITE. That Act lays out a set of protections for seniors as America ages to make sure that their health care standards, especially in senior and life-long care, are maintained.

When we look at this all, there is one bill that stands above all others in the concern of suburban families, and that is how to pay for college to make sure that a child has a guaranteed road map into the middle class. And to talk about that legislation, let me yield to the author of that bill, my colleague from Illinois, Congresswoman JUDY BIGGERT.

Mrs. BIGGERT. Thank you so much, Mr. KIRK, for organizing this opportunity to discuss the Suburban Agenda. As a Member who represents part of Cook County, the most populous county in Illinois, DuPage County, the second most populous county in Illinois, and Will County, the fastest growing county in Illinois, I certainly share your strong interest in suburban issues.

So I am delighted to be able to talk a little about the 401(k) kids. I want to just take a few minutes to explain what I think is one of the most important issues facing my constituents and constituents all over, particularly in the suburbs, the rising cost of college education.

Other than buying a home, the cost of a college education is probably one of the first major expenses that families need to start saving for. The average cost of tuition at an in-state public school is now at least $13,000; for an out-of-state public school, it is $19,000; and an average tuition at a private school is $28,000 and rising. These numbers have risen and continue to rise far faster than the rate of inflation.

Adding to this problem, let me put on my financial literacy hat just a little bit, is that personal savings rates in this country have dropped to a negative 1 percent, one of the lowest savings rates since the Great Depression. So what I fear here is we have a financial storm waiting to strike families across the country.

With students already carrying 45 percent more debt than they did 10 years ago, I simply don't think increasing loan amounts and reducing loan rates is enough. We have to provide more tools for parents and students to save for college. That is why we have introduced H.R. 87, the 401 Kids Family Savings Act of 2007.

This legislation would put American children on the path to an affordable education and a firm financial future. It allows an individual, including a parent, a grandparent, an aunt or an uncle, to set aside a total of $2,000 annually in 401 Kids Savings Accounts for each child.

Like that Roth IRA, the money is contributed to the account after taxes, but interest accumulates tax free, and the balance can be used tax free for the approved purposes in the bill. In the case of 401 Kids Savings Accounts, the money could be withdrawn tax free, first of all, for the college education.

The legislation would extend through 2015, the Coverdell Education Savings Account tax benefits, and rename these accounts 401 Kids Savings Accounts.

Second, for housing. 401 Kids Savings Accounts also can be used when the child grows up and they haven't used the amount, all of the amount, for the purchase of a first home.

And third, retirement. When the child grows up, he can roll over his 401 Kids Savings Account into a Roth IRA for use much later during retirement.

By enacting these reforms, we really can supply families with a single vehicle to set aside money for their children's futures. Money contributed at birth could grow tax free for 18 years until needed for college.

Parents and relatives also would have the peace of mind of knowing that if the child chooses not to go to college, even though they put away the money, or chooses a more affordable school, any money left over in the accounts can be used for the child's first home or retirement.

I would be remiss, as we talk about financial literacy and talk about savings, if I didn't mention that even Chairman Bernanke of the Federal Reserve has said that creating savings accounts for children at the time they are born is a great idea. So I am really pleased to be with you.

Mr. KIRK. If the gentlelady will yield.

Mrs. BIGGERT. I yield.

Mr. KIRK. When we look at this problem, we see that the Congress has taken critical action in the past to change our culture in favor of more savings and investment. The 401(k) program was relatively new to our society and our culture.

□ 1830

And yet millions of Americans now, when they get their first real job, establish a 401(k) program, saving on their own for retirement.

Last Congress you were leading the effort on behalf of extending 529 college savings accounts that are chartered under each State. We already have $80 billion saved under investment. That is why I want to applaud you with the potential that this 401 Kids account bill could do.

I yield back to the gentlewoman.

Mrs. BIGGERT. Thank you. Yes, there are several States that have started this process, too. The more that we can entice people to start that saving, to know what is available, the more that it is publicized, whether it is a State account or a Federal account, it is very important that this starts.

I know that in all the work that we do in the financial literacy and financial education that still we have kids that don't understand the difference between checks, cash or credit cards. Nor do people understand compound interest. Adults don't understand that.

Mr. KIRK. Mr. Speaker, reclaiming my time, that may be the biggest benefit from this legislation. Not only will we save tens of billions of dollars for college education, and I think everybody in this Chamber knows George Washington University just crossed the $50,000 a year tuition mark for kids, but more importantly, these accounts are going to have the names of each child on them. And so it is an education tool for parents. And I don't know if you want to talk about that. When the statement comes into the home that for a young teenage son or daughter, you might be able to talk about how the investment has gone.

Mrs. BIGGERT. Not even a teenager, but let's say a pre-teen, when the statement comes in and they look at it every month, they see how much interest, what interest means and what compound interest means, that they are getting more money every month, every year on this account. It isn't just sitting there static.

We have so many people in this country that are what we call "unbanked," that don't even have a bank account or anything. They don't get these statements. So this is a tool, you are right, that kids learn about how to manage money. And part of that is having the opportunity that will be gained, being able to go to college because they had their parents and their family that put money aside for them. And you could put aside $2,000 a year, but you can start with $50, $100. Maybe families can't afford to put that much money in, but every dollar saved is a dollar towards education with the interest that is gained and reaped over the years in this account.

Mr. KIRK. I thank the gentlewoman. I think the Congress needs to pass the 401 Kids Family Savings Account Act. We know that the average college graduate in America earns a million dollars more than someone who only graduated from high school.

One of the other members of the Suburban Agenda Caucus and an author of one of the key pieces of legislation is my colleague from Pennsylvania, Congressman CHARLIE DENT, and I yield to him.

Mr. DENT. Mr. Speaker, I want to especially thank the gentleman from Illinois (Mr. KIRK) for his strong leadership on this suburban agenda. I also want to thank him, too, for arranging this opportunity for members of the Suburban Agenda Caucus to come to the floor this evening to discuss issues that are important to all Americans and not simply just people who live in the suburbs.

Every congressman or woman has a unique district with distinct interests, but we can all support an agenda that defends our children's safety, improves educational opportunities and expands access to affordable health care.

When I am at home in my district, one of the issues that I discuss with my constituents is our mutual concern for the safety of our children, both in school and on the Internet. Parents have a right to send their children to safe, drug-free schools, and we took an important step last Congress when the House passed legislation, the Student and Teacher Safety Act, that would allow States and school districts to conduct reasonable searches to ensure that our schools remain free of all weapons, dangerous materials and illegal narcotics. Parents need to know that their children are safe when they are at school.

As a father of three young children, I am particularly concerned about the threat of online predators. The National Center for Missing and Exploited Children reports that over 50,000 predators are online at any given time and one in five children has received an unwanted online solicitation of a sexual nature. We need to be vigilant as parents by supervising our children while they are browsing the Web at home. We also must do all we can to protect our children when they are outside our supervision by preventing them from accessing social networking Web sites and chat rooms like MySpace.com at schools and in libraries unless they are under adult supervision. The Deleting Online Predators Act will give parents peace of mind by ensuring that a responsible adult is monitoring their children's Internet use at all times.

Parents in my district know that a college education will double their child's earning potential, as you just mentioned, but they worry about how they will afford to send their children to a higher education institution. It is critical that we help families start saving early to send their children to college. By passing H.R. 87 and permanently extending the 401 Kids Family Savings Accounts, or college savings accounts, parents will be able to put money aside to invest in their children's future. And I want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for her strong leadership on this issue.

Finally, one meaningful step we can take to ensure that individuals and families maintain access to affordable health care is to provide greater portability of health care coverage. Most Americans with private group health insurance are covered through an employer, coverage that is generally provided to active employees and their families. A change in an individual's work or family status can result in loss of coverage. Americans are changing jobs more than ever before, averaging nearly seven different careers over the course of their working lives.

In 1985, Congress enacted legislation we refer to as COBRA to give workers and their families who lose their health benefits the right to choose to continue coverage provided under their group health plan. Under COBRA, an employer with 20 or more employees must provide individuals and their families the option of continuing their coverage under the employer's group health insurance plan in the case of certain events such as a voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce and other life events. But in most circumstances, the coverage under COBRA is limited to 18 or 36 months. And because of this 18-month limitation, during a prolonged job search, individuals and families have to purchase expensive policies in order to maintain their quality of care or they take the risk of becoming uninsured. During times of transition, families need the certainty of knowing that they will not lose their health coverage.

Later this week I will be introducing a bill, the Health Insurance for Life Act, which will remove the 18- or 36-month limitation on COBRA coverage, giving employees the option to continue their health insurance coverage indefinitely. Knowing that they can rely on continued coverage will provide individuals and families with consistency and security as they face change and uncertainty in their lives. And I look forward to working with all of my colleagues to advance this important agenda that has been outlined by my friend and colleague, Representative KIRK of Illinois.

And, again, I do want to compliment you and applaud you on your leadership.

Mr. KIRK. Mr. Speaker, reclaiming my time, we have seen that several hundred thousand Americans each year exercise their COBRA rights to continue health care insurance for their families after they are laid off or leave employment. But, each year, over 200,000 Americans will reach the end of their 18-month COBRA period and then be unable to continue their health care insurance. If they have a preexisting condition in their family, they could then be left out of a coverage pool later.

I think that is why it is so important that, at the discretion of the family, at their own cost, they can continue that health care insurance to have peace of mind.

I yield to the gentleman.

Mr. DENT. Yes. The gentleman is absolutely on point. The portability aspect of this legislation is absolutely critical. When I served in my State legislature, in both the State house and the State senate, this was a common complaint I would hear from people who suffered a job loss and were at the end of their COBRA eligibility.

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They were very frustrated, just for the reasons you identified, that there was a member of the family who had a particular illness and that they could not get coverage elsewhere. So COBRA was absolutely critical to them being able to provide for their families.

Remember, too, when you pay for COBRA insurance, you are basically paying the full premium. So the portability aspect and dealing with the preexisting condition is absolutely I think one of the best selling points and the most salient points of this legislation.

Mr. KIRK. We also hear from job experts that in America generally it takes one month or $10,000 to find a new job, on average, but many families will hit that 18-month limit before they find new employment.

Mr. DENT. That is absolutely true. And particularly I would also urge anybody watching us this evening to not only look at their COBRA options, and certainly endorse this legislation, but also be aware of the fact that we have programs in this country called SCHIP for children who are uninsured, that if their children need health insurance, they may be eligible for that.

When I was in my State legislature, we passed an Adult Basic Program providing a low-cost health insurance program for adults of working age who, for whatever reasons, were out of work.

So, again, the gentleman is on point, that when people are unemployed, there are options for them in health care in many States, either through SCHIP or, like my State, Adult Basic; and I would certainly encourage people to contact my office or even their State legislator's office to seek some assistance.

Mr. KIRK. I thank the gentleman.

For suburban families, health care issues are second only to safety and security and improvement of public education in their priority list. One of the key issues is access to care, especially at community health centers, and making sure we have enough doctors. No one knows this issue better than the author of the Family Health Care Accessibility Act, part of the Suburban Agenda, my colleague, Congressman TIM MURPHY.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank my friend from Illinois for yielding.

As you said, few things are as important as the health of our families.

A lot of times in this Congress we talk about issues of health care accessibility, and a lot of times that becomes a discussion of health insurance. But the bottom line is, for families, they want to know that when their child or they are sick, can they get to see a doctor that they can afford, or even having their well-child visits or other checkups and how do they do that.

Health care issues, being a top priority for the Suburban Caucus, includes my legislation, the Family Health Care Accessibility Act, which is an updated version of a bill I introduced last year to ensure that every family has a neighborhood doctor. Regardless of their income, regardless of whether or not they have insurance, families will have health care.

We oftentimes hear it quoted here, and sometimes misquoted, that there are millions of Americans without health insurance, and indeed there are, and we do not want Americans to do without that health care. But, in fact, many of these folks are covered, perhaps through their employer; and, as the gentleman from Pennsylvania was describing, when they are between jobs and they have that gap there, that is something that Mr. DENT's bill would help cover them.

But there are some who are also covered by Medicare and Medicaid and don't know it. We need to work with them to make sure they are aware of that. The census data simply asks who is covered.

But the other issue becomes what about those Americans, 12, 13, 14 million or so, who do not have anything, and those are the ones we need to recognize that there are some things we can do, and we need to act now. It is not a matter really of concern about spending vast amounts of money, but we have a solution at hand, a simple solution, a direct solution, and one that we should embrace quickly to help these families.

Understand that health care costs for families in the United States are rising. From 2004 to 2005, the medical costs for a four-person household increased by over 9 percent, to $12,200-plus. This is a growing burden on all families and often many look at this as they can't afford health care.

But, fortunately, there are community health centers out there. These are nonprofit, community supported health care facilities that provide affordable primary and preventative health care on a sliding fee scale so that every patient who walks through the door can receive access to health care services. This is low-cost, affordable quality.

So instead of a family saying that they look at a health insurance bill of several hundred dollars a month, that would not be the issue, because what they could spend was a small, small fraction of that on a sliding fee scale to help them cover a doctor's visit, a dentist's visit or something else.

In fact, community health centers provide this high-quality care to over 15 million families who are the low-income, underinsured and uninsured. They provide a medical home for these folks and save even 30 percent for those who are on Medicaid, which is about a $17 billion annual savings to the American taxpayer.

Community health centers provide a wide array of health care, such as prenatal, dental, podiatry, mental health, substance abuse counseling, hearing screening, vision screening, discount prescription drugs, case management, smoking cessation, blood pressure monitoring, blood cholesterol monitoring, weight reduction programs, a wide array of programs that are available there. But the issue is, are there enough of these centers around and are there enough doctors to staff them?

About 70 percent of those who use these community health centers have incomes below or at the poverty level, but there are also many other families who find themselves in a situation where they are working but are not insured and they can go to these, recognizing they can hold their heads high, because they are getting good quality health care and they have a health care home.

For many folks, these are the only health care services available, and while the number of uninsured patients at community health centers is growing, the number of physicians available to them is decreasing. There is a critical shortage of physicians available at community health centers to meet the health care needs of the uninsured and underinsured.

The Journal of the American Medical Association reports a 13 percent vacancy rate for family physicians, a 9 percent vacancy rate for internists, a 20 percent vacancy rate for OB–GYNs, and over 20 percent for psychiatrists. So what can we do to get more doctors at the community health centers?

Well, interestingly enough, physicians and other specialists hired by community health centers are covered by the Federal Torts Claim Act for medical liability costs. However, those who want to volunteer are not covered. They would then have to get their own insurance.

We have heard it spoken many times in this Chamber and other places where the cost of medical liability insurance is so high that many doctors retire early, they limit their practice or they leave the States where those prices are so high, in the tens of thousands, many times over, dollars per year. For example, many OB–GYNs will stop delivering babies in order to reduce their costs. In Pennsylvania alone, there are about only 4 percent of physicians who are under the age of 35, and we are looking for more shortages in the future.

Well, community health centers have limited resources to meet the current needs of the uninsured and underinsured, but there are many physicians and psychologists and dentists and others who want to volunteer at community health centers, but the current laws are a barrier to them. So when they do approach community health centers and say they would like to offer some time every month, the centers oftentimes find themselves in a position of turning them down.

This bill simply does this: Whether you are working in a community health center or you want to give your time at no charge to help those in need, you can be covered under the Federal Tort Claims Act, something that this Congress has done for those who are employed by those centers.

Let's extend that to those who want to volunteer. There is then no cost to those centers to hire those folks, and it is very limited cost to provide that health insurance for them. So there is a huge savings.

But the main thing is we provide more coverage for families, families have more doctors that they can go to, we don't have these shortages, we don't have long lines at these centers, and people have a health care home.

It is such a simple task for Congress to pass this. This bill is one I hope my colleagues will help me in co-sponsoring and help support as it moves through the process. We simply cannot afford to continue to address health care by talking about health insurance only. That is an important part, but it isn't just financing this system. It is a matter of fixing this system in a compassionate, quality way. Community health care centers provide that, if we only open the door for more doctors and others to provide that care on a volunteer basis.

What could be more humanitarian, what could be more compassionate, than to remove this government barrier that stands in the way of people reaching out their hearts and providing this care at this very low cost?

I would hope that all of my colleagues would join me in co-sponsoring this bill and helping to move it through. But it is, as part of the Suburban Agenda, one where we recognize that working families have tremendous needs.

We have in this country, reaching out of compassion, have helped those with very little income through Medicaid. We have helped those who are veterans through the VA system. We have helped the elderly through Medicare. Let's also help those who are in different thresholds, in different categories, who cannot afford health care, and let's do this very low cost, perhaps even a cost offset plan, that can provide this care to them.

Mr. KIRK. Reclaiming my time, I applaud the gentleman. I am a co-sponsor of the Family Health Care Accessibility Act. It is part of the Suburban Agenda, so many Members are backing it.

But my understanding on this legislation is that several trial lawyer associations are against this legislation because they want to preserve the right to be able to sue any doctor volunteering in a community health center out of that ability, which then would mean that there is no doctor present or the community health center closes down.

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Mr. TIM MURPHY of Pennsylvania. Well, what happens is, right now, those doctors who are paid are covered under the Federal Torts Claim Act.

What happens, if they can't see the patient, it is one of those things that medical care delayed is medical care denied. What they end up doing is sometimes going to emergency rooms, where the cost is many times over, and hospitals by law have to provide that care. They cannot turn them away. Again, we are taking children and families who should be seeing their physician for primary care, their immunizations, their flus and colds and earaches, and seeing a physician at a health center, and to have legal barriers are something that does not make sense to any family, let alone suburban families.

Mr. KIRK. You are an expert on health care in this Congress. When we look at the delivery of health care, in a hospital emergency room, we have the most expensive setting to care for a family. Generally they have waited until a very late moment, and now we are in an acute emergency situation.

Had that family gone to a community health center early in the process, we would have dealt with the problem without the drama and without a potential catastrophic result, and at much lower cost to the public and the family. That is why this legislation is essential, because it expands these centers and expands care at this level instead of the very expensive place we do it now, in the hospital emergency room.

Mr. TIM MURPHY of Pennsylvania. Yes, indeed. Hospital emergency rooms should be for emergencies and traumas. Those who have flus and other illnesses can be seen by other doctors that don't overburden the emergency room at a very high cost.

Those, however, who do not have those illnesses yet, by a checkup with their doctor, adults and children alike, we can reduce costs because they can get to see the doctor early, or the nurse or the nurse practitioner or the dentist.

Our focus should be on providing quality care, accessible care at low cost. Community health centers are a tremendous asset for our Nation and something that we should all be supporting. It is perhaps the most compassionate thing we can be doing for the underinsured and the uninsured.

We will continue the battles in other areas, and we will continue to work to provide all the care that families need. But this is such an important answer that is in communities now and something I think we need to pass now.

Mr. KIRK. If we don't pass this legislation, we will have fewer doctors and fewer examining rooms open in community health centers.

Ironically, because we did not provide this liability protection for community health centers, we don't have any issue of malpractice because there was no practice of medicine whatsoever in that setting which I think defies common sense. A greater access to care and expanded capabilities for community health centers ought to be what this Congress is about.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for pointing that out. I am not clear whether there are any associations that oppose this part; maybe there are. But I would hope that they would reach out and say, these doctors are covered by some liability insurance. It is a lower cost to them. But the main thing is, let's get these families and these children to see doctors now and get the care that they need.

Mr. KIRK. I thank the gentleman.

When we look at the suburban agenda, you can see, last year, we had quite a lot of progress made.

The School Safety Acquiring Excellence Act not only passed this House as part of the suburban agenda, but it was enacted into law, allowing full national criminal background checks for anyone coming in contact with kids in a school, especially recognizing the Jessica Lunsford problem.

We also passed the Charitable Donations for Open Space Act, enacted into law, and that was with the leadership of my colleague from Pennsylvania, JIM GERLACH, who is now, as part of this year's suburban agenda, is moving the Open Space and Farmland Preservation Act, and I yield to my colleague from Pennsylvania.

Mr. GERLACH. Mr. Speaker, I want to express my gratitude to the gentleman from Illinois (Mr. KIRK) for his terrific leadership in pulling us together for this terrific suburban agenda that we have been putting forward in Congress now for the last couple of years.

We made progress in the 109th Congress, but we want to see a lot more happen here in this 110th Congress. It is through this caucus that we have where I think we are bringing vital issues to improve the quality of life for our constituents across this country to the forefront of the national debate.

In the 109th Congress, we made great progress on considering measures to benefit all Americans; and in particular, addressing the challenges facing working families in fast-growing suburban areas.

In my congressional district, which is in the suburbs and exburbs of Philadelphia, tremendous growth is leading to the dramatic loss of prime open space and farmland. This pressure has led the Commonwealth of Pennsylvania, many counties, and even local municipalities to enact laws to protect farmland from development through the purchase of conservation easements.

These voluntary efforts allow farmers to stay on their land and preserve it for future generations, as well as improve the quality of life environmentally in our local communities.

To promote and encourage the efforts of municipalities and private entities that wish to participate in that effort, we have introduced H.R. 1152, which is the Open Space and Farmland Preservation Act. This bill, which is virtually identical to H.R. 5313, which was agreed to unanimously by the House in the 109th Congress, is designed to promote the protection of the most threatened farmland and open space, land that a State, county, municipality or even a private entity, have all agreed is worthy of preservation.

To do so, the bill reserves a small portion of the current Federal Farmland Protection Program to provide matching Federal dollars for preservation efforts that are already receiving a county, State and local or private dollar in preservation effort.

The bill creates a challenge grant that encourages States and counties and local municipalities or those private entities, such as local conservancies, to work together to obtain a Federal 25 percent match.

I believe this bill will go a long way towards using existing Federal dollars to encourage more States, counties, municipalities and private groups to take action to protect their vital open space and farmland.

It is important to note that the bill is also fiscally responsible. And in that, it does not authorize any new spending; it simply reserves a portion of existing program dollars. It is my hope that if this new program is enacted, it will lead to better and more effective Federal efforts to help our local municipalities, counties and States to preserve farmland and open space.

I hope the Democrat majority here in the House truly understands the challenges facing suburban communities, and realizes that enacting the suburban agenda legislation is vital to our communities.

Again, I want to express my thanks to Mr. KIRK for his great efforts and his staff to pull together this very important Suburban Agenda Caucus again in the 110th Congress, and I am glad we are focusing more attention on issues that will benefit families in suburban areas and remain hopeful that we can build on our success from the last session and have great achievement again this session.

Mr. KIRK. We look back on the tradition of great environmentalists, like Theodore Roosevelt, who started the National Park Service and expanded key habitats like Yellowstone National Park, and we are all for strengthening and expanding the park system out west.

But for my constituents outside the Chicago suburbs, or yours in the Philadelphia suburbs, that might be only part of a summer vacation.

We need to pass this legislation so there is green and open space near home so we don't have an unending set of suburban sprawl, but we don't have the Federal Government take over this role; this is a decision made by landowners and communities throughout our local areas making local decisions. But in some, create more green and open space, new greenways, to preserve a quality of life and an ecological ambience that has become part of suburban living.

Mr. GERLACH. Absolutely. We have seen a lot of growth in southeastern Pennsylvania in the last 20 years, and it is good-paying jobs and family-sustaining jobs. As that continues to happen, people at the same time, while that is where they go to work and earn their livelihood, they also want to see the environmental quality of life also preserved, so they have in their communities not only the good-paying jobs but also the green space, the open space to preserve for their generation and beyond.

At the same time, that growth is also coming up against the rural communities, those communities that for generations and hundreds and hundreds of years have been agrarian. They were founded on agricultural activity, and now, as that growth pushes up against that, the farmers want to be able to stay and keep the family farm going for future generations.

We found in Pennsylvania that the Farmland Preservation Program is an excellent way to do two things: keep the family farm going by providing, through payment of dollars for conservation easements to the families, the ability for them to sustain themselves economically and, at the same time, sustain that environmental quality of life that is important to what makes a good community.

We have been very successful using county dollars, some local dollars, some very important State dollars, and even Federal dollars to have that effort go forward. But there still needs to be encouragement for local municipalities to participate in that process. That is what this legislation is about and why it is important for us federally to look at the issue.

Mr. KIRK. Why I think this legislation is so important, too, is we have seen in the development of the environmental law and movement a trend away from our roots protecting green and open space and habitat to more regulation, more lawsuits and potentially ineffective policies.

I will just note, the Federal Superfund program, designated to cleaning up the most toxic places in America, has spent over half its funds on litigation and lawsuit costs, not on environmental cleanup.

Your legislation takes us back to the original core of what the environmental movement was first founded to do, which was to protect green and open space and key habitats for all time.

□ 1900

Mr. GERLACH. Again, I thank the gentleman, because really this effort is about really allowing it to be locally based, based on two very important factors.

Number one, it is voluntary. No one forces a farmer to participate in the program. It is not like an eminent domain action where a taking of land occurs and that farmer or that landowner is paid just compensation for the fair market value of the land, with or without his approval. No farmer enters into a land preservation program or transaction without his approval, in that he volunteers for it.

It does recognize very important private property rights, that everyone is entitled to realize the economic value of his land, and so what this program tries to do is pay the economic value of that land to the farm owner who wishes to participate on a voluntary basis. So it is locally oriented, and it is oriented to those that want to participate on a voluntary basis, realizing the economic value of their land based upon the conservation easement they are giving up. That, to me, is the best way to preserve local and environmental conditions, local folks making local decisions on a voluntary basis and having the financial resources to make those good decisions.

Mr. KIRK. It also seems to me we are not empowering a large bureaucracy. There is no overhead in administration. The vast percentage of resources dedicated for this purpose actually goes to the environmental preservation.

Mr. GERLACH. Absolutely. We have in our local counties county preservation boards that administer the program. They obtain dollars, both locally as well as from the State, and, where appropriate, the Federal Government, and they administer that program.

This legislation that is on our agenda does not add to bureaucracy. It will not add another person at the Federal level or the State level, does not add to our county preservation board staff-wise.

So it is just additional resources on a voluntary basis that would be available to those that realize that the quality of life in a community is based not only on economics but also the environmental aspects of that community, and that is why it is an important initiative.

Mr. KIRK. I thank the gentleman for being a leading part of our Suburban Agenda Caucus and moving this critical environmental piece of legislation.

To recap, last year when we put this together, we passed legislation, enacted it, for safer schools, charitable space, for open space. We led the way in at least the House passing legislation promoting fully electronic medical records by passing the Deleting On-Line Predators Act, setting the example on student and teacher safety.

This suburban trend in America is not an Eastern trend, and it is not a Midwestern trend. It is not a Western. It is throughout the country. One of our suburban leaders is from Texas, my colleague from the Texas delegation, Pete Sessions, and a leader on suburban issues.

Mr. SESSIONS. I appreciate the gentleman yielding me the time.

Being from Dallas, Texas, does offer me the opportunity to come in and join the Suburban Caucus members here tonight from Illinois and Pennsylvania; and tonight I would like to speak about something that I think is very, very important and that is our economy.

Just yesterday, there was a brand new study that was released in Europe that mostly you will see in Europe, you probably will not see in the United States, but talks about how the United States economy, as it was 20 years ago, is now the size, or said another way, Europe is now the size of, their economy, in 2007, what the United States economy was 20 years ago. It comes as a shock to many people in Europe, even though they have already seen incrementally where their countries fall out.

But what has happened in Europe is they have seen a continuation of high taxes, of overregulation, of requirements on single payer or what we might call single payer system in health care, as well as rules and regulations that are given to unions to not only organize but to put additional restrictions upon employers.

So, tonight, what I would like to say is, thank goodness we live in America. Thank goodness we live in an America where the free enterprise system is alive and well.

Tonight, the Suburban Agenda that is being talked about by the Republican party is a part of trying to make sure that we grow our economy, to where America has the very best not only economy in the world but also a leading-edge and moving-forward economy.

What I would like to talk about tonight is also a part of our Suburban Agenda of growing the economy, and that relates to making sure that we have the opportunity to have lower tax rates that allow investment in opportunity.

As we know, in just a few short years, I think it is about some 1,381 days from now, the tax cuts that were passed by the Republican majority over the past few years will be going away unless the Democrats were to allow a vote and we reauthorize those. What would be gone away is the marriage penalty, depreciation, capital gains; and our tax rates would rise, also.

Mr. KIRK. You are telling me that the marriage penalty will be reimposed by the American Tax Code unless this Congress acts?

Mr. SESSIONS. That is exactly right. What happened was, when Republicans came into office 12 years ago, we talked about how important it was to make sure that every worker in a family, in this case a husband or a wife, would have an opportunity to only be taxed upon their own income. What happened is, after 40 years of Democrat control, we had taxes at this high, high level, and what happened is that a married person would be taxed at the highest rate of the person in that household, whoever made the most money. That meant that if a wife worked full time and a husband worked part time, he would be taxed at her high tax rate.

So what Republicans did with President Bush is we came and passed something that was known as the marriage penalty, and that is that every single person would be taxed only at their own rate, based upon what their own earnings were.

Mr. KIRK. What we did is we made sure married couples did not pay a higher tax than two single people living together.

Mr. SESSIONS. That is exactly right. Once again, said another way, a person would be taxed only at their own income, as opposed to combining that rate, which then would increase the amount of taxes that a person would pay.

What I am telling the gentleman is that in around 1,300 days, if the Democrat majority does not reextend these tax cuts, that all four of these taxes and more that I have talked about will go back to the rate that they were before the Republicans lowered those taxes.

Mr. KIRK. If we look at the suburban agenda about safe schools, extending health care, green and open space, et cetera, one of the things that is not part of the Suburban Agenda is a tax increase, especially a tax increase on working families.

One of the things that we have instituted as part of our general tax policy is to make sure that married families are not paying a higher tax, because a key part of the Suburban Agenda is a family together, raising kids under one household.

I am worried, though, that if there is inaction on tax policy by this Congress, many of the inequities in the Tax Code get reimposed and we start taxing families at a higher rate than people who are single.

Mr. SESSIONS. That is exactly correct. The gentleman from Illinois is correct, that as a result of what Republicans have done, by cutting taxes, is that we have not only given people back more of their own money, we have allowed for America to be in a position to where we are more competitive with the world.

Is it not interesting that just a few short years ago all the talk was about outsourcing and these jobs that were going to other countries. Ever since we passed these tax cuts, the debate and discussion now is how do we get enough workers to do the work that we need done here in America.

The greatest threat against that would be that we do not have enough work that can be done here, and so companies go offshore to have work done on behalf of corporations and people here in this country.

Mr. KIRK. We talk about the Suburban Agenda, what is in it, which is pro-school, pro-health care, pro-environment legislation, and what is not, which is a tax increase on the American people. There is the argument that is made very often here in Washington that the only way to cure our financial woes is a tax increase. But if I remember, looking back at the record of the 1970s, even when Congress did raise taxes, for every dollar in taxes that it raised against the American people, it spent another $1.08 in new spending. So the record of those years was that, even though we were raising taxes, spending here in the Congress went up even faster, and so our deficit woes became worse.

□ 1910

Mr. SESSIONS. That is exactly the point. The political debate in Washington has been that Republicans cut taxes and deficits go up. Well, the fact of the matter is, since 2001, exactly on 9/11/01, when we had a balanced budget at that point, we have seen the deficit go up, and that is because we lost 1 million jobs on or about that day in the months forward.

So what Republicans did is they said, we have got to spur our economy. We have got to do the things that will bring America back to work.

I am pleased to tell you that the budget is virtually balanced and is expected to be balanced by next year as a result of a strong, strong economy. Just 1½ years ago, we had a deficit of about $500 billion. This year, it is down to $140 billion. That comes from strong economic growth. That comes from the opportunity for people to go to work. That comes from investment and opportunity, but, most of all, we are competitive with the world, and these are the things that Republicans talk about that is a part of the Suburban Agenda but that is good for everybody.

Mr. KIRK. If I am not mistaken, last year was the largest increase in tax receipts coming into our Treasury, even though there was no tax increase by the Federal Government, simply because of economic growth, that since September 11, 2001, we have added over 2 million jobs. Maybe that is one of the key lessons of the Suburban Agenda: There is no Federal program or no social welfare act that is more powerful in improving the life of a suburban family than a job and a growing economy for small business.

Mr. SESSIONS. The gentleman is correct, and if I could have the gentleman also continue to keep focusing on how we have done this, what has been done is we have turned to the free market, the free enterprise system, to Americans, and said, we need you to go work as hard as you can work and bring this country back. That is exactly what has happened. It was not because of a government program.

What we did is, we gave people back more of their own money, allowed them to invest that money in places like Dallas, Texas, where I live, Chicago, Illinois. And we have this robust economy that, since 2001, 5 million new jobs have been added. Tax receipts are up, 3 years ago, plus 8 percent over the year before; then plus 13 percent in this last year, plus 15 percent more than we had received the year before.

We have more people at work today. More people own their own homes. There is more money being made, and the government has more money at its disposal. I hope and believe that next year this budget is going to be balanced.

Mr. KIRK. As the gentleman points out, many people here in Washington will point to the European Union as the economic model, an example that we should follow, but the record is relentlessly negative towards their example of creating new jobs or economic growth, where we have seen a reactive decline of the European Union as against China and the United States. We also recall in the last decade how we all thought that we would all end up working for the Japanese and that Japan, Incorporated, was the big threat.

Now we see an old axiom of politics said by one great politician, never bet against the United States, and also never bet against freedom. What we have seen here is an unbelievable economic performance by our country, record tax receipts coming into the Treasury without a tax increase, and the ability then to focus on the future of the United States, which is largely being written in the suburbs, with safe schools, extending health care and making sure that we are planning for the long term in what will be aging America, with the baby boomers entering retirement, but hopefully, with these policies entering retirement with some safety and security based on private savings and investment, encourage through first the 401(k) program and then we hope through the 401 Kids Family Tax Savings Accounts.

Mr. SESSIONS. As we close down our time here with Republicans being on the floor, I would like to remind the gentleman of something that is heard over and over and over again, and that is how great America is. But I would like to ask a rhetorical question. Have you ever heard of the China dream, the Brazilian dream, the French dream, the German dream? Probably not, but every single person in the United States and billions around the world have heard of the American dream, and the American dream is tied directly to not only the dream that they have about themselves, but a dream about their future.

This is where Republicans, working together on the suburban caucus, making sure we have a healthy and strong economy, where investment and opportunity and reduction in taxes happens directly in front of us, and then we can support this agenda that is so important for every one of us.

Mr. KIRK. I thank my colleague. I will close out by simply saying that we now present to the American people and the Congress the suburban agenda for 2007, Action Against International Drug Gangs, moving into the suburbs where the Federal Government can help; Safe Schools, relying on the judgment of teachers, full time, using all of their abilities; 401 Kids Tax Deferred Savings Accounts, to make sure that families have more resources, more flexibility, to save for their child's college education and first time home purchase. Health Insurance for Life, to make sure that we continue the COBRA insurance for Americans, for more than 18 months, the Deleting Online Predators Act to make sure we are empowering parents to control this 21st Century danger to their children; the Open Space and Farm Land Preservation Act to make sure that we have more preserved green and open space in the green and open suburbs, and finally, the Senior Safety and Dignity Act to make sure that as the baby boomers age, we are preserving our long-term health care for our Americans.

This is the suburban agenda, a vision for the future and a work plan for the Congress. We are looking forward to working with both sides of the aisle on this to make sure that we are representing and advancing the needs of America as it actually is, living in the suburbs and needing action on all of these items to realize the full potential of this Congress and the work ahead.

WALTER REED MEDICAL CENTER

The SPEAKER pro tempore (Mr. MATHESON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. AL GREEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. AL GREEN of Texas. Mr. Speaker, I am honored to stand in the well of the House tonight and address conditions at Walter Reed Medical Center, as well as other military medical hospitals, and I would also like to, in doing this, talk about why our soldiers and our veterans are so important to us.

I want to start by saying if we are truly concerned, if we are truly concerned about national security, then we have to be concerned about those who secure national security. We have got to be concerned about our soldiers. We have to be concerned about our veterans. Because, in fact, they make it possible for us to have these liberties that we have come to know and to love.

Tonight, as I start this explanation, I would like to first use the words of another, Major General John H. Bailey II, and I want to bring his words to our attention, because he has written an ode that really explains why the American soldier, the American veteran, is so important to this Nation and to the well-being of this country. His ode is styled from Boston to Baghdad, and his words capture the essence, the spirit of what the American soldier is all about, what the American soldier has done for this great country.

His words are:

I am the American veteran. I was born in battle on April 19, 1775. I am the total sum of my country's ethnic and cultural diversity. I am loyal, dependable and patriotic. My motto is, "Duty, Honor and Country," and my battle cry is, "Don't Tread on Me." The tracks of my tears and the stains of my blood can be traced from Boston to Baghdad.

I was there at Lexington when the shot heard around the world was fired, saw the whites of their eyes, was battle-tested at Bunker Hill, Valley Forge and Yorktown, and won my country's independence.

□ 1920

I earned worldwide respect during the Spanish-American War while helping our friends in Cuba gain their independence. Names like Teddy Roosevelt's Rough Riders and the 9th and 10th Cavalry became household words. I saw action at San Juan Hill, Guantanamo Bay, and the Philippines. A young Lieutenant John Pershing was heard to have seen "white and black regiment fighters shoulder to shoulder unmindful of color in combat."

I was there at the 11th hour of the 11th day of the 11th month, in the year of our Lord 1918. I was crowned in glory at the conclusion of World War II, the war to end all wars and the birth of Veterans' Day.

During World War II, in response to the attack on Pearl Harbor, the pearl of the Pacific, I rallied a nation, shouldered the weight of the world, defeating the Axis powers, preserving democracy around the world and preventing the annihilation of a race of people who called Germany home. In this country, we call these exceptional citizens Jewish people, and we know them as the Jewish community.

No words can better describe the effects of our entry into World War II than those of Admiral Hirohito when told by an aide, "Sir, we have scored a great victory," and he replied, "I'm afraid we have awakened a sleeping giant."

Thank you, World War II veterans. You are the greatest generation. Never before have so few given so much for so many.

In support of our friends in South Korea, I saw action at Bloody Ridge, Pork Chop Hill and Heartbreak Ridge, while introducing the helicopter and jet aircraft as battlefield tactics, actions which changed the course of military history.

I went to Vietnam to help the people of South Vietnam maintain the right to choose their own destiny. There I fought at Hue Dong Hai and Hamburger Hill. I refused to fall at the hands of a well-equipped and determined enemy during the 1968 Tet Offensive.

During Desert Storm, I engaged Saddam Hussein in his mother of all battles. I destroyed his will to resist.

And then there was 9/11, a day which must never be forgotten, a day which must never be repeated. It tested the soul of our Nation in a way not witnessed since December 7, 1941. And due to the atmosphere it created, I was again sent to Iraq as a part of the global war on terror. I am still there today participating in peacekeeping and nation building. My rewards are found in the eyes of children and old people who now have hope.

I am the American veteran. I am from New York City, the countryside of Philadelphia, Washington, D.C. I've come from sea to shining sea. As a participating citizen, I shall continue to fulfill my forefathers' dreams of a more perfect union and open my arms and say to the world, send me your tired, your huddled masses, because I know it is that diversity that makes us who we are.

In closing, he adds, I leave you with the words of a young John F. Kennedy in his inaugural address, who said, "We will bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty." This pretty much describes the spirit of the American soldier and the American veteran.

Mr. Speaker, I share these words because it is important for us to understand the sacrifices not only made by this generation of veterans but the sacrifices made by veterans since the country was founded, since the genesis of this country, if you will. And because our veterans have been so important to us, because they have been there for us, we must be there for them.

I regret to say, Mr. Speaker, that we have not been there for them when it comes to military hospitals and facilities and the delivery of health care through the military facilities. We have not been there because recent events have shown us, in transpicuously clear, empirical data, that hospitals are substandard, that some of the treatment received has not been delivered in the kind of fashion and manner that we would have those persons who have given us liberty and justice for all, those persons who have made real the ideals in the Constitution of the people, by the people, for the people, those persons who have given us this opportunity to stand here tonight, we have not made the delivery of health care services as effective and efficient as they should be.

So I am here tonight with a colleague, and we are going to talk about not only the problems at Walter Reed but the problems in health care delivery in military facilities, generally speaking; and we are going to also continue to be grateful for the service that our American veterans have rendered to make this country the great country that it is.

At this time, I will yield such time as she may consume to the honorable lady from the District of Columbia, a student of jurisprudence par excellence, I might add, one who is a part of the conscience of the Congress and certainly the conscience of Washington, D.C., who has fought for statehood and continues to fight for the American veteran. She speaks, and when she speaks, others listen. I am honored to share time with the honorable ELEANOR HOLMES NORTON.

Ms. NORTON. I thank you, Representative GREEN. I particularly thank you for opening up this special hour in a way that offers perspective, historical perspective about why the treatment of our solders and veterans mean so much to us.

What you have done is to take us through the highlights of their history, which is our history, so that I think we come to grips with why the urgency that has been revealed at Walter Reed and now increasingly at other veterans hospitals and military hospitals must be addressed right away.

Mr. GREEN, to my left there is a rendition of remarks among hundreds of thousands now sent to the Washington Post and to Members of Congress once the Walter Reed revelations came forward in the Washington Post. And what is important about the remarks to my left is the way that they summarize the systemic nature of this problem.

Yes, we are focusing on Walter Reed. It happens to be in my district. Would that we could fix the problems that have come to light by dealing with this one great hospital; and this is far and away the greatest military hospital in the United States, most would say in the country. It is where we send our most injured soldiers. If you have been very seriously injured, you go to Walter Reed. It is considered the crown jewel of military hospitals.

Why, then, are we hearing from Fort Campbell, Kentucky? In a moment I want to know about your district, Mr. GREEN, but why are we hearing from Fort Campbell, Kentucky, words that also put us to shame? And the words are right there for you to say. We are quoting the words that have come forward, this time to the Washington Post. There were yellow signs on the door stating, "Our barracks had asbestos." How would you feel if you came home from Iraq or Afghanistan to find that kind of sign on the barracks to which you had been committed after leaving the hospital?

Mr. GREEN made a point about in-hospital care. So far as we have been able to tell, at least in the military hospitals, a standard. You will have to speak to the veterans hospitals. But nobody doubts that there is no better place for our soldiers to be, particularly if you are seriously wounded, than Walter Reed Hospital.

□ 1930

But you get out of Walter Reed and you find the functional equivalent of what we learned about Fort Campbell, Kentucky. There may not be a sign on the door, but the signs were everywhere to see. They were there in the now notorious building 18 where the whole roof now has to be changed, the mold and the rats and the roaches. What those are signs are, are of neglect of these soldiers once they left the hospital.

But in a real sense, I think my good colleagues and brother will agree with me that it is when you get out of the hospital that you may be most depressed. You may have lost an arm or a leg or an eye, or you have lost part of your mental capacity. Now you have to come to grips with the real world. It is in those barracks, barracks like those described at Fort Campbell that soldiers have lost their way because we have lost ours.

Or let's take Fort Irwin in California. Here I am quoting again the Washington Post, March 5 of this year:

"Most of us," writes this soldier, "have had to sign waivers where we understand that the housing we were in failed to meet government standards."

My colleague will, I think, agree with me that our soldiers expected to be in substandard tents in Iraq and Afghanistan but not in the United States of America after being wounded and being sent back home.

Even though we had hearings in the Government Reform Committee 2 years ago speaking to the outpatient care and were assured by some of the same brass that appeared before us at the Walter Reed Hospital hearing just a couple of days ago, we find, courtesy of the Washington Post no less, not a hearing, but a real exposé that things are as bad or worse than we expected.

Mr. AL GREEN of Texas. Would the lady yield for just a moment?

Ms. NORTON. I would be pleased to yield to the gentleman.

Mr. AL GREEN of Texas. Thank you.

You have mentioned Walter Reed several times and conditions at other facilities as well. I have information from the Washington Post that I would like to share to substantiate much of what you have just said, and I think that it bears reading because I want to make sure that I quote the Washington Post accurately. This is from February 18, 2007:

"Behind the door of Army Specialist Jeremy Duncan's room, part of the wall is torn and hangs in the air, weighted down by"—what the gentlelady called to our attention just a moment ago—"black mold." Black mold weighing the door down to the extent that it is being pulled apart from the wall.

"When the wounded combat engineer," it goes on to read, "stands in his shower and looks up, he can see the bathtub on the floor above through a rotted hole."

Now, this is hardly what we would expect to find in a hospital.

Ms. NORTON. This is the outpatient housing, normally. Unless that says it's a hospital.

Mr. AL GREEN of Texas. This is at Walter Reed Hospital, itself.

Ms. NORTON. I do want to make that distinction. Walter Reed Hospital, the Washington Post, I believe, did not find conditions to be substandard and drew the contrast between the hospital and building 18. I don't think the hospital has been the source of the problem. But they have put these soldiers in aftercare kind of apartments, in facilities like building 18. Unnamed, by the way. It could have been named after somebody. They said they are going to name it, give it some honorific name.

Mr. AL GREEN of Texas. If I may, I agree with the gentlelady. What I am saying, I suppose, is the Walter Reed complex; building 18 is a part of the hospital complex.

Ms. NORTON. The base, yes.

Mr. AL GREEN of Texas. The point is that, on the facility that Walter Reed claims as a part of it, building 18, the infamous building 18, we have these substandard conditions. These conditions are conditions that we would hardly expect to find at a facility that is treating wounded persons, patients, persons who, quite frankly, can become ill because of the conditions that they have to exist in while they are recuperating from their war injuries. These are the kinds of conditions I think the Washington Post, and I thank the Washington Post for doing this, but I think that the Washington Post has done our country a great service by calling them to our attention.

I would also mention this, if I may, before I yield back. My heart was really torn when I saw persons giving their testimony at the various hearings that took place. I was very much hurt and had tears literally well in my eyes when I saw one of the family members testifying about how a relative was treated. And then to hear soldiers talk about what they had to go through, the enormous amount of red tape, before they could be served. These kinds of conditions in the hospital as well as the conditions that are a prelude to entry into the hospital make it very difficult for our soldiers to appreciate the promise that we made to them, the promise to provide for them if they provided for us. If they made it possible for us to be secure, we made a promise to them to provide for them. It was very heart-wrenching to see the kinds of conditions, to hear the kinds of conditions, if you will, talked about with reference to our soldiers.

I am hopeful that these conditions will change. They have got to change. And they have got to change right away. I know that the gentlelady has other conditions that she would like to talk about, and I have other charts that I will be sharing as well.

I will yield to the gentlelady.

Ms. NORTON. I thank the gentleman for those observations, indeed. Your notion that they have got to change and they have got to change now is where we ought to be focused. You spoke about the heart-wrenching testimony, by the way, testimonies under oath. Just like the brass was under oath, so was the wife. She left her home, gave up her job to come be with her husband, has been there for months, lost in the Never Never Land of, is he going to go out on disability? Will he be returned to his company? The man had been in the National Guard for 16 years, for goodness sake.

If you are not going to tell him one way or the other what he is going to do, you're disrupting his life, you're disrupting his entire family's life, and time after time, that was the story we heard.

I want the gentleman to know, we had all the brass before us as well. You have never seen so much brass, the Secretary of the Army. We had the former commander at Walter Reed, Kevin Kiley, who has been now kicked upstairs. He is the U.S. Army surgeon general. It actually was on his watch that most of these problems emerged. We had the major general, George Weightman, who was recently fired. He had only been there 6 months, so he was the fall guy it looks like. We had the Vice Chief of Staff of the Army. They all came. And, by the way, when they heard the testimony you just spoke of, they harbored their apologies to the families sitting in back of them. That's the least they could have done.

I do want you to know, I say to my good friend, that when it came time for me to ask questions, I focused on something I happened to know well, that Walter Reed in the middle of a war was put on the base realignment closing list. Think about this: Walter Reed is on the list of military installations to be closed in the middle of the war on terrorism and the Iraq war. We tried to keep that from happening.

Something very important has happened as a result of the testimony. I asked the generals, on second thought, don't you think it would have been best to postpone any notion that Walter Reed would be closed, because that sends a signal to staff, clinical staff, staff of all kinds, that if you value your careers, this is not the place to come?

□ 1940

And yet this is where you need the best personnel in the world. And to the man, each said, that should be rethought. And I want to say this evening to my good colleague and friend that I will be introducing tomorrow a quite unusual bill to repeal the decision to close Walter Reed in order to stabilize staff there, as a first step to say to Walter Reed: We hear you. At least we are not going to send the message to your best personnel, leave this place as soon as you can.

Mr. AL GREEN of Texas. And I would gladly support the gentlewoman's legislation.

I will tell you, I talked earlier about the shot heard around the world. When it was stated that Walter Reed would be closed, that was the shock heard around the world. I think that that, probably of all of the closures that were to take place and are to take place, I think that one probably penetrated to the very heart and core of what a military service for veterans is all about.

Ms. NORTON. If the gentleman will yield. The Army, of course, said what it was going to do was to rebuild this massive new hospital in Bethesda. The problem with that is that it is going to take $3 billion. The gentleman and I, who serve in this House, know good and well that this House is not going to put $3 billion into bricks and mortar at a time when we have come to the floor to talk about neglect of soldiers and veterans.

So why leave it on the base closing list? Maybe it was a pipe dream that somebody had as long as they were doing BRAC last year. Now has come the time to revisit that decision, and I am very pleased to say to the gentleman that I have noted, reported in the press that Members in a position to turn around that decision, our good friend who is chair of the Defense Appropriation Committee, Mr. MURTHA; his ranking member, Mr. YOUNG; Mr. WAXMAN, chair of Government Reform, where these hearings were held; his ranking member, Mr. DAVIS; had all said, had all said in a bipartisan matter, it is not the time to close Walter Reed.

So here we are coming together at least with something to do now to stop the bleeding. Then, there are a number of other things we have to do, but that it seems to me is the minimum we can do. And there is a developing consensus; we hear the same things in the Senate today at their hearings: At least let's put, as we say in the law, an injunction on closing this hospital.

Mr. AL GREEN of Texas. Absolutely. And the bipartisan support for this is manifesting itself. I have noticed that partisanship, while it still exists, partisanship is not hopefully going to stand in the way of taking care of our veterans.

It is my hope that, as we look at these conditions and we recognize what is happening to our veterans as a result of being in these horrendous conditions, to be quite candid, that we will put aside the partisanship and we will do what we need to do to rebuild, reconstruct Walter Reed.

You mentioned the closure of it at an inopportune time. Clearly, while we are in a war, when our military hospitals and centers are most needed, we should not, we should not close the crown jewel. That sends a bad signal to people around the world as well when they hear that what is considered to be our top military medical facility is going to close. So I am completely with the lady; I support what she proposes to do.

And I would also add this. We are about to spend in Baghdad to construct a facility there, which is beyond the reach of this country in the sense that most Americans will never use it, and we are going to spend millions, untold millions there because we have cost overruns. We just don't know what we are running into as we are doing this, it seems. And it would seem to me that we can direct some of these dollars, make sure these dollars are used prudently and judicially. But there can be dollars spent here for our veterans who are returning home who are going to need the best medical attention that the world can provide.

And as further evidence, if I may, of what is happening at Walter Reed as the gentlewoman has explained in terms that are quite clear, in the infamous building 18, which is a part of the complex, a part of the complex. I have another quote here from the Washington Post, and this one speaks of life in building 18. It talks about how it is the bleakest homecoming for men and women whose government promised them, and we made a promise to our soldiers; we promised them, we committed to them that: If you go and defend the country, you go to war, put yourself in harm's way; if you will put yourself in harm's way and defend this country, we will take care of you when you return.

And this is from February 18, 2007. According to the Washington Post, this promise of good care in return for their sacrifices, they returned home to the bleakest home coming that the government could have provided given that this promise was made.

I am going to yield to another colleague who has joined us. But it also goes on to say that, and this is a quote: "I hate it," said a soldier, who stays in his room all day. "There are cockroaches." This is for our veterans. "Cockroaches. The elevator doesn't work. The garage door doesn't work. Sometimes there is no heat and no water." No heat and no water in a facility for our veterans.

I think it is appropriate to get a response from the gentleman from Wisconsin, Mr. STEVE KAGEN, if he would care to add to this discussion.

Mr. KAGEN. Thank you very much for leading off and expressing the view of one brave American soldier.

Mr. AL GREEN of Texas. And if the gentleman would yield one moment, I might also add that the gentleman is a medical doctor and is imminently qualified to talk about issues of care for our soldiers.

Mr. KAGEN. Thank you very much. But what we are talking about is not bricks and mortar. The buildings didn't fail. The windows didn't fail. The furnace didn't fail. It was a failure of leadership and, really, a failure of this administration. It adds yet another failure to the long list of failures. After all, this current administration, would you not agree, has failed to secure our Nation, our borders, our ports. It has failed to strengthen our middle class. It has failed even to educate our children. But, most importantly, for all the brave Americans who have put themselves in harm's way, this administration has cut and run from them at their military hospital, the Army hospital at Walter Reed.

It is a disgrace. And it is not about bricks and mortars; it is about failed leadership, something that this Congress, the 110th Congress, can turn around and will as we already have.

Mr. AL GREEN of Texas. The gentleman makes an excellent point. Because ultimately people make decisions, and somewhere along the way, conditions that merited attention were not dutifully attended to.

Ms. NORTON. Would the gentleman yield on that point, to reinforce that point? At the hearing earlier this week, the generals testified that this was not for want of funds. The fact is that we have given and will give more. If you come here and you look at our Defense budget, I don't think you will see that the Congress has been stingy in coming forward with the funds to do what is necessary, at least to keep these kind of shameful conditions from taking place. And the fact that you see top flight medical care at Walter Reed itself says that, when the doctors are in charge, when the nurses are in charge, things are fine.

The leadership that you speak of, the leadership to deploy the funds correctly, the leadership to make sure that our soldiers have a seamless recovery so that, when they are in aftercare, they know they are recovering because they are treated in exactly the same way they were treated in the hospital.

Yes, you are right, I say to my good friend and colleague who knows firsthand that whatever the doctor is able to do for you in the hospital can virtually evaporate if the kind of care that is necessary is not given after release from the hospital.

I would be glad to yield to the gentleman.

Mr. KAGEN. Every physician, every nurse, everyone on the floor at Walter Reed is doing their personal best to take care of the soldiers, and they are getting great care.

□ 1950

But the thing I find extremely upsetting, on the night of the State of the Union address, my wife, who is a nurse, was in town. She is president of the social organization for the spouse's club of the freshmen class, both Democrats and Republican; and she went to Walter Reed on a fact-finding tour to see that the soldiers were getting all the care and all the prosthetic devices that they required.

Well, they gave her the company tour. They didn't give her a tour of Building 18. And come to find out, according to testimony revealed, that Lieutenant General Kevin Kiley knew about these conditions as far back as 2003, when one soldier reported that the conditions were extremely poor and he wasn't getting what he needed.

So I have the opinion, as a physician, and having years of experience of caring for thousands of military veterans, that if they had our back covered during conflict, we must not let them down. We have got to cover their back when they come home.

Mr. AL GREEN of Texas. And I might add also, in terms of covering their backs when they come home, that these medical facilities, not just Walter Reed but others, are experiencing some concerns that we have to talk about as well, which can be a great segue into this Washington Post comment from March 5 of 2007.

This one reads that "the mold, mice and rot of Walter Reed's Building 18 compose a familiar scenario of many soldiers back from Iraq or Afghanistan. Soldiers and veterans at other facilities report bureaucratic disarray similar to Walter Reed's indifferent, untrained staff, lost paperwork, medical appointments that drop from the computers, and long waits for consultations."

Now that kind of treatment is something that cannot continue. The bricks and mortar, we have to deal with, and I believe we can deal with that. But we also have to make sure that the computers work. We have got to make sure that persons have adequate staffing available to them at hospitals so that they can receive the kind of attention that they merit and deserve.

This problem is systemic, as the gentlelady explained, and I think that we have to take a systemic approach to dealing with it. If we only focus on Walter Reed, then I think we miss something important, an opportunity to look at the entirety of what we are confronting and to take corrective action, not for one circumstance but for all circumstances that we find ourselves confronting at this time.

Let's not let any aspect of this escape. While we are dealing with it, let's deal with it in its entirety.

And I would yield to the gentlelady.

Ms. NORTON. I appreciate that the gentleman has yielded, and the contrast he is drawing between the bureaucracy and the in-hospital care. Because when you see conditions like this, here are some more direct communications.

Now, to be fair, I want to stress, and the difference between the Washington Post and these communications is we have not verified these. We don't want to say in any way that we doubt them, but we do want to say what the difference is.

Nevertheless, people have felt they had to tell us what they felt and what they knew. And here you see, again, another part of the country, the other end of the country, Fort Irwin in California. "The room was swarming with fruit flies, trash overflowing and a syringe on the table."

Please remember, all that we are hearing about physical conditions is emblematic of an invisible bureaucracy that is much worse.

Or Fort Knox, again, in Kentucky. "The living conditions were the worst I had ever seen for soldiers, paint peeling, mold, windows that didn't work. I went to the hospital chaplain to get them to issue blankets and linens. There were no nurses."

Again, this one, however, these are from the Washington Post. But these they haven't verified, but they haven't gone out there.

I do want to say that when you talk to the soldiers, as I did, and here I will quote one of them. He said, "Congresswoman, these people need help." They did not even criticize the workers in the bureaucracy. Their sense was that they were overwhelmed.

We are talking about an invisible bureaucracy, a bureaucracy, for example, that when you have lost an arm and a leg, maybe both of them, will keep you waiting months before you can find out whether you are going out on disability or whether you are going back in some form or fashion to the Army.

And the gentleman has talked about lost paperwork, computers that don't talk to one another. The life of one soldier can be on 27 different computers. The computers don't talk to one another. Therefore, nobody can talk to the soldier.

I have suggested that we have to go with this in long-term, short-term as well as long-term ways. One short-term way would be every soldier needs his own advocate, so that, while we are fixing it, you never feel you are lost. There is somebody you can always go to.

I would be glad to yield to the gentleman.

Mr. AL GREEN of Texas. If I could, before you yield to the gentleman, let me just say this. We have had another person to join us, and I think it appropriate that we announce the presence of the subcommittee Chair on Oversight and Investigations, and I am confident that he will have much that he is going to share with us.

I just want the Members to know that he is with us tonight, and that would be the Honorable Harry Mitchell, who is from the great State of Arizona. And because he is the Chair of the subcommittee, I feel it my duty to yield to him at this time, after which we will continue. Mr. Chairman.

Mr. MITCHELL. Thank you very much, and I appreciate that.

What has been discussed here are the conditions at these hospitals, other hospitals and the ones that you have mentioned over here; and it is absolutely unacceptable for any official to have had knowledge of the dilapidated conditions at Walter Reed, only to stay silent and do nothing. They must be held accountable.

This Congress went for years without conducting any oversight whatsoever. And the American people sent us here to do a job. The American people sent us here to get to the bottom of this. That means asking the tough questions and leaving no stone unturned to make sure that this never happens again.

The problems at Walter Reed cannot be fixed with new drywall and paint. Inadequate outpatient care and confusing, time-consuming bureaucracy can impact soldiers throughout their entire life. We owe it to our soldiers and veterans to understand how this systemic failure could increase their needs in the future.

One of the things we are finding out is that the problems in the military medical system extend far beyond dilapidated buildings. Too many soldiers are finding an endless stream of red tape as they try and secure the benefits they have earned in the VA system.

One of the things that you have mentioned, that we are holding hearings on this, and tomorrow we are having a hearing on Walter Reed and how it impacts other veterans' facilities. We are holding these hearings to investigate this problem, and we are going to do something about it.

I think the people are sick and tired of seeing the way that our troops are being treated, and I really welcome this discussion and the discussions we are going to have with these investigations and oversight hearings.

Mr. AL GREEN of Texas. Mr. Chairman, I want to thank you for taking the time to come to the floor. Your leadership is invaluable on this type of concern. We want the country to know that you will be there for our veterans, and we are going to make sure that it is fixed. We have a short-term solution, but we have to also have a long-term vision, and I greatly appreciate your taking the time.

I yield back to the chairman.

Mr. MITCHELL. Can I add one other thing? And I think this is very important.

We just introduced this last week the Dignity for Wounded Warriors Act; and this is to look at the long-term effect, not just of what is happening right now.

The Dignity for Wounded Warriors Act of 2007, we introduced this to ensure that injured soldiers returning from Iraq and Afghanistan receive the care they deserve. It sets the standard of care for our wounded. It sets the standard for military medical facilities, and it cuts through the red tape our wounded and their families have to navigate through.

So we are looking at not just now but, as you said, this is a long term, and I think we are going to address that with this Dignity for Wounded Warriors Act. I am very excited about that, and I think when you see this come to the floor this will have overwhelming support.

Mr. AL GREEN of Texas. I thank the chairman for his vision.

I would now yield to the gentleman from Wisconsin, Mr. KAGEN.

Mr. KAGEN. Thank you very much, and thank you for being there to ask the tough questions.

What I think the American people have to understand is that there has been a positive change and a new direction in this country and in this 110th Congress. You are looking at two new Members of the Class of 2006. It is the class I call America's hope.

□ 2000

It is America's hope that we intend to represent.

But I think everyone watching tonight and everyone in America must really be asking themselves several questions: What are these people's values, and whose side are they on? Things have changed in the 110th. I think you measure a person's or an administration's values based upon how they spend their money or our money, and this administration was seeking to cut $3.8 billion from the health care of veterans. They were asking our veterans, who have put their lives on the line, to pay for the benefits they have already owned. Those are not the values of the people I represent in Wisconsin. I am sure they are not Arizona's values either.

And the other question: Whose side are we on? Well, the current administration is choosing to help the politically connected, private, inside contractors, not just in Iraq but here at home at Walter Reed, rather than the wounded who seek the best care possible. This administration, in my view, has chosen to help insurance companies and pharmaceutical companies rather than our hardworking families and the senior citizens that I take care of in Wisconsin who cannot afford their prescription medication. I don't believe the values of this administration reflect those of the American public, and that is why I think I got elected to this Congress, to bring a positive change. What you see at Walter Reed is a symptom of a bigger problem in the White House.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentleman for his observations.

And I think that we are very fortunate that your State of Wisconsin has sent you here with the vision that you have. And I believe that you are going to be a very valuable Member of this

House. The contributions that you have already made have made a difference, and we thank you for your presence.

I will now yield again to the gentlewoman because I know that, given she is from the District of Columbia and Walter Reed is in her district, that she has some additional points to make.

Ms. NORTON. I appreciate the gentleman's yielding. And I also appreciate hearing the Wounded Soldiers Act. That looks like the thinking on that even predates some of what has been revealed here.

You will notice that the President has appointed a commission. It is a bipartisan commission. It has two chairs that I think everybody would respect, Donna Shalala and former leader Dole. We often have tried to get commissions, and I would applaud the appointment of a commission largely because a commission, as I understand its charge, will look throughout the country and not focus simply on the crown jewel and will look at the bureaucracy and not simply at the peeling walls.

But I want to stress again, these soldiers need relief now, people. If you go into Walter Reed and say, "Don't you worry, this bureaucracy, we are going to fix," I can tell you if you are going to fix a bureaucracy where the computers don't talk to one another, you are going to be fixing that for years to come.

We have got to be able to say, it seems to me, before we go on April 2 to spring break, this we have done. I anticipate you will see some of it in the Defense supplemental. Some of it will be money. Some of it will be language. I say that without even knowing, but I know how concerned the Congress is.

And I really want to bring the ultimate analogy here, and that is to say, remember Vietnam and the Vietnam veteran. How many Vietnam veterans are homeless today, feel the terrible neglect of that war? They were draftees, but the price they have paid. And, of course, these are volunteers, which, by the way, in a real sense means we really owe them because they have stepped forward on their own. But increasingly the Vietnam analogy is used, and that analogy has some validity. The part of it that we must see does not obtain is the part that relates to how the Vietnam veterans were treated. That must be the end of that. We must show with this war that there will never be a Vietnam when it comes to treatment of the wounded and treatment of veterans. And that day begins now. And we don't have a lot of time.

This is March. We have a few weeks before we go out. I think we can do it. We may not pass the supplemental before then, but it does seem to me that we are going to come forward when I hear all of the concern with short-term solutions so that the soldiers at Fort Irwin, at Fort Knox, at Walter Reed and in your respective districts can know that help is not only on the way, it is coming, it is galloping their way.

Mr. AL GREEN of Texas. Absolutely. And such that they can see it immediately, if not sooner, because you really don't need a commission to kill roaches. You really don't need a commission to go over and take care of a mold problem. You don't need a commission to repair doors, to make sure that the water runs and that it is hot. You don't need a commission to do the little things that make a big difference in the life of a patient in a hospital.

So it would seem to me, and I commend the President for appointing the commission, that while commissions have their role, there are things that can be done immediately that they can see such that they will have confidence that the committee is going to do its work because right now there probably is a failure of confidence in what the commission may ultimately conclude because we live in a world where it is not enough for things to be right; they must also look right. And it doesn't look right to have a commission studying a problem when roaches are running across the floor. So we ought to get in there as quickly as possible and allow the people who can do these little things that make a big difference in a person's life, give them the opportunity to make some change, immediate change, that the patient can see.

I think that this infamous building 18 is one that can receive the kind of attention that these soldiers, these veterans, will appreciate immediately. They shouldn't have to look through walls and see bathtubs above them. They shouldn't have to cope with the conditions of mold that can, in and of itself, become another problem for them. So I am hopeful that we will see some immediate change right away.

And I believe that the chairman is still with us, and I would like to have the chair give his response to what we are talking about with reference to immediate change.

Mr. MITCHELL. Absolutely. And I think that the changes that you mentioned are ones that can be done immediately. But this has been a problem that has been overlooked for so many years. And I believe, because I have heard from other people, that there are other buildings out there besides building 18. That is not the only one. I think this is just symbolic of a health care system that is not only part of the Department of Defense but also I think it probably, and this is what we need to look into, may spill over into veterans' care, the Veterans' Administration. What we need to do is to make sure that there is a seamless transition from those in the military to the Veterans' Administration. That is one of the things that we are looking into now to make sure that all of those tests and all of the applications that people went through and all the paperwork and red tape and bureaucracy they went through when they were at Walter Reed or any other military facility, they don't have to repeat it when they go on to the veterans' hospital. We don't want that to happen.

And it has been estimated that there is going to be over 700,000 veterans of the global war on terror. And when this is over, it is going to flood the VA system. And we have got to make sure that because we take care of these new veterans that we don't forget, as you have said, the older veterans, those from Vietnam, those from Korea, and the few that are still around from World War II and beyond. We have got to make sure that we have the resources available, not only people but money, to take care of the new veterans that are coming on, and we need to plan for that. And I think there has been a real lack of planning for what is going to happen with the huge number of soldiers that are coming here.

Recently it was reported that, in World War II, for every soldier that was killed, there were two wounded. Today, and I think this is important, when we try to measure what is going on in Iraq and we talk about the number of fatalities, for every fatality, there are 16 that are wounded.

□ 2010

This is going to put an extreme pressure on the military medical facility as well as the veterans. That is what we have got to be prepared for, and that is what we have to be looking for in terms of the future.

Mr. AL GREEN of Texas. Mr. Speaker, I know each speaker will have some closing comments to make. If I may, I will start with the medical doctor, the first-term Congressperson who has already made a difference by being here and who has shared an infinite amount of intelligence with us.

I yield to the gentleman to please give closing comments so we can hear from the other speakers as well.

MR. KAGEN. Mr. Speaker, during the past 12 years, our opposition party, during their power, during their control of Congress and our budget, the veterans budget for the VA health care system fell by 12.5 percent on a per person basis. This is at a time when they took us to war based on lies and deception, based ultimately on poor judgment, based on a time when there will be 263,000 of our Guardsmen and Army Reserve coming home and needing the care that they need.

This is not the time to reduce the veterans health care budget. This is a time for Democrats and Republicans across the aisle to work in a bipartisan way, to come together and move up our performance, not to deny that it exists at all.

This thing again from Walter Reed was a terrible, terrible blot on what otherwise would be a tremendous health care system, the veterans health care system.

Mr. AL GREEN of Texas. Mr. Speaker, we will hear from our chairman at this time.

Mr. MITCHELL. Mr. Speaker, just one last thing. We looked at the conditions, the physical conditions of these facilities that have brought this to light. Maybe it is good that these problems are coming to light, so we can take a look at not only the military facilities, but also the veterans facilities.

But I think what we found is that the problems in the military medical system, and probably the veterans as well, go far beyond dilapidated facilities, and I think you are going to find as you talk to these soldiers and their families that one of the things that is important is that the endless stream of red tape and trying to secure benefits, this has been a strain, not only on these individual soldiers, but the whole family.

So one of the things we are looking at, and I think that is so important with the Dignity for Wounded Warriors Act, is we are not only taking a look at the standard of care and the medical facilities themselves, but also how important it is to look at the red tape.

Mr. AL GREEN of Texas. Mr. Speaker, I yield to the gentlelady from the District of Columbia, who has been a real fighter for veterans in this Congress.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and let me thank him for his leadership on what I think has been a very informative special hour about our veterans.

Just to pick up on what my two colleagues have said, the chairman stresses that we are talking about veterans as well as military matters. The best example at the hearings was the decision that the poor soldier has to make about whether to take his veterans benefits or his DOD benefits and how difficult that decision is, and how some of them are just driven crazy about how you arrive at that decision, since the amounts can be very different, the kind of decision where you need somebody holding your hand all the time.

My colleague talked about poor judgment from the beginning when we went to the invasion and now when we see soldiers coming back home. I indicated earlier that a colossal example of poor judgment was closing the premier military hospital in the middle of a war.

If I could just quote in closing from Vice Chair Cody, who testified before us at the Oversight and Reform Committee hearing: "You are trying to get the best people to come here to work, and they know in 3 years that this place will close down and they are not sure whether they will be afforded the opportunity to move to the new Walter Reed National Military Center. That causes some issues."

Well, as I have said, we are not going to give $3 billion for bricks and mortar in the middle of a war anyway, so that is why I am introducing a bill tomorrow just to send the signal that we are not going to close this hospital.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentlelady for her vision as well.

Let me close by saying this to my colleagues and friends: we are not talking about what we call a Third World country when we talk about Walter Reed and the facilities. We are talking about the richest country in the world, a country where we can spend $177 million per day on the war, and that was prior to January of this year. Now we spend over $200 million, not per year, not per month, not per week, but per day on the war. A country where one out of every 110 persons is a millionaire.

In this, the richest country in the world, where our soldiers and our veterans have made it possible for us to have these riches, these liberties, I think that we have to provide better services for them before, during, and after any injury that they may receive.

So I am honored that we had the time tonight. I want to thank the Speaker for allowing us to have this time tonight.

Mr. CONYERS. Mr. Speaker, I want to thank Congressmen AL GREEN and FRANK PALLONE for arranging this Special Order hour. Today I rise to register my concern about the conditions at Walter Reed Army Medical Center and to show my support and dedication to increasing the quality of health care services, for our veterans as well as our men and women in uniform.

The Nation has been horrified by the Washington Post's recent reports of the appalling conditions at Walter Reed Army Medical Center. Thanks to the diligent investigative reporting of Dana Priest and Anne Hull, we now know that our soldiers recovering in outpatient units are being forced to confront cockroaches, mice droppings and toxic black mold as they heal. Even worse, many become lost in an uncaring military bureaucracy that subjects them to long waits just to get their most basic needs addressed.

The administration is now scrambling to control the damage from this scathing exposé of its neglect of our wounded warriors. Almost as distressing as the conditions at Walter Reed is the fact that it took a report from the Washington Post to get the administration to address this unacceptable situation. We now know that our wounded warriors have been complaining about these problems for years, not just at Walter Reed but at military hospitals and outpatient facilities across the country. Their pleas, however, seem to have fallen on deaf ears. We owe a debt of gratitude to the reporters and editors at the Washington Post for uncovering this abominable situation and forcing this administration to act.

Time and again, when those of us who oppose America's involvement in Iraq stand up and question why our brave men and women in uniform must fight and die in a war of choice, we are accused of "not supporting the troops." But, Madam Speaker, supporting the troops is about more than lip service. The hypocrisy and irony of the situation at Walter Reed is scandalous and immoral. The same administration that hides behind the troops to avoid changing its policy in Iraq is guilty of abandoning the very men and women who must make the sacrifices required to carry out this failed policy.

The sheer audacity of the administration's rhetoric in comparison with its actions is staggering. The administration trumpets its support for the troops but then, in the next moment, sends them into battle without the proper training and equipment. The administration says it supports the troops, but then falls short in providing them with a safe environment to heal the wounds they received while fighting so valiantly and selflessly for our country.

Thousands of our brave men and women serving the administration's failed policy in Iraq have paid a heavy price. Since March of 2003, 23,677 service members have been wounded in Iraq. Our military and VA health care systems are in crisis, apparently unprepared for the influx of casualties that war unavoidably creates. These health systems have been overwhelmed by troops returning from battle seeking health care and, in many instances, are unable to provide these men and women with the services they so desperately need. It is estimated that in the coming years over 700,000 veterans from the wars in Iraq and Afghanistan will enter the military and veterans health care system. Yet, because of Republican budget cuts, many of our brave soldiers are returning home with mental health ailments to discover that they will receive a third fewer psychiatric visits than they would have just 10 years ago.

The number of soldiers navigating the bureaucracy of Walter Reed since 2001 has nearly doubled, yet the administration continues to move forward with the planned closing of the hospital. The president's budget continues to shortchange veterans' health care, providing an increase in fiscal year 2008 but then cutting the budget in fiscal years 2009 and 2010 to below the 2008 level and freezing the funding level thereafter. The administration's lack of planning for the war seems to include a total disregard for the service members who are returning home bearing the scars of the conflict.

Mr. Speaker, our soldiers have done their duty. Now we must truly support them, not by blindly continuing a failed policy, but by getting them out of harm's way. We will continue to insist that our service members receive the health care they deserve. We will continue to hold oversight hearings about the conditions faced by our wounded service members and veterans at Walter Reed as well as at other military and veterans health facilities across the country. But the best way to support these brave young men and women is to begin a fully-funded withdrawal. Let's really support our troops by giving them the equipment and supplies they need to get out of Iraq safely in the next 6 months.

Mr. DAVIS of Illinois. Mr. Speaker, the scandal at Walter Reed Army Medical Center has placed a spotlight on our entire military and veteran health care system. That is a good thing because the system is in need of a thorough reorganization. As a result of cuts in VA health care, more than a quarter of a million vets were refused enrollment in 2005 alone because they "didn't qualify". How many of these men and women were told when they reported for duty that they may or may not "qualify" for veteran's care after separation?

Mr. Speaker, I do not accept the notion that America's promise to its veterans is subject to later, arbitrary qualifications, but that quarter of a million veterans is the number we know of. Perhaps even more insidious are those vets who because of their PTSD or other injuries were discharged with less than honorable discharges most of the time with no hearing, no review. These men and women now reside in a kind of abyss between earth and hell. They have served their nation but their nation has turned its collective backs on them.

Mr. Speaker, we need to recall Vietnam Vet Jim Hopkins who finally drove his Jeep into the lobby of the Wadsworth VA Hospital out of frustration and protest in 1981. Jim Hopkins didn't get the treatment he needed and couldn't get anyone in the VA or the administration to listen to him. His subsequent tragic death led to a fifty-three day hunger strike by vets and finally shed some national light on our refusal to acknowledge the reality of PTSD and the impact of dioxin on the human nervous system. Now, a quarter of a century later there are many more frustrated vets, men and women who responded when their nation called, men and women who we have promised lifetime medical care in return who are shut out of the VA system. Men and women have been kicked to the curb, unseen and unserved. Mr. Speaker, the hour and day have come: it is time for this Congress, in turn, to kick open the doors of the VA system—to ensure that every veteran, every veteran, has received his or her due for their service.

Mr. RUSH. Mr. Speaker, I rise today to voice my extreme disappointment over the deplorable living conditions that our brave men and women of the Armed Services have been subjected to upon returning home from their courageous service in Iraq.

How can the same administration that is calling on these young soldiers to put their lives in harm's way over and over again, allow them, after they are subsequently injured, to come back to these shameful living conditions?

As a veteran, myself, I am truly ashamed and appalled. When our brave warriors are treated like second class citizens, after being injured fighting for the values and interests of this country, it sends a very dangerous signal to those presently serving in Iraq, as well as to those who are considering serving their country through military service.

Let us fix this mess today, and make the welfare of our Armed Service members a real priority, instead of treating them like pawns in this administration's war games.

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order earlier tonight.

The SPEAKER pro tempore (Mr. BOREN). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONGRESSIONAL IMMIGRATION CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. BILBRAY) is recognized for 60 minutes.

Mr. BILBRAY. Mr. Speaker, welcome to the chair. I hope you enjoy your duration up there, as many years ago, it must have been 1995, I had the privilege of my first time in the chair. I hope you enjoy it as much, and I hope everybody at home is watching you in your day of glory.

Mr. Speaker, I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from California for yielding.

I feel compelled to respond to many of the remarks that have been made here on the floor about the condition of the health care treatment for our veterans. I won't deny that there were unacceptable conditions in Building 18. I don't believe there has been any empirical data or quantifiable information that says it has gone beyond some of the rooms within Building 18.

But I know when I go out to Walter Reed and when I go to Bethesda and when I go to Landstuhl and I look those people in the eye that are there every day with compassion fatigue that are giving their heart and soul and everything they have for the health care interests of our brave soldiers who have been wounded defending our freedom, a lot of that freedom and a lot of that mission have been opposed by the people on this side of the aisle, there is a strong commitment in all of those hospitals by the personnel that are there. They work long hours, and they give the best service with everything that they have. And I will agree that there is a bureaucratic problem and we ought to find a way to put some software in place and put a system there so we can track patients and they don't get dropped from the system and they can be expedited through with the most efficient and high-quality care possible.

But this being an issue that is being stampeded and run up the flagpole goes beyond trying to fix the problem. It is an effort to try to undermine the mission of our soldiers overseas, and I think that is deplorable, Mr. Speaker.

So I stand with the people that serve America, those that put their lives on the line, those that have lost life and limb. I stand with the people who stand there and help them. And we need to be supportive and encouraging and fix the problems we have and remove the politics from this debate.

I yield back to the gentleman from California.

Mr. BILBRAY. I appreciate that, Mr. KING.

At this time it is my privilege as the new chairman of the Congressional Immigration Caucus to actually recognize Congressman NATHAN DEAL of the great State of Georgia, who actually has agreed to serve as the subcommittee chairman on the Immigration Caucus for Birthright Citizenship.

At this time I yield to the gentleman from Georgia.

Mr. DEAL of Georgia. Thank you, Mr. BILBRAY.

Mr. Speaker, as we approach this topic of dealing with the ever-increasing problem of illegal immigration in this country, it is certainly one with many facets. But the one that I would like to address briefly tonight is the issue that relates to birthright citizenship. Let me define it, first of all. It is the extension of citizenship to any child born on American soil, regardless of the legal status of the parents of that child.

The United States does just that. But we are in an ever-increasing minority in the world community. Currently, there are approximately 141 nations that do not grant birthright citizenship.

□ 2020

And there are only about 35 countries that do, the United States being one of those. In fact, every country in Europe no longer grants birthright citizenship. Ireland was the last of those countries, and in 2004 by popular vote, they no longer grant birthright citizenship. Israel doesn't, Japan doesn't, virtually every country on the face of the earth with the exception of the United States have recognized that the right of citizenship is indeed one of the most precious rights, and it should not be extended to those who have broken our law and who are illegally in our country.

Just as the overall immigration issue has many facets, so does the issue of birthright citizenship. First of all, there is the question of, how do you solve the problem? The real difficulty comes from the fact that the current interpretation is based on an interpretation of the language of the 14th amendment.

Many legal scholars believe that the intention of the 14th amendment, which had as its primary purpose to settle the issue of citizenship for individuals who were formerly slaves, has been perverted to extend it to birthright citizenship for anyone born on American soil. There are certainly legitimate arguments that can be made on both sides of the issue. But the one that I think focuses most clearly on whether or not it was the intention of the writers of the 14th amendment to include this issue is demonstrated in the language that comes out of the debates that surrounded the adoption of that amendment.

The reality is, though, that many of the court cases upon which people rely today to say that we automatically extend citizenship to anyone born on our soil regardless of the legal status of their parents, comes from a day and a time when the United States did not have immigration laws in place, did not have in place laws that distinguished between those who were legally in our country and those who were not. We, of course, now live in a day and a time when those laws are in place, albeit they are not very well enforced most of the time.

But what is the cost of this issue of birthright citizenship? I think there is a legitimate argument that can be made to say that birthright citizenship is one of those magnets that contributes to illegal immigration in the first place. Consider the latest statistics from the Center for Immigration Studies in which they say that there are approximately 383,000 children born every year to illegal immigrants. That is, about 42 percent of the births to all immigrants in this country are to illegal immigrants to this country, and that births to illegal immigrants now account for one out of every ten births in the United States. One out of every ten children born in this country is being born to someone, a parent, who had no legal right to be here.

What are the financial costs associated with it? We all know that illegal immigration in and of itself places huge financial strains on local governments in providing education, in providing health care, and on State governments in the same way, and also on the Federal Government.

The Center for Immigration Studies found that the cost to United States taxpayers for the cost of illegal immigration is approximately $10.4 billion a year. And a large part of that cost is attributable to babies born to illegal immigrants.

In my State of Georgia, for example, I am told that a non-Caesarian section child delivery with no complications costs approximately $2,720. Now you multiply that figure, and probably my State's cost is less than the national average, but you multiply that by the 383,000-plus births every year, and you can instantly see that just in that initial health care delivery cost, it is a very significant sum.

But what does birthright citizenship then also do to our system? First of all, in 1996, when we passed the Immigration Reform Act, one of the things that many people have bragged about was a provision that said in general terms that if you are illegally in this country, you are not going to be entitled to any social benefits other than education at the elementary and secondary level and emergency medical care.

Now, we make a mockery of that by virtue of birthright citizenship because even though we say we are not going to extend those social services, by giving a child of an illegal immigrant citizenship status, you immediately have TANF, Aid to Families With Dependent Children, whatever term you call it in your community, those kinds of welfare social benefits flow through the child. There are also food stamps and housing subsidy benefits, and who are you going to deliver them to, a new child? Of course not. Those social benefits in the form of cash and other indicia of benefits flow through the hands of the illegal parents.

And are you going to deport the parents, an illegal immigrant who has given birth to a child who is a United States citizen? I say you probably are not, and the statistics bear me out.

So I would simply say, Mr. Speaker, if somebody is concerned about these issues, the next time they have to wait in line in the doctor's office or in the hospital or in the waiting room of the emergency clinic, or the next time that they are in the grocery checkout line and somebody is paying for food with food stamps and it is fairly apparent that they are not legally in this country and you want to know why, the why lies in birthright citizenship that is being granted to a child of that illegal immigrant.

Now, as I say, we are in the distinct minority in the world community of continuing to allow this practice to occur. I, along with Mr. BILBRAY and Mr. KING and many others in our conference, are authors of legislation that would attempt to correct this serious problem that we have.

Many who would dispute whether or not this is a part of the magnet that draws people into our country and to cross our borders illegally should take reference to a statement contained in one of the publications from the Department of Homeland Security. I would like to read from that publication. It says, "An industry has developed around this practice," that is, crossing the border illegally specifically to give birth, "with travel agents specializing in birth tours and clinics providing post-natal care, which includes transportation services. For those seeking entry into this country, it is a small price to pay for legal entry and social benefits that accrue with citizenship."

So our own Department of Homeland Security acknowledges that it is indeed one of those magnets that causes us to have a problem with illegal immigration.

In 2002, it was reported by the Los Angeles Times in a study that they did looking at South Korea, and what they found was that since South Korea allows dual citizenship, that is both South Korea and United States citizenship, for a child born in the United States, they found that South Korea was hosting these so-called birth tours which were intended to bring pregnant women to the United States so they could deliver their child here and that child would be a United States citizen.

□ 2030

Now, they probably returned back to South Korea with that child. So what would be their motivation? Well, first of all, they would be entitled to the benefits of American citizenship, but another added advantage, since South Korea is a country that requires universal military service, it is a way of excluding that child from the requirements of South Korea that they be inducted into their military services. So it has consequences, not just to us, but to some of our allies such as South Korea.

So I would simply thank Mr. BILBRAY for the time you have allotted me tonight to speak on this issue. Hopefully, we will see some action on this issue of birthright citizenship. It can stand alone, or it can travel as a part of a more comprehensive immigration reform package; but I submit that unless we address this problem, it is only going to get worse. It is going to only magnify the ever-increasing problem of illegal immigration, and I would urge my colleagues to join with me and you and Mr. KING and others in sponsoring the legislation that we have tailored to try to address this problem.

Mr. BILBRAY. Mr. Speaker, I would like to say thank you very much to Mr. DEAL for taking a leadership role on this issue. It is quite appropriate you are pointing out how broad the problem is of this automatic citizenship given to people that have no obligations, no responsibilities, and are leveraging the fact that some people think that everyone born on U.S. soil somehow gets automatic citizenship. The fact is I think that the Korean parents are a good example.

The subject to the jurisdiction clause of the 14th amendment does not only mean that you can be arrested. It means that you must, according to common law, be totally obligated. You must be able to be tried for treason and be forced into the military.

Can you imagine if these terrorists from Korea were told, sorry, you are now going to be drafted into the United States Army? People would come unglued. They would say that is inhumane, that is outrageous, how can you do that. Well, it is just as outrageous to give automatic citizenship to the people that have no obligations and no responsibility to the Federal Government, to give them citizenship, as it is to require them to be tried for treason against the United States or to serve in the military when they are not, quote, unquote, subject to the jurisdiction in a manner that applies to the 14th amendment.

This thing we have to understand, that rights and responsibilities come together, and as these legal Korean tourists come to our country, they have certain rights and certain responsibilities, but they do not have total responsibility, and thus they do not have birthright citizenship.

I think that is a clause to get into. I just wish that the people who would be as outraged about us drafting a Korean tourist or trying them for treason will be just as outraged about the people leveraging and taking advantage of our hospitality and then trying to demand rights where the rights obviously do not exist historically or in fact.

I appreciate the fact that you took a leadership role on this after I got my 5-year sabbatical that the voters gave me from Congress. You picked up the baby and actually carried it, and I really appreciate that and your leadership will be appreciated.

It is astonishing that back in the 1990s when we first brought up this issue, some people were saying, well, what is this issue. But more and more when you go talk to the American people, they want to know what has kind of been tagged this, what they call it, "anchor baby" issue because they see this huge open door for abuse.

In California alone, I want you to know and I just say this to the people, how big a problem, how big a price tag can automatic citizenship to foreign nationals and illegal aliens can be. How big can it be? Just in California, it costs the State of California to pay for the births of the children of illegal aliens $400 million a year, and that is a price tag to people who are illegally in the country.

Let us face it, that $400 million could sure provide a lot of basic health care to legal Americans, both immigrants and U.S. citizens, that is being denied those people of need, while we accommodate those who have broken our laws and their families and encouraged them to emigrate.

So I thank you very much for taking this leadership role, and I greatly appreciate the fact that Georgia is represented on the Immigration Caucus, and that is a great advantage for us. Thank you very much.

Mr. Speaker, I have the privilege to serve on the Immigration Caucus, and as someone who grew up on the Mexican border between San Diego and Tijuana, I saw this issue as it has evolved over the last 45 years.

I grew up in an area where illegal immigration was just sort of a matter of fact. You saw people going north, and I got to tell you, as a young man, you never knew where they were going. They were all going to a place called L.A. or norte, norte, and you never understood what was the impact in the communities beyond the border.

But, seriously, I think the one thing that I would ask those of you that live beyond the border, you do not see on the border, like those of us that grew up there, I happen to have had the privilege to serve as a life guard in a small community on the border called Imperial Beach. In that job, I had the experience of rescuing illegals when they were drowning in the Tijuana River. I recovered their bodies when they did not make it, and in the 1980s, some of you may not remember a thing called the bonsai charges, where the coyotes, the smugglers, would organize illegals into huge groups at the border and rush them up the freeway.

I would just ask any of you to consider what your reaction would be if you were driving along at 65 miles an hour, 55, and you saw massive pedestrians running at you on the freeway in a manner that you do not have a chance to stop. Well, let me tell you something. After seeing what happens when somebody gets hit by a vehicle at 55, 60 miles an hour, I became committed as a member of the county board of supervisors in San Diego to finally say stand up and say this is wrong, this is immoral, this is outrageous.

Americans should be ashamed that we do not control our frontier, that we do not guarantee our sovereignty on U.S. soil. And the immigration issue is an issue of sovereignty. It is a concept of protecting the land that our forefathers have given to us and also protecting those rights and those privileges that should and can be rendered to those who are citizens and legal residents.

But, sadly, we have found excuses to look the other way. Be it political correctness or some sick concept that encouraging illegal activity somehow is going to be good for America, it is sad that we allow not only illegal immigration but all the illegal activity that happens along the border.

I am really encouraged, though, to see colleagues like the gentleman from Georgia and Mr. KING, people from the interior, that get it, that understand that the immigration problem is not something at the border that can only be addressed at the border, but is something that is in our neighborhoods every day; that it is on the street corners, we see it every day; and that the American people, though they have been ignored on this issue for too long, are saying we are going to hold both parties accountable if you do not address that.

I think in all fairness, as a Republican, I think we can all agree that a degree of the problems in the last election was that voters did not believe Republicans were doing enough and are going to demand that Democrats and Republicans put their partisanship on the side and take care of this problem.

I am glad to see the kind of general support that we have seen working on this issue and the community support on this; and at this time, if I may, Mr. Speaker, I would like to yield to Mr. KING.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from California for organizing this Special Order here this evening, and I also thank the gentleman from Georgia (Mr. DEAL) for making his presentation and making a compelling case for why we have to end this thing we call birthright citizenship, anchor babies, or more appropriately, more accurately, as automatic citizenship. It was never part of the concept constitutionally that we should grant that kind of a thing, for all the reasons that Mr. DEAL said and all the reasons that Mr. BILBRAY said, and a lot of other reasons besides.

But, Mr. Speaker, I would submit this, that I am going to roll out some facts and figures here, and I would ask that you maybe could pay attention and take some notes on this because it is important for us in this country not to be establishing an immigration policy based upon anecdotes or based upon emotions or based upon somebody's feelings, but base it upon some empirical data. We need to base our policy on some facts.

I would point out that I wrote a letter to the White House last year. It was off of a request of that White House liaison that took place last April, and by June 23, I was finally frustrated with my e-mails and phone calls to the liaison who promised to get me some answers.

☐ 2040

So I put it in letter form, hard copy, sent it to the White House, sent it as an e-mail also, and instructed my staff to call the White House every week to get answers to the questions. Because it occurs to me that facts don't work for the people that are for open borders, but facts absolutely support the people that stand up for the rule of law and that stand up for national sovereignty and stand up for national border protection and enforcement in our workplace to shut off the jobs magnet.

I think we should start with a simple basis. If you go back to the beginning of Western Civilization and the Greeks, they would ask. They would look at things. They were proud. They lived in the age of reason. They said, I think, therefore I am. We are going to do deductive reasoning. We will start with the most logical, obvious questions, and we are going to reduce it down. If we can narrow ourselves down to a conclusion, we will come to a conclusion. If we can't, we will need more data.

They were proud of the way they could think and reason. That's the foundation for Western Civilization. Had they not developed that age of reason, we would never have had the Age of Enlightenment. Without the Age of Enlightenment, we would never have had the United States of America. So we are founded upon reason.

Questions start from the beginning. Is there such a thing as too much immigration, legal or illegal? That is one of the questions I asked the President.

Then I asked, would you separate that into, is there such a thing as too much illegal immigration? And then, is there too much legal immigration? Then, the question that follows is, within those two categories, illegal in one category and legal immigration in the other category, if there is such a thing as too much, how much is too much? I will submit in the category of the illegal, one is too many.

I don't think the White House can take that position, neither can most of the Democrats and many of the Senators, Democrats and Republicans; one is too many. Is there such a thing as too much legal immigration? Yes, there has to be. Otherwise, you have to be willing to accept everybody on the planet that wants to come to America, and that might actually be everybody.

I would argue that this million or so that come in legally in a year is kind of an acceptable number, but is probably twice as many as the American people like to have. American people don't only want to eliminate all the illegal immigration, they want to reduce legal immigration, and they want to go back to an immigration policy that is designed to enhance the economic, the social and the cultural well-being of the United States of America.

Call it a selfish policy, if you like, but any Nation that subordinates their immigration policy to the people who will illegally cross the border from other countries doesn't have much of a policy and doesn't have much of a destiny if they don't have control of their own destiny. We have got to be in control. We have got to set that policy.

So I went on down this list of things, and if there is such a thing as too much legal or illegal immigration, then how much is too much? And how many do you believe would be legalized by the Senate version of the bill that passed last year?

Of course, before, I believe it was the Bingaman amendment, it was between 100 and 200 million would be legalized with a path to citizenship into the United States. Under the Senate version of the bill that probably would have had enough votes to pass with the majority of the Senate. Well, there were some caps that were put on because of that amendment that I just referenced, and then the number came down to, and this is the number I would ask of the White House, how many do you believe would be legalized by the Senate-passed version of the bill?

I can tell you at this point that, according to the Heritage Foundation, according to Robert Rector and according to some real good solid statistical analysis done by Senator JEFF SESSIONS of Alabama, it comes to about 61.1 million people. The lowest number we could come up with about 53 or 54 million people; 66.1 million is the most reliable number over the next 20 years that would be legalized. By the Senate version, it has got to be nothing but amnesty.

I looked back, and how do you quantify that? In 1986, President Ronald Reagan signed an amnesty bill. He called it an amnesty bill. He was straight up honest about it. It was one of the two or three times he failed me, but at least he was straight up honest. Some will say that was to legalize 300,000, some will say it was 1 million, but not many will say that it actually brought in 3 million, some 3.1 million people who became citizens through this amnesty that was passed in 1986.

I have met some of those people. I have looked them in the eye, and I can tell you, they do not respect the rule of law like the rest of the Americans do. Therefore, they want amnesty for the rest of the illegals that are in this country, because they see it was good for them. Well, if something is good for someone, that is not a measure that it is a good policy for America. It is only a measure that it is good for someone.

But regardless, that was a series of questions that I asked of the President. In addition to that, I asked, would you be willing to agree to a hard annual cap that would control the aggregate of all of the different immigration policies that are out there and say that, from an annual basis, it never exceeds a certain number?

Now, I would start with 1 million and ratchet it down for the American people if I could. We could probably assimilate 1 million people in this country a year if we had good assimilation policies. That letter, with those questions, and those five questions as I recall that went to the President on June 23, and the White House got a call every single week until September.

Finally, I got an answer back, not from the White House, not from Secretary Chertoff, but a subordinate of Secretary Chertoff. The answer that came back was a cut and paste to somebody's constituent response letter and didn't answer a single question that I had asked.

So I wrote a letter back that said, Dear Mr. President, thanks for the letter that was in response to my letter full of questions, but you really didn't answer any of my questions. Would you like to try again? I would really appreciate it. I am the ranking member of the Immigration Subcommittee, and we have to set an immigration policy here.

Finally, I got a letter back, and it said, immigration is too complicated and too serious a policy to reduce it to numbers.

What a shocking thing. That is a single piece of all of this. So when you add to this, you can add that we have a major problem on our borders. We are seeing $60 billion out of our U.S. economy that are wired into the Western Hemispheric countries other than the United States. Those are transmittals from the wages in America; $30 billion goes to Mexico; $65 billion worth of illegal drugs come across that southern border into the United States. We are watching 11,000 people a night pour across the southern border.

In fact, just yesterday was the anniversary of the battle of the Alamo when Colonel Travis and those brave Texan Americans were slaughtered at the Alamo. Santa Ana's Army was only half the size of a nightly number of illegals that come across our southern border.

Those are simply some of the pieces. There are many other statistics out there that are empirical data, and I pray that this Nation will look at numbers, look at reality and not be stampeded by hyperbole or anecdotes and establish a policy that is good for the economic, the social and the cultural well-being of the United States of America.

Mr. BILBRAY. Mr. KING, first of all, I have to say I am so proud that you are our ranking member on the Immigration Committee. With you on that, leading the Republican side of that committee. Hopefully you will be able, and I know it is a tough sell; I am going to meet with your chairman and try to point out what is the obsession that the Senate and some Members of the House of Representatives have to give amnesty and reward 12 to 13 to 15 million people for breaking the law?

Do they really think we can defend the concept, the rule of law, by having up to 60 million people in this country celebrating the fact that they are here because they broke the law? You know, I am thankful that I was able to listen to you tonight, because I keep saying, and I was saying to a couple of Senators this week, what is the obsession, what is the motivation for giving amnesty and rewarding people for breaking our laws? What message have you seen? What agenda are you fulfilling? What political group are you fulfilling?

Now that you brought it up, you are right, you point out you gave amnesty to a group that originally was proposed to be 300,000, ended up with all the delays in the agenda to be 3 million; then you get all of their relatives coming in. This is the group that is lobbying and able to vote to encourage more people to come in, and this downward spiral has started. If we don't stop it now with the American people that really believe in the rule of law, that really believe in the concept of common decency that you do not punish somebody for waiting patiently to immigrate legally while you reward somebody who breaks the law, if we are not willing to stop this downward spiral now, it will continue to grow larger and faster down the line.

I think the American people here know this is not a Republican or Democratic issue; this is an American issue. If anybody doesn't believe that the rule of law is important, I can take you to a lot of places I spent a lot of time in other countries where people can buy off the law by politics or by money.

This amnesty, it just seems like the most un-American concept I heard. Let me tell you something, my son was sitting there, 19 or 20 years old, and he brought up the interesting issue, and I guess from the mouths of babes, he said, Dad, let me get this straight, Mr. KENNEDY says that if you break the law for 5 years, you now get rewarded for it? Does this mean that if I am willing to testify that I have driven without a license for 5 years, I get a license for free?

□ 2050

Because that is what people think they can do with immigration and make it work. It won't work with the traffic situation; it won't work with an immigration issue.

I am glad you bring this up, and just seeing a self-made special interest group that is driving us toward an abyss of the destruction of the entire concept of what this greatest Republic we call the "American experience." I yield to Mr. KING.

Mr. KING of IOWA. I thank the gentleman from California for adding to this subject matter in that way.

A piece that I left out was that the 66.1 million that would have been legalized by the Senate version of amnesty last year happens to be, and I believe coincidentally, the sum total of all Americans who have immigrated into the United States and become naturalized, most through Ellis Island, but done so legally. We are talking about doing that in one fell swoop.

So, in 1986 it was a 300,000, maybe a million number. That was a great big piece to try to swallow and get our brains around. In 1995, before the 1996 election, there was an accelerated effort, especially in California, to naturalize a million people so that they could go to the polls and vote in that Clinton/Gore election. And we all know where the incentive was, on which side of the aisle that was. That was perhaps 1 million in 1986. At most, it was 1 million in 1995 before the 1996 elections. That was an appalling number to think about a million people getting fast-tracked to citizenship or amnesty. And this is a time now we are seriously talking about 66 million people. Sixty-six times an amount that was too many in 1995, it was too many in 1986, it is absolutely too many today.

There is another component of this, too, and that is that we know on the left, and I am going to say on the part of Democrats, they recognize that they are going to pick up about two out of every three immigrants that would have amnesty. They have a strong political motive that subordinates the United States, our Constitution, their oath of office, by the way. That is the incentive. It is a political incentive on the left hand side of the aisle. On the right hand side of the aisle we have elitists. They aren't all on the right hand side of the aisle; we have plenty of left-wing rich folks, too, that are capitalizing on cheap labor. They believe that they have some kind of birthright to always be hiring cheap labor and continue getting richer off the backs of the people they are hiring.

Think of this kind of like a barbell. On the one side, the weights over here on the barbell are the liberals that get all the political power that comes from illegal immigration. On the other side there are probably about 2–1 Republican conservatives that get empowered by getting rich off of cheap labor. In the middle is the handle of the barbell, that is the middle class, the middle class that used to be an ever-broadening, an ever more prosperous middle class that now is losing its purchasing power and being narrowed by the greed of the people that are politically greedy on the one side, and economically greedy on the other side.

I asked this question to the business community in America, because I know I will not convince the people on the other side of the aisle, where will you apply your trade once we have destroyed this America that is based upon the rule of law?

I will yield back to the gentleman from California.

Mr. BILBRAY. Let me say, what we are fighting for here is nothing short of the middle class. The fact is there are those on the left and the right that say we desperately need more poor people. You know why? It is because the major corporates want cheap labor on the right, and the left wants cheap votes. And they are willing to sell their children's birthright out, their grandchildren's future out just to be able to capitalize off of this illegal activity.

At this time, I have the privilege of recognizing the gentleman from California who has agreed to be the subcommittee chairman on the Border Security Policy Committee team for the Immigration Caucus, Mr. ROYCE.

Mr. ROYCE, I yield to you.

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding.

I would like to start by congratulating Congressman BILBRAY for his position as head of the Immigration Caucus. I thank him, also, for taking on this tough, but very important, issue.

What I wanted to make as a point, Mr. Speaker, was that before 9/11 border security was not seen as a national security matter. But we, as an institution, asked the 9/11 Commission to give us direction, to look at how 9/11 occurred and to suggest steps that we should take. Today, thanks to the 9/11 Commission, we now know that national security must be the number one priority when it comes to border security policy.

The commission found that our immigration system has, in their words, "the greatest potential to develop an expanded role in counterterrorism." And I think that still holds true today.

The challenge we face for national security in an age of terrorism is to prevent the very few people who pose overwhelming risks from entering or remaining in the United States undetected. And terrorists, unfortunately, have used evasive methods to enter and stay in our country, including specific travel methods and routes over the border, liaisons with corrupt government officials, human smuggling networks, and immigration and identity fraud. This needs to be addressed. It is elementary. It is imperative as well to border security to know who is coming into the country. I don't think anyone today can say with any certainty that we know who is crossing our borders.

When I was chairman of the Subcommittee on International Terrorism and Nonproliferation, I held field hearings on the border in San Diego and in Laredo, Texas. One thing that was expressed at these hearings is that the border fence that was built in San Diego is very effective. The double fence on that border, according to the Border Patrol that testified at these hearings about the effectiveness of the border fence, is, as they said, a great force multiplier. The reason they wanted to expand the fence and the reason we passed legislation to do that and included an appropriation of $1.2 billion to do it was partly because the Border Patrol told us that there were over 400 attacks on the Border Patrol and that if they could have that double border fence the way they had it in San Diego at other routes where the smugglers cross, that would help protect them. They said it expanded their enforcement capability; it has allowed them the discretion to redeploy agents to areas of vulnerability or risk. It is one component, they said, that certainly has been integral, in their words, to everything we have accomplished raising the level of our security in San Diego. What happened in San Diego? The crime rates on both sides of that border, which had been lawless, dropped by over 50 percent on the San Diego side and on the Tijuana side.

With the establishment of the border fence in San Diego, crime rates fell off dramatically, but also vehicle drive-thrus fell off. San Diego is no longer one of the most prolific drug smuggling corridors. It was cut by over 90 percent.

The bill that we passed last year puts a fence where it is needed most, in the areas that have the highest instances of drug smuggling, human trafficking, gang activity. All of the smugglers' routes, where there are roads, basically, through those areas, all of that will be fenced with a double border fence. It would allow the Border Patrol to better focus its resources and better protect our borders.

Now, we have some say that to finish that project would cost $3 billion. Well, $3 billion is less than the cost of the 250,000 inmates who have committed felonies, who are here illegally in the United States. The cost to the taxpayers in one year is more than the cost of building that double border fence.

But the focus I want to make here, the point I want to make, it is a matter of national security. We had Kris Kobach testify at my hearings. He was chief adviser on immigration law to former . Attorney General John Ashcroft. And he spoke of concern about terrorists illegally crossing our borders into this country. I will just share with you a couple of cases he cited.

Mahmoud Kourani was one; he was indicted in 2004. He paid to be smuggled out of Beirut, Lebanon; paid $3,000 to the Mexican Consulate to be smuggled into Mexico. And at that point he paid a smuggling organization to bring him in the trunk of a car over to the United States. This is the brother of the Hezbollah general who was in charge of security in the southern sector of Lebanon at the time that the attacks occurred. He was involved in the attacks against Israel. I was there in Israel in August. I visited Rambam Hospital when the city was under rocket attack and saw some of the effects of Hezbollah there in that country, where there were 500 civilian victims in that hospital.

And I can just tell you that his brother pleaded guilty to providing material support to Hezbollah. He had been trained in Iran in every method of explosives, and he was sentenced to 5 years in our prison, along with some of his colleagues, who were also caught as a result of our operations.

□ 2100

Kobach went on to cite a second case involving Farida Ahmed, who was on a terrorist watch list. He was on that watch list because he was suspected of being an al Qaeda operative trying to get into the United States. Ahmed was caught in Texas at McAllen Miller International Airport on July 19, 2004. He was trying to get up to New York City. He produced a South African passport with pages torn out and with no U.S. entry stamps. He later confessed to entering the country illegally by crossing the Rio Grande River.

In 2005, 3,722 individuals from state sponsors of terrorism or countries with terrorist ties were caught trying to illegally enter the United States. I know some of the stories from border guards who have told me. One showed me his injuries that he sustained when he stopped an individual who originally was from Uzbekistan, had been trained, he said, in an Afghan training camp. This was the individual's second attempt to enter illegally into the United States. The first time he had tried to fly in through an airport and he was turned back. This time he came over the border. When he was caught, he was motivated enough, the individual, to bite the shoulder of the Border Patrol agent so severely that the Border Patrol agent had to be hospitalized.

The reality is that we have some very determined foes attempting to get into the United States and our experience with Hezbollah agents frankly should awaken us to the fact that we should take the advice of the Border Patrol when they say to us, give us that double border fence. We have had over 400 attacks in 1 year or instances of violence against our agents. Give us the double border fence we need.

Well, we have got the appropriation. We have got the authorization. The first appropriation for $1.2 billion. We need several billion more to finish the whole project. But we should take their advice. It's past time we strengthen operational control of our borders and ports through additional physical barriers and fencing and greater use of state-of-the-art technology and surveillance across our entire border.

The border fence is needed, it's needed now, so one of my goals, and I am sure the caucus's goals, is to ensure that the fence gets the funding it needs and that the entire 700 miles gets built as the act that was signed into law says it should be built.

I thank you again, Congressman BILBRAY; Mr. Speaker, thank you, and I will yield back to Congressman BRIAN BILBRAY of San Diego.

Mr. BILBRAY. Thank you very much, Mr. ROYCE. Seeing that you are the chairman of the Border Security subcommittee, it is good to hear today that the administration has found the money to finally fill in the border tunnels across our border. A lot of people when I say the fence isn't working, if the fence wasn't working, the cartels would not be spending millions of dollars trying to figure out how to tunnel under the fence.

Mr. ROYCE. If the gentleman will yield, I was in your fine city and had an opportunity to go down to visit some of the Border Patrol agents that I talk with and work with. One of them showed me a station across from the Border Patrol station on the U.S. side, and he said that in that station, they had actually filmed work on a tunnel, it was actually on Mexico property, that one of the cartels was building, digging a tunnel, and they turned over, he said, to the Mexican government, and the Mexican equivalent of the FBI arrested two Border Patrol agents, customs agents on the Mexican side who were involved with the cartels in actually supervising the digging of that tunnel.

The point I am making is that there is a degree of corruption here in some of the institutions in Mexico which have unfortunately led to a lack of cooperation in enforcement of our borders. And because of that lack of cooperation, I think it is doubly important that not only we go forward with the effort to fill these tunnels, but let's again get the fence that the Border Patrol says it needs built.

Mr. BILBRAY. I thank you for that. Because before the fence, as somebody that grew up down there and watched this game being played, any criminal on either side of the border could jump across the border and avoid enforcement on the other. Even in Mexico, they had the area called the Zona Norte, the northern zone, and everyone knew that it was a criminal hideout because they could always jump onto the American side if the Mexican officials came. So this issue of creating a barrier is common sense and common decency.

As Governor Ruffo of Baja, California, once said, he said something in Spanish and said in Mexico, we have a saying, Good fences make good neighbors. Frankly, I think those people that always attacked the concept of having secure borders should just listen to Ruffo's advice that common sense does go a long way.

I yield to the gentleman.

Mr. ROYCE. It is certainly true that the lack of border security leads to a criminal element controlling that border. In this case, it is the cartels. And it is important to remember again that the erection of the border fence in San Diego led not only to a reduction of crime on the U.S. side by more than 50 percent but again led to a reduction of crime on the Mexican side of the border and in Tijuana by more than 50 percent. Why? Because of the very point you have just made, the cartels lost control once the rule of law was applied to that sector of the border and law enforcement was able to get in control.

Mr. BILBRAY. I appreciate that. The fact is most Americans may not understand that it is so out of control that they have had over 30 police officers murdered in Tijuana and over nine Federal prosecutors assassinated in Tijuana. In fact, it was so bad that the Mexican government 10 years ago sent their army to the American border. You hear an outcry here when we talk about the possibility of sending our troops or our National Guard down to the border. I wonder where these people are that are so outraged about America exercising our sovereignty, using our resources, when they ignored the fact that Mexico did the right thing by bringing their troops up.

I appreciate, Mr. Chairman, your work on this and look forward to working with you.

Mr. Speaker, we are talking about border control, but I want to make sure that the American people and everybody recognizes, in your district, the real problem exists that those who hire illegals are the ones who are creating the number one source of illegal immigration. When we talk about the violence at the border, when we talk about people dying, drowning at the border trying to come into this country illegally, the people that are at fault for that are those employers who provide the incentive for people to break our immigration laws and those who are profiteering off illegal immigration, and that is the illegal employers.

I would ask you and I would ask every Member of Congress and I would ask everyone who is listening across the United States to take a look at H.R. 98 which is a bill that Silvestre Reyes, a very respected Democrat from El Paso, who is a former Border Patrol agent, and David Dreier, a Republican, former chairman of the Rules Committee, put together working with the men and women who actually have to control our frontier and control immigration, the immigration agents themselves. They put together a bill called H.R. 98, and it is so simple that there is no excuse for anybody not to support it, unless they think that there is an advantage to encourage illegal immigration.

In this bill, it says one thing. It says, let's get rid of the 37 different documents that anybody can prove they are legal to be in the country to work. Let's go down to one simple document, a tamper-resistant Social Security card to allow Americans and foreign nationals alike to prove that a Social Security number that they are required by law to provide for employment is actually their number and not one that they have taken or 20 of their buddies have taken from somebody else and are using because they have stolen a Social Security number. One document for any employer to know to check, to be able to verify electronically that whoever is in front of them is qualified to work in the United States. Because it is essential that we give employers a simple, verifiable way of knowing who is legal and who is not legal so that we can do what I think Democrats and Republicans who really care about America can do together and, that is, crack down on the employers who knowingly hire illegals. We all know who they are, we know where they are, and we need to eliminate the excuse for hiring illegals. We need to start cracking down on that.

I just ask that when we get into this issue, let's not talk about amnesty, let's not talk about excuses for rewarding people for illegal immigration, let's talk about working together and cracking down on the illegal employers, making it clear that if you want to come to this country and work, then you come here legally, you play by the rules, you get rewarded for that.

□ 2110

So, Mr. Speaker, a lot of people may not know, but I am privileged to have a mother who is a legal immigrant who came back to this country back in the 1940s. And as she reminds me so often, everyone who rewards illegal immigration is insulting those immigrants who came here and played by the rules. Anybody who talks about giving amnesty or any reward to those who have violated our immigration law is insulting the hard work, the patience, and the perseverance to be a legal immigrant and everyone who has played by the rules and stayed within the law.

So, Mr. Speaker, I would like to say tonight that every Wednesday night we are going to try as the Immigration Caucus to give a report to the American people about what is going on with the immigration issue. It is something that politicians have ignored for too long, but it is something that the American people are demanding that we finally address if we want to stay in this city representing the people.

So tonight I appreciate the time to be able to address this issue.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes.

Mr. ALTMIRE. I thank the Speaker for this time, once again allowing us to begin the 30-Something Working Group.

We have a lot of issues to talk about. And as everyone who has followed the 30-Something Working Group over the years knows, this is our attempt to let the American people know what is happening in their Congress and what the issues are that are being discussed, and we have requested some time here to be able to go into some detail on what these issues are. And I wanted to start today by talking about the situation at Walter Reed, which I know is a subject that is of great concern to everybody in this Chamber, and it is certainly the issue that I am hearing the most about as I travel around my district. And if we have some time after we conclude that discussion, we may move on to some other issues.

But I wanted to start by talking about the situation at Walter Reed. And I have put up here for my colleagues to take a look at the Newsweek cover from this week, and we see here that this is a national story. It is the number one story in the country, and it tells the story about how we are, unfortunately in many cases, failing our wounded. You can see it on the cover.

What we are talking about with the situation at Walter Reed is we have brave men and woman who are fighting for this country, who are putting their lives on the line, who are making every possible sacrifice, and they are coming home in need of medical treatment, in many cases serious health situations, long-term medical problems, and we have not seen the best quality of care that those men and women deserve. And the situation that has been uncovered recently at Walter Reed is something that was uncovered by a Washington Post exposé. It wasn't brought to light by the people at Walter Reed, it wasn't brought to light by elected officials, it wasn't brought to light by anyone except for a series of newspaper articles.

There are two issues that we need to discuss. The second of those issues is, why did it take a Washington Post news article before people started to talk about this issue, before people started to be held accountable for this issue? Which, as I am going to talk about in the time line of events, for those of you who may wonder how this all came about, what were the complaints, how long has this situation been known, we are going to walk through that entire time line tonight. But the second issue is, why did that Washington Post news article become the first source for all of this to happen?

The number one issue that we need to deal with as a Congress and that we can promise the American people that we are going to deal with is we need to find a solution to this problem right now. We understand there is a situation that needs to be resolved. And to be candid, the American people aren't calling for another blue ribbon panel that is going to take a 2-year study and issue a report that is 2½ inches thick and sit on somebody's desk before anything happens. They want results right now.

We need to go into every military and veterans health care facility in this country and make a determination: Are the conditions substandard? Are there actions that need to be taken? And, if so, let's deal with that immediately. Let's not wait for the course of a long-term study. There is going to be room for that and there are going to be people held accountable, and that is not to say that we are not going to work hard to detail every single fact of how this came to be. But the most important part for our military men and women who were promised quality health care when they signed up is we need to restore their confidence and their trust in the system, which right now, justifiably, is lacking. Because we have military men and women every day who are coming back, not just to Walter Reed, but all across this country to Department of Defense facilities, and veterans who have put their lives on the line who are coming back and using the VA health care system and finding that the care in many cases, as has been described with Walter Reed, is substandard. This is outrageous and this is unacceptable, and this Congress is going to take the appropriate action to make sure that these things are taken care of and they do not happen again.

So, again, the two issues: Number one, fix the problem now; number two, let's get to the bottom of why it took so long for people to be held accountable and for us to get to the point where this situation was known to the American people and especially to our brave men and women.

So I do have a time line of events that we in the 30-Something Working Group are going to turn into a chart which we will be able to display at one of our future meetings, but now I did just want to read some of these things that have happened in the past.

In mid-to-late 2004, a very senior Member of this Congress, with his wife, announced that he was going to stop visiting Walter Reed out of frustration. He said he had voiced his concerns about what he was seeing to his commanders, including Major General Kiley, over the troubling incidents that he had witnessed. And this, again, is a very senior Member of this Congress, said his efforts were rebuffed and ignored. And he has a quote that says when he brought problems to the attention of Walter Reed, he was made to feel very uncomfortable. Now, that is unacceptable, and that was 2½ years ago. So right there we have a very senior Member of Congress voicing concerns and being ignored.

In November 2005, the Congress was then of course controlled by the Republican Party, and the House Veterans' Affairs Committee announced that, for the first time in at least 55 years, veteran service organizations would no longer have the opportunity to present testimony before a joint hearing of the House and Senate Veterans' Affairs Committee. So in November of 2005, we had an announcement from this Congress, then under Republican control, that we would not be investigating any situations and there would be no forum to bring before Congress complaints about what we were seeing at Walter Reed.

The pattern continues. In September of 2006, 13 Senators sent a letter to the Senate Appropriations Committee to preserve language in the House Defense Appropriations bill that prohibits U.S. Army from outsourcing 350 Federal jobs at Walter Reed Medical Center. This is September of 2006. A similar provision was defeated by a close vote in the Senate of 50–48 during the bill's previous consideration.

Also in September of 2006, and again for my colleagues watching we are going to have a chart that will illustrate this and it be visible. But in September of 2006, Walter Reed awards a 5-year, $120 million contract to IAP Worldwide Services, which is run by a former senior Halliburton official, to replace a staff of 300 Federal employees. So those employees were replaced in September of 2006, despite the fact there had been to that point complaints by very senior Members of Congress about what was happening at Walter Reed.

□ 2120

I would pause there to ask my colleague from Connecticut, Mr. MURPHY, if he is ready to weigh in on this issue. And if not, I can certainly continue down the time line.

Mr. MURPHY of Connecticut. Thank you, Mr. ALTMIRE. I want to let you get back to the time line because I think it is important for people to understand where this started, and to talk a little bit about where we are going, because so much of the news these days is filled with bad news, bad news for our veterans, bad news for the security of our country. And we talk about that a lot here. Mr. ALTMIRE, as you know, this place focuses on crises often and on bad news.

The good news is that things are changing. The good news is that there is a commitment now to make up for the wrongs of the past. But it is fairly mind-blowing to people out there to think that it took The Washington Post to uncover what was happening in our veterans system. Because, Mr. ALTMIRE, as you know, veterans back in our districts, back in Pennsylvania and in Connecticut and throughout this country, have known what is going on with veterans for years. I mean, they have been down here in Washington, DC, month after month, year after year trying to tell this Congress that there are waiting lines for care; that the conditions are often substandard because of years of neglect in capital improvements; that they simply don't have the access to the funds necessary to pay for the rising premiums and rising copays.

And before this story in The Washington Post broke, you, Mr. ALTMIRE, and those of us in the 30-Something Working Group were yelling about this on the House floor. We got here with that mandate, to change things.

So you are going to run through, I think, some fairly amazing comments from some of the soldiers and staff at Walter Reed Hospital in terms of what they have been dealing with over the past several years. But we just need to remind people out there that you can't absolve this former Congress in the last 12 years from the catastrophes that we are uncovering within our medical system, specifically, in this case, within our veterans medical system simply because The Washington Post didn't get around to writing about it until last month, because if you were back home listening to this, you heard it time after time again.

I mean, here is the thing. We are talking about a substandard level of care for our veterans. We should be talking about the gold standard of care for our veterans. And we shouldn't be talking about just lifting up Walter Reed Hospital so that it meets the standards of dignity that every other hospital in our health care system abides by. We should be talking about raising up veterans care so that this is the highest standard. It is what everyone else in the medical community and the provider community seeks to meet. The people coming home from Afghanistan and Iraq, people coming home from Vietnam and previous engagements should come home to the best care this country can provide, Mr. ALTMIRE.

And I would like to yield back to you so you can continue to tell the story of what we have found at Walter Reed hospital.

Mr. ALTMIRE. Thank you, Mr. MURPHY. And I wanted to, before getting into some of the quotes that the men and women who have been in Walter Reed have, over the course of time provided, I did want to continue down the time line. And I had left off with the 5-year, $120 million contract that was awarded to a former Halliburton official which led to the replacement of 300 employees at Walter Reed.

And I wanted to, then, quote from a New York Times article about that issue. It said: "The prospect of privatization at Walter Reed led to a large exodus of skilled personnel after the Army reversed results, actually changed the results of an audit conducted that government employees could do the job more cheaply."

So they had done a study that showed that things could be done in that manner. But they decided to reverse the results and move in the direction that we have described. And we have, unfortunately, seen the results.

I will move in, now, to some of the quotes. And it is troubling, I will tell my colleagues who are watching, to hear some of the complaints that were made. And I would remind, again, that in 2005, the Republican leadership of this Congress made a decision that they were going to not hold the joint hearings on this issue to allow some of these things to be brought to the attention, not only of the Congress, but of the American people. And it is unfortunate what the result has been, that 2 years went by and these things continued, and these quotes are the result.

And I am going to refer my colleagues to this chart as I am reading: "The mold, mice and rot at Walter Reed's Building 18 compose a familiar scenario for many soldiers back from

Iraq or Afghanistan. Soldiers and veterans at other facilities report bureaucratic disarray similar to Walter Reed's. Indifferent, untrained staff, lost paperwork, medical appointments that drop from the computers, and long waits for consultations."

And what this describes, unfortunately, is that the problem at Walter Reed is not unique to Walter Reed, but it is a systemic problem across the country's military and Veterans Affairs facilities. And that is very troubling to me.

I have three VA hospitals in western Pennsylvania, one of which is in my district. And it is undergoing a $200 million renovation right now. And I am hopeful that we will, at that time, have the premiere Veterans Affairs highest-quality facility in the entire country.

But the systemic problem facing our military health facilities and our Veterans Affairs facilities is shown by some of these quotes. So, again, my colleagues want to refer to this chart. From California, this says: "The room was swarming with fruit flies, trash was overflowing, and a syringe was lying on the table." That is from a facility in California.

From a facility in Fort Knox, Kentucky: "The living conditions were the worst I had ever seen for soldiers. Paint peeling, mold, windows that didn't work. I went to the hospital chaplain to get them to issue blankets and linens. There were no nurses."

So as troubling as the situation at Walter Reed is for those of us who are now delving into the details and learning the unfortunate facts, it is even more troubling to think that these are problems that are happening all across this country.

Mr. MURPHY of Connecticut. Mr. ALTMIRE can you yield for a moment? Because I want to talk about, as these revelations were coming out in The Washington Post and in articles that followed, this administration had a choice to make. They could open up this issue and they could allow for a vetting of these problems and put them out in the open air and come together, as Republicans and Democrats, to solve them; or they could try to paper over it and cover it up.

And some of the most disturbing things that have happened in this sequence of events, which are a little bit later on your time line, is what happened after these revelations came into the light. We know that in the days following that article that the soldiers at Walter Reed were told that they couldn't speak to the media about what was happening.

We know that the Government Reform and Oversight Committee, which I sit on, had to subpoena the former head, the fired chief of Walter Reed Army Medical Center after Army officials told him that he couldn't come testify at the hearing.

And so I am so thankful that we have a majority now in charge of this House which is actually going to do the work to uncover, I hope, not too many more abuses that we haven't already seen in the newspaper reports that have come out. But the fact is that right now we don't have an administration that is helping us try to correct this, Mr. ALTMIRE. And it makes our job even harder; but makes me, I think, and I think the American people are in the same position, that they are thankful that there are people here doing that work.

Mr. ALTMIRE. Well, the level of frustration I think that we are all feeling builds every day as more of these facts come out. And I think the most upsetting part is the fact that these are situations that were known within the military health apparatus, and nothing was done about it.

Complaints were made from patients. Complaints were made from families. Complaints were made, as I talked about earlier, not just from Members of Congress, but from very senior and influential Members of Congress, all of which were ignored.

And continuing with our around-the-country look at some other things that have happened, if my colleagues could refer to this chart.

☐ 2130

This comes from Fort Campbell in Kentucky where they said: "There were yellow signs on the door stating that our barracks had asbestos." This was an open and operating military facility.

From Fort Irwin in California: "Most of us had to sign waivers where we understand that the housing we were in failed to meet minimal government standards."

It is very troubling for me, and I am sure for my colleagues listening, to read and to hear these quotes and think of the fact that there is no group of people that should stand ahead of our men and women in the military and our military veterans when it comes time to allocate Federal resources. And we have a Federal budget that is approaching $3 trillion, and we certainly spend a lot of that on the Defense, and rightly so, Department of Defense. And to hear these situations taking place, it is just very upsetting.

So, continuing, for my colleagues, to refer to the chart again: "Behind the door of Army Specialist Jeremy Duncan's room, part of the wall is torn and hangs in the air, weighted down with black mold. When the wounded combat engineer stands in his shower and looks up, he can see the bathtub on the floor above through a rotted hole. Signs of neglect are everywhere. Mouse droppings, belly-up cockroaches, stained carpets, cheap mattresses."

And I will move to the last chart we have with these quotes, and then we can discuss it a little further. This is from building 18, which is the subject of the Washington Post report on Walter Reed which began this whole investigation: "Life in building 18 is the bleakest homecoming for men and women whose government promised them good care in return for their sacrifices. 'I hate it,' said one soldier, who stays in his room all day. 'There are cockroaches. The elevator doesn't work. The garage door doesn't work. Sometimes there is no heat, no water.'"

Well, I do want to assure my colleagues and the American people and reiterate what I said earlier that by far the more important thing here is fixing the problem. We have outlined, I think, in pretty graphic detail what the problem is and the scope of the problem. We are not just talking about one facility at Walter Reed, although that has been the source of the beginning of this story. We are talking about facilities all across this country. And we do need a top-to-bottom review of every single facility. Let us find every problem that exists and let us fix it right now. That is the number one issue.

And we are not as interested in casting blame in this situation. There is no question people need to be held accountable for this problem. And the hearings that we have had and the hearings that this Congress is going to continue to have with the Armed Services Committee, with the Veterans' Affairs Committee and with the Government Oversight Committee, we are going to get to the bottom of how this could possibly have happened, why it happened, who is responsible and who should be held accountable. But, again, that is the secondary issue. The primary issue is fixing the problem now. And I want to assure the American people, as I am sure my friend Mr. MURPHY does, that this timeline that I was reading from is going to stop in March 2007, as far as the situation being ignored and the situation not being brought to light. This is a new day. It is a new Congress. And we are going to take action. And it is unfortunate, and I am regretful that it took this long. But we are here now, and the situation that we are describing is not going to be easy, but we have a commitment in this Congress for Members like Mr. MURPHY and myself that place no greater priority than finding the resolution to this problem and to our Nation's military men and women.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, you hit it right on the head. It is, fix the problem, hold people accountable, in that order. We need to start holding people accountable here. I think that is a lot of frustration that led to you and I coming here and 40 or so of our fellow new colleagues here. I think a lot of the impetus that brought us here was this sense that nobody was being held accountable for what was happening in the government, whether it be the failure of our military strategy in Iraq or whether it be the failure of many of our domestic programs here at home.

So we have got to keep the focus and the light of this place on finally holding this administration and the people in it and, frankly, even Members of this legislature accountable for their actions. But we have got to fix the problem first because people didn't send us here just to investigate and hold hearings and put out subpoenas. They want that responsibility of Congress to come back. They want us to fulfill that constitutional obligation. But they sent us here to get stuff done. And that is the miracle of what has happened here over the last 2 months is that we are fixing problems. We are not just talking about it. We are actually doing what we are saying.

The first 100 hours was all about that, Mr. ALTMIRE. It had to be for the two of us one of the proudest moments of our life to be here joining hands with many of our Republican colleagues and for the first time making this place work again. Passing new bills to fund higher education, reforming the Medicare prescription drug law, investing in stem cell research; doing it with Democrats and Republicans, making this place work again.

So here is the thing. We proved we can solve problems. We proved that we can work as Republicans and Democrats to fix things. And maybe we are confronted with our biggest problem; not just what we have uncovered in our veterans' system, what people like you and I have known for years, but the greater quagmire which exists in our military today in the situation we have got ourselves in Iraq. But we need to take both of these on, fix the problems to the extent that we can, and then hold people accountable because what we know is that we weren't ready for this war. We weren't ready for this war with the equipment, the trucks and the kits we needed for our troops. We know that, when this war began, we were $56 billion underfunded within the Army for the equipment that they needed. We know that, after the invasion, it took 18 months for American soldiers to receive body armor; 18 months of being on the front lines before they got the body armor that they needed. And we know the health care system wasn't ready for the legions of troops that came back.

I think I shared this on the floor the other night: A group of veterans came into my office and shared with me a statistic that was as interesting as it was sobering, that in conflicts earlier in this century, on average three wounded soldiers came back for every soldier that died on the battlefield. Today 16 soldiers come back wounded for every soldier that dies on the battlefield. And that is due to some of the advances in armor protection equipment. It is also due to the miracles of modern medicine and the response time that our medics and doctors in the field are able to perform.

But it means that we have more people coming into our hospitals with more complex, more lasting injuries. They need better care, and they need faster care. And it appears that no one at the outset of this war was thinking about this problem ahead of time. They weren't preparing our military for battle. They didn't have a plan to occupy that country. They didn't think, it seems sometimes, more than a few seconds about the political realities that would emerge on the ground as we invaded Iraq. And now it turns out they also didn't think about what to do with the veterans when they come back.

Mr. ALTMIRE, I never served in the military. I never fired a gun. I have never been shot at. I get to serve in this Chamber on a cold night like tonight in Washington, DC, in a nice, heated place indoors because my contemporaries, my classmates made a different decision. They decided to go overseas and protect this Nation. And there isn't a day that I get up that I am not grateful for the decision that my friends and my relatives and my classmates made to allow me to serve this country in a very different manner. So as unfathomable as it is to me to think about what it is like to be on the ground in Baghdad today, to have veterans comparing their experiences in our own domestic veterans' health care system to the situations that they faced on the ground in Iraq is unconscionable to me. Think about what it must be like to come back to this country maimed, injured, perhaps with legs, arms amputated, and to enter a system with flies, with garbage, with syringes. I mean, we know what is happening with soldiers coming back with PTSD and other mental health issues from what they have seen on the battlefield, and to think that we are putting them into a system which not only abuses the sense of honor that we should have for those that come back. We should be celebrating them rather than putting them in these conditions.

□ 2140

But I am sure it aggravates what must be an unbelievably complicated transition back to life here in the United States. We need to start honoring their service again. And God forbid we ever have to engage in another military action in this country again. God forbid we have to send our brave young men and women overseas to fight.

You know that in our lifetimes we will see that moment. We hope we don't. We hope we are wise enough in this Chamber to prevent another foreign engagement from happening, but the chances are that you and I may vote sometime during our service here to do this again.

We better get it right that time. We better make the investment up front to make sure they are safe when they head over to that battlefield, and when they come home, the services are there for them.

We are going to fix it. We are going to fix it and hold people accountable, and we are going to do it in that order. The American people for a long time maybe didn't have confidence when people stood up here and said there is a problem and we are going to do something about it. In this Congress, that is going to be our hallmark. We are going to be able to go home in the coming weeks and months and tell people that what you read about, whether it be in Newsweek or the Washington Post, is going to be taken care of.

Mr. ALTMIRE. Mr. Speaker, I thank the gentleman. You talked about investments, making investments in our troops and making investments in our veterans. As you know on this 30-Something Working Group, I have spent a lot of time talking about our Nation's veterans and our VA healthcare system, and I am going to spend a lot more time talking about our VA healthcare system, because, as I said, there is no group that should stand ahead of our Nation's veterans when it comes time to make funding decisions.

I wanted to talk a little bit about the decisions that have been made in past years. We have talked about this before, and I have another chart here that I would like my colleagues to take a look at. This is the underfunding, the chronic underfunding of the VA healthcare system.

We have talked before about the fact that President Bush has delivered seven State of the Union addresses now and he has only mentioned veterans healthcare in one of those seven State of the Union addresses.

I think as a Congress we have a responsibility when we talk about supporting our troops and we talk about supporting the brave men and women who we are sending off to battle, who were promised quality healthcare in the VA health system when they signed up, we have an obligation to fund all of them at levels at which they can obtain this quality healthcare.

So let's take a look at what has happened in recent years. I refer to the chart.

In January of 2003, President Bush's budget cut veterans healthcare and eliminated 164,000 veterans from the roles of eligibility for VA healthcare. That was in January of 2003.

In March of that same year, this Congress's budget, the Republican budget that cut $14 billion from veterans healthcare, passed. 199 Democrats voted against it in this Chamber, but, unfortunately, at that point the

Democrats were in the minority and they couldn't prevent these cuts. We have seen what the result has been of that $14 billion cut.

In March of 2004, the Republican budget that shortchanged veterans healthcare by an additional $1.5 billion passed Congress, and this time 201 Democrats voted against it. But, again, being in the minority, Democrats were unable to prevent those cuts, and we have seen the result.

In March of 2005, continuing, President Bush's budget shortchanged veterans healthcare by an additional $2 billion for 2005 and cut VA healthcare by $14 billion over the next 5 years. 201 Democrats voted against that.

So I think, Mr. MURPHY, you would agree that you see a trend developing here over time of just cut after cut after cut to the VA healthcare system, and that is, A, not fair and not just, but it is also not sustainable, without encountering the types of problems and the systemic difficulties that we are seeing across the VA healthcare system.

So in the summer of 2005, after serious Democratic pressure, months and months of pressure and warnings that the shortfall was going to be detrimental to the VA, the Bush administration finally acknowledged that their previous budgets had been inadequate and the shortfall had been $2.7 billion. The Democrats fought all summer to get this resolved. It is a disgrace that it had to come to that. We never should have been in that position.

Then, after months and months of this discussion, in March of 2006, almost a year earlier from today, President Bush's budget cut veterans funding by an additional $6 billion over 5 years. Keep in mind, this is in the context of not mentioning veterans in his State of the Union addresses when he comes before this Chamber and outlines to us what his priorities are within his budget for the coming year. Veterans are not even mentioned. And I can see why. I wouldn't mention it either, if I had the same type of record on veterans healthcare as the President has. So in March of last year he proposed $6 billion in cuts over 5 years.

Well, something happened in November of 2006. As we all know, the American people spoke up and said they were fed up with this and weren't going to take it any more. I know I heard loud and clear throughout my campaign and certainly on that election day in November that veterans funding was a big part of why the American people were frustrated with the decisions of this administration and the decisions of this Congress up to that time.

As we have talked about many times, I said that my number one priority in considering the budget for the current year, which was left undone by the previous Congress, was veterans healthcare funding. I said I would never support a budget that did not at least maintain the current level of services for VA healthcare funding in the continuing years, and certainly in the current year.

Thankfully, under the new leadership in Congress we passed a budget for fiscal year 2007 that increased veterans funding by $3.6 billion. I won't go back and read the numbers again, but you remember hearing about a lot of billions of dollars of decreases, $14 billion over 5 years, $6 billion additionally over 5 years in previous Congresses.

The first budget we had to pass in this Congress, in the climate of enormous pressure for fiscal responsibility, we had to cut over 60 programs to find the room in the new pay-as-you-go budget scoring to pay for this, because we are not running the country on a credit card as we have in years past. We are fiscally responsible and we do have an obligation to find the funding to pay for our priorities. And we did that. We found $3.6 billion to increase funding for veterans healthcare.

I think in the time to come, very shortly you are going to see a further demonstration, a very strong demonstration from this Congress in a very difficult climate of our commitment to funding VA healthcare. That is going to be something that we are able to demonstrate to the American people, and to keep our promise to do what we said we were going to do and to do what the American people expected us to do.

But the unfortunate reality, Mr. MURPHY, is that these funding cuts from the past have had a terrible effect on the institutions, both in the VA and also the lack of attention in the Department of Defense health facilities, and has led to some very, very serious problems, as outlined by the Washington Post. But those issues have consequences, and they are in the past. We have a responsibility now in the new Congress as leaders and as the elected group from the American people that is charged with dealing with this to take action. As we have said many times tonight, we are going to take action.

□ 2150

Mr. MURPHY of Connecticut. Mr. ALTMIRE, we have to look at veterans' health care, care for our wounded as part and parcel of the cost of the war. The cost of the war is not just troops on the ground, the equipment, the weapons. The cost of the war is all of that, which, of course, runs into the billions, racking up hour by hour, day by day, but the cost of the war also includes top rate, gold standard care for those troops when they return to this country.

Sometimes you talk about the cost of the war and veterans' health care. They are in kind of different silos in Washington speak, and we are figuring out how Washington talks versus the rest of the world.

Out there, what our veterans and soldiers talk about is a cost of battle, a cost of sending our troops overseas, which includes making sure, when they come back to this country, they get everything they need. That is part of our challenge. We came down here I think, not to speak for both of us, but to sort of change how Washington thinks about this world and start making it match up with the reality out there in our communities. We sat there for the last 2 years campaigning to get here, listening to people screaming and yelling about rising energy prices. We listened to families talk about how they couldn't afford to send their kids to college, and we heard seniors talking about how the Medicare prescription drug bill does not work. And they watch Washington do nothing about it. There is a disconnect that has happened over the past 12 years, and certainly over the last 6 years especially, and how people talk about their problems in the world and how Washington views them. There is no better example than veterans' health care.

To veterans and soldiers, the cost of the war includes taking care of soldiers when they return to the United States. We have to make people understand that again.

We sat for that very long debate about the escalation of the war. We listened to the people on the other side of the aisle make a ridiculously simplistic argument. They said, to support the troops, you must support the commander of the troops. Part of supporting the troops has to be supporting everything he asks you to do. You can't make an independent judgment about whether what he wants is right or wrong; you simply have to line up with him, or we are going to tell you that you are not supporting the men and women who fight for this country.

We know that is wrong. We know that the American people don't believe that, and we know this election was in part about separating what is right for the troops, the country and what the President has asked them to do and has vastly under-equipped them to do.

But you just detailed maybe example number one where what the President's policies are over the past several years has been the exact opposite of what is right for our troops, cuts to veterans' health care, increases in premiums. That is as bold and plain and simple and concise as you can make it.

You can't stand here and say, in order to support the troops, you have to support the President when the President puts forth a budget, year after year, budgets that don't do justice for the veterans who return.

I think the American people have weighed in on that issue on whether or not we need to support the President on everything he does in order to support the troops, but there is yet another example.

Mr. ALTMIRE, I think we also have to talk about the issue of accountability here. Here is the problem, is that our military is stretched thin right now. This isn't just about supporting the troops; it is about supporting the generals that oversee those troops and supporting the commanders who are struggling to do more with less.

Let me read a quote from General Peter Schoomaker, the Chief of Staff of the Army. He says, "To meet combatant commanders immediate wartime needs, we pooled equipment from across the force to equip soldiers deploying in harm's way. This practice, which we are continuing today, increases risk for our next-to-deploy units and limits our ability to respond to emerging strategic contingencies." This was from a Washington Post story.

That is a pretty amazing statement to come from our Nation's top military brass. To come out on the record, flying in the face of what the President is telling the American people and saying that we are endangering the lives of our troops by overextending the limits of our equipment and our machinery within our Armed Forces.

So we also have to force the military commanders who are desperately trying to do the right thing with a very flawed policy and with an administration which pays no attention to the root causes of the insurgency which puts our forces in harm's way and who doesn't give the Army the resources they need to fight this battle and obviously doesn't treat the soldiers the way they need to be treated when they come home.

This is about supporting our troops and about supporting our commanders and about supporting our Armed Forces in general. They are being asked to do so much more with so much less. This is no secret. When we come and vote on the supplemental request from this President, you better believe that Members on this side of the aisle are going to make sure that there is a historic commitment to veterans, just like there was in the continuing resolution. We have to make that a priority in this new authorization of funding because we are beginning to talk like everybody else talks out there. We are beginning to understand that the cost of this war is the money that it takes to fight the battle on the streets of Baghdad, but it is also the cost of taking care of those soldiers when they come home.

Mr. ALTMIRE, you underplay your effect on that discussion. You were a real hero on that issue of making sure that the veterans' care and funding were in that continuing resolution. I hope people back in your district understand what you did on that issue to ensure that those funds were part of that continuing resolution.

Mr. ALTMIRE. I appreciate the gentleman mentioning that.

I wanted to finish the time line. I want to make sure to get that in before we run out of time here, and then maybe move on to one other issue.

In September 2006, we talked about the replacement of the 300 employees by the former Halliburton official.

In October 2006, the Secretary of Defense's wife, Joyce Rumsfeld, the then-Secretary of Defense, was taken to Walter Reed by a close friend who was also a Walter Reed volunteer. When hospital officials found out that this was the case, Mrs. Rumsfeld's friend was banned from entering or continuing to volunteer at the hospital.

So the implication was they did not want them to see what was happening at the hospital. That is from a Washington Post article. I would not have mentioned that were it not printed in the Washington Post, that the Secretary of Defense's wife had a close friend volunteering at Walter Reed, and they were asked not to continue volunteering, again the implication that they would not like what they would be seeing there.

Then, moving to February 4, 2007, getting up almost to current time. The number of Federal employees providing facilities management services at Walter Reed by this time, a month ago, had dropped from 300 to fewer than 60. This is before The Washington Post article came out, immediately before. The remaining 60 employees, 50 of them were private workers. That is from the Army Times where we get those statistics.

And then everything begins to change.

February 19, The Washington Post exposé comes out detailing mistreatment of veterans and housing on the grounds of Walter Reed Army Medical Center. That is the turning point. Unfortunately, we heard about the 2004 visit and the complaints registered by a senior Member of Congress. We heard, in 2005, the then-Republican Veterans' Affairs Committee chairman announced they were not interested in hearing from our Nation's veterans anymore; they were not welcome to address the committee to talk about some of these issues.

The Washington Post article comes out February 19, one week later, February 26, the soldiers at Walter Reed Army Medical Center were told that they were to wake up at 6 a.m. every morning and have their rooms ready for inspection at 7 a.m. This was new. More importantly, they were told that they were no longer allowed to speak to the media. I think we can see why that is.

So that is the time line of events leading up.

Let's look at what has happened this week. This is Wednesday, March 7.

Well, on March 5, in the new Congress here, the House Oversight and Government Reform Committee began holding hearings to investigate the Walter Reed scandal; again, in the context of the previous Congress, that was unwelcome.

March 6 and 7, yesterday and today, the House Veterans' Affairs Committee held hearings on the Walter Reed scandal, and today there was also an Armed Services Committee hearing. So we have three separate committees looking into this, actively reviewing the situation and actively looking for answers and actively looking for results.

□ 2200

So I would refer, once again, anyone interested in learning more about this story to the Newsweek article, and I once again put this chart up. It is a great article. It gives a good summary of the situation, and I would ask the American people and our colleagues to just continue to seek answers. We are going to do our best to get to the bottom of this. We are going to do our best to make sure that this system is resolved, and unless Mr. MURPHY wants to talk about this, I was going to, in our short time, move into one other issue because it is budget season.

Mr. MURPHY of Connecticut. Sure.

Mr. ALTMIRE. And we actually had booked this time to talk about the budget, and then these issues were developing this week.

Mr. MURPHY of Connecticut. Let me highlight one thing before we leave this subject. This is going to be a chart that we might see a few more times on the 30 Something Working Group hour here.

I just want to make sure the people know we are back to business here. This is 81 hearings that have been held on issues related to the Iraq War this year. I mean, you go through the list just the week right after we got back from recess, the last week of February, on Tuesday, the 27th, two hearings; on Wednesday, the 28th, five hearings; on Thursday, the 1st, three hearings.

Now, that may seem like a lot. It seems like, well, what is Congress doing with all these hearings. There was so much work to be done to uncover all of these abuses. I think that is going to kind of level out over time, but right now we needed to get back to the work of starting to do some oversight when it comes to this war, to start uncovering many of these abuses. We will continue this chart going forward.

This idea that you presented that we have got two jobs, fix it and hold people accountable, we are doing both. This continuing resolution that kept the government running had historic levels of funding for veterans care. I think we are going to be able to do something similar with the supplemental authorization that we will vote on in the coming weeks.

But we are also doing that second part, which is holding this administration accountable, to make sure that it does not happen again, because I do not want to be here a year from now just trying to play catch-up and plugging all the holes that this administration creates. I actually want to solve the problems and make sure that competent people get into places that matter in this administration.

I want to make sure that the President starts putting budgets before us that make sense so that these oversight hearings, 81 hearings that have been held already in this Congress, are going to start to get us there.

That is maybe the moment to turn. We have got a few minutes left to talk a little bit about this budget.

Mr. ALTMIRE. That is a chart that we are going to be seeing a lot more of, and I did want to make one point about that.

Those 81 oversight hearings on what is happening in Iraq, those are not make-work hearings. Those are not hearings just to hold hearings. Those are serious issues that this Congress is looking at.

Mr. MURPHY of Connecticut. I sit on the Government Oversight and Reform Committee, and in that committee, we found out that we sent $9 billion in cash over to Iraq, on pallets, handed it out in duffel bags. We found out that when we were subcontracting to these subcontractors to do security, they subcontracted again, and they subcontracted again, and everybody takes a little money off the top every time. We did not know. We had not heard about any of that until we started doing hearings.

So you are exactly right. Hammer that point home. This is not doing hearings for hearings sake. This is doing hearings to uncover the waste, fraud and abuse that has been happening in this government. This is my taxpayer dollars. This is my neighbor's taxpayer dollars that are going down the drain with some of these programs. This is real stuff.

Mr. ALTMIRE. This is in the context of being told, the American people were told, that the oil proceeds in Iraq would pay for the cost of the war. You have a couple of issues. One is the oil proceeds. We do not have any accounting of where a lot of them are going. They are disappearing into the black market. They are certainly not paying for the cost of the war.

The second issue is, we have paid almost $400 billion as a Nation on the Iraq War of our money, the American people's money, and as you have outlined, we have lost billions of dollars in Iraq that is completely unaccounted for. You certainly know about that from the Government Oversight Committee, and I am sure we will talk more about that.

In just the few minutes that we have remaining, about 4 minutes remaining, I did want to talk about budget season. Here we are in the spring, and as our loyal constituents and people who follow the 30 Something Working Group will know, we do talk about the budget at some length and rightly so, because the budget has not been managed well over the past 6 years.

We have an administration that came into office. We had just had four consecutive years of budget surpluses that were forecast as far as the eye can see, and in the last 6 years, we have had six consecutive budget deficits that are now forecast as far as the eye can see. There has been a $9 trillion swing in the 10-year forecast from a $5.5 trillion surplus over 10 years to a $3.5 trillion dollar because of the fiscal mismanagement that we have seen over the past 6 years. The President just submitted to us his 2007 out-of-balance budget.

So I will use this as a teaser for perhaps our next 30 Something Working Group because we will not be able to get into it as much as we would like, but for those watching, I would just say that we are going to talk at great length about some of these issues in the coming weeks.

We were going to talk about foreign-held debt today, and I have a chart that I would refer my colleagues to. This President has added more than $1 trillion of foreign-held debt to America's balance in just 6 years. He did more than his 42 predecessors combined in just 6 years. The history of the country up to his administration had put less in foreign-held debt than he did in just 6 years.

So let us take a look at who is holding this debt. I get this question all the time because I talk about the deficit and the debt and who is holding it. Japan holds $644 billion in American debt right now. China holds $350 billion of American debt. That is after only 1 year earlier it was $250 billion. So the Chinese have added $100 billion in American-held debt. The U.K., $240 billion, and you can see the other countries down here, Hong Kong is on there. Of course, they are now part of China. This was a historical chart.

So we have a lot of work to do to restore fiscal responsibility, but we are going to be talking in the weeks ahead in how we are going to do that with this Congress.

We have already taken the steps to move in that direction with the pay-as-you-go budget scoring, and you are going to see some things happening with the budget that have not been done in 6 or 7 years because we do have a responsibility to be fiscally responsible. The American people sent us here to do that.

So with that, I would ask Mr. MURPHY if he does not have any comments, he has got his e-mail chart there.

Mr. MURPHY of Connecticut. First of all, let me say that there is nothing that acts as a tantalizing teaser to whet the appetites of the American people than telling them if they tune in next time, we will talk about foreign-held national debt. That really gets people's blood pumping.

I cannot give the chart without letting people know out there that the clock is ticking. 365 days you have left officially in the 30 Something Working Group. Congratulations. Happy birthday today. I do not know why the rest of the Members are not here to celebrate.

Mr. ALTMIRE. I think they are out celebrating.

Mr. MURPHY of Connecticut. They might be having one of your behalf.

Mr. ALTMIRE. But thank you for saying that.

Mr. MURPHY of Connecticut. Anything we have talked about today, if people want to get more information about, they can e-mail us at 30somethingdems@mail.house.gov, and you can always visit www.speaker.gov/30something. One of these days when they go to that Web site, they will actually see our faces on there. Technology sometimes does not keep up with the changes in the House, but I am sure that our faces will be on that Web site, sooner rather than later.

Mr. ALTMIRE. I thank the gentleman and today is my birthday. It is my 39th birthday, and I was happy to spend it here with you tonight talking about the budget.

Mr. MURPHY of Connecticut. It is how every young boy hopes to celebrate their 39th birthday.

Mr. ALTMORE. That is right.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today after 4:00 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SARBANES) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, March 14.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. POE, for 5 minutes, March 12, 13, and 14.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 5, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 49. To designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building".

H.R. 335. To designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office".

H.R. 433. To designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building".

H.R. 514. To designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office".

H.R. 521. To designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building".

H.R. 577. To designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building".

ADJOURNMENT

Mr. ALTMIRE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, March 8, 2007, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2006 and the first quarter of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KUWAIT, IRAQ, PAKISTAN, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 25 AND JAN. 29, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Nancy Pelosi	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/25	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Hon. Ike Skelton	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Hon. Tom Lantos	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/28	Iraq				(3)				
	1/27	1/27	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Hon. Silvestre Reyes	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		610.00		(3)				610.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Hon. David Hobson	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		610.00		(3)				610.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Hon. Jack Murtha	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Hon. Nita Lowey	1/25	1/27	Kuwait		812.00						812.00
	1/26	1/26	Iraq								
	1/27	1/28	Pakistan		456.00						456.00
	1/28	1/28	Afghanistan								
	1/28	1/29	Germany		328.00						328.00
Michael Sheehy	1/25	1/27	Kuwait		812.00						812.00
	1/26	1/26	Iraq								
	1/27	1/28	Pakistan		456.00						456.00
	1/28	1/28	Afghanistan								
	1/28	1/29	Germany		328.00						328.00
Erin Conaton	1/25	1/27	Kuwait		812.00						812.00
	1/26	1/26	Iraq								
	1/27	1/28	Pakistan		456.00						456.00
	1/28	1/28	Afghanistan								
	1/28	1/29	Germany		328.00		(3)				328.00
Robert King	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Michael Delaney	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Kenny Kraft	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00
Betsy Phillips	1/25	1/27	Kuwait		812.00		(3)				812.00
	1/26	1/26	Iraq				(3)				
	1/27	1/28	Pakistan		456.00		(3)				456.00
	1/28	1/28	Afghanistan				(3)				
	1/28	1/29	Germany		328.00		(3)				328.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KUWAIT, IRAQ, PAKISTAN, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 25 AND JAN. 29, 2007—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					21,056.00						21,056.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

NANCY PELOSI, Speaker of the House, Feb. 28, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1, 2006 AND DEC. 31, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Loretta Sanchez (1 night at refugee camp)	12/26	12/28	Chad		524.00						524.00
Lodging in Sudan	12/28	12/29	Sudan		294.00				(3)		294.00
	12/29	12/31	Kenya		276.00				(3)		276.00
No lodging	12/31	1/1	Djibouti		252.00				(3)		278.00
	1/2	1/3	France		440.00						440.00
									10,464.44		10,464.44
Committee total					1,786.00				10,464.44		12,250.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BENNIE G. THOMPSON, Chairman, Jan. 12, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

732. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Summary of Joint Interim Rule with Request for Comment: Management Official Interlocks (RIN: 1557-AD01) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

733. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket No. 06-18] (RIN: 1557-AD00) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

734. A letter from the Secretary, Department of Labor, transmitting the Department's annual report to Congress on the FY 2004 program operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act for the period October 1, 2003, through September 30, 2004, pursuant to 30 U.S.C. 936(b); to the Committee on Education and Labor.

735. A letter from the Chair, Jacob K. Javits Fellowship Board, Department of Education, transmitting the Seventh Report to the Congress of the Jacob K. Javits Fellowship Program Board, as authorized by the Higher Education Act of 1965; to the Committee on Education and Labor.

736. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to VOC and NOx Emission Control Areas and VOC Control Regulations [EPA-R03-OAR-2006-0921; FRL-8282-9] received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

737. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule [EPA-HQ-SFUND-2006-0755, EPA-HQ-SFUND-2006-0758 EPA-HQ-2006-0760, EPA-HQ-SFUND-2006-0761, EPA-HQ-SFUND-2006-0762; FRL-8283-7] (RIN 2050-AD75) received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

738. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nonattainment New Source Review (NSR) [EPA-HQ-OAR-2001-0004; FRL-8283-9] (RIN: 2060-AM59) received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

739. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2006 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

740. A letter from the Secretary, Department of Education, transmitting the Department's Annual Report on Grants Streamlining, pursuant to Public Law 106-107, section 5; to the Committee on Oversight and Government Reform.

741. A letter from the Secretary, Department of Transportation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-01-01, the Department's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

742. A letter from the Secretary, Department of the Interior, transmitting the revised Strategic Plan for the fiscal years 2007 to 2012, pursuant to the Government Performance and Results Act (GPRA); to the Committee on Oversight and Government Reform.

743. A letter from the Assistant Secretary, Department of the Interior, transmitting in accordance with Section 647(b) of the Consolidated Appropriations Act, FY 2004 Pub. L. 108-199, the Department's Report to Congress on FY 2006 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

744. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2006-2011 Strategic Plan and FY 2006 Performance and Accountability Report, as required by the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

745. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Oversight and Government Reform.

746. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report on FY 2006 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

747. A letter from the Administrator, General Services Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Administration's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

748. A letter from the Chairman, National Endowment for the Humanities, transmitting pursuant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004 (Pub. L. 108-199), a report stating that the Endowment did not undertake any competitive sourcing activities in FY 2006, nor is

it conducting any such competitions in the current fiscal year; to the Committee on Oversight and Government Reform.

749. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal, "To make improvements to the Civil Service Retirement System and the Federal Employees' Retirement System, and for other purposes"; to the Committee on Oversight and Government Reform.

750. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

751. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the 2006 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302 (b)(2)(B) of the Magnuson Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

752. A letter from the Senior Counsel, Department of Justice, transmitting the Department's final rule — Implementation of the Private Security Officer Employment Authorization Act of 2004 [Docket No. FBI 112; AG Order No. 2796-2006] (RIN: 1110-AA23) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

753. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER and -135KE Airplanes; and Model EMB-145, -145ER, -145MR, -145MP, and -145EP Airplanes [Docket No. FAA-2006-25422; Directorate Identifier 2006-NM-095-AD; Amendment 39-14848; AD 2006-25-07] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

754. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. FAA-2006-25554; Directorate Identifier 2006-NM-123-AD; Amendment 39-14852; AD 2006-25-11] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

755. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 500 Airplanes [Docket No. FAA-2006-25086; Directorate Identifier 2006-NM-019-AD; Amendment 39-14847; AD 2006-25-06] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

756. A letter from the Progam Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11F Airplanes [Docket No. FAA-2006-26527; Directorate Identifier 2006-NM-220-AD; Amendment 39-14850; AD 2006-25-09] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

757. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2006-25920; Directorate Identifier 2006-NM-137-AD; Amendment 39-14851; AD 2006-25-10] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

758. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747-400D, and 747SR Series Airplanes [Docket No. FAA-2006-25327; Directorate Identifier 2006-NM-116-AD; Amendment 39-14842; AD 2006-09-06 R1] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

759. A letter from the FHWA Regulation Officer, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards [FHWA Docket No. FHWA-2005-23182] (RIN: 2125-AF16) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

760. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — Emergency Procedures for Public Transportation Systems [Docket FTA-2006-22428] (RIN: 2132-AA89) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

761. A letter from the Secretary, Department of Transportation, transmitting the Department's 2007 Annual Report on the regulatory status of the National Transportation Safety Board's (NTSB) "Most Wanted" Recommendations to the Department and its Operating Administrations; to the Committee on Transportation and Infrastructure.

762. A letter from the Secretary, Department of Transportation, transmitting the Department's 2006 Biennial Report to Congress and the National Transportation Safety Board on the regulatory status of open safety recommendations relating to several safety issues, pursuant to 49 U.S.C. 1135(d); to the Committee on Transportation and Infrastructure.

763. A letter from the Administrator, General Services Administration, transmitting informational copies of prospectuses that support the General Services Administration's Fiscal Year 2007 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

764. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY08, pursuant to 49 U.S.C. 24315(b); to the Committee on Transportation and Infrastructure.

765. A letter from the National Ombudsman and Assistant Administrator for Regulatory Enforcement Fairness, Small Business Administration, transmitting a copy of the Administration's Office of the National Ombudsman's Annual Report on Congress for fiscal year 2005; to the Committee on Small Business.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 219. Resolution providing for consideration of the resolution (H. Res. 202) providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress (Rept. 110-34). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Sam Johnson of Texas, Mr. Sessions, Mr. Davis of Kentucky, Mr. Bishop of Utah, Mr. Gary G. Miller of California, Mr. Jordan, Mr. Simpson, Mrs. Musgrave, Mr. Conaway, and Mr. Doolittle):

H.R. 1365. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on corporations; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Sam Johnson of Texas, Mr. Sessions, Mr. Kuhl of New York, Mr. Culberson, Mr. Davis of Kentucky, Mr. Bishop of Utah, Mr. Miller of Florida, Mr. Gary G. Miller of California, Mr. Jordan, Mr. Shays, Mr. Simpson, Mrs. Musgrave, Mr. Conaway, Mr. Manzullo, and Mr. Doolittle):

H.R. 1366. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. Ramstad, Mr. Abercrombie, Mr. Ackerman, Mr. Alexander, Mr. Allen, Mr. Andrews, Mr. Arcuri, Mr. Baca, Mr. Bachus, Mr. Baird, Ms. Baldwin, Mr. Barrow, Ms. Bean, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of Georgia, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boren, Mr. Boswell, Mr. Boucher, Mr. Boyd of Florida, Mr. Brady of Pennsylvania, Mr. Braley of Iowa, Ms. Corrine Brown of Florida, Mr. Butterfield, Mrs. Capps, Mr. Capuano, Mr. Cardoza, Mr. Carnahan, Mr. Carney, Ms. Carson, Ms. Castor, Mr. Chandler, Mrs. Christensen, Ms. Clarke, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cohen, Mr. Conyers, Mr. Cooper, Mr. Costa, Mr. Costello, Mr. Courtney, Mr. Crowley, Mrs. Cubin, Mr. Cuellar, Mr. Cummings, Mr. Davis of Alabama, Mr. Davis of Illinois, Mrs. Davis of California, Mr. Lincoln Davis of Tennessee, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Doggett, Mr. Doyle, Mr. Edwards, Mr. Ellison, Mr. Ellsworth, Mr. Emanuel, Mrs. Emerson, Mr. Engel, Mr. English of Pennsylvania, Ms. Eshoo, Mr. Etheridge, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Ferguson, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frelinghuysen, Mr. Gerlach, Ms. Giffords, Mr. Gilchrest, Mrs. Gillibrand, Mr. Gonzalez, Mr. Gordon, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Gutierrez, Mr. Hall of New York, Mr. Hare, Ms. Harman, Mr. Hastings of Florida, Ms. Herseth, Mr. Higgins, Mr. Hinchey, Mr. Hinojosa, Ms. Hirono, Mr. Hodes, Mr. Holden, Mr. Holt, Mr.

Honda, Ms. Hooley, Mr. Hoyer, Mr. Inslee, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Georgia, Mrs. Jones of Ohio, Mr. Kagen, Mr. Kanjorski, Ms. Kaptur, Mr. Keller, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. King of New York, Mr. Kirk, Mr. Klein of Florida, Mr. Kucinich, Mr. LaHood, Mr. Lampson, Mr. Langevin, Mr. Lantos, Mr. Larsen of Washington, Mr. Larson of Connecticut, Mr. LaTourette, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mr. Lipinski, Mr. LoBiondo, Mr. Loebsack, Ms. Zoe Lofgren of California, Mrs. Lowey, Mr. Lynch, Mrs. Maloney of New York, Mr. Markey, Mr. Marshall, Mr. Matheson, Ms. Matsui, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McHugh, Mr. McIntyre, Mr. McNerney, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Meeks of New York, Mr. Mica, Mr. Michaud, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Mollohan, Mr. Moore of Kansas, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mr. Murphy of Connecticut, Mr. Tim Murphy of Pennsylvania, Mr. Murtha, Mr. Nadler, Mrs. Napolitano, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Perlmutter, Mr. Peterson of Minnesota, Mr. Pickering, Mr. Platts, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Rahall, Mr. Rangel, Mr. Renzi, Mr. Reyes, Mr. Rodriguez, Ms. Ros-Lehtinen, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Salazar, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sarbanes, Mr. Saxton, Ms. Schakowsky, Mr. Schiff, Mrs. Schmidt, Ms. Wasserman Schultz, Ms. Schwartz, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sestak, Mr. Shays, Ms. Shea-Porter, Mr. Sherman, Mr. Sires, Mr. Skelton, Ms. Slaughter, Mr. Smith of Washington, Mr. Smith of New Jersey, Mr. Snyder, Ms. Solis, Mr. Space, Mr. Spratt, Mr. Stark, Mr. Stupak, Mr. Sullivan, Ms. Sutton, Mr. Tanner, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Upton, Mr. Van Hollen, Ms. Velázquez, Mr. Visclosky, Mr. Walsh of New York, Mr. Walz of Minnesota, Mr. Wamp, Ms. Waters, Ms. Watson, Mr. Watt, Mr. Waxman, Mr. Weiner, Mr. Welch of Vermont, Mr. Wexler, Mr. Wilson of Ohio, Mr. Wilson of South Carolina, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Yarmuth, and Mr. Young of Alaska):

H.R. 1367. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. Reichert, and Mr. Smith of Washington):

H.R. 1368. A bill to establish a program to provide financial incentives to encourage the adoption and use of interactive personal health records; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 1369. A bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. Boozman, Mr. Burton of Indiana, Mr. Bilirakis, Ms. Herseth, and Mr. Lamborn):

H.R. 1370. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office of National Veterans Sports Programs and Special Events; to the Committee on Veterans' Affairs.

By Ms. BALDWIN (for herself, Mr. LaHood, Mr. Pence, and Mr. Walz of Minnesota):

H.R. 1371. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide producers on a farm with greater flexibility in selecting the crops to be planted on the base acres of the farm; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California (for himself, Mr. Melancon, Mr. Jefferson, Mr. Scott of Virginia, Mr. Davis of Illinois, Mrs. McCarthy of New York, Mr. Grijalva, Mr. Payne, Ms. Shea-Porter, Mr. Hinojosa, Mr. Rangel, Mr. Cummings, Mr. Jindal, Mr. Taylor, and Mr. Davis of Alabama):

H.R. 1372. A bill to provide grants to recruit new teachers, principals, and other school leaders to, and retain and support current and returning teachers, principals, and other school leaders employed in, public elementary and public secondary schools, and to help higher education, in areas impacted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Education and Labor.

By Mr. BACA (for himself and Ms. Carson):

H.R. 1373. A bill to provide for the award of a gold medal on behalf of the Congress to Tiger Woods, in recognition of his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Financial Services.

By Mr. BOYD of Florida (for himself and Mr. Crenshaw):

H.R. 1374. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Agriculture.

By Mr. BUCHANAN:

H.R. 1375. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 1376. A bill to amend title XIX of the Social Security Act to establish independent foster care adolescents as a mandatory category (and not an optional category) of individuals for coverage under State Medicaid programs; to the Committee on Energy and Commerce.

By Mr. CUELLAR (for himself, Mr. Renzi, Mr. McGovern, Mr. Pastor, and Ms. Herseth):

H.R. 1377. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for an individual teaching in a school with a significant number of limited English proficient students and to provide a deduction for expenses paid or incurred by a teacher for courses required for certification in teaching English as a second language; to the Committee on Ways and Means.

By Mr. GOODE:

H.R. 1378. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Ms. Schakowsky, Mr. Honda, Mr. Abercrombie, Ms. Solis, Mr. Pastor, Mr. Grijalva, and Mr. Reyes):

H.R. 1379. A bill to assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLDEN (for himself and Mr. Platts):

H.R. 1380. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. Lewis of Georgia, Mr. Hastings of Florida, Mr. Clay, and Mr. Cohen):

H.R. 1381. A bill to amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, Ways and Means, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York:

H.R. 1382. A bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Ms. ZOE LOFGREN of California:

H.R. 1383. A bill to amend title 18, United States Code, to provide penalties for the misuse of robocalls; to the Committee on the Judiciary.

By Mr. McCARTHY of California:

H.R. 1384. A bill to designate the facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, as the "Buck Owens Post Office"; to the Committee on Oversight and Government Reform.

By Mr. McDERMOTT (for himself, Mr. Markey, and Mr. Weller):

H.R. 1385. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. Emanuel, Mr. Arcuri, Mr. Stark, Mr. Levin, Mr. Lewis of Georgia, Mr. Davis of Alabama, Ms. Castor, Mr. Kagen, Mr. Hall of New York, and Mr. Ellison):

H.R. 1386. A bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments; to the Committee on Ways and Means.

By Mr. MELANCON:

H.R. 1387. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Natural Resources.

By Mr. SARBANES (for himself, Mr. Hoyer, Mr. Gilchrest, Mr. Moran of Virginia, Mr. Wynn, Mr. Ruppersberger, Mr. Van Hollen, Ms. Norton, Mrs. Jo Ann Davis of Virginia, and Mr. Tom Davis of Virginia):

H.R. 1388. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Natural Resources.

By Mr. SARBANES (for himself, Mr. Hoyer, Mr. Cummings, Mr. Gilchrest, Mr. Wynn, Mr. Ruppersberger, Mr. Van Hollen, Mrs. Jo Ann Davis of Virginia, Mr. Davis of Kentucky, Mr. Higgins, Mr. Stupak, Mr. Dingell, Mr. McHugh, Ms. Norton, Mr. McCotter, and Mr. Moran of Virginia):

H.R. 1389. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. TANCREDO (for himself and Mr. Rohrabacher):

H.R. 1390. A bill to require Senate confirmation of an individual appointed to serve as the Director of the American Institute in Taiwan; to the Committee on Foreign Affairs.

By Mr. VISCLOSKY (for himself, Mr. Rangel, Mr. King of New York, Mr. McGovern, Ms. Carson, and Mr. McNulty):

H.R. 1391. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself and Mr. Flake):

H.R. 1392. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to require, as a condition of receiving a homeland security grant, that a grant recipient submit reports on each expenditure made using grant funds; to the Committee on Homeland Security.

By Mr. WHITFIELD (for himself, Mr. Wilson of Ohio, and Mr. Shimkus):

H.R. 1393. A bill to amend the USEC Privatization Act to provide an extension of the period during which individuals may bring a suit for certain violations of employee protection provisions under such Act; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 1394. A bill to expand the teacher loan forgiveness provisions of the Higher Education Act of 1965 to include speech-language pathologists; to the Committee on Education and Labor.

By Mr. WILSON of South Carolina:

H.R. 1395. A bill to prevent abuse of Government credit cards; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 1396. A bill to amend the Organic Foods Production Act of 1990 to prohibit the labeling of cloned livestock and products derived from cloned livestock as organic; to the Committee on Agriculture.

By Mr. CLEAVER:

H. Con. Res. 84. Concurrent resolution encouraging recognition of February 13th of each year for the founding for the Negro Leagues in Kansas City, Missouri; to the Committee on Oversight and Government Reform.

By Mr. ISSA:

H. Res. 218. A resolution amending the Rules of the House of Representatives to require that, as of the date of adoption of this resolution, a proportional distribution of committee seats, staff, and financial resources be made; to the Committee on Rules.

By Mr. SAM JOHNSON of Texas:

H. Res. 220. A resolution providing for consideration of the bill (H. R. 511) to pledge the faithful support of Congress to members of the United States Armed Forces serving in harm's way; to the Committee on Rules.

By Ms. LEE (for herself and Mr. Thompson of Mississippi):

H. Res. 221. A resolution honoring the life, legacy, and contributions of Fannie Lou Townsend Hamer on the 30th anniversary of her death for her dedication to freedom and justice; to the Committee on the Judiciary.

By Mrs. McCARTHY of New York (for herself, Mr. Walsh of New York, Mr. Neal of Massachusetts, Mr. Payne, Mr. Gallegly, Mr. McHugh, Mrs. Maloney of New York, Mr. Doyle, Mr. Higgins, Mr. Crowley, Mr. King of New York, Mr. Ackerman, Mr. Meeks of New York, Mr. Tanner, Mr. Hinojosa, Mr. Sires, Ms. Jackson-Lee of Texas, Ms. Watson, Mr. Sherman, Mr. Lantos, Mr. Berman, Mr. Engel, Mr. Delahunt, Mr. Smith of Washington, Mr. Carnahan, Mr. Gene Green of Texas, Ms. Woolsey, Mr. Wu, Ms. Linda T. Sánchez of California, Ms. McCollum of Minnesota, and Mr. Wexler):

H. Res. 222. A resolution expressing the support of the House of Representatives for the Good Friday Agreement, signed on April 10, 1998, as a blueprint for a lasting peace in Northern Ireland, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHADEGG (for himself, Mr. Chabot, Mr. Poe, Mr. Franks of Arizona, Mr. Moore of Kansas, Mr. Ortiz, Mr. Garrett of New Jersey, Mr. King of New York, Mr. Doyle, Mrs. Cubin, Mr. Gordon, Mr. Ruppersberger, Ms. Fallin, Mr. Gohmert, Mr. Reichert, Mrs. Myrick, Mr. Barrett of South Carolina, Mr. Pitts, Mr. Gingrey, Mr. Issa, Mr. Tancredo, Mr. Linder, Mr. Goode, Mr. Daniel E. Lungren of California, Mr. Jordan, Mr. Brady of Texas, Mr. Bartlett of Maryland, Mr. Fortuño, Mr. Wilson of South Carolina, Mr. Cantor, Mr. Ryan of Wisconsin, Mr. Kline of Minnesota, Mr. David Davis of Tennessee, Mr. Akin, and Mr. Weldon of Florida):

H. Res. 223. A resolution supporting the goals and ideals of a National Day of Remembrance for Murder Victims; to the Committee on Oversight and Government Reform.

By Mr. SHUSTER:

H. Res. 224. A resolution expressing the sense of the House of Representatives that corporate owners of websites that share user-posted videos should take action to remove jihadi propaganda; to the Committee on Energy and Commerce.

By Mr. WALBERG (for himself, Mr. Stupak, Mr. Hoekstra, Mr. Ehlers, Mr. Camp of Michigan, Mr. Kildee, Mr. Upton, Mr. Rogers of Michigan, Mr. Knollenberg, Mrs. Miller of Michigan, Mr. McCotter, Mr. Levin, Ms. Kilpatrick, Mr. Conyers, and Mr. Dingell):

H. Res. 225. A resolution congratulating Tony Dungy, a native of Jackson, Michigan, for leading the Indianapolis Colts to victory in Super Bowl XLI; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY:

H. Res. 226. A resolution to recognize John Pehle for his contributions to the Nation in helping rescue Jews and other minorities from the Holocaust during World War II; to the Committee on Foreign Affairs.

By Ms. WOOLSEY:

H. Res. 227. A resolution calling for the adoption of a Sensible, Multilateral American Response Terrorism (SMART) security platform for the 21st century; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. Udall of Colorado and Mr. Castle.

H.R. 111: Ms. Bordallo, Mr. Courtney, Mr. Brown of South Carolina, Mr. Bishop of New York, Ms. Eddie Bernice Johnson of Texas, Mr. Conyers, and Mr. Lantos.

H.R. 140: Mr. Ellison, Mr. Marshall, and Ms. Carson.

H.R. 146: Mr. Payne, Mr. Regula, and Mr. Miller of Florida.

H.R. 171: Mr. Gutierrez, Mr. Hare, Ms. Watson, Mr. Cohen, and Mr. Serrano.

H.R. 190: Mr. BURTON of Indiana.

H.R. 196: Mr. BERRY.

H.R. 197: Mrs. JONES of Ohio, Mr. LANGEVIN, and Mr. PETRI.

H.R. 243: Mr. MILLER of Florida.

H.R. 296: Mr. BAKER.

H.R. 322: Mr. BLUNT.

H.R. 406: Mr. GENE GREEN of Texas.

H.R. 471: Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mr. HERGER, Mr. CROWLEY, Mr. KAGEN, Mr. BISHOP of New York, Mr. MCHUGH, and Mr. DANIEL E. LUNGREN of California.

H.R. 477: Mr. WALSH of New York, Mr. MILLER of North Carolina, Mr. BRADY of Pennsylvania, Mr. KNOLLENBERG, Mr. COHEN, Mr. REYES, Ms. CARSON, Mr. HILL, Mr. BOSWELL, Mr. HINCHEY, Mr. PASCRELL, and Mr. MCHUGH.

H.R. 488: Ms. NORTON, Mr. GONZALEZ, and Mr. ELLISON.

H.R. 526: Mr. COHEN.

H.R. 539: Mr. DELAHUNT.

H.R. 579: Mr. BRALEY of Iowa, Mr. BECERRA, Mr. BILIRAKIS, Mr. OBERSTAR, Ms. WOOLSEY, Mr. MICHAUD, and Mr. COHEN.

H.R. 583: Mr. MCHENRY, Mr. WAMP, Ms. HERSETH, and Mrs. JO ANN DAVIS of Virginia.

H.R. 621: Mr. MCCAUL of Texas, Mr. ETHERIDGE, Mr. BARTLETT of Maryland, Mr. PITTS, and Mr. FRANK of Massachusetts.

H.R. 634: Mr. HASTERT, Mr. BISHOP of New York, Mr. ABERCROMBIE, Mr. ALLEN, Mr. GALLEGLY, and Mr. ORTIZ.

H.R. 653: Mr. LAMPSON.

H.R. 661: Mr. ABERCROMBIE and Mr. UDALL of New Mexico.

H.R. 676: Mr. FRANK of Massachusetts.

H.R. 677: Ms. LEE, Mr. PASCRELL, and Mr. COHEN.

H.R. 678: Mr. ALLEN.

H.R. 697: Ms. FOXX.

H.R. 698: Mr. HOLT, Mr. WEXLER, and Mr. CARNEY.

H.R. 699: Mr. BOUSTANY and Mr. SMITH of Nebraska.

H.R. 725: Mr. WICKER and Mr. SIMPSON.

H.R. 741: Mr. ENGLISH of Pennsylvania and Mr. KENNEDY.

H.R. 758: Mr. ETHERIDGE, Mr. PASCRELL, Mr. MACK, and Mr. OBERSTAR.

H.R. 770: Mr. STARK.

H.R. 782: Ms. KAPTUR and Mr. ROGERS of Kentucky.

H.R. 787: Ms. KAPTUR, Mr. DAVIS of Illinois, and Mr. MORAN of Virginia.

H.R. 806: Mr. HOLDEN.

H.R. 826: Mr. POE.

H.R. 880: Mr. SHAYS, Mr. SENSENBRENNER, and Mr. REICHERT.

H.R. 882: Ms. SHEA-PORTER, Mr. PORTER, Mr. UPTON, Ms. DEGETTE, Mr. GONZALEZ, Mr. CLEAVER, Mr. BOUSTANY, and Ms. HOOLEY.

H.R. 895: Mr. BRADY of Pennsylvania.

H.R. 925: Mr. MCKEON.

H.R. 939: Mr. COBLE, Mr. POE, and Mrs. JO ANN DAVIS of Virginia.

H.R. 981: Mr. LATOURETTE.

H.R. 988: Mr. HUNTER, Mr. CAMPBELL of California, Mr. ISSA, Mr. BILBRAY, Mrs. BONO, Mr. ROHRABACHER, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. SCHIFF, Mr. MCKEON, Mr. DREIER, Mr. NUNES, Mr. MCCARTHY of California, Mr. DANIEL E. LUNGREN of California, Mr. HASTERT, Mr. POE, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SOLIS.

H.R. 992: Ms. WOOLSEY.

H.R. 998: Ms. BEAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. PERLMUTTER, Mr. SIRES, Ms. CARSON, Mr. GUTIERREZ, Mr. KANJORSKI, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. SCOTT of Georgia, Ms. VELÁZQUEZ, Ms. WATERS, and Mr. WEXLER.

H.R. 1000: Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Mr. WATT, Mr. DAVIS of Alabama, Ms. LEE, Ms. CLARKE, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, and Mr. FATTAH.

H.R. 1014: Mr. BRADY of Pennsylvania, Mr. RUSH, Ms. BERKLEY, Mr. COHEN, Mr. RODRIGUEZ, Mr. FILNER, and Mr. KENNEDY.

H.R. 1022: Mr. CROWLEY, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. ACKERMAN,.Ms. SCHAKOWSKY, Mr. SCHIFF, and Mr. VAN HOLLEN.

H.R. 1034: Mr. MCCAUL of Texas.

H.R. 1040: Mr. MILLER of Florida.

H.R. 1043: Mr. CRAMER, Mr. DAVIS of Illinois, Mr. CHANDLER, Mr. GORDON, and Mr. CUELLAR.

H.R. 1057: Mr. FEENEY.

H.R. 1064: Mr. CLAY, Mr. ISRAEL, Mr. BISHOP of New York, Mrs. TAUSCHER, Mr. KIRK, Ms. LEE, Mr. SPRATT, Ms. CLARKE, Mr. TIM MURPHY of Pennsylvania, Mr. LYNCH, and Mr. WU.

H.R. 1069: Mrs. NAPOLITANO.

H.R. 1076: Mr. YOUNG of Alaska.

H.R. 1085: Mr. WAMP and Mrs. MYRICK.

H.R. 1086: Mr. WAMP and Mrs. MYRICK.

H.R. 1115: Ms. BORDALLO and Mr. LEVIN.

H.R. 1125: Mrs. MCMORRIS RODGERS, Mrs. MYRICK, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. FRANKS of Arizona, Mr. CAMPBELL of California, Ms. FALLIN, Mr. POE, Mr. REICHERT, and Mr. PEARCE.

H.R. 1132: Ms. BERKLEY, Mr. MCHUGH, Mr. CLEAVER, Mr. COURTNEY, Mr. MOORE of Kansas, Mr. RUSH, Mr. TIM MURPHY of Pennsylvania, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. GORDON, Mr. UDALL of Colorado, Mr. KENNEDY, and Mr. ELLISON.

H.R. 1134: Mr. EHLERS and Mr. ENGLISH of Pennsylvania.

H.R. 1148: Mr. CAPUANO.

H.R. 1153: Ms. FALLIN, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, and Mr. GOODLATTE.

H.R. 1157: Mr. TERRY, Mr. GENE GREEN of Texas, Mr. BOUCHER, Mr. GERLACH, Mr. PETRI, Mr. MATHESON, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. OLVER, Mr. MARKEY, Mr. WU, Mr. FATTAH, Mr. EDWARDS, and Mr. MCNULTY.

H.R. 1188: Mrs. DAVIS of California.

H.R. 1192: Mr. MCHUGH, and Mr. ABERCROMBIE.

H.R. 1198: Mr. MCCOTTER.

H.R. 1228: Mr. THOMPSON of California.

H.R. 1232: Mr. MARKEY, Mr. CONYERS, Mr. MORAN of Kansas, Mr. NEAL of Massachusetts, Mrs. CAPPS, and Mr. ROGERS of Alabama.

H.R. 1242: Mrs. EMERSON, Mr. SKELTON, Mr. AKIN, and Mr. CLEAVER.

H.R. 1257: Ms. MOORE of Wisconsin, Mr. MEEKS of New York, Mr. LYNCH, Ms. CARSON, Mr. MARSHALL, and Mrs. MALONEY of New York.

H.R. 1261: Mr. GOODLATTE, Mr. GOODE, and Mr. GARY G. MILLER of California.

H.R. 1279: Mr. TIERNEY and Mr. KILDEE.

H.R. 1281: Ms. ESHOO, Mr. GONZALEZ, Ms. LINDA T. SÁNCHEZ of California, Mrs. LOWEY, Mr. WEXLER, Mr. CUELLAR, and Ms. WASSERMAN SCHULTZ.

H.R. 1287: Mr. GEORGE MILLER of California and Ms. HOOLEY.

H.R. 1289: Ms. NORTON.

H.R. 1293: Mr. MCHUGH, Mr. POE, Mr. MILLER of Florida, and Mr. WEINER.

H.R. 1307: Mr. LAMPSON.

H.R. 1314: Mr. BARTLETT of Maryland, Mr. POE, Mr. TANCREDO, Mr. HOEKSTRA, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. ISSA.

H.R. 1325: Mr. PALLONE, Mr. BECERRA, and Mr. PASCRELL.

H.R. 1330: Mr. VAN HOLLEN, Mr. KIRK, Mr. HOLDEN, and Mr. BRALEY of Iowa.

H.R. 1342: Mr. WESTMORELAND.

H.R. 1350: Mr. KIND, Mr. MCCOTTER, Mr. GILLMOR, Mr. REGULA, Mr. LEVIN, Mr. KILDEE, and Mr. KUHL of New York.

H.R. 1352: Mr. WEXLER and Mr. LANTOS.

H.R. 1353: Mr. CUELLAR and Mr. DEFAZIO.

H.R. 1355: Mr. SPRATT and Ms. FOXX.

H.R. 1359: Mr. DUNCAN.

H.R. 1363: Mrs. CHRISTENSEN and Mr. MARSHALL.

H. J. Res. 9: Mr. WICKER and Mr. BLUNT.

H. Con. Res. 9: Ms. BERKLEY.

H. Con. Res. 50: Mr. CANTOR, Mr. WILSON of South Carolina, Mr. GOODLATTE, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. DAVID DAVIS of Tennessee, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. CHABOT, Mr. GOODE, Mr. DANIEL E. LUNGREN of California, Mr. BRADY of Texas, Mr. HOEKSTRA, Mr. JORDAN, Mr. FORBES, Mr. GINGREY, Mr. PITTS, Mr. SALI, Mr. ISSA, Mr. MARCHANT, Mr. AKIN, and Mr. BARTLETT of Maryland.

H. Con. Res. 60: Mr. CARNEY, Mr. FILNER, and Mr. MILLER of Florida.

H. Con. Res. 68: Mr. PAYNE, Mr. FOSSELLA, and Mr. GALLEGLY.

H. Res. 16: Mr. GOODLATTE and Mr. FORBES.

H. Res. 18: Mr. MARCHANT and Mr. GILCHREST.

H. Res. 49: Ms. KAPTUR, Mr. KING of New York, and Mr. PETERSON of Minnesota.

H. Res. 76: Mr. KENNEDY.

H. Res. 101: Mr. JACKSON of Illinois, Mr. VAN HOLLEN, Mr. GONZALEZ, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. TOWNS, and Mr. RANGEL.

H. Res. 107: Mr. BRADY of Pennsylvania and Mr. SHUSTER.

H. Res. 118: Mr. SCOTT of Virginia.

H. Res. 136: Mr. UDALL of Colorado and Mr. KUHL of New York.

H. Res. 146: Ms. MCCOLLUM of Minnesota.

H. Res. 171: Mr. GONZALEZ, Mr. BERMAN, and Mr. WICKER.

H. Res. 185: Mr. BERMAN.

H. Res. 186: Mr. HOLT and Mr. MCINTYRE.

H. Res. 197: Mr. SHERMAN, Mr. DICKS, Mr. COHEN, Mr. COOPER, Mr. PAYNE, Mr. MOORE of Kansas, Mr. TANNER, Mr. HOLT, Ms. HARMAN, Mr. JEFFERSON, Mr. HIGGINS, Mrs. DAVIS of California, and Mr. KLEIN of Florida.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBERSTAR

The amendment No. 1 to be offered by Mr. OBERSTAR, or a designee, to H.R. 720, the Water Quality Financing Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI of the Rules of the House of Representatives.

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 1372, the Revitalizing New Orleans by Attracting America's Leaders Act of 2007, contains the following congressional earmarks as defined in clause 9(d) of House Rule XXI:

Designates grants to state educational agencies affected by Hurricane Katrina or Hurricane Rita, in the States of Louisiana, Mississippi, and Alabama; and

Designates grants to eligible institutions of higher education in the States of Louisiana, Mississippi, and Alabama.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 720

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 1: Page 4, line 7, strike "wastewater infrastructure assistance" and insert "eligible projects described in section 603(c)".

Page 5, after line 9, insert the following:

(c) SMALL FLOWS CLEARINGHOUSE.—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

(1) in the first sentence by striking "$1,000,000" and inserting "$3,000,000"; and

(2) in the second sentence by striking "1986" and inserting "2009".

Page 5, line 10, strike "(c)" and insert "(d)".

Page 6, strike lines 14 through 16 and insert the following:

(B) in paragraph (2) by striking "in reducing such pollutants" and all that follows before the period at the end and inserting "to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies"; and

Page 11, lines 9 and 10, strike "has considered" and all that follows through "alternative management" and insert the following: "has considered, to the maximum extent practical and as determined appropriate by the recipient, the costs and effectiveness of other design, management,".

Page 14, strike lines 1 and 2 and insert the following:

"(6) for measures to manage, reduce, treat, or reuse municipal stormwater;".

Page 18, line 3, insert "low-impact technologies," before "nonstructural".

Page 18, line 5, insert "nutrient" before "pollutant trading".

SENATE—*Wednesday, March 7, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Oh Lord God Almighty, guide those to whom You have committed the Government of this Nation. Give special gifts of wisdom and understanding to the leaders and members of our executive, legislative, and judicial branches of Government, empowering them to uphold what is right and to follow what is true.

Lord, strengthen them to obey Your holy will and to fulfill Your divine intentions. Imbue them with integrity of purpose and unfailing devotion to Your plans. May they promote the welfare of all our citizens, redressing social wrongs and relieving the oppressed. Help them to work together with one heart to secure equality of opportunity and due reward for all.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, I am sure it is difficult for people who live outside the Washington, DC, area to understand why we are not going to be able to have a couple votes this morning. I have not had a chance to speak with the Republican leader. I apologize. There is nothing to apologize for, I just have not had the opportunity to do that, or to talk to the two managers of the bill. But in Washington, it is different than a lot of places. We have several bridges that feed into this area coming from Virginia. A lot of the staff and Senators live in Virginia when they are here attending sessions of Congress.

To make a long story short, we have essential staff who are not here right now. We have Senators—at least one Senator stuck on a train because of the bad weather. As I say, it might be difficult for people who see a lot of snow all the time to understand why an inch or two or three of snow causes all these problems, but it does. It has been that way and will continue to be that way.

Because of that, I am going to ask consent that the votes scheduled to occur at 10 a.m. occur later this afternoon. We will try to do it at about 1 o'clock. One reason we cannot back the votes up is because we have a joint session of Congress with King Abdullah, the King of Jordan, who has been such a good ally—he and his father—of our country, and a lot of us are looking forward to hearing that speech he is going to deliver.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the votes scheduled to occur at 10 a.m. occur later this afternoon. I will work with the Republican leader to make sure it is a time that is convenient.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I would say the two votes we had lined up we have been wanting to do for a while, the one offered by the manager of the bill, Senator COLLINS, and the one offered by Senator MCCASKILL. We will try to do those votes first and then move on to other matters.

Staffs are also working to see if we can come up with an agreement on the nongermane amendments. We have a number of nongermane amendments on both sides. We are going to try to set up votes on those. One of the things we have to make sure is covered in any consent agreement is, if we do vote on these nongermane amendments, it does not change what would be germane postcloture because, in fact, if we did not do that, there would be a lot of things that would be germane postcloture that should not be attached to this bill. But we have very able staff who can work on this along with the managers of the bill.

I again apologize to everyone, but those are the facts of life in the bitter winter of an inch of snow in Washington.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of Social Security account numbers by allowing the sharing of Social Security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism.

McConnell (for Kyl) modified amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin modified amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Collins amendment No. 342 (to amendment No. 275), to provide certain employment rights and an employee engagement mechanism for passenger and property screeners.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Sessions amendment No. 347 (to amendment No. 275), to express the sense of the Congress regarding the funding of Senate-approved construction of fencing and vehicle barriers along the southwest border of the United States.

Coburn amendment No. 345 (to amendment No. 275), to authorize funding for the Emergency Communications and Interoperability Grants program, to require the Secretary to examine the possibility of allowing commercial entities to develop public safety communications networks.

Coburn amendment No. 301 (to amendment No. 275), to prohibit grant recipients under grant programs administered by the Department from expending funds until the Secretary has reported to Congress that risk assessments of all programs and activities have been performed and completed, improper payments have been estimated, and corrective action plans have been developed and reported as required under the Improper Payments Act of 2002 (31 U.S.C. 3321 note).

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the Act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the Act.

Lieberman (for Menendez) amendment No. 354 (to amendment No. 275), to improve the security of cargo containers destined for the United States.

Specter amendment No. 286 (to amendment No. 275), to restore habeas corpus for those detained by the United States.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data mining in order to exclude routine computer searches.

Ensign amendment No. 363 (to amendment No. 275), to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided and controlled by the Senator from Missouri, Mrs. MCCASKILL, and the Senator from Maine, Ms. COLLINS, or their designees.

The majority leader is recognized.

AMENDMENT NO. 316, AS MODIFIED, TO AMENDMENT NO. 275; AND AMENDMENT NO. 315 WITHDRAWN

Mr. REID. Mr. President, I now ask unanimous consent that the McCaskill amendment No. 316 be modified to be a first-degree amendment and that the Lieberman amendment No. 315 be withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, I withhold for 1 second.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I renew my unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

The amendment (No. 316), as modified, is as follows:

On page 219, after line 7, insert the following:

SEC. ___. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding"; and

(B) by adding at the end the following:

"(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

"(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.".

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place such appears and inserting "Administrator".

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting ", or section 111(d) of the Aviation and Transportation Security Act," after "this Act".

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This Section shall take effect one day after date of enactment.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

AMENDMENT NO. 342

Ms. COLLINS. Mr. President, later today, the Senate will vote on the amendment I have offered with a number of my colleagues—Senator STEVENS, Senator WARNER, Senator COLEMAN, Senator SUNUNU, and Senator VOINOVICH—that would provide certain employment rights for the Transportation Security Administration's employees.

Throughout our committee's work on homeland security, it has become clear the ability to respond quickly and effectively to changing conditions, to emerging threats, to new intelligence, to impending crises is essential. From the intelligence community to our first responders, the key to an effective response is flexibility—putting assets and, more importantly, personnel where they are needed when they are needed with a minimum of bureaucracy.

My questions about giving TSA employees the right to collectively bargain center around whether this right would hamper flexibility at a critical time. I have long been a supporter of Federal employees throughout my time in the Senate. I have worked in the public sector virtually my entire life, and I know how hard individuals at all levels of Government work to provide services to protect us and to serve us.

It is my hope we can forge a compromise that preserves the flexibility—we have learned in classified briefings from Kip Hawley, the head of TSA—that is needed while at the same time recognizing that TSA employees deserve more employment rights. These employees are working hard every day to protect us. We should protect them.

The TSA is charged with a great responsibility. In order to accomplish its critical national security mission, the Aviation Transportation Security Act provided the TSA Administrator with workforce flexibilities. These flexibilities allow the TSA Administrator to shift resources and to implement new procedures daily, in some cases hourly, in response to emergencies, canceled flights, and changing circumstances. This authority enables TSA to make the best and fullest use of its highly trained and dedicated workforce.

This is not just theoretical. We have already seen the benefits of this authority and this flexibility. In both the aftermath of Hurricane Katrina and the thwarted airline bombing plot in Great Britain last year, TSA moved quickly to change the nature of its employees' work—and even the location of that work—in response.

Last December, when blizzards hit the Denver area and many local TSOs were unable to get to the airport, TSA acted quickly, flying in volunteer TSOs from Las Vegas to cover the shifts, and covering the Las Vegas shifts with officers who were transferred temporarily from Salt Lake City. Without this ability to deploy needed personnel where they were needed, on a moment's notice, the Denver airport would have been critically understaffed while hundreds, perhaps thousands, of travelers were stranded. This flexibility is essential.

An even better example was the work that was done in the aftermath of the thwarted airline bombing plot last summer, where TSA, overnight, had to retrain its employees, had to deploy them differently, and was able to do so because of the flexibility that is in the current law.

The legislation before the Senate is designed to implement the unfulfilled recommendations of the 9/11 Commission. Many of the recommendations were enacted in 2004 as part of the Intelligence Reform and Terrorism Prevention Act Senator LIEBERMAN and I authored and worked so hard on. But the language concerning TSA employees' bargaining rights is an issue that was not addressed in this report. You can read this report, as I have, from cover to cover—I think it is 567 pages—and you will not find a discussion of collective bargaining rights for TSA employees. So this is not a recommendation that was included in the 9/11 Commission's report.

Before we so drastically change the TSA personnel system, we must ensure we do not interfere with TSA's ability to carry out its mission. I want to make clear that we should, however, make some changes in the system now. We have had enough experience with TSA over the past few years that there are a number of things that are obvious.

First, we should bring TSA employees under the Whistleblower Protections Act which safeguards the rights of whistleblowers throughout the Federal Government. There is no reason to deny TSA employees that protection. My amendment would provide for that coverage.

Second, we should make very clear that TSA members do have the right to join a union. That is a different issue from collective bargaining. Indeed, many TSA employees have chosen to join the union because then they have the right to representation by the union if there is a disciplinary action. So we should make that clear.

Third, we should give TSA employees the right to an independent appeal of disciplinary actions, of adverse employment actions such as demotions or firings, and have that appeal heard by an independent agency, the Merit Systems Protection Board. It is this board that sits in judgment of appeals filed by other Federal employees, and I see no reason why the TSA employees should not have those same rights.

Fourth, the amendment includes a provision codifying the pay-for-performance system that TSA has used very successfully to retain and recruit good employees.

Finally, the amendment we are offering provides for TSA, in a year's time, to come back to us with a report on whether other changes are needed in the personnel system. We have also tasked GAO with performing that duty. Now, that is important because we are still learning about TSA. As I said, I think we can make these significant changes now, but we need more time and study and consideration before going further, and that is why I have recommended that we have this report back.

The Homeland Security and Governmental Affairs Committee's subcommittee which has jurisdiction over civil service issues just this week held its first hearing to look at this issue. So there is a lot of work that still needs to be done, but I think we can proceed now to provide these important protections.

As we strive to protect our Nation and our people without diminishing civil liberties, we must do all we can to build a strong homeland security structure that upholds the rights of homeland security personnel. I believe we can provide TSA employees with important protections enjoyed by other Federal employees, such as the right to appeal adverse employment actions to the Merit Systems Protection Board and the statutory right to whistleblower protections, without disrupting TSA's established and proven personnel system. That personnel system was described in great detail to us in a classified briefing session as well as an open hearing as being necessary to accomplish the goals of the agency. So my amendment would give these rights to TSA employees.

I have been working to try to achieve a middle ground between those who believe there should be no employment rights for TSA employees and those who believe we should allow them to engage in full collective bargaining. That is what my amendment attempts to do, is to chart that middle ground, to provide significant additional protections and rights to TSA employees without burdening a system that is working effectively.

I urge my colleagues to support the amendment when we vote on it later today.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

AMENDMENT NO. 316, AS MODIFIED

Mrs. MCCASKILL. Mr. President, I have a great deal of respect for the Senator from Maine, and I am not just saying that, but I must rise to urge support of my amendment on this bill. Along with Senator LIEBERMAN, I offered an amendment to the 9/11 bill that would provide these basic rights to our airport screening officers. This amendment was in response to the incredibly high turnover rate they have at TSA and the realization that these officers are being treated differently than just about everybody else we see in uniform in the United States of America.

After 9/11, there was an incredible demand around the country for hats and shirts that said "New York Fire Department" and "NYPD" because all of America realized the heroes these men were. When everyone else is running away from danger, the firefighters run into danger. When everyone's instinct is to flee in fear, they face that fear and they go into the breach. Our police officers do it all the time. In fact, this morning, the first people I saw when I came to the Capitol were Capitol police officers greeting me, checking my car, and standing guard around the Capitol to make sure we are protected from someone who would want to do our country harm.

The irony of this debate is that all of those people I just talked about have these basic worker protections. Those men who gave their lives on 9/11 trying to save lives all were operating under collective bargaining. The Capitol Police, who protect us every day, operate under these same rules that my amendment is going to guarantee to the airport screening officers.

Why in the world, if the sky is going to fall, if we give these workers these basic protections, why hasn't it fallen? Border Patrol, Customs agents, Coast Guard, FEMA, the Department of Defense civil employees—they were all ordered to do things after 9/11, and they, of course, did them. No one thought twice about falling back on some kind of worker protection. Frankly, I think it is moderately insulting to the men and women who are serving as screeners to act as if they would not be directed and go in a time of emergency.

That is what my amendment does. It says that the head of TSA, the director of Homeland Security, the Secretary of Homeland Security, has the ability, at any time when there is a threat or an emergency, to direct these officers to do whatever is necessary to protect our country and the people who live here. It goes even further. It says they can't even bargain for higher pay, and it provides some of the same protections provided in the amendment of the Senator from Maine.

I can't figure out why the idea that they would have worker protections through a collective bargaining agreement is so scary when you realize that most of the men and women around our country who are fighting fires and performing work are operating under those agreements, and obviously most of the Federal employees who do similar work in the Federal Government.

There are so many things that have been claimed about this which simply aren't true. One of my favorites is that it is going to cost $160 million. Now, I can't quite figure out—and I know that somehow, something that costs a little ends up costing a lot sometimes in the Federal Government. First they said it was going to be $350 million. I think that figure made even them blush, so then they brought the figure down to $160 million. Maybe it is going to take 7 to 12 people across the country. I can't imagine where they would get a number like that to throw around. I have heard they will be required to negotiate every security protocol. That is simply not true. Federal employees have no right to bargain over an agency's internal security practices.

There has been a lot of fiction that has been spread around the Capitol over the last few days about this amendment and what it will provide. It is going to provide something very simple: It is going to treat these officers who are screening men and women every day at our airports the same way the rest of the employees in FEMA are treated, the rest of the employees in Homeland Security are treated, our Capitol Police, our Coast Guard, our Border Patrol, and the men and women who went into the burning buildings on 9/11, to lose their lives in order to try to save lives.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LIEBERMAN. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I want to talk about a couple of the amendments that we have to the so-called 9/11 bill that is pending—an amendment which I hope can be adopted, one of which I talked about yesterday, which deals with the support for terrorists.

Believe it or not, we don't have adequate criminal penalties for people who support rewarding terrorists for their actions or their families or those who support them. So one of the things we want to do is to ensure that we have a statute that can be enforced that says, if you are aiding the family or associates of a terrorist with the intent to encourage terrorist acts, that will be a crime prosecutable in the United States.

I talked yesterday about an example that illustrates the need for this statute. In August of 2001, a Palestinian suicide bomber attacked the Sbarro pizza parlor in Jerusalem, and 15 people were killed. One of them was an American citizen, Shoshana Greenbaum, who was a schoolteacher, and she was pregnant. She was killed. Right after the bombing took place, the family of the suicide bomber was told to go to a particular Arab bank, and the bomber's family began receiving money from that bank. Eventually, a $6,000 lump sum payment was made.

According to press accounts, this is not uncommon. In fact, it is frequently the way suicide bombers have been funded through this particular Arab bank. Others are funded in other ways. There are plenty of news accounts of Saudi charities, the Palestinian Authority, and even Saddam Hussein was known to have rewarded suicide bombers for their acts. There is a BBC report that Saddam Hussein paid a total of $35 million to terrorist families during their time. Obviously, we would like to discourage that.

It is at least possible that if we can criminalize this activity that has a relationship to Americans, we would be able to make a difference, at least in some instances, in terms of whether a person would actually decide to commit a suicide bombing, based upon the fact that that person's family was going to be recompensed.

This amendment would make it a Federal crime, with extraterritorial jurisdiction in cases linked to U.S. interests, to pay the families of suicide bombers and terrorists with the intent to facilitate a terrorist act.

I hope this amendment can be adopted and that it will survive a conference committee. I see no reason that we could not have bipartisan support for it. The other thing that this amendment does is deal with the real workhorse of our law enforcement with respect to going after terrorists, the so-called material support statutes. It increases the maximum penalties for various material support statutes. I emphasize it increases the maximum, not the minimum, because there are certain situations in which sometimes you want to charge the minimum or plead down to the minimum. We don't want to affect that; we want to increase the maximum in certain instances.

The material support statutes have been the Justice Department's workhorse in the war against terror, counting for a majority of the prosecutions that the Department has brought. It has been very effective, also, in starving terrorist groups of resources, which is one of the critical ways to disrupt the cells, we believe.

The amendment increases the penalty in the following ways: Giving material support for a designated terrorist organization would be a maximum of 25 years, up from 15. Material support in the commission of a particular terrorist act is increased from a maximum number of 15 to a maximum of 40 years. That can obviously be a very severe act against U.S. interests. The maximum penalty for receiving military-type training from a foreign terrorist organization would be increased from 10 to 15 years. The amendment also adds attempts and conspiracies to the substantive offense of receiving military-type training and denies Federal benefits to persons convicted of terrorist offenses.

All of these are designed to add to the ability of our prosecutors to go after people who are actually the ones who are enabling the terrorists to perform their heinous acts.

Finally, the amendment expands existing proscriptions on the murder or assault of U.S. nationals overseas for terrorist purposes, so that the law punishes attempts and conspiracies to commit murder equally to the substantive offense. The amendment adds a new offense of kidnapping a U.S. national for terrorist purposes, regardless of whether a ransom is demanded. There are some limits in existing law that were put in the act before the new techniques and methodologies of terrorists in today's world began to be implemented; for example, requiring a ransom. We know today that some of these terrorist kidnappings are not for the purpose of getting ransom, they are for the purpose of terrorizing. If that is the case, then this statute would be usable by our law enforcement authorities.

Finally, the amendment adds sexual assault to the types of injury that are punishable under the existing offense of assaults that result in serious bodily injury.

Once again, I hope this will be considered an appropriate addition to the 9/11 legislation to make it easier for us to deny the funding to terrorist organizations and to deny funding to people who would be engaged in suicide attacks.

The other amendment is an amendment to a provision of the bill that was added by Senator FEINGOLD relating to data mining, which requires every Federal agency to submit reports to Congress on any search of a database that its employees perform in order, and I am quoting now, "to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity." Among other things, the report is required to include a thorough description of the data-mining technology that is being used or will be used.

Obviously, that probably is going to be getting into very classified information, and there are two things we want to ensure are changed in this provision. For one thing, the language in the bill does not include language that is included in other sections. It does not prevent disclosure of existing patents, trade secrets, proprietary business processes or intelligence sources and methods.

I suspect that is an oversight. We need to include that because, in the past, when Congress has required the Executive to make reports on sensitive technologies to Congress, it has been careful to prevent the exposure of this type of information about patents and trade secrets, and so on. I hope we can include that in the legislation, and my staff has been talking to Senator FEINGOLD's staff to see if they would be willing to do so.

The other aspect is trying to protect the information that is classified. Originally, there was a concern that we were too broad with our proscription in trying to prevent classified information from being released to the public. So what we did was to modify the amendment to simply require that in the case of disclosure by Members of Congress or staff, this would be impermissible for classified information. If we are going to ask for reports of classified information, clearly, we should be willing to enforce the proscription on the release of that information. I am hoping we would be willing to do that as well.

That is the second amendment. I hope my colleagues will be willing to support both amendments. I think they will add to the benefits of this legislation. With respect to at least one of these amendments, it is germane postcloture, but I am hoping we can get them both resolved before cloture is invoked on the bill.

Mr. President, I yield the floor.

Mr. VOINOVICH. Mr. President, I rise today to voice my support for amendment 342. I am proud to join my good friend, the Senator from Maine, the ranking member of the Committee on Homeland Security and Governmental Affairs, in cosponsoring this amendment.

For the past several days, this body has been debating various amendments regarding the workforce authorities for the Transportation Security Administration. I would ask my colleagues to stop for a moment and consider the situation before us. The establishment of the Department of Homeland Security is one of the largest undertakings this Government has initiated since the creation of the Department of Defense in 1947. It includes a merger of 22 agencies and approximately 180,000 employees. This merger is so complicated that the Government Accountability Office has identified the implementation and transformation of the Department as one of the 27 areas designated as high risk, subject to waste, fraud, abuse, and mismanagement.

Many of my colleagues will recall the debate the Senate engaged in during the creation of the TSA. The Senate debated basic questions such as whether the screening function should be federalized. There was a lot of debate that it ought not to be federalized; that we should let the private sector do it. In the end, screeners were federalized, and TSA was charged with hiring approximately 55,000 screeners, or transportation security officers, in 1 year.

I cannot think of a greater Government undertaking than creating an agency overnight to secure the safety and security of our airports and the traveling public in order to guarantee we never have another 9/11. I am absolutely convinced that if Congress did not provide TSA with the workforce flexibilities it did, TSA would never have met its statutory mandate to stand up in 1 year. Think about that. We got that done in 1 year.

My colleagues know I have not been the biggest fan of the Department of Homeland Security. I am still upset that the only high-risk area identified by GAO that does not have a strategic plan in place is DHS. That is why I am so pleased the underlying bill contains an amendment I offered in committee to establish a chief management officer for the Department. This 5-year term appointment is crucial to leading the transformation of the Department so it does not hobble along from one administration to another, struggling to complete its merger and its mission.

I hope my colleagues have had the opportunity to meet with Assistant Secretary Kip Hawley, the TSA Administrator, who I think is one of the finest public administrators whom I have met so far in this administration. Mr. Hawley was confirmed in this position in July of 2005. This is the second position at TSA he has held. In October 2001, Mr. Hawley was the senior adviser for the project team that worked to stand up the Agency. While TSA is by no means perfect, it is one of the more successful operating components of DHS. I wish others were as good.

There is no question our enemies want to do harm to us through our airline and transportation systems. This threat is unrelenting, and TSA must be flexible, nimble, and innovative in order to respond to the 24-hour, 7-day-a-week threat we have. The threat is out there constantly. It is not akin to something that happens every so often. It is there 24 hours a day.

Granted, as in all organizations, human capital at TSA is not perfect, but I have not seen any evidence that we need to throw the baby out with the bathwater; in other words, get rid of the system in place now and go to something else. There is no evidence to support this dismantling of TSA's personnel system and beginning anew, as the Senator from Connecticut has suggested.

To my knowledge, the Senate has had one hearing on the TSA workforce, and that hearing was held this Monday in the Committee on Homeland Security and Governmental Affairs, of which I am the ranking member. This hearing was conducted after the committee adopted the amendment by the Senator from Connecticut. One can only conclude that the amendment was offered in response to labor's unhappiness. Labor was unhappy several years ago that the title V provisions were waived for TSA. In other words, we gave them a separate personnel system because we wanted to see it get up and go and have the flexibility to get the job done.

On the other hand, based on the information presented at the hearing on Monday, I believe some reforms to TSA's personnel authority are necessary at this time. This is this compromise. That is why I am happy to join with my colleagues, including the Senator from Maine, the senior Senator from Alaska, and the senior Senator from Virginia, in offering this amendment.

While TSA has moved and continues to move in the right direction in providing safeguards for its employees, there is more we in Congress can do. After hearing testimony during Monday's hearing, I think it appropriate for the TSOs to be included in some basic workforce protections.

While the Office of Special Counsel did not have statutory authority to investigate whistleblower claims at TSA, TSA and the Office of Special Counsel worked together to develop and implement a memorandum of understanding allowing the OSC to investigate retaliation claims. In other words, they got involved through a memorandum. This was signed in 2002, and since that time OSC has received 124 whistleblower complaints.

While I applaud TSA for taking this step and signing the MOU, I believe it is important for Congress to extend through statute the full authority of OSC and the Federal courts to investigate and hear cases of whistleblower retaliation. Let's change the law. Let's give them that right.

After Monday's hearing, I also believe it is important to extend to TSO the ability to file a complaint with the Merit Systems Protection Board for an adverse action. This would include removal, suspension for more than 14 days, demotion, reduction in pay, or furlough. While I applaud TSA for developing and implementing a robust internal process, including an Ombudsman Office, Disciplinary Review Board, and Peer Review Board—they put all that in place—I believe the value of independent review of the MSPB that could follow the internal process is important to build further confidence in TSA's system and reassure those being hired and on the job. So you are going to have that available to you under the Collins amendment.

In the unfortunate circumstances when claims are filed with OSC, or should the Collins amendment be adopted, with MSP, TSOs also have the right to union representation during these proceedings. A lot of people are not aware of this fact, that we have members of 13 unions of the 42,000 TSOs. Some people got the idea that because we gave them the flexibility, they couldn't join a union. The fact is, they have joined. Many of them have joined a union, and the unions can represent them in the various appeals they may have in terms of personnel matters. However, something I learned during Monday's hearing is that the provision in the underlying bill would have a much broader implication on the workforce than reforming the personnel system. Using the authority in the Aviation Transportation and Security Act, TSA has been able to develop and implement the most extensive pay-for-performance system in the Federal Government. Did you hear that? Pay for performance in the Federal Government. That is a big deal. That is something which some of us have been working on—I have—for the last 8 years.

TSA has not developed this system in a vacuum. It received input from approximately 4,000 TSOs through 25 focus groups, and after the initial design, performance, accountability, and standards system—they call it PAF; that is their pay for performance—it was reviewed subsequently by focus groups and online surveys for additional feedback from the workforce.

Perhaps more than any Member of this Senate, I have devoted extensive time, as chairman and ranking member of the subcommittee on the oversight of Government and the Federal workforce, to understand and develop ways to recruit, retain, and reward people who work in the Federal Government. I have partnered successfully with my colleagues to enact legislation to provide agencies with even greater flexibility to meet their workforce needs.

We know that in order to be successful, we must have the right people with the right skills, with the right knowledge at the right place and at the right time. I do not believe it is appropriate for Congress to roll back any reform or flexibility without due consideration. Again, I remind my colleagues, the only hearing on this issue was held this week.

As I mentioned, I am a strong supporter of pay for performance. Here in TSA, the Federal Government has the largest group of employees under this system. The Government-wide Senior Executive Service covers only 6,000 employees, and the Department of Defense has made decisions for only 11,000 employees—in other words, 11,000 people in the Defense Department under pay for performance, 6,000 in the Senior Executive Service, and we have almost 55,000 in the TSA who are in pay for performance. Time and time again, Federal unions argue against pay for performance. This is a big deal. My colleagues ought to understand what this is about.

Monday, the president of the National Federation of Government Employees reasserted his union's opposition to pay for performance. He doesn't want pay for performance. If you ask the American people, they will tell you they would like to see pay for performance. At a hearing of the Subcommittee on Oversight of Government Management and the Federal Workforce that I chaired last year, unions testified against legislation I introduced that would have required at least a three-tiered rating system and prevented an employee whose job performance was unsatisfactory from receiving an annual pay increase.

I am concerned that changing the personnel system and potentially making it subject to collective bargaining would set back the progress TSA has made. My colleagues must remember that TSA has existed for just over 4 years and its performance and standards system is just a year old. GAO noted that it takes about 4 or 5 years to properly assess a performance management system. We are not yet in a position to judge how the TSA system is working.

The TSA's authority has allowed it to develop and implement innovative approaches through its strategic human capital management. TSA would lose that authority if the underlying provision of S. 4 were to be enacted into law. For example—this is really something unique—TSA has initiated a pilot program to provide health care benefits to part-time screeners. They know they need full time and part time. But most of the time, part-time people do not get health insurance. They are doing that right now. So if you look at some of the really neat things they are doing over there, it just does not make sense for us to pull the plug.

TSA recognizes the negative impact every screener who leaves TSA has on its ability to secure our transportation system. They know it costs $12,000 to hire and train a new screener. TSA knows it is in their best interests to retain every member of its dedicated workforce. They care about their employees. They want to motivate them; they want to reward them; they want to retain them, they want to reward them.

Another key provision of the Collins amendment is the reports providing assessment of employee matters by GAO and TSA within a year. A year from now, let's look at what is going on over there.

Congress must use this opportunity to fulfill its oversight objective and understand the strengths and shortfalls of the TSA system to make improvements. It is not appropriate for Congress to summarily dismiss all the work TSA has invested in its workforce just because a large Government employees union doesn't like it.

The main consideration we should have as Members of the Senate is the security of the people in the United States of America. Yes, we want to protect the rights of the people who work in the Federal Government. But if we have a system that is really working and making some real improvement and making sure we are not going to have another 9/11 from an airborne attack, we ought to let them continue to do the job they are doing and should not just snap our fingers and say: These people are unhappy about what is going on there. They think we ought to get rid of that system. I don't think we should do that. I think every Member of this Senate should think about it. This is real serious business.

I know people on the other side of the aisle are under a lot of pressure. So am I. I know the president of both of the major unions here, and I have worked with them and tried in all these changes we have made in the human capital laws of the United States of America to take their concerns into consideration. But on this one, I am really begging my friends on the other side of the aisle to really look at where we are today and what this is all about and not throw the baby out with the bath water.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Pennsylvania.

Mr. LIEBERMAN. Mr. President, if I may first ask unanimous consent that the Senate stand in recess at 10:40 subject to the call; and that at 1:30 p.m. today, there be 15 minutes of debate equally divided and controlled prior to a vote in relation to the McCaskill amendment No. 316, as modified, followed by a vote in relation to the Collins amendment No. 342; that there be 2 minutes of debate equally divided between the votes and that no amendments be in order to either amendment prior to the vote; that at 1:45 p.m., without further intervening action or debate, the Senate proceed to vote in the order specified.

The PRESIDING OFFICER. There is objection?

Mr. SPECTER. Mr. President, reserving the right to object, I would like to clarify the status of amendment No. 286, which I laid down yesterday, the habeas corpus amendment. I just discussed with the Senator from Connecticut a unanimous consent request that I would make to get recognition when we resume after King Abdullah's speech. Might I inquire of the Senator from Connecticut what the sequence would be as to a continuation of the debate on the habeas corpus amendment?

Mr. LIEBERMAN. Mr. President, if I may through the Chair, there are a number of Senators who said they wanted to come and discuss amendments after the Senate reconvenes. How much time did the Senator from Pennsylvania desire to discuss the habeas amendment?

Mr. SPECTER. It is hard to say because there are a number of Senators who want to debate the issue. I am advised that there is not a willingness to give a time agreement, so it is not possible to really answer that question.

Mr. LIEBERMAN. Understood. Maybe I misled the Senator unintentionally. I am not looking for a time agreement on debate on the amendment; I would just like to know how long he would like to speak when we reconvene so we set it down for a time limit because I know there are other Senators from both parties who want to come over.

Mr. SPECTER. I would like 1 hour.

Mr. LIEBERMAN. I would accept that amendment to my request, with the understanding that not interfere with the fact that by 1:30, we will go back to the Collins and McCaskill amendments. I don't think it would.

Mr. SPECTER. Mr. President, if I might be recognized at noon when we return after the Abdullah speech?

Mr. LIEBERMAN. I have no objection.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I just want to be clear that the Senator from Pennsylvania will not be changing the agreement the Senator from Connecticut just announced that will allow the 15 minutes of debate prior to the 1:45 votes.

Mr. LIEBERMAN. Not at all. Mr. President, I again ask unanimous consent on the unanimous consent agreement that I proposed with regard to the votes on the Collins and McCaskill amendments, and then we will come directly to Senator SPECTER.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that I be recognized when the Senate reconvenes at 12:00 to speak for 1 hour.

Mr. LIEBERMAN. Mr. President, I just would say, or whenever. If we come back before 12, you will be recognized to speak for an hour.

Mr. SPECTER. That is fine.

Mr. LIEBERMAN. Or after 12, if that is the case. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. The Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:43 a.m., recessed until 12:04 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE KING OF JORDAN

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the King of Jordan.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, and the Secretary of the Senate, Nancy Erickson, proceeded to the Hall of the House of Representatives to hear the address by His Majesty King Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan.

(The address delivered by the King of Jordan to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized for up to 1 hour.

Mr. SPECTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING AMERICA'S SECURITY ACT—Continued

AMENDMENT NO. 286

Mr. SPECTER. Madam President, I have sought recognition to debate amendment No. 286, which would reverse the provision in the Military Tribunal Act which has limited the jurisdiction of the Federal courts in habeas corpus proceedings.

The essential question at issue is whether the combatant status review tribunals are adequate and effective to test the legality of a person's detention.

What we are dealing with here is an examination of the issue as to whether the procedures are fundamentally fair. Congress should repeal the provisions of the Military Commissions Act which limit Federal court jurisdiction on habeas corpus.

The decision by the court of appeals, I submit, will be overturned by the Supreme Court of the United States because of Circuit Court's ruling that the Rasul case dealt only with the statutory provisions on habeas corpus. The Circuit Court ignored the binding language of Rasul, which said that the habeas corpus rights were grounded in common law in effect in 1789 and were, in fact, part of the Constitution. Where habeas corpus is a right in the Constitution, and it is such a right because the Constitution expressly states that habeas corpus shall not be suspended except in cases of invasion or rebellion—and no one contends that there is either invasion or rebellion at issue—Congress cannot legislate a derogation of that constitutional right. Any act of Congress is obviously trumped by a constitutional provision. Where you have habeas corpus in effect in 1789 and the constitutional provision prohibiting its suspension, the legislation passed in the Military Commission Act I think ultimately will be determined by the Supreme Court to be unconstitutional, pretty clearly on the face of the opinion of the Court articulated by Justice Stevens.

The Congress ought to reverse the provision of the Military Commission Act which strikes or limits Federal court jurisdiction on habeas corpus because the provisions—the way the detainees are being dealt with, simply stated, is not fundamentally fair. It does not comport with due process of law, and due process is a right even without specific enumeration in the Constitution.

The order establishing the Combat Status Review Tribunal provides as follows:

> For purposes of this order, the term "enemy combatant" shall mean an individual who was a part of or supported Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or who has directly supported hostilities in aid of enemy forces.

The fact is that people are detained as enemy combatants without any showing of those basic requirements.

The next section of the order establishing the Combatant Status Review Tribunal provides:

> All detainees shall be notified—

Skipping some language—

> of the right to seek a writ of habeas corpus in the courts of the United States.

I have not seen any reference to this provision in any of the adjudications, and I found this on the very extensive research which my staff and I have undertaken to prepare for this debate. But there you have it. The order itself setting up the Combat Status Review Tribunal says that the detainees have the right to seek a writ of habeas corpus. The Secretary of Defense has the authority to establish the rules, and he has established the rule which gives the detainee the right to seek a writ of habeas corpus. That ought to end the argument right there.

Let's proceed further to see, in fact, what happens when these matters are taken before the Combat Status Review Tribunal. We have the opinion of U.S. District Judge Green in a case captioned, "In Re: Guantanamo Detainee Cases," in which Judge Green writes as follows:

> The inherent lack of fairness of the CSRT's consideration of classified information not disclosed to the detainee is perhaps most vividly illustrated in the following unclassified colloquy which was taken from a case not presently before this judge which exemplifies the practical and severe disadvantages faced by all Guantanamo prisoners. [I read] a list of allegations forming the basis for the detention of Mustafa Ait Idir, a petitioner in Boumediene v. Bush case—

And that parenthetically is the case decided by the Court of Appeals for the third circuit.

This is what Judge Green goes on to point out in her opinion in the Federal Reporter:

> While living in Bosnia, the detainee associated with a known al-Qaida operative.
>
> In response, the following exchange occurred:
>
> Detainee: Give me his name.
>
> Tribunal President: I do not know.
>
> Detainee: How can I respond to this?

Skipping some irrelevant language, the detainee goes on to say:

> I asked the interrogators to tell me who this person was. Then I could tell you if I might have known this person, but not if this person is a terrorist. Maybe I knew this person as a friend. Maybe it was a person that worked with me. Maybe it was a person that was on my team, but I do not know if this person is Bosnian, Indian, or whatever. If you can tell me the name, then I can respond and defend myself against this accusation.
>
> Tribunal President: We are asking you the questions and we need you to respond to what is in the unclassified summary.

Skipping some irrelevant materials, the detainee then goes on to say:

> But I was hoping you had evidence that you could give me. If I was in your place—and I apologize in advance for these words—but if a supervisor came to me and showed me accusations like these, I would take these accusations and I would hit him in the face with them. Sorry about that.

Then, parenthetically, Judge Green's opinion notes that "Everyone in the tribunal laughs."

> Tribunal President: Well, we had to laugh, but that is OK.

A little later in the opinion—

> The detainee says: What should be done is you should give me evidence regarding these accusations, because I am not able to give you any evidence. I can just tell you no, and that is it.

Then Judge Green goes on to say:

> The laughter reflected in the transcript is understandable. And this exchange might have been truly humorous had the consequences of the detainee's enemy combatant status not been so terribly serious, and the detainee's criticism of the process had not been so piercingly accurate.

Well, this case illustrates the fact that the provisions in Guantanamo on the detainee status review tribunal is a laughing stock. It hardly comports with what the Secretary of Defense said was required: that there has to be evidence that the individual supported Taliban or al-Qaida forces or committed a belligerent act.

The Judiciary Committee held a hearing and one of our witnesses was a distinguished attorney, Thomas Sullivan, who made available a series of cases before the Combat Status Review Tribunal. This is one illustrative case involving a man named "Abdul-Hadi al Siba." I take this from the extract of what the witness provided:

> The Combat Status Review Tribunal stated that al Siba was charged with being captured in crossing the border into Pakistan with having volunteered for a charity that was funded by al-Qaida. That is all that is in the summary.

Again, this hardly comports with the standard by the Department of Defense itself that there is supposed to be evidence which would show the detainee was engaged in hostilities against the United States or committed belligerent acts.

The provisions of the Department of Defense establishing the Combat Status Review Tribunals is fundamentally unfair under the most basic principle of Anglo-Saxon American jurisprudence. The rules are:

> Preponderance of evidence shall be the standard used in reaching the determination, but there shall be a rebuttable presumption in favor of the government's evidence.

That is the most extraordinary standard which I have ever seen, and it is bedrock Americana that people are presumed innocent. But instead, when a detainee faces a Combat Status Review Tribunal, the presumption is that he is guilty. That hardly comports with a standard of fundamental fairness or due process.

The rules promulgated by the Department of Defense call for a preponderance of evidence, so even if there is a presumption of guilt, the standards do require some evidence. But that was not present in the case cited by Judge Green, not present in the cases cited by Thomas Sullivan at our Judiciary Committee hearing.

Madam President, I ask unanimous consent that the summary of other cases provided by Mr. SULLIVAN be included in the RECORD at the conclusion of my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. The standards which have been established, which would, under some circumstances, permit a substitute procedure for habeas corpus were articulated by the Supreme Court of the United States in the case of Swain v. Pressley. In that case, the Supreme Court said there could be a collateral remedy which is neither inadequate nor ineffective to test the legality of a person's contention.

But the collateral remedy which was present in Swain v. Pressley is a far cry from the provisions of the Combat Status Review Tribunal.

What the Supreme Court was dealing with in the Swain case was habeas corpus before a State court as opposed to habeas corpus before a Federal court. In Swain, the Supreme Court said that the "relief available in the Superior Court is neither ineffective nor inadequate simply because the judges of that court do not have life tenure."

So here we have a State court functioning under the rules of habeas corpus and the Supreme Court says that is an equivalent of Federal court habeas corpus because State court judges can make that determination and the only difference is that the State court judges do not have wide tenure.

In Swain, the Supreme Court went on to say:

> It is a settled view that elected judges of our State courts are fully competent to decide Federal constitutional issues.

So there you have the constitutional issue decided. But the only difference is that it is a State court. Well, that has absolutely no resemblance to the combat status review tribune. It hardly qualifies as an adequate substitute.

I want to proceed now to the issues that were articulated by the Supreme Court of the United States in Rasul, where I believe it is very clear cut that there is the ignoring of the language of the Supreme Court, and a constitutional right and a right that was in effect in common law in 1789 will certainly be utilized by the Supreme Court in dealing with the circuit court opinion, which is directly inconsistent with the language of Justice Stevens. This is what Justice Stevens said in the Rasul case, speaking for the Court:

> Application of the habeas corpus statute to persons detained at the base [referring to the Guantanamo base] is consistent with the historical reach of the writ of habeas corpus. At common law courts exercise habeas corpus over the claims of aliens detained within the sovereign territory of the realm, as well as the claims of persons detained in the so-called "exempt jurisdictions" where ordinary writs did not run, and all other dominions under the sovereign's control. As Lord Mansfield wrote in 1759, even if a territory was "no part of the realm", there was "no doubt" as to the Court's power to issue writs of habeas corpus if a territory was under the subjection of the crown.

The Supreme Court had already held in the trilogy of cases in 2004 that the United States Government controlled Guantanamo Bay, so it was within the jurisdiction of the United States.

Justice Stevens goes on to point out that:

> Later cases confirmed the reach of the writ depended not on formal notions of territorial sovereignty, but rather on the practical question of "the extent and nature of the jurisdiction or dominion exercised in fact by the crown."

There again is the reference to the undeniable fact that the United States controls Guantanamo and it is under United States dominion. The court of appeals concluded that the language about the existence of the writ when the Constitution was adopted and the constitutional right of habeas corpus was not resolved by Rasul, because the specific holding in Rasul was on the statutory provisions of section 2241.

The Stevens opinion says:

> We therefore hold that section 2241 confers on the district court jurisdiction to hear petitioner's habeas corpus challenges to the legality of their detention at Guantanamo naval base.

Now, the circuit court said that, well, is a holding based upon the statute, but its limitation does not apply to a constitutional right or the reach of the writ in effect in common law in 1789. How can it be that the Supreme Court would say Guantanamo Bay is under United States jurisdiction for the statutory right but outside of the jurisdiction for the constitutional right? It stands the English language on its head.

There have been a number of situations where—especially in the fifth circuit—on death penalty cases the circuit has, in effect, ignored what the Supreme Court has had to say. It has been a highly critical Supreme Court which has then come to review those decisions. I suggest that that would be the response when the Supreme Court comes to review the circuit court opinion which ignores the plain language of the Supreme Court of the United States.

In dissent, Justice Scalia recognized the fact that the case of Johnson v. Eisentrager had been overruled. The court of appeals relies upon Johnson v. Eisentrager to hold that there is no jurisdiction over Guantanamo Bay. But this is what Justice Scalia, in dissent, had to say about the overruling of Johnson v. Eisentrager. He called it "overturning of settled law."

But the court of appeals did not view it as such. So when this case comes before the Supreme Court, I think it is patently obvious that the language of the Court will require reversal of the circuit court decision.

I have been asked if I will yield for a unanimous consent request by Senator LIEBERMAN, and I will do so.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that when the time allocated to the Senator from Pennsylvania expires at 1, the Senator from Minnesota be recognized for 10 minutes and, after that, the Senator from Delaware be recognized for whatever amount of time he needs until 1:30, when Senators COLLINS and MCCASKILL have 15 minutes equally divided.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the failure of the Court of Appeals for the District of Columbia to recognize the settled principles was the subject of an analysis by the distinguished constitutional scholar Adam Liptak in the New York Times yesterday. It is worth notice. The analysis said that:

> what the Supreme Court says goes. Usually. But in a defiant decision 2 weeks ago, a Federal Court of Appeals in Washington conceded that it was ignoring parts of the 2004 Supreme Court decision on the rights of a man held at Guantanamo Bay, Cuba. That can make the Supreme Court testy and it may help the detainees.

The analysis goes on to paraphrase the powerful dissent of Judge Judith Rogers, who said her colleagues were thumbing their noses at the Supreme Court. Liptak notes that:

> [Rogers stated that her colleagues] "were ignoring the Supreme Court's well-considered and binding dictum" concerning the historical roots and geographical scope of the prisoner's basic rights and she cited the case from her own court that said that such statements "generally must be treated as authoritative."

The analysis goes on to say that:

> almost 3 years ago, the Supreme Court ruled in Rasul that the detainees possessed an ancient and fundamental right, the right to challenge the justice of their confinement in court by filing petitions for writs of habeas corpus.
>
> In a crucial aside, in Rasul, Justice John Paul Stevens, writing for the majority, said this right was not just a result of a law passed by Congress but was grounded in the Constitution. "Application of the habeas statute to persons detained in the base," he wrote, "is consistent with the historical reach of habeas corpus."

Well, that lays it out in a pretty conclusive way that when the Court rules on a statute but says that the same right is embodied in the Constitution, Congress cannot pass a law which trumps the constitutional provision, as articulated by the Supreme Court of the United States.

The Liptak analysis goes on to note this:

> If that is a right, a new law pushed by the Bush administration's Military Commissions Act could not have cut off detainees' rights to habeas corpus. In a footnote, the appeals court basically acknowledges that. But it ruled that the Supreme Court's historical analysis was wrong and that Justice Stevens' dictum could be ignored.

In the analysis commenting on the Johnson v. Eisentrager case, Liptak noted as follows:

> All of the points which were relied upon by the circuit court, as Justice Stevens wrote in Rasul, counted in favor of the Guantanamo detainees. "They were not nationals of countries at war with the United States"—

Which was the case in Eisentrager—

> They have not been engaged in plotted acts of aggression against the United States. They have never been afforded access to any tribunal, much less charged with and convicted of wrongdoing, and for more than 2 years they have been in prison in territory over which the United States exercises exclusive jurisdiction and control.

Well, this is a fairly brief analysis in the time which I have. But the essence of it boils down to this: The Supreme Court—Justice Stevens speaking for a majority—has ruled that the Federal habeas corpus statute covers Guantanamo, that the rights were violated, and that the statute carries out the constitutional law and the scope of the writ in 1789, when the Constitution was adopted. And the Court of Appeals for the Third Circuit, in order to uphold the act, says the holding by Justice Stevens was only to a statute—and it is true Congress can change the statute—but ignores the plain language of Justice Stevens speaking for a majority of the Court that it is a constitutional right.

That cannot be changed by an act of Congress, and the Supreme Court will tell the court of appeals that when they get the case. Aside from the issue of constitutionality, which will be decided by the Court, as to the procedures that are in effect in these combat status review tribunals, they do not measure up to the requirements of fundamental fairness. They do not honor what the Department of Defense laid down as the basic rule that detainees are entitled to "the right to seek a writ of habeas corpus in the courts of the United States."

That ought to be the end of it because the Secretary of Defense was given the responsibility to decide what the rules were, and he said one of the rules is that these detainees can go to court. That is what an act of Congress has taken away, and that is what ought to be reversed.

Then if we take a look at what has to happen in these proceedings before the Combat Status Review Tribunal, the term "enemy combatant," which would qualify for detention, means an individual who was part of or supporting the Taliban or al-Qaida forces or has committed a belligerent act or has directly supported hostilities in aid of enemy forces.

The individual in the court of appeals case cited by Judge Green, which I read at length, was only supposed to have talked to somebody from al-Qaida, and they couldn't even produce the identity of the individual, which hardly measures up to the Department of Defense's standard. It is just absolutely ludicrous. Then for the Department of Defense provisions to say that there is a presumption of guilt just turns American justice on its head. Even with a presumption of guilt, the requirements are that there be evidence, and there is none in the case cited by Judge Green and by Mr. Sullivan.

This is just the beginning of the argument. We will have other Senators come to oppose.

Let me advise my colleagues that there will be a portion of the debate conducted in Room S-407, which is the room where we can discuss classified information, because Senator LEAHY and I have been reviewing the rendition in the Arar case, and we have found that there was a determination that Arar had a status—which I cannot discuss in this Chamber but can discuss only in S-407—which would warrant sending him to Syria. Arar was a Canadian citizen who came to the United States and was detained for questioning at an airport in New York City when he wanted simply to transit and go to Canada. He was questioned by the FBI.

It has been well noted that the FBI does not agree with the other interrogation practices which have been undertaken by the Government.

After that questioning, which was reportedly extensive, Arar was then sent to Syria. He came back and has filed suit alleging that he was tortured and subjected to brutal treatment.

The Canadian officials have considered the issue at length and have published a three-volume set. It is a good visual for people to see, if anybody is watching on C-SPAN2.

This is volume 1 of the report relating to Maher Arar, this is volume 2 on the report relating to Maher Arar, and this is the analysis and recommendation. After undertaking this kind of an analysis, the Canadian Government apologized to Arar and paid him about $10 million, but the U.S. Government continues to say that it was justified in sending Arar to Syria, where he was beaten.

These matters relating to rendition, I submit, are directly relevant to our consideration of whether the Federal courts need to be involved in determining the legality of Guantanamo detainees because this Government, in the war on terrorism—and there is no doubt about the importance of our war on terrorism and the necessity for effective law enforcement. I led the Judiciary Committee to the reauthorization of the PATRIOT Act, which gives law enforcement extensive authority. But there are laws against torture. There are international covenants against torture. The submission of rendition is something that is going to have to come under some judicial supervision.

I am considering now legislation which would require Federal authorities to go to court to establish probable cause and a basis for rendition before any American citizen or before anyone ought to be sent to a foreign country.

We have the allegations of the plaintiff in a case decided last week by the Fourth Circuit who was sent to Egypt and alleged that he was tortured there. The Fourth Circuit has held that the case cannot be pursued because of a state secrets doctrine. That is a matter which is going to be reviewed on oversight by the Judiciary Committee.

We have 25 CIA agents under indictment now in Italy, and we have 13 CIA agents now under indictment in Germany. The international response is that the United States is undertaking a rendition in a way which is unsatisfactory to basic standards of decency and fairness.

The Judiciary Committee has held hearings on Guantanamo. I visited Guantanamo. Not to have those detainees have the right of habeas corpus and Federal court review is totally at variance with the very basic tenets of Anglo-Saxon and American jurisprudence.

I cannot say anything more about Arar, but it can be discussed in S-407, which is the room we go to when we have matters to discuss which are classified. I believe it is a very compelling case that there needs to be judicial intervention or needs to be a lot more oversight than there has been on these matters.

I might say, it is like pulling teeth to get the Department of Justice to make any information available. It takes a long time to have access to the classified material, and then the material is insufficient to come to a conclusion. In the Arar case, we have a request pending and don't know what the result will be. But we do know Canada made an exhaustive analysis of Arar and what he had done, and I think I can say this: The materials in the classified documents relate to information substantially obtained from Canadian authorities, and Canada has made the inquiry and has apologized and paid some $10 million.

I yield the floor.

EXHIBIT 1

SUMMARIES OF CSRT EXAMPLES CITED BY TOM SULLIVAN AT SEPTEMBER 25, 2006 SJC HEARING

ABDUL-HADI AL SIBA'A

Al Siba'a is 34 year old Saudi Arabian who was taken into custody in Pakistan in December 2001. He had no weapon or ammunition when he was captured. The Combatant Status Review Tribunal stated that Al Siba'a was charged with being captured in crossing the border into Pakistan and with having volunteered for a charity that was funded by Al-Qaida.

Al Siba'i repeatedly contended that he is a police officer in the Riyadh police department who was on a leave of absence in August 2001 to assist in building schools and a mosque in Afghanistan. He has presented his passport and his airline ticket. He has offered to have the Riyadh Police Department verify his employment and the nature of his leave of absence. Those requests were refused by the tribunal "because an employer has no knowledge of what their employees do when they are on leave."

After five years of detention, the government released Al Sibai'i from Guantanamo Bay, and he returned to his home in Saudi Arabia.

UNNAMED DETAINEE

One detainee, who is not named in the declassified documents from the CSRT, is a Muslim man from Germany. This detainee is charged with having a close association with an individual who later engaged in a suicide bombing.

The detainee had no memory of any association with a person who was a suicide bomber. In order to understand the nature of the charges against him, the detainee asked what evidence the tribunal had to show that he was involved with a suicide bomber.

The tribunal responded that they could not answer that question and that "anything remaining concerning [the suicide bomber who the detainee was allegedly associated with] is in the classified session." While the detainee continued to be cooperative and answer the questions posed to him by the CSRT, the Tribunal never provided him with an explanation of the questions that it asked regarding his associations with other individuals and organizations.

"MUSTAFA"

Arrested in Sarajevo, Bosnia, but originally of Algerian descent. Accused of being a member of the Islamic Armed Group, which was plotting to bomb the American Embassy in Sarajevo. Asked about his relationship to Abu Zubayda, whom he denied knowing.

Mustafa was arrested and searched by "international police from the United Nations." Was told that if the Bosnians no longer wanted him in their country, he would be welcome to return to Algeria.

Asked his interrogator at GTMO, "why, and if there were any accusations or evidence against me. The interrogator said to me that they would find something, meaning I could not be released from Cuba without them finding some accusation against me. I could not have been held in Cuba in prison for three years, then all of a sudden be found innocent and released."

ABDUR SAYED RAHMAN

Born in Pishin, Pakistan. Charged with being a member of the Taliban, which he denied.

Although there were two exhibits read into evidence against him, he was unable to view the evidence. Additionally, the detainee denied having been at the place of his capture in Pakistan at the alleged time of his capture. The government could not verify with him the time of his capture.

Mr. SPECTER. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have a couple supplemental comments I would like to make.

The requirement established by the Department of Defense that a detainee shall be notified "of their right to seek a writ of habeas corpus in the courts of the United States" was given to all the detainees. So they have had it and relied upon it. I suggest that while not legally the same, that any change in that policy is really in the nature of ex post facto, which is changing a rule and establishing criminal liability after the fact, which is prohibited by the Constitution. It isn't quite that, but it has the same flavor, and it is the nature, also, of a bill of attainder, which is legislation that establishes guilt as opposed to a judicial proceeding. What we have had here, in effect, is legislation which has changed what the Department of Defense said the rights of the individuals would be.

I wish to cite, in addition, a quotation from Justice O'Connor in the Hamdi v. Rumsfeld case, talking about combat status review boards, in which she said:

> Any process in which the executive's factual assertions go wholly unchallenged or simply presumed correct without any opportunity for the alleged combatant to demonstrate otherwise falls constitutionally short.

Justice O'Connor restates in shorthand the traditional presumption of innocence which is turned on its head by the DOD regulations and says as a matter of Supreme Court ruling that without any opportunity to defend, those presumed conclusions can't stand.

We saw the case of Judge Green, we saw the case cited by the witness before the Judiciary Committee, all of which shows the basic unfairness of what is going on in Guantanamo. The only way to correct it is through the traditional habeas corpus rights in Federal court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

VETERANS HEALTH CARE

Ms. KLOBUCHAR. Mr. President, I rise today to pay tribute to our brave soldiers fighting overseas and in particular the nearly 3,000 Minnesota National Guard members who recently had their stays extended in Iraq. I wish to speak about our duty to these soldiers for their sacrifices on behalf of our Nation. It is an issue that must transcend partisanship.

Whether one supports the President's escalation or opposes it, as I do, there is one point on which we can agree: We must support the soldiers on the battlefield, and when they return home, we must give them the support they need.

In the past 4 years, American military service personnel and their families have endured challenges and stressful conditions that are unprecedented in recent history, including unrelenting operational demands and recurring deployments in combat zones.

Mr. President, 1.5 million American service men and women have served in Iraq and Afghanistan. These wars are creating new generations of veterans who need their country to stand with them. Many of the soldiers fighting in Iraq and Afghanistan are doing it not only to serve their country but also to provide for their families.

One of these soldiers was Army SGT William "B.J." Beardsley, who lived in Minnesota. Sergeant Beardsley joined the Army just after high school and completed one term of service. But when his wife Stacy encountered medical ailments, Sergeant Beardsley decided to reenlist, in part so that his health insurance would cover the medical treatment his wife required.

His personal sacrifice to family and country allowed his wife to successfully undergo surgery. Tragically, the day Stacy left the hospital, Sergeant Beardsley was killed by a roadside bomb in Iraq.

I have always believed that when we ask our young men and women to fight and die for this Nation, we make a promise that we will give them all the resources they need to do their job and when they return home, we will take care of them and their families. Sergeant Beardsley will not be coming home, but for too many of his fellow soldiers in Iraq and Afghanistan who do return, our promise to take care of them has repeatedly been broken.

As a nation, we have an obligation to wrap our arms around the people who serve us and who have sacrificed for us. Today, our veterans need us more than ever. While the President pushes ahead with his surge of additional troops into Iraq's civil war, at home we are already experiencing a vastly larger surge of returning soldiers, many of them citizen soldiers from the National Guard and Reserves.

More than 3,000 have returned having made the ultimate sacrifice, leaving behind grieving families and communities. Tens of thousands have come home physically wounded. Tens of thousands more return suffering from post-traumatic stress, depression, and substance abuse as a result of their service. These are men and women who have served our country on the front lines, but on returning home too many have found themselves shunted to the end of the line, left waiting to get the health care they need, left waiting to receive the benefits they have earned and, as the shocking revelations from Walter Reed show us, some have been left waiting in the most squalid of conditions. We are now learning this is not an isolated incident.

In Minnesota, one of those left waiting was Jonathan Schulze. Jonathan, from Stewart, MN, was a 25-year-old marine who had fought in Iraq and earned two Purple Hearts. He told his parents that 16 men in his unit had died in 2 days of battle. When he returned home in 2005, the war did not leave him. He suffered flashbacks and panic attacks. He started drinking heavily to stave off nightmares. According to VA Secretary Jim Nicholson, Jonathan was seen by the VA 46 times in Minneapolis and St. Cloud, MN, but this was not enough. In January, this young war veteran hanged himself.

We now learn that the VA Medical Center in St. Cloud has 15 acute inpatient psychiatric beds, while a decade ago there were 198 beds. That means the number of acute psychiatric beds available for veterans there has declined by more than 90 percent in the past decade. It is as if nobody even realized that we have been at war for the past 4 years and that tens of thousands of Minnesotans have returned from combat, with many more to come.

Our veterans didn't stand in long waiting lines when they were called up or volunteered to serve our Nation. So why are we asking them to stand in line now for medical care?

As a former prosecutor, there is a saying that "justice delayed is justice denied." I would add that, for our veterans, "health care delayed is health care denied," and that, too, is an injustice. We need to do better, much better, and we can.

In fact, we know what needs to be done. First, we need to stop shortchanging our veterans during the budget process. Just as this administration sent our soldiers into battle without a plan for victory, it also failed to develop a plan to address their needs once they got home. The administration shockingly underestimated the number of veterans who would require medical care.

In its fiscal year 2005 budget request, the Department of Defense estimated that they would have to provide care for 23,500 veterans from Iraq and Afghanistan. In reality, more than four times that number required assistance. Last year, the Pentagon underestimated the number of veterans seeking care by 87,000.

The Department of Veterans Affairs operates the largest medical system in the Nation. It has a reputation for high-quality care, with many talented, dedicated doctors, nurses, and other staff. The VA's resources, however, are now severely strained. The waiting list and delays get longer. The shortages are especially severe in mental health care. Last year, the VA underestimated the number of new post-traumatic cases by five times.

For the past several years, this administration has submitted a budget request for the VA that significantly underfunded the needs of America's 25 million veterans. This is from the same administration that each year asks Congress to authorize tens of billions of dollars for projects in Iraq. I was pleased that the continuing resolution, passed a few weeks ago, increased funding for the VA by $3.5 billion over fiscal year 2006 levels. However, this should only be the beginning of a renewed commitment to our service men and women, both on the front lines and on the home front.

When the President's budget comes to the Senate floor later this month, I will join my like-minded colleagues in pressing for a substantial increase in VA funding.

Second, we need to start treating our National Guard and Reserves like the soldiers they are. Up to 40 percent of the troops fighting in Iraq have been National Guard members and reservists. Minnesotans know all too well the burden being placed on our Guard forces. The National Guard was not built to serve as an Active-Duty force for prolonged periods of time. Yet that is exactly what we are requiring them to do. Guard funding and benefits have not gone up correspondingly to match its increased duties.

Meanwhile, the Pentagon is stripping Guard units of their equipment in order to make up for shortages in supply. States rely on the presence of a strong and well-equipped Guard in order to respond to domestic emergencies. Department of Defense policies have weakened the Guard to the point that a recent commission found that 88 percent of Guard units in the United States cannot meet preparedness levels.

It is time we recognize the elevated position and importance of the National Guard to our national security. As a member of the National Guard Caucus, I support the National Guard Empowerment Act, which will promote the commander of the National Guard to a four-star general and make him a member of the Joint Chiefs of Staff. It will also grant the Guard more responsibility over coordinating Federal and local agencies during emergencies.

We must also upgrade Guard members from their perceived status as second class veterans in other areas, including health care, pension plans, education, and reintegration programs. We need to do a better job of integrating our returning veterans back into our communities when they return. This is particularly hard for National Guard members when they do not have a base to go home to and have to go to literally thousands of communities and small towns across this country.

In Minnesota, we are proud to have created the Beyond the Yellow Ribbon Program, which provides counseling and support to National Guard members and their families. Across my State right now, the National Guard is sponsoring a unique series of Family Reintegration Academies. Several weeks ago, I had the honor of attending one of these academies in Alexandria, MN. This pilot reintegration program has helped ease the transition for soldiers and their families, and it has gotten fabulous reviews from the participating families.

What works in Minnesota can work in every State across the Nation. As we enter this appropriations process, I will be working with my colleagues to insist that the Federal budget include funding for reintegration programs for Guard members and reservists.

Third, we need to improve health care for all of our soldiers. The problems found at Walter Reed are all too common at veterans hospitals and centers nationwide. I have joined my colleagues in legislation that will begin to solve the personnel and building shortages at Walter Reed Hospital and similar centers across the Nation. I also will join the Democratic leadership in the Senate in their HEROES plan to provide more oversight to veterans affairs and develop legislation to address these problems.

One of the most glaring needs in veterans health care today is funding for research and treatment of polytraumatic injuries. As Bob Woodruff of ABC News showed us so vividly last week, with his own example and that of many other wounded soldiers, brain trauma has become a signature injury of this war in Iraq.

Minnesota is home to one of the VA's systems four polytrauma rehabilitation centers. The others are in Palo Alto, Richmond, and Tampa. These centers were created in recognition of the large number of service members sustaining multiple severe injuries as a result of explosions and blasts. These centers provide a full array of inpatient and outpatient services, with specialized programs for traumatic brain injuries, spinal cord injury, blind rehabilitation, and post-traumatic stress disorder.

I have visited the VA polytrauma brain center in Minneapolis. We need more of these centers and more research into the permanent effects of brain trauma caused by explosions on the battlefield. Our current VA infrastructure is not equipped to deal with these injuries and to care for brain-injured vets once they leave these specialized centers and return home. This must be a priority.

Another issue that is only beginning to receive sufficient attention is the proliferation of mental health disorders among veterans. According to a Veterans' Health Administration report, roughly one-third of Iraq and Afghanistan veterans who sought care through the VA were diagnosed with potential symptoms of post-traumatic stress, drug abuse, or other mental disorders.

The Joshua Omvig Suicide Prevention Act, introduced by my colleagues from Iowa, will help ensure 24-hour access to mental health care for veterans deemed at risk for suicide. It will create VA programs to help veterans cope with post-traumatic stress disorder and other mental illnesses that too often lead them to take their own lives. Nearly 1,000 veterans who receive care from the VA commit suicide each year. It is too late for Jonathan Schulze, but it is not too late for the many other suffering soldiers who are at risk for suicide.

In the coming weeks and months, I hope to engage my colleagues to cooperate on new legislation that will increase the funding and commitment to veterans mental health services. In past years, veterans, such as my father, could count on the fact that their Government would stand by them. After World War II, our Government did just that, adopting the GI bill to provide health, housing, and educational benefits that gave returning veterans the help they needed to heal, to raise families, and to prosper.

At a time when we are spending billions on the reconstruction of Iraq, funding for health care for veterans is far below what is needed. Those are the wrong priorities for our country. We cannot abandon the brave soldiers who fought for us once they return.

In his Second Inaugural, President Lincoln reminded the American people that in war we must strive to "bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan." Today, Americans are again called to bind up our Nation's wounds and to care for those who have borne the battle, as well as their families who have shouldered their own sacrifice.

Let us live up to this solemn obligation to bring our troops home safely and to honor our returning soldiers and their families by giving them the care and the benefits they have earned.

Mr. President, I yield the floor.

AMENDMENTS NOS. 383 AND 384, EN BLOC, TO AMENDMENT NO. 275

Mr. BIDEN. Mr. President, I send to the desk two amendments. I am only going to speak to one, but I would like to send both to the desk so I have them offered. One is an amendment relating to funding of the homeland security effort, and the other is one relating to the ability for cities and States to reroute hazardous waste around their major metropolitan areas.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes amendments numbered 383 and 384, en bloc, to Amendment No. 275.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 383 and 384) are as follows:

AMENDMENT NO. 383

(Purpose: To require the Secretary of Homeland Security to develop regulations regarding the transportation of high hazard materials, and for other purposes)

On page 361, after line 20, add the following:

Subtitle D—Transport of High Hazard Materials

SEC. 1391. REGULATIONS FOR TRANSPORT OF HIGH HAZARD MATERIALS.

(a) Definition of High Threat Corridor.—In this section, the term "high threat corridor" means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of high hazard materials, including—

(1) areas important to national security;

(2) areas that terrorists may be particularly likely to attack; or

(3) any other area designated by the Secretary.

(b) Purposes of Regulations.—The regulations issued under this section shall establish a national, risk-based policy for high hazard materials being transported or stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing high hazard materials.

(c) Issuance of Regulations.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue interim regulations and, after notice and opportunity for public comment final resolutions, concerning the shipment and storage of high hazard materials.

(d) Requirements.—The regulations issued under this section shall—

(1) except as provided in subsection (e), provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor;

(2) establish standards for the Secretary to grant exceptions to the rerouting requirement under paragraph (1).

(e) Transportation and Storage of High Hazard Materials Through High Threat Corridor.—

(1) In general.—The standards for the Secretary to grant exceptions under subsection (d)(4) shall require a finding by the Secretary that—

(A) the shipment originates or the point of destination is in the high threat corridor;

(B) there is no practicable alternative route;

(C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;

(D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on the shipment; or

(E) rerouting would increase the likelihood of a terrorist attack on the shipment.

(2) Practical alternate routes.—Ownership of the tracks or facilities shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1).

(3) Grant of exception.—If the Secretary grants an exception under subsection (d)(4)—

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

AMENDMENT NO. 384

(Purpose: To establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland, and for other purposes)

At the end, add the following:

SEC. 1505. HOMELAND SECURITY TRUST FUND.

(a) Definitions.—In this section:

(1) Trust fund.—The term "Trust Fund" means the Homeland Security and Neighborhood Safety Trust Fund established under subsection (b).

(2) Commission.—The term "Commission" means the National Commission on Terrorist Attacks upon the United States, established under title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 6 U.S.C. 101 note).

(b) Homeland Security and Neighborhood Safety Trust Fund.—

(1) Establishment of trust fund.—There is established in the Treasury of the United States a trust fund to be known as the "Homeland Security and Neighborhood Safety Trust Fund", consisting of such amounts as may be appropriated or credited to the Trust Fund.

(2) Rules regarding transfers to and management of trust fund.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

(3) Distribution of amounts in trust fund.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2008 through 2012 to meet those obligations of the United States incurred which are authorized under subsection (d) for such fiscal years.

(4) Sense of the senate.—It is the sense of the Senate that the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which—

(A) increases revenues to the Treasury in the amount of $53,300,000,000 during taxable years 2008 through 2012 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the taxable incomes of taxpayers in excess of $1,000,000, and

(B) appropriates an amount equal to such revenues to the Homeland Security and Neighborhood Safety Trust Fund.

(c) Preventing Terror Attacks on the Homeland.—

(1) Authorization of appropriations for supporting law enforcement.—There are authorized to be appropriated from the Trust Fund—

(A) $1,150,000,000 for each of the fiscal years 2008 through 2012 for the Office of Community Oriented Policing Services for grants to State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counterterrorism units;

(B) $900,000,000 for each of the fiscal years 2008 through 2012 for the Justice Assistance Grant; and

(C) $500,000,000 for each of the fiscal years 2008 through 2012 for the Law Enforcement Terrorism Prevention Grant Program.

(2) Authorization of appropriations for responding to terrorist attacks and natural disasters.—There are authorized to be appropriated from the Trust Fund—

(A) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for Fire Act Grants; and

(B) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for SAFER Grants.

(d) Authorization of Appropriations for Additional Activities for Homeland Security.—There are authorized to be appropriated from the Trust Fund such sums as necessary for—

(1) the implementation of all the recommendations of the Commission, including the provisions of this section;

(2) fully funding the grant programs authorized under this bill, including the State Homeland Security Grant Program, the Urban Area Security Initiative, the Emergency Management Performance Grant Program, the Emergency Communications and Interoperability Grant Programs, rail and transit security grants and any other grant program administered by the Department;

(3) improving airline passenger screening and cargo scanning;

(4) improving information sharing and communications interoperability;

(5) supporting State and local government law enforcement and first responders, including enhancing communications interoperability and information sharing;

(6) enhancing the inspection and promoting 100 percent scanning of cargo containers destined for ports in the United States and to ensure screening of domestic air cargo;

(7) protecting critical infrastructure and other high threat targets such as passenger rail, freight rail, and transit systems, chemical and nuclear plants;

(8) enhancing the preparedness of the public health sector to prevent and respond to acts of biological and nuclear terrorism;

(9) the development of scanning technologies to detect dangerous substances at United States ports of entry; and

(10) other high risk targets of interest, including nonprofit organizations and in the private sector.

Mr. BIDEN. Mr. President, with regard to the first amendment, No. 383, which I am not going to take time to speak to today, is an amendment that allows cities and States to reroute hazardous material around their cities. In a nutshell, and I know no one knows this better than the Chair, and I mean that sincerely, these are 90-ton chlorine gas tank cars that go rolling through Newark on their way down through the corridor into my State and across my State.

I once asked, not too long ago, the Naval Research Institute to give me an analysis of what would happen if one of those were to blow up in a metropolitan area. They said that 100,000 people would die—100,000 people would die. Yet this administration has opposed and we have not committed to allowing cities to reroute this hazardous material around their major metropolitan areas.

That is one amendment which I will come back to at another time.

At this moment I want to now speak to an amendment that is much broader, Amendment No. 384.

We often say that September 11 changed everything. Well, it changed everything except it didn't change our behavior. It changed everything except when we look at the budget of this administration in the last 6 years, or 4 years since then, and if we look at our tax policy since then, we look at what hasn't changed.

My dad used to have an expression, Mr. President. You probably heard me say it before: Show me your budget, I will tell you what you value.

Tax cut after tax cut, overwhelmingly tilted to those who were at the highest end of the tax bracket, is what this outfit has valued. The truth is, we seem not to value protecting our cities, our homeland. The truth is, as the Presiding Officer knows better than anyone, living on the east coast in a State such as mine, only much larger, you know what the costs of the 9/11 Commission recommendations are. You know how few dollars we have spent implementing the recommendations. Literally from your home county, you could see the buildings collapse, the World Trade Center towers collapse. Thousands of people from your State were significantly affected, many were killed.

We all ripped out our hair about how this was so terrible; we were going to not let this happen again. We went out there and took a real good look at what needed to be done when the 9/11 Commission came along. Precious little was done. Yet during the same period of time we made sure to help people earning more than a million dollars a year. I am not picking on them. I am happy. I hope my grandkids make over a million dollars a year. I hope everybody in America can. I have no problem with anybody making hundreds of millions of dollars.

One of the things we forget on the Senate floor is that those folks are just as patriotic as poor folks. Those folks are just as patriotic as middle-class folks. They didn't ask for these massive tax cuts. They are prepared to give some of them back in order to make the country more safe, but we don't ask anything of them. So what happens? Just for this year, for households making more than $1 million a year, to put this in perspective, they are going to get a tax cut of $45 million. If you look at it from 2008 to 2017, that aggregate tax cut, if you are at an income where you make more than a million dollars a year, is going to be $739 billion. Households with incomes of that magnitude obviously take a big chunk of what are the fiscal priorities of this Nation.

We just had a long discussion here about the grant programs and how we allocate funding to the various States. We debated that. But it is like rearranging the deck chairs on the Titanic unless there is actual money dedicated to provide for these needs. What we have not done is we have not ensured a funding source. We have not provided the money needed to implement the 9/11 Commission recommendations.

I say to my colleagues that we have money to fund these programs. When I raised this last year and I talked about how much money was needed, as my friend from New Jersey has, they said: Oh, we can't afford it.

Give me have a break. We can't afford it? We can afford over $700 billion in tax cuts for people making over $1 million a year, and we can't afford it? I will point out that it comes to about a $50 billion price tag over 5 years to implement all the 9/11 Commission Report. Can't afford it?

Let me point out that the Congressional Budget Office recently released a study indicating H.R. 1, the House counterpart to this bill, will cost $21 billion, but the Senate bill we have here only costs $17 billion. There are a few comprehensive estimates of what all the 9/11 recommendations would cost, but I did what you did, I say to the Presiding Officer, and what others did—I went to a bunch of very smart people. I have been involved in this, as you have, from day one. We went in and costed it out, what it would cost for the main recommendations of the 9/11 Commission. The truth is, we are easily able to fund it. It is a lot more than that; it is $50 billion over 5 years, roughly.

In addition we are not prepared in terms of homeland security relating to local cops, sheriffs—local police. If there is going to be somebody who is trying to put sarin gas into a complex in your State or mine, it is not going to be some brave special forces soldier in fatigues wearing night-vision goggles who is going to figure this thing out; it is going to be a local cop riding behind the arena and seeing someone getting out of a dumpster. If we are going to break up these rings, it is going to be intelligence, but also it will be a local cop walking a beat in Newark, NJ, or Wilmington, DE—or Newark, DE. "By the way, those three apartments that have been vacant for the last 7 years, there are lights on in the window."

What have we done? We slashed spending for local law enforcement. We slashed it $2.1 billion a year since this President has become President.

Show me your budget, I will tell you what you value. It is a little bit like taking care of veterans. Show me your budget, I will tell you what you value.

In addition, the study by the U.S. Conference of Mayors found that 75 percent of the cities in America do not have interoperable communications—75 percent. This is a disgrace. What do we need? We had Hurricane Katrina, we had 9/11—what else do we need to demonstrate that it is useful to have a local cop be able to speak to the National Guard that is called in, to be able to have somebody in the command center who can talk to everybody? Yet 75 percent of the cities do not have interoperable communications capability—one of the strongest recommendations made by the 9/11 Commission.

As I said, while there is not a comprehensive assessment, I have spent a lot of time talking to experts and found that roughly for an additional $10.3 billion a year, we can implement all of the 9/11 recommendations—all of them, including provisions in this title—and do other commonsense things we know will make us more safe, such as reinvesting in local police.

The bottom line is this: If we simply commit to taking back a small fraction of the cuts for those making over $1 million a year, we can pay for all the security upgrades we need. Here is how it would work. My amendment simply puts the Senate on record calling for the Finance Committee to report legislation to provide $53 billion in funding for homeland security to be placed in the homeland security trust fund. It is called a Homeland Security and Neighborhood Safety Trust Fund. From this trust fund, we require that spending be dedicated toward initiatives and grant programs authorized in this legislation, including the Urban Area Security Initiative, the State Homeland Security Grant Program, emergency management performance grants, and rail and transit security grants. It would reinstate the COPS Program, the FIRE Act grants, SAFER grants, and the Justice Assistance grants, which provide essential support to State and local police, allowing them to coordinate with the Federal Government. It would be funding enhancements in interoperable communications, improve port security, including working toward 100 percent scanning of cargo containers, and upgrade and better prepare the Nation's public health sector to respond to acts of bioterrorism and nuclear terrorism.

I ask all my colleagues in earshot of my voice, go to the largest cities in your States and go to the emergency rooms in your hospitals. Ask how many times they have to close down their hospitals. They send out to all the ambulance drivers in the entire region that would be serviced by them a statement saying: We can't take any more today. What in God's name are we doing to prepare these hospitals and infrastructure for a terrorist attack?

We also have to upgrade and develop new scanning technology to detect dangerous substances. That is what this money would be allowed to be used for.

When I introduced this legislation last year and got a vote, I explained how I would allocate the $10.3 billion. I put $1 billion in here for interoperability, I put in $1 billion to promote 100 percent cargo container scanning, $500 million to bolster the public health infrastructure, and $100 million to improve government-wide information sharing. In order to leave what should be left—I took out these specific allocations in order to give to my colleagues on the Appropriations Committee and the Homeland Security Committee more discretion on how to spend the additional money in the outyears. I withheld the specifics. It is just an order to the relevant committees to come up with how to spend that money.

Any way you slice it, this will leave the most fortunate among us still very fortunate but will take, from over $736 billion, $52 billion. No one in this Chamber can tell me that there is anyone out there who is going to say that is not fair. No one can tell me that will have a scintilla of a negative impact on the economy. No one can argue, I respectfully suggest—and I invite them to do it—that, in fact, these things are not needed, what I am talking about here. These were all talked about by various Senators.

The numbers are clear. Those who need the least help are getting the most from the current tax cuts, and those fortunate Americans are twice blessed. They are blessed by our efforts in this bill, and they are blessed by the fact that they are doing very well through their own hard work.

I have said before, of the many opportunities squandered since 9/11, the most tragic opportunity squandered by this administration is the failure to call our country together, to give all of us a part to play in response to the new threats we face, not just middle-class folks who are sending their husbands, wives, sons, and daughters to Iraq and Afghanistan to try to protect us.

But despite the rhetoric that calls upon the proud recollections of our national purpose in conflicts such as World War II and the Cold War, on this floor there has been an incredible vacuum of leadership. Those Presidents asked something of the American people. What has been asked except forfeit commitments to health care, education, and energy security? And where does that burden fall? It falls on working women and men.

Let me just say as my time begins to expire that I know those who are very well off. I know they are willing to do this. I had an opportunity to speak to a group of 50 people advertised to me as among the most wealthy people in the nation. It was a group of investors. I spoke before them, and I said to them that this is what I wanted to do. I said: Does anybody in here disagree with that? It was advertised to me that a significant portion of these people were actually billionaires. When I raised that question, there was silence in the room, and finally one guy honestly put his hand up.

He said: I am not too sure I am. I am not too sure you won't go out and waste the money.

I said: Will you support it if I come forward and do what I did in the crime bill I wrote years ago, I drafted years ago—set up a trust fund, and the money we take from this tax cut to get this $50 billion-plus will be put into a trust fund, and it can only be used for homeland security and neighborhood safety? Would you support it then?

I got an ovation, literally an ovation, mostly a standing ovation, I say to you, Mr. President, from these extremely wealthy people. The wealthy are ready to commit just as the middle class and poor are.

Mr. President, I end where I began. As my dad used to say, don't tell me what you value, show me your budget. Don't anyone on this floor presume to tell me, in the years I have spent here, that this country cannot afford to spend, over the next 5 years, $10.2 billion a year to make this Nation safer. Please don't anyone suggest that it is not possible to pay for this when, in fact, you have a tax policy that is so out of whack that even the people who are benefiting the most from it are willing to contribute to our national security. If we ask the sons and daughters, husbands and wives, mothers and fathers in each of our towns and cities to send their children, their husbands and wives to protect us abroad, we sure in the devil can ask the people making over $1 million a year—a total tax break of over $736 billion over the next several years—to contribute $10.2 billion a year out of that tax cut. I am confident they are ready. They just need to be asked.

I hope, when the appropriate time comes, my colleagues will favorably consider my amendment.

I yield the floor.

AMENDMENTS NOS. 316 AND 342

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate equally divided on amendments Nos. 316 and 342 offered by Senators McCASKILL and COLLINS.

Who yields time?

The Senator from Missouri.

Mrs. McCASKILL. Mr. President, if the Chair would inform me when I have used 3 minutes because I want to yield my remaining time.

There have been so many things said about this amendment that are not true. I want to make sure my colleagues understand how many things are being said that are not true.

There is one truth everyone needs to embrace. That is, we are only trying to give to the screening officers at airports the same worker protections that we give so many of our men and women in uniform who are helping with our national security and safety. As I drove up this morning to the Capitol, I was greeted by Capitol police officers. Does anyone doubt those Capitol police officers would do whatever is necessary to try to protect us? Of course not. But yet those same arguments are being used to try to discourage people from supporting this amendment, that somehow if these workers are part of some collective bargaining agreement, they will no longer be there at a moment's notice to do whatever they are asked to secure our safety and security.

As I said previously, how many Americans bought the NYPD shirts and hats and the New York fire department shirts and hats after 9/11? Those firefighters in New York who went into that burning building losing their lives in the process, running into danger rather than away from it, all were working under a collective bargaining agreement. Does anyone doubt that they hesitated responding to an emergency because they have basic worker protections? The notion is very un-American and, frankly, it is mildly insulting to the men and women serving as officers in our airports today.

The Border Patrol, same protections; Customs officials, same protections; most of the employees in Homeland Security, the civilian employees of the Department of Defense, FEMA employees, all of whom have to respond to emergencies, all have these same basic worker protections.

My amendment says they cannot collectively bargain for higher pay. My amendment spells out clearly that the Secretary of Homeland Security and the Director of TSA have complete authority to mandate what these workers do in times of an emergency. At the same time it is going to allow us to professionalize this workforce. This part of the Federal Government suffers from incredible turnover, as high as 50 percent. That is a turnover rate that would be unacceptable in the private sector. It is inefficient. It is expensive. We are not getting the kind of experienced screeners who know what to look for and when to look for it based on their experience, not because of some job training program.

This amendment will provide those basic protections. It will professionalize the workforce. In the long run, it will make us all safer.

I urge colleagues to support the McCaskill amendment. I yield the remainder of my time to Senator KENNEDY.

Mr. KENNEDY. Mr. President, how much time remains for both sides?

The PRESIDING OFFICER. Senator McCASKILL has 4 minutes remaining, and Senator COLLINS has 7½ minutes remaining.

Mr. KENNEDY. Mr. President, I ask the Chair to remind me when there is 1 minute remaining.

First, I commend the good Senator for offering this amendment. It is important to understand what it does not do. It does not provide a right to strike, a right to bargain over pay. It does not prevent TSA from responding to emergencies, and it does not prevent TSA from responding to new threats. This amendment does none of that, even though it has been distorted and misrepresented.

As the good Senator has pointed out, what are the existing attrition rates today? Look at the different security agencies, Immigration and Customs correctional officers, Secret Service and Border Patrol, and Transportation Security. This is the national security threat, the idea that the TSA has this kind of turnover. That is the nature of the threat, having to get new people after new people after new people, because workers don't have a right to speak and don't have the right to bring their grievances.

What is the result? Even in this agency we find out in terms of lost time and the injury rate, this agency leads the pack. What does it show? It shows it is poorly administered and the workers are not being treated fairly or are not treated with respect.

The McCaskill amendment is simple in what it does. The Border Patrol agents have these kinds of protections. FEMA has these protections. Immigration and Customs have these protections. Unless we have the McCaskill amendment, we will not have the range of these protections for Transportation Security Administration workers. The others have it but not TSA.

What does the other side have against working men and women? How insulting, that these men and women will not put the security of the United States first. At the time of 9/11, under the Defense Department, they moved hundreds and thousands of civilians all around the country. They were all under collective bargaining agreements. Not one grievance was filed, not a single one. These men and women understood their duty. They understood the threat. They were patriotic Americans. What is it about the other side that questions that these are men and women of dignity who will do their job when this Nation is threatened? What is it about? It certainly wasn't there at 9/11 when their brothers and sisters who work for the Department of Defense agency were moved all around. They were prepared to do everything they were asked to do.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. Finally, as the good Senator has pointed out, as the smoke was coming out of the buildings in New York, when we saw the collapse of the first buildings and men and women under collective bargaining agreements were asked to go into those fiery infernos, no one was talking about collective bargaining agreements. They were talking about doing their duty to the United States. Let us permit these workers to do their duty. Let's give them these protections. Let's give them the kind of respect and dignity the McCaskill amendment gives them.

I reserve whatever time remains.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, it is very clear to me that we can take significant steps today to give TSA employees more protections, and that is what the amendment I and several others have proposed would do. It would bring TSA employees under the Whistleblowers Protection Act, and it would allow them to appeal any adverse employment action such as a firing or demotion to an independent agency, the Merit Systems Protection Board. These are rights I believe TSA employees should have. They are rights that are similar to those enjoyed by other Federal employees. But what we are trying to do is strike a balance between giving the employees all of the standard collective bargaining rights and the security needs of the TSA.

The TSA security needs are not hypothetical. TSA has shared with us, in a highly classified briefing, details of when they have had to change the employee work conditions or assignments or duties. This isn't just a hypothetical need. It is one we saw last summer be put in place in the wake of a bombing plot that, fortunately, was thwarted. These are needs that came into play in the response to Hurricane Katrina. What I have suggested in my amendment is that we take major steps to afford more employee rights and protections to the TSA personnel, but we do so in a way that maintains the flexibility TSA has told us, both in classified session and in public hearings, they need to help safeguard our country.

The amendment I have proposed also includes other protections for the employees. It makes very clear that they can join a union. There are several TSOs who have joined a union in order for representation, if there is an adverse employment action.

Another provision of the bill recognizes this is not the final word on the issue but asks for TSA and the GAO to take a look at the personnel system for TSA and report back to us in a year's time about whether there should be other changes made to improve the system.

The amendment also provides for a pay-for-performance system which has been successfully implemented at TSA. We want to codify that.

I don't think this is an all-or-nothing debate. We can take some significant steps today. Secretary Chertoff has sent a letter on behalf of the administration that comments on the alternative proposal put forth by my friend from Missouri, Senator McCASKILL. I do have a lot of admiration for my friend and colleague, but I think my other colleagues should be aware that the Department says that "this amendment regrettably does not provide a workable solution. Indeed, in some respects it would make it even more difficult for the . . . (TSA) to manage its workforce than would section 803 [in the underlying bill.]"

I want to make sure my colleagues are aware that the Department of Homeland Security believes the underlying bill, the language authored by the Senator from Connecticut, is preferable to the language offered by the Senator from Missouri.

I ask unanimous consent that the entire letter from Secretary Chertoff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, March 6, 2007.

Hon. SUSAN M. COLLINS,
Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Administration, I would like to comment on the amendment proposed by Senator McCaskill (SA 316 to SA 315). We appreciate Senator McCaskill's effort to resolve the problems created by section 803 of S. 4, but this amendment regrettably does not provide a workable solution. Indeed, in some respects it would make it even more difficult for the Transportation Security Administration (TSA) to manage its workforce than would section 803—particularly managing its Transportation Security Officers (TSO), who serve on the front lines to secure our nation's civil aviation system.

Most notably, SA 316 could actually expand the opportunities to bargain collectively beyond what is contemplated by section 803 of the underlying bill. The amendment casts doubt on whether bargaining over employee compensation and benefits is prohibited, as it is under current law and section 803. The amendment also does not differentiate between mandatory and permissive subjects of bargaining, or set terms for bargaining over procedures and appropriate arrangements related to changes in conditions of employment. Given the scope of section 111(d) of the Aviation and Transportation Security Act (P.L. 107-7), these issues will likely become the subject of litigation.

Therefore, the amendment could require TSA management to bargain to impasse over matters that no other federal agency engaged in security is required to address. Furthermore, the very definition of "pay" could become the subject of time-consuming litigation.

The amendment also promises to impede the quick and fair resolution of grievances and other workplace disputes for the thousands of TSOs. Although the Administrator of TSA purportedly would not be required to bargain over responses to emergencies or imminent threats, it is inevitable that protracted litigation will ensue over the meaning of these terms. Moreover, the very definition of "emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk" could be subject to collective bargaining and subsequent litigation. The resolution of these issues might rest with an arbitrator with no direct knowledge of intelligence, risk and threat assessment, and transportation security. This would place the performance of TSA's security mission in the hands of someone who neither has the expertise needed to make these decisions nor is accountable for them.

The amendment also fails to alleviate the adverse impact that collective bargaining would have on TSA's day-to-day security operations. TSA is responsible for providing and managing complex, on-site security systems at more than 450 commercial airports, which collectively screen approximately two million passengers a day for thousands of commercial flights. Collective bargaining would limit TSA's management flexibility, which is an indispensable element of this system. TSA must be able to react nimbly, not only to the ever-evolving security threats that confront our Nation, but also to changing air carrier schedules, weather disruptions, and special events that draw large numbers of passengers to particular airports. TSA also needs flexibility to screen not only passengers and their checked baggage, but also air cargo, airport employees, and contractors working at airports. Simply put, collective bargaining remains incompatible with the successful performance of TSA's vital security mission.

In addition, the amendment would prevent TSA from effectively disciplining employees who break the law. The amendment would trigger Title 5's procedural requirements for taking adverse actions against employees, including the 30-day notice provision set forth in Chapter 75. This would eliminate all accelerated adverse action proceedings, even those based on clear and convincing evidence of theft, drug possession or usage, and workplace violence. TSA currently responds to such conduct by ensuring that the employees who commit these violations are removed from the payroll in as few as three days. The amendment also would call into question TSA's ability to remove poor performers. Curtailing any of these procedures would severely compromise TSA's ability to guarantee a safe workplace and assure the traveling public of the uniformly high caliber of its TSO workforce. Ironically, it would also create a situation in which non-TSO employees could be removed from the payroll much more rapidly than TSO employees who directly affect security and customer service and interact daily with the American public on a large scale.

Nor do the amendment's proposed restrictions on TSO activities provide much comfort. The amendment states explicitly that TSOs could not bargain over pay, but that is no different from current law or section 803 of S. 4. Moreover, the amendment specifically prohibits the right of screeners to strike, but federal law already proscribes such actions by each and every member of the federal workforce. These provisions offer no more protection to the traveling public than is found in existing law.

Ultimately, the amendment is unnecessary in light of the significant innovative programs that TSA has implemented to provide for a high performing workforce. These steps include: (1) a comprehensive Model Workplace program; (2) an Office of Occupational Safety, Health, and Environment; (3) a Nurse Care Management program to eliminate or reduce workplace injuries; (4) National Advisory Councils that provide the TSO workforce with direct access to the Administrator and senior management on all issues concerning security and workforce conditions; (5) procedures for Alternative Dispute Resolution; (6) whistleblower protection through a formal agreement with the Office of Special Counsel; (7) a Disputes Resolution Board to provide additional review of workplace grievances; and (8) an extensive on-line training program to provide not only refresher training for TSOs and other TSA employees, but also the bases for career advancement. The recognition of these programs in a modified amendment would provide an appropriate framework to resolve the ongoing issues with section 803 and SA 316. I look forward to working with the Members on this most critical matter.

In the final analysis, the changes that SA 316 would make to section 803 of S. 4 do not resolve the concerns expressed in the Statement of Administration Policy dated February 28, 2007. As such, if section 803 is enacted in its current format, or as amended by SA 316, the President's senior advisors would continue to recommend that he veto the bill.

An identical letter was sent to Chairman Lieberman.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

Ms. COLLINS. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is no question that unions have these rights for TSO agents. This is a commonsense approach. What is not common sense is to put in jeopardy every traveling American for the sake of paying back a raw political debt. That is what this debate is about. Do we jeopardize safety, do we jeopardize the flexibility, do we jeopardize the fine work that has come from an incentivized system that has very low turnover now compared to the rest of the industry, that has a bonus system for great performance, a performance-based system, to give them what they need and not jeopardize the traveling American public? The McCaskill amendment actually hurts our flexibility and our security.

As a matter of fact, we had a hearing after this bill was on the floor, wherein Mr. Hawley and Mr. Gage came before us and talked about union representation of the TSO officers. Very revealing statements were said, especially by Mr. Gage. When we raised concerns about flexibility during emergencies and complicated issues that required absolute flexibility to move people around at all times, it was the testimony of Mr. Hawley who said they have to plan, that they are in an emergency all the time, which means they have to have the flexibility all the time. Mr. Gage's response to that was: These are sometimes bogus emergency situations.

Well, the reason we have had such an effective airline screening program is because we call everything an emergency and plan for it as an emergency, so we never have an emergency.

This amendment will gut the flexibility of the TSA in doing the very thing we have asked them to do; that is, protect us and have an institution that is viable, responsive, and nimble to protect us, without having to have a shop steward ask them what we can do and when we can do it.

Now, the McCaskill amendment says we will let you do that in an emergency, but the fact is, we are in an emergency mode all the time. So whatever contract we might have signed is not going to have any bearing anyway. So the contrast for the American public on this vote—and we know this is going to be a party-line vote. Even those Members who want to vote the other way have been told not to vote the other way. We know this is a party-line vote about paying back, so Mr. Gage and his associates can have 40,000 people a month pay $30 a month to put $12 million to $17 million in the coffers of the employees union. That is what this is about.

This is not about security for this country and flexibility with the TSA. I urge a vote against the McCaskill amendment and a vote for the Collins amendment.

I yield the floor.

The PRESIDING OFFICER. All time on this amendment has expired.

The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 316, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold

Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—48

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Johnson

The amendment (No. 316), as modified, was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 342

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 342.

Who yields time? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, this is an attempt to find middle ground on a very difficult issue. The amendment that I and my colleagues offer the Senate would provide TSA employees with the right to appeal to the Merit Systems Protection Board any adverse action taken against them. Those rights would be identical to the rights that other Federal employees have. It would give them the protections of the Whistleblowers Protection Act. It recognizes that TSA employees have the right to join a union, and it calls for us to revisit this issue in a year by having a report from TSA and the GAO.

I think this helps give more rights and employment protections to TSA employees without impeding the necessary flexibility that TSA needs to have for our security.

I urge support of the amendment.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, this is one of those rare occasions when the Senator from Maine and I disagree. I appreciate the fact that Senator COLLINS is trying to find a middle ground in this contentious debate. She gives the Transportation Screening Officers at TSA some employee rights but not the right to collectively bargain, which most employees in the Department of Homeland Security, and throughout our Government has. Presumably, the contention is that the right to collective bargaining would interfere with the security responsibility of the agencies, but TSA in the underlying bill and under Senator MCCASKILL's amendment would have absolute authority to take whatever actions are needed to carry out its mission in an emergency without bargaining with any units, without even considering any collective bargaining agreement.

The fact is that Federal security forces generally have the right to collectively bargain: Border Patrol agents, immigration officers, Customs, Federal Protective Services, and the U.S. Capitol Police. Those collective bargaining rights do not interfere with their protection of our security, nor would those rights for TSOs at TSA.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 342. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—47

Alexander
Allard
Bennett
Bond
Brownback
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 342) was rejected.

Mr. LIEBERMAN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. CORNYN. Mr. President, on rollcall vote 65, I voted "nay," but it was my intention to vote "yea." Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

(The foregoing tally has been changed to reflect the above order.)

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to offer a unanimous consent request for the order of the speakers to follow. It would be, Senator BUNNING of Kentucky be recognized for 5 minutes to call up an amendment and then set it aside; that Senator SCHUMER of New York then be recognized for up to 5 minutes to call up three amendments and set them aside; that Senator KERRY of Massachusetts be recognized for up to 10 minutes to offer a tribute to former Senator Tom Eagleton; that Senator GRAHAM of South Carolina be recognized for up to 15 minutes to speak on an amendment; that Senator WYDEN and Senator BOND be recognized for up to 10 minutes to call up an amendment; that Senator KYL be recognized for up to 5 minutes; and, finally, that Senator LANDRIEU be recognized for up to 10 minutes to do a tribute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LIEBERMAN. Excuse me. Is Senator KYL for 5 minutes or 15 minutes? I said 5 minutes only because it is on my piece of paper as 5, but it is 15 minutes we want to give to Senator KYL.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I do object at this time because we have not seen this agreement. It has not been discussed with the manager or the staff on this side. I do object, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Objection is heard. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Ms. COLLINS. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue with the call of the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I am just going to make a brief statement before the Senator from Connecticut propounds the unanimous consent request. Now that I have seen the unanimous consent request, I am not going to object to it, but I do want to comment briefly on the two votes that we have just taken on the issue of the TSA employees.

I think those votes were extremely unfortunate because everyone in this Chamber knows that the President is going to veto this important bill if the provisions remain in the bill as the Senate just voted.

If that happens, it means the TSA employees will not receive the additional protections and rights that I advocated for in the amendment that I presented to the Senate. They will be back to a situation where they cannot appeal adverse employment actions to an independent agency, the Merit Systems Protection Board. They will be back in the situation where they cannot be protected by the Whistleblower Protection Act.

It is unfortunate that the votes we have just taken will actually set back the cause of providing employee protections that the TSA screeners should have.

I want to make sure that my colleagues are aware of what the practical implications and what the results will be of the votes just taken because there are clearly sufficient votes in this Chamber to sustain the President's veto, and I think it is very unfortunate that we are not going to be able to proceed to give these employees rights they deserve, rights they should have, and rights that would not impair our security.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I express my regrets to Senator COLLINS that she had not seen this list. I thought she had. We don't like to do it that way. It is a bipartisan list, as it turns out. I am going to propound a unanimous consent request again and do it in summary fashion without mentioning the topics again.

I ask unanimous consent that the order of speakers be as follows: Senator BUNNING for 5 minutes; Senator SCHUMER for 5 minutes; Senator KERRY for 10 minutes; Senator GRAHAM for 15 minutes; Senator WYDEN and Senator BOND to share 10 minutes; Senator KYL for 15 minutes; and Senator LANDRIEU for 10 minutes. In each case, it is up to that amount. I know the Senate would be grateful if the Senators choose not to use the full amount of time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLARD. Mr. President, I would like to have permission to alternate between Republicans and Democrats. If I could be lined up to speak after—who was the first Democrat after Senator BUNNING? Senator SCHUMER. If I may be allowed to speak next, I would appreciate it. I was lined up to speak at 2 o'clock originally, but we had the vote at 2 o'clock and, obviously, that has been slid out now. If the Senator from Connecticut can move me in there, I would appreciate it. We have always alternated between Republicans and Democrats.

Mr. LIEBERMAN. We have Republicans and Democrats running together. It is a totally nonpartisan list.

Mr. ALLARD. All right. I was set up to speak at 2 o'clock, and then we had the vote at 2 o'clock.

Mr. LIEBERMAN. There was no order for the Senator from Colorado to speak. How much time would the Senator like?

Mr. ALLARD. Mr. President, 10 minutes. Senator CORNYN and I want to engage in a colloquy, and then I have a few comments. We just need 10 minutes.

Mr. LIEBERMANN. Mr. President, I amend the request for the Senator from Colorado, Mr. ALLARD, to have 10 minutes after Senator SCHUMER's 10 minutes.

Mr. ALLARD. I thank the Senator.

The ACTING PRESIDENT pro tempore. Is there objection to the request, as modified? Without objection, it is so ordered.

Under the unanimous consent agreement, the Senator from Kentucky is recognized.

AMENDMENT NO. 334 TO AMENDMENT NO. 275

Mr. BUNNING. Mr. President, I call up amendment No. 334 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment? Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 334 to amendment No. 275.

Mr. BUNNING. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 49, United States Code, to modify the authorities relating to Federal flight deck officers)

At the appropriate place, insert the following:

SEC. ____. FEDERAL FLIGHT DECK OFFICERS.

(a) IN GENERAL.—Section 44921(a) of title 49, United States Code, is amended to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish the Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence or air piracy. Such an officer shall be known as a 'Federal flight deck officer'.".

(b) AUTHORITY TO CARRY FIREARMS.—Section 44921(f) of title 49, United States Code, is amended to read as follows:

"(f) AUTHORITY TO CARRY FIREARMS.—

"(1) IN GENERAL.—The Secretary shall authorize a Federal flight deck officer to carry a firearm on the officer's person. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm in accordance with this section if the firearm is of a type that may be used under the program.

"(2) PREEMPTION.—Notwithstanding any other provision of Federal, State, or local law, a Federal flight deck officer may carry a firearm in any State and from one State to another State.

"(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—

"(A) IN GENERAL.—When operating to, from, or within the jurisdiction of a foreign government where an agreement allowing a Federal flight deck officer to carry or possess a firearm is not in effect, a Federal flight deck officer shall be designated as a Federal air marshal for the purposes of complying with international weapons carriage regulations and existing agreements with foreign governments. Nothing in this paragraph shall be construed to allow Federal flight deck officers to receive any other benefit of being so designated.

"(B) REQUIREMENT TO NEGOTIATE AGREEMENTS.—The Secretary of State shall negotiate agreements with foreign governments as necessary to allow Federal flight deck officers to carry and possess firearms within the jurisdictions of such foreign governments for protection of international flights against hijackings or other terrorist acts. Any such agreements shall provide Federal flight deck officers the same rights and privileges accorded Federal air marshals by such foreign governments.

"(4) DESCRIPTION OF AUTHORITY AND PROCEDURES.—The authority of a Federal flight deck officer to carry a firearm shall be identical to such authority granted to any other Federal law enforcement officer under Federal law. The operating procedures applicable to a Federal flight deck officer relating to carrying such firearm shall be no more restrictive than the restrictions for carrying a firearm that are generally imposed on any other Federal law enforcement officer who has statutory authority to carry a firearm.

"(5) LOCKED DEVICES.—

"(A) NO REQUIREMENT TO USE.—A Federal flight deck officer may not be required to carry or transport a firearm in a locked bag, box, or container.

"(B) REQUIREMENT TO PROVIDE.—Upon request of a Federal flight deck officer, the Secretary shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.".

(c) DUE PROCESS.—Section 44921 of title 49, United States Code, is amended by adding at the end the follow new subsection:

"(l) DUE PROCESS.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall establish procedures for the appeal of adverse decisions or actions. Such procedures shall provide timely notice of the action or decision, including specific reasons for the action or decision.".

(d) IDENTIFICATION AND SCREENING.—Section 44921 of title 49, United States Code, as amended by subsection (c), is further amended by adding at the end the following new subsections:

"(m) CREDENTIALS.—The Secretary shall issue to each Federal flight deck officer standard Federal law enforcement credentials, including a distinctive metal badge, that are similar to the credentials issued to other Federal law enforcement officers.

"(n) SECURITY INSPECTIONS.—A Federal flight deck officer may not be subject to greater routine security inspection or screening protocols at or in the vicinity of an airport than the protocols that apply to other Federal law enforcement officers.".

(e) REPORTS TO CONGRESS.—Section 44921 of title 49, United States Code, as amended by subsections (c) and (d), is further amended by adding at the end the following new subsection:

"(o) REPORTS TO CONGRESS.—

"(1) REPORTS ON PROGRAM.—Not less often than once every 6 months, the Secretary, in consultation with the Secretary of State, shall report to Congress on the progress that the Secretary of State has made in implementing international agreements to permit Federal flight deck officers to carry firearms on board an aircraft operating within the jurisdiction of a foreign country.

"(2) REPORT ON TRAINING.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall report to Congress on the issues raised with respect to training in Department of Homeland Security Office of Inspector General report OIG-07-14 that includes proposals to address the issues raised in such report.".

(f) CONFORMING AND OTHER AMENDMENTS.—Section 44921 of title 49, United States Code, as amended by sections (c), (d), and (e), is further amended—

(1) by striking "Under Secretary" each place it appears and inserting "Secretary"; and

(2) by striking subparagraph (G) of subsection (b)(3).

Mr. BUNNING. Mr. President, this amendment makes changes in the implementation of the Federal Flight Deck Officer Program, commonly referred to as the Armed Pilot Program, to require the Department of Homeland Security to implement the package and program as Congress originally intended.

Four years after Congress created this program, the Department of Homeland Security continues to drag its heels on providing flight deck officers, commonly known as FFDOs, or armed pilots, with the necessary tools to prevent another September 11-type attack.

My amendment will ensure that all armed pilots can truly act as a real defense against hijacking on commercial flights.

This amendment would end the ridiculous practice of forcing armed pilots to carry their guns in lockboxes and would allow them to carry the guns on their body where the gun is easily reachable and more discrete to carry.

No other Federal law enforcement officer is forced to carry a firearm in a lockbox, and Federal law enforcement officials agree that carriage on the body of an officer is the best way for law enforcement officials to carry a firearm to ensure that the threat can be stopped in the safest way possible.

In addition to putting more armed pilots in the skies, this amendment would also put armed pilots on international flights.

The current law for the Armed Pilot Program allows pilots on these flights, but so far the State Department has been slow on entering into negotiations with other countries to allow this to occur.

My amendment requires the State Department to negotiate agreements with other governments to get armed pilots on international flights. Over the last few years, many international flights have been canceled because of terrorist threats.

This amendment will also allow armed pilots to protect the flights of U.S. airlines and free up air marshals so they can be put on targeted foreign flights that we know terrorists are targeting.

This amendment also provides for the issuance of a metal badge for armed pilots so they can easily be identified in a crisis situation.

It is important to make sure that these pilots have a means to identify themselves so that air marshals and other passengers know who they are and that they are lawfully carrying a firearm.

It also requires TSA to give armed pilots the same screening protocols other Federal law enforcement officers have so that the terrorists cannot easily identify them at security checkpoints.

Under current TSA requirements, all armed pilots must be screened publicly in plain view of everyone at the security checkpoint, as opposed to Federal law enforcement officers who are screened behind closed doors.

Finally, this amendment would give pilots basic due process. It requires the Department of Homeland Security to establish procedures to give notice and appeal rights when making any decision against the pilots. Currently, the pilots have no recourse.

I believe these changes that update the law governing the Federal Flight Deck Officer Program are vital and are needed to ensure that this voluntary program runs as it was intended to run and would encourage more pilots to enter into it.

I have spoken many times in the past on the merits of this program and the need for it. It has saddened me that I must once again be forced to ask TSA to start implementing this program as it was originally intended. Once again, we must be forcing TSA's hand to get enough pilots armed to actually create a strong defense against terrorists in the air. We currently have the opportunity to speed this program up and force TSA to do what Congress intended by adopting my amendment.

I urge my colleagues to join me in passing this amendment.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York is recognized for up to 5 minutes.

AMENDMENTS NOS. 367, AS MODIFIED, AND 366 EN BLOC, TO AMENDMENT NO. 275

Mr. SCHUMER. Mr. President, I wish to congratulate the managers of the bill. We have made good progress on this bill, something that has taken far too long to accomplish since the Commission's report.

Next, I would like to offer two amendments to this bill, which I filed in an attempt to strengthen certain provisions. The committee versions of the bill make significant strides in several areas of security, including improving truck security, and I offer a modified version of No. 367 and the original, No. 366. Two amendments.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the amendments.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendment number 367, as modified, and amendment number 366, en bloc, to amendment No. 275.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments (Nos. 367, as modified, and 366) are as follows:

AMENDMENT NO. 367, AS MODIFIED

On page 303, strike line 12 and all that follows through page 305, line 18, and insert the following:

of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of high hazard materials, as defined in this title, and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials;

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials; and

(vi) whether installation of the technology described in clause (v) should be incorporated into the program required by paragraph (1).

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, through the Transportation Security Administration, shall promulgate regulations to carry out the provisions of subsection (a).

(c) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section, $7,000,000 for each of fiscal years 2008, 2009, and 2010, of which—

(1) $3,000,000 per year may be used for equipment; and

(2) $1,000,000 per year may be used for operations.

AMENDMENT NO. 366

(Purpose: To restrict the authority of the Nuclear Regulatory Commission to issue a license authoring the export to a recipient country of highly enriched uranium for medical isotope production)

At the appropriate place, insert the following:

SEC. . MEDICAL ISOTOPE PRODUCTION.

Section 134 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(b)) is amended—

(1) in paragraph (1), by striking subparagraph (D);

(2) by striking paragraph (2);

(3) in paragraph (3), by striking "paragraph (2)" and inserting "this section";

(4) in paragraph (4)—

(A) in subparagraph (A)(iv), by striking "cost differential in medical isotope production in the reactors and target processing facilities if the products" and inserting "cost differential of radiopharmaceuticals to patients if the radiopharmaceuticals"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) FEASIBILITY.—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if it could be accomplished without a large percentage increase in the cost of radiopharmaceuticals to patients.";

(5) in paragraph (5), by striking "(4)(B)(iii)" and inserting "(4)(B)";

(6) in paragraph (6), by striking "(4)(B)(iii)" and inserting "(4)(B)"; and

(7) in paragraph (7), by striking "subsection" and inserting "section for highly enriched uranium for medical isotope production".

Mr. SCHUMER. Mr. President, I offer the first amendment, No. 367, to make the provision in the underlying committee bill even stronger with a new program to address trucks carrying high-hazard materials. Every day there are trucks that carry high-HAZMAT materials. If a truck is hijacked by a terrorist, it could spell disaster. We need to take action to prevent this from happening, and that is why my amendment will create a system not only to track these high-hazard trucks but to take action to stop a truck in its tracks by shutting down its engine if it strays off course.

This has worked in other countries. My amendment will require the Department of Transportation and TSA to work together to create a system to track these trucks, as well as respond accordingly if there is a problem. Every one of these trucks must submit a predetermined route to the TSA. If a truck strays from its plan, and we will know this by tracking its movements, which GSA allows, TSA is automatically alerted and the system quickly responds.

As I said, we know a system such as this can work. It has been implemented in other countries. Hazardous material in trucks is one of the issues we have not dealt with sufficiently since 9/11. I look forward to the committee's receptiveness to this amendment and to working with the chair and ranking member to see if we can adopt this amendment. This is an important step.

The second amendment I offer, No. 366, along with my colleague, Senator KYL, will restore export restrictions on highly enriched uranium to reduce risks of terrorists obtaining this material to make nuclear weapons. Highly enriched uranium, HEU, can be used to make actual nuclear weapons, such as that dropped on Hiroshima, not just dirty bombs.

Until 2005, U.S. law restricted exports of bomb-grade uranium. However, this antiterrorism policy was undercut by an ill-considered amendment to the Energy Policy Act that eliminated these restrictions. By increasing the amount of HEU in circulation around the world, the Energy bill created an unacceptable risk by heightening the possibility that weapons-grade uranium could be lost or stolen and fall into the hands of terrorists with known nuclear ambitions. What made this language so astonishing is that it created much more risk without absolutely any reward by claiming to fix a problem that didn't exist.

The reality of this situation is that terrorists don't care if the weapons-grade uranium they try to get their hands on was meant for medical or military use. We know all they care about is how they can use it to attack our Nation and our way of life. If we have learned anything since September 11, it is we must take every step to ensure terrorists can never lay their hands on the materials they would need to launch an attack of mass destruction against the United States.

I urge my colleagues to support both these amendments. I hope we can work with the committee to get them accepted.

Mr. President, with that, in deference to my colleagues, I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado is recognized for up to 10 minutes.

AMENDMENT NO. 272

Mr. ALLARD. Mr. President, I rise today to speak in support of my amendment No. 272 to the Improving America's Security Act, and I believe it will do that, improve America's security.

We have a rampant problem of identity theft in this country. Identity theft not only affects innocent victims, it poses a security threat to our country. As the 9/11 Commission put it: "Fraud in identification documents is no longer just a problem of theft."

We have long been aware that failure to protect the integrity of the SSN has enormous financial consequences for the Government, the people, and the business community. We now know that shortcomings in the SSN issuance process can have far graver consequences than previously imagined. The difficult lessons of September 11, 2001 have taught us that SSA can no longer afford to operate from a "business as usual" perspective. Whatever the cost, whatever the sacrifice, we must protect the number that has become our national identifier; the number that is the key to social, legal, and financial assimilation in this country.

We recognize SSA alone cannot resolve the monumental issues surrounding homeland security. Efforts to make our Nation safer will involve new or expanded initiatives by almost every segment of our population, including State and local governments, private industry, nongovernmental organizations, and citizens. However, we also recognize that, in endeavoring to protect our homeland, no Government system or policy should be ignored. As such, SSA, as a Federal agency and public servant, must resolve to review its systems and processes for opportunities to prevent the possibility that anyone might commit or camouflage criminal activities against the United States. We believe SSN integrity is a link in our homeland security goal that must be strengthened.

The 9/11 Commission went on to note: " . . . all but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud."

I have here an inspector general's report, inspector general for the Social Security Administration, and he is talking about the integrity of the Social Security number. He says an important link in homeland security is the Social Security number. To specifically quote him, he says:

> The difficult lessons of September 11, 2001, has taught us that the Social Security Administration can no longer afford to operate from a business-as-usual perspective. Whatever the cost, whatever the sacrifice, we must protect the number that has become our national identifier, the number that is the key to social, legal, and financial assimilation in this country.

He went on to say in his report:

> We believe the Social Security number integrity is a link in our homeland security goal that must be strengthened.

For every case of identity theft, there is a thief. We have to ask ourselves: Why would someone want to steal somebody else's identity? After all, every person has an identity of their own. Why would somebody be so dissatisfied with their own identity that they deem it necessary to steal from another? The answer to that question is simple: They have something to hide. For many, the fact they are trying to hide is that they are in this country illegally. Whether someone is here illegally in pursuit of work or to carry out the work of an international terrorist organization remains anyone's guess.

What we do know, however, is that there are clear signs of when an identity has been stolen. One obvious sign is when multiple people are using the same Social Security number. By law, every Social Security number has only one true owner. It follows, if 10 people are using the same Social Security number, 9 of them are thieves: 9 of them have something to hide.

One common use of Social Security numbers is for reporting earnings. And where are earnings reported? Earnings are reported to the Social Security Administration. That means that when multiple people are reporting to the Social Security Administration using the same Social Security number, the Social Security Administration has information in its possession relating to the crime of identity theft.

What does the Social Security Administration do? Absolutely nothing. It is prohibited from sharing their information with others in our own Federal Government, such as the Secretary of Homeland Security.

I believe it is an example of what the 9/11 Commission described as, and I quote from the Commission:

> The pervasive problem of managing and sharing information across a large and unwieldy government that had been built in a different era to confront different dangers.

In January of this year, a bipartisan group of Senators and I met with Secretary Chertoff on this very issue. Secretary Chertoff explained that, under current law, Government agencies are prevented from sharing information with one another that, if shared, could expose cases of identity theft.

My amendment tears down the wall that prevents the sharing of existing information among Government agencies and permits the Commissioner of Social Security to share information with the Secretary of Homeland Security where such information is likely to assist in discovering identity theft, Social Security number misuse or violations of immigration law.

Specifically, it requires the Commissioner to inform the Secretary of Homeland Security upon discovery of a Social Security account number being used with multiple names or where an individual has more than one person reporting earnings for him or her during a single tax year.

It seems logical that we would already be doing this, but we are not. In the meantime, we are effectively enabling thieves to continue to perpetrate the crime of identity theft.

In addition to the national security implications, for every case of identity theft there is an innocent victim.

Innocent victims like Connecticut resident John Harrison who had his active duty military ID and Social Security number stolen. The thief ran up an over $260,000 debt and opened 61 credit or bank accounts in the victim's name. Meanwhile the victim lost his job and the military decreased his retirement pay because Phillips had run up a debt owed to the U.S. Government.

Connecticut resident John Harrison is not alone, In fact, for the seventh year in a row, with nearly 250,000 complaints, identity theft is the No. 1 complaint received by the FTC from Connecticut residents. Likewise, for the State of Maine, 2006 marked the seventh year in a row that identity theft complaints topped the Federal Trade Commission's Annual "List of Top Consumer Complaints."

Even my home State of Colorado is no stranger to identity theft. With 4,535 victims in 2005, we are ranked 5th in identity theft—behind only Arizona, Nevada, California, and Texas.

For instance, an 84-year-old Grand Junction woman was deemed ineligible for Federal housing assistance because her Social Security number was being used at a variety of jobs in Denver, making her income too high to qualify.

Unfortunately, for the victims of identity theft, by the time the identity theft is discovered, the damage has already been done. Yet when the Social Security Administration has reason to believe that a Social Security number is being used fraudulently, they are prevented from sharing it with the Department of Homeland Security. Withholding this information effectively enables thieves to continue to perpetrate the crime of identity theft against innocent victims.

By simply sharing information related to the fraudulent use of Social Security numbers among Government agencies, cases of identity theft could be discovered much sooner. Victims of identity theft deserve to have this existing information acted on, and my amendment allows this.

Senator CORNYN, who is on the floor with me, was at the meeting where Secretary Chertoff explained the problems with the Social Security numbers and DHS not being notified so that they could take law enforcement actions against such acts as a terrorist threat.

I wonder if Senator CORNYN would give me his impression.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. ALLARD. I will be glad to yield.

Mr. CORNYN. Would the Senator from Colorado tell us what portion of the population is sort of disproportionately affected by this identity theft, particularly when it involves Social Security numbers?

Mr. ALLARD. A large portion of the population that is affected by the Social Security theft identification is the older population, those individuals on Social Security. The impact it is going to have on them is immediate in some cases because they are qualifying for a certain amount of Social Security based on the income that may be coming. If somebody else is using their Social Security number, that exceeds, perhaps, what allowances they may have to qualify for the Social Security benefits. If an individual has a job, then the effect is felt much later on.

The retired individuals of this country are most dramatically affected in this regard.

Mr. CORNYN. Mr. President, I ask the Senator from Colorado whether he is aware that the Federal Trade Commission has identified the top 10 States where identity theft is the biggest problem and that they have ranked Arizona as No. 1; and Nevada, the State represented by the majority leader; California; and Texas, No.4; and then Colorado at No. 5.

Is the Senator aware that the Federal Trade Commission has ranked those States as the top five States where identity theft is the biggest problem.

Mr. ALLARD. I thank the Senator from Texas for his question, and, yes, I am very much aware of that. Those States are disproportionately affected because of the overpopulation they have within their boundaries.

Mr. CORNYN. Is the Senator from Colorado aware there are those who will purchase bogus documents on the black market—basically for purposes of evading and breaking our immigration laws so they can purport to be someone whom they are not—and whether this, in his opinion, represents a security risk to the United States.

Mr. ALLARD. That is one of the problems we are facing today and one of the problems that Secretary Chertoff of Homeland Security pointed out. It is vital that we be able to identify duplicate uses of Social Security numbers because a number of the terrorists that were here on 9/11, attacking this country, were here under fraudulent IDs. It is an important aspect of law enforcement, and particularly homeland security, to be able to carry on their responsibilities.

Mr. CORNYN. Finally, Mr. President, I would like to ask the Senator whether this isn't exactly the kind of stovepipe or wall that the 9/11 Commission talked about when it comes to information sharing between law enforcement and intelligence agencies. Isn't this exactly the same kind of information sharing they found so important to protecting the security of our Nation?

Mr. ALLARD. Well, it is the very thing the 9/11 Commission was pointing out that is a problem with protecting the citizens of this country, the stovepiping of information among the various agencies and where there is no passing of information back and forth.

This is a classic example where one agency, in this case the Social Security Administration, has a number, and they know it is being used more than once throughout the country, yet nobody gets notified; it stays within the Social Security Administration. Even those law enforcement agencies within Homeland Security cannot get that information to act on it.

Secretary Chertoff said an important part of being able to carry out our function to ensure the security of this country is to get that information. Yet right now, the law explicitly prohibits the Social Security Administration from sharing that information with Homeland Security.

I think it is a problem that needs to be corrected, and the sooner we can correct that, the better.

Mr. CORNYN. I thank the Senator, and I support his amendment.

Mr. ALLARD. Mr. President, let me summarize my comments by saying I think it is important, in ensuring the security of this country, that we pass this amendment. Without the sharing of that information between the various agencies, it is going to be possible for anybody who comes into this country illegally, terrorists especially, to stay within this country and operate in a way where they are not discovered. We want to have law enforcement become aware of the presence of somebody here illegally, particularly if they are a terrorist. If their intention is to either destroy a building or to lay a bomb out somewhere, they are a real threat to this country.

I urge my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Massachusetts is recognized for 10 minutes.

(The remarks of Mr. KERRY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the earlier unanimous consent request so I can offer the Wyden-Bond amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 348 TO AMENDMENT NO. 275

Mr. WYDEN. Mr. President, I offer this amendment with the distinguished vice chairman of the Senate Select Committee on Intelligence. I thank him for the many hours he and his staff have put in, working with me on this amendment.

The purpose of the legislation before the Senate today is straightforward: to apply what has been learned from one of the greatest tragedies in American life in order to better protect the American people in the days ahead. One of the tragic lessons of 9/11 is what we do not know can hurt us, and hurt us badly.

Because of the outstanding work of the 9/11 Commission, extensive information about what went wrong has been made public. The national security community has learned from a number of its mistakes, and today is taking concrete steps to make sure what happened on September 11, 2001, does not happen again. There has been a variety of reports that have been issued, critical to our understanding of what happened that tragic day. The bipartisan 2002 Joint Congressional Inquiry, on which I was privileged to serve, is one example, as well as the Department of Justice's report on FBI accountability.

There is one essential report that has remained classified. Nearly 2 years ago, the CIA inspector general submitted a report detailing CIA accountability in the runup to the 9/11 attacks. I am sure that some may and will consider a number of the inspector general's findings unsettling, perhaps embarrassing, but the report is of high quality and it is comprehensive. The CIA inspector general has provided this country with an important perspective on one of the defining moments in American history, and I believe the public has a right to know what went wrong at the CIA, so we can make sure those mistakes are not repeated.

I have spent more than a year working on a bipartisan basis with our friend from Missouri, the previous chairman of the Senate Intelligence Committee, Senator ROBERTS, to make an unclassified version of this report available to the public. I have repeatedly asked the intelligence community to redact any sensitive national security information in the report's executive summary so that it could be declassified. I have been joined in these efforts, in addition to the assistance Senator BOND has provided, by the current chairman, Senator ROCKEFELLER. I have already mentioned the help of Chairman ROBERTS for some substantial length of time.

Multiple CIA Directors, as well as the former Director of National Intelligence, regrettably have not been willing to cooperate. Why the leaders of the CIA have been so reluctant to cooperate is not clear to me. Neither former Director Goss nor Director Hayden nor Ambassador Negroponte have ever provided a valid reason for keeping the report, the entire report, classified. In fact, there is no good reason why the CIA cannot declassify this report. The executive summary is concise, and it contains little information about CIA sources and methods. It could be redacted and released quickly. That information is in the interests of the American people.

The amendment, the bipartisan amendment we offer today, would require the Director of the CIA to declassify the executive summary of the inspector general's report on 9/11, removing only that information which must be redacted to protect this country's national security. The amendment requires the Director do this within 30 days. I think anyone who has read the report would agree that this is more than enough time.

I am pleased that the bipartisan leadership of the Senate Intelligence Committee, Senator ROCKEFELLER and Senator BOND, join me as cosponsors of the legislation.

The American people have a right to know what is in this report. Some of the findings may be unpleasant, others may be a source of pride, but at the end of the day the American people have a right to know about how the Central Intelligence Agency performed at a critical moment in this country's history. We need that information made public so as to ensure that there is true accountability. September 11, 2001, is part of this country's history. To hide the truth from the American people is unacceptable.

I urge the adoption of this amendment.

I see my friend from Missouri and thank him again for his patience during the many hours our staffs have been working on a bipartisan basis.

Mr. President, I ask unanimous consent to call up the amendment at this time.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

> The Senator from Oregon [Mr. WYDEN], for himself, Mr. BOND, and Mr. ROCKEFELLER, proposes an amendment numbered 348 to amendment No. 275.

Mr. WYDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 is made available to the public)

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my good friend from Oregon for his persistence in pursuing something we both agree should and must be disclosed and made public, to the extent it can consistent with national security. Accountability for one's actions is something most of us are taught from childhood. It is rooted not only in religious teachings but also in the tenets of government at the Federal, State, and local levels.

For those of us in public service, whether we be in an elected capacity or appointed position or some form of service directly related to the security of our Nation, we should know we must expect to be held accountable for our actions. When we serve the people and if we expect the rewards of doing good deeds, just as surely we should face the negative consequences of actions which do not turn out well.

In addition, the public, to the maximum extent possible consistent with national security, should have made available to it the findings and the conclusions of the Government's own agencies with regard to accountability.

As my colleague from Oregon has stated, in June of 2005 the Office of Inspector General of the Central Intelligence Agency published a report concerning the conduct of intelligence activities prior to September 11, 2001, and afterward. To this date, that report remains classified. The amendment Senator WYDEN and I propose requires the CIA to make as much of that report public as is possible, consistent with protecting the sensitive sources and methods relating to our national security.

The Senator from Oregon has referred to the 9/11 Commission, the joint congressional inquiry. Our Senate Select Committee on Intelligence spent 2 very intense years, 2003 and 2004, doing an extensive investigation of what the intelligence was, how it was formulated, what the problems were, and we found that there were tremendous holes in it. So much of what would be found in the inspector general's report has already been stated. But I think to make the record clear and complete, so that we may ensure that all of the agencies working on national intelligence have the ability to learn from the mistakes—and we in our role as the oversight committee will use the information in this report and on this floor, if need be—to point out how we can make our intelligence better.

In an age where the war on terrorism has been brought to us by radical Islamic groups who continue to threaten us, good intelligence is the only defense we have adequate to the threat we face. It is important that we get it right.

Now, it is not pleasant to air some of these mistakes. We all make mistakes, but we better learn from them or we are destined to commit them again.

I thank my colleague from Oregon.

Mr. President, I ask unanimous consent to temporarily set aside this amendment so that I may offer a Rockefeller-Bond amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 389 TO AMENDMENT NO. 275

Mr. BOND. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 389 to amendment No. 275.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding oversight have not been implemented.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

Mr. BOND. Mr. President, I thank the Chair, and I ask that the postponed recognition of the distinguished Senator from South Carolina now be instituted. I express my gratitude to him for allowing us to go forward with the intervening amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 286

Mr. GRAHAM. Mr. President, I would like to thank Senator LIEBERMAN for working me into the line here. What I am rising to talk about is a very important issue for how we conduct this war, for how the law works in a time of war, for the values Americans would like to embrace when we are under siege as a nation, and try to give my explanation to what Senator SPECTER's amendment would do and why I oppose it so vehemently.

To give a little background and history of this issue, at least from my perspective—and I would ask every Senator to look at this very closely because this is a very important concept we are talking about—the Guantanamo military installation to house enemy combatants, people determined by our military to be enemy prisoners of war out of uniform, meeting the Geneva Convention's definition of an enemy combatant—the administration chose Guantanamo as the jailing site. There were prisoners there who brought actions in our Federal court, arguing that their confinement needed to be reviewed by Federal courts. The administration took the position that Guantanamo was outside the United States. They lost. I think the administration should have lost. To me, Guantanamo, because of the lease and the relationship the U.S. military has to that installation, is clearly part of the infrastructure of the United States.

The reason they made the argument is it is a long-held concept in law that habeas rights do not apply to people overseas, that our constitutional provisions granting to American citizens the right to bring a habeas petition when they are confined does not apply extraterritorially. The administration lost on the argument that Guantanamo was outside the United States, and the Federal court said: Okay, it is within the United States.

What habeas rights would attach to someone at Guantanamo Bay? Here is where Senator SPECTER and I dramatically differ. Senator SPECTER reads the Rasul case to say that someone confined at Guantanamo who is a noncitizen enemy combatant has a constitutional right under our Constitution to petition Federal courts, to have a district court judge review their confinement. I think that is completely wrong.

The D.C. Court of Appeals recently held in a 2–1 decision that people detained at Guantanamo Bay do not have constitutional rights under our Constitution to petition for habeas.

Rasul was about 2241, section 2241 of the U.S. Code, a congressional enactment that creates statutory habeas rights. That statute has been amended in many different forms—restricting habeas, granting habeas, allowing States appellate procedures postconviction relief to be substitutes for habeas.

The Supreme Court said: Since Congress has not spoken as to whether detainees at Guantanamo will be covered by 2241, we are going to allow a case to go forward under that statute until Congress tells us otherwise.

It was Justice O'Connor who was suggesting to the Congress we need to speak. The administration at the time of the Rasul case had no infrastructure in place to give due process to someone who is accused of being an enemy combatant. Justice O'Connor, in another case—I don't remember the name now—said: What you need to look at is Army Regulation 190-1, which is a procedure to guide military members how to determine who an enemy prisoner may be from a civilian who is an innocent person involved in war. So what the military did, after the second Supreme Court case, was come up with a Combat Status Review Tribunal. Now the Combat Status Review Tribunal is the due process right given to suspected enemy combatants.

To me, 9/11 was an act of war. It was also a crime, but it was an act of war. I believe the people housed at Guantanamo Bay are warriors, not common criminals. They will be afforded the due process rights of wartime law of armed conflict, not domestic criminal law.

What is the law of armed conflict when it comes to status? Article V of the Geneva Convention says that if there is a question of status, the country which houses the person, is in charge of the person, will conduct a competent tribunal. A "competent tribunal" all over the world is a military proceeding where the military of that country will determine if the person in front of them is a civilian, uniformed person, or enemy combatant.

The Combat Status Review Tribunal is well beyond the due process requirement of the Geneva Conventions. What happens at the Combat Status Review Tribunal, first of all, is that the enemy suspect prisoner will go before a panel of three military officers trained in who presents a military threat—an intelligence officer, a combat officer, and a legal officer. I think tomorrow or Friday, the 14 high-value detainees who have been in CIA custody will go through this process.

The question for this Congress is, Do we want the military to make the initial decision on who an enemy prisoner is based on what a military threat is to our country and the expertise the military has in determining if this person is an enemy prisoner, enemy combatant, or do we want to give that to a district court judge who has absolutely no training?

Enemy prisoners during World War II were not allowed to file habeas petitions and come into our Federal courts and sue the military during a time of war to be released. Chief Justice Jackson said: Wait a minute. This is not our job. We are not trained for this. If we allow enemy prisoners detained by our military during a time of war to have access to our Federal courts, Federal judges are taking over a job the military is trained for and we are not trained for.

Here is what Justice Jackson said in the Eisentrager case:

> We are cited to no instance where a court, in this or any other country where the writ is known, has issued it on behalf of an alien enemy who, at no relevant time and in no stage of his captivity, has been within its territorial jurisdiction.

Nothing in the text of this Constitution extends such a right nor does anything in our statute.

So the Eisentrager case in 1950 clearly said habeas does not apply to enemy prisoners. I cannot find the language—it talks about why it is a bad idea—but it is forthcoming. So as early as 1950, the courts rejected enemy prisoner petitions in the Federal court.

Now, the question for Congress is, after 9/11—5 years later—do we as a Congress want to confer onto people classified by our military to be enemy combatants a Federal court right never known in the law of armed conflict at any other time in our history? Do we want to be the first Congress in the history of the United States to take away from our military the ability to determine who a military threat is and make literally a Federal court trial out of that decision?

There had been 160 habeas petitions filed before we acted last year. Let me tell you, they have sued our own military for everything imaginable: the quality of the food, DVD access, not enough exercise, judge-supervised interrogation. Some of the people who have brought these cases are accused of killing Americans in the most brutal way.

One of the lawyers, Mr. Michael Ratner, who filed habeas petitions on behalf of enemy combatants held at Guantanamo Bay, publicly stated:

> The litigation [for the United States]. . . . It's huge. We have over one hundred lawyers now from big and small firms working to represent these detainees. Every time an attorney goes down there, it makes it that much harder [for the U.S. military] to do what they're doing. You can't run an interrogation . . . with attorneys. What are they going to do now that we're getting court orders to get more lawyers down there?

It is clear that it does—according to one of the lawyers representing detainees—make it very difficult for the military to do their job when it comes to intelligence gathering. I will have an unclassified summary to put into the RECORD at the end of my time that talks about the information gained at Guantanamo Bay.

But here is what Justice Jackson said would be the real big mistake for the Federal courts if you start granting habeas petitions and give enemy prisoners a right to sue our own people about their status in a time of war:

> The writ, since it is held to be a matter of right, would be equally available to enemies during active hostilities as in the present twilight between war and peace. Such trials would hamper the war effort and bring aid and comfort to the enemy. They would diminish the prestige of our commanders, not only with enemies but with wavering neutrals. It would be difficult to devise more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him to account in his own civil courts and divert his efforts and attention from the military offensive abroad to the legal defensive at home. Nor is it unlikely that the result of such enemy litigiousness would be a conflict between judicial and military opinion highly comforting to enemies of the United States.

Was he prophetic? These 160 cases have created a nightmare for the military at Guantanamo Bay. Medical malpractice suits have been filed, $100 million money-damage lawsuits have been filed. It has been a legal nightmare.

So what I am trying to persuade the Congress to do is not grant in statute a right never given to any other enemy prisoner during any other war, because it is dangerous to do so.

What did we do to accommodate the unique needs of this war, a war potentially without end? For the first time in the history of our country, we are allowing Federal courts to review whether a person has been properly classified as an enemy prisoner. Once the military decides Shaikh Mohammed's status Friday, the mastermind allegedly of 9/11, can you imagine 5 years after 9/11 the Congress would open up any Federal courtroom that a lawyer could shop to find—whatever judge the lawyer could find in the country—and allow Shaikh Mohammed to sue our own military about his status, creating a nightmare zoo courtroom trial, bringing people from all over the world to determine his status, where the judge would have a say, not the military? That would be a mistake of monumental proportions.

What will happen is Shaikh Mohammed, in a classified setting, will have evidence presented by the Government to show he is an enemy combatant. He will have a chance to rebut that. When his case has been decided, he will have an automatic right of appeal to the DC Circuit Court of Appeals, where the DC Circuit Court of Appeals will look at the military decision in question and find out whether two things occurred. Were the due process rights given Shaikh Mohammed and other enemy combatant suspects consistent with our own Constitution? Secondly, was the evidence introduced sufficient to support the finding he is an enemy combatant?

That is the proper role for a judge. That is what judges are trained to do. It would be a monumental mistake to allow a habeas petition to be filed, where literally you could go to any court in the land and have a full-blown trial, calling people off the battlefield to make the case that this person was an enemy prisoner and give that decisionmaking ability to a judge not trained in who is a military threat to our country and take it away from the military.

That is why I am so passionate about this issue. I do believe in due process at a time of war. I have been a military lawyer for well over 20 years. I believe our country should adhere to the Geneva Conventions, that we should be a standard-bearer for what is right. But we should not cripple our military's ability to defend us in a way that makes absolutely no sense.

We should not put Federal judges on the frontlines in deciding who is a threat to this country, when the military is trained to do that. Let the judges look over the military's shoulder and in a proper way, consistent with their training.

Now, what is going to happen? The case is going to go to the Supreme Court soon. If I am wrong, I will take the floor and say so. Senator SPECTER has a belief there is a constitutional right to habeas. I do not believe that. But if the Court holds so, then I would be wrong. I would argue that the DC Circuit Court of Appeals is an adequate substitute for habeas, but that will be up to the Court.

All I am asking is to allow the work product of last year that has gone before the DC Circuit Court of Appeals that has been upheld to go through the system. I will gladly sit down with Senators SPECTER and LEVIN to see if we can work on better due process rights for people accused of being an enemy combatant. I think we can do that as a Congress without turning that decision over to Federal judges. It is a very dangerous thing we are proposing to do, to take away from the military to determine who a threat is and to give it to a Federal judge.

Finally, I would like to say: I know this is a war without end. Two hundred-and-something people have been released from Guantanamo Bay because they get an annual review board to look at their status anew. We do not want to keep people who have been misidentified who are not a threat. But we do not have the choice of "try them or let them go." This is a war, and we can keep warriors off the battlefield as long as they are a threat. When it comes time to determine who should bear that risk, who should bear the risk of letting someone go at Guantanamo Bay—the innocent civilian populations of the world who have been a victim of people out of uniform wreaking havoc or the people who started this whole mess to begin with—if you are going to proportion risk, I think it should fall on the people who created the problem to begin with.

Twelve people have been released from Guantanamo Bay under the annual review process of the 200-and-something. Twelve have gone back to the battle. Three have been killed. So you make mistakes both ways. I don't want to hold one person down there who should not be held, but I don't want to let anybody go who is a threat to our country because we are at war.

Due process rights attach to people in war, but we cannot criminalize what has been an act of war beginning on September 11, 2001. The people down there will have their day in court. They will have a chance to have a say about who they are and what the facts are. But I do believe there are people down at Guantanamo Bay who are warriors. If they ever got out, they would try to kill us again.

Mr. LIEBERMAN. Mr. President, will my friend from South Carolina yield for a question?

Mr. GRAHAM. Yes, sir.

Mr. LIEBERMAN. I appreciate the Senator's remarks. I know the Senator from South Carolina has a background in military law, so he speaks with some authority on these questions.

What interests me in this discussion is the rights of citizens as opposed to noncitizens. I wanted to ask my friend, first, am I right that you are not arguing against the principle that an American citizen, even one alleged to be an enemy combatant, does have habeas corpus rights?

Mr. GRAHAM. The Senator is absolutely right; any American citizen. The Padilla case is the best example you could give. Padilla was charged as an enemy combatant, a U.S. citizen. It is true American citizens in the past have been held indefinitely as enemy combatants. But I do believe they should have access to our courts as a member of citizenship. And they would have a constitutional right to seek relief from a Federal judge to determine whether the military or law enforcement officers make that decision. We are talking about people in the same status as the Germans and the Japanese. There was a reason the thousands of enemy prisoners housed in the United States never had access to our Federal courts. It is what Justice Jackson was saying. The Federal judiciary would make a mockery of the military's ability to run the war if you turned every military decision into a Federal court trial as to who an enemy prisoner is. Justice Jackson, in the most eloquent fashion, told us what could come if you conferred these rights on enemy prisoners.

Here is what is odd. If I am a lawful combatant, if I am captured tomorrow as a member of the uniformed services of the United States, I do not have any rights under the Geneva Conventions to go to the host country's judiciary. We are creating, for unlawful combatants, enemy combatants, a right greater than someone who is captured as a lawful combatant.

Under the Geneva Conventions, there is no right to go to a court in any land to ask to be released. But in America, if you are an unlawful combatant, we are giving you your day in Federal court, after the military acts, which I think is an accommodation for the fact that this war is different. It is not lost upon this Senator this war is different. There will be no signing on the "Missouri." I do not know when this war is going to end. I do not want an enemy combatant decision to be a de facto life sentence without robust due process. But I do believe, if the choice is between letting them go or having them die in jail, if they are still a threat, let them die in jail.

I do believe every enemy prisoner is not a war criminal, and the choice for the country is not "let them go or try them." Because that is a false choice in the law of armed conflict. It would not serve us well to say that every American captured in the next war is a war criminal because they are performing their duties. You only confer war criminal status on someone who goes outside the law of armed conflict. So we are making some decisions for the ages.

I am all for due process. I am all for scrutiny and transparency because I want my country to win the war not changing whom we are. But I do not want us to fundamentally change the relationship between the military and military threats. Our judges have a role to play. The Congress has a role to play. The military has a role to play. Keep everybody in their lanes, and this will work.

Mr. LIEBERMAN. I thank my friend.

So I take his answer to say also—correct me if I am wrong—that the existing statute, including the MCA—which is the subject of the lawsuits we have been describing that are pending—the existing statute does not alter the right of American citizens who are alleged to be enemy combatants to use habeas corpus rights?

Mr. GRAHAM. The Senator is correct in two fashions. It says no military commission can try an American citizen. A military commission at Guantanamo Bay cannot, as a matter of law, try an American citizen, even if they are an enemy combatant. Someone from America could join al-Qaida, but they are going to be tried in our Federal courts if they are caught.

What we are trying to do is have a military commission consistent with the Uniformed Code of Military Justice to try people. The difference between now and Nuremberg, I say to the Senator, is the war is still ongoing. The reason we are not going to release all the information as to why Shaikh Mohammed is an enemy combatant is because that is very sensitive information. We will give a summary to the public. And the courts will get to review that decision in full in a classified setting. But I cannot stress to you enough we are at war.

The last time we had a Federal trial where somebody tried to blow up the World Trade Center in the early 1990s, some of the information in that courtroom setting that had to be released wound up in a cave in Afghanistan. I will talk about that later. We are trying to balance the need to be safe and the obligations we have under the law of armed conflict. I think we have struck a good balance. If I am wrong, the Supreme Court will tell me. Please, just to my fellow Senators, let this case go to the Supreme Court, see what they say, and we can fix it if we need to. That is all I am asking.

Mr. LIEBERMAN. Again, I thank my friend. So in furthering what this discussion is about, it is whether non-American citizens seized in the war on terrorism and alleged to be enemy combatants should have habeas corpus rights under our Constitution?

Mr. GRAHAM. I am the biggest advocate that an American citizen such as Mr. Padilla should be tried in Federal court. The man who was caught working with the Taliban in Afghanistan was in Federal court. Moussaoui was in Federal court because we didn't have the Military Commissions Act. An American citizen will be tried in Federal court with all the rights of an American citizen available to them.

Mr. LIEBERMAN. Let me ask this final question. This is the part of this discussion that I struggle with, which is what is the appropriate status in the context in which we are talking about permanent lawful residents of the United States.

In other words, if I understand what the Military Commissions Act—again, correct me if I am wrong—says, is that a permanent, lawful resident of the United States who is apprehended as part of the war on terrorism and alleged to be an enemy combatant does not have a right of habeas, or a right to have a case heard in Federal court. That concerns me. This is what I want to ask my friend from South Carolina who has had experience with this to clarify, as to whether that may be—if I can use the term a "denial" of equal protection—to say a permanent, lawful resident of the United States cannot have the same rights in these cases that a citizen of the United States has.

Mr. GRAHAM. Well, that is a very good question, and I think that is something we actually need to sit down and look at, that situation where you are not a citizen, but you are here on a legal status. I would be, quite frankly, very comfortable to clarify that, if anyone ever finds themselves in that category, to say, no, you are going to have all the rights of an American citizen.

What I am trying to do is make sure that we don't change 200 years of history. The people who assassinated President Lincoln, within 30 days they were caught, tried, and executed in a military commission format. We have had American civilians tried in military commissions in times of war, but they were reviewed by our Federal courts. Some of the German saboteurs who landed during World War II, I think one or two of them actually were American citizens who left to go back to Germany to aid the enemy. They got tried by military commissions, and the Supreme Court reviewed their case.

What I am saying is that an enemy prisoner, a noncitizen, since time began in our country and in every other country, has been treated under the law of armed conflict, not domestic statutes. That is a distinction of great significance, and we don't need—the due process rights these enemy combatants, noncitizens, have are greater than the Geneva Conventions require, and every enemy combatant had their day in Federal court but in a way consistent with what judges are trained to do.

I don't believe it is in our national interests during ongoing hostilities to take away from the military the ability to classify who they believe to be a threat, what status that person has acquired based on their activities. I do believe the courts can look at every case and see: Was due process afforded? Did the evidence support the finding? That, to me, is the magic combination, and habeas destroys that combination.

Mr. LIEBERMAN. I thank the Senator from South Carolina. This, to me, has been a very helpful exchange. I would like to continue the discussion on the distinct question of what the habeas rights of permanent lawful residents of the United States should be.

Mr. GRAHAM. It is a great area to discuss. I thank the Senator. I yield the floor.

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

Mr. SPECTER. Mr. President, I ask my colleague from South Carolina if he would be willing to respond to a few questions.

Mr. GRAHAM. I would be honored to respond to my friend from Pennsylvania.

Mr. SPECTER. I will begin with the subject matter brought up by the Senator from Connecticut about the status of aliens. I would note that in the Rasul case, the Supreme Court, Justice Stevens speaking for a majority, answered this categorically:

> Aliens held at the base, like American citizens, are entitled to invoke the Federal courts' section 2241 authority—

Which is the habeas corpus statute.

So the court has dealt with that conclusively in Rasul much the same way that Justice O'Connor did speaking for plurality in an earlier case.

Addressing the question to the Senator from South Carolina, earlier today I noted the order establishing Combat Status Review Tribunals, and it provided that:

> All detainees shall be notified—

Leaving out some irrelevant material—

> of the right to seek a writ of habeas corpus in the courts of the United States.

Is the Senator familiar with that provision?

Mr. GRAHAM. No, sir, I am not.

Mr. SPECTER. Well, I hadn't been until a few days ago. But this is the Deputy Secretary of Defense, Paul Wolfowitz, in a memorandum dated July 7, 2004, to the Secretary of the Navy.

The Senator from South Carolina made the argument that the judges were not appropriate to make determinations of reviewing the orders or the conclusions of the Combat Status Review Tribunal. How would the Senator from South Carolina account for the acquiescence by the—

Mr. GRAHAM. I have been told that the order the Senator is talking about was implemented in the Rasul decision, and it would be a correct statement of Mr. Wolfowitz to make.

> Rasul said that habeas rights attached to Guantanamo Bay detainees until Congress says otherwise, and that is the difference we have. I read Rasul to say, since Congress hasn't spoken under 2241, Guantanamo Bay is within U.S. jurisdiction and the statute would apply to anybody held at Guantanamo Bay. It is not an overseas location. Until Congress speaks, under 2241 you will have the right.

Congress has spoken. We spoke last year. We took 2241 and changed it. We excluded noncitizens and any prisoners from the habeas rights under 2241 and, quite honestly, that issue has gone to the D.C. Circuit Court of Appeals, and we won last week.

Mr. SPECTER. Well, the question about the Department of Defense agreeing to allow habeas corpus rights was not taken up by the Circuit Court for the District of Columbia and the Detainee Treatment Act. Congress gave the Department of Defense the right to establish the rules, and that is one of the rules. Wait a minute. The question hasn't come yet.

Mr. GRAHAM. OK.

Mr. SPECTER. Is it fair to change the rules in the middle of the process after the Department of Defense has stated that they think it is appropriate for a Federal court—they specifically talk about courts of the United States—to make a determination under habeas corpus to see if the definition which they set for enemy combatants has been followed. They have specified that there has to be evidence. To the definition of what or who is an enemy combatant:

> An individual who was part of or supporting the Taliban or al-Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.

Now, the Department of Defense who promulgated this order concluded that it was within the purview of the Federal courts, and that is really a judicial function to determine whether the definition for enemy combatant has been achieved, isn't it?

Mr. GRAHAM. If I may respond, I think it is not remotely fair to say that the Department of Defense has conceded that habeas corpus rights should be given to detainees at Guantanamo Bay. Once Rasul was decided and the Government lost, that it was outside the jurisdiction of the United States, the Rasul case said: Until Congress acts, you will have a habeas right. The administration has come to me and other Members of this body since that decision and has been begging us to address 2241. The Supreme Court, in three separate decisions, has said Congress needs to get involved. The administration's theory was, there is no room for Congress in the courts.

Here is where the Senator and I have been partners. I have always believed the executive branch has to collaborate with the Congress, and they have been hard-headed about this and they wound up losing in court. They lost on whether it was outside the United States. Once the court ruled 2241 applied, the DOD had no other choice but to tell people: This is a statutory right. They were telling people at Guantanamo Bay: This is your statutory right. They were coming to me and other Senators saying: Please change 2241 because it is hampering the war effort.

That is exactly where we find ourselves. We took the input of the administration, we voted last year, we stripped habeas from 2241 where district court judges could make military decisions, and we are replaced in the appeals process where Federal courts do look at what the military does after they have decided. I think not only did the D.C. Circuit Court of Appeals uphold that as a proper thing to do but the Supreme Court will also.

So my belief is that it was our decision as Congress as to whether to give these enemy prisoners habeas rights, unlike any other war. We decided with Rasul we didn't want to do that. I think it is the best decision we have ever made. If you had asked this Congress on September 30, 2001: Would you want to create a Federal court action for any al-Qaida member caught to go into Federal court and bring lawsuits against our own troops alleging not enough exercise, bad DVD access, you name it, we would have said no. That would have been crazy. Why would we want to give this group of people who are trying to kill us all rights that we didn't give the Japanese and the Nazis who were trying to kill us all?

So now we find ourselves in Congress filling in the gap that the court found. The Congress has spoken. We told the courts, D.C. Circuit Court of Appeals: No habeas rights under 2241. We substituted another procedure that I think makes sense, and the court found out that we did it in a constitutional manner, and I think we are going to win at the Supreme Court.

But having said that, if there are other ways to improve due process where the Congress can make this CSRT process better, count me in. But I am not going to sit on the sidelines and watch the Federal courts do something they are not trained to do before Congress blesses it. If the Senator is right that the Supreme Court says apart from 2241 an enemy prisoner, noncitizen, has a constitutional right to habeas, then I would be wrong. I would argue that our procedures under the D.C. Circuit Court of Appeals method of going to challenge the military is an adequate substitute. But I am firmly convinced that our courts are going to say there is no constitutional right for these prisoners, like there was none for Japanese and German prisoners, and that Congress has made a good decision to take the Federal courts and put them behind the military, not in front of the military.

Mr. SPECTER. Well, if I may respond, when the Supreme Court said Congress should act, they were saying that Congress should legislate on how a military commission should be tried. But moving to your argument about the issue of constitutional right, how could it be that if the Constitution says that the right of habeas corpus can be suspended only in the event of invasion or insurrection? How can it be argued that there is no constitutional right?

That is the argument that the Attorney General made in the Judiciary Committee hearing. Where the Constitution explicitly says the constitutional right of habeas corpus can be suspended only in invasion or insurrection, and no one says that either of those factors is present here, isn't that a flat-out statement that there is a constitutional right?

Mr. GRAHAM. All I can tell my colleague is that issue went up to the D.C. Circuit Court of Appeals 2 weeks ago and they said just as clearly as you can say it that there is no constitutional right for a noncitizen enemy prisoner classified as such by our military during hostilities to come into our Federal courts. Just like Justice Jackson said in 1950, that would be a disaster. I just can't believe any Federal court is going to say that Sheikh Mohammed, the mastermind of 9/11, who is an al-Qaida member, gets more rights than the Nazis. I just don't believe they are going to do that. If I am wrong, I will come to the floor of the Senate and say I am wrong. But I think I am right. The D.C. Circuit Court of Appeals agrees with me, and I believe we are going to win at the Supreme Court, if we can let these judges look at something without changing it every 30 days.

Let's give this a shot and see what happens. We will know soon. I apologize, but I have to go.

Mr. SPECTER. Wait just a minute. Make your answers a little more responsive and brief, and I won't keep you too long. I will keep you just a few more minutes.

The Court of Appeals for the District of Columbia said that the Supreme Court, speaking explicitly through Justice Stevens, only dealt with a holding on the statute.

They classified it as dictum when they said there was a constitutional right. Let me move on quickly to a couple of other points.

As to the adequacy of proceedings in the combat status review tribunals, you have the case involving In re: Guantanamo, which I cited this morning, where Judge Green dealt with the precise case in the District of Columbia Circuit Court, the Boumediene case, which had a procedure where the detainee was charged with talking to somebody who was from al-Qaida, and he asked who it was and they could not identify the person. There was laughter in the courtroom, and Judge Green said it is understandable that there was laughter in the courtroom because nothing had been established.

I ask a very simple, direct question, and maybe you can even answer it yes or no. Was that a fair proceeding?

Mr. GRAHAM. I can tell you that the Court will soon tell us. If I can give you what I think is the right answer, the combat status review tribunal, as to whether they provided adequate due process is on appeal now to the Supreme Court. The Supreme Court will soon tell us not just about war crimes legislation but about the CSRT provisions and whether they are constitutional.

I argue we are going to win on that one because 190-1 of the Army manual was the model that set up the combat status review tribunal. What right does a person have under the Geneva Conventions, in a time of war, when it comes to the question of status? Article 5 says competent tribunals—and all over the world that competent tribunal is not a Federal judge or the equivalent in another country, it is a military tribunal. If the Court rules the combat status review tribunal doesn't afford due process, I will sit down with you and others to make it comply to the Court's decision. I have no desire to take somebody from any part of the world and put them at Guantanamo Bay if they should not be there. That doesn't make America better or stronger. I do believe, contrary to the laughter in the courtroom, that the people best able to determine whether an enemy prisoner is a threat to our country or, in fact, an enemy prisoner is not some circuit judge or district court judge anywhere in America who was never trained in this, but military officers who are trained in making those decisions. They are the ones I trust. They have done it in every other war; they should do it in this war. I am willing to have their work product looked at by the Federal courts, and that is going on right now. We will soon know the answer to that question. Are CSRTs constitutional? If not, we will fix them.

I hate to leave. I have enjoyed this debate.

Mr. SPECTER. I have one more thing. I take your last extended statement to be a "no," am I right?

Mr. GRAHAM. I believe they will be constitutional. If you think there has been a miscarriage of justice in any case, that will go to court. If you think something happened in the CSRT that is laughable, then the Federal court is going to get to look at every case. I can assure you and every other American that every decision made by the military on Guantanamo Bay will work its way to the Federal court, and our judges will look at the record and the process, and they will tell us in individual cases and as a group whether this works. Give them a chance to do it.

With that, I have to leave.

Mr. SPECTER. One last question. I still take that to be a "no." It was not a complex question. Do you think it is fair where the Department of Defense sets the rules, contrary to your assertion, that they think Federal judges can decide whether the evidence establishes the standard for an enemy combatant, do you think it is as fair under American justice to have a presumption of guilt?

Mr. GRAHAM. No. This is an administrative hearing. The enemy combatant status determination is not a criminal decision. It is, in an armed conflict, an administrative decision where the procedure is set up. I will get you the regulation and we will introduce it, but it is article 5 on steroids. It has presumptions, rebuttable presumptions, and you have an annual review board on what should be determined to be a enemy combatant. You have a new hearing every year on whether new evidence came in, whether you are still a threat to the country, and whether you have intelligence value. Two hundred people have been released at Guantanamo Bay because they have gone through the process and the military determined they are no longer a threat. Twelve of the two hundred have gone back to killing Americans.

There is no perfect system. We are trying to be fair. God knows we want to be fair, but I tell you what, in close calls between letting someone go who the military thinks is a member of al-Qaida and killing other Americans and innocent people, I am going to make sure they stay in jail and let the judges determine if we have done it fairly. I will not sit on the sidelines and open the gates to people who have been caught in the process of aiding the enemy or becoming the enemy just because we are trying to create new rules for this war that we have never had in any other war because some people don't like Bush. Bush made a lot of mistakes, but this war is going to go on long after Bush is gone.

If you let these people out of jail, at least 12 of them are going to come back and kill you.

With that, I must leave. We will continue the debate.

Mr. SPECTER. Let me say, in conclusion, that bombast and oratory and repetition cannot undercut a few very basic facts. One is that the Department of Defense established a rule to give Guantanamo detainees the right of habeas corpus. They set out a standard as to what would constitute being an enemy combatant. These are rules, when they call for evidence, that judges are equipped to decide. When there is a rebuttable presumption of guilt, undercutting the basic principle of America, the presumption of innocence, that is basically unfair.

When you talk about the decision by the Court of Appeals for the District of Columbia, where they limited the Supreme Court opinion to a narrow holding on the statute, although the court then went on to say there was a constitutional right, that will not pass muster when it comes back to the Supreme Court. It is fallacious to the utmost to argue that there is no constitutional right to habeas corpus, when the Constitution explicitly says the right of habeas corpus may be suspended only in time of invasion or rebellion. It simply cannot be contended rationally that there is no constitutional right to habeas corpus.

I am as concerned as the Senator from South Carolina about protecting America. I led the fight to reauthorize the PATRIOT Act. But the question is, is there some reason to hold the detainees? In the case that went to the District of Columbia Circuit Court of Appeals, you had the District Court looking at the information—it wasn't evidence—which was that the detainee had a conversation with an al-Qaida member, but they could not identify him. The proceeding was a laughingstock. That is the detainee in the District of Columbia Circuit Court case which is going to the Supreme Court.

I don't think this Congress ought to wait or punt to the Supreme Court. We passed a statute which takes away Federal court jurisdiction to make the simple determination: Is there a reason to hold them? We ought not to let that stand.

I ask unanimous consent that a letter dated today, received by Senator LEAHY and myself, be printed in the

RECORD. It sets forth eloquently the reasons why habeas corpus for detainees should be reinstated by the Congress. It is signed by RADM Don Guter, who was the Navy's Judge Advocate General; RADM John Hutson, the Navy's Judge Advocate General at an earlier period; BG David Brahms, who was the Marine Corps senior legal adviser from 1983 until 1988; and BG James Cullen, who was the chief judge of the U.S. Army Court of Criminal Appeals.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

March 7, 2007

Hon. PATRICK LEAHY, Chairman,
Hon. ARLEN SPECTER, Ranking Member,
Senate Committee on the Judiciary, United States Senate Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: We strongly support your legislation to restore habeas corpus for detainees in US custody. We hope that it quickly becomes law.

Known as the "Great Writ," habeas corpus is the legal proceeding that allows individuals a chance to contest the legality of their detention. It has a long pedigree in Anglo Saxon jurisprudence, dating back to 13th Century England when it established the principle that even Kings are bound by the rule of law. Our Founding Fathers enshrined the writ in the Constitution, describing it as one of the essential components of a free nation.

In discarding habeas corpus, we are jettisoning one of the core principles of our nation precisely when we should be showcasing to the world our respect for the rule of law and basic rights. These are the characteristics that make our nation great. These are the values our men and women in uniform are fighting to preserve.

Abiding by these principles is critical to defeating terrorist enemies. The U.S. Army's Counterinsurgency Manual, which outlines our strategy against non-traditional foes like al Qaeda, makes clear that victory depends on building the support of local populations where our enemies operate through the legitimate exercise of our power. The Manual states: "Respect for preexisting and impersonal legal rules can provide the key to gaining widespread and enduring societal support. . . . Illegitimate actions," including "unlawful detention, torture, and punishment without trial . . . are self-defeating, even against insurgents who conceal themselves amid non-combatants and flout the law." Our enemies have used our detention of prisoners without trial or access to courts to undermine the legitimacy of our actions and to build support for their despicable cause.

It is certainly true that prisoners of war have never been given access to courts to challenge their detention. But the United States does have a history of providing access to courts to those who have not been granted POW status and are instead being held as unlawful combatants, as are the detainees in this conflict. See., e.g., Ex Parte Quirin, 317 U.S. 1 (1942) (rejecting the claim that the Court could not review the habeas claim of enemy aliens held for law of war violations).

POWs are combatants held according to internationally prescribed rules, and are released at the end of the war in which they fought. In a traditional war, it is generally easy to determine who is a combatant and governed by these special rules. But the war we are fighting today is different. Detainees held at Guantanamo Bay were captured in 14 countries around the world, including places as far away from any traditional battlefield as Thailand, Gambia, and Russia. Some were sold to the United States by bounty hunters. Our enemies blend into the civilian population, making the practice of identifying them more difficult. For all these reasons, the possibility of making mistakes is much higher than in a traditional conflict. In such a situation, it is incumbent on our nation to ensure that there is an independent review of the decision to detain.

The denial of habeas corpus also threatens to harm our national interests by placing American civilians at risk. Imagine if an enemy of the United States arrested an American citizen—a nurse or interpreter or employee of a military contractor—because they once provided assistance to our armed forces, and held that American without charge or opportunity to challenge their detention in court. We would be outraged, and rightly so. Yet, this is the precedent we are setting by holding without charge those deemed to have aided the enemy and denying them access to a court that could review the basis of their detention.

A judicial check on the decision to detain is in the best tradition of the United States—a tradition that ensures accountability, accuracy, and credibility. Restoring habeas corpus will help ensure that we are detaining the right people and showcase to the world our respect for the rule of law and the values that distinguish America from our enemies.

We hope that Congress will act quickly to pass this legislation.

Sincerely,

REAR ADMIRAL DON GUTER, USN (RET.)
REAR ADMIRAL JOHN D. HUTSON, USN (RET.)
BRIGADIER GENERAL DAVID M. BRAHMS, USMC (RET.)
BRIGADIER GENERAL JAMES P. CULLEN, USA (RET.).

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I rise to speak for a few minutes on the topic that was being covered by Senators SPECTER, GRAHAM, LIEBERMAN, and others, and that is the right of detainees—in particular, detainees at Guantanamo Bay—to petition the court system through what we refer to as habeas corpus and question the specific details that have led to their confinement, to their definition or status as an enemy combatant.

This is an important issue. Naturally people get excited when they are debating this issue. Senator GRAHAM is no exception. But one thing that he mentioned I think must be addressed, and that is this is about letting people out of jail, letting people go free who might attack the United States at a later date. I feel very strongly that this isn't about letting people out of jail, and it isn't even necessarily about letting people object to the conditions of their confinement, because I believe Congress can and should address the habeas issue without necessarily allowing any frivolous petition regarding conditions to go forward. But it is about the rights of these individuals to question the determination that they are an enemy combatant.

The U.S. military or other forces operating on behalf of our coalitions overseas have captured and detained individuals and determined that they are enemy combatants and, therefore, they can be detained indefinitely on the basis of that determination.

The situations that arose in previous conflicts were also brought up. What about similar situations in the Second World War, the First World War, or other engagements of the U.S. military in our past? I rise today, most importantly, to emphasize that there is a significant difference between this war and those conflicts. There are differences in some very important ways that make this right or this ability to petition against your definition as an enemy combatant very important.

First, this is not a war where we have troops lined up or engaged on a battlefield in uniform. These are very different combatants, very different enemies we face, by that definition, not always easily recognized and sometimes incredibly difficult to recognize those who are planning to kill U.S. citizens or our allies around the world. They are not on a specific battlefield and certainly not in uniform.

Second, these enemy combatants—and there are many thousands of enemy combatants the United States faces around the world—could be almost anywhere in the world. It makes this very different than past conflicts. They could be here in the United States, they could be in Pakistan, they could be in Somalia, they could be in Kenya, they could be in Germany, they could be in Spain, or they could be in the United Kingdom. As a result, we could have an individual in any one of these countries captured, detained, and placed into our incarceration in Guantanamo Bay or another facility and designate them as an enemy combatant.

That is highly unusual when compared to past conflicts or past battles and, I think, as a result could naturally cause significant problems in relations with other military organizations that are supporting our efforts, other countries' diplomatic affairs, all of which are important to our success in this effort.

So because these are individuals who could be captured and detained from anywhere around the world, we have to take extra consideration to make sure they are dealt with in a straightforward way that respects principles of due process.

Third, a third important distinction in this conflict is because of the nature of the conflict, these individuals could be held indefinitely without any clear prospect of being released through the processes that would often bring a conclusion to hostilities, negotiation, a cease-fire, or surrender.

We all recognize this conflict is very different in that regard. When constituents back home in New Hampshire ask me, When is this struggle against terrorism going to end? You certainly can't give a definitive answer in terms of time, but you also are very hard pressed to give a definitive answer in terms of specific objectives—when we capture this individual, when we destroy this organization, when we bring stability to this part of the world that is traditionally encouraged or fermented jihadists. So we have for these individuals—many of whom are evil individuals who have plotted and planned against the United States and our allies around the world—indeterminate, unlimited detention at the hands of the United States.

Given those differences that set this conflict apart from past military conflicts in our history, I think it is in keeping with our standards of due process to ensure that when someone finds themselves indefinitely held by the United States in this conflict, they can at a minimum petition, object to their status or the determination of their status as an enemy combatant, and at least argue on appeal the facts of the case, make an argument as to why they should not be classified as an enemy combatant.

Senator SPECTER and others made the argument when we were considering the Detainee Treatment Act that this ought to be done in the D.C. Circuit Court of Appeals. I think the exact time, place, and manner of this appeal can and should be determined by an act of Congress. But I think what is most important is that we not simply say because commanders on the battlefield decided—when I use the word "battlefield," I mean in this modern sense—commanders somewhere in the field, somewhere around the world, after you were arrested or detained or captured, decided you were an enemy combatant, that we are going to let that determination stand without appeal, without objection, without petition.

At the very least, again, it is consistent with the principles of due process that are so important to this country that we give that detainee at least one opportunity to object in a court to the specifics that led to him being determined an enemy combatant.

This is an important issue, but I think it is not just important because it affects our security, which we all want to protect to the greatest extent possible, but because it speaks to our own citizens and it speaks to people around the world as to what kind of a society we are and what principles we hold to be dearest.

This is an issue that deserves thorough debate in the Senate. I look forward to hearing more from both sides and working with Senator SPECTER to try to move forward a process that addresses these concerns, that doesn't necessarily have to grant all rights and all privileges accorded to every U.S. citizen to those who are determined to be enemy combatants, but at least gives them the fundamental right to challenge that determination which could and, in many cases, should lead to their indefinite incarceration at Guantanamo Bay.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, while the Senator from New Hampshire is still on the floor, I thank him and commend him for his statement directly to the issues. He has articulated them very well. It is a different circumstance and what we are looking at is the issue of indefinite detention and some process where there has to be some reason given for the detention. It doesn't haven't to comply with the technical Rules of Evidence, although the Department of Defense regulation calls for evidence, and evidence is a work of art comprehending competency of items to establish a fact. But without moving into the full range of evidence for some reason to hold them—and I agree with the Senator from New Hampshire that we are not looking for a remedy to test living conditions or to test food or test a wide variety of items that may be comprehended in other habeas corpus situations, but just detention—that is all—just detention.

I am agreeable to modifying the amendment to specifying just detention. The Senator from New Hampshire raises a valid point that there may be other Senators—he estimates as many as 10—who are inclined to support an amendment which directed itself only at detention.

There is the right of modification. I am going to talk to more of my colleagues to see if that would produce a significantly different result.

I thank the Senator from New Hampshire.

I yield the floor, and in the absence of any Senator seeking recognition suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. SPECTER. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I come to the floor this afternoon to rise in support of the Specter-Leahy amendment, No. 286, which I hope we will have an opportunity to consider very shortly.

This amendment, which Senator SPECTER has addressed on the floor during the course of the day, is long overdue.

Last fall, Congress enacted a deeply flawed law called the Military Commissions Act. The law gives any President the power to imprison people indefinitely without charging them with any crime. It takes away fundamental due process as protected by the Constitutionally-protected right of habeas corpus. It allows our Government to continue to hold hundreds of prisoners for years without ever charging them with any wrongdoing.

I was one of 34 Senators who voted against the creation of this Military Commissions Act. I hope this year that Congress will begin to undo the damage to fundamental American values that was done by this legislation.

The amendment offered by the Senator from Pennsylvania and the Senator from Vermont, the Specter-Leahy amendment, is an excellent place to start. This amendment would repeal the provision of the Military Commissions Act that eliminated habeas corpus for detainees.

Habeas corpus is the legal name for a procedure that allows a prisoner to challenge their detention in court. It is a basic protection against unlawful imprisonment. It is one of the bedrock principles that separates America from many other countries around the world.

Over 700 lawyers from the Chicago area sent me a letter last year strongly opposing the elimination of habeas corpus for detainees. Here is how they explained the importance of this basic fundamental right, and I quote:

> The right of habeas corpus was enshrined in the Constitution by our Founding Fathers as the means by which anyone who is detained by the Executive may challenge the lawfulness of his detention. It is a vital part of our system of checks and balances and an important safeguard against mistakes which can be made even by the best intentioned government officials.

Why is this administration so interested in protecting itself from the judicial review of our courts? Because the courts have repeatedly ruled that the administration's policies have violated the law and our constitution.

After the September 11 terrorist attacks, the administration unilaterally created a new detention policy for America. They claimed the right to seize anyone, including an American citizen in the United States, and to hold them until the end of the war on terrorism, whenever that might be.

They claimed that even an American citizen who is detained has no rights. That means no right to challenge their detention, no right to see the evidence against them, no right to even know why they are being held. In fact, an administration lawyer claimed in court that detainees would have no right to challenge their detention even if they were being tortured or summarily executed.

Using their new detention policy, the administration has detained thousands of individuals in secret detention centers around the world. Only time will lead to the complete disclosure of what they have done. The most well-known, Guantanamo Bay, is only one of those centers. Many have been captured in Afghanistan and Iraq, and people who never raised arms against us have been taken prisoner far from the battlefield, in places such as Bosnia and Thailand.

Who are the detainees in Guantanamo Bay? Well, back in 2002 then Defense Secretary Rumsfeld described them, and I use his words, "the hardest of the hard core." He went on to call them, "among the most dangerous, best trained, vicious killers on the face of the earth." Those are the words of Secretary Rumsfeld.

Well, I went to Guantanamo last July. There were some 400 detainees being held. There have been many others who have gone through that camp. Hundreds of people have been detained at Guantanamo, many for years, without ever being charged, and then were released.

Imagine, if you will, that you were scooped up by some government official, transported a thousand miles away to this rock in the middle of the Caribbean, this high-temperature, high-pressure location, and then held literally for years without ever being charged with any wrongdoing.

Every American would agree with what I am about to say. Every dangerous person should be arrested and detained to protect America from terrorism. When we have good cause to believe that a person threatens our country, I believe it is our right, when it comes to our basic security, to detain that person and to hold that person as long as they are a threat to our country. In this case, however, hundreds of individuals were taken from their homes, their businesses, their families, their countries, and transported to Guantanamo, and held without charges, sometimes for years, before they were released.

According to media reports, military sources indicate that many of the detainees had no connection to al-Qaida or the Taliban and were sent to Guantanamo over the objections of intelligence personnel who ultimately recommended they be released. It was a mistake. They never should have been held. They should not have been detained. Years were taken off their lives, while the image of Guantanamo has been created across the world.

One military officer said:

> We are basically condemning these guys to long-term imprisonment. If they weren't terrorists before, they certainly could be now.

That quote comes from one of our military officials.

Based on a review of the Defense Department's own documents, Seton Hall University Law School reported that only 5 percent, 1 out of 20, of the detainees at Guantanamo were captured by U.S. forces, while 86 percent were taken into custody by Pakistani or Northern Alliance forces at a time when the United States was paying huge amounts of money for the capture of any suspected Arab terrorist.

The Defense Department's own documents revealed that the large majority of detainees never participated in any combat against the United States on a battlefield, and only 8 percent, that is fewer than 1 out of 10, of those being detained were even classified as al-Qaida fighters.

In 2004, in the landmark decision of Rasul v. Bush, the Supreme Court rejected this administration's indefinite detention policy. The Court held that detainees at Guantanamo have the right to habeas corpus to challenge their detentions in Federal court. The Court held that the detainees' claims that they were detained for over 2 years without any charge against them and without any access to counsel, and I quote the Court, "unquestionably described custody in violation of the Constitution, or laws or treaties of the United States."

That is why the amendment being offered by the Senator from Pennsylvania and the Senator from Vermont is so critically important. What we have enshrined in the Military Commissions Act is a violation of the fundamental values of our country.

As I have said before, and will repeat, anyone who is a danger to this country should be stopped, detained, arrested, and imprisoned, if necessary, before they harm anyone in our country. Those who are detained should be detained for cause. There should be a reason. There should be a charge against them. They should have the most fundamental access to justice, which we preach around the world; that they can defend themselves, know what they are being charged with, see the evidence being used against them, and have the right to counsel so that they can express their innocence in the most effective way.

How did the administration react to the Supreme Court decision in 2004? Instead of changing its policies to comply with the Constitution, the law, they came to the Republican-controlled Congress at that time and demanded that habeas corpus for detainees be eliminated.

This isn't about the rights of suspected terrorists. It is about who we are as Americans. Eliminating habeas corpus is not true to our values. Sadly, it creates an image of America that causes problems even for our troops in the field.

Recently, I went on a trip to South America with Senator HARRY REID, our majority leader in the Senate, and we talked to leaders in countries in South America. I can recall one leader saying that he wanted the United States to remove a base from his country. He said: We don't want to have another Guantanamo here in our sovereign country.

Guantanamo has become an image which needs to change. Even the President has called for the closing of Guantanamo. Yet what the Congress has done is to not only keep Guantanamo in business but to keep it in business with rules that are inconsistent with our Constitution and our fundamental values.

Tom Sullivan is a friend of mine and a prominent attorney in Chicago. He was a former U.S. attorney, a lead prosecutor for our Government in that area. He served in the Army during the Korean war.

For nothing, on a pro bono basis, Tom Sullivan has taken on cases of several Guantanamo detainees. He has practiced law for more than 50 years. He believes, even as a former professional prosecutor, that habeas corpus is a fundamental bedrock of America's legal system because it represents the only recourse available when the Government has made a mistake, detained a person and charged them with something of which they are not guilty.

ADM John Hutson, another man I have come to know and respect, was a Navy Judge Advocate for 28 years. Last year, he testified in the Senate Judiciary Committee hearing on the Military Commissions Act. Here is what Admiral Hutson, former Navy Judge Advocate, had to say about eliminating habeas corpus, and I quote:

> It is inconsistent with our own history and tradition to take this action. If we diminish or tarnish our values, those values that the Founders fought for and memorialized in the Constitution and have been carefully preserved in the blood and honor of succeeding generations, then we will have lost a major battle in the war on terror.

Admiral Hutson concluded:

> We don't need to do this. America is too strong. Our system of justice is too sacred to tinker with in this way.

He also testified that eliminating habeas corpus really puts our own soldiers at risk. Remember, John Hutson has given his life to our country's military, and here is what he said:

> If we fail to provide a reasonable judicial avenue to consider detention, other countries will feel justified in doing exactly the same thing. It is our troops who are in harm's way and deserve judicial protections. In future wars, we will want to ensure that our troops or those of our allies are treated in a manner similar to how we treat our enemies. We are now setting the standard for that treatment.

I have heard arguments on the Senate floor: Oh, it is going to glut the courts of America if the 400 detainees at Guantanamo have some rights, if they have an opportunity to question the charges that have been brought against them, if they can use habeas corpus. I do not believe that is true and even if it was it is a small price to pay, a small price for America to pay to respect the most fundamental right that we believe to be part of our system of justice.

Will there be abuses? Well, I am sure there will be. There have been in virtually all the laws we have enacted. But we will be able to say at the end of the day that even in the midst of a war on terror, even as we feared what might happen tomorrow in the wake of 9/11, that America never lost its way in terms of its fundamental values and principles.

The Military Commissions Act, which passed this Senate, unfortunately is a step in the wrong direction. I fully support the Specter-Leahy amendment. We should honor American values and protect our brave men and women in uniform by restoring the right of habeas corpus, and I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent that my name be added as a cosponsor to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair, and I yield the floor.

Mr. SPECTER. Madam President, while the Senator from Illinois is still on the Senate floor, I want to thank him for those eloquent remarks going right to the core of the issue, the importance of protecting America from terrorists and at the same time a balance in protecting Americans' constitutional rights.

When he refers to Tom Sullivan, the very distinguished Chicago attorney, I might note that Mr. Sullivan testified at a Judiciary Committee hearing and brought forth a number of examples, which I put into the RECORD earlier today, where it is recited in some detail people who were detained at Guantanamo for very long periods of time. One specifically commented about crossed the border, was supposed to have been associated with someone from al-Qaida, no reason for keeping him was given, no evidence to that effect, but was kept for 5 years and then released.

Let me express a concern I have, which I discussed earlier with the Senator from Illinois, and that is I am concerned that this amendment will not receive a vote. Last year, the Senate voted on a 51-to-48 vote, to include language in the Military Commissions Act that limited Federal court habeas jurisdiction. I have suggested that there be a cloture petition filed on this bill, if we are going to vote on cloture later this week on the underlying bill, and that would be a case where we might vote on cloture on this amendment. I would structure it in that fashion only as a way to get a vote so that people will have to take a position, and I simply wanted to make reference to that.

Madam President, I yield the floor.

AMENDMENT NO. 312

Mr. MCCONNELL. Madam President, I offered an amendment on behalf of Senator CORNYN on Friday, and I now ask for the regular order with respect to amendment No. 312.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 312, AS MODIFIED

Mr. MCCONNELL. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 389, after line 13, add the following:

SEC. 15___. TERRORISM OFFENSES; VISA REVOCATIONS; DETENTION OF ALIENS.

(a) RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

"§ 2332c. Recruitment of persons to participate in terrorism.

"(a) OFFENSES.—

"(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

"(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

"(b) PENALTIES.—Any person who violates subsection (a)—

"(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

"(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

"(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

"(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

"(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

"2332c. Recruitment of persons to participate in terrorism.".

(b) JUDICIAL REVIEW OF VISA REVOCATION.—

(1) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to visas issued before, on, or after such date.

(c) DETENTION OF ALIENS.—

(1) DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.—

(A) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(i) by striking "Attorney General" each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting "Secretary of Homeland Security";

(ii) in paragraph (1)—

(I) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(II) by adding at the end of subparagraph (B), the following flush text:

"If, at that time, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii)."; and

(III) by amending subparagraph (C) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(iii) in paragraph (2), by adding at the end the following new sentence: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.";

(iv) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(v) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien''; and

(vi) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of his parole or his removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected an entry into the United States. These procedures do not apply to any other alien detained pursuant to paragraph (6).

''(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(ii) LENGTH OF DETENTION.—The Secretary, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days, as authorized in clause (i)—

''(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

''(II) until the alien is removed, if the Secretary certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either—

''(AA) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(ee) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); and

''(III) pending a determination under subclause (II), so long as the Secretary has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103 of this Act, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (ee) of subparagraph (B)(ii)(II) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or his designee provide for a hearing to make the determination described in clause (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B). Paragraphs (6) through (8) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary of Homeland Security in the exercise of discretion may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''.

(B) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(i) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—With regard to the length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241 of this Act.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(ii) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(I) by inserting at the end of subsection (e) the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to section 235(f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''; and

(II) by adding at the end the following new subsection:

''(f) LENGTH OF DETENTION.—

"(1) IN GENERAL.—With regard to the length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241 of this Act.".

(C) SEVERABILITY.—If any of the provisions of this paragraph or any amendment by this paragraph, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this paragraph and of amendments made by this paragraph, and the application of the provisions and of the amendments made by this paragraph to any other person or circumstance shall not be affected by such holding.

(D) EFFECTIVE DATES.—

(i) AMENDMENTS MADE BY SUBPARAGRAPH (A).—The amendments made by subparagraph (A) shall take effect on the date of enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(I) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of enactment of this Act; and

(II) acts and conditions occurring or existing before, on, or after the date of enactment of this Act.

(ii) AMENDMENTS MADE BY SUBPARAGRAPH (B).—The amendments made by subparagraph (B) shall take effect on the date of enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of enactment of this Act.

(2) CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.—

(A) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

"(1) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

"(A) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

"(2) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

"(3) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

"(A) has no lawful immigration status in the United States;

"(B) is the subject of a final order of removal; or

"(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).".

(B) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(i) in subparagraph (A), by striking "and" at the end; and

(ii) by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

(d) PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.—

(1) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(A) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) DEFINITIONS.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

"(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.

"2339E. Providing material support to international terrorism.".

(ii) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting "2339E (relating to providing material support to international terrorism)," before "or 2340A (relating to torture)".

(2) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(A) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United

States Code, is amended by striking "15 years" and inserting "25 years".

(B) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking "15 years" and inserting "40 years".

(C) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

(D) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

(3) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(A) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this subsection, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, as amended by this subsection, is amended by adding at the end the following:

"2339F. Denial of Federal benefits to terrorists.".

(4) ADDITION OF ATTEMPTS OR CONSPIRACIES TO OFFENSE OF TERRORIST MURDER.—Section 2332(a) of title 18, United States Code, is amended—

(A) by inserting ", or attempts or conspires to kill," after "Whoever kills"; and

(B) in paragraph (2), by striking "ten years" and inserting "30 years".

(5) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

"(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.".

(6) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(B) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(C) in the matter following paragraph (2), by striking "ten years" and inserting "40 years".

(e) IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.—

(1) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), after "title 49," by inserting "or any other offense listed under section 2332b(g)(5)(B) of this title,"; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "5 years" and inserting "10 years"; and

(II) in subparagraph (B), by striking "20 years" and inserting "25 years"; and

(B) by amending subsection (b) to read as follows:

"(b) CIVIL ACTION.—

"(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

"(2) EFFECT OF CONDUCT.—

"(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

"(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

"(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

"(B) APPLICABILITY.—A person described in this subparagraph is any person that—

"(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

"(ii) receives notice that another party believes that the information indicates that such an activity has taken, is taking, or will take place; and

"(iii) after receiving such notice, fails to promptly and reasonably inform any party described in subparagraph (B) of the actual nature of the activity.".

(2) THREATENING COMMUNICATIONS.—

(A) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.".

(B) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.".

CLOTURE MOTION

Mr. McCONNELL. Madam President, this modification is a series of revisions relating to terrorism, and in a moment I will describe those provisions. The majority leader has indicated that he will file a cloture motion tonight in order to bring the bill to a close because we have been unable to get an agreement to vote on several of these terrorist-related amendments. I am prepared to file a cloture motion on this amendment and, therefore, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on pending amendment No. 312, as modified, to amendment No. 275 to Calendar No. 57, S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

John Cornyn, Jon Kyl, Mike Crapo, John Ensign, Saxby Chambliss, Judd Gregg, Richard Burr, Jim Bunning, Sam Brownback, Mitch McConnell, Craig Thomas, Tom Coburn, Wayne Allard, Jim DeMint, John Thune, Pat Roberts, Lindsey Graham.

Mr. McCONNELL. Madam President, just by way of explanation, this modified amendment aims to improve our national security in five areas. For the first time, it will make it a crime to recruit people to commit terrorist acts on American soil. For the first time, it would allow for the immediate deportation of suspected terrorists whose visas have been revoked for terrorism-related activities. For the first time, it would prevent the release of dangerous illegal immigrants whose home countries actually don't want them back. For the first time, it would make it a crime to reward the families of suicide bombers, and it would increase the penalty for those who torment the families of our service men and women by calling their families and falsely claiming that their loved ones have been killed in the field of battle. It contains five provisions that would make our homeland more secure by penalizing recruiters, deporting terrorist suspects, keeping dangerous criminals behind bars, and protecting the families of our troops.

Voting on this amendment will not slow down the bill. We are not interested in doing that. We will gladly agree to vitiate cloture in exchange for a unanimous consent vote on this amendment or, if cloture is invoked, we will agree to yield back the 30 hours of postcloture time in order to move ahead.

The war against terrorism requires that we adapt our methods to emerging threats, and that is precisely what these new and vital provisions would allow us to do.

Let me conclude by saying we believe these amendments are definitely related to the bill. We had hoped to be able to get an agreement to have this amendment considered. So far, that has not occurred, but we want to reiterate we have no desire to slow down the passage of the bill. That is why I felt compelled to file cloture at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am very sympathetic to the concerns of the Republican leader about trying to move forward with some votes. I do wish he had discussed his approach with the managers of this bill since he has taken us completely by surprise on the Senate floor, but I think he has raised an important issue, that our Members deserve to have votes on the important issues that are before us. If we are going to complete action on this bill by the end of the week, we need to start voting. We need to start disposing of these amendments, whether they are adopted or rejected or withdrawn. So I am sympathetic to the frustration of the Republican leader over this matter. We do need to move forward and have votes.

I do wish he had discussed his intentions with the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I appreciate the comments of the Senator from Maine, the distinguished ranking member of the Homeland Security and Governmental Affairs Committee. In response, I would point out that these amendments, which are now consolidated in this modification, actually have been pending now for some time but we have been unsuccessful in persuading the majority to give us an opportunity for an up-or-down vote on them.

The bill we are debating is entitled "A Bill to Make the United States More Secure By Implementing Unfinished Recommendations of the 9/11 Commission to Fight the War on Terror More Effectively, to Improve Homeland Security, and for other purposes." I can't think of any amendment that would be more appropriate to accomplishing the stated goal of this particular legislation than the one I have pending now.

The distinguished Republican leader has summarized, I think very well, what is contained in this modification. But just so none of my colleagues are confused, these are not new matters. This modification simply represents a consolidation of several amendments that are pending on the floor and have been pending for some time, but which have been refused an opportunity to have a full and fair debate followed by an up-or-down vote by the majority.

We all know it has been more than 5 years since September 11. And, there remains some unfinished business that needs to be addressed by this legislation, and my amendment will do just that.

One of the things left to do is to target terrorist recruiting. The FBI and other agencies have made it clear that al-Qaida and other terrorist organizations are intent on attacking our country again and are busy recruiting those who wish to join them. We know al-Qaida is a patient enemy, waiting years to attack—sometimes embedding into society and appearing to be a part of the regular population until, but at a time of their choosing, rising out of their sleeper cells to attack innocent civilians to accomplish their goals.

According to congressional testimony, terrorists and terrorist sympathizers are actively in the process of recruiting terrorists within the United States. So we are not just talking about a wholly foreign enemy that would attack us from abroad; we are talking about people being recruited to carry out terrorist attacks here in the United States. Of course their goal is to find individuals who do not fit the traditional terrorist model, who can operate freely in our country, and who are willing to engage in these heinous acts. Recruiting these type of individuals, those who blend easily into our society, provides al-Qaida an operational advantage.

This is not an academic discussion. Let me just use one example to demonstrate this reality. Intelligence materials related to Khalid Shaikh Mohammed, the so-called mastermind of the 9/11 plot, show that he was running terrorist cells within the United States. These documents show that al-Qaida's goal was to recruit U.S. citizens and other westerners so they could move freely within our country, so they would be unlikely to be identified and stopped at our border's edge or in our airports or land-based ports before they carry out their attacks. These terrorist recruiters have targeted mosques, prisons, and universities throughout the United States where they could identify and recruit people who might be sympathetic to their jihadist message and then persuade these individuals to join their organization.

Unbelievably, we currently have no statute in place that is designed to punish those who recruit people to commit terrorist acts. This amendment includes a provision that would remedy this serious gap in our law. It simply provides that it is against the law to recruit or, in the words of the amendment, "to employ, solicit, induce, command or cause" any person to commit an act of domestic terrorism, international terrorism, or a Federal crime of terrorism, and any person convicted of this would face serious punishment.

This amendment also provides that anyone committing this crime should be punished for up to 10 years in the Federal penitentiary. If a death results in connection with this crime, he or she can be punished by death or a term of years or for life; if serious bodily injury to any individual results, then a punishment of no less than 10 years or more than 25 years is available to the judge.

This is a commonsense measure, designed to fill a serious gap in our Criminal Code that, frankly, should not continue to exist more than 5 years after September 11. This fits exactly with the stated purpose of this legislation, and I hope our colleagues will vote in favor of this amendment.

Two other provisions in this amendment that again represent amendments that have been previously filed and are pending but which I have now included in this consolidated amendment. One includes a remedy to a problem created by a Supreme Court decision in 2001, the Zadvydas case, which held that dangerous criminal aliens must be released after an expiration of 6 months if there is no likelihood that their home country would take them back in the near future, even if their home country will not take them. This means that they have to be released into the general population of the United States, free to re-commit serious crimes.

In other words, what the Supreme Court said is that Congress had not specifically authorized the Department of Homeland Security to hold dangerous criminal aliens whose home country will not take them back for longer than 6 months pending their deportation or repatriation to their home country. This amendment remedies that decision. In fact, the Supreme Court invited the Congress to revisit this decision, since it is purely a statutory holding.

Specifically, this amendment would allow DHS to protect the American people from dangerous criminal aliens until their removal proceedings are completed. It allows the Department of Homeland Security to detain criminal aliens after a final order of removal and beyond the 90-day removal period if removal is likely to occur in the foreseeable future or for national security and public safety grounds. It preserves the right of the alien to seek review of continued detention through habeas proceedings after exhaustion of administrative remedies. And to be clear, my amendment does preserve the right of the affected alien to seek administrative and judicial review of these decisions. But, the amendment makes clear that it is intended to fill an important gap by authorizing DHS to protect the American people from the willy-nilly release of dangerous criminal aliens after 6 months. This situation has occurred and will continue to occur and it is important for Congress to step up and to fix this problem created by the interpretation of this statute in 2001 by the U.S. Supreme Court.

The last element of this consolidated amendment that I want to mention has to do with material support for suicide bombers and other terrorists. We hear too often the difficulty in identifying and stopping suicide bombers before they can carry out their deadly attacks. One incentive to those who decide to carry out these attacks is financial rewards promised to the families of suicide bombers who are assured that their families will be paid and cared for after they commit their heinous acts. This provision would ban the payment of financial rewards or other material support to the families of suicide bombers such as Assad, a known terrorist who has enticed people to engage in these attacks, with a promise to pay their families up to $25,000, if my memory serves me correctly, as a reward. This provision would ban the payment of these types of financial rewards and dry up a real incentive used to induce or facilitate carrying out of a terrorist attack and send to prison those who do so.

I would add that this amendment also increases the punishments for those convicted of providing material support. The Department of Justice has told us that the material support statute is one of the most important anti-terror tools in their tool box, and it is only right and appropriate that we use this opportunity to strengthen the 9/11 bill with this important improvement to such an effective statute.

In conclusion, this amendment provides real anti-terror and anti-crime tools to the 9/11 bill and will ensure, as the preface of this bill states, that it will finish the unfinished business of the 9/11 Commission and of the Nation, making us more secure, 5 years-plus since the dastardly attacks of 9/11.

I yield the floor.

CHANGE OF VOTE

Mr. COBURN. Mr. President, on rollcall vote 62, I voted "yea", it was my intention to vote "nay". I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

AMENDMENT NO. 345

Mr. INOUYE. Mr. President, I rise in opposition to amendment No. 345, which was submitted by Senator COBURN of Oklahoma. This amendment diverts funds that Congress has designated to be obligated before October 1 of this year through the Department of Commerce Interoperability Grant Program into a yet-to-be created Homeland Security grant program.

This amendment is offered at the same time the President is proposing to decrease funding for State and local preparedness grants and firefighter assistance grants from the enacted fiscal year 2007 levels by $1.2 billion.

To make matters worse, the amendment delays the obligation of $1 billion in interoperability grants by up to 3 years. In the President's 2008 budget proposal, the administration reduces State and local programs by $840 million and assistance to firefighter grants by $362 million.

The transfer of the $1 billion the Federal Communications Commission will raise as part of the digital television spectrum auction to the Department of Homeland Security will mask the technical decrease in the budget request. In the end, it means less money for the first responders, which I believe is bad for national security.

It is important to remember that as part of the Deficit Reduction Act of 2005, Congress created the $1 billion fund in the Department of Commerce to support State and local first responders in their efforts to talk with one another in times of emergency. The interoperability subtitle in this act expands upon prior action taken in the Deficit Reduction Act of 2005 and provides additional guidance to the Commerce Department.

The provision which I introduced with Senators STEVENS, KERRY, SMITH, and SNOWE was reported out of the committee with unanimous support of the Members. The Commerce Department grant program is intended to jump-start the efforts of the administration to address a key 9/11 Commission concern—interoperability.

The Department of Homeland Security has been and continues to be too slow to act, and the Coburn amendment would only exacerbate the problem. If the Coburn amendment were to pass, it would first decrease grants to first responders this fiscal year by $700 million; eliminate the $100 million fund for strategic reserves of communications equipment, designed to be rapidly deployed in the event of a major disaster; and, third, eliminate the all-hazards approach that considers the likelihood of natural disasters as well as terrorist attacks that the Commerce Department would use making interoperability grants. Contrary to the Senator's assertion, the Commerce Department Interoperability Grant Program is complementary to and not duplicative of the DHS grant program.

First, the Department of Commerce will award all $1 billion in grants by September 30 of this year, while the DHS program as currently constructed is not authorized until fiscal year 2008, and is still subject to appropriations.

This money is needed now and should be in addition to the regular appropriation process, not awarded over the next 3 years as a substitute for appropriations funding. Second, the program allows the Administrator of the National Telecommunications and Information Administration to direct up to $100 million of these funds for the creation of State and Federal strategic technology reserves of communications equipment that can be readily deployed in the event that terrestrial networks fail in times of disaster.

Should this occur—it did occur in Katrina—there is no comparable program created in the DHS grant program. The strategic reserve program is a necessary initiative that has not been prioritized by the DHS to date.

Recently, an independent panel created by Federal Communications Commission Chairman Kevin Martin to review the impact of Hurricane Katrina on communications networks noted the impact that limited pre-positioning of communications equipment had in slowing the recovery process. As a result, the program will help to ensure that our focus on interoperability also considers the importance of communications redundancy and resiliency as well.

Third, in addition to minimum funding allocations, the Department of Commerce Interoperability Grant Program would further require that prioritization of those funds be based upon an all-hazards approach that recognizes the critical need for effective emergency communication and response to natural disasters such as tsunamis, earthquakes, hurricanes, and tornados, in addition to terrorist attacks.

While the DHS program being created would consider natural disasters as one of the many factors in awarding of grants, the Department of Commerce Interoperability Grant Program's all-hazards approach places a high priority on funding States based on the threats they face from natural catastrophes as well as terrorist attacks.

We have heard two contradicting arguments to support the elimination of the Department of Commerce grant program. The author claims both that the DHS is doing all of the administrative work for the Department of Commerce grant program, and that there is a risk of double-dipping because the DHS will not know who is receiving the Department of Commerce grants. Both claims cannot be right and, in fact, neither is true. The NTIA and the DHS have been working together for months to craft an agreement under which the two agencies will disburse the $1 billion raised from the DTV spectrum auction.

On February 16, 2007, the DHS and the NTIA entered into a memorandum of understanding covering the administration of the grant program. While the DHS will play a large role in administering the grants, the NTIA will work with the DHS to establish the grant procedures, which will ensure that an all-hazards approach is followed and that a strategic reserve equipment program is developed.

The interoperability subtitle further ensures that the grants funded are consistent with the Federal grant guidance established by the SAFECOM Program within the DHS. As a result, the DHS will be fully aware of who is getting grants and for what purposes. At the same time, the NTIA will maintain a leadership role in guiding the interoperability grant program. The NTIA has a long history of addressing interoperable communications issues, and it is vital that the administration help guide the DHS's work.

Since its creation, the NTIA has served as the principal telecommunications policy adviser to the Secretary of Commerce and the President and manages the Federal Government's use of the radio spectrum. According to Assistant Secretary Kneuer, the Administrator of the NTIA, the "intersection of telecommunications policy and spectrum management has been the key focus of the NTIA, including public safety communications and interoperability issues."

In this capacity, the NTIA has historically played an important role in assisting public safety personnel and improving communications interoperability and recognizing that effective solutions involve attention to issues of spectrum and government coordination as well as funding. Its work more than a decade ago in creating the Public Safety Wireless Advisory Committee, formed by the FCC and the NTIA pursuant to Congress's direction, framed this issue in this way:

> At the most basic level, radio-based voice communications allow dispatchers to direct mobile units to the scene of a crime and allow firefighters to coordinate and to warn each other of impending danger at fires. Radio systems are also vital for providing logistics and command support during major emergencies and disasters such as earthquakes, riots, or plane crashes. . . .
>
> In an era where technology can bring news, current events, and entertainment such as the Olympics to the farthest reaches of the world, many police officers, firefighters, and emergency medical service personnel working in the same city cannot communicate with each other. Congested and fragmented spectral resources, inadequate funding for technology upgrades, and a wide variety of governmental and institutional obstacles result in a critical situation which, if not addressed expeditiously, will ultimately compromise the ability of Public Safety officials to protect life and property.

The Coburn amendment would disrupt the MOU, upset the work the NTIA and the DHS have undertaken, and delay the awarding of interoperability grants.

Finally, the NTIA's administration of the grant program will not only help to integrate the disparate elements that must be part of effective interoperability solutions but will also ensure greater program transparency and oversight. Given the myriad of different grant programs administered by the Department of Homeland Security, it is critical that these funds—specifically allocated by Congress to speed up our efforts to improve communications interoperability for first responders—not get lost in the shuffle of other disaster and nondisaster grants. As a result, the provisions not only devote the NTIA's attention to the success of this program but also require the inspector general of the Department of Commerce to annually review the administration of this program.

In sum, the Department of Commerce interoperability grant program improves the Nation's security. Senator COBURN's amendment would delay the awarding of needed interoperability grants and disrupts months of work by the NTIA and the DHS. Therefore, I urge my colleagues to vote against the Coburn amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, since 2001, we have heard a growing cry from public safety officials that police, firefighters, and emergency medical response personnel throughout the country need help to achieve interoperability in today's communications world.

Sadly, this problem actually predated September 11. More than a decade ago, the FCC and the National Telecommunications and Information Administration formed the Public Safety Wireless Advisory Committee to examine the communications needs of first responders and public safety officials. That report called for more spectrum, technological solutions, and more funding, and was filed 5 years to the day before the tragedy of 9/11. It called for those improvements to save lives on a daily basis. These solutions are not geared just for the huge disasters but are also geared for the everyday tragedies that can be avoided with better communications and better interoperability.

Thanks to the work of the last Congress, public safety stands ready to finally receive the help that the FCC and NTIA called for more than 10 years ago.

Last year, the Congress set a hard date for broadcasters to turn over 24 megahertz of spectrum to public safety for communications and interoperability. Right now, the FCC is examining proposals to maximize the broadband potential of that spectrum, which will bring great new services and capabilities to policemen, firefighters, and other emergency personnel. In addition, Congress created a $1 billion interoperability grant program with the funds that will be received from the auctioning off of the rest of the spectrum recovered from broadcasters. That program originated out of our Senate Commerce Committee. The Department of Commerce and Department of Homeland Security have signed a memorandum of understanding to work together in this regard.

Additionally, at the very end of the Congress last year, we accelerated the granting of the awards as part of what was called the Call Home Act. Therefore, by law, the interoperability grants which are available must be awarded by September 30, 2007. Public safety has been waiting for a very long time for these funds, and they finally have a date-certain when the interoperability grants will be awarded.

Having worked with the FCC and the NTIA over the last decade, our Senate Commerce Committee has watched as the public safety communications market has evolved, and we have heard about a number of technological solutions that may address both near-term and long-term interoperability needs. Internet protocol systems can be used as bridges between otherwise incompatible communications systems now. Strategic technological reserves can be created to quickly replace infrastructure that is destroyed in large-scale disasters. Hurricanes Katrina and Rita demonstrated the need for portable wireless systems that are readily deployed when a disaster destroys the existing communications infrastructure. Standards development and dedicated interoperability channels facilitate planning and incident management between agencies.

All of these solutions can be achieved now and are provided for by the provisions of the Commerce Committee's interoperability provisions. Unfortunately, the amendment of my friend, the Senator from Oklahoma, would delay all of these solutions. That would be unfortunate for public safety and very harmful to the public.

The Homeland Security Committee has created its own interoperability program that is separate from the Commerce $1 billion program. However, that program is a separate one. It is focused on the long term, after additional planning is done, and would still be several years away from even awarding grants, let alone implementing them.

It is time we finally deliver on our promises to the police, firefighters, and emergency medical personnel. Those around the country really believe us, and we believe we can deliver the technological reserves and interoperability communications that will help first responders now by moving forward with the $1 billion public safety grant program, administered by NTIA. We really should not wait any longer. We cannot plan indefinitely. It has been over 10 years, as I have said. These solutions take time to implement. We should move forward on these programs now. With the Commerce program, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long.

We are able to come across some really interesting innovations, too. Through the NTIA's program, it is possible to use communications concepts and bring about interoperability without a large expenditure for new equipment. This first $1 billion will stretch real far if it is used on the plans of the NTIA. If it is delayed—unfortunately, I think that is what the amendment of the Senator from Oklahoma would do. It will really put us in the position where we cannot implement what has been done now.

These people—first responders—have been planning now for 3 years to get this money, and it is going to be paid out this year under the program we have already enacted into law.

I urge my friend from Oklahoma: Don't delay that $1 billion. I understand there may be some concerns about the $3 billion in this bill. Even that, though, is money that will be planned—it will be several years before it will be made available. The money we have, the $1 billion that is already provided by law, is available as soon as it comes in. I think it will go a long way to meeting the immediate needs of first responders.

So I hope the Senator will not really persevere with his amendment. I understand his concerns, and we share the concerns of the use of money. I do believe, if you study the technology now, it is possible to put together—we have one program where the National Guard has a mobile unit that is equipped with interoperability concepts that came about through software. Using the software on that vehicle, they can bring about interoperability with any system anyone uses in the first-responder era today.

If we move forward on those things we can do now, immediately, with interoperability—brought about through the use of technology—it will save us a lot of money in the long run. I believe this $1 billion will demonstrate we can do this, make this interoperability capability available to our first responders at a lot less money than other people believe. I think this $1 billion is needed, and it will go a long way.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, let me compliment the chairman and ranking member for their foresight in making sure we have the capability to have interoperability, with the wisdom of taking spectrum and putting it specifically for that.

I want to answer several of the questions that have been raised because they are somewhat peculiar to me.

But before I do that, Mr. President, I ask unanimous consent that Senator KYL be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I say to the Senator, I would also like to note that one of the members of your committee, who was instrumental in bringing this interoperability grant program to the floor, is also a cosponsor of my amendment, realizing we do not need both programs and that they need to be combined.

Now, what does DHS tell us about the present grant program? Here is what they tell us. And I say to the American public, you ask yourself if you want your Government to run this way. What they say is: We can meet the September 30 deadline, and we may be able to tell you who is going to get grants, but we are not going to be able to tell you, anywhere close, how much money they are going to get. So they can tell them who will get the grants because that is what the law says, but they will never have the capability, for several months thereafter, to know how much money they are going to get. So nobody is going to buy anything until the actual grants are going to be awarded.

Let's clear up the difference between the Departments of Commerce and Homeland Security. No. 1, Homeland Security has the authority for interoperable communications. I do not care where this grant program is, quite frankly. I do not care if it is at Homeland Security or at Commerce. I do not care. But what I do know is, out of that $1 billion, the only thing the Department of Commerce is going to keep is $12 million with which to use to announce the grants. That is what they have told us. So $988 million out of that—the rest of that money—is going to go for grants, administered by, controlled by, run by Homeland Security.

So if the problem with my amendment is that the money isn't going to get out there to do it, Homeland Security has already said the money isn't going to get out there to do it. Commerce has already said the money isn't going to get out there to do it. We know who will get money, but the money won't get out there regardless of what they have said, because they just came to an understanding of the agreement 3 weeks ago on administering this money.

I think it is very wise what the chairman and ranking member have done in terms of allocating resources. As a matter of fact, I applaud them for that. I think it is wise to dedicate resources to certain things when we sell spectrum. I would tell my colleagues most Americans would say: You are going to give grant money, but you don't know how much you are going to give and you are not going to give it on the basis of competition in allocation of those resources because you have a date to meet that doesn't fit with fiscal responsibility. It doesn't fit with the best outcome or the ability to follow up to see what happened with the money. So we do have a date in the law by which they have to do it. But how are they going to do it, because the date in there is wrong. They are liable to give the wrong people too much money and the right people not enough, because we are telling them what they have to do.

The second thing—let me put up a chart. These programs are identical, even though you claim they are not. Let me show my colleagues how they are identical. Under the PSIC grant programs, they are State and regional planning; under the DHS program, they are State and regional planning. Under the system design and engineering, PSIC; same thing under DHS. System procurement and installation; same thing under DHS. Technical assistance, the same. Implementing a strategic technology reserve is the only difference, but guess where it is made up. "Other appropriate uses as determined by the administrator of FEMA." Do you think they are not going to put in that reserve there? They certainly are. They are going to do it.

So there is no difference in the grant programs whatsoever, other than the deadline, which isn't going to be followed anyway. Like I say, I don't care if this is at Homeland Security or Commerce, I would as soon it be at Commerce in terms of the spectrum.

But the fact is the American people shouldn't have to pay for the administration of two separate programs running parallel with two separate sets of requirements to Congress. We ought to get them together. We ought to figure out how we do it so we have one grant, and if, in fact, we need $4.3 billion. The problem is, we don't know how much money we need. We are throwing money at it.

The second question I would ask is if this program belongs at Commerce, why Commerce agreed to give 99.9 percent of it to FEMA and to the Department of Homeland Security. They don't think it belongs there.

The other point I would make in rebuttal to the Senator from Hawaii is this amendment doesn't decrease funding at all. This takes $3.3 billion and an amount greater than $1 billion and combines it so the same amount of money is there, except it is going to make the money be spent better. It is going to allow us the time to do it.

I agree we need to get money out to our primary responders. This isn't about trying to hold that up. I am not trying to do that. But the Department of Homeland Security has already said the money isn't going to go out by your day. There isn't one application right now at the Department of Homeland Security for this money. We all know how Washington works. They haven't even written the requirements for the grant applications yet, which will take another 90 to 120 days. So we have a laudable goal that is not going to be accomplished, and if it is going to be accomplished, it will be accomplished in a very inefficient and wasteful way, which the American people don't deserve.

I think this is a very good chance for us to talk about what is wrong with us in the Congress. We are working at cross purposes. We have one committee working here and one committee working here, rather than solving those problems for the best interests of our country. I want Hawaii to have everything it needs in terms of tsunami prevention, in terms of interoperability. I know there are special requirements in the State of Alaska because line of sight can't be used and much of our emergency frequencies require some of that. I believe we can take care of those problems and combine these grant programs in a way that the American taxpayer gets value, in a way where we can measure the accountability of what we do, in a way in which we can have transparency for the dollars we get in reauctioning the spectrum, and plus the other $3.4 billion that is going to come out in terms of appropriated funds for these other grant programs. The American people want that. They deserve that.

To me, this isn't about a turf battle of control. To me, this amendment is about common sense for the American public to combine two programs into one so we spend less money, and we don't duplicate things and we don't duplicate efforts.

I understand and appreciate very much the long service of Senator INOUYE and Senator STEVENS and their commitment to making sure these things are coming through. I am not trying to be a fly in the ointment to mess up what are very good-intended results, but I am a realist. The very things my colleagues have asked to happen in the Budget Act that was passed are not going to happen. Homeland Security has said that. So if those things aren't going to happen, and if the fears of what isn't going to happen can be allayed, can we not figure out a way to put these programs together where the American people get the best value, and also as a part of my amendment which says: Can we look to the private sector to not just give us interoperability in Hawaii among National Guard and first responders, but how about between California and Arizona, or Texas and Oklahoma, or Maryland and New York, if they need Maryland first responders there, which has not been addressed in any of the legislation that has been put forward. There is great technology out there. There are great companies out there that could do that.

Again, without desiring to interfere or upset, I believe the application of some pretty commonsense principles ought to be applied to these two grant programs. I am willing to discuss with the chairman and the ranking member how to do this a different way. I am raising it on the floor because I think the taxpayer is not getting good value, and I think we ought to talk about that.

The National Taxpayer Union endorses this amendment. The Citizens Against Government Waste endorses this amendment. Your very own committee member, who was one of the first people to say we should have auctioned spectrum for first responders, is a cosponsor of this amendment. So I am willing to defer to what the ranking member and the chairman of this committee want to do, but I think we ought to stick it out here until we can work a way for the American people to get better value, better clarity, better transparency, and better accountability for these funds.

I urge the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I think the Senate should be sure of what the Coburn amendment does. In the first place, it repeals the section of the Call Home Act that was enacted in the last Congress that makes this $1 billion available to NTIA immediately upon receipt. Secondly, it says the payments that are made under that $1 billion allocation must be made under the terms of section 1809 of the Homeland Security Act of 2002. Then it has this section, subsection (c) on page 2 of the amendment, which limits the awards under that section to $300,000 in 2007, $350,000 in 2008, and $350,000 in 2009. Existing law makes that $1 billion available as of September 30 of this year.

So the Senator is not only changing the manner in which the money can be used as opposed to what we enacted in the last Congress, but he is putting limitations on the grants that can be made out of the $1 billion so that only $300 million is available this year—$300 million for the whole Nation to meet the immediate needs for interoperability.

We had before our committee the so-called siren call proposal to take over the whole of the spectrum and turn it over to a trust and let that trust sell some of this so they could make even more money available in the first year. We have spoken about that, and it is a no-brainer to do that. That would create a trust that is equivalent to compete with the FCC on the sale of the first spectrum and it would reduce the money that is coming in on the first sale, so we could get enough money to pay the $1 billion. But the $1 billion has been promised to these first responders as of September 30 under the memorandum of agreement between Homeland Security and the NTIA. It can be administered and it will be administered. It will be used for a whole series of things. But again, I emphasize, it can be used for software, for systems to make current systems interoperable without buying a whole bunch of new equipment, wherever it is made, whether it is made in Oklahoma or California. It is not going to be made in Hawaii or Alaska, I can tell you that.

But as a practical matter, what we are interested in is making every entity in the country that is involved with interoperability problems to be able to make an application for these grants immediately after September 30. The Senator from Oklahoma would limit that in this fiscal year to $300,000. By the way, none of it is even going to be available until September 30. So it is one of those things that is sort of difficult to understand. We can't have much available in fiscal year 2007. We can have money available this year, in the calendar year 2007, under the existing law.

I urge the Senate not to repeal existing law, to make this money available. It is in a memorandum of understanding between these two agencies. We are not trying to usurp the functions of Homeland Security. We are trying to meet the needs of communications. That is our job. We have done our job. The existing law will make $1 billion available as of September 30. I do not think it should be repealed.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, listening very carefully to the statement of the Senator from Oklahoma, one might get the impression that this measure was submitted by the Senators from Alaska and Hawaii to benefit our two States. Hawaii and Alaska are not even mentioned in this amendment. What we want is a National Interoperability Grant Program. It may be of interest that the State of Hawaii is almost completely interoperable, but we want all other States to have that benefit. So this is not one of these earmarked measures, I can assure my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. First, let me sincerely apologize to the Senator from Hawaii if he took my words to mean that. I did not mean that. I referred to his words in terms of tsunami. I have no inference whatsoever that this has any parochial interest of either the Senator from Hawaii or the Senator from Alaska. But it is interesting that the debate doesn't ever come back to the fact of whether we have two programs; it is all about the money. The fact is the money will not get out there. Homeland Security has already said that.

Now, the reason the $350 million—not thousand—was chosen is because at the same time this happened, you are going to have another $1 billion come through in—the fiscal year is going to be over this year on September 30 of 2007. The worst problem that happens in our Federal Government today is the indiscriminate, rushed issuing of grants, of throwing money at something, rather than a measured response of grants.

These aren't competitive grants, I would remind the people who are listening to this debate. There is no competition for this money. You don't have to compete by saying you have a greater need than somebody else or you have a greater risk than somebody else. This is money that is going to go out, period. It is not based on competition for the greatest need or the greatest risk.

The last thing we need to be doing is having a grant program that is rushed so we are not making sure the money is well spent. In the last 2 years we have discovered $200 billion of waste, fraud, abuse, or duplication in the discretionary budget of the Federal Government—$200 billion. We would have enough money to pay for the war, pay for expanding the military in this country, and cutting our deficit in half if we would do our job in terms of eliminating duplication, fraud, abuse, and waste.

What this amendment is about is let's don't waste any of this $1 billion these two gentlemen have so wisely put for one great purpose.

So that is my intention today, I assure the Senators from Alaska and Hawaii. We all know how homeland security works. We have seen all too well some of the failings and lack of efficiency and lack of responsiveness in that agency. To now assume the other side of that, that that is going to happen overnight because we have mandated by law—if it does, it will be a very poor choice of the use of this money.

I thank the Senator from Hawaii and the Senator from Alaska for their debate on this issue. My goal was to have a debate about whether we should have two programs and whether we should waste money. It is not about the debate of whether we need to have 911 interoperability and the functionality that needs to be there in all the States. But we should look at the whole as well as the individual. I compliment them on finding a funding stream that doesn't add to our children's debt. Unfortunately, we have not done that in this bill with the other grants, which I think is a mistake.

My hope is we will be able to have a vote on this amendment before we go to cloture—or even after cloture—because it is germane, and we can defend the germaneness of this amendment.

With that, I yield the floor.

Mr. STEVENS. Mr. President, I intend to make a motion to table. I have discussed it with the leader. I think he would like to have that vote take place at 6:15. Would the majority floor staff confirm that.

Mr. INOUYE. I think that would be appropriate.

Mr. STEVENS. Mr. President, temporarily, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. While the Senator from Alaska is checking on the other amendment, I ask unanimous consent to speak on another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

AMENDMENT NO. 295

Ms. LANDRIEU. Mr. President, I understand the Senator from Alaska is working out a vote on the amendment that was just discussed. I wished to come to the floor to talk about the Landrieu amendment that is pending on this bill and to also say I have been joined in this amendment by Senators STEVENS, LIEBERMAN, KENNEDY, OBAMA, MARTINEZ, and VITTER, and others may join as we push forward on this amendment to the underlying bill.

This amendment has to do with a waiver provision, to waive the 10-percent match that is normally required when a disaster strikes a community—and for good reason. We have required in the past for the local governments, based on their capacity to pay for part of the recovery, to put up anywhere from 25 percent to 10 percent. But on occasion, we have waived the 10-percent or the 25-percent requirement when it becomes apparent that the disaster is so overwhelming, the ability for these communities to repay is virtually impossible. That has been done over 38 times in the past. Most recently, it was done with Hurricane Andrew. That was a terrible storm. It doesn't look like it on this graph, but Hurricane Andrew, believe me, for the people in Homestead, FL, was the end of the world. Literally, their town was crushed.

Prior to Katrina and Rita, that storm was the costliest storm, causing $40 billion in damage to parts of Florida. Unfortunately for Florida, they have been hard hit ever since. But for discussion purposes, this is $139 per capita—a terrible storm but not a lot of money per capita. The World Trade Tower attack was a terrible tragedy in our Nation, which is why this bill is being discussed; the damage was $390 per capita. Mr. President, look and see what the Katrina and Rita double whammy and subsequent breaking of the levees cost per capita in Louisiana—$6,700. It is literally off the chart.

This has been part of the problem in Washington—not you, Mr. President, because you came down and Senator LIEBERMAN came down and the Senator from Alaska came down and walked the neighborhoods, so you understand it. But this is literally off the chart—what is happening in terms of the amount of disaster recovery going on in Louisiana and Mississippi, along the gulf coast.

The Landrieu amendment seeks to waive the 10-percent match so that the billion dollars would then be available to go to infrastructure projects. But almost as important as the extra money that could be applied to the disaster recovery itself, 95 percent of the red tape would be eliminated because, under the current program, there are three or four different reviews, different regulations between HUD and FEMA. All of the administrative efforts we have made to date have been for naught because nothing has been waived. So the solution is this amendment.

I am going to ask this body to vote on this amendment, on this waiver. The amazing thing about this is that because the President has the option to do this now, there is no cost to this amendment; it scores at a zero. I know it is counterintuitive, but the score on this amendment is zero. There can be no point of order raised against it. It doesn't technically cost anything. Because of that and the obvious merits of the waiver, which were done in this case and done 38 other times, we are asking for it to be done for Hurricanes Katrina and Rita, for Mississippi and Louisiana, and also for Hurricane Wilma, which is caught up in this general disaster as well.

I thank those who have cosponsored this amendment with me. I thank Senator STEVENS for being able to let me speak as he decides on votes for the pending amendment. I am going to ask the leadership to schedule a vote because it is most certainly justified and could be done administratively but has not been. Congress has a responsibility to act, to do what is right, fair and helpful and to eliminate the red tape in our communities, in my case, from St. Bernard Parish to Cameron Parish, from Biloxi and Pascagoula, all the way over to places in south Texas that are still hurting and deserve to have this waiver so they can spend money not on red tape but on roads, bridges, houses, and schools that need to be rebuilt so America's energy coast can get back to work.

Katrina and Rita were the first and third costliest disasters in American history, but Louisiana and other states impacted by these storms have not received a similar waiver.

Unfortunately for State and local governments in Louisiana, 10 percent translates into more than $1 billion dollars that must be sent back to Washington.

Louisiana has over 23,000 Project Worksheets pending, and Mississippi has over 10,000.

Some people have suggested that the States provide this matching funding on behalf of the local governments.

Let me explain why that will not work.

All of the State's money for assistance to local governments exists in the form of Community Development Block Grants.

FEMA's Public Assistance Program and HUD's CDBG Program have separate accounting requirements and separate environmental assessment requirements.

For the State to apply funding from this source for every single project would require approximately $20,000 per project. That translates into nearly half-a-billion dollars wasted on administrative paperwork.

The State has asked for a single set of standards, but FEMA would not agree to this.

The State has asked permission to provide a single payment to cover the 10 percent match, after adding its share of all the pending projects, but FEMA would not allow this either.

This Global Match would save thousands of man-hours and hundreds of millions of dollars.

Louisiana has not been able to cut through the red tape though, and has been told it must waste this money on duplicative bureaucratic procedures.

This money could be reinvested into housing, infrastructure, and economic development, in order to bring families, communities, and businesses back to life in the Gulf region.

Gulf coast States lost their tax base after properties were destroyed all over the region. The hurricanes claimed over 275,000 homes and 20,000 businesses.

Progress is being made but many challenges remain.

In communities where the damage was most severe, the struggle continues to rebuild economic infrastructure and restore vitality. Local governments have had to lay off thousands of employees, and pay those who remain with money they receive from Federal loans.

I would like to briefly talk about the situation in several of these communities.

Cameron Parish in Southwest Louisiana is home to 9,681 people.

It was the site of landfall for Hurricane Rita on September 24, 2005, and the eye of the storm passed directly over it.

Winds exceeding 110 miles per hour pounded the parish for more than 24 hours, and storm surges 15 to 20 feet high submerged it completely.

The Cameron Parish School Board has reported that 100 percent of its facilities need repairs, and 62 percent were totally destroyed.

Only two public buildings, the Parish courthouse and the District Attorney's office were left standing. Both are in need of extensive repairs.

Other buildings destroyed include: 5 fire stations, 4 community recreation centers, 4 public libraries, 3 parish maintenance barns, 2 parish multi-purpose buildings, "Courthouse Circle," Cameron Parish Police Jury Annex Building, Cameron Parish Sheriff's Department Investigative Office, The Cameron Parish Health Unit, Cameron Parish School Board Office, Cameron Parish Mosquito Control Barn, and the Waterworks district 10 office.

Katrina produced a category 5 surge and winds in excess of 125 miles per hour when it made landfall in St. Bernard Parish.

As the storm surge traveled across Lake Borgne and up the Mississippi River Gulf Outlet, MRGO, it overtopped the levee along the northern edge of the urbanized area of St. Bernard Parish, and broke through the levee on the Industrial Canal in New Orleans' Lower 9th Ward.

Water from both levee breaks flooded most of the parish inside to depths of up to 14 feet. Flood waters remained for approximately 3 weeks.

Most structures outside the hurricane levee protection systems have been entirely destroyed and removed by the storm surge, estimated to be between 20 and 30 feet.

A flood-related breach of a nearby refinery's oil tank released about 1 million gallons of crude oil, further damaging approximately 1,800 homes and polluting area canals.

Fishing communities in the eastern areas of the parish were destroyed.

Less than a month after Katrina, an 8-foot storm surge from Hurricane Rita breached recently repaired levees, and again caused widespread flooding in the parish.

In all, 127 St. Bernard citizens died, about 68,000 people were displaced, and 100 percent of the parish housing stock, over 25,000 units, was either destroyed or damaged so severely that it became uninhabitable.

All parish businesses and government buildings, and most utility systems, were also destroyed. Damaged levees, decimated wetlands, and the still-open MRGO have left the parish vulnerable to future storms.

Prior to Katrina, there were approximately 25,123 occupied housing units in St. Bernard Parish, consisting mostly of single family homes and apartments.

After the storms, the entire housing stock of the parish was submerged under storm water, for nearly 3 weeks in many areas. Many homes in the parish are damaged beyond repair and may need to be demolished.

By the time the waters receded, more than 80 percent of the housing stock had been damaged.

It makes very little sense to require communities to put up this match in their current financial condition. Doing so will only serve to delay rebuilding across the region.

If we fail to act, we abandon Federal precedent, and we allow FEMA to continue wasting hundreds of millions of taxpayer dollars on duplication and waste.

I remind my colleagues that these hurricanes caused the greatest natural disaster in the history of this country. I ask only that we offer the same treatment to victims along the Gulf coast that we have offered victims on 32 other occasion.

Unfortunately for the State and local governments in Louisiana, 10 percent translates into more than $1 billion that must be sent back to Washington. Louisiana has over 23,000 project worksheets pending, and Mississippi has over 10,000. Some people have suggested that the States provide this matching funding on behalf of the local governments. There are several reasons why that will not work.

All of the State's money for assistance to local governments exists in the form of Community Development Block Grants.

FEMA's Public Assistance Program and HUD's CDBG Program have separate accounting requirements, separate non-discrimination requirements, and separate environmental assessment requirements.

For the State to apply funding from CDBG for every single project, would require approximately $20,000 per project. That translates into nearly half-a-billion dollars wasted on administrative paperwork.

The State has asked for a single set of standards, but FEMA would not agree to this. The State has asked permission to provide a single payment to cover 10 percent match, after adding its share of all the pending projects, but FEMA would not allow this either. This Global Match would have saved thousands of man-hours and hundreds of millions of dollars, Louisiana has not been able to cut through the red tape though, and has been told it must waste this money on duplicative bureaucratic procedures.

This money could be reinvested into housing, infrastructure, and economic development, in order to bring families, communities, and businesses back to life in the Gulf region. It makes very little sense to require communities to put up this match in their current financial condition. Doing so will only serve to delay rebuilding across the region. These hurricanes caused the greatest natural disaster in the history of this country.

This amendment offers the same treatment to victims along the Gulf coast, that we have offered disaster victims on 32 other occasions. If we fail to act, we will have abandoned federal precedent in the midst of our county's worst disaster, and we will allow FEMA to continue wasting hundreds of millions of taxpayer dollars on unnecessary duplication and waste.

I ask unanimous consent that a letter to the President be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 9, 2007.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you are aware, FEMA regulations call for a ten percent match for every dollar made available through FEMA's public assistance program in connection with the effort to recover from Hurricanes Katrina and Rita. We understand that requiring states to match federal expenditure helps to encourage states to spend program funds more wisely. However, given the magnitude of this disaster and the extremely difficult circumstances that Louisiana and many Gulf Coast communities now face, we believe that the most appropriate step for the Federal government is to waive the match requirement in this case.

While the people of Louisiana are grateful to the nation for the help that they have received, the State still confronts a massive shortfall between the dollars that have come in from all sources and the real costs of recovery, a shortfall that the state estimates to be $40 billion. The $1 billion in matching funds that Louisiana could be required to send to the Federal government could be better spent on rental assistance, mental health, school infrastructure and a variety of other needs that have fallen through the cracks of the Stafford Act.

Although FEMA regulations encourage the President to require a 10 percent match for the PA program, the Stafford Act clearly gives the President the discretion to waive this matching requirement. To be certain, this is not a request without precedent or beyond the scope of the Federal government's earlier decisions. Since 1985, FEMA has granted waivers on the state match for public assistance in 32 different disasters. Yet having been battered by the first and third worst hurricanes in United States history, Louisiana must still meet the match requirement.

Per capita cost is the usual determinant regarding the need for a match. Louisiana's cost per capita was approximately $6,700. This is contrasted with two earlier cases where the state match was waived. In New York, after September 11th, the cost per capita was $390.00. In Florida, after Hurricane Andrew, the cost per capita was $139.00. These numbers, taken alone, illustrate the unprecedented level of damage that Louisiana has suffered and the massive scale of the challenge before us. However, taken with the realities that are evident when you visit the Gulf Coast and speak to state and local officials, it is clear that your decision to waive this requirement is not only prudent, but vital to the recovery effort.

In short, basic equity and previous precedent argues that Louisiana's state match be waived. We appreciate your attention to this matter, and look forward to your assistance.

With sincere regards,

Sincerely,

HARRY REID,
U.S. Senator.
MARY L. LANDRIEU,
U.S. Senator.
JOSEPH I. LIEBERMAN,
U.S. Senator.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I make a motion to table the Coburn amendment No. 345 and ask unanimous consent that the vote commence at 6:15 this evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 299 TO AMENDMENT NO. 275

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 299.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, and Mrs. CLINTON, and Mr. INOUYE proposes an amendment numbered 299 to amendment No. 275.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications)

At the end of the amendment, insert the following:

TITLE XIV—911 MODERNIZATION

SEC. 1401. SHORT TITLE.

This title may be cited as the "911 Modernization Act".

SEC. 1402. FUNDING FOR PROGRAM.

Section 3011 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking "The" and inserting:

"(a) IN GENERAL.—The"; and

(2) by adding at the end the following:

"(b) CREDIT.—The Assistant Secretary may borrow from the Treasury, upon enactment of this provision, such sums as necessary, but not to exceed $43,500,000 to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.".

SEC. 1403. NTIA COORDINATION OF E-911 IMPLEMENTATION.

Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: "Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to provide priority for public safety answering points not capable, as of the date of enactment of that Act, of receiving 911 calls.".

Mr. STEVENS. This amendment has been cosponsored by Senators CLINTON, INOUYE, SMITH, SNOWE, and HUTCHISON.

Mr. President, 911 calls provide the first line of defense in the safety of our citizens and is critical to public safety personnel.

Technological advances now allow 911 calls to provide more information, such as the caller's location and telephone number. In too many parts of the country, the public safety community doesn't have the technology needed to receive location or other information. They need funding help to upgrade their equipment so this is possible.

Congress previously allocated $43.5 million as part of the Deficit Reduction Act of 2005 for E–911 grants, so the 911 system can be upgraded. However, as it currently stands, the grants cannot be awarded until after the digital television proceedings are completed.

Our amendment would add the 911 Modernization Act, S. 93, to this bill, which passed unanimously out of the Commerce Committee several weeks ago.

This would allow the National Telecommunications and Information Administration to borrow $43.5 million from the Treasury to fund the Enhance 911 Act Grant Program in advance of the spectrum auction. Because these funds are only advanced, the CBO has informed us that this amendment does not score.

The National Emergency Number Association that focuses on 911 recently announced that more than 20 percent of the country doesn't have enhanced 911 capability. That 20 percent is in rural America and covers 50 percent of the counties of our country.

There is a matching fund requirement in the underlying law to ensure that this money is spent wisely by public safety entities that are committed to improve the 911 calling capability of the citizens. This means that local governments must match under the law, and this enables us to know there is local support for the activities that would be financed by this money.

The amendment has the support of the Association of Public Safety Communications Officers International and the National Emergency Numbering Association. I will submit a letter from these two premier 911 public safety organizations for the RECORD. With this borrowing authority, the NTIA could get the money out to the public safety community now. The funds will be replaced, and enhanced 911 calls can begin saving lives in more of rural America. This is absolutely essential. Again, 50 percent of our counties do not have the ability to move forward unless this money is made available. Borrowing the money now, so it will be repaid out of the spectrum auction, is the best way to proceed.

I ask unanimous consent that the letter I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 5, 2007.

Hon. DANIEL INOUYE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.
Hon. TED STEVENS,
Vice-Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE AND VICE-CHAIRMAN STEVENS: As you know, the 9–1–1 system is the connection to the public for daily emergencies and also plays a vital role in more significant homeland security events, from reporting on a potential outbreak to hazardous materials spills. In fact, as the connection to the general public, 9-1-1 centers are likely to be the first to know of a developing homeland security event. Thus, it is imperative that our 9-1-1 system be adequately funded to ensure that all Americans have access to a 9-1-1 system that is fully prepared to respond to requests for help in every situation.

Congress took steps to address the funding needs of 9-1-1 by passing the ENHANCE 911 Act of 2004. Unfortunately, no appropriations were provided for grants in the 109th Congress. However, thanks to your leadership, the Deficit Reduction Act of 2005 (P.L. 109-171) did include a provision that requires $43.5 million in spectrum auction proceeds to be allocated for grants to Public Safety Answering Points (PSAPs) authorized by the ENHANCE 911 Act. Currently, those grant funds will not be available until sometime in late 2008 or 2009 after auction revenues are deposited into the Treasury.

Obtaining funding for this grant program as soon as possible is critical to allow underfunded PSAPs to obtain the resources they need to upgrade their wireless E9-1-1 capabilities and for necessary staffing and training needs. Currently, nearly half of the counties in the United States do not contain a PSAP with the ability to precisely locate wireless 9-1-1 calls. Therefore, we were pleased with the introduction of the 911 Modernization Act (S. 93) by Vice-Chairman Stevens which would provide NTIA with advanced borrowing authority for the $43.5 million provided in the Deficit Reduction Act and make those funds immediately available for grants. We strongly support ensuring that immediate funding is provided for 9-1-1 and hope your offices will work together to make this legislation, and 9-1-1 funding in general, a priority.

In addition to the 911 Modernization Act, it is also imperative that Congress provide sufficient funding to NHTSA and NTIA in the FY 2008 budget for ENHANCE 911 Act grants and for the administration of the 9-1-1 Implementation and Coordination Office (ICO). Providing this funding will ensure that the potential of the ENHANCE 911 Act to greatly improve 9-1-1 service is fully realized. Thank you for your continued leadership on 9-1-1 and emergency communications issues and we look forward to continue working with you and your staff on these and other important issues.

Sincerely,

JASON BARBOUR,
President, NENA.
WANDA MCCARLEY,
President, APCO International.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 295, AS MODIFIED

Ms. LANDRIEU. Madam President, I send to the desk a modification to my amendment.

Ms. COLLINS. Madam President, I have no objection to the modification.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of title XV, add the following:

SEC. . FEDERAL SHARE FOR ASSISTANCE RELATING TO HURRICANE KATRINA OF 2005 OR HURRICANE RITA OF 2005.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 or Hurricane Wilma of 2005 shall be 100 percent.

(b) EFFECTIVE DATE.—This section shall apply to any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) on or after August 28, 2005.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, a vote now occurs on the motion to table the Coburn amendment, No. 345.

Ms. COLLINS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Arizona (Mr. KYL).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 71, nays 25, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—71

Akaka
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Conrad
Craig
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—25

Alexander
Allard
Brownback
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Inhofe
Isakson
Lugar
Martinez
McCain
McConnell
Sessions
Thomas
Thune

NOT VOTING—4

Biden
Crapo
Johnson
Kyl

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa is recognized. Mr. GRASSLEY. Madam President, I rise to offer amendment No. 386.

Mr. LIEBERMAN. Madam President, I object. If I may explain with respect to the Senator from Iowa?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, the Senator from Iowa has, in the normal course of Senate proceedings, asked unanimous consent to set aside the pending amendment to offer an amendment of his own. I am objecting to that. I want to explain why.

We now have 50 amendments pending. We have a group of amendments Senators Collins and I have agreed on and are willing to offer by consent, but at least two Senators are objecting to us doing that until there is an agreement to vote on amendments that they want a vote on.

We have a very important bill that has a sense of urgency to it, the 9/11 legislation. Therefore, as the manager of the bill on this side—and, incidentally, I will add that cloture was filed, surprisingly, on four of the amendments. We have come to a point where the bill as reported out of our committee on a nonpartisan vote is ready to go. But these 50 amendments are stopping it from getting to a conference with the House.

Until we have an agreement across party lines as to how we are going to proceed, I am going to, respectfully, with no prejudice to my friend from Iowa, object to setting aside the pending amendment, which is the Stevens amendment, No. 299. That would be for anyone else who would want to offer an amendment at this time, until there is an agreement on how we are going to proceed to get this urgent bill passed, hopefully, by the end of the week.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

AMENDMENT NO. 386

Mr. GRASSLEY. Madam President, I would like to offer another amendment to S. 4 that seeks to strengthen our Nation's homeland security by closing a loophole in our securities laws. My amendment would amend section 203(b)(3) of the Investment Advisers Act of 1940 and would narrow an exemption from registration for certain investment advisers. There is a homeland security element to this fix because it can sometimes be important to know who is managing large sums of money for wealthy foreign investors. For example, it was recently reported that a Boston-based private equity firm, Overland Capital Group, Inc, is under investigation by the IRS and DOJ counterterrorism division. Such firms, which manage hundreds of millions of dollars for wealthy investors in total secrecy, ought to have to at least register with the SEC.

Currently, section 203(b)(3) of the Investment Advisers Act provides a statutory exemption from registration for any investment adviser who had fewer than 15 clients in the preceding 12-month period and who does not hold himself out to the public as an investment adviser. This amendment would narrow this exemption, which is currently used by large, private pooled investment vehicles, commonly referred to as hedge funds. These hedge funds use this section of the securities laws to avoid registering with the Securities and Exchange Commission—SEC.

Much has been reported during the last few years regarding hedge funds and the market power they yield because of the large amounts of capital they invest. In fact, some estimates are that these pooled investment vehicles are trading nearly 30 percent of the daily trades in U.S. financial markets. The power this amount of volume has is not some passing fad, but instead represents a new element in our financial markets. Congress needs to ensure that we know who is running these large vehicles to ensure the security of those markets.

The failure of Amaranth and the increasing interest in hedge funds as investment vehicles for public pension money means that this is not just a high stakes game for the super rich. It affects regular investors. Indeed, it affects the markets as a whole. My recent oversight of the SEC has convinced me that the Commission and the Self-Regulatory Organizations—SROs—need much more information about the activities of hedge funds in order to protect the markets from institutional insider trading and other potential abuses. This is one small and simple step toward greater transparency—to require that hedge funds register and tell the regulators who they are. This is not a burden, but rather a simple, common sense requirement for organizations that wield hundreds of billions of dollars in market power every day. The SEC has already attempted to do this by regulation.

Congress needs to act because of a decision made last year by a Federal appeals court, the D.C. Circuit Court of Appeals. In 2006, the D.C. Circuit Court of Appeals overturned a SEC administrative rule that required registration of hedge funds. This decision effectively ended all registration of hedge funds with the SEC.

My amendment would narrow the statutory exemption from registration and bring much needed transparency to hedge funds. The amendment would authorize the SEC to require investment advisers to register unless the adviser: No. 1, had $50 million or less in assets under management, No. 2, had fewer than 15 clients, No. 3, did not hold himself out to the public as an investment adviser, and No. 4, managed the assets of fewer than 15 investors, regardless of whether the investors participate directly or through a pooled investment vehicle, such as a hedge fund.

This amendment is a first step in ensuring that the SEC has the needed statutory authority to do what it attempted to do for the last 2 years. I urge my colleagues to support this amendment as we work to protect investors large and small.

I am not surprised by the objection today. For the record, I want everyone to know that this morning when I said I intended to offer this amendment, my phones started ringing off the hook. Lots of powerful people don't want to see an amendment like this, but Americans want their Government to know who is running these funds.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, today, I wish to speak to my amendment No. 381 that seeks to improve the U.S.'s national security through increasing our ability to fuel our country from domestic resources.

Americans are familiar with the violence, terrorism, and instability in the Middle East. But forms of that instability are spreading around the world, including to our own backyard.

This chart by the Energy Information Agency summarizes some of the energy security hot spots around the world. Since September 2005 when this chart was made, U.S. security interests have gotten even worse in some regions. On February 26, Venezuelan President Hugo Chavez nationalized U.S. oil interests—the motivation for the Soviet-style move was to improve Venezuelan strategic interests.

Adding insult to injury, while signing an agreement allowing Chinese companies to explore in Venezuela, Mr. Chavez stated that, "We have been producing and exporting oil for more than 100 years but they have been years of dependence on the United States. Now we are free and we make our resources available to the great country of China."

China has recognized that energy is a true security interest and has inked deals with Russia and OPEC, along with Castro's Cuba.

The fact is that our national security is linked with our energy security. Yet even if we were to stop importing oil from the Middle East tomorrow our national security interests would still be at risk.

And we are not alone.

European Union countries as a whole import 50 percent of their energy needs, a figure expected to rise to 70 percent by 2030. A significant and increasing volume of those imports come from Russia.

In December 2005, Russia decided to turn off the gas to Ukraine, affecting imports into Italy, Austria, Germany, Poland, and Slovakia. A similar dispute between Russia and Belarus affected Germany's oil imports.

According to the Congressional Research Service, global energy demand is expected to rise by nearly 60 percent over the next 20 years.

In order to meet motorists' demands today and tomorrow and the global struggle for energy security, I am introducing the Domestic Fuels Security Act.

The Domestic Fuels Security Act lays out a coordinated plan to increase the production of critical clean transportation fuels for today and tomorrow in four significant ways.

First, the amendment provides a coordinated process whereby the Federal Government—at the option of a Governor and in consultation with local governments—would be required to assist the State in the permitting process for domestic fuels facilities. These would include coal-to-liquids plants, modern refineries, and biorefineries. And this voluntary, coordinated, from-the-grassroots-up process would do so without waiving any environmental law.

Second, the amendment would look to the future and conduct a full environmental review of fuel derived from coal.

The U.S. has 27 percent of the world's coal supply—the largest in the world—nearly 250 billion tons of recoverable reserves. It is critical that we learn to use what we have and do so in an environmentally responsible way.

Third, the amendment seeks to spur a viable coal-to-liquids industry in a comprehensive way. In order for a new fuels industry—to develop three components are required—upfront costs to design and build, a site to do it, and a market to sell the product.

The amendment provides loan guarantees and loans for the startup costs. It provides incentives to some of the most economically distressed communities—Indian tribes and those affected by BRAC—to consider locating a facility in their backyard through Economic Development Administration grants. Last, the amendment requires the Department of Defense to study the national security benefits of having a domestic coal-to-liquids, CTL, fuels industry to comprehensively assess a new market.

I have to give credit to my colleagues, Senators BUNNING, OBAMA, LUGAR, PRYOR, MURKOWSKI, BOND, THOMAS, CRAIG, MARTINEZ, ENZI, and LANDRIEU, who together had introduced a bill with similar language. I am hopeful that they will join me in moving this amendment.

We can all agree that increasing domestic energy security is a vital objective. Yet it also provides good jobs.

According to the Illinois Department of Commerce and Economic Opportunity, a CTL plant, with an output of 10,000 barrels per day, can support 200 direct jobs onsite, at least 150 jobs at the supporting coal mine, and 2,800 indirect jobs throughout the region. During construction, another 1,500 temporary jobs will be created.

Fourth, cellulosic biomass ethanol—renewable fuel from energy crops like switchgrass—is a popular concept but faces financial barriers. Recently, the Federal Government has released some initial money to help develop the industry, but more could be done.

In order to entice private sector investment, it is important for the collective fuels industry and motorists to know what our renewable resource base is, as well as traditional fuels. This amendment requires the Securities and Exchange Commission to convene a task force to assess how we should modernize our reserves—both traditional and renewable for cellulosic biomass ethanol feedstocks.

Energy security, job security, American security—please join me in passing the Domestic Fuels Security Act.

Mr. President, I ask unanimous consent to have printed in the RECORD the chart to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL AND NATURAL GAS HOTSPOTS FACTSHEET

Country/Region	Petroleum Prod'n (2004) ('000 bbl/d)	Petroleum Prod'n (2010) ('000 bbl/d)	U.S. Imports (Jan–Mar '05) ('000 bbl/d) [1]	Strategic Importance/Threats
Iran	4,100	4,000	0	Even though no direct imports to US, still exports 2.5 million bbl/d to world markets.
Iraq	2,025	3,700	516	April 2003–May 2005—236 attacks on Iraqi infrastructure.
Libya	1,600	2,000	32	Newly restored diplomatic relations, Western IOCs not awarded contracts in 2nd EPSA round.
Nigeria	2,500	2,600	1,071	High rate of violent crime, large income disparity, tribal/ethnic conflict and protests have repeatedly suspended oil exports.
Russia	9,300	11,100	419	2nd only to S.A. in oil production, Yukos affair has bred uncertain investment climate.
Saudi Arabia	10,400	13,200	1,614	Long term stability of Al-Saud family, Western oil workers subject to attacks.
Sudan	344	530*	0	Darfur crisis & N–S conflict threatens government stability, security of oil transport.
Venezuela	2,900	3,700	1,579	Large exporter to U.S., President Chavez frequently threatens to divert those exports, nationalize resource base.
Algeria	1,900	2,000	414	Armed militants have confronted gov't forces.
Bolivia	40	45*	0	Large reserves of NG (24 (Tcf)), exports may be delayed due to controversial new laws unfriendly to foreigners.
Caspian Sea	1,800	2,400–5,900	0	BTC opened, many ethnic conflicts, high expectations or future oil production, no maritime border Agt.
Caucasus Region 2	negligible	negligible	0	Strategic transit area for NG and oil pipelines.
Colombia	551	450*	110	Destabilizing force in S. America, oil exports subject to attack by protesters, armed militants.
Ecuador	535	850*	315	Unstable politically, protests threaten oil export.
Indonesia	900	1,500	0	No longer a net exporter, separatist movements, Peacekeeping forces in place, Violence threat to Strait of Malacca.

9/11 HEALTH ISSUES

Mrs. CLINTON. Mr. President, more than 5 years after the 9/11 attacks, the number of victims continues to rise because of the lasting health impacts experienced by far too many of those who selflessly responded to this disaster in 2001. On that day, and in the following months, thousands worked and lived by the Ground Zero site, amidst the dust, smog, and toxic mix of debris. And now we are seeing those workers, responders, and residents become sick from what they were exposed to on 9/11 and the following months. I believe we have a moral obligation to take care of those suffering from 9/11-related illnesses.

The work of Senator HARKIN, Senator BYRD, Senator SPECTER, and all of their colleagues on the Senate Appropriations Committee has been invaluable in securing funding to address many of the health issues that have appeared following 9/11. In December 2001, we learned that hundreds of firefighters were on medical leave because of injuries related to 9/11 issues, and the Appropriations Committee responded by allocating $12 million for medical monitoring activities so that we could track and study the health impacts associated with the rescue and response efforts at the World Trade Center. Thousands of individuals signed up for this program, and in Congress, we worked to meet the demand by appropriating an additional $90 million to monitor other workers and volunteers who were at Ground Zero and Fresh Kills.

Through this work, we learned that many of those who were exposed are now experiencing significant health problems from this exposure—people who were in the prime of their life before 9/11 now suffering from asthma, sinusitis, reactive airway disease, and mental health issues. So in December 2005, I worked with Senator HARKIN and other appropriators, as well as my colleagues in the New York Congressional Delegation, to secure an additional $75 million in funding that would for the first time provide Federal funding for treatment to help those who were disabled by these attacks get the care that they needed.

Sadly, we are once again running out of funding to take care of the heroes who never questioned their responsibility on 9/11 and are now paying a terrible price. While the President has proposed providing additional funding for treatment in the fiscal year 2008 budget, we must act sooner to provide sufficient funds to ensure treatments through the rest of the current fiscal year.

That is why I introduced an amendment to the 9/11 bill we are considering today to divert $3.6 million in funding—originally part of that $20 billion secured for New York in the wake of 9/11 that the administration proposed to cut in its fiscal year 2008 budget. At a time when treatment needs are so urgent, I believe that we need to ensure that dollars that were intended for 9/11 needs can be used to address the mounting health crisis that we are facing as a direct result of these attacks. I believe it is important to raise awareness of the fact that these programs—programs that are helping tens of thousands of first responders in New York and around the Nation—are in danger of having to turn patients away.

I am extremely grateful for what we have been able to accomplish with the support of Senator HARKIN and other appropriators. They have shown that they consider it our national responsibility to care for those who did our country proud in the hours, days, weeks, and months following that horrific attack. I am also proud that I will be working with my colleagues on the Senate Health, Education, Labor and Pensions Committee, including Senators KENNEDY, ENZI, and HARKIN, to develop a lasting solution to address these health care needs. But while we are working on those solutions, we must ensure that these programs continue to operate.

Mr. HARKIN. I thank my good friend and colleague, Senator CLINTON, for her kind remarks. The terrorist attacks of 9/11 took place nearly 1,000 miles from Iowa. But the attacks on the World Trade Center and the Pentagon were really an attack on the heart of America. Iowans answered the call of service and came to the aid of those affected by these attacks. The Musco Lighting Company from Muscatine donated lighting equipment to assist the World Trade Center recovery efforts. Quad-Cities fire departments collected more than $75,000 for the Uniformed Fighter Association's 9/11 Disaster Relief Fund.

And just as Iowans and other Americans responded to the calls for help, I am proud that the Appropriations Committee has worked step by step with the New York delegation to address the many desperate needs that arose from 9/11. I was proud to work with Senator CLINTON, Senator BYRD, and my colleagues on the Appropriations Committee to secure $20 billion immediately after 9/11 to help both short and longer term recovery efforts at Ground Zero, the Pentagon, and Shanksville, PA. The funding for tracking health outcomes is a particular concern to myself and Senator SPECTER. This funding has been used to monitor not only the brave responders and recovery workers who live in New York, but also all who responded from around the country, including more than 35 from Iowa.

I thank you for your leadership on this issue and I look forward to working with you on the upcoming emergency supplemental appropriations bill to maintain the current monitoring and treatment program for 9/11 responders and recovery workers.

Mrs. CLINTON. I thank the Senator. On behalf of the thousands of firefighters, police officers, rescue workers, residents, students, and others who are suffering from 9/11-related illnesses, I look forward to working with you on the upcoming emergency supplemental appropriations legislation to ensure that those who are sick can receive the care they need. With this commitment, I will withdraw my amendment to this legislation.

MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I wish we could pass the bill tonight, but until disputes about the pending amendments are resolved—and I hope we can do that quickly overnight and tomorrow morning—there is nothing more we can do on the bill.

With the agreement of my ranking member, I ask unanimous consent that the Senate now be in a period of morning business for Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE SENATOR TOM EAGLETON

Mr. KERRY. Mr. President, Missouri's own Harry Truman once said:

> A politician is a man who understands government. A statesman is a politician who has been dead for 10 years.

Somehow, another son of Missouri, Senator Tom Eagleton, managed to be both a keen master of government and a statesman in his own lifetime, as well as a dear friend of many in this Chamber. On this past Sunday, Tom passed away at age 77.

Tom Eagleton was a man who radiated wit, warmth, and a brand of intellectual and moral seriousness that commanded respect, even as he won the affection of all those around him. A Senator and a statesman, a humanitarian and a humorist, Tom left his indelible mark on the issues that mattered most to him. His proudest accomplishment in a superb career in public life, and in the Senate particularly, was an amendment to cut off funds for America's disastrous bombing of Cambodia. He was also a principal author of the Senate's War Powers Resolution, which sought to dramatically limit the President's ability to commit forces abroad without the consent of Congress.

Ever true to his principles, Tom voted against the version that was reported by the conference committee, which he believed the executive would ultimately exploit as a 60-day blank check to use armed force. Over President Nixon's veto, and without Senator Eagleton's vote, the bill was passed. As usual, Tom Eagleton's concerns proved only too prescient.

Senator Eagleton was a fierce and passionate critic of the Vietnam war, and he worked tirelessly to end that conflict. In 1971 he made a statement before the Senate Foreign Relations Committee, one that I remember. It came about 3 weeks or so after I had been privileged to testify to that committee. He made an argument that resonates as clearly today as it did at the time he made it. He spoke of the need to set a firm date for withdrawal.

In an essay he wrote entitled "Whose Power Is War Power," he quoted Justice Story:

> In a Republic, it should be difficult to make war and easy to make peace.

And yet, he said:

> In Vietnam, war came easy and peace comes hard.

His words ring equally true of the war in Iraq, a war he fervently opposed from the outset.

For a brief period of time, for the 2 years our careers overlapped in the Senate, I had the privilege of working closely with Tom. He was as decent and as humble as he was passionate. I remember, when I first came to the Senate in 1985, Tom and I were unlikely seatmates, the two most recent additions to the Foreign Relations Committee. He wrote a letter, spontaneously, to Senator Pell, then the committee chair. If there was an opportunity for him to serve as a ranking minority Democrat on a subcommittee, he said: "I would prefer to forego [it] in favor of Senator Kerry."

It was a magnanimous gesture that impressed me enormously, and also made a difference to my early involvement in the Foreign Relations Committee. In a place where seniority counts—then a lot more than even today, where prerogatives matter—and sometimes far too much, it was unusual to defer to a freshman Senator as he did. But that was Tom Eagleton.

Tom's collegiality didn't stop at the aisle. One of his great friends in the Senate was his junior Senator, his colleague from Missouri, Republican Senator John Danforth. He championed Jack's nomination to become U.N. Ambassador and the two cooperated on countless issues, most recently as ex-Senators, cochairing Missouri's stem cell initiative to protect all forms of stem cell research allowed under Federal law. They were friends for 40 years, and colleagues in the Senate for 10. They showed a spirit of bipartisan cooperation too often missing from today's politics.

On so many issues, Tom Eagleton was a trailblazer and a visionary. He helped to write the Clear Air Act of 1970 and the Clean Water Act of 1972, foundations of today's environmental protection regime.

He was among the few in the Senate to oppose the Reagan tax cuts as he said: "Once again, once again," shouting in his famous baritone, "largesse to the rich."

As he left Washington 20 years ago, he sounded an early warning that there was too much money in American politics, and he was a staunch critic of the Iraq war, from its initial walkup to the present.

Tom Eagleton blazed other trails as well. In 1956 he became the youngest circuit attorney in the history of St. Louis, a record that still stands. And in 1960, when he ran for Missouri attorney general on the same ticket as another Catholic, John F. Kennedy, he held his ground when anti-Catholic bigots scrawled graffiti over his campaign posters. Tom Eagleton, in all of his career, never lost a Missouri election in his entire life.

Tom's pre-Senate career took him from the Navy to the district attorney's office to the lieutenant governorship. I might add, parenthetically, it happens to be the exact same course I followed. He was the youngest Lieutenant Governor in Missouri's history. I empathized personally with his quip that Missouri's No. 2 spot was good for standing at the window and "watching the Missouri River flow by."

Tom Eagleton was a quick wit, but he was also a man fully committed to living by his conscience, whether it led him to take conservative positions on social issues or even to censure a colleague from his own side of the aisle after ethical lapses. As the Senate debated ousting a Democratic Senator who had been convicted of bribery and conspiracy, Senator Eagleton was firm. He said, "We should not perpetrate our own disgrace by asking him to remain." He loved justice, and it is fitting that the Federal courthouse in downtown St. Louis now bears his name.

In 1968, his commitment to reform led him to challenge a sitting Democratic Senator whose record, many believed, was tarnished by corruption. After the race, his defeated opponent said bitterly:

> The man who builds a house on public service builds it of straw and on sand.

But Tom Eagleton proved that wrong. He retired in 1987 with the love and admiration of millions in his home State of Missouri and across the country. When he announced in 1984 that he would not seek reelection to a fourth term, his statement was full of the same personal humility that had led him to hand over his seniority to a freshman Senator. He declared that "public offices should not be held in perpetuity" and added that he had enjoyed "a full and complete career."

As his colleague Dale Bumpers of Arkansas said:

> Tom's goal was never to be carried out of the Senate in a pine box. He chose his career in politics because he considered it the best place from which to promote justice, nobility, freedom and dignity.

When Tom announced he would not seek reelection, the Kansas City Star summed up the legacy he was leaving behind:

> Senator Thomas F. Eagleton is the kind of politician the system is supposed to produce but so rarely does. He has elevated the job of politics because he does not accept the conventional denigration of politics. He believes it is a noble profession, and in the hands of such as himself, it is exactly that.

In the two decades since he left the Senate, Tom never let go of his indefatigable sense of justice, his unique sense of humor, his taste for politics, or his love of Missouri. Once, after a "Meet the Press" appearance a few years ago that I was on, Tom sent me a handwritten note afterward. He said that while he thought I "demolished" my Republican counterpart, I really "should have knocked his toupee off his head." That was Tom Eagleton, always seeing the humorous or absurd, and he sent a lot of Senators personal notes such as that over the years that made us laugh. He was the point man for the effort that wooed the Rams football team from Los Angeles to St. Louis, and even Tom was stunned by the affection that football fans showed him on the streets of St. Louis—particularly after the Rams' Super Bowl victory in 2000.

After a plane crash killed Governor Mel Carnahan, the Missouri Democratic nominee for the Senate in October 2000, it was Senator Eagleton who took the lead in knocking down spurious claims that it would be illegal to keep Carnahan's name on the November ballot.

In addition to his three books, Tom wrote over 50 op-eds for his hometown newspaper after leaving the Senate at age 57. He truly believed in the word "citizenship."

In the last of those op-eds, published November 3, 2005, Senator Eagleton was candid in his analysis of the current disaster in Iraq. He wrote:

> Hubris is always the sword upon which the mighty have fallen.

And:

> From here on, any President will have to level with the American people before going to war.

Tom Eagleton loved the Senate. He loved this institution. He was an expert in its rules and procedures and he believed in the constitutional power to make decisions of war and peace. In addition to his most famous book, "War and Presidential Power: A Chronicle of Congressional Surrender," he also coauthored a textbook for high school students called "Our Constitution and What It Means." Most of all, you could see the pleasure he took from simply being here.

Above all, Tom Eagleton loved his family, his home State of Missouri, and the St. Louis Cardinals. At one point he even considered applying to become the Commissioner of Major League Baseball, but he couldn't give up his Senate seat as long as Missouri had a Republican Governor to appoint his successor.

This January, Tom celebrated his 50-year anniversary with his wonderful wife Barbara. Together they raised two children, Terence and Christy, and three grandchildren. Tom Eagleton was the quintessential family man. He never stopped giving. He gave his life to serving his State and his country, and when he died he left instructions that his body was to be given to Washington University for medical research.

Senator Tom Eagleton lived a full and remarkable life, and all of his colleagues and all the country will miss him dearly. He died with no regrets. "My ambition," he said, "since my senior year in high school was to be a Senator."

Not everybody achieves their ambition. Tom Eagleton actually did a lot more than that. He achieved his own ambitions and earned the love and enduring respect of millions. Along the way, he inspired so many of us, not least of all the no-longer-freshman Senator from Massachusetts who, 23 years later, rises sadly and proudly to pay tribute to the man who once gave up his seniority but never gave up his principles.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

2007 NCAA RIFLE CHAMPIONSHIPS

Mr. STEVENS. Mr. President, I am pleased to report the 2007 National Collegiate Men's and Women's Rifle Championships will be held in Fairbanks, AK on March 9 and 10. Forty-eight student-athletes will participate in this exciting competition.

Although rifle is relatively new as an NCAA sport, 44 colleges and universities now sponsor rifle teams. Nationwide, hundreds of student-athletes compete in this sport. These young men and women are tremendously skilled—to score a bull's-eye in the smallbore competition, for instance, shooters must strike a target the size of the period at the end of this sentence. Remarkably, they are able to consistently hit this mark from a distance of 50 feet.

Like more traditional sports, rifle has a positive impact on its participants. Marsha Beasley, the former head coach of West Virginia University's team, once observed: "Rifle provides a wonderful opportunity to learn many life skills such as self-discipline, concentration, the ability to relax under pressure, goal-setting, sportsmanship and teamwork." Just as important, rifle teaches participants how to handle guns in a safe, responsible manner. It is also one of the few sports where men and women compete against each other as equals.

Rifle competition has a great history in our State, and Alaskans are honored the NCAA has chosen Fairbanks as this year's host. The timing of this event is particularly fitting—2007 marks the 70th anniversary of the University of Alaska Fairbanks' first rifle team.

Over the years, UAF has found great success in this sport. The university is the NCAA's reigning rifle champion and has claimed the national title in 7 of the past 8 years. Since 1988, 39 Nanooks have been selected as All-Americans in rifle. Seven of these competitors have won individual rifle championships.

Rifle's popularity is also apparent throughout our state. Today, Fairbanks is one of several Alaska cities with a robust rifle community, and many high schools in our state now sponsor rifle teams as well.

Mr. President, while I will be rooting for the home team, the University of Alaska Fairbanks, I wish each participant the best in this competition. The names of each team and individual selected for the 2007 National Collegiate Men's and Women's Rifle Championships are as follows:

Team Qualifiers: Jacksonville State University, Murray State University, Texas Christian University, United States Military Academy, United States Naval Academy, University of Alaska Fairbanks, University of Kentucky, University of Nebraska.

Individual Qualifiers (Smallbore Three-Position): Matthew Hamilton—United States Military Academy, Lee Lemenager—University of Nevada, Reno, Layne Lewis—University of Alaska Fairbanks, Jennifer Lorenzen—University of Mississippi, Meghann Morrill—University of Nevada, Reno.

Individual Qualifiers (Air Rifle): Erica Burnham—Tennessee Technological University, Wesley Hess—United States Military Academy, Ashley Jackson—University of Kentucky, Keegan Singleton—University of Memphis, Leah Wilcox—University of Texas at El Paso, Shannon Wilson—University of Mississippi.

HONORING HERMAN JOSEPH GESSER III

Ms. LANDRIEU. Mr. President, I rise to pay tribute to a staff member who is, unfortunately, leaving to go back to Louisiana. I want to spend a few minutes talking about his wonderful service.

Herman Joseph Gesser came to work in Washington for 1 year. He is an attorney and a very able architect and thought he would come and work here for the Louisiana delegation to contribute to our State and to learn the ways of Washington in public service. Ten years later, he is still here. We are sad to see him return to Louisiana, but family responsibilities and duties call him home.

He has been projects director and general counsel of my office now for 9 years. He has served with diligence and dedication, honesty, integrity, and creativity. He is truly one of the most sought after and popular members of the Senate staff. He has worked on transportation projects. He has been an expert on Corps of Engineers projects, someone whom both Republican and Democratic staffers trust to give them just the facts, give it to them straight, and give it to them quickly.

I laugh and say everybody in Louisiana needs a Bubba on their staff. I sure have had a very special Bubba on my staff for all these many years, as he is called and referred to kindly and in a very friendly way.

Bubba has served the people of his home parish, New Iberia Parish, with distinction. He has done some extraordinary work, as I said, in the area of transportation. He is going to be missed.

He really is a true example of selfless service. He could be, Mr. President—as you know, many of our staff could make a great deal more money, particularly in his case with the double degrees he has as a lawyer and an architect. But yet for 10 years, he has chosen to serve and stay through the challenges of Katrina and Rita where his talents and abilities were called on literally daily and was one of the go-to people I counted on to give me facts, to give them to me quickly so I could advocate more effectively on behalf of the 4.5 million people in Louisiana and the millions of people who live in the gulf coast area.

I wanted to publicly recognize Herman Joseph Gesser, a citizen of Louisiana and a great servant to the people of our State in such a time of need.

I know his father is very proud of him. I know his mother, who just passed away last year, still continues to give him blessings from Heaven, and that his extended family and many friends are very grateful to him for the support he has given to us all these many years.

His homecoming in south Louisiana will be greeted with fanfare by his hometown, but it will be a great loss to the Landrieu staff in Washington, DC.

RECOGNIZING FIRST ROBOTICS

Mr. REID. Mr. President, it is my privilege to recognize the outstanding achievements of today's youth in science and engineering. On March 27, I am pleased to join with the city of Las Vegas in welcoming the FIRST Robotics, FRC, Regional Competition to Nevada.

FIRST was founded in 1989 through the vision of inventor Dean Kamen to inspire interest and participation in science and technology. As a result of his leadership, FIRST has grown into one of the leading robotics competitions in the entire country. This project has even grown to include a partnership with the UNLV Howard R. Hughes College of Engineering.

I am pleased to welcome 12 local teams as well as 50 teams from across the country and the world to Las Vegas and to UNLV. I hope they will be able to enjoy everything Las Vegas has to offer. It is also important to recognize the contributions of the parents, teachers, mentors, volunteers, and sponsors for this event. Without their support, I am certain this event would not be possible.

With the backing of the entire Las Vegas community, I am certain that the FIRST Robotics, FRC, Regional Competition will be an outstanding success. Mr. President, I wish all the participants success in the competition and in the future.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote the evening of March 5 on the confirmation of the nomination of Carl J. Artman, of Colorado, to be Assistant Secretary of the Interior.

I wish to address this confirmation so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 59, on the confirmation of the nomination of Carl J. Artman, of Colorado, to be Assistant Secretary of the Interior, I would have supported the confirmation of Mr. Artman. My vote would not have altered the outcome of this confirmation.

IN HONOR OF VACLAV HAVEL

Mr. BROWNBACK. Mr. President, today I wish to join my colleagues from the Helsinki Commission in commemorating the founding of the Charter 77 movement 30 years ago, and praising Vaclav Havel, one of Charter 77's first spokesmen and the first post-Communist President of Czechoslovakia.

Many aspects of Vaclav Havel's biography are well known. His advanced formal education was limited by the Communist regime because of his family's pre-World War II cultural and economic status. By the 1960s, he was working in theater and writing plays. But by 1969, the Communist regime had deemed him "subversive," and his passport was confiscated.

In 1977, he took the daring step of joining two others—Jan Patocka and Jiri Hajek—in becoming the first spokesmen for the newly established "Charter 77" movement. This group sought to compel the Czechoslovak Government to abide by the international human rights commitments it had freely undertaken, including the Helsinki Final Act.

In the 1970s and 1980s, Vaclav Havel was repeatedly imprisoned because of his human rights work. His longest period of imprisonment was 4½ years, 1979–1983, for subversion. After this, Havel was given the opportunity to emigrate but, courageously, he chose to stay in Czechoslovakia. By February 1989, Havel had come to symbolize a growing human rights and democratic movement in Czechoslovakia and, that year, the Helsinki Commission nominated him for the Nobel Peace Prize.

Remarkably, in November 1989, the repressive machinery of the Communist regime—a regime that for five decades had persecuted and even murdered its own citizens—collapsed in what has come to be known as the "Velvet Revolution."

To understand just how repressive the former regime was—and therefore how stunning its seemingly sudden demise was—it may be instructive to recall the first measures of the post-Communist leadership, introduced in the heady days of late 1989 and early 1990. First and foremost, all known political prisoners were released. Marxism-Leninism was removed as a required course from all school curricula. Borders were opened for thousands of people who had previously been prohibited from traveling freely. Control over the People's Militia was transferred from the party to the Government. The Federal Assembly passed a resolution condemning the 1968 Soviet-led invasion of Czechoslovakia. Approximately 40 Ambassadors representing the Czechoslovak Communist regime were recalled. Newly appointed Foreign Minister Jiri Dienstbier announced that the "temporary" 1968 agreement allowing Soviet troops to remain in Czechoslovakia was invalid because it was agreed to under duress and that Soviet troops would withdraw from the country. The Politburo announced it would end the nomenklatura system of reserving certain jobs for party functionaries. The secret police was abolished. Alexander Dubcek, leader of the 1968 Prague Spring, was elected Chairman of the Federal Assembly on December 28 and, a day later, Vaclav Havel was voted to replace Gustav Husak. In February 1990, Vaclav Havel addressed a joint session of Congress.

Charter 77 paved the way for all of these things, and more: for Czechoslovakia's first free and fair elections since 1946, for the normalization of trade relations between our two countries, and for the Czech Republic's accession to NATO. Not surprisingly, the work of Charter 77 continues to inspire, as is evidenced by the adoption of the name "Charter 97" by human rights activists in Belarus, who are still working to bring to their own country a measure of democracy and respect for human rights that Czechs have now enjoyed for some years.

I am therefore pleased to recognize the 30th anniversary of the Charter 77 movement and to join others in honoring Vaclav Havel who remains, to this day, the conscience of the global community.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS RULES OF PROCEDURE

Mr. DODD. Mr. President, in accordance with rule XXVI.2. of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Banking, Housing, and Urban Affairs, as unanimously adopted by the committee on January 31, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

[Adopted in executive session, January 31, 2007]

RULE 1. REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2. COMMITTEE

[a] Investigations. No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings. No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses. Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions. No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments. It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3. SUBCOMMITTEES

[a] Authorization for. A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations. No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings. No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses. Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings. If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the

Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting. No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4. WITNESSES

[a] Filing of statements. Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements. Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration. Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses. Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted. Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses. No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions. Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5. VOTING

[a] Vote to report a measure or matter. No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter. On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6. QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

Rule XXV, Standing Committees

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

ADDITIONAL STATEMENTS

HONORING JAMES LONNIE JERDEN

• Mr. ISAKSON. Mr. President, today I honor a wonderful Georgian, James Lonnie "J.L." Jerden of Atlanta, as he prepares to celebrate his 70th birthday.

Now, J.L. is no ordinary Georgian. His beautiful daughter Susan is married to my son John, and we share four amazing grandchildren. I am proud to consider him part of my extended family.

J.L. was born on March 19, 1937, in Memphis, TN, where he was one of eight children. In high school, he was salutatorian of his senior class and the statewide president of Beta Club as well as an accomplished athlete on the football and baseball fields. Somehow, he also managed to find time to play bass in a warm-up band for Elvis. He attended Rhodes College where he played football.

Following graduation, J.L. worked for Aetna before joining and becoming a partner in Pritchard and Jerden, one of the largest commercial insurance brokerage houses in Atlanta. J.L. also found time to serve as a Southeastern Conference football official for 7 years in the 1970s and chair the Atlanta Golf Classic. He also was the national president of the Chartered Property Casualty Underwriters Society.

Today, J.L. enjoys spending time with his lovely wife Jane, their three children, and their four grandchildren. He is an active member at Northside Drive Baptist Church, where he serves as a deacon and has chaired a variety of committees throughout the years. He is also a strong supporter of the Atlanta Food Bank and Children's Healthcare of Atlanta.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of my dear friend J.L. Jerden as he prepares to celebrate this milestone. He is an inspiration to us all.•

TRIBUTE TO COLONEL LENORE SUSAN ENZEL

• Mr. INOUYE. Mr. President, I would like to recognize a great American and true military heroine who has honorably served our country for 30 years in the U.S. Army Nurse Corps: COL Lenore S. Enzel. COL Lenore Enzel was born in Brooklyn and raised in Queens, NY. She received her diploma in nursing from Roosevelt Hospital School of Nursing, her baccalaureate degree in nursing from Hunter College-Bellevue Hospital, and her master's degree from the University of Hawaii. Upon retiring from the U.S. Army after faithfully serving for 30 years, Colonel Enzel and her husband, LTC Richard Berry, will reside in New York.

Colonel Enzel began her military career as a staff nurse at Tripler Army Medical Center, HI. She quickly rose through the ranks and served throughout the country, including in New Jersey, Colorado, Texas, Arizona, Georgia, as well as two other tours at Tripler Army Medical Center.

In each assignment, Colonel Enzel excelled and was rewarded with greater responsibilities. After serving as ambulatory section chief at Fort Hood, TX, she transitioned to Recruiting Command, serving as the 2nd Recruiting Brigade chief nurse and later as the 2nd Army Medical Detachment commander. Colonel Enzel successfully assimilated into the highly complex recruiting environment and became the No. 1 subject matter expert for Army medical recruiting.

With her path to executive leadership clearly set, Colonel Enzel served as deputy commander at Fort Huachuca, AZ. Colonel Enzel spearheaded the reengineering process as the hospital downsized to a freestanding clinic. Colonel Enzel returned to Hawaii, serving as deputy director and later director, clinical services, TRICARE Pacific Lead Agency, Tripler Army Medical Center. She managed complex health care issues in a joint arena for 380,000 beneficiaries in 70 countries spread across 13 time zones and 100 million square miles. Colonel Enzel's last assignment was in Texas, as deputy commander for patient services/nursing, William Beaumont Army Medical Center, Ft. Bliss, TX. She managed care provided to 132,000 beneficiaries at this 150-bed teaching hospital. The increased productivity of the hospital has in large part been due to her drive and leadership.

Colonel Enzel is a meritorious leader, administrator, clinician, educator, and mentor. Throughout her career she has served with valor and profoundly impacted the entire Army Medical Department. Her performance reflects exceptionally on herself, the U.S. Army, the Department of Defense, and the United States of America. I extend my deepest appreciation to COL Lenore Suzan Enzel on behalf of a grateful nation for her more than 30 years of dedicated military service.•

TRIBUTE TO PUTNAM COUNTY, GEORGIA

• Mr. ISAKSON. Mr. President, today I honor the 200th Anniversary of Putnam County, GA.

Putnam County was created by an act of the Georgia Assembly on December 10, 1807. It was laid out from Baldwin County and lies in the heart of Georgia's Piedmont region. It was named for one of the most noted patriots of the Revolutionary War, GEN Israel Putnam of Massachusetts.

The city of Eatonton was founded as the seat of Putnam County in 1808 and was incorporated the following year.

Known as the "Dairy Capital of Georgia," Putnam County is also home to Rock Eagle 4-H Center. The Rock Eagle Mound is 102 feet long and 120 feet wide. It is believed to have been built by Native Americans over 2,000 years ago and was listed on the National Register of Historic Places in 1978. Putnam County is also the birthplace of several famous Georgians, including journalist and author Joel Chandler Harris, author Alice Walker, and Chick-fil-a founder and CEO S. Truett Cathy.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of Putnam County to the State of Georgia. I congratulate this great county on its 200th anniversary.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 399. An act to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse".

H.R. 544. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

H.R. 584. An act to designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building".

H.R. 987. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 15. Concurrent resolution authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 62. Concurrent resolution supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 399. An act to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the “R. Jess Brown United States Courthouse”; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 62. Concurrent resolution supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–878. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration's Capital Investment Plan for fiscal years 2008–2012; to the Committee on Commerce, Science, and Transportation.

EC–879. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's 2007 annual report relative to the regulatory status of each safety recommendation on the National Transportation Safety Board's Most Wanted List; to the Committee on Commerce, Science, and Transportation.

EC–880. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones (including 6 regulations beginning with CGD09–06–174)” (RIN1625–AA00) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–881. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Security Zone; Waters Surrounding M/V TONG CHENG, HI” (RIN1625–AA87) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–882. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operation Regulations; Biscayne Bay, Atlantic Intracoastal Waterway, Miami River, and Miami Beach Channel, Miami-Dade County, FL (CGD07–07–010)” (RIN1625–AA09) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–883. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Regulated Navigation Area; Savannah River, Savannah, GA (CGD07–05–138)” (RIN1625–AA11) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–884. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operations (including 6 regulations beginning with CGD07–05–097)” (RIN1625–AA01) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–885. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Mariner Licensing and Documentation Program Restructuring and Centralization; Correction” (RIN1625–ZA09) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–886. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operation Regulations; Amendments” (RIN1625–AA36) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–887. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Technical Amendments; Marine Safety Center Address Change” (RIN1625–ZA12) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–888. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Rates for Pilotage on the Great Lakes” (RIN1625–AB05) received on March 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–889. A communication from the Acting Chief Financial Officer, Department of Energy, transmitting, pursuant to law, a report relative to the Department's carryover balances for fiscal year ended September 30, 2006; to the Committee on Energy and Natural Resources.

EC–890. A communication from the Secretary of Energy, transmitting, the report of proposed legislation relative to the repeal of subtitle J of Title IX of the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC–891. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the review of the Gulf Intracoastal Waterway between Palacios Point and Port O'Connor, Texas, by the Army Corps of Engineers; to the Committee on Environment and Public Works.

EC–892. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Priorities List” (FRL No. 8283–7) received on March 2, 2007; to the Committee on Environment and Public Works.

EC–893. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to VOC and NOx Emission Control Areas and VOC Control Regulations” (FRL No. 8282–9) received on March 2, 2007; to the Committee on Environment and Public Works.

EC–894. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Nonattainment New Source Review” ((RIN2060–AM59)(FRL No. 8283–9)) received on March 2, 2007; to the Committee on Environment and Public Works.

EC–895. A communication from the Chief of the Branch of Bird Conservation, Migratory Bird Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Permits; Take of Migratory Birds by the Armed Forces” (RIN1018–AI92) received on March 1, 2007; to the Committee on Environment and Public Works.

EC–896. A communication from the Chief of the Federal Duck Stamp Office, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Revision of Migratory Bird Hunting and Conservation Stamp Contest Regulations” (RIN1018–AU94) received on March 1, 2007; to the Committee on Environment and Public Works.

EC–897. A communication from the Assistant Secretary for Import Administration, Foreign-Trade Zones Board, Department of Commerce, transmitting, pursuant to law, a report relative to the activities of the Board during fiscal year 2005; to the Committee on Finance.

EC–898. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Moore v. Commissioner, T.C. Memo 2006–171” (AOD: 2007–02) received on March 1, 2007; to the Committee on Finance.

EC–899. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Corporate Reorganizations; Additional Guidance on Distribution Under Sections 368(a)(1)(D) and 354(b)(B)” ((RIN1545–BG29)(TD 9313)) received on March 1, 2007; to the Committee on Finance.

EC–900. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2007 Trade Policy Agenda and 2006 Annual Report on the Trade Agreements Program; to the Committee on Finance.

EC–901. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report relative to the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–902. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report entitled “Women, Minorities, and Persons With Disabilities in Science and Engineering: 2007”; to the Committee on Health, Education, Labor, and Pensions.

EC–903. A communication from the Director, Office of Personnel Management, transmitting proposed legislation to make improvements to the Civil Service Retirement

System and the Federal Employees' Retirement System; to the Committee on Homeland Security and Governmental Affairs.

EC-904. A communication from the Chairman, Labor Member, and Management Member of the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ:

S. 787. A bill to impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. SUNUNU (for himself, Mr. CARPER, Mrs. DOLE, Mr. CHAMBLISS, and Mr. SMITH):

S. 788. A bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. COLEMAN):

S. 789. A bill to prevent abuse of Government credit cards; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR (for himself, Mr. KENNEDY, and Mr. CHAMBLISS):

S. 790. A bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. SCHUMER, Mr. COLEMAN, Mrs. CLINTON, and Mr. OBAMA):

S. 791. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. BINGAMAN):

S. 792. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to modify the definition of governmental plan with respect to Indian tribal governments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 793. A bill to provide for the expansion and improvement of traumatic brain injury programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. LUGAR, Mr. BINGAMAN, and Ms. SNOWE):

S. 794. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

By Mr. OBAMA (for himself, Mr. MENENDEZ, Mr. SALAZAR, and Mr. BINGAMAN):

S. 795. A bill to assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING (for himself, Ms. STABENOW, Mr. BAYH, Ms. SNOWE, and Mr. LEVIN):

S. 796. A bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 797. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. WEBB, Mr. LEVIN, and Mrs. CLINTON):

S. 798. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. INOUYE, Mr. SALAZAR, Mr. BIDEN, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SCHUMER, and Mr. DODD):

S. 799. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 800. A bill to establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 801. A bill to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. CRAPO:

S. 802. A bill to provide for the implementation of the Owyhee Initiative Agreement, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, Ms. SNOWE, and Mr. COLEMAN):

S. 803. A bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mrs. BOXER, Ms. MIKULSKI, Mr. KERRY, Mr. LEAHY, and Mr. LAUTENBERG):

S. 804. A bill to amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, and Mr. BINGAMAN):

S. 805. A bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes; to the Committee on Foreign Relations.

By Mr. PRYOR:

S. 806. A bill to give consumers tools to protect themselves from ID theft by allowing them to prevent unauthorized access to their credit reports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. KERRY, and Mr. BIDEN):

S. Res. 99. A resolution expressing the sense of the Senate that United States military assistance to Pakistan should be guided by demonstrable progress by the Government of Pakistan in achieving certain objectives related to counterterrorism and democratic reforms; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mrs. BOXER, Mr. COCHRAN, Ms. MURKOWSKI, Mr. DURBIN, Mr. BUNNING, Mr. BAYH, Mr. MCCONNELL, Mr. SALAZAR, Mrs. LINCOLN, Mrs. CLINTON, Mr. DODD, Mr. CRAPO, and Mr. FEINGOLD):

S. Res. 100. A resolution designating the week beginning March 12, 2007, as "National Safe Place Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Ms. CANTWELL) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 305

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 305, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 312

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 312, a bill to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion.

S. 329

At the request of Mr. CRAPO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 359

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 359, a bill to amend the Higher Education Act of 1965 to provide additional support to students.

S. 368

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 377

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 377, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 398

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 398, a bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

S. 404

At the request of Mr. THOMAS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 404, a bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007.

S. 430

At the request of Mr. BOND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 438

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 438, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M. D.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 494

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 494, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 579

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 593

At the request of Mr. BURR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 593, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 624

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 625, supra.

S. 651

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 655

At the request of Mr. GRASSLEY, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 655, a bill to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American Red Cross in the 21st century, and for other purposes.

S. 658

At the request of Mr. THOMAS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 658, a bill to amend the Endangered Species Act of 1973 to improve the process for listing, recovery planning, and delisting, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 675

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 709

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 709, a bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 761

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 764

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP).

S. 766

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 779

At the request of Mr. CRAIG, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

AMENDMENT NO. 286

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 286 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 286 proposed to S. 4, supra.

AMENDMENT NO. 293

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 293 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 295

At the request of Ms. LANDRIEU, the names of the Senator from Florida (Mr. NELSON) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 295 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 345

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 345 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 359

At the request of Mr. LAUTENBERG, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 359 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 366

At the request of Mr. SCHUMER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 366 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. COLEMAN):

S. 789. A bill to prevent abuse of Government credit cards; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, it's time we put a stop to wasteful, abusive, and fraudulent use of government credit cards. In fact, it's overdue. For several years, I have been working with the Government Accountability Office (GAO) to investigate misuse of government credit cards and the lack of internal controls in agencies that breeds such activity. We have found shockingly flagrant abuses like $2,443 in taxpayers' money going to pay for a down payment on a sapphire ring at a place called E-Z Pawn and $1,935 in taxpayers' money used to purchase two LA-Z-Boy reclining rocking chairs with full lumbar support and vibrator-massage features, all using government purchase cards. Government travel cards, which are only to be used for legitimate travel-related expenditures, have been used to pay for everything from women's lingerie from Frederick's of Hollywood to tickets to the Phantom of the Opera to a seven night Alaskan cruise for two. In each report it has issued, the GAO has made recommendations about what kind of controls need to be implemented to prevent such abuses from occurring in the future. Our oversight work has helped shine a light on this problem and has led to some improvements. Some agencies have moved to fix the specific shortcomings highlighted by the GAO, and the Office of Management and Budget has issued a circular to agencies that seeks to bring about an improved control environment. However, I believe a more comprehensive approach is needed. There is considerable commonality between the control breakdowns the GAO found in the agencies it investigated. The same controls were often missing or inadequate, and therefore the same recommendations are repeated in report after report. The OMB circular does not address many of these recommendations and it makes no sense for the GAO to visit every agency and bureau in the Federal Government to point out where they fall short. We know what is needed to prevent waste, fraud, and abuse of government credit cards and we must ensure that these internal controls are implemented consistently across the federal bureaucracy. That is why I am reintroducing the Government Credit Card Abuse Prevention Act, along with Senators LIEBERMAN, COLLINS, and COLEMAN. I should also mention that Representative JOE WILSON will be reintroducing companion legislation in the House of Representatives and I appreciate his help and assistance as we've worked together on this legislation.

Based primarily on the recommendations of the GAO in numerous reports, as well the work of agency inspectors general and my own oversight work, my bill seeks to curtail waste, fraud, and abuse of government purchase cards, government travel cards, and centrally billed accounts. By way of background, government purchase cards are essentially credit cards held by an agency that authorized individuals use to purchase items necessary for the work of the agency. Since the agency pays the bills directly, the American taxpayer is on the hook when improper purchases slip through the cracks. That means hard working American citizens are paying for someone else's Christmas shopping, or at the very least items with little or no legitimate public interest. Just like the parents' credit card in the hands of an undisciplined teenager, government purchase cards in the hands of poorly trained bureaucrats with inadequate oversight can lead to rash and ill-considered impulse buys. Take for instance an incident uncovered by the GAO when an individual at the Air Force Academy found a dead deer alongside the road and decided to use a government purchase card to pay for mounting the mule deer head to hang on the wall at the office.

Centrally billed accounts are another credit product that federal agencies use, primarily for purchasing transportation services. Like purchase cards, the bill is sent to the government so it's the taxpayer who pays when the bureaucrats let things slip through the cracks. For instance, we've had repeated cases where government employees had airplane tickets purchased on their behalf directly from a centrally billed account, and then they sought and received reimbursement as though they had paid for the ticket. In other words, the ticket was paid for twice with the employee pocketing the cost the second time, and no one would be the wiser if it weren't for the GAO. The GAO has also found millions of dollars worth of fully refundable, unused airline tickets that no one bothered to cash in. I was pleased to work with Senator COLEMAN, then the Chairman of the Permanent Subcommittee on Investigations, to bring these issues with centrally billed accounts to light, as well as Senator COLLINS, who was at the time the Chairman of the Government Affairs Committee. In addition to being co-requesters of the GAO reports, they held hearings in their respective committees and were kind enough to invite me to testify about our work.

Government travel cards, on the other hand, are not paid directly with taxpayers' money like purchase cards and centrally billed accounts, but they are only supposed to be used to pay for legitimate expense while on official government travel. Failure by employees to repay these cards results in the loss of millions of dollars in rebates to the Federal Government. Also, when credit card companies are forced to charge off bad debt, they raise interest rates and fees on everyone else. Nevertheless, government travel cards with high credit limits have been handed out like candy at a parade to individuals with abysmal credit ratings who ordinarily would never be issued that kind of credit. It's no surprise then when we learn that certain government employees have abused their government travel cards to buy jewelry, take in a New York Yankees game, or to fuel an internet gambling habit. Such abusive charges often occur when the cardholder is not even on travel at all. In fact, government travel cards have been used to provide cash advances in employees' hometowns. There are even examples of charges at so called "gentleman's clubs" like Cheetah's Lounge and Déjà Vu Showgirls, and even at legalized brothels. Suffice it to say that the GAO was able to determine that these charges were not for food or other approved travel expenses. It also comes as no surprise when the GAO found that employees issued government travel cards despite bad credit often bounce checks when their bill comes due, sometimes repeatedly and fraudulently. Common sense then leads us to the same conclusion that the GAO came to through empirical analysis, namely that a significant relationship exists between potential travel card fraud, abuse, and delinquencies and individuals with substantial credit history problems. That is why my legislation requires agencies to perform credit checks for travel card holders and issue only restricted cards for those with poor or no credit to reduce the potential for misuse.

My bill would also require a series of common sense internal controls, which the GAO has found to be lacking in many cases, to be implemented in every federal agency. These include: maintaining a record of each cardholder, including single transaction limits and total credit limits so agencies can effectively manage their cardholders; implementing periodic reviews to determine if cardholders have a need for a card; properly recording rebates to the government based on prompt payment; providing training for cardholders and managers; utilizing available technologies to prevent or catch fraudulent purchases; establishing specific policies about the number of cards to be issued, the credit limits for certain categories of cardholders, and categories of employees eligible to be issued cards; invalidating cards when employees leave the agency or transfer; establishing an approving official other than the purchase card holder so employees cannot approve their own purchases; reconciling purchase card charges on the bill with receipts and supporting documentation; submitting disputed purchase card charges to the bank according to the proper procedure; making purchase card payments promptly to avoid interest penalties; retaining records of purchase card transactions in accordance with standard government record keeping polices; utilizing mandatory split disbursements when reimbursing employees for travel card purchases to ensure that travel card bills get paid; comparing items submitted on travel vouchers with items already paid for with centrally billed accounts to avoid reimbursing employees for items already paid for by the agency; and submitting refund requests for unused airline tickets so the taxpayers don't pay for tickets that were not used.

My bill would also provide that each agency Inspector General periodically conduct risk assessments of agency purchase card and travel card programs and perform periodic audits to identify potentially fraudulent, improper, and abusive use of cards. We have had great success working with Inspectors General using techniques like data mining to reveal instances of improper use of government charge cards. Having this information on an ongoing basis will help maintain and strengthen a rigorous system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards.

In addition, my bill requires penalties so that employees who abuse government charge cards will not get away scot free. In fact, in cases of serious misuse or fraud, the bill provides that employees must be dismissed and suspected cases of fraud will also be referred to the appropriate U.S. Attorney for prosecution under federal anti-fraud laws. It is essential that we send a clear message that misuse and fraudulent use of government credit cards will not be tolerated. The lack of consistency in the past in applying punishments to those caught abusing government charge cards has sent the wrong message and led to an environment where misuse of government charge cards is more likely. My bill will change that.

The American people expect us to be good stewards of their money and their cynicism about government only builds when they read about bureaucrats saying, "Just put it on plastic" willy nilly with their hard earned dollars. Unfortunately, such incidents persist. In the wake of Hurricane Katrina, Congress hastily passed a supplemental spending bill containing an ill-advised provision to dramatically raise the micro-purchase threshold for purchase cards. I worked with Senators COLLINS and LIEBERMAN, the leaders of the Homeland Security and Governmental Affairs Committee, to reverse what amounted to an invitation to misuse government purchase cards. Then, because of our concerns and the concerns of other members of Congress about the potential for fraud and abuse of purchase cards in the response to the hurricanes in the Gulf Coast region, the GAO conducted an investigation of purchase cards at the Department of Homeland Security. Just last September, the GAO issued its report finding instances of abusive or questionable government charge card transactions, including the purchase of a beer brewing kit, a 63-inch plasma television with a price tag of $8,000 that was found unused in its original box 6 months later, and tens of thousands of dollars for training at golf and tennis resorts. Clearly the abuse of government credit cards remains a problem and Congress needs to act. My bill will establish the discipline needed in government agencies to keep those credit cards in the wallet unless needed. I am particularly glad to be joined in introducing this bill by Chairman LIEBERMAN and Ranking Member COLLINS as well as Senator COLEMAN. Their leadership on this issue will continue to be invaluable. I urge the rest of my colleagues to join us in this effort and put a stop to the bureaucratic shopping spree.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Credit Card Abuse Prevention Act of 2007".

SEC. 2. MANAGEMENT OF PURCHASE CARDS.

(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

(1) There is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transaction and total credit amounts that are applicable to the use of each such card by that purchase cardholder.

(2) Each purchase card holder is assigned an approving official other than the card holder with the authority to approve or disapprove expenditures.

(3) The holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

(B) forwarding such reconciliation to the designated official who certifies the bill for payment in a timely manner.

(4) Any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Governmentwide purchase card contract entered into by the Administrator of General Services.

(5) Payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

(6) Rebates and refunds based on prompt payment on purchase card accounts are monitored for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

(7) Records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

(8) Periodic reviews are performed to determine whether each purchase cardholder has a need for the purchase card.

(9) Appropriate training is provided to each purchase cardholder and each official with responsibility for overseeing the use of purchase cards issued by an executive agency.

(10) The executive agency has specific policies regarding the number of purchase cards issued by various organizations and categories of organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase cardholders.

(11) The executive agency utilizes technologies to prevent or identify fraudulent purchases, including controlling merchant codes and utilizing statistical machine learning and pattern recognition technologies that review the risk of every transaction.

(12) The executive agency invalidates the purchase card of each employee who—

(A) ceases to be employed by the agency immediately upon termination of the employment of the employee; or

(B) transfers to another unit of the agency immediately upon the transfer of the employee.

(13) The executive agency takes steps to recover the cost of any improper or fraudulent purchase made by an employee, including, as necessary, through salary offsets.

(b) MANAGEMENT OF PURCHASE CARDS.—The head of each executive agency shall prescribe regulations implementing the safeguards and internal controls in subsection (a). The regulations shall be consistent with regulations that apply Governmentwide regarding the use of purchase cards by Government personnel for official purposes.

(c) PENALTIES FOR VIOLATIONS.—The regulations prescribed under subsection (b) shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of an executive agency violate such regulations or are negligent or engage in misuse, abuse, or fraud with respect to a purchase card, including imposition of the following penalties:

(1) In the case of an employee who is suspected by the executive agency to have engaged in fraud, referral of the case to the United States Attorney with jurisdiction over the matter.

(2) In the case of an employee who is found guilty of fraud or found by the executive agency to have egregiously abused a purchase card, dismissal of the employee.

(d) RISK ASSESSMENTS AND AUDITS.—The Inspector General of each executive agency shall—

(1) periodically conduct risk assessments of the agency purchase card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders;

(2) perform periodic audits of purchase cardholders designed to identify—

(A) potentially fraudulent, improper, and abusive uses of purchase cards;

(B) any patterns of improper cardholder transactions, such as purchases of prohibited items; and

(C) categories of purchases that should be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices;

(3) report to the head of the executive agency concerned on the results of such audits; and

(4) report to the Director of the Office of Management and Budget and the Comptroller General on the implementation of recommendations made to the head of the executive agency to address findings during audits of purchase cardholders.

(e) DEFINITION OF EXECUTIVE AGENCY.—In this section, the term "executive agency" has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(f) RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.—

(1) IN GENERAL.—Except as provided by the amendments made by paragraph (2), the requirements under this section shall not apply to the Department of Defense.

(2) EXCEPTION.—Section 2784(b) of title 10, United States Code, is amended—

(A) in paragraph (8), by striking "periodic audits" and all that follows through the period at the end and inserting "risk assessments of the agency purchase card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders."; and

(B) by adding at the end the following new paragraphs:

"(11) That the Department of Defense utilizes technologies to prevent or identify fraudulent purchases, including controlling merchant codes and utilizing statistical machine learning and pattern recognition ognition technologies that review the risk of every transaction.

"(12) That the Secretary of Defense—

"(A) invalidates the purchase card of each employee who ceases to be employed by the Department of Defense immediately upon termination of the employment of the employee; and

"(B) invalidates the purchase card of each employee who transfers to another agency or subunit within the Department of Defense immediately upon such transfer.".

SEC. 3. MANAGEMENT OF TRAVEL CARDS.

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

"(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

"(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain safeguards and internal controls over travel charge cards to ensure the following:

"(A) There is a record in each executive agency of each holder of a travel charge card issued by the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge cardholder.

"(B) Rebates and refunds based on prompt payment on travel charge card accounts are properly recorded as a receipt of the agency that employs the cardholder.

"(C) Periodic reviews are performed to determine whether each travel charge cardholder has a need for the travel charge card.

"(D) Appropriate training is provided to each travel charge cardholder and each official with responsibility for overseeing the use of travel charge cards issued by an executive agency.

"(E) Each executive agency has specific policies regarding the number of travel charge cards issued by various organizations and categories of organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued travel charge cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge cardholders.

"(F) The head of each executive agency negotiates with the holder of the applicable travel card contract, or a third party provider of credit evaluations if such provider offers more favorable terms, to evaluate the creditworthiness of an individual before issuing the individual a travel charge card, and that no individual be issued a travel charge card if the individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use travel charge card when the individual lacks a credit history or the issuance of a pre-paid card when the individual has a credit score below the minimum credit score established by the agency). Each executive agency shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of cardholders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act. The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act.

"(G) Each executive agency utilizes technologies to prevent or identify fraudulent purchases, including controlling merchant codes and utilizing statistical machine learning and pattern recognition technologies that review the risk of every transaction.

"(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee.

"(I) Each executive agency utilizes mandatory split disbursements for travel card purchases.

"(2) REGULATIONS.—The Administrator of General Services shall prescribe regulations governing the implementation of the safeguards and internal controls in paragraph (1) by executive agencies.

"(3) PENALTIES FOR VIOLATIONS.—The regulations prescribed under paragraph (2) shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of an executive agency violate such regulations or are negligent or engage in misuse, abuse, or fraud with respect to a travel charge card, including removal in appropriate cases.

"(4) ASSESSMENTS.—The Inspector General of each executive agency shall—

"(A) periodically conduct risk assessments of the agency travel card program and associated internal controls and analyze identified weaknesses and the frequency of improper activity in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase cardholders;

"(B) perform periodic audits of travel cardholders designed to identify potentially fraudulent, improper, and abusive uses of travel cards;

"(C) report to the head of the executive agency concerned on the results of such audits; and

"(D) report to the Director of the Office of Management and Budget and the Comptroller General on the implementation of recommendations made to the head of the executive agency to address findings during audits of travel cardholders.

"(5) DEFINITIONS.—In this subsection:

"(A) The term 'executive agency' means an agency as that term is defined in section 5701 of title 5, United States Code, except that it is in the executive branch.

"(B) The term 'travel charge card' means the Federal contractor-issued travel charge card that is individually billed to each cardholder.".

SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.

The head of an executive agency that has employees who use a centrally billed account shall establish and maintain safeguards and internal controls to ensure the following:

(1) Items submitted on an employee's travel voucher are compared with items paid for using a centrally billed account to ensure that an employee is not reimbursed for an item already paid for through a centrally billed account.

(2) The executive agency submits requests for refunds for unauthorized purchases to the holder of the applicable contract for a centrally billed account.

(3) The executive agency submits requests for refunds for fully or partially unused tickets to the holder of the applicable contract for a centrally billed account.

SEC. 5. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(1) the head of each executive agency shall promulgate regulations to implement the requirements of sections 2 and 4; and

(2) the Administrator of General Services shall promulgate regulations required pursuant to the amendments made by section 3.

(b) BEST PRACTICES.—Regulations promulgated under this section shall reflect best practices for conducting purchase card and travel card programs.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. SCHUMER, Mr. COLEMAN, Mrs. CLINTON, and Mr. OBAMA):

S. 791. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am pleased to introduce the "Great Lakes Collaboration Implementation Act" with Senator GEORGE VOINOVICH and our co-sponsors. I also want to thank Representatives VERN EHLERS and RAHM EMANUEL for introducing similar Great Lakes restoration legislation in the House today.

The Great Lakes are vital not only to Michigan, but to the Nation. Roughly one-tenth of the U.S. population lives in the Great Lakes basin and depends daily on the lakes. The Great Lakes provide drinking water to 40 million people. They provide the largest recreational resource for their 8 neighboring States. They form the largest body of freshwater in the world, containing roughly 18 percent of the world's total; only the polar ice caps contain more freshwater. They are critical for our economy by helping move natural resources to the factory and to move products to market.

While the environmental protections that were put in place in the early 1970s have helped the Great Lakes make strides toward recovery, a 2003 GAO report made clear that there is much work still to do. That report stated: "Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats." More recently, many scientists reported that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and hydrologic modifications. A 2005 report from a group of Great Lakes scientific experts states that "historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response."

The zebra mussel, an aquatic invasive species, caused $3 billion in economic damage to the Great Lakes from 1993 to 2003. In 2000, seven people died after pathogens entered the Walkerton, Ontario drinking water supply from the lakes. In May of 2004, more than ten billion gallons of raw sewage and storm water were dumped into the Great Lakes. In that same year, over 1,850 beaches in the Great Lakes were closed. Each summer, Lake Erie develops a 6,300 square mile dead zone. There is no appreciable natural reproduction of lake trout in the lower four lakes. More than half of the Great Lakes region's original wetlands have been lost, along with 60% of the forests. Wildlife habitat has been destroyed, thus diminishing opportunities necessary for fishing, hunting and other forms of outdoor recreation.

The Great Lakes problems have been well-known for several years, and, in 2005, 1,500 people through the Great Lakes region worked together to compile recommendations for restoring the lakes. These recommendations were released in December 2005, and, today, I am introducing this legislation to implement many of those recommendations.

This bill would reduce the threat of new invasive species by enacting comprehensive invasive species legislation and put ballast technology on board ships; it specifically targets Asian carp by authorizing the improvement, operation and maintenance of the dispersal barrier. The bill would improve fish and wildlife habitat by providing additional resources to States and cities for water infrastructure. It would provide additional funding for contaminated sediment cleanup and would give the EPA additional tools under the Great Lakes Legacy Act to move projects along faster. The bill would create a new grant program to phase out mercury in products and to identify emerging contaminants. The bill would authorize the restoration and remediation of our waterfronts. It would authorize additional research through existing Federal programs as well as our non-federal research institutions. And it would authorize coordination of Federal programs.

The Great Lakes are a unique American treasure. We must recognize that we are only their temporary stewards. If Congress does not act to keep pace with the needs of the lakes, and the tens of millions of Americans dependent upon them and affected by their condition, the current problems will continue to build, and we may start to undo some of the good work that has already been done. We must be good stewards by ensuring that the Federal government meets its ongoing obligation to protect and restore the Great Lakes. This legislation will help us meet that great responsibility to future generations.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 793. A bill to provide for the expansion and improvement of traumatic brain injury programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I rise today to introduce legislation to reauthorize the Traumatic Brain Injury Act. It is my pleasure to be joined in this effort by the Chairman of the Senate Health, Education, Labor and Pension Committee, Senator TED KENNEDY, with whom I worked on the original legislation over 10 years ago.

Sustaining a traumatic brain injury—or TBI—can be both catastrophic and devastating. The financial and emotional costs to the individual, family, and community are enormous. Traumatic brain injuries contribute to a substantial number of deaths and cases of permanent disability annually.

Individuals with TBI and their families are often faced with challenges, such as improper diagnosis, inability to access support or rehabilitation services, institutional segregation, unemployment, and being forced to navigate complicated and cumbersome service and support systems.

Of the 1.4 million who sustain a TBI each year in the United States: 50,000 die; 235,000 are hospitalized; and 1.1 million are treated and released from an emergency department. Brain injuries are the most frequent reasons for visits to physicians and emergency rooms.

These statistics are more revealing when one considers that every 16 seconds someone in the U.S. sustains a head injury; and every 12 minutes, one of these people will die and another will become permanently disabled. Of those who survive, each year, an estimated 80,000 to 90,000 people experience the onset of long-term disability associated with a TBI. An additional 2,000 will exist in a persistent vegetative state.

Even more startling is the fact that brain injury kills more Americans under the age of 34 than all other causes combined and has claimed more lives since the turn of the century than all United States wars combined.

Recent publicity about brain injuries Americans have sustained in Iraq points out that TBI is an everyday threat to our servicemen and servicewomen—68 percent of war veterans are returning home with sustained brain injuries. According to the Defense and Veterans Brain Injury Center, which serves active duty military, their dependents and veterans with TBI, traumatic brain injury is one of the leading causes of death and disability on today's battlefield. While not specifically addressed by this bill, the Federal TBI program helps to provide resources that supplement the networks which serve our returning soldiers.

The distress of TBI is not limited to diagnosis. A survivor of a severe brain injury typically faces 5 to 10 years of intensive services and estimated lifetime costs can exceed $4 million. Direct medical costs and indirect costs such as lost productivity of TBI totaled an estimated $60 billion in the United States in 2000.

To recognize the large number of individuals and families struggling to access appropriate and community-based services, Senator KENNEDY and I wrote the TBI Act of 1996, PL 104-166.

The TBI Act of 1996 launched an effort to conduct expanded studies and to establish innovative programs for TBI. It gave the Health Resources and Services Administration (HRSA) authority to establish a grant program for States to assist it in addressing the needs of individuals with TBI and their families. It also delegated responsibilities in the areas of research, prevention, and surveillance to the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC), respectively.

Title XIII of the Children's Health Act of 2000, PL 106-310, reauthorized the programs of the TBI Act of 1996. This reauthorization also added a provision on protection and advocacy, P&A, services for individuals with TBI and their families by authorizing HRSA to make grants to State P&A Systems.

The Traumatic Brain Injury Act is the only Federal legislation that specifically addresses issues faced by 5.3 million American children and adults who live with a long-term disability as a result of traumatic brain injury. Reauthorization of the Traumatic Brain Injury Act will provide for the continuation of research, not only for the treatment of TBI, but also for prevention and awareness programs which will help decrease the occurrence of traumatic brain injury and improve the long-term outcome.

This legislation authorizes the Health Resources and Services Administration, HRSA, to make grants for projects of national significance that improve individual and family access to service systems; assist States in developing service capacity; improve monitoring and evaluation of rehabilitation services and supports; and address emerging needs of servicemen and women, veterans, and individuals and families who have experienced brain injury through service delivery demonstration projects.

This bill also authorizes HRSA to include the American Indian Consortium as an eligible recipient of competitive grants awarded to States, Territories, and the District of Columbia to develop comprehensive system of services and supports nationwide.

Furthermore, this bill instructs HRSA and the Administration on Developmental Disabilities to coordinate data collection regarding protection and advocacy services.

Also funded by the TBI program, the CDC supports multiple projects and programs, including those that monitor TBI, link people with TBI to information about services, and prevent TBI-related disabilities. These projects comprise initiatives such as generating national estimates for TBI deaths, hospitalizations, and emergency department visits; planning the future of TBI registries and data systems; and educating health care professionals about TBI. In addition, the CDC funds TBI research in various academic institutions to investigate TBI in children and adolescents.

This year, Congress has an opportunity to strengthen the TBI Act by authorizing the Centers for Disease Control and Prevention, CDC, to determine the incidence and prevalence of traumatic brain injury in the general population of the United States, including all age groups and persons in institutional settings such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities.

Brain injury is a complex issue and there is still much unknown. With Federal funds provided within the TBI program, researchers at the NIH are studying many issues related to the special cognitive and communication problems experienced by individuals who have traumatic brain injuries. Scientists are designing new evaluation tools to assess the special problems that children who have suffered traumatic brain injuries encounter. Because the brain of a child is vastly different from the brain of an adult, scientists are also examining the effects of various treatment methods that have been developed specifically for children. In addition, research is examining the effects of some medications on the recovery of speech, language, and cognitive abilities following traumatic brain injury. Reauthorization of the TBI program will enable this important research to continue and expand.

As I have mentioned, there is still a lot of unknown surrounding the issue of TBI; however, one aspect is definite, and that is that people are never the same after TBI. Not only are their lives forever changed, but they must face these changes in a compromised state. The TBI program offers balanced and coordinated public policy in brain injury prevention, research, education, and community-based services and supports for individuals living with traumatic brain injury and their families.

Reauthorization of the Traumatic Brain Injury Act will further provide mechanisms for the research, prevention, and treatment of TBI and the improvement of the quality of life for those Americans and their families who may sustain such a devastating disability. I ask my colleagues' support in promptly reauthorizing the Traumatic Brain Injury Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reauthorization of the Traumatic Brain Injury Act".

SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking "from hospitals and trauma centers" and inserting "from hospitals and emergency departments".

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

(1) in the section heading, by inserting "**SURVEILLANCE AND**" after "**NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY**";

(2) by striking "(a) **IN GENERAL**.—"; and

(3) in the matter preceding paragraph (1), by striking "may make grants" and all that follows through "to collect data concerning—" and inserting "may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—".

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C the following:

"SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.

"(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and the Director of the National Institutes of Health with respect to paragraphs (2) and (3), shall conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

"(1) In collaboration with appropriate State and local health-related agencies—

"(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

"(B) reporting national trends in traumatic brain injury.

"(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

"(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

"(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

"(b) DATES CERTAIN FOR REPORTS.—Not later than 3 years after the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary shall submit to the Congress a report describing findings made as a result of carrying out subsection (a).

"(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subparagraph (D) of subsection (d)(4), by striking "head brain injury" and inserting "brain injury"; and

(2) in subsection (i), by inserting ", and such sums as may be necessary for each of fiscal years 2008 through 2011" before the period at the end.

SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking "may make grants to States" and inserting "may make grants to States and American Indian consortia"; and

(B) by striking "health and other services" and inserting "rehabilitation and other services";

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term "State" each place such term appears and inserting the term "State or American Indian consortium"; and

(B) in paragraph (2), by striking "recommendations to the State" and inserting "recommendations to the State or American Indian consortium";

(3) in subsection (c), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(4) in subsection (e), by striking "A State that received" and all that follows through the period and inserting "A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act may complete the activities funded by the grant.";

(5) in subsection (f)—

(A) in the subsection heading, by inserting "AND AMERICAN INDIAN CONSORTIUM" after "STATE";

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(C) in clause (ii) of paragraph (1)(A), by striking "children and other individuals" and inserting "children, youth, and adults"; and

(D) in subsection (h)—

(i) by striking "Not later than 2 years after the date of the enactment of this section, the Secretary" and inserting "Not less than biannually, the Secretary"; and

(ii) by inserting "section 1253, and section 1254," after "programs established under this section,";

(6) by amending subsection (i) to read as follows:

"(i) DEFINITIONS.—For purposes of this section:

"(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

"(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities."; and

(7) in subsection (j), by inserting ", and such sums as may be necessary for each of the fiscal years 2008 through 2011" before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term "subsection (i)" each place such term appears and inserting "subsection (l)";

(2) in subsection (g), by inserting "each fiscal year not later than October 1," before "the Administrator shall pay";

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

"(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

"(j) TRAINING AND TECHNICAL ASSISTANCE.—

"(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

"(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

"(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000."; and

(5) in subsection (l) (as redesignated by this subsection) by striking "2005" and inserting "2011".

Mr. KENNEDY. Mr. President, it's a privilege to join with Senator HATCH in introducing legislation to reauthorize the Traumatic Brain Injury Act. The reauthorization will expand assistance to the millions of adults and children in the nation who are facing serious problems because of brain injuries. Its provisions also have a major role in meeting the critical needs facing many of our wounded soldiers returning home from the wars in Iraq and Afghanistan.

The numbers tell the story. As of this month, almost 25,000 service members have been wounded in Iraq, and approximately two-thirds of the injuries include brain injuries. Here at home, an extremely high number of children from birth to age 14 experience traumatic brain injuries—approximately 475,000 a year—and some of the most frequent injuries are among children under the age of five.

Soldiers and children—I cannot think of two more deserving groups of people in our nation.

Reauthorization of the Act is essential to continue the availability of federal funds for traumatic brain injury programs. The bill reauthorizes grants that assist States, Territories, and the District of Columbia in establishing and expanding coordinated systems of community-based services and supports for children and adults with such injuries. It also extends the ability to apply for these grants to American Indian Consortia.

When Congress approved the Traumatic Brain Injury Act as part of the Children's Health Act of 2000, we had the foresight to establish a specific provision called the Protection and Advocacy for Individuals with Traumatic Brain Injury Program. This program has proved to be essential because individuals with traumatic brain injuries have an array of needs, including assistance in returning to work, finding a place to live, obtaining supports and services such as attendant care and assistive technology, and obtaining appropriate mental health, substance abuse, and rehabilitation services.

Often these individuals—especially our returning veterans—must remain in extremely expensive institutions far longer than necessary, because the community-based supports and services they need are not available. Such services can lead both to reduced government expenditures and to increased productivity, independence and community integration, but the advocates must possess special skills, and their work is often time-intensive.

In addition, our legislation provides funds for CDC programs that provide extremely important data gathering and information on injury prevention. In a time when both the Administration and Congress are searching for programs that provide the right kind of "bang for the federal buck," an Institute of Medicine report last March showed that the TBI programs work. The programs in the Act were funded for a total of only $12 million dollars last year, and yet their benefit is obvious. Clearly these programs should be reauthorized and the funding should be increased. Although the reauthorization is for "such sums as may be necessary," we must do all we can to expand the appropriations in the years ahead in order to meet the urgent need for this assistance.

The IOM report called the current TBI programs an "overall success," stating that "there is considerable value in providing . . . funding," and "it is worrisome that the modestly budgeted HRSA TBI Program continues to be vulnerable to budget cuts." As the study suggests, this program must be continued and allowed to grow, so that each state has the resources necessary to maintain vital services and advocacy for the estimated 5.3 million people currently living with disabilities resulting from brain injury. When our wounded soldiers return to their communities, the services and supports they need must be available.

The nation owes these deserving people—especially our service members and our children—the services and advocacy available under these critical programs. I urge my colleagues to act quickly on this important reauthorization and enact this bipartisan bill as soon as possible.

By Mr. OBAMA (for himself, Mr. MENENDEZ, Mr. SALAZAR, and Mr. BINGAMAN):

S. 795. A bill to assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. OBAMA. Mr. President, I am proud to introduce the Citizenship Promotion Act (CPA) of 2007 with my good friend Congressman LUIS GUTIERREZ. In the Senate, we are joined by Senator SALAZAR, Senator MENENDEZ, and Senator BINGAMAN. The CPA will encourage the U.S. Citizenship and Immigration Services (USCIS) to charge fees for services to legal immigrants that are fair and reasonable, and it would remove other potential bureaucratic barriers to the pursuit of citizenship.

Immigration policy remains one of the most contentious and divisive issues in our politics. And it is contentious and divisive because our policies are full of mixed messages. We must state clearly what our immigration policy should achieve—a legal, orderly, and secure immigration system that values immigrants, recognizes our right to control who enters our country, and promotes the legal pursuit of citizenship.

Most recently, the unanimous declarations of our support for legal immigrants has run head on into a USCIS proposal to dramatically increase immigration application fees beyond the reach of many working class legal immigrants. For a family of four that is working hard and legally pursuing the American dream, the new fees could put citizenship out of reach for many immigrants. For a family of four, the new fees would raise the cost of the application for citizenship by 80 percent to more than $2,400 dollars. And the fees for all other services will rise as well.

The Administration argues that people will pay any fee to become Americans. For many people, that is true. But for others, the new fee will send the message that they need only apply if they can afford it. It sends the message that we measure character based on income.

Our government has never provided services based on what people are willing to pay. That is why we are introducing the Citizenship Promotion Act to ensure that immigration application fees are both reasonable and fair and that the citizenship process itself respects the individuality of each applicant.

For immigrants who choose to come to America and pursue citizenship, there are numerous barriers. First, family, friends, and community are left behind. The new communities they enter come with the challenge of a new language, different social norms, and sometimes discrimination. And yet, every year, thousands of immigrants fully embrace the values and ideals that make us all Americans and unite us in our common pursuit of a better, more democratic society.

The dues we charge legal immigrants for joining the American family, from application fees to naturalization tests to background checks are all necessary, but should not eliminate people on the basis of income, age, or ethnicity. Excessive fees, testing that asks trivial questions or is administered without consideration for the applicant's circumstances, and background checks that take years to complete tell us more about ourselves than they do about those wishing to enter.

We believe that there are ways to help cushion the blow to immigrants from increased costs without hurting the agency. The CPA would make it clear to the USCIS that application fees do not need to fund all direct and indirect costs. We would maintain fees at their current levels and require that before raising fees any further, the agency report to Congress on its direct and indirect costs and how much in appropriations it would need to establish reasonable and fair fees.

In addition to ensuring that fees are fair, we want to make sure that other aspects of pursuing citizenship are fair as well. Our bill requires that citizenship tests be administered with consideration for the applicant, that the agency work with the FBI to move background checks through the process more quickly, and that any new application procedure make it possible for people without Internet access to continue submitting their applications on paper. The bill also creates a new grant program to give community based organizations the resources necessary to prepare and equip immigrants to become citizens.

Let's stop sending mixed messages. Let's work together and set immigration fees at a level that are fair and consistent with our commitment to being an open, democratic, and egalitarian society.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 797. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. WEBB, Mr. LEVIN, and Mrs. CLINTON):

S. 798. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, in just five years, our Nation will observe the bicentennial of a defining moment in our Nation's history—the war of 1812. Sometimes referred to as America's "Second War of Independence," the War of 1812 played a critical role in shaping our national heritage and identity. To ensure that this anniversary will be commemorated properly and in a timely manner, I am today re-introducing legislation to establish the Star Spangled Banner National Historic Trail and the Star-Spangled Banner and War of 1812 Bicentennial Commission. Joining me in co-sponsoring one or more of these measures are my colleagues Senators MIKULSKI, WARNER, WEBB, LEVIN, and CLINTON. I spoke during the 109th Congress about the significance of the War of 1812, its impact on our Nation's history and culture and the rationale for these two measures. I want to highlight some of those principal points today.

The United States declared war on Britain in June 1812, after enduring years of naval blockades, trade restrictions with the European continent, and seizure of American ships and sailors in the ongoing war between Britain and France. With only a small army and practically no navy, our young Nation was ill-prepared to face Britain—then the world's preeminent naval power. By the summer of 1814 defeat seemed certain, with the British combined land and sea invasion of the Chesapeake region and the burning of the Capitol, the White House and much of the federal city. But in their attack on Baltimore, the British met stiff resistance. American patriots successfully defended Fort McHenry and the British invasion was repelled. It was during this battle that Francis Scott Key witnessed our flag flying intact, despite the continuous bombardment, and wrote the words which were to become our National Anthem. Today, many historians see the War of 1812 as the definitive end of the American Revolution—a war which preserved and strengthened our democracy, brought America to the international stage, and helped forge our national identity through the symbols of the National Anthem and the Star Spangled Banner.

To commemorate the historic events associated with the War of 1812, eight years ago I joined with my predecessor, Senator Paul Sarbanes, in sponsoring legislation directing the National Park Service to conduct a study of the feasibility and desirability of designating the routes used by the British and Americans during the Chesapeake Campaign of the War of 1812 as a National Historic Trail. That study was completed in March 2004 and recommended that the proposed Star Spangled Banner National Historic

Trail ". . . be established by the Congress as a national historic trail with commemorative recreation and driving routes and water trails." The study found that the proposed series of land and water trails fully meet the eligibility criteria for designation as a National Historic Trail—they retain historic integrity, are nationally significant, and have significant potential for public recreational use and historic interpretation. The study recommended that the trail be managed through a partnership between the National Park Service, a trail organization and state and local authorities and concluded that the costs of implementing the proposed trail would be minimal. The study also recommended that the Congress". . . establish a War of 1812 Bicentennial Commission to coordinate the 200th anniversary of the War of 1812."

The two pieces of legislation I am reintroducing today would implement these two recommendations of the National Park Service. The first measure would authorize the establishment of the Star Spangled Banner National Historic Trail, an approximately 290-mile series of land and water trails tracing the story of the only combined naval and land attack on the United States and the events leading up to the writing of the Star Spangled Banner. Sites along the National Historic Trail would mark some of the most important events of the War of 1812 including battles between the British Navy and the American Chesapeake Flotilla in St. Leonard's Creek in Calvert County; the British landing at Benedict; the Battle of Bladensburg; the burning of the Nation's Capitol, White House and Washington Navy Yard; the British naval feints up the Potomac River to Alexandria and on the upper Chesapeake Bay; the Battle of North Point; and the successful American defense of Fort McHenry on September 14, 1814, which inspired the poem that became our National Anthem. The second measure would authorize the establishment of a "Star Spangled Banner and War of 1812 Bicentennial Commission" to plan, coordinate and facilitate programs and other efforts to commemorate the historic events associated with the War of 1812. Made up, in part, by citizens from the thirty states involved in the War, the Commission is tasked with planning, encouraging, developing, executing and coordinating programs to ensure a suitable national observance of the War of 1812. Both these measures were approved by the full Senate during the 109th Congress, but unfortunately were not acted upon by the House Committees of jurisdiction.

With the bicentennial of the War of 1812 quickly approaching, it is vital that the Congress move swiftly to approve these measures and enable the proper commemoration of this important period in our nation's history. The legislation will help provide Americans and visitors alike with a better understanding and appreciation of our heritage.

I ask unanimous consent that the text of the two measures I am introducing be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Star-Spangled Banner National Historic Trail Act".

SEC. 2. AUTHORIZATION AND ADMINISTRATION OF TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles extending from southern Maryland through the District of Columbia and Virginia, and north to Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints and the Battle of Baltimore in summer 1814), as generally depicted on the maps contained in the report entitled 'Star-Spangled Banner National Historic Trail Feasibility Study and Environmental Impact Statement', and dated March 2004.

"(B) MAP.—A map generally depicting the trail shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

"(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

"(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide to State and local governments and nonprofit organizations interpretive programs and services and, through Fort McHenry National Monument and Shrine, technical assistance, for use in carrying out preservation and development of, and education relating to the War of 1812 along, the trail.".

S. 798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Star-Spangled Banner and War of 1812 Bicentennial Commission Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the War of 1812 served as a crucial test for the United States Constitution and the newly established democratic Government;

(2) vast regions of the new multi-party democracy, including the Chesapeake Bay, the Gulf of Mexico and the Niagara Frontier, were affected by the War of 1812 including the States of Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Missouri, Mississippi, New Jersey, North Carolina, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and the District of Columbia;

(3) the British occupation of American territory along the Great Lakes and in other regions, the burning of Washington, D.C., the American victories at Fort McHenry, New Orleans, and Plattsburgh, among other battles, had far reaching effects on American society;

(4) at the Battle of Baltimore, Francis Scott Key wrote the poem that celebrated the flag and later was titled "the Star-Spangled Banner";

(5) the poem led to the establishment of the flag as an American icon and became the words of the national anthem of the United States in 1932; and

(6) it is in the national interest to provide for appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) establish the Star-Spangled Banner and War of 1812 Commemoration Commission;

(2) ensure a suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various States involved in the commemoration;

(3) encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites;

(4) facilitate international involvement in the War of 1812 observances;

(5) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the War of 1812 observances; and

(6) promote the protection of War of 1812 resources and assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the War of 1812.

(2) COMMISSION.—The term "Commission" means the Star-Spangled Banner and War of 1812 Bicentennial Commission established in section 4(a).

(3) QUALIFIED CITIZEN.—The term "qualified citizen" means a citizen of the United States with an interest in, support for, and expertise appropriate to the commemoration.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATES.—The term "States"—

(A) means the States of Alabama, Kentucky, Indiana, Louisiana, Maryland, Virginia, New York, Maine, Michigan, and Ohio; and

(B) includes agencies and entities of each State.

SEC. 4. STAR-SPANGLED BANNER AND WAR OF 1812 COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the "Star-Spangled Banner and War of 1812 Bicentennial Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 21 members, of whom—

(A) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Maryland, Louisiana, and Virginia;

(B) 7 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Alabama, Kentucky, Indiana, New York, Maine, Michigan and Ohio;

(C) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Mayors of the District of Columbia, the City of Baltimore, and the City of New Orleans;

(D) 2 members shall be employees of the National Park Service, of whom—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration;

(E) 4 members shall be qualified citizens appointed by the Secretary with consideration of recommendations—

(i) 1 of which are submitted by the majority leader of the Senate;

(ii) 1 of which are submitted by the minority leader of the Senate;

(iii) 1 of which are submitted by the majority leader of the House of Representatives;

(iv) 1 of which are submitted by the minority leader of the House of Representatives; and

(F) 2 members shall be appointed by the Secretary from among individuals with expertise in the history of the War of 1812.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) VOTING.—

(1) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a chairperson and a vice chairperson from among the members of the Commission.

(2) ABSENCE OF CHAIRPERSON.—The vice chairperson shall act as chairperson in the absence of the chairperson.

(f) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed and funds have been provided, the Commission shall hold the initial meeting of the Commission.

(g) MEETINGS.—Not less than twice a year, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(h) REMOVAL.—Any member who fails to attend 3 successive meetings of the Commission or who otherwise fails to participate substantively in the work of the Commission may be removed by the Secretary and the vacancy shall be filled in the same manner as the original appointment was made. Members serve at the discretion of the Secretary.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(2) facilitate the commemoration throughout the United States and internationally;

(3) coordinate the activities of the Commission with State commemoration commissions, the National Park Service, the Department of Defense, and other appropriate Federal agencies;

(4) encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the United States to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(5) provide technical assistance to States, localities, units of the National Park System, and nonprofit organizations to further the commemoration and commemorative events;

(6) coordinate and facilitate scholarly research on, publication about, and interpretation of the people and events associated with the War of 1812;

(7) design, develop, and provide for the maintenance of an exhibit that will travel throughout the United States during the commemoration period to interpret events of the War of 1812 for the educational benefit of the citizens of the United States;

(8) ensure that War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(9) examine and review essential facilities and infrastructure at War of 1812 sites and identify possible improvements that could be made to enhance and maximize visitor experience at the sites.

(b) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan and annual performance plans for any activity carried out by the Commission under this Act.

(c) REPORTS.—

(1) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall submit to the Secretary and Congress a final report that includes—

(A) a summary of the activities of the Commission;

(B) a final accounting of any funds received or expended by the Commission; and

(C) the final disposition of any historically significant items acquired by the Commission and other properties not previously reported.

SEC. 6. POWERS.

(a) IN GENERAL.—The Commission may—

(1) solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration in accordance with Department of the Interior and National Park Service written standards for accepting gifts from outside sources;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action the Commission is authorized to take under this Act;

(4) use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government; and

(5) make grants to communities, nonprofit, commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(b) LEGAL AGREEMENTS.—

(1) IN GENERAL.—In carrying out this Act, the Commission may—

(A) procure supplies, services, and property; and

(B) make or enter into contracts, leases, or other legal agreements.

(2) LENGTH.—Any contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission in accordance with applicable laws.

(d) FACA APPLICATION.—The Federal Advisory Committee Act (5 U.S.C. App.)—

(1) shall not apply to the Commission; and

(2) shall apply to advisory committees established under subsection (a)(2).

(e) NO EFFECT ON AUTHORITY.—Nothing in this Act supersedes the authority of the States or the National Park Service concerning the commemoration.

SEC. 7. PERSONNEL MATTERS.

(a) MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(A), a member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STATUS.—A member of the Commission, who is not otherwise a Federal employee, shall be considered a Federal employee only for purposes of the provisions of law related to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and termination of employees (including regulations), appoint and terminate an executive director, subject to confirmation by the Commission, and appoint and terminate such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) STATUS.—The Executive Director and other staff appointed under this subsection

shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(3) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of basic pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) SERVICE ON COMMISSION.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(B) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(C) CIVIL SERVICE STATUS.—Notwithstanding any other provisions in this section, Federal employees who serve on the Commission, are detailed to the Commission, or otherwise provide services under the Act, shall continue to be Federal employees for the purpose of any law specific to Federal employees, without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from States (including subdivisions of States) under subchapter VI of chapter 33 of title 5, United States Code; and

(B) reimburse States for services of detailed personnel.

(d) MEMBERS OF ADVISORY COMMITTEES.—Members of advisory committees appointed under section 6(a)(2)—

(1) shall not be considered employees of the Federal Government by reason of service on the committees for the purpose of any law specific to Federal employees, except for the purposes of chapter 11 of title 18, United States Code, relating to conflicts of interest; and

(2) may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines necessary.

(f) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may employ experts and consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title. Such personnel shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as are necessary for each of fiscal years 2008 through 2015.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until December 31, 2015.

SEC. 9. TERMINATION OF COMMISSION.

(a) IN GENERAL.—The Commission shall terminate on December 31, 2015.

(b) TRANSFER OF MATERIALS.—Not later than the date of termination, the Commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, exhibits, and any materials donated to the Commission that relate to the War of 1812, to Fort McHenry National Monument and Historic Shrine.

(c) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date of termination shall be deposited in the general fund of the Treasury.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. INOUYE, Mr. SALAZAR, Mr. BIDEN, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SCHUMER, and Mr. DODD):

S. 799. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes, to the Committee on Finance.

Mr. HARKIN. Mr. President, today, Senator SPECTER and I, and others introduce the Community Choice Act. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Medicaid policy, the deck is stacked in favor of living in an institutional setting. Federal law requires that States cover nursing home care in their Medicaid programs, but there is no similar requirement for attendant services. The purpose of our bill is to level the playing field, and to give eligible individuals equal access to the community-based services and supports that they need.

Although some States have already recognized the benefits of home and community-based services, they are unevenly distributed and only reach a small percentage of eligible individuals. Some States are now providing the personal care optional benefit through their Medicaid program, but others do not.

Those left behind are often needlessly institutionalized because they cannot access community alternatives. The civil right of a person with a disability to be integrated into their own community should not depend on their address. In Olmstead v. L.C., the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans with Disabilities Act. We in Congress have a responsibility to help States meet their obligations under Olmstead.

The Community Choice Act is designed to do just that, and to make the promise of the ADA a reality. It will help rebalance the current Medicaid long term care system, which spends a disproportionate amount on institutional services. Today, almost two-thirds of Medicaid long term care dollars are spent on institutional services, with only one-third going to community-based care.

This current imbalance means that individuals do not have equal access to community-based care throughout this country. An individual should not have to move to another State in order to avoid needless segregation. Nor should they have to move away from family and friends because their own choice is an institution.

Federal Medicaid policy should reflect the goals of the ADA that Americans with disabilities should have equal opportunity, and the right to fully participate in their communities. No one should have to sacrifice their ability to participate because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

We have made some progress to date, as CMS has started to award Money Follows the Person demonstration grants. But that is only a start. Together, that initiative and the Community Choice Act could substantially reform long term services in this country. With appropriate community-based services and supports, we can transform the lives of people with disabilities. They can live with family and friends, not strangers. They can be the neighbor down the street, not the person warehoused down the hall. This is not asking too much. This is the bare minimum that we should demand for every human being.

Community based services and supports allow people with disabilities to lead independent lives, have jobs, and participate in the community. Some will become taxpayers, some will get an education, and some will participate in recreational and civic activities. But all will experience a chance to make their own choices and to govern their own lives.

The Community Choice Act will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream and I urge all my colleagues to support us on this issue. I want to thank Senator SPECTER for his leadership on this issue and his commitment to improving access to home and community-based services for people with disabilities. I would also like to thank Senators KENNEDY, INOUYE, SALAZAR, BIDEN, LIEBERMAN, CLINTON, SCHUMER, and DODD for joining me in this important initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Choice Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

Sec. 101. Coverage of community-based attendant services and supports under the Medicaid program.
Sec. 102. Enhanced FMAP for ongoing activities of early coverage States that enhance and promote the use of community-based attendant services and supports.
Sec. 103. Increased Federal financial participation for certain expenditures.

TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

Sec. 201. Grants to promote systems change and capacity building.
Sec. 202. Demonstration project to enhance coordination of care under the Medicare and Medicaid programs for dual eligible individuals.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Long-term services and supports provided under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) must meet the ability and life choices of individuals with disabilities and older Americans, including the choice to live in one's own home or with one's own family and to become a productive member of the community.

(2) Research on the provision of long-term services and supports under the Medicaid program (conducted by and on behalf of the Department of Health and Human Services) has revealed a significant funding and programmatic bias toward institutional care. Only about 37 percent of long-term care funds expended under the Medicaid program, and only about 12.5 percent of all funds expended under that program, pay for services and supports in home and community-based settings.

(3) In the case of Medicaid beneficiaries who need long-term care, the only long-term care service currently guaranteed by Federal law in every State are services related to nursing home care. Only 30 States have adopted the benefit option of providing personal care services under the Medicaid program. Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly available within and across States, and reach a small percentage of eligible individuals. In fiscal year 2003, only 7 States spent 50 percent or more of their Medicaid long-term care funds under the Medicaid program on home and community-based care. Individuals with the most significant disabilities are usually afforded the least amount of choice, despite advances in medical and assistive technologies and related areas.

(4) Despite the more limited funding for community services, the majority of individuals who use Medicaid long-term services and supports are in the community, indicating that community services is a more cost effective alternative to institutional care.

(5) The goals of the Nation properly include providing families of children with disabilities, working-age adults with disabilities, and older Americans with—

(A) a meaningful choice of receiving long-term services and supports in the most integrated setting appropriate to the individual's needs;

(B) the greatest possible control over the services received and, therefore, their own lives and futures; and

(C) quality services that maximize independence in the home and community, including in the workplace.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To reform the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide services in the most integrated setting appropriate to the individual's needs, and to provide equal access to community-based attendant services and supports in order to assist individuals in achieving equal opportunity, full participation, independent living, and economic self-sufficiency.

(2) To provide financial assistance to States as they reform their long-term care systems to provide comprehensive statewide long-term services and supports, including community-based attendant services and supports that provide consumer choice and direction, in the most integrated setting appropriate.

(3) To assist States in meeting the growing demand for community-based attendant services and supports, as the Nation's population ages and individuals with disabilities live longer.

(4) To assist States in addressing the decision of the Supreme Court in *Olmstead v. L.C.*, (527 U.S. 581 (1999)) and implementing the integration mandate of the Americans with Disabilities Act.

TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

SEC. 101. COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) MANDATORY COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting "(i)" after "(D)";

(2) by adding "and" after the semicolon; and

(3) by adding at the end the following new clause:

"(ii) subject to section 1939, for the inclusion of community-based attendaht services and supports for any individual who—

"(I) is eligible for medical assistance under the State plan;

"(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded (whether or not coverage of such institution or intermediate care facility is provided under the State plan); and

"(III) chooses to receive such services and supports;".

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following:

"COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

"SEC. 1939. (a) REQUIRED COVERAGE.—

"(1) IN GENERAL.—Not later than October 1, 2012, a State shall provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

"(2) ENHANCED FMAP AND ADDITIONAL FEDERAL FINANCIAL SUPPORT FOR EARLIER COVERAGE.—Notwithstanding section 1905(b), during the period that begins on October 1, 2007, and ends on September 30, 2012, in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section on or after the date of the approval of such plan amendment.

"(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall provide the Secretary with the following assurances:

"(1) ASSURANCE OF DEVELOPMENT AND IMPLEMENTATION COLLABORATION.—

"(A) IN GENERAL.—That State plan amendment—

"(i) has been developed in collaboration with, and with the approval of, a Development and Implementation Council established by the State that satisfies the requirements of subparagraph (B); and

"(ii) will be implemented in collaboration with such Council and on the basis of public input solicited by the State and the Council.

"(B) DEVELOPMENT AND IMPLEMENTATION COUNCIL REQUIREMENTS.—For purposes of subparagraph (A), the requirements of this subparagraph are that—

"(i) the majority of the members of the Development and Implementation Council are individuals with disabilities, elderly individuals, and their representatives; and

"(ii) in carrying out its responsibilities, the Council actively collaborates with—

"(I) individuals with disabilities;

"(II) elderly individuals;

"(III) representatives of such individuals; and

"(IV) providers of, and advocates for, services and supports for such individuals.

"(2) ASSURANCE OF PROVISION ON A STATEWIDE BASIS AND IN MOST INTEGRATED SETTING.—That consumer controlled community-based attendant services and supports will be provided under the State plan to individuals described in section 1902(a)(10)(D)(ii) on a statewide basis and in a manner that provides such services and supports in the most integrated setting appropriate to the individual's needs.

"(3) ASSURANCE OF NONDISCRIMINATION.—That the State will provide community-based attendant services and supports to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual's age, type or nature of disability, severity of disability, or the form of community-based attendant services and supports that the individual requires in order to lead an independent life.

"(4) ASSURANCE OF MAINTENANCE OF EFFORT.—That the level of State expenditures for medical assistance that is provided under section 1905(a), section 1915, section 1115, or otherwise to individuals with disabilities or elderly individuals for a fiscal year shall not be less than the level of such expenditures for the fiscal year preceding the first full fiscal year in which the State plan amendment to provide community-based attendant services and supports in accordance with this section is implemented.

"(c) REQUIREMENTS FOR ENHANCED FMAP FOR EARLY COVERAGE.—In addition to satisfying the other requirements for an approved plan amendment under this section, in order for a State to be eligible under subsection (a)(2) during the period described in that subsection for the enhanced FMAP for early coverage under subsection (a)(2), the State shall satisfy the following requirements:

"(1) SPECIFICATIONS.—With respect to a fiscal year, the State shall provide the Secretary with the following specifications regarding the provision of community-based attendant services and supports under the plan for that fiscal year:

"(A)(i) The number of individuals who are estimated to receive community-based attendant services and supports under the plan during the fiscal year.

"(ii) The number of individuals that received such services and supports during the preceding fiscal year.

"(B) The maximum number of individuals who will receive such services and supports under the plan during that fiscal year.

"(C) The procedures the State will implement to ensure that the models for delivery of such services and supports are consumer controlled (as defined in subsection (g)(2)(B)).

"(D) The procedures the State will implement to inform all potentially eligible individuals and relevant other individuals of the availability of such services and supports under this title, and of other items and services that may be provided to the individual under this title or title XVIII and other Federal or State long-term service and support programs.

"(E) The procedures the State will implement to ensure that such services and supports are provided in accordance with the requirements of subsection (b)(1).

"(F) The procedures the State will implement to actively involve in a systematic, comprehensive, and ongoing basis, the Development and Implementation Council established in accordance with subsection (b)(1)(A)(ii), individuals with disabilities, elderly individuals, and representatives of such individuals in the design, delivery, administration, implementation, and evaluation of the provision of such services and supports under this title.

"(2) PARTICIPATION IN EVALUATIONS.—The State shall provide the Secretary with such substantive input into, and participation in, the design and conduct of data collection, analyses, and other qualitative or quantitative evaluations of the provision of community-based attendant services and supports under this section as the Secretary deems necessary in order to determine the effectiveness of the provision of such services and supports in allowing the individuals receiving such services and supports to lead an independent life to the maximum extent possible.

"(d) QUALITY ASSURANCE.—

"(1) STATE RESPONSIBILITIES.—In order for a State plan amendment to be approved under this section, a State shall establish and maintain a comprehensive, continuous quality assurance system with respect to community-based attendant services and supports that provides for the following:

"(A) The State shall establish requirements, as appropriate, for agency-based and other delivery models that include—

"(i) minimum qualifications and training requirements for agency-based and other models;

"(ii) financial operating standards; and

"(iii) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

"(B) The State shall modify the quality assurance system, as appropriate, to maximize consumer independence and consumer control in both agency-provided and other delivery models.

"(C) The State shall provide a system that allows for the external monitoring of the quality of services and supports by entities consisting of consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, members of the community, and others.

"(D) The State shall provide for ongoing monitoring of the health and well-being of each individual who receives community-based attendant services and supports.

"(E) The State shall require that quality assurance mechanisms pertaining to the individual be included in the individual's written plan.

"(F) The State shall establish a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

"(G) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's plan and the individual's satisfaction with such services and supports.

"(H) The State shall make available to the public the findings of the quality assurance system.

"(I) The State shall establish an ongoing public process for the development, implementation, and review of the State's quality assurance system.

"(J) The State shall develop and implement a program of sanctions for providers of community-based services and supports that violate the terms or conditions for the provision of such services and supports.

"(2) FEDERAL RESPONSIBILITIES.—

"(A) PERIODIC EVALUATIONS.—The Secretary shall conduct a periodic sample review of outcomes for individuals who receive community-based attendant services and supports under this title.

"(B) INVESTIGATIONS.—The Secretary may conduct targeted reviews and investigations upon receipt of an allegation of neglect, abuse, or exploitation of an individual receiving community-based attendant services and supports under this section.

"(C) DEVELOPMENT OF PROVIDER SANCTION GUIDELINES.—The Secretary shall develop guidelines for States to use in developing the sanctions required under paragraph (1)(J).

"(e) REPORTS.—The Secretary shall submit to Congress periodic reports on the provision of community-based attendant services and supports under this section, particularly with respect to the impact of the provision of such services and supports on—

"(1) individuals eligible for medical assistance under this title;

"(2) States; and

"(3) the Federal Government.

"(f) NO EFFECT ON ABILITY TO PROVIDE COVERAGE.—

"(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under section 1905(a), section 1915, section 1115, or otherwise.

"(2) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under subsection (a)(2) for the enhanced FMAP for the early provision of such coverage unless the State submits a plan amendment to the Secretary that meets the requirements of this section and demonstrates that the State is able to fully comply with and implement the requirements of this section.

"(g) DEFINITIONS.—In this title:

"(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

"(A) IN GENERAL.—The term 'community-based attendant services and supports' means attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance, supervision, or cueing—

"(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to in writing by the individual or, as appropriate, the individual's representative;

"(ii) in a home or community setting, which shall include but not be limited to a school, workplace, or recreation or religious facility, but does not include a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded;

"(iii) under an agency-provider model or other model (as defined in paragraph (2)(C));

"(iv) the furnishing of which—

"(I) is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative; and

"(II) provided by an individual who is qualified to provide such services, including family members (as defined by the Secretary).

"(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes—

"(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks;

"(ii) the acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related tasks;

"(iii) backup systems or mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

"(iv) voluntary training on how to select, manage, and dismiss attendants.

"(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

"(i) the provision of room and board for the individual;

"(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

"(iii) assistive technology devices and assistive technology services;

"(iv) durable medical equipment; or

"(v) home modifications.

"(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs, such as rent and utility deposits, first month's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility, institution for mental diseases, or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

"(2) ADDITIONAL DEFINITIONS.—

"(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

"(B) CONSUMER CONTROLLED.—The term 'consumer controlled' means a method of selecting and providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

"(C) DELIVERY MODELS.—

"(i) AGENCY-PROVIDER MODEL.—The term 'agency-provider model' means, with respect to the provision of community-based attendant services and supports for an individual, subject to clause (iii), a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

"(ii) OTHER MODELS.—The term 'other models' means, subject to clause (iii), methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

"(iii) COMPLIANCE WITH CERTAIN LAWS.—A State shall ensure that, regardless of whether the State uses an agency-provider model or other models to provide services and supports under a State plan amendment under this section, such services and supports are provided in accordance with the requirements of the Fair Labor Standards Act of 1938 and applicable Federal and State laws regarding—

"(I) withholding and payment of Federal and State income and payroll taxes;

"(II) the provision of unemployment and workers compensation insurance;

"(III) maintenance of general liability insurance; and

"(IV) occupational health and safety.

"(D) HEALTH-RELATED TASKS.—The term 'health-related tasks' means specific tasks that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

"(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' includes, but is not limited to, meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and traveling around and participating in the community.

"(F) INDIVIDUALS REPRESENTATIVE.—The term 'individual's representative' means a parent, a family member, a guardian, an advocate, or other authorized representative of an individual.".

(c) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (i), by striking "(17) and (21)" and inserting "(17), (21), and (28)".

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) by striking "and" at the end of paragraph (27);

(B) by redesignating paragraph (28) as paragraph (29); and

(C) by inserting after paragraph (27) the following:

"(28) community-based attendant services and supports (to the extent allowed and as defined in section 1939); and".

(3) IMD/ICFMR REQUIREMENTS.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting "and (28)" after "(24)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section (other than the amendment made by subsection (c)(1)) take effect on October 1, 2007, and apply to medical assistance provided for community-based attendant services and supports described in section 1939 of the Social Security Act furnished on or after that date.

(2) MANDATORY BENEFIT.—The amendment made by subsection (c)(1) takes effect on October 1, 2012.

SEC. 102. ENHANCED FMAP FOR ONGOING ACTIVITIES OF EARLY COVERAGE STATES THAT ENHANCE AND PROMOTE THE USE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.

(a) IN GENERAL.—Section 1939 of the Social Security Act, as added by section 101(b), is amended—

(1) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(2) in subsection (a)(1), by striking "subsection (g)(1)" and inserting "subsection (i)(1)";

(3) in subsection (a)(2), by inserting ", and with respect to expenditures described in subsection (d), the Secretary shall pay the State the amount described in subsection (d)(1)" before the period;

(4) in subsection (c)(1)(C), by striking "subsection (g)(2)(B)" and inserting "subsection (i)(2)(B)"; and

(5) by inserting after subsection (c), the following:

"(d) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR EARLY COVERAGE STATES THAT MEET CERTAIN BENCHMARKS.—

"(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsection (a)(2), the amount and expenditures described in this subsection are an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the expenditures incurred by the State for the provision or conduct of the services or activities described in paragraph (3).

"(2) EXPENDITURE CRITERIA.—A State shall—

"(A) develop criteria for determining the expenditures described in paragraph (1) in collaboration with the individuals and representatives described in subsection (b)(1); and

"(B) submit such criteria for approval by the Secretary.

"(3) SERVICES, SUPPORTS AND ACTIVITIES DESCRIBED.—For purposes of paragraph (1), the services, supports and activities described in this subparagraph are the following:

"(A) 1-stop intake, referral, and institutional diversion services.

"(B) Identifying and remedying gaps and inequities in the State's current provision of long-term services and supports, particularly those services and supports that are provided based on such factors as age, severity of disability, type of disability, ethnicity, income, institutional bias, or other similar factors.

"(C) Establishment of consumer participation and consumer governance mechanisms, such as cooperatives and regional service authorities, that are managed and controlled by individuals with significant disabilities who use community-based services and supports or their representatives.

"(D) Activities designed to enhance the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports.

"(E) Continuous, comprehensive quality improvement activities that are designed to ensure and enhance the health and well-being of individuals who rely on community-based attendant services and supports, particularly activities involving or initiated by consumers of such services and supports or their representatives.

"(F) Family support services to augment the efforts of families and friends to enable individuals with disabilities of all ages to live in their own homes and communities.

"(G) Health promotion and wellness services and activities.

"(H) Provider recruitment and enhancement activities, particularly such activities that encourage the development and maintenance of consumer controlled cooperatives or other small businesses or micro-enterprises that provide community-based attendant services and supports or related services.

"(I) Activities designed to ensure service and systems coordination.

"(J) Any other services or activities that the Secretary deems appropriate.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007.

SEC. 103. INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.

(a) IN GENERAL.—Section 1939 of the Social Security Act, as added by section 101(b) and amended by section 102, is amended by inserting after subsection (d) the following:

"(e) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.—

"(1) ELIGIBILITY FOR PAYMENT.—

"(A) IN GENERAL.—In the case of a State that the Secretary determines satisfies the requirements of subparagraph (B), the Secretary shall pay the State the amounts described in paragraph (2) in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

"(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

"(i) The State has an approved plan amendment under this section.

"(ii) The State has incurred expenditures described in paragraph (2).

"(iii) The State develops and submits to the Secretary criteria to identify and select such expenditures in accordance with the requirements of paragraph (3).

"(iv) The Secretary determines that payment of the applicable percentage of such expenditures (as determined under paragraph (2)(B)) would enable the State to provide a meaningful choice of receiving community-based services and supports to individuals with disabilities and elderly individuals who would otherwise only have the option of receiving institutional care.

"(2) AMOUNTS AND EXPENDITURES DESCRIBED.—

"(A) EXPENDITURES IN EXCESS OF 150 PERCENT OF BASELINE AMOUNT.—The amounts and expenditures described in this paragraph are an amount equal to the applicable percentage, as determined by the Secretary in accordance with subparagraph (B), of the expenditures incurred by the State for the provision of community-based attendant services and supports to an individual that exceed 150 percent of the average cost of providing nursing facility services to an individual who resides in the State and is eligible for such services under this title, as determined in accordance with criteria established by the Secretary.

"(B) APPLICABLE PERCENTAGE.—The Secretary shall establish a payment scale for the expenditures described in subparagraph (A) so that the Federal financial participation for such expenditures gradually increases from 70 percent to 90 percent as such expenditures increase.

"(3) SPECIFICATION OF ORDER OF SELECTION FOR EXPENDITURES.—In order to receive the amounts described in paragraph (2), a State shall—

"(A) develop, in collaboration with the individuals and representatives described in subsection (b)(1) and pursuant to guidelines established by the Secretary, criteria to identify and select the expenditures submitted under that paragraph; and

"(B) submit such criteria to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2007.

TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

SEC. 201. GRANTS TO PROMOTE SYSTEMS CHANGE AND CAPACITY BUILDING.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants to eligible States to carry out the activities described in subsection (b).

(2) APPLICATION.—In order to be eligible for a grant under this section, a State shall submit to the Secretary an application in such form and manner, and that contains such information, as the Secretary may require.

(b) PERMISSIBLE ACTIVITIES.—A State that receives a grant under this section may use funds provided under the grant for any of the following activities, focusing on areas of need identified by the State and the Consumer Task Force established under subsection (c):

(1) The development and implementation of the provision of community-based attendant services and supports under section 1939 of the Social Security Act (as added by section 101(b) and amended by sections 102 and 103) through active collaboration with—

(A) individuals with disabilities;

(B) elderly individuals;

(C) representatives of such individuals; and

(D) providers of, and advocates for, services and supports for such individuals.

(2) Substantially involving individuals with significant disabilities and representatives of such individuals in jointly developing, implementing, and continually improving a mutually acceptable comprehensive, effectively working statewide plan for preventing and alleviating unnecessary institutionalization of such individuals.

(3) Engaging in system change and other activities deemed necessary to achieve any or all of the goals of such statewide plan.

(4) Identifying and remedying disparities and gaps in services to classes of individuals with disabilities and elderly individuals who are currently experiencing or who face substantial risk of unnecessary institutionalization.

(5) Building and expanding system capacity to offer quality consumer controlled community-based services and supports to individuals with disabilities and elderly individuals, including by—

(A) seeding the development and effective use of community-based attendant services and supports cooperatives, Independent Living Centers, small businesses, micro-enterprises, micro-boards, and similar joint ventures owned and controlled by individuals with disabilities or representatives of such individuals and community-based attendant services and supports workers;

(B) enhancing the choice and control individuals with disabilities and elderly individuals exercise, including through their representatives, with respect to the personal assistance and supports they rely upon to lead independent, self-directed lives;

(C) enhancing the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports;

(D) engaging in a variety of needs assessment and data gathering;

(E) developing strategies for modifying policies, practices, and procedures that result in unnecessary institutional bias or the over-medicalization of long-term services and supports;

(F) engaging in interagency coordination and single point of entry activities;

(G) providing training and technical assistance with respect to the provision of community-based attendant services and supports;

(H) engaging in—

(i) public awareness campaigns;

(ii) facility-to-community transitional activities; and

(iii) demonstrations of new approaches; and

(I) engaging in other systems change activities necessary for developing, implementing, or evaluating a comprehensive statewide system of community-based attendant services and supports.

(6) Ensuring that the activities funded by the grant are coordinated with other efforts to increase personal attendant services and supports, including—

(A) programs funded under or amended by the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1860);

(B) grants funded under the Families of Children With Disabilities Support Act of 2000 (42 U.S.C. 15091 et seq.); and

(C) other initiatives designed to enhance the delivery of community-based services and supports to individuals with disabilities and elderly individuals.

(7) Engaging in transition partnership activities with nursing facilities and intermediate care facilities for the mentally retarded that utilize and build upon items and services provided to individuals with disabilities or elderly individuals under the Medicaid program under title XIX of the Social Security Act, or by Federal, State, or local housing agencies, Independent Living Centers, and other organizations controlled by consumers or their representatives.

(c) CONSUMER TASK FORCE.—

(1) ESTABLISHMENT AND DUTIES.—To be eligible to receive a grant under this section, each State shall establish a Consumer Task Force (referred to in this subsection as the "Task Force") to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.

(2) APPOINTMENT.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities, elderly individuals, representatives of such individuals, and organizations interested in individuals with disabilities and elderly individuals.

(3) COMPOSITION.—

(A) IN GENERAL.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, Mental Health Councils, State Independent Living Centers and Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.

(B) INDIVIDUALS WITH DISABILITIES.—A majority of the members of the Task Force shall be individuals with disabilities or representatives of such individuals.

(C) LIMITATION.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of entities described in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

(d) ANNUAL REPORT.—

(1) STATES.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant in such form and manner as the Secretary may require.

(2) SECRETARY.—The Secretary shall submit to Congress an annual report on the grants made under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of fiscal years 2008 through 2010.

(2) AVAILABILITY.—Amounts appropriated to carry out this section shall remain available without fiscal year limitation.

SEC. 202. DEMONSTRATION PROJECT TO ENHANCE COORDINATION OF CARE UNDER THE MEDICARE AND MEDICAID PROGRAMS FOR DUAL ELIGIBLE INDIVIDUALS.

(a) DEFINITIONS.—In this section:

(1) DUALLY ELIGIBLE INDIVIDUAL.—The term "dually eligible individual" means an individual who is enrolled in the Medicare and Medicaid programs established under Titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) PROJECT.—The term "project" means the demonstration project authorized to be conducted under this section.

(3) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(b) Authority to Conduct Project.—The Secretary shall conduct a project under this section for the purpose of evaluating service coordination and cost-sharing approaches with respect to the provision of community-based services and supports to dually eligible individuals.

(c) Requirements.—

(1) Number of participants.—Not more than 5 States may participate in the project.

(2) Application.—A State that desires to participate in the project shall submit an application to the Secretary, at such time and in such form and manner as the Secretary shall specify.

(3) Duration.—The project shall be conducted for at least 5, but not more than 10 years.

(d) Evaluation and Report.—

(1) Evaluation.—Not later than 1 year prior to the termination date of the project, the Secretary, in consultation with States participating in the project, representatives of dually eligible individuals, and others, shall evaluate the impact and effectiveness of the project.

(2) Report.—The Secretary shall submit a report to Congress that contains the findings of the evaluation conducted under paragraph (1) along with recommendations regarding whether the project should be extended or expanded, and any other legislative or administrative actions that the Secretary considers appropriate as a result of the project.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 801. A bill to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am pleased to re-introduce legislation to name the Federal courthouse building at Tulare and "O" Streets in downtown Fresno, CA the "Robert E. Coyle United States Courthouse."

It is fitting that the Federal courthouse in Fresno be named for retired U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence that contributed so much to the Fresno Courthouse project. Judge Coyle has been a leader in the effort to build the courthouse in Fresno for more than a decade. Indeed, he personally supervised this project. He was often seen with his hard hat in hand, walking from his chambers to the new building to meet project staff.

Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called "Managing a Capitol Construction Program" to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle.

In addition to meeting the needs of the court for additional space, the courthouse project has become a key element in the downtown revitalization of Fresno. Judge Coyle's efforts, and those in the community with whom he has worked, produced a major milestone when the building was occupied in January of 2006.

Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern District bench by President Ronald Reagan in 1982, Judge Coyle has served as a judge for the Eastern District for 20 years, including 6 years as senior judge. Judge Coyle earned his law degree from the University of California, Hastings College of the Law in 1956. He then worked for Fresno County as a Deputy District Attorney before going into private practice in 1958 with McCormick, Barstow, Sheppard, Coyle & Wayte, where he remained until his appointment by President Reagan.

Judge Coyle is very active in the community and has served in many judicial leadership positions, including: chair of the Space and Security Committee; chair of the Conference of the Chief District Judges of the Ninth Circuit; president of the Ninth Circuit District Judges Association; Member of the Board of Governors of the State Bar of California; and president of the Fresno County Bar.

My hope is that, in addition to serving the people of the Eastern District as a courthouse, this building will stand as a reminder to the community and people of California of the dedicated work of Judge Robert E. Coyle.

By Mr. CRAPO:

S. 802. A bill to provide for the implementation of the Owyhee Initiative Agreement, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce the Owyhee Initiative Implementation Act of 2007, a bill which is the result of a five-year collaborative effort between all levels of government, multiple users of public lands, and conservationists to resolve decades of heated land-use conflict in the Owyhee Canyonlands in the southwestern part of my home State of Idaho.

This is comprehensive land management legislation that enjoys far-reaching support among a remarkably diverse group of interests that live work and play in this special country.

Owyhee County contains some of the most unique and beautiful canyonlands in the world and offers large areas in which all of us can enjoy the grandeur and experience of untouched western trails, rivers, and open sky. It is truly magical country, and its natural beauty and traditional uses should be preserved for future generations. Owyhee County is traditional ranching country. Seventy-three percent of its land base is owned by the United States, and it is located within an hour's drive of one of the fastest growing areas in the nation, Boise, ID.

This combination of attributes, including location, is having an explosive effect on property values, community expansion and development and ever-increasing demands on public land. Given this confluence of circumstances and events, Owyhee County has been at the core of decades of conflict with heated political and regulatory battles. The diverse land uses co-exist in an area of intense beauty and unique character. The conflict over land management is both inevitable and understandable—how do we manage for this diversity and do so in a way that protects and restores the quality of that fragile environment?

In this context, the Owyhee County Commissioners and several others said "enough is enough" and decided to focus efforts on solving these problems rather than wasting resources on an endless fight. In 2001, The Owyhee County Commissioners, Hal Tolmie, Dick Reynolds, and Chris Salove, met with me and asked for my help. They asked whether I would support them if they could put together, at one table, the interested parties involved in the future of the County to try and reach some solutions. I told them that if they could get together a broad base of interests who would agree to collaborate in a process committed to problem-solving, I would dedicate myself to working with them and if they were successful, I would introduce resulting legislation. They agreed. Together, we set out on a six-year journey on a road that is as challenging as any in the Owyhee Canyonlands. Sharp turns, steep inclines and declines, big sharp rocks, deep ruts, sand burrs, dust and a constant headwind is exactly what those of us who have worked so hard on this have faced every day.

This is very difficult work and in speaking of difficult work, I want to acknowledge the effort of my friend and colleague from Idaho, Representative Mike Simpson, and the challenge he has taken on as he advocates his Central Idaho Economic Development Act. I support his work and his legislation.

The Commissioners appointed a Chairman, an extraordinary gentleman, Fred Grant. They formed the Work Group which included The Wilderness Society, Idaho Conservation League, The Nature Conservancy, Idaho Outfitters and Guides, the United States Air Force, the Sierra Club, the county Soil Conservation Districts, Owyhee Cattleman's Association, the Owyhee Borderlands Trust, People for the Owyhees, and the Shoshone Paiute Tribes to join in their efforts. All accepted, and work on this bill began. As this collaborative process gained momentum, the County

Commissioners expanded the Work Group to include the South Idaho Desert Racing Association, Idaho Rivers United and the Owyhee County Farm Bureau. Very recently, the Commissioners have further expanded the effort to include the Foundation for North American Wild Sheep and the Idaho Backcountry Horsemen.

The Commissioners also requested that the Idaho State Department of Lands and the Bureau of Land Management to serve and those agencies have provided important support.

This unique group of people chose to work without a professional facilitator, preferring instead to deal with differences face-to-face and together create new ideas. For me, one of the most gratifying and emotional outcomes has been to see this group transform itself from polarized camps into an extraordinary force that has become known for its intense effort, comity, trust and willingness to work toward a solution.

They operated on a true consensus basis, only making decisions when there was no voiced objection to a proposal. They involved everyone who wanted to participate in the process and spent hundreds of hours discussing their findings, modifying preliminary proposals and ultimately reaching consensus solutions. They have driven thousands of miles inspecting roads and trails, listening to and soliciting ideas from people from all walks of life who have in common deep roots and deep interest in the Owyhee Canyonlands. They sought to ensure that they had a thorough understanding of the issues and could take proper advantage of the insights and experience of all these people.

While this whole process and its outcomes are indeed remarkable, one of the more notable developments is the Memorandum of Agreement between the Shoshone Paiute Tribes and the County that establishes government-to-government cooperation in several areas of mutual interest. I want to particularly note the efforts and support of Mr. Terry Gibson, Chairman of the Shoshone Paiute Tribes, a great leader and a personal friend.

All of these individuals and organizations have asked that I seek Senate approval of their collaborative effort, built from the ground up to chart their path forward.

The Owyhee Initiative transforms conflict and uncertainty into conflict resolution and assurance of future activity. Ranchers can plan for subsequent generations. Off-road vehicle users have access assured. Wilderness is established. The Shoshone-Paiute Tribe knows its cultural resources will be protected. The Air Force will continue to train its pilots. Local, State and Federal government agencies will have structure to assist their joint management of the region. And this will all happen within the context of the preservation of environmental and ecological health. This is indeed a revolutionary land management structure—and one that looks ahead to the future.

Principle features of the legislation include: development, funding and implementation of a landscape-scale program to review, recommend and coordinate landscape conservation and research projects; scientific review process to assist the Bureau of Land Management; designation of Wilderness and Wild and Scenic Rivers; release of Wilderness Study Areas; protections of tribal cultural and historical resources against intentional and unintentional abuse and desecration; development and implementation by the BLM of travel plans for public lands; and a board of directors with oversight over the administration and implementation of the Owyhee Initiative.

This can't be called ranching bill, or a wilderness bill, or an Air Force bill, or a Tribal bill. It is a comprehensive land management bill. Each interest got enough to enthusiastically support the final product, advocate for its enactment, and, most importantly, support the objectives of those with whom they had previous conflict.

Opposition will come from a few principal sources: those who simply don't want to have wilderness designated; those who don't want livestock anywhere on public land; and, those who do not want to see collaboration succeed. While I respect that opposition, I prefer to move forward in an effort that manages conflict and land, rather than exploit disagreements.

The status quo is unacceptable. The Owyhee Canyonlands and its inhabitants, including its people, deserve to have a process of conflict management and a path to sustainability. The need for this path forward is particularly acute given that this area is an hour's drive from one of the Nation's most rapidly-growing communities. The Owyhee Initiative protects water rights, releases wilderness study areas and protects traditional uses.

I commend the commitment and leadership of all involved. We have established a longterm, comprehensive management approach. It's been an honor for me to work with so many fine people and I will do everything in my power to turn this into law.

The Owyhee Initiative sets a standard for managing and resolving difficult land management issues in our country. After all, what better place to forge an historical change in our approach to public land management, than in this magnificent land that symbolizes livelihood, heritage, diversity, opportunity and renewal?

And with that, I would like to recognize and thank the people who have been the real driving force behind this process: Fred Grant, Chairman of the Owyhee Initiative Work Group, his assistant Staci Grant, and Dr. Ted Hoffman, Sheriff Gary Aman, the Owyhee County Commissioners: Hal Tolmie, Chris Salova, & Dick Reynolds and Chairman Terry Gibson of the Shoshone Paiute Tribes. I am grateful to Governor Jim Risch of the Great State of Idaho for all of his support. Thanks to: Colonel Rock of the United States Air Force at Mountain Home Air Force Base, Craig Gherke and John McCarthy of The Wilderness Society, Rick Johnson & John Robison of the Idaho Conservation League, Inez Jaca representing Owyhee County, Dr. Chad Gibson representing the Owyhee Cattleman's Association, Brenda Richards representing private property owners in Owyhee County, Cindy & Frank Bachman representing the Soil Conservation Districts in Owyhee County, Marcia Argust with the Campaign for America's Wilderness, Grant Simmons of the Idaho Outfitters and Guides Association, Bill Sedivy with Idaho Rivers United, Tim Lowry of the Owyhee County Farm Bureau, Bill Walsh representing Southern Idaho Desert Racing Association, Lou Lunte and Will Whelan of the Nature Conservancy for all of their hard work and dedication. I'd also like to thank the Idaho Back Country Horseman, the Foundation for North American Wild Sheep, Roger Singer of the Sierra Club, the South Board of Control and the Owyhee Project managers, and all the other water rights holders who support me today. This process truly benefited from the diversity of these groups and their willingness to cooperate to reach a common goal of protecting the land on which they live, work, and play.

The Owyhee Canyonlands and its inhabitants are truly a treasure of Idaho and the United States; I hope you will join me in ensuring their future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Owyhee Initiative Implementation Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purpose.
Sec. 3. Definitions.
Sec. 4. General provisions.

TITLE I—OWYHEE INITIATIVE AGREEMENT

Sec. 101. Implementation.
Sec. 102. Science review program.
Sec. 103. Conservation and research center program.
Sec. 104. Authorization of appropriations.

TITLE II—WILDERNESS AND WILD AND SCENIC RIVERS

Sec. 201. Wilderness designation.

Sec. 202. Designation of wild and scenic rivers.
Sec. 203. Administration of wilderness and wild and scenic rivers.
Sec. 204. Land exchanges and acquisitions and grazing preferences.
Sec. 205. Authorization of appropriations.

TITLE III—TRANSPORTATION AND RECREATION MANAGEMENT

Sec. 301. Transportation plans.
Sec. 302. Authority.
Sec. 303. Cooperative agreements.
Sec. 304. Authorization of appropriations.

TITLE IV—CULTURAL RESOURCES

Sec. 401. Findings.
Sec. 402. Implementation.
Sec. 403. Authorization of appropriations.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Owyhee-Bruneau Canyonlands Region is one of the most spectacular high deserts in the United States, unique in geology and rich in history;

(2) the Shoshone Paiute Indian tribes have put forth claims to aboriginal rights in the Region;

(3) since the 1860s, ranching has been an important part of the heritage, culture, and economy of the Region;

(4) the Region has tremendous opportunities for outdoor recreation;

(5) there has been longstanding conflict over management of the public land in the Region;

(6) in 2001, the Owyhee County Board of Commissioners and the Tribes brought together a diverse group of interests, with the intent that the Tribes and the County, through government-to-government coordination, could mutually launch a process for achieving resolution of land use conflicts, protection of the landscape resource, protection of cultural resources, and economic stability; and

(7) as a result of the process described in paragraph (6), the Owyhee Initiative Agreement, an agreement between a coalition of representatives of landowners, ranchers, environmental organizations, County government, and recreation groups appointed in the County by the Board of County Commissioners, was formed to develop a natural resources project that promotes ecological and economic health within the County.

(b) PURPOSE.—The purpose of this Act is to provide for the implementation of the Owyhee Initiative Agreement to—

(1) preserve the natural processes that create and maintain a functioning, unfragmented landscape that supports and sustains a flourishing community of human, plant, and animal life;

(2) provide for economic stability by preserving livestock grazing as an economically viable use; and

(3) provide for the protection of cultural resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the Board of Directors of the Owyhee Initiative Project.

(2) BUREAU.—The term "Bureau" means the Bureau of Land Management.

(3) COUNTY.—The term "County" means Owyhee County, Idaho.

(4) ORDINARY HIGH WATER MARK.—The term "ordinary high water mark" shall have such meaning as is given the term by the legislature of the State.

(5) OWYHEE FRONT.—The term "Owyhee Front" means that area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(6) OWYHEE INITIATIVE AGREEMENT.—The term "Owyhee Initiative Agreement" means the agreement that provides for the implementation of a project for the promotion of ecological and economic health within the County entered into by a coalition of representatives of landowners, ranchers, environmental organizations, County government, and recreation groups appointed in the County by the Board of County Commissioners, entitled "Owyhee Initiative Agreement", as amended on May 10, 2006.

(7) PLAN.—The term "Plan" means the Shoshone Paiute Tribal Cultural Resource Protection Plan approved by the Tribes.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means the State of Idaho.

(10) TRIBES.—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.

SEC. 4. GENERAL PROVISIONS.

(a) NO PRECEDENCE.—Nothing in this Act establishes a precedent with regard to any future legislation.

(b) NATIVE AMERICAN RECOGNITION AND USES.—Nothing in this Act diminishes or otherwise affects—

(1) the trust responsibility of the United States to Indian tribes and Indian individuals;

(2) the government-to-government relationship between the United States and federally recognized Indian tribes;

(3) the rights of any Indian tribe, including rights of access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities; or

(4) the sovereignty of any Indian tribe.

TITLE I—OWYHEE INITIATIVE AGREEMENT

SEC. 101. IMPLEMENTATION.

(a) IN GENERAL.—The Secretary shall coordinate with the Board and the County in implementing this Act in accordance with applicable laws and regulations.

(b) EFFECT ON PUBLIC PARTICIPATION.—Nothing in this Act diminishes or otherwise affects any applicable law or regulation relating to public participation.

SEC. 102. SCIENCE REVIEW PROGRAM.

(a) IN GENERAL.—The Secretary shall coordinate with the Board in the conduct of the science review process as described in the Owyhee Initiative Agreement.

(b) MANAGEMENT ACTIONS.—Notwithstanding the review process under this section, the Secretary shall proceed with management actions in a timely manner in accordance with applicable laws (including regulations).

SEC. 103. CONSERVATION AND RESEARCH CENTER PROGRAM.

The Secretary shall coordinate with the Board with respect to the conservation and research center program, as described in the Owyhee Initiative Agreement.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $20,000,000.

TITLE II—WILDERNESS AND WILD AND SCENIC RIVERS

SEC. 201. WILDERNESS DESIGNATION.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 51,624 acres, as generally depicted on the map entitled "Big Jacks Creek Wilderness" and dated September 1, 2006, which shall be known as the "Big Jacks Creek Wilderness".

(2) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 91,328 acres, as generally depicted on the map entitled "Bruneau-Jarbidge Rivers Wilderness" and dated September 1, 2006, which shall be known as the "Bruneau-Jarbidge Rivers Wilderness".

(3) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 49,647 acres, as generally depicted on the map entitled "Little Jacks Creek Wilderness" and dated September 1, 2006, which shall be known as the "Little Jacks Creek Wilderness".

(4) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,113 acres, as generally depicted on the map entitled "North Fork Owyhee Wilderness" and dated September 1, 2006, which shall be known as the "North Fork Owyhee Wilderness".

(5) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 269,016 acres, as generally depicted on the map entitled "Owyhee River Wilderness" and dated September 1, 2006, which shall be known as the "Owyhee River Wilderness".

(6) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,468 acres, as generally depicted on the map entitled "Pole Creek Wilderness" and dated September 1, 2006, which shall be known as the "Pole Creek Wilderness".

(b) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau in the following areas has been adequately studied for wilderness designation:

(A) The Sheep Creek East Wilderness Study Area.

(B) The Sheep Creek West Wilderness Study Area.

(C) The Squaw Creek Canyon Wilderness Study Area.

(D) The West Fork Red Canyon Wilderness Study Area.

(E) The Upper Deep Creek Wilderness Study Area.

(F) The Big Willow Springs Wilderness Study Area.

(G) The Middle Fork Owyhee River Wilderness Study Area.

(H) Any portion of the wilderness study areas—

(i) not designated as wilderness by subsection (a); and

(ii) designated for release on the map dated September 1, 2006.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by this subsection—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the

House of Representatives a map and legal description for each area designated as wilderness by this Act.

(2) EFFECT.—Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in such a map or legal description.

(3) AVAILABILITY OF MAPS.—The maps submitted under paragraph (1) shall be available for public inspection in—

(A) the offices of the Idaho State Director of the Bureau; and

(B) the offices of the Boise and Twin Falls Districts of the Bureau.

SEC. 202. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) STATEMENT OF INTENT.—The intent of wild, scenic, and recreational river designations under this subsection is to resolve the wild, scenic, and recreational river status of the segments within the County, as depicted on the maps submitted under section 201(c).

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

"(170) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek in the State of Idaho from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(171) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek in the State of Idaho from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a wild river.

"(172) BRUNEAU RIVER, IDAHO.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River and the Jarbidge River, to be administered by the Secretary of the Interior as a wild river.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the .6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

"(173) WEST FORK OF THE BRUNEAU RIVER, IDAHO.—The 6.2 miles of the West Fork of the Bruneau River in the State of Idaho from the confluence with the Jarbidge River to the upstream Bruneau-Jarbidge Rivers Wilderness border, to be administered by the Secretary of the Interior as a wild river.

"(174) CAMAS CREEK, IDAHO.—The 3.0 miles of Camas Creek in the State of Idaho from the confluence with Pole Creek to the east boundary of sec. 26, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a scenic river.

"(175) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek in the State of Idaho from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(176) DEEP CREEK, IDAHO.—The following segments of Deep Creek in the State of Idaho, to be administered by the Secretary of the Interior:

"(A) The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, Idaho, as a wild river.

"(B) The 26.4-mile segment of Deep Creek from the boundary of Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, Idaho, to the upstream crossing of Mud Flat Road, as a scenic river.

"(177) DICKSHOOTER CREEK, IDAHO.—The 11.0 miles of Dickshooter Creek in the State of Idaho from the confluence with Deep Creek to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(178) DUNCAN CREEK, IDAHO.—The following segments of Duncan Creek in the State of Idaho, to be administered by the Secretary of the Interior:

"(A) The 5.2-mile segment of Duncan Creek from the eastern boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, Idaho, upstream to the NW¼ of sec. 1, T. 11 S., R. 3 E., Boise Meridian, Idaho, as a scenic river.

"(B) The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the beginning of the Duncan Creek Scenic River segment, as a wild river.

"(179) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River in the State of Idaho from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(180) LITTLE JACKS CREEK, IDAHO.—The 13.2 miles of Little Jacks Creek in the State of Idaho from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the NW¼ of sec. 27, T. 9 S., R. 2 E., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a wild river.

"(181) LITTLE OWYHEE, IDAHO.—The 11.0 miles of the Little Owyhee in the State of Idaho from the confluence with the South Fork of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(182) NORTH FORK OF THE OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River in the State of Idaho, to be administered by the Secretary of the Interior:

"(A) The 5.7-mile segment of the North Fork of the Owyhee River from the Idaho-Oregon State border to the Wild River segment of the North Fork of the Owyhee River, as a recreational river.

"(B) The 15.1-mile segment of the North Fork of the Owyhee River from the western/downstream boundary of the North Fork Owyhee River Wilderness to the northern/upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

"(183) OX PRONG, IDAHO.—The 1.3 miles of the Ox Prong in the State of Idaho from the confluence with Little Jacks Creek to the upstream boundary of the Little Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(184) OWYHEE RIVER, IDAHO.—The 67.3 miles of the Owyhee River in the State of Idaho from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river, subject to the conditions that—

"(A) motorized access shall be permitted at Crutchers Crossing; and

"(B) any crossing shall remain unconstructed.

"(185) POLE CREEK, IDAHO.—The 14.3 miles of Pole Creek in the State of Idaho from the confluence with Deep Creek upstream to the south boundary of sec. 16, T. 10 S., R. 2 W., Boise Meridian, Idaho, to be administered by the Secretary of the Interior as a scenic river.

"(186) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon in the State of Idaho from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(187) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek in the State of Idaho from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(188) SOUTH FORK OF THE OWYHEE RIVER, IDAHO.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border shall be administered by the Secretary of the Interior as a wild river.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River across the private lands in secs. 25 and 36, T. 14 S., R. 5 W., Boise Meridian, Idaho, shall be administered by the Secretary of the Interior as a recreational river.

"(189) WICKAHONEY, IDAHO.—The 1.5 miles of Wickahoney Creek in the State of Idaho from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.".

(c) EXTENT OF BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the wild and scenic river corridor for a river designated as a wild and scenic river by any of paragraphs (170) through (189) of section 3(a) of that Act (16 U.S.C. 1274(a)) (as added by subsection (b)) shall be the ordinary high water mark.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the map and legal description of each segment of a river designated as a wild and scenic river under this section or an amendment made by this section.

(2) EFFECT.—Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the maps and legal descriptions.

(3) AVAILABILITY OF MAPS.—The maps submitted under paragraph (1) shall be available for public inspection in—

(A) the offices of the Idaho State Director of the Bureau; and

(B) the offices of the Boise and Twin Falls districts of the Bureau.

(e) WATER RIGHTS.—Water Rights relating to a segment of a river designated as a wild and scenic river under any of paragraphs (170) through (189) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (b)) shall be reserved in accordance with—

(1) the provisions of that Act (16 U.S.C. 1271 et seq.);

(2) the laws and regulations of the State; and

(3) the Owyhee Initiative Agreement.

SEC. 203. ADMINISTRATION OF WILDERNESS AND WILD AND SCENIC RIVERS.

(a) Management.—Subject to valid existing rights, each area designated as wilderness by section 201 shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to land administered by the Secretary of the Interior.

(b) Inventory.—In accordance with the Owyhee Initiative Agreement, not later than 1 year after the date on which a wilderness is designated under section 201, the Bureau shall conduct an inventory of wilderness grazing management facilities and activities in the wilderness.

(c) Livestock.—In the wilderness areas designated by section 201 that are administered by the Bureau, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.

(d) Recreational Saddle and Pack Stock.—Nothing in this Act precludes horseback riding or the use of recreational saddle or pack stock in any wilderness designated by section 201.

(e) Outfitting and Guiding Activities.—

(1) In general.—Consistent with section 4(d)(6) of the Wilderness Act (16 U.S.C. 1133(d)(6)) and subject to any regulations that the Secretary determines to be necessary, the Secretary shall permit the continuation of outfitting and guiding activities in any wilderness designated by section 201.

(2) Effect of designation.—Designation of an area as wilderness areas under section 201 shall not require the Secretary to limit the conduct of outfitting activities or the use of the system of reserved camps and allocated river launches designated for use by members of the public that use outfitter services that are in existence before the date of enactment of this Act.

(f) Access to Non-Federal Land.—Nothing in this Act denies an owner of non-Federal land the right to access the land.

(g) Roads Adjacent to Wilderness.—With respect to any road adjacent to a wilderness designated by section 201 (as depicted on the applicable map), the boundary of the wilderness shall be—

(1) 100 feet from the center line for a primary road;

(2) 50 feet from the center line for a primitive wilderness boundary road; and

(3) 30 feet on either side of the center line for an interior wilderness division or cherrystem road.

(h) Wildlife Management.—

(1) In general.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping in any wilderness designated by section 201.

(2) Management activities.—

(A) In general.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), management activities to maintain or restore fish and wildlife populations and the habitats necessary to support such populations may be carried out in any wilderness designated by section 201, if the management activities are—

(i) consistent with relevant wilderness management plans; and

(ii) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(B) Inclusions.—Management activities under subparagraph (A) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish the promotion of such outcomes.

(3) Existing activities.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101–405, the State may continue to use aircraft (including helicopters) in the wilderness areas designated by section 201 to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep and feral stock, horses, and burros.

(i) Wildfire Management.—Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in any wilderness designated by section 201.

(j) Incorporation of Acquired Land and Interests.—Any land or interest within the perimeter of, or adjacent to, an area designated as a wilderness by section 201 or any land or interest described in section 204 that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness within which the acquired land or interest is located.

(k) Adjacent Management.—

(1) In general.—The designation of a wilderness by section 201 shall not create any protective perimeters or buffer zones around the wilderness.

(2) Nonwilderness activities.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness or wild and scenic river designated under this section shall not preclude the conduct of those activities or uses outside the boundary of the wilderness or wild and scenic river.

(l) Military Overflights.—Nothing in this section restricts or precludes—

(1) low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the areas designated as a wilderness by section 201, including military overflights that can be seen or heard within the wilderness or wild and scenic river areas;

(2) flight testing and evaluation;

(3) the designation or creation of new units of special use airspace, the expansion of units of special use airspace in existence on the date of enactment of this Act, or the use or establishment of military flight training routes over the wilderness or wild and scenic river areas; or

(4) emergency access and response.

(m) Water Rights.—In accordance with section 4(d)(6) of the Wilderness Act (16 U.S.C. 1133(d)(6)), nothing in this Act provides an express or implied claim or denial of the Federal Government with respect to any exemption from water laws of the State.

SEC. 204. LAND EXCHANGES AND ACQUISITIONS AND GRAZING PREFERENCES.

(a) Exchanges and Acquisitions.—

(1) Findings.—Congress finds that—

(A) the consolidation of land ownership would facilitate sound and efficient management for public and private land and serve important public objectives, including—

(i) the enhancement of public access, aesthetics, and recreational opportunities within and adjacent to designated wilderness and wild and scenic river areas; and

(ii) the protection and enhancement of wildlife habitat, including sensitive species;

(B) time is of the essence in completing appropriate land exchanges because further delays may force landowners to construct roads in, develop, or sell private land inholdings, and diminish the public values for which the private land is to be acquired; and

(C) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for protection of wilderness character, wildlife habitat, and permanent public use and enjoyment.

(2) Authorization.—The Secretary may acquire, by purchase or other exchange, any land or interest offered by an owner under paragraph (3), subject to the conditions described in paragraph (4).

(3) Offers to convey.—

(A) In general.—An owner of land or an interest identified under the document entitled "Land Exchanges and Acquisitions" and dated September 1, 2006, may offer to convey the land or interest to the Secretary by purchase or exchange if the owner has submitted to the Secretary, on or before the date of enactment of this Act—

(i) a written notice of the intent to exchange or sell the land or interest;

(ii) an identification of each parcel of land and each interest to be exchanged or sold;

(iii) a description of the value of each parcel of land and each interest as described in that document; and

(iv) in the case of an exchange, a description of the Federal land sought for the exchange.

(B) Conveyance by sale.—

(i) In general.—Subject to the availability of funds, the Secretary shall acquire any land or interests offered for purchase under subparagraph (A) as soon as practicable after the date of enactment of this Act.

(ii) Election to receive cash.—If an owner makes an election under subparagraph (C)(iii)(II), the Secretary shall acquire by sale the land or interest of the owner as soon as practicable after the date on which the Secretary receives a notice of the election of the owner.

(C) Conveyance by direct exchange.—

(i) In general.—On the election of an owner that has submitted an appropriate notice under subparagraph (A)(i), the Secretary may acquire land or property interests identified as eligible for exchange in the document entitled "Land Exchanges and Acquisitions" and dated September 1, 2006, in exchange for Federal land that is—

(I) of equal value to the land or property interests, as determined by appraisals of the applicable Federal land, with or without development rights;

(II) located in the County; and

(III) described in the document referred to in subparagraph (A).

(ii) ACTION BY SECRETARY.—Not later than 60 days after the date on which the appraisals of applicable land are completed, the Secretary shall offer to enter into an exchange under this subparagraph with each appropriate owner of land or a property interest offered for exchange under subparagraph (A).

(iii) DECISIONS BY OWNERS.—Not later than 60 days after the date on which the appraisals of applicable land are completed, an owner of land or a property interest subject to an exchange under this subparagraph may elect—

(I) to waive any applicable development right relating to the Federal land to be exchanged, subject to the adjustment of the exchange to achieve like values;

(II) to receive cash in lieu of Federal land for all or any portion of the land or property interest to be exchanged; or

(III) to withdraw from participation in any exchange program.

(iv) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this section, each exchange of Federal land under this section shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management.

(D) FACILITATED LAND EXCHANGES.—

(i) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a facilitated land exchange in accordance with subparagraph (A) and conducted through a land exchange facilitator to be designated by the Board.

(ii) EXCHANGE OFFER.—

(I) IN GENERAL.—Not later than 60 days after the date on which the appraisals of applicable land are completed, the land exchange facilitator shall submit to the Secretary an offer to exchange private land for Federal land in the County.

(II) REQUIREMENT.—An offer to exchange under subclause (I) shall demonstrate that the appraised value of the private land is equal or approximately equal to the appraised value, with or without development rights, of the Federal land offered for exchange.

(4) CONDITIONS.—

(A) TITLE.—Title to any private land conveyed under this subsection shall—

(i) be acceptable to the Secretary; and

(ii) conform with title approval standards applicable to Federal land acquisitions.

(B) VALID EXISTING RIGHTS.—Conveyances under this subsection shall be subject to valid existing rights of record.

(5) EFFECT OF SUBSECTION.—Nothing in this subsection—

(A) creates any compensable property right or title with respect to grazing preferences; or

(B) affects any public access route on Federal land exchanged under this subsection.

(b) GRAZING PREFERENCES.—

(1) IN GENERAL.—A holder of a valid grazing preference with respect to all or a portion of any Federal land designated by this Act as a wilderness may voluntarily offer to the Secretary for sale or donation all or any portion of the grazing preference.

(2) NOTICE.—To offer a grazing preference for sale or donation under paragraph (1), the holder of the grazing preference shall submit to the Secretary a written notice of the intent of the holder, including—

(A) a description of the Federal land to which the grazing preference applies; and

(B) the date on which the holder will relinquish use of the grazing preference, which shall be not later than 1 year after the date on which the notice is submitted.

(3) CONSIDERATION.—The Secretary shall provide to a holder that offers a grazing preference for sale under paragraph (1) consideration in accordance with the schedule of payments described in the document described in subsection (a)(3)(A).

(4) CANCELLATION AND RETIREMENT OF LIVESTOCK GRAZING.—Beginning on the date identified under paragraph (2)(B)—

(A) the applicable grazing preference shall be canceled; and

(B) the associated livestock grazing shall be permanently retired.

(5) FENCING.—The Secretary shall install and maintain any fencing and other structures required to prevent grazing use of any Federal land on which a grazing preference has been voluntarily sold or donated under this subsection.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Bureau such sums as are necessary to carry out this title.

TITLE III—TRANSPORTATION AND RECREATION MANAGEMENT

SEC. 301. TRANSPORTATION PLANS.

(a) IN GENERAL.—The Bureau shall develop and implement transportation plans for land managed by the Bureau outside of wilderness areas in the County.

(b) CONSULTATION AND COORDINATION.—The transportation plans and cooperative agreements shall be developed in consultation and coordination with appropriate Federal Government entities, tribal government entities, and State and local government entities consistent with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable laws.

(c) INCLUSIONS.—The Bureau shall ensure that all areas of the County managed by the Bureau, including areas that are remote and rarely used for motorized recreation, are included and in transportation plans developed under subsection (a) to—

(1) provide for management of anticipated growth in recreational use of the land; and

(2) develop a system to provide a wide range of recreational opportunities and experiences for all users.

(d) LIMITATION.—Transportation plans under subsection (a) shall not affect the status of any road adjacent to any wilderness (as depicted on the applicable map).

(e) SYSTEM OF ROUTES.—

(1) IN GENERAL.—Each transportation plan under subsection (a) shall—

(A) establish a system of designated roads and trails;

(B) include a multiple use recreational trail system, that provides a wide range of recreational opportunities and experiences for all users while protecting natural and cultural resources;

(C) limit the use of motorized and mechanized vehicles to designated roads and trails;

(D) address use of snow vehicles on roads, trails, and areas designated for such use;

(E) be based on resource and route inventories;

(F) include designation of routes and route systems that are open or closed; and

(G) include provisions relating to, with respect to the applicable land—

(i) trail construction and reconstruction;

(ii) road and trail closure;

(iii) seasonal closures or restrictions;

(iv) restoration of disturbed areas;

(v) monitoring;

(vi) maintenance;

(vii) maps;

(viii) signs;

(ix) education; and

(x) enforcement.

(2) TEMPORARY LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), until the date on which the Bureau completes transportation planning, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails in existence on the day before the date of enactment of this Act.

(B) EXCEPTIONS.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to areas specifically identified as open, closed, or limited under the Owyhee resource management plan.

(ii) HEMMINGWAY BUTTE AREA.—Notwithstanding subparagraph (A), the Bureau may take into consideration maintaining the Hemmingway Butte area as open to cross-country travel.

(f) SCHEDULE.—

(1) OWYHEE FRONT.—Not later than 1 year after the date of enactment of this Act, the Bureau shall complete a transportation plan for the Owyhee Front.

(2) OTHER FEDERAL LANDS IN THE COUNTY.—Not later than 3 years after the date of enactment of this Act, the Bureau shall complete a transportation plan for Federal land in the County outside the Owyhee Front.

SEC. 302. AUTHORITY.

Transportation and travel management under this title shall not affect the authority of the Bureau to manage or regulate off-highway vehicle use under title 43, Code of Federal Regulations (as in effect on September 25, 2005).

SEC. 303. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—As soon as practicable, after the date of enactment of this Act, the Bureau shall offer to enter into cooperative agreements with the County—

(1) to establish a cooperative search and rescue program; and

(2) to implement and enforce the transportation plans described in this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau such sums as are necessary—

(1) to carry out search and rescue operations in the County; and

(2) to develop, implement, and enforce off-highway motor vehicle transportation plans under this section.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Bureau such sums as are necessary to accelerate completion and implementation by the Bureau of the transportation plan for the Owyhee Front and subsequent transportation plans for the remainder of the County.

TITLE IV—CULTURAL RESOURCES

SEC. 401. FINDINGS.

Congress finds that—

(1) the County is rich in history and culture going back thousands of years;

(2) the cultural and historical resources important to the people and ancestors of the Tribes must be protected against abuse and desecration, whether intentional or unintentional;

(3) there are opportunities—

(A) to increase knowledge of cultural resources;

(B) to monitor influences from outside forces; and

(C) to improve the inspection and supervision of major cultural sites;

(4) inventory and monitoring programs that identify and document cultural sites and the condition of those sites over time would—

(A) assist in ensuring the preservation of the sites; and

(B) help to focus resources—

(i) to ensure compliance with prohibitions against destruction and or removal of cultural items; and

(ii) to prevent inadvertent negative impacts;

(5) the Owyhee Initiative Agreement will—

(A) support a broad range of measures to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes; and

(B) provide for the implementation of the Plan; and

(6) the implementation of the Plan should—

(A) be consistent with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) recognize that—

(i) the right of Indians to self-government results from the inherent sovereignty of Indian tribes; and

(ii) the United States—

(I) has a special and unique legal and political relationship with federally recognized Indian tribes; and

(II) is obligated to develop a government-to-government relationship with Indian tribes under the Constitution, treaties, Federal law, and the course of dealings with Indian tribes.

SEC. 402. IMPLEMENTATION.

The Tribes shall implement the Plan.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Tribes to carry out this title—

(1) $900,000 for fiscal year 2008; and

(2) $900,000 for each of fiscal years 2009 through 2012.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, Ms. SNOWE, and Mr. COLEMAN):

S. 803. A bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKFELLER. Mr. President, today I am proud to join with bipartisan colleagues, Senators CORNYN, KOHL, SNOWE, and COLEMAN, to try to increase investments in the successful Child Support Enforcement program.

Our Federal child support enforcement is an extraordirary program. In 2005, the program collected $23 billion to serve 16 million children and families, with a Federal investment of only approximately $4 billion. For every dollar invested in this Program, there is a return of $4.58. This program is a real bargain.

Child support enforcement is a program that deserves more investment because it works, and because it provides long term support for children. The historic welfare reform of 1996 changed Federal assistance to families with children to a temporary program that only provides 60 months of support. Currently 3.4 million children are cotered by welfare reform. Child support serves more children, and helps to ensure that their parents provide support until the age of 18. This program is essential for families, and it promotes our fundamental value of parental responsibility.

As part of the Deficit Reduction Act of 2006, new limits were imposed on Federal incentive funds to prohibit the match. While this provision saved almost $3 billion, the Congressional Budget Office (CBO) estimated that children and families would loose $8.3 billion. That is a bad deal.

Our bill is designed to fix this problem and continue to invest in a program that has been proven to work so well for our children and families. In my personal view, it is better to encourage families to rely on child support from their parents first.

In the past, my State of West Virginia has used its incentive payments and matching funding to support computers and staff investments. According to our West Virginia Bureau, prior to incentive funding, the agency had 18 percent to 20 percent staff turnover. But with incentive funding, staff turnover has been reduced to 10 percent and West Virginia collections are up to $180 million. This is very good for my State.

I believe this bipartisan bill will be a good deal for child support enforcement, our children and families, and our States.

I ask unanimous consent that, three letters of support and the text of the bill be printed in the RECORD. I truly appreciate the support of National Conference of State Legislatures, The National Child Support Enforcement Association, and the joint support of advocacy groups of Center for Law and Social Policy, the National Women's Law Center and the Coalition on Human Needs.

There being no objection, the letters and bill were ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, March 6, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATORS ROCKEFELLER, CORNYN, KOHL, SNOWE, AND COLEMAN: NCSL strongly supports your legislation repealing the provision in the Deficit Reduction Act of 2005 that prohibits states from using child support incentive funds to match federal funds for the program. When this action was taken, the Congressional Budget Office identified the cut as an intergovernmental mandate that exceeds the threshold of the Unfunded Mandate Reform Act.

States have used incentive funds to draw down federal funds used for integral parts of the child support enforcement program. The funds have allowed states to establish and enforce child support obligations, obtain health care coverage for children, and link low-income fathers to job programs. The cut ignored the fact that funds for child support enforcement are used effectively and responsibly. In fact, the child support enforcement program received a Program Assessment Rating Tool (PART) rating of "effective," and continues to be one of the highest rated block or formula grants of all federal programs.

Consistent child support helps save children from being raised in poverty. Reductions in child support administrative funds inevitably lead to lower child support collections, leaving families less able to achieve self-sufficiency.

State legislators applaud your efforts to undo this ill-considered action of the previous Congress. We urge the 110th Congress to adopt your bill. Please have your staff contact Sheri Steisel or Lee Posey for further information or assistance.

Sincerely,

SANDY ROSENBERG,
Delegate, Maryland, Chairman, NCSL Human Services and Welfare Committee.

LETICIA VAN DE PUTTE,
Senator, Texas, President, NCSL.

DONNA STONE,
Representative, Delaware, President Elect, NCSL.

NATIONAL CHILD SUPPORT
ENFORCEMENT ASSOCIATION,
March 6, 2007.

Hon. JAY ROCKEFELLER,
Hon. JOHN CORNYN,
Hon. HERB KOHL,
Hon. OLYMPIA SNOWE,
Hon. NORM COLEMAN.

DEAR SENATORS: I am sending this letter on behalf of the National Child Support Enforcement Association (NCSEA) in strong support of your bill to restore the authority for states to use performance incentives as match for federal funds for the child support enforcement program.

NCSEA is a nonprofit, membership organization representing the child support community—a workforce of over 60,000. NCSEA's mission is to promote the well-being of children through professional development of its membership, advocacy and public awareness. NCSEA's membership includes line/managerial/executive child support staff; state and local agencies; judges; court masters; hearing officers; government and private attorneys; social workers; advocates; corporations that partner with government to provide child support services and private collection firms.

The child support enforcement program operates in all states as provided by Title IV-D of the federal Social Security Act. The program enjoys healthy partnerships with the federal Office of Child Support Enforcement, and a large and varied group of stakeholders. Courts and law enforcement officials carry out many of the day to day functions; employers collect almost 80% of child support through income withholding, hospitals assist with paternity acknowledgment, and other state and local agencies provide enforcement services and related services to assist obligors in finding and maintaining employment. We share a common mission that is reflected in the program's National Strategic Plan:

> To enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing paternity, establishing support obligations, and monitoring and enforcing those obligations.

One of the unique features of the child support enforcement program is that unlike government public assistance programs, it has a major interstate component, and requires close collaboration among the states to provide services on behalf of children whose parents live in different states. In today's mobile society, strong interstate collaboration and comparable levels of service across state lines are essential. Collectively, the program provides services on behalf of over 17 million children—representing nearly one quarter of the nation's children. If one or more states do not have the resources to operate effective programs, there are repercussions across the entire network of states in the child support system. The bottom line is that some of the children who depend upon the program will fall through the cracks.

We are proud of the accomplishments of the program, but are continually striving to do more. The program is cost effective, goal oriented, and accountable for results. It has received recognition from the highest levels of government at the federal, state, and local levels. One of these was an OMS Program Assessment Rating Tool (PART) score of 90 percent, representing the highest rating among all social services and block grant/formula programs.

The Deficit Reduction Act of 2005 (P.L. 109-171), passed by a closely divided Congressional vote, made major cuts to child support funding, including eliminating the purposeful federal match on incentive payments, reducing the match rate for paternity testing, and imposing a collection fee on parents. States were required to implement the collection of the fee in October 2007 unless legislation was required. The first two provisions are effective on October 1, 2008, unless reversed by Congress.

States and child support organizations have been working hard to address these drastic funding reductions, and with all honesty, the plans that are being made are not good for the families served by this nationally recognized program. Our members report that vital services may be eliminated or substantially reduced as budgets and staffing are cut. Important to the effectiveness of the program is the ability to take action quickly to establish paternity and an obligation to support. States report that early intervention results in more regular support payments and more involvement of the father in the life of the child. Just as importantly, close monitoring and on-ongoing enforcement are vital to the regular receipt of child support payments. This close monitoring and interaction with the obligor ensures that those parents who need assistance in finding and maintaining employment are helped.

As states lose resources, they will be less able to timely perform "core" functions such as paternity establishment, order establishment, enforcement and distribution of payments. The progress the program has made toward improved performance will be jeopardized. In addition, states will have to make tough choices, perhaps sacrificing customer service, outreach to incarcerated parents, and fatherhood programs in favor of funding only the "essential" service areas.

The Congressional Budget Office (CBO) estimated that child support collections would be reduced by $8.4 billion as a result of the federal cuts contained in the Deficit Reduction Act. (The actual number may be higher based on new scoring from the CBO.) CBO assumed that states would make up half of the funding gap resulting from federal cuts to the program. While states are working to secure adequate funding for the program, as of today no state has had a budget increase approved by its state legislature. Twenty-three (23) states have not yet made a request for additional funding. Many state budgets are so tight that a request for additional funding is not feasible. It is also important to keep in mind that even if additional state funding is approved during the current budget cycle, it does not guarantee adequate funding in the future.

As the Congress works to address needs of America's families both in the federal budget and in other funding authorization bills, we urge you to consider the needs for strong and fair child support enforcement. Children who don't receive regular financial support from both parents are disadvantaged in a number of ways. Children need the resources provided by child support payments from parents to compete in our complex society. Parents need access to a child support system that determines equitable child support awards, monitors and enforces obligations, and transfers payments from the obligor to custodial parent quickly. State and local child support agencies have a successful history of performing these important tasks, doubling their child support collection rates since Congress enacted the 1996 welfare reform legislation. Taxpayers are well served by a strong child support program that increases family self-sufficiency and decreases dependence on public assistance.

Your interest in the child support program and commitment to the families served by the state and local programs is once again evidenced with your sponsorship of this critical funding bill. The child support program has long enjoyed strong bi-partisan support and we are most pleased to see that support clearly shown in your sponsorship.

Please consider NCSEA as a resource to you and to your colleagues and staff as you proceed with this legislation. We stand ready to provide you details on what we do, how our members use federal funds, the impact of funding reductions, our efforts to improve the quality of our services to families, and any other information you need to make an informed decision.

Thank you for your advocacy on behalf of children and families served by this important program.

Sincerely yours,

MARY ANN WELLBANK,
President.

NATIONAL WOMEN'S LAW CENTER,
CENTER FOR LAW AND SOCIAL POLICY,
COALITION ON HUMAN NEEDS,
March 7, 2007.

Hon. JAY ROCKEFELLER,
Hon. JOHN CORNYN,
Hon. HERB KOHL,
Hon. OLYMPIA SNOWE,
Hon. NORM COLEMAN.

DEAR SENATORS: The National Women's Law Center, Center for Law and Social Policy, and Coalition on Human Needs, organizations that have worked for years to strengthen child support enforcement, strongly support your bill to restore funding for child support enforcement to ensure that children continue to receive the support they deserve from both their parents.

The federal-state child support enforcement program provides services to over 17 million children. In FY 2005, it collected $23 billion in child support from noncustodial parents at a total cost of $5 billion to the federal and state governments: $4.58 in collections for every $1 invested, making it highly cost-effective. All families in need of child support enforcement services are eligible, but most of the families that rely on the program are low- and moderate-income families. Families that formerly received public assistance make up nearly half (46 percent) of the caseload; current recipients represent 16 percent of the caseload.

Child support helps families escape poverty, provide for their children's needs, and avoid a return to welfare. But the cuts to child support enforcement funding included in last year's Deficit Reduction Act will significantly reduce child support collections for families and impede paternity establishment, as states and counties reduce staff, forgo computer upgrades, and abandon promising initiatives. Last year, the Congressional Budget Office estimated that $8.4 billion in child support will go uncollected over the next 10 years.

Your bill would protect child support enforcement services by restoring the federal match for incentive funds that states reinvest in the child support program. This match is a key part of the results-based incentive payment system, overhauled by the Child Support Performance Incentive Act (CSPIA) of 1998, that has given states the incentives—and the resources—to dramatically improve their child support programs. Over the past 10 years, child support collection rates have doubled, and the program has been strengthened on a nationwide basis, thanks to the implementation of child support reforms enacted by Congress as part of the 1996 welfare reform law.

On a bipartisan basis, Congress has enacted significant reforms to child support enforcement that are making a real difference in children's lives. Your bill would prevent this progress from unraveling.

We thank you for your leadership on behalf of children and families.

Sincerely,

JOAN ENTMACHER,
Vice President, Family Economic Security, National Women's Law Center.
VICKI TURETSKY,
Senior Staff Attorney, Center for Law and Social Policy.
DEBBIE WEINSTEIN,
Executive Director, Coalition on Human Needs.

S. 803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Protection Act of 2007".

SEC. 2. REPEAL OF PROVISION ENACTED TO END FEDERAL MATCHING OF STATE SPENDING OF CHILD SUPPORT INCENTIVE PAYMENTS.

Section 7309 of the Deficit Reduction Act of 2005 (Public Law 109-171, 120 Stat. 147) is repealed.

Mr. CORNYN. Mr. President, I am proud to cosponsor the Child Support Protection Act of 2007 so State child support enforcement agencies may continue the extraordinary progress and cost-effectiveness they have developed in child support collections in recent years.

This legislation is necessary to avoid a reversal in the dramatic improvements in the child support program's performance over the past decade. Without it, many families may be forced back into the welfare caseload.

Child support enforcement reduces reliance on Medicaid, Temporary Assistance for Needy Families (TANF), and other social service programs. Effective enforcement enables former welfare families, and working families with modest incomes, to receive this important source of supplemental income and gain the self-sufficiency to avoid having to draw on government resources through public assistance programs. In fact, over 1 million Americans were lifted out of poverty through the child support program in 2002.

In 2004, collections nationwide totaled $21.9 billion, while total program costs were $5.3 billion. For every $1 spent in child support enforcement, $4.38 is collected for children who need it. Because of this rate of return, the President's budget continually rates the program as "one of the highest rated block/formula grants of all reviewed programs government-wide. This high rating is due to its strong mission, effective management, and demonstration of measurable progress toward meeting annual and long term performance measures."

In particular, the Texas child support program has made significant strides over the past seven years in collections, performance, and efficiency, all of which will be seriously undermined without this vital legislation.

I speak with authority on this matter. During my tenure as Attorney General of Texas, the Child Support Division made dramatic increases in collections from deadbeat parents, and the office continues to bring in record collections each year. Texas now ranks second in the Nation in total collections—with collections in Fiscal Year 2006 surpassing $2 billion—a figure that has doubled since Fiscal Year 2000.

This outstanding performance has earned the program the second highest Federal performance incentive award for the past 3 years. Because the Texas program has achieved that level of performance, the prohibition on using incentive payments to draw down matching Federal funds for program expenditures will have a much greater impact on Texas than on the 48 other States ranked below it. The loss of the match on incentive payments effectively punishes Texas's success. Unless we pass this legislation, the Child Support Division in the Office of the Texas Attorney General will face a dramatic reduction in federal financial participation and may be forced to close many offices throughout the State.

I ask unanimous consent to print in the RECORD the following letter from the National Child Support Enforcement Association supporting this legislation.

I look forward to this bill's consideration in the future.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CHILD SUPPORT
ENFORCEMENT ASSOCIATION,
Washington, DC, March 6, 2007.

Hon. JAY ROCKEFELLER,
Hon. JOHN CORNYN,
Hon. HERB KOHL,
Hon. OLYMPIA SNOWE,
Hon. NORM COLEMAN.

DEAR SENATORS: I am sending this letter on behalf of the National Child Support Enforcement Association (NCSEA) in strong support of your bill to restore the authority for states to use performance incentives as match for federal funds for the child support enforcement program.

NCSEA is a nonprofit, membership organization representing the child support community—a workforce of over 60,000. NCSEA's mission is to promote the well-being of children through professional development of its membership, advocacy and public awareness. NCSEA's membership includes line/managerial/executive child support staff; state and local agencies; judges; court masters; hearing officers; government and private attorneys; social workers; advocates; corporations that partner with government to provide child support services and private collection firms.

The child support enforcement program operates in all states as provided by Title IV–D of the federal Social Security Act. The program enjoys healthy partnerships with the federal Office of Child Support Enforcement, and a large and varied group of stakeholders. Courts and law enforcement officials carry out many of the day to day functions; employers collect almost 80 percent of child support through income withholding, hospitals assist with paternity acknowledgment, and other state and local agencies provide enforcement services and related services to assist obligors in finding and maintaining employment. We share a common mission that is reflected in the program's National Strategic Plan:

To enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing paternity, establishing support obligations, and monitoring and enforcing those obligations.

One of the unique features of the child support enforcement program is that unlike government public assistance programs, it has a major interstate component, and requires close collaboration among the states to provide services on behalf of children whose parents live in different states. In today's mobile society, strong interstate collaboration and comparable levels of service across state lines are essential. Collectively, the program provides services on behalf of over 17 million children—representing nearly one quarter of the nation's children. If one or more states do not have the resources to operate effective programs, there are repercussions across the entire network of states in the child support system. The bottom line is that some of the children who depend upon the program will fall through the cracks.

We are proud of the accomplishments of the program, but are continually striving to do more. The program is cost effective, goal oriented, and accountable for results. It has received recognition from the highest levels of government at the federal, state, and local levels. One of these was an OMS Program Assessment Rating Tool (PART) score of 90 percent, representing the highest rating among all social services and block grant/formula programs.

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States and child support organizations have been working hard to address these drastic funding reductions, and with all honesty, the plans that are being made are not good for the families served by this nationally recognized program. Our members report that vital services may be eliminated or substantially reduced as budgets and staffing are cut Important to the effectiveness of the program is the ability to take action quickly to establish paternity and an obligation to support. States report that early intervention results in more regular support payments and more involvement of the father in the life of the child. Just as importantly, close monitoring and on-ongoing enforcement are vital to the regular receipt of child support payments. This close monitoring and interaction with the obligor ensures that those parents who need assistance in finding and maintaining employment are helped.

As states lose resources, they will be less able to timely perform "core" functions such as paternity establishment, order establishment, enforcement and distribution of payments. The progress the program has made toward improved performance will be jeopardized. In addition, states will have to make tough choices, perhaps sacrificing customer service, outreach to incarcerated parents, and fatherhood programs in favor of funding only the "essential" service areas.

The Congressional Budget Office (CBO) estimated that child support collections would be reduced by $8.4 billion as a result of the federal cuts contained in the Deficit Reduction Act. (The actual number may be higher based on new scoring from the CBO.) CBO assumed that states would make up half of the funding gap resulting from federal cuts to the program. While states are working to secure adequate funding for the program, as of today no state has had a budget increase approved by its state legislature. Twenty-three (23) states have not yet made a request for additional funding. Many state budgets are so tight that a request for additional funding is not feasible. It is also important to keep in mind that even if additional state funding is approved during the current budget cycle, it does not guarantee adequate funding in the future.

As the Congress works to address needs of America's families both in the federal budget and in other funding authorization bills, we urge you to consider the needs for strong and fair child support enforcement. Children who don't receive regular financial support from both parents are disadvantaged in a number of ways. Children need the resources provided by child support payments from parents to compete in our complex society. Parents need access to a child support system that determines equitable child support awards, monitors and enforces obligations, and transfers payments from the obligor to custodial parent quickly. State and local child support agencies have a successful history of performing these important tasks, doubling their child support collection rates since Congress enacted the 1996 welfare reform legislation. Taxpayers are well served by a strong child support program that increases family self-sufficiency and decreases dependence on public assistance.

Your interest in the child support program and commitment to the families served by the state and local programs is once again evidenced with your sponsorship of this critical funding bill. The child support program has long enjoyed strong bi-partisan support and we are most pleased to see that support clearly shown in your sponsorship.

Please consider NCSEA as a resource to you and to your colleagues and staff as you proceed with this legislation. We stand ready to provide you details on what we do, how our members use federal funds, the impact of funding reductions, our efforts to improve the quality of our services to families, and any other information you need to make an informed decision.

Thank you for your advocacy on behalf of children and families served by this important program.

Sincerely yours,

MARY ANN WELLBANK,
President.

Mr. KOHL. In Congress, we rarely have the opportunity to consider a simple, straightforward issue. It is uncommon when we can debate an issue with significant bipartisan support; one that the Senate has a strong record on. And it seems exceptional when we are able to show our support for a Federal program that really works.

But the legislation my colleagues and I are introducing today gives us that rare opportunity. Our legislation restores cuts to the child support enforcement program. The program helps States collect support that is owed to hardworking, single parent families. It is one of the most effective Federal programs, collecting more than $4 in child support for every dollar spent. And the Senate already has a strong record in support of the child support enforcement program, with 76 Senators voting for a resolution that rejected cuts to the program.

Which is why I was so disappointed when conferees included in the Deficit Reduction Act a provision to prevent, States from receiving Federal matching funds on incentive payments. While the scope of this provision may have seemed narrow to the conferees, the impact has been felt throughout the country. And my State of Wisconsin has felt it more than most—as a high-performing State, Wisconsin stands to lose more Federal funding than a State with a poorer enforcement record. Congress should not send the message to States that they will be penalized for success—but that's exactly what the child support funding cuts did.

I fought against the Deficit Reduction Act, because I knew these cuts would hurt Wisconsin families. The impact has been clear. The cuts are so damaging—and the program so important—that one Wisconsin community has decided to hold a raffle, to raise funds for their child support enforcement program. I have heard from child support directors who will be forced by budget cuts to fire staff. And I have heard from scared constituents who are owed child support that they worry they will never see.

That is why I am proud to join Senators ROCKEFELLER, CORNYN, SNOWE and COLEMAN in introducing this legislation. By repealing the DRA cuts, we help our States, our counties—and most importantly—we help those constituents relying on child support payments.

I urge my colleagues to take this rare opportunity—to do what's simple, to support the Senate's record, and to vote in favor of a program with proven success at helping our nation's children.

I thank my colleagues.

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, and Mr. BINGAMAN):

S. 805. A bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Health Capacity Investment Act of 2007".

SEC. 2. DEFINITIONS.

In this Act, the term "HIV/AIDS" has the meaning given such term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(g)).

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The World Health Report, 2003, Shaping the Future, states, "The most critical issue facing health care systems is the shortage of people who make them work.".

(2) The World Health Report, 2006, Working Together for Health, states, "The unmistakable imperative is to strengthen the workforce so that health systems can tackle crippling diseases and achieve national and global health goals. A strong human infrastructure is fundamental to closing today's gap between health promise and health reality and anticipating the health challenges of the 21st century.".

(3) The shortage of health personnel, including doctors, nurses, pharmacists, counselors, laboratory staff, paraprofessionals, and trained lay workers is one of the leading obstacles to fighting HIV/AIDS in sub-Saharan Africa.

(4) The HIV/AIDS pandemic aggravates the shortage of health workers through loss of life and illness among medical staff, unsafe working conditions for medical personnel, and increased workloads for diminished staff, while the shortage of health personnel undermines efforts to prevent and provide care and treatment for those with HIV/AIDS.

(5) Workforce constraints and inefficient management are limiting factors in the treatment of tuberculosis, which infects over ⅓ of the global population.

(6) Over 1,200,000 people die of malaria each year. More than 75 percent of these deaths occur among African children under the age of 5 years old and the vast majority of these deaths are preventable. The Malaria Initiative of President George W. Bush seeks to reduce dramatically the disease burden of malaria through both prevention and treatment. Paraprofessionals and community healthworkers can be instrumental in reducing mortality and economic losses associated with malaria and other health problems.

(7) For a woman in sub-Saharan Africa, the lifetime risk of maternal death is 1 out of 16. In highly developed countries, that risk is 1 out of 2,800. Increasing access to skilled birth attendants and access to emergency obstetrical care is essential to reducing maternal and newborn mortality in sub-Saharan Africa.

(8) The Second Annual Report to Congress on the progress of the President's Emergency Plan for AIDS Relief identifies the strengthening of essential health care systems through health care networks and infrastructure development as critical to the sustainability of funded assistance by the United States Government and states that "outside resources for HIV/AIDS and other development efforts must be focused on transformational initiatives that are owned by host nations". This report further states, "Alongside efforts to support community capacity-building, enhancing the capacity of health care and other systems is also crucial for sustainability. Among the obstacles to these efforts in many nations are inadequate human resources and capacity, limited institutional capacity, and systemic weaknesses in areas such as: quality assurance; financial management and accounting; health networks and infrastructure; and commodity distribution and control.".

(9) Vertical disease control programs represent vital components of United States foreign assistance policy, but human resources for health planning and management often demands a more systematic approach.

(10) Implementation of capacity-building initiatives to promote more effective human resources management and development may require an extended horizon to produce measurable results, but such efforts are critical to fulfillment of many internationally recognized objectives in global health.

(11) The November 2005 report of the Working Group on Global Health Partnerships for the High Level Forum on the Health Millennium Development Goals entitled "Best Practice Principles for Global Health Partnership Activities at Country Level", raises the concern that the collective impact of various global health programs now risks "undermining the sustainability of national development plans, distorting national priorities, diverting scarce human resources and/or establishing uncoordinated service delivery structures" in developing countries. This risk underscores the need to coordinate international donor efforts for these vital programs with one another and with recipient countries.

(12) The emigration of significant numbers of trained health care professionals from sub-Saharan African countries to the United States and other wealthier countries exacerbates often severe shortages of health care workers, undermines economic development

efforts, and undercuts national and international efforts to improve access to essential health services in the region.

(13) Addressing this problem, commonly referred to as "brain drain", will require increased investments in the health sector by sub-Saharan African governments and by international partners seeking to promote economic development and improve health care and mortality outcomes in the region.

(14) Virtually every country in the world, including the United States, is experiencing a shortage of health workers. The Joint Learning Initiative on Human Resources for Health and Development estimates that the global shortage exceeds 4,000,000 workers. Shortages in sub-Saharan Africa, however, are far more acute than in any other region of the world. The World Health Report, 2006, states that "[t]he exodus of skilled professionals in the midst of so much unmet health need places Africa at the epicentre of the global health workforce crisis.".

(15) Ambassador Randall Tobias, now the Director of United States Foreign Assistance and Administrator of the United States Agency for International Development, has stated that there are more Ethiopian trained doctors practicing in Chicago than in Ethiopia.

(16) According to the United Nations Development Programme, Human Development Report 2003, approximately 3 out of 4 countries in sub-Saharan Africa have fewer than 20 physicians per 100,000 people, the minimum ratio recommended by the World Health Organization, and 13 countries have 5 or fewer physicians per 100,000 people.

(17) Nurses play particularly important roles in sub-Saharan African health care systems, but approximately ¼ of sub-Saharan African countries have fewer than 50 nurses per 100,000 people or less than ½ the staffing levels recommended by the World Health Organization.

(18) Paraprofessionals and community health workers can be trained more quickly than nurses or doctors and are critically needed in sub-Saharan Africa to meet immediate health care needs.

(19) Imbalances in the distribution of countries' health workforces represents a global problem, but the impact is particularly acute in sub-Saharan Africa.

(20) In Malawi, for example, more than 95 percent of clinical officers are in urban health facilities, and about 25 percent of nurses and 50 percent of physicians are in the 4 central hospitals of Malawi. Yet the population of Malawi is estimated to be 87 percent rural.

(21) In parts of sub-Saharan Africa, such as Kenya, thousands of qualified health professionals are employed outside the health care field or are unemployed despite job openings in the health sector in rural areas because poor working and living conditions, including poor educational opportunities for children, transportation, and salaries, make such openings unattractive to candidates.

(22) The 2002 National Security Strategy of the United States stated, "The scale of the public health crisis in poor countries is enormous. In countries afflicted by epidemics and pandemics like HIV/AIDS, malaria, and tuberculosis, growth and development will be threatened until these scourges can be contained. Resources from the developed world are necessary but will be effective only with honest governance, which supports prevention programs and provides effective local infrastructure.".

(23) Public health deficiencies in sub-Saharan Africa and other parts of the developing world reduce global capacities to detect and respond to potential crises, such as an avian flu pandemic.

(24) On September 28, 2005, Secretary of State Condoleezza Rice declared that "HIV/AIDS is not only a human tragedy of enormous magnitude; it is also a threat to the stability of entire countries and to the entire regions of the world.".

(25) Foreign assistance by the United States that expands local capacities, provides commodities or training, or builds on and enhances community-based and national programs and leadership can increase the impact, efficiency, and sustainability of funded efforts by the United States.

(26) African health care professionals immigrate to the United States for the same set of reasons that have led millions of people to come to this country, including the desire for freedom, for economic opportunity, and for a better life for themselves and their children, and the rights and motivations of these individuals must be respected.

(27) Helping countries in sub-Saharan Africa increase salaries and benefits of health care professionals, improve working conditions, including the adoption of universal precautions against workplace infection, improve management of health care systems and institutions, increase the capacity of health training institutions, and expand education opportunities will alleviate some of the pressures driving the migration of health care personnel from sub-Saharan Africa.

(28) While the scope of the problem of dire shortfalls of personnel and inadequacies of infrastructure in the sub-Saharan African health systems is immense, effective and targeted interventions to improve working conditions, management, and productivity would yield significant dividends in improved health care.

(29) Failure to address the shortage of health care professionals and paraprofessionals, and the factors pushing individuals to leave sub-Saharan Africa will undermine the objectives of United States development policy and will subvert opportunities to achieve internationally recognized goals for the treatment and prevention of HIV/AIDS and other diseases, in the reduction of child and maternal mortality, and for economic growth and development in sub-Saharan Africa.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should help sub-Saharan African countries that have not already done so to develop national human resource plans within the context of comprehensive country health plans involving a wide range of stakeholders;

(2) comprehensive, rather than piecemeal approaches to advance multiple sustainable interventions will better enable countries to plan for the number of health care workers they need, determine whether they need to reorganize their health workforce, integrate workforce planning into an overall strategy to improve health system performance and impact, better budget for health care spending, and improve the delivery of health services in rural and other underserved areas;

(3) in order to promote systemic, sustainable change, the United States should seek, where possible, to strengthen existing national systems in sub-Saharan African countries to improve national capacities in areas including fiscal management, training, recruiting and retention of health workers, distribution of resources, attention to rural areas, and education;

(4) because foreign-funded efforts to fight HIV/AIDS and other diseases may also draw health personnel away from the public sector in sub-Saharan African countries, the policies and programs of the United States should, where practicable, seek to work with national and community-based health structures and seek to promote the general welfare and enhance infrastructures beyond the scope of a single disease or condition;

(5) paraprofessionals and community-level health workers can play a key role in prevention, care, and treatment services, and in the more equitable and effective distribution of health resources, and should be integrated into national health systems;

(6) given the current personnel shortages in sub-Saharan Africa, paraprofessionals and community health workers represent a critical potential workforce in efforts to reduce the burdens of malaria, tuberculosis, HIV/AIDS, and other deadly and debilitating diseases;

(7) it is critically important that the governments of sub-Saharan African countries increase their own investments in education and health care;

(8) international financial institutions have an important role to play in the achievement of internationally agreed upon health goals, and in helping countries strike the appropriate balance in encouraging effective public investments in the health and education sectors, particularly as foreign assistance in these areas scales up, and promoting macroeconomic stability;

(9) public-private partnerships are needed to promote creative contracts, investments in sub-Saharan African educational systems, codes of conduct related to recruiting, and other mechanisms to alleviate the adverse impacts on sub-Saharan African countries caused by the migration of health professionals;

(10) colleges and universities of the United States, as well as other members of the private sector, can play a significant role in promoting training in medicine and public health in sub-Saharan Africa by establishing or supporting in-country programs in sub-Saharan Africa through twinning programs with educational institutions in sub-Saharan Africa or through other in-country mechanisms;

(11) given the substantial numbers of African immigrants to the United States working in the health sector, the United States should enact and implement measures to permit qualified aliens and their family members that are legally present in the United States to work temporarily as health care professionals in developing countries or in other emergency situations, as in S. 2611, of the 109th Congress, as passed by the Senate on May 25, 2006;

(12) the President, acting through the United States Permanent Representative to the United Nations, should exercise the voice and vote of the United States—

(A) to ameliorate the adverse impact on less developed countries of the migration of health personnel;

(B) to promote voluntary codes of conduct for recruiters of health personnel; and

(C) to promote respect for voluntary agreements in which individuals, in exchange for individual educational assistance, have agreed either to work in the health field in their home countries for a given period of time or to repay such assistance;

(13) the United States, like countries in other parts of the world, is experiencing a

shortage of medical personnel in many occupational specialties, and the shortage is particularly acute in rural and other underserved areas of the country; and

(14) the United States should expand training opportunities for health personnel, expand incentive programs such as student loan forgiveness for people of the United States willing to work in underserved areas, and take other steps to increase the number of health personnel in the United States.

SEC. 5. ASSISTANCE TO INCREASE HUMAN CAPACITY IN THE HEALTH SECTOR IN SUB-SAHARAN AFRICA.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) by redesignating the section 135 that was added by section 5 of the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121; 22 U.S.C. 2152h note) as section 136; and

(2) by adding at the end the following new section:

“SEC. 137. ASSISTANCE TO INCREASE HUMAN CAPACITY IN THE HEALTH SECTOR IN SUB-SAHARAN AFRICA.

“(a) ASSISTANCE.—

“(1) AUTHORITY.—The President is authorized to provide assistance, including providing assistance through international or nongovernmental organizations, for programs in sub-Saharan Africa to improve human health care capacity.

“(2) TYPES OF ASSISTANCE.—Such programs should include assistance—

“(A) to provide financial and technical assistance to sub-Saharan African countries in developing and implementing new or strengthened comprehensive national health workforce plans;

“(B) to build and improve national and local capacities and sustainable health systems management in sub-Saharan African countries, including financial, strategic, and technical assistance for—

“(i) fiscal and health personnel management;

“(ii) health worker recruitment systems;

“(iii) the creation or improvement of computerized health workforce databases and other human resource information systems;

“(iv) implementation of measures to reduce corruption in the health sector; and

“(v) monitoring, evaluation, and quality assurance in the health field, including the utilization of national and district-level mapping of health care systems to determine capacity to deliver health services;

“(C) to train and retain sufficient numbers of health workers, including paraprofessionals and community health workers, to provide essential health services in sub-Saharan African countries, including financing, strategic technical assistance for—

“(i) health worker safety and health care, including HIV/AIDS prevention and off-site testing and treatment programs for health workers;

“(ii) increased capacity for training health professionals and paraprofessionals in such subjects as human resources planning and management, health program management, and quality improvement;

“(iii) expanded access to secondary level math and science education;

“(iv) expanded capacity for nursing and medical schools in sub-Saharan Africa, with particular attention to incentives or mechanisms to encourage graduates to work in the health sector in their country of residence;

“(v) incentives and policies to increase retention, including salary incentives;

“(vi) modern quality improvement processes and practices;

“(vii) continuing education, distance education, and career development opportunities for health workers;

“(viii) mechanisms to promote productivity within existing and expanding health workforces; and

“(ix) achievement of minimum infrastructure requirements for health facilities, such as access to clean water;

“(D) to support sub-Saharan African countries with financing, technical support, and personnel, including paraprofessionals and community-based caregivers, to better meet the health needs of rural and other underserved populations by providing incentives to serve in these areas, and to more equitably distribute health professionals and paraprofessionals;

“(E) to support efforts to improve public health capacities in sub-Saharan Africa through education, leadership development, and other mechanisms;

“(F) to provide technical assistance, equipment, training, and supplies to assist in the improvement of health infrastructure in sub-Saharan Africa;

“(G) to promote efforts to improve systematically human resource management and development as a critical health and development issue in coordination with specific disease control programs for sub-Saharan Africa; and

“(H) to establish a global clearinghouse or similar mechanism for knowledge sharing regarding human resources for health, in consultation, if helpful, with the Global Health Workforce Alliance.

“(3) MONITORING AND EVALUATION.—

“(A) IN GENERAL.—The President shall establish a monitoring and evaluation system to measure the effectiveness of assistance by the United States to improve human health care capacity in sub-Saharan Africa in order to maximize the sustainable development impact of assistance authorized under this section and pursuant to the strategy required under subsection (b).

“(B) REQUIREMENTS.—The monitoring and evaluation system shall—

“(i) establish performance goals for assistance provided under this section;

“(ii) establish performance indicators to be used in measuring or assessing the achievement of performance goals;

“(iii) provide a basis for recommendations for adjustments to the assistance to enhance the impact of the assistance; and

“(iv) to the extent feasible, utilize and support national monitoring and evaluation systems, with the objective of improved data collection without the imposition of unnecessary new burdens.

“(b) STRATEGY OF THE UNITED STATES.—

“(1) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and transmit to the appropriate congressional committees a strategy for coordinating, implementing, and monitoring assistance programs for human health care capacity in sub-Saharan Africa.

“(2) CONTENT.—The strategy required by paragraph (1) shall include—

“(A) a description of a coordinated strategy, including coordination among agencies and departments of the Federal Government with other bilateral and multilateral donors, to provide the assistance authorized in subsection (a);

“(B) a description of a coordinated strategy to consult with sub-Saharan African countries and the African Union on how best to advance the goals of this Act; and

“(C) an analysis of how international financial institutions can most effectively assist countries in their efforts to expand and better direct public spending in the health and education sectors in tandem with the anticipated scale up of international assistance to combat HIV/AIDS and other health challenges, while simultaneously helping these countries maintain prudent fiscal balance.

“(3) FOCUS OF ANALYSIS.—The analysis described in paragraph (2)(C) should focus on 2 or 3 selected countries in sub-Saharan Africa, including, if practical, 1 focus country as designated under the President's Emergency Plan for AIDS Relief (authorized by the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) and 1 country without such a designation.

“(4) CONSULTATION.—The President is encouraged to develop the strategy required under paragraph (1) in consultation with the Secretary of State, the Administrator for the United States Agency for International Development, including employees of its field missions, the Global HIV/AIDS Coordinator, the Chief Executive Officer of the Millennium Challenge Corporation, the Secretary of the Treasury, the Director of the Bureau of Citizenship and Immigration Services, the Director of the Centers for Disease Control and Prevention, and other relevant agencies to ensure coordination within the Federal Government.

“(5) COORDINATION.—

“(A) DEVELOPMENT OF STRATEGY.—To ensure coordination with national strategies and objectives and other international efforts, the President should develop the strategy described in paragraph (1) by consulting appropriate officials of the United States Government and by coordinating with the following:

“(i) Other donors.

“(ii) Implementers.

“(iii) International agencies.

“(iv) Nongovernmental organizations working to increase human health capacity in sub-Saharan Africa.

“(v) The World Bank.

“(vi) The International Monetary Fund.

“(vii) The Global Fund to Fight AIDS, Tuberculosis, and Malaria.

“(viii) The World Health Organization.

“(ix) The International Labour Organization.

“(x) The United Nations Development Programme.

“(xi) The United Nations Programme on HIV/AIDS.

“(xii) The European Union.

“(xiii) The African Union.

“(B) ASSESSMENT AND COMPILATION.—The President should make the assessments and compilations required by subsection (a)(3)(B)(v), in coordination with the entities listed in subparagraph (A).

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date on which the President submits the strategy required in subsection (b), the President shall submit to the appropriate congressional committees a report on the implementation of this section.

“(2) ASSESSMENT OF MECHANISMS FOR KNOWLEDGE SHARING.—The report described in paragraph (1) shall be accompanied by a document assessing best practices and other mechanisms for knowledge sharing about human resources for health and capacity building efforts to be shared with governments of developing countries and others seeking to promote improvements in human resources for health and capacity building.

“(3) FOLLOW-UP REPORT.—Not later than 3 years after the date on which the President submits the strategy required in subsection (b), the president shall submit to the appropriate congressional committees a further report on the implementation of this section.

"(d) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

"(2) BRAIN DRAIN.—The term 'brain drain' means the emigration of a significant proportion of a country's professionals working in the health field to wealthier countries, with a resulting loss of personnel and often a loss in investment in education and training for the countries experiencing the emigration.

"(3) HEALTH PROFESSIONAL.—The term 'health professional' means a person whose occupation or training helps to identify, prevent, or treat illness or disability.

"(4) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given such term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(g)).

"(5) PARAPROFESSIONAL.—The term 'paraprofessional' means an individual who is trained and employed as a health agent for the provision of basic assistance in the identification, prevention, or treatment of illness or disability.

"(6) COMMUNITY HEALTH WORKERS.—The term 'community health worker' means a community based caregiver who has received instruction and is employed to provide basic health services in specific catchment areas, most often the areas where they themselves live.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out the provisions of this section—

"(A) $150,000,000 for fiscal year 2008;

"(B) $200,000,000 for fiscal year 2009; and

"(C) $250,000,000 for fiscal year 2010.

"(2) AVAILABILITY OF FUNDS.—Amounts made available under paragraph (1) are authorized to remain available until expended and are in addition to amounts otherwise made available for the purpose of carrying out this section.".

SUBMITTED RESOLUTIONS—TUESDAY, MARCH 6, 2007

SENATE RESOLUTION 95—DESIGNATING MARCH 25, 2007, AS "GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY"

Mr. SPECTER (for himself, Mr. ALLARD, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, "Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region and has invested over $15,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes from 202 countries and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001 included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2007 marks the 186th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2007 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 99—EXPRESSING THE SENSE OF THE SENATE THAT UNITED STATES MILITARY ASSISTANCE TO PAKISTAN SHOULD BE GUIDED BY DEMONSTRABLE PROGRESS BY THE GOVERNMENT OF PAKISTAN IN ACHIEVING CERTAIN OBJECTIVES RELATED TO COUNTERTERRORISM AND DEMOCRATIC REFORMS

Mr. DODD (for himself, Mr. KERRY, and Mr. BIDEN) submitted the following resolution; whcih was referred to the Committee on Foreign Relations:

S. RES. 99

Whereas a democratic, stable, and prosperous Pakistan that is a full and reliable partner in the struggle against Al Qaeda and the Taliban and a responsible steward of its nuclear weapons and technology is vital to the national security of the United States and to combating international terrorism;

Whereas, since September 11, 2001, Pakistan has been an important partner in removing the Taliban regime in Afghanistan and combating Al Qaeda and international terrorism, engaging in operations that have led to the deaths of hundreds of Pakistani security personnel and enduring acts of terrorism and sectarian violence that have killed many innocent civilians; and

Whereas senior United States military and intelligence officials have stated that the Taliban and Al Qaeda have established critical sanctuaries in Pakistan from where Al Qaeda is rebuilding its global terrorist network and Taliban forces are crossing into Afghanistan and attacking Afghan, United States, and International Security Assistance Force (ISAF) personnel: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the policy of the United States—

(A) to maintain and deepen its long-term strategic partnership with Pakistan;

(B) to work with the Government of Pakistan to combat international terrorism and to end the use of Pakistani territory as a safe haven for Al Qaeda, the Taliban, and associated terrorist organizations, including through the integration and development of the Federally Administered Tribal Areas (FATA);

(C) to work with the Government of Pakistan to dismantle existing proliferation networks and prevent nuclear proliferation;

(D) to work to facilitate the peaceful resolution of all bilateral disputes between Pakistan and its neighboring countries;

(E) to encourage the transition in Pakistan to a fully democratic system of governance; and

(F) to implement a robust aid strategy that supports programs in Pakistan related to education, governance, rule of law, women's rights, medical access, and infrastructure development; and

(2) the determination of appropriate levels of United States military assistance to Pakistan should be guided by demonstrable progress by the Government of Pakistan in—

(A) preventing Al Qaeda and associated terrorist organizations from operating in the territory of Pakistan, including by eliminating terrorist training camps or facilities, arresting members of Al Qaeda and associated terrorist organizations, and countering recruitment efforts;

(B) preventing the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(C) implementing democratic reforms, including by allowing free, fair and inclusive elections at all levels of government in accordance with internationally recognized democratic norms.

SENATE RESOLUTION 100—DESIGNATING THE WEEK BEGINNING MARCH 12, 2007, AS "NATIONAL SAFE PLACE WEEK"

Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mrs. BOXER, Mr. COCHRAN, Ms. MURKOWSKI, Mr. DURBIN, Mr. BUNNING, Mr. BAYH, Mr. MCCONNELL, Mr. SALAZAR, Mrs. LINCOLN, Mrs. CLINTON, Mr. DODD, Mr. CRAPO, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 100

Whereas the youths of the United States will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences, such as child abuse, substance abuse, and crime, and youths need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the Nation's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 700 communities in 40 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 youths have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the youths received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 12 through March 18, 2007, as "National Safe Place Week"; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer involvement in, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 373. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 343 submitted by Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) and intended to be proposed to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 374. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 343 submitted by Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) and intended to be proposed to the bill S. 4, supra; which was ordered to lie on the table.

SA 375. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 376. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 377. Mrs. FEINSTEIN (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 378. Mr. KERRY (for himself, Mr. DODD, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 379. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 272 proposed by Mr. ALLARD to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 380. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 381. Mr. INHOFE (for himself, Mr. BUNNING, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 382. Mr. SESSIONS (for himself, Ms. LANDRIEU, Mr. GRASSLEY, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 383. Mr. BIDEN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 384. Mr. BIDEN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 385. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 386. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 387. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 388. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 389. Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. WARNER, and Mr. BURR) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr.

LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 390. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 391. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 392. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 393. Ms. CANTWELL (for herself, Mr. DODD, Mr. FEINGOLD, Mr. BROWNBACK, Mr. LUGAR, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 394. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 395. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 373. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 343 submitted by Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) and intended to be proposed to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 12 and all that follows through page 3, line 11, and insert the following:

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Challenge Account goals of political and economic reforms by developing nations in three areas: ruling justly, investing in people, and fostering economic freedom.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, and the elimination of extreme global poverty, and the achievement of the Millennium Challenge Account goals of political and economic reforms by developing nations in three areas: ruling justly, investing in people, and fostering economic freedom.

SA 374. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 343 submitted by Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) and intended to be proposed to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 12 and all that follows through page 3, line 11, and insert the following:

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(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Challenge Account goals of political and economic reforms by developing nations in three areas: ruling justly, investing in people, and fostering economic freedom.

SA 375. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, after line 20, insert the following:

SEC. 1385. COORDINATION OF EVACUATION AND SHELTERING PLANS.

(a) REGIONAL EVACUATION PLANS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, using the findings contained in the report analyzing catastrophic hurricane evacuation plans, which was submitted to Congress pursuant to section 10204(d) of SAFETEA-LU (Public Law 109-59), in cooperation with the Secretary of Transportation and the Secretary of Defense, and in coordination with the plans established pursuant to subsection (b), shall establish, and submit to Congress, regional evacuation plans that—

(A) are nationally coordinated;

(B) incorporate all modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus; and

(C) clearly define the roles and responsibilities that each Federal, State, or local government agency should undertake to prepare for major evacuations.

(2) PROVISION OF EVACUATION AND SHELTERING SERVICES.—The Director of the Federal Emergency Management Agency, in coordination with States, units of local government, nonprofit organization, and other private entities, shall be prepared to provide regionally-coordinated evacuation and sheltering services for individuals affected by large-scale disasters.

(b) REGIONAL SHELTERING PLANS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, using the findings described in subsection (a), in cooperation with the Secretary of Transportation and the Secretary of Health and Human Services, and in coordination with the plans established pursuant to subsection (a), shall—

(1) establish, and submit to Congress, regional sheltering plans that—

(A) are nationally coordinated; and

(B) identify regional and national shelters capable of housing evacuees and victims of a catastrophic natural disaster or terrorist attack in any part of the country; and

(2) develop a national sheltering database that can be shared with States and units of local government during a catastrophic event.

(c) RULEMAKING.—Not later than 90 days after the evacuation and sheltering plans are submitted under this section, the Secretary, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Health and Human Services, shall—

(1) issue regulations to implement the plans established pursuant to subsections (a) and (b); and

(2) recommend legislation to facilitate the implementation of such plans.

(d) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct an analysis comparing the costs and benefits of evacuating the people of New Orleans during a natural disaster or terrorist attack compared to the costs and benefits of sheltering such people.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Secretaries shall consider—

(A) the 20,000 to 30,000 people in New Orleans with special needs; and

(B) the absence of shelters in Orleans Parish.

(3) TECHNICAL ASSISTANCE.—The Secretary and the Secretary of Transportation shall provide technical assistance to State and units of local government that are establishing evacuation and sheltering plans, which identify and utilize regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

SA 376. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. ______. ASSISTANCE FOR CERTAIN PUBLIC FACILITIES DAMAGED AS A RESULT OF HURRICANE KATRINA OR HURRICANE RITA.

The Administrator of the Federal Emergency Management Agency shall make a contribution of funds under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) to a State or local government for the replacement of a public facility, if—

(1) that facility was damaged as a result of Hurricane Katrina or Hurricane Rita;

(2) based on a cost estimate provided by the Federal Emergency Management Agency to that State or local government, the extent of the damage would require the replacement of that facility, instead of the repair, restoration, or reconstruction of that facility;

(3) that State or local government acquired real property for the purpose of the replacement of that facility based on reasonable reliance on the cost estimate described under paragraph (2); and

(4) such funds would otherwise be available to that State or local government for that facility in accordance with that Act.

SA 377. Mrs. FEINSTEIN (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—VISA AND PASSPORT SECURITY

SEC. ___01. SHORT TITLE.

This title may be cited as the “Passport and Visa Security Act of 2007”.

Subtitle A—Reform of Passport Fraud Offenses

SEC. ___11. TRAFFICKING IN PASSPORTS.

Section 1541 of title 18, United States Code, is amended to read as follows:

“§ 1541. Trafficking in passports

“(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more passports;

“(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

“(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.”.

SEC. ___12. FALSE STATEMENT IN AN APPLICATION FOR A PASSPORT.

Section 1542 of title 18, United States Code, is amended to read as follows:

“§ 1542. False statement in an application for a passport

“(a) IN GENERAL.—Whoever knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) VENUE.—

“(1) IN GENERAL.—An offense under subsection (a) may be prosecuted in any district—

“(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed; or

“(B) in which or to which the application was mailed or presented.

“(2) ACTS OCCURRING OUTSIDE THE UNITED STATES.—An offense under subsection (a) involving an application for a United States passport prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

“(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.”.

SEC. ___13. FORGERY AND UNLAWFUL PRODUCTION OF A PASSPORT.

Section 1543 of title 18, United States Code, is amended to read as follows:

“§ 1543. Forgery and unlawful production of a passport

“(a) FORGERY.—Any person who knowingly—

“(1) forges, counterfeits, alters, or falsely makes any passport; or

“(2) transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

“(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.”.

SEC. ___14. MISUSE OF A PASSPORT.

Section 1544 of title 18, United States Code, is amended to read as follows:

“§ 1544. Misuse of a passport

“Any person who knowingly—

“(1) uses any passport issued or designed for the use of another;

“(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.”.

SEC. ___15. ATTEMPTS AND CONSPIRACIES.

Section 1545 of title 18, United States Code, is amended to read as follows:

“§ 1545. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.”.

SEC. ___16. IMMIGRATION AND VISA FRAUD.

Section 1546 of title 18, United States Code, is amended to read as follows:

“§ 1546. Immigration and visa fraud

“(a) IN GENERAL.—Any person who knowingly—

“(1) uses any immigration document issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document;

“(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

“(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) TRAFFICKING.—Any person who, during any period of 3 years or less, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make immigration documents, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

“(d) EMPLOYMENT DOCUMENTS.—Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

"(2) an identification document knowing (or having reason to know) that the document is false; or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.".

SEC. 17. ALTERNATIVE IMPRISONMENT MAXIMUM FOR CERTAIN OFFENSES.

Section 1547 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "(other than an offense under section 1545)";

(2) in paragraph (1), by striking "15" and inserting "20"; and

(3) in paragraph (2), by striking "20" and inserting "25".

SEC. 18. ATTEMPTS, CONSPIRACIES, JURISDICTION, AND DEFINITIONS.

Chapter 75 of title 18, United States Code, is amended by adding after section 1547 the following new sections:

"§ 1548. Additional jurisdiction

"(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§ 1549. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (Public Law 91–452; 84 Stat. 933).

"§ 1550. Definitions

"As used in this chapter:

"(1) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence submitted in support of an application for a United States passport.

"(2) The term 'false statement or representation' includes a personation or an omission.

"(3) The term 'immigration document'—

"(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document described in subparagraph (A).

"(4) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in subparagraph (A) or (B).

"(5) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(6) The term 'passport' means—

"(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

"(B) any instrument purporting to be a document described in subparagraph (A).

"(7) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(8) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

"(9) The 'use' of a passport or an immigration document referred to in section 1541(a), 1543(b), 1544, 1546(a), and 1546(b) of this chapter includes—

"(A) any officially authorized use;

"(B) use to travel;

"(C) use to demonstrate identity, residence, nationality, citizenship, or immigration status;

"(D) use to seek or maintain employment; or

"(E) use in any matter within the jurisdiction of the Federal government or of a State government.".

SEC. 19. CLERICAL AMENDMENT.

The table of sections for chapter 75 of title 18, United States Code, is amended to read as follows:

"Sec. 1541. Trafficking in passports.
"Sec. 1542. False statement in an application for a passport.
"Sec. 1543. Forgery and unlawful production of a passport.
"Sec. 1544. Misuse of a passport.
"Sec. 1545. Attempts and conspiracies.
"Sec. 1546. Immigration and visa fraud.
"Sec. 1547. Alternative imprisonment maximum for certain offenses.
"Sec. 1548. Additional jurisdiction.
"Sec. 1549. Authorized law enforcement activities.
"Sec. 1550. Definitions.".

Subtitle B—Other Reforms

SEC. 21. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 2, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

SEC. ___22. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DETENTION.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

"(e) DETENTION.—(1) If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

"(2) In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

"(A) the person has been convicted of a Federal offense that is described in subsection (f)(1) of this section, or of a State or local offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

"(B) the offense described in subparagraph (A) of this paragraph was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(C) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in subparagraph (A) of this paragraph, whichever is later.

"(3) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

"(4) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or "(iii) has committed a felony offense under chapter 75 of this title.".

(b) FACTORS TO BE CONSIDERED.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end; and

(2) by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

SEC. ___23. PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.

(a) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for Federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the United States treaty obligations under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(b) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subsection (a), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, such guidelines, and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter

SEC. 24. DIPLOMATIC SECURITY SERVICE.

Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code;".

SEC. 25. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§3291. Immigration, passport, and naturalization offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) or 75 (relating to passport and visa offenses) of this title, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, passport, and naturalization offenses".

SA 378. Mr. KERRY (for himself, Mr. DODD, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following new section:

SEC. 1505. SENSE OF CONGRESS ON MILITARY ASSISTANCE TO PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) A democratic, stable, and prosperous Pakistan that is a full and reliable partner in the struggle against Al Qaeda and the Taliban and a responsible steward of its nuclear weapons and technology is vital to the national security of the United States and to combating international terrorism.

(2) Since September 11, 2001, Pakistan has been an important partner in removing the Taliban regime in Afghanistan and combating Al Qaeda and international terrorism, engaging in operations that have led to the deaths of hundreds of Pakistani security personnel and enduring acts of terrorism and sectarian violence that have killed many innocent civilians.

(3) Senior United States military and intelligence officials have stated that the Taliban and Al Qaeda have established critical sanctuaries in Pakistan from where Al Qaeda is rebuilding its global terrorist network and Taliban forces are crossing into Afghanistan and attacking Afghan, US, and International Security Assistance Force (ISAF) personnel.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maintain and deepen its long-term strategic partnership with Pakistan;

(2) to work with the Government of Pakistan to combat international terrorism and to end the use of Pakistani territory as a safe haven for Al Qaeda, the Taliban, and associated terrorist organizations, including through the integration and development of the Federally Administered Tribal Areas (FATA);

(3) to work with the Government of Pakistan to dismantle existing proliferation networks and prevent nuclear proliferation;

(4) to work to facilitate the peaceful resolution of all bilateral disputes between Pakistan and its neighboring countries;

(5) to encourage the transition in Pakistan to a fully democratic system of governance; and

(6) to implement a robust aid strategy that supports programs in Pakistan related to education, governance, rule of law, women's rights, medical access, and infrastructure development.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the determination of appropriate levels of United States military assistance to Pakistan should be guided by demonstrable progress by the Government of Pakistan in—

(1) preventing Al Qaeda and associated terrorist organizations from operating in the territory of Pakistan, including by eliminating terrorist training camps or facilities, arresting members of Al Qaeda and associated terrorist organizations, and countering recruitment efforts;

(2) preventing the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(3) implementing democratic reforms, including by allowing free, fair, and inclusive elections at all levels of government in accordance with internationally recognized democratic norms.

SA 379. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 272 proposed by Mr. ALLARD to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. DISCLOSURE OF CERTAIN TAXPAYER INFORMATION TO ASSIST IN IMMIGRATION ENFORCEMENT.

(a) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—From taxpayer identity information which has been disclosed or otherwise made available to the Social Security Administration and upon written request by the Secretary of Homeland Security (in this paragraph referred to as the 'Secretary'), the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security—

"(i) the taxpayer identity of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains—

"(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) with the same taxpayer identifying number,

and the taxpayer identity of each such employee, and

"(ii) the taxpayer identity of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051)—

"(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

"(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed, "(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year, or

"(IV) who is not authorized to work in the United States, according to the records maintained by the Commissioner of Social Security,

and the taxpayer identity of each such employee.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary to assist the Secretary in—

"(i) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(ii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)"; and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in the amendments made by subsection (a), but only to the extent the Secretary of Homeland Security has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(c) REPEAL OF REPORTING REQUIREMENTS.—

(1) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(2) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note) is repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures made after the date of the enactment of this Act.

(2) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a)(2), shall be made with respect to calendar year 2007.

(3) REPEALS.—The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SA 380. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV add the following:

SEC. . DISCLOSURE OF CERTAIN TAXPAYER INFORMATION TO ASSIST IN IMMIGRATION ENFORCEMENT.

(a) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—From taxpayer identity information which has been disclosed or otherwise made available to the Social Security Administration and upon written request by the Secretary of Homeland Security (in this paragraph referred to as the 'Secretary'), the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security—

"(i) the taxpayer identity of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains—

"(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) with the same taxpayer identifying number,

and the taxpayer identity of each such employee, and

"(ii) the taxpayer identity of each person who has filed an information return required by reason of section 6051 after calendar year 2005 and before the date specified in subparagraph (D) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051)—

"(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

"(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

"(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year, or

"(IV) who is not authorized to work in the United States, according to the records maintained by the Commissioner of Social Security,

and the taxpayer identity of each such employee.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary to assist the Secretary in—

"(i) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(ii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)"; and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in the amendments made by subsection (a), but only to the extent the Secretary of Homeland Security has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(c) REPEAL OF REPORTING REQUIREMENTS.—

(1) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(2) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note) is repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures made after the date of the enactment of this Act.

(2) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a)(2), shall be made with respect to calendar year 2007.

(3) REPEALS.—The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SA 381. Mr. INHOFE (for himself, Mr. BUNNING, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —DOMESTIC FUELS SECURITY

SEC. 01. SHORT TITLE.

This title may be cited as the "Domestic Fuels Security Act of 2007".

SEC. ___2. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COAL-TO-LIQUID.—The term "coal-to-liquid" means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is derived from the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs for the Fischer-Tropsch process, or the finished fuel from the Fischer-Tropsch process, using a feedstock that is primarily domestic coal at the Fischer-Tropsch facility.

(3) DOMESTIC FUELS FACILITY.—

(A) IN GENERAL.—The term "domestic fuels facility" means—

(i) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other transportation fuel;

(ii) a facility that produces a renewable fuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); and

(iii) a facility at which crude oil is refined into transportation fuel or other petroleum products.

(B) INCLUSION.—The term "domestic fuels facility" includes a domestic fuels facility expansion.

(4) DOMESTIC FUELS FACILITY EXPANSION.—The term "domestic fuels facility expansion" means a physical change in a domestic fuels facility that results in an increase in the capacity of the domestic fuels facility.

(5) DOMESTIC FUELS FACILITY PERMITTING AGREEMENT.—The term "domestic fuels facility permitting agreement" means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(6) DOMESTIC FUELS PRODUCER.—The term "domestic fuels producer" means an individual or entity that—

(A) owns or operates a domestic fuels facility; or

(B) seeks to become an owner or operator of a domestic fuels facility.

(7) INDIAN LAND.—The term "Indian land" has the meaning given the term "Indian lands" in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(8) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) PERMIT.—The term "permit" means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated with authority by the Federal Government, or authorized under Federal law to issue permits.

(10) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(11) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

Subtitle A—Collaborative Permitting Process for Domestic Fuels Facilities

SEC. 11. COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a domestic fuels facility permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a domestic fuels facility shall be improved using a systematic interdisciplinary multimedia approach as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a domestic fuels facility permitting agreement—

(1) the Administrator shall have authority, as applicable and necessary, to—

(A) accept from a refiner a consolidated application for all permits that the domestic fuels producer is required to obtain to construct and operate a domestic fuels facility;

(B) establish a schedule under which each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits that the domestic fuels producer is required to obtain; and

(2) the Administrator shall provide to State and Indian tribal government agencies—

(A) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under paragraph (1)(B); and

(B) technical, legal, and other assistance in complying with the domestic fuels facility permitting agreement.

(c) AGREEMENT BY THE STATE.—Under a domestic fuels facility permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) each State or Indian tribal government agency shall—

(A) make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(1)(B).

(d) INTERDISCIPLINARY APPROACH.—

(1) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of domestic fuels facility permits subject to this section.

(2) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(A) environmental management practices; and

(B) third party contractors.

(e) DEADLINES.—

(1) NEW DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the construction of a new domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under subparagraph (A).

(2) EXPANSION OF EXISTING DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the expansion of an existing domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under subparagraph (A).

(f) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(1)(B).

(g) JUDICIAL REVIEW.—Any civil action for review of any determination of any Federal, State, or Indian tribal government agency in a permitting process conducted under a domestic fuels facility permitting agreement brought by any individual or entity shall be brought exclusively in the United States district court for the district in which the domestic fuels facility is located or proposed to be located.

(h) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this section.

(i) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a domestic fuels facility are not approved on or before any deadline established under subsection (e), the Administrator may issue a consolidated permit that combines all other permits that the domestic fuels producer is required to obtain other than any permits that are not approved.

(j) SAVINGS.—Nothing in this section affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a domestic fuels facility.

(k) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this section.

(l) EFFECT ON LOCAL AUTHORITY.—Nothing in this section affects—

(1) the authority of a local government with respect to the issuance of permits; or

(2) any requirement or ordinance of a local government (such as zoning regulations).

Subtitle B—Environmental Analysis of Fischer-Tropsch Fuels

SEC. ___21. EVALUATION OF FISCHER-TROPSCH DIESEL AND JET FUEL AS AN EMISSION CONTROL STRATEGY.

(a) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(1) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(2) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(3) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuels for reducing public exposure to exhaust emissions.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(c) REQUIREMENTS.—The program described in subsection (a) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(d) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than October 1, 2007, an interim report on actions taken to carry out this section; and

(2) not later than December 1, 2008, a final report on actions taken to carry out this section.

Subtitle C—Domestic Coal-to-Liquid Fuel

SEC. 31. COAL-TO-LIQUID FUEL LOAN GUARANTEE PROGRAM.

(a) ELIGIBLE PROJECTS.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

"(11) Large-scale coal-to-liquid facilities that use a feedstock, the majority of which is the coal resources of the United States, to produce not less than 10,000 barrels a day of liquid transportation fuel.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

"(c) COAL-TO-LIQUID PROJECTS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees for projects involving large-scale coal-to-liquid facilities under section 1703(b)(11).

"(2) ALTERNATIVE FUNDING.—If no appropriations are made available under paragraph (1), an eligible applicant may elect to provide payment to the Secretary, to be delivered if and at the time the application is approved, in the amount of the estimated cost of the loan guarantee to the Federal Government, as determined by the Secretary.

"(3) LIMITATIONS.—

"(A) IN GENERAL.—No loan guarantees shall be provided under this title for projects described in paragraph (1) after (as determined by the Secretary)—

"(i) the tenth such loan guarantee is issued under this title; or

"(ii) production capacity covered by such loan guarantees reaches 100,000 barrels per day of coal-to-liquid fuel.

"(B) INDIVIDUAL PROJECTS.—

"(i) IN GENERAL.—A loan guarantee may be provided under this title for any large-scale coal-to-liquid facility described in paragraph (1) that produces not more than 20,000 barrels of coal-to-liquid fuel per day.

"(ii) NON-FEDERAL FUNDING REQUIREMENT.—To be eligible for a loan guarantee under this title, a large-scale coal-to-liquid facility described in paragraph (1) that produces more than 20,000 barrels per day of coal-to-liquid fuel shall be eligible to receive a loan guarantee for the proportion of the cost of the facility that represents 20,000 barrels of coal-to-liquid fuel per day of production.

"(4) REQUIREMENTS.—

"(A) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish guidelines for the coal-to-liquids loan guarantee application process.

"(B) APPLICATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall begin to accept applications for coal-to-liquid loan guarantees under this subsection.

"(C) DEADLINE.—Not later than 1 year after the date of acceptance of an application under subparagraph (B), the Secretary shall evaluate the application and make final determinations under this subsection.

"(5) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this subsection not later than each of—

"(A) 180 days after the date of enactment of this subsection;

"(B) 1 year after the date of enactment of this subsection; and

"(C) the dates on which the Secretary approves the first and fifth applications for coal-to-liquid loan guarantees under this subsection.".

SEC. ___32. COAL-TO-LIQUID FACILITIES LOAN PROGRAM.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term "eligible recipient" means an individual, organization, or other entity that owns, operates, or plans to construct a coal-to-liquid facility that will produce at least 10,000 barrels per day of coal-to-liquid fuel.

(b) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide loans, in a total amount not to exceed $20,000,000, for use by eligible recipients to pay the Federal share of the cost of obtaining any services necessary for the planning, permitting, and construction of a coal-to-liquid facility.

(c) APPLICATION.—To be eligible to receive a loan under subsection (b), the eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) NON-FEDERAL MATCHING REQUIREMENT.—To be eligible to receive a loan under this section, an eligible recipient shall use non-Federal funds to provide a dollar-for-dollar match of the amount of the loan.

(e) REPAYMENT OF LOAN.—

(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible recipient shall agree to repay the original amount of the loan to the Secretary not later than 5 years after the date of the receipt of the loan.

(2) SOURCE OF FUNDS.—Repayment of a loan under paragraph (1) may be made from any financing or assistance received for the construction of a coal-to-liquid facility described in subsection (a), including a loan guarantee provided under section 1703(b)(11) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(11)).

(f) REQUIREMENTS.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidelines for the coal-to-liquids loan application process.

(2) APPLICATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin to accept applications for coal-to-liquid loans under this section.

(g) REPORTS TO CONGRESS.—Not later than each of 180 days and 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. ___33. COAL-TO-LIQUID LONG-TERM FUEL PROCUREMENT AND DEPARTMENT OF DEFENSE DEVELOPMENT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary, the Administrator, and private sector stakeholders, shall conduct a comprehensive feasibility study, including the national security benefits, of developing a domestic coal-to-liquids industry.

(2) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (1), the Secretary of Defense shall take into consideration—

(A) the existing authority of the Secretary of Defense to procure coal-to-liquid fuels; and

(B) the estimated future authority of the Secretary of Defense to enter into long-term contracts with private entities or other entities to purchase coal-to-liquid fuel or to develop or operate coal-to-liquids facilities on or near military installations, based on—

(i) the availability of land and testing opportunities, and proximity to raw materials;

(ii) a contract term of not more than 25 years;

(iii) the authority to purchase coal-to-liquid fuels at fixed prices above, at, or below comparable market prices of fuel during the term of the contract; and

(iv)(I) the corresponding budgetary impact of the long-term contracts; and

(II) alternative methods for accounting for the contracts.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary, the Administrator, and private sector stakeholders, shall submit to Congress a report describing the results of the study conducted under subsection (a).

SEC. ___34. ECONOMIC DEVELOPMENT ASSISTANCE TO SUPPORT PROJECTS TO SUPPORT COAL-TO-LIQUIDS FACILITIES ON BRAC PROPERTY AND INDIAN LAND.

(a) PRIORITY.—Notwithstanding section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146), in awarding funds made available to carry out section 209(c)(1) of that Act (42 U.S.C. 3149(c)(1)) pursuant to section 702 of that Act (42 U.S.C. 3232), the Secretary and the Economic Development Administration shall give priority to projects to support coal-to-liquid facilities.

(b) FEDERAL SHARE.—Except as provided in subsection (c)(3)(B) and notwithstanding the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), the Federal share of a project to support a coal-to-liquid facility shall be—

(1) 80 percent of the project cost; or

(2) for a project carried out on Indian land, 100 percent of the project cost.

(c) ADDITIONAL AWARD.—

(1) IN GENERAL.—The Secretary shall make an additional award in connection with a grant made to a recipient (including any Indian tribe for use on Indian land) for a project to support a coal-to-liquid facility.

(2) AMOUNT.—The amount of an additional award shall be 10 percent of the amount of the grant for the project.

(3) USE.—An additional award under this subsection shall be used—

(A) to carry out any eligible purpose under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(B) notwithstanding section 204 of that Act (42 U.S.C. 3144), to pay up to 100 percent of the cost of an eligible project or activity under that Act; or

(C) to meet the non-Federal share requirements of that Act or any other Act.

(4) NON-FEDERAL SOURCE.—For the purpose of paragraph (3)(C), an additional award shall be treated as funds from a non-Federal source.

(5) FUNDING.—The Secretary shall use to carry out this subsection any amounts made available—

(A) for economic development assistance programs; or

(B) under section 702 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3232).

Subtitle D—Alternative Hydrocarbon and Renewable Reserves Disclosures Classification System

SEC. ___41. ALTERNATIVE HYDROCARBON AND RENEWABLE RESERVES DISCLOSURES CLASSIFICATION SYSTEM.

(a) IN GENERAL.—The Securities and Exchange Commission shall appoint a task force composed of government and private sector representatives to analyze, and submit to Congress a report (including recommendations) on, modernization of the hydrocarbon reserves disclosures classification system of the Commission to reflect advances in reserves recovery from nontraditional sources (such as deep water, oil shale, tar sands, and renewable reserves for cellulosic biofuels feedstocks).

(b) DEADLINE FOR REPORT.—The Commission shall submit the report required under subsection (a) not later than 180 days after the date of enactment of this Act.

Subtitle E—Authorization of Appropriations

SEC. ___51. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

SA 382. Mr. SESSIONS (for himself, Ms. LANDRIEU, Mr. GRASSLEY, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

SEC. 15 . EMERGENCY AND MAJOR DISASTER FRAUD PENALTIES.

(a) FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

"(b) A circumstance described in this subsection is any instance where—

"(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

"(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

"(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

"(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.”.

(2) Clerical amendment.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

“1040. Fraud in connection with major disaster or emergency benefits.”.

(b) Increased Criminal Penalties for Engaging in Wire, Radio, and Television Fraud During and Relation to a Presidentially Declared Major Disaster or Emergency.—Section 1343 of title 18, United States Code, is amended by inserting: “occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or” after “If the violation”.

(c) Increased Criminal Penalties for Engaging in Mail Fraud During and Relation to a Presidentially Declared Major Disaster or Emergency.—Section 1341 of title 18, United States Code, is amended by inserting: “occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or” after “If the violation”.

(d) Directive to Sentencing Commission.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission forthwith shall—

(A) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to subparagraph (A) and any additional policy recommendations the Commission may have for combating offenses described in that subparagraph.

(2) Requirements.—In carrying out this subsection, the Sentencing Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) assure reasonable consistency with other relevant directives and with other guidelines;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(D) make any necessary conforming changes to the sentencing guidelines; and

(E) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(3) Emergency authority and deadline for commission action.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

SA 383. Mr. BIDEN proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendationsof the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 361, after line 20, add the following:

Subtitle D—Transport of High Hazard Materials

SEC. 1391. REGULATIONS FOR TRANSPORT OF HIGH HAZARD MATERIALS.

(a) Definition of High Threat Corridor.—In this section, the term “high threat corridor” means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of high hazard materials, including—

(1) areas important to national security;

(2) areas that terrorists may be particularly likely to attack; or

(3) any other area designated by the Secretary.

(b) Purposes of Regulations.—The regulations issued under this section shall establish a national, risk-based policy for high hazard materials being transported or stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing high hazard materials.

(c) Issuance of Regulations.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue interim regulations and, after notice and opportunity for public comment final resolutions, concerning the shipment and storage of high hazard materials.

(d) Requirements.—The regulations issued under this section shall—

(1) except as provided in subsection (e), provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor;

(2) establish standards for the Secretary to grant exceptions to the rerouting requirement under paragraph (1).

(e) Transportation and Storage of High Hazard Materials Through High Threat Corridor.—

(1) In general.—The standards for the Secretary to grant exceptions under subsection (d)(4) shall require a finding by the Secretary that—

(A) the shipment originates or the point of destination is in the high threat corridor;

(B) there is no practicable alternative route;

(C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;

(D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on the shipment; or

(E) rerouting would increase the likelihood of a terrorist attack on the shipment.

(2) Practical alternate routes.—Ownership of the tracks or facilities shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1).

(3) Grant of exception.—If the Secretary grants an exception under subsection (d)(4)—(A)

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

SA 384. Mr. BIDEN proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the end, add the following:

SEC. 1505. HOMELAND SECURITY TRUST FUND.

(a) Definitions.—In this section:

(1) Trust fund.—The term “Trust Fund” means the Homeland Security and Neighborhood Safety Trust Fund established under subsection (b).

(2) Commission.—The term “Commission” means the National Commission on Terrorist Attacks upon the United States, established under title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 6 U.S.C. 101 note).

(b) Homeland Security and Neighborhood Safety Trust Fund.—

(1) Establishment of trust fund.—There is established in the Treasury of the United States a trust fund to be known as the “Homeland Security and Neighborhood Safety Trust Fund”, consisting of such amounts as may be appropriated or credited to the Trust Fund.

(2) Rules regarding transfers to and management of trust fund.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

(3) Distribution of amounts in trust fund.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2008 through 2012 to meet those obligations of the United States incurred which are authorized under subsection (d) for such fiscal years.

(4) Sense of the senate.—It is the sense of the Senate that the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which—

(A) increases revenues to the Treasury in the amount of $53,300,000,000 during taxable years 2008 through 2012 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the taxable incomes of taxpayers in excess of $1,000,000, and

(B) appropriates an amount equal to such revenues to the Homeland Security and Neighborhood Safety Trust Fund.

(c) Preventing Terror Attacks on the Homeland.—

(1) Authorization of appropriations for supporting law enforcement.—There are authorized to be appropriated from the Trust Fund—

(A) $1,150,000,000 for each of the fiscal years 2008 through 2012 for the Office of Community Oriented Policing Services for grants to State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counterterrorism units;

(B) $900,000,000 for each of the fiscal years 2008 through 2012 for the Justice Assistance Grant; and

(C) $500,000,000 for each of the fiscal years 2008 through 2012 for the Law Enforcement Terrorism Prevention Grant Program.

(2) AUTHORIZATION OF APPROPRIATIONS FOR RESPONDING TO TERRORIST ATTACKS AND NATURAL DISASTERS.—There are authorized to be appropriated from the Trust Fund—

(A) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for Fire Act Grants; and

(B) $500,000,000 for each of fiscal years 2008 through 2012 for the Federal Emergency Management Agency for SAFER Grants.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ACTIVITIES FOR HOMELAND SECURITY.—There are authorized to be appropriated from the Trust Fund such sums as necessary for—

(1) the implementation of all the recommendations of the Commission, including the provisions of this section;

(2) fully funding the grant programs authorized under this bill, including the State Homeland Security Grant Program, the Urban Area Security Initiative, the Emergency Management Performance Grant Program, the Emergency Communications and Interoperability Grant Programs, rail and transit security grants and any other grant program administered by the Department;

(3) improving airline passenger screening and cargo scanning;

(4) improving information sharing and communications interoperability;

(5) supporting State and local government law enforcement and first responders, including enhancing communications interoperability and information sharing;

(6) enhancing the inspection and promoting 100 percent scanning of cargo containers destined for ports in the United States and to ensure screening of domestic air cargo;

(7) protecting critical infrastructure and other high threat targets such as passenger rail, freight rail, and transit systems, chemical and nuclear plants;

(8) enhancing the preparedness of the public health sector to prevent and respond to acts of biological and nuclear terrorism;

(9) the development of scanning technologies to detect dangerous substances at United States ports of entry; and

(10) other high risk targets of interest, including nonprofit organizations and in the private sector.

SA 385. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —INTELLIGENCE AUTHORIZATION ACT

SEC. ___. SHORT TITLE.

This title may be may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".

Subtitle A—Intelligence Activities

SEC. _____. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. _____. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section , and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S. 372 of the One Hundred Tenth Congress and in the Classified Annex to such report as incorporated in this Act under section .

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. . INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. 372 of the One Hundred Tenth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. _____. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section _____ when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. . INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section (a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section (a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. . INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. . AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

SEC. _____. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

"(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.".

Subtitle B—Central Intelligence Agency Retirement and Disability System

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

Subtitle C—Intelligence and General Intelligence Community Matters

SEC. . INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by sections through of this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. _____. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by sections _____ through _____ of this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. . CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. _____. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in a classified form and include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in a classified form and include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination.".".

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. . DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. . MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. _____. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SEC. . INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. . RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

"RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

"SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

"(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

"(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

"(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

"(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

"(2) The funding of any other activities authorized to be funded by such appropriation or account.

"(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

"(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

"(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

"(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

"Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.".

SEC. . EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. _____. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term "travel and transportation expenses" means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. . DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than May 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term "intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. ____. REPORT ON ANY CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on any clandestine prison or detention facility currently or formerly operated by the United States Government for individuals captured in the global war on terrorism.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The date each prison or facility became operational and, if applicable, the date on which each prison or facility ceased its operations.

(B) The total number of prisoners or detainees held at each prison or facility during its operation.

(C) The current number of prisoners or detainees held at each operational prison or facility.

(D) The total and average annual costs of each prison or facility during its operation.

(E) A description of the interrogation procedures used or formerly used on detainees at each prison or facility, including whether a determination has been made that such procedures are or were in compliance with the United States obligations under the Geneva Conventions and the Convention Against Torture.

Subtitle D—Matters Relating to Elements of the Intelligence Community

PART I—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. . ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(G) in carrying out this subsection, have the authority—

"(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

SEC. . MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. . AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting "(1)" before "Unless"; and

(2) by adding at the end the following new paragraph:

"(2) The Director of National Intelligence shall—

"(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

"(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

"(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.".

SEC. ____. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

"(A) the Director may authorize the use of interagency financing for—

"(i) national intelligence centers established by the Director under section 119B; and

"(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

"(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

"(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. . CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403-3(e)) is amended—

(1) by striking "**WITH**" and inserting "**OF HEADQUARTERS WITH HEADQUARTERS OF**";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. . ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. _____. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended by striking "the President, by and with the advice and consent of the Senate" and inserting "the Director of National Intelligence".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. _____. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

"(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

"(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

"(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

"(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

"(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

"(B) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

"(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105-272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community.".

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. . LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. . NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE CENTER

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

"(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Center.".

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit tc the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. . OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

"OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

"(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

"(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

"(2) Information and records described in this paragraph are the following:

"(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

"(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

"(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

"(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

"(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

"Sec. 700. Operational files in the Office of the Director of National Intelligence.".

SEC. _____. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

"(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

"(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.".

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

"(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.".

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking "to the Central Intelligence Agency or to the Intelligence Community Staff" and inserting "to the Office of the Director of National Intelligence or to the Central Intelligence Agency"; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence or Director of the Central Intelligence Agency".

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting "PERSONNEL ELIGIBLE FOR AWARDS.—" after "(b)";

(B) by striking "subsection (a) of this section" and inserting "subsection (a)"; and

(C) by striking "a date five years before the date of enactment of this section" and inserting "December 9, 1978"; and

(2) in subsection (c), as so redesignated, by inserting "PAYMENT AND ACCEPTANCE OF AWARDS.—" after "(c)".

SEC. _____. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (d)(1)"; and

(B) in paragraph (2), by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. _____. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or";

(2) in paragraph (2), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) the Office of the Director of National Intelligence.".

SEC. _____. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. . APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

PART II—CENTRAL INTELLIGENCE AGENCY

SEC. . DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting "from civilian life" after "who shall be appointed".

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.".

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (e)".

(d) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(e) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by adding at the end the following new subparagraph:

"(C) The Deputy Director of the Central Intelligence Agency.".

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. . ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and".

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking "section 102A(i)" and all that follows through "unauthorized disclosure" and inserting "sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))".

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking "OF DCI";

(2) by striking "section 102A(i)" and inserting "sections 102A(i) and 104A(e)(4)";

(3) by striking "of National Intelligence"; and

(4) by inserting "of the Central Intelligence Agency" after "methods".

SEC. ____. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by striking "Directorate of Operations" and inserting "National Clandestine Service";

(2) in paragraph (2), by striking "position or category of positions" each place it appears and inserting "individual, individuals, position, or category of positions"; and

(3) by adding at the end the following new paragraph:

"(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.".

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: "The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007."; and

(2) in the second sentence—

(A) by striking "section 104A(g)(2), as so added" and inserting "subsection (h)(2) of section 104A, as so added and redesignated"; and

(B) by striking "position or category of positions" and inserting "individual, individuals, position, or category of positions".

SEC. . ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. ____. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "Air America" means Air America, Incorporated.

(2) The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

PART III—DEFENSE INTELLIGENCE COMPONENTS

SEC. _____. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. _____. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. _____. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting,";

(2) by inserting "the National Geospatial-Intelligence Agency," after "the National Endowment for the Arts,"; and

(3) by inserting "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

"(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.".

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting "(1)" after "(d)";

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

"(D) The elements of the intelligence community specified in this subparagraph are as follows:

"(i) The Defense Intelligence Agency.

"(ii) The National Geospatial-Intelligence Agency.

"(iii) The National Reconnaissance Office.

"(iv) The National Security Agency.

"(E) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. _____. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"SEC. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. _____. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. _____. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

PART IV—OTHER ELEMENTS

SEC. _____. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. _____. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

"SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

"SEC. 23A. (a) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

"(1) the services to be procured are urgent or unique; and

"(2) it would not be practicable for the Department to obtain such services by other means.

"(b) TREATMENT AS EMPLOYEES OF THE UNITED STATES GOVERNMENT.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

"(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

"(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.".

SEC. . CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. _____. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

Subtitle E—Other Matters

SEC. . TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "AND OTHER" after "ACQUISITION".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. _____. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. . TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "AGENCY" after "INTELLIGENCE".

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. . TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF

Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 441(c).

(2) Section 443(d).

(c) Reference to Head of Central Intelligence Agency.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. _____. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)" and inserting "authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a).".

SEC. _____. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) In General.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "Foreign"; and

(2) by striking "foreign" each place it appears.

(b) Responsibility of DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) Conforming Amendment.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. _____. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) Executive Schedule Level II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) Executive Schedule Level III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. . TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) Title 5, United States Code.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1) (in clause (K)).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) Title 44, United States Code.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§ 1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) Homeland Security Act of 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) Inspector General Act of 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) Ethics in Government Act of 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) Other Acts.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SA 386. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON EXEMPTION FROM INVESTMENT ADVISER REGISTRATION REQUIREMENTS.

Section 203(b)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)(3)) is amended to read as follows:

"(3) any investment adviser who, during the course of the preceding 12-month period—

"(A) had assets under management of not more than $50,000,000;

"(B) had fewer than 15 clients, except that for purposes of determining such number, no shareholder, partner, or beneficial owner of a business development company, shall be deemed to be a client of the investment adviser, unless such person is a client of the investment adviser separate and apart from their status as a shareholder, partner, or beneficial owner;

"(C) did not manage the assets of more than 15 investors, whether individually, in a pooled investment vehicle described in paragraph (1) or (7) of section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)), or otherwise; and

"(D) was neither held out generally to the public as an investment adviser nor acted as an investment adviser to any investment company registered under title I, or a company which has elected to be a business development company pursuant to section 54 of title I, and has not withdrawn its election;".

SA 387. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. . EQUIPMENT TECHNICAL ASSISTANCE TRAINING.

Not later than September 30 of each fiscal year, the Secretary shall submit a report with a certification of whether the Department has conducted training during that fiscal year for not less than 7,500 individuals who are first responders in accordance with section 430(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 238(c)(1)) through the Domestic Preparedness Equipment Technical Assistance Program to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Homeland Security of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SA 388. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the approriate place, insert the following:

SEC. .

In accordance with 6 USC Section 238(c)(1) and Section 1000(a)(1) of P.L. 106-113, the Secretary shall certify no later than September 30 annually to the Senate Homeland Security and Governmental Affairs Committee, the House Homeland Security Committee, Senate Appropriations Subcommittee on Homeland Security, and the House Appropriations Subcommittee on Homeland Security that it has conducted no less than 7,500 trainings annually through the Domestic Preparedness Equipment Technical Assistance Program.

SA 389. Mr. BOND (for himself, Mr. Rockefeller, Mr. Warner, and Mr. Burr) proposed an amendment to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) Findings.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding oversight have not been implemented.

(b) Sense of the Senate.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

SA 390. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.

(a) Repeal of Transfer of Functions.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) Conforming Amendment to Function of Secretary of Homeland Security.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) Transfer Agreement.—

(1) In general.—Not later than the effective date described in subsection (e), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) Use of certain employees.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) Restoration of Department of Agriculture Employees.—Not later than the effective date described in subsection (e), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before the effective date described in subsection (e)) shall be restored to the Department of Agriculture.

(e) Effective Date.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SA 391. Mr. LIEBERMAN (for himself and Ms. Collins) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 5, strike "within the scope" and all that follows through "(6 U.S.C. 485)" on line 8 and insert "and intelligence".

On page 37, lines 9 and 10, strike "local emergency response providers" and insert "local government agencies (including emergency response providers)".

On page 37, line 25, strike "and".

On page 38, line 3, strike the period and insert "; and".

On page 38, between lines 3 and 4, insert the following:

"(9) incorporate emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process through full time representatives or liaison officers.

On page 63, line 13, before the semicolon, insert the following: "the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, respond to, and recover from acts of terrorism".

On page 66, strike lines 3 through 8 and insert the following:

"(2) State distribution of funds.—

"(A) In general.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

"(B) Funds retained.—A State shall provide each relevant eligible metropolitan area with an accounting of the items or services on which any funds retained by the State under subparagraph (A) were expended.

On page 82, line 4, strike "or other" and insert "and other".

On page 83, line 15, before the semicolon, insert the following: ", including through review of budget requests for those programs".

On page 90, between lines 4 and 5, insert the following:

"(3) Existing planning committees.—Nothing in this subsection may be construed to require that any State or metropolitan area create a planning committee if that State or metropolitan area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

SA 392. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. ______. INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.

(a) In General.—The Secretary shall have responsibility for ensuring that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies.

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

SA 393. Ms. CANTWELL (for herself, Mr. DODD, Mr. FEINGOLD, Mr. BROWNBACK, Mr. LUGAR, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COMPREHENSIVE STRATEGY TO REDUCE GLOBAL POVERTY AND ELIMINATE EXTREME GLOBAL POVERTY.

(a) FINDING.—Congress finds that the 9/11 Commission found that a "comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future".

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty and the elimination of extreme global poverty and to achieve the Millennium Challenge Account goals of political and economic reforms by developing nations in three areas: ruling justly, investing in people, and fostering economic freedom.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY.—The President, acting through the Secretary of State and, as appropriate, in consultation with the heads of other departments and agencies of the Government of the United States, including the Millennium Challenge Corporation, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, should develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Challenge Account goals of political and economic reforms by developing nations in three areas: ruling justly, investing in people, and fostering economic freedom.

(2) CONTENT.—The strategy under paragraph (1) shall include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in such paragraph.

(3) GUIDELINES.—The strategy under paragraph (1) should adhere to the following guidelines:

(A) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries.

(B) Increasing overall United States development assistance levels while at the same time improving the effectiveness of such assistance in accordance with Millennium Challenge Account principles.

(C) Enhancing and expanding debt relief in accordance with Millennium Challenge Account principles.

(D) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(E) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(F) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(G) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, and reducing hunger and malnutrition.

(H) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy under subsection (c).

(2) SUBSEQUENT REPORTS.—Not less than once every year after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (c)(1), and any changes to the strategy since the date of the submission of the last report.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(2) EXTREME GLOBAL POVERTY.—The term "extreme global poverty" refers to the conditions in which individuals live on less than $1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term "global poverty" refers to the conditions in which individuals live on less than $2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

SA 394. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 299, between lines 2 and 3, insert the following:

SEC. 1337. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

"(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".

SA 395. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ INTERNATIONAL STUDENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Openness to international students, scholars, scientists, and exchange visitors serves vital and longstanding national foreign policy, educational, and economic interests.

(2) The real and perceived erosion of such openness undermines the national security interests of the United States.

(3) The report of the National Commission on Terrorist Attacks Upon the United States recommended: "The United States should rebuild the scholarship, exchange, and library programs that reach out to young people and offer them knowledge and hope.".

(4) The Government Accountability Office convened a forum in September 2006 to discuss concerns whether the United States will be able to "attract an appropriate share of talented international students to its universities and to its workforce," in which participants "identified real and perceived barriers created by U.S. immigration policy.".

(5) Increased marketing by countries such as Great Britain and Australia give rise to concerns that the United States has lost market share with regard to international students. The European Union has set forth a comprehensive strategy to be the most competitive and dynamic knowledge-based economy in the world by 2010, and part of this strategy is aimed at enhancing economic competitiveness by making the European Union the most favorable destination for students, scholars, and researchers from other regions of the world.

(6) International students studying in the United States and their families contribute more than $13,000,000,000 to the United States economy each year, making higher education a major service sector export.

(b) DRIVER'S LICENSES FOR INTERNATIONAL STUDENTS AND EXCHANGE VISITORS.—Section 202(c)(2)(C) of the REAL ID Act of 2005 is amended by adding at the end the following:

"(v) PROVISIONS FOR NONIMMIGRANTS MONITORED UNDER SEVIS.—With respect to nonimmigrants subject to the monitoring system required under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372)—

"(I) notwithstanding clause (ii), a temporary driver's license or temporary identification card issued under this subparagraph shall be valid for the shorter of—

"(aa) the period during which the applicant is authorized to remain in the United States; or

"(bb) the standard issuance period for driver's licenses issued by the State; and

"(II) valid status under the program developed under such section shall constitute valid documentary evidence of status for purposes of clause (iv).".

(c) Language Training Programs.—

(1) Accreditation requirement.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i) is amended by striking "a language" and inserting "an accredited language".

(2) Rulemaking.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations that—

(A) except as provided in subparagraphs (C) and (D), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by paragraph (1), be accredited by an accrediting agency recognized by the Secretary of Education;

(B) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary of Education with documentation regarding the specific subject matter for which the program is accredited;

(C) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program, during the 2-year period beginning on the date of the enactment of this Act, if such program is not accredited under subparagraph (A); and

(D) permit a language training program established after the date of the enactment of this Act, which is not accredited under subparagraph (A), to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 2-year period beginning on the date on which such program is established.

(d) Countering Visa Fraud.—The Secretary of State shall—

(1) require United States consular offices, particularly consular offices in countries from which large numbers of international students and exchange visitors depart for study in the United States, to submit to the Secretary plans for countering visa fraud that respond to the particular fraud-related problems in such countries; and

(2) not later than 180 days after the date of the enactment of this Act, submit a report on the measures taken to counter visa fraud under the plans submitted under paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(e) Short-Term Study on Tourist Visa.—Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B) is amended by inserting "for a period longer than 90 days" after "study".

(f) Restoration of Limited Interview Waiver Authority for Returning International Students and Frequent Visitors.—Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)(iv), by striking "or" at the end;

(B) in subparagraph (C)(ii), by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following:

"(D) by the Secretary of State if the Secretary has provided for expedited visa review because the alien is—

"(i) a frequent visitor to the United States, who—

"(I) has a history of visa approvals;

"(II) has provided biometric data; and

"(III) has agreed to provide the consulate with such information as the Secretary may require; or

"(ii) admitted under subparagraph (F) or (J) of section 101(a)(15), who—

"(I) is pursuing a program of study in the United States;

"(II) has not violated their immigration status;

"(III) has left the United States temporarily; and

"(IV) requires a new visa to return to the same program; and"; and

(2) in paragraph (2)(A), by inserting at the end "except for an alien described in paragraph (1)(D)(ii)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, March 7, 2007 at 9:30 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to discuss investing in our Nation's future through agricultural research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, March 7, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate policy implications of pharmaceutical importation from Canada.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, March 7, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review national imperatives for Earth science research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, March 7, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to investigate market constraints on large investments in advanced energy technologies and investigate ways to stimulate additional private-sector investment in the deployment of these technologies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Wednesday, March 7, 2007, at 3 p.m. in SD–406. The purpose of the hearing is to conduct oversight on the President's FY 2008 EPA budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, March 7, 2007 at 9:30 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The McCarran-Ferguson Act and Antitrust Immunity: Good for Consumers?" on Wednesday, March 7, 2007 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: The Honorable Trent Lott, U.S. Senator, R–MS; the Honorable Mary L. Landrieu, U.S. Senator, D–LA.

Panel II: Michael Homan, Homeowner, New Orleans, LA; J. Robert Hunter, Insurance Director, Consumer Federation of America, Washington, DC; Marc Racicot, President, American Insurance Association, Washington, DC; Susan E. Voss, Iowa Insurance Commissioner, National Association of Insurance Commissioners, Des Moines, IA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Oversight of the Enforcement of the Antitrust Laws" on Wednesday, March 7, 2007 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness list

The Honorable Thomas O. Barnett, Assistant Attorney General for the Antitrust Division, U.S. Department of Justice, Washington, DC; the Honorable Deborah Platt Majoras, Chairman Federal Trade Commission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, March 7, 2007 at 9:30 a.m. in room 418 of the Dirksen Senate Office Building to conduct a hearing on the VA Claims Adjudication Process.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Wednesday, March 7, 2007, at 10 a.m., for a hearing entitled "Credit Card Practices: Fees, Interest Rates, and Grace Periods."

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTIONS—S. 4

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 275 to S. 4, the 9/11 Commission legislation.

Joe Lieberman, Charles Schumer, Robert Menendez, Patty Murray, Dianne Feinstein, B.A. Mikulski, Christopher Dodd, Joe Biden, Debbie Stabenow, Harry Reid, Pat Leahy, Dick Durbin, Jeff Bingaman, H.R. Clinton, Bill Nelson, Tom Carper, Jack Reed.

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 57, S. 4, the 9/11 Commission legislation.

Joe Lieberman, Charles Schumer, Robert Menendez, Patty Murray, Dianne Feinstein, B.A. Mikulski, Christopher Dodd, Joe Biden, Debbie Stabenow, Harry Reid, Pat Leahy, Dick Durbin, Jeff Bingaman, H.R. Clinton, Bill Nelson, Tom Carper, Jack Reed.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 39 and 40; that the nominations be confirmed, the motions to reconsider be laid on the table; that any statements thereon be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed are as follows:

DEPARTMENT OF STATE

Stanley Davis Phillips, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

William B. Wood, of New York, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Mr. REID. Mr. President, we just approved the new Ambassador to Afghanistan. I do recall yesterday we approved the new Ambassador to Iraq. That is pretty good work of the Senate. These are two very important diplomats. They have their work cut out for them. I congratulate both of them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL SAFE PLACE WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 100.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 100) designating the week beginning March 12, 2007, as "National Safe Place Week."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator CRAIG and 14 of my colleagues in support of a resolution designating the week of March 12 through 17, 2007, as National Safe Place Week.

This resolution recognizes the participating businesses, community organizations, youth service agencies, and volunteers that are part of the YMCA National Safe Place Program and work for the safety and well being of at-risk youth.

Youth today face a growing amount of pressure in their daily lives at school, at home, and in the community. For some youth, problems include abuse or neglect at home, drug or alcohol addictions of family members and friends, trouble at school or dangerous situations on a date.

Young people who face these serious situations should not feel left alone and should have a place to go to in their community.

Over the past 24 years, the National Safe Place Program has provided immediate help to more than 200,000 youth in crisis at nearly 16,000 Safe Place locations and with counseling by phone.

This important program is currently operated by 140 agencies serving 700 communities in 40 States—bringing together the private and public sector to reach out and help at-risk youth who might be neglected, abused, threatened or in unsafe situations.

In my home State of California, there are nine designated Safe Place programs with 1,738 Safe Place sites located in over 65 communities which have served more than 5,000 youth.

National Safe Place sites include fast food restaurants, convenience stores, fire stations, schools, libraries, office buildings or even a city bus and are marked by large, yellow Safe Place signs displayed prominently in front windows.

In Fresno, CA, for example, city buses are all designated as Safe Places.

Any youth can walk into a Safe Place site and receive immediate help from a trained volunteer, and further help from a Safe Place staff person who can provide counseling, residential assistance or professional referrals, as needed.

The National Safe Place Week recognizes the commitment, resources, and energy of thousands of businesses, community organizations and volunteers who make this effective, growing network of support for youth possible. In addition, it seeks to increase awareness of the crises that youth face today.

I am encouraged by the National Safe Place Program's positive impact on communities throughout the Nation, and I hope that more communities will choose to participate in this innovative program.

The National Safe Place Program brings us closer to making our country safe for youth, and I urge my colleagues to support this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 100

Whereas the youths of the United States will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences, such as child abuse, substance abuse, and crime, and youths need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the Nation's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 700 communities in 40 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 youths have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the youths received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 12 through March 18, 2007, as "National Safe Place Week"; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer involvement in, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

ORDERS FOR THURSDAY, MARCH 8, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands adjourned until 9:30 a.m., Thursday, March 8; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republican leader or his designee and the final 30 minutes under the control of the majority leader or his designee; and that following morning business, the Senate resume consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. REID. Mr. President, I ask unanimous consent that the live quorums required with respect to the two cloture motions I filed be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow we will be in a situation where we can continue to work on, of course, S. 4. I indicated to the distinguished Republican leader yesterday that I am not certain but I think I can get consent as to the cloture motion which was filed by the Republicans earlier today, that we would be happy to vote on that tomorrow sometime. We would also be willing to vote on the two I just filed. If that does not happen, of course, we will be in a situation where we will have a cloture vote on Friday.

As I told everyone here early this week, the first cloture motion which we will vote on will be the one the Republicans filed. If cloture is not invoked, we will immediately move to the cloture motions I filed. There will be 30 hours in relation to that cloture motion if cloture is invoked and, of course, that time won't run out until sometime Saturday.

So it is really up to the minority as to what they want to do. We are willing to move it up 1 day or do it on Friday, whatever is their interest. Remember, 30 hours would not run out until sometime Saturday night. If we voted at, say, 10 a.m. Friday morning, 30 hours would run out sometime Saturday afternoon, 4 p.m. or thereabouts. If that, in fact, were the case and cloture were invoked and there are some germane amendments postcloture, we could dispose of those on Friday.

Anyway, we are in a situation where it appears that unless the minority decides to allow us to have those votes on Thursday, we would be in session Friday for a good part of the day and maybe going into Saturday unless we work something out.

Mr. MCCONNELL. Mr. President, if the majority leader will yield for an observation, I think we have made pretty good progress on getting amendments disposed of. Hopefully, we can do more of that tomorrow. I think both sides have been operating in good faith, and we will consider tomorrow what other possibilities there might be.

I think I can speak for the majority on this side in saying that we certainly look forward to wrapping up this bill in the near future. There are a few other amendments we would like to have considered, and those discussions are ongoing between my staff and the majority leader's staff.

Mr. REID. Mr. President, I would say this: The Republican leader is absolutely right, and we have tried real hard on some nongermane amendments to get some votes. It is not all their fault. We have, on our side, a Senator or two who simply will not let us agree to votes on nongermane amendments because they say and have said for the last 2 days: You gave a vote on theirs; why don't I get a vote on mine. So we have agreed to.

As I explained to some Senators assembled here in the well earlier today, when we moved to this bill, I said it would be open for amendment, and it has been, and there is no way we can get out of germane amendments. We can invoke cloture, but they are still available.

On the nongermane amendments, you run into problems like we have run into in these last couple of days. There are some really big issues people are objecting to and not allowing these other amendments to be heard unless they get theirs. We have this habeas corpus issue, and there has been all kinds of talk on that. That is okay, from my perspective, but we have spent a lot of time on that issue before. We have over on this side something dealing with Katrina about which Senator LANDRIEU feels very strongly. We have a Senator over here who is interested in the PATRIOT Act and changing that. It goes back and forth, with both sides having all kinds of things they want, but it is an open process.

Now, the one thing that maybe we can do in the future to make things a little more orderly is have an open amendment process. But when an amendment is called, we have to dispose of that. What we have tried to do here is have people come and give their statements about amendments they want to offer, and we have allowed them to offer them. What happens is you get too many amendments stacked up, and it gives individual Senators, frankly, too much power because they hold everybody else hostage.

So I think what we are going to do in the future—and I will discuss this in more detail with the distinguished Republican leader—is have open amendments but not allow these amendments to be stacked up. By doing it the way we have done it here, trying to be more open, it takes away a lot of the authority of the two managers because the authority on these bills floats to individual Senators because they have all these amendments and they want to offer them, which I have no problem with, but they won't allow other people to have votes on their amendments unless they get amendments.

This legislative process is the art of compromise and trying to work things out. Quite frankly, during the last couple of days, we have had Senators on both sides who have been very uncompromising, and it has made it very difficult for the managers and I would think Senator MCCONNELL and myself.

Having said that, I appreciate all the problems we have here. Remember, for 220 years, this has been the U.S. Senate. It is a wonderful institution. Sometimes, however, it can be very consternating to work things through, but we will get it done.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no other business and if the Republican leader has no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Thursday, March 8, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 7, 2007:

FEDERAL ENERGY REGULATORY COMMISSION

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF EDUCATION

KERRI LAYNE BRIGGS, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE HENRY LOUIS JOHNSON, RESIGNED.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

DOUGLAS G. MYERS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011, VICE PETER HERO, TERM EXPIRED.

JEFFREY PATCHEN, OF INDIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011, VICE JOHN E. BUCHANAN, JR., TERM EXPIRED.

LOTSEE PATTERSON, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2011, VICE DONALD LESLIE, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

PATRICIA A. MILLER, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHELLE M. FONTAINE, OF MARYLAND
RICHARD BRAD MOORE, OF TEXAS
RAGIP SARITABAK, OF CONNECTICUT
KENDRA L. SCHOENHOLZ, OF ILLINOIS

DEPARTMENT OF STATE

ARIC RICHARD SCHWAN, OF COLORADO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

TANYA A. ALLEN, OF MARYLAND
TYLER TRAVIS ALLEN, OF CALIFORNIA
LORI J. ANTOLINEZ, OF FLORIDA
GUY SHAWN BAXTER, OF WASHINGTON
ALISON B. BLOSSER, OF OHIO
TRACY R. BROWN, OF UTAH
CHRISTOPHER L. CAMPBELL, OF VIRGINIA
FARAH N. CHERY-MEDOR, OF MARYLAND
THOMAS S. CHOJNACKI, OF COLORADO
CAROLYN N. COOLEY, OF GEORGIA
DANIEL NELS DALEY, OF THE DISTRICT OF COLUMBIA
PAMNELLA SONOMA DEVOLDER, OF WASHINGTON
MARK S. DIEKER, OF OHIO
JOHN DUNHAM, OF FLORIDA
ANA A. ESCROGIMA, OF NEW YORK
HARRISON S. FORD III, OF VIRGINIA
DANIEL C. GAUSH, OF TEXAS
RACHEL D. GRAAF, OF IOWA
ELISA BETH GREENE, OF NEVADA
SCOTT CHARLES HIGGINS, OF FLORIDA
JEFFREY GERARD HILSGEN, OF FLORIDA
KATHRYN HOFFMAN, OF THE DISTRICT OF COLUMBIA
DAVID JOHN JEA, OF FLORIDA
NICKOLAS GEORGE KATSAKIS, OF VIRGINIA
VIRGINIA ELAINE KENT, OF TEXAS
MICHAEL D. LAMPEL, OF ILLINOIS
ANDREW NICHOLAS LENTZ, OF OREGON
MIRIAM LACHO, OF FLORIDA
DEBRA LO, OF CALIFORNIA
CHARLES A. LOBDELL III, OF FLORIDA
KEITH A. LOMMEL, OF ARIZONA
MITCHELL G. MABREY, OF MISSOURI
MARISSA MEAD MARTIN, OF FLORIDA
MATTHEW C. MEADOWS, OF WASHINGTON
ERIC REDPATH MEHLER, OF WASHINGTON
BRADLEY STEVEN NORTON, OF TEXAS
JEFFREY T. OGREN, OF ARIZONA
EVAN WILLIAM OWEN, OF CALIFORNIA
KARI ANN PAETZOLD, OF IOWA
ROBERTO QUIROZ II, OF FLORIDA
ROBERT A. RAINES, OF VIRGINIA
LAWRENCE M. RANDOLPH, OF THE DISTRICT OF COLUMBIA
MARGOT JOSEPHINE RATCLIFFE, OF WASHINGTON
BRIAN ROBERT REYNOLDS, OF UTAH
MIGUEL CORREA RODRIGUES, OF MARYLAND
DAVID SEMINARA, OF ILLINOIS
ELIZABETH A. SEWALL, OF TENNESSEE
SREELAKSHIMI SITA SONTY, OF ILLINOIS
JOHN DANIEL SPYKERMAN, OF THE DISTRICT OF COLUMBIA
VIRGINIA LOUISE STAAB, OF CALIFORNIA
DANIEL MORENO STOIAN, OF CALIFORNIA
RUTH NIKOLA URRY, OF OREGON
DANIEL WALD, OF CONNECTICUT
ERIN E. WEBSTER-MAIN, OF WASHINGTON
STEPHEN JAMES WILGER, OF OHIO
PETRA JOY ZABRISKIE, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

CHRISTINA BISHOP, OF TEXAS
MARIANNE M. DRAIN, OF WASHINGTON
CATHERINE FEIG, OF VIRGINIA
JONATHAN HOLLAND, OF GEORGIA
CAROLINE E. KATZIN, OF NEVADA
DOMINIC KEATING, OF VIRGINIA
DORIAN S. MAZURKEVICH, OF PENNSYLVANIA
HEIDI M. PICHLER, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

EMILIA R. ADAMS, OF TENNESSEE
STEVEN ANDERSON, OF OKLAHOMA
DAVID E. ARNOLD, OF FLORIDA
TONYA R. ASHWORTH, OF VIRGINIA
CARLA L. BACHECHI, OF NEW MEXICO
RYAN BALLOW, OF ALASKA
QUENTIN R. BARBER, OF INDIANA
JOHN S. BARGER, OF VIRGINIA
JENNIFER K. BARLOW, OF VIRGINIA
JOELLE-ELIZABETH BEATRICE BASTIEN, OF MARYLAND
CANDACE LATRESE BATES, OF ALABAMA
DAVID M. BECHARD, OF VIRGINIA
ASHLEY LORRAINE BRADY, OF TEXAS
KYLA L. BROOKE, OF CALIFORNIA
CHRISTOPHER E. BROOMFIELD, OF THE DISTRICT OF COLUMBIA
MATTHEW K. BUNT, OF WASHINGTON
OSBORNE DAVIS BURKS III, OF TENNESSEE
DANAE G. BUSA, OF VIRGINIA
EMILY ELIZABETH CALDWELL, OF SOUTH CAROLINA
SHARON MARIE CALLAHAN, OF VIRGINIA
JULIE L. CARABELL, OF MARYLAND
GEORGE E. CARTER, OF VIRGINIA
G. WARREN CHANE JR, OF MASSACHUSETTS
KELLY ANN COHUN, OF VERMONT
ELLEN ANNE COLLERAN, OF MASSACHUSETTS
LISA BARANOWSKI CONESA, OF WISCONSIN
LINDA M. CRIBLEZ, OF FLORIDA
CYNDEE J. CROOK, OF WASHINGTON
DAVID CROOKER, OF VIRGINIA
BONNIE TARA DALEY, OF CALIFORNIA
KELLY DANIEL, OF TEXAS
LYN DEBEVOISE, OF CALIFORNIA
MICHAEL DECLUE, OF VIRGINIA
PATRICK J. DIRKER, OF THE DISTRICT OF COLUMBIA
LESLIE WILLIAMS DOUMBIA, OF ALABAMA
KIMBERLY A. DURAND, OF MASSACHUSETTS
ROBERT WINFIELD ELLIS, OF THE DISTRICT OF COLUMBIA
RAMON ESCOBAR, OF WISCONSIN
PERLA GABRIELA FERNANDEZ, OF KANSAS
ELLIOT CHARLES FERTIK, OF MASSACHUSETTS
BROOKE FORD, OF VIRGINIA
DANIELLE N. FOSTER, OF VIRGINIA
MICHAEL R. FRASER, OF NEW YORK
MATTHEW J. GARRETT, OF KANSAS
MEREDITH E. GLASS, OF VIRGINIA
RACHEL C. GRACIANO, OF WASHINGTON
BREANNA LENORE GREEN, OF MINNESOTA
ALAMANDA L. GRIBBIN, OF FLORIDA
NAILA M. GUTIERREZ, OF FLORIDA
ANDREW E. HALUS, OF PENNSYLVANIA
ANN MCCAMISH HARDMAN, OF KENTUCKY
BRYAN RH. HARRISON, OF ILLINOIS
RICHARD P. HARRISON, OF VIRGINIA
IAN HAYWARD, OF THE DISTRICT OF COLUMBIA
DANA D. HILL, OF MARYLAND
GRETA E. HINKLE, OF VIRGINIA
AMANDA LEE HOBAN, OF VIRGINIA
JOSEPH PATRICK HOBAN, OF VIRGINIA
BRANDON ALLEN HUDSPETH, OF TEXAS
DAVID M. HUGHES, OF VIRGINIA
TIM HUSON, OF CALIFORNIA
JOHN H. HYP, OF VIRGINIA
STEVEN J. JACOB, OF VIRGINIA
BRANDI NASHAY JAMES, OF GEORGIA
LIDA JOHANSON, OF VIRGINIA
PATRICK JOSEPH KELLY, OF VIRGINIA
MEGAN M. KEPHART, OF THE DISTRICT OF COLUMBIA
MICHAEL G. KIRBY, OF VIRGINIA
DENEYSE ANTOINETTE KIRKPATRICK, OF TEXAS
DAMON PATRICK KITTERMAN, OF GEORGIA
SCOTT ERIC KOFMEHL, OF PENNSYLVANIA
JUSTIN L. KOLBECK, OF CALIFORNIA
BRIAN LANDAN, OF THE DISTRICT OF COLUMBIA
KELLY CHRISTINE LANDRY, OF GEORGIA
LEAH D. LATHAM, OF VIRGINIA
ADAM JESSE LENERT, OF TEXAS
ROSALIE PARKER LOEWEN, OF THE DISTRICT OF COLUMBIA
JOHN D. MAHR, OF VIRGINIA
WOSSENYELESH MAZENGIA, OF PENNSYLVANIA
AMIEE R. MCGIMPSEY, OF IOWA
CAMERON D. MCGLOTHLIN, OF THE DISTRICT OF COLUMBIA
LORI MICHAELSON, OF THE DISTRICT OF COLUMBIA
RYIA MILLER, OF VIRGINIA
BROOKE SUMMERS MOPPERT, OF CONNECTICUT
KEVIN S. MORAN, OF VIRGINIA
ROBERT T. MORGAN, OF MARYLAND
KIRA J. MORIAH, OF THE DISTRICT OF COLUMBIA
AMY REBECCA NAGLE, OF THE DISTRICT OF COLUMBIA
WAYNE BACTAD NANKIL, OF MARYLAND
MICHAEL PETER NOLL, OF VIRGINIA
DEVINA SOLMORO OJASCASTRO, OF CALIFORNIA
JENNIFER L. ORRICO, OF WISCONSIN
BLANCA R. PADILLA, OF VIRGINIA
ESTHER PAN, OF NEW YORK
C. DARREN PERDUE, OF WEST VIRGINIA
CLARENCE JASEN PETERSON, OF MICHIGAN
GREGORY WILLIAM PFLEGER, JR., OF NEW JERSEY
JOHN T. POIRIER, OF VIRGINIA
BRIANNA ELIZABETH POWERS, OF NORTH CAROLINA
ERICA LEIGH PRENZLOW, OF THE DISTRICT OF COLUMBIA

ROBYN KATHERINE PRINZ, OF CALIFORNIA
BRIAN REAMS, OF VIRGINIA
ROBERT ERIC REEVES, OF HAWAII
HALA RHARRIT, OF NEVADA
JOHN V. RHATIGAN, OF NEW YORK
JANE RHEE, OF TEXAS
CHRISTEN CLAIRE RHODES, OF VIRGINIA
DONNA L. ROBER, OF MARYLAND
LUIS ALBERTO ROJAS, OF VIRGINIA
KEVIN J. ROSIER, OF LOUISIANA
CHRISTOPHER DAVID SCHEFFMAN, OF VIRGINIA
HOLLY PALUBIAK SCHWENDLER, OF VIRGINIA
LYNETTE SCHUBERT, OF VIRGINIA
KENNETH JOHN SCUDDER, OF CALIFORNIA
IONA L. SEGARAM, OF VIRGINIA
AMY CHRISTINE SENNEKE, OF ILLINOIS
EMILY C. SHAFFER, OF VIRGINIA
RACHAEL ANN SHARON, OF ILLINOIS
BRIAN LOYD SHELBOURN, OF TEXAS
DIONANDREA FRANCINE SHORTS, OF COLORADO
HYUN BO SIM, OF NEW YORK
SHENOA LIAN SIMPSON, OF MISSOURI
MICHELLE BERNADETTE SIVERT, OF CALIFORNIA
ANNE M. SLACK, OF NEW HAMPSHIRE
ELEANOR CHARLOTTE STONE, OF VIRGINIA
FRANK P. TALLUTO, OF GEORGIA
JOSHUA TEMBLADOR, OF NEW YORK
OLIVER M. THOMAS, OF VIRGINIA
JAMI J. THOMPSON, OF INDIANA
KAREEN KAY-ANN THORPE, OF NEW YORK
ESPERANZA MARIE TILGHMAN, OF CALIFORNIA
VERNICA TORRES, OF ILLINOIS
CHAD E. TRAXLER, OF COLORADO
PEI J. TSAI, OF TEXAS
MIGNON RENEE TURNER, OF NORTH CAROLINA
DAVID L. VANCE, OF MISSOURI
LILIANE VERLAGE, OF VIRGINIA
STAFFORD A. WARD, OF GEORGIA
CHELISA C. WHEELER, OF NEW MEXICO
MATTHEW WHITTON, OF VIRGINIA
GEORGE J. WIEDEROCK II, OF VIRGINIA
ANGELINA M. WILKINSON, OF FLORIDA
ALISON ELSPETH WILLIAMS, OF THE DISTRICT OF COLUMBIA
KIMBERLY E. WRIGHT, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES J. EHRMAN, OF MARYLAND
MICHAEL PATRICK GLOVER, OF TEXAS
LAWRENCE C. MANDEL, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEAN L. SMITH, OF TEXAS

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, March 7, 2007:

DEPARTMENT OF STATE

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

WILLIAM B. WOOD, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

CONGRATULATING THOMAS F. BURKE AS HE IS NAMED "MAN OF THE YEAR" BY THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Honorable Thomas F. Burke, Jr., on the occasion of being named "Man of the Year" by the Greater Pittston Pennsylvania Friendly Sons of St. Patrick.

Judge Burke serves on the Luzerne County Pennsylvania Court of Common Pleas, the 11th Judicial District of the Commonwealth of Pennsylvania.

A native of West Pittston, Judge Burke was appointed to the bench by former Pennsylvania Gov. Tom Ridge. He was unanimously approved by the Pennsylvania Senate. Judge Burke took office May 22, 1998, and was elected to a full 10-year term of office by the voters of Luzerne County in 1999.

Prior to his judicial appointment, Judge Burke was engaged in the practice of law for 25 years and, for several years, was a partner with his brother, Atty. Joseph D. Burke, in the law offices of Burke and Burke. He served as a member of the executive committee of the Wilkes-Barre Law and Library Association.

He was also a director and president of the First Bank of Greater Pittston and served as a director of successor banking institutions.

A summa cum laude graduate of West Pittston High School, Judge Burke was inducted into the Wyoming Area Football "Ring of Pride" in 2005. Judge Burke is an honors graduate with a BA degree in finance from Lehigh University and he received his Juris Doctor degree from Villanova University School of Law.

Judge Burke is a veteran of the United States Army and was awarded the Bronze Star for meritorious service in the Republic of Vietnam.

Judge Burke is a former chairman of the board of trustees of Marywood University and was awarded the presidential medal from that institution in 2004. He is also a past president of the board of directors of the Greater Pittston Chamber of Commerce and he served as chairman of the board of directors of Catholic Social Services of Wyoming Valley. He formerly served as a member of the President's Council of King's College and as vice chairman of the board of directors of the Luzerne Foundation. Judge Burke served three terms on the board of directors of the United Way of Wyoming Valley and also chaired the capital campaigns for the Greater Pittston YMCA and the Salvation Army, West Pittston, where he also served as a member of the Advisory Council.

Judge Burke and his wife, Peggy, are members of the parish community of St. Casimir, St. John the Baptist, St. John the Evangelist and St. Joseph where they serve in the Baptismal Ministry and where Judge Burke serves as a lector and as a member of the parish financial council: They are the parents of five children: Tom, a student at Harvard Law School; Bill, a student at Fordham Law School; Margy, a student at Boston College; Katey, a student at Lehigh University; and Patrick, a student at Scranton Preparatory School.

Since 1992, the Burke family has hosted students from Ireland, Japan and France.

Madam Speaker, please join me in congratulating Judge Burke on this fine honor. The enormity of his contributions to the law, his family and community speaks volumes about his dedication, stamina and commitment and serves as a shining example for others to emulate.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. TIAHRT. Madam Speaker, on March 6, I was unavoidably detained and missed rollcall votes Nos. 121 and 122.

Rollcall vote No. 121 was final passage of H. Res. 98. Had I been present, I would have voted "yea."

Rollcall vote No. 122 was on final passage of H. Res. 149. Had I been present, I would have voted "yea."

TRIBUTE TO CHIEF THOMAS D. MILLER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Chief Thomas D. Miller, who after 33 years of distinguished service is retiring from his prestigious responsibility as Chief of the Blair Township Police Department. Chief Miller has had a successful and prominent career with many achievements and recognitions.

Chief Miller's law enforcement career began in 1974 as a part-time patrolman and quickly made his way up the ranks with his dedication to serving the community. In 1980, 3 months after being hired as a full-time police officer by the Blair Township Police Department and elected Constable of Juniata County, he was promoted to Assistant Chief. On March 13, 2001, Chief Miller was appointed Blair Township Chief of Police. His devotion to duty and commitment to the community can surely be drawn upon by future police officers.

Chief Thomas Miller's career in law enforcement has brought him recognition for his courage and bravery. He was awarded the Silver Star for Bravery from the American Police Hall of Fame, as well as the Legion of Honor Award from the American Law Enforcement Officers Association for his courage, bravery, and allegiance in the performance of his duty following an incident that occurred on March 27, 1985. He is also an active member and participant in the Blair County DUI and Drug Task Forces. Chief Thomas Miller's character does not go unnoticed and is sure to bring him the most rewarding experiences in life.

Chief Miller also recognizes fellow officers' spirit and bravery being a member of the Blair County Law Enforcement Officers Memorial Foundation.

Madam Speaker, Chief Thomas D. Miller has been very active in both professional and personal activities throughout Blair Township, Pennsylvania. Chief Thomas D. Miller is a great citizen of Blair County and we are honored to recognize him for all of his work and accomplishments. I congratulate him and wish him the best in his retirement.

CONGRATULATING JAMES F. BANNON AS HE RECEIVES THE LIFETIME ACHIEVEMENT AWARD FROM THE PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. James F. Bannon of Pittston, Pennsylvania, who has been chosen by the Greater Pittston Friendly Sons of St. Patrick to receive their Lifetime Achievement Award.

Mr. Bannon was born in Scranton, Pennsylvania, a son of the late Frank and Jule Gaffney Bannon. He received his early education at Holy Rosary School in Scranton and later graduated from Pittston High School in 1936.

He served in the United States Army before becoming associated with Bright Construction Company where he worked for 46 years as a masonry foreman. He was also a member of the Bricklayers Union No. 5, Harrisburg.

After retiring, he worked as a consultant for Reilly Associates.

Mr. Bannon also served as a member of the Pittston Area School Board.

He is a past president of the Greater Pittston Friendly Sons of St. Patrick and is a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fourth degree member of the John F. Kennedy Council 372, Knights of Columbus, Pittston. He also served as president of the Council's Home Association.

He is currently a member of the Pittston Planning Commission.

Mr. Bannon has been married for the past 70 years to the former Frances Bright. They are the parents of two daughters, Ann Gallagher, Indiana, and Kathy Sulima, Pittston. They also have four grandsons, five great grandsons and two great granddaughters.

Mr. and Mrs. Bannon are members of St. John the Evangelist Church, Pittston.

Madam Speaker, please join me in congratulating Mr. Bannon on the occasion of this honor. Mr. Bannon's lifelong service to his family, church and community illustrate his commitment and selflessness and serve as an example for others to emulate.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. TIAHRT. Madam Speaker, on March 5, I was unavoidably detained and missed rollcall votes Nos. 119 and 120.

Rollcall vote No. 119 was final passage of H.R. 995. Had I been present, I would have voted "yea."

Rollcall vote No. 120 was on final passage of H.R. 497. Had I been present, I would have voted "yea."

TRIBUTE TO DR. PATRICK CRAWFORD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Dr. Patrick Crawford of Bedford, Pennsylvania, who has been named "2007 Pennsylvania Superintendent of the Year" by a committee of his peers from the Pennsylvania Association of School Administrators. This distinguished award is given annually and is part of the National Superintendent of the Year Program sponsored by the American Association of School Administrators. It is presented to further inspire exemplary leadership and promote a sense of confidence and pride in our Nation's public schools. Dr. Crawford will be recognized in March at the American Association of School Administrators Conference on Education, where the national recipient will be chosen among the State nominees.

Dr. Patrick Crawford has been superintendent of Bedford Area School District since 1996. His outstanding service to the Bedford area has included several noteworthy programs. The Superintendent's Leadership Academy, a 2 year leadership program for high school juniors and seniors; the Bedford Teacher Technology Academy, a staff development program that advances the use of technology in learning; and the Classrooms for the Future initiative which will place laptops on the desks of every high school student in the district. These initiatives all take precedence on the future of education in the Bedford area.

In addition to the time he spends as a superintendent, Dr. Crawford dedicates much of his schedule to the betterment of the Bedford community. He has worked through organizations such as the Pennsylvania Leadership Development Center, the Blended Schools Virtual Learning Consortium, and is serving on the Learning Lamp Board of Directors. He is also active in community organizations, such as the Sunrise Rotary Club of Bedford and the Bedford County Chamber of Commerce Youth Leadership Program and Education Foundation.

Nominators of Dr. Crawford cite his excellent vision and leadership in guiding his colleagues toward innovation and excellence, yet Dr. Crawford selflessly announced "what this award really demonstrates is that there is a whole team of people who are working to make Bedford Area School District a better place." This modest educator is truly a wonderful asset to the Bedford area, as well as the State of Pennsylvania, and is most deserving of this prestigious honor.

CONGRATULATING DR. THOMAS D. MEADE AS HE RECEIVES THE 2007 SWINGLE AWARD FROM THE GREATER PITTSON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Thomas D. Meade, M.D., who is the recipient of the 2007 Swingle Award from the Greater Pittston Friendly Sons of St. Patrick.

Dr. Meade is an orthopedic surgeon and the senior managing partner and president of OAA Orthopedic Specialists, the oldest incorporated medical group in the Lehigh Valley of Pennsylvania. He created and serves as medical director of the OAA Human Performance Center, a nationally recognized medical fitness facility with over 3,500 members. He received the 2002 Founders Award from the prestigious Medical Fitness Association for his lifetime contributions to the field of medical fitness and the Sir John Charnley A ward for Orthopedic achievement.

Dr. Meade is a 1975 graduate of Pittston Area High School where he was awarded numerous academic distinctions and still holds the high school diving record. He graduated from Penn State with High Distinction where a diving injury launched him on a career in orthopedic surgery. After nine years in Philadelphia at Jefferson Medical College and five years at Thomas Jefferson University, he traveled to Connecticut to complete a knee and sports medicine fellowship.

Dr. Meade is an avid cyclist and competitive swimmer. He has held top 10 U.S. Masters Swimming rankings and shares national and world records in men's freestyle events with fellow OAA physician, Dr. Charles Norelli.

As an author and educator, Dr. Meade has published articles and books and produced videos on sports injuries, nutrition and fitness related topics. He has also lectured extensively on those topics. He is currently the host of two popular cable television shows on orthopedic and medical issues. He also holds two academic posts at Thomas Jefferson University and Pennsylvania State University and he serves as director of orthopedic trauma residency education at Lehigh Valley Hospital.

He is a recognized expert in the field of knee ligament reconstruction, knee replacements and has developed surgical techniques and instrumentation as part of a national research and education team. The Philadelphia Eagles have retained Dr. Meade's services as a consultant for summer camp since 1998.

Last July he realized his most ambitious vision by developing a 300,000 square foot integrated health campus offering traditional and alternative therapies in a holistic environment to improve quality of life and longevity. The facility is located in Allentown, Pennsylvania, and is a national showcase model for the future of private practice medical care.

Dr. Meade resides in Allentown with his wife and three children.

Madam Speaker, please join me in congratulating Dr. Meade on this special honor. His contributions to the field of medicine reflect his deep passion and commitment for improving the quality of life and the standards of human health care.

HONORING NEW YORK STATE ASSEMBLYMAN MARK J.F. SCHROEDER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. HIGGINS. Madam Speaker, I offer these remarks today in honor of Mark J.F. Schroeder, Member of the Assembly of the State of New York, on the occasion of his being named Irishman of the Year by Goin' South, a prominent civic organization in my constituency.

Rarely does one encounter a public servant so dedicated to the principles of good government and of selfless public service as Assemblyman Schroeder, who succeeded me in representing the people of the 145th Assembly District.

One marvels at the tremendous ability he has demonstrated, in his work in the assembly and previously in the Erie County Legislature, to use the resources of elective office to make tangible improvements to the neighborhoods he represents, and in the lives of the constituents he so ably serves.

While remaining vigilant with regard to his legislative responsibilities—Assemblyman Schroeder is highly regarded for the studiousness with which he considers each piece of legislation before him—Assemblyman Schroeder has also rolled up his sleeves and produced tangible results in the areas of neighborhood-based economic development and adult education in the communities he serves.

A prime example of his successes in the area of neighborhood-based economic development is his creation of, and ongoing support for, the Greater South Buffalo Chamber of Commerce. Through this agency, he had demonstrably reduced commercial vacancy rates and otherwise dramatically improved business districts in his constituency.

Now boasting 156 members, the Greater South Buffalo Chamber of Commerce encourages business development through the Irish Feis and Expo, a trade show and concert held in conjunction with Goin' South, a monthly newsletter, a high quality membership directory, a wide range of member benefits, involvement with a wide array of community events and projects, and enthusiastic and unwavering advocacy.

Let me point out, Madam Speaker, that Assemblyman Schroeder's tremendous efforts with regard to improving the economic conditions in the neighborhoods he serves is surpassed only by his commitment to providing the most vulnerable among his constituents with the educational tools they need in order to build better lives for themselves and their families.

I refer specifically to his creation of the South Buffalo Education Center, a school offering GED training to persons who had not completed high school. The South Buffalo Education Center has graduated more than 200 persons, and has the highest graduation and retention rates of any GED program in New York State, it is truly an accomplishment of which he should be proud.

Very few public servants can point to a series of tangible accomplishments as remarkable as those achieved by Assemblyman Schroeder, who has just begun his seventh year service to his community as an elected official. Despite this, the Assemblyman continues to expand the breadth and depth of his work with the development of Buffalo RiverFest Park.

Expected to break ground later this year, the new riverfront park will be an integral component of the redevelopment of Buffalo's waterfront. Assemblyman Schroeder and his partners at the Valley Community Association have attracted $1.2 million in public and private funds to this important endeavor.

Simply put, Madam Speaker, as a constituent of Assemblyman Mark J.F. Schroeder, I am proud that he is my Assemblyman, I am proud that he is a close colleague in both government and politics, and I am proud to call him my friend.

IN RECOGNITION OF CALEB SCHMITT

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize Caleb Schmitt for winning the 135-pound individual Indiana wrestling State championship. This title is a fitting conclusion to an outstanding season and career for the Castle High School senior.

Schmitt has racked up many accolades in his 4 years wrestling for the Knights including school records for wins in a season, wins in a career, and technical falls in a career. He was a sectional champion all 4 years and his teammates voted him team MVP in three seasons. He also collected two conference championships and numerous invitational titles.

Schmitt displays his athletic versatility with his success on the soccer field, where he was a 4-year starter and letter winner on the varsity team. He will continue his soccer career in the fall at the University of Southern Indiana.

Congratulations to Caleb Schmitt for all of his achievements.

CONGRESSIONAL CONSTITUTION CAUCUS' WEEKLY "CONSTITUTION HALF HOUR"

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. GARRETT of New Jersey. Madam Speaker, we are here today to announce our support of the Enumerated Powers Act authored by our good friend from Arizona, Mr. SHADEGG. As the founder and chairman of the Congressional Constitution Caucus, I urge my fellow Members to cosponsor this legislation.

Article VI, Section 3 of the U.S. Constitution states: "The Senators and Representatives before mentioned . . . shall be bound by Oath or Affirmation, to support this Constitution." On January 4, each of us followed this constitutional mandate and swore such an oath. Yet in the past two months, we have passed legislation without first considering the very document that grants us legislative authority. As a result, taxpayer dollars are being wasted on programs and projects that overstep the constitutional jurisdiction of the Federal Government. And personal freedoms and State priorities are being overshadowed or even forgotten.

Unfortunately, this trend is not new to the 110th Congress. In recent decades, there has been a sharp escalation of funding for existing Federal programs and creation of new ones. The bloated bureaucracy we have today is certainly not the type of central government envisioned by our forefathers. As Thomas Jefferson wrote in an 1808 letter, "The same prudence which in private life would forbid our paying our own money for unexplained projects, forbids it in the dispensation of the public moneys."

It is time for us to explain our distribution of taxpayer dollars. Our constituents should be assured that we are upholding the document that protects their freedoms. Otherwise, the Federal Government will continue to overstep its boundaries, encroaching on the freedom of the people.

Our Founding Fathers deliberately wrote a constitution of enumerated powers. While some countries have attempted to limit government by writing constitutions that specify every single area in which the Federal Government does not have jurisdiction, the Framers knew that such a constitution would be unnecessarily tedious. Therefore, in Article I, Section 8, the Founders specifically listed congressional powers. The 10th Amendment grants all other legislative powers to the states.

It makes sense that Congress should perform only the duties prescribed by the Constitution. The United States has thrived as a nation precisely because the freedom of the people has been protected by a limited government. The Constitution is the anchor that protects American citizens from the storms of a controlling central government.

James Madison assured early Americans in The Federalist No. 45 that "the powers delegated by the proposed Constitution to the Federal Government are few and defined." Madison continued to operate under that belief even after the Constitution was ratified. In fact, his last act as President was to veto the Bonus Bill, which authorized Federal funds for public works projects.

Today, Members justify passing legislation that is even more expansive than the Bonus Bill. They argue that Article 1, Section 8 allows us to pass any legislation, as long as it provides for the "general Welfare" or is "necessary and proper." Madison would have been appalled by our liberal interpretation of these terms. In The Federalist No. 41 he asked, "For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power?"

James Wilson, the author of the General Welfare clause explained to the Pennsylvania ratification convention that the words "necessary and proper" are "limited, and defined by the following, 'for carrying into execution the foregoing powers.' It is saying no more than that the powers we have already particularly given, shall be effectually carried into execution."

For these reasons, Madison explained that he could not sign the Bonus Bill unless an amendment allowing such an expenditure were first added to the Constitution.

Mr. SHADEGG's commonsense legislation follows Madison's logic by ensuring that every bill introduced in the U.S. Congress include a statement declaring the specific constitutional authority under which the law is proposed to be enacted. Following such a guideline would help return our nation to the principles of limited government, Federalism, and the 10th Amendment. And, such a principle is not only consistent with our oath, but it is also a smarter use of our constituents' tax dollars.

The Enumerated Powers Act will stem the flow of unconstitutional legislation by compelling Members to reconsider the intended role of the Federal Government. I strongly urge all members of the Constitution Caucus to cosponsor this legislation. Congress must begin to justify its actions to the states, local governments, and, ultimately, the people themselves.

THE "SCOOTER" LIBBY CASE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. PENCE. Madam Speaker, if there is anything we learned from the conviction of "Scooter" Libby yesterday, it's that the First

Amendment and freedom of the press are still behind bars.

The need for a Federal media shield bill has never been more apparent.

Yesterday Mr. Libby was convicted of lying to a grand jury and obstruction of justice. This is reprehensible. Mr. Libby will be held to a high standard and he should be.

However, as the Washington Post editorial page points out this morning, Joe Wilson also lied about who sent him to Africa, what he found there, and about his wife being a covert CIA agent.

The Washington Post today even calls Mr. Wilson a "blowhard."

Ironically, while Mr. Wilson was lying to the press and creating a partisan furor, Mr. Libby was telling reporters the truth. Mr. Libby may have later lied to the grand jury and failed to own up to his sources in his testimony, but what he told the press was the truth. And, therein lies the real travesty that this case brings to light: that freedom of the press is still behind bars.

This case presented us with the long spectacle of reporters being jailed and threatened with jail time for not revealing their confidential sources. As we saw with former New York Times reporter Judith Miller, without the same confidentiality protection that doctors, lawyers, clergy and so many others have, reporters are forced either to reveal their confidential sources or go to jail. In her case, Judy Miller honorably chose 85 days in jail.

But many reporters and their sources will not want to have to make the same decision.

Because there is no federal media shield law, the real losers are actually not reporters but the American public. Confidential sources and whistleblowers within the government who expose wrongdoing and injustice in order to hold the government accountable will keep the facts to themselves because the reporters to whom they speak cannot promise them confidentiality. The chilling effect is real, and the American public will suffer.

That is the real tragedy of this case.

It's time to repair the tear in the First Amendment. It's time to pass a federal media shield law. Repersentative RICK BOUCHER and I will be reintroducing the Free Flow of Information Act soon, and I urge this Congress to act on it expeditiously. Let us free the First Amendment by passing this important legislation.

HONORING THE MEMORY OF TED TESTERMAN

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Ted Testerman, a resident of the First Congressional District of Tennessee, who passed away March 5, 2007. Theodore W. "Ted" Testerman lived a life of entrepreneurship, service, and was known by all for his fairness to all those around him, even his business competitors.

He was married to Emma Greene for 55 years. They had two sons Hugh and William, and five grandchildren. Ted was very dedicated to his family, a quality that is sought after in today's world.

He served the great State of Tennessee as a member of the Sullivan County Election Commission since 1974. He was also a past president of the Bristol Chamber of Commerce, former member of the Bristol Jaycees, and the Kiwanis Club of Bristol. He was truly a pillar of Bristol.

Theodore W. "Ted" Testerman started working in a men's clothing store as a salesman and by 1964 he owned the business, Blakely-Mitchell, which became the epicenter for community discussion in Bristol.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Theodore W. "Ted" Testerman. He was a dedicated family man, a foundation to the Bristol community, and entrepreneur. His service is greatly appreciated, and he will be deeply missed.

THE CITIZENSHIP PROMOTION ACT OF 2007

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. GUTIERREZ. Madam Speaker, I rise today to announce the introduction of my bill, the Citizenship Promotion Act of 2007. The goal of the legislation is to minimize the obstacles that legal immigrants face on the road to becoming U.S. citizens.

During my 15 years in Congress, I have made citizenship and immigration issues the cornerstone of my work here. In my district, we have created innovative naturalization workshops that have become a national model for legislators around the nation. I am proud to say that these workshops have helped more than 40,000 Chicago-area immigrants to become U.S. citizens.

But there is much more to these workshops than numbers. There is something special, something amazing, about seeing the pride, the promise, and the confidence on a person's face after they have completed the citizenship application process. Men and women who take the oath of citizenship are committed to the responsibilities of being American citizens and are equally dedicated to making the most of America's opportunities.

They have done everything right. They work hard and play by the rules. Yet, this Administration continues to put citizenship out of reach for many hard working individuals by proposing unrealistic and punitive fees to complete the citizenship process.

And the proposed fee hikes, which were announced a few weeks ago, are a glaring example of the government imposing a higher price on its customers, while continuing to offer inadequate, inefficient and ineffective service.

That would never fly in the business world, and it shouldn't when it comes to providing government services.

Prospective citizens are not asking for a free ride—they never have. They are simply asking for fairness, and for a broken bureaucracy, with an unacceptable backlog, to stop trying to fix its failures, and its inefficiencies, on the backs of low-income working families.

In recent years, USCIS has increasingly burdened prospective citizens with indirect costs not related to the application process. The legislation I am introducing today would help reverse that trend in a way that makes sense for prospective citizens and for the agency.

It would freeze fees at their current rates until we can conduct proper oversight and thoroughly review the proposed fee structure.

It would also ensure that indirect costs, those not associated with the application process, can be funded through the appropriations process and not through increased filing fees. The legislation would also help ensure that the citizenship test is administered fairly—and justly—and that people aren't deterred from pursuing the process because of electronic filing barriers.

In addition, the legislation would set up the New Americans Initiative. This would establish a grant program to fund the work of community-based organizations to promote and increase citizenship opportunities through application assistance, outreach and community education, and English and citizenship classes. We have seen a version of this project thrive in Illinois under the leadership of Governor Blagojevich and the Illinois Coalition for Immigrant and Refugee Rights.

Madam Speaker, let me close with this point. President Theodore Roosevelt once said: "Americanism is a question of principle, of purpose, of idealism, of character. It is not a matter of birthplace or creed or line of descent."

Let's work to ensure that those who possess the principle, the purpose, the idealism and the character of America can earn the chance to achieve the American Dream. And let's ensure that they are not priced out of the process.

Let's work to ensure that they can continue to build and better our great nation, as immigrants have done for generations. Let's work to ensure that hard working men and women can fully share in the rights that citizens enjoy and can also help shoulder the enormous responsibilities that come with this incredible opportunity.

HONORING THE 220TH ANNIVERSARY OF VIRGINIA'S STATUTE FOR RELIGIOUS FREEDOM

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. SALI. Madam Speaker, this year is the 220th anniversary of Virginia's passage of its historic Statute for Religious Freedom. This measure, authored by Thomas Jefferson, was so important to the future President that he insisted that his authorship of this bill be memorialized for all time on his tombstone.

As Bryan Fischer, executive director of the Idaho Family Alliance, noted in a recent article in the Idaho Statesman, Jefferson's "statute is problematic for groups who like to cite Jefferson in support of their effort to remove all mention of God, and Christianity in particular, from the public square" (January 29, 2007).

As Mr. Fischer observes, "In the first line of the statute (Jefferson) refers to 'Almighty God,'" and also includes references to "the Holy Author of our religion" and the "Lord both of body and mind." Most historians agree that Mr. Jefferson is referring to Jesus Christ.

The respected American University historian Daniel Dreisbach, an Oxford Ph.D. and careful student of Jefferson's understanding of church and state issues, echoes the same theme: "Jefferson firmly believed that the First Amendment, with its metaphoric 'wall of separation,' prohibited religious establishments by the federal government only. Addressing the same topic of religious proclamations, Jefferson elsewhere relied on the Tenth Amendment, arguing that because 'no power to prescribe any religious exercise' has been delegated to the 'General [i.e., federal] Government . . . it must then rest with the States, as far as it can be in any human authority'."

Put simply, Jefferson never envisioned that the "wall of separation" would be used as a pretext for government hostility to religion. To the contrary, he first used this phrase in a letter to the Baptist congregations of Danbury, Connecticut. Here's the phrase used in its original context: "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State."

In other words, the "wall" was designed not to prevent people of faith from expressing their views in the public square, or to discourage them from applying their faith to public life, but rather to prevent the Federal Government from suppressing Judeo-Christian beliefs or their adherents.

What of President Jefferson's own practice as a public figure? Consider the words of James Hutson, Chief Manuscript Historian at the Library of Congress, in a recent article on the "wall of separation:"

> Jefferson's public support for religion appears . . . to have been more than a cynical political gesture. Scholars have recently argued that in the 1790s Jefferson developed a more favorable view of Christianity that led him to endorse the position of his fellow Founders that religion was necessary for the welfare of a republican government, that it was, as Washington proclaimed in his Farewell Address, indispensable for the happiness and prosperity of the people. Jefferson had, in fact, said as much in his First Inaugural Address. His attendance at church services in the House (of Representatives) was, then, his way of offering symbolic support for religious faith and for its beneficent role in republican government.

In summary, it was because of his firm conviction that the state should never impede the liberties of religious citizens or organizations in the public square that Mr. Jefferson penned the Statue for Religious Freedom, not because of a secular desire to stamp out religion under the foot of government power. His Statute was not borne out of an enmity to religion, but a desire to protect it. And for that, on its 220th anniversary, the Virginia Statue for Religious Freedom and its author Thomas Jefferson should be honored by this body.

MOTORSPORTS FAIRNESS AND PERMANENCY ACT

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today in support of the Motorsports Fairness and Permanency Act. This bill would make permanent the tax treatment of speedways and racing facilities around the country.

This legislation will provide needed certainty to track and speedway operators regarding the depreciation of their properties. For decades, motorsports facilities were considered as "theme and amusement facilities" for depreciation purposes. Congress codified this treatment as part of the Jumpstart our Business Strength Act of 2004. The Motorsports Fairness and Permanency Act would simply make this treatment permanent, helping facility owners make long-lead time decisions on major capital investments.

My congressional district is home to Lake Erie Speedway, a ⅜-mile track that hosts a full schedule of races, including the Mid-Atlantic Asphalt Racing Alliance and NASCAR Whelen All-American Series. Lake Erie Speedway can accommodate up to 7,000 race fans and has a substantial impact on the Erie County economy.

Pennsylvania is home to 60 motorsports facilities, including Pocono Raceway, which hosts two NASCAR Nextel Cup races each summer. These facilities are an important part of the fabric of our State's economy. Indeed, a recently-released report, authorized by the Pennsylvania General Assembly, found that motorsports facilities have a combined impact of over $390 million on the State's economy.

Because of the importance of motorsports to my district and State, I am cosponsoring the Motorsports Fairness and Permanency Act. This legislation will make permanent the well-understood and widely-accepted depreciation classification of motorsports facilities. The legislation will provide fair treatment and needed certainty to the dozens of facilities in Pennsylvania and the hundreds located throughout the country.

I urge my colleagues to join me in supporting the Motorsports Fairness and Permanency Act.

CONGRATULATIONS TO KARE FAMILY CENTER

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to extend my congratulations to a great resource in southern Arizona.

For 5 years, the Kinship and Adoption Resource and Education Family Center, KARE, has been providing support and resources for grandparents and other relatives raising children whose biological parents are unable to do so. Considering that Arizona is one of the fastest growing States in the country where children are having to be raised outside of their own birth-families, the center's work has become invaluable to the community members of my district. Through KARE, many families are able to keep more children out of foster homes. It is my pleasure to thank them on this landmark date.

Over the existence of the KARE Family Center, several thousand grandparents, relatives and adoptive parents have received many crucially important services. The center provides such benefits as case management services and mental/behavioral health services, completely free of charge. Without such services, many of the children in question would not be found under the care of their own family, which simply can not be equaled by state care. Grandparents, relatives, and adoptive parents, who are often suffering from declining health and financial burdens, are able to overcome these extraordinary circumstances through the help of the KARE center.

As the need for specialization in the area of adoption and kinship support services grows across the country, the KARE center has helped to develop and promote access to similar programs. In its 5 years, KARE has provided assistance to several thousand families, and with more programs like it in development, far fewer children are left to be raised in unfamiliar surroundings, or overburdened foster families. Their work has shown that kinship and non-nuclear biological families can provide permanent stable homes, an alternative to foster care and delinquency systems, while 100 percent of children in the program remain in school.

I wish continued success of the KARE Family Center. It is my honor to celebrate with them a history of community involvement and service.

TRIBUTE TO BARBARA McNAIR

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Ms. WATSON. Madam Speaker, I rise today to honor a distinguished African American actress and singer, Barbara McNair, who passed away in January after a long battle with cancer. She was a trailblazer, who had a successful recording and acting career in an era when few African Americans, particularly African American women, could sustain themselves in Hollywood. Barbara was also my dear friend.

Barbara McNair was one of the world's most stunningly dynamic, talented, and beautiful singers, who achieved international fame not only as a singer, but also as a movie, television, and Broadway star.

At a young age, Barbara moved to New York where she supported herself with a secretarial job while auditioning off-hours at a variety of New York nightclubs. Persistence eventually paid off when Max Gordon, proprietor of one of the most famous jazz clubs in New York, The Village Vanguard, offered her a job. Soon after, her big break came when she was tagged for a stint on The Arthur Godfrey Show. Not much later, she appeared in shows at world famous nightclubs such as the Purple Onion and the Coconut Grove.

Barbara quickly became one of the country's most popular headliners and a guest on The Steve Allen Show, Hullabaloo, The Bell Telephone Hours, and The Hollywood Palace. She also made guest appearances on popular television shows of the day, including Dr. Kildare, I Spy, Mission: Impossible, Hogan's Heroes, and McMillan and Wife. She hosted television's The Barbara McNair Show, a musical and comedy show in the late 1960s and early 1970s.

Her movie credits include If He Hollers Let Him Go, playing opposite Raymond St. Jacques; They Call Me Mr. Tibbs, with Sydney Poitier; and Change of Habit, with Mary Tyler Moore and Elvis Presley in his last scripted movie role.

Her Broadway credits include The Body Beautiful, No Strings, and a revival of The Pajama Game.

Barbara McNair not only acted, but also had a successful recording career. Her recordings include Livin' End, I Enjoy Being a Girl, and The Ultimate Motown Collection.

Barbara McNair had her share of tragedies and setbacks during her life of 72 years. But through it all, she continued to move forward. Her singular accomplishments as an actress and singer are to be admired and remembered.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 8, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 9

9 a.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Commodity Futures Trading Commission and the Small Business Administration.
SD–138

MARCH 13

9:30 a.m.
Health, Education, Labor, and Pensions
To hold joint hearings with House Committee on Education and Labor to examine improving No Child Left Behind to close the acheviment gap, relating to the Elementary and Secondary Education Act reauthorzation.
2175 RHOB

10 a.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine United States international efforts to secure radiological materials, focusing on Department of Energy and Nuclear Regulatory Commission efforts to secure radiological materials through the International Atomic Energy Agency and the other multilateral organizations.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 14

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the threat of Islamic Radicalism to the homeland.
SD–342

Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on education and training.
SR–418

10 a.m.
Finance
To hold hearings to examine charting a course for health care moving toward universal coverage.
SD–215

Health, Education, Labor, and Pensions
Business meeting to consider S. 624, to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, Keeping Seniors Safe From Act of 2007, S. 657, to amend the Public Health Service Act to add requirements regarding trauma care, and any pending nominations.
SD–430

Judiciary
To hold hearings to examine reinvigorating the Freedom of Information Act relating to open government.
SD–226

10:15 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine enhancing patient access and drug safety relating to Prescription Drug User Fees.
SD–430

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Army.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine technology solutions for climate change.
SR–253

MARCH 15

9:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of Zalmay Khalilzad to be a Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be a Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative to the United Nations.
SD–419

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.
SD–342

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the U.S. Coast Guard.
SR–253

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 20

10 a.m.
Judiciary
To hold hearings to examine combating war profiteering, focusing on investigating and prosecuting contracting fraud and abuse in Iraq.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine energy innovation.
SR–253

MARCH 27

9:30 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SH–216

Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

MARCH 28

2:30 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine transitioning to a next generation Human Space Flight System.

SR–253

MARCH 29

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, Ex-POWs, Military Order of the Purple Heart, and Fleet Reserve Association.

SD–106

HOUSE OF REPRESENTATIVES—*Thursday, March 8, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

All powerful and ever-living God, Your Divine Providence has blessed this Nation from its beginning. Your Divine Providence is evidenced in our Declaration of Independence and speaks through our Constitution to the rest of the world.

Lord, help us to embrace this same truth of Your Provident Love as this country wrestles with national issues today and desires to address problems facing the international community of nations in our times.

May every individual working in Congress see that every moment is given to us by You, Loving Lord, and thereby bears Your holy will for us now.

May each of us seek Your divine purpose for us and be disposed to become Your instrument to accomplish the great task of establishing Your kingdom of peace, Your reign of truth and Your rule of justice by every word we utter, every decision we make and every action we take this very day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. ALTMIRE) come forward and lead the House in the Pledge of Allegiance.

Mr. ALTMIRE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to ten 1-minutes on each side.

OVERSIGHT FINALLY IN THE HOUSE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, with Democrats now in control of Congress, oversight is finally being conducted. The new Democratic Congress has already held 81 separate hearings on important issues involving the war in Iraq, including the billions of dollars that are unaccounted for. The documented pattern of neglect at Walter Reed goes back at least 3 years, yet previous Congresses did nothing. But just this week the new Congress held four separate hearings on the treatment of our wounded soldiers.

Also, this week the House held hearings on the firing of seven U.S. attorneys for purely political reasons. Partisanship and politics have no place in our justice system, and this House is going to aggressively investigate this situation.

Madam Speaker, this level of oversight is part of the Democrats' effort to bring real change to Washington. Two months into the new Congress, we are already delivering on that promise.

CONGRESSIONAL INACTION JEOPARDIZES MALHEUR COUNTY EMERGENCY SERVICES

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act will have an extensive and extreme impact on more than 1,800 local governments that receive "Payments in Lieu of Taxes" funds, also known as PILT. The loss of the county payments program means these counties can now apply for the limited PILT fund, thus reducing funds to counties reliant on PILT, and many counties will see a 20 percent reduction.

For Malheur County, Oregon, which is nearly 10,000 square miles and is 72 percent under Federal ownership and is larger than the States of Vermont, New Hampshire, New Jersey, Connecticut, Delaware and Rhode Island, it can mean real problems.

As we all know, rapid response for emergency services is a life-and-death issue. In many areas of Malheur County, it can take well over an hour to respond to a situation. Loss of critical PILT funds will mean a reduction in vital public services, and that is unacceptable.

County Judge Dan Joyce, who is in Washington today, says loss of PILT funds will devastate our ability to respond rapidly in emergency situations. I call on the new Democrat majority to move H.R. 17. Services are being lost. Libraries are closing. Teachers are being given notices they won't be rehired. It is time for action.

PROTECTING OUR CHILDREN AGAINST INTERNET PREDATORS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, last month I was proud to be part of an important announcement concerning the safety of our children. And thanks to the tremendous generosity of Quest Foundation, the National Center For Missing and Exploited Children was able to establish netsmartz411.org, a first of its kind online service.

NetSmartz411 provides a direct line for experts at the National Center for Concerned Parents. Through this program, questions and concerns about online safety can be answered quickly and accurately. We are all too familiar with stories of Internet predators making their way into our homes with the simple click of a mouse. More and more teenagers are joining social networking Web sites and roaming the Internet freely, with little or no adult supervision. These Web sites have given predators the freedom to search for pictures, ages, even nearby schools. By empowering more parents than ever before, NetSmartz411 will reinforce our efforts to make the Internet a safer place.

So for those who want more information, my colleagues, and would like to find that out, please visit www.netsmartz411.org, or www.missingkids.com.

OUR VETERANS DESERVE THE BEST

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I stand before you as a grateful veteran of the South Carolina Army National Guard, and I have four sons currently serving in the military. You can imagine my concern upon learning of the dire conditions our Nation's wounded service members have recently been made to endure. My appreciation for our troops is as a member of the Armed Services Committee, a veteran and as a parent who expects the best for the courageous troops who protect American families.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

While Walter Reed Medical Center is renowned as a world-class facility, recent management neglected to provide adequate care. I appreciate Defense Secretary Robert Gates' decisive action in dealing with this disturbing situation. I was honored to attend President Bush's speech earlier this week to the American Legion where he announced a creation of a bipartisan commission to review military and veterans' care.

We in Congress are committed to ensuring our military heroes are well cared for and receive the medical attention they deserve.

In conclusion, God bless our troops, and we will never forget September 11.

BUSH ADMINISTRATION NOT PROPERLY FUNDING THE NEEDS OF OUR MILITARY PERSONNEL

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, when we send our Nation's young men and women into harm's way, it is always with the commitment that we will provide them with all the care they need if they are wounded in combat. Unfortunately, this administration has broken its commitment to our soldiers. Saying that they support the troops is easy for the President and the Vice President; actually coming up with examples is becoming more difficult every day.

Dana Priest, the Washington Post reporter who uncovered the conditions at Walter Reed Hospital recently, said that money is the root of the problem exposed at Walter Reed. Yet in testimony before the House Oversight Government Reform Committee on Monday, top military brass said they were given all the money that they needed. How could this be? If they indeed have all the money they need, then why are we attempting to nickel-and-dime the injured soldiers who have put their life on the line for our country?

Mr. Speaker, this is just another example of this administration's inability to make government work. Fortunately, this Democratic Caucus is not going to let them get away with it.

LET THE JURY HEAR ALL THE EVIDENCE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, if the prosecution negligently or intentionally or by incompetence fails to give beneficial information to the defense, then our law says a new trial should be ordered. In the Ramos and Compean border agents trial, the prosecution based its whole case on the testimony of a drug smuggler who not only brought in $1 million worth of marijuana to the United States but was given immunity for it. He was portrayed as just a mule trying to get some money for his poor sick mama. Well, now it seems that after he got immunity for his crimes and while waiting to testify against Ramos and Compean, he brought in another large load of marijuana.

Here is the DEA report on the second case. I have read it. This case is simple enough that a third-year law student could prosecute it. But the U.S. Attorney's Office refused to prosecute the drug smuggler in the second case, and the jury never heard about this matter. The jury should have known about the second case to judge the credibility of the drug smuggler's testimony. The border agent should receive a new trial. Let the jury hear the truth about the star witness the Federal Government made a backroom deal with.

And that's just the way it is.

THE KUCINICH PLAN, H.R. 1234

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. In a few short days, this Congress will make a momentous decision as to whether or not to fund the continuation of the war in Iraq. And yet, at this time, the American people clearly want our troops brought home. Funding the war will keep the troops there. Stopping the funding will enable us to bring them home.

BARBARA LEE has an amendment that will fund the orderly return of our troops. I have offered H.R. 1234, which is compatible with the Lee amendment. The money is there right now in the pipeline to bring the troops home. Once we bring the troops home or a plan is put forth to bring the troops home, we have to have a plan to stabilize Iraq. That's what H.R. 1234 will do.

This Congress cannot stand by as the casualties pile up. We have to remember that the families of the troops are waiting for us to take action. Let's act now. Support the Lee amendment and support H.R. 1234.

WE NEED SPENDING RESTRAINT, NOT TAX HIKES

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, we are anxiously awaiting the arrival of the 2008 budget that the Democrats are putting together. In all likelihood, it will require a spending of $2.9 trillion. Let me put that money in perspective. That is $90,000 plus every second of the fiscal year. It is a lot of money.

Tax rates will be going up under current law unless this Congress acts to not do that. There is a myth being purported by the other side that we can somehow tax the rich and balance the budget. That is a myth. The top 10 percent of taxpayers already pay two-thirds of the taxes that are being paid in this country.

Spending restraint is far more impactful on balancing the budget than raising taxes. We have a spending problem, not a tax-raising problem. I urge my colleagues to work on spending restraint as the true measure of how we fix this deficit.

PRESIDENT BUSH CANNOT TURN HIS BACK ON SOLDIERS WHO'VE BEEN WOUNDED IN HIS WAR

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, when President Bush sent American troops to war in Iraq, he had an obligation to ensure they were cared for if they came home wounded. Unlike in past wars, medical technology and protective gears have advanced to the point that soldiers who would have died in the past are now surviving devastating combat injuries. Their survival, of course, is a great development. Unfortunately, as the case at Walter Reed shows, many of our injured soldiers are not receiving the treatment they need and deserve when they return home.

We should all be outraged at what is happening at our military hospitals. Fortunately, this Congress is taking action. At the end of this week, House committees will have held four hearings on the inadequate treatment our wounded soldiers are receiving at Walter Reed. We are now learning that this is more widespread than Walter Reed, and we must explore major reform options that fix this problem immediately.

Inadequate oversight of the Bush administration by past Congresses allowed these conditions to develop. The new Democratic Congress is going to hold those responsible accountable and ensure that our soldiers receive the help they have more than earned.

UNT WINS TO EARN FIRST NCAA BID SINCE 1988

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, my college, the University of North Texas, back in my district, on Tuesday night won the Sun Belt Conference.

Calvin Watson, a forward, scored 24 points and hit six of seven 3-point shots against Arkansas State University and was named the tournament's most outstanding player.

The University of North Texas was locked in a tight game but made all the key plays down the stretch to pull out an 83–75 win at the Cajundome to claim not only the Sun Belt title but an NCAA tournament bid as well.

The University of North Texas, my college men's basketball team, last went to the NCAA tournament when Reagan was President during the 1987–1988 season.

The Mean Green claimed its second NCAA bid by closing the game on an 11–5 run to set off a wild celebration. My team is under the leadership of head coach Johnny Jones. They were the No. 5 seed in the tournament and had to win all of their games to win the tournament title. They came up with standout performance throughout the tournament and in the finals.

I congratulate the fine men of the men's basketball team, their coaches and the staff of the University of North Texas on a great win.

□ 1015

FEMALE TROOPS IN IRAQ

(Ms. CLARKE asked and was given permission to address the House for 1 minute.)

Ms. CLARKE. Mr. Speaker, the war in Iraq has presented numerous hardships for our troops, their families, and by extension, our Nation. Over 3,000 American soldiers have been killed. Every day brings news of more explosions and more soldiers coming home with traumatic brain injuries and other maladies. However, this war has been a particular hardship for our Nation's courageous female troops.

In this, the first full week of National Women's History Month, I feel it is vital that we recognize the historic trials being faced by the women who are defending our country. As of 2005, there was a record 203,000 female troops on active duty in military, along with many thousands more National Guard and Reserve troops activated to work in Iraq.

Like their male counterparts, many of these female troops never expected to fight in a war and certainly not for such an extended period of time. Countless soldiers are mothers who joined the National Guard and Reserves to give back to their country. Now they find themselves half a world away from their homes and families, fighting a war on the sun-hardened battlefields of Iraq with no resolution or end in sight.

CONDITIONS AT WALTER REED

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the recent reports of substandard conditions at the outpatient facility at Walter Reed Medical Center are deeply disturbing. The brave men and women who put their lives on the line every day to protect our country do not deserve the shoddy conditions, nor do they deserve to be trapped in the bureaucratic morass that has engulfed Walter Reed.

It is necessary to put into place a seamless program for our veterans from the time they are injured through rehabilitation and home care and work support. I urge Secretary Nicholson of Veterans Affairs to do just that.

The proper treatment of our wounded members of the Armed Forces is not a partisan issue. It is a moral issue. And Congress needs to ensure that our injured brave men and women receive the best, most advanced, and most timely medical care possible. Anything less would be immoral and a dereliction of our duty.

VETERANS, MEMBERS OF MILITARY DESERVE THE FINEST MEDICAL CARE

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, I rise today, as a member of the U.S. Air Force Reserves a number of years ago, in support of our troops. It is unconscionable for the soldiers who defend our freedom to receive anything less than the finest medical care.

I visited the veterans hospital in Seattle again recently and talked at length to one soldier about the quality of care he has received. I was relieved to hear that from the time he was wounded in Iraq to his treatment at Bethesda and his time at Seattle's VA Hospital, the care that he received was excellent. Unfortunately, this is not the case in every hospital for every soldier.

I will soon be visiting Walter Reed to speak with soldiers there and make sure they are receiving the excellent care that they deserve. I am encouraged by the efforts to hold accountable those responsible for the appalling conditions at Walter Reed.

This issue transcends party lines and requires an immediate response by all parties. This is about young men and women who have sacrificed much for our country and for our freedom. We owe it to them to correct this injustice.

CELEBRATING THE LIFE OF ARMY SERGEANT PHILLIP McNEILL

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, today I rise to honor the legacy of a brave young man who lost his life serving in Iraq. Sergeant Phillip McNeill, who grew up in Owingsville, Kentucky, was killed in Iraq on January 20, 2007. Sergeant McNeill was serving with the 3rd Battalion, 509th Parachute Infantry Regiment, based in Fort Richardson, Alaska, when his Humvee was struck by an IED, bringing his bright young life to a tragic end.

Sergeant McNeill came from a family steeped in American military tradition. His military service was inspired by the brave men in his family who had served before him. His family described his dedication to his mission, saying that he "believed in the cause and that he was a soldier who wanted to be over there." This was Sergeant McNeill's second tour in Iraq.

As we celebrate the spirit of this great soldier, my thoughts and prayers are with Sergeant Phillip McNeill's family and friends. We are humbled by Sergeant McNeill's dedication, and we are forever indebted to him for making the ultimate sacrifice for our Nation and for our freedom.

PROVIDING FOR CONSIDERATION OF H.R. 700, HEALTHY COMMUNITIES WATER SUPPLY ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 215 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 215

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 700) to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 215 provides for the consideration of H.R. 700, the Healthy Communities Water Supply Act of 2007, under an open rule with a preprinting requirement. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI. The bill shall be considered as read.

The rule provides that any amendment to the bill must be printed in the CONGRESSIONAL RECORD prior to consideration of the bill. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, simply stated, maintaining an adequate water supply is critical to the health and livelihood of our agricultural industry, our economy, and our environment.

However, as critical as water is to sustaining our way of life, all too often we take it for granted. Water does not come in an infinite supply. It is, in fact, a very, very scarce resource, particularly in my region of the country.

There are significant water supply issues in my home district of California's Central Valley. The valley faces water shortages as various interests compete for this scarce resource.

The Central Valley is not unique. Water scarcity is occurring across the country and is becoming more widespread due to several factors. Population is on the rise. Pollution is a constant threat. Growth and development are expanding. And drought can strike us at any time.

Despite these pressing needs, we are severely lacking in programs that address the looming shortage. The Environmental Protection Agency, the Congressional Budget Office, and other organizations have estimated that $400 billion is needed for programs to maintain existing and build new water infrastructure. The EPA has also estimated that programs to address sewer overflows need in excess of $140 billion.

However, even meeting the needs of these programs has been challenging as this administration has constantly cut funding. Moreover, these programs deal exclusively with protecting our water quality and do not address scarcity or shortages.

While these programs are just as important, it doesn't make sense to have a one-track mind. Improving the quality of water is just one part of the equation. We also have to find innovative ways to reuse and recycle water that we have so it will be there to meet our needs as well as the needs of future generations. The rule and the bill we have before us today will begin to address this problem.

Mr. Speaker, the Healthy Communities Water Supply Act of 2007, H.R. 700, is quite simple. H.R. 700 extends a critical pilot program for alternative water source projects. Alternative water source projects allow local communities to develop innovative ways to reuse and recycle water, thereby saving money and expanding water use options for the entire country. This pilot program was initially created in 2002, but the program has expired.

The bill authorizes $125 million to help communities finance pilot projects to recycle or reuse water or to develop alternative water sources. It is not an excessive investment. Given the scarcity and challenges we face, this is just a start, but this funding is absolutely critical and is a step in the right direction. This will help spur technological development so that individuals, agriculture, and industry have access to the water they need. The bill is also fiscally responsible as it provides a 50 percent matching requirement.

Many should be recognized for their interest in ensuring that the future water supply will meet future water demands. I would like to commend my colleagues Mr. MCNERNEY, Mrs. TAUSCHER, and Mr. KAGEN for introducing this important bill. I would also like to thank Mr. OBERSTAR and Mr. MICA for their leadership in bringing this legislation to the floor.

Mr. Speaker, this is a good bill. This is a necessary bill. And this is a critically important investment for people today and for generations to come.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from California (Mr. CARDOZA) for yielding me the customary 30 minutes, and I also want to congratulate the gentleman from California on the managing of his first rule in his capacity on the Rules Committee.

Mr. Speaker, I yield myself such time as I may consume.

Mr. HASTINGS of Washington. Mr. Speaker, when most people think of the State of Washington, they imagine a cloudy day with a good chance of rain. However, much of the eastern part of Washington that I represent is very dry and very arid. In fact, my hometown of Pasco averages only 8 inches of rain a year, which is even less than the Central Valley, where my friend from California resides. This part of the State is also noted for its irrigated agriculture, which is the foundation of our rural communities.

Water is a valuable and limited resource that is critical for farmers and our agricultural economy. Two areas of my district in particular know the value and importance of water: the Yakima River Basin and the Odessa Subaquifer of the Columbia Basin. The Bureau of Reclamation is examining both areas for potential additional water storage, and I hope this Congress will continue past commitments to finding solutions that protect the farmers and the communities in these areas.

I also recognize the need to develop alternative sources of usable water for drinking and for agriculture purposes. By exploring innovative approaches such as membrane-filtering technologies and aquifer storage and retrieval, we can ensure that kitchen faucets and irrigation lines won't run dry in the future. Fresh water is a scarce and valuable resource and certainly one that we cannot afford to lose.

The underlying legislation continues a pilot program under the Clean Water Act that provides grants to encourage water reclamation and reuse. The bill would increase authorized funding for this program by $50 million without any fiscal-year limitation. However, Mr. Speaker, I think it is important to point out that this program has never been funded. Therefore, the real question of whether this program warrants Federal funding will be left up to the Appropriations Committee and the subcommittee in charge of water spending to decide.

So I urge my colleagues to support this modified open rule, and I hope that we can continue this openness in future legislation, including the supplemental spending bill, the budget resolution, and the Water Quality Financing Act that is expected to be on the floor later this week.

Mr. Speaker, I yield back the balance of my time.

☐ 1030

Mr. CARDOZA. Mr. Speaker, as I said earlier, maintaining an adequate water supply is critical to the health and livelihood of our agricultural industry, our economy and our environment. Water is not an infinite supply, and water scarcity is occurring across the country and becoming more widespread. We have to find innovative ways to reuse and recycle the water that we have so it will be there to meet our needs, as well as the needs of future generations, and we have to provide the means to make that happen. This bill does just that.

I urge a "yes" vote on the rule and on the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE FUNDING RESOLUTION

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 219 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 219

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 202) providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the resolution, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The resolution, as amended, shall be considered as read. The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 219 provides for consideration of House Resolution 202, the 110th Congress committee funding resolution. The rule provides for 1 hour of general debate in the House, equally divided and controlled by the Chair and ranking minority member of the Committee on House Administration.

The rule makes in order the committee funding substitute adopted by the Committee on House Administration. It also provides for a new Select Committee on Energy Independence and Global Warming, the text of which is printed in the Rules report accompanying the rule. The rule waives all points of order against consideration of the resolution and provides that the resolution, as amended, shall be considered as read.

Mr. Speaker, the rule before us would allow for the consideration of a bipartisan committee funding resolution. It was reported out of the House Administration Committee with the support of both Chairwoman MILLENDER-MCDONALD and Ranking Member EHLERS.

I want to take a moment to say how pleased I am with the way in which this bill embodies the spirit of fiscal responsibility that is so often advocated by this body.

The financial pressures on our government are immense. Recent years have left us with an unprecedented amount of foreign debt. At the same time, my fellow Democrats and I are struggling to ensure the safety of tens and hundreds of thousands of troops abroad, while refusing to shortchange vital domestic programs here at home.

The resolution reflects that reality. While not all committees have received the budget increases they hoped for, this funding resolution provides a bipartisan approach to ensuring that they can fulfill their duties and obligations without asking Congress to spend money we don't have. It includes only a 2.4 percent increase in funding from last year, one of the smallest increases in committee funding in the last 12 years.

As vital as it is to start bringing home some fiscal sanity back to Washington, there is another reason why the legislation is significant. As a result of actions taken by the Rules Committee yesterday, it now contains a provision that represents a profound departure from the approach that recent Republican Congresses have taken toward one of the most pivotal issues of our time, global warming.

Global warming is not merely an environmental issue. It is also a social issue and an economic one. It affects all nations and all peoples, and its consequences, if left unchecked, could produce truly dramatic changes to human society the world over.

For decades, evidence has mounted that our planet's temperature is rising, and that evidence has become so universally recognized that it is no longer in dispute. President Bush himself even used the phrase "climate change" in his State of the Union Address this year, the first time he has acknowledged it.

But the question raised today by some is a different one: Is global warming caused by human activity? Or is it merely a natural phenomenon akin to the last ice age, something that we have to adapt to but we cannot affect?

Efforts to break the link in the public imagination between human activity and climate change are still ongoing. Doubt is still being seeded in the public mind. Sometimes these efforts are blunt. Despite the President's recent admission, his administration has also been accused of rewriting sections of impartial Federal scientific reports that tie human activity to global warming.

Other times, the efforts are more subtle. We hear all the time Members of this body express their desire to, as they put it, "get to the bottom" of the problem of climate change so that we may come to understand its true cause.

Mr. Speaker, my colleagues and I on the Democratic side of the aisle do not share this degree of doubt, nor do we seek to disseminate it. We have been convinced by numerous internationally recognized scientific studies, by years of careful analysis and by endless measurements taken around the world. We have been convinced, as have people the world over, by the overwhelming weight of available, impartial and scientific evidence. We have been convinced of a simple idea, that human beings are altering the planet's environment.

And, as such, we have committed ourselves to being the party of personal, environmental responsibility. We have pledged to confront this great challenge before it is beyond our grasp, beyond our ability to change even if we wanted to.

We have promised a strong path of action, and this bill represents the first steps along that path taken by this Congress in years, if not ever.

The resolution will create a fully funded select committee whose sole purpose will be to focus on global warming. The committee will have 15 members, nine from the majority and six from the minority. It will serve as a much-needed congressional forum for hearings, investigations and discussion, and will have the chance to make recommendations concerning climate change.

Simply put, people all the world over can breathe easier because the resolution will institutionalize the commitment of the House of Representatives to confronting global warming.

Mr. Speaker, I also want to take a moment to address one of the criticisms of this rule that is likely to be voiced by the minority. We may be told that a hearing and markup process for the select committee did not take place before the rule was authored.

But a question like this one, the question of whether or not we should address global warming, has had an ongoing public hearing for a generation. Numerous arguments on both sides of the question have been made. And at the end of it all, the overwhelming consensus, both among the public and among internationally recognized climate scientists, is that global warming is real; it is human influenced; and it is our responsibility to control.

The creation of this select committee is a response to that international public hearing. Democrats have called for the need to fight climate change for years, and today we have the chance to turn that call into action, and we don't intend to waste it.

Mr. Speaker, we can't forget that, in 1997, the Republican-controlled Senate rejected the Kyoto Protocol, a pathbreaking international effort to control global warming. And we must not forget that, back in 2001, one of the administration's first acts of international significance was the dramatic rejection of that same set of principles.

It is time for this House to join the vast majority of the world community that recognizes the threat global warming poses and the role that our

Nation plays in it. It is time for us to be leaders on this issue and to take responsibility for our actions.

I urge the passage of this rule and of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I rise to express my great appreciation to my very distinguished friend from Rochester, New York, the Chair of the Committee on Rules, Ms. SLAUGHTER, and I yield myself such time as I may consume.

Mr. Speaker, I rise this morning in strongest opposition to this rule and the underlying legislation, House Resolution 202, which provides for the expenses of certain committees of the House of Representatives in the 110th Congress. While I consider the funding of the committees of the House a very, very important priority, I, unfortunately, Mr. Speaker, oppose this rule since the resolution goes far beyond, far beyond the very important task in one respect, and, unfortunately, it falls extraordinarily short in another task.

Mr. Speaker, on March 1, the Committee on House Administration ordered reported House Resolution 202, a clean committee funding resolution. If passed by the full House, the resolution will provide approximately a 2.6 percent across-the-board increase in House committee budgets between the last session of the 109th Congress and the first session of the 110th Congress. While most committees can make do with that very modest increase, we have one committee that absolutely cannot. It is called the Committee on Standards of Official Conduct.

Mr. Speaker, on the opening day of the 110th Congress, Ms. SLAUGHTER and I both stood here as we debated and then ended up supporting a very important part of the opening day rules package. On that day, we asked the Ethics Committee to take on substantial new responsibilities.

They are now responsible, Mr. Speaker, the Ethics Committee, based on what the passage of the opening days rules package imposed on them, they are now required to pre-approve all trips. They are required to issue guidance on rules that they were not involved in drafting at all. As I said, we imposed that on them. They are required to provide training for every employee of the House on the new ethics rules that we have just put into place and forced them to implement. And they are still in a position where they have to now provide timely advice to every single Member who makes a request for the application of this rule.

On top of that, Mr. Speaker, they have the responsibility of investigating allegations of wrongdoing whenever they do occur.

□ 1045

Now already, I understand, the Committee on Ethics, the Committee on Standards of Official Conduct, is falling behind. Appropriation season is well under way, and we have absolutely no guidance whatsoever about the new ethics standards for earmarks. We have new travel and gift rules, but those regulations created as many questions as they answered; and the Ethics Committee is already months behind in its correspondence with Members.

We are going to hear from a number of our colleagues who have been dealing with this very difficult situation. The chairman and the ranking member, the chairman and the ranking member of the Committee on Ethics appeared before the Committee on House Administration. In fact, Ms. SLAUGHTER and I were both there because our testimony followed them. Mr. HASTINGS and Mrs. TUBBS JONES, Republican and Democrat in a bipartisan way, they came to plead their case to provide an increase beyond that 2.6 percent so they can deal with this massive new mandate imposed upon them. It was a large request, but the members of the Ethics Committee need it because they want to do their job and they need the resources to do it.

What the House Administration Committee did, and we were there during that testimony, they expressed great sympathy with their plight. And at the end, they felt they could do a little more. That decision leaves every single Member of this House in jeopardy, and it is one that we cannot let stand.

That is why, as I said, Mr. HASTINGS, the former chairman of the Ethics Committee and Mrs. TUBBS JONES, the new chairman of the Ethics Committee, took the very unusual step of just yesterday appealing to us up in the Rules Committee to correct this problem.

Now my Rules Committee colleague, Mr. HASTINGS, has the dual responsibility of serving not only as the distinguished ranking member of the Ethics Committee, but also he serves on the Rules Committee, and he sat before us and asked that we simply allow the House to debate this issue. He didn't argue that we have to do it. I happen to believe we do have to do it, but he simply was making the request that the Rules Committee make in order a chance for this House to discuss this very important ethics issue, one with which we are all very familiar. He was joined in this request by the distinguished Chair of the committee. She wasn't there, but I know she has supported his request for us to have an opportunity to debate this issue, and I know she strongly supports the effort, as she did in her testimony before the Administration Committee asking for the additional resources so the Ethics Committee, Mr. Speaker, can in fact do their job.

This is particularly important given the other aspect of this rule. This rule self-executes an amendment establishing the new Select Committee on Energy Independence and Global Warming, about which the distinguished Chair of the Rules Committee was just speaking.

Without impugning the necessity or desire to establish that select committee, my colleagues got to hear me explain at the Rules Committee yesterday exactly why this process was so outrageous and why this is the wrong way to go about establishing a select committee.

Mr. Speaker, never mind that the minority was never given the language creating this select committee until we literally walked into the room yesterday at 2 p.m., and never mind the fact the Democratic majority is denying us a motion to recommit with instructions which would have been made in order if the privileged resolution came to the floor, never mind that the Rules Committee never held a hearing or produced an original jurisdiction committee report on the establishment of this select committee, something I believe is totally unprecedented.

With all of the committees established in the history of this institution, I am convinced that never before has this process been used, and never mind that the House is completely side-stepping regular order by self-executing this amendment.

Mr. Speaker, never mind all of those horrible procedural outrages that have been imposed. I am not going to talk about those. The most troubling part of this whole episode is that this self-executing amendment grants the new select committee some $3.7 million over the course of this Congress. So if we can find an additional $3.7 million to fund this new select committee that will have no legislative power whatsoever, I don't understand why we can't fund a mere $1 million to fully fund the bipartisan request that was made before the Rules Committee to provide the necessary funding for our very hardworking colleagues, Mr. HASTINGS, Mrs. TUBBS JONES and their colleagues on the Ethics Committee.

Mr. Speaker, at the end of this debate on this rule, I will be asking Members to oppose the previous question so I may amend the rule to make in order the bipartisan Tubbs Jones-Hastings amendment so that the 430 Members that supported the new ethics rules may live up to the commitment that they made right here on opening day.

Mr. Speaker, if you think we needed new ethics standards, if you believe that the Ethics Committee should do its job, then you have a moral obligation to defeat the previous question and allow the House to work its will by at least considering the chance to make sure that Mrs. TUBBS JONES, the distinguished Chair of the Ethics Committee, and Mr. HASTINGS, the ranking member, have the resources they need to do what we, 430 Members, told them they had to do.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, let me take 30 seconds to say to my good friend, Mr. DREIER, that while he has made much of the fact that a bipartisan group went before the committee to beg for money, that it was turned down by a bipartisan pair, the Chair and the ranking member of that committee, perhaps he should take up his complaint with Mr. EHLERS who was the Republican ranking member on that committee.

Now I am pleased to yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, the issue here is global warming. There is a separate issue of Ethics Committee funding. It should be clear to all of us that we don't have to combine the two to let both defeat what is in the interest of this country to achieve. The crisis of global warming is real. It is urgent and it requires our immediate action. By embracing the challenge of global warming, we can open the door to innovative local approaches as we work towards solutions that are going to create jobs, improve the environment, and improve and strengthen our national security.

This is a very critical issue in my own State, as it is in every State. Even in a small State such as Vermont, we realize that we can and we must make a contribution towards a more sustainable local economy, a more environmentally friendly future. Meaningful Federal policy must be part of that.

I commend this House of Representatives' bipartisan action that in our first days we reversed those tax breaks that went to big oil companies and instead funded renewable energy. The leadership in this Congress has also set a priority on making a green capital initiative. We are going to work, I hope together with my friend from California, on greening this capital and putting our example forward as part of what can be achieved.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. WELCH of Vermont. I yield to the gentleman from California.

Mr. DREIER. I would just like to say that I do look forward, Mr. Speaker, to working with my friend from Vermont on this very, very important issue. And we are at this moment, in fact, going through his legislative initiative. I hope to work closely with him on it.

I thank the gentleman.

Mr. WELCH of Vermont. I thank my friend from California. What that is about, we can take concrete steps. Last month my office introduced a bill that would allow us to be a carbon-neutral office by working with a couple of local initiatives in Vermont to offset the 54 tons of carbon pollution that turning on the lights in my office here in Washington and my office at home in Vermont and my travel back and forth around the State generates.

What we can accomplish by working together requires us to take concrete steps together. This committee, this special select committee, is something in my view that deserves bipartisan support because we have to focus the attention of this Congress on the big issue of global warming, but also on the concrete and specific steps that we can take that will reduce the damage that we do to the environment by our activities by creating jobs that will increase wealth and economic security for our country, and absolutely take steps towards reducing the stranglehold that foreign oil has on limiting our foreign policy options.

This is overdue and something that can be accomplished, and I commend the Speaker for her initiative in putting together this special panel that is going to help this Congress and this country make the overdue steps that are required.

Mr. DREIER. Mr. Speaker, I am very happy to yield 3 minutes to my very good friend, the former chairman of the Committee on Standards, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank my very good friend from San Dimas for yielding me this time.

Mr. Speaker, I rise today in opposition to House Resolution 219. I am disappointed that a bipartisan amendment that I offered, along with the chairman of the Ethics Committee, Chairwoman TUBBS JONES of Ohio, to the Rules Committee was not made in order under this closed rule.

The amendment that we offered would simply set the funding levels for the Ethics Committee at the level that was requested by Chairwoman TUBBS JONES and by me, the amount that we jointly determined was necessary to effectively carry out the Ethics Committee's responsibilities.

Regrettably, the budget we requested was not provided by the House Administration Committee. Yesterday, the Rules Committee refused to allow the House to vote on whether the Ethics Committee will have the resources it needs to fully fund its responsibilities.

Mr. Speaker, the Ethics Committee is responsible for two primary tasks: one, educating, informing and advising members and staff about their ethical responsibilities pursuant to the House rules; and, two, enforcing those rules firmly and fairly without regard to friendship, favor, or political party.

Two years ago in a bipartisan fashion, I requested a substantial increase in funding to better fulfill these responsibilities, and I was pleased that 2 years ago the House Administration Committee supported and approved the full funding that was requested. However, as the Speaker and Members know, the 110th Congress passed significant changes to the House rules that we are living under in this Congress. Those rules require, Mr. Speaker, I want to repeat, require that our committee take on additional responsibilities that we haven't had in the past in areas of gift, private travel, mandatory ethics training, and public disclosure.

Our budget request this year, $6.11 million, and it is the lowest of any standing committee in the House, would provide the additional staff to improve the quality of advice, authorize detailees from the Government Accountability Office to help process public disclosure office, increase ethics training for Members and staff throughout the country, and enhance the communication of the new ethics rules.

Mr. Speaker, we all recognize the need to live under a tight budget. Yet the budget requested by the Ethics Committee for this Congress is not arbitrary. It is the amount of funds needed to do the work that we are asked to do by a vote of the House. Limiting the Ethics Committee budget limits the Ethics Committee's ability to do its job. I do regret that this matter has reached the House floor, and I know that the chairwoman and I seek simply to have the resources we need to serve Members of this House and to uphold the integrity of this institution.

I am committed to working hand in hand with the chairwoman, and I know that she is sincerely dedicated to carrying out the committee's responsibilities. For these reasons, Mr. Speaker, I must ask my colleagues to join me in voting against the rule and against the previous question so that the amendment providing the Ethics Committee the necessary funding can be considered by the full House.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to enter into the RECORD a very important piece of information which has just come my way.

Printed in the New York Times this morning: "Internal memorandums circulated in the Alaskan division of the Federal Fish and Wildlife Service appear to require government biologists or other employees traveling in countries around the Arctic not to discuss climate change, polar bears or sea ice if they are not designated to do so.

"In December, the Bush administration, facing a deadline under a suit by environmental groups, proposed listing polar bears throughout their range as threatened under the Endangered Species Act because the warming climate is causing a summertime retreat of sea ice that the bears use for seal hunting.

"It remains unclear whether such a listing will be issued. Over the past week, biologists and wildlife officials received a cover note and two sample memorandums to be used as a guide in preparing travel requests. Under the heading 'Foreign Travel—New Requirement—Please Review and Comply, Importance: High,' the cover note said."

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"'Please be advised that all foreign travel requests and any future travel requests involving or potentially involving climate change, sea ice and/or polar bears will also require a memorandum from the regional director to the director indicating who'll be the official spokesman on the trip and the one responding to questions on these issues, particularly polar bears.'

"The sample memorandums, described as to be used in written travel requests, indicate that the employees seeking permission to travel 'understands the administration's position on climate change, polar bears, and sea ice will not be speaking on or responding to these issues.'

"Electronic copies of the memorandums and cover note were forwarded to The New York Times by Deborah Williams, an environmental campaigner in Alaska and a former Interior Department official in the Clinton administration.

"'This sure sounds like a Soviet-style directive to me,' Ms. Williams said.

"Limits on government scientists' freedom to speak freely about climate change became a heated issue last year after news report showed that political appointees at NASA had canceled journalists' interview requests with climate scientists and discouraged news releases on global warming."

Mr. Speaker, if there was ever a time for this Congress to take up global warming, and if there was ever a question that it was not the position of this administration to ignore it, I hope this puts it to rest.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me say, we are all concerned about global warming. At this time, I would like to yield 2 minutes to my very distinguished friend from Miami (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend from California.

Mr. Speaker, I hope that our colleagues that may be watching this debate realize what is being debated. That is, that at the beginning of this Congress, as we all know because we voted on it, the Congress, pursuant to the request of the new majority and the Rules of the House, significantly increased the responsibilities of the Ethics Committee.

And yesterday, the distinguished chairman of the Ethics Committee and the distinguished ranking member sought to have an amendment made in order in this legislation before us today, which is funding of the committees, to sufficiently fund the Ethics Committee, especially now that it has new significant additional responsibilities. That amendment was not made in order.

So what we are saying is, let's defeat the previous question so that the Ethics Committee, with all of its additional new responsibilities, can be funded because you can't have the newspaper article saying, oh, we're increasing all these requirements, ethics requirements, that are going to be supervised and executed by the Ethics Committee and then not fund the Ethics Committee sufficiently.

That is what our distinguished friends in the majority are doing. They get the headlines, but then they don't want to fund the Ethics Committee sufficiently so it can do its job correctly.

So what we are saying is, defeat the previous question and let's not support this rule because we need to fund the Ethics Committee sufficiently so it can do its job.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend from Dallas (Mr. SESSIONS), a hardworking member of the Rules Committee.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from California giving me time.

I rise in opposition to this closed rule and to the unprecedented creation of a new panel with no legislative jurisdiction and no authority to take legislative action. Mr. Speaker, it is like being air-dropped into this usually noncontroversial resolution without any committee oversight or consideration being given.

The cost to the taxpayers for this lopsided new committee to study the serious issue of climate change but that is not given the power by the Democrat leadership of actually doing anything; yet it costs $4 million.

This resolution also represents an increase of 14.3 percent over last year's Congress, raising the funding levels for these committees and staff salaries from just over $250 million to just over $291 million, one Congress to the next.

But with all of this new spending, the Democrat majority cannot find a way to adequately fund one of the most vocally stated priorities, at least on the campaign trail, the Ethics Committee.

This lack of funding is hindering the committee's struggle to untangle the confusingly drafted new ethics package passed by the new Democrat majority and to provide the training mandated by House Rules.

So, today, the American people can see where the Democrats' true priorities lie, in crafting and creating an unfunded mandate and leaving a campaign promise unfilled, while spending millions of taxpayer dollars on a new panel that has no authority to do anything.

Mr. Speaker, I do encourage all my colleagues to hear the straight story, and I also encourage them to vote against this rule and to defeat it.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, may I inquire of the distinguished Chair of the Committee on Rules how many speakers she has remaining.

Ms. SLAUGHTER. I have none. I am ready to close.

Mr. DREIER. Would the gentlewoman like to yield me some of the time because we have got loads of people here who want to talk?

Ms. SLAUGHTER. Go ahead and use it any way you like.

Mr. DREIER. Well, I just wondered if you wanted to give us some of your time.

Ms. SLAUGHTER. I am not giving you my time.

The SPEAKER pro tempore. The gentlewoman reserves the balance of her time.

Mr. DREIER. Mr. Speaker, in light of that, I am very happy to yield 2 minutes to the gentleman from Kiron, Iowa (Mr. KING) who came before the Rules Committee offering a very thoughtful amendment last night, our good friend.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding, and I am compelled to come to the floor and stand up and speak in opposition to this rule.

The rules package that came before the floor of the House, an unamendable rules package, was amended before it came to the 109th, to the 110th Congress, eliminating the requirement that the Rules Committee and other committee votes be published when there is a recorded vote.

Yesterday, before the Rules Committee, I brought an amendment that would require the Rules Committee to print recorded votes if they were to receive any of the funding that is authorized. I got about a third of the way through my presentation when I was interrupted by the chair, and the point was made that they have printed their votes to this date. The argument was made that since they have complied with my amendment, then there is no reason for my amendment, in fact, no latitude for me to continue my debate with regard to that and my presentation.

So I rise in opposition to this rule because, first of all, we need to have sunlight on everything we do, and a requirement to provide to the public access to recorded votes is something that ought to be in the rule. It ought not to be an option. If it is the practice of the Rules Committee, then this amendment codifies the practice of the Rules Committee, and it should not receive objection, especially the vociferous interruption objection.

I also object to the way I was treated before the Rules Committee. I will keep coming back regardless. I will not be intimidated, and I intend to raise the sunlight on everything we do in this Congress. I want to see all of our work become available on the Internet, in a searchable, sortable, downloadable format. I want all the sunlight possible, so the bloggers can see, and I would love to see television cameras up before the Rules Committee as well, Mr. Speaker. I think that will help the decorum of the Rules Committee.

But I intend to come back. Like the Governor from California, I will be back.

Mr. DREIER. Mr. Speaker, I appreciate my friend from Iowa quoting Governor Schwarzenneger. He can do it any time.

Mr. Speaker, I am happy to yield 3 minutes to the distinguished former Governor of the State of Delaware, the gentleman from Wilmington (Mr. CASTLE), who is back.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from California for yielding to me.

I rise today in opposition to the previous question for the committee funding resolution. The resolution at hand underfunds our Committee on Standards of Official Conduct, not compared to previous years but in light of problems that exist and the education that is needed.

At a time crucial to restoring America's faith in our ability to govern ourselves, the Rules Committee dismissed an amendment offered by Chairwoman STEPHANIE TUBBS JONES and Ranking Member DOC HASTINGS which would have allowed us to equip the Ethics Committee with the resources necessary for enacting meaningful reform.

Opposing this previous question will enable the House to consider the amendment to fully fund the Ethics Committee, which I believe will actually save us money in the long run, and I encourage my colleagues to allow us to debate and support this important amendment.

Mr. Speaker, some will say that the increase to the Ethics Committee is already substantial. To those Members, I would like to remind them that when making their request, the chairwoman and ranking member took into consideration the past problems and the recent changes to our rules, and determined the staffing and resources necessary to provide training, oversight and interpretation of those rules to this body.

We have rightfully tightened our travel rules, requiring preapproval; finally banned travel on corporate jets; and we have enacted specific restrictions on accepting food and drinks at briefings, and T-shirts or books from organizations or constituents. Some are allowed, and some are not.

Mr. Speaker, more than a memo is needed to convey these guidelines. Members and staff should already be receiving training on the Rules governing the 110th Congress. Instead, we are beginning the month of March, and it is unclear even when the training could be available.

On top of the new rules already adopted, there is more to be done, in my opinion. We need to have a permanent and professional committee staff, and we need to expand ethics training to lobbyists.

How can we expect the committee to exercise duties of even the most minimum oversight and investigations with a budget that does not meet the stated needs of the chairwoman and the ranking member of that committee?

As elected representatives, we come to Congress with the trust of those we represent. The poor decisions of a few have dishonored this great body and have challenged the faith Americans deserve to have in each of us. Enforcing high standards of ethics and civility may seem to be the responsibility of the majority party, but they are, in fact, essential within every one of us elected to hold the public trust.

Mr. Speaker, I encourage my colleagues to oppose this previous question to allow consideration of this amendment.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve my time.

Mr. DREIER. Mr. Speaker, I am happy to yield 3½ minutes to a thoughtful former member of the Committee on Rules, the gentleman from Moore, Oklahoma, (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to speak against the rule and the underlying bill as it is currently written. Frankly, my concerns are not about the global warming issue. It is about the ethics issue.

As a former member of the Committee on Standards of Official Conduct, I understand and appreciate the tremendously difficult job that we ask the staff and the members of that committee to face on a daily basis. It is common knowledge in this body that no one wants to serve on the Ethics Committee. It is a responsibility that no one seeks but, frankly, must be handled.

I think, frankly, everyone understands that there have been ethical lapses by some of our colleagues in the last few years. That committee has dealt with those lapses as best it could, handling a workload that is unpredictable, and it is by its very nature highly charged and occasionally and unfortunately partisan.

To do that job, the last Congress increased the funding for the committee by approximately 40 percent. Even that was probably not enough to handle the job which had been given to us by the House, but it is certainly not enough to deal with the new responsibilities that the majority has chosen to extend to that committee.

The majority party ran on a platform of ethics and made it a major issue in the last campaign, and frankly, it passed with strong, bipartisan support an ethics package as the very first act that calls, again, on Members to do more in the committee to supervise and do more.

Now the majority party is actually refusing to do what they promised; that is, they are refusing to fund the 41 percent increase in the underlying legislation that their own chairman of the Ethics Committee and the ranking member have jointly requested.

We have been able to find millions of dollars to fund the global warming effort, a select committee, a committee, frankly, that has no duties, no responsibilities, no legislative priorities, but it is an important committee, and I recognize the importance of looking at that extremely important issue. At the same time, we will not fund a committee that already has the smallest budget of any standing committee, whose responsibilities we have magnified, compounded and increased greatly.

My colleagues on the other side of the aisle again made ethics a major issue in the last campaign, and frankly, they have threatened to make it a major issue in the next campaign. Fair enough. I think everybody should be scrutinized that is privileged to serve in this body, but if you are going to do that, you have to give the committee the financial resources to do the job that it is charged to do, and frankly, you have to provide the Members of this body with the services that they need to avoid inadvertently breaking the rules and becoming the target for political cheap shots, whether they are launched by one side or the other.

It is simply irresponsible to the Members of this body. I am not surprised that our friends on the other side of the aisle do not want to yield us some more time to talk about this simply because they are in an indefensible position.

Do the right thing: Vote against this hollow rule and give the Committee on Standards of Official Conduct the funding it needs to get its job done.

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Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentlewoman who chairs the Ethics Committee, the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Madam Chairwoman, thank you for the time.

Mr. Speaker, to my colleagues on the other side of the aisle, I was actually in a Ways and Means hearing on waste, fraud and abuse in Medicare, and all of a sudden, someone called and said, they're using your name, they're using your name, they're using your name. So I turned on the television to see what was going on, and I was forced to come to the floor.

First of all, let me say that I feel like I am blessed to have the opportunity to chair the Ethics Committee of the U.S. Congress. I come from Cleveland, Ohio. My father carried bags for 40 years for United Airlines, and my mother was a factory worker. To have the opportunity to sit in this seat, the seat that my predecessor, the honorable Congressman Louis Stokes, held for so many years is indeed an honor and an opportunity.

I am so pleased to have an opportunity to work with the committee of men and women who want to do the job of chairing and overseeing the Ethics Committee. I want you to know that DOC HASTINGS and I have worked together for the past 5 or 6 years on ethics, and we will continue to work diligently on behalf of the Members of Congress, the people of the United States, because it is through our responsibilities that we will be able to help people to understand how great the Members of the U.S. Congress are and how great we are at doing our job and taking our responsibilities seriously.

I come to the floor reluctantly. I did, in fact, sponsor an amendment with DOC HASTINGS and both of us, in fact, believe that the Ethics Committee could use additional dollars; but I am not going to be used. I am not going to allow the process of a bill with regard to other issues to hold up the dollars that are available to other committees. We understand we operate within a framework of having only so much money.

It was not the Rules Committee that had the responsibilities of granting additional dollars. It was the previous committee that previously said on a bipartisan basis, we are not going to give you any more money. So here comes the Rules Committee. We lost in the Rules Committee. I am a big girl, I lost that money, but it doesn't mean I am not going to do my job.

Let me finish. Then you can jump up, and, Mr. DREIER, I will, in fact, yield you some of my time. I guarantee you that there may be another mechanism or another vehicle for us to be able to provide the support to the Ethics Committee.

Understand, we are going to do our job. We are going to do our job, and I am not going to be used or my amendment to allow anyone to say we can't do our job. Guaranteed, I wouldn't have taken the job. NANCY PELOSI said I was tough and smart. I am both of those. Doc Hastings is tough, and he is smart. We will do our job.

I thank you for elevating the Ethics Committee to a level where people think that we ought to have another opportunity.

I am so happy to see the majority leader on the floor. We are both from Ohio. In fact, I am going to yield you some of my time. Come on, baby, let's talk. Let's interact.

Mr. BOEHNER. Would the gentlelady yield?

Mrs. JONES of Ohio. Absolutely.

Mr. BOEHNER. I appreciate the gentlelady yielding.

Mr. Speaker, my colleague, the gentlelady from Ohio, knows I have deep respect for her and the other members of the Ethics Committee and Mr. HASTINGS. They do a good job on behalf of our Members, and it is thankful from the Members, but it is a very unwelcome job that you have; and we do appreciate your work.

With what the House did in early January, in terms of adopting a new ethics package, it is clear that the responsibility of the Ethics Committee has expanded significantly. Members supported that, and I think it is long overdue.

Now, we all know, and I am not going to talk about the amendment that was offered last night, but there is insufficient money in the budget for the Ethics Committee to do what we have charged them with doing.

Now, we do this with Federal agencies all the time and can look the other way. If we want Members to abide by the rules that we have adopted, we have to have an Ethics Committee that can provide services to those Members so they understand the rules, they understand the limits, what they can and can't do. The concern that we have is that because there is insufficient money for the Ethics Committee in this resolution that Members are going to be charged with living under new rules and not having the service component necessary from the Ethics Committee to carry out our job.

Mrs. JONES of Ohio. Mr. BOEHNER, thank you very much, all of you. But let's find a forum to address this issue other than in this process. I guarantee you that our leadership can sit down and work this out. I'm not going to be used. I'm telling you, the Ethics Committee has to stand on its own. We are not going to be in this process. Let's find a way. There is a vehicle by which we can work on giving the Ethics Committee the money that they need without being caught up in this process.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Mrs. JONES of Ohio. Absolutely.

Mr. DREIER. I thank my friend for yielding.

First, let me say I have utmost respect for both Ohioans, Mr. BOEHNER and Mrs. JONES, as well as the ranking member of the Ethics Committee, Mr. HASTINGS.

Mr. Speaker, on the opening day, we did, in fact, establish unprecedented ethics rules. Since that time, we have continued to hear complaints from Members about the lack of ability for the Committee on Standards to provide Members with information that is needed.

Mrs. JONES of Ohio. Mr. DREIER, I take my time back. You can continue to make those comments if you want to, but I guarantee you that the Members who needed to get information by a certain date got their information. You are not going to use my committee on the floor to be a battling horse for anybody. I tell you, I will live within the dollars I get. I want more. Get them for me.

Mr. DREIER. Mr. Speaker, we are trying to get the resources necessary.

With that, I am happy to yield 4 minutes to my very good friend, my California colleague who serves on the House Administration Committee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, at the time that the Ethics Committee came before our committee for their funding, I inquired as to what they needed, because I was concerned about the insufficiency of funds for that committee per the directions we had received from the leadership as to what we could actually give them.

So during that presentation before our committee, the distinguished chairwoman of the committee said these words regarding her request: "These positions," that is the positions that will be funded by their additional money request, "are needed to satisfy the mandates of the House Ethics Committee." She continued: "Importantly, the figures presented today represent the collaborative efforts of my ranking member, Representative DOC HASTINGS, and I to advance," again, quoting her, "the past needs of the committee and the current mandates of the House ethics rules."

That's the nub of this whole debate. That is why we ask that this rule be voted down and that we will be allowed to have an amendment dealing specifically with funding for the Ethics Committee.

We have to understand, "additional mandates," those are the words from the chairperson of the committee, current mandates of the House ethics rules. I am just asking Members on both sides of the aisle to think about this. We have said that we are going to be the most ethical Congress in history. We have adopted new rules that mandate new concerns with specificity as to conduct by Members and their staff.

One of the enforcing mechanisms is guidance to be given to us by that very Ethics Committee. Therefore, we have imposed additional obligations, additional work on that committee; and yet we are not giving them the additional resources.

Now, if I were a corporation having received the new mandate under Sarbanes-Oxley, and the first thing I told my employees and my shareholders is, I am not going to beef up our lawyers, I am not going to beef up our accountants to give us advice as to what we should do under the law, the shareholders would probably throw me out of my position because I would not be doing the job that is necessary.

We on this floor in these committees have two shareholders. We have our peers, that is the other Members to whom we owe a responsibilities to give them that which they need to ensure that they follow those rules, and we have an obligation to our ultimate shareholders, the taxpayers of America, our constituents, who expect us to put our money where our mouth is to expect us to live up to our promises. May I just say, I thank the committee for the work they did.

I had to make a specific request of the committee about a particular trip I was going on to visit a friend that I have known for 40-some years, before our last break, and I received oral assurance from the committee that it was appropriate. But, technically, I was supposed to receive written assurance, and I received that a week after the visit.

Now, it turned out my wife slipped on the ice and we were not able to go on the visit, so I have to write a letter to the committee to make it clear I didn't do that, and that is why it will not be in my report at the end of the year. But the fact of the matter is, those technical violations that could occur because we don't give them enough in the way of personnel can come back to haunt us as individual Members, but, more importantly, to undercut, undercut the confidence the American people have in this place that we are ethical.

All I am saying is, we can save money in a number of different places; but we ought not to skimp on this particular issue, this particular committee.

Therefore, I would ask Members to vote down this rule so we can have this simple amendment brought forward.

Mr. DREIER. Mr. Speaker, may I inquire of the distinguished Chair of the Committee on Rules how many speakers she has remaining.

Ms. SLAUGHTER. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California has 2 minutes remaining, and the gentlewoman from New York has 11 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, obviously there has been a great deal of thought and talk, and it has been understandable about the issue of ethics and lobbying reform. Last year, Speaker HASTERT and I initiated a package that we passed through the House but, unfortunately, we were not able to come to an agreement in the Senate. On the opening day, 430 Members voted to put into place unprecedented ethics reform, unprecedented ethics reform.

Why? Because the American people know we should be held to the highest possible standards. Now, there is an expression that I think is a very important one, and that is "put your money where your mouth is." Now the very distinguished Chair of the committee on ethics, my good friend Mrs. JONES, talked about the fact that she wants to address this as concerns come forward.

Mr. Speaker, this is the committee funding measure that we are bringing to the floor. We are doing some other things to it, self-executing establishment of a committee, but we are providing for that committee that will have no legislative authority whatsoever, $3.7 million. All we are asking, Mr. Speaker, is that we have a chance, a chance to debate the issue of funding for the Ethics Committee here on the floor.

That is why I am going to urge my colleagues to vote "no" on the previous question. Why? Because while this new committee that will have no legislative authority whatsoever will receive $3.7 million, we are simply asking for what is being denied, and that is a chance for $1 million to be provided so that our Members will not be facing the weekend situation that Mr. LUNGREN just described where he sent a letter to the Ethics Committee, asked for a response about going on a trip, and he didn't receive approval until a week after the trip was to take place.

Mrs. JONES and Mr. HASTINGS came before the House Administration Committee and made this request for additional funding; and Mr. HASTINGS, representing Mrs. JONES before the Rules Committee, asked that this amendment be made in order.

Mr. Speaker, any Member who votes for the previous question is denying this institution the opportunity to consider implementing the resources that are necessary to hold us to the highest possible ethical standards. Vote "no" on the previous question.

AMENDMENT TO H. RES. 219 OFFERED BY REP. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

Sec. 2. Notwithstanding any other provision of this resolution, after conclusion of the time for debate on the resolution it shall be in order without intervention of any point of order to consider the amendment in section 3, if offered by Mr. Hastings of Washington or his designee. The amendment shall be considered as read, shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question.

Sec. 3. The amendment referred to in section 2 is as follows:

In section 1(b), strike "Committee on Standards of Official Conduct, $4,994,181;" and insert "Committee on Standards of Official Conduct, $6,119,301;".

In section 2(b), strike "Committee on Standards of Official Conduct, $2,460,915;" and insert "Committee on Standards of Official Conduct, $2,996,561;".

In section 3(b), strike "Committee on Standards of Official Conduct, $2,533,266;" and insert "Committee on Standards of Official Conduct, $3,122,740;".

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I just have one statement to say, that it is not the job of the Rules Committee to change the amounts of money given to various committees by House administration. Frankly, I am sorry Mr. LUNGREN missed his trip, and I do know the Ethics Committee is going to be very busy. We have been reading about it.

□ 1130

I want to say the same thing Mrs. TUBBS JONES said: Our leadership is not going to let it go without the money that it requires.

I urge a "yes" vote on the rule and on the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 195, not voting 10, as follows:

[Roll No. 127]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr

Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bono
Camp (MI)
Davis, Jo Ann
Kanjorski
Larson (CT)
McCollum (MN)
McDermott
Pence
Pitts
Radanovich

☐ 1157

Messrs. PETRI, SULLIVAN, TIAHRT and BARTON of Texas changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1200

Ms. MILLENDER-McDONALD. Mr. Speaker, pursuant to the rule previously adopted, I call up the resolution (H. Res. 202) providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 202

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED TENTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Tenth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $12,398,755; Committee on Armed Services, $15,469,004; Committee on the Budget, $12,026,478; Committee on Education and Labor, $16,334,250; Committee on Energy and Commerce, $25,874,614; Committee on Financial Services, $16,575,710; Committee on Foreign Affairs, $17,953,805; Committee on Homeland Security, $16,511,877; Committee on House Administration, $10,214,461; Permanent Select Committee on Intelligence, $10,409,000; Committee on the Judiciary, $16,657,587; Committee on Natural Resources, $15,581,951; Committee on Oversight and Government Reform, $22,876,214; Committee on Rules, $6,781,540; Committee on Science and Technology, $13,209,820; Committee on Small Business, $6,257,410; Committee on Standards of Official Conduct, $6,119,301; Committee on Transportation and Infrastructure, $19,724,511.24; Committee on Veterans' Affairs, $6,933,319.44; and Committee on Ways and Means, $20,059,513.60.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2007, and ending immediately before noon on January 3, 2008.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,954,462; Committee on Armed Services, $6,883,959; Committee on the Budget, $6,013,239; Committee on Education and Labor, $8,025,500; Committee on Energy and Commerce, $11,013,668; Committee on Financial Services, $8,029,517; Committee on Foreign Affairs, $8,762,228; Committee on Homeland Security, $8,132,028; Committee on House Administration, $5,033,242; Permanent Select Committee on Intelligence, $5,077,000; Committee on the Judiciary, $8,165,484; Committee on Natural Resources, $7,638,213; Committee on Oversight and Government Reform, $10,790,667; Committee on Rules, $3,357,198; Committee on Science and Technology, $6,475,402; Committee on Small Business, $3,009,086; Committee on Standards of Official Conduct, $2,996,561; Committee on Transportation and Infrastructure, $9,528,749.39; Committee on Veterans' Affairs, $3,398,686; and Committee on Ways and Means, $9,785,128.60.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2008, and ending immediately before noon on January 3, 2009.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $6,444,293; Committee on Armed Services, $8,585,045; Committee on the Budget, $6,013,239; Committee on Education and Labor, $8,308,750; Committee on Energy and Commerce, $14,860,946; Committee on Financial Services, $8,546,193; Committee on Foreign Affairs, $9,191,577; Committee on Homeland Security, $8,379,849; Committee on House Administration, $5,181,219; Permanent Select Committee on Intelligence, $5,332,000; Committee on the Judiciary, $8,492,103; Committee on Natural Resources, $7,943,738; Committee on Oversight and Government Reform, $12,085,547; Committee on Rules, $3,424,342; Committee on Science and Technology, $6,734,418; Committee on Small Business, $3,248,324; Committee on Standards of Official Conduct, $3,122,740; Committee on Transportation and Infrastructure, $10,195,761.85; Committee on Veterans' Affairs, $3,534,633.44; and Committee on Ways and Means, $10,274,385.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The SPEAKER pro tempore. Pursuant to House Resolution 219, the amendment in the nature of a substitute printed in the resolution, modified by the amendment printed in House Report 110–34, is adopted and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

H. RES. 202

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED TENTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Tenth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $11,995,306; Committee on Armed Services, $14,618,946; Committee on the Budget, $12,520,064; Committee on Education and Labor, $16,213,840; Committee on Energy and Commerce, $21,056,249; Committee on Financial Services, $16,189,138; Committee on Foreign Affairs, $17,391,504; Committee on Homeland Security, $16,448,403; Committee on House Administration, $10,214,461; Permanent Select Committee on Intelligence, $10,467,084; Committee on the Judiciary, $16,347,324; Committee on Natural Resources, $15,288,192; Committee on Oversight and Government Reform, $21,602,950; Committee on Rules, $6,852,908; Committee on Science and Technology, $12,963,775; Committee on Small Business, $5,965,945; Committee on Standards of Official Conduct, $4,994,181; Committee on Transportation and Infrastructure, $19,261,795; Committee on Veterans' Affairs, $7,076,347; and Committee on Ways and Means, $19,040,609.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2007, and ending immediately before noon on January 3, 2008.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,910,765; Committee on Armed Services, $7,203,581; Committee on the Budget, $6,169,343; Committee on Education and Labor, $7,989,475; Committee on Energy and Commerce, $10,375,603; Committee on Financial Services, $7,977,303; Committee on Foreign Affairs, $8,569,776; Committee on Homeland Security, $8,105,057; Committee on House Administration, $5,033,242; Permanent Select Committee on Intelligence, $5,157,724; Committee on the Judiciary, $8,055,250; Committee on Natural Resources, $7,533,355; Committee on Oversight and Government Reform, $10,644,994; Committee on Rules, $3,376,815; Committee on Science and Technology, $6,387,984; Committee on Small Business, $2,939,758; Committee on Standards of Official Conduct, $2,460,915; Committee on Transportation and Infrastructure, $9,491,374; Committee on Veterans' Affairs, $3,486,916; and Committee on Ways and Means, $9,382,384.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2008, and ending immediately before noon on January 3, 2009.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $6,084,541; Committee on Armed Services, $7,415,366; Committee on the Budget, $6,350,721; Committee on Education and Labor, $8,224,365; Committee on Energy and Commerce, $10,680,646; Committee on Financial Services, $8,211,835; Committee on Foreign Affairs, $8,821,728; Committee on Homeland Security, $8,343,346; Committee on House Administration, $5,181,219; Permanent Select Committee on Intelligence, $5,309,361; Committee on the Judiciary, $8,292,074; Committee on Natural Resources, $7,754,836; Committee on Oversight and Government Reform, $10,957,956; Committee on Rules, $3,476,093; Committee on Science and Technology, $6,575,791; Committee on Small Business, $3,026,187; Committee on Standards of Official Conduct, $2,533,266; Committee on Transportation and Infrastructure, $9,770,421; Committee on Veterans' Affairs, $3,589,431; and Committee on Ways and Means, $9,658,226.

SEC. 4. CREATION OF SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING.

(a) ESTABLISHMENT.—There is hereby established a Select Committee on Energy Independence and Global Warming (hereinafter in this section referred to as the "select committee").

(b) COMPOSITION.—The select committee shall be composed of 15 members appointed by the Speaker, of whom 6 shall be appointed on the recommendation of the Minority Leader. The Speaker shall designate one member of the select committee as its chairman. A vacancy in the membership of the select committee shall be filled in the same manner as the original appointment.

(c) JURISDICTION.—The select committee shall not have legislative jurisdiction and shall have no authority to take legislative action on any bill or resolution. Its sole authority shall be to investigate, study, make findings, and develop recommendations on policies, strategies, technologies and other innovations, intended to reduce the dependence of the United States on foreign sources of energy and achieve substantial and permanent reductions in emissions and other activities that contribute to climate change and global warming.

(d) PROCEDURE.—(1) Except as specified in paragraph (2), the select committee shall have the authorities and responsibilities of, and shall be subject to the same limitations and restrictions as, a standing committee of the House, and shall be deemed a committee of the House for all purposes of law or rule.

(2)(A) Rules X and XI of the Rules of the House of Representatives shall apply to the select committee where not inconsistent with this resolution.

(B) Service on the select committee shall not count against the limitations in clause 5(b)(2) of rule X.

(e) FUNDING.—

(1) IN GENERAL.—There shall be paid out of the applicable accounts of the House of Representatives not more than $3,725,467 for the expenses (including the expenses of all staff salaries) of the select committee.

(2) LIMITATIONS.—Of the amount provided for in paragraph (1) for the select committee—

(A) not more than $1,666,667 shall be available for expenses incurred during the period beginning at noon on March 1, 2007, and ending immediately before noon on January 3, 2008; and

(B) not more than $2,058,800 shall be available for expenses incurred during the period beginning at noon on January 3, 2008, and ending immediately before midnight on January 1, 2009.

(f) REPORTING.—The select committee may report to the House from time to time the results of its investigations and studies, together with such detailed findings and recommendations as it may deem advisable. All such reports shall be submitted to the House by October 31, 2008.

(g) DISSOLUTION AND WINDUP OF AFFAIRS.—The select committee shall cease to exist on December 31, 2008.

(h) DISPOSITION OF RECORDS.—Upon dissolution of the select committee, its records shall become records of such standing committee or committees as the Speaker may designate.

SEC. 5. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 6. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentleman from Michigan (Mr. EHLERS) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the ranking member, Mr. EHLERS, and all of the members on the Committee on House Administration for their assistance in meeting a very tight schedule. We have been able to perform what normally takes many months in a much shorter time period. Unfortunately, that necessitated some quick decisions, which we would all have preferred more time to make.

I would also like to thank the Chairs and the ranking members of the committees for meeting the deadline that I set forth. I know that there were concerns about foreshortening the process, but this resolution will provide for operating certainty.

The committee's recommendations are driven by the amount of funds available to be allocated to the committees. The continuing resolution, the CR, funding all government operations contained a very modest amount for committees, and it is the CR funds which my committee had to work with.

All committees which testified were treated in exactly the same way. At our hearing, the first question of each committee was, Is the minority satisfied with the allocation of funds for its operations? Almost without exception, Mr. Speaker, the minority expressed satisfaction. Even when there was initial disagreement, the chairman and ranking member found common ground before the House Administration markup.

This committee recognizes that each standing committee carefully assessed its anticipated workload and requested all of its sums it considered necessary to discharge its responsibilities. Unfortunately, when the 109th Congress adjourned, the fiscal 2007 appropriations process was unfinished. That led to the CR, which greatly limited this committee's options in the authorization process for the 110th Congress. And with severely limited resources, my committee was able to recommend across-the-board inflationary adjustments of 2.6 percent for 2007, and 2.94 percent for 2008. Without additional appropriations, no further adjustments were possible.

My committee's amendment in the nature of a substitute authorizes $280,234,490 for the entire 110th Congress, and that includes funding for the select committee just added by the rule.

The committee believes that the Chairs and ranking members will shepherd their resources carefully and despite the approximately $1 million shortfall will still be able to fulfill their responsibilities to the House. The lone panel to receive a supplemental amount was the Armed Services Committee, which bears an exceptionally heavy burden and must be considered a special case.

The war in Iraq has taken the lives of more than 3,000 American service personnel, wounded tens of thousands more, and consumed hundreds of billions of dollars over the last 4 years. The Armed Services Committee has an enormous responsibility going forward and must have the resources with which to oversee America's military policy in Iraq and around the world.

Given the gravity of Armed Services' task, House Administration recommended an additional increase of $500,000 for 2007. While appropriations for 2008 have yet to be enacted, the committee's amendment reflects the best assessment by the appropriators and by the House financial managers of the amount that will be available to support committees during the second session.

Committee workloads increase during the second session of any Congress, and I expect this pattern to continue as committees engage in the critical legislative and oversight work which the American people voted for last November.

As I indicated earlier, every effort was made to ensure that the fairness principle was applied during the funding process. The purpose is to ensure that the minority party can serve as the loyal opposition and contribute fully to the legislative and oversight initiatives of each committee.

The fairness principle takes the form of the one-third rule, which was advocated by both Republicans and Democrats when they served in the minority. The committee believes the principle has now become firmly established in the allocation of resources, committee by committee, and that irrespective of which party is in the majority, the one-third rule will be carried forward. Each committee must nonetheless implement the principle consistent with its own operating practices and procedures. As Chairs and ranking members change from Congress to Congress, the committee expects that the fairness principle will continue to address the needs of the minority.

There were many concerns expressed during this year's truncated funding process, not the least of which was the overall inadequacy of funds to meet the collective needs of the committees. From the beginning of the Congress, even before the adoption of the CR, committees were counseled to operate on a flatline spending basis in order to avoid a shortfall later in the Congress. Most committees followed that guideline and many kept their eventual funding requests within a few percentage points of the flatline spending rate of the preceding session, one committee even restraining its request to preclude an inflation adjustment for both personnel costs and operating expenses.

The committee appreciates the efforts of committees to keep their requests as low as feasible, given the backlog of the oversight responsibilities to be carried out and the legislative agenda set out by the House leadership. However, the committee recognizes the continuing needs of many committees to support and expand their agendas. As a result, both I and the ranking member, Mr. EHLERS, indicated that if additional funds became available for distribution, the committee would entertain future requests to supplement the authorized levels in this resolution.

In addition to the Chairs' and ranking members' concerns about the overall spending shortfall and the impact on staffing levels, there were additional concerns expressed about the ability of committees to attract and maintain senior legislative and oversight professionals because the current salary cap is not competitive with the private sector. A few committees indicated that some new employees were accepting committee positions at salaries below their previous private sector levels based upon a desire to perform public service, and we are very grateful to those staff persons who have done that and will do that. While this is laudable, and some individuals may be willing to make such sacrifices, it remains imperative that committee salary caps become competitive or congressional oversight will suffer.

Another theme carried forward from the 109th Congress committee funding process was crowding, insufficient office space to manage and maintain operations and adequately house the staff necessary to perform the legislative and oversight duties. While some committee have received additional work space, it is often in other buildings, and not even contiguous to other committee offices, making it very difficult to work. This broken-up space introduces operation inefficiencies, and we recognize that, Mr. Speaker. And while the committee does not assign or manage office space, it agreed to bring the committee's overall office space concerns to the attention of the House leadership in the hope that future building changes or innovations will take committee needs into consideration.

Again, I thank all of the members on the Committee on House Administration. I thank the ranking member, Mr. EHLERS, and all of those committee members, both sides of the aisle, who partook of this extremely long hearing that we got all of the committees and the ranking members in, and I applaud all of them for their tolerance.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 202, which provides approximately a 2.4 percent increase to committee budgets in the 110th Congress.

I believe I speak for both myself and my colleague, Ms. MILLENDER-MCDONALD, when I say we would have liked to have seen a larger increase to relieve some of the financial constraints that have been placed on committees. I totally agree with her concerns, which she expressed a moment ago, about the salaries of staff members, both in personal offices and in committees, and several Members on our side of the aisle have raised that same concern with me.

□ 1215

We, of course, as Members of the Congress, will not receive any increase in salary this year, but we expected that, and we have no problem dealing with that. However, it is different for our staffs. They have lush fields of opportunity outside of this institution, and we hope that all staff members will bear with us during this lean time during the next year or two and not be attracted to these lush fields, but remain with us, so that the institution can continue to function as well as it has.

The committee and ranking members alike face an increasing workload each year with limited resources and staff. Despite the funding limitations we have this year, it is my sincere hope that even a modest increase will be of use to committees in performing the important work that they do, and also my fond hope that through a normal appropriations process this year, there will be adequate funding to deal with the business of the Congress during the next fiscal year.

My goal during the course of providing funding levels for House committees in the 110th Congress has been twofold: first, to maintain what has in the last few years been a relatively smooth committee funding process. Many of our chairmen and ranking members have established standing precedents about the operating practices within their respective committees and have functioned for many years in accordance with those principles. Based on the productive hearing we held last week during which the chairs and ranking members testified on their budget requests, I believe we have continued that smooth process following the pattern of the last several Congresses.

Second, I wanted to ensure that an equitable division of funding continues. When the Republicans previously served in the minority, we were not provided with sufficient funds or staff. As an example, one of the major committees was given only 11 percent of the resources assigned to that committee, whereas the then majority, the Democrats, retained 89 percent for themselves. This is not appropriate or fair.

During the course of the past 12 years, the Committee on House Administration has reached an agreement on maintaining two-thirds of the funding for the majority and one-third for the minority, and I am very pleased that every committee chairman who came before the committee promised to honor and continue that commitment, that allocation, and we are delighted that the new majority's continuation of that split will serve as good guidance for the future as well. It is vital to the strength of the House of Representatives as an institution that the minority, no matter which party it is, continues to be given adequate resources, and that each chairman and ranking member be able to come to an arrangement that is satisfactory for both parties.

Adjustments to the two-thirds/one-third budget allocation have been made in the past, for instance through the years of shared staff or a centrally managed budget for non-personnel expenditures. My goal is not to discourage these types of arrangements between the chairman and the ranking minority member. In fact, I admire the creativity and cooperation demonstrated by some of our chairmen and ranking members to establish a process that works for their particular committees. However, I do want to ensure that those in the minority continue to be given adequate resources and that each chairman and ranking member are able to come to an arrangement that is satisfactory for both parties.

I conclude by thanking our chairwoman, Ms. MILLENDER-MCDONALD, for conducting this process in an open and transparent fashion. While we were only able to provide a small percentage increase for each committee when compared to last year's budget, we are pleased that we have accomplished the goals of a smooth process that maintains the two-thirds/one-third allocation.

Ms. MILLENDER-McDONALD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. MCCARTHY), a junior member of our committee, but a very experienced junior member, one of the outstanding freshmen and a member of the steering committee.

Mr. McCARTHY of California. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the work that he has done.

Mr. Speaker, I rise today to reluctantly oppose this. As a member of the House Administration Committee, I sat through the hearings that we had, where the chairmen and the ranking members came before us and talked about what they needed in funding, and it was our accountability, our role to oversee that. We went through the committees.

But after this resolution was done and went to the Rules Committee, the Rules Committee created a new select committee, added $3.7 million, going beyond the jurisdiction of House Administration. Where is the accountability? Where is the approval process? Where is the role of this House and this committee to oversee that?

If the Rules Committee felt we had $3.7 million more to spend, I think there would be other places to spend it. For one, when we look at the ethics and the changes in this House and what this House wants to accomplish, I am a new Member, I sat on this floor the day we were sworn in, and I listened to our Speaker when she said she wanted a new House, when she talked about changing partisanship and making it partnership.

I do not see partnership with the Rules Committee overstepping the bounds of the House Administration Committee. I do not see partnership when we have put new rules on this floor, when the Ethics Committee needs to oversee them, when the Ethics Committee needs to be able to interpret them and bring them back to this floor so this floor understands it, is able to live by it and be the House that the people want it to be.

So I stand before you reluctantly, because I voted for the version that went before the House Administration Committee, but I will not vote for the version that came back from the Rules Committee. I believe it is overstepping its bounds. I believe the jurisdiction, the accountability, rests in the House Administration Committee, just like every other individual when they were the chair or ranking member and had to stand before us and had to justify the money they were going to spend.

Ms. MILLENDER-McDONALD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume for a brief comment.

Mr. Speaker, I thank the gentleman from California for his comments, and I certainly agree with him. It would have been much better had that special committee been processed through the Committee on House Administration, as all other committees are. I want to also let him know it is even worse than he said, because the total over the 2-year life of this special committee, the select committee that is being formed, is approximately, $3.7 million, which is a large amount of money for any committee to have.

Mr. Speaker, I am pleased to yield 9 minutes to another gentleman from California (Mr. DANIEL E. LUNGREN), who is also on our committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, at first I would like to congratulate both the chairwoman and the ranking member of this committee for the bipartisan way in which they have acted in bringing this bill to the floor, this funding resolution, which is part of the regular business of this House, making sure that we can do the people's business here in an organized fashion.

We listened to all of the presentations made by the various committee chairs and ranking members. I was very pleased to see the agreement on the one-third/two-thirds funding rule. As one who served here in a prior life, I can recall when it wasn't so. I can recall at one point in time on one of the committees that I won't mention where I believe the difference in staff ratio at the time I served was something like 7-to-1. I can recall when we got something like 11 percent of the total funding. That made it difficult.

We used to encourage our people by saying you have to be that much better than the others. We have to be seven times better. You have to work seven times harder. You can only say that for so long, and you can only do so much with limited resources.

So the rule that has been established over the last number of years that the minority receives one-third of the funding, approximately, is one that works well for both the majority and the minority. It is good for the minority to have sufficient resources so they not only can present their point of view, but also it keeps the majority on its toes. The direct result of that is better legislative product. So I am pleased that that came through.

However, I must once again register my objection to our inability to give appropriate funding to the Committee on Standards of Official Conduct. As the chairwoman of that committee said when she appeared before our committee, "Ethics is neither a Democratic nor a Republican issue. It is an American issue."

It is an issue that is essential to the proper functioning of this House, and it is something for which we have received black eyes of recent vintage and for which we deserve those black eyes because of the conduct of errant Members in this House. And to provide against that from happening again, to encourage that that does not happen again, we have adopted more stringent rules than we have had in this House, in recent memory at least.

In order to assure that Members are able to follow the details of the rules that have been established, the Ethics Committee, or the committee properly understood as the Committee on Standards of Official Conduct, has been given additional responsibilities so that Members can rely on their advice in a timely fashion. They do great work. We have dedicated people there, but they will not be able to do the job we give them without additional resources.

This should not be a partisan issue. I for the life of me do not understand the decision made not to give this money. I would have thought the leadership could have put a spotlight on this, given additional money to the Ethics Committee and issued a press release about how they were ensuring that we were going to actually put our money where our mouth was and we were going to have the adequate resources in order to make real the promise that we have given the American people on ethics.

For the life of me, I don't understand why we couldn't find another $1 million for the Ethics Committee. I don't serve on the Ethics Committee, but I don't want to see a Member caught in technical violation of the rules we have adopted for lack of adequate information or available or timely information. I don't want to see a Member who has technically violated our rules because that Member couldn't get a timely response from the committee. Not because the committee doesn't wish to give them that, but because the committee essentially doesn't have the personnel to be able to do that.

We may very well tie ourselves up in knots. Now, the American people probably aren't concerned about whether we tie ourselves up in knots, but they are concerned about whether our actions reflect the best standards of ethics that we can have. So it is a question of maintaining the confidence of the American people in this institution.

Mr. Speaker, I come here not to talk about a partisan issue and not to talk about an issue that just affects Members of Congress, but an institutional issue. If, in fact, we have created a bond with the American people, and part of that bond is a contract where we hold ourselves out to perform our duties at the highest level of ethical conduct, then in fact we should ensure that that is not difficult to do, but that is expected and easy to do because we have established the strictures in this House and we have established the resources to allow Members to perform within those ethical strictures.

That is why I would stand on this floor today and say that the request of the Committee on Standards of Official Conduct for $6.1 million, which would be an increase of $1.35 million, is absolutely necessary.

I had every intention of supporting the committee's work on this and being able to recommend this to my fellow Members. I cannot do this.

We have the argument about the other committee that came in with the funding that was put in by a self-executing aspect of the rule just adopted. But that is not what I am arguing about. I am arguing about the absolutely essential need for us to give sufficient resources for the Committee on Ethics to do its work.

As the chairwoman of the committee said in testimony to us directly, these positions that are requested by the Ethics Committee for which they sought the funding that was denied them, these positions are needed to satisfy the mandates of the House ethics rule. She did not say it would be nice to have them. These are additional. These are surplus, to make sure we can do our job. The words were carefully chosen: These positions are needed to satisfy the mandates of the House Ethics Committee.

□ 1230

We need to continue talking about this. We need to work as a committee. If we can do anything about this, I would implore the leadership to take another look at this because it doesn't hurt a Democrat or Republican; it doesn't hurt one individual Member or another. It hurts us all collectively if we fail to give ourselves the best opportunity to show the American people not only are we doing the American people's work, we are doing it based on merit. We are doing it based on a system that is fully ethical, and we don't take this as a burden. We take it as a necessary responsibility, and we understand that not only are we doing the people's business, but we are in a real sense on a stage which requires us to be teachers for many people.

Many young people look at this place and many young people have the opportunity to visit here, and many young people have the opportunity to see our workings here by way of C–SPAN, and I don't want them to be watching in the well of the House as we condemn a Member, as we expel a Member, or we reprimand a Member for inappropriate conduct, and have that Member stand here and say: if only you had given me the resources so I would have known what the rules really were.

I don't want that to be the excuse. I want us to say that we stand here as an ethical, collective body, and that we will put our money where our mouth is. I would just end by saying this: we would not allow a corporation to say they couldn't comply with Sarbanes-Oxley and the new responsibilities under ethics and reporting because they couldn't afford to hire the lawyers and the accountants to do it. We would say that was your obligation.

If we believe that is the obligation in the private sector, we ought to do the very same for ourselves as we stand here in the largest corporation in the world. As the members of the board of directors of the largest corporation in the world that spends more money in the world, we stand here saying we will be as serious about our responsibilities as we expect you to be about yours.

Ms. MILLENDER-McDONALD. Mr. Speaker, I agree with Mr. DANIEL E. LUNGREN that we need to take another look at perhaps supplemental funding, and we welcome that thought and we will pursue that, Mr. DANIEL E. LUNGREN, because there is no Member of this House who doesn't want to make sure that the voices of the American people last year will not be taken seriously and will be heard and responded to.

I am so very happy, Mr. Speaker, that the chairwoman on the Committee on Standards and the Ethics Committee came to the floor during the rules deliberation, and she stated that while she would want additional funding, she will guarantee us that that committee will work effectively and efficiently to provide the type of service that is necessary to make sure that the Ethics Committee gives us what it wants us to have. And she said that the best standards of ethics will still be maintained irrespective of.

Now, Mr. DANIEL E. LUNGREN did say we need an extra million dollars. If you look at this, there is a possibility that half a million per session each year would perhaps be the type of funding that we need. If that is the case, Mr. Speaker, the supplemental expense resolution pursuant to House rule X for additional funding is where we will pursue that.

I thank the gentleman, but we are complying with, and the Ethics Committee chairwoman said that there will still be maintained, the highest level of standards, and they will do their work efficiently.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no other speakers, and I yield myself the balance of my time to conclude.

I wish to make a few comments about some of the points raised by the members of the committee on our side of the aisle.

First, I voted for this resolution as it came out of committee, without any dissent, because I thought we had done the best job we could, with both parties working together, to fairly distribute the limited funds that we had.

What is upsetting our side of the aisle and upsetting a number of individuals are two things: first, the select committee apportionment. I can assure you I am not opposed to forming the Energy Independence and Global Warming Select Committee. It is a major issue, a major topic, which probably has to be studied by a special task force, a select committee, simply because the issue is so complex and cuts across so many committees' jurisdictions that this is the only way to effectively conduct the study and come to an answer.

I do, however, strongly object to the process of adding this huge amount of money, $3.7 million, in the confines of the Rules Committee. That is something that I had hoped and expected would come to our Committee on House Administration so that the Chair of the committee and I could work on this issue with all of the parties involved and ascertain the needs of the select committee and determine the precise allocation needed.

What particularly angers me about this is that we did not fully fund the Ethics Committee at the level it should be funded. The reason was we simply didn't have the money. Now, suddenly, there is an extra $3.7 million. I would have much preferred to allocate part of that to the Ethics Committee and reduce the amount for the select committee. I am sure they would not have noticed the difference, whereas the Ethics Committee would notice a huge difference and would be able to do its work effectively.

With those caveats, I want to express my disappointments with the process, not within our committee, but the process outside our committee. I wish it would have gone through our committee, and we would have dealt with it properly.

My final comment is simply to say most Members of Congress do not realize what an incredible amount of work goes into this budget process. It took our committee a full day just to hear the testimony, but that was the easy part. The tough part is for the staff to assemble all of the numbers and get them in order, particularly when there is a transition from one party to the other. That adds complexity and difficulty to the task.

I want to thank Peter Sloan and George Hadijski from our side of the aisle, who did an excellent, an outstanding job on this issue. But even though normally one only praises the people on their own side of the aisle, I want to take special note of some individuals who worked very, very hard on the majority side, simply because their job was monumental having to do it for the first time.

I particularly want to commend Charlie Howell, Janelle Hu and Matt Pinkus for their hard work. They worked closely with our team, and we were very happy to help them. But I can't emphasize enough what a horrendous task this is to put together all these budgets very quickly, and both sides did yeomen's work. I am very pleased.

I think they set a pattern for the committee because they worked so closely together on this, both parties equally shouldering the burden and not worrying about how many hours they were spending on whose job; and I think that is a good pattern for us to follow for the next 2 years.

Mr. Speaker, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to join with the ranking member again in thanking him for his forbearance during that very strenuous hearing process.

I also join him in thanking the staff: Charlie Howell, who is just an extraordinarily effective person, and who worked very hard with me to make sure that all of the very thick material that was needed for this process of hearings was available. And also Matt Pinkus, Janelle Hu and Kristin McCowan, who all played an extraordinary part in making sure that the process went smoothly, although it was very long.

I would also like to thank the minority staff because together they worked very well with the staff to ensure that this process went as smoothly as it could. So I thank all of these folks and the ranking member and all of the members of the committee, the Chairs and the ranking members of all committees, for bearing with us in a tightly budgeted Congress.

I know that our resolution satisfies no one; however, I also know that when legislative and oversight agendas are set, they will be set with a keen eye to how to best use available funds. I want to assure all Chairs and ranking members that my committee will consider all requests for supplemental funding based upon whether or not additional funds are made available to the House. Right now, however, we must all live within our flatline budget constraints because, after all, there was no budget passed last year in the 109th Congress, and we are operating under a continuing resolution.

Indeed, the American people have spoken. They spoke last year, and the Congress must respond to their demands. We all serve as trustees for their voices and their dollars, and I know that each committee will use the funds entrusted to it wisely.

This committee recognizes that each standing committee carefully assessed its anticipated workload and requested only the sums it considered necessary to discharge its responsibilities. Nonetheless, with severely limited resources, the across-the-board inflationary adjustments share the pain equally.

This resolution has the lowest overall committee expenditure authorization level in the last three Congresses, even including the new select committee. At $280 million for the entire 110th Congress, it is an overall decrease of approximately 2 percent, Mr. Speaker. And that is a reversal for which this House should take credit.

Mrs. TAUSCHER. Mr. Speaker, I strongly commend Speaker PELOSI for showing tremendous leadership on this issue and creating the Select Committee on Energy Independence and Global Warming. This committee will provide Congress the opportunity to conduct important and essential oversight that is long overdue.

I remain deeply concerned about global warming and have been appalled by the Bush Administration's failure to provide any leadership on one of the most important environmental, economic, and moral issues of our time. As the largest producer of greenhouse gasses in the world, the United States must enact national emissions controls to curb our country's contribution to global warming.

European Union leaders are meeting this week to consider plans to cut greenhouse gas emissions by 20 percent by the year 2020, a first step in a post-Kyoto global warming strategy that could lead to mandatory limits for cars and pollution allowances for airlines.

While these actions are critical, the United States needs to lead in this area as Speaker PELOSI is working to achieve. It is high time for the Bush administration to stop questioning the science behind global warming and act to protect future generations.

The Secretary General of the United Nations stated this week that "the danger posed by war to all of humanity—and to our planet—is at least matched by the climate crisis and global warming."

As a Representative of California, I am proud to be a cosponsor of the Safe Climate Act, which was introduced last year and will be offered again this year. The goal of the Safe Climate Act is to reach 1990 emissions levels by 2020 and then to continue to cut emissions through 2050.

In order to achieve these cuts, the Environmental Protection Agency would be instructed to set national standards for vehicle emissions at the levels mandated by California state law, which has the strictest vehicle emissions laws in the country. By focusing on an increased use of renewable energy and allowing the nation's largest polluters to meet new federal standards by buying and selling emissions allowances, the Safe Climate Act sets out effective common-sense energy policies that will reduce the United States' dependence on foreign oil while actively addressing global warming.

Again, I praise Speaker PELOSI for drawing attention to this important issue and working toward a solution.

I strongly support the passage of the Committee Funding Resolution for the 110th Congress and the authorization for the Select Committee on Energy Independence and Global Warming.

Mr. DINGELL. Mr. Speaker, I am pleased to join my colleague JOE BARTON, Ranking Member of the Committee on Energy and Commerce, in requesting the resources necessary to ensure the effective operations of this Committee over the next 2 years.

The budget we have submitted reflects the significant increase in workload for the Committee on Energy and Commerce, as well as the need to attract skilled staff members and provide our personnel with the tools required to perform their jobs. The requested sums are not merely desirable. They are necessary. The Committee has wide jurisdiction and each of its 6 subcommittees has a lengthy "to do" list.

One of our top priorities is developing a substantive, balanced, thorough record on climate change. Our comprehensive examination of climate change is already underway. To date, we have conducted 5 hearings on this issue and we expect to conduct 6 more this month. I am pleased to report that a variety of industry leaders and issue experts, including Vice President Gore, who will testify before the Committee on March 21, will continue to provide their insights to the Committee. We are confident that this focus on climate change will produce thoughtful, fair legislation.

Other priorities include addressing issues in energy policy, health care, consumer protection and privacy, environmental programs, telecommunications, and a host of other legislative matters. We are also committed to fulfilling our oversight responsibilities. Already, the Committee has launched inquiries into nuclear security issues, food and drug safety, and the health care situation in New Orleans post-Katrina.

Since the 110th Congress convened in January, we have moved forward quickly on an exceedingly ambitious agenda that covers a wide range of topics of concern to Americans. To date, the Committee has held 19 hearings, in addition to its role in the "First 100 Hours"—during which this Committee contributed significantly to the Stem Cell Research bill, the prescription drug negotiation legislation, and the implementation of the 9/11 Commission recommendations. In this month alone, the Committee has planned 28 hearings and 6 markups and meetings. We expect a combined total of 42 hearings and meetings before we reach the Spring District Work Period.

In light of this very heavy workload and considering the pressing importance of the issues facing the Committee, I ask that you fund our request for the 110th Congress and thank you for your support.

Mr. GOODLATTE. Mr. Speaker, as ranking Republican of the House Agriculture Committee, I want to commend the chairman of our committee, COLLIN PETERSON, for the cooperative path we have followed in developing the funding method for our committee. We are carrying on the bipartisan tradition of the Agriculture Committee in staffing and expenditures.

Under normal circumstances, I would be voting to support H. Res. 202 that supports the operations of all the committees of the House. Unfortunately, the Speaker has used the unusual and inappropriate mechanism of the self-enacting rule to add the creation of a new and completely unnecessary Select Committee on Energy Independence and Global Warming. We are being asked to support the expenditure of nearly $4 million on a committee that would have no legislative jurisdiction and would cover no issue that is not already well addressed by existing committees. It strikes me that $4 million is too much for the taxpayer to pay for press releases.

The attempt to create this expensive and useless committee has added an unacceptable element to what would otherwise be a bill I could support. Therefore, I reluctantly oppose H. Res. 202.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNERNEY). Pursuant to House Resolution 219, the previous question is ordered on the resolution, as amended.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on H. Res. 202.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 700.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

HEALTHY COMMUNITIES WATER SUPPLY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 215 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 700.

☐ 1244

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 700) to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects, with Mr. McNULTY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Texas.

☐ 1245

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 700, the Healthy Communities Water Supply Act of 2007. This important legislation would reauthorize appropriations of $125 million for the EPA's alternative water sources grant program.

Mr. Chairman, rapid population growth and development along with an increased awareness of the impact of massive water withdrawals and the threat of global climate change have forced many local communities to explore alternative sources of water.

H.R. 700 provides one alternative for meeting these future water needs by encouraging the testing and implementation of technology that reclaim and reuse water from municipal, industrial and agricultural needs.

I applaud the efforts of my colleagues on the Committee on Transportation and Infrastructure, Congressman McNERNEY and Congresswoman TAUSCHER, for their efforts in moving this legislation forward and ensuring that communities are able to meet current and future water needs.

This committee approved similar legislation in the 109th Congress, and it is my hope this year Congress will finally approve legislation and forward it to the President for his signature.

I urge my colleagues to vote in favor of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 700, the Healthy Communities Water Supply Act of 2007. I want to thank the chairwoman and the ranking member, Mr. BAKER, for their hard work on this particular bill.

H.R. 700 extends the pilot program under the Clean Water Act for alternative water source projects.

Growth in population, increasing demands for water, and drought are resulting in water shortages in many areas around our Nation, both in the west and the east.

Many communities are finding that their water supply needs cannot be met by existing water supplies. As a result, many communities and their water resource development agencies are looking at alternative ways to alleviate their water shortages and enhance water supplies to meet their future water needs.

This is an important issue not only for my home State of Arkansas but for the many other parts of the country facing increasing demands for water.

Adequate water is needed to sustain our country's economic growth and viability. Some of the approaches they are looking at involve reclaiming, reusing or conserving water that has already been used.

H.R. 700 provides an authority to help communities meet some of their critical water supply needs through water reclamation, reuse, conservation and management.

H.R. 700 authorizes $125 billion for the EPA to make grants to water resource development agencies for these sorts of alternative water source projects. The program leverages non-Federal resources by requiring a non-Federal cash of 50 percent.

I urge all Members to support this important bill.

Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I would like to thank Chairmen Oberstar and Johnson and Ranking Members Mica and Baker for their leadership on clean water issues and for their work to bring the legislation we are considering today to the floor. In addition, I would like to thank my colleague and good friend, Mrs. TAUSCHER, for supporting this legislation with me. Mrs. TAUSCHER and I have adjoining districts in California, and we have similar water needs.

My bill, H.R. 700, the Healthy Communities Water Supply Act of 2007, is straightforward and helpful legislation that I hope both parties will support.

Everyone recognizes the need for clean water. It does not matter whether you live in a city or in the rural, it does not matter what your political persuasion is. We all need clean water. Therefore, it is vitally important to identify new water sources for use in agriculture, industry and for residential consumption.

In the past, the State Revolving Loan Funds and Clean Water Act construction grants were available for identifying new water sources. But communities now increasingly depend on those funds just to provide for the maintenance and upkeep of existing water infrastructure, rather than finding new and potentially less expensive water supplies.

H.R. 700 will provide $125 million so that local governments can innovate to collect, clean and distribute new sources of water. The Healthy Communities Water Supply Act will encourage municipalities, public and private water agencies and nonprofit organizations to find ways to provide new sources of water.

For the small investment of Federal funding provided in this bill, we can spur innovation in water resources and move towards solving the increasingly pressing need to ensure clean water for drinking, for family farms, for businesses and for households.

H.R. 700 encourages innovation by funding pilot projects and forward-thinking ideas that lead to practical solutions, which can be applied across the board. This legislation means jobs in local communities by spurring the kind of research that can create new businesses and make our towns and cities more livable at the same time.

The constant threat of drought in the Western States, along with the reality of global warming, emphasizes why the Healthy Communities Water Supply Act of 2007 is so important. We must begin to investigate alternative water sources now, so that we can make strides in ensuring that we have water that we need in the future.

I am hopeful that we can move quickly to pass H.R. 700 and to work with the other body so we can provide water relief for our communities.

Again, I urge all my colleagues to support the Healthy Communities Water Supply Act.

Mr. BOOZMAN. Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the chair of the subcommittee, the gentlewoman from Texas, for yielding the time and compliment her and the gentleman from Louisiana (Mr. BAKER), the ranking member of the subcommittee, for developing this legislation and preparing it and bringing it so early in the session to the House floor. I also appreciate the bipartisan cooperation with the gentleman from Florida (Mr. MICA), the ranking member of the full committee, and it is good to have the gentleman from Arkansas on the floor and managing the bill. I thank the gentleman for his ever thoughtful approach to legislation.

This alternative water sources initiative is not something that we developed in the course of this Congress. It started way back in 2000, in fact, earlier than that, as the committee held hearings over a period of several years to raise the visibility of issues of water supply and groundwater withdrawals and needs of communities well off into the future.

In fact, I should point out that a former colleague of ours, later Speaker, Jim Wright, in 1958 wrote a book entitled, "The Coming Water Famine," where then new Congressman Wright gathered enormous amount of data about water usage by industry, by agriculture, by homeowners, and did a calculation that showed the rising use of water intersecting with a line of steady availability.

All the water there ever was, there ever will be, is available now. We will not create new water, and he showed that in the 1980s the lines would intersect, and that, at that point, the Nation and the Congress need to face up to the need to assure the continuity of availability of water supplies, that continued withdrawal of water from the Ogallala aquifer that covers west Texas and eastern Oklahoma, a huge area of the central portion of the United States, could not continue forever. That water would be withdrawn, and there would be no further water available, just simply was not replenishing as fast as surface needs were drawing upon it.

That was the background. That was the stimulus for the alternative water sources program that our committee included in the Estuaries and Clean Water Act of 2000, which passed the House, the Senate and was signed into law.

The legislation was developed to address the concerns by communities all across the country over availability of water to meet their future requirements, especially in the more arid regions of the country, as we have already heard from the gentleman from California (Mr. MCNERNEY) and Mrs. TAUSCHER, also from California, who was the initiator of this legislation in previous Congresses.

I have read a great deal about climate change that followed the enormous amount of scientific data pouring forth from the international geophysical year by the United Nations scientific panel, scientists in the U.S. who are reporting on global climate change, and the effect that it is having upon weather and the increasing volatility and variability of the amount, timing and distribution of moisture, not just rainfall but moisture that comes in the form of snow or freezing rain. There is consensus among the climatology scientific community that the timing, intensity and duration of floods, droughts and high-intensity storms are going to continue to plague us over the decades ahead.

Pressure for additional sources of drinking water, usable water for industry and agriculture will only grow and magnify across this country, putting greater pressure on reclamation, on reuse, on advanced wastewater treatment, and even on desalination, as many countries in the world are doing.

In the 1970s, there was an experiment by a Saudi prince who chartered a vessel to go to Antarctica and harness an iceberg, put a huge plastic wrap under that iceberg so it would not melt and had it towed by tug boats to a point off the shore of Saudi Arabia. Then they drilled a hole in the center of it and pumped the water out for several years to bring fresh water to Saudi Arabia. There are not going to be very many icebergs left to be towed as the polar caps melt faster than we can harness the icebergs.

Furthermore, that experiment proved enormously expensive. It also demonstrated that there is a considerable amount of loss of iceberg water capability as the 'berg is towed.

We have to do much better than just towing icebergs. We create with this legislation a modest start on a program to help communities provide for their current needs, for household requirements, industrial needs, for agricultural uses of water, well off into the future.

☐ 1300

This is but one important step in the long-term effort we must make to ensure the availability of water supplies and the viability of those water supplies off into the future in this time of highly uncertain climate conditions.

Mr. BOOZMAN. Mr. Chairman, I appreciate the committee chairman's comments, and I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, what time do we have left?

The CHAIRMAN. The gentlewoman from Texas has 18 minutes remaining, and the gentleman from Arkansas has 28 minutes remaining.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 4 minutes to the gentlewoman from California, the primary author of the legislation, Mrs. TAUSCHER.

Mrs. TAUSCHER. I thank my friend, Chairman JOHNSON, for the opportunity to speak today in support of the Healthy Communities Water Supply Act.

Mr. Chairman, I can't tell you how pleased I am to have joined my good friend and neighbor, JERRY MCNERNEY, in introducing H.R. 700. As Californians, Mr. MCNERNEY and I know how precious every drop of water is to our communities, our economy, and our way of life.

Our legislation provides a real Federal commitment to exploring alternative water sources now so we can have the water supplies we will need in the future. This legislation will reauthorize a critical EPA program which was authorized in 2000 by the then Republican-controlled Congress.

Unfortunately, the Republican Congress' commitment to the program and water supply reliability ended with words, not deeds. The program was never funded, and the EPA never implemented it.

Fortunately, today is a very new day. This Congress has the opportunity to provide local communities with the means to invest in critical alternative water source projects.

By providing a modest $125 million authorization for this EPA program, we will help communities plan for their future; and investing in innovative projects such as water recycling, water reuse and aquifer storage will allow our local communities to use water more effectively and efficiently.

In my own district, these types of projects are already under way and will benefit from today's legislation. Projects like the Bay Area Regional Water Recycling Program and the Bay Area Regional Desalination Project are all advancing alternative water sources now and will be able to continue their work through access to these grants.

If we are effectively to plan for our Nation's future to use critical resources, there has to be Federal investment and innovation. The passage of H.R. 700 will clearly indicate that this Congress is ready to lead.

Today, some are trying to say that this program is duplicative, that these types of projects can already be funded through existing sources. First, let me say that we all understand that programs such as the Clean and Drinking Water State Revolving Loan Funds can be used for alternative water source projects.

However, in fiscal year 2007, the President's budget cut the Clean Water State Revolving Fund by 22 percent, and in the fiscal year 2006 he recommended that the fund be cut by $370 million.

So let me ask a simple question: Where will our communities find the resources to maintain and improve critical infrastructure and plan for the future if the Bush administration and the Republicans in Congress keep cutting the funds? It is disingenuous for anyone to claim that there are already resources available for these critical water projects while they are cutting the funds.

So it is time for us all to be responsible. It is time to make critical investments in water infrastructure which have been neglected for all too long, and it is time to ensure our communities can plan for their future water needs.

Mr. Chairman, I hope all of my colleagues will join me in supporting H.R. 700, the Healthy Communities Water Supply Act, which was passed by a voice vote in the Transportation and Infrastructure Committee. I urge all of my colleagues to support this very important legislation.

Mr. BOOZMAN. Mr. Chairman, again, I rise to support this bill, very much so. I want to thank Chairman OBERSTAR, Chairman JOHNSON, Ranking Member MICA and Ranking Member BAKER and their staffs for their hard work and the efforts that they put into this.

Again, I would urge my colleagues to support passage of this bill.

Mr. Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have no further requests for speakers. I want to express my appreciation to all of the staff of the committee. I ask for support of H.R. 700.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise to support H.R. 700, Healthy Communities Water Supply Act of 2007, a reauthorization of a Pilot Program for Increasing Usable Water Supply. As you well know, this Pilot Program for increasing usable water supply was authorized for 2002 through 2004, but the previous majority never appropriated any funds and let the authorization expire.

I want to take this opportunity to remind my colleagues just how important it is to supplement existing water supplies by providing reliable high-quality sources of water, particularly in areas of the country that are under the threat of the desert. In California, especially in Orange County, the population is increasing; so is the need for water.

For over 15 years, the Orange County Water District has maintained a Groundwater Replenishment System designed to reuse advanced treated wastewater to recharge the County's groundwater aquifers and basin. This will help them meet the annual water needs of over 144,000 families that keep growing. Also, the county is barely 3 miles from the coast and has an added need to protect the Basin from further degradation due to seawater intrusion. To this end, the OCWD under its Phase I project provides over 72 million gallons of water per day to replenish its aquifers as well as protect them from seawater intrusion by pumping water through injection wells. This phase will end in September, 2007.

In Phase II of the project, they will be able to process over 250 million gallons of wastewater per day and have enough to support the recharge effort and combat seawater intrusion. There are currently 30 such injection wells that can pump water up to 60–100 feet depth.

The beauty of this project is the collaboration the Water District has with the County's Sanitation District (OCSD) who provides the wastewater that would have been pumped out to the ocean thereby which would have deprived the Water District of the water that is now being reclaimed for the replenishment of groundwater aquifers. And the State Health Department provides the oversight, to make sure water quality is maintained.

With projects like this, communities such as Orange County will benefit tremendously. This OCGW project has attracted experts in public water management systems from other States and countries (Japan, Korea, and Taiwan) who come to Orange County to look at this tertiary system and learn from it. So, this is of national and even international significance. Also, projects like the OCGWR provides for the necessary investments to ensure water security for the future.

This bill will help improve water availability and quality by authorizing a total of $125 million to fund projects that increase usable water supply by encouraging innovation in water reclamation, reuse and conservation. The Orange County Water Reclamation Project is a perfect example of such a project and I urge my colleagues to support H.R. 700.

Ms. JACKSON-LEE of Texas. I rise in strong support of H.R. 700, the "Healthy Communities Water Supply Act of 2007" which authorizes $125 million to enhance water supplies in shortage-plagued areas through the development of such alternative sources as waste water reuse and other water recycling projects. The funding will be used to help finance pilot projects to recycle water for drinking and agricultural use in states like Texas that have long faced chronic supply shortages amid continuing population booms. States would have to pay half the cost of the projects.

Mr. Chairman, the new majority in this House understands that ensuring clean water is a top priority for America's working families. A clean and healthy environment begins with clean water. H.R. 700 will help to make the Nation's water supply cleaner and healthier by utilizing alternative water sources such as waste water and recycled water. If we explore alternative water supplies now, we take a giant step toward ensuring that we will have adequate supplies in the future.

Mr. WELDON of Florida. Mr. Chairman, I rise to express my full support for alternative water supply initiatives and my opposition to the bill before us. We have an existing program that is able to provide affordable loans to communities to fund such projects—the State Revolving Loan Fund (SRF).

The bill before us is fiscally irresponsible. It takes what was a pilot program enacted several years ago and which was never funded and turns it into a new, permanent $125 million federal grant program with a new bureaucracy to implement it.

We do not need this program. The existing SRF gives taxpayers a much bigger bang for their buck. By establishing a new, permanent grant program, today's bill will divert dollars from the SRF leaving fewer dollars for the SRF to support a broader spectrum of water projects.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. TIERNEY). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Communities Water Supply Act of 2007".

SEC. 2. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220(j) of the Federal Water Pollution Control Act (33 U.S.C. 1300(j)) is amended by striking "$75,000,000 for fiscal years 2002 through 2004" and inserting "$125,000,000".

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments to the bill?

AMENDMENT NO. 4 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KUCINICH:

Page 2, after line 5, insert the following:

(a) ELIGIBILITY.—Section 220(c) of the Federal Water Pollution Control Act (33 U.S.C. 1300(c)) is amended by inserting before the period at the end "and the entity does not permit the use of its water for retail sale of water in containers of 5.7 gallons (20 liters) or less".

Page 2, line 6, before "Section" insert "(b) AUTHORIZATION OF APPROPRIATIONS.—".

Mr. KUCINICH. Mr. Chairman, H.R. 700, the Healthy Communities Water Supply Act, is designed to help communities with current or impending water shortages. I support the bill.

We know that such shortages can have many causes. For example, global warming is likely to cause or exacerbate water shortages in the U.S., especially in the Southwest. Under those conditions, alternative water sources will be more important than ever, but communities all over the United States are also fighting to protect their water supplies from overpumping by bottled water companies, who are making billions of dollars from this public resource. My amendment would remove from consideration for these Federal subsidies those areas where bottled water companies are contributing to the demise of the water supply.

According to the International Bottled Water Association, the volume of water privatized has increased between 8 and 12 percent every year since 2001. In 2006, bottled water companies enjoyed $11 billion in revenue from the United States alone. It is estimated that about 25 percent of the bottled water consumed in the United States comes from municipal water supplies.

The effects of the excessive influence of the bottled water industry can go beyond the regional confines of water source depletion and environmental destruction. It codifies a preference for corporate access to water over public access.

I represent the Cleveland area, that, like many cities nearby, relies on Lake Erie for drinking water. A few years ago, there were two instances in which a company received a permit to privatize Great Lakes water in bulk.

In both instances, the projects were abandoned because of the public outcry. In response, the Great Lakes States, with assistance from Canadian Premiers and other stakeholders, attempted to negotiate the conditions under which water could be withdrawn from the lake.

As the negotiations closed, bottled water companies managed to wedge their language into the final agreement. The language also allowed virtually unlimited withdrawals for bottled water companies, while attempting to protect against other privatization attempts.

Such unprecedented favoritism can actually represent a giant step backwards for the notion of water as a public trust. The loophole leaves the entire agreement open to commerce clause challenge or to a challenge in the World Trade Organization. If such a challenge were successful, there would be no limits to privatization of Great Lakes water. It would open the water of the Great Lakes to use by the growing and increasingly thirsty regions where they are having water shortages and where water shortages make it financially viable to pipe water across several States. We would not just be back to square one; we would take a giant step backwards.

This is a classic example, Mr. Chairman, in which greed of the bottled water companies is garnering profits at the expense of the public. I have not even talked about the overeffect of pumping, like the increased cost of finding a replacement source, the loss of connected streams, lakes and rivers, the land subsidence, the salt water intrusion near coasts that render the water undrinkable, and the loss of wildlife habitat.

Another example is emblematic of conflicts between communities and bottled water companies all over the United States. In two small towns in New Hampshire, Nottingham and Barrington, a company called USA Springs is attempting to drill wells that would pump 310,000 gallons a day in an area populated with homes that get their water from small private household wells. The community is worried about a loss of water supply, loss of water quality, and degradation of nearby wetlands.

A very conservative estimate said that USA Springs is looking at about $303 million per year in revenue from this site alone. With that kind of revenue potential, it can be expected they will spend big to make this project happen. This is exactly what they are doing. The result is that USA Springs is now dangerously close to winning a battle that started in 2001.

The basic building blocks of life, like water, must be accessible by people before corporations, period. When access to the essentials is threatened by outside excessive private gain, I will stand firmly in defense of the public every time.

Mr. Chairman, I intend to explore this issue deeply as Chair of the Domestic Policy Oversight Subcommittee of the House Committee on Oversight and Government Reform. I ask the chairman, my good friend from Minnesota, to work with me as Chair of Transportation and Infrastructure on the broader issue of water privatization and its effects on quality and access.

I yield to Mr. OBERSTAR.

Mr. OBERSTAR. The gentleman raises a very important issue, one that has been of deep concern. He raises two aspects of a question, one that raises deep concern among communities along the Great Lakes who do not want to see waters of the Great Lakes pumped west to quaff the thirst of arid western States.

Several years ago, there was a proposal for a coal slurry pipeline to bring coal in a slurry pipeline from the Powder River Basin to the western end of Lake Superior to ports of Duluth and Superior; and we vigorously opposed it, because that pipeline, if it pumps east, can also pump west and could suck water out of the Great Lakes in vast amounts.

The Acting CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(On request of Mr. OBERSTAR, and by unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, subsequently, in a Water Resources Development Act, I succeeded with legislation to prohibit any withdrawals from the Great Lakes unless there is unanimous agreement among the eight Governors and the Province of Quebec and the Province of Ontario. That language is current law, but it is not strong enough. It really needs to be reinforced. Now that I am in a position to do that, we are going to reinforce it.

The second concern of the gentleman is private companies profiting from the public sector provision of water supplies, and I think we should find a way in which we can limit the profiteering while not interfering with private sector developments.

The Acting CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has again expired.

(On request of Mr. OBERSTAR, and by unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. For example, the little town of Buhl, population 900 in my district, has on its water tank the slogan, "The Finest Water in America," and the city began bottling that water for sale. They are using their open resources to bottle this water in these little 8-ounce and 16-ounce bottles. I wouldn't want to prevent Buhl, which has fallen on hard times, from drawing on its resources. But they are using their own money to do that.

What the gentleman is concerned about is a public, federally funded process that might stimulate the private sector. I commend the gentleman for his concern, and we shall work together to address the situation.

Mr. KUCINICH. I want to thank the chairman for his comments and his dedication to the public good. I look forward to working with you on this to protect public water supplies and to protect the public's right to access.

Mr. Chairman, I withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PRICE of Georgia:

At the end of the bill, add the following:

SEC. 3. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

Mr. PRICE of Georgia. Mr. Chairman, I rise with a very simple amendment, an amendment of responsibility.

As you and the House know, H.R. 700 grants $125 million for alternative water source projects. It is a program that Congress has never funded, may be a very appropriate program. For some in this Chamber, $125 million may not be very much money, but for folks in my district, and I suspect for folks around this Nation, $125 million is a lot of money.

□ 1315

And, again, while what this bill does may be very important, it is important that we also make a statement for financial responsibility. This amendment would apply the principle of pay-as-you-go, pay-as-you-go to any new spending that would be authorized in this legislation.

Very simple: If you are going to spend money for this project, you ought to make it a priority and identify an area where you desire to take that money from in order to pay for this project. It is a concept that has been embraced by many in this Chamber. In fact, many Members on the majority side embraced the pay-as-you-go project in their campaigns this past year. In fact, the New Direction for America, which was proposed by the majority party in the 109th Congress, says, "Our new direction is committed to pay-as-you-go budgeting. No more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans."

Mr. Chairman, I agree with that. It is a wise idea. We ought to follow that. We ought to follow that in this new Congress.

I urge my colleagues to adopt this amendment. I would respectfully suggest that, unless adopted, then the new direction in which we are heading is one that will take us in a direction of greater red ink and not that of financial responsibility. So I offer this simple amendment, this PAYGO amendment to H.R. 700, and I encourage my colleagues to support the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the fashion of the gentleman from Georgia, and I respect his consistency. He offered the same amendment yesterday. We had quite a thorough and extensive discussion and a recorded vote, which ended 166–260.

Again, I appeal to the gentleman, Mr. Chairman, that we are dealing with an authorization. Tomorrow we will be dealing with a different bill that does result in a direct spending reduction as determined by the Congressional Budget Office and for which the committee created an offset and reduced the size of the bill.

This bill, H.R. 700, is not a direct spending bill, and has been so verified by the Congressional Budget Office and by the Office of Management and Budget. It is not subject to the so-called PAYGO rules. An appropriation subsequently could well be subject to PAYGO, but we have yet before us the congressional budget process. We have to vote on a budget, and then we consider the appropriations. If this legislation is enacted in time for the appropriation process, hopefully it could be considered and included, and then there is a question of whether it is subjected to the PAYGO rules.

But in its present form, this is an authorization. It is not a direct spending. It is not subject, as Congressional Budget Office has ruled, to the PAYGO rules. And we made that point yesterday. We make it again today. And I rise in opposition to the amendment, but not in opposition to the approach of the gentleman, who is a true fiscal conservative and wants to ensure that dollars are wisely spent and that we are not overspending.

I assure the gentleman, this legislation, modest as it is in its scope of dollars authorized, will be subjected to the rigorous oversight of OMB, Congressional Budget Office, procedure and the appropriation process in its new course.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Georgia (Mr. PRICE), almost to say the same thing we said yesterday: He has gotten the appropriations mixed up with the authorization.

This is an authorization committee, and actual funding of these programs through the appropriations process, which is where this will be more appropriate. A similar manner it was offered yesterday, as we said, to H.R. 569, the Water Quality Investment Act, and was defeated by 166–260.

This amendment would require that any authorization of appropriations be considered with corresponding offsets regardless of whether the program ever receives any funding. It is possible that it won't.

In the example of the Alternative Water Source pilot program under consideration today, a program that again has never been funded through the appropriations process, this amendment would require the identification of $125 million in offsets, regardless of whether appropriations are ever enacted for this program.

During the first few days of the legislative session, the new Democratic majority renewed the PAYGO rules to require the identification of offsets to any changes in direct spending by legislative initiatives.

This bill has no effect on direct spending. According to the Congressional Budget Office in its analysis of the bill, enacting the bill would not affect direct spending or revenues. Therefore, the offset requirements of PAYGO are never triggered.

I also remind my colleagues that the PAYGO provision was allowed to expire under Republican control of the House, with no attempt by the former Republican leadership to restore its protections to the Federal budgetary process. To now claim to be the champions of fiscal responsibility and attempt to hold Congress to stricter budgetary principles than instituted under their own leadership is a fairly hollow argument.

The gentleman's amendment would require offsets for any authorization of appropriations, regardless of its impact on Federal receipts. Were the gentleman's amendment adopted, my expectation is that every authorization of appropriations, whether it be for clean water, safer schools, better health care, or national defense, would require equal offsets. This is an inappropriate limitation on the ability of Congress to address the needs of the Nation.

Fiscal responsibility is a noble cause, but not at the cost of hindering Congress's ability to meet the needs of our constituents.

Mr. Chairman, I oppose this amendment.

Mr. BOOZMAN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from Arkansas for yielding. I will be very brief.

I rise to point a couple points of clarification. And I appreciate the gentlewoman from Texas and her comments, but she did say that this amendment would require finding $120 million of offsets somewhere else, regardless of whether there was any money that was ever authorized for this particular grant project. In fact, that is not the case.

On line 4 of the amendment, it says that, "any other provision that results in costs to the Federal Government." So it would require that the Congress had determined that, yes, there should be money spent for these grant projects, and then the equal amount of offset money would need to be found.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BOOZMAN. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. I think what I did say is, it is not the authorization; it is the appropriations that I spoke about that would cause this to happen. It would trigger it. It is not the authorization. We are an authorizing committee.

Mr. PRICE of Georgia. I understand this is an authorizing piece of legislation; it is not requiring the money to be spent; and that we have the Appropriations Committees to do that.

But I would suggest to my colleagues that this is a matter of principle. It is a matter of principle, and it is a matter of making the statement now that we believe that, if we are going to spend money for this project and we believe that it is a priority, that we ought to find the money elsewhere in order to cover that so that we do not increase the deficit.

I appreciate the gentleman yielding to me.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. SESSIONS:
>
> Page 2, line 9, after the dollar amount insert "for fiscal years ending before October 1, 2008".

Mr. SESSIONS. Mr. Chairman, H.R. 700 follows an authorization that the Republican Congress provided for in the year 2000, which authorized $75 million in grants for alternative water source projects.

We learned that the population growth was causing a number of communities to have to explore alternative supplies through reclamation, reuse and conservation. And so Congress created section 220 of the Clean Water Act. This amendment to the Clean Water Act required a 50 percent non-Federal cost share. And it expired in 2004.

Today's legislation doubles this authorization, but the troubling part to me is it allows this authorization to continue indefinitely. So if this legislation passes, there will be no sunset, no further oversight and no review of the effectiveness of these grants. My amendment would provide for the expiration of this authorization in fiscal year 2008.

I think it is fiscally responsible and allows Congress to reevaluate these grants, and not just leave them forever without oversight.

Mr. Chairman, at this time I understand that the gentleman Mr. OBERSTAR would wish to engage with me in a colloquy on this amendment.

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. The gentleman from Texas, a member of the Rules Committee, and I had a discussion about the principle involved in the gentleman's amendment in the course of our presentation at the Rules Committee for the rule covering this bill. As a result, the gentleman has offered an amendment that I think is entirely appropriate. But the point at which we are in the consideration of the legislation, and given the time it might take for the other body to act on it, would create a time frame problem through fiscal 2008. I would suggest that the language be changed to reflect two fiscal years from date of enactment, so that we have a precise time but that it is linked to date of enactment of the act, which then would be a very appropriate way to do it.

Mr. SESSIONS. Reclaiming my time.

It is my understanding then that the chairman and I have engaged in an agreement; that I would withdraw my amendment, pending such that he would place within the legislation that agreement. And I would agree with that, and I would agree to withdraw my amendment. And I thank the gentleman.

Mr. OBERSTAR. I thank the gentleman for his thoughtful presentation and the questioning in the Rules Committee, and we will draft language in cooperation with the gentleman and include that as we move forward to conference with the Senate.

Mr. SESSIONS. Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CONAWAY:

Page 2, after line 5, insert the following:

(a) SELECTION OF PROJECTS.—Section 220(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1300(d)(2)) is amended by inserting before the period at the end the following: "or whether the project is located in an area which is served by a public water system serving 10,000 individuals or fewer".

Page 2, at the beginning of line 6, insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—

Mr. CONAWAY. Mr. Chairman, for the past decade, within rural communities throughout the country, home water bills have increased faster than the rate of inflation, and it seems likely that this trend will continue. Currently, rural populations across America are being forced to comply with extremely costly regulations regarding standards that have been set forth by the Environmental Protection Agency.

Mr. Chairman, I have rural constituents who are currently paying upwards of 770 percent more for water service than that of urban populations due to regulatory items and the inability to spread these costs over a wide basis.

As deregulations are implemented and aging infrastructures replaced, the affordability of water service in rural America will continue to be of great concern. Water systems, consumers, administrators and policy makers will need to focus on the ability of rural households to pay for public water service.

Mr. Chairman, this amendment is not a solution to the underlying problem; it is a recognition of the issue and a step in the right direction. My amendment would simply add to the considerations for these grants recognition of water systems serving 10,000 people or less.

Mr. SHULER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as water bills continue to rise larger, in the rural communities throughout the country home water bills have increased faster than the rate of inflation. Over 50,000 community water systems serve populations under 10,000. In North Carolina, 95 percent of our community water systems service populations of less than 10,000.

Currently, rural populations across America are being forced to comply with costly regulations. At this time, many rural areas have a greater percentage of the poverty and lower mean household income.

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This is imposing a major burden on the rural families of America. In the same rural communities, some citizens are now paying 770 percent more for the water services than that of urban populations.

The Conaway-Shuler amendment does not call for more money or strike existing language. This is a fiscally responsible approach which points us in the right direction to take some of the strain off of the rural communities as they struggle to provide safety.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Both gentlemen offer an amendment, Mr. Chairman, to our bill that is well intentioned to respond to the needs of small communities, to assure that communities under a population of 10,000 are not left behind, as this program is administered. And I certainly am in consonance with that concern.

There are only maybe four communities in my congressional district that have population greater than 10,000. I think of Big Fork, population 950, and others of similar size who have needs for water resource as great proportionately as do the major metropolitan areas.

In fact, in a drought in 1988, Minneapolis was trying to encourage the Corps of Engineers to draw down the head waters of the Mississippi River to increase the flow to Minneapolis while at the same time not banning car washes, not banning sprinkling of lawns, not taking other water conservation measures and also drawing water from the Jordan Basin Reservoir underneath the Twin Cities, a 50-mile diameter basin that is water left over from the melting of the glacier 10,000 years ago, water that can never be replaced because it is an impermeable area.

And I said, oh, wait a minute. It just happened I was chairman of the Subcommittee on Investigation and Oversight; called the Corps of Engineers in and made sure they didn't draw any matter down from the head waters of the Mississippi River to serve the thirst of Minneapolis while at the same time St. Paul was incorporating water conservation measures.

Well, I cite that history to show that I am really sensitive to these needs. But we do not want to create in this legislation a preferential consideration. And when the gentleman says consider, when the language of the amendment the gentlemen are offering says consider, I take this to mean a factor to be considered, along with other relevant factors and not a set-aside and not a preference.

May I ask the gentleman from Texas (Mr. CONAWAY), and I yield to the gentleman, to be assured that he concurs in that interpretation.

Mr. CONAWAY. Yes, sir. This goes into the part of the bill that talks about additional consideration. The administrator has wide leeway in how they grant these grants, and I would simply like in the RECORD, in the law, that this is one of the things that administrator should take into consideration. This in no way binds or ties their hands to any particular size of community or use but allows good judgment by the administrator and in recognition that rural America is outnumbered on this floor. And having those words in this language will be particularly important to the constituents I serve who recognize that and understand that from time to time you guys have got us outnumbered. So it does not set up a preference, but it simply says, here is one other criteria to look at when you decide on these questions.

Mr. OBERSTAR. I thank the gentleman. Let me ask the gentleman from North Carolina (Mr. SHULER) whether he shares that viewpoint.

Mr. SHULER. I most certainly would. In rural America, they struggle so often. Although it is not binding, it doesn't cost any more; I would certainly like to see this in the amendment.

Mr. OBERSTAR. Mr. Chairman, when I was elected to Congress, took office in 1975, we formed a Congressional Rural Caucus. There were 250 members. We had a voice on this floor, and a presence on this floor. Today there are less than 90 of us representing primarily rural areas, so we do have to be watchful for small towns, rural areas. And in the spirit of our discussion just concluded, I will accept the amendment of the gentlemen.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 256, not voting 6, as follows:

[Roll No. 128]

AYES—176

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—6

Bono
Camp (MI)
Davis, Jo Ann
Hunter
Keller
Larson (CT)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1404

Messrs. KAGEN, GONZALEZ, RODRIGUEZ, DINGELL and TIAHRT changed their vote from "aye" to "no."

Mr. FRELINGHUYSEN and Mr. SOUDER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Florida) having assumed the chair, Mr. TIERNEY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 700) to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects, pursuant to House Resolution 215, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. In its current form, I am, yes, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Price of Georgia moves to recommit the bill H.R. 700 to the Committee on Transportation and Infrastructure with instructions to report back the same forthwith with the following amendment:
>
> At the end of the bill, add the following (and conform the table of contents accordingly):
>
> **SEC. 3. LIMITATION ON THE USE OF FUNDS.**
>
> None of the funds authorized by this Act, including the amendments made by this Act, may be used—
>
> (1) to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer; or
>
> (2) to pay for expenses related to the membership of any individual or entity in an organization or association.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to offer this motion to recommit. And I am more pleased to commend my Democratic colleagues for yesterday's recognition of the motion to recommit. They will recognize today's because it is exactly the same motion.

I think with that recognition came the realization and appreciation that motions to recommit are, indeed, substantive moves and they are substantive proposals of policy by this House of Representatives.

This motion to recommit is one about honesty; it is about honesty in the provision of the funds in the bill that is about to be adopted.

Mr. Speaker, this motion to recommit would reinforce existing Federal law by making it clear that none of the funds authorized under this act may be used to lobby or retain a lobbyist to attempt to influence Federal, State or local governmental officials. It would also expand upon existing law by specifically prohibiting Federal funds from being used to pay for membership in any association or organization. And, Mr. Speaker, as I mentioned yesterday, many of those dues rise to the sum of $48,000 to $50,000 or more. The funds should only be used for the purposes intended by Congress, namely, identifying alternative water source projects.

And while associations and organizations provide meaningful opportunities for collaboration and knowledge dissemination, it would not be appropriate to use hard-earned scarce Federal tax dollars for such a purpose. Such a diversion of these funds would not only limit the amount of funds available for the actual use and construction of alternative water source projects, it could indeed constitute an end run around the lobbying restrictions since many of these associations engage in lobbying activities.

In recent years, Mr. Speaker, growth in population and increasing environmental awareness is causing many communities to explore alternative water supplies through reclamation, reuse and conservation. And while the Clean Water Act construction grants prior to 1991 and State revolving loan funds since 1989 have been available for such activities, most expenditures to date have been for more traditional wastewater projects and not for enhancing water supplies through wastewater reuse and water recycling. For these compelling reasons, we need to ensure that all available resources provided through this reauthorization are used specifically for the purpose of building and improving alternative water source projects for municipal, industrial or agricultural uses in areas that are experiencing critical water supply needs.

With that, Mr. Speaker, I urge my colleagues to recognize what they recognized yesterday, and that is that motions to recommit are substantive policy motions. I urge the adoption of this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, although I am not opposed to the motion, I ask unanimous consent to claim the time in opposition.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Mr. Speaker, this amendment was offered yesterday by a different gentleman from the other side. I just want to read from the legislative language in the act.

Subsection F: Uses of Grants. "Amounts from grants received under this section may be used for engineering, design, construction and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies, for operation, maintenance, replacement, repair or rehabilitation." Although we do not specifically prohibit use of funds for lobbying, no such authorization is permitted. Nonetheless, the gentleman proposes to close a potential opportunity for money to be diverted, and, therefore, we are prepared, as yesterday, to accept the gentleman's motion.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 700, if ordered, and adoption of House Resolution 202.

The vote was taken by electronic device, and there were—yeas 427, nays 0, not voting 6, as follows:

[Roll No. 129]

YEAS—427

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor

Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Bono
Camp (MI)
Davis, Jo Ann
Hunter
Larson (CT)
Scott (GA)

☐ 1436

Ms. WOOLSEY, Mr. RANGEL and Mr. NADLER changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. OBERSTAR. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 700, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 3. LIMITATION ON THE USE OF FUNDS.

None of the funds authorized by this Act, including the amendments made by this Act, may be used—

(1) to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer; or

(2) to pay for expenses related to the membership of any individual or entity in an organization or association.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 59, not voting 6, as follows:

[Roll No. 130]

YEAS—368

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—59

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cantor
Culberson
Davis (KY)
Deal (GA)
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hensarling
Herger
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Mack
Marchant
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pence
Pitts
Price (GA)
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Tancredo
Thornberry
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—6

Bono
Camp (MI)
Davis, Jo Ann
Hunter
Larson (CT)
Tanner

☐ 1445

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMITTEE FUNDING RESOLUTION

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 202, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 269, nays 150, not voting 14, as follows:

[Roll No. 131]

YEAS—269

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay

Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth
Young (AK)

NAYS—150

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
Miller (FL)
Miller (MI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tiahrt
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—14

Bono
Boyd (FL)
Camp (MI)
Davis, Jo Ann
Hunter
Kennedy
Larson (CT)
Murphy, Tim
Rangel
Roskam
Sali
Terry
Van Hollen
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1456

Mr. ROGERS of Alabama changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KENNEDY. Mr. Speaker, on rollcall No. 131, I was in a hearing during votes. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, March 8, 2007 to vote on rollcall vote Nos. 127, 128, 129, 130, and 131 due to a family medical matter.

Had I been present, I would have voted: "yea" on rollcall vote No. 127 on the previous question to H. Res. 219, on providing for the consideration of H. Res. 202;

"Nay" on rollcall vote No. 128 on the amendment to H. R. 700, to prohibit the bill's authorization levels or other provisions from taking effect if they would result in costs to the federal government;

"Yea" on rollcall vote No. 129 on a motion to recommit H.R. 700 with instructions;

"Yea" on rollcall vote No. 130 on the final passage of H.R. 700, the Healthy Communities Water Supply Act; and

"Yea" on rollcall vote No. 131 on agreeing to H. Res. 202, a resolution providing for the expenses of certain committees of the House of Representatives in the 110th Congress.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–17)

The SPEAKER pro tempore (Mr. TIERNEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2007.

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 8, 2007.*

DEMOCRATS RETREAT FROM IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, after waiting for months, the new Democrat majority has introduced their plan for Iraq today, and it can be summed up with one phrase, fully funded withdrawal.

Seeking to micromanage the war, the Democrats have come up with a plan that attaches strings to troop funding in order to seek American withdrawal from Iraq by 2008. This Democrat plan for a fully funded withdrawal could also be described as a well-equipped retreat. A fully funded withdrawal might well be added to that classic list of American oxymorons that includes plastic glass and jumbo shrimp.

Since their election pledge to "fix the war," it has taken our friends on the other side of the aisle 4 months to come up with a strategy in Iraq. But even though their proposal does include funding for our soldiers in the field and our veterans here at home, their latest poll-tested approach for fighting the war in Iraq can best be described as cut and run.

For all the Democrats' furtive backroom efforts and tortured explanations, it is not nearly as complex as they describe. In fact, their strategy could be described by George Orwell: "The quickest way to end the war is to lose it."

We don't need a fully funded withdrawal. We need to fully fund victory for freedom in Iraq.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1500

YUCCA MOUNTAIN PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to condemn in the strongest possible terms President Bush's latest attempt to resurrect the fatally flawed Yucca Mountain Project in my home State of Nevada.

This past Tuesday, the White House ordered the Energy Department to seek reintroduction of the so-called Fix Yucca Bill.

In a nutshell, this special interest legislation guts key safety and environmental rules, makes it harder for Nevadans to challenge Yucca Mountain, gives the green light to a water grant in the middle of the Nevada desert where there is no water, and increases the amount of deadly nuclear waste that can be buried outside of Las Vegas, a major metropolitan area in the western United States where 1.7 million people reside.

In calling for passage of this bill, the Bush administration has renewed its attack on Nevada, and their goal is simple: open Yucca Mountain at any cost.

Mr. Speaker, this proposal isn't about safety and it isn't about science. It is not about protecting our communities from shipments of nuclear waste. This legislation is all about using political muscle to ram through changes to the rules of the game in order to ensure that nuclear waste comes to Nevada.

The reason they need the bill is clear: Yucca Mountain is all but dead as a result of scientific uncertainties, of bloated budget, and total mismanagement. The proposed dump is decades behind schedule and has already cost upwards of $12 billion according to the figures published this January by the General Accounting Office.

Outgoing Nuclear Regulatory Commissioner Ed McGaffigan, not exactly a great friend of the State of Nevada, recently said that it will take until 2025 or beyond before Yucca Mountain is completed. But more importantly, he said it is time to "stop digging" at Yucca Mountain and look at alternatives because the system that created this abomination is so flawed that nuclear waste will never be stored in Nevada.

Clearly, this legislation, which was introduced last year and went absolutely nowhere, is a last ditch effort to try and bring Yucca Mountain back from the brink of total collapse. Make no mistake about it, Yucca Mountain's days are numbered. Working with my colleagues in the House and with my Nevada counterpart, majority leader HARRY REID, we will ensure that this dangerous and misguided bill never reaches the President's desk.

Despite claims to the contrary, Yucca Mountain has never been proven safe, and there will be no way to keep thousands of shipments of nuclear waste secure as it travels across our roads and railways.

Among the changes included in the White House bill is a provision that seeks to eliminate the current restriction on the amount of waste that can be stored inside Yucca Mountain. Right now, it is 77,000 tons. They want to double that. Lifting this cap would enable more nuclear waste to be dumped in Yucca Mountain, Nevada, and would increase the number of waste shipments that would have to travel along America's roads and railways.

I am also concerned that this bill is designed to try and pave the way for President Bush's plan to allow nuclear waste from other nations. It is bad enough they want to stick nuclear waste from across the country in Nevada; now they want to take other nations' nuclear waste, ship it to Nevada for burial at Yucca Mountain.

Right now there is a limit on the nuclear waste that can be stored at Yucca Mountain. If the President has his way, Nevada will become the world's nuclear garbage dump.

Another provision in the bill will make it easier for Congress to spend billions on dumping nuclear waste in Nevada, with little or no oversight to protect taxpayers. Billions of dollars have already been wasted on this hole in the middle of the Nevada desert, and the truth remains that Yucca Mountain is no closer to opening today than it was 20 years ago when Nevada was unfairly singled out as the only State to be considered as a location to bury nuclear waste. That is known affectionately in the State of Nevada as the Screw Nevada Bill.

Funding for this disaster waiting to happen does not deserve special treatment. Yucca Mountain should have to compete with our Nation's needs to fund homeland security, education, clean energy, health care, Social Security, and the war in Iraq and Afghanistan. There should be no special budget treatment for Yucca Mountain, and Congress should exercise its full oversight authority, something we haven't seen for a while, on runaway spending on this failed project.

This brings me to the fact that we have not seen an updated cost estimate for Yucca Mountain for years, despite the rising cost of fuel and construction projects and labor. I suspect that Yucca Mountain could ultimately cost hundreds of billions of dollars before we are through. Is this where you want to stick our taxpayers' dollars? I don't.

The answer to this Nation's nuclear waste problem is not Yucca Mountain. The answer is to keep waste on-site where it is now produced in so-called "dry cask storage."

I urge all of my colleagues to take a good look at this and make the right decision for our country and for our taxpayers.

This system is already in use in nuclear power plants, has the blessing of nuclear regulators and will keep waste safe for the next 100 years in hardened emplacements guarded by the same security precautions in place to keep nuclear power plants safe.

I say to my colleagues: Do not fall for false claims that Yucca Mountain can be "fixed" by sweeping aside important health and safety protections or through a water grab that turns Nevada's water law on its head. Or by lifting the cap on the amount of waste that can be stored at Yucca Mountain so that Nevada can become a global nuclear garbage dump.

Keep nuclear waste on-site, preserve the rules now in place to protect families and the environment, protect your right to scrutinize the billions being squandered on a hole in the Nevada desert and reject calls to support the reintroduction of the so-called "Fix Yucca" legislative package.

NO MORE "BLANK CHECKS" ON TRADE: FAST TRACK HAS HURT MAINE'S WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise today in opposition to renewing trade promotion authority, also known as fast track.

Fast track in its current form is nothing more than a blank check for the administration to negotiate harmful trade agreements without congressional input.

I voted against the Trade Act of 2002, which granted fast track authority to the President. Those of us who opposed such a large grant of authority are not surprised that, given a blank check, the Bush administration has made regional and bilateral deals to suit narrow corporate interests and cut Members of Congress out of the process.

We need to examine what has happened to hardworking people in my home State of Maine since Congress signed that blank check. Between January of 2001 and December of last year, Maine lost more than 20,000 manufacturing jobs. In the same period of time, Maine also lost 8,000 information sector jobs, in what surely is just the beginning of trouble for our service sectors. Only one month ago, Moosehead Manufacturing, a furniture-making firm in the towns of Monson and Dover-Foxcroft, Maine, employing 120 people, closed its doors as a result of competition from China, Mexico, and Brazil. Moosehead Manufacturing tried for years to adjust to the pressure of foreign competition by changing its products and the structure of its workforce, unfortunately, to no avail. Fast track authority allowed the administration to continue to make trade deals without adjusting their tactics in the least, even as jobs flowed out of my State.

It isn't clear how lost manufacturing jobs will be replaced in Maine. What is clear is that these jobs were casualties not of the inevitable forces of globalization, but the abuse of a process that is closed to the majority of Americans.

That is why I voted against fast track, and why I am here to urge my colleagues to vote against renewal in anything like the form of the current law.

Mainers who lose their jobs because of global competition often have to accept lower wages when they find another job. This week, The Washington Post reported that nearly half of workers laid off between 2003 and 2005 who were successful at finding new employment took a pay cut at their new jobs. Nearly 30 percent reported earnings losses of 20 percent or more.

The same is true for Maine manufacturing sector workers. According to a 2002 survey done by the Maine AFL-CIO, laid-off manufacturing workers who found new employment lost on average 16 percent of their wages. One out of three laid-off workers lost pension benefits.

Congress is under pressure to renew fast track. The administration claims that it cannot negotiate bilateral or multilateral agreements without it.

The administration has had long enough to demonstrate what it will and won't do with fast track authority. Our constituents deserve to be heard when trade deals are negotiated, not ignored. Rather than write another blank check, Members of Congress should take an active part in trade negotiations. We must insert accountability into any future grants of authority to the executive branch. We must strive to create agreements that meet the test of what serves the public good, rather than what serves narrow special interests.

I strongly believe that the choice between agreements that open new trade opportunities and agreements that protect workers is a false one. We can and must achieve both objectives. We can address health care, education, job training, and technological investments to make our firms more competitive. We can do more to retrain and cushion the blow for workers who lose their jobs as a result of foreign competition, and we can rewrite the model for trade agreements so that the interests of hardworking Americans are a priority.

I urge my colleagues to oppose renewal of fast track in its current form.

SAN FRANCISCO VS. TEENMANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I have come to the floor today to praise the more than 20,000 teens that will reunite in San Francisco this weekend to worship. Their movement called Battlecry has a home base in my district just outside Lindale, Texas.

Their message is a hopeful one: they reject the negative messages often portrayed in pop culture and, instead, they embrace a godly path. They strive to live a life of Christian values and reject premarital sex, drugs, alcohol, and destructive behavior.

One thing is very clear: there is nothing in Battlecry's message that is hateful. It is a message of love. However, last year, when these teens gathered in San Francisco, they were met by protests, and the board of supervisors passed a resolution condemning these young people of Battlecry and their message.

As we know, there are some in the San Francisco government who are not happy with these voices carrying a Christian message. These teens are congregating at AT&T Park where the Giants play, and they are going to worship and promote a positive path for young people. The entertainment commission in San Francisco issued a restrictive loud speaker permit to them to prevent their use before 10 a.m., and yet these delightful youth are taking the lemon-sour treatment and are going to turn it into lemonade by using the time in a positive, peaceful manner to reach out in prayer and grace to those in San Francisco and the surrounding area. These Christian young people uniting in Teenmania and Battlecry are filled with love and the teachings of Jesus and are fueled by their faith in God, along with hope for their generation.

They offer an alternative to the mysogynistic world. They offer alternatives to drugs, alcohol, sexually transmitted diseases.

Mr. Speaker, San Francisco apparently has some who are such religious bigots that they loathe and want to thwart these loving young people because of the grace and kindness these people bring in the name of the Lord. Time magazine has called Battlecry's event the "Lollapalooza for the Lord," and I humbly submit this kind of event is a good thing to have.

Of course, we know the discrimination against wholesome, nurturing groups like the Boy Scouts of America in San Francisco by some intolerant fanatics. But this is an alternative to the kind of head-banging music that sometimes promotes drugs, alcohol, careless sexual activity, and at times even anarchy.

On the other hand, the young Christians believe that embracing God's love and grace can make the drugs, alcohol, and any hallucinogen completely unnecessary.

So I salute these wonderful young people from Battlecry and Teenmania and encourage them to continue promoting positive Christian-type values and the love of the Lord to any and all, including the bigots against them. And for the religiously intolerant who get angry just thinking about Christian young people spreading the love and teachings of Christ, the message needs to go out, far and wide, very clear: Jesus loves you, too.

CORPORAL CLOY RICHARDS—"WHY I FIGHT FOR PEACE"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, all too often the painful stories of those who have served in Iraq go unheard by Representatives in Washington; however, their experiences are a window into the truth about the real effect of this war on real people, both in service and after they come home from service.

One of these stories belongs to Corporal Cloy Richards, who bravely served with the United States Marine Corps for two tours in Iraq and may soon be called back again even though he has been diagnosed with PTS.

Cloy Richards has a poem; it is a courage poem. It is entitled: "Why I Fight for Peace." This poem is exactly the message we need to hear.

☐ 1515

The message that shows us in our continuing debate on funding the occupation of Iraq, just how this affects our servicemembers.

As I said, the poem is called, "Why I Fight for Peace," by Corporal Cloy Richards, United States Marine Corps. And I am going to read it, Mr. Speaker.

"Because I can't forget no matter how hard I try. They told us we are taking out advancing Iraqi forces, but when we went to check out the bodies, they were nothing but women and children desperately fleeing their homes because they wanted to get out of the city before we attacked in the morning.

"Because my little brother, who is my job to protect, decided to join the California National Guard to get some money for college, and they promised he wouldn't go to Iraq. Instead, 3 months after enlisting, he was sent to Iraq for 1 year.

"Since he has been home for the last 6 months, he refuses to talk to anyone; he lives by himself. The only person he associates with is a friend of his, the one other man out of his squad of 13 men who made it home alive.

"He called me a few weeks ago for the first time, and he told me he's having nightmares. I asked what they were about, and he said, they're about picking up the pieces of his fellow soldiers after a car bomb hit them.

"Because every single one of the Marines I served with, the really brave warriors, even when some friends and people they looked up to got killed and lost an arm or a leg, they wouldn't cry; they just kept fighting. They completed their mission.

"Every one of them I have spoken to since we got home has broken down crying in front of me, saying all they can do since they got back is bounce from job to job, drink and do drugs and contemplate suicide to end the pain.

"Because I'm tired of drinking, bouncing from job to job and contemplating suicide to end the pain.

"Because every time I see a child, I think of the thousands I have slaughtered. Because every time I see a young soldier, I think of the thousands Bush has slaughtered. Because every time I look in the mirror, I see a casualty of war.

"Because I have a lot of lives I have to make up for, the lives I have taken. And because it's right. That's why I fight. Because of soldiers with wounds you can't see."

As I said, Cloy Richards served two tours in Iraq. He is currently in the IRR and facing a possible involuntary recall for a third tour.

Mr. Speaker, I urge my colleagues, I urge the President to remember that our commitment to our soldiers does not stop on the battlefield. It must continue when our troops return home. Corporal Richards deserves our full support. He has bravely fulfilled his duty to fight for our country.

Now it is time for the Congress to fulfill its duty, and we must do that by heeding his call for peace. This is a call we cannot afford to ignore.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). The Chair will remind members to refrain from engaging in personalities toward the President.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, I rise today to try to bring about some common sense to a Federal agency known to many as the Federal Emergency Management Agency and known to others as FEMA.

Many of you will recall, Mr. Speaker, that after that horrible hurricane that devastated the Gulf Coast, Hurricane Katrina, back in August of 2005, FEMA went out and purchased tens of thousands of brand new mobile homes that were destined for storm victims after Hurricane Katrina.

They came to Hope, Arkansas. We have got the old World War II proving grounds there, an old airport there with a lot of inactive runways and tarmacs, and they thought it was a good place to have as a so-called FEMA staging area, a place for them to bring mobile homes in transit on their way to storm victims on the gulf coast.

Starting about October of 2005, they started arriving, and they continued to arrive, but none ever left. And this quickly became not a FEMA staging area but, rather, a FEMA storage area.

This is an aerial photo that was taken this past Saturday, and these white dots, I mean, it is hard to understand and comprehend, but as you look at this aerial photo, what you are looking at is 8,420 brand new, fully furnished, never used, mobile homes that were destined for Hurricane Katrina victims that found themselves homeless.

FEMA purchased them, and then they said, we won't put a mobile home in a flood plain. And of course, everybody who lost their home as a result of Hurricane Katrina lived in a flood plain. So they have remained stored at the airport in Hope, Arkansas, on this cow pasture, if you will, since about October of 2005; 8,420 brand new, fully furnished mobile homes.

There is also approximately 16,000 camper trailers at the Hope airport. The camper trailers did work. They were used by storm victims, and they are now bringing them back to Hope. And if they need more than $1,500 worth of repair, they are auctioning them off. If they can repair them for less than $1,500, they are going to repair them there at the Hope airport and store them for future disasters. That is being a good steward of your tax money. That mission, that program makes a lot of sense.

My problem with FEMA is this: There are 8,420 brand new, fully furnished, never used mobile homes sitting there, as you can see from this aerial photo, at the Hope airport in Hope, Arkansas. Now, let's fast forward.

Well, one other point I would like to make, Mr. Speaker, is, about 8 months ago, to try to get FEMA off high center and to move these homes to the people, I said they are going to start sinking into the cow pasture, thinking that would get FEMA off high center and they would move them to the storm victims.

Instead, FEMA showed up at Hope with $7 million worth of gravel to put under them. I mean, this is so crazy, you can't make this stuff up.

And then, fast forward, tragically to February 24, 12 days ago, where a tornado ripped through another part of my district, not Hope, Arkansas, but Dumas, Arkansas in DeSha County.

This is one of 150 homes that have been either totally destroyed or heavily damaged. If there is any doubt about the amount of damage done, this is the Fred's Dollar Store and the grocery store in town and an 18-wheeler.

The bottom line is this: I immediately went to Dumas to be with the people there. I told them help was on the way. The Governor declared it a State disaster. The Governor called out 150 members of the National Guard; 150 homes heavily damaged or destroyed, 650 people out of work because their workplace has been heavily damaged or destroyed. No power for 6 days.

And I asked FEMA to help; 12 days later, the President still has not declared Dumas and DeSha County a Federal disaster area.

And what does the FEMA spokesman, John Philbin, say? March 7, 2007, Stephens Washington Bureau, in a story by Aaron Sadler, FEMA spokesman, John Philbin, says, "The damages or need for Federal assistance are not readily apparent." If that is not damage that is readily apparent, I don't know what it is.

I implore the President to declare Dumas and DeSha County a Federal disaster area. And I beg FEMA to begin to move some of these mobile homes to the people of Dumas who are without housing this evening.

WALTER REED ARMY MEDICAL CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. HODES) is recognized for 5 minutes.

Mr. HODES. Mr. Speaker, as a member of the House Oversight and Reform Committee, we recently traveled to Walter Reed Army Hospital, where, as a panel, we heard graphic testimony from numbers of witnesses. Witnesses included Staff Sergeant Shannon, who testified, wearing an eye patch, suffering from a traumatic brain injury, about the kind of treatment he had received at Walter Reed Army hospital.

The testimony was striking. He told us, Mr. Speaker, that after a few days of inpatient treatment, he was transferred into a limbo of outpatient treatment in which he couldn't find his way around the grounds and didn't have help for that; in which the assistance he needed wasn't there. And he is still in that limbo.

We heard graphic testimony from Mrs. McLoed, whose husband had suffered a traumatic brain injury and who also hasn't received treatment as an outpatient at Walter Reed of the kind that we would expect.

And we heard from Specialist Duncan, also testified with an eye patch on, that he had been living in intolerable living conditions in what is now the infamous building 18 at Walter Reed Army Hospital.

The testimony was gut wrenching. Nobody who was in the room could have not been affected at hearing how our soldiers, our brave troops who had been injured in combat and come home, to be sent to intolerable living conditions, with mold, peeling wallpaper, cockroaches and rats in their living quarters, and no way to work through a system that was a Byzantine bureaucracy, seemingly designed to deny care, instead of provide care for those who both need it and deserve it most.

It was with a heavy heart that I heard the testimony of the generals who were in charge of this system. The Surgeon General, General Kiley, who said that it wasn't his job to inspect the barracks at building 18; he had people to do that.

And the gentleman next to him, General Weitman, whose command recently was relieved, the person he essentially pointed to, the man who had been there for 6 months. But General Kiley had been there from 2002 to 2004. He was the fellow in charge of the whole operation.

General Weitman had been preceded by General Farmer. These conditions were known. And, in fact, General Kiley had been told on numerous occasions of the graphic problems with the system he was overseeing, and nothing had happened.

It is now time to fix these problems, Mr. Speaker. It is time for this Congress to hold the system accountable. It is time for the Armed Forces medical system to step up with the kind of accountability and oversight and fix that our soldiers deserve.

I look forward to participating in the fix of that system as a member of the House Oversight and Reform Committee. I look forward to hearing from the generals how they are going to fix things for our soldiers. Our soldiers need it. They deserve it.

And especially at a time when the President proposes to send more troops to Iraq, I ask the question, how can he do it at a time when the medical system of the Armed Services is incapable of handling the inevitable casualties that will result?

There is a disconnect, Mr. Speaker, and it is time that we change that.

☐ 1530

HONORING THE FALLEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. EMANUEL) is recognized for 60 minutes as the designee of the majority leader.

Mr. EMANUEL. Mr. Speaker, 3,188 servicemen and -women have died serving in Iraq, and 371 have given their lives fighting in Afghanistan.

We owe these brave individuals and their families a debt of gratitude that can never fully be repaid. It is our responsibility to honor the ultimate sacrifice that our men and women in uniform have made while serving their country.

We often invoke their sacrifices in general, but seldom take the time to thank them individually.

Last year I led a bipartisan group of Members of Congress in recognizing the individual members of our Armed Forces that have made the ultimate sacrifice in Iraq and Afghanistan by reading the names and rank of each servicemember who had fallen in the line of duty so that they never will be forgotten and they will always be remembered in the CONGRESSIONAL RECORD.

So far we have read just over 2,400 names on the floor of the people's House. Tonight and on future nights we will continue to complete this tribute with the names of our most recent fallen fellow Americans.

If I can, in the words of Franklin Delano Roosevelt: "Each of these heroes stands in the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessings."

God bless and keep each of the brave Americans whose memory we honor tonight:

Private First Class George Anthony Lutz, II; Private Jonathan R. Pfender; Staff Sergeant Ayman A. Taha; Sergeant Marcelino Ronald Corniel; Staff Sergeant Christopher J. Vanderhorn; Sergeant First Class Jason Lee Bishop; Major William F. Hecker III; Captain Christopher P. Petty; Sergeant Stephen J. White; Sergeant Johnny J. Peralez Jr.; Sergeant Jason Lopez-Reyes; Specialist Ryan D. Walker; Lance Corporal Ryan S. McCurdy; Lance Corporal Jason T. Little; First Lieutenant Jaime L. Campbell; Captain Clayton Lee Adamkavicius; Specialist Eric D. King; Private First Class Jacob H. Allcott; Private Michael E. Bouthot; Private First Class Jason D. Hasenauer; Corporal Stephen R. Bixler; Staff Sergeant Kevin P. Jessen; Private First Class Ricky Salas Jr.; Gunnery Sergeant Justin R. Martone; Gunnery Sergeant John D. Fry; Private First Class Amy A. Duerksen; Lance Corporal Kristen K. Marino; Staff Sergeant Joseph R. Ray; Specialist Joshua Lee Hill; Lance Corporal Nicholas R. Anderson; Staff Sergeant Brian A. Lewis; Sergeant Corey A. Dan; Corporal Nyle Yates III; Specialist Carlos M. Gonzalez; Sergeant Amanda N. Pinson; Specialist Antoine J. McKinzie; Staff Sergeant Christopher L. Robinson; Staff Sergeant Robert Hernandez; Captain Timothy J. Moshier; Sergeant First Class John Thomas Stone; Chief Warrant Officer John W. Engeman; Master Sergeant Robert H. West; Chief Warrant Officer Jamie D. Weeks; Major Matthew W. Worrel; Lance Corporal Jose S. Marin-Dominguez Jr.; Lance Corporal William J. Leusink; Private First Class Steven Freund; Lance Corporal Robert G. Posivio III; Specialist Michael L. Hermanson; Captain Douglas A. DiCenzo; Specialist Robert E. Blair.

Mr. HODES. Mr. Speaker, I am proud to join in reading the names of our American heroes:

Private First Class George R. Roehl Jr.; Lance Corporal Robert L. Moscillo; Private First Class Matthew L. Bertolino; Specialist Anthony Chad Owens; Specialist Walter B. Howard II; Private First Class Scott A. Messer; First Lieutenant Simon T. Cox Jr.; Sergeant First Class Lance S. Cornett; Specialist Jesse M. Zamora; Sergeant Jeremiah Boehmer; Staff Sergeant Christopher R. Morningstar; Specialist William S. Hayes III; Specialist Sergio A. Mercedes Saez; Specialist Jacob E. Melson; Major Stuart M. Anderson; Major Michael R. Martinez; First Lieuentant Joseph D. DeMoors; Sergeant Nathan R. Field; Chief Warrant Officer Rex C. Kenyon; Specialist Clinton R. Upchurch; Staff Sergeatt Metodio A. Bandonill; Sergeant First Class Richard J. Herrema; Lance Corporal Michael L. Ford; First Sergeant Bobby Mendez; Sergeant Matthew A. Webber; Captain Shane Mahaffee; Private First Class Grant Allen Dampier; Staff Sergeant Marion Flint Jr.; Staff Sergeant Santiago M. Halsel; Petty Officer Third Class Lee Hamilton Deal;

First Lieutenant Robert Seidel III; Sergeant Lonnie Calvin Allen Jr.; Private First Class Nicholas Cournoyer; Lieutenant Colonel Daniel E. Holland.

Mr. EMANUEL. Mr. Speaker, I thank my colleague from New Hampshire (Mr. HODES).

Corporal Carlos Arrelano; Private Robbie M. Mariano; Lance Corporal Raul Mercado; Major Douglas A. LaBouff; Lance Corporal Brandon Christopher Dewey; Lance Corporal Hugo R. Lopez; Sergeant David L. Herrera; Private First Class Caesar S. Viglienzone; Specialist Roberto L. Martinez Salazar; Private First Class Javier Chavez Jr.; Lance Corporal Michael S. Probst; Specialist Clay P. Farr; Corporal Adam O. Zanutto; Lance Corporal Bunny Long; Private First Class Angelo A. Zawaydeh; Sergeant Dale G. Brehm; Staff Sergeant Ricardo Barraza; Hospitalman Geovani Padilla Aleman; Lance Corporal Felipe D. Sandoval-Flores; Captain Brian S. Letendre; Sergeant Joseph E. Proctor; Staff Sergeant Gavin B. Reinke; Specialist Bryan L. Quinton; Sergeant Elisha R. Parker; Private First Class Caleb A. Lufkin; Lance Corporal Adam Lucas; Corporal Richard A. Bennett; Captain Nathanael J. Doring; Corporal J. Adan Garcia; Captain James A. Funkhouser.

Those are the names of individuals from the State of California.

I would now like to yield to my colleague from Tennessee, Congressman COHEN, to call the names of those from Tennessee.

Mr. COHEN. Private First Class Brian J. Schoff; Corporal Rusty L. Washam; Staff Sergeant Brock A. Beery; Corporal David A. Bass; Corporal Robbie Glen Light; Specialist Ty J. Johnson; Lance Corporal Juana Navarro-Arellano; Corporal Joseph A. Blanco; Lance Corporal Marcus S. Glimpse; Corporal Salem Bachar; Sergeant Kyle A. Colnot; Lance Corporal Aaron William Simons; Private First Class Raymond L. Henry; Private First Class Benjamin T. Zieske; Corporal Orville Gerena; Private First Class Jacob D. "Jake" Spann; Corporal Brandon S. Schuck; Specialist Patrick W. Herried; Specialist Allen D. Kokesh Jr.; Lance Corporal Steven L. Phillips; Sergeant Nathan J. Vacho; First Sergeant Carlos N. Saenz; Specialist Teodoro Torres; Private First Class Alva L. Gaylord; Chief Warrant Officer Eric W. Totten; Corporal Jeremy M. Loveless; Corporal Bobby R. West; Specialist Brock L. Bucklin; Corporal Alexander J. Kolasa; Sergeant Benjamin E. Mejia; Private First Class Brett L. Tribble.

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague from Tennessee.

I will now read the names of those from Florida:

Sergeant Adam Leigh Cann; Chief Warrant Officer 2; Kyle E. Jackson; Sergeant Dennis J. Flanagan; Staff Sergeant Marco A. Silva; Private First Class Sean D. Tharp; Sergeant Michael D. Rowe; Lance Corporal Patrick J. Gallagher; Private Jody W. Missildine; Private First Class Roland E. Calderon-Ascencio; Corporal Pablo V. Mayorga; Sergeant Lea R. Mills; Lance Corporal Jason K. Burnett; Lieutenant Colonel Joseph J. Fenty; Corporal Matthieu Marcellus; Corporal Ross A. Smith; Petty Officer Third Class Nicholas Wilson; Specialist Felipe J. Garcia Villareal; Corporal Justin J. Watts; Private First Class Kasper Allen Dudkiewicz; Specialist Dustin L. Kendall; Staff Sergeant Christopher T. Howick; Sergeant Bryan A. Brewster; Sergeant John C. Griffith; Sergeant Jeffery S. Wiekamp; Specialist Justin L. O'Donohoe; Corporal Ryan J. Cummings; Staff Sergeant Darren Harmon; Major Michael D. Stover; Petty Officer Second Class Jamie Jaenke.

I would like to now yield to my colleague from New Hampshire, Congressman HODES.

Mr. HODES. Mr. Speaker, I thank the gentleman for yielding.

Specialist Justin Rollins from New Hampshire.

From Georgia: Petty Officer First Class Michael Anthony Jordan; Civilian Darren D. Braswell; Staff Sergeant Rickey Scott; Lance Corporal Joshua A. Scott; Sergeant First Class Amos C. Edwards Jr.; Lance Corporal Kun Y. Kim; Specialist David S. Collins; Lance Corporal Samuel W. Large Jr.; Staff Sergeant Clinton T. Newman; Sergeant Chad A. Gonsalves; Sergeant Alberto D. Montrond; Lance Corporal Matthew Ron Barnes; Captain Anthony R. Garcia; First Lieutenant Brandon R. Dronet; Sergeant Donnie Leo F. Levens; Lance Corporal Nicholas J. Sovie; Senior Airman Alecia S. Good; Staff Sergeant Luis M. Melendez Sanchez; Sergeant Charles E. Matheny IV; Corporal Matthew D. Conley; Private Brian M. Moquin Jr.; Staff Sergeant Dale James Kelly Jr.; Lance Corporal Leon Deraps; Corporal Cory L. Palmer; Staff Sergeant Emmanuel L. Legaspi; Petty Officer First Class Gary Rovinski; Specialist Issac S. Lawson; Corporal Derek A. Stanley; Sergeant Travis A. Van Zoest; Specialist Curtis R. Mehrer; Sergeant Daniel Gionet.

Mr. EMANUEL. Mr. Speaker, I thank my colleague.

Now Congressman COHEN will read the names of those from Pennsylvania.

□ 1545

Mr. COHEN. Thank you, Congressman EMANUEL.

Lieutenant Colonel Michael E. McLaughlin; Corporal Albert Pasquale Gettings; Sergeant First Class Randy D. McCaulley; Specialist Fredrick A. Carlson; Lance Corporal Jacob Walter Beisel; Staff Sergeant Eric A. McIntosh; Specialist Mark W. Melcher; Private Travis C. Zimmerman; Corporal Brandon M. Hardy; Staff Sergeant David Michael Veverka; Private First Class Stephen P. Snowberger III; Lance Corporal Adam C. Conboy; Captain Brian D. Willard; Sergeant Jonathan E. McColley; Sergeant James F. Fordyce; Petty Officer Third Class John T. Fralish; Sergeant Radhames Camilomatos; Lance Corporal Kyle W. Brown; Corporal Brett L. Lundstrom; Sergeant Michael Joseph McMullen; Staff Sergeant Mark A. Wall; Sergeant Jose Gomez; Staff Sergeant Bryant A. Herlem; Sergeant Steve M. Sakoda; Private First Class Christopher M. Eckhardt; Specialist Luis D. Santos; Sergeant First Class Daniel Crabtree; Sergeant First Class Clarence D. McSwain; Sergeant Jose M. Velez; Lance Corporal Brent Zoucha; Private First Class Ben Slaven; Seaman Zachary M. Alday; Lance Corporal Salvador Guerrero; and Corporal Bernard P. Corpus.

Mr. EMANUEL. Mr. Speaker, I thank my colleague from Tennessee. I will now read the names of those from Illinois, my State:

Sergeant Shawn Christopher Dostie; Lance Corporal Jonathan Kyle Price; Private First Class Sean T. Cardelli; Lance Corporal Philip John Martini; Sergeant Edward G. Davis III; Specialist Ron Gebur; Chief Warrant Officer Christopher B. Donaldson; Staff Sergeant Edwin H. Dazachacon; Lance Corporal Adam J. VanAlstine; Private First Class Benjamin C. Schuster; Lance Corporal John Joshua Thornton; Specialist Joshua U. Humble; Staff Sergeant Christopher J. Schornak; Specialist Joshua M. Pearce; Staff Sergeant Dwayne Peter R. Lewis; Master Sergeant Emigdio E. Elizarraras; Private First Class Tina M. Priest; Specialist Christopher S. Merchant; Sergeant Joshua V. Youmans; Lance Corporal Matthew A. Snyder; Lance Corporal David J. Grames Sanchez; Second Lieutenant Michael L. Licalzi; Corporal Steve Vahaviolos; Specialist Brandon L. Teeters; Lance Corporal Richard Z. James; Lieutenant Colonel Charles E. Munier; Sergeant Russell M. Durgin; Sergeant Roger P. Peña Jr.; Corporal Michael A. Estrella; Specialist Jeremiah S. Santos; Captain Patrick Damon; First Lieutenant Forrest P. Ewens; and Sergeant Ian T. Sanchez.

Mr. Speaker, I would like to now recognize my colleague from North Carolina, Congressman HEATH SHULER.

Mr. SHULER. Mr. Speaker, I thank the gentleman for yielding.

Specialist Kenneth D. Hess; Sergeant Kevin D. Akins; Specialist Prince K. Teewia; Specialist Robert T. Johnson; Lance Corporal David S. Parr; Specialist David N. Timmons, Jr.; Sergeant Anton J. Hiett; Sergeant Jessie Davila; Air Force Civilian Daniel J. Kuhlmeier; Staff Sergeant Jay T. Collado; Second Lieutenant Almar L. Fitzgerald; Sergeant Rickey E. Jones; Staff Sergeant Gregson G. Gourley;

Private First Class Christopher L. Marion; Private First Class Allan A. Morr; Staff Sergeant Curtis T. Howard II; Sergeant Gordon F. Misner II; Specialist Thomas J. Wilwerth; Private Joshua Francis Powers; Sergeant Dimitri Muscat; Staff Sergeant Gregory A. Wagner; Specialist Aaron P. Latimer; Sergeant Alessandro Carbonaro; Private First Class Eric D. Clark; Specialist Armer N. Burkart; First Lieutenant Ryan T. Sanders; Sergeant Carlos E. Pernell; Corporal Andy D. Anderson; Staff Sergeant Richard A. Blakley; Sergeant Mark T. Smykowski; First Lieutenant Scott M. Love; Private First Class Davod N. Crombie; and Second Lieutenant John Shaw Vaughan.

Mr. EMANUEL. Mr. Speaker, I thank my colleague from North Carolina.

I would like to once again recognize my colleague from New Hampshire to read the names from the State of Minnesota.

Mr. HODES. Mr. Speaker, I thank the gentleman from Illinois. From Minnesota: Corporal Andrew J. Kemple; Sergeant First Class Randall L. Lamberson; Specialist James W. "Will" Gardner; Private First Class James F. Costello III; Specialist Scott M. Bandhold; Specialist Andrew K. Waits; Lance Corporal Stephen Joseph Perez; Lance Corporal Darin T. Settle; Lance Corporal Derrick J. Cothran; Private First Class Ryan G. Winslow; Lance Corporal Justin D. Sims; Master Sergeant Clinton W. Cubert; Captain Ian P. Weikel; Private First Class Robert J. Settle; Private First Class Patrick A. Tinnell; Corporal Christopher D. Leon; Sergeant Jason J. Buzzard; Lance Corporal Nicholas J. Whyte; Sergeant Sirlou C. Cuaresma; Sergeant First Class Jared C. Monti; Staff Sergeant Patrick L. Lybert; Private First Class Brian J. Bradbury; Staff Sergeant Heathe N. Craig; Corporal Riley E. Baker; Private First Class Paul A. Beyer; Staff Sergeant Mario J. Bievre; Corporal Ryan J. Buckley; Private First Class Devon J. Gibbons; Specialist Channing G. Singletary; Sergeant Justin Dean Norton; Sergeant Benjamin J. Laymon; Staff Sergeant Virrueta A. Sanchez; Master Sergeant Thomas D. Maholic; and Staff Sergeant Joseph F. Fuerst III.

Mr. EMANUEL. Mr. Speaker, before I turn to my colleague from Tennessee, I would like to thank those who are joining us today from the Armed Services as we read these names. I would like to thank them for their presence and for being here.

I yield to my colleague from Tennessee.

Mr. COHEN. Mr. Speaker, I thank the gentleman, and I also pay tribute to the officers who are here.

Sergeant Matthew J. Fenton; Technical Sergeant Walter M. Moss, Jr.; Private First Class Joseph J. Duenas; Sergeant Israel Devora Garcia; Captain Timothy J. Moshier; Chief Warrant Officer Michael L. Hartwick; Corporal Scott J. Procopio; Corporal Brian R. St. Germain; Staff Sergeant Abraham G. Twitchell; Corporal Andres Aguilar, Jr.; Lance Corporal Eric A. Palmisano; Petty Officer Third Class Marcques J. Nettles; Private First Class Jeremy W. Ehle; Specialist Dustin J. Harris; Specialist Daniel L. Sesker; Private First Class Chase A. Edwards; Lance Corporal Bryan N. Taylor; Corporal Richard P. Waller; Sergeant First Class Gregory S. Rogers; Private First Class Joseph I. Love-Fowler; Lance Corporal Hatak Yuka Keyu M. Yearby; First Sergeant Tobias C. Meister; Private First Class Adam R. Shepard; Chief Warrant Officer Chester W. Troxel; Specialist Michael I. Edwards; Specialist David J. Babineau; Specialist Brent W. Koch; Private First Class Thomas Lowell Tucker; Private Kristian Menchaca; Specialist Robert L. Jones; Sergeant Reyes Ramirez; Private First Class Christopher N. White; Lance Corporal Brandon J. Webb; and Staff Sergeant Benjamin D. Williams.

Mr. EMANUEL. Mr. Speaker, I would like to now recognize my colleague from Minnesota, Congressman KEITH ELLISON.

Mr. ELLISON. Thank you, Congressman EMANUEL. The following brave soldiers are from North Carolina: Lance Corporal Jeriad P. Jacobs; Chief Warrant Officer Mitchell K. Carver, Jr.; Corporal Felipe C. Barbosa; Staff Sergeant Darrell P. Clay; Specialist Shawn R. Creighton; Staff Sergeant Jason C. Ramseyer; Specialist Clifton J. Yazzie; Specialist Matthew C. Frantz; Technical Sergeant Jason L. Norton; Staff Sergeant Brian McElroy; Sergeant Matthew D. Hunter; Private Lewis T. D. Calapini; Staff Sergeant Lance M. Chase; Private First Class Peter D. Wagler; Sergeant Sean H. Miles; Staff Sergeant Jerry M. "Michael" Durbin, Jr.; Sergeant Joshua Allen Johnson; Lance Corporal Billy D. Brixey, Jr.; First Lieutenant Garrison C. Avery; Specialist Marlon A. Bustamante; Private Travis C. Zimmerman; Corporal Eric R. Lueken; Corporal Jason B. Daniel; Corporal Shawn Thomas Lasswell, Jr.; Sergeant Robert W. Ehney; Corporal William B. Fulks; Staff Sergeant Christian Longsworth; Lance Corporal Benito A. Ramirez; and Sergeant David Christoff, Jr.

Mr. EMANUEL. Mr. Speaker, I now recognize my colleague from New Hampshire to read the names from California.

Before he does that, for those who have just joined us, last year we started reading the names of each of our fellow citizens who gave their lives in both Iraq and Afghanistan. We read up to 2,400 names. We have another 1,000 to go, which today we are reading those names into the CONGRESSIONAL RECORD in recognition of their service so they always stay with us in our memory.

My colleague from New Hampshire, Congressman HODES.

Mr. HODES. Thank you, Congressman EMANUEL. I am honored to read the names of soldiers from California, who are all American heroes.

Corporal Carlos Arrelano; Private Robbie M. Mariano; Lance Corporal Raul Mercado; Major Douglas A. LaBouff; Lance Corporal Brandon Christopher Dewey; Lance Corporal Hugo R. Lopez; Sergeant David L. Herrera; Private First Class Caesar S. Viglienzone; Specialist Roberto L. Martinez Salazar; Private First Class Javier Chavez, Jr.; Lance Corporal Michael S. Probst; Specialist Clay P. Farr; Corporal Adam O. Zanutto; Lance Corporal Bunny Long; Private First Class Angelo A. Zawaydeh; Sergeant Dale G. Brehm; Staff Sergeant Ricardo Barraza; Hospitalman Geovani Padilla Aleman; Lance Corporal Felipe D. Sandoval-Flores; Captain Brian S. Letendre; Sergeant Joseph E. Proctor; Staff Sergeant Gavin B. Reinke; and Specialist Bryan L. Quinton.

☐ 1600

Sergeant Elisha R. Parker; Private First Class Caleb A. Lufkin; Lance Corporal Adam Lucas; Corporal Richard A. Bennett; Captain Nathanael J. Doring; Corporal J. Adan Garcia; Captain James A. Funkhouser.

Mr. EMANUEL. I thank my colleague.

Mr. Speaker, I would like to thank the distinguished Members who participated in this tribute and this honor, both those from last year and those who participated tonight.

I would like to take this opportunity on behalf of my colleagues to thank the brave men and women who continue to serve our Nation in Iraq and Afghanistan and throughout the world and serve with distinction and honor. Our thoughts and prayers are with them and their families at this time until they come together.

As I said this afternoon, in the words of President Franklin Delano Roosevelt, "Each of these heroes stands in the unbroken line of patriots who dare to die that freedom might live and grow and increase in its blessings."

A number of our colleagues have stumbled over the names; I hope those families understand that. Although we struggle with the names, we honor their service.

I continue to place the names and pictures of those who have given their lives in Iraq and Afghanistan outside my office in the Longworth Building. These faces and these names and their rank serve as a stark reminder to me and those who pass by my office that there are young men and women who have given their lives for our country, and we need to stop and remember their sacrifices and the sacrifices of their family, to thank them and honor them. May we always remember them, their names and their faces. God bless them, and God bless America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1718

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OBEY) at 5 o'clock and 18 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 720, WATER QUALITY FINANCING ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–36) on the resolution (H. Res. 229) providing for consideration of the bill (H.R. 720) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KANJORSKI (at the request of Mr. HOYER) for today until 12:30 p.m. on account of personal business.

Ms. MCCOLLUM of Minnesota (at the request of Mr. HOYER) for today until noon.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BERKLEY) to revise and extend their remarks and include extraneous material:)

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

(The following Members (at the request of Mr. KUHL of New York) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, March 13.

Mr. GOHMERT, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 15.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HODES, for 5 minutes, today.

ADJOURNMENT

Ms. CASTOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 9, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

766. A letter from the Secretary, Department of Agriculture, transmitting a copy of a draft bill entitled, "To amend the authority for the National Arboretum to authorize construction of a Chinese Garden within the National Arboretum, and for other purposes"; to the Committee on Agriculture.

767. A letter from the Secretary, Department of Agriculture, transmitting the Department's 2007 farm bill proposals; to the Committee on Agriculture.

768. A letter from the Director, Defense Procurement and Acquisition Policy, Departmenf of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Notification Requirements for Critical Safety Items (DFARS Case 2004-D008) (RIN: 0750-AF12) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

769. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Restrictions — Clothing Materials and Components Covered (DFARS Case 2006-D031) (RIN: 0750-AF54) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

770. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Emergency Acquisitions (DFARS Case 2006-D036) (RIN: 0750-AF56) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

771. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Admiral John B. Nathman, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

772. A letter from the Director, Selective Service System, transmitting the annual report mandated by the Military Selective Service Act; to the Committee on Armed Services.

773. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

774. A letter from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Statutory Exemption for Cross-Trading of Securities (RIN: 1210-AB17) received February 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

775. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's "Major" final rule — Control of Hazardous Air Pollutants from Mobile Sources [EPA-HQ-OAR-2005-0036; FRL-8278-4] (RIN: 2060-AK70) received February 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

776. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran, as declared by Executive Order 12957 on March 14, 1995, is to continue in effect beyond March 15, 2007, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 110–17); to the Committee on Foreign Affairs and ordered to be printed.

777. A letter from the Office Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — Export and Import of Nuclear Material; Exports to Libya Restricted (RIN: 3150-AI02) received February 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

778. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Gasparilla Marine Parade, Hillsborough Bay, Tampa, FL. [CGD07-06-001] (RIN: 1625-AA08) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

779. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York [CGD01-06-027] (RIN: 1625-AA01) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

780. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; 63rd Street Bridge, Indian Creek, Miami, Miami-Dade County, FL [CGD07-06-041] (RIN: 1625-AA09) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

781. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lewes and Rehoboth

Canal, Lewes, DE and Rehoboth, DE; Mispillion River, Milford, DE [CGD05-06-089] (RIN: 1625-AA09) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

782. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Stickney Point (SR 72) Bridge, Gulf Intracoastal Waterway, Mile 68.6, Sarasota, FL [CGD07-05-158] (RIN: 1625-AA09) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

783. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Dubuque, IA [CGD08-06-037] (RIN: 1625-AA09) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

784. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Anna Maria, FL [CGD07-05-097] (RIN: 1625-AA09) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

785. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Chesapeake Bay and its tributaries and the C & D Canal, Maryland, Virginia, and Washington DC. [CGD05-07-011] (RIN: 1625-AA00) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

786. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge Over the Sloop Channel, Town of Hempstead, NY [CGD01-06-132] (RIN: 1625-AA00) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

787. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Construction Barge "MARMACK 12" [CGD13-07-003] (RIN: 1625-AA00) received March1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

788. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Bridge Deck Lifting Beams [CGD13-07-004] (RIN: 1625-AA00) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

789. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Construction Vessels and Equipment Under and in Immediate Vicinity of West Span [CGD13-07-002] (RIN: 1625-AA00) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

790. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; M/V Roy A. Jodrey, St. Lawrence River, Wellesley Island, NY [CGD09-06-174] (RIN: 1625-AA00) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Saugus River, Lynn and Saugus, MA [CGD01-06-014] received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes Modified by Supplemental Type Certificate (STC) SA 979NE [Docket No. FAA-2006-25175; Directorate Identifier 2006-NM-099-AD; Amendment 39-14670; AD 2006-13-17] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopters Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters [Docket No. FAA-2006-25098; Directorate Identifier 2006-SW-12-AD; Amendment 39-14667; AD 2006-13-14] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 545. A bill to amend the Omnibus Crime control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine (Rept. 110–35, Pt. 1). Ordered to be printed.

Ms. CASTOR: Committee on Rules. House Resolution 229. Resolution providing for consideration of the bill (H.R. 720) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes (Rept. 110–36). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 740. A bill to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes (Rept. 110–37). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 85. A bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; with an amendment (Rept. 110–38). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 363. A bill to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; with amendments (Rept. 110–39). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1068. A bill to amend the High-Performance Computing Act of 1991 (Rept. 110–40). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1126. A bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (Rept. 110–41). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 545. Referral to the Committee on Energy and Commerce extended for a period ending not later than April 20, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HONDA:

H.R. 1397. A bill to provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. HALL of Texas, Mr. BARROW, Mr. BERRY, Mr. BLUNT, Mr. BOOZMAN, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. BURGESS, Mr. BUTTERFIELD, Mr. BUYER, Mr. COBLE, Mr. CONAWAY, Mr. COSTA, Mr. CUELLAR, Mr. LINCOLN DAVIS of Tennessee, Mr. DEAL of Georgia, Mrs. EMERSON, Mr. ETHERIDGE, Mr. FORTENBERRY, Mrs. GILLIBRAND, Mr. GINGREY, Mr. GOODLATTE, Mr. GORDON, Mr. GRAVES, Mr. HASTERT, Mr. HAYES, Ms. HERSETH, Mr. HOLDEN, Mr. JONES of North Carolina, Mr. KAGEN, Mr. KING of Iowa, Mr. LAMPSON, Mr. LUCAS, Mr. MARSHALL, Mr. MATHESON, Mr. MCINTYRE, Mr. MELANCON, Mrs. MYRICK, Mr. ORTIZ, Mr. PASTOR, Mr. PICKERING, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. ROSS, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. SHADEGG, Mr. SKELTON, Mr. SMITH of Nebraska, Mr. SPACE, Mr. TERRY, Mr. UPTON, Mr. WALZ of Minnesota, Mr. WESTMORELAND, Mr. WHITFIELD, Mrs. WILSON of New Mexico, and Mr. WILSON of South Carolina):

H.R. 1398. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself and Mr. SOUDER):

H.R. 1399. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. LANTOS (for himself, Ms. Ros-Lehtinen, Mr. Ackerman, Mr. Pence, Mr. Sherman, Mr. Royce, Mr. Berman, and Mr. Smith of New Jersey):

H.R. 1400. A bill to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. King of New York, Ms. Jackson-Lee of Texas, Mr. Daniel E. Lungren of California, Ms. Loretta Sanchez of California, Mr. Markey, Mr. Dicks, Ms. Harman, Mrs. Lowey, Ms. Norton, Ms. Zoe Lofgren of California, Mrs. Christensen, Mr. Etheridge, Mr. Langevin, Mr. Cuellar, Mr. Carney, Ms. Clarke, Mr. Al Green of Texas, and Mr. Perlmutter):

H.R. 1401. A bill to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Ms. Corrine Brown of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Miller of Florida, Ms. Castor, Mr. Crenshaw, Ms. Ros-Lehtinen, Mr. Bilirakis, Mr. Young of Florida, Mr. Feeney, Mr. Klein of Florida, Mr. Keller, Mr. Mack, Mr. Buchanan, Mr. Lincoln Diaz-Balart of Florida, Mr. Putnam, Mr. Hastings of Florida, Ms. Wasserman Schultz, Mr. Mica, Mr. Weldon of Florida, Mr. Meek of Florida, Mr. Wexler, Mr. Mahoney of Florida, Mr. Boyd of Florida, and Mr. Stearns):

H.R. 1402. A bill to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CARNEY (for himself and Mr. Platts):

H.R. 1403. A bill to amend the Internal Revenue Code of 1986 to provide a 2 percent tax reduction for members of the Armed Forces who serve in a combat zone; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. Platts):

H.R. 1404. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income a portion of the compensation received for active service and for inactive-duty training as a member of the Armed Forces; to the Committee on Ways and Means.

By Ms. DeLAURO (for herself, Mrs. Lowey, Ms. Jackson-Lee of Texas, Mr. Lantos, Mr. McGovern, Mr. Serrano, Mr. Blumenauer, Mr. Meeks of New York, Ms. McCollum of Minnesota, Mr. Wexler, Mr. McHugh, and Mr. Hastings of Florida):

H.R. 1405. A bill to establish a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Energy and Commerce, Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH:

H.R. 1406. A bill to amend the Internal Revenue Code of 1986 to increase, and make permanent certain improvements to, the child tax credit; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mrs. Myrick, Mr. Jordan, Mr. Poe, and Mr. Pickering):

H.R. 1407. A bill to amend the Internal Revenue Code of 1986 to expand incentives for education; to the Committee on Ways and Means.

By Mr. EVERETT (for himself, Mr. Rogers of Alabama, and Mr. Marshall):

H.R. 1408. A bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. FOSSELLA (for himself, Mr. Tiberi, Mr. Walsh of New York, Mr. Miller of Florida, Mr. English of Pennsylvania, Mr. Arcuri, and Mr. Ruppersberger):

H.R. 1409. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire alarm detection systems, or other fire prevention technologies, in qualified student housing, dormitories, and other university buildings, and for other purposes; to the Committee on Education and Labor.

By Mr. JEFFERSON (for himself, Mr. Taylor, Ms. Norton, Mr. Ellison, and Ms. Corrine Brown of Florida):

H.R. 1410. A bill to provide emergency child care in the Gulf Coast Region, and for other purposes; to the Committee on Education and Labor.

By Mr. JEFFERSON (for himself, Mr. Taylor, Ms. Norton, Mr. Ellison, and Ms. Corrine Brown of Florida):

H.R. 1411. A bill to provide for the construction and rehabilitation of child care facilities in areas of the Gulf Coast affected by Hurricanes Katrina and Rita; to the Committee on Financial Services.

By Mr. JEFFERSON (for himself, Mr. Taylor, Ms. Norton, Mr. Ellison, and Ms. Corrine Brown of Florida):

H.R. 1412. A bill to establish a temporary program under which emergency loans are made to small businesses that are nonprofit child care businesses; to the Committee on Small Business.

By Mrs. LOWEY (for herself, Mr. Thompson of Mississippi, Ms. Ginny Brown-Waite of Florida, Ms. Jackson-Lee of Texas, and Mr. Markey):

H.R. 1413. A bill to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to address vulnerabilities in aviation security by carrying out a pilot program to screen airport workers with access to secure and sterile areas of airports; to the Committee on Homeland Security.

By Mr. NADLER (for himself, Mr. Engel, Mr. Towns, and Mr. Weiner):

H.R. 1414. A bill to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City and at the Pentagon; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Ms. Harman, Ms. Schakowsky, Ms. Jackson-Lee of Texas, Mr. Ellison, Mr. Frank of Massachusetts, and Ms. Lee):

H.R. 1415. A bill to provide for the effective prosecution of terrorists and guarantee due process rights; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Ms. Harman, Ms. Schakowsky, Ms. Jackson-Lee of Texas, Mr. Ellison, Mr. Frank of Massachusetts, and Ms. Lee):

H.R. 1416. A bill to restore habeas corpus for those detained by the United States and to repeal the prohibition on treaty obligations establishing grounds for certain claims; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1417. A bill to prohibit the closure of Walter Reed Army Medical Center notwithstanding the 2005 recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. PASCRELL (for himself and Mr. Platts):

H.R. 1418. A bill to provide for the expansion and improvement of traumatic brain injury programs; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Mr. Herger, Mrs. Jones of Ohio, Mr. Ramstad, Mr. Weller, Mr. Udall of Colorado, Mr. Lewis of Kentucky, Mr. Crowley, Mr. English of Pennsylvania, Mr. Burton of Indiana, Ms. Bean, Mr. Blumenauer, Mr. Camp of Michigan, and Mrs. McMorris Rodgers):

H.R. 1419. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Mr. Shays, Mrs. Capps, Ms. Bean, Mr. Berman, Mr. Davis of Illinois, Mr. Emanuel, Mr. Grijalva, Mr. Kirk, Ms. Lee, Ms. Matsui, Mr. McDermott, Mr. McNulty, and Ms. Schwartz):

H.R. 1420. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. Paul, Mr. Bartlett of Maryland, Mr.

FRANKS of Arizona, Mr. WAMP, Mrs. BONO, Mr. RADANOVICH, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. GARRETT of New Jersey, Mr. BILIRAKIS, Mr. SENSENBRENNER, Mr. FORTENBERRY, Mrs. MUSGRAVE, Mr. MCCAUL of Texas, Mr. SOUDER, and Mr. MCCOTTER):

H.R. 1421. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. YOUNG of Alaska, Mr. KIND, and Mr. RAMSTAD):

H.R. 1422. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Ways and Means.

By Mr. VISCLOSKY (for himself and Mr. DONNELLY):

H.R. 1423. A bill to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY (for himself and Mr. STEARNS):

H. Con. Res. 85. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Energy and Commerce.

By Mrs. JONES of Ohio:

H. Con. Res. 86. Concurrent resolution expressing the sense of Congress that an appropriate month should be recognized as Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mr. BURTON of Indiana, Mr. TOM DAVIS of Virginia, Mr. LATOURETTE, Mr. PAYNE, Mr. BOREN, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Ms. LEE, Mr. ENGEL, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. BRALEY of Iowa, Mr. HASTINGS of Florida, and Mr. LANTOS):

H. Con. Res. 87. Concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. GALLEGLY, Mrs. MALONEY of New York, Mr. FORTUÑO, Mr. LANTOS, Ms. WATSON, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. CROWLEY, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. JACKSON of Illinois, Mr. MCNULTY, Mr. VAN HOLLEN, Mr. HASTERT, Mr. PALLONE, Mr. POE, Mr. MCCOTTER, Mr. FATTAH, Mr. BOOZMAN, Mrs. MYRICK, Mr. FERGUSON, Mr. KENNEDY, Mr. HOLT, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SPACE):

H. Res. 228. A resolution recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Affairs.

By Mr. WEXLER (for himself, Mr. LANTOS, and Mr. GALLEGLY):

H. Res. 230. A resolution recognizing the 50th Anniversary of the Treaty of Rome signed on March 25, 1957, which was a key step in creating the European Union, and reaffirming the close and mutually beneficial relationship between the United States and Europe; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. NORTON and Mr. GRIJALVA.

H.R. 65: Mr. BROWN of South Carolina, Ms. BORDALLO, and Mr. WALZ of Minnesota.

H.R. 74: Mr. WALSH of New York.

H.R. 89: Mr. BUCHANAN.

H.R. 129: Mr. ANDREWS.

H.R. 171: Mr. NADLER.

H.R. 198: Mr. KIND.

H.R. 241: Mr. GINGREY.

H.R. 303: Mr. BRALEY of Iowa, Mr. BUCHANAN, Mr. SAXTON, and Mr. MCCOTTER.

H.R. 321: Mr. MORAN of Kansas.

H.R. 423: Mr. KAGEN.

H.R. 463: Mr. HOLT.

H.R. 473: Mr. DUNCAN.

H.R. 493: Ms. BEAN and Mr. RUSH.

H.R. 511: Mr. BURTON of Indiana, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. REICHERT, Mr. YOUNG of Alaska, Mr. WALDEN of Oregon, and Mr. STEARNS.

H.R. 524: Mr. HONDA, Ms. HOOLEY, Mr. GERLACH, Mr. KAGEN, Mr. THOMPSON of California, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. ISRAEL, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. MITCHELL, Mr. COSTELLO, Mr. MEEHAN, Mr. STUPAK, Mr. ROSS, Ms. CORRINE BROWN of Florida, Mr. RAHALL, Mr. ALLEN, Mr. ANDREWS, Mr. BOREN, Mr. MILLER of North Carolina, Mrs. MALONEY of New York, Mrs. TAUSCHER, Mr. PERLMUTTER, Ms. HIRONO, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. BERMAN, Mr. WILSON of Ohio, Ms. DEGETTE, Mr. ARCURI, Mr. MURPHY of Connecticut, and Mr. LAMBORN.

H.R. 562: Mr. JINDAL.

H.R. 573: Mr. DONNELLY.

H.R. 589: Mr. CONYERS.

H.R. 631: Mr. TANCREDO, Mr. AKIN, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, and Mr. MACK.

H.R. 634: Mr. SAXTON.

H.R. 687: Mr. MCHUGH and Mr. GERLACH.

H.R. 690: Mr. DOYLE, Mr. CARNEY, and Mr. BUCHANAN.

H.R. 692: Mr. ALLEN.

H.R. 708: Mr. MCCOTTER.

H.R. 718: Mr. PERLMUTTER, Mr. KIND, Mr. LANGEVIN, Mr. HARE, Mr. VISCLOSKY, Mr. GRAVES, Ms. SHEA-PORTER, and Ms. CARSON.

H.R. 731: Mr. LAMPSON.

H.R. 734: Mr. CRAMER, Mr. TIM MURPHY of Pennsylvania, and Mr. CUELLAR.

H.R. 757: Mr. MICHAUD.

H.R. 769: Mrs. SCHMIDT.

H.R. 770: Ms. NORTON.

H.R. 780: Mr. UPTON.

H.R. 784: Mr. BILIRAKIS, Mr. GOODE, Mr. CLEAVER, and Mrs. BOYDA of Kansas.

H.R. 787: Mr. RYAN of Ohio.

H.R. 790: Mrs. MUSGRAVE.

H.R. 837: Mr. MCCAUL of Texas.

H.R. 840: Mr. RANGEL, Mr. AL GREEN of Texas, Mr. LANTOS, Ms. WOOLSEY, Mr. COHEN, and Mr. JEFFERSON.

H.R. 869: Ms. CARSON.

H.R. 887: Mr. HINOJOSA.

H.R. 891: Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, and Mr. GRIJALVA.

H.R. 901: Mr. ABERCROMBIE, Mr. RUSH, and Mrs. CHRISTENSEN.

H.R. 910: Mr. PETRI.

H.R. 920: Mr. MILLER of Florida.

H.R. 932: Mr. CONYERS.

H.R. 936: Ms. HARMAN.

H.R. 947: Ms. SOLIS and Mr. BOUCHER.

H.R. 948: Ms. HARMAN.

H.R. 958: Ms. HARMAN.

H.R. 971: Mr. WAMP, Mr. KENNEDY, Mr. MARSHALL, and Mr. GOODE.

H.R. 980: Mr. LOBIONDO, Mr. WELCH of Vermont, Mrs. CAPPS, Mr. MATHESON, Mr. PLATTS, Mr. HILL, and Mr. RENZI.

H.R. 988: Mr. HERGER, Mr. FARR, Mr. COSTA, and Mr. WAXMAN.

H.R. 997: Mr. MCHUGH, Mr. EVERETT, Mr. BOUSTANY, Mr. WOLF, Mr. CANTOR, Mr. FORTENBERRY, and Mrs. SCHMIDT.

H.R. 1023: Mr. NUNES.

H.R. 1061: Mr. FARR and Mr. CROWLEY.

H.R. 1071: Mr. BURTON of Indiana.

H.R. 1087: Mr. ELLISON and Mr. BISHOP of New York.

H.R. 1093: Mr. KELLER and Ms. KILPATRICK.

H.R. 1108: Mr. FATTAH and Mr. COURTNEY.

H.R. 1115: Mr. ALLEN.

H.R. 1118: Mr. MCCAUL of Texas.

H.R. 1120: Mr. SALI, Mr. BUCHANAN, Mr. MCINTYRE, Ms. ROS-LEHTINEN, and Mr. DENT.

H.R. 1132: Mrs. DAVIS of California, Mr. MCINTYRE, Ms. SOLIS, Ms. SUTTON, Ms. HIRONO, and Ms. ROS-LEHTINEN.

H.R. 1187: Mr. BISHOP of New York.

H.R. 1188: Mr. GRIJALVA.

H.R. 1190: Mr. GONZALEZ.

H.R. 1197: Mr. CARNEY.

H.R. 1225: Mr. GRIJALVA.

H.R. 1232: Mr. HASTINGS of Florida, Mr. BONNER, and Ms. WOOLSEY.

H.R. 1246: Mr. CARNAHAN.

H.R. 1304: Mr. TOM DAVIS of Virginia.

H.R. 1314: Mrs. MYRICK, Mr. SMITH of Texas, Mr. DAVID DAVIS of Tennessee, Mr. WAMP, Mr. STEARNS, Mr. BILBRAY, Mr. ROHRABACHER, Mr. SENSENBRENNER, Mr. DOOLITTLE, Mr. DUNCAN, and Mr. CULBERSON.

H.R. 1321: Mr. FERGUSON, Mr. THOMPSON of California, and Mr. ENGLISH of Pennsylvania.

H.R. 1330: Mr. WALZ of Minnesota, Ms. KAPTUR, Mr. MORAN of Virginia, and Ms. CARSON.

H.R. 1338: Mr. ETHERIDGE, Mr. WAXMAN, Mr. MCGOVERN, Mr. HOLT, Mr. WU, Ms. SLAUGHTER, and Mr. SERRANO.

H.R. 1347: Mr. ALLEN and Ms. HIRONO.

H.R. 1363: Mr. VAN HOLLEN.

H.R. 1366: Mr. BARRETT of South Carolina.

H.R. 1371: Mr. BURTON of Indiana, Mr. CONYERS, Mr. DONNELLY, Mr. HILL, Ms. KAPTUR, Mr. KIND, Mrs. MYRICK, Mr. PETRI, Mr. RYAN of Wisconsin, Mr. SOUDER, and Mr. VISCLOSKY.

H.R. 1390: Mr. MCCOTTER.

H.R. 1391: Ms. LEE.

H. J. Res. 9: Ms. FOXX.

H. Con. Res. 39: Mr. BERMAN, Mrs. BIGGERT, Mr. KIND, Mr. DAVIS of Alabama, Mr. SMITH of Washington, Ms. BEAN, and Mrs. MCCARTHY of New York.

H. Con. Res. 48: Mr. COHEN.

H. Con. Res. 50: Mr. ROHRABACHER.

H. Con. Res. 71: Mr. MCINTYRE, Mr. MARIO DIAZ-BALART of Florida, and Mr. RAMSTAD.

H. Con. Res. 73: Mr. MCCOTTER.

H. Res. 101: Mr. BACA and Ms. SUTTON.

H. Res. 102: Mr. RENZI, Mr. WALZ of Minnesota, Mr. PAYNE, Mr. BERMAN, Ms. WOOLSEY, Mr. OLVER, and Mr. FRANK of Massachusetts.

H. Res. 118: Mr. HINOJOSA and Mr. WATT.

H. Res. 136: Mr. THOMPSON of Mississippi.

H. Res. 141: Ms. BEAN.

H. Res. 197: Mrs. MCCARTHY of New York, Mr. LINCOLN DAVIS of Tennessee, Ms. HOOLEY, and Mr. BOSWELL.

H. Res. 209: Mr. COHEN.

H. Res. 221: Mr. McDermott, Ms. Jackson-Lee of Texas, and Mr. McGovern.

H. Res. 222: Mr. Holden, Mr. Brady of Pennsylvania, Mr. Ryan of Ohio, Mr. Bishop of New York, Mr. Mollohan, Mr. Moore of Kansas, Mr. Donnelly, Ms. Norton, Mr. Boswell, Mr. Courtney, and Ms. Eshoo.

PETITIONS, ETC.

Under clause 3 of rule XII,

5. The SPEAKER presented a petition of the Idaho Association of Counties, relative to a petition supporting the reauthorization and funding of the Secure Rural Schools and Community Self-Determination Act; which was referred jointly to the Committees on Agriculture and Natural Resources.

SENATE—*Thursday, March 8, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Reverend Brian C. Mentzer, of Riverdale Baptist Church, in Upper Marlboro, MD.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, ruler and maker of Heaven and Earth, we recognize that in You we live and move and have our being and that You are not far from each one of us. We praise You for You are the creator and sustainer of all life. We thank You for Your grace and love, righteousness and wisdom.

Sovereign Lord, we humbly seek Your guidance today on behalf of these Senators. May they fulfill their responsibilities before You with courage and compassion. May they chart a course for our Nation to follow that pleases You. May they hold their office in which You have placed them and may they discharge their obligations to this Nation and to You with dignity, charity, and honor. As they face great pressures, please give them Your wisdom to make decisions based on Your principles.

You have told us in Your word that righteousness exalts a nation but sin is a reproach to any people. As Nehemiah of old prayed, we also ask You . . . God please forgive us of our national sins. On too many occasions we have not acted justly, nor loved mercy, nor walked humbly with You. Forgive us, we pray, and cleanse and bless us that we may bless others.

Lord of Hosts, please protect our military forces who bravely stand in harm's way to secure and protect freedom around the world. Grant them swift success in their mission. Bless and keep their families as well.

And now, Lord, we commit the business of this day and this Senate to You, for Yours is the kingdom and the power and the glory forever and ever.

In Your Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 8, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business for 1 hour, with the time divided between both sides, the Republicans having the first half and the majority the second half. Following that period of time, the Senate will resume consideration of the 9/11 legislation, S. 4.

Last night, the Republican leader and I had a discussion about the legislation, the importance of completing it and how we do so. The Republican leader modified a pending amendment in order to include the provisions of three other amendments which were pending, and then filed cloture on that amendment. Before adjourning last night, I filed cloture on both the substitute amendment and the bill. So tomorrow morning, Friday, we will have a cloture vote on the Republican amendment. And, of course, if cloture is not invoked, then there is an immediate cloture vote on the substitute. So Members could be here Friday well beyond the noon hour.

Just to remind Members, since cloture has been filed on the substitute and the bill, they have until 1 p.m. today to file any additional germane first-degree amendments. At this point, approximately 110 amendments have already been filed.

Right now, 40 amendments are currently pending. That includes, of course, the substitute amendment. I am advised that from a preliminary review by the Parliamentarians of these pending amendments, only eight of them are germane. I have the list of amendments here. It is a long list, as we indicated, of some 100-plus amendments. Out of those, there are eight that are germane. There may be a couple more that are arguably germane. But that is where we are. We will instruct the two managers to see if they, today, can move through the germane amendments. That would speed things up postcloture tomorrow.

We are still attempting to resolve other issues on this most important bill. It is a bill that deals, as we know, with the recommendations of the 9/11 Commission. It has been 2½ years since they completed their work. The House has already done theirs. We are going to do our very best to follow suit. I feel comfortable we will be able to complete something before we leave here this Friday or Saturday or, if good fortune smiles on us, we can work out something tonight.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PASSAGE OF S. 4

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader. We are hoping we can get a number of amendments handled in the course of today's business. This is a measure that—even though it is at the moment flawed—has a chance of getting better in conference and preventing a Presidential veto. It certainly is not the view of this side that we want to prevent passage of this bill, once we have gotten an adequate number of amendments disposed of that have been offered on this side. I think we can work out some way to wrap up this bill sometime in the near future.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republican leader or his designee and the final 30 minutes under the control of the majority leader or his designee.

The Senator from Texas.

IMPROVING AMERICA'S SECURITY

Mr. CORNYN. Mr. President, we are on a very important piece of legislation, as we all know, the unfinished work of the recommendations of the 9/11 Commission. We have been on this bill now for almost 2 full weeks, but we have been unsuccessful so far in being able to get votes on key amendments, which I do believe would fill a significant gap in the protections that are available to the American people in the post-9/11 world.

We yesterday offered a package of amendments which actually represents a consolidation of previously filed amendments I want to discuss briefly, which I think fulfills that important role of gap-filling in the unfinished work from the 9/11 Commission recommendations.

Last night, Senator McCONNELL, the Republican leader, filed cloture on amendment No. 312, as modified. It is my hope, when we have that vote tomorrow—as currently scheduled under the regular order—we will have an up-or-down vote on provisions critical to addressing threats that terrorists employ in the United States and on U.S. citizens.

This amendment contains five critical homeland security tools. It is imperative we include this legislation to give the appropriate Federal agencies the authority, No. 1, to punish those who recruit terrorists; No. 2, to revoke the visas of terrorists; No. 3, to allow the U.S. Government to detain dangerous aliens; No. 4, to punish those who provide material support—in other words, financial inducement—or I should say support to families of those who engage in terrorist acts; and, No. 5, to protect families of soldiers from terrorist hoaxes.

These are all contained in amendment No. 312, on which a cloture motion has been filed, and upon which we will vote tomorrow, if not before by agreement.

I want to explain these important tools so Members understand what is at stake.

The first of these provisions is to provide the Federal Government, for the first time in our Nation's history, the ability to punish those who actually recruit terrorists. We know from intelligence products gained from—and now public—Khalid Shaikh Mohammed, the mastermind of 9/11, they were actively engaged in recruiting terrorists within the United States—in our prisons, in some mosques, and elsewhere—with the idea of having a terrorist who could act within this country and who would, therefore, not be stopped by the various protective mechanisms we put in place, whether it be the Transportation Security Administration, improvement of our intelligence gathering and sharing to prevent dangerous aliens from entering the country and committing terrorists acts.

The whole concept behind Khalid Shaikh Mohammed's efforts was to recruit people domestically, people who would not meet sort of the typical description some would anticipate or the profiles the intelligence officials might have of the type of person who would be logically suspect for terrorist activities. So what this part of the amendment would do would be to punish recruitment of terrorists within the United States. This is a gap in our laws that needs to be filled.

Senator GRASSLEY had previously filed an amendment which is now included in this consolidation. This has to do with revoking the visas of terrorists. Under current law, visas approved or denied by consular officials are nonreviewable. That is overseas. If somebody applies for a visa, and they do not get it, then those are not reviewable. In other words, there is not a stream of litigation or successive appeals they can go through in order to challenge the denial of their visa.

However, if a visa is approved but later revoked and that individual is on U.S. soil, the decision by the consular officer is reviewable in U.S. courts. This amendment makes these revocations nonreviewable.

This is both a practical problem and is actually a huge difficulty, identified by the Government Accountability Office in 2003. They said that even if an alien's visa is revoked on terrorism grounds after the alien reaches the United States, it is almost impossible to deport the suspected terrorist because persons with a revoked visa can stay in the United States and have a right to successive appeals of a consular officer's decision.

Moreover, allowing the review of these revoked visas, especially on terrorism grounds, jeopardizes the classified intelligence that may have led to the revocation in the first place and makes the FBI and CIA hesitant to share the information. We can see how that standoff would occur. They are hesitant to share the information; therefore, visas of dangerous persons are not revoked.

So due to the practical delay caused by review, we would suggest—this amendment suggests—we treat the visas exactly the same whether they are denied outside of the country or revoked inside of the country based on terrorism grounds.

Also included in this package is an amendment that has to do with the detention of individuals who have entered our country illegally and are subject to being repatriated, particularly criminal aliens. This grows out of a Supreme Court decision in 2001, where the Supreme Court held, in the Zabidah case, the Department of Homeland Security could not detain a person longer than 6 months. In this case, for someone with a criminal record, who could not legally stay in the United States, they could not detain them more than 6 months. Unless they were successful in getting them repatriated or returned to their country of origin, the only thing the Department of Homeland Security could do is release them into the general population of the United States. That is simply an unacceptable result.

What this amendment would do is change the statutory law of the United States, as invited by the U.S. Supreme Court, to authorize the Department of Homeland Security to detain dangerous aliens longer than 6 months if, in fact, there is a reasonable expectation that individual will be repatriated to their country of origin.

For example, the Government had to release Carlos Rojas Fritze, who sodomized, raped, beat, and robbed a stranger in a public restroom and then called it, bizarrely, "an act of love," and Tuan Thai, who repeatedly raped, tortured, and terrorized women and vowed to repeat his crimes. These are just two individuals who, under the Supreme Court decision, had to be released into the American public—obviously a great danger to the American people. We need to act to fix this gap, as invited by the U.S. Supreme Court, so dangerous aliens like these individuals can be detained and so the American people can be protected.

One other element of this package of amendments is punishing those who provide material support for terrorists. We recall that Saddam Hussein was providing $25,000 for the families of Palestinians who engaged in terrorist attacks in Israel. The fact is, there is a practice in some quarters of providing financial support for families as an inducement to terrorists so they know that if they commit terrorist acts, at least their families will be financially provided for. Well, this provision of this amendment would punish material support for terrorists, and I think the reasons for doing that are self-evident.

The provision will expand the section of the U.S. Criminal Code which punishes murder or assault of U.S. nationals overseas for terrorist purposes, so that it equally punishes attempts and conspiracies to murder U.S. nationals for terrorist purposes.

Finally, protecting families of soldiers from terrorist hoaxes. The last provision necessary for the safety and security of all citizens is establishing the right of the American Government to protect the families of soldiers from terrorist hoaxes.

Mr. President, I ask unanimous consent that I be allowed to speak for 2 more minutes in our morning business allocation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. This last provision provides the right of the American Government to protect families of soldiers from terrorist hoaxes. For example, this provision would increase the penalties for perpetrating a hoax about the death, injury, or capture of a U.S. soldier during wartime.

I think we would all agree that a hoax about the death of a U.S. soldier is a serious offense that should be made a crime and can result in devastating consequences to the family that is the subject of a hoax. In one such incident involving a soldier from Flagstaff, AZ, who was serving in Iraq, the Army sent the soldier a satellite phone so he could call home from Iraq to reassure them that he was, in fact, alive and uninjured. Unfortunately, another soldier was killed in the process of trying to deliver the satellite phone to the soldier so he could reassure his own family, and the message did not get through on a timely basis.

I think we would all agree this is simply unacceptable. Our military personnel put their lives on the line every day for our freedom and our families who support them. One of the most important things we can do is make sure they are protected against those who would perpetrate these kinds of cruel hoaxes on them and take advantage of their concerns and natural anxiety for the welfare of their loved ones serving us abroad.

So I hope our colleagues will vote for cloture on this important package of amendments, and we will have that opportunity tomorrow, if not sooner.

Mr. President, I know I have other colleagues, my two colleagues from Georgia, who are here to speak in our portion of morning business, and I will yield the floor at this time to them.

The ACTING PRESIDENT pro tempore. The senior Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, may I inquire as to how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Seventeen minutes 50 seconds.

Mr. CHAMBLISS. Mr. President, I rise today to urge my colleagues to support the amendment proposed by the Senator from Texas, Mr. CORNYN. It has been 5½ years since the horrendous terrorist attacks against the United States on September 11, 2001. Since that attack, many improvements have been made in the way law enforcement communities around the country are combating terrorism, but it is very important that we continue to give our law enforcement community every tool they need to protect Americans. Americans expect Congress to do everything possible to improve the Nation's security, and Senator CORNYN's amendment adds to the important and necessary tools needed by law enforcement to prosecute the war against terrorism.

I would like to take just a few minutes to touch on some of the important provisions that are included in this amendment. The first issue I would like to talk about is punishing those who recruit or assist terrorists.

For the first time, we will be able to target terrorist recruiters—those who seek out and try to persuade individuals to commit terrorist acts against the United States and our allies.

It is no secret that al-Qaida attempts to seek out individuals living within the United States who can operate freely here and who do not necessarily fit the profile of those who perpetrated the 9/11 attacks to join their cadre of jihadists. Even the 9/11 Commission Report discusses al-Qaida's ability to recruit:

> Mosques, schools, and boarding houses served as recruiting stations in many parts of the world, including the United States.

For example, an early bin Laden organization, al-Khifa, recruited American Muslims to fight in Afghanistan. Al-Khifa had offices in my own State of Georgia as well as Chicago, New York, Boston, Pittsburgh, and Tucson.

The amendment also creates a new offense for aiding the family or associates of a terrorist in order to target those who give money to families of suicide bombers after such bombings. Any person convicted of doing any of these things should face severe punishment. This is not uncommon. We saw Saddam Hussein offering up to $25,000 to the families of suicide bombers in Palestine as a reward for their sons' and daughters' terrorist attacks. This type of support promotes and encourages suicide bombers and simply cannot be tolerated. The American people are probably shocked that these offenses are not already on the books. Support for this amendment will send a strong message that this country has not forgotten how September 11, 2001, changed this world and that we will do everything in our power to prosecute terrorists and those who support them.

A second key provision in this amendment deals with closing a loophole in the law that allows suspected terrorists to stay in the United States after their visas have been revoked on terrorist grounds.

In June of 2003, a GAO report revealed that suspected terrorists can and, in fact, do stay in the United States after their visas have been revoked because they are suspected of terrorist activity. After the loophole came to light, the GAO found that more than 100 people were granted visas that were later revoked because there was suspected terrorist activity.

Under current law, decisions to approve or deny visas by consular officers are nonreviewable and deemed final. However, if a visa is approved and the individual enters the United States and then the visa is revoked while that person is still in the United States, the revocation decision is reviewed by the U.S. courts. Giving an alien on U.S. soil the ability to appeal a revocation decision when it is based on terrorist-suspected grounds virtually annihilates the effectiveness of this antiterrorism tool.

To begin, visa revocations are not taken lightly, according to the State Department. A State Department spokesman made this comment:

> A consular officer does not have the authority to revoke a visa based on suspected ineligibility, or based on derogatory information that is insufficient to support an ineligibility finding. A consular revocation must be based on an actual finding that the alien is ineligible for a visa.

In addition, each alien gets the opportunity to explain their case, so once a consular officer notifies an alien of his intent to revoke, the consular officer must give the alien the opportunity to show why the visa should not be revoked.

I ask my colleagues to recall the 9/11 Commission Report's finding on our flawed visa policies. We know that the 19 hijackers used 364 aliases and lied on their visa applications when they applied for 23 and obtained 22 visas. Allowing aliens to remain on U.S. soil with revoked visas is a national security concern, and this amendment will close this loophole in the law so they cannot do it again.

A third issue this amendment deals with is the detention of deportable aliens. The Supreme Court has limited the period of detention of deportable aliens to 6 months after a final order of removal is issued. As a result, when the difficulty in removing an alien lasts up to 6 months, the U.S. Government has to release the alien into the public. We have all heard the deplorable stories of some of the horrific acts committed by deportable aliens who were released into the United States after they were not removed from the country within the 6-month limit. This amendment would allow the Government to keep these aliens in custody until they can be removed and prevent them from harming American citizens.

I want to close by thanking my colleague from Texas for the work he has done on this amendment and his effort in making our country safer. This is what the American people want, expect, and deserve. This is the right thing to do, and I urge my colleagues to support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate my colleague, Senator CHAMBLISS from Georgia, and his excellent remarks. I stand today shoulder to shoulder with him in endorsing Senator CORNYN in what he has brought forward to the Senate. Notwithstanding one's position on the debate of the last 3 days, I think it is ironic that we spent the last 72 hours debating whether we should give collective bargaining rights to TSA employees after we debated this 5 years ago and decided not to do that and after having spent very little time talking about 9/11 and the security of the United States of America.

What Senator CORNYN has done is taken the ideas of Senator KYL, Senator GRASSLEY, Senator CORNYN, and others and brought forward meaningful amendments that ought to be on a 9/11 bill. I sincerely hope that my colleagues, when the cloture vote comes forward tomorrow, will vote to invoke cloture so we can bring these amendments to the floor and have a meaningful addition to the 9/11 bill.

I wish to talk about three of these amendments for just a second and talk about why they are so important.

No. 1 is on recruiting. It is always good when you can tell a real life story and not just a hypothetical. About a year ago, in my hometown of Atlanta, GA, there was an announcement by the U.S. Secret Service, the CIA, and international intelligence agencies that two young men at Georgia Tech—the Georgia Institute of Technology—had been taken into custody under suspicion of terrorism. As it turns out, both of these two young men, using the library computers at Georgia Tech, were in a terrorist cell that was born in Pakistan, organized in Toronto, and was recruiting in Atlanta, GA.

Now, not because we overlooked it but because nobody ever thought about it, we have never had a statute to punish someone for recruiting terrorism. So right in my own home State of Georgia, right in my own hometown, two 21-year-old students at Georgia Tech were recruited and, fortunately, caught and, fortunately—because of the PATRIOT Act, I might add—intercepted because of the watching and the maintenance of those computers. But this was a terrorist cell, and these individuals were recruited. There is no punishment for recruiting those folks.

Al-Qaida has demonstrated and the 9/11 Commission told us that recruitment is the main source or resource of human beings for suicide bombers, for airplane hijackers, and others who would carry out the acts of al-Qaida. So, first of all, Senator CORNYN bringing this forward is absolutely appropriate.

Secondly, and briefly, Senator GRASSLEY's amendment with regard to the reviewability of the revocation of a visa is included in this package. Paint this picture for a second: All 19 of the hijackers on 9/11 got into the United States in a legal way. Most of them had overstayed their visas. But just think for a second. Had they been caught, had they been suspected of a terrorist act when they were about to commit it, and had their visa been revoked, they would have had the right to stay in this country and judicially appeal that revocation, which meant they could have stayed here even after being identified and quite possibly still carried out a terrorist attack.

To let you know how important this amendment is, I have an interesting fact for everybody to take in and digest for just a second. In 1986, when we reformed immigration in this country, we granted amnesty and created a number of legal citizens and legal visas in the United States. We also created a mechanism for judicial review. There are still two cases from the 1986 Immigration Reform Act under judicial review 21 years later. Those individuals still remain in the United States of America.

If we capture somebody for suspected terrorism and, under the disciplines we use, revoke that visa, it only stands to reason that they should not be reviewable and should be returned to the country from which they came.

Otherwise, we would be knowingly and willingly harboring someone we suspect would cause harm to the United States of America and commit a terrorist act.

Mr. President, I appreciate the time that has been afforded me. I stand in full support of the Cornyn amendment and in a sincere hope that my colleagues will vote for the motion to invoke cloture and pass this very important amendment for the safety and security of the United States of America and its people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 831 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu modified amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government'?s ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) modified amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism, to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review, to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States, to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) modified amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin modified amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Sessions amendment No. 347 (to amendment No. 275), to express the sense of the Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States.

Coburn amendment No. 301 (to amendment No. 275), to prohibit grant recipients under grant programs administered by the Department from expending funds until the Secretary has reported to Congress that risk assessments of all programs and activities have been performed and completed, improper payments have been estimated, and corrective action plans have been developed and reported as required under the Improper Payments Act of 2002 (31 U.S.C. 3321 note).

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the Act.

Lieberman (for Menendez) amendment No. 354 (to amendment No. 275), to improve the security of cargo containers destined for the United States.

Specter amendment No. 286 (to amendment No. 275), to restore habeas corpus for those detained by the United States.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data-mining in order to exclude routine computer searches.

Ensign amendment No. 363 (to amendment No. 275), to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters.

Biden amendment No. 383 (to amendment No. 275), to require the Secretary of Homeland Security to develop regulations regarding the transportation of high hazard materials.

Biden amendment No. 384 (to amendment No. 275), to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the homeland.

Bunning amendment No. 334 (to amendment No. 275), to amend title 49, United States Code, to modify the authorities relating to Federal flight deck officers.

Schumer modified amendment No. 367 (to amendment No. 275), to require the Administrator of the Transportation Security Administration to establish and implement a program to provide additional safety measures for vehicles that carry high hazardous materials.

Schumer amendment No. 366 (to amendment No. 275), to restrict the authority of the Nuclear Regulatory Commission to issue a license authorizing the export to a recipient country of highly enriched uranium for medical isotope production.

Wyden amendment No. 348 (to amendment No. 275), to require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, is made available to the public.

Bond/Rockefeller amendment No. 389 (to amendment No. 275), to provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform.

Stevens amendment No. 299 (to amendment No. 275), to authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

AMENDMENT NO. 291

Mr. LIEBERMAN. Mr. President, I now call for the regular order with regard to the Sununu amendment, No. 291.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, that is where we will keep the Senate for some period of time as we hope people on both sides can reason together and come to some meeting of the minds that will allow us to complete work on the more than 50 amendments that are pending and in a state of suspended gridlock and, unfortunately, standing in the way of the adoption of the 9/11 bill that is before us.

I will repeat that this bill came out of our Homeland Security and Governmental Affairs Committee with a nonpartisan vote—16 to nothing and 1 abstention. It has matters that are critically important to our national security and our homeland security. It would be a shame if its passage here and movement to conference with the House, which has already passed companion legislation, is held up because of the parliamentary and procedural gridlock the Senate is in now.

I hope my colleagues on both sides can, as I said, reason together to break that gridlock so we can complete work on the pending amendments and proceed to final passage of this legislation. Pending that, the Sununu amendment, No. 291, will remain the pending business.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, as the Chair knows, and Members of the Senate know, the Senate is unfortunately in gridlock at this moment on this important bill because of disagreements as to how to handle several of the amendments. The trouble is the essential bill that came out of our committee, on which the distinguished occupant of the chair is a member, is intact. It does a lot to support first responders at the local level, to increase information sharing within our Government to avoid the failure to connect the dots that preceded 9/11. It is full of very important unfinished business that came from the 9/11 Commission Report.

Unfortunately, in addition to the 50 amendments pending and the refusal of some Senators to grant consent to go on to hold votes on amendments on which we actually have bipartisan agreement, yesterday the minority leader came to the floor, and in a unique action—it is not seen around here too much—filed a cloture motion on four amendments that were pending. That will now keep us, barring some break and agreement between our leaders, in this state of suspended animation until tomorrow when the vote is scheduled both on the cloture motion filed by the Republican leader and the one on the overall bill to bring us to a conclusion filed by Senator REID, the majority leader. What is very important is to focus us back on what this is all about and, hopefully, to shake us all up to remember that we are responding to, in this legislation, 5½ years after 9/11, the unfinished business of our Nation to protect our people from another terrorist attack.

Obviously, we are building on what we did in the 9/11 Commission legislation that passed in 2004, but there is more to do; we all agree. I am about to read a letter into the RECORD. I hope this letter will be read by every Member of the Senate and bring us back to what this is all about and honestly force us to reason together to get over this momentary gridlock to do what is important for our country.

The letter is addressed to the Republican leader, the Honorable MITCH MCCONNELL. It comes from a number of the leaders of groups established by family members of victims of 9/11: Carol Ashley, mother of Janice, 25, member of Voices Of September 11th; Mary Fetchet, mother of Brad, 24, founding director and president of Voices of September 11th; Beverly Eckert, widow of Sean Rooney, 50, member of Families of September 11; and Carie Lemack, daughter of Judy Larocque, 50, cofounder and president, Families of September 11. Obviously, the names I mentioned, the first names and ages, were among those who were killed by the terrorists on September 11. This is a letter from these four family members of September 11 to Senator MCCONNELL.

The letter reads as follows:

MARCH 8, 2007.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: As family members who lost loved ones on 9/11, we support full implementation of the 9/11 Commission recommendations. We are writing out of grave concern that your recent introduction of highly provocative, irrelevant amendments will jeopardize the passage of S. 4. It is inconceivable that anyone in good conscience would consider hindering implementation of the 9/11 Commission recommendations and we strongly disagree with these divisive procedural tactics.

Just as the Iraq war deserves separate debate, so do each of the amendments you offered. S. 4 should be a clean bill and debate should conclude this week with a straight up and down vote. Each day that passes without implementation of the remaining 9/11 Commission recommendations, the safety and security of our nation is at risk.

Tactics such as those you are contemplating, aimed at endangering the 9/11 bill, sends a signal to America that partisan politics is alive and well under your leadership. Both parties must work together to pass this critical legislation. We, the undersigned, understand the risk of failure all too well.

Respectfully,

CAROL ASHLEY,
Mother of Janice, 25, Member, VOICES of September 11th.
MARY FETCHET,
Mother of Brad, 24, Founding director and President, Voices of September 11th.
BEVERLY ECKERT,
Widow of Sean Rooney, 50, member, Families of September 11.
CARIE LEMACK,
Daughter of Judy Larocque, 50, Cofounder and President, Families of September 11.

This letter should be read by every Member of the Senate, not only with regard to the cloture motion that was filed yesterday but, frankly, also to some of the normal posturing and game playing that is going on by different Members, blocking agreement and moving forward on the bill unless their particular amendment is agreed to.

It is time for us to wake up, focus on what is really important and get this bipartisan bill, S. 4, Improving America's Security Act, adopted as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I thank the Chair. While the Senate awaits resolution on the parliamentary and, I suppose, political gridlock in which we find ourselves, I thought I would say a few words to remind my colleagues of the background that led to this particular legislation, S. 4, which, I repeat, came out of our Homeland Security Committee with a unanimous, nonpartisan vote of 16 to 0 and one abstention and is before us now.

I go back to August 21, 2004. On that day, the 9/11 Commission's official mandate as an independent, nonpartisan commission ended, 1 month after the release of their final report. But the 10 Commissioners, the 10 citizens who were members of the Commission and responsible for its extraordinary work—the findings, the recommendations, many of which we adopted in legislation that followed in 2004—the 10 Commissioners decided to stay active in the public debate over the Commission's recommendations that fall. They made a real contribution to continuing to remind us why adopting—certainly considering first and then adopting—their recommendations was so important. They testified before Congress during the latter half of 2004 and played a critical role in helping bring about the passage and enactment and the signature by the President of the Intelligence Reform and Terrorism Prevention Act of 2004.

The 10 Commissioners understood the importance of keeping the spotlight on the implementation of their recommendations. They concluded that without their persistent attention, there was a risk that we in Washington would lose focus on the difficult challenges that had been highlighted in the Commission's report and that we would go on to other work—not that, obviously, we would lose our care and concern about terrorism. So these 10 Commissioners formed the 9/11 Public Discourse Project, an independent nongovernmental group that held a number of meetings in 2005 to follow up on the implementation of the Commission's recommendations.

This group, the 9/11 Public Discourse Project, held a series of public meetings to which I have referred in 2005 to gauge progress on implementation of the legislation that resulted from their initial report. In the fall of 2005, later in the year, they issued a series of report cards on intelligence, homeland security, and foreign policy that graded the Federal Government on its implementation of their recommendations.

On December 5, 2005, these Commissioners, now joined together in what they called The Project, issued their final report summarizing their grades on the implementation of the 9/11 Commission's 41 recommendations. I can't say that I agreed with all their grades, but they were certainly sobering and should also have been motivating for all of us. The Project issued 1 A, 11 Bs, 9 Cs, 12 Ds, 5 Fs, and 2 incomplete grades. That calculates out to a C-minus average—not exactly the type of grades that would make us happy if our kids brought them home, and obviously the kinds of grades that should make us not only unhappy but agitated and anxious to raise them up when the grades deal with our national security, our homeland security.

The cochairs of the 9/11 Commission who went on to be cochairs of the 9/11 Public Discourse Project, former New Jersey Governor Thomas Kean and former member of the House of Representatives Lee Hamilton, vice-chair, issued a statement on the release of the report where they lamented the progress and its implementation. I quote from the Kean-Hamilton statement on December 5, 2005. They said:

> We are safer—no terrorist attacks have occurred inside the United States since 9/11—but we are not as safe as we need to be.

I continue quoting:

> We see some positive changes. But there is so much more to be done. Many obvious steps that the American people assume have been completed have not been. Our leadership is distracted.

"There is so much more to be done," Chairman Kean and Vice Chairman Hamilton told the Nation that day at the end of 2005. That is why our Homeland Security Committee took up the call and why we reported out S. 4, which is before the Senate today.

Chairman Kean and Vice Chairman Hamilton went on in their remarks to discuss areas that had not been adequately addressed. They focused on interoperability for first responders around the country, effective screening of visitors to the U.S. against the terrorist watch list, homeland security grant allocations, and they bemoaned what they called "the lack of urgency about fixing these problems."

Their statement then continued:

> Bin Laden and al-Qaida believe it is their duty to kill as many Americans as possible. This very day they are plotting to do us harm.
>
> On 9/11 they killed nearly 3,000 of our fellow citizens. Many of the steps we recommend would help prevent such a disaster from happening again. We should not need another wake-up call.

I continue—this is all Kean and Hamilton:

> We believe that the terrorists will strike again. If they do, and these reforms have not been implemented, what will our excuses be? While the terrorists are learning and adapting, our government is still moving at a crawl.

Tough words from Tom Kean and Lee Hamilton.

The terrorists are learning and adapting faster than ever. We saw evidence of that last August in the United Kingdom when a terrorist plot to blow up planes using liquid explosives—those planes heading toward the United States—was thankfully disrupted. We see evidence on the Internet today which terrorist groups are using increasingly to find new recruits, to develop new capabilities, to share information, and to propagandize about their latest exploits. They are moving, these terrorists, at a rapid pace. We not only must keep up with them, we must move ahead of them and move more rapidly than they are.

Chairman Kean and Vice Chairman Hamilton went on to discuss responsibility for addressing this challenge. They said:

> The first purpose of government in the preamble of our Constitution is to "provide for the common defense." We have made clear time and again what we believe needs to be done to make our country safer and more secure: The responsibility for action and leadership rests with Congress and the President.

Of course, I agree, and I presume every Member of the Senate agrees, the responsibility rests with us and with the President. We have a choice to make as we debate this bill. We can bear the burden and responsibility of action and leadership and carry out the essential reforms that will strengthen our Nation's security or we can forego our responsibilities and take a chance with the homeland security of our country and its people. That is a risk that I know no Member of this Chamber wants to take.

In the final chapter of their book, "Without Precedent"—that is the name of the book, "Without Precedent"—which recounted their experience leading the 9/11 Commission, Tom Kean and Lee Hamilton repeat this last statement and conclude with these powerful words:

> We now call upon our elected leaders to come together again with that same sense of urgency and purpose. We call upon Republicans and Democrats to work together to make our country safer and more secure. The American people deserve no less.

That is from Tom Kean and Lee Hamilton. They are absolutely right. They deserve no less. The American people deserve no less.

So we have come together on our committee, and we are moving very rapidly on the Senate floor, beginning last Wednesday through this week. We have had some good, healthy debates, disagreements, but resolved with votes. The bill as it came out of our committee is in strong shape. It would be a tragedy if we let the procedural differences, the personal concerns about individual amendments, the inability to reason together to stop us from passing this bill and passing it urgently. I am confident that we will be able to do it, but the sooner the better.

I thank the Chair.

Mr. President, I yield the floor. I note the presence of my friend and colleague from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 813 and S. 814 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I note the presence on the floor of our colleague from Arizona. I yield the floor to him at this time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, yesterday afternoon, our colleague Senator SPECTER criticized the decision of the U.S. Court of Appeals for the District of Columbia in the Al Odah v. U.S. case. That decision upheld the recently enacted Military Commission Act's bar on lawsuits brought by enemy combatants held at Guantanamo Bay.

Senator SPECTER argued that the Guantanamo detainees have a constitutional right to bring these lawsuits, and he predicted that Al Odah will be overruled. He based his argument largely on the Supreme Court's 2004 decision in Rasul v. Bush. Senator SPECTER argued that Rasul's ruling that habeas extends to Guantanamo Bay was a constitutional ruling. Senator SPECTER based his argument on Rasul's discussion of the 18th century common law of habeas corpus. Senator SPECTER also argued that Justice Scalia's opinion in Rasul acknowledged that Rasul overruled Johnson v. Eisentrager, the landmark decision establishing that captured enemy combatants do not enjoy the privilege of litigation.

I will address each of Senator SPECTER's argument in turn. At the outset, however, I would like to note that last September, Senator SPECTER argued that a passage from the plurality opinion in the 2004 decision in Hamdi v. Rumsfeld established that all aliens held in the United States, regardless of combatant status, are constitutionally entitled to seek writs of habeas corpus. In response at that time, I argued that Hamdi did not effect such a radical result. I noted that the holding of Hamdi clearly only involved U.S. citizens; that the notion of extending habeas to aliens based on territorial distinctions was inconsistent with the logic of Hamdi; and that Senator SPECTER's reading of Hamdi was inconsistent with basic rules of construction that urge against reading groundbreaking new rules into obscure and ambiguous passages of opinions.

I am pleased to see that, today, Senator SPECTER has not renewed the argument that Hamdi extended habeas rights to noncitizen enemy soldiers. I will assume that he was persuaded by the force of the arguments that I made last September.

Today, allow me to try to persuade Senator SPECTER, and the rest of my colleagues, that the majority opinion in Rasul v. Bush does not require that the constitutional guarantee of habeas corpus be extended to alien enemy combatants who are being detained during wartime.

Section 7 of the Military Commissions Act, like its predecessor, the Detainee Treatment Act, is predicated on the continuing validity of Johnson v. Eisentrager's constitutional holding, on the unbroken common-law tradition of denying the privilege of litigation to captured alien enemy soldiers, and on the understanding that the holding in Rasul v. Bush was a statutory holding, not a constitutional one.

Neither Senator SPECTER, nor anyone else, has been able to cite a single case prior to Rasul v. Bush in which any English or American court has ever held that captured enemy soldiers who are not citizens are entitled to seek the writ of habeas corpus. Not one case can be cited that grants the writ to alien enemy soldiers. The absence of any such example over the centuries of the history of the writ of habeas corpus speaks volumes, and alone should be conclusive of the constitutional question. Simply put, when the Constitution was adopted, the notion that the common law writ of habeas corpus could be employed by alien enemy soldiers was unheard of and it remained unheard until June of 2004, when the Supreme Court decided Rasul v. Bush.

Of course, with 5 votes, the Rasul Court could have grafted a habeas right for alien enemy combatants onto the Constitution. I believe that to do so would have been deeply irresponsible, and I believe that this is clearly not what the court did in Rasul.

In support of his interpretation of Rasul, Senator SPECTER argued that Justice Scalia's opinion in Rasul noted that the Rasul majority overruled Eisentrager, which had denied litigation rights to alien enemy combatants. In response, I would first note that Justice Scalia's opinion in Rasul was a dissenting opinion. As any lawyer knows, a dissenting opinion's characterization of a court's holding is hardly authoritative. An argument about what a case means that is based primarily on the dissent is inherently a weak argument.

Moreover, I do not think that Justice Scalia's dissenting opinion in Rasul is in any way inconsistent with the notion that Eisentrager's constitutional holding remains good law, and that the constitutional right of habeas corpus does not extend to alien enemy soldiers. Justice Scalia makes clear in his dissent that he is accusing the majority only of overruling Eisentrager's statutory holding, not its constitutional holding.

Justice Scalia begins at page 493 of his dissent by quoting the following passage from Eisentrager: "Nothing in the text of the Constitution extends such a right"—a right of habeas corpus for war prisoners held overseas—"nor does anything in our statutes." It is Justice Scalia who italicized the absence of a statutory right when quoting this passage. He then went on to note:

> Eisentrager's directly-on-point statutory holding makes it exceedingly difficult for the Court to reach the result it desires today. To do so neatly and cleanly, it must either argue that our decision in Braden overruled Eisentrager, or admit that it is overruling Eisentrager.

In this passage, Justice Scalia does accuse the Rasul majority of overruling Eisentrager, but he also makes clear that he only accuses it of overruling Eisentrager's statutory holding, not its constitutional holding.

But the argument that Rasul v. Bush's holding was only statutory, and did not extend constitutional rights to enemy combatants, is supported by more than just Justice Scalia's dissent. The majority opinion itself repeatedly and clearly indicates that the holding in that case is only statutory, not based on the Constitution. For example, on page 475 of the opinion, for example, the majority clearly states that "[t]he question now before us is whether the habeas statute confers a right to judicial review" of the detention of the detainees at Guantanamo Bay. Thus the court was careful to make clear that it was the habeas statute that it was interpreting, not the Constitution.

On the next page, when distinguishing Eisentrager, the Rasul majority opinion states that "Eisentgrager made quite clear that [its analysis was] relevant only to the question of the prisoner's constitutional entitlement to habeas corpus. The court had far less to say on the question of the petitioner's statutory right to habeas corpus."

Finally, at page 478, when explaining how it would distinguish the holding in Eisentrager, the majority stated: "Because subsequent decisions of this Court have filled the statutory gap that had occasioned Eisentrager's resort to "fundamentals," persons detained outside the territorial jurisdiction of any federal district court no longer need rely on the Constitution as the source of their right to federal habeas review."

This statement could not be clearer that Rasul only addressed the petitioners' statutory right to habeas, not any constitutional right. The court stated that statutory changes—or rather, changes in the interpretation of statutes—made it unnecessary to reach any constitutional questions in Rasul.

Senator SPECTER's other main argument for his interpretation of Rasul is that the majority opinion's discussion of 18th century common law is a constitutionally binding interpretation of the scope of the writ. My response is that may be so, but it is not relevant to the constitutionality of the Military Commissions Act. The discussion in Rasul that Senator SPECTER cites is about how far the writ applies overseas. It is not about whether the writ applies to alien enemy soldiers.

Rasul's discussion of the common law of habeas corpus appears in Part IV of the majority decision—after the court had already decided that the statutory right extended to the detainees at Guantanamo. This part of Rasul is devoted to responding to the argument that the presumption against extraterritorial application of legislation requires that the habeas statute be construed to not extend to Guantanamo Bay. Justice Stevens stated that "[w]hatever traction the presumption against extraterritoriality might have in other contexts, it certainly has no application to the operation of the habeas statute with respect to persons detained within 'the territorial jurisdiction' of the United States." Justice Stevens then asserted that at common law the writ applied to aliens held overseas, and he went on to describe common law cases that he characterized as extending the writ to aliens held at places outside of the "sovereign territory of the realm."

Whatever the merits of Justice Stevens's historical analysis, it is used in Rasul only to rebut the presumption against extraterritoriality. It is used to argue that the writ presumptively does extend overseas. But this part of Rasul does not address the central question raised by the Military Commissions Act: whether alien enemy soldiers, wherever they are held, are constitutionally entitled to seek the writ of habeas corpus. Regardless of whether the writ applies to other aliens held at U.S. facilities overseas, the writ does not—it has never been extended—to alien enemy combatants detained during wartime, whether those soldiers are held inside or outside of the United States.

None of the common law decisions that Justice Stevens discusses in part IV of his opinion granted habeas relief to an alien enemy war prisoner. That is because, as I noted earlier, in the history of habeas corpus, prior to Rasul, alien enemy war prisoners have never been found to be entitled to the writ. Rasul's historical analysis can be cited for the proposition that the writ extends extraterritorially, even to aliens. But its discussion does not address the question that we are concerned with here today: whether the writ extends to alien enemy soldiers.

Indeed, at one point in its discussion, the Rasul opinion does tend to confirm that the common-law habeas right does not extend to enemy soldiers. In its exploration of the scope "historical core" of the common-law writ, Rasul quotes a passage from the Supreme Court's prior decision in Shaughnessy v. United States, which noted that executive imprisonment has long been considered oppressive and lawless, and that no man should be detained except under "the law of the land." As Rasul notes, this commentary on the historical scope of the writ came from Justice Jackson.

Just 3 years before he wrote the passage in Shaugnessy that is quoted in Rasul, here is something else that Justice Jackson said about the scope of the writ. Here is what Justice Jackson said in Johnson v. Eisentrager about the notion that the writ extends to alien enemy war prisoners: "No decision of this Court supports such a view. None of the learned commentators on our Constitution has ever hinted at it. The practice of every modern government is opposed to it."

So there you have it, from the same source that the Rasul majority quotes to establish the historical scope of the writ. The writ upholds and enforces the law of the land, but the law of the land does not extend litigation privileges to aliens with whom we are at war.

Let me also cite another, more recent source in support of my argument. Yesterday, Senator SPECTER quoted an editorial from the New York Times that, unsurprisingly, was hostile to the Military Commissions Act and the Administration. In response to Senator SPECTER's liberal columnist, allow me cite my own liberal columnist Benjamin Wittes. Mr. Wittes writes op-eds for the Washington Post, is a scholar at the Brookings Institution, and generally has unimpeachable liberal credentials. I doubt that he and I agree on very many things. Yet this is what he had to say, in a recent column in The New Republic, about the D.C. Circuit's decision in Al Odah upholding the Military Commissions Act:

> The [Al Odah] court held both that Congress—not the executive branch—stripped the courts of jurisdiction to hear lawsuits from detainees at Guantánamo, and that it had the constitutional power to do so. As a legal matter, the decision is correct. And, if and when the Supreme Court reverses it, as it may do, the decision won't be any less correct. The reversal will signify only that a majority of justices no longer wishes to honor the precedents that still bind the lower courts.
>
> As the case heads towards the Supremes, you'll no doubt hear a lot about suspension of the Great Writ of habeas corpus—the ancient device by which courts evaluate the legality of detentions. And you'll also hear a lot about Guantánamo as a legal "black hole." It's all a lot of rot, really, albeit rot a majority of the justices might well adopt.
>
> Until the advent of the war on terrorism, nobody seriously believed that the federal courts would entertain challenges by aliens who had never set foot in this country to overseas military detentions—or, at least, nobody thought so who had read the Supreme Court's emphatic pronouncement on the subject. "We are cited to no instance where a court, in this or any other country where the writ is known, has issued it on behalf of an alien enemy who, at no relevant time and in no stage of his captivity, has been within its territorial jurisdiction," the Court wrote in 1950. "Nothing in the text of the Constitution extends such a right, nor does anything in our statutes."

A final passage from Mr. Wittes Commentary reads as follows:

> Notwithstanding the passionate dissent in the D.C. Circuit case, the notion that [the Military Commissions Act] somehow suspends the writ—a step the Constitution forbids except in cases of rebellion or invasion—is not credible. As a legal matter, it merely restores a status quo that had been relatively uncontroversial for the five decades preceding the September 11 attacks—that federal courts don't supervise the overseas detentions of prisoners of war or unlawful combatants. The demand that they do so now is not one the Constitution makes.

I would also like to address a point that Senator SUNUNU made on the floor yesterday. Senator SUNUNU argued that, because detention of the Guantanamo prisoners may be indefinite, these prisoners should be given a right to challenge their detention.

In response, I would like to simply describe the protections that the CSRT process provides to Guantanamo detainees and discuss why it would be highly problematic to substitute that process with habeas review.

In the CSRT system, a detainee is provided with a personal representative who is assigned to help him prepare his case before the tribunal. CSRT hearings also include a hearing officer who is required to search government files for "evidence to suggest that the detainee should not be designated as an enemy combatant." Prior to the actual hearing, the CSRT officers must provide the detainee with a summary of the evidence to be used against him. CSRTs are then subject to administrative review, and the detainee has an appeal of right to the U.S. Court of Appeals for the District of Columbia, which is charged with evaluating whether the tribunal complied with the CSRT rules, and whether those rules and procedures are constitutional.

All of the procedures described here, incidentally, are above and beyond what lawful prisoners of war are entitled to under the Geneva Conventions in an Article 5 hearing. Those hearings do not assign anyone to help a detainee, they do not require the government to search its files for exculpatory evidence, they do not require that a summary of the incriminating evidence be provided to the detainee, and they are not subject to any judicial review whatsoever.

Indeed, the CSRTs not only provide more process than is required under the Geneva Conventions; the CSRTs require more process than the Supreme Court has suggested is required for the United States to detain even a U.S. citizen as an enemy combatant. In the governing plurality opinion in the 2004 Hamdi decision, the Supreme Court suggested that even a U.S. citizen could be detained as a war prisoner if his detention were reviewed by a "properly constituted military tribunal." The Supreme Court expressly cited as an example of such a tribunal the Article 5 hearings that are conducted under the Geneva Conventions in cases where there is doubt about a detainee's status. The CSRTs are modeled on and closely track these Geneva Convention Article 5 hearings. And, as I just described, in several respects the CSRT process provides even greater protections than an Article 5 hearing provides.

The Military Commissions Act, of course, does not apply at all to United States citizens. Out of deference to the force of the legal argument made by Justice Scalia in Hamdi v. Rumsfeld, both the DTA and the MCA were drafted to only bar aliens from seeking habeas relief, not United States citizens. And, again, the CSRT hearings that alien enemy combatants do receive provide even more process than the Hamdi plurality suggested is owed to an American citizen.

Nevertheless, the detainees and their lawyers are unsatisfied with the CSRT process. They want to give Al Qaeda detainees the right to see classified evidence related to their detention, and they want to allow the detainee to call his own witnesses.

In a recent column in the National Journal, Stuart Taylor, Jr. cites a strong example of why it would be a very bad idea to share classified information with suspected Al Qaeda detainees. Mr Taylor writes:

> Consider the list of almost 200 un-indicted co-conspirators, including the then-obscure Osama bin Laden, that prosecutors in the 1995 trial of 11 subsequently convicted Islamist terrorists were legally required to send to defense counsel. "That list was in downtown Khartoum within 10 days," U.S. District Judge Michael B. Mukasey of Manhattan, who tried the case, recalled in a recent panel discussion. "And he [bin Laden] was aware within 10 days * * * that the government was on his trail."

Mr. TAYLOR goes on to cite another example where the release of sensitive information to a suspected terrorist in the course of legal proceedings endangered national security:

> In another judge's case, [Judge] Mukasey recalled, "there was a piece of innocuous testimony about the delivery of a battery for a cell phone;" this tipped off terrorists to government surveillance' and as a result [their] communication network shut down within days and intelligence was lost to the government forever, intelligence that might have prevented who knows what.

Mr. President, it is incidents like this that we must keep in mind when presented with demands that suspected al-Qaida or Taliban members be allowed to pursue habeas litigation. In civilian litigation, a criminal defendant has a presumptive right to see classified evidence used against him. Under CIPA, the Government must summarize or redact the evidence, but the summary or redaction must still provide an adequate substitute for the raw evidence. If the substitute is not deemed adequate, the Government must either show the evidence to the detainee or it cannot use the evidence.

In the context of Guantanamo, where detention hearings rely heavily, if not exclusively, on classified evidence, applying these habeas litigation rules would mean that we would have to either share classified information with al-Qaida detainees or we would have to let them go. Neither of these is an acceptable option. Even the fiercest critics of Guantanamo must accept that the bulk of the detainees held there are connected to al-Qaida or other terrorist groups. We cannot simply seal off these detainees from all contact with the world and assume that we will hold them forever. We must assume that some will be released and that they will be allowed some communication with those outside Guantanamo and, under these circumstances, we simply cannot hand over classified evidence to Guantanamo detainees.

As happened during the embassy bombers' trials, we must assume that classified evidence provided to the detainees will go straight back to the rest of al-Qaida.

I should also emphasize that denying an al-Qaida detainee access to classified information does not mean that such evidence will not be subject to any adversary review in the CSRT and DTA process. In the pending Bismullah case, the Government has proposed a procedural order under which a detainee counsel who has obtained a security clearance would be able to review the classified evidence in the CSRT hearing. If this proposed order is adopted, as I assume it will be in some form, the detainee's lawyer, though not the detainee himself, will have access to the classified information used in the CSRT.

So when you hear evidence or arguments that the DTA review is unfair or that it is inadequate, keep in mind the actual stakes at issue. The detainee's cleared lawyer will get access to the classified information, but the detainee will not.

Under these circumstances, should the Congress force the military to provide classified information to both the lawyer and the suspected terrorist?

Another complaint about CSRTs is that the Guantanamo detainees are not allowed to call their own witnesses at the hearings. Just who would those witnesses be the detainees would call? Whose testimony would be most relevant to the detainee's enemy combatant status? The only answer to this question would be the soldier who originally captured the detainee.

Here is Mr. Stuart Taylor's commentary on the proposal that Guantanamo detainees be allowed to compel witnesses at their CSRT hearings:

> Should a Marine sergeant be pulled out of combat and flown around the world to testify at a detention hearing about when, where, how, and why he had captured the particular detainee? What if the Northern Alliance or some other ally made the capture? And should the military be ordered to deliver high-level al Qaeda prisoners to be cross-examined by other detainees and their lawyers?

I would suggest that simply to ask this question is to answer it.

Here is more that Mr. TAYLOR had to say about such proposals:

> Many libertarians and human rights activists, on the other hand, would settle for nothing less than the full panoply of protections afforded to ordinary criminal defendants. They should be careful what they wish for. As McCarthy points out: Enemy combatants are often in a position to be killed or captured. Capturing them is the more merciful option, and making it more difficult or costly would almost certainly effect an increase in the number killed.

The CSRT hearings and the DTA review strike the right balance. They give detainees enough process to ensure that the persons held are enemy combatants and that they pose no threat to the United States. But this system does not provide a process that would undermine the war with al-Qaida or that is inconsistent with the realities of war.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I listened with interest to the contentions of the Senator from Arizona and would respond in a number of ways. First, the Senator from Arizona went to some length to try to undercut the conclusion that aliens are entitled to the same rights as American citizens—aliens held at Guantanamo—and made reference to no case before Rasul had so held.

But the issue is what does Rasul hold? I would refer the Senator from Arizona to the opinion of Justice Stevens, which appears at page 2686 of volume 124 of the Supreme Court Recorder, which says as follows:

> Aliens held at the base, no less than American citizens, are entitled to invoke the Federal Courts' authority under section 2241.

Now, it is true that the Congress can change a statute, but it is equally true that Congress cannot change a constitutional right, and there is a constitutional right to habeas corpus, which is set forth explicitly in article I, section 9, clause 2 of the United States Constitution, which says:

> The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Now, where the Constitution is explicit in the circumstances where the constitutional right can be suspended, obviously there is a conclusion that there is such a constitutional right.

The Senator from Arizona goes into considerable analysis as to why the Eisentrager case has not been overruled by Rasul. Well, it seems pretty plain to me on the face that Rasul does overrule Eisentrager, and I cited in yesterday's argument the conclusion of Justice Scalia that Rasul overruled Eisentrager. Justice Scalia complains of that. If he had found some way to distinguish Eisentrager in the Rasul opinion, I think he would have done so.

The Senator from Arizona says we can't rely on a dissenting opinion as to what the holding is. Well, I would disagree with that. I think a dissenting justice has a good bit of reliability, and especially Justice Scalia. When the concession is made that Justice Scalia reads Rasul to overrule Eisentrager, I think that is pretty good authority, perhaps better authority than the opinion of Arlen Specter, maybe even better authority than the opinion of the distinguished Senator from Arizona, who is a real legal scholar—on the Arizona Law Review, all the academic standards, but perhaps not superior in legal analysis to Justice Scalia.

Mr. KYL. Mr. President, I will stipulate to that.

Mr. SPECTER. I have just had a stipulation, may it please the court, that Justice Scalia's interpretation would topple Senator KYL's interpretation.

Let me pose the question directly to Senator KYL from the debate we have just joined, and I thank him for coming and participating in the debate. It is a rarity on the floor of the Senate to have two Senators debating an issue.

Isn't the flat statement by the Supreme Court, speaking through Justice Stevens, that "aliens held at base, no less than American citizens, are entitled to invoke the Federal Courts' authority under section 2241"—albeit that is a statute and the Court of Appeals for the D.C. Circuit has tried to sidestep the court opinion in Rasul by saying it was a holding on a statute which the Congress can change, and denies the very strong language of the court in saying that there is a right which was established at the time of 1789, and the Constitution speaks explicitly of the ways to suspend the right, so there is a constitutional right—but taking that language, "aliens held at base, no less than American citizens, are entitled to invoke the Federal Courts' authority under section 2241,"—isn't that conclusive that aliens are entitled to invoke the habeas corpus rights under the Constitution?

Mr. KYL. Mr. President, first of all, I appreciate both the courtesy of the Senator from Pennsylvania and his important legal analysis and would answer the question in this way.

I think that most observers believe that the Rasul decision is not a decision on the Constitution but on the statute; that it interprets rights based upon the statute, which Congress can change; that it is not a holding that provides a constitutional right to alien enemy combatants to litigate via habeas corpus.

Secondly, the Great Writ that has been quoted by the Senator from Pennsylvania has always been understood in decisions of the court to be defined as it existed at the time of the Constitution. That is why there is always a great interest in looking back to decisions in the common law of England prior to the adoption of our Constitution, the Bill of Rights.

I think, as I said in my statement, that there has never been a case that suggests that at the time the language about habeas corpus was put into our Constitution any court, in either the United States or England, at the time, had ever held that the writ applied to alien enemy combatants. So it has never been held that the writ applies to aliens. It has been held that it applies to U.S. citizens, and it has certainly never been held that it applies to alien enemy combatants.

Mr. SPECTER. Well, Mr. President, may I redirect the line of contention that if the Supreme Court said authoritatively that aliens are covered under a habeas corpus statute, wouldn't that apply a fortiori necessarily to aliens being covered under a constitutional right of habeas corpus?

Mr. KYL. Mr. President, I would say to my colleague that nothing in the grant of the writ in the Constitution, as far as I know, would deny the right of Congress to expand it to include others. Certainly, one could not take away from the writ as it was understood when it was put into the Constitution. For example, we could not deny to U.S. citizens the writ of habeas corpus because of the constitutional provision, but it would not speak to the question of whether Congress could extend the authority of the writ to aliens.

The case here, however, is that the decision in question was based on a statute which Congress had adopted, and it does not go to the question of whether the writ itself ever applied to aliens. In fact, it never applied to alien enemy combatants.

Mr. SPECTER. Mr. President, I would ask the Senator from Arizona if there is anything in the legislation, 2241, statutory right of habeas corpus, which in any way suggests that it is an expansion of the right of habeas corpus to apply to aliens who were not being comprehended in the ordinary understanding of the constitutional right of habeas corpus. Anything at all in the statute or legislative history?

Mr. KYL. Mr. President, I would have to go back and read it very closely, but my recollection is that the court found the statute rather uninformative and rather unclear, and that was part of the basis for the court reading it in a way that went beyond what I thought it provided. Nonetheless, one can understand that when the court views a statute that doesn't provide clear limitations, its inclination may well be to lean forward in its interpretation.

Mr. SPECTER. Well, Mr. President, it may be uninformative and it may be unclear, but it doesn't, on a statutory basis, extend the right to aliens. To make the contention that a reading of the statutory right of habeas corpus, which goes not beyond that language, was an attempt to extend it, and that the Court, in Rasul, was saying, well, the statute gives more rights than the Constitution, I think, is an extraordinary stretch. But I will conclude the colloquy with the contention that certainly the Great Writ, the constitutional right with all its majesty, would be no narrower than a statute. I would concede Congress could extend the statute further, but there is no indication absolutely that the Congress did intend it. And that the court of appeals' decision, distinguishing Rasul as being a statutory interpretation, and then the court of appeals saying there is no constitutional right, is thinner than tissue paper. But we will hear more from Justice Stevens, I am sure, on this point in due course.

Let me now move to a portion of my argument yesterday on which the Senator from Arizona has not commented. I will begin with the memorandum from the Secretary of the Navy dated July 7, 2004, which defines enemy combatants and then says that notice will be given to all detainees and they will be notified "of the right to seek a writ of habeas corpus in the courts of the United States."

As I said yesterday, I hadn't noted this provision until we did the research preparing for debate on this amendment. I will first direct a question to the Senator from Arizona as to whether the Senator from Arizona was familiar, before I cited it yesterday, that the Department of Defense had acknowledged the rights of Guantanamo detainees to seek a writ of habeas corpus in the Federal courts?

Mr. KYL. Mr. President, the answer is no, I was not. I regret I didn't hear the argument of the Senator yesterday.

Mr. SPECTER. The Department of Defense concedes that detainees have a right to a writ of habeas corpus, that Congress has delegated to the Secretary of Defense the authority to promulgate rules relating to the detainees, and where the Secretary of Defense through the Deputy says they have a right to habeas corpus, that should end the discussion.

But let me pursue one other line further here; that is, the fairness of what happens under the Combat Status Review Tribunals.

The memorandum from the Deputy Secretary of Defense defines what an enemy combatant is. It says:

> The term "enemy combatant" shall mean an individual who was part of supporting Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy forces.

Then the memorandum further says that:

> A preponderance of the evidence shall be the standard used in reaching this determination, but there shall be a rebuttable presumption in favor of the Government's evidence.

The first question I direct to the Senator from Arizona relates to the rebuttable presumption in favor of the Government's evidence, and note that a very basic, fundamental, Anglo-Saxon, U.S. right is the presumption of innocence. Does the Senator from Arizona think it is fair that there be a presumption of guilt articulated in a rebuttable presumption in favor of the Government's evidence?

Mr. KYL. Mr. President, let me just try to respond very briefly to the question of the Senator. Again, I regret I didn't hear the full argument that was made yesterday.

Mr. GRAHAM. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. SPECTER. Wait a minute. Mr. President, regular order. The Senator from Arizona may yield, but I have directed the question through the Chair to the Senator from Arizona. Having had an extensive discussion on this issue yesterday—and when I say "extensive," it was extensive by the Senator from South Carolina—all factors considered, I would just as soon not hear it again but would be willing to listen to it later.

Mr. KYL. Mr. President, I will respond very briefly by saying, first of all, I fully associate myself—

The PRESIDING OFFICER. Without objection, the Senator from Arizona may respond.

Mr. KYL.—with the comments of my colleague from South Carolina yesterday.

To the first point, if I could just make a brief comment, after the Rasul decision, after the Rasul case was decided—

Mr. SPECTER. No coaching.

Mr. KYL. No coaching.

After the Rasul case was decided, I am sure, Senator SPECTER, you would agree it was important for the Department of Justice to advise people of the rights that were provided as a result of that decision. That is my understanding of what they did. They had a policy of saying: The Court has made this decision. They found a statutory right of habeas corpus, and you have the right to do the following things under that statute. But that would not be a pronouncement of law by the Department of Defense. Certainly it hasn't been relied upon, to my knowledge, by any court in deciding what the scope of the writ is. So, as to your first point, I hardly think it is good evidence of the constitutional application of the writ to detainees that after the Rasul decision, the Department of Justice properly advised people as to their statutory rights based upon that decision.

As to the second question—just one quick quotation. This was provided to me, at my request, by Senator GRAHAM. In the Hamdi case, in the O'Connor opinion, she specifically answers the question you posed, Senator SPECTER, on page 27 of the opinion, where she says:

> Likewise, the Constitution would not be offended by a presumption in favor of the Government's evidence so long as that presumption remained a rebuttable one and a fair opportunity for rebuttal were provided.

Mr. SPECTER. Mr. President, that is a good segue into my next question, as to whether the Combat Status Review Tribunals give you a fair opportunity. I was about to quote Justice O'Connor in support of my argument that there is not a fair opportunity. Let me be very specific. The decision of Judge Green, In re: Guantanamo Cases, which I cited yesterday, which appears in 355 Fed.

Sup. 2d 443—and I quote from her statement, at page 468. Judge Greene says this:

> The inherent lack of fairness of the CSRT's [Combat Status Review Tribunal's] consideration of classified information not disclosed to the detainees is perhaps most vividly illustrated in the following unclassified colloquy, which, though taken from a case not precisely before this judge, exemplifies the practice and severe disadvantages faced by all Guantanamo prisoners.

In reading a list of allegations forming the basis for the detention, Mustafa Ait Idir, a petitioner in Boumediene—which is the case that went to the court of appeals; this is the case which they decided and upheld the procedures of the Combat Status Review Tribunal—Judge Green goes on to say:

> The Recorder of the CSRT asserted: "While living in Bosnia, the detainee associated with a known al-Qaida operative."

In response the following exchange occurred.

> Detainee: Give me his name.
> Tribunal President: I do not know.
> Detainee: How can I respond to this?

And then the detainee later says:

> I asked the interrogators to tell me who this person was. Then I could tell you if I might have known this person, but not if person is a terrorist. Maybe I knew this person as a friend. Maybe it was a person that worked with me. Maybe it was a person that was on my team. But I do not know if this person is Bosnian, Indian or whatever. If you tell me the name, then I can respond and defend myself against this accusation.

The Tribunal President then says:

> We are asking you the questions and we need you to respond to what is on the unclassified summary.

And the detainee later said:

> I was hoping you had evidence that you can give me. If I was in your place—and I apologize in advance for these words—but if a supervisor came to me and showed me accusations like this, I would take these accusations and I would hit him in the face with them. Sorry about that.

And then in parens it says:

> Everyone in the tribunal room laughed.

That is from the transcript. The Tribunal President said:

> We had a laugh but it is OK.

Then Judge Green says:

> The laughter reflected in the transcript is understandable, and this exchange might have been truly humorous had the consequences of the detainee's "enemy combatant status" not been so terribly serious and had the detainee's criticism of the process not been so piercingly accurate.

This tribunal, as to the detainee in the Boumediene case, that got to the circuit court of appeals—how the circuit court of appeals could say this is fair, how the circuit court of appeals could say this comports with the definition the Department of Defense has set out, that enemy combatant means "an individual who is a part or supporting Taliban or al-Qaida forces or including a person who has committed a belligerent act or who has directly supported hostilities in aid of the enemy Armed Forces" when the only thing in the transcript is "while living in Bosnia the detainee associated with a known al-Qaida operative"—"associated with a known al-Qaida operative" hardly meets the definition of the Department of Defense itself, of supporting Taliban or al-Qaida forces or "associated forces that are engaged in hostilities" or "a person who has committed a belligerent act."

This detainee, whose detention was upheld by the Court of Appeals of the District of Columbia on as great a stretch as imaginable on legal principles, is looking at a record where all the detainee was supposed to have done was talked to al-Qaida. They couldn't even name the person. That is miles from satisfying the definition by the Department of Defense.

Let me ask the Senator from Arizona, is that fair?

Mr. KYL. Mr. President, I answer my friend and colleague from Pennsylvania that I disagree with a lot of jury verdicts and with a lot of court opinions. But once a matter is concluded, as officers of the court, we are supposed to respect the decision of the court. I do. I don't know the facts of every case that has been litigated, but they have done so under a procedure that has been upheld as constitutional. Just as I was willing to stipulate that Justice Scalia probably has a better handle on Supreme Court interpretation than either—well, I didn't stipulate that he has a better interpretation than Senator SPECTER, but I acknowledged in my case that he would—I think you have to say that if a court of appeals has made such a decision, then it is a bit presumptuous for us, with great confidence, to say that they necessarily were wrong.

So I am not going to second guess a decision like that. I would rather simply point to the most recent decision which upheld the procedures in the Al-Odah case—that case will be decided by the U.S. Supreme Court. My colleague and I have a different view, I suspect, as to how that case will come out. We will just have to wait and see. If it turns out that I am correct, that the court of appeals' decision is correct, then this debate which we have had here probably won't matter. But I do believe that until that decision is made, it would be unwise for us to again change the law, thus throwing into even greater confusion what has up to now been a pretty confused state of affairs.

Mr. SPECTER. Mr. President, I would not mind being a bit presumptuous. I wouldn't even mind being a lot presumptuous in response to the opinion of the Court of Appeals for the District of Columbia. But I don't think it is presumptuous at all to go into the facts, which we know from Judge Green's opinion, as to the detainee involved in the Boumediene case and where the only allegation is that he talked to an al-Qaida person and they couldn't even give the name.

You have the definition of the Department of Defense requiring that there be information about the detainee supporting al-Qaida forces or committing a belligerent act. However, nobody said those things about the detainee in the case. And then there is the court of appeals, a split court, with the opinion of Judge Rogers in dissent, I understand the relative merits of a two-judge majority, one in dissent, but that doesn't overcome the continuing importance of the Rogers' analysis of the majority opinion concerning their attempt to slice the apple by holding that the Supreme Court's opinion in Rasul was statutory and not constitutional.

The majority said that the Eisentrager case was not overruled by Rasul. But it obviously was, as Justice Scalia acknowledged in his dissent in the Rasul case. And Justice Scalia would have all the more reason for disagreeing if there was any basis at all to say that Eisentrager was not overruled.

You have the court of appeals relying on the Eisentrager case that was specifically overruled by Rasul, and not acknowledging a constitutional right of habeas corpus and not acknowledging the fact that while you can change an act of Congress, a statute cannot trump the Constitution.

I do not think it is presumptive at all to say that the procedures under the combat status review tribunal ought to be changed.

Regrettably we are not going to get a vote on this matter on this bill. We are not going to get a vote because a cloture petition has been filed. That is arcane. But in the unlikely event anybody is watching on C–SPAN 2, that means nongermane amendments will fall, and this is nongermane for technical reasons.

I tried yesterday to get cloture on this amendment, which would have enabled us to get a vote tomorrow morning at the time of the cloture vote on the underlying bill. However, that required getting 17 signatures, and the majority leader was opposed, and the Democrats would not sign on. There are a few Republicans who were prepared to sign on; some did.

But talking to Senator LEAHY, who is the cosponsor, we are going to try to get the majority leader to bring it up free standing, or we can add it on to some other bill, and we will be better prepared to try to get cloture in the future.

Let me say one final word, and that is, Senator KYL and I are good friends. Senator GRAHAM and I are good friends. We sit on many matters where we are in agreement. I have great respect for Senator KYL. I already identified his qualifications—law review, outstanding scholar, outstanding Senator. Senator GRAHAM is an acknowledged expert in military law, knows more about military law than perhaps anybody else in the Chamber, not that he knows more about constitutional law than anybody else in the Chamber, but as much constitutional law as anybody else in the Chamber.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, this is going to sound too much like the mutual admiration society, but before Senator SPECTER said what he said, I rose because I wanted, in return, to pay him a compliment.

As chairman of the Judiciary Committee prior to the last election, he performed admirable service to the Senate. I think it is not well known that that kind of a job requires a lot of different skills to be employed to deal with a lot of cantankerous Senators who have their own ideas about how things should be done. Senator SPECTER always conducted that committee in a way which allowed us to get business done, and respected the rights of Senators. Far too often, debate, or what passes for debate in this Chamber, is speeches given by Senators on different points of view, like ships passing in the night with no joining of the issues, and no serious discussion of complex legal issues, when that should be required.

Certainly the Presiding Officer would be well qualified to judge what I am saying. But I always appreciated the opportunity, even when we were in disagreement, to discuss and to debate with the Senator from Pennsylvania, because he is a serious scholar who takes these matters seriously. He may not always come up with legal theory with which I agree, but it is always interesting to debate him. At the end of the day, I would like to think this kind of debate does add to a record that the Court or other observers might actually find informative and helpful in their decisions.

Again, while we disagree with each other on this matter, I think it is apparent that we do so respectfully and with regard for each other's opinions.

I want to say there is no greater expert in our body on military law than the Senator from South Carolina. I have always appreciated his wise advice and counsel on these matters as well.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from South Carolina.

Mr. GRAHAM. Madam President, this is a session worthy of the Senate, worthy of the country, and I think incredibly important. I compliment Senator KYL for what I thought was an excellent overview of what the law requires in this area, what the Geneva Conventions require, and how our country exceeds the requirement of the Geneva Conventions.

To my good friend Senator SPECTER, there is no better champion of fairness and constitutional causes than Senator SPECTER. On this we respectfully disagree as to what the courts have said, and as far as the lay of the land of how you do this.

I do not come to this body as an expert on the Geneva Conventions. I have had some time in the military as a military lawyer. I have a pretty good understanding of what is going on in some respects. But I ask every Senator to review what is going on and make their own judgments, ask their own legal friends if they are not lawyers, and try to be fair.

We will all serve the country well if we will have a process that is constitutionally sound, that meets the test of fairness, and also recognizes we are at war and we are under great threat. So my basic presumption here as a Senator is I want to put infrastructure in place that recognizes the country is in an ongoing global struggle, and that as part of that global struggle we are dealing with people who are out of uniform.

This is not a capital to conquer or a navy to sink or an air force to shoot down. This is a unique war in the sense that it is ideologically based, not a particular location we are trying to conquer and not a particular uniform we are trying to suppress. The global war on terrorism is about extreme versus moderation, and it is rearing its head all over the planet.

So the battlefield in this war, from my point of view, is the globe itself, just as in World War II—the al-Qaida enemy. That is who we are talking about, people affiliated with al-Qaida, al-Qaida-like operatives who are going throughout the planet trying to kill civilians, rampantly trying to inflict harm on our own troops for an ideological agenda based on religion. They have no boundaries. They are not signatories to the convention. They do not play by the law of armed conflict.

But even if they have a status in the law of armed conflict, we are trying to make sure their status is determined in the proper way. We realized in past wars that the Viet Cong and others operated outside of a uniform, in a guerrilla-type fashion. Well, the terrorists operate out of uniform with absolutely no respect for any concept of the law of armed conflict. But once they are captured, if they are not killed, then it becomes about us, not about them.

What does the United States do when it finds an enemy combatant, someone out of uniform, who is engaged in hostilities? See, I do believe 9/11 was not just a crime; this was an act of war. There are warriors all over this planet involved in a great struggle, in their minds, against moderate Muslims and every other religion, Christian, Jewish faith, and they have no place for the rest of us. If you solved the Jewish-Palestinian problem tomorrow, they would still be coming after us.

The people at greatest risk are moderate Muslims in the Middle East who would tolerate different ways of looking at religion. So there is a global struggle, and when we find a person we believe to be an al-Qaida operative or a supplier of materials to al-Qaida, the first thing, if they survive the battle, is that our military must fight the war, and if they are captured, we have to determine their status.

If there is a question as to whether the person captured by the American military is a lawful combatant, an enemy combatant, or nonbelligerent, who makes the decision as to what is the proper status for that individual?

Well, under the law of armed conflict—and I do believe we are at war—it is the military. Under the Geneva Conventions, it is the military. Article 5 of the Geneva Conventions is very important. Because within that article, it informs the world at large, the signatories of the conventions, that a competent tribunal must be empaneled to determine the status. That competent tribunal panel all over the world is the military.

The reason I object so vehemently to allowing habeas petitions to be filed to determine who is a military threat is we would be conferring what is a military decision, historically and under the law of armed conflict, and literally making it a civilian judge's decision where witnesses would be called and the judge would have a full-blown trial, with some very sensitive information.

I do respect our judges, but with all due respect to our judges—I think most of them appreciate this—they are not trained as to who a military threat is to the United States. That truly is a military decision, and we are not making that up after 9/11. That has been a military decision under the Geneva Conventions article 5 since the conventions were drafted. So we are doing nothing new because we were attacked by an "un-uniformed" enemy.

The question as to what Senator SPECTER has raised: What process do we have in place to determine if a person is truly an enemy combatant, a concept recognized by the Geneva Conventions, the combat status review tribunal to me is not only constitutionally sound, it goes beyond what the Geneva Conventions require. Senator SPECTER read a transcript of a case that went to the DC Circuit Court of Appeals. I want us to slow down for a moment and think about that. The case as to whether this person was an enemy combatant worked its way up through our Federal judiciary to the second highest court in the land.

Under the law we passed last year, we allowed in every decision by the military that results in a finding that a person is an enemy combatant that that individual will be able to go to our court system, which is not required under the Geneva Conventions and is done nowhere else that I know of, and the court will review that case on two grounds: Were the procedures in place constitutional—Senator SPECTER mentioned this—and do you feel comfortable with the rebuttable presumption? Well, that has already been decided. In the Hamdi case of 2004, they specifically comment on the CSRT procedures. There is a preponderance of the evidence test required. The Government must prove by a preponderance of the evidence that the person in question is an enemy combatant.

This is not a judicial proceeding, this is an administrative proceeding. It is like the EPA deciding an administrative question. But it is an important decision, because if you are an enemy combatant, you can be held for an indeterminate period of time. As long as you are a threat, you can be held as long as hostilities exist.

The problem with this war is we do not know when the war is going to be over, so we want to build robust due process.

Let me tell my colleagues without hesitation: We have let almost 200—I can't remember the number—go from Guantanamo Bay who had been captured and determined to be enemy combatants. Every year their status was reviewed because we do not want to keep people forever unless there is a reason to keep them. Three things are looked at in every person's case administratively: Do you have intelligence value still; are you a threat to the country; and has anything new come into the case file to say you were originally misidentified as an enemy combatant? Twelve of the people released have gone back to the fight, have gone back to trying to kill Americans and civilians.

The question for this country and the world is when it comes time to decide to release somebody, there is risk to be had in that decision. Who should share that risk the most? Is it the civilian populations that have been the victims of these "un-uniformed" killers who have chosen to join these organizations or support them with no boundaries or should it be the people who take up these causes?

I will tell you where I am coming down. If there is a doubt as to whether they continue to be a threat to our country and other peace-loving people, we are not going to turn them loose to fight us again. Every enemy combatant is not a war criminal. There is a separate proceeding at Guantanamo Bay to deal with those people involved in war crimes. If you start mixing the two, it will come back to haunt our country because we do not want to stand for the concept as a nation that every time an American soldier is captured in the battles of the future it would be appropriate to label them a war criminal. War criminals have to do specific things. Being part of an enemy force does not make one a war criminal.

So the point I am trying to make is the administrative procedures in place at Guantanamo Bay have been found to be constitutional, but we added a provision last year that allows the court to review whether the tribunal's finding was supported by a preponderance of the evidence, and allowing a rebuttal presumption in favor of the Government's evidence.

In other words, the DC Circuit Court of Appeals can look at the military's findings, not just the process, and they can say, as a panel of judges: Wait a minute, there is no competent evidence to support a finding that you are an enemy combatant. The court can say the case file is deficient. Not only was the process deficient—the process could be constitutionally sound—but it could result in an individual case where there was not sufficient evidence in the opinion of the court. The court does this all the time.

The court will review administrative bodies' decisionmaking abilities throughout this land. It could be in the EPA, it could be in some other agency of the Government, where the court will be able to look at the hearing officer's findings and determine if there was sufficient evidence to support that hearing officer's finding.

So going back to the transcript Senator SPECTER read, they did not tell him who it was. Well, maybe the reason he was not told who informed is because if we put out in a public setting our informant system, they will wind up getting killed. That is not an unknown concept in criminal law.

So I would argue, there is information in these cases that will never be publicly disclosed because if we start publicly disclosing the entire network that led to this capture, we are going to get people killed and we will be less safe. That is why we have a classified portion.

Shaikh Mohammed, the mastermind of 9/11, will be going through this process tomorrow, I believe, at Guantanamo Bay. Fourteen other high-value detainees captured in the global war on terror—very significant players in the al-Qaida movement—will be given a hearing at Guantanamo Bay, where the Government will have to prove the person in question—Shaikh Mohammed—is, in fact, an enemy combatant as defined by our own regulations, consistent with the Geneva Convention.

These hearings will be closed. I applaud the fact they are closed. The evidence will be redacted and given to the public and the press. But there will be a transcript available to be reviewed by the DC Circuit Court of Appeals, including the classified portion, in a classified setting.

I think it would be a huge mistake to disclose the methods and operations and the sources that led to the capture of Shaikh Mohammed in an administrative proceeding. Our courts will look at that evidence in a classified fashion because Shaikh Mohammed will be allowed to have his case reviewed, after the military makes their decision, in Federal court—something never done in any other war. The reason we did this last year, with Senator LEVIN's help, was to make sure—because we do not know when this war will be over—there will be a check and balance on a military decision never known in any other war.

I support that check and balance. I support the idea that every military decision regarding enemy combatant status will work its way through our court system. I vehemently object to taking what is a military decision and giving it to a civilian judge in a habeas forum, which is a complete Federal trial where the civilian judge makes the decision, not the military. Let the judges review the military work product. Do not give it to the civilian judges.

Shaikh Mohammed will be classified one way or the other. I am sure he will be classified as an enemy combatant. But the DC Circuit Court of Appeals will get to review his case. What is likely to happen in his case, if you believe the press reports? If he truly can be proven to be the mastermind of 9/11, he will be tried as a war criminal because the activities he engaged in—of orchestrating a series of attacks on our country, where you hijack civilian aircraft to go into the World Trade Center and to attack Washington, DC—would be a violation of war, as well as a crime.

So he could work his way into the military commission trial procedure. "Enemy combatant" is an administrative determination. Charging somebody with a war crime is a totally different process. If the Government charges him with a war crime in a military commission setting, in a military commission format at Guantanamo Bay, they will not be allowed to give to the jury classified information proving he is guilty of what we are accusing him of doing, unless they share it with the accused. That was my objection to President Bush's proposal. I do not want to create a precedent where one of our soldiers could be tried in a foreign land, accused of being a war criminal, and never be given the evidence and be able to defend against what would be a criminal proceeding resulting in death or long-term imprisonment.

So for Shaikh Mohammed or anyone else, if the Government decides to use classified evidence to find someone guilty, they get a chance to defend themselves because we are talking about a punishment that could include execution.

There are two different concepts. The rules are different. What goes on in a military commission trial is consistent with what we do with our own troops under the Uniform Code of Military Justice when we try them for crimes. One is an administrative determination that exceeds the Geneva Convention requirements. The other is a criminal proceeding under the Law of Armed Conflict that I believe will be constitutional and the courts will say is a process worthy of this country.

As to what the law is, I say to my good friend, Senator SPECTER, I believe the Rasul case was based on this concept. The Department of Justice argued that Guantanamo Bay was outside the jurisdiction of the United States. If that were the case, if they won that argument, the constitutional provisions of habeas would not apply, nor would the statutory provisions. But Rasul was about a statute, not about the constitutional provisions, in my opinion.

Here is what the court said: They rejected the Bush position that the laws of the United States do not apply to Guantanamo Bay because of the lease and because of the relationship we have to that facility.

Do you know what. I think the court was right. I think that was an ill-advised position by the Bush administration.

So once Rasul was decided, and they rejected Eisentrager's statutory interpretation test, the Rasul court, in my opinion, said since it is within the United States, and Congress has not spoken to this in 2241—Congress has never said because you are an alien enemy combatant at Guantanamo Bay you cannot have a 2241 right—we are going to confer that right until Congress decides otherwise.

Mr. SPECTER. Madam President, will the Senator from South Carolina yield for one question?

Mr. GRAHAM. Yes, I will.

Mr. SPECTER. Madam President, when the Senator from South Carolina says, in the case cited that got to the Court of Appeals for the District of Columbia, where the charge was he had talked to an al-Qaida person, but they could not give the name—and the Senator from South Carolina seeks to justify that on the ground there might be some circumstance where disclosing the name would reveal a confidential source—can the Senator from South Carolina give any conceivable way there would be a disclosure of a source simply by identifying the al-Qaida person this detainee was supposed to have talked to?

Mr. GRAHAM. Madam President, if I may, just not being an intelligence expert, when we start naming the people involved around the individual, then we are talking about locations, specific sites. I would be very worried if we started naming in detail al-Qaida operatives, where they were, what they said, because that could set in effect a chain of events that would allow the enemy to understand what happened in that transaction.

We may just disagree about this issue, but I do believe that the classified—that Shaikh Mohammed—maybe I can say it this way. I am glad that Shaikh Mohammed's case is classified, and we are not going to reveal to the public how we captured him, all the evidence that led us to find out where he was and what he was doing. I think it would be a nightmare for this country.

As to the DC Circuit Court of Appeals opinion, I say to Senator SPECTER, they said the procedure was constitutional. I agree with them. Whether or not the individual case had sufficient evidence to support a finding is now subject to review by the court. This gentleman will get that review by the court based on what we did last year.

Mr. SPECTER. Madam President, I find it very hard—really impossible—to follow that answer. I cannot conceive of what the Shaikh Mohammed case has to do with my question or has to do with the proceeding before the Combat Status Review Tribunal for the detainee whose case got to the court of appeals, where he was accused of talking to an al-Qaida person, and they could not even identify the name of the person. That is not asking any places and times and whatever other activity was taken. I would rest my case, contrary to the arguments by the Senator from South Carolina, on that point.

If anybody thinks the Senator from South Carolina has given any reason that they could not identify the identity of the al-Qaida person without disclosing a confidential source—not talking about when, where, and under what circumstances—if my colleagues who will vote on this ultimately are satisfied with the answer by the Senator from South Carolina, then I will accept their judgment.

Mr. GRAHAM. I appreciate that. And I will continue. I will say this to my good friend from Pennsylvania. You were reading the transcript of a case that went on appeal. You have determined yourself that an injustice was rendered. You have made an opinion inconsistent with what the court found. You have your own sense of justice. I appreciate it, I admire it, but I do believe the court is right and you are wrong.

I do believe there is no constitutional right available to enemy combatant terrorists, noncitizens. I do not believe Rasul decided that, because if they had decided that, all these cases we are talking about would have been dismissed.

The circuit court of appeals may not be the—they would have gotten that. We have a case going to the DC Circuit Court of Appeals that either they have no idea of what the law is or Senator SPECTER is wrong.

So I hope my colleagues will understand the DC Circuit Court of Appeals is not blind to the issues in this case, they just did not miss the fact that the Supreme Court, in Rasul, 3 years ago, declared a constitutional right and the DC Circuit Court of Appeals is out to lunch as a group of judges who do not understand one of the biggest decisions in American jurisprudence. If my colleagues believe that Rasul created a constitutional right for an enemy combatant, noncitizen, and everybody in the legal system has missed it, then you should not trust anything coming out of the DC Circuit Court of Appeals, you should not trust any decision coming from district court judges all over the country who are dismissing these cases, and you should not believe a thing I say.

But there is a reason the DC Circuit Court of Appeals did not feel bound by a constitutional finding in Rasul—because the court did not find that. There is a reason they upheld the proceedings in the case in question, and some of that reason may be classified. I don't know. But I do know this: It is not good law or public policy to take a transcript released by the defense counsel and read it in isolation and try to use that anecdotal story to say that the whole process is broken, when the court looked at the entire process and found that it was not broken. I can promise my colleagues that if the Rasul case said there was a constitutional right to habeas corpus by a noncitizen enemy combatant, it would have been a major issue in the Al Odah case. The reason Al Odah decided what it did is because it rejected the defense claim there should be, and there is no evidence in the Al Odah case that the DC Circuit Court of Appeals took precedent in the Rasul case and came out with a different finding. Don't my colleagues think there would have been a long discussion in the Al Odah case by the DC Circuit Court of Appeals that here is why the precedent set in Rasul for a constitutional habeas right for an enemy combatant noncitizen is wrong?

So please give the DC Circuit Court of Appeals some credit for not missing the biggest issue in military law in 200 years because they didn't miss it. Please give the Department of Defense some credit that when they issued this memo to detainees and their lawyers in July of 2004 indicating there is a habeas petition available to you, that it wasn't the Department of Defense's desire to create that right and that what they were doing was consistent with Rasul in saying that under 2241 you now had this right. For someone to suggest that memo was a conscious decision by the Department of Defense to give a habeas right to detainees I think completely misunderstands what the memo was about, distorts what it was about, and is a complete misunderstanding of what happened in Rasul. The Department of Defense had no other choice but to tell the detainees after the Rasul decision: You can file habeas petitions under 2241.

The Supreme Court in three cases has told the Congress: You need to speak here. We found a statutory right because you haven't excluded it. Do you want as a Congress to confer on the Shaikh Mohammeds of the world an ability to go into Federal court of their own choosing, to find the most liberal judge they can find in this country, and take the military and every other intelligence agency to court and have that judge, in a full-blown trial, determine whether this person is an enemy combatant? That would be changing a process on its head. That would be taking away from the military the ability they have under the Law of Armed Conflict to decide who an enemy combatant is and give it to a civilian judge who is not trained in that. It would be a fundamental, far-reaching mistake that would haunt us and undermine our national security, put judges in positions they are not trained for, and take away from our military an obligation and right they have to defend us. There is a place for judges. There is a place for the Congress. There is a place for the President. There is a place for those fighting this war.

I have one simple goal. I want to put people in the lanes where they can do the most good and the least harm. I do believe, if we turn this war into a crime and if we take the Shaikh Mohammeds of the world and we let civilian judges have a full-blown trial about how we found out they were the mastermind of 9/11 and if you take away from the military what a military threat is and you give it to civilian judges, you are going to make this war much harder to prosecute, and it will come back to haunt us. It has never been done before for a reason. We never allowed the Nazis, who are on par with al-Qaida, the ability to go into our Federal courts and sue the people who were fighting them—our troops. Because Justice Jackson in 1950 said: You would undermine the commander. They would be fighting the enemy on two fronts: on the battlefield and in the courts of the United States. It would undermine the commander's credibility. It would lead to chaos. There is a reason the Germans and the Japanese never went to Federal court. It would be, in my opinion, dangerous to give to al-Qaida more rights than we gave to the Nazis.

This is a great debate to have, but it needs to be based on some sound concepts. I don't think it is a sound concept to say that Rasul gave a constitutional right to noncitizen enemy combatants under our Constitution. I don't think it is a sound concept to say that the DC Circuit Court of Appeals 2 weeks ago missed that. They didn't miss it. That is not what this debate is about. This debate is about whether 2241—something under our control—whether we as a Congress want to give to enemy combatants the ability to sue our own troops. There are over 160 lawsuits filed. It has made a nightmare of Guantanamo Bay. They are suing our own troops for medical malpractice, for DVD access, for better exercise. You name it, they have brought a lawsuit around it and it has clogged our courts and it has impeded the ability to run this jail.

Let me tell my colleagues, in a classified and unclassified manner, the intelligence we have received from people housed at Guantanamo Bay has helped this country defend itself. The last thing we should be doing in an ongoing war is hampering our ability to defend ourselves because we are having two fronts—the military front and the legal front—that confers a status on our enemy that will undermine the ability of our military to defend us.

This is a statement from one of the lawyers who has filed one of these 160 lawsuits:

> The litigation is brutal for the United States. Boy, was he right about that.

We are having to call people off the battlefield. We are having to bring people off the battlefield into the new battlefield—the courtroom—to explain to some civilian judge why we think they are an enemy prisoner—enemy combatant that threatened the United States.

> It is huge. We have over 100 lawyers now from big and small firms working to represent these detainees. Every time an attorney goes down there, it makes it that much harder for the U.S. military to do what they are doing.

Boy, was that right.

> You can't run an interrogation with attorneys.

You better believe that is right. We are interrogating to make sure we find out what the enemy is up to the best we can so they don't kill us. Now, if you want to take the interrogation process at Guantanamo Bay and put a bunch of lawyers in the middle of it, which we have never done in any other war—we never gave to the Nazis—then you are crippling the ability of this country to defend itself. It has nothing to do with fairness. You are creating a right never known in an armed conflict previously, and you will be criminalizing what I think is a war in a dangerous way.

What are they going to do now that we are getting court orders to get more lawyers down there? They are going to shut off the interrogation and the information is going to stop.

We have made mistakes at Guantanamo Bay. The Bush administration has taken legal positions that I don't think have been sound, but I believe we have finally got this right, and I am going to end now.

I think after a lot of give and take and after a lot of court decisions, we are on the road to exactly where we need to be, and we have it right. Here is what we have in place: a system that is Law of Armed Conflict compliant, Geneva Conventions compliant, that realizes that fairness is part of being an American, but we are at war with people who want to kill us, and if they could, they would go back to it, some of them. Some of them are war criminals. Some of them are warriors who are assisting in the effort that had to be kept off the battlefield until they are no longer a threat. The military is doing a darn good job, and I stand by the men and women down there who are carrying out this job at Guantanamo Bay. I stand with you. I am proud to be your advocate in this body. You are getting good intelligence, consistent with lawful interrogation techniques. You are making decisions about who an enemy prisoner is, who a threat is to this country, in a sound way. Keep it up. Your work product will be going to court, so be mindful that what you do will get reviewed, as it should. Some have been let go—about 100-and-something. Most, as far as I know, have gone back and not been a threat. Every year, every person at Guantanamo Bay will get to have their case argued anew. They will get to make a case: I am not an enemy combatant. I am no longer a threat. I have no intelligence value.

We do not want to misidentify someone. That has probably happened. This is a confusing war. I am not here to say there has not been someone sent to Guantanamo Bay who was a mistake. That is true of jails in Missouri, and it is true of jails in South Carolina. But you can't say there is no risk involved when you release somebody because I can tell my colleagues with certainty that 12 of the people we thought were no longer a threat, because we wanted to be fair and let them go, have gone back to try to kill Americans.

There is no perfect outcome. You try to create a system that models who you are and is as fair as possible, recognizing you are at war. These war crime tribunals and commissions are going on during the war. The enemy combatant determinations are being made during the war. The reason we don't want to disclose how we found Shaikh Mohammed is because the war is going on, and we don't want to help people who are our enemies. So everybody caught and suspected by our military of being an enemy combatant involved in a global war on terror out of uniform supporting al-Qaida, they are going to get to go to Federal court, but we are going to let the military decide if they are a threat first, and the judges of this country can look over the military's shoulder and see if the military got it right in that case and if the procedures are fair. If you are convicted of a war crime at Guantanamo Bay, as Shaikh Mohammed may be or someone like him, you are going to get your day in Federal court because it is an automatic right. Whatever procedures are used by our military, which is modeled after our own process to try our own people, will go through legal scrutiny, the procedures and the outcome.

So if you are worried as an American that we are putting people away forever without due process, don't worry about it. That is something to be concerned about. If you are worried that your country has gotten somebody in the global war on terror and we house them and nobody ever gets to look at the work product, don't worry about it. But if you are worried that the Congress is about to confer a right never known in any other war to al-Qaida that will undermine our security, you are right to worry. It is all about judges: What they should do and when they should do it—and I respect judges. It is all about the military: What should they do and when should they do it. God knows I respect them.

We have the right balance. The military fights, they kill our enemies, they capture our enemies, and once they are captured, they are going to be treated by this country under the Law of Armed Conflict, consistent with our values and consistent with the Geneva Convention and consistent with the fact that we are at war. Everything they do when it comes to adjudicating these prisoners' status will be reviewed in our Federal courts after the military acts. Every person convicted will have their day in court, and the courts can look and see if they were treated fairly. That is what America should do. That is what we are doing.

Please understand this war is different, and we have to make accommodations in a variety of ways, but this is a war. This is not a crime. These people we are rounding up throughout the globe wish to kill us all.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not in morning business. We are considering S. 4.

Mr. GRASSLEY. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. GRASSLEY. Mr. President, today, as I did a couple days last week, I continue with my discussion on the issues the Senate will face as the Democratic leadership draws up its budget resolution, and that is going to be 2 days next week in the Budget Committee and then I think the week after next, depending on what the Democratic leader decides to do, we generally will have a whole week of debate on the budget and adoption of the budget.

We face an important milestone because the Democratic leadership controls the Senate for the first time since the 2002 election. Over the past 4 years, there has been a lot of passionate debate over the fiscal policies the Republican leadership proposed and implemented over the last 4 years. In November, the voters sent a Democratic majority to Congress. The budget debate we are about to enter provides Democrats with their opportunity to chart a fiscal policy path for the Nation.

Before the budget arrives, I have taken to the floor to recap and evaluate some of the consistent themes we have heard from the Democratic leadership over the past 4 years. Since the Finance Committee has jurisdiction over nearly all of the revenue side of the budget, I focused on the issues on that side of the ledger, the revenue side.

Since the position of the Democratic leadership has been to let the bipartisan tax relief plans of 2001 and 2003 expire, I talked about the effects of that automatic tax increase—yes, automatic tax increase—that happens without even a vote of the Congress if we don't continue this tax policy that was adopted in 2001 and 2003 beyond the year of 2010.

It is a very important consideration. For the last 4 years, Republican budgets on Capitol Hill have made it clear that our priority was to ensure that virtually every American taxpayer would not see that automatic tax increase come in their earnings of 2011, and that still is our policy. That is a policy reflected in the budget the President of the United States has sent to the Congress. So the year 2011 is the year the bipartisan tax relief sunsets.

I emphasize that 2001 was the year of bipartisan tax relief. I had the good fortune of working that year, 2001, with Senator MAX BAUCUS helping me get that bipartisan tax relief passed. He is now chairman of the committee, being that the Democrats are in the majority. I have the good fortune of maintaining a close working relationship with him.

The President's budget, as I already said, maintains the assurance that these tax policies of the last 7 years will continue in place beyond the year 2010. During the 4-year period 2003 to 2006, the Democratic leadership was harshly critical of this policy which was passed in 2001 and 2003; that is, the Democratic leadership opposed the fiscal policies of preventing a tax increase on virtually every American taxpayer automatically because Congress wouldn't even have to vote on it.

My first speech defined the tax increases built into that fiscal policy. My second speech highlighted some of the macroeconomic risks of that widespread automatic tax increase. Last week, I remarked to the Senate and discussed with the Senate potential omissions in the Democratic leadership's budget; that is, the discussion was about fiscal policy that was present in prior budgets. If the Democratic leadership's past criticisms of those budgets were carried out, the fiscal policy of continuing tax relief would end. This week, I am going to focus on the track record of the Democratic leadership and discuss potential problems from proposals that might be contained in that budget. You could say, from our standpoint, I am examining errors of commission this week, whereas last week I examined errors of omission.

Today, I wish to refer to the use of revenue-raising offsets in the budget context. As any budgeteer can tell you, the budget resolution is not a law. It doesn't amend the Internal Revenue Code or Medicare law or appropriations. The budget resolution is like a blueprint for a building. The actual construction of tax and spending policies will occur later on this year.

The budget resolution is, however, critical to actual tax, actual spending, and actual deficit decisions the Congress will undertake. The matter of offsets is critical in this respect: If additional spending is proposed in the resolution without real offsets, then deficits are more likely. Likewise, if popular tax relief is proposed but not offset with real proposals, then deficits could appear and be larger—though, on this last point, the track record of the last 4 years shows tax relief grew the economy and record levels of Federal revenue came into the Treasury as a direct result.

My basic point is that if a proposed offset is not realistic and the proponents succeed, budget discipline could be undermined. In other words, phony offsets, if incorporated into the budget, can lead to deficits.

Today, I am just going to follow the numbers. Just follow the numbers. I am not going to make any judgments or make any assumptions about the revenue-raising proposals. I am going to analyze these proposals strictly from a fiscal standpoint.

I analyze two categories of offsets from the standpoint of whether the budget arithmetic adds up, and I am going to examine last year's record of the Democratic leadership on offsets but look at it as if they were in control at the time. It is not a pretty picture.

I am going to take a look at proposed offsets from a series of amendments, real amendments that were debated here on the floor of the Senate during last year's budget resolution debate. During that debate, virtually all Democratic members had a common theme in their purported offsets for their amendments to this resolution. That purported theme was that they would close tax loopholes to pay for whatever popular spending program they wanted to propose. Closing corporate tax loopholes was the common refrain to pay for spending.

I will list the amendments and the popular spending proposals:

Senator KENNEDY, Vocational Education and Pell Grants;
Senator AKAKA, Veterans Medical Services;
Senator MURRAY, Community Block Grants;
Senator STABENOW, Emergency Responders;
Senator MENENDEZ, Port Security;
Senator BYRD, Amtrak;
Senator REED of Rhode Island, LIHEAP;
Senator Sarbanes, Corps of Engineers and other Federal services;
Senator DORGAN, Native American programs;
Senator STABENOW, Veterans' Health Care;
Senator AKAKA, Title I Education Grants; and
Senator LINCOLN, Agriculture.

These are all here, and more than what I gave are here.

Mr. President, at this point I ask unanimous consent that a list of these amendments by vote and by amendment number, so that they are there for people who aren't listening to what I am saying to consider, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAID FOR BY CLOSING TAX LOOPHOLES

Vote #39 Kennedy Amendment, No.3028 Vocational Education and Pell Grants; Vote #41 Akaka Amendment, No. 3007 Veterans Medical Services; Vote #43 Murray Amendment, No. 3063 Community Block Grants; Vote #45 Stabenow Amendment, No. 3056 Emergency Responders; Vote #47 Menendez Amendment, No. 3054 Port Security; Vote #51 Byrd Amendment, No. 3086 Amtrak; Vote #57 Reed Amendment, No.3074 LI-HEAP; Vote #60 Sarbanes Amendment, No. 3103 Corps of Engineers and Other Federal Services; Vote #61 Dorgan Amendment, No. 3102 Native American Programs; Vote #63 Stabenow Amendment, No. 3141 Veterans Health Care; Vote #64 Akaka Amendment, No. 3071 Title I Education Grants; Vote #66 Lincoln Amendment, No. 3106 Agriculture.

Mr. GRASSLEY. Mr. President, as you can see, the proposed spending is popular and has a nice political edge. Democrats could record themselves as voting for the amendment, and they could criticize Republicans for voting against those amendments. From a political calculation perspective, these were profitable efforts on the part of the Democratic leadership. The fiscal consequences, however, were another story.

If Democrats had been in the majority, as they are now, the fiscal effect of these amendments would have been a very big problem, and here is why. One-time spending increases, even if for 1 year, are built into the CBO baseline, and they are built in forever. This is explicitly the case for increases in discretionary spending. It is also implicitly the case with entitlement spending. If anyone disputes that point, I would ask them to show me the last time we reversed new entitlement spending. It just never happens around here is the best thing to say.

Let's take a look at the Kennedy amendment on vocational education and Pell grants to which I have referred. The amendment was purported to be $6.3 billion, but that was for 1 fiscal year. That $6.3 billion, if adopted, would probably be extended in later years. It is in the baseline. So Senator KENNEDY found his offset by closing $6.3 billion in what he referred to as corporate tax loopholes. I am not going to find fault with closing those tax loopholes. I have been involved in things like that for a long period of time, and successfully so. The fiscal and political effect, though, of Senator KENNEDY's amendment was to identify specific popular spending and offset it with a nondefined tax increase. From a realistic standpoint, Senator KENNEDY's amendment identified less than 10 percent of the gross spending burden it would have placed on future budgets to the extent the unspecified revenue offset was duplicative or not realistic. The real effect was that the $6.3 billion additional spending would have been added to the budget for that fiscal year.

All 12 of these listed amendments used the same undefined offset.

Several Members referred to revenue raisers in a Democratic substitute amendment to the 2005 Tax Relief Reconciliation bill, and they kept trying to spend the same money over and over again. Let's take a look at the list of revenue raisers in the substitute amendment.

Mr. President, I ask unanimous consent that a Joint Committee on Taxation estimate of the revenue offsets to the 2005 substitute be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Inventory of Specified Democrat Revenue Offsets

[In billions over 5 years]

Gross Revenue Available from Democratic Substitute	$53.6
Less Enacted Offsets	−9.3
Less Small Business Tax Relief Bill Offsets	−8.7
Net Available Democratic Offsets	35.6

Source: Joint Committee on Taxation

Recap of Democratic Revenue Raisers and Spending Proposals

[In billions over 5 years]

Net Available Democratic Revenue Offsets	$35.6
Less Cost of Democratic Spending Amendments	−105.2
Net Cost of Democratic Spending Amendments	−69.6

Source: Joint Committee on Taxation

Mr. GRASSLEY. That substitute amendment is an overinclusive inventory of offsets. I say "overinclusive" because it included the universe of revenue raisers that the Democratic caucus supported. Republicans supported many, but not all, of these offsets.

Joint Tax scored these revenue raisers during last year's budget debate. According to the Joint Tax experts, that universe of Senate offsets raised $53.6 billion over 5 years. That is this chart right here: $53.6 billion. At that time, I noted that the budget resolution assumed several billion in revenue raisers to cover part of the reconciliation bill. Indeed, in the reconciliation conference, we used eight of these revenue raisers. They accounted for about $9 billion—and I should say only $9 billion over 5 years. I had hoped to use additional raisers accounting for about $7.5 billion over 5 years, but the House rejected that, and we then found some offsets someplace else. So we will take a look at them.

If you account for the revenue offsets left over, you can subtract out another 10 revenue-raising proposals that are in the Senate's small business minimum wage bill. Those revenue raisers—and those are things which had just been before the Senate—those revenue raisers included $8.7 billion over 5 years. That is this figure here.

Of the raisers in the 2005 substitute amendment, about $18 billion of those were enacted or are in play in discussions between the House and the Senate. So if we review the Senate Democratic inventory of identified as well as scored revenue raisers and net out current law and Senate-passed tax legislation, we find 18 revenue proposals available. These are proposals the Democratic caucus has advocated that are left over. They raise approximately $36 billion over 5 years.

Everyone should know there are revenue raisers in that total I just recited that the administration doesn't support. You don't have to let that detract you from it, but those would be issues which would be subject to, I suppose, a Presidential veto.

Let's forget that for the moment. There are many in this total that the House and Senate Republicans don't support. As we have found in the small business tax relief discussions, House Democrats aren't keen on some of these proposals either. Nevertheless, to bend over backward and to be fair to the Senate Democratic leadership, I am going to tally the proposals they have supported as a caucus.

Let me repeat the total corporate loophole closers and other offsets Democrats have defined. It is $36 billion over 5 years. Put another way, I would like to say it is only $36 billion over 5 years, but I want you to see what they want to use that $36 billion for—presumably to cover a lot of other expenditures they can't do because the numbers don't allow it. That total of $36 billion, then, provides a ceiling of offsets to compare to the spending amendments.

Let's go back and match the spending amendments with the universe of Democratic revenue raisers. The revenue raised is a far cry from the cumulative demand of the amendments that were filed. The amendments that have been filed that propose to use those tax loophole closers as offsets total $105 billion in new spending. So the Senate Democrats propose $36 billion in revenue raisers that were supposed to offset $105 billion in new spending, but it doesn't add up. That means the spending exceeded revenue raisers by $69 billion.

Mr. President, I ask unanimous consent that a list of the Democratic amendments to the fiscal year 2007 budget resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

$ IMPACT OF DEMOCRAT AMENDMENTS TO THE FY 2007 BUDGET RESOLUTION

Tax Increases in Democrat Amendments

#	Description	Sponsor	Party	2007	2008	2009	2010	2011	2007-2011
3001	Corporate tax loopholes	Nelson	D	0.975	1.037	0.792	0.826	0.861	4.491
3007	Corporate tax loopholes	Akaka	D	1.350	0.135	0.006	0.002	0.000	1.493
3016	Tax loopholes	Kennedy	D	2.378	2.123	0.549	0.111	0.025	5.186
3020	Eliminate tax shelters	Salazar	D	0.808	1.130	1.273	1.430	1.634	6.275
3021	Tax increases	Salazar	D	0.152	0.069	0.102	0.090	0.095	0.508
3022	Tax havens	Salazar	D	0.100	0.770	2.400	2.100	2.000	7.370
3023	Tax increases	Salazar	D	0.007	0.002	0.001	0.000	0.000	0.010
3024	IRS collection improvements	Salazar	D	0.153	0.808	0.178	0.191	0.205	1.535
3028	Corporate tax loopholes	Kennedy/Collins	D	1.479	3.988	0.634	0.206	0.019	6.326
3029	Corporate tax loopholes	Dayton	D	0.270	8.911	4.050	0.270	0.000	13.501
3034	Tax increases	Lieberman	D	2.151	2.700	1.729	1.039	0.203	7.822
3037	Corporate tax loopholes	Lautenberg	D	1.230	0.000	0.000	0.000	0.000	1.230
3039	Superfund	Bingaman	D	1.689	1.654	1.454	1.152	1.264	7.213
3042	Tax increases	Biden	D	1.194	2.835	4.362	5.384	5.400	19.175
3044	Corporate tax loopholes	Akaka	D	0.070	0.080	0.070	0.050	0.040	0.310
3046	Corporate tax loopholes	Biden	D	0.138	0.460	0.748	0.978	1.150	3.474
3047	Corporate tax loopholes	Lincoln	D	4.500	3.300	0.000	0.000	0.000	7.800
3054	Corporate tax loopholes	Menendez	D	0.704	0.517	0.445	0.264	0.000	1.930
3056	Corporate tax loopholes and tax gap	Stabenow	D	1.000	3.700	3.100	2.200	1.000	11.000
3058	Corporate tax loopholes	Baucus	D	0.880	1.800	0.800	0.240	0.080	3.800
3062	Corporate tax loopholes	Byrd	D	0.032	0.035	0.036	0.036	0.037	0.176
3063	Corporate tax loopholes	Murray	D	0.026	0.416	0.546	0.182	0.065	1.235
3064	Corporate tax loopholes	Clinton	D	0.010	0.345	0.060	0.010	0.010	0.435
3067	Corporate tax loopholes	Feinstein	D	0.111	0.199	0.055	0.012	0.003	0.380
3069	Corporate tax loopholes	Murray	D	0.213	0.053	0.000	0.000	0.000	0.266
3070	Corporate tax loopholes	Murray	D	0.024	0.006	0.000	0.000	0.000	0.030
3071	Corporate tax loopholes	Akaka	D	0.180	4.860	0.840	0.120	0.000	6.000
3072	Corporate tax loopholes	Kerry	D	0.121	0.030	0.000	0.000	0.000	0.151
3074	Corporate tax loopholes	Reed	D	2.489	0.763	0.066	0.000	0.000	3.318
3075	Corporate tax loopholes	Levin	D	0.056	0.116	0.096	0.066	0.000	0.334
3076	Corporate tax loopholes	Levin	D	0.022	0.003	0.003	0.000	0.000	0.028
3077	Corporate tax loopholes	Levin	D	0.030	0.111	0.093	0.066	0.000	0.300
3080	AMT	Kerry	D	-3.272	-16.248	6.923	6.225	1.309	-5.063
3081	Corporate tax loopholes	Salazar	D	0.152	0.000	0.000	0.000	0.000	0.152
3082	Corporate tax loopholes	Murray	D	0.675	2.756	2.820	2.836	2.840	11.927
3086	Corporate tax loopholes	Byrd	D	0.550	0.000	0.000	0.000	0.000	0.550
3088	Tax loopholes	Leahy	D	0.005	0.011	0.010	0.008	0.006	0.040
3089	Corporate tax loopholes	Salazar	D	0.025	0.030	0.030	0.010	0.005	0.100
3090	Tax loopholes	Clinton	D	0.021	0.042	0.011	0.002	0.000	0.076
3091	Tax loopholes	Schumer	D	0.500	0.000	0.000	0.000	0.000	0.500
3092	Tax policy	Schumer	D	-6.992	-36.366	-33.559	76.917	0.000	0.000
3095	Repeal energy incentives	Biden	D	0.434	0.732	0.582	0.539	0.422	2.709
3097	Corporate tax loopholes	Dayton	D	0.230	7.591	3.450	0.230	0.000	11.501
3101	Repeal tax subsidies	Dorgan	D	0.500	1.100	1.200	1.400	1.500	5.700
3102	Corporate tax loopholes	Dorgan	D	0.285	0.197	0.230	0.263	0.302	1.277
3103	Corporate tax loopholes	Sarbanes	D	1.718	0.699	0.320	0.116	0.058	2.911
3104	Corporate tax loopholes	Murray	D	0.675	2.756	2.820	2.836	2.840	11.927
3105	Millionaires tax	Boxer	D	0.015	0.435	0.225	0.075	0.015	0.765
3106	Corporate tax loopholes	Lincoln	D	1.177	0.439	0.221	0.107	0.057	2.001
3112	Tax increases	Landrieu	D	0.516	0.221	0.000	0.000	0.000	0.737
3113	Tax increases	Landrieu	D	0.036	0.084	0.075	0.075	0.030	0.300
3115	Corporate tax loopholes	Clinton-Reid	D	0.225	0.084	0.023	0.010	0.002	0.344
3129	Corporate tax loopholes	Schumer	D	0.283	0.353	0.071	0.000	0.000	0.707
3130	Corporate tax loopholes	Schumer	D	0.009	0.031	0.065	0.095	0.077	0.277
3133	Tax withholding	Conrad	D	5.100	0.100	0.200	0.200	0.200	5.800
3137	Corporate tax loopholes	Lautenberg	D	1.230	0.000	0.000	0.000	0.000	1.230
3141	Millionaires tax	Stabenow	D	6.900	16.500	22.200	27.000	31.600	104.200
3143	Tax increases	Kerry	D	0.592	1.619	2.188	2.685	3.271	10.355
3145	Corporate tax loopholes	Obama	D	0.090	0.060	0.045	0.046	0.047	0.288
3146	Corporate tax loopholes	Obama	D	0.005	0.001	0.000	0.000	0.000	0.006
3147	Corporate tax loopholes	Clinton	D	0.026	0.013	0.001	0.000	0.000	0.040
3158	Tax loopholes	Dodd	D	2.230	3.084	1.024	0.330	0.000	6.668
3159	Tax increases	Kennedy	D	2.392	2.138	0.534	0.097	0.025	5.186
	TOTAL TAX INCREASE			40.874	31.418	36.197	139.127	58.697	306.313

Spending Increases in Democrat Amendments

#	Description	Sponsor	Party		2007	2008	2009	2010	2011	2007-2011
3001	Survivor Benefit Plan (050)	Nelson	D	BA	0.975	1.037	0.792	0.826	0.861	4.491
	Mandatory			OT	0.975	1.037	0.792	0.826	0.861	4.491
3007	Veterans medical services	Akaka	D	BA	1.500					1.500
	Discretionary			OT	1.350	0.135	0.006	0.002	0.000	1.493
3016	Research programs	Kennedy	D	BA	5.226					5.226
	Discretionary			OT	2.378	2.123	0.549	0.111	0.025	5.186
3020	LWCF	Salazar	D	BA	0.100					0.100
	Discretionary			OT	0.025	0.030	0.030	0.010	0.005	0.100
3021	PILT	Salazar	D	BA	0.152					0.152
	Discretionary			OT	0.152					0.152
3022	Wildland fire management	Salazar	D	BA	0.072					0.072
	Discretionary			OT	0.040	0.022	0.011			0.073
3023	Interoperable communications	Salazar	D	BA	0.010					0.010
	Discretionary			OT	0.007	0.002	0.001			0.010
3024	National Renewable Energy Laboratory	Salazar	D	BA	0.172					0.172
	Discretionary			OT	0.077	0.069	0.017	0.009		0.172
3028	Education programs	Kennedy	D	BA	6.326					6.326
	Discretionary	Collins		OT	1.479	3.988	0.634	0.206	0.019	6.326
3029	IDEA	Dayton	D	BA	13.501					13.501
	Discretionary			OT	0.270	8.911	4.050	0.270		13.501
3034	Homeland security	Lieberman	D	BA	7.977					7.977
	Discretionary			OT	2.151	2.7	1.729	1.039	0.203	7.822
3037	Aviation security	Lautenberg	D	BA	1.230					1.230
	Discretionary			OT	1.230					1.230
3038	Eliminate Office of Dynamic Analysis	Clinton	D	BA	-0.001					-0.001
	Discretionary			OT	-0.001					-0.001
3039	Energy programs	Bingaman	D	BA	4.049					4.049
	Discretionary			OT	1.972	1.535	0.365	0.177		4.049
3042	Homeland security	Biden	D	BA	5.775	5.400	5.400	5.400	5.400	27.375
	Discretionary			OT	1.194	2.835	4.362	5.384	5.400	19.175
3044	Filipino veterans	Akaka	D	BA	0.070	0.080	0.070	0.050	0.040	0.310
	Mandatory			OT	0.070	0.080	0.070	0.050	0.040	0.310
3046	COPS	Biden	D	BA	1.150	1.150	1.150	1.150	1.150	5.750
	Discretionary			OT	0.138	0.460	0.748	0.978	1.150	3.474
3047	Refundable tax credits	Lincoln	D	BA	4.500	3.300				7.800
	Mandatory			OT	4.500	3.300				7.800
3054	Port security	Menendez	D	BA	0.965					0.965
	Discretionary			OT	0.352	0.259	0.223	0.132		0.966
3056	Interoperable communications	Stabenow	D	BA	5.000					5.000
	Discretionary			OT	0.500	1.850	1.550	1.100		5.000
3058	NSF	Baucus	D	BA	4.000					4.000
	Discretionary			OT	0.880	1.800	0.800	0.240	0.080	3.800
3062	Mine safety	Byrd	D	BA	0.036	0.036	0.037	0.037	0.038	0.184
	Discretionary			OT	0.032	0.035	0.036	0.036	0.037	0.176
3063	CDBG	Murray	D	BA	1.300					1.300
	Discretionary			OT	0.026	0.416	0.546	0.182	0.065	1.235
3064	Even Start	Clinton	D	BA	0.225					0.225
	Discretionary			OT	0.007	0.182	0.031	0.005	0.003	0.228
3067	NIH	Feinstein	D	BA	0.390					0.390
	Discretionary			OT	0.111	0.199	0.055	0.012	0.003	0.380
3069	Coast Guard	Murray	D	BA	0.266					0.268
	Discretionary			OT	0.213	0.053				0.266
3070	Coast Guard	Murray	D	BA	0.030					0.030
	Discretionary			OT	0.024	0.006				0.030
3071	Title I	Akaka	D	BA	3.000					3.000
	Discretionary			OT	0.090	2.430	0.420	0.060		3.000
3072	SBA	Kerry	D	BA	0.151					0.151
	Discretionary			OT	0.121	0.030				0.151
3074	LIHEAP	Reed	D	BA	3.318					3.318
	Discretionary			OT	2.489	0.763	0.066			3.318
3075	Borders	Levin	D	BA	0.334					0.334
	Discretionary			OT	0.056	0.116	0.066			0.238
3076	Border patrol	Levin	D	BA	0.028					0.028
	Discretionary			OT	0.022	0.003	0.003			0.028
3077	Borders (DRAFTED WRONG)	Levin	D	BA	0.300					0.300
	Discretionary			OT	0.030	0.111	0.093	0.066	0.000	0.300
3081	PILT	Salazar	D	BA	0.152					0.152
	Discretionary			OT	0.152					0.152

3082	ProGAP	Murray	D	BA	1.412	1.415	1.423	1.433	1.430	7.113
	Mandatory			OT	0.339	1.385	1.417	1.425	1.432	5.998
3086	Amtrak	Byrd	D	BA	0.550					0.550
	Discretionary			OT	0.550					0.550
3088	Bulletproof vests	Leahy	D	BA	0.041					0.041
	Discretionary			OT	0.005	0.011	0.010	0.008	0.006	0.040
3089	LWCF	Salazar	D	BA	0.100					0.100
	Discretionary			OT	0.025	0.030	0.030	0.010	0.005	0.100
3090	CDC	Clinton	D	BA	0.079					0.079
	Discretionary			OT	0.021	0.042	0.011	0.002	0.000	0.076
3091	Port security	Schumer	D	BA	0.500					0.500
	Discretionary			OT	0.500					0.500
3097	IDEA	Dayton	D	BA	11.501					11.501
	Mandatory			OT	0.203	7.591	3.450	0.230	0.000	11.474
3102	Tribal programs	Dorgan	D	BA	1.000					1.000
	Discretionary			OT	0.299	0.385	0.154	0.126	0.015	0.979
3103	Natural resources	Sarbanes	D	BA	2.912					2.912
	Discretionary			OT	1.718	0.699	0.320	0.116	0.058	2.911
3104	ProGAP	Murray	D	BA	1.412	1.415	1.423	1.433	1.430	7.113
	Mandatory			OT	0.339	1.385	1.417	1.425	1.432	5.998
3105	21st Century Comm Learning Centers	Boxer	D	BA	0.750					0.750
	Discretionary			OT	0.015	0.435	0.225	0.075		0.750
3106	Agriculture	Lincoln	D	BA	2.029					2.029
	Discretionary			OT	1.177	0.439	0.221	0.107	0.057	2.001
3112	Corps	Landrieu	D	BA	0.737					0.737
	Discretionary			OT	0.516	0.221				0.737
3113	FHA	Landrieu	D	BA	0.300					0.300
	Mandatory			OT	0.036	0.084	0.075	0.075	0.030	0.300
3115	Unintended pregnancy	Clinton-Reid	D	BA	0.347					0.347
	Discretionary			OT	0.225	0.084	0.023	0.010	0.002	0.344
3129	Firefighter assistance	Schumer	D	BA	0.707					0.707
	Discretionary			OT	0.283	0.353	0.071			0.707
3130	GSA	Schumer	D	BA	0.308					0.308
	Discretionary			OT	0.009	0.031	0.065	0.095	0.077	0.277
3133	Avian flu	Conrad	D	BA	5.000					5.000
	Discretionary			OT	1.000	2.800	0.800	0.300		4.900
3137	TSA fees	Lautenberg	D	BA	1.230					1.230
	Discretionary			OT	1.230					1.230
3141	Veterans health as mandatory	Stabenow	D	BA	6.900	16.500	22.200	27.000	31.600	104.200
	Mandatory			OT	6.900	16.500	22.200	27.000	31.600	104.200
3143	Military healthcare	Kerry	D	BA	0.735	1.862	2.322	2.816	3.424	11.159
	Mandatory			OT	0.592	1.619	2.188	2.685	3.271	10.355
3145	Child tax credit	Obama	D	BA	0.145	0.129				0.274
	Mandatory			OT	0.145	0.129				0.274
3146	DOJ	Obama	D	BA	0.006					0.006
	Discretionary			OT	0.005	0.001				0.006
3147	Alzheimers	Clinton	D	BA	0.041					0.041
	Discretionary			OT	0.026	0.013	0.001			0.040
3158	Children and families	Dodd	D	BA	3.334					3.334
	Discretionary			OT	1.115	1.542	0.512	0.165	0.000	3.334
3159	Science	Kennedy	D	BA	5.226					5.226
	Discretionary			OT	2.392	2.138	0.534	0.097	0.025	5.186
3170	IRS	Conrad	D	BA	0.363					0.363
	Discretionary			OT	0.340	0.014	0.009			0.363
3171	Mine Safety	Byrd	D	BA	0.037	0.038	0.041	0.043	0.046	0.205
	Discretionary			OT	0.033	0.037	0.040	0.042	0.045	0.197
	DISCRETIONARY SUBTOTAL			BA	92.031	6.624	6.628	6.630	6.634	118.547
				OT	29.051	40.338	19.417	11.172	7.280	107.258
	MANDATORY SUBTOTAL			BA	27.950	25.738	28.230	33.558	38.785	154.261
				OT	14.099	33.110	31.609	33.716	38.666	151.200
	TOTAL SPENDING INCREASE			BA	119.981	32.362	34.858	40.188	45.419	272.808
				OT	43.150	73.448	51.026	44.888	45.946	258.458

Mr. GRASSLEY. Mr. President, this list was prepared by analysts and was based upon filed amendments printed in the CONGRESSIONAL RECORD. I think it is interesting that only one filed amendment on this list would decrease taxes over 5 years, and only one amendment would result in decreased spending over 5 years. The amendment decreasing spending was filed by New York's junior Senator and would reduce spending by $1 million. That is one-thousandth of a billion dollars.

Put another way, if you subtract the $36 billion from the $105 billion in new spending proposed, it means the other side's amendments were short $69 billion—short $69 billion. Right here. This figure. This money proposed for offsets, add up all of the amendments put before the Senate, and you come out short. Revenue neutrality? No. Budget neutrality? No.

Now, that $69 billion needs to come from someplace. If the other side had prevailed, it would have wiped out the tax relief of last year's budget, including what we do to keep more Americans from paying that horrible tax, the alternative minimum tax. You can't have it both ways. Either the other side, if they had prevailed, would have added $69 billion in deficit spending or they would have gutted the tax relief they claim to support.

Budgets are about choices. In this case the choices are clear. If the Democratic leadership would have controlled the Senate last year, we would have no tax relief in that budget or we would have added $69 billion in deficit spending. Neither choice would be the right choice from the standpoint of the American people.

Defining offsets is very important. It is very important because we need real numbers if we are going to have intellectually honest budgeting. My analysis of corporate loophole closers and other revenue-raising proposals shows the Democratic caucus has supported at most $36 billion in specific revenue-raising proposals. By the way, that is about the revenue loss for last year's AMT patch. So the alternative minimum tax would have hit another 7 or 8 million Americans.

Using unspecified revenue-raising proposals is not realistic. If Democrats intend to live by pay-go, short for "pay as you go," the Finance Committee will need those revenue-raising proposals to handle a portion—and just a portion—of the demand of the tax system.

There are two other categories of revenue-raising proposals identified by the Democratic leadership. One is repealing tax relief for higher income taxpayers. The other is reducing or closing the tax gap. I will talk about the tax gap in a later speech.

When folks in the Democratic leadership talk about raising taxes on higher income taxpayers, it sounds as if all fiscal problems can be solved as long as you want to look down the road. Liberal think tanks and sympathetic voices in the east coast media tend to echo that sentiment. As a matter of intellectual honesty in budget debates, we ought to have an idea of how much revenue is there. Since the most popular proposal is to repeal the bipartisan tax relief for higher income taxpayers, I have asked the Joint Tax Committee to provide updated estimates of those proposals—such as the corporate loophole closer. I do not expect the revenue would cover the spending demands. I was pleased to see the Budget Committee chairman make a public comment last week that seemed to address these proposals. According to the March 1, 2007 edition of Congress Daily AM, the chairman indicated he intended to put forward a budget with "no tax rate increases." I will have to see the budget resolution and hear the chairman's explanation, but I read that comment to mean the Democratic leadership will not, at a minimum, propose to roll back current law tax rates.

This would be especially interesting in light of the so-called millionaire's tax amendment put forward in the past by members of the chairman's party. The millionaire's tax amendment filed for the fiscal year 2007 budget would have increased taxes by about $105 billion. Of course, those same amendments spent that money, so deficit reduction would not have been received.

Today I have examined the question of revenue-raising offsets. The inventory of available, defined, specific revenue-raising offsets is relatively small. Last year, Democratic amendments overspent the available revenue offsets by $69 billion. The Democratic leadership has indicated a desire to apply pay-go, pay as you go, to the current law tax relief. If pay-go is to be observed with respect to the alternative minimum tax and other popular expiring tax relief provisions, the Democratic leadership will need those revenue raisers and even more to offset the revenue lost from these time-sensitive provisions.

When we start to examine and debate the budget resolution, we will need to use intellectually honest numbers. Using the undefined corporate loophole closer is fiscally dangerous. It enables even more spending at a time when Government is at record levels as far as real dollars. Runaway spending is at the root of our current or future fiscal problems. Using phony revenue-raising offsets sets up two negative fiscal outcomes, an undefined tax increase and/or deficit spending.

All Members, whether Republican or Democrat, ought to agree to be transparent with all these numbers and all these figures in the amendments that are posed in the upcoming budget debate.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to proceed for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

(The remarks of Mr. CRAIG relating to the introduction of S. 815 are printed in today's RECORD under "Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Ms. STABENOW. Madam President, I rise today to support the Improving America Security Act of 2007, the legislation in front of us. It will put us on a path of more security for the future by implementing the unfinished recommendations of the 9/11 Commission. I commend all of those involved in this important effort.

As I came to speak on the floor in support of the legislation we have been working on for the last couple of weeks, I find myself needing to express great concern about the place in which we find ourselves at this point—unable to move forward with the final bill and the relevant 9/11 Commission amendments that have been offered because of an effort by the Senate Republican leader to offer a wide-ranging number of unrelated amendments to this bill. So we find ourselves now stopped and waiting to figure out a way to resolve this effort.

The families who lost loved ones 5½ years ago have been waiting for the Congress to act. The 9/11 Commission report was released. After it was released, I assumed we would immediately take that document and begin to move forward aggressively because we all want safety for our families. We all live in America, and we are all concerned about vulnerabilities and risks and what we need to be able to do to keep our families safe and the country safe.

Unfortunately, things did not move under the former Congresses. We now find ourselves in a situation where, again, we are stalled because of a set of unrelated issues that have come up. I wish to share for the RECORD the deep concern of family members who lost loved ones on 9/11 and who have written a letter to the distinguished Republican leader of the Senate. I think it expresses their grave concern about where we are right now. They are calling on us to move forward and act.

This reads:

> DEAR SENATOR MCCONNELL: As family members who lost loved ones on 9/11, we support full implementation of the 9/11 Commission recommendations. We are writing out of grave concern that your recent introduction of highly provocative, irrelevant amendments will jeopardize the passage of S. 4. It is inconceivable that anyone in good conscience would consider hindering implementation of the 9/11 Commission recommendations, delaying much-needed homeland security improvements. We strongly disagree with these divisive procedural tactics.
>
> Just as the Iraq war deserves separate debate, so do each of the amendments you offered. S. 4 should be a clean bill and debate should conclude this week with a straight up and down vote. Each day that passes without implementation of the remaining 9/11 Commission recommendations, the safety and security of our nation is at risk.
>
> Tactics such as those you are contemplating, which endanger the 9/11 bill, send a signal to America that your priority is partisan politics, not protecting America against terrorism. Both parties must work together to pass this critical legislation.
>
> We, the undersigned, understand all too well the risk of failure to secure our nation.
>
> Respectfully,
>
> CAROL ASHLEY,
> *Mother of Janice, 25, Member, Voices of September 11th.*
>
> MARY FETCHET,
> *Mother of Brad, 24, Founding Director and President, Voices of September 11th.*
>
> BEVERLY ECKERT,
> *Widow of Sean Rooney, 50, Member, Families of September 11.*
>
> CARIE LEMACK,
> *Daughter of Judy Larocque, 50, Cofounder and President, Families of September 11.*

We know the job that needs to get done. I commend our Senate majority leader for making the wise determination, out of respect for these families, not to proceed with amendments relating to Iraq, which we all care deeply about. We want to have that debate on the policies and support for our troops and future direction as it relates to Iraq.

But the distinguished majority leader made the determination not to proceed on this bill because the families, the communities, and the country have waited too long for it to pass. So I think it is very unfortunate that we have had to get to this point, but it is very important that we pass a bill of tremendous significance.

I commend Chairman LIEBERMAN and all of the members of the committee for their leadership. I commend particularly Senator LIEBERMAN for his conviction to bring these issues to the Senate and for hanging in there and trying to get this done. The 9/11 Commission did a great service to our country by asking tough questions about the 9/11 attacks and then making recommendations to keep us safe in the future. The 9/11 Commission not only gave a detailed explanation of how the attacks happened but also gave Congress and the administration detailed recommendations in how to fix our vulnerabilities and prevent future attacks. For that, we are grateful for their service.

In December 2005, a group led by former members of the 9/11 Commission released a report card that overwhelmingly gave the administration and Congress failing grades for their poor implementation of the 9/11 Commission recommendations. This legislation is intended to change those failing grades to passing grades and to make us more secure.

The members of the commission gave the Government a D for improving checked bag and cargo screening. This bill requires all cargo and passenger aircraft to be screened and dedicates funding for the screening of checked baggage.

The Government also received Ds for creating incentives for information sharing and increasing Government-wide information sharing. This legislation makes several changes to information and intelligence sharing urged by the Commission. The bill establishes incentives for Government-wide information sharing and makes permanent the information sharing environment program, which will expire next month. The bill also creates the Interagency Threat Assessment and Coordination Group, which will facilitate the production and dissemination of Federal intelligence products to other Federal agencies and to State, local, and tribal governments.

The former Commissioners gave the Government another D for the lack of progress on intelligence oversight reform. However, the days of Congress giving President Bush a free pass are over, and this legislation increases Congress's oversight of the intelligence community and gives the intelligence community greater freedom to submit information to Congress, without approval by an executive branch officer.

One appalling lack of progress has been in the area of first responder communications interoperability. The 9/11 Commissioners gave the Government an F for failing to provide an adequate radio spectrum for first responders. This lack of progress is appalling to me because of the shortcomings the Commission identified in this area.

The 9/11 Commission report outlined the numerous communications problems first responders have had as they have tried to save lives. The report detailed the problem the police officers and firefighters in New York faced because they were on different radio systems. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon to help, but they could not talk to each other.

The 9/11 Commission concluded that:

> The inability to communicate was a critical element at the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash site where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at 3 very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains an important problem.

The 9/11 Commission published its final report in July 2004, but the men and women in the first responder community knew of the communications difficulties before 9/11.

Not long after 9/11, I traveled around Michigan and held a number of different townhall meetings. Over and over again, I heard the same thing from our police officers and firefighters, our emergency responders. In the 5 years since the September 11 attacks, one of the top requests for support I receive every year from the communities in Michigan is for interoperable communications equipment. Nearly every time I meet with police and firefighters and emergency medical personnel, they bring up this issue.

The 9/11 Commission is not alone in the assessment of this problem. In June of 2004, a U.S. Conference of Mayors survey found that 94 percent of cities didn't have interoperable capabilities between police and firefighters and emergency workers; 60 percent of cities didn't have interoperable capability with the State emergency operation center in their State.

It has been over 5 years and we now are seeing this come forward in this important bill. I commend everybody involved in this legislation for putting in the first grant program for interoperability. This is a program that would be dedicated to improving communications between our first responders and would authorize $3.3 billion over the next 5 years to begin to get this right.

Our committee that has brought this forward has done an excellent job of presenting a package for us of which we can all be proud. It is a bipartisan effort. I hope we are going to see us move beyond this stalemate able to get the job done. The people of my State, and each of our States, are counting on us, and certainly the families who have suffered such a grave loss in the attacks on our country are counting on us to focus on the job in front of us and get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 818 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 313

Mr. DORGAN. Madam President, I have an amendment pending, as my colleagues know, that I cannot get a vote on. I don't know whether the other side will relent and give us a vote on the amendment. I offered it a week ago today. The amendment deals with the issue of al-Qaida. This bill is about the recommendations by the 9/11 Commission. It has been, I am told, 2,002 days since 9/1/2001. I was sitting in the Capitol that morning at a Democratic leadership meeting on that side of the Capitol with windows that looked out to the east.

We saw first on the television set the airplanes that attacked the World Trade Center. We saw the second plane fly into the second building of the World Trade Center. We then saw black smoke rising from the Pentagon that morning. Then this building was evacuated.

That has been a long while ago. Yet it seems like only yesterday. We looked up into the real bright blue sky that morning and saw F-16 fighter jets flying air cover over this Nation's capital.

We discovered later, because they boasted about it, that it was al-Qaida—Osama bin Laden, al-Zawahiri—who attacked this country and murdered several thousand of America's citizens. They boasted about it. They sent us videotapes, audiotapes telling us they were the ones who attacked our country.

Well, it is not 9/1/2001 today. It is a couple of thousand days later. Those who boasted they attacked this country are now living in Pakistan. That does not come from me, that comes from the top terrorist official in our country. In fact, both of the top intelligence chiefs in our country in the last 2 months have said the following, and I will quote them:

> Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the Homeland.

Think of that. Nearly 6 years after we were attacked by al-Qaida, we are told: The greatest threat to our country—and this is from open testimony before the Senate Select Committee on Intelligence by Mr. Negroponte, the top intelligence head in this country—is al-Qaida.

Here is what he said—this was repeated a couple of weeks ago by his successor:

Al-Qaida leaders "continue to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan . . ."

It has been 2,002 days. Those who killed thousands of Americans, those who are now the greatest terrorist threat to our country are living in a secure hideout in Pakistan. I would like to understand what is a higher priority for this country than to eliminate the leadership of al-Qaida, if, in fact, they represent the gravest terrorist danger to America. What is a higher priority?

I offer this amendment with my colleague, Senator CONRAD. Incidently, we offered and passed an amendment on this subject last fall that got dropped in conference.

This amendment that is fairly simple. It asks the administration, the Director of National Intelligence, and the Secretary of Defense to give Congress, every 6 months, a classified report telling us three things. First, whether the al-Qaida leadership is still in a secure hideout in Pakistan and, if not, where are they?

Second, tell us where they are, based on your knowledge. Incidentally, as I said, we have had testimony twice now from the top intelligence official in the Government that they are in a secure hideout in Pakistan. Second, whether the countries in which they reside are cooperating with us in our attempt to eliminate the al-Qaida leadership.

Third, our report will require the head of our intelligence and the head of the Department of Defense to tell us what additional resources they need, if they need additional resources, to capture Mr. bin Laden, Mr. Zawahiri, and al-Qaida's leadership.

We are having an aggressive debate in this country about Iraq. We should. It is an unbelievably difficult situation. In the shadow of 9/11, in the shadow of the terrorist threat that emerged immediately from 9/11, we were told by our intelligence community, by the administration, in top secret briefings, that Iraq posed imminent danger to this country and possessed weapons of mass destruction.

It turns out the intelligence was not accurate.

There are many reasons for that, some very troubling. But it turns out the intelligence was wrong. Nonetheless, the President committed troops to battle, and we are in Iraq and have been in that war in Iraq longer than for the Second World War. It is a lengthy period. It has lasted longer than the Second World War.

In fact, the National Intelligence Estimate was just released a couple months ago. A portion has been declassified. It says that most of what is happening in Iraq is sectarian violence. Yes, there are some al-Qaida in Anbar Province, but the bulk of what is happening in Iraq is sectarian violence. Translated, it means there is a civil war going on in Iraq.

That does not surprise anybody. Watch the evening news. Read the newspapers. We understand and see the evidence of this civil war. The question now for our country is, what do we make of a circumstance where we now find ourselves having substantial numbers of American soldiers in the middle of a civil war in Iraq? How do we respond to that? And how do we deal with that?

President Bush, some months ago, presented false choices to our country. He said the issue is just stay the course or cut and run. He said: I am for staying the course and they are for cutting and running—a completely false choice, and he knew it. Later, he said he never said "stay the course," but, in fact, he did many times.

But it was never the proper choice, stay the course or cut and run. The question is, What is a smart choice for our country? What represents our best interests, the best interests of our troops, the best interests of our own national interest with respect to the country of Iraq?

We are going to leave Iraq. That is not in question. The question is, when and how. The American people are not going to have American soldiers in the middle of civil strife in Iraq for 6 months, 6 years, 16 years. We are leaving Iraq. The question is, how and when, and that is a worthy debate to have. We have soldiers risking their lives.

Our country has asked soldiers to risk their lives for deployments—many of them multiple deployments. Yet the country has not gone to war with those soldiers. We send soldiers to Iraq to fight, and we are told: Go shopping. Soldiers go to war; we go to the mall. This country has not asked to be—excuse me, I should say it differently. No one has asked this country to be engaged in this war. We are told: Do you know what? In this war we should have tax cuts.

In fact, we have already spent somewhere close to $500 billion on the war—none of it paid for. We send soldiers to war and then are not willing to pay the costs. The cost in lives and treasure for this country is substantial. The question that we are coming to grips with in this Chamber, finally, at long last, is, what do we make of all of this? What kind of strategy do we develop? How do we approach this in a way that begins to decide what makes the best sense for this country's national interest?

We have had many discussions about that. I think we have arrived at some points in that discussion that will make a great deal of sense for this country. But even as we discuss Iraq, which is not the central front in the war on terrorism, we have people coming to the Congress and testifying before our committees and telling us the greatest threat to our country—the greatest threat to our country—is al-Qaida. Then we go home, as we talk about Iraq in the Senate, and we turn on the television set and see that al-Qaida is reconstituting training camps in Pakistan, and we see that al-Qaida is ramping up an opportunity with the Taliban to begin operations in Afghanistan to threaten the Government of Afghanistan.

So what do we make of all of that? Well, there is a giant yawn, it seems to me—just a giant yawn. Nobody cares. Nobody says much about al-Qaida. If this is the greatest terrorist threat to our country, why is it not No. 1 on this country's agenda—eliminating the leadership of al-Qaida?

The President says:

> I don't know where bin Laden is. I have no idea and really don't care. It's not that important. It's not our priority.

"I am truly not that concerned about him," the President says.

His intelligence chief comes to us and says, "Al-Qaeda is the terrorist organization that poses the greatest threat to U.S. interests. . . .," and we are not concerned about Osama bin Laden, the man who boasted about murdering thousands of American citizens?

Then we read this in the morning papers:

> Senior leaders of Al Qaeda operating from Pakistan have re-established significant control over their once-battered worldwide terror network and over the past year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials.
>
> American officials said there was mounting evidence that Osama bin Laden and his deputy, Ayman al-Zawahri, had been steadily building an operations hub in the mountainous Pakistani tribal area of North Waziristan.

How many warnings do we need? How often do we have to be told? Who has to tell us before we understand what are priorities are?

I have offered, with my colleague, Senator CONRAD, a simple amendment saying: Let's keep our eye on the ball. Every 6 months we should receive a classified report to say what is being done about this, where is the leadership of al-Qaida. Are they still in a secure hideout or hideaway in Pakistan? If so, are the leaders of this country helping us to try to eliminate that leadership? What kind of resources are necessary?

The President said some long while ago the issue with respect to terrorism is not just the terrorists but also those who harbor them. If the leadership of al-Qaida is in northern Pakistan, are they being harbored by the Government of Pakistan? Oh, I know, I am worried about President Musharraf. Sure. We all are. But is the Government of Pakistan—reportedly a government that has just made some sort of commitment with the Taliban, sort of a nonaggression pact with the Taliban, a Taliban that is likely protecting and hiding the leadership of al-Qaida—is that in our national interest? I don't think so.

So I offer an amendment, a simple, tiny, little amendment that says: Let's keep our eye on the ball. If this is the greatest threat to our country, why is it not ranked No. 1? Why is it relegated to an "I don't care; I don't know where he is or they are; it does not matter"?

How about deciding this is a priority.

Why are we not able to get a vote on this amendment? Why, after a week, are we not able to get a vote? Why would someone vote against this amendment? Why would someone oppose an attempt by our country to decide this is a priority? Why don't we have a vote and see if there are those who are opposed? I don't know. It is very frustrating. We bring a bill to the floor of the Senate dealing with 9/11.

Madam President, 9/11 was very simple and tragic; 9/11 was the day that a terrorist organization named al-Qaida hijacked airplanes, used those airplanes, full of fuel, as guided missiles, low-tech weaponry, to murder thousands of Americans.

We know who did it. They claimed they did it. They boasted about it. Now we are told by the top intelligence chief in our country we know where they are. And 2,002 days later, they are still there. By the way, we still receive messages from them from time to time. They send an audio tape or a video tape to Al Jazeera, and they speak to us. So they exist. Our intelligence chief says we know they exist and where they are.

The question is, why is this country not doing what it is required to do to deal with the highest and most significant terrorist threat that exists to the United States? I do not understand it.

So the question will be, I guess, in the coming hours, who is blocking this amendment? Why are they blocking this amendment? Why on Earth would anyone oppose such an amendment? Is the U.S. Congress willing to debate these issues, make decisions on these issues? I thought it was the great deliberative body in our country. You come to the floor of the U.S. Senate and exchange views, and you have a debate, a competition of ideas, and you select the best from each rather than the worst of both. That is what I thought this was about. I am enormously proud to be here. This is a great place. But it is enormously frustrating to spend a week on an amendment such as this and then discover that there are people who will decide you cannot have a vote on an amendment. Why? Because they are worried it might make somebody look bad.

This amendment is not about making anybody look bad. It is about turning this country to aim at the greatest terrorist threat that is described by our top intelligence chief and deciding to do something about it.

I come to the floor a third time now talking about this in the context of the other issues of Iraq and other matters we will discuss, including trying to pass the 9/11 bill. I do so recognizing a lot of people have a lot of ideas around here—some good, some bad. We vote on many of them. This is an idea we ought to vote on, and we ought to do it soon.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, let me inquire of the Senator from Maine. The ranking member is here, but the manager of the bill is not here. She has heard my presentation, I guess, three times now and perhaps is long tired of it. But let me ask if there is an opportunity for me to propound a unanimous consent request to get a vote on this amendment. I know I visited with the Senator from Connecticut and with the Senator from Maine yesterday and, I think, the day before about this amendment.

Could I get some expression from the ranking member of the thinking of the chairman and the ranking member about getting a vote on this amendment?

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, although it appears nothing has been happening today, in fact, there have been extensive negotiations going on behind the scenes with a list of amendments from our side and from the Senator's side. I know for a fact the Senator's amendment is on that list and is part of the discussions that are underway.

But the system of trying to clear these amendments is a very time-consuming one. There are Senators on the Democratic side who have objected to clearing the list and there are Senators on my side of the aisle who have objected to clearing the list.

But I can tell the Senator I personally did ask for the Senator's amendment, as did the manager of the bill, to be added to the list for those where we would try to either clear them through unanimous consent or we would try to get a rollcall vote. I personally have no objection to having a rollcall vote on the Senator's amendment or accepting the Senator's amendment, but we have not yet completed the clearance process. The reason I have remained on the floor is in the hope that clearance will occur. But I will tell the Senator there are problems clearing the joint list on both sides of the aisle.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, my understanding is my amendment is not on the list from the minority side. I do not know whether that is true or not, but I am told it is not on the list. If it is on the list, I am enormously heartened. As always, my colleague from Maine is very cordial, and I have always enjoyed working with her.

My only inquiry is to try to find a way, after a week, to be on the list so we can move this amendment. I would say to my colleague—and I know she would agree with this—it is often the case, as they say, where appearances are deceiving. That is not necessarily the case in the Senate. When it looks as if we are not doing much, in most cases we are not doing much.

I remain hopeful that behind the scenes we will get a list in which we will be able to clear a number of amendments. At the end of that, I will be the first to come to the floor to congratulate the chairman and the ranking member, who have exhibited enormous patience. I have complained about coming here now for a week, I guess three times. They have been sitting on the floor all week. So they show even greater patience with respect to the bill itself. My impatience is about my amendment.

My hope will be that as lists are exchanged, I will find the name of this amendment on the list and that it will be cleared at some point.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, first I thank my friend from North Dakota for his empathy for what the Senator from Maine and I are going through. There is a particular syndrome here that probably psychiatrists someday will analyze. But anyway, so far we are surviving it. It is frustrating.

I support the amendment of the Senator from North Dakota. It makes eminent sense to me in every way and it is certainly relevant to this bill. We have a process where we are trying to put together a group of amendments from both sides, and yet there are few people whose amendments haven't made it to that list who are refusing to consent. This is one of those moments of Senate gridlock, but we are going to continue to work at it. I in particular want to reassure the Senator, my friend, we are going to try to continue to work to get his amendment passed.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Let me thank the Senator from Connecticut and the Senator from Maine. No one that I know of ever has accused the Senate of speeding. We have never been accused of speeding. It is a slow, deliberate, frustrating process to get legislation done. I understand that. No one has to have more patience than those who have managed the bill on the floor.

Let me look ahead with great anticipation of coming to the floor and thanking both of them for allowing me to get my amendment passed. I would much prefer that than coming to the floor in a crabby mood about an amendment I couldn't get done.

I thank them for their patience and thank them for their work, and I hope later today we will be able to clear some of these amendments.

Mr. LOTT. Will the Senator yield? Is it too late to object to the Senator's amendment?

Mr. DORGAN. The Senator has a right to object to anything at any time. In fact, there are some professional objectors, as we know, here in the Senate.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I will point out we do have professional objectors on both sides. We have people who are eager to object to amendments going forward. But the Senator from Connecticut and I are working hard to try to clear a list that could be accepted by unanimous consent without rollcall votes, and then I have just confirmed with my staff what I said a few moments ago, that there is a second list we are trying to clear for rollcall votes. I am not saying the Senator's amendment has cleared the UC list, but I am telling the Senator his amendment remains on a list we are trying to develop to have rollcall votes.

Now, this is a difficult procedure because of the power of any Senator to throw a monkey wrench into the works, and we have a lot of monkey wrenches and other tools that are being thrown by Senators on both sides of the aisle. But I do want to assure the Senator his amendment is on a list the Senator from Connecticut and I are trying to clear for votes.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am in favor of pushing this from time to time. Yesterday we had a vote on something that was very instructive and I appreciate the majority leader pushing it to a vote.

We had for 2 years—2 years—a vacancy in the Assistant Secretary for Indian Affairs position—for 2 years. This is shameful. People are living in Third World conditions in this country and the head of the BIA had not been confirmed. For 2 years it was vacant. This was a nominee by the President, and I supported the nominee. He sent it up last fall. We didn't get it done. He sent it up earlier this year, and I immediately moved it out of my committee. This is President Bush's appointment, and a good one, I might add. There was a hold on it. We finally forced it to the floor of the Senate a couple of days ago, and guess what. The vote was 87 to 1. One person in the Senate puts a hold on something and the whole thing grinds to a halt.

Let's force it in a vote, as my colleague Senator REID did, and we will discover who is trying to hold things up. Let's move ahead on these amendments and have votes, and we will get the best of what both sides have to offer.

I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST

Mr. REID. Madam President, I ask unanimous consent that Monday, this coming Monday, March 12 at 3 p.m., the Senate begin debate on the following: S.J. Res. 9, sponsored by Senator REID of Nevada; S. Res. 101, sponsored by Senator REID of Nevada; S. Con. Res. 7 by Senator WARNER; S. Res. 70 by Senator MCCAIN; S. 641 by Senator GREGG; that there be 6 hours for debate on these items en bloc on Monday, equally divided between the two leaders or their designees; that no amendments or other motions be in order to any of the above; that on Tuesday, March 13 there be 6 more hours for debate on the above, divided in the same way; that at the conclusion or yielding back of that time, the Senate vote on each of the above in the above order; and that the preceding all occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, we have watched carefully our good friends on the other side of the aisle on this issue going back to January in an attempt to reach some kind of a consensus on their side of the aisle. I asked my staff to go back and total up the number of different proposals that have either been proposed here on the floor or proposed by one of our good friends on the other side. There are 16 of them.

There was a Biden resolution and then there was a Levin resolution. Then there was a Reid-Pelosi resolution, the Murtha plan, the Biden-Levin resolution, the Conrad funding cut. There was a waiver plan, a timeline plan, a Feingold resolution, an Obama resolution, a Clinton resolution, a Dodd resolution, a Kennedy resolution, a Feinstein resolution, a Byrd resolution, a Kerry resolution, and today would make No. 17.

At this particular juncture, having just gotten this proposal, it would be necessary, I would say to my good friend, the majority leader, for me to share it with members of my conference. We also would want to make certain it would still be the view of my side that the Warner proposal, the McCain proposal, and the Gregg proposal would be the ones we would want to offer. That was 3 weeks ago. I was one of those privileged to hear a briefing from General Petraeus over at the Pentagon this morning. Conditions are changing. We would have to go through a fairly significant consultative process on this side of the aisle to be able to conclude exactly what we would want to offer. I am prepared to begin that process, but I can't today agree to this particular consent agreement. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Madam President, we all recall that when we had the debate a couple of weeks ago, the issue was could the Republicans offer amendments to the antisurge resolution that was on the floor. The purpose of that, of course, was to divert attention away from the antisurge resolution. The House and the Senate voted on the antisurge resolution, and 56 percent of the Senate and 56 percent of the House voted against the surge.

I was of the understanding that following the discussion—following the legislation that was completed on that matter, Republicans wanted the opportunity to offer McCain, which was prosurge; Warner, which was middle ground; and then Judd Gregg, which was a feel-good amendment. At this stage it appears they have changed their opportunities.

I say this: This war has been going on for 48 months—48 months. This war will soon be beginning the fifth year. As of less than 2 weeks, the war will be in its fifth year. When the Democrats were in the minority, we tried lots of ways to get the President to refocus on this war, to change course. We have been in the majority for 8 weeks and what have we done? We have had almost 50 hearings on Iraq. These are hearings that should have been done a long time ago. We have 3,200 dead American soldiers, 25,000 of them wounded. We are now focusing on Walter Reed, and the same type of oversight we have at Walter Reed and our other military facilities, taking care of our wounded veterans, and then being, some of them, dumped into the Veterans' Administration system prior to their being able to be in that system.

We are being criticized for wanting to go forward on the debate, as we thought the minority wanted. General Petraeus, today, from Iraq—it was on all the news—what did he say? He said the war in Iraq cannot be won militarily. He said that. I didn't say that, he said it. It can only be won politically.

We believe, as does an overwhelming majority of the American people, that President Bush wants to change course in Iraq. That is why we want to debate that. We don't want to take a lot of time. It will be very short. But the mission in Iraq has changed dramatically during these 4 going on 5 years. I am disappointed that again the minority does not want to debate on Iraq.

I say this: There will be a debate on Iraq. The House and Senate, a majority in the House and Senate agree that the course in Iraq must change. Today, the House propounded what they want to do. Today, we propounded what we want to do. They are basically the same thing. Theirs is a little different because they are getting on to a supplemental appropriations bill. We cannot do that. But it is the same principle—change course in Iraq and redeploy these troops.

We will have other opportunities to debate Iraq. But at this stage I am very disappointed we are not going to be able to set up a time next week to go forward. In the meantime, I have spoken to the managers of this legislation now before the body. Hopefully, we can move forward.

I say to everyone here, any bags that were packed for weekend travel should be put on hold. Save that for some other time. We could be in here over the weekend. We could have as many as three cloture votes over the weekend. One will be on the package of bills that has had no hearings or anything else. We will do that. I guess it is an opportunity—filing that cloture—to see if November 7 was correct; did the Democrats win? I guess that is what that first vote will be. I think it will be that they did win. Then we will go to cloture, if necessary, on the bill, and then on the substitute.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, let me agree with the majority leader that the Iraq debate will be coming. Nobody on my side objects to having that debate. It is about supporting the troops.

Shortly we will have before the Senate supplemental appropriations, which is about funding for the troops. That debate, I am certain, will occur, as the majority leader indicated, before the Easter recess. We will take a look at the proposal he offered a few moments ago to see whether it is possible to have another Iraq debate next week before we have another one 2 weeks from now. But I cannot agree to this today, having just been handed the plan the majority has a few moments ago, and not having had an opportunity to consult with my own side about what proposals we might think would be appropriate to offer—some 3 weeks after the last discussion of the possibility of entering into a unanimous consent agreement to handle this measure.

With regard to the status of the war, I am certain nobody in this Chamber objects to the fact we have not been attacked here at home since 9/11. I doubt if anybody in the Chamber thinks that is a complete accident, some quirk of fate. It is a direct result of having been on offense in both Afghanistan and Iraq. Nobody is satisfied with the progress made in Iraq. That is why we have a new Secretary of Defense and why we have a new general, from whom I and others heard this morning, indicating there are early signs that this mission may well succeed.

I don't think we ought to say to our troops in the middle of this new mission we are not going to support them. That is what this is all about. We will get back to the Iraq debate in due time. Members on my side of the aisle will be happy to engage. We think this is the most important issue in the country, and we look forward to having that debate, at the latest in the context of the supplemental appropriation.

I yield the floor.

Mr. REID. Before my friend leaves, I renew my consent making it 60 votes rather than 50 votes. Does that affect anything?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. My objection is for the same reason I objected to the earlier consent agreement.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am sorry the Republican leader was unable to agree to the proposal put forward by Senator REID on behalf of the Democratic majority of the Senate. It seems to me my friends on the other side of the aisle cannot accept yes for an answer. They have wanted for a long time to have a vote on the Gregg amendment. Senator REID said, fine, we will vote on the Gregg amendment.

Mr. REID. Will my friend yield for a second?

Mrs. BOXER. Yes, I am happy to.

Mr. REID. I want to make sure the RECORD is clear. Speaking to the majority whip, I want to make sure everybody understands we are going to get to this, and whether we do it next week or on the supplemental, we are going to do it. We can do it on both. The issue is that the House is on the supplemental already; therefore, they have things they can do on it we cannot do until we get to it.

Thank you very much.

Mrs. BOXER. Yes. I am glad the leader explained that. The fact is, with the approval of the other side, we could have taken up the Iraq issue on Monday, and we could all have been heard all of Monday, Tuesday, and then voted for the resolution that represented our ideas, our thoughts, on how to proceed in Iraq.

The fact is, that proposal was objected to by the Republicans. What was that proposal? It was everything they wanted last week. They wanted a vote on the Gregg amendment. We said fine, you can do it. They wanted a vote on the Warner amendment. Senator REID said you got it. They wanted a vote in favor of the surge with the McCain amendment. Senator REID had that in his proposal. We Democrats are asking for a vote on our proposal, which I will talk about in a minute, and another proposal that would be similar to Senator GREGG's.

Republicans would have gotten three of their amendments and proposals, and we would have gotten, on our side, two. But the Republicans cannot say yes. What this means is Senator REID is right. We are not going to debate Iraq next week—at least not Monday. We will debate it in the context of the supplemental or, if we can reach agreement, in the context of a unanimous consent resolution.

I am very proud to be a cosponsor of the Reid joint resolution. I want to talk about what it does. It says we support the troops. It says the circumstances cited in the 2002 use of force authorization have changed substantially. We all know that. It is not the same. We went in to find weapons of mass destruction. Then they changed the mission to capture Saddam Hussein. Then they changed the mission to make it safe for an election. Iraq has had three. Then they changed the mission to train the Iraqi troops, and they have now 300,000.

But I have to say that to see our troops in the middle of a civil war is not what we should be supporting. The Iraq Study Group said that, and this resolution says U.S. troops should not be policing a civil war. The American people agree with that. Further, we say U.S. policy in Iraq must change to emphasize the need for a political solution.

We all know there will never, ever be a solution, no matter how many troops are sent to Iraq, and whether they stay there a week, a month, a year, or 10 years, there will never be a solution until that solution is a political one, where the countries in the region come forward, where the various parties in Iraq who are warring come to the table and hammer out an agreement.

Now, we know what happened when the President chose to go into Iraq. He turned his back. He turned his back on the war I voted for, the war against Osama bin Laden. He turned his back on the people of Afghanistan. Yes, we are there. But if we had done with half of the number of troops we had in Iraq now, and if we had used those in Afghanistan, and if we had spent maybe a third of the funding we spent in Iraq in Afghanistan, we would have a different scene in Afghanistan. We would be in a better place in Afghanistan.

So, clearly, what happened with the Iraq war was it took our focus off the war on terror. We call for the President to properly transition the mission of U.S. forces and begin a phased redeployment no later than 120 days following enactment. So we will start bringing the troops home. We Democrats want to start bringing the troops home and, if they don't come home, redeploy them out of Iraq to other places. It is our goal to redeploy all combat forces from Iraq by March 31, 2008.

I have to say, what I have heard from my colleagues on the other side of the aisle, whenever we talk about a timeline, is it is terrible to set a timeline. I rhetorically ask, why? Don't we need to send a message to the Iraqis that we will not hold their hands forever, that they have to take care of their own country, that we cannot keep sending the treasure of our country in the form of our troops forever? We have lost too many. Too many are wounded. I met with paralyzed veterans today. I can tell you that from the look on their faces, they are desperate for help they are not getting. Why? Because we have so many wounded, this administration wasn't ready for the numbers. They never say that. They weren't ready. They weren't ready to support our troops.

Now, we need a comprehensive strategy to ensure stability in Iraq. As I said, we need a mission our troops can accomplish. In our resolution, we call for three limited purposes: force protection, training and equipping Iraqi troops, and targeted counterterror operations. So we say, for the troops remaining, they will not be in the middle of a civil war, but they will protect our forces who are there, they will train and equip Iraqis and continue counterterror operations.

We want to change course. We want to transition the mission and we want to bring civility to Iraq. Now, that is Senator REID's proposal. I think the vast majority of Democrats are supporting it.

More than 3,175 U.S. military men and women have been killed in the war in Iraq. More than 23,900 have been wounded. So it is not hard to understand why a majority of the American people now believe the war in Iraq was not worth fighting. The American people understand our military and their families are paying a very severe price for this never-ending war. They understand this administration's foreign policy decisions have not only made us less safe, but they have empowered dangerous leaders such as the one in Iran. It is time for us to begin the redeployment of our forces from Iraq, just as the Reid resolution recommends, so we can return our focus to the war on terror and fight that war from a position of strength. We cannot defeat al-Qaida while we are bogged down in the middle of a civil war.

I do hope we can pass Senator DORGAN's resolution making a very strong point that Osama bin Laden attacked our country, and we want him captured.

Our troops have performed brilliantly. They have done everything asked of them. They deserve the love and support of a grateful Nation. When you love the troops, you give them a mission they can accomplish. You don't give them mission impossible. You don't give them a mission that puts them in the middle of a civil war, and that is why the Democratic proposal is so important.

As former Secretary of State Madeleine Albright recently told the Senate Foreign Relations Committee, on which I serve:

> We have put our forces in the absurd position of trying to prevent violence by all sides against all sides. The Sunnis want us to protect them from the Shiites. The Shiites want us on the sidelines so that they can consolidate their power. Both are divided among themselves. . . .

This is what she said to our committee. I was there when she said it:

> If I was a soldier on patrol in Baghdad, I wouldn't know whom to shoot at until I was shot at, which is untenable.

An unclassified summary of the National Intelligence Estimate on Iraq states:

> The intelligence community judges that the word "civil war" accurately describes key elements of the Iraqi conflict, including the hardening of ethno-sectarian identities, a sea change in the character of the violence, ethno-sectarian mobilization, and population displacements.

That is our intelligence community. There is no military solution to the situation in Iraq. The only sustainable solution is a political and diplomatic one, as I said previously.

Some warn us we must not redeploy our troops from Iraq and take them out of the middle of the civil war or else there will be a larger civil war. But I say we should heed the advice of Ed Luttwak, a senior fellow at the Center for Strategy and International Studies, who said:

> By interfering with the civil war [in Iraq], we are prolonging it. . . .

Let me repeat that:

> By interfering with the civil war [in Iraq], we are prolonging it . . . we are intruding in matters we cannot manage successfully. And therefore, I believe, that disengagement is the right way to go.

I wish to talk about something that gets Senators in trouble, and that is using the words "love the troops."

There is a lot of rhetoric about what it means to love the troops. I say when you love the troops, you give them gear and equipment they need, and you don't tell them to settle for less. We remember Secretary Rumsfeld who said, when asked by the troops about body armor:

> As you know, you have to go to war with the Army you have, not the Army you want.

We will never forget that stinging rebuke to a soldier who was deeply fearful about the lack of armor, the lack of equipment. That arrogant statement shows why our service members were left scrounging for scrap metal for their vehicles and asking their families back home to send bandages and body armor.

What was interesting about the last election is people said nothing will change, nothing will change if the Democrats win this election. The first thing that happened was Rumsfeld was gone in 5 minutes—in 5 minutes. So elections have consequences, and I believe now we have a Secretary of Defense who seems to me to be trying to grapple with the problems he is facing. He isn't arrogant, and he doesn't tell the troops to go get lost if they ask a tough question.

The President is now increasing the number of troops in Iraq. Today I learned that in addition to the surge, he is adding another 2,000 troops. But we still know not all of them will have the best equipment. This is unacceptable, and loving our troops has to be more than a slogan. When you love your troops, you send them into battle adequately equipped.

When you love the troops, you don't lower the standards for their future colleagues in arms. In order to meet recruiting goals, the Army has significantly lowered eligibility standards. The number of waivers granted to Army recruits with criminal backgrounds has grown about 65 percent in the last 3 years. Approximately 11 percent, or 894, of the 8,120 waivers granted in 2006 were for people with felony convictions. When you love the troops, do you want to put them next to someone who has been convicted of a felony?

Our military men and women must trust their fellow soldiers with their lives. We must ensure that our military meets the highest standards.

I compliment Congressman MURTHA, who is known in this country as a war hero, who has been there, who has done that, who has seen things none of us would ever want to see. He says we can't keep sending our troops back into the field, into combat, without adequate preparation, training, and the highest standards—and rest.

I say that when you love the troops, you don't send them to moldy hospital rooms to recuperate. You don't do it. Recent press reports have revealed that soldiers are languishing in substandard facilities at Walter Reed Army Medical Center. I thank my colleagues in the Congress for investigating this matter because some of us believe it is the tip of the iceberg.

I have asked my State staff to go on a tour of California hospitals and report back to me as to conditions in those hospitals.

An investigation by the Washington Post found vermin, leaking pipes, and mold at Walter Reed Building 18, an old hotel used by outpatients receiving care at the main Walter Reed Hospital facility.

The Post also highlighted larger and even more disturbing problems related to personnel management and recordkeeping. Soldiers complained of lost paperwork, of difficulty locating their appointments and of months—even as long as 2 years—spent trying to navigate a bureaucratic nightmare. According to the Post, some soldiers have simply given up trying to receive care and have gone home.

I wish to point out to the Senate—because we all know there are deep differences about this war—I want people to know that although Senator LIEBERMAN and I do not see eye to eye on this war—and he will say that and I will say that; we see it from a different point of view—we have teamed up to try and make sure our soldiers on the battlefield get the mental health help they must have.

We are disturbed about some of the rules, about what we have found in our investigation with our staffs. And that is, many times doctors are overruled by the officers and a doctor will say: Do not send this individual out because they have post-traumatic stress and sometimes, unfortunately, we have learned the doctor doesn't hold sway, and the soldier is sent out with a pocketful of antidepressants, just as you would give someone aspirin for a headache.

This isn't good enough for our soldiers. Senator LIEBERMAN and I are now working with Senator MURRAY, Senator INOUYE, Senator LEVIN, and Senator AKAKA to try and make sure our soldiers get the care they need, whether it is physical injury or mental injury.

I went to a hospital in San Francisco. I saw x-rays of brains that were damaged by explosions, and then I saw x-rays of brains of people who had post-traumatic stress. The doctors told me that in both cases, you see the damage. You can't tell one from the other.

So when you love the troops, you don't send them back into combat with post-traumatic stress and a bottle of antidepressants. You don't do it. Tragically, we know this is happening.

As part of the 2007 Defense authorization bill, my legislation passed requiring the DOD to issue guidelines as to the deployability of servicemembers with post-traumatic stress, but the DOD has not issued the guidelines and servicemembers with PTSD, post-traumatic stress disorder, continue to be deployed.

When you love the troops, you don't reduce the number of permanent disability decisions to save money, when so many of these troops are, in fact, permanently disabled. Recent press reports in my hometown paper, the Desert Sun in California, have suggested that the Army is trying to save money by giving our troops less of a disability rating than they deserve, despite an enormous spike in the number of battlefield injuries resulting from service in Iraq and Afghanistan.

Now, after nearly 4 years in Iraq, which was supposed to be a walk in the park, a mission easily accomplished, an enemy in the last throes, it is time to tell this President the time is up for his ever-changing mission.

Our troops, whom we all love, deserve more than broken promises, broken bodies, and broken dreams. It is time that Congress, following the will of the voters, start redeploying the troops out of Iraq now, as Britain has done, as Japan has done, as Italy has done, as Hungary has done, as Spain has done, as Portugal has done, as Norway has done.

It is time to say to the President that the authorization you received from this Congress has to come to an end, just like your coalition of the willing is coming to an end. The American people want this over.

The Democratic resolution that Senator REID tried to get before our body is reasonable. It is not a cut-and-run resolution. It is a resolution that says: Start redeploying the troops out of there, change the mission, as the Iraq Study Group suggested, take our troops out of the middle of a civil war, give them missions they can accomplish—force protection, training and equipping Iraqi troops, targeted counterterrorism operations so we can continue that war against al-Qaida for which I voted.

I didn't vote for this one. This one is a diversion from the war on terror, in my humble opinion.

My people in California want their National Guard home protecting them in case of emergency. I met with my National Guard. They are short of equipment. In a State such as mine where we have earthquakes, fire, flood, drought—every kind of problem one can name—we want our National Guard home and ready. There are terror targets in my State. We do have those symbols of America that the terrorists would love to target.

We want our troops back home. We are willing to say if you get them out of a civil war, if you want to keep them in the area to do a limited number of missions, that make sense, fine. It is time for diplomacy. It is time for a political solution. It is time for this Senate to take up Harry Reid's offer and allow us to vote on our resolution that starts redeploying the troops out of Iraq and bring up Senator WARNER's resolution and bring up Senator GREGG's resolution and bring up Senator MCCAIN's resolution—bring them all to the floor of the Senate. But don't block us from having this debate which we were ready to start on Monday.

I hope my Republican friends will reconsider. This is not the first time they have blocked us from debate on Iraq. We respect their points of view. We honor their points of view. We encourage them to support the resolutions that they support. But don't block a debate.

In closing, I compliment my friends, the managers of this 9/11 bill. This is such an important bill. It is so important. I restrained myself from offering amendments on this bill. I had something I wanted to do regarding blast-resistant cargo containers, but I didn't want to hold up getting this bill done. We can work on some of the fine points later.

I hope colleagues on both sides will vote to bring debate to a close on this 9/11 bill. Both our colleagues have worked so hard on it, and the 9/11 Commission has warned us we have work to do. We are so happy to see this bill on the floor. So let's get it done as soon as possible, and then let's go to a debate on a cloud that is hanging over all our heads, regardless of how one feels about this war. Let's have that Senate debate, that respectful debate on how to achieve success and bring our troops home from Iraq.

I thank the Chair. I yield the floor.

Mr. LIEBERMAN. Mr. President, I wish to notify our colleagues who are watching, or their staffs, that there is good news to report. There has been a break in the gridlock, and I soon will be propounding a unanimous consent agreement that will provide for a limited period of time for debate and then votes on four amendments that have been in dispute, perhaps one or two judicial nominations after that, and that will open the way for Senator COLLINS and me to move to adopt several other amendments we have been working on and on which there is bipartisan agreement, and those we can do by consent. So, in a few moments, I hope we can come forward to offer this light which suggests a breakthrough as we head to the cloture votes tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WALTER REED

Mr. NELSON of Florida. Mr. President, we have had hearings this week in several of our committees on the situation at Walter Reed Army Hospital and the great public service that the Washington Post has done in their investigative piece bringing to light the conditions that our soldiers surely should not be in. Naturally, there is no excuse for there to be mold and leaking ceilings and pipes that do not work, and so forth. It seems to foretell a greater problem since the Post brought this to light. More people have asked questions about the delivery of health care to our wounded soldiers, sailors, marines, anyone representing the United States, particularly in service to the country. There are just too many things that keep coming up that the system is not working as it should.

A major injury that we are finding coming out of Iraq and Afghanistan is traumatic brain injury, called TBI. If it is not diagnosed and treated early, then many times the effects are irreversible. Why is it that the inspector general of the Department of Veterans Affairs, in an IG report last July, July of 2006, points out that in traumatic brain injury, if you are in the military compared to if you have that injury in the private sector, it takes three times as long?

These are the very young men and women we are supposed to be protecting and looking out for their health because we are so appreciative of their service to this country. Indeed, that inspector general's report points out that if you are in the private sector and you have a brain injury, you are at least going to get that treatment within 2 weeks. The IG report says that if you are in the military, you are not going to get that treatment on average until 6 weeks later. That is the difference—a lifetime of debilitation by not having the early treatment for that brain injury.

So the word is out.

I am headed to one of four trauma centers in the country. It happens to be in my State, a veterans hospital that is one of the specialty training centers, specialty centers for brain injuries. It is in the Tampa VA hospital, the Haley Hospital. Of course, now that this has been in the news, I have been getting these questions about: Are they getting the kind of care they should? I hear some people who say yes, I hear others who say it is excellent care, and I hear others who say it is not. Well, we are going to find out. That is the responsibility of this Senator from the State of Florida. That is the responsibility of this Senator, a member of the Senate Armed Services Committee.

Let me tell my colleagues what else we are hearing. We are hearing that in this bureaucratic tape, this is what is happening: The soldier comes back from Iraq, is diagnosed with the traumatic brain injury, somebody makes a decision that they ought to go to one of those four VA hospitals that have a specialty for brain injury, but they do not get the paperwork processed to get them out of the military so that they are then eligible for the veterans. Believe it or not, I heard of cases where they send the soldier down there, they get to the veterans hospital for brain treatment, and they say: We cannot treat you; you have not been released from the military.

How bad is that bureaucratic mumbo-jumbo? Who is the victim? The very people for whom we have set up a system of military hospitals and veterans hospitals to try to give the best care to. This nonsense has got to stop.

It is my hope that as a result of the Post bringing to light deplorable conditions in Building 18 at Walter Reed Army Hospital, it is scratching back the surface to see what is underneath, and whether it be the conditions in a hospital, veterans or military, whether it be bureaucratic handling of that hospital, military or veterans, or whether it is the administrative bureaucratic handling of the patient between the two systems, that we get it straightened out. We owe no less to the people who are sacrificing for this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. LOTT. Well, Mr. President, here is one of my speeches I guess I am going to have to make every fortnight, but it is 6:20—it is on Thursday—and here we stand or mostly sit or hide and will not act on important amendments on this legislation because our colleagues will not come to agreement on some provision or another in the managers' package or some amendment.

I say to my colleagues, this is no way to legislate. If you have a problem, get over here and state it. If you have an objection, have the courage to stand up—be the man or the woman—and express your objection.

This is outrageous, and I am not blaming our leadership. It is not them. It is us. This whole bill has been a curiosity to me because I thought we were making good progress, and then we were not, and then I thought we were going to again, and now we are not.

So I tell you—it is not my authority to do so—but if I had the ability to wave a wand, I would say we are going to vote. If you don't like it, vote against it, but you are not stopping these amendments.

So I urge everybody involved—whether it is my colleagues on this side of the aisle or the other side—come over here and let's get going because we look pathetic when we do this sort of thing. It is just outrageous. We have votes we could take. We have two judges. Let's vote. Let's have a vote on the judges, and it will give us a chance to explain to our colleagues what the problem is with these other amendments.

So I plead with somebody: Pull the trigger. Let's have a vote. Then let's get some results around here. I am telling you, we all look bad. Did we not hear the American people? They want us to produce results. I have looked at these amendments. There is nothing wrong with any of these amendments. It is going to be injurious to the institution, to the Republicans and the Democrats. And, yes, I admit, I am outraged because I want to go home and be with my wife, have supper, and live a normal life. I would suggest some of our other colleagues do that. Maybe we could get a little more done around here and not look so bad in the process.

I want to say to the managers of the bill, I love them both, and I think they have been doing the very best they can. They are ready to go. So it is a disservice to Senator LIEBERMAN and Senator COLLINS, who have been managing this bill, which, yes, has problems, but we are never going to get them resolved, never going to get to a reasonable conclusion without actually having some votes.

When was the last time we had a vote around here? I can't even remember. Yesterday?

So Senator LIEBERMAN, I know you would like to get the show on the road. I support anything you want to do. If you want to just move the previous question, I am for that, or any other motion you want to make that would get the process started. A motion to table—that would be good. We could get going.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Mr. President, I say to my friend from Mississippi, first, I want to congratulate you on your normalcy; that you actually want to get home and have dinner with your wife. That is a very healthy thing to do.

Mr. LOTT. I know it is abnormal for Senators.

Mr. LIEBERMAN. No, I think it is normal. But I would say—I will yield to Senator COLLINS in a moment—that we, as managers of this bill, really appreciate what you have said because we started on the bill last Wednesday. We had some good, healthy debate on a series of amendments that went to the heart of what the bill is about. Frankly, those amendments are done.

Now this bill is ready to be adopted and sent to conference, and what has happened, as always happens, is people see a vehicle moving, and jump on it with related or unrelated amendments. Incidentally, of all the amendments filed, apparently only seven or eight are going to survive as germane, presuming cloture is invoked tomorrow.

So people get to be—well, they see a horse moving and they want to jump on. Also, then others get to be quite demanding and, might I say respectfully, occasionally unreasonable in blocking votes on the amendments. It is one thing to be against an amendment, but let's come out, vote on it. You can have your say. The record will be established. But to block the amendment from coming up that then blocks this important bill—which most of us will support—from going forward, that does not make sense.

So I appreciate the Senator's exacerbation.

Mr. President, I yield to my friend, the ranking member of the committee.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, want to commend the Senator from Mississippi for putting forth a commonsense solution to the impasse in which we find ourselves. The Senator from Connecticut and I have been on the floor all day long. We have worked with our colleagues. We have come up with a group of amendments which we believe could be cleared by unanimous consent because they are not controversial. Yet can we clear that package? No. We cannot because even though there is no objection to the specific amendments in that package, they are being held up by Senators who want other amendments or are trying to ensure or block votes on other proposals.

We also came up with a set of amendments tonight—two Democratic amendments, two Republican amendments—that warrant rollcall votes. Two on each side, what could be fairer? Yet we cannot get rollcall votes.

If Members are opposed to amendments, come to the floor, debate them, and vote no, but do not prevent us from moving forward on a very important bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Maine and the Senator from Connecticut for their work. I admire them both so much.

Can I inquire, Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is Sununu amendment No. 291 to the substitute to S. 4.

Mr. LOTT. Parliamentary inquiry, Mr. President: Would a motion to move the previous question be a proper way to proceed?

The PRESIDING OFFICER. There is no such motion in the Senate.

Mr. LOTT. Would a motion to table be in order, Mr. President?

The PRESIDING OFFICER. A motion to table is in order.

Mr. LOTT. It is not my prerogative, but I am threatening it.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LIEBERMAN. Mr. President, I have a unanimous consent request to offer, unfortunately not as large as I had hoped, but it may bring the Senators here to the floor and we could reason and go beyond this matter.

I ask unanimous consent that the Senate proceed to executive session to consider the nominations, Nos. 27 and 28; that the Senate immediately vote on the first nomination to be immediately followed by a vote on the second nomination; and that the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; and that there be 2 minutes for debate between the votes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN ALFRED JARVEY TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA

Mr. LEAHY. Mr. President, who is the first nominee?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the nomination of John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Mr. LEAHY. Mr. Presdient, today we consider the nomination of John A. Jarvey, who has been nominated for a seat on the U.S. District Court for the Southern District of Iowa. In his 18 years as a U.S. Magistrate Judge in the Northern District of Iowa, Judge Jarvey has built upon his reputation as is a well-respected attorney and former federal prosecutor and earned the bipartisan support of both home State Senators. I know Senator GRASSLEY, who has been a strong advocate for Judge Jarvey on the committee, will welcome his confirmation.

A native of Minneapolis, MN, Judge Jarvey received his B.S. in accounting from the University of Akron in 1978 and his J.D. from Drake University in 1981 before clerking for Judge Donald E. O'Brien in the Northern District of Iowa. After his clerkship, Judge Jarvey began his career as a trial attorney in the criminal division of the Justice Department from 1983 to 1987, working in the narcotic and dangerous drug Section before his appointment as a magistrate judge for the Northern District of Iowa in 1987. He is now the chief magistrate judge of that district. Since 1993, Judge Jarvey has also been trial advocacy instructor at Iowa Law School since 1993.

With his confirmation today, the Senate will have confirmed nine judicial nominations for lifetime appointments this year. That is more than half the total of confirmations for the entire 1996 session and we are still in February of this year. Of course, it was the Republican Senate majority that refused to proceed with qualified nominees and slowed consideration of President Clinton's nominations.

Indeed, one of the casualties of their pocket filibusters was an outstanding nominee from Iowa. Bonnie Campbell had served as attorney general for the State of Iowa and as the head of the Violence Against Women Office at the Department of Justice. Despite her qualifications and without any explanation, the Republican leadership in the Senate stalled her nomination for many months and then killed it. Hers was one of the more than 60 judicial nominations of President Clinton that Republicans pocket filibustered.

President Bush's nominations from Iowa have fared better in a Democratic-controlled Senate than President Clinton's did under Republican control. Judge Jarvey will be the third Iowa District Court judge confirmed while I have been chairman of the Judicial Committee. We also confirmed an 8th Circuit nominee from Iowa, Michael Melloy, when I was last Chairman.

I have long urged the President to fill vacancies with consensus nominees. After Judge Jarvey's confirmation, according to the Administrative Office of the U.S. Courts there will still be some 51 judicial vacancies, 25 of which have been deemed to be judicial emergencies. The President has sent the Senate nominations for only 22 of those seats, and has yet to send us nominees for 17 of the judicial emergency vacancies. That means two-thirds of the judicial emergency vacancies are without a nominee from this President.

I congratulate Judge Jarvey, his wife, and his three children on his confirmation today.

Mr. GRASSLEY. Mr. President, I urge my colleagues to support Judge John Jarvey, who has been nominated to serve as a U.S. district judge for the Southern District of Iowa. The Judiciary Committee unanimously approved Judge Jarvey some time ago, and I am glad that now we are moving expeditiously on his nomination.

I would like to give my colleagues a little background on this stellar nominee. Judge Jarvey comes from Cedar Rapids, IA. Since 1987, he has been the chief U.S. magistrate judge for the U.S. district court, Northern District of Iowa. He also has been a trial advocacy instructor at the University of Iowa Law School since 1993.

I received many letters from the Iowa legal community praising Judge Jarvey's judicial temperament, courteousness to litigants, and respect for and commitment to our judicial system. He has been praised for his judicial ethics and abilities as an administrator. Many letters commented on Judge Jarvey's intelligence, command of the law and rules of evidence, and his fairness.

Judge Jarvey has been given a unanimous rating of "well qualified" by the ABA. I am confident that this man possesses the skill, integrity, commitment, intellect, and temperament that we expect of all good judges. So I urge my colleagues to vote in support of Judge Jarvey's nomination.

Mr. LEAHY. Mr. President, I know the nominee has been voted on unanimously by the Judiciary Committee and has the support of both Senators from Iowa. I support the nominee. I ask for the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is: Will the Senate advise and consent to the nomination of John Alfred Jarvey, of Iowa, to be U.S. District Judge for the Southern District of Iowa?

The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—95

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Cardin
Dodd
Inhofe
Johnson
McCain

The nomination was confirmed.

Mr. LEAHY. Mr. President, I understand we have a second nomination now.

NOMINATION OF SARA ELIZABETH LIOI TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mr. LEAHY. Mr. President, today we consider the nomination of Sara Elizabeth Lioi for a lifetime appointment to a seat on the Northern District of Ohio. Hers will be the tenth judicial nomination for a lifetime appointment to the Federal courts that the Senate has already considered this year.

Judge Lioi has spent nearly 10 years on the Stark County Court of Common Pleas. I am sure Senator VOINOVICH, who appointed her to the bench when he was Governor of Ohio, will welcome her confirmation. I thank Senator BROWN for expediting his consideration of this nomination. This process works best when the White House consults with Senators from both sides of the aisle.

Judge Lioi received her B.A. from Bowling Green State University in 1983, where she graduated summa cum laude, and her J.D. from Ohio State University College of Law in 1987. She worked in private practice with Day, Ketterer, Raley, Wright & Rybolt Ltd. in Canton, OH, upon graduation from law school. Her practice included appellate and trial litigation and service as special counsel to Stark State College of Technology. She was elected a principal of her law firm in 1993 and stayed there until Governor Voinovich appointed her to the bench in 1997. Judge Lioi has been active in the judicial and legal community, serving on a statewide Board of Commissioners on

Character and Fitness, the Supreme Court's Board of Commissioners on Grievances and Discipline, and the Supreme Court of Ohio Task Force on Rules of Professional Conduct.

With Judge Lioi's confirmation, we will have confirmed all the district court nominees left pending on the Senate's Executive Calendar at the end of the last Congress when Republican holds prevented us from confirming them all. We have worked hard to expedite these nominations through the committee and the Senate this year. I thank particularly the new Members for allowing us to proceed so quickly and congratulate Judge Lioi and her family on her confirmation today.

We have now proceeded with 10 confirmations even though the President did not renominate Judge Janet Neff for one of the many emergency vacancies that plague the Western District of Michigan. Last year the Senators from Michigan had worked with the White House and the President had proceeded to nominate her. The Democratic members of the committee cooperated to expedite her consideration along with others. Last September 16, we held a confirmation hearing for her and other nominees on an expedited basis and the committee sent them to the Senate without a single objection on September 29.

Regrettably, rather than meet to work out a process to conclude the consideration of judicial nominations last session, the Republican leadership of the Senate stalled these nominations and, in particular, the President's nomination of Judge Janet Neff. After the Senate session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, even though he raised no objection to her nomination when she was unanimously reported out of Judiciary Committee. He later sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

Could it really be that Judge Neff's attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications were to be ignored, and that her nomination was to be pocket filibustered by Republicans?

I do not know why the President has not chosen to renominate Judge Neff. The situation in the Western District of Michigan is quite dire. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads. Judge Bell is the only active judge. Senator BROWNBACK, who raised concern about the burdens falling on senior judges in his home State, should be sensitive to the dire situation in the Western District of Michigan exacerbated by his hold.

I have long urged the President to fill vacancies with consensus nominees, particularly for those determined to be judicial emergencies. According to the Administrative Office of the U.S. Courts, after Judge Lioi's confirmation, there will remain 50 judicial vacancies, 25 of which—more than half—have been deemed to be judicial emergency vacancies. Of those 25 judicial emergency vacancies, the President has yet to send us nominees for 17 of them. That means two-thirds of the judicial emergency vacancies are without a nominee from the President. That includes the judicial emergency vacancy that Judge Neff should have filled months ago but for another Republican pocket filibuster.

Mr. President, I yield back the remainder of my time. I see the ranking member on the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, thank you for allowing me to speak on behalf of a very deserving person from the State of Ohio, as the Senate considers her nomination to the Federal bench. I am here to express my strong support for Judge Sara Lioi, who the President has nominated to serve on the U.S. District Court for the Northern District of Ohio.

Judge Lioi has a distinguished and impressive record as an attorney in private practice, as an Ohio Court of Common Pleas Judge, and as a community leader in Stark County, Ohio, where she has deep roots.

A native of Stark County, Judge Lioi graduated from GlenOak High School and from Bowling Green State University, where she graduated summa cum laude and earned the distinction of Phi Beta Kappa.

Later, Judge Lioi went on to attend my law school alma mater, the Moritz College of Law at the Ohio State University, receiving her law degree in 1987. After graduating from law school, Judge Lioi joined the law firm of Day, Ketterer, the oldest law firm in Stark County, Ohio, as an associate. Judge Lioi was later recognized by her colleagues when they elected her to the firm's partnership in 1993.

As an attorney, she represented individuals, schools, and other institutions of higher learning, cities, small businesses, and multinational corporations. While in private practice, she represented clients at both the trial and appellate levels.

In November 1997, when I was Governor, I appointed Judge Lioi to fill a vacancy on the Stark County Common Pleas Court. Since then, Stark County voters have twice reelected her.

Since ascending to the bench, Judge Lioi has disposed of over 9,500 cases and conducted over 350 trials, over 335 of which were jury trials. In sum, she has broad courtroom experience, both on and off the bench. This extensive experience will serve her well as a Federal trial court judge.

Judge Lioi has also earned the respect of her colleagues and fellow attorneys. During her time as a practicing attorney, she served on the Supreme Court of Ohio Board of Commissioners on Grievances and Discipline, and for over 10 years, Judge Lioi has served on the Supreme Court of Ohio Board of Commissioners on Character and Fitness, including the last 5 as the Chair of this Commission.

I believe her service on these important commissions evidences the high esteem in which members of the Ohio bar hold her, and is testimony of her excellent character.

Judge Lioi's legal credentials are not the only reasons I support her nomination. Today, too many people do not take the time to become involved in their communities; however, Judge Lioi remains involved in a number of civic organizations. A graduate of Leadership Stark County, she has remained active with that program, as well as other not-for-profit community agencies, including Community Services of Stark County, Stark County Humane Society, Walsh University Advisory Board, and the Plain Local Schools Foundation. We need judges who not only have exceptional legal skills, but who also recognize how the law impacts individuals and communities, and involvement in one's community facilitates this understanding. Judge Lioi has this understanding because she is participating in her community every day.

As a result of Judge Lioi's fine academic and professional achievements, I am not surprised that the American Bar Association unanimously found her well-qualified to serve as a Federal district court judge.

In reviewing Judge Lioi's academic and professional record, it is clear that she is well-qualified to serve as a judge on the U.S. District Court for the Northern District of Ohio, and I urge my colleagues to vote to approve her nomination to the Federal bench.

Mr. President, I yield back the remainder of my time.

Mr. LEAHY. Mr. President, I am willing to have a voice vote if nobody wants a rollcall vote.

Mr. VOINOVICH. I agree that we can have a voice vote.

The PRESIDING OFFICER. All time has expired. The question is, Will the Senate advise and consent to the nomination of Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. CARPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

Mr. REID. Mr. President, there will be no more votes tonight. We are working to try to come up with a schedule tomorrow. As soon as we have one, everyone will be notified.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I rise for the purpose of speaking about two amendments. I wish to say that I really appreciate the efforts of the Senator from Connecticut and the Senator from Maine, who have literally been on this floor all day. As you can tell, the Senator from Maine has been struggling with a cold through the week. She has been as brave as she can, trying to get this important bill passed even though she doesn't feel at her best. The Senator from Connecticut has been working hard.

For some reason, we just can't seem to get a vote on two amendments that are very important to Louisiana. These amendments have been cosponsored by Senator VITTER, of course, from the State of Louisiana, and myself. Both of these amendments have been cleared on the Democratic side now for some time. We continue to have opposition, and we are not even sure where the opposition is coming from because the person who is holding it or the reasons cannot be made clear publicly, so I am not exactly sure what the opposition is to these two amendments.

I thought, while we were pondering about what to do, I would just talk again about what these amendments do and why they are so important.

AMENDMENT NO. 295

The first amendment is amendment No. 295, which has been pending for 2 weeks. I understand some colleagues may want to vote no. That most certainly is their prerogative. I bring this amendment to the floor with many cosponsors, Democrats and Republicans, but it is being held up on the Republican side tonight. It has been cleared on the Democratic side.

This amendment is to allow a waiver of the 10-percent match that has been required of Katrina and Rita recovery efforts. The reason we are asking that, as this board very dramatically shows, is the scale of this disaster is so far above any disaster, natural or otherwise, that we have experienced in this country that without this relief, the recovery is in jeopardy. That is not just because of the amount of money that has to be put up by local governments that are struggling to literally barely keep the lights on but also because of the redtape involved in this required match.

I understand the principle of a match. In principle, I agree that when you have a disaster, the local area and the State should put up some money and the Federal Government should pick up the bulk of it. That is normally what is done. But as you can see here, for Hurricane Andrew, which was the most expensive storm prior to Katrina and Rita, the per capita impact was $139. The per capita impact was $139 for Hurricane Andrew. In the World Trade Center attacks, which, of course, were not a natural disaster but a terrorist attack, it was $390 per capita. But for Hurricanes Katrina and Rita, the first and third most costly storms in the history of the Nation, the per capita hit to Louisiana is $6,700. That is to say that, literally, this storm is off the chart. We have never attempted to recover from a disaster such as this, and the tools we have are insufficient. They were insufficient the day before the storms hit. They were insufficient the day after the storm hit. Eighteen months later, they are still insufficient.

We have made some progress but not nearly enough progress. It is not just the amount of money, which is a staggering amount—$110 billion—but most of that money, because it was sent through poorly designed bureaucracies, never reached the end. Part of it was siphoned off by contractors who made huge profits at the expense of the victims of the storm. I can go on and on. There have been well-documented failures.

The bottom line is the recovery is still underway, and it is being hampered tonight—today—because this 10 percent match is being required. It is our State's No. 1 request of this Congress, and it is justified. It has been done in the past. It was done for Hurricane Andrew. It was done for the World Trade Center attacks. Why would anyone on the Republican side of this Senate tonight hold up an amendment that would give us the same coverage or same treatment? Not any more. We are not asking for anything more than what has been done—for Louisiana and for Mississippi and for Florida, which were extremely hard hit in the last hurricane seasons.

We have over 23,000 project work orders pending. Every one of those project work orders in all of the parishes and counties that were hard hit—23,000 is a lot of requests—every single one needs to have a 10-percent match, which requires certain reviews. Sometimes they are done by one Federal agency. Sometimes they are done by another Federal agency. It is slowing down the recovery. Every day this recovery is slowed down, every day this redtape persists—it is normally a nuisance. Normally, redtape is a nuisance in normal, regular life in America. In the gulf, it is a noose. It is strangling people. It is sucking the life out of them.

We cannot rebuild under these conditions. The storm was too great. The disaster was too big. The damage was too broad. We are not saying we can't rebuild and are not willing to use some of our own money, but we cannot come up with this 10 percent match, particularly under the conditions which the current law requires. It must be changed. As I said, the tools that were given to us are insufficient. I promise, as sure as I am standing here, when this 10 percent is waived and these projects go forward and the gulf coast rebuilds, the taxes generated from this region will more than pay back the money that has come to us over time.

This storm, hopefully, will not hit again for another hundred years or 50 years. There are 50 years of good work and a hundred years of good work. By that time, we will have a lot of our wetlands and levees rebuilt. So it is in some ways like a temporary loan, if you will, to over 30 million people who live in the gulf coast, to say: We believe in you, we know you can rebuild, we know you can create these jobs, so get about the business of doing it, and the country will benefit in the long run.

That is what one of the amendments does. For some reason—I want to make it perfectly clear tonight, this amendment has been cleared on the Democratic side—It is being held up. I don't know why or by whom.

I thank Senator COBURN publicly because he had some concerns about this amendment but, with a very appropriate modification to the amendment which says that this loan forgiveness will sunset 2 years after it goes into effect—he had some objection to it going on indefinitely. Senator VITTER and I accepted that amendment to this amendment. So his objections have been met.

Senator SESSIONS had some concerns. His objections have been met.

There is some other hold on it. I just wanted to speak publicly, again, about the importance of getting this 10 percent waived. Again, it was done for Hurricane Andrew and it was done for the World Trade Center towers. You can see the scope of this disaster for the people of the gulf coast.

AMENDMENT NO. 296

The second amendment, briefly, which is an amendment I offered with Senator VITTER and others—and we have Republican and Democratic colleagues on this amendment—is a loan forgiveness amendment. This is a very touchy point for us on the gulf coast. I wish I had this list blown up. I do not. Of course no one can read it because it is too small to be seen, but we will get it blown up as soon as we can.

What I am holding here is a list of loans that have been taken out. This is just for Louisiana, but there is a Mississippi list just like this. There are community disaster loans that are taken out, like for the city of Harahan, the city of New Orleans, St. Bernard Parish, St. Bernard Parish School, Cameron Parish, which was almost totally destroyed. Of course, when these parishes are almost totally destroyed, they cannot go to banks to borrow money. No bank will lend it to them. The only people they can borrow from is themselves—the Federal Government. We lend money to communities all the time, and we lend money to them under longstanding practices. This has been going on way before I got to the Senate—for decades. Sometimes those loans are forgiven, and sometimes they are not forgiven. It is up to the administration, the agency, to evaluate. If you can repay the loans, then you repay them. If you can't, you do not.

Last year, or 18 months ago, when we had this tragedy happen to us, under the last Congress we had many Republicans who supported our effort but not quite enough because there was a group in the House, led by sort of a conservative caucus over there, that said this: We will lend you money, but we are taking away your right to have repayment waived even if you deserve to have it waived. Even if your situation is worse than that of anybody else we have ever seen, we are removing that right.

I objected then; I did not think it was right. But we were voted down. So we have lived under this new rule, which was made only for Mississippi and Louisiana, because when the act was passed 18 months ago, over my strenuous objection, everything in the future could be forgiven, everything in the past had the option to be forgiven, but for the good people of Mississippi and Louisiana, for some reason we were carved out, to say: We will lend you the money, but you will pay it back no matter what. I objected to it then, and I object to it tonight.

The amendment Senator VITTER and I have submitted is to just put us back where everybody else is—not any more, not any less. Just give us the option to have these loans forgiven. Many of these loans will be paid back. They are substantial loans. Some of them are $120 million, some of them are $2 million, some of them are $22 million. Some are just $100,000 loans, depending on what a sheriff or school board needed. But, again, this disaster was unprecedented in American history. Many of these loans will be paid back, but that is for the administration to decide. If they believe these entities in Mississippi and Louisiana cannot repay these loans, then they will waive them. But under the current laws, as passed in the last Congress—particularly driven by a group on the House side—that forgiveness option was removed.

The two amendments are to waive the 10 percent, which we think is justified—more than justified—by this chart and many other facts that have been submitted to the record—and to go back to the regular routine law that says: If you borrow money you, of course, must pay it back. But if you cannot, we retain the option to forgive you. That is all we are asking for Gulfport, for Biloxi, for Pascagoula, for New Orleans, for Cameron, for Creole, for little cities—Thibodaux and Houma and cities that have borrowed money that might be able to pay it back, but then again they might not.

For the millions of people who live on the gulf coast, we may not be a fancy coast like the east coast or the west coast, but we are a working coast, and we are proud of it. We are fighting hard to come back, and we are contributing as much money as we can to the effort. People are working hard—wealthy, middle-income, and poor people, Black and White, Hispanic and Asian are working hard to come back.

We cannot come back if the rules keep changing for us. If the hurdles get higher, we cannot jump them. Leave them the same as everyone else, and we will be happy to rebuild our communities. We are building them stronger and smarter than ever before.

But when you have had most of your schools destroyed, most of your libraries destroyed, most of your universities damaged, it is an unbelievable situation to have to come back from. I know we have some work to do on many items. But at least the Federal Government can keep the rule book the same for everybody. We are happy to play by those rules.

On behalf of the people I represent, I strongly object to these new rules that are placed on us, for taking away options that others have enjoyed and used for their benefit. I am reminded of the disaster in North Dakota, Grand Forks. I did not visit North Dakota, but I have heard a lot about it. I have read about it.

That town of 50,000 was just about destroyed by the water that came through. Because there was a little different attitude in Washington, Grand Forks has been rebuilt. It is bigger than it was. It is stronger than it was. The people have their jobs back. That is what the Federal Government is about. The Federal Government should have the same attitude with the people in Louisiana and Mississippi in our time of need.

We most certainly can afford this after spending $400 billion helping 23 million people who live in Iraq achieve democracy. We most certainly can support 30 million people to keep the democracy they have and have had for 226 years.

I hope tomorrow morning, when I come back to this floor, these amendments have been cleared on the Republican side of the aisle. If not, at least the person who is holding it up will have the guts to come to the floor and debate me on it and let us have a vote. I am happy to have a vote. I am happy to debate. If my colleagues, after hearing this, say: Senator, you are just wrong, the facts are not on your side, then I am fine. I would lose the vote.

But please let the people of Louisiana and Mississippi have a chance. That is why I guess we are stopped, because we cannot get a vote on these two amendments. They are not that complicated. I think people understand them. I hope we can get these two amendments passed. If someone has strong objections, I am happy to stay here tonight to debate. I will come early in the morning. I will stay all weekend. I do not have to go anywhere this weekend. I am happy to stay and talk about it for as long as I need to.

I tried to speak about it privately with my colleagues. Now I am doing it rather publicly. I wanted to express that and let people know all the facts as I know them. I hope we can get these amendments voted on sometime tomorrow.

I yield the floor.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ RECONSTRUCTION

Mr. ENSIGN. Mr. President, I rise today because a daunting task lies before us in Iraq. That task is the reconstruction of a war-torn and bruised nation. Let's put the battle over a troop surge or increased funding aside and join together in a strategy to one day leave Iraq, a free Iraq, in a place better than we found it. And not better by our standards, but better for the people and future of Iraq.

Last week, a group of airmen from Nellis Air Force Base in my hometown were recognized with Bronze Stars for their courageous efforts in Iraq. As part of an Explosive Ordnance Disposal team they have done remarkable work saving lives. CAPT Brian Castner was awarded the Bronze Star after a 6-month tour—his third tour in Iraq. His wife, Jessica, said of his mission:

> My grandparents fought in World War II and, because of that, Japan is our friend. And we just hope and pray at night that 30, 50 years from now that for our children and our grandchildren that Iraq will be our friend, and if his efforts today keeping people safe does that, it makes every sleepless night worth it.

If we are going to succeed at making a future friend and ally out of Iraq, then we need a new direction forward. Our new military strategy must be paired with a new reconstruction strategy in order to cool off the vitriolic hatred and violence that has consumed Iraq, and this new direction must be based on realistic goals.

When we first liberated Iraq from the brutal dictatorship of Saddam Hussein, we were disgusted by the ruler's palaces and extreme wealth in contrast with the deplorable conditions of those he ruled. We were anxious to give the Iraqi people all that they had lacked. While our intentions were good, our expectations were unrealistic and our performance failed to deliver.

We looked to build a self-sufficient democratic nation in the Middle East with an accompanying civil society, responsible and just court system, representative government, responsive police units, a respected, and a protected border. We wanted to create a model to which people of other states in the region could aspire.

In hindsight, we should not have imagined that building a democracy would be so simple. It never has been. We simply did not have the strategy and tactics properly prioritized, maybe building the roof before the foundation. It is no wonder why our efforts were unsuccessful. But it is not too late to regroup. A great deal depends on our new direction being successful.

Our policy needs to change from lofty aspirations to a focus on providing, as a minimum, the basic services that were available during the Saddam Hussein era. At the same time, we need to communicate that we are laying the groundwork for future opportunities that were unimaginable under that barbaric regime. We need to redirect our efforts to vital services such as water and waste water systems, irrigation canals, and a reliable electricity supply. Concentrating our resources on improving everything simultaneously is foolish and ends up being far less efficient. The laundry list of what we initially tried to accomplish in Iraq is what scholar Amitai Etzioni calls a "scattergun approach." We tried to do too many things at once, and did none of them really well. Instead, Mr. Etzioni suggests, we need a "triage" approach. We need to make services such as water, sewers, and electricity a priority. We work on them until they are successfully completed, and then we turn to the next project. While the building of banks and schools are important, if Iraqi families can't get running water in their homes or more than a few hours of electricity a night, why should they trust us? The less tangible gifts of a free democratic system are meaningless to a mother caring for her sick child in the darkness.

While our priorities have been part of the problem, our attitude may have also been a source for our difficulties. A Marine reservist from Nevada, Jon Carpenter, who served two tours in Iraq and whose brother is there now, told me about the approach taken by those around him to the Iraqis. "Sir, this is your country. What problems do you see that need to be addressed and what can I do to assist you in these problems," they would ask. "I may have some monetary resources coming, some people with skill sets to help you, and my time and energy to make the solutions happen. Where would you like to begin?"

If it had been the policy of all our military leaders on the ground to give that kind of deference to the local Iraqis, we may have been able to build a greater deal of good will and success. And don't get me wrong, our men and women in uniform have made tremendous progress in Iraq. They have worked tirelessly and have been committed to the cause, but we need to understand the importance of successfully delivering the most basic services to the Iraqi people as part of their path to self sufficiency. It will also create a situation where there is no tolerance for insurgents or their efforts to destroy what belongs to the Iraqi people.

In order for the Iraqi Government to become self-sufficient, Iraq's potential for producing oil also must be realized. Currently the Iraqis are producing roughly 2.1 million barrels of oil a day. This is down from the 2.5 million barrels of oil a day produced during the previous regime. We need a plan that will reliably deliver 3 million barrels a day. At $60 per barrel, the incremental 900,000 barrels per day generates nearly $20 billion per year. This would go a very long way toward funding many of the improvements that are mandatory to stabilize the situation in Iraq.

As report after report indicates, one of the challenges to building Iraq's oil revenues has been insurgent attacks against oil infrastructure. As Senator CLINTON and I wrote in the Wall Street Journal, we believe a distribution of revenues to all Iraqis through an Iraq Oil Trust would mean they would have a greater incentive to keep the oil flowing, help the economy grow, reject the insurgency, inhibit corruption and commit to the future of their nation. An Iraq Oil Trust, modeled on the Alaskan Permanent Fund, would guarantee that every individual Iraqi would share in the country's oil wealth. Oil revenues would accrue to the national government and a significant percentage of oil revenues would be divided equally among ordinary Iraqis, giving every citizen a stake in the nation's recovery and political reconciliation and instilling a sense of hope for the promise of democratic values.

I know there are plans that distribute the oil revenues to the different provinces, but I firmly believe that each Iraqi citizen must receive a share—it means a path to opportunity for these people. With that share, an Iraqi citizen can make money, invest in a business, use it for collateral for a home, or build savings. With that share in an Iraq oil trust comes hope for the future.

There is still reason to hope for success in Iraq. Our new military strategy is showing progress on the ground, but we must continue to give our men and women in uniform the tools they need for the monumental task at hand. A focused plan for "triage" in the reconstruction of Iraq, coupled with a strong military strategy, will boost our credibility and secure Iraq for their future and for ours. If we don't succeed on the battleground and in the reconstruction efforts, we risk creating an enemy state that will be a safe haven for terrorists and a grave threat to generations of Americans.

Instead, let us work together to ensure that 50 years from now, our friendship with the people of Iraq will be thriving. We owe it to our brave men and women, like Captain Castner, to make that vision a reality.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENNSYLVANIA ANTI-CRIME AND YOUTH INITIATIVE

Mr. SPECTER. Mr. President, youth violence is an enormous problem across America, including Pennsylvania. Regrettably, the city of Philadelphia had more homicides last year than any major city.

This is a problem that has been present in major American cities, and Philadelphia specifically, since the days when I was Philadelphia's district attorney. A great number of those homicides are related to youth violence.

On January 19 of this year, I convened a meeting that was attended by Mayor John Street; District Attorney Abraham; U.S. Attorney Pat Meehan; and representatives of Governor Rendell, with whom I discussed the matter specifically. There was a followup hearing attended by Senator CASEY and myself on February 19, where we addressed the subject with a focus on trying to find mentors for these at-risk youth.

We are searching for long-range solutions to the crime problem, the underlying causes of crime—which is obviously very complicated and very long term—such as education, training, job training, decent housing, and a whole host of factors that lead to crime. It is a matter I have been working on for decades, since my days as an assistant district attorney in Philadelphia. Regrettably, we don't seem to be much further along on attacking those underlying causes of crime, or dealing with the problems of criminal recidivism, after people are released from jail. It is no surprise that if we release a functional illiterate from jail, they will go back to a crime of violence. Without being able to read or write and not having job training, there is a very high degree of recidivism. We are trying to push the so-called second offender law to give people rehabilitation after the first offense.

Senator CASEY and I believe that addresses the issue in the short term, but it is not the answer, because there is no absolute answer. However, short-term help could be provided if we could find mentors to team up with at-risk youth on an individual basis. Many of these at-risk youth come from broken homes and have no parental guidance. If there could be a mentor, or "substitute parent," in the short term, I think that could be helpful.

We have also worked with the superintendent of schools of Philadelphia, on some ideas he has about trying to give motivation to high school students, to put them on a path of going to college. We are working to have some early determination from the many colleges and universities in the Philadelphia area, to try to encourage these young people to be motivated to finish high school with the prospect of college.

Regarding the mentoring program, we are asking the universities also to see if they can provide mentors from their student body or faculty and, in the case of students, to give them course credit. We reached out to the athletic teams in Philadelphia, including the 76ers, the Eagles, and efforts are being made to include the Philadelphia Phillies as well, because it is well known that young people are interested in role models and might be willing to follow that lead.

We have also moved forward on trying to improve the situation in the city of Reading, which has been designated as the 21st most violent city in the United States. Toward that end, on February 23, with the cooperation of one of Reading's leading citizens, Al Boscov, we convened a meeting with the U.S. Attorney's Office, the FBI, the Alcohol, Tobacco and Firearms, the Drug Enforcement Agency, the State police, the local chief of police, the local sheriff, the school superintendent, and with citizens to again look at the crime problem. We intend to follow up in Reading to try to get additional personnel to assist that city, because it is, as I said, the 21st most dangerous city in the United States.

We have similar meetings planned for Lancaster and York next Monday, on the 12th. We also intend to go to Allentown and other cities. In Pittsburgh, we plan to convene a meeting on April 5, looking for ways to bring more Federal resources to bear on this crime problem. We are looking to the upcoming budget to try to provide more funds, similar to the $2.5 million grant we obtained for the U.S. Attorney for the Eastern District of Pennsylvania to service the corridor from the Lehigh Valley through Reading and through Lancaster.

I ask unanimous consent that a statement be printed, with understanding that there will be some repetition in the written statement of what I have presented extemporaneously.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR ARLEN SPECTER—PENNSYLVANIA ANTI-CRIME AND YOUTH VIOLENCE INITIATIVE

Mr. SPECTER. Mr. President, I seek recognition to discuss my recent efforts to address the crime and youth violence issues facing cities in the Commonwealth of Pennsylvania. Pennsylvania is making great strides in revitalizing its cities through economic and community development. Unfortunately, the same cities that are investing substantial human and economic capital in revitalization efforts are also facing increased levels of crime. For example, Philadelphia had the highest homicide rate of all large cities in the United States in 2006—406 murders in one year. The smaller city of Reading was ranked as the 21st most dangerous in the Nation, and the most dangerous city in the state of Pennsylvania. Cities across the state are experiencing disturbingly high levels of youth involvement in crime and gangs—an average of 15 young people between the ages of 10 and 24 are murdered every day in the state of Pennsylvania. The cost of crime to victims, neighborhoods, and communities across America is staggering: at a September 19, 2006 Senate Judiciary Committee hearing, economist Jens Ludwig estimated that the pecuniary and non-pecuniary costs of crime amounted to approximately $2 trillion nationwide per year, or 17 percent of the GDP.

I have sought to examine the nature of crime and youth violence in cities across Pennsylvania by convening stakeholder meetings among Federal, State and local elected officials and leaders in the fields of law enforcement and crime prevention. These meetings have provided an avenue for understanding the nature of local problems, provided a constructive forum for discussing ongoing law enforcement and prevention efforts designed to combat these problems, and created an opportunity to discuss ideas for innovative solutions moving forward.

On January 19, I held a roundtable discussion in Philadelphia at which Mayor John Street, District Attorney Lynne Abraham, United States Attorney Pat Meehan, Philadelphia School District Chief Executive Officer Paul Vallas, and other leaders in the community discussed innovative solutions to the youth violence problem in the city of Philadelphia. We discussed the idea of bolstering mentoring efforts in the city of Philadelphia—an approach I find very promising. Research shows that children with the positive influence of an adult mentor in their lives are significantly less likely to start using drugs and alcohol or to be violent, and are more likely to be productive in school and to have healthier peer and family relationships. Following our meeting in Philadelphia, I have encouraged the participation of volunteers from Philadelphia area businesses, colleges and universities, and professional sports teams, including the Eagles, the 76ers, and the Phillies, in a citywide mentoring initiative. Volunteers from those organizations will be working in cooperation with the United Way and Big Brothers Big Sisters of America, with whom we have partnered to ensure that volunteers have the training and support they need to form successful mentoring relationships.

On February 23, I held a roundtable discussion in Reading, PA, at which Representative Joe Pitts, Representative Jim Gerlach, and I discussed the collaborative efforts of State, local, and Federal law enforcement with United States Attorney Pat Meehan and representatives from the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, the United States Marshal, Immigration and Customs Enforcement, the Pennsylvania State Police, Reading City Police, and Berks County Sheriff's Department. The discussion capitalized, in part, on the previous efforts of community leader Albert Boscov, who has been hosting an ongoing working group focused on anti-crime issues in Reading. Our dialogue focused on the most effective and efficient methods of keeping the streets of Reading and surrounding neighborhoods safe. Presently, the largest Federal presence in the area is the Anti-Gang Initiative focused on the "222 Corridor" between Allentown and Lancaster—which has provided a $2.5 million grant to facilitate a collaborative Federal, State and local response to the gang-related drug and gun trafficking in the area. The initiative, which focuses on criminal law enforcement, prevention programs to steer kids away from criminal activity, and reentry programs to assist those returning from prison to integrate back into society, is already making headway into the gang problems in the area. Despite this progress, Federal, State and local law enforcement officers conveyed to me and to Representative Pitts and

GERLACH the continuing need for more resources in order to get more cops out on the street.

I remain committed to ensuring that State and local law enforcement receive the support that it needs. I will be working with Federal law enforcement agencies to ensure that existing programs are meeting the needs of the communities in the Commonwealth of Pennsylvania and across the United States. I also plan to hold similar meetings in York, Lancaster, Allentown, Pittsburgh and other Pennsylvania cities in the coming months.

As the Senate moves forward in the 110th Congress, there are a number of important legislative items focused on crime prevention that demand our attention. The Juvenile Justice Act, which was most recently authorized in the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273) is due to be reauthorized this year, and I will be working to ensure that Juvenile Justice programs are reauthorized in the form that most effectively and efficiently handles the challenges of youth violence and delinquency. The Recidivism Reduction and Second Chance Act, which I will be introducing with Senators Brownback, Leahy, and Biden, will provide essential reentry services to prisoners in order to reduce recidivism rates, keep former offenders productively engaged in society, and keep our streets more safe.

We must do everything we can to ensure that the Nation's youth receive the assistance they need to develop into productive, healthy adults and to protect our citizens from being victimized. I look forward to making a renewed commitment toward coordinated law enforcement and prevention efforts in the 110th Congress.

AMERICA COMPETES ACT OF 2007

Mr. REID. Mr. President, along with the Republican leader, Senator MCCONNELL, I have introduced the America COMPETES, Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science, Act of 2007.

This legislation is the result of a truly bipartisan effort. Two years ago, Senators BINGAMAN and ALEXANDER asked the National Academies to make recommendations on the steps we should take as a nation to maintain our competitive advantage. The result was the Augustine Report, "Rising Above the Gathering Storm," which provided four primary recommendations:

First, the United States needs to dramatically improve K-12 science and mathematics education in order to increase our talent pool. Second, we must sustain and strengthen our Nation's traditional commitment to long-term basic research. Third, we must make the United States the most attractive place to study and perform research. And fourth, we need to provide incentives for innovation and long-term investment so that the United States is the premier place to innovate.

The report warned that the Nation's traditional advantages "are eroding at a time when many other nations are gathering strength," and that "decisive action is needed now."

America has faced this challenge before.

In 1957, when the Soviets launched Sputnik, it caused great panic and concern about our ability to maintain our technological superiority. We responded to these threats quickly. The following year, Congress passed the National Defense Education Act, to keep the United States ahead of the Soviets through increased investment in math and science education.

We trained a whole new generation of engineers and scientists, and thus ensured our preeminence in technology and innovation for a generation.

That fact is, Federal investment in the basic sciences and research has long been a critical component of America's competitive dominance globally. In fact, some economists have estimated that about half of the country's economic growth since World War II has been the result of technological innovation.

Today, however, our position of dominance has been lost. We are challenged by emerging countries like India and China, where national investment in basic research and subject areas such as math and science continues to grow at a far greater pace than here in the United States.

The Augustine panel cited many examples, but some of the statistics are striking.

Consider that in 2005, more than 600,000 engineers graduated from institutions of higher education in China, compared to 350,000 in India and only 70,000 in the United States. China's population is more than three times that of the United States, yet they graduate more than eight times the number of engineers.

The report also found that American 12th graders performed below the international average for 21 countries on general knowledge in math and science. Another study cited in the report had American 15-year-olds ranked 24th out of 40 countries on a math assessment. In my home State of Nevada, the situation is equally alarming, with our students ranked 43rd in the Nation on a 2005 math assessment.

And even though technological giants like Microsoft, Apple, and Intel are American companies, the report indicates that the United States is now a net importer of high technology products—a shift from the early 1990s, when we had a $54 billion surplus in high-tech exports.

As other countries become more competitive, it is clear we must refocus our energies on enhancing the Federal commitment to funding basic research and education.

We must preserve the competitive edge of the United States in science and technology by getting kids motivated to study math and science. To do this, we need to provide more training for math and science teachers, increase the number of students taking advanced placement courses, offer grants to establish high schools that specialize in math and science, and provide scholarships and fellowships for future scientists and engineers.

The legislation we are introducing today addresses some of these concerns. It is, in effect, a downpayment, a modest first step to ensuring that America retains its competitive edge.

I wish to thank Senators BINGAMAN and ALEXANDER for authorizing the Academies Study. This study, along with a number of recent reports and books—among them, Tom Friedman's "The World is Flat," which I know that many of my colleagues have read—brought a much-needed sense of urgency to this issue.

Many of these provisions were included in the Protecting America's Competitive Edge Act, or PACE, which Senators BINGAMAN and DOMENICI introduced in the last Congress, and I was pleased to cosponsor that important legislation.

I also want to recognize the hard work of a number of my colleagues, Senators INOUYE, STEVENS, KENNEDY, ENZI, LIEBERMAN, ENSIGN, MIKULSKI, HUTCHISON, and Senator NELSON of Florida, who have been instrumental in crafting this legislation.

The legislation that we are introducing will double the Federal investment for the National Science Foundation over the next 4 years, and for the Office of Science at the Department of Energy over the next decade.

America COMPETES will create a DARPA-modeled research project at the Department of Energy and increase investment for basic research at NASA and other science-related Federal agencies.

The bill provides grants to States in order to better align elementary and secondary school curriculum with the knowledge and skills needed for the global economy. Nevada is already doing something similar, with our State P-16 Council.

The legislation will strengthen our math and science teaching workforce by recruiting and training teachers to teach in high-need schools.

America COMPETES will expand the important Advanced Placement and International Baccalaureate, IB, programs by increasing the number of math, science, and foreign languages AP and IB courses, and preparing more teachers to teach these challenging courses. This is essential for States such as Nevada, where only 6 percent of 12th graders took the AP calculus exam and only 7 percent took an AP science exam.

The bill will help develop an infrastructure for innovation by establishing a President's Council on Innovation and Competitiveness to promote innovation and competitiveness.

Also, this legislation will help improve math instruction at the elementary and middle school level, through Math Now grants.

If signed into law, our bill will do many of the things that the Augustine Report recommended, but the truth is, in years to come, we will have even more to do.

Though we make new and significant investments in research, we still must address our tax structure and make sure that we do as much as possible to encourage investment in research and development. We should start by finally making the R&D tax credit permanent.

We must also do more in education. This bill strengthens educational opportunities in science, technology, engineering, math, and critical foreign languages, but this is just a first step. For example, we must take a very hard look at our high schools. As Bill Gates has often said, our high schools were designed for a 20th century economy and often do not address the needs of the 21st century workforce.

We should also realize that unless our most basic commitments to America's students are met—by properly funding title I and No Child Left Behind and making a college education accessible and affordable—these efforts alone cannot prepare our students for the global economy.

Mr. President, Senator MCCONNELL and I began the 110th Congress by promising a new spirit of bipartisanship. Of course we have had our differences on some issues, but I hope that, in jointly introducing this important legislation, we send a signal that investing in America's future is not a partisan issue.

The America COMPETES Act is an important first step in maintaining this Nation's competitive advantage, and I look forward to working with my colleagues to ensure that we follow through on the investments we are making in this legislation.

TRIBUTE TO DR. SUSAN LINDQUIST

Mr. REID. Mr. President, it is with great pleasure that I recognize Dr. Susan Lindquist for her cutting-edge work in the field of medical research. Dr. Lindquist's research today has the potential to lead to future cures for some of the most devastating illnesses we face. Her work has attracted national recognition, and next month Dr. Lindquist will be honored as Desert Research Institute Medal Recipient in Nevada. I would also like to thank the Desert Research Institute for their continued commitment in recognizing the best and brightest in our scientific and engineering communities.

Dr. Lindquist has a diverse background of experience in the medical field. She is a member and former director of the Whitehead Institute. She is also a professor of biology at the Massachusetts Institute of Technology, as well as the Albert D. Lasker Professor of Medical Sciences at the University of Chicago. Dr. Lindquist has been acknowledged by several institutes, including being elected into the prestigious Academy of Arts and Sciences in 1997.

Her life work in the medical field is nothing short of extraordinary. Potential cures for Parkinson's disease, Alzheimer's, and many neurodegenerative diseases lie in the most fundamental building blocks of the human body—our proteins. Lindquist and her colleagues have made it their professional mission to understand how long strands of proteins fold to create intricate shapes or misfold and clump together. In her work, Dr. Lindquist found that when proteins misfold, they can contribute to cystic fibrosis, Alzheimer's, and even mad cow disease. Dr. Lindquist and her team have studied this exciting line of research so that we can better understand these diseases and hopefully develop new treatments.

Dr. Lindquist's work has led to stunning medical breakthroughs in medicine, biology, and bioengineering. But the true impact of her work is felt by mankind. Today millions of Americans across Nevada and our Nation who suffer from neurodegenerative diseases have hope. Cures for some of the most debilitating diseases are on the horizon as a result of Dr. Lindquist's work.

Again, it is with great pride that I recognize Dr. Susan Lindquist before the Senate. She is a deserving recipient of the Nevada Medal for her extraordinary work. I look forward to her continued accomplishments in this important field.

A MESSAGE FROM IRAQ

Mr. WARNER. Mr. President, I rise today to recognize the superb contribution of the thousands of men and women deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The following e-mail, forwarded to my office by family members of a naval officer serving in Iraq is indicative of the fighting spirit and considerable sacrifice that members of the armed services are making on a daily basis. We owe all of these men and women a tremendous debt of gratitude for their outstanding service. This officer's perspective is most deserving of being considered by the American public.

Mr. President, I ask unanimous consent that the e-mail to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Friends and Family:
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> Many of you watched the President address the nation two nights ago regarding the way forward in Iraq. A few people have asked me whether or not this surge will affect me. The answer is yes, but only for a short time. Instead of coming home in a few weeks, I will not be leaving until March at the earliest. Some of the Navy guys who are trickling in to replace us are being diverted to go work with the new units that are part of the surge. Since the replacements are not coming as quickly as planned, I get to stay a little longer.
>
> I've been in the Navy long enough to know that deployments never end on time and that the plan changes right up until the last minute so I am not too upset about it. More importantly, I am surrounded by a great group of soldiers who continue to amaze me with their bravery and discipline every day. I wish you could see how well they perform in such confusing and chaotic circumstances. You would be very proud of them. As much as I want to come home to Katie and Kellogg and family and friends, I will not quit this post until properly relieved. These men deserve nothing less.
>
> Thanks to those of you who have sent packages and cards and emails. I have enough Gold Bond powder and baby wipes to stay clean and dry for months. It has been a long haul but it has meant a great deal to me to know that all of you are in my corner. I am hoping to be back in Chicago in time to hoist a green beer with some of you on Saint Patty's Day but, until then, take care and Go Bears!

HONORING OUR ARMED FORCES

SERGEANT RICHARD L. FORD

Mr. DODD. Mr. President, I rise to speak in memory of U.S. Army SGT. Richard L. Ford, of East Hartford, CT. Last month, at the age of 40, he died of combat wounds sustained in Iraq.

Sergeant Ford served with the Army's distinguished White Falcons paratrooper regiment, a unit with a reputation for speed and flexibility that dates back to 1917. "Richard possessed all the qualities of a great paratrooper," said his commanding officer, LTC Richard Kim. Those qualities were evident in the city of Mosul in February, 2005. There, Sergeant Ford faced enemy fire to help save his fellow soldiers, an act of physical courage for which he was awarded the Army Commendation Medal with a "V" device for valor. His other decorations included a Bronze Star and a Purple Heart.

But Sergeant Ford was even more remarkable for his moral courage, the way he embodied the ideals of our volunteer military. No one sent Richard Ford to Iraq—he chose to go. Three years ago, he left his post with the Army National Guard to enter active duty. "He went through basic training again just to do what he wanted to do—become an infantry soldier," said his friend, SFC Chris Beloff. "Anyone who does all that I have the utmost respect for, because he really believed in what he was doing." Sergeant Ford willingly left his loved ones and risked his life for his beliefs; few of us can say the same.

The time away from his family must have hurt him the most. Even when he was stationed at Fort Bragg, NC, Sergeant Ford would drive for 12 hours back to Connecticut on weekends to be with his father, Mason, and his 11-year-old son, Michael Patrick. Shortly after Sergeant Ford's death, Michael called his father his "biggest hero." Nothing can replace him in the lives of those he loved, but they can be proud that their hero fought bravely and served selflessly.

We owe him a debt beyond payment. But I pledge to keep his memory fresh and to add my voice to the prayers of his family. To his father and son; to his brothers, Matthew Ford, and Mason Ford, Jr.; to his sister, Vanessa Migliore; and to his grandmother, Marjorie Gordon—I offer my deepest sympathy. And to this soldier who lost his life in our Nation's service, I swear my highest respect.

INTERNATIONAL WOMEN'S DAY

Mr. LEAHY. Mr. President, I want to take this opportunity to inform all Senators and their staffs of an exhibit of photographs to commemorate International Women's Day, March 8, which is sponsored by the U.S. Agency for International Development. The exhibit, entitled "Women Transforming Development," highlights the critical roles women play in development and USAID's efforts to support women's equality and empowerment.

For more than three decades, USAID has worked to improve women's lives in the world's poorest countries. Where women are educated, the health and economic prospects of their families improve. Where women participate politically, democracy is strengthened. In the wake of conflict, women play a central role in the survival of their children and the rebuilding of their communities.

"Women Transforming Development" will be displayed in the Rotunda of the Russell Senate Building from March 7 through 16, 2007. The powerful images in the exhibit illustrate women's contributions to economic development, peace and security, democracy, investments in people, and humanitarian assistance in all regions of the world. They include images of USAID's work in Bangladesh, Mozambique, Ecuador, Ukraine, and Senegal.

These photographs remind us of the injustice, discrimination, and hardship that women and girls of every nationality suffer daily. Young women are targeted and murdered in Juarez, Mexico, and in Guatemala. Women in countries like Peru, Chad, and Nepal are often treated like beasts of burden, spending much of their day carrying heavy loads of water and firewood. Domestic abuse is endemic in most countries, and in some, like Pakistan and Afghanistan, women who are raped are in danger of being imprisoned and beaten under laws that punish the victim.

The global statistics are sobering. According to USAID, two-thirds of the 876 million illiterate adults worldwide are women. Two-thirds of the world's 125 million school-aged children who do not attend school are girls, and girls are less likely to finish school than boys. Seventy percent of the 1.3 billion people living in poverty around the world are women and children. Each year more than 500,000 women die during childbirth and pregnancy. The vast majority of those deaths could be prevented with basic reproductive health services. And more than three-quarters of the world's 27 million refugees are women and children.

Yet at the same time, the photographs in this exhibit also depict women as strong leaders and participants in standing up for their rights and transforming their societies.

With Congress's support, USAID is working to improve women's equality and empowerment not only because it is just, but also because it is necessary for successful development. For example, in addition to implementing programs totaling hundreds of millions of dollars in the world's poorest countries to improve maternal and reproductive health, 67 percent of USAID's basic education programs focus on girls' education. Nearly one-third of the people receiving USAID-supported business development services are women. Last year, USAID provided $27 million to support antitrafficking activities in 30 countries. USAID assisted in the development of legislation against domestic violence, sexual harassment, and trafficking in persons in several countries.

These are important efforts that need to be expanded. Women and men together must embrace these goals.

I encourage all Senators and their staffs to visit the exhibit and share in this powerful celebration of International Women's Day.

HEAD START

Mr. ROCKEFELLER. Mr. President, I rise today to commend and support my colleagues on the Health, Education, Labor and Pensions Committee for the hard work on the Head Start reauthorization bill.

I would particularly like to thank Senators DODD and HARKIN for including important language in the bill regarding childhood obesity prevention as part of Head Start. Obesity is a serious health concern, especially in West Virginia where 64 percent of adults in West Virginia are overweight or at risk of becoming overweight. An even more alarming statistic, however, is that 28 percent of low-income children between the ages of 2 and 5 are already overweight. Furthermore, overweight children have a 70 percent chance of remaining overweight into their adulthood. Obesity in children is usually caused by lack of physical activity, unhealthy eating patterns, or a combination of the two.

If Head Start can play a role in preventing obesity in children and families, it will be a real achievement, and I strongly believe Head Start can because of our experience in West Virginia.

In December 2004, a pilot program designed by Amy Requa, Head Start health specialist, and Dr. Linda Carson, director of the West Virginia Motor Development Center, West Virginia University was initiated in Head Start Region III, which includes West Virginia. The program, known as "I Am Moving, I Am Learning," is designed to prevent and reverse obesity among children enrolled in Head Start by integrating physical activity and wise nutrition choices in their daily life and promoting general good fitness habits.

According to the Surgeon General, children should exercise for at least 60 minutes per day. "I Am Moving, I Am Learning" is designed to improve the quality and quantity of exercise performed by children by incorporating it into daily classroom routines. After the first year of the pilot program, results showed that Head Start participants were less sedentary and able to meet the daily exercise requirement, in addition to being able to move with more intensity over longer periods of time.

The benefits of "I Am Moving, I Am Learning" do not end at the classroom. Because the risk of overweight children becoming overweight adults increases when one or more parent is obese, participants are encouraged to extend their healthy physical activity and food choices to the home. "I Am Moving, I Am Learning" is also not an isolated program; it is easily integrated with other community programs targeting childhood obesity and family wellness.

Overall the results after the first year of the "I Am Moving, I Am Learning" show remarkable success. Children enrolled in the initiative showed moderate improvement in body-mass index scores, indicating that they were at healthier weights than at the start of the program. Due to its success, starting this year "I Am Moving, I Am Learning" is extending into Delaware, Pennsylvania, and California.

The goal of Head Start is "to bring about a greater degree of social competence in the young children of low-income families." "I Am Moving, I Am Learning" succeeds in complementing this by creating positive self-esteem among children by removing the depression and social discrimination associated with obesity.

Adding incentives for Head Start agencies to add prevention of childhood obesity is an important improvement. I look forward to working with my colleagues to ensure that the Head Start program is reauthorized during this Congress. It was neglected in the past, and we should be sure to review and strengthen our basic programs, such as Head Start.

COMMITTEE ON FOREIGN RELATIONS RULES OF PROCEDURE

Mr. BIDEN. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 110th Congress adopted by the committee on March 6, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted March 6, 2007)

RULE 1—JURISDICTION

(a) SUBSTANTIVE.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . . each standing committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) "Advice and Consent" Clauses.—The committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Meetings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) Additional Meetings.—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) Hearings, Selection of Witnesses.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may call an equal number of non-governmental witnesses selected by the ranking member to testify at that hearing.

(d) Public Announcement.—The committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure

the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting may be opened by a majority vote of the committee.

(g) Staff Attendance.—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings.

Each member of the committee may designate members of his or her personal staff, who hold a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff with a top secret security clearance to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) Reporting.—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) Presentation.—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of Statements.—A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement. Witnesses appearing on behalf of the executive branch shall provide an additional 100 copies of their statement to the committee.

(d) Expenses.—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) Requests.—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) Authorization.—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 2 hours, notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) Depositions.—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) Filing.—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views. A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman or the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) Domestic Travel.—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) Personal Staff.—As a general rule, no more than one member of the personal staff of a member of the committee may travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) Personal Representatives of the Member (PRM).—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the committee on Foreign Relations. Furthermore, for the purposes of this section, each member of the committee may designate one personal staff member as the "Personal Representative of the Member."

RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts, and shall ensure that such transcripts are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts as required by the Senate Security Manual.

(3) Classified transcripts may not leave the committee offices, or S–407 of the Capitol, except for the purpose of declassification.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts.

(A) Members and staff of the committee in the committee offices or in S–407 of the Capitol;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in S–407 of the Capitol;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in S–407 of the Capitol; and

(D) Officials of the executive departments involved in the meeting, in the committee offices or S–407 of the Capitol.

(6) Any restrictions imposed upon access to a meeting of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) Declassification.

(1) All noncurrent records of the committee are governed Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in the meeting who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted and consented to the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) In general, Senators and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their committee responsibilities.

(e) The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) Responsibilities.—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except that such part of the staff as is designated minority staff, shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It

therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions.—

(1) The staff shall regard its relationship to the committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the staff director, or, in the case of minority staff, from the minority staff director. In the case of the staff director and the minority staff director, such advance permission shall be obtained from the chairman or the ranking member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, committee action; and

(C) staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) Amendment.—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

GUARDIAN INDUSTRIES

Mr. LEVIN. Mr. President, I want to recognize Guardian Industries, which is celebrating its 75th anniversary this year. Guardian has been a leader in the glass, building, and automotive parts manufacturing industries and an important contributor to Michigan's economy for many years.

Guardian Industries was established in 1932 as Guardian Glass Company. What began as a small windshield fabrication business in Detroit, MI, grew to become a large-scale operation with the opening of its first float glass assembly plant in 1970. Since then, Guardian has built or acquired numerous fabrication plants throughout the world and diversified its business through the purchase and development of new technologies and methods of production.

Over the years, Guardian Industries has steadily grown to become one of the world's chief manufacturers of float glass and fabricated glass products and the world's largest producer of mirrors. Guardian has also become a major player in the building materials and distribution business and a leading supplier of exterior products to the automotive industry.

During its 75 years of existence, Guardian Industries has made a significant contribution to Michigan's economy. With a global workforce of over 19,000 employees, including about 1,000 in southeast Michigan, Guardian has demonstrated its commitment to making Michigan's economy a leader in manufacturing and technological development. Guardian Industries also plays an important role in community improvement throughout southeastern Michigan. Through its awarding of scholarships to local students pursuing advanced degrees and its financial support of the Detroit Symphony Orchestra, Guardian has shown a commitment to strengthening the fiber of community in Michigan.

I know my colleagues join me in commending the tremendous effort and hard work of the many employees of Guardian Industries over the years and wish them many more years of success and growth.

LATIN AMERICA

Mr. OBAMA. Mr. President, later today, President Bush will start on a 6-day visit to five countries in the Western Hemisphere: Brazil, Uruguay, Colombia, Guatemala, and Mexico.

The trip comes at an important time for the region and for U.S. relations with our hemispheric neighbors. In an historic convergence, during a 13-month period beginning in November 2005 and ending this past December, a dozen countries throughout Latin America and the Caribbean held Presidential elections. Those elections are a testament to the tremendous democratic strides made throughout the Americas during the past two decades and saw governments elected to power that span the ideological spectrum.

In many ways, the election results symbolize the important political, economic, and social change occurring throughout the Americas. As many have noted, the elections gave voice to a yearning across the hemisphere for social and economic development—a yearning among tens of millions of people for a better life. This is a welcome development and a challenge to all of us who wish to see the Americas continue down a path of democracy with justice, because, while we should welcome this democratic call for change, we must recognize that hard and steady work lies ahead to make these hopes a reality.

That a desire for fundamental change has been expressed through the ballot box is an enormous stride forward. Too often, change in the Americas has occurred in an anti-democratic fashion. Those days must permanently be put to rest. All citizens of the Americas have a fundamental right to live in freedom and to express themselves through robust democratic institutions.

That a desire for expanded prosperity has been given such clear voice raises the stakes. Governments must now do more to address the basic needs and aspirations of their people in an effective, democratic, and sustainable way. A failure to fulfill the most basic functions of government, and a failure to create the conditions in which tens of millions across the Americas can realize their hopes and break free of poverty could undo these gains. The denial of opportunity is now the most significant threat to the consolidation of democracy in the region.

Unfortunately, the elections and this desire for change have occurred at a time when U.S. prestige and influence have fallen to depths not seen in at least a generation. As has been the case throughout the world, our standing in the Americas has suffered as a result of the misguided policies and actions of the Bush administration. It will take significant work to repair the damage wrought by 6 years of neglect and mismanagement of relations.

The United States can ill afford this deterioration of our standing. With each passing day, we draw closer together to our neighbors to the south. This convergence creates new challenges, but it also opens the door to a more hopeful future. If we pay careful attention to developments throughout the region and respond to them in a thoughtful and respectful way, then we can advance our many and varied national interests at stake in the Americas.

I welcome the President's decision to travel to five important countries in Latin America, and to reaffirm the importance of our relationship with the more than 500 million people who live to our south. I am, however, disappointed that the President has fallen so short in his promise to transform U.S. relations with the Americas. Our regional relationships cannot be properly attended to with one 6-day trip, a series of photo opportunities, and some lofty rhetoric on collaboration.

Nor does the Bush administration's declaration of 2007 as the year of engagement with the Americas suffice. One year of engagement out of seven is simply not good enough. In light of the Bush administration's woeful record, creating false expectations does more harm than good. We must be realistic about the challenges we face, and what we are doing to address them. We must devote our full time and our respectful attention to our relations within the hemisphere.

Earlier this week, President Bush spoke of a "social justice" agenda for the Americas. He was right to underscore the importance of addressing the basic needs of millions of our neighbors languishing in poverty. The primary responsibility for doing so, of course, lies with the governments and societies throughout the hemisphere. Yet helping to lift people out of widespread poverty is in our interests, just as it is in accord with our values. When instability spreads to our south, our security and economic interests are at risk. When our neighbors suffer, all of the Americas suffer.

The United States has an important role to play. Yet the President sends a mixed message when he makes his call for a social justice agenda after presenting the Congress with a budget for fiscal year 2008 that, with the exception of HIV/AIDS funding, slashes both assistance for economic development and health programs in the Americas. At a time when our standing in the hemisphere is so low, we cannot afford to send this kind of message. Our commitment to justice in the Americas must be expressed in more than one thoughtful expression in one pre-trip speech. Our commitment must be matched by our deeds, not just our words.

It is my hope that the President will break from his practice of touting the importance of the Americas during his travels only to turn his back upon his return.

Each stop on the President's trip presents an opportunity to move beyond rhetoric, to renew relations in the hemisphere, and to set a new course for sustained followthrough in a way that advances important U.S. interests.

In Brazil, it has been reported that President Bush is expected to join with President Inacio Lula de Silva to announce greater ethanol cooperation between the United States and Brazil. Together, the United States and Brazil are the world's largest ethanol producers and consumers. Brazil's more than 30 years of renewable fuel technology investments allowed it to achieve energy independence last year. Ethanol now accounts for 40 percent of Brazil's fuel usage. More than 80 percent of cars sold in Brazil today are flex-fuel vehicles capable of running on gasoline, ethanol, or a mixture thereof.

Greater Brazilian production of renewable fuels could boost sustainable economic development throughout Latin America and reshape the geopolitics of energy in the hemisphere, reducing the oil-driven influence of Venezuela's Hugo Chavez. The more interhemispheric production and use of ethanol and other biofuels occurs, and the more such indigenously produced renewable fuels are used to replace fossil fuels, the better it is for our friends in the hemisphere.

As it relates to our country's drive toward energy independence, it does not serve our national and economic security to replace imported oil with Brazilian ethanol. In other words, those who advocate replacement of US-based biofuels production with Brazilian ethanol exports, however well intentioned they may be, are both misunderstanding our long-term energy security challenge and ignoring a valuable foreign policy opportunity. The U.S. needs to dramatically expand domestic biofuels production, not embrace a short term fix that discourages investment in the expansion of the domestic renewable fuels in industry. Also, accelerating technology advances and transferring the technology to our neighbors in the Caribbean and South America will help them employ their own resources to produce environmentally clean ethanol to reduce their imported oil bill, thereby promoting economic stability in the Caribbean and South and Central America and strengthen the U.S.-Brazil relationship.

It is vital that President Bush keeps the Congress involved each step forward in a U.S.-Brazil relationship based on renewable fuels. This relationship must be structured so as not to hamper the domestic production of renewable fuels, or the development of new technologies here at home that can enhance our energy security.

In Uruguay, President Bush has the opportunity to forge closer ties with President Tabaré Vázquez and to show that the United States is ready, willing, and able to work productively with democratic-left governments. That this ability is in question and that it requires explaining underscores how badly the President and his administration have misunderstood and mismanaged the political, economic, and social change occurring throughout the Americas. The United States is seen as supporting democracy when it produces a desired result. It is vital to reverse that trend. I hope the President can begin that process, even if we have a long way to go.

The United States has invested a great deal—nearly $5 billion during the past 7 years—to help stabilize Colombia. A more peaceful, just, and stable Colombia is undoubtedly in our national interest. It is imperative, however, that greater peace and stability contribute to a reduction in the flow of drugs from Colombia to the United States. Thus far, we have not seen the kind of dropoff that the effective pursuit of our interests demands.

President Bush's closest ally in the region—Colombian President Alvaro Uribe—is embroiled in a controversy that has led to the arrest of eight of his supporters in the Colombian Congress and his former confidant and former chief of Colombia's secret police for ties to the country's narco-terrorist paramilitaries. President Bush must be careful to keep the pursuit of U.S. interests in Colombia distinct from specific personalities, or personal relationships. The further consolidation of legitimate governing institutions in Colombia—and the extension of their reach throughout Colombia are clearly in the national interest of the United States, and the interest of Colombia.

Guatemala shares deep connections with the United States. Nearly 1 in 10 Guatemalans now lives in the United States. Nearly $3 billion were remitted from the United States to Guatemala in 2005, representing approximately 10 percent of that country's gross domestic product. Having emerged from decades of internal conflict that left as many as 200,000 of its citizens dead, Guatemala finds itself struggling with a new scourge of violence that is causing instability. Gang and drug-related criminal violence and the country's staggering levels of poverty pose enormous challenges—challenges that affect our country as well. I am encouraged to see the Bush administration's new commitment to supporting a Central American regional approach to combat transnational gangs. This initiative should incorporate the most effective techniques and practices from the United States and from throughout the region. The United States must take the lead in rolling back the detrimental influence of these gangs in our own society and in Central America.

The relationship between the United States and Mexico is among our most important in the world. Getting it right is vital to advancing our core economic and security interests. To do that, a great deal of work needs to be done. Mexico is making strong efforts to address the drug trade and is working cooperatively with the United States on a number of security issues. But our complex relationship with Mexico has become captive to a single issue: the immigration debate in our country.

There is consensus that our immigration system is broken. It is past time to fix it, and I am proud of my own support for a workable solution. We need a comprehensive approach to illegal immigration that stops the flow of illegal immigrants across our borders, better manages immigration flows going forward, and deals fairly with the illegal immigrants already living and working in our country. A workable solution will require bipartisan support, and I will work to build it. The President has consistently voiced his support, for comprehensive immigration reform. It is my hope that upon his return from Mexico he will get to work, converting his words into deeds to help push comprehensive immigration reform forward.

A great deal of work needs to be done. We need to restore U.S. relations in the hemisphere. We need to consolidate the gains that have been made in the sweeping change of the last few years. We need to sustain our commitment to democracy, to social justice, and to opportunity for our neighbors to the south. The Western Hemisphere is too important to our core economic and security interests to be treated with the neglect and mismanagement that have defined the past 6 years. It is my hope that President Bush's trip marks the opening of a new chapter of cooperation and partnership a chapter of partnership with our neighbors to promote democracy with social and economic development for the benefit of all of us who live in the Americas. It is time for the United States to reclaim and renew its historic role as a leader in the hemisphere and an example of hope for all who seek opportunity in the Americas.

ADDITIONAL STATEMENTS

HOT SPRINGS NATIONAL PARK

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Hot Springs National Park, which will soon be celebrating its 175th anniversary. Hot Springs is a magical place which has brought great distinction to my State because of its history and because of the allure it has held for generations of visitors.

On April 20, 1832, President Andrew Jackson and the U.S. Congress established Hot Springs Reservation in order to protect the 47 hot springs flowing from the southwestern slope of Hot Springs Mountain. In 1921, it was renamed Hot Springs National Park and became America's 18th national park. Hot Springs remains the first protected area in the Nation.

People have used the hot springs for more than 200 years to treat illnesses and to relax. The reservation eventually developed into a well-known resort nicknamed, "The American Spa," because it attracted not only the wealthy but also indigent health seekers from around the world. In fact, their motto was, "We Bathe the World."

Eight historic bathhouses make up "Bathhouse Row" with the Fordyce Bathhouse housing the park's visitor center. The entire "Bathhouse Row" area is a National Historic Landmark District that contains the grandest collection of bathhouses of its kind in North America. It was placed on the National Register of Historic Places on November 13, 1974.

On April 20, 2007, Hot Springs National Park and the Nation will celebrate 175 years of preserving our natural resources. I urge my colleagues to join me in continuing to protect our great American treasures, one of the greatest of which is Hot Springs National Park.•

NATIONAL ENGINEERS FUTURE CITY COMPETITION

• Mr. VITTER. Mr. President, today I wish to recognize Jake Bowers, Emily Ponti, and Krisha Sherburne of St. Thomas More School in Baton Rouge, LA. They are the winners of the 2007 National Engineers Future City Competition, and I would like to take a moment to recognize these talented students in their tireless effort.

Starting in September, 30,000 entrants from 1,000 schools began across the country working on their future cities for the National Engineers Future City Competition under the guidance of professional engineers in their local communities. In January the entrants were narrowed down to 105 students from 35 schools to go to the nationals in Washington, DC. St. Thomas More School was one of these talented groups to be chosen.

This hard-working group presented their future city of Mwinda in the Congo Republic with the guidance of their teacher Mrs. Shirley Newman, their engineer mentor Mr. Guy Macarios, and the help of Mr. Eric Ponti. The future city design featured renewable energy resources to power the city and hydrogen-powered hover cars and buses to transport citizens around the city. St. Thomas More has made it to the nationals in this competition for the fourth time and is their second national win.

I applaud the students from St. Thomas More School for this great honor and wish them continued success in their academic career.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate:

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED ON MARCH 15, 1995—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2007.

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 8, 2007*.

MESSAGE FROM THE HOUSE

At 11:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

H.R. 569. An act to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated.

H.R. 569. An act to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Environment and Public Works.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 9. Joint resolution to revise United States policy on Iraq.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 655. A bill to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American Red Cross in the 21st century, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Vanessa Lynne Bryant, of Connecticut, to be United States District Judge for the District of Connecticut.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN (for herself, Mr. DOMENICI, Mr. PRYOR, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. CRAIG, Mr. NELSON of Nebraska, Ms. LANDRIEU, and Mr. HAGEL):

S. 807. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. KENNEDY, Mr. REID, Mr. OBAMA, and Mrs. CLINTON):

S. 808. A bill to provide grants to recruit new teachers, principals, and other school leaders to, and retain and support current and returning teachers, principals, and other school leaders employed in, public elementary and public secondary schools, and to help higher education, in areas impacted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself, Mrs. DOLE, Ms. SNOWE, Mr. CHAMBLISS, Mr. THUNE, and Mrs. HUTCHISON):

S. 809. A bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 810. A bill to establish a laboratory science pilot program at the National Science Foundation; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 811. A bill to establish the Sacramento River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN):

S. 812. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 813. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards; to the Committee on Finance.

By Mr. SPECTER:

S. 814. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Finance.

By Mr. CRAIG:

S. 815. A bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK:

S. 816. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. KERRY, Mr. CASEY, Mr. BROWN, and Mr. GRAHAM):

S. 817. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 818. A bill to expand the middle class, reduce the gap between the rich and the poor, keep our promises to veterans, lower the poverty rate, and reduce the Federal deficit by repealing tax breaks for the wealthiest one percent and eliminating unnecessary Cold War era defense spending, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, Mr. SCHUMER, Mrs. LINCOLN, and Mr. COLEMAN):

S. 819. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 820. A bill to establish demonstration projects to provide at-home infant care benefits; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. CARDIN, and Mrs. CLINTON):

S. 821. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. KERRY, Mr. BUNNING, Mr. BINGAMAN, Mr. SALAZAR, Mr. COLEMAN, Mr. SMITH, Mr. ALLARD, and Mr. CORNYN):

S. 822. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

By Mr. OBAMA (for himself, Ms. SNOWE, Mr. DURBIN, Mr. DODD, Mrs. CLINTON, Mrs. BOXER, Mr. SCHUMER, and Mr. KERRY):

S. 823. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. 824. A bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 825. A bill to provide additional funds for the Road Home Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 826. A bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 827. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. HARKIN, and Mr. TESTER):

S. 828. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to make cost-share payments for on-farm energy production under the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MIKULSKI (for herself, Mr. MARTINEZ, Mr. REED, Mr. SCHUMER, Mr. LEVIN, Mr. MENENDEZ, Mr. SPECTER, Mr. BOND, Mr. NELSON of Florida, and Mrs. DOLE):

S. 829. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD:

S. 830. A bill to improve the process for the development of needed pediatric medical devices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. CORNYN, Mr. SPECTER, Mr. LIEBERMAN, and Mr. OBAMA):

S. 831. A bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 6. A joint resolution providing for the reappointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 7. A joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 8. A joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. FEINGOLD, Mr. REED, Mr. KENNEDY, Mr. ROCKEFELLER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CARPER, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Ms. STABENOW, Mr. TESTER, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 9. A joint resolution to revise United States policy on Iraq; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 101. A resolution expressing the sense of the Senate that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 140

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 140, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 221

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 221, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 430

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 430, supra.

S. 457

At the request of Mr. VOINOVICH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 457, a bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 527

At the request of Mr. FEINGOLD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

S. 558

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 558, supra.

S. 579

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 590

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 591

At the request of Mr. SMITH, his name was added as a cosponsor of S. 591, a bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts.

S. 600

At the request of Mr. SMITH, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 625

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 645

At the request of Mr. THOMAS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 761

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 779

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 796

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 804

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 804, a bill to amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes.

S. RES. 92

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 272 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 356

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 356 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 368

At the request of Mr. CARPER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 368 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 381

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 381 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 393

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 393 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Mr. KENNEDY, Mr. REID, Mr. OBAMA, and Mrs. CLINTON):

S. 808. A bill to provide grants to recruit new teachers, principals, and other school leaders to, and retain and support current and returning teachers, principals, and other school leaders employed in, public elementary and public secondary schools, and to help higher education, in areas impacted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, as my State and the rest of the Gulf Coast work to get back on their feet and rebuild their lives and their communities, we look to the future. We look forward to stronger levees, a more responsive FEMA, a better medical system, and a better school system. We look to our children—because they are the future—and we are striving to build the best school system in the country. We are in the middle of a remarkable period in Louisiana—and our schools are at the center. Our schools are reopening and developing in new and innovative ways. There is a wonderful partnership with our institutions of higher learning, who are throwing themselves into not only rebuilding themselves but into standing up this new school system.

But key to this new school system are the people who make it work day after day—our teachers, our principals, our aides—and it is vital that we recruit, retain, and maintain all of the excellent individuals who are dedicated to our children and the future.

That is why, today, I am so very proud to introduce the Landrieu-Kennedy-Reid RENEWAAL Act of 2007.

Hurricanes Katrina and Rita not only damaged or destroyed 840 schools in Louisiana, but dozens more throughout the Gulf Coast. As the 176,000 displaced elementary and secondary school students and their families begin to return, what was a need to rebuild these schools and bring in new teachers has become an emergency. The RENEWAAL Act will help solve a significant crisis in New Orleans—there are simply not enough talented teachers in the city to educate the 29,000 children the system must serve. In January, the New Orleans Recovery School District was forced to "waitlist" 300 students, in large part because they simply could not find or encourage enough teachers to come to the region to teach them.

As the region continues to struggle and to grow, so will the need to bring more teachers to the Gulf Coast. The Louisiana Recovery Authority estimates that 12,000 teachers were displaced by Hurricane Katrina. Public schools in New Orleans will need an additional 750 teachers by fall 2007 to accommodate the daily surge in enrollment. Some of the district's high schools have student-to-teacher ratios surpassing 36 to 1. Jefferson Parish currently has a shortage of about 60 teachers. Parishes like St. Bernard and Cameron have managed to hold down student-to-teacher ratios only because they've increased the local tax burden on an already stretched population to the breaking point, even though just a small portion of their schools have reopened. The future of the Gulf Coast lies in the rebuilding of its middle class; the future of the middle class in any community is in its schools.

The RENEWAAL Act provides up to $254 million over 5 years in salary supplements, housing assistance and loan forgiveness for certified elementary and secondary school teachers and leaders who commit to serving the Hurricane Katrina and Rita affected areas for a minimum of 3 years. The Act provides annual salary bonuses starting at $7,000 per year for teachers and leaders, increasing with experience, a proven track record of success in an urban district or use the opportunity to return to their home district to help. RENEWAAL also provides student loan forgiveness of up to $7000 per year and housing assistance of up to $750 per month.

These incentives are necessary to help offset the dramatic cost of living increases that are a reality in the Gulf region right now. The starting salary for a Recovery School District teacher is $35,400 per year, slightly below the state's median income of $37,400. The average rent in New Orleans parish has increased more than 40 percent in 1 year—so much so that, currently, a Recovery School District teacher in New Orleans would spend 40-50 percent of his or her monthly pre-tax income on rent. The average student loan debt of the 60 percent of Louisiana students who graduate with student loan debt is over $17,000. The combination of these financial burdens and the increased cost of living make it impossible for some young people to put their considerable time and energy into rebuilding the Gulf Coast, even if they once called it home. The incentives provided in the RENEWAAL Act would give them the support they need to serve.

The bill also recognizes the unique role and the unique challenges Hurricane Katrina and Rita impacted colleges and universities have in rebuilding our Gulf communities. Over 84,000 students were displaced in Louisiana as a result of Hurricanes Katrina and Rita. RENEWAAL provides $500 million of funds to attract additional students to and retain faculty at Louisiana's institutions of higher education. Colleges and universities suffering significant revenue gaps from decreased enrollment and repair costs would receive the help they need continue their missions. Our higher education system has long been the creative and professional life blood of New Orleans and the region, as the institutions directly impacted by the storms have trained hundreds of thousands of young professionals and entrepreneurs who use their skills to strengthen cities and towns along the Gulf Coast and nationwide.

I'd like to thank Congressman CHARLES MELANCON and Congressman GEORGE MILLER and their staffs for their hard work with us on this bill, culminating in its introduction as companion legislation in the House of Representatives. This bill is the latest example of their tireless dedication to supporting the children, families and students of the Gulf Coast as we continue to work together to bring the people of Louisiana, Mississippi, Alabama and Texas home.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Revitalizing New Orleans by Attracting America's Leaders Act of 2007" or the "RENEWAAL Act of 2007".

TITLE I—ELEMENTARY AND SECONDARY EDUCATION

SEC. 101. GRANTS TO STATE EDUCATIONAL AGENCIES AFFECTED BY HURRICANE KATRINA OR HURRICANE RITA; SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Subject to subsection (b) and section 102(d), from amounts appropriated under section 105, the Secretary of Education shall award grants to each of the States of Louisiana, Mississippi, and Alabama. The Secretary shall base allocations for States that submit an application under subsection (b)(1) on the number of schools in each State that were closed for 60 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita.

(b) APPLICATIONS.—

(1) IN GENERAL.—For a State to be eligible to receive a grant under subsection (a), the State educational agency for the State shall submit an application to the Secretary, at such time as the Secretary may require, that contains such information and assurances as the Secretary may require.

(2) SPECIFIC ASSURANCES.—The assurances under paragraph (1) shall include an assurance that—

(A) subject to subsection (d), the State educational agency will distribute the funds received under the grant as subgrants to local educational agencies;

(B) the State educational agency, in consultation with local education agencies, local teachers and their union, the State's board of education, and the local organization representing charter schools, will establish and implement a plan to strengthen the recruitment, retention, professional development, and success of teachers and school leaders in schools that are served under the grant; and

(C) funds provided shall be used at schools that are—

(i) open to all eligible students, including students with disabilities and English language learners; and

(ii) in compliance with all applicable Federal laws, including civil rights laws, and State and local health and safety laws.

(3) OVERSIGHT.—The Secretary shall, on a semi-annual basis—

(A) review the State educational agencies receiving funds under this title to determine whether each such agency is in compliance with the assurances referred to in paragraph (2); and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of such review, the first of which reports shall be made not later than 6 months after the date of the enactment of this Act.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Subject to subsection (d), from amounts made available to a State educational agency under this title, the agency shall make subgrants, on a competitive basis, to local educational agencies in the State that serve an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita. Funds received under the subgrant shall be used to carry out the authorized activities described in sections 102 and 103.

(2) APPLICATION.—To be eligible to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(3) TIMING.—Subgrants under this subsection shall be made not later than 60 days after the date on which the State educational agency first receives funds from the Secretary under this title.

(4) DETERMINATION OF ALLOCATIONS.—In allocating funds among local educational agencies under this subsection, State educational agencies shall give priority to local educational agencies with the following:

(A) The highest percentages of schools that are closed as a result of Hurricane Katrina or Hurricane Rita, as of the date of the enactment of this Act.

(B) The highest percentages of schools with a student-teacher ratio of at least 25 to 1.

(d) MANAGEMENT, ADMINISTRATION, AND EVALUATION.—

(1) IN GENERAL.—A State educational agency that distributes funds under this title may reserve up to one half of one percent for management, administrative, and evaluation purposes.

(2) CHARTER SCHOOL COSTS INCLUDED.—Amounts reserved under paragraph (1) shall include all management, administrative, and evaluation costs related to charter schools.

(3) ALLOCATION TO OTHER LOCAL EDUCATIONAL AGENCIES.—Of the amounts reserved by a State educational agency under paragraph (1), any funds that remain after expenditure for the costs described in paragraphs (1) and (2) may be allocated by the State educational agency to other local educational agencies adversely affected by Hurricane Katrina or Hurricane Rita.

(e) EVALUATION.—The Comptroller General of the United States shall review the implementation of section 102 and shall provide the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate with an analysis of the effectiveness of the implementation of such section not later than 1 year after the date of the enactment of this Act.

SEC. 102. ANNUAL BONUSES FOR TEACHERS AND OTHER SCHOOL LEADERS.

(a) ANNUAL BONUSES FOR TEACHERS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide annual pensionable bonuses, in addition to base salary and benefits, to teachers in each of 3 consecutive full school years (beginning with the first full school year that begins after the date of the enactment of this Act), calculated as follows:

(1) $7,000 per year for all teachers employed by the local educational agency during the school year in which this Act is enacted, if the teacher commits to continue to work during each of the 3 succeeding school years in a public elementary or public secondary school served by the agency.

(2) $10,000 per year for all teachers described in paragraph (1) who also have a demonstrated track record of success in improving student academic achievement, based on an evaluation from the multiple measures of success rating system described in subsection (d), except that such teachers may not receive a bonus under paragraph (1).

(3) $12,500 per year for all teachers described in paragraph (1) who also have a demonstrated track record of success in improving student academic achievement, based on an evaluation from the multiple measures of success rating system described in subsection (d), and who teach a subject for which there is a documented teacher shortage, except that such teachers may not receive a bonus under paragraph (1) or (2).

(b) ANNUAL BONUSES FOR SCHOOL LEADERS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide annual bonuses to school leaders in each of 3 consecutive full school years (beginning with the first full school year that begins after the date of the enactment of this Act), calculated as follows:

(1) $7,000 per year for all school leaders employed by the local educational agency during the school year in which this Act is enacted, if the school leader commits to continue to work during each of the 3 succeeding school years in a public elementary or public secondary school served by the agency.

(2) $15,000 per year for all school leaders described in paragraph (1) who also are designated by the local educational agency as outstanding or have a demonstrated track record of success in improving student academic achievement on a school-wide basis in a low-performing school (as determined through a performance-based system that includes analysis of academic achievement gains), except that such school leaders may not receive a bonus under paragraph (1).

(c) SUPPLEMENTS FOR PERSONNEL RETURNING FROM DISPLACEMENT.—In the case of a teacher or school leader who was displaced from, or lost employment in, a geographic area described in section 101(a) by reason of Hurricane Katrina or Hurricane Rita, and who returns to such an area following such displacement and is rehired, the bonus described in subsection (a) or (b) shall be increased by $1,500 in each of the 3 years.

(d) MULTIPLE MEASURES OF SUCCESS RATING SYSTEM.—The Secretary of Education may make a grant to a State under this title only if the State educational agency, in its application under section 101(b), agrees to use the following process to develop a multiple measures of success rating system:

(1) Not later than 60 days after the date of the enactment of this Act, the State educational agency, in cooperation with local educational agencies, the teachers unions, local principals' organization, local parents' organizations, local business organizations, and local charter schools organizations, shall develop a plan for such a system.

(2) If the State educational agency has failed to reach an agreement pursuant to paragraph (1) that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately notify the Congress of such failure and the reasons for it and shall, not later than 30 days after such notification, establish and implement a rating system that shall be—

(A) based on strong learning gains for students and growth in student achievement;

(B) based on classroom observation and feedback at least 4 times annually;

(C) conducted by multiple sources, including principals and master teachers; and

(D) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

(e) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a teacher or school leader under subsection (a) or (b) shall pay the bonus according to a schedule that—

(1) is designed to attract such educators;

(2) commences payment of the first of such bonuses not later than 60 days after the later of—

(A) the first day of the first full school year that begins after the date of the enactment of this Act; and

(B) the date on which the local educational agency first receives funds from the State educational agency under this title; and

(3) only completes payment at the end of the period of required service.

(f) GRANT PERIOD.—Funds allocated by the Secretary for use under this section may be expended by a State educational agency or local educational agency over a 3-year period.

SEC. 103. RELOCATION COSTS, HOUSING COSTS, EDUCATOR RECRUITMENT COSTS, AND PROMOTION OF BEST PRACTICES AND CAPACITY-BUILDING.

(a) RELOCATION COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide one-time payments of up to $2,500 each to educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency to assist such educators with costs associated with relocation. In providing such payments, a local educational agency shall give priority to teachers with a prior connection to the State, either through previous employment as a teacher in the State or graduation from a public or private institution of higher education located in the State.

(b) HOUSING COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide up to 36 monthly payments of—

(1) $700 each to educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency, and who previously resided or worked in the geographical area served by the agency, to assist such educators with housing costs; and

(2) $500 each to all other educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency, to assist such educators with housing costs.

(c) EDUCATOR RECRUITMENT COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary for the purpose of establishing partnerships with non-profit entities that have a demonstrated track record in recruiting and retaining outstanding teachers and school leaders who commit to teach or lead in schools where there is a documented teacher shortage. These entities shall consult with teachers and the local teachers' union in their work.

(d) PROMOTING BEST PRACTICES AND CAPACITY-BUILDING.—

(1) IN GENERAL.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary for the purpose of building the capacity and knowledge of principals and teachers and providing teachers with paid release time to collaborate with each other, to engage in classroom observation, and to participate in professional development. Such paid release time shall be used to facilitate the identification and replication of best practices from the highest-performing and fastest-improving schools, to bring in outstanding educators to provide on-site professional development and coaching, and to support the design, adaptation, and implementation of high-quality formative assessments aligned to the State's academic standards.

(2) ADMINISTRATIVE COSTS.—A local educational agency receiving a subgrant under section 101 may use up to 5 percent of the portion of the subgrant funds specified by the Secretary under paragraph (1) for management and administration related to carrying out activities under such paragraph.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) The term "documented teacher shortage"—

(A) means a shortage of teachers documented in the needs assessment conducted under section 2122(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(c)) by the local educational agency involved or some other official demonstration of shortage by the local educational agency; and

(B) may include such a shortage in math, science, reading, special education, a foreign language, high school core subjects, instruction for limited English proficient children, and other subjects, as designated by the local educational agency.

(2) The term "elementary school" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term "local educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and shall also include the Recovery School District in Louisiana and New Orleans Public Schools.

(4) The term "public school" means any public school that is operated or chartered by a State educational agency or local educational agency.

(5) The term "school leader" means a school principal, assistant principal, principal resident director, or assistant director.

(6) The term "secondary school" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) The term "Secretary" means the Secretary of Education.

(8) The term "teacher", when used with respect to an individual teaching in a State, means that the individual has obtained full State certification as a teacher or is satisfactorily participating in an alternative route to certification program that leads to certification within 3 years, except that—

(A) an individual teaching in a public charter school is included in this definition if the individual satisfies the requirements set forth in the State's public charter school law with respect to State certification; and

(B) a special education teacher is included in this definition only if fully certified by the State.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this title $45,500,000 for fiscal year 2007, $45,500,000 for fiscal year 2008, and $46,000,000 for each of fiscal years 2009, 2010, and 2011.

(b) Annual Bonuses for Teachers.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $20,000,000 for each of fiscal years 2007 through 2011 to carry out section 102(a).

(c) Annual Bonuses for School Leaders.—Of the total amounts authorized under subsection (a), the following amounts are authorized to be appropriated to carry out section 102(b):

(1) $1,500,000 for each of fiscal years 2007 and 2008.

(2) $2,000,000 for each of fiscal years 2009, 2010, and 2011.

(d) Relocation Costs.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $2,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(a).

(e) Housing Costs.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $15,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(b).

(f) Educator Recruitment Costs.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $2,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(c).

(g) Promoting Best Practices and Capacity-Building.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $5,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(d).

(h) Availability.—Any funds authorized to be appropriated under this section are authorized to be available for fiscal years 2007 through 2011.

SEC. 106. CONSTRUCTION.

Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

TITLE II—HIGHER EDUCATION

SEC. 201. HIGHER EDUCATION RECOVERY AND SUSTAINABILITY PROGRAM.

(a) Program Established.—Subject to the availability of funds appropriated to carry out this section, the Secretary shall provide funds made available under this section, in accordance with subsection (b), to postsecondary educational institutions—

(1) that were closed on any of their physical campuses, or that temporarily relocated their campus, as a result of the impact of a Gulf hurricane disaster;

(2) the enrollments of which have not recovered to the level of enrollments that existed before a Gulf hurricane disaster; and

(3) that continue to sustain a loss of revenue as a result of the impact of a Gulf hurricane disaster.

(b) Use of Funds.—The Secretary shall use funds made available to carry out this section to compensate the institutions described in subsection (a) for direct or indirect losses incurred by such institutions resulting from the impact of a Gulf hurricane disaster, and for the recovery initiatives of such institutions. Such funds may be used for—

(1) faculty salaries and incentives for retaining faculty;

(2) costs associated with the loss of lost tuition, revenue, and enrollment;

(3) construction and maintenance needs;

(4) grants to students to attend institutions described in subsection (a) for academic years beginning on or after July 1, 2006, with priority given to students demonstrating financial need; and

(5) any recruitment activities related to increasing enrollment to the level of enrollment that existed before a Gulf hurricane disaster.

(c) Application for Assistance.—A postsecondary educational institution that desires to receive assistance under this section shall—

(1) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a Gulf hurricane disaster, and the monetary amount of such losses;

(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, any other relevant government agencies, and insurance prior to seeking assistance under this section;

(3) demonstrate that the institution has not been able to fully operate at the level of operation that existed before a Gulf hurricane disaster; and

(4) provide an assurance that, with respect to any funds provided under this section for construction, the institution will only use such funds for construction that has been or will be conducted in compliance with the wage requirements under section 439 of the General Education Provisions Act (20 U.S.C. 1232b).

(d) Regulations Required.—Within a reasonable time after the date of enactment of this section, the Secretary shall issue regulations setting forth—

(1) procedures for an application for assistance under this section; and

(2) minimum requirements for receiving assistance under this section, including the following:

(A) Online forms to be used in submitting request for assistance.

(B) Information to be included in such forms.

(C) Procedures to assist in filing and pursing assistance.

(e) Definition.—In this section, the term "postsecondary educational institution" means—

(1) an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(2) a public or private teaching hospital wholly or partly owned or operated by such an institution of higher education.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000,000 for the period beginning in fiscal year 2007 through fiscal year 2011.

SEC. 202. LOAN FORGIVENESS FOR CERTAIN TEACHERS.

(a) Program Authorized.—

(1) In general.—From the amounts appropriated under subsection (e), the Secretary shall carry out a program of providing loan forgiveness to qualifying teachers. To provide such loan forgiveness, the Secretary is authorized to carry out a program—

(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); and

(B) to cancel a qualified loan amount (as so determined) for a loan made under part D of such title (20 U.S.C. 1087a et seq.).

(2) Treatment of consolidation loans.—A loan amount for a loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078–3) or a Federal Direct Consolidation Loan may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act (20 U.S.C. 1078 or 1078–8, respectively), as determined in accordance with regulations prescribed by the Secretary.

(b) Qualifying Teachers.—For the purposes of this section, a qualifying teacher is an individual who is not in default on a loan for which the individual seeks forgiveness and—

(1) who—

(A) first commenced employment as a full-time teacher in a public or private elementary or secondary school in an area affected by a Gulf hurricane disaster after such disaster; and

(B) is not described in paragraph (2);

(2) who graduated from a public or private institution of higher education located in an area affected by a Gulf hurricane disaster and first commenced employment as a full-time teacher in a public or private elementary or secondary school in such area after such disaster; or

(3) who returned to employment as a full-time teacher in a public or private elementary or secondary school in an area affected by a Gulf hurricane disaster such after such disaster.

(c) QUALIFYING AMOUNTS.—The Secretary shall forgive not more than the following amount for a qualifying teacher:

(1) $5,000 per year for a qualifying teacher described in paragraph (1) of subsection (b), for each year of service described in such paragraph.

(2) $7,000 per year for a qualifying teacher described in paragraph (2) or (3) of subsection (b), for each year of service described in such paragraph.

(d) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.

(e) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2007 through 2011.

SEC. 203. DEFINITIONS.

For the purposes of this title:

(1) AFFECTED STATE.—The term "affected State" means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(2) AREA AFFECTED BY A GULF HURRICANE DISASTER.—The term "area affected by a Gulf hurricane disaster" means a county or parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(3) GULF HURRICANE DISASTER.—The term "Gulf hurricane disaster" means a major disaster that the President declared to exist, in accordance 6 with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

By Mr. MENENDEZ:

S. 810. A bill to establish a laboratory science pilot program at the National Science Foundation; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce a bill designed to improve the science learning experience for students in low-income and rural school across the country. Investing in education is about investing in our future. Today's young people will be facing a new world when they enter the workforce—a world that is globally integrated and where technology has transformed the boundaries of human capital so that our tax forms, blueprints, and x-rays can all be analyzed halfway around the world. The greatest asset we have in this country is our collective intellect, and the Nation's competitive future will depend on us nurturing the intellect of the next generation of Americans.

In order to be competitive in the coming decades, we need to ensure that we have given our students the tools to be successful in science, engineering, mathematics, and technology. The America COMPETES Act, S. 761, which I was proud to join with my colleagues in introducing earlier this week, helps provide these tools at all levels of our educational system, from kindergarten through graduate school and beyond. Unfortunately, I am concerned that we may not be paying enough attention to those students that are already in the greatest danger of not reaping the full benefits of America's innovation future, such as minorities, women, and students in low-income or rural schools.

For example, according to the National Science Foundation, only 7 percent of our scientists and engineers are Hispanic, African-American, or Native-American, despite the fact that they make up 24 percent of the total population. A minority scientist is also far less likely to achieve a post-graduate degree. By 2020, one-quarter of the Nation's schoolchildren will be Hispanic, and another 14 percent will be African-American. That's 40 percent of our precious human capital, and we can not neglect that tremendous resource when we talk about improving our competitiveness for the future. No business could afford to leave 40 percent of its capital sitting idle, and neither can the United States.

That's why I offered an amendment during last year's Energy Committee markup of science and technology competitiveness legislation—an amendment that has made it into the America COMPETES Act—which will create a series of outreach programs designed to get more minority elementary and secondary students excited about science, to increase their interest in entering these fields that will be such a crucial part of our economic future. A program like this called Hispanic Engineering Science and Technology Week (HESTEC) has been operating very successful for the past few years as the University of Texas—Pan American, and I hope to see that success replicated throughout the nation.

But these types of programs are only one part of getting students hooked on science. We can spend all the time in the world telling students how exciting it is to be a scientist, but unless we actually let them experience that excitement—unless we let them discover the joy of scientific discovery first-hand—we will still lose them. And that is the job of the science laboratory class. A well-designed, well-equipped, well-staffed high school laboratory can be an incredibly invigorating and illuminating experience for a student. It can teach them far more about scientific principles than they can learn from a book or in a lecture, and more importantly, it teaches them the thrill of actually being a scientist. That, more than anything else, can mean the difference between a student who goes on to become a chemist, an engineer, or a medical researcher, and one who loses interest in science forever.

Unfortunately, a recent report by the National Academy of Sciences, called America's Lab Report: Investigations in High School Science, made some findings that are extremely troubling for those of us who want to provide all of our students an equal opportunity to succeed in science and technology. It found that schools that have high percentages of minorities and low-income students are "less likely to have adequate laboratory facilities" and "often have lower budgets for laboratory equipment and supplies" than other schools. The study also found that students in those schools "spend less time in laboratory instruction than students in other schools." Rural schools had some of the same problems.

We can not expect our country to be adequately prepared for the future unless all of our students are adequately prepared for the future. And unless we do something to improve the laboratory experience for our low-income, minority, and rural students, we simply won't be prepared. That's why I am proud to re-introduce the Partnerships for Access to Laboratory Science bill, originally championed by Congressman HINOJOSA, which would authorize partnerships between high-need or rural school districts, higher education institutions, and the private sector, with the goal of revitalizing the high school science labs in those schools. The bill creates a pilot program, authorized at $5 million per year, to help schools purchase scientific equipment, renovate laboratory space, design new experiments or methods of integrating the laboratory with traditional lectures, and provide professional development for high school science lab teachers. This last one is particularly important, because one of the key conclusions from the National Academy report is that "improving high school science teachers' capacity to lead laboratory experiences effectively is critical to advancing the educational goals of these experiences." This bill is strongly supported by a number of scientific and educational organizations, including the American Chemical Society, the American Council on Education, the National Science Teachers Association, and more.

We need to do a lot to ensure that our nation stays competitive throughout the 21st century, and this bill is only one small step. But it is a sorely needed step, particularly for those students who need our help the most. I invite my colleagues to join us in support of this bill, and I look forward to working to enact this important piece of legislation.

I ask unanimous consent the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

SEC. 2. GRANT PROGRAM.

Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking "paragraph" and inserting "subparagraph";

(4) by striking "INITIATIVE.—A program of" and inserting "INITIATIVE.—

"(A) IN GENERAL.—A program of"; and

(5) by inserting at the end the following:

"(B) PILOT PROGRAM.—

"(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to improve laboratories and provide instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

"(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

"(II) maintenance, renovation, and improvement of laboratory facilities;

"(III) professional development and training for teachers;

"(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

"(V) training in laboratory safety for school personnel;

"(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

"(VII) assessment of the activities funded under this subparagraph.

"(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

"(I) includes an institution of higher education or a community college;

"(II) includes a high-need local educational agency;

"(III) includes a business or eligible nonprofit organization; and

"(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

"(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 50 percent.".

SEC. 3. REPORT.

The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by section 2 in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Science Foundation to carry out this Act and the amendments made by this Act $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN).

S. 812. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I am pleased to join Senators FEINSTEIN, SPECTER, KENNEDY, and HARKIN in introducing the Human Cloning Ban and Stem Cell Research Protection Act of 2007.

It is hard to imagine how far medical science has advanced in only 60 years. Penicillin was made available just in time for D–Day and saved thousands of lives in the Second World War. Before that time, pneumonia or an infected wound was a death sentence. Now, doctors replace damaged organs with heart, liver, kidney, and lung transplants. Cancers that were once fatal can be cured. Lives that were once forfeit to injuries are now saved by medical science. But there is no shortage of diseases that still ravage humanity.

Many scientists believe that we are on the verge of a new revolution in medicine created by human stem cells. The reason stem cells are important to medicine is that many organs cannot make a sufficient number of new cells to replace damaged or lost ones. Stem cells are the only way currently known that has the potential to replace damaged cells in organs such as the pancreas, kidney, heart, brain, and spinal cord.

Two common diseases may be treatable by stem cells sooner rather than later. Diabetes is reaching epidemic proportions in the United States. Diabetes results when pancreatic cells cannot create enough insulin which is needed for the body to use glucose. Human embryonic stem cells can now be coaxed into differentiating into functioning insulin-producing cells and scientists at the NIH have concluded that creation of cells that could be transplantable may soon be possible.

Heart failure is one of the commonest chronic conditions of the elderly. The heart fails when it does not have enough functioning heart muscle. Clinical trials of injection of stem cells into failing hearts to create new muscle tissue are going on around the world as we speak.

And treatment of other common diseases with stem cells is on the horizon. In December of 1999 a group of investigators at Washington University School of Medicine implanted embryonic stem cells in rats with spinal cord injuries. The stem cells became nerve cells and the rats walked. I know families in Utah with spinal cord injured children who pray for such a result in humans. Like the Utah family, the Schmanskis, who flew their daughter Tori to China for stem cell transplantation. And like seventeen-year-old Travis Ashton from Highland, UT, who is raising money for the same procedure to treat his head injury.

Another example of how stem cells may treat common diseases is renal failure which occurs in an estimated 40 percent of critical care patients. Dr. Christof Westenfelder, professor of medicine and physiology at the University of Utah has found that injecting stem cells into failing kidneys improves kidney function, prevents tissue injury, and accelerates regeneration. These few examples of early stage research presage advances that we could only dream of before science knew of the possibilities of stem cells.

But with the promise of stem cells comes responsibility. Scientists are now working with stem cells created by a technique called somatic cell nuclear transfer. In this laboratory procedure, the DNA from the cell of one adult is inserted into an empty egg that has been donated from another adult. The result, if the science develops further, is a collection of stem cells that could become a kidney or liver that is identical to a missing or diseased organ of the donor of the DNA. However, this same collection of stem cells if implanted into a woman's uterus could possibly become a human being identical to the donor of the DNA.

Let me be absolutely clear: I support the use of such stem cells to treat human disease but abhor the possibility of their use for human cloning.

Our bill prohibits human reproductive cloning and imposes criminal penalties for attempting to do so. It provides a firm ethical framework for somatic cell nuclear transfer for therapeutic purposes and establishes stiff civil penalties for not following them.

It specifies that research in somatic cell nuclear transfer must comply with NIH regulations.

It prohibits the use of fertilized eggs for somatic cell nuclear transfer.

It limits maintenance of eggs receiving somatic cell nuclear material to 14 days.

It specifies that the egg must be voluntarily donated and not purchased.

It prohibits purchase or sale of eggs to which DNA has been transferred.

It is our responsibility to promote stem cell research to treat human diseases. It is equally our responsibility to be certain that such research is conducted in accordance with the best ethical standards and that the technology can never be used to clone a human being in the United States.

The majority of the US public supports stem cell research and opposes human reproductive cloning. If we do not act soon to set ethical guidelines for legitimate research and to prohibit research that no one wants to see, then we may lose the chance. We may also lose the opportunity for America to lead the way in the treatment of diseases that are the scourge of mankind.

I urge the Senate to take up this bill and to pass it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Ban and Stem Cell Research Protection Act of 2007".

SEC. 2. PURPOSES.

It is the purpose of this Act to prohibit human cloning and to protect important areas of medical research, including stem cell research.

TITLE I—PROHIBITION ON HUMAN CLONING

SEC. 101. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—PROHIBITION ON HUMAN CLONING

"301. Prohibition on human cloning.

"§ 301. Prohibition on human cloning

"(a) DEFINITIONS.—In this section:

"(1) HUMAN CLONING.—The term 'human cloning' means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

"(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means any human cell other than a haploid germ cell.

"(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

"(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes.

"(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

"(6) UNFERTILIZED BLASTOCYST.—The term 'unfertilized blastocyst' means an intact cellular structure that is the product of nuclear transplantation. Such term shall not include stem cells, other cells, cellular structures, or biological products derived from an intact cellular structure that is the product of nuclear transplantation.

"(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

"(1) to conduct or attempt to conduct human cloning;

"(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere; or

"(3) to export to a foreign country an unfertilized blastocyst if such country does not prohibit human cloning.

"(c) PROTECTION OF RESEARCH.—Nothing in this section shall be construed to restrict practices not expressly prohibited in this section.

"(d) PENALTIES.—

"(1) CRIMINAL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

"(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be subject to a civil penalty of $1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

"(3) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

"(e) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.".

SEC. 102. OVERSIGHT REPORTS ON ACTIONS TO ENFORCE CERTAIN PROHIBITIONS.

(a) REPORT ON ACTIONS BY ATTORNEY GENERAL TO ENFORCE CHAPTER 16 OF TITLE 18.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the actions taken by the Attorney General to enforce the provisions of chapter 16 of title 18, United States Code (as added by section 101);

(2) describes the personnel and resources the Attorney General has utilized to enforce the provisions of such chapter; and

(3) contain a list of any violations, if any, of the provisions of such chapter 16.

(b) REPORT ON ACTIONS OF STATE ATTORNEYS GENERAL TO ENFORCE SIMILAR STATE LAWS.—

(1) DEFINITION.—In this subsection and subsection (c), the term "similar State law relating to human cloning" means a State or local law that provides for the imposition of criminal penalties on individuals who are determined to be conducting or attempting to conduct human cloning (as defined in section 301 of title 18, United States Code (as added by section 101)).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(A) describes any similar State law relating to human cloning;

(B) describes the actions taken by the State attorneys general to enforce the provisions of any similar State law relating to human cloning;

(C) contains a list of violations, if any, of the provisions of any similar State law relating to human cloning; and

(D) contains a list of any individual who, or organization that, has violated, or has been charged with violating, any similar State law relating to human cloning.

(c) REPORT ON COORDINATION OF ENFORCEMENT ACTIONS AMONG THE FEDERAL AND STATE AND LOCAL GOVERNMENTS WITH RESPECT TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes how the Attorney General coordinates the enforcement of violations of chapter 16 of title 18, United States Code (as added by section 101), with enforcement actions taken by State or local government law enforcement officials with respect to similar State laws relating to human cloning; and

(2) describes the status and disposition of—

(A) Federal appellate litigation with respect to such chapter 16 and State appellate litigation with respect to similar State laws relating to human cloning; and

(B) civil litigation, including actions to appoint guardians, related to human cloning.

(d) REPORT ON INTERNATIONAL LAWS RELATING TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the laws adopted by foreign countries related to human cloning;

(2) describes the actions taken by the chief law enforcement officer in each foreign country that has enacted a law described in paragraph (1) to enforce such law; and

(3) describes the multilateral efforts of the United Nations and elsewhere to ban human cloning.

TITLE II—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

SEC. 201. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"PART J—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

"SEC. 499A. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH, INCLUDING INFORMED CONSENT, INSTITUTIONAL REVIEW BOARD REVIEW, AND PROTECTION FOR SAFETY AND PRIVACY.

"(a) DEFINITIONS.—

"(1) IN GENERAL.—The definitions contained in section 301(a) of title 18, United States Code, shall apply for purposes of this section.

"(2) OTHER DEFINITIONS.—In this section:

"(A) DONATING.—The term 'donating' means giving without receiving valuable consideration.

"(B) FERTILIZATION.—The term 'fertilization' means the fusion of an oocyte containing a haploid nucleus with a male gamete (sperm cell).

"(C) VALUABLE CONSIDERATION.—The term 'valuable consideration' does not include reasonable payments—

"(i) associated with the transportation, processing, preservation, or storage of a human oocyte or of the product of nuclear transplantation research; or

"(ii) to compensate a donor of one or more human oocytes for the time or inconvenience associated with such donation.

"(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with subpart A of part 46 of title 45, or parts 50 and 56 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Ban and Stem Cell Research Protection Act of 2007), as applicable.

"(c) PROHIBITION ON CONDUCTING NUCLEAR TRANSPLANTATION ON FERTILIZED EGGS.—A somatic cell nucleus shall not be transplanted into a human oocyte that has undergone or will undergo fertilization.

"(d) FOURTEEN-DAY RULE.—An unfertilized blastocyst shall not be maintained after more than 14 days from its first cell division, not counting any time during which it is stored at temperatures less than zero degrees centigrade.

"(e) VOLUNTARY DONATION OF OOCYTES.—

"(1) INFORMED CONSENT.—In accordance with subsection (b), an oocyte may not be used in nuclear transplantation research unless such oocyte shall have been donated voluntarily by and with the informed consent of the woman donating the oocyte.

"(2) PROHIBITION ON PURCHASE OR SALE.—No human oocyte or unfertilized blastocyst may be acquired, received, or otherwise transferred for valuable consideration if the transfer affects interstate commerce.

"(f) SEPARATION OF IN VITRO FERTILIZATION LABORATORIES FROM LOCATIONS AT WHICH NUCLEAR TRANSPLANTATION IS CONDUCTED.—Nuclear transplantation may not be conducted in a laboratory in which human oocytes are subject to assisted reproductive technology treatments or procedures.

"(g) CIVIL PENALTIES.—Whoever intentionally violates any provision of subsections (b) through (f) shall be subject to a civil penalty in an amount that is appropriate for the violation involved, but not more than $250,000.".

Mrs. FEINSTEIN. Mr. President, today Senators HATCH, KENNEDY, SPECTER, HARKIN and I are introducing legislation to ban human reproductive cloning, while ensuring that important medical research goes forward under strict oversight by the federal government.

The Human Cloning Ban and Stem Cell Research Protection Act of 2007 would create a straightforward ban on human reproductive cloning. Despite disagreements over various types of biomedical research, there is near unanimous agreement that scientists should not create human clones.

At the same time, this legislation will enable research to be conducted that provides hope to millions of Americans suffering from paralysis and debilitating diseases including juvenile diabetes, Parkinson's, Alzheimer's, cancer and heart disease.

The concerns with human reproductive cloning are many, and are both scientific and ethical in nature. The National Academy of Sciences explains that using cloning, or nuclear transfer to create a child could require hundreds of pregnancies and result in many abnormal late-term fetuses. Some scientists question whether a human clone could ever be created without significant abnormalities.

These concerns led the National Academy of Sciences to conclude that there is an "ethical and scientific consensus that nuclear transfer for reproductive purposes has no place in legitimate research."

That's why this legislation will make it a crime to clone a human being, or attempt to clone a human being by implanting cells that result from nuclear transplantation into the uterus (there are no exceptions); prohibit the shipment of the product of nuclear transplantation in international or interstate commerce for the purposes of human cloning; prohibit the export of an unfertilized blastocyst, a form of an embryo 5 to 7 days after conception, to any foreign country that does not ban human cloning.

These prohibitions ensure that valuable research undertaken in the United States will not be shipped abroad and used to create a human clone in a country without restrictions.

These prohibitions are supported by strict penalties, including: A maximum ten-year prison term for cloning, or attempting to clone a human being; a fine of either $1 million, or three times any profits made for any human cloning attempt. A violator is subject to whichever fine is greater, and these financial penalties are in addition to prison time.

Any real or personal property used to commit a violation of this ban, or derived from violation of this ban, will be subject to forfeiture.

The time to pass a legal framework for addressing reproductive cloning is now, before any rogue scientist successfully creates a human clone.

At the same time, this legislation does not prohibit scientists from working with embryonic stem cells in the hopes of discovering cures and treatments for dozens of catastrophic diseases.

This legislation draws a bright line between human reproductive cloning and promising medical research using somatic cell nuclear transplantation for the sole purpose of deriving embryonic stem cells.

Somatic cell nuclear transplantation is the process by which scientists derive embryonic stem cells that are an exact genetic match as the patient. Those embryonic stem cells will one day be used to correct defective cells such as non-insulin producing cells or cancerous cells. Then those patients will not be forced to take immuno-suppressive drugs and risk the chances of rejection since the new cells will contain their own DNA.

It is truly astonishing that somatic cell nuclear transplantation research may one day be used to regrow tissue or organs that could lead to treatments and cures for diseases that afflict up to 100 million Americans. What we are talking about here is research that does not even involve sperm and an egg.

I believe it is essential that this research be conducted with federal government oversight and under strict ethical requirements.

That is why the legislation mandates that eggs used in this research be unfertilized and—prohibits the purchase or sale of unfertilized eggs to prevent "embryo farms" or the possible exploitation of women by coercing them into egg sales.

Imposes strong ethics rules on scientists, mandating informed consent by egg donors, and include safety and privacy protections;

Prohibits any research on an unfertilized blastocyst after 14 days—After 14 days, an unfertilized blastocyst begins differentiating into a specific type of cell such as a heart or brain cell and is no longer useful for the purposes of embryonic stem cell research;

Requires that all egg donations be voluntary, and that there is no financial or other incentive for egg donations;

Requires that nuclear transplantation occur in labs completely separate from labs that engage in in vitro fertilization.

And for those who violate or attempt to violate the ethical requirements of the legislation, they will be subject to civil penalties of up to $250,000 per violation.

To be clear, this is research that involves an unfertilized blastocyst. No sperm are involved. It is conducted in a petri dish and cannot occur beyond 14 days. It is also prohibited from ever being implanted into a woman to create a child.

For those who believe that the clump of cells in a petri dish that we are talking about is a human life, that is a moral decision each person must make for himself, but to impose that view on the more than 100 million of our parents, children and friends who suffer from Parkinson's, diabetes, Alzheimer's and cancer is immoral.

The voters of Missouri affirmed this approach in 2006, approving a State ballot initiative banning reproductive cloning, while protecting important and potentially lifesaving medical research. In the absence of Federal guidance, many other states are taking action, sometimes contradictory.

Sixteen States have passed laws pertaining to human cloning.

Thirteen of these States prohibit reproductive cloning—Arkansas, California, Connecticut, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, North Dakota, Rhode Island, South Dakota, Virginia.

Five States prohibit biomedical research like somatic nuclear transfer, Arkansas, Indiana, Michigan, North Dakota, South Dakota.

Six States explicitly permit it, New Jersey, California, Missouri, Connecticut, Massachusetts, Iowa.

It is time to standardize these policies, under a common set of ethical guidelines. This patchwork of laws will result only in confusion, forbidding some researchers from conducting lifesaving research, while their colleagues in a neighboring state receive state funding to do the same work.

Just like we have observed with the President's prohibition on embryonic stem cell research, this uncertainty is forcing our best and brightest researchers overseas, to countries that fully embrace the promise of embryonic stem cell research.

They have a number of overseas options: The United Kingdom is providing at least $80 million to fund ongoing research, including somatic cell nuclear transfer research. This is helping to attract scientific talent from all over the world, including the United States.

Roger Pedersen, a renowned scientist, left the University of California San Francisco in 2001, citing the unfriendly research climate in the United States. He is now conducting human stem cell research at Cambridge University in the United Kingdom.

He and his UK team are exploring the biology behind pluripotent, or multipurpose stem cells, and looking for ways to use them for treatments.

The Australian Parliament lifted a ban on therapeutic cloning research in December 2006.

It will allow Australian scientists to fully pursue important cures, and now provides an attractive alternative for American scientists who do not want to wait any longer for Federal guidance.

It is time to provide some certainty and sanity in our national policy. We must stop unethical human reproductive cloning, while unleashing our scientists to develop cures for catastrophic diseases that impact millions.

I urge the Senate to take up and pass this bill and help turn the hopes of millions of Americans into reality.

By Mr. SPECTER:

S. 813. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards; to the Committee on Finance.

Mr. SPECTER. Mr. President, the first bill which I am introducing, and that is to permit attorneys to deduct payment of litigation costs as ordinary and necessary business expenses. In litigation, illustratively on a personal injury claim, the plaintiff frequently is without funds and can only move forward with the litigation on a contingency fee basis. In these situations, it is customary for the attorney to advance the costs of filing fees, depositions, and other costs there may be. The Internal Revenue Service has taken the position that those are loans from the attorney to the client, so the attorney cannot immediately deduct litigation payments as ordinary business expenses. If the litigation costs are treated as ordinary business expenses, the attorney would be able to deduct the expenses as they are incurred.

The Ninth Circuit has held that the Internal Revenue Service is wrong. As a result, attorneys in States within the Ninth Circuit can deduct as ordinary and necessary expenses advances on litigation. This legislation would make it explicit under the Internal Revenue Code that these advanced costs could be deducted by attorneys across the country.

Again, I ask that the RECORD contain my extemporaneous comments and the explanation as to why there is some repetition in the formal statement which I now ask unanimous consent be printed in the RECORD, as well as the two bills which follow these two pieces of legislation which I am introducing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR ARLEN SPECTER

STATEMENT ON LEGISLATION TO PERMIT ATTORNEYS TO DEDUCT PAYMENT OF LITIGATION COSTS AS ORDINARY AND NECESSARY BUSINESS EXPENSES

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation amending the Internal Revenue Code to permit attorneys to deduct payments of litigation expenses on behalf of contingency fee clients as an ordinary and necessary business expense. The IRS deems these advances to be loans, so the attorney cannot immediately deduct litigation related payments as ordinary expenses. If the payments are treated as ordinary and necessary business expenses, the attorney receives the benefit of being able to deduct the expenses as they are incurred, and to recognize the income associated with those expenses if and when damages are recovered, which may be years later.

In part because the IRS deems these payments to be loans, and State canons of legal ethics—based on common law of medieval England—prohibited loans to clients, contingency fee lawyers for many years were not able to pay these expenses. In the latter part of the 1800s States began permitting attorneys to advance client expenses as long as the client remained obligated to repay the advances. Even for their indigent clients, if there ultimately was not an award, attorneys were required to seek repayment. The ABA Model Rule has been updated to state that "a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter." Many States model their rules on these Model Rules, and their ethics rules have been updated, but the Internal Revenue Code has not. Because my bill appropriately treats payments of costs under contingency fee arrangements as ordinary business expenses, attorneys may structure their fee contracts in ways that do not run afoul of State ethics rules.

In addition, I note that tax treatment of these payments is not consistent across all jurisdictions. In Boccardo v. Commissioner, 56 F.3d 1016 (9th Cir. 1995) the Ninth Circuit disagreed with the IRS and held that advances on behalf of clients were "ordinary and necessary expenses" in contingency cases with "gross fee" contracts. So the rule is different in States in the Ninth Circuit; the IRS continues to take the position that expense advances are not deductible as ordinary and necessary business expenses in other jurisdictions. This different treatment is neither logical nor equitable.

This change will encourage lawyers to represent those who may not otherwise be able to pay an attorney for his work. This is good policy and common sense.

S. 813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABOVE-THE-LINE DEDUCTION FOR ATTORNEY FEES AND COSTS IN CONNECTION WITH CIVIL CLAIM AWARDS.

(a) IN GENERAL.—Paragraph (20) of section 62(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(20) COSTS INVOLVING CIVIL CASES.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any action involving a civil claim. The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of a judgment or settlement (whether by suit or agreement and whether as lump sum or periodic payments) resulting from such claim.".

(b) CONFORMING AMENDMENT.—Section 62 of the Internal Revenue Code of 1986 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fees and costs paid after the date of the enactment of this Act with respect to any judgment or settlement occurring after such date.

By Mr. SPECTER:

S. 814. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce two bills relating to tax deductibility which impact unfairly on claimants and plaintiffs in litigation and on attorneys. The second bill relates to permitting a taxpayer to deduct expenses for attorney's fees in contingency fee cases. For example, if a plaintiff secures punitive damages of $15,000 and the attorney collects one-third contingency, $5,000 goes to the attorney. Under current law, the plaintiff is required to pay taxes on the full $15,000 without an above the line deduction for the $5,000 paid on attorney's fees. This is a result of technicalities of the Internal Revenue Code. My bill would clarify the tax law and will ensure consistent and fair treatment of taxpayers.

Mr. President, I have just made an extemporaneous statement on the essence of the floor statement, and I now ask unanimous consent that the full floor statement be printed in the RECORD and that there be included the segue of why there is some repetition of what I have just said and the written formal statement itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR ARLEN SPECTER

STATEMENT ON LEGISLATION TO PERMIT TAXPAYER DEDUCTIONS FOR ATTORNEYS' FEES IN AN AWARD OF DAMAGES OR SETTLEMENT OF LEGAL CLAIMS

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will allow taxpayers to subtract from their gross income, in arriving at adjusted gross income, the attorneys fees and court costs paid by, or on behalf of, the taxpayer in connection with any income from any settlement of legal claims or award of damages. This is known as an "above the line" deduction.

This change does not affect the requirement that attorneys pay federal income tax on legal fees they receive. What it does eliminate is the inequity of the client also paying tax on those same fees, when the client not entitled to, and did not receive that money under the terms of a contingency fee contract.

The tax treatment of these contingency fees is determined through a patchwork of rules that are confusing and inequitable. The legislation would ensure more uniform treatment of contingency fees in all types of litigation and across jurisdictions. In particular, it will eliminate situations in which a plaintiff's recovery may be diminished, primarily as a result of the Alternative Minimum Tax (AMT), by taxation at a rate of approximately 60 percent on the taxpayer's net recovery, after contingency fee.

This change is common sense and will ensure consistent and fair treatment of taxpayers. Congress never intended that the attorneys' portion of recoveries should be included in taxable income—whether for regular income or alternative minimum tax purposes.

Section 61(a) of the Code requires taxpayers to include in their gross income "all income from whatever source derived," absent a contrary provision in the Code. Awards for physical personal injury, other than punitive damages, are not taxable (26 U.S.C. 104(a)(2)). Awards of fees in cases primarily related to employment may be deducted "above the line" as a result of the American Jobs Creation Act.

With these exceptions noted above, the Code treats taxpayers as having received the entire amount of any award or settlement (including any contingency fee portion). This means that for awards based on certain claims or for punitive damages, the taxpayer must include in adjusted gross income the entire award, even though the true benefit or income to the taxpayer after contingency fees and costs may be only 50 percent or 60 percent of the award. This "net" then is reduced by what many believe are unfair taxes because, even though the fees may be taken as a miscellaneous itemized deduction under Section 212, which provides for deduction for expenses incurred for the production of income, this category of deductions is subject to disallowance under the AMT, and a phase out of itemized deductions under the regular tax code.

Accordingly, the current tax structure, when coupled with the compensation arrangement found in contingency fee contracts, generally (1) creates an enormous tax burden, especially for lower income individuals who often have contingency fees as their only avenue of obtaining legal counsel; and (2) may drive up settlement costs as a result of the serious diminution of the plaintiffs actual award after taxes.

An illustration of the tax inequities and inconsistencies follows: an individual/client who obtains $500,000 in a legal settlement on a fraud claim, who incurs $200,000 in legal fees and costs, and nets only $300,000, still may owe AMT on $500,000, and would have to pay approximately $160,000, or about 60 percent of the damage award, in federal and state taxes. This leaves the client with only $140,000 of an award intended to compensate the client in the amount of $500,000.

This clarification of tax law is common sense and will ensure consistent and fair treatment of taxpayers, especially those who can get representation only on a contingency fee basis. I encourage my colleagues to consider this legislation and join me in helping to correct this unfair situation.

S. 814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—There shall be allowed as a deduction under this section any expenses and court costs paid or incurred by an attorney the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expenses and costs relate. Such deduction shall be allowed in the taxable year in which such expenses and costs are paid or incurred by the taxpayer.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses and costs paid or incurred after the date of the enactment of this Act, in taxable years beginning after such date.

By Mr. CRAIG:

S. 815. A bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I rise today to talk a little bit about recent events reported in the media surrounding the care and housing provided to our returning, injured service members from Iraq and Afghanistan. Walter Reed, of course, is an Army-run facility. As such, it does not fall under the jurisdiction of the Veterans' Committee, which I am proud to lead along with my Chairman, Senator AKAKA.

Never-the-less, the American public—rightly—does not care who runs the place or who oversees it in Congress. Collectively, VA and DOD make up a system of services provided to active and former members of our Armed Forces.

Of course, we have all read about the poor conditions in Building 18 at Walter Reed. I am not here on the floor today to defend poor physical infrastructure. It is bad, a free press reported it, senior officials were held accountable, and it is being fixed.

I am here instead to talk about how the justified uproar over the conditions at Walter Reed seems to have provided an opportunity for some of my colleagues on the other side of the aisle to hone in on new strategy for criticizing the war. The strategy appears to me to be one of "questioning the competency" of those who work in our Federal system caring for our wounded servicemembers.

Now I don't want to accuse anyone of politicizing the care and treatment of our most deserving citizens. But, I have to wonder when I hear my friends on the other side of the aisle using a slight variation on one of their "catchphrases" from the 2006 elections. I've heard one of my colleagues lament the "culture of command" in the military as the reason for poor conditions at Walter Reed.

I don't really know what the "culture of command" means, other than it sounds a lot like phrases used during the last election. But this time they are using that playbook with the care provided by the 220,000 dedicated employees of the VA health care system.

Speaking of which, I want to caution my colleagues who have used the case of the young veteran from Minnesota who tragically took his own life a few weeks ago as an example of what is wrong with the VA health care system. Some of us on the Veterans' Committee have been briefed thoroughly about all of the facts in this case. And while HIPPA prevents VA from defending itself in this situation, I am not so constrained.

That said, I do not intend to reveal at this time the facts surrounding this case. But, I believe all of my colleagues would tone down their rhetoric on this example if all of the facts known to me were known to them.

Still, there is no question that every individual instance of poor care or treatment is a tragedy. And, every one of them should be investigated. There should be accountability at the highest levels. And there should be consequences if VA is found to have been responsible for inappropriate treatment.

But I have to say that using anecdotes of horribly unfortunate situations, such as the Minneapolis tragedy to castigate an entire system of health care and the people who provide is not fair. It is simply not fair.

But then again politics sometimes has no fairness.

Over the past 2 weeks, more than one Member has come to the floor or spoken in the press about how the VA system is failing our wounded service men and women. Frankly perhaps we have failed them by not taking actions to make those wounded in service the priority that we say they are.

Instead, all I hear from Members on the other side is: we haven't given VA enough money. In fact, I hear we are preparing to throw $5 billion at the VA in the supplemental Appropriations bill.

I find that to be very interesting especially when I consider that this Senate just 3 weeks ago passed an FY 2007 Joint Funding Resolution written wholly by the new majority.

This is what some of my colleagues had to say about the money provided in that bill for VA's health care system. One Senator from the majority said: “We have included an increase of $3.6 billion . . . so that the VA can continue to meet the growing demand for health care for our veterans.”

Another said: “If we do not pass this resolution, which includes needed funding for the veterans health care system, we will have no one to blame but ourselves.”

And still another Senator from the majority had this to say arguing for passage of the FY 2007 Resolution: “We need a VA budget for the current year that meets their needs.”

Yet now I hear that the VA is chronically under funded. The first chance the new majority had to provide all of the funding they believed was needed was 3 weeks ago. That's right, just 3 weeks ago. And apparently they neglected to do so.

Frankly, I think the budget for 2007 was an excellent budget. And I voted for it. So, I am not going to run away from that right now. And I certainly don't know if I can support throwing $5 billion at it because the media is watching. Instead, I have a different idea.

I don't want to wait for a commission to report to me on the findings of their review of the VA health care system. Those findings will be important, of course. I thank Senator DOLE and Secretary Shalala for their willingness to once again serve.

But, I say that we already have our own commission and our own investigators on the ground every single day. They are the veterans who use the VA health care system. And overwhelmingly they are proud of their health care system.

In fact, I am so confident that the vast majority of our veterans feel that way that I announce today that I will introduce legislation to give ANY service-connected disabled veteran the choice to go to any medical facility in the United States.

I understand that it may sound like I am agreeing with my Democratic colleagues and that I have lost faith in the VA health care system. Nothing could be further from the truth. Why? Because I believe the vast majority of our veterans will choose to stay right where they are—in the VA.

Our veterans know that VA is not a bunch of nameless, faceless bureaucrats who deserve to be vilified at the drop of a political hat. Instead our veterans see everyday the caring dedicated men and women who treat them as they should be treated—with respect and compassion.

Veterans overwhelmingly will continue to come to the VA because of its people. They are some of the most caring individuals in government. And they provide some of the highest quality of care in the country. So, I believe in empowering our veterans with this selection because I believe our veterans will select VA.

It's not just me who believes in VA. For the seventh year in a row VA's health care system outscored the private sector in the University of Michigan's Consumer Satisfaction Survey:

Ninety-one percent of VA's patients rated VA as having good customer service;

Eighty-four percent of VA's patients were satisfied with their inpatient care compared to the private sector average of just 73 percent; and

Eighty-two percent are satisfied with their outpatient care compared with just 71 percent on average in the private sector.

You might say: “Well, then 10 or 16 percent were not satisfied and that's a disgrace.” I agree. We should strive for 100 percent satisfaction.

But what we should not do is force our most deserving citizens to stay in a system for their health care while we talk about how to study it or while we throw money at it and declare we've done something.

I want to be clear. I think the number of veterans who don't trust VA for their care is small. But I also think that if they've been injured while serving this Nation, then we should not force even a small number of them to keep coming to us if they don't trust us.

We have all of the objective studies, articles, and reviews that say we're good. Now let's find out what our veterans think. If they leave in droves, then we'll learn something. But if they stay, as I think they will, then we'll learn something too.

So I say to my colleagues if you don't believe that our doctors and nurses are providing the best care in the best facilities right now, then I invite you to join me in giving those with service-connected disabilities the option to pick up tomorrow and go to a facility they trust.

Don't just stand up and throw money at it. Stand in the well of the Senate and vote to empower our heroes by providing them with immediate relief.

By Mr. SANDERS:

S. 818. A bill to expand the middle class, reduce the gap between the rich and the poor, keep our promises to veterans, lower the poverty rate, and reduce the Federal deficit by repealing tax breaks for the wealthiest one percent and eliminating unnecessary Cold War era defense spending, and for other purposes; to the Committee on Finance.

Mr. SANDERS. Mr. President, in several weeks, the Senate will begin its deliberations on the fiscal year 2008 budget resolution. It is my strong belief that the Senate must pass a budget that will expand the shrinking middle class, that will reduce the enormous and growing gap between the wealthy and the poor, that will keep our promises to our Nation's veterans, that will reduce our recordbreaking national debt and lower the poverty rate. That is what this Senate should be focusing on.

Simply stated, in my opinion, the way for us to move in that direction is to repeal the President's tax breaks that have been given to the wealthiest 1 percent, the people who need it the least and, in addition, for us to take a hard look at the Pentagon, take a hard look at the waste and the fraud and the unnecessary weapons systems that are existing in the Pentagon right now. We don't need weapons systems that were designed to fight the Soviet Union; we need an approach to fight al-Qaida.

I think we can find billions of dollars in savings when we look at the military budget as well. The bill I am introducing today, the National Priorities Act, will in fact accomplish these goals.

A budget is more than a long list of numbers.

A budget is a statement about our values, our priorities, and the time is long overdue for the United States Congress to get its priorities right, to begin to stand up for the middle class and working families of this country, rather than multinational corporations and the wealthiest people who, year after year after year, have so much power over this institution.

Let me do what is too rarely done on the floor of this Senate, and that is take a hard and cold look at the reality facing the American middle class and working families of this country.

As a member of the Budget Committee, every week we have somebody from the President's administration coming before us, and they tell us the economy is doing great; it is marvelous. The people of Vermont and the middle class of this country don't believe it because every single day they are seeing an economy which is forcing them, in many instances, to work longer hours for lower wages, an economy in which they wonder how their kids are going to get decent-paying jobs, an economy which suggests that for the first time in the modern history of our country, our children, if we do not change our direction, could have a lower standard of living than we do.

What the American dream has been about is that our parents worked hard so that we could have a better life than they did, and that is what we want for our kids. But unless we make fundamental changes in the way this economy is working, the likelihood is that our kids, despite a huge increase in worker productivity, despite technology, will have a lower standard of living than we do, and we must not allow that to happen.

Since President Bush has been in office, more than 5 million Americans have slipped into poverty. We are seeing an increase in the rate of poverty in the United States, including 1 million more children. Not only does the United States have the highest rate of poverty of any major country on Earth, we also, shamefully, have the highest rate of childhood poverty in the industrialized world.

I know there is a whole lot of talk about moral values on the floors of the Senate and the House. To my mind, having the highest rate of childhood poverty in the industrialized world is not a moral value. It is a disgrace. It is a shame. It is time we in this country paid attention to the children rather than the wealthiest people.

According to the U.S. Census Bureau, the childhood poverty rate is nearly 18 percent. Other studies suggest that it might be higher.

Some people say: Well, that's the way it goes. Well, that is not the way it goes among other major countries in the world. In Germany, the childhood poverty rate is 9 percent; in France, it is less than 8 percent; in Sweden, it is less than 7 percent; in Norway, 4.2 percent; in Finland, 3.4 percent. If other countries can have childhood poverty rates of less than 5 percent, so can the United States of America.

Just one example. Our allies in Great Britain made a commitment to end childhood poverty and they have reduced the childhood poverty rate by over 20 percent since 1999. At the same time, child poverty in the United States increased by 12 percent. If we make the commitment, we can do that.

Let's take a look at our health care situation. The costs of health care, as everybody in this country knows, are soaring. The number of people without health insurance has risen to a record high of 46.4 million in the year 2005. That is an increase of almost 7 million more Americans lacking health insurance since President Bush took office.

While the President continues to cut taxes for millionaires and billionaires, the lack of health insurance kills many more Americans each year than September 11 and Katrina combined. In fact, the National Academy of Sciences estimates that 18,000 Americans die each year because they lack health insurance.

In my view, the United States of America must join the rest of the industrialized world. We must guarantee health care to all of our people as a right of citizenship. While I know some people say we can't afford to do it, I would argue that at a time when we are spending more than twice as much per capita on health care as any major nation on Earth, we can do that. We can provide quality health care to every man, woman, and child as a right of citizenship without spending a nickel more than we are presently spending. But to do that, we must be honest. We are going to have to take on the insurance companies. We are going to have to take on the drug companies. We are going to have to take on the multinational corporations that benefit out of our health care system and say that when we spend money for health care, it should go to health care not for profiteering.

Health care is not just a human rights issue, it is not just a moral issue, it is an economic issue as well. Small businesses cannot survive if they are forced to pay huge increases in health care premiums each and every year. That is true in the State of Vermont. That is true all over America. More and more small businesses are simply saying: We can't do it; we can't provide health insurance to our workers—which is one of the reasons the number of uninsured is going up.

In addition to the health care crisis, there is an area within health care that I want to focus a lot of attention on, and that is the crisis in dental care. In rural America, in rural Vermont it is becoming very difficult for people to find a dentist. The Surgeon General has reported that tooth decay has become the single most common chronic childhood disease, five times more common than asthma and seven times more common than hay fever.

I will be introducing legislation to address the dental crisis in this country. I do not want to see kids in schools have teeth rotting in their mouths. We can do better than that.

In terms of education, millions of middle-class American families are finding it increasingly difficult to afford the escalating cost of a college education with average tuition and other costs increasing by more than $4,300 at a 4-year public university and over $8,000 at a 4-year private college since 2001.

We all understand that young people are not going to make it into the middle class unless they get a college education. We all understand that our Nation is not going to be economically competitive if our young people do not get the best college education they possibly can. Yet all over our country, middle-class families are saying: How am I going to be able to afford to send my kids to college? And young people are graduating college on average about $20,000 in debt. If they are lower income, they may come out of college $30,000, $40,000 in debt.

If we are serious in what we say about the importance of education, we have to make college education affordable to every family in this country. We don't want to lose the intellectual capital of millions of young people who are sitting there wondering: Can I afford to go to college? Do I want to come out of college deeply in debt?

Last year, 35 million Americans in our country, the richest country in the history of the world, struggled to put food on the table—struggled to put food on the table. The Agriculture Department recently reported that the number of the poorest, hungriest Americans keeps going up.

What is going on in this great country when more and more of our fellow Americans are going hungry and are struggling to put food on the table? This should not be happening in America. But it is not only hunger, we have an affordable crisis in housing as well. Today millions of working Americans are paying 50 to 60 percent of their limited incomes to put a roof over their heads, and we have families in the United States of America—families—who are sleeping in their cars, children who are sleeping in cars, and we have people, as we all know, who continue to sleep out on the streets of cities and towns all over America.

Last year, there were 1.2 million home foreclosures in this country, an increase of 42 percent since 2005.

When we talk about the needs of the middle class, it is not just affordable housing. The issue of energy is a prominent issue that must be addressed. The cost of energy has risen rapidly. Since President Bush has been in office, oil prices have more than doubled and gasoline prices have gone up by 70 percent since January of 2001, and gas prices are soaring as I speak. In rural States, such as my State of Vermont, such as Minnesota, workers get into their cars, they fill up their gas tanks, and suddenly they are finding that increased cost is coming right out of their paycheck. They are not making much more money. The cost of gas is going up.

In America today, the bottom line is that millions of American workers are working longer hours for lower wages. The median income for working-age families has declined 5 years in a row. Husbands are working long hours, wives are working long hours, kids in high school are working trying to make ends meet, and in many instances people are falling further and further behind.

Today, incredible as it may sound, the personal savings rate in America is below zero, and that has not happened since the Great Depression of the 1930s. In other words, all over this country, working people and people in the middle class are purchasing groceries and other basic necessities with their credit cards and are going, in the process, deeper and deeper in debt.

Over the past 6 years, when we talk about the economy and decent-paying jobs, we should recognize that as a nation, we have lost 3 million manufacturing jobs which often pay people good wages and good benefits. In my own small State of Vermont, we have lost 10,000 manufacturing jobs in the last 6 years, which is 20 percent of the manufacturing jobs in our small State.

The reality is that if somebody loses their manufacturing job and they are lucky enough to find another job, in most cases, that other job will pay substantially lower wages and have worse benefits than the manufacturing job they have lost.

Today, 3 million fewer American workers have pension coverage than when President Bush took office, and half of private sector American workers have no pension coverage whatsoever. I have long been involved in the struggle to make sure that workers have been able to retain the pensions that were promised to them by their employers. But we are seeing more and more workers who have enormous pension anxiety: Is the pension that was promised to me 20 years ago when I began to work in this company going to be there when I need it, when I retire? More and more workers are finding that will not be the case.

One thing we do not often talk about is just how hard the people in our country are working. We kind of forget about that. But the fact is, the people, working people in this country, now work the longest hours of any people in the industrialized world. In my State of Vermont, it is absolutely not uncommon to see people who are working not one job, not two jobs, but on occasion working three jobs trying to cobble together an income, trying to cobble together some health care for their families. People are working 50 hours, 60 hours, 70 hours.

The New York Times reported a while back that the idea of the 2-week paid vacation is becoming something of history. So we have people who are working 51 weeks a year, and there are people working 52 weeks a year. That is what is going on in the middle class and working families of our country.

The reason I raise these issues is that it is terribly important to bring a dose of reality to the floor of the Senate.

When the President tells us the economy is doing great, the truth is that he is right, in one sense. The economy is not doing well for the middle class. It is not doing well for working families. Poverty is increasing. But the President is right when he says the economy is doing well for the wealthiest people in this country. That is true. The rich are getting richer, the middle class is shrinking, and poverty is increasing. That is the reality.

The reality is that the upper 1 percent of the families in America today, that 1 percent has not had it so good since the 1920s. According to Forbes magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion. The 400 wealthiest Americans are worth $1.25 trillion.

Sadly, the United States today—and I know we don't talk about this too much, but it is important to bring it out on the table—the United States today has, by far, the most unequal distribution of wealth of any major country on Earth and the most unequal distribution of income of any major country on Earth, and that gap between the rich and everybody else is growing wider. Today, the wealthiest 13,000 families in America earn nearly as much income as the bottom 20 million, and the wealthiest 1 percent own more wealth than the bottom 90 percent. Let me repeat that: 13,000 families earn almost as much income as the bottom 20 million, and the richest 1 percent own more wealth than the bottom 90 percent. That trend is very dangerous for our country. It suggests we are moving in the direction of an oligarchy, where a small number of people have incredible wealth and, with that wealth, incredible power, at the same time as the vast majority of our people are struggling just to keep their heads above water. We as a nation can do a lot better than that.

According to a December 2006 report by the Congressional Budget Office, the average after-tax income of the wealthiest 1 percent of households rose from $722,000 in 2003 to $868,000 in 2004. After adjusting for inflation, that is a 1-year increase of nearly $146,000, or 20 percent. This represents the largest increase in 15 years measured both in percentage terms and in real dollars.

Now, what does that mean in English? What it means in English is that the wealthiest people in this country are doing phenomenally well, that is what it means, while a lot of other people are struggling very hard to keep their families afloat.

Why have I given this overview of the state of the economy? I have given this overview because I believe we need a budget that begins to address the realities I have just discussed. We need a budget that says to the middle class and working families and low-income Americans: We know you are hurting; we are on your side. At the same time, we need a budget that says to the very wealthiest people in this country: You know what, you are part of America, too. Your incomes are soaring. If you are a CEO of a large corporation, you are making 400 times what the worker in your company is making. You know what, we want you to be part of America, and you have to make some sacrifices so the people in this country don't go hungry and so working-class kids can get a college education. Join America. Don't be separate with your huge incomes.

The President has just, as you know, introduced his budget. He has told us that in his budget, the United States does not have enough money to meet the health care needs of this country. His response is to inadequately fund the Children's Health Insurance Program and to cut Medicare and Medicaid by $280 billion over the next decade.

The President has told us we don't have enough money to take care of our veterans, and we all have seen recently what has been going on at Walter Reed Hospital. The President has said that despite the fact that we have 22,000 wounded in Iraq and that we have veterans on waiting lists all over this country, we just don't have the money to take care of our veterans.

The President has told us we don't have enough money for childcare; we don't have enough money for dental care; we don't have enough money for special education; we don't have enough money to address the crisis in global warming; we don't have enough money to make sure qualified students have access to a quality education without going deeply into debt.

The President has told us we don't have enough money to fully fund Head Start, that we don't have enough money to expand the earned income tax credit.

That is what the President has told us.

The President, in his budget, has also told us something else. The President has said we don't have enough money for the needs of the middle class and working families, but we do have enough money to provide $70 billion in tax cuts for the wealthiest 1 percent and that we really don't have to take a hard look at the Pentagon and all the waste, the fraud, and the unnecessary weapons systems that are in that institution.

In my view, these upside-down priorities have to be changed, and that is the responsibility of this Senate. The bill I am introducing today will begin to turn our national priorities in a very different direction from that which the President is suggesting.

The National Priorities Act will repeal tax breaks for the wealthiest 1 percent in 2008 and eliminate $60 billion in waste, fraud, and abuse at the Pentagon and use that money to do the following. In other words, what we are doing is we are going to ask our wealthy friends who have received huge tax breaks to start paying a little bit more in taxes. We are going to ask the Pentagon to take a hard look at their huge budget and eliminate waste, fraud, and abuse. We are going to be raising about $130 billion to do that.

Now, let me tell you what we can do with that $130 billion. We can provide health care services for over 4 million Americans by increasing investments in federally qualified health centers and by raising funds substantially for the National Health Service Corps. In my State and all over America, federally qualified health centers are providing cost-effective quality health care to millions of people. By increasing funding and expanding these programs, putting more money into these programs, we can provide high-quality health care, dental care, mental health counseling, and low-cost prescription drugs, and we can do it in a cost-effective way. We can make a serious effort to provide primary health care to every man, woman, and child in this country. That is what we can do.

We can expand access to dental care. By providing $140 million more for workforce, capital, and equipment needed, we can address in a significant way the dental care crisis in this country.

We can provide health insurance to over 8 million children not covered by expanding the CHIP program, Children's Health Insurance Program, by over $15 billion. In my State of Vermont, almost all of our kids have health insurance. The rest of our country should move in that direction. It is not acceptable that children in America do not have health insurance. We can do that through this legislation.

We can address the crisis in terms of inadequate funding in the VA and make sure that all of our veterans get the health care they were promised, the health care they deserve. That is what this budget does.

We also, in this budget, ensure that working families with children have access to affordable childcare by increasing investments in the childcare development block grant by over $2 billion. It is a national outrage that all over this country working families cannot find good, quality affordable childcare. Single moms are going off to work, and they are worried. They worry deeply about the quality of care their children are receiving. It is a major crisis. This legislation provides the funds to address that crisis.

Head Start has been a successful program. This legislation provides the funding to allow every qualified child in America to receive early education, nutrition, and health services by fully funding the Head Start Program.

In my State of Vermont and, again, all over this country, higher and higher property taxes are causing very serious problems for middle-class families, splitting communities apart. This legislation will lower property taxes by keeping the Federal commitment to provide 40 percent of the cost of special education for about 7 million children with disabilities. Mainstreaming kids with disabilities is a good idea. It is the right thing to do. The Federal Government has not kept the promises it has made to school districts all over this country. We have to increase funding substantially for special education, not, as the President wants, cut funding for special education. This bill does that.

This bill provides an additional 330,000 students with Pell grants and increases its purchasing power for over 5.4 million other students by doubling the maximum Pell grant. In other words, we want our young people to be able to go to college. We do not want them to come out in debt. This legislation does that.

This legislation instills low-income high school students with the skills and opportunity they need to go to college by increasing the TRIO and GEAR UP education programs by 50 percent.

This legislation creates more than 200,000 jobs by increasing investments in renewable energy, energy-efficient appliances, public transportation, and high-speed rail. By making our environment cleaner, by attacking and reversing global warming, we can create hundreds of thousands of jobs. That is what this legislation does.

This legislation addresses the crisis in affordable housing by creating 180,000 jobs in constructing, preserving, and rehabilitating affordable housing rental units.

This legislation reduces taxes by $400 to $1,134 per year for 10 million American workers and families with children by expanding the earned-income tax credit.

This legislation reduces the deficit by $30 billion.

To be very honest, I do not expect this legislation to be passed tomorrow, probably not even the next day. What this legislation is doing, though, is providing the Congress with a blueprint, and it is a very simple blueprint. It says: Which side are you on? It says that when those people who come before us and say: Yes, we understand there is a health care crisis; we just can't afford to do anything about it; we understand there is a childcare crisis, there is a housing crisis, there is a crisis in terms of the affordability of higher education, but we just can't do anything about it. We just don't have the money. What this legislation does is say: Yes, we do have the money. We do have the money if we rescind the tax breaks that go to millionaires and billionaires, if we ask the Pentagon to preserve, to make sure we continue to have all the resources we need for our soldiers and the strongest military in the world but take a hard look at waste, fraud, abuse, and weapons systems we don't need. If you do those two things, we can come up with $130 billion. With that $130 billion, we can address the major problems facing our country, and we can lower our deficit.

I hope that my fellow colleagues will give serious thought to this legislation and that we can move it forward.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, Mr. SCHUMER, Mrs. LINCOLN, and Mr. COLEMAN):

S. 819. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm pleased to be joined by Senators SNOWE, KERRY, SMITH, SCHUMER, LINCOLN and COLEMAN in re-introducing legislation we call the Public Good IRA Rollover Act. This legislation allows taxpayers to make tax-free distributions from their individual retirement accounts (IRAs) for gifts to charity.

Last summer, the Congress passed and the President signed into law a major bill to reform our pension laws. This 392-page bill contained a little noticed but important new charitable giving tax incentive. For the first time, taxpayers who have reached age 70½ are allowed to give money directly from their IRAs to qualifying charities on a tax-free basis without worrying about complicated adjusted gross income and other restrictions that otherwise apply to tax deductible charitable contributions. The charitable IRA rollover provision in H.R. 4 applies only for direct IRA gifts, is capped and it is available for a limited time—expiring at the end of this year.

In fact, the charitable IRA rollover provision in H.R. 4 adopted the same general approach of legislation for direct IRA gifts I have been working on called the Public Good IRA Rollover Act with several of my Senate colleagues for a number of years.

Before I authored this legislation, I was told by many charities that potential donors frequently asked about using their IRAs to make charitable donations but decided against such gifts after they were told about the potential tax consequences under then-current tax law. I am pleased to report that the charitable community is already feeling the positive impact of the new charitable IRA rollover measure. According to a limited survey conducted by the National Committee on Planned Giving thousands of IRA gifts totaling nearly $60 million have been made to eligible charities since the tax-free IRA rollover provision was enacted into law last August.

I'm told that the IRA rollovers have resulted in significant gifts in North Dakota. It reportedly inspired a donor to Lutheran Social Services of North Dakota to contribute $15,000, an amount higher than the donor's typical gift. This charitable gift will help the organization to continue its diverse programs in such areas as adoption services, counseling for at-risk youth, economic self-sufficiency for refugees, and services for farmers and ranchers. Lutheran Social Services believes that the IRA rollover provision encourages people to give more and to continue giving. University of Mary reportedly received IRA gifts of over $250,000 in 2006. The Theodore Roosevelt Medora Foundation received an IRA gift of $80,000. Ducks Unlimited received eleven IRA gifts in 2006 totaling nearly $190,000 and expects even more in 2007. Jamestown College reportedly received nine IRA gifts in 2006 totaling over $112,000. Other North Dakota charities, including Catholic Health Services for Western North Dakota, have benefited from IRA gifts as well.

The charitable IRA rollover has resulted in similar stories across the Nation. For example, Goodwill Industries of West Michigan has received several contributions as a direct result of the rollover provision and believes the provision is resonating with donors. A local physician made the single biggest IRA rollover donation of $10,000. The physician was not previously a Goodwill donor. This $10,000 donation will completely support a homeless family for up to six months in the organization's transitional housing and employment program for homeless families. This is just one example illustrating the success of the charitable IRA rollover but there are dozens of similar stories across the country.

The results are undeniable: the temporary charitable IRA rollover incentive is working well and making a difference in the lives of people who are assisted by the Nation's charities. And the Public Good IRA Rollover Act that we are re-introducing today builds upon last year's temporary measure by removing its current dollar cap, expanding it to allow taxpayers who have attained age 59½ to make life-income gifts and by making it a permanent part of the Tax Code.

As a Nation, we depend on a strong, active network of charities, small and large, to offer financial and other support to families and individuals who need help when government assistance is unavailable. That is why I think it's critically important for Congress to do everything possible to help encourage the work of worthy charities. Permanently extending and expanding the temporary charitable IRA rollover in current law will go a long way in that direction.

A senior official from a major charity once said the charitable IRA rollover would be "the single most important piece of legislation in the history of public charitable support in this country." The reason is the Public Good IRA Rollover Act eliminates major tax obstacles to charitable giving. Specifically, our bill would allow individuals to make tax-free distributions to charities from their IRAs at the age of 70½ for direct gifts and age 59½ for life-income gifts. These changes to the Tax Code will put billions of additional dollars from a new source to work for the public good in the years ahead.

The charitable IRA rollover approach in this legislation has been endorsed by over 530 charitable organizations operating in 46 States and the District of Columbia, including: AARP, the American Cancer Society, the American Red Cross and American Heart Association, America's Second Harvest, American Association of Museums, Big Brothers Big Sisters of America, Ducks Unlimited, Easter Seals, Goodwill, Lutheran Services of America, March of Dimes, the Salvation Army, United Jewish Communities, United Way of America, Volunteers of America, YMCA of the USA, Prairie Public Broadcasting, the North Dakota Community Foundation and many others. In addition, the U.S. Senate is previously on record in support of the Public Good IRA Rollover Act. In doing so, the Senate recognized that the charitable IRA rollover is an important tool for charities to use to raise the funds they need to serve those in need, especially when government assistance is not available.

The Bush Administration supports charitable IRA rollovers. In his fiscal year 2008 budget submission, President Bush has proposed making permanent the limited tax-free charitable IRA distribution provision passed last summer that is scheduled to expire at the end of this year. While the President's charitable IRA proposal has merit, the Public Good IRA Rollover Act is superior in one important respect: by allowing tax-favored life-income gifts from an IRA whose owner has attained the age of 59½.

In addition to direct IRA gifts, many charities use life-income gifts to secure funding commitments today to meet their future needs. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. Many people would like to give part or all of their IRAs to charity, but need the retirement income from their IRAs. Allowing them to roll over their IRAs at age 59½ or older to a charity's life-income plan would allow them to secure retirement income and make a charitable commitment. The charities could plan on receiving the gift after the life interest terminates.

The benefit of allowing life-income gifts at an earlier age is two-fold. First, the life-income gift provision in our bill would stimulate additional charitable giving. Second, the evidence also suggests that people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make charitable gifts and frequently set up additional provisions for charity in their life-time giving plans and at death.

Life-income gifts are an important tool for charities to raise funds, and would receive a substantial boost if they could be made from IRAs without adverse tax consequences. But life-income gifts are not part of the Administration's proposal. Again, the Public Good IRA Rollover Act permits individuals to make tax-favored life-income gifts at the age of 59½.

In closing, I urge my Senate colleagues to review and consider cosponsoring this bill. With your help, we can permanently enact into law tax-free IRA rollover provisions that charities say is needed to encourage billions of dollars in new giving that will provide assistance to those who need it most.

I ask unanimous consent that the full text of the bill and a letter from charitable organizations that have endorsed the Public Good IRA Rollover Act be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

MARCH 8, 2007.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DORGAN AND SNOWE: We, the undersigned organizations, representing millions of volunteers, donors, and recipients of services who are part of America's nonprofit community, strongly support the "Public Good IRA Rollover Act of 2007."

Since it was enacted in August 2006, the current IRA Charitable Rollover has helped nonprofits enrich lives and strengthen communities across the country and around the world. By eliminating the barrier in the tax law that had previously discouraged transfers from Individual Retirement Accounts to charities, the rollover has enabled Americans to make millions of dollars of new contributions to the nonprofits—including hospitals, museums, educational institutions, and religious organizations—that benefit people every day.

The IRA Charitable Rollover is scheduled to expire at the end of 2007. It permits eligible IRA owners to make direct gifts to eligible charities from their IRAs without suffering a tax penalty. Beginning at age 70½, all IRA owners are required to take annual minimum distributions, even if they do not need the income. With the charitable rollover, those who have accumulated more assets than they need in their IRAs can use the distribution and other money in their accounts to support the services and programs of nonprofits. The IRA Rollover is particularly helpful for older Americans who do not itemize their tax deductions and would not otherwise receive any tax benefit for their charitable contributions.

These advantages are the reason we appreciate your sponsorship of the "Public Good IRA Rollover Act of 2007" and why we ask that you aggressively push this critical legislation. It would build on the success of the current IRA Rollover by making it permanent, removing the current dollar limit on donations per year, making all charities eligible to receive donations, and providing IRA owners with a planned giving option starting at age 59½.

Thank you for your leadership in sponsoring the "Public Good IRA Rollover Act of 2007." We intend to work in partnership with you to push for passage of this critical legislation.

Respectfully,

Diana Aviv,
President and CEO,
Independent Sector.
Tanya Howe Johnson,
President and CEO,
National Committee
on Planned Giving.

With the Undersigned Organizations.

Organizations in Support of The Public Good IRA Rollover Act of 2007

AACA Museum, Inc., Hershey, PA; AARP, Washington, DC; Acadiana Outreach Center, Lafayette, LA; AFL–CIO Community Services Agency, St. Joseph, MO; Alameda Hospital Foundation, Alameda, CA; Alamo Community College District Foundation, Inc., San Antonio, TX; Alaska Planned Giving Council, Anchorage, AK; Alberta Bair Theater for the Performing Arts, Billings, MT; Albion Volunteer Service Organization, Albion, MI; Allegany Franciscan Ministries, Clearwater, FL; Allegheny College, Meadville, PA; ALL–GA, Atlanta, GA; Alliance for Children and Families, Milwaukee, WI; Aloha United Way, Honolulu, HI; American Arts Alliance, Washington, DC; American Association of Homes and Services for the Aging, Washington, DC; American Association of Museums, Washington, DC; American Association on Intellectual and Developmental Disabilities, Washington, DC; American Autoimmune Related Diseases Association, E. Detroit/Eastpointe, MI; American Bible Society, New York, NY.

American Cancer Society, Washington, DC; American Cancer Society Cancer Action Network, Washington, DC; American Council on Education, Washington, DC; American Dental Association Foundation, Chicago, IL; American Heart Association, Dallas, TX; American Humanics, Inc., Kansas City, MO; American Institute for Cancer Research, Washington, DC; American Land Conservancy, San Francisco, CA; American Red Cross, Washington, DC; American Red Cross, Utica, NY; American Red Cross Alabama Gulf Coast Chapter, Mobile, AL; American Red Cross of New Canaan, New Canaan, CT; American Red Cross of Upper Northumberland County, Milton, PA; American Red Cross, Hawaii State Chapter, Honolulu, HI; American Red Cross, Heart of Oklahoma Chapter, Norman, OK; American Red Cross-Greater Kansas City Chapter, Kansas City, MO; American Society of Association Executives, Washington, DC; American Symphony Orchestra League, New York, NY; Americans for the Arts, Washington, DC; America's Second Harvest—The Nation's Food Bank Network, Chicago, IL.

Amherst College, Amherst, MA; Amizade, Pittsburgh, PA; Andrews University, Berrien Springs, MI; Archdiocese of Kansas City in Kansas, Kansas City, KS; ARK Consulting, Houston, TX; Arkansas Foodbank Network, Little Rock, AR; Arkansas Hunger Relief Alliance, Little Rock, AR; ArtSpring, Inc., Miami, FL; Ashland University, Ashland, OH; Associated Prevailing Wage Contractors, Inc., Ruston, LA; ASSOCIATED: Jewish Community Federation of Baltimore, Baltimore, MD; Association of American Universities, Washington, DC; Association of Art Museum Directors, Washington, DC; Association of Fundraising Professionals, Arlington, VA; Association of Jewish Aging Service of North America, Washington, DC; Association of Jewish Family & Children's Agencies, East Brunswick, IL; Association of Performing Arts Presenters, Washington, DC; Association for the Blind & Visually Impaired—Goodwill of Greater Rochester, Rochester, NY; Augustana College, Rock Island, IL; AVANCE, Inc., San Antonio, TX; Baker University, Baldwin City, KS; Bardmoor YMCA, Largo, FL.

Baton Rouge Area Foundation, Baton Rouge, LA; Bee, Bergvall & Co, Certified Public Accountants, Warrington PA; Bethesda Lutheran Homes and Services, Inc., Watertown, WI; Better Health of Cumberland County, Inc., Fayetteville, NC; Big Brothers Big Sisters of America, Philadelphia, PA; Big Brothers Big Sisters of Butte-Silver Bow, Inc., Butte, MT; Big Brothers Big Sisters of Honolulu, Inc., Honolulu, HI; Billings Clinic Foundation, Billings, MT; B'nai B'rith International, Washington, DC; Brightest Horizons, Fort Myers, FL; Brown University, Providence, RI; Bucks County Center for Nonprofit Management, Warrington, PA; Butler County United Way, Hamilton, OH; Butte Emergency Food Bank, Butte, MT; California Association of Nonprofits, Los Angeles, CA; California Baptist Foundation, Fresno, CA; California State University, Long Beach, CA; Camp Fire USA, Kansas City, MO; Camp Fire USA Buckeye Council, Fremont, OH; Camp Fire USA Central Oregon Council, Bend, OR; Camp Fire USA Portland Metro Council, Portland, OR; Camp Fire USA Snohomish County, Everett, WA.

Camp Fire USA Wathana Council, Southfield, MI; Camp Fire USA West Michigan Council, Grands Rapids MI; Capital Region Community Foundation, Lansing, MI; A Carousel for Missoula Foundation, Inc., Missoula, MT; Carroll College, Helena, MT; Casa Esperanza, Inc., Albuquerque, NM; CASE, Washington, DC; Catholic Charities, Galesburg, IL; Catholic Charities CYO of the Archdiocese of San Francisco, San Francisco, CA; Catholic Charities Diocese of Greensburg, PA, Greensburg, PA; Catholic Charities Diocese of Peoria, Peoria, IL; Catholic Charities of Colorado Springs, Colorado Springs, CO; Catholic Charities of Galveston-Houston, Houston, TX; Catholic Charities of Kansas City-St. Joseph, Kansas City, MO; Catholic Charities of Saint Louis, Saint Louis, MO; Catholic Charities of Southeast Texas, Beaumont, TX; Catholic Charities of the Archdiocese of Chicago, Chicago, IL; Catholic Charities of the Archdiocese of Galveston-Houston, Houston, TX; Catholic Charities of the Diocese of Peoria, West Peoria, IL; Catholic Charities USA, Alexandria, VA; Catholic Charities, Diocese of Norwich, Inc., Norwich, CT; Catholic Charities, Diocese of Trenton, Trenton, NJ.

Catholic Community Services of Southern Arizona, Tucson, AZ; Catholic Diocese of Wilmington, Wilmington, DE; Catholic Foundation of the Diocese of Lincoln, Lincoln, NE; Catholic Social Services, Inc., Columbus, OH; The Catholic University of America, Washington, DC; Cedar Valley United Way, Waterloo, IA; Cedarhurst Center for the Arts—John R. & Eleanor R. Mitchell Foundation, Mt. Vernon, IL; Center for Community Building, Inc., Harrisburg, PA; Center for Humanistic Change, Bethlehem, PA; Center for Non-Profit Corporations (NJ), North Brunswick, NJ; Center for Nonprofit Excellence, Colorado Springs, CO; Central Louisiana Community Foundation, Alexandria, LA; Central Methodist University, Fayette, MO; The Center on Philanthropy at Indiana University, Indianapolis, IN; Children's Healthcare of Atlanta, Atlanta, GA; The Children's Museum of Northeast Montana, Glasgow, MT; Christchurch School, Christchurch, VA; Cincinnati Children's Hospital Medical Center, Cincinnati, OH; Cincinnati Playhouse in the Park, Cincinnati, OH; City Year, Inc., Boston, MA; Claremont McKenna College, Claremont, CA; Cleveland Clinic Foundation, Cleveland, OH.

College Misericordia, Dallas, PA; Colorado Nonprofit Association, Denver, CO; The Columbus Foundation, Columbus, OH; Combined Jewish Philanthropies, Boston, MA; Communities In Schools, Inc., Alexandria, VA; The Community Foundation for Greater Atlanta, Inc., Atlanta, GA; The Community Foundation for the National Capital Region, Washington, DC; Community Foundation of Decatur/Macon County, Decatur, IL; Community Foundation of Lorain County, Lorain, OH; Community Foundation of Southwest Missouri, Carthage, MO; Community Foundation of the Great River Bend, Davenport, IA; Community Foundation of Waterloo/Cedar Falls and Northeast Iowa, Waterloo, IA; Community Living, Inc., St. Peters, MO; Community Mediation Center, Bozeman, MT; Community Resource Center, Manchester, MI; Community Theater Project Corp./Kelly-Strayhorn Theater, Pittsburgh, PA; CompassPoint Nonprofit Services, San Francisco, CA; Connecticut Association of Nonprofits, Hartford, CT; ConnectMichigan Alliance, Lansing, MI; Conservation Congress, Lewistown, MT; Cooperative for Assistance and Relief Everywhere, Inc (CARE), Washington, DC.

Coro Center for Civic Leadership, Pittsburgh, PA; Council on Foundations, Washington, DC; County United Way, Cumberland, MD; The Cradle Foundation, Evanston, IL; Crocker Art Museum Association, Sacramento, CA; Dance/USA, Washington, DC; DCOSA Foundation, Tuscalo; The DELTA Community, Harrisburg, PA; Detroit Newspapers in Education/Michigan KIDS, Inc., Detroit, MI; Diocese of Allentown, PA; Diocese of St. Augustine, Jacksonville, FL; Directions for Youth & Families, Columbus, OH; Donors Forum of Chicago, Chicago, IL., Ducks Unlimited, Memphis, TN; Easter Seals Arkansas, Little Rock, AR; Easter Seals, Inc., Chicago, IL; Elderhostel, Boston, MA; Elmhurst Art Museum, Elmhurst, IL; Employee & Family Resources, Inc., Des Moines, IA; Employment Opportunity & Training Center—EOTC, Scranton, PA; Episcopal Collegiate School Foundation, Little Rock, AR; The Episcopal Foundation of

Northern California, Sacramento, CA; Estamos Unidos de PA, Harrisburg, PA.

The Jewish Federation of Greater Los Angeles, Los Angeles, CA; Fargo-Moorhead Area Foundation, Fargo, ND; First Baptist Church of Indian Rocks, Largo, FL; Flathead Valley Community College Foundation, Kalispell, MT; Florida Philanthropic Network, Winter Park, FL; Florida Sheriffs Youth Ranches, Inc., Live Oak, FL; Fonkoze USA, New York, NY; The Forbes Funds, Pittsburgh, PA; The Fowler Center, Mayville, MI; Franciscan Foundation, Tacoma, WA; The Fuller Foundation, Pasadena, CA; The George Washington University, Washington, DC; Georgia Center for Nonprofits, Atlanta, GA; Girl Scouts of Eastern South Carolina, North Charleston, SC; Girl Scouts of Northwest North Dakota, Minot, ND; Girls Incorporated, New York, NY; Glacier National Park Fund, Whitefish, MT; GLSEN—the Gay, Lesbian and Straight Education Network, New York, NY; Goodwill Industries Foundation of Central Indiana, Indianapolis, IN; Goodwill Industries International, Inc., Rockville, MD; Goodwill Industries of Central Virginia, Inc., Richmond, VA; Goodwill Industries of Northeast Iowa, Inc., Waterloo, IL.

Goodwill Industries of Northern Michigan, Inc., Traverse City, MI; Goodwill Industries of Northern New England, Portland, ME; Goodwill Industries of Northern New England, Portland, ME; Goodwill Industries of the Greater East Bay, Inc., Oakland, CA; Goodwill industries of the Greater East Bay, Inc., Oakland, CA; Goodwill Industries of the Valleys, Inc., Roanoke, VA; Goodwill Southern California, Los Angeles, CA; Goodwill Theatre, Inc., Johnson City, NY; Goodwill/Easter Seals Minnesota, St. Paul, MN; Grand Rapids Community Foundation, Grand Rapids, MI; Greater Columbus Arts Council, Columbus, OH; Greater Des Moines Community Foundation, Des Moines, IA; Greater Gallatin United Way, Bozeman, MT; Greater Miami Jewish Federation, Miami, FL; Greater Milwaukee Foundation, Milwaukee, WI; Greater Pittsburgh Nonprofit Partnership; Pittsburgh, PA; Greater Twin Cities United Way, Mpls—St. Paul, MN; Greater Yellowstone Coalition, Inc., Bozeman, MT; Grinnell College, Grinnell, IA; Gulf Coast Community Foundation of Venice, Venice, FL; Habitat for Humanity International, Americus, GA; Habitat for Humanity of Gallatin Valley, Belgrade, MT; Hale Kipa, Inc., Honolulu, HI; Hathaway Brown School, Cleveland, OH; Haven House, East Lansing, MI.

Health Focus of Southwest, Virginia, Roanoke, VA; Heart of KY United Way, Danville, KY; The Henry Ford, Dearborn, MI; Hina Mauka, Kaneohe, HI; Holy Redeemer Health System, Huntingdon Valley, PA; Holy Trinity Catholic Church, Bloomington, IL; Hope Primas, Norristown, PA; Hospice Foundation of Jefferson County, Inc., Watertown, NY; The Hospice Foundation of the Florida Suncoast, Clearwater, FL; House of Healing, Erie, PA; HSHCRC Homes, Inc., Houston, TX; Interfaith Housing Alliance, Inc., Frederick, MD; International Association of Jewish Vocational Services, Philadelphia, PA; International Kids Alliance Network, Auburn Hills, MI; Izaak Walton League of America, Gaithersburg, MD; Jacob's Pillow Dance Festival, Becket, MA; James P. Gills Family Branch, YMCA of the Suncoast, New Port Richey, FL; Janaka Foundation, Nevada City, CA; Jewish Board of Family & Children's Services, New York, NY; Jewish Family & Children's Service (Philadelphia, PA), Philadelphia, PA; Jewish Family & Children's Service (Tucson, Arizona), Tucson, AZ.

Jewish Family & Children's Service of San Antonio, San Antonio, TX; Jewish Family & Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties, San Francisco, CA; Jewish Family & Community Services, Jacksonville, FL; Jewish Family Service (Houston, TX), Houston, TX; Jewish Family Service of Buffalo & Erie County, Buffalo, NY; Jewish Family Service of Colorado, Denver, CO; Jewish Family Service of Greater Harrisburg, Inc., Harrisburg, PA; Jewish Family Service of Silicon Valley, Los Gatos, CA; Jewish Family Services (Columbus, OH), Columbus, OH; Jewish Family Services (Milwaukee, WI), Milwaukee, WI; Jewish Family Services of Greater Kansas City, Overland Park, KS; Jewish Federation of Delaware, Wilmington, DE; Jewish Federation of Palm Beach County, West Palm Beach, FL; Jewish Federation of Washtenaw County, Ann Arbor, MI; Jewish Social Service Agency, Washington, DC; Jewish War Veterans of the USA, Washington, DC; John Wayne Cancer Institute, Santa Monica, CA; Johns Hopkins University, Baltimore, MD; Juniata College, Huntingdon, PA; Kellogg Community College, Battle Creek, MI; Kelly Anne Dolan Memorial Fund, Ambler, PA; Lafayette Animal Aid, Carencro, LA; Lake Forest Academy, Lake Forest, IL.

Lakeland Regional Medical Center Foundation, Lakeland, FL; Land of Lincoln Goodwill Industries, Inc., Springfield, IL; Land Trust Alliance, Washington, DC; Larned A. Waterman Iowa Nonprofit Resource Center, Iowa City, IA; LCMS Foundation, St. Louis, MO; Leadership Education for Asian Pacifics, Inc., Los Angeles, CA; Lee Memorial Health System Foundation, Fort Myers, FL; Lenawee Community Foundation, Tecumseh, MI; Looking For My Sister, Inc., Detroit, MI; Louisiana Association of Nonprofits, Baton Rouge, LA; Louisiana Methodist Children's Home, Ruston, LA; Louordesmont/Good Shepherd, Clarks Summit, PA; Luther Manor, Wauwatosa, WI; Lutheran Camping Corporation of Central Pa., Arnedtsville, PA; Lutheran Hillside Village, Peoria, IL; Lutheran Senior Services, St. Louis, MO; Lutheran Senior Services at Heisinger Bluffs, Jefferson City, MO; Lutheran Services in America, Washington, DC; Lutheran Services in Iowa, Waverly, IA; Lutheran Social Services of North Dakota, Fargo, ND; Madison Jewish Community Council and Jewish Social Services, Madison, WI; Maine Association of Nonprofits, Portland, ME.

March of Dimes, Washington, DC; Marianist Mission, Dayton, OH; Marquette County Aging Services, Marquette, MI; Marshalltown Area United Way, Marshalltown, IA; Maryland Institute College of Art, Baltimore, MD; McLaughlin Research Institute, Great Falls, MT; MedCentral Health System Foundation, Mansfield, OH; Memorial Medical Center Foundation, Long Beach, CA; Mends Compassionate Nursing Care Registry, Inc., Miami, FL; Mennonite Brethren Foundation, Hillsboro, KS; Mennonite Home Communities, Lancaster, PA; Mental Health Kokua, Honolulu, HI; The Mentoring Partnership of SW PA, Pittsburgh, PA; Meredith College, Raleigh, NC; Metro United Way, Louisville, KY; Metropolitan Opera, New York, NY; Michigan AmeriCorps Partnership, Detroit, MI; Michigan Association for Local Public Health, Lansing, MI; Michigan Association of United Ways, Lansing, MI; Michigan Colleges Foundation, Southfield, MI; Michigan Conference Association of Seventh-day Adventists, Lansing, MI; Michigan Historical Center Foundation, Lansing, MI; Michigan Jewish Conference, Lansing, MI.

Michigan Nonprofit Association, Lansing, MI; Michigan Resource Center for Health and Safety, Lansing MI; The Miller Foundation, Battle Creek, MI; Milwaukee Achiever Literacy Services, Inc., Milwaukee, WI; Milwaukee Jewish Federation, Milwaukee, WI; Minnesota Orchestral Association, Minneapolis, MN; Minot YMCA, Minot, ND; Mississippi Center for Nonprofits, Jackson, MS; Mississippi Policy Forum, Jackson, MS; Mississippi University for Women Foundation, Columbus, MS; Missoula Food Bank, Missoula, MT; Montana Food Bank Network, Missoula, MT; Montana History Foundation, Helena, MT; Montana Nonprofit Association, Helena, MT; Morgan Memorial Goodwill Industries, Boston, MA; Morristown Memorial Health Foundation, Morristown, NJ; Mt. Pleasant Community Development Corporation, Inc., Monroe, LA; Myasthenia Gravis Association, Southfield, MI; NAMI Orange County (National Alliance on Mental Illness), Santa Ana, CA; National Association for Visually Handicapped, New York, NY; National Association of Independent Schools, Washington, DC; National Audubon Society, Washington, DC.

National Council of Private Agencies for the Blind and Visually Impaired, St. Louis, MO; National Human Services Assembly, Washington, DC; National MS Society, Maryland Chapter, Owings Mills, MD; National Multiple Sclerosis Society, New York City, NY; National Multiple Sclerosis Society, Pacific South Coast Chapter, Carlsbad, CA; National Multiple Sclerosis Society, Tampa Florida, Tampa, FL; National Schizophrenia Foundation, Lansing, MI; The Nature Conservancy, Arlington, VA; The Navigators, Colorado Springs, CO; Neighborhood Housing Services Inc., Pittsburgh, PA; Neighborhood Service Organization, Detroit, MI; Neighbors for Better Neighborhoods, Winston-Salem, NC; The Network Against Sexual and Domestic Abuse, Bozeman, MT; New Orleans Neighborhood Development Collaborative, New Orleans, LA; New York University, New York, NY; Niagara University, Niagara University, NY; NJ State Association of Jewish Federations, Union, NJ; The Nonprofit Center, Tacoma, WA; Nonprofit Coordinating Committee of New York, Inc., New York, NY; Nonprofit Network, Vancouver, WA; Nonprofit Resource Center, Sacramento, CA; Nonprofit Roundtable of Greater Washington, Washington, DC.

North Carolina Center for Nonprofits, Raleigh, NC; North Carolina Zoological Society, Inc., Asheboro, NC; North Coast Opportunities, Ukiah, CA; North Country Trail Association, Lowell, MI; The North Dakota Community Foundation, Bismarck, ND; Northampton Community College Foundation, Bethlehem, PA; Northeastern University, Boston, MA; Northwestern University, Evanston, IL; Notre Dame de Namur University, Belmont, CA; Notre Dame India Mission, Chardon, OH; Oberlin College, Oberlin, OH; Of Moving Colors Productions, Baton Rouge, LA; Ohio Jewish Communities, Colombus, OH; The Omaha Home for Boys, Omaha, NE; OPERA America, New York, NY; Oregon Trout, Portland, OR; Pacific Lutheran University, Tacoma, WA; Parents And Children Together, Honolulu, HI; Pennsylvania Association of Nonprofit Organizations, Harrisburg, PA; Pfeiffer University, Misenheimer, NC.; Philadelphia Council for Community Advancement, Philadelphia, PA; Phillips Academy, Andover, MA.

Phillips Theological Seminary, Tulsa, OK; Phoebe Foundation, Albany, GA; Pittsburgh History & Landmarks Foundation, Pittsburgh, PA.; Plan USA, Warwick, RI; Prairie

Public Broadcasting, Inc., Fargo, ND; Prince William Chapter American Red Cross, Manassas, VA; Providence House, Shreveport, LA; Rainbow Kitchen Community Services, Homestead, PA; Ravalli Services Corporation, Hamilton, MT; Rensselaer Polytechnic Institute, Troy, NY; Richland Voluntary Council on Aging, Inc., Rayville, LA; Rimrock Opera Company, Billings, MT; Riverview Retirement Community, Spokane, WA; Rochester Area Neighborhood House, Inc., Rochester, MI; Rochester Area Community Foundation, Rochester, NY; Rocky Mountain Elk Foundation, Inc., Missoula, MT; RSVP Montgomery County, PA, Plymouth Meeting, PA; Ruth Rales Jewish Family Service, Boca Raton, FL; SAE Foundation, Warrendale, PA; Saint Louis Zoo, St. Louis, MO; Saint Xavier High School, Louisville, KY; The Salvation Army, Alexandria, VA; The Salvation Army, Minnesota & North Dakota, Roseville, MN.

Samaritan's Purse, Boone, NC; Sandhills Interfaith Hospitality Network, Aberdeen, NC; Sangamon County Community Foundation, Springfield, IL; Santa Clara University, Santa Clara, CA; School Sisters of Notre Dame, Elm Grove, WI; Search Institute, Minneapolis, MN; Seton Hill University, Greensburg, PA; Shenandoah University, Winchester, VA; Sherwood and Myrtle Foster Home for Children, Stephenville, TX; Shimer College, Chicago, IL; Sholom Foundation, Minneapolis, MN; The Sierra Club Foundation, San Francisco, CA; Sixth Judicial District CASA/GAL Program, Inc., Livingston, MT; Skaggs Hospital Foundation, Branson, MO; Society Of Manufacturing Engineers Education Foundation, Dearborn, MI; South Carolina Association of Nonprofit Organizations, Columbia, SC; South Dakota State University Foundation, Brookings, SD; Southern Adventist University, Collegedale, TN; Southwestern Virginia Second Harvest Food Bank, Salem, VA; Special K Ranch, Inc., Columbus, MT; Special Olympics Inc., Washington, DC.

St. Bernard Battered Women's Program, Inc., Chalmette, LA; St. David's Society of Pittsburgh, Inc., Pittsburgh, PA; St. George Special Ministries, Brighton, MI; The St. Joe Community Foundation, Panama City Beach, FL; St. John's University, Jamaica, NY; Stanford Jazz Workshop, Stanford, CA; Starlight Starbright Children's Foundation, Los Angeles, CA; Sterling College, Sterling, KS; Stetson University, DeLand, FL; Stevens Institute of Technology, Hoboken, NJ; Stewards of the Lower Susquehanna, York, PA; Strategic Solutions, Marquette, MI; Swedish Medical Center Foundation, Seattle, WA; Texas Children's Hospital, Houston, TX; Texas Christian University, Fort Worth, TX; The National Catholic Development Conference, Hempstead, NY; The Salvation Army, Honolulu, HI; Theatre Communications Group, New York, NY; Tides Foundation, San Francisco, CA; Tidewater Jewish Foundation, Inc., Virginia Beach, VA; Trans World Radio, Cary, NC; Triangle United Way, Morrisville, NC; The Trust for Public Land, San Francisco, CA; UJA Federation of Northern New Jersey, River Edge, NJ.

UJA-Federation of New York, New York City, NY; UNC Wilmington, Wilmington, NC; Union Rescue Mission, Little Rock, AR; United Cerebral Palsy of Metro Detroit, Southfield, MI; United Cerebral Palsy of South Central PA Inc., York, PA; United Jewish Communities, Washington, DC; United Jewish Communities of Metro/West NJ, Whippany, NJ; United Jewish Council of Greater Toledo, Toledo, OH; United Jewish Federation of Greater Pittsburgh, Pittsburgh, PA; United Methodist Foundation of WV, Inc., Charleston, WV; United Ministries, Greenville, SC; United Neighborhood Center of America, Milwaukee, WI; United Way California Capital Region, Sacramento, CA; United Way for Southeastern Michigan, Detroit, MI; United Way Fox Cities, Menasha, WI; United Way of America, Alexandria, VA; United Way of Bloomfield, Bloomfield, NJ; United Way of Carlisle & Cumberland County, Carlisle, PA; United Way of Central Iowa, Des Moines, IA; United Way of Central Ohio, Columbus, OH.

United Way of Clallam County, Port Angeles, WA; United Way of Erie County, Erie, PA; United Way of Essex and West Hudson, Newark, NJ; United Way of Greater Cincinnati, Cincinnati, OH; United Way of Greater Mercer County, Lawrenceville, NJ; United Way of Greater Portland, Portland, ME; United Way of Greater Rochester, Rochester, NY; United Way of Harrison County, Inc., Clarksburg, WV; United Way of Henderson County, Henderson, KY; United Way of Jasper County, Newton, IA; United Way of Kentucky, Louisville, KY; United Way of Metropolitan Chicago, Chicago, IL; United Way of Nelson County, Bardstown, KY; United Way of North Carolina, Raleigh, NC; United Way of North Central Iowa, Mason City, IA; United Way of Northeast Florida, Jacksonville, FL; United Way of Siouxland, Sioux City, IA; United Way of the Capital Region, Enola, PA; United Way of the Columbia Willamette, Portland, OR; United Way of the Greater Seacoast, Portsmouth, NH; United Way of Williamson County, Williamson County, TX; United Way Volunteer Center of Chippewa County, Sault Ste. Marie, MI; United Ways of Texas, Austin, TX; University of Florida and University of Florida Foundation, Gainesville, FL; University of Hartford, West Hartford, CT.

University of Illinois Foundation, Urbana, IL; University of Maine Foundation, Orono, ME; University of Maryland Baltimore Foundation, Inc., Baltimore, MD; University of Michigan, Ann Arbor, MI; University of Minnesota Foundation, Minneapolis, MN; The University of North Carolina, State of North Carolina, NC; University of St. Thomas, Houston, TX; The University of Texas M.D. Anderson Cancer Center, Houston, TX; University of the Ozarks, Clarksville, AR; University of Virginia Law School Foundation, Charlottesville, VA; Ursinus College, Collegeville, PA; US Lacrosse, Baltimore, MD; Utah Valley State College, Orem, UT; Vancouver National Historic Reserve Trust, Vancouver, WA; Vassar College, Poughkeepsie, NY; Villa Nazareth dba Friendship, Inc., Fargo, ND; Village Missions, Dallas, OR; Virginia Mennonite Retirement Community Foundation, Harrisonburg, VA; Volunteers of America, Alexandria, VA; Wabash College, Crawfordsville, IN; WADE Management Group, Detroit, MI; Wartburg Theological Seminary, Dubuque, IA.

The Washington Center for Internships & Academic Seminars, Washington, DC; Watson Children's Shelter, Missoula, MT; Wesleyan College, Macon, GA; Wesleyan Homes, Georgetown, TX; Westminster College, Fulton, MO; Westminster College, New Wilmington, PA; WHAS Crusade for Children, Louisville, KY; Whitefish Community Foundation, Whitefish, MT; Whitman College, Walla Walla, WA; Wildlife Forever, Brooklyn Center, MN; The Williston Northampton School, Easthampton, MA; Wright State University, Dayton, OH; Wycliffe Bible Translators, Orlando, FL; Wycliffe Foundation, Orlando, FL; Yakima Valley Red Cross, Yakima, WA; Yellowstone Boys and Girls Ranch Foundation, Billings, MT; YES Institute, Miami, FL; YMCA of Honolulu, Honolulu, HI; YMCA of the Suncoast, Clearwater, FL; YMCA of the USA, Washington, DC; Youth Crime Watch of America, Miami, FL; Youth Homes, Missoula, MT; Youth Service America, Washington, DC; Youth Service Bureau of St. Tammany, Covington, LA; YWCA USA, Washington, DC.

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Good IRA Rollover Act of 2007".

SEC. 2. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Paragraph (8) of section 408(d) of the Internal Revenue Code of 1986 (relating to tax treatment of distributions) is amended to read as follows:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity, and

"(ii) which is made on or after the date that the individual for whose benefit the account is maintained has attained—

"(I) in the case of any distribution described in clause (i)(I), age 70½, and

"(II) in the case of any distribution described in clause (i)(II), age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

"(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

"(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

"(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

"(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

"(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2006.

By Mrs. CLINTON:

S. 820. A bill to establish demonstration projects to provide at-home infant care benefits; to the Committee on Health, Education, Labor and Pensions.

Mrs. CLINTON. Mr. President, last month marked the 14th anniversary of the enactment of the Family and Medical Leave Act of 1993. This law has enabled workers to take up to 12 weeks of unpaid leave to attend to an ailing family member or to care for a newborn baby. Since this landmark legislation was signed into law, more than 50 million working Americans have been able to take critical time off when necessary without putting their jobs on the line.

The Family and Medical Leave Act was a critical first step in recognizing the challenges that Americans face in achieving a family-work balance. For nearly a decade and a half, it has provided the most basic protections for workers who can afford to take unpaid leave. Yet, 40 million workers cannot use the FMLA because they can't go without a paycheck. Throughout my career as a lawyer, mother, First Lady and Senator, I have sought solutions to the difficult challenges that working parents face.

That is why I am pleased to reintroduce legislation, the Choice in Child Care Act of 2007, to meet the child care needs of working families. My bill provides a modest and important option for families who have none: the chance to stay home with their infants when there is no childcare available to them. This is the critical next step to ensure low-income families welcoming children in their lives are afforded more economic security than they would have otherwise.

Bringing a new child into the world is one of the greatest joys a parent can experience, yet we also know that in the reality of today's economy, most parents must work to provide economic security for their newborns. In fact, 55 percent of women with infants younger than one year of age are in the workforce. As a result, working parents are faced with trying to provide economic security for their family while simultaneously ensuring that their infant receives the quality of care that he or she needs.

Research shows that the quality of caretaking in the first months and years of life is critical to a newborn's brain development, social development and well-being. Yet there is currently a severe shortage of safe, affordable, quality care for infants. The number of licensed child care slots for infants meets only 18 percent of the need. The shortage is particularly acute in rural areas, and especially in rural areas that have many low-income residents.

Ideally, I think we would all agree that parents who need affordable, high-quality care for their infant would provide that care themselves. However we know that, in many low- and moderate-income families, having a parent quit his or her job or reduce work hours to care for an infant is not financially viable. Doing so would plunge the family into an economic crisis. Rather, parents should have the choice and greater flexibility in providing safe, quality care for their infants.

My legislation is modeled on creative programs States have established to provide low-income parents of infants a choice between returning to work and using a State child care subsidy to care for their infant and caring for their infant themselves with a monthly child care stipend. The Choices in Child Care Act would make these programs available to families across the country.

My bill amends the Child Care Development Block Grant so that low- and moderate-income parents have the option of forgoing a State childcare subsidy for infant care outside the home and instead receiving a comparable stipend to provide the care themselves while keeping the family economically stable. The bill would help parents balance work and family, help meet the critical shortage of infant child care, provide cost savings to state child care programs, support quality care for the critical first years of a child's development, and value parenting as a form of work.

This legislation supports families when they need it the most by providing options for low and moderate income families when they need to care for an infant. In order to truly value families we need to make sure families at all income levels have options to do what is best for them. The Choices in Child Care Act promotes family security by ensuring low-income families have the chance to care for their infants at home and receive some, albeit modest, financial assistance.

As we move forward from the celebration of the 14th anniversary of the Family and Medical Leave Act let us recognize the challenges Americans face in balancing work and family life today. The time has come, with the new 110th Congress, to give parents additional resources and options in helping them address these challenges. I urge my Senate colleagues from both sides of the aisle to join me in supporting the Choices in Child Care Act of 2007.

By Mr. SMITH (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. CARDIN, and Mrs. CLINTON):

S. 821. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleague Senator KOHL, to reintroduce this important piece of legislation. This legislation will work to ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you know, Congress modified the Supplemental Security Income (SSI) program to include seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens, Congress provided the seven-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than seven years. Applicants are required to live in the United States for a minimum of five years prior to applying for citizenship. In addition to that time period, their application process often can take three or more years before resolution. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

The administration in its fiscal year 2008 budget acknowledged the necessity to correct this problem by dedicating funding to extend refugee eligibility for SSI beyond the seven-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional two years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a two-year extension. We believe this will provide the time necessary to complete the process.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman BAUCUS and other members of the Finance Committee to secure these changes.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SSI Extension for Elderly and Disabled Refugees Act".

SEC. 2. SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) SSI EXTENSION THROUGH FISCAL YEAR 2010.—

"(i) IN GENERAL.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during the period that begins on the date of enactment of the SSI Extension for Elderly and Disabled Refugees Act and ends on September 30, 2010.

"(ii) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

"(I) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to the fiscal year in which such Act is enacted solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

"(II) PAYMENT OF BENEFITS.—Benefits paid under subparagraph (I) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.".

Mr. KOHL. Mr. President, I rise today with my colleague Senator SMITH to introduce the SSI Extension for Elderly and Disabled Refugees Act. This is the third year that a bipartisan group of Senators will come together in support of this legislation to serve the individuals in our society who most need our help.

Due to short-sighted policy passed in the 1990's, elderly and disabled humanitarian immigrants face a time limit of seven years on eligibility for Supplemental Security Income (SSI) benefits. Refugees and asylees have seven years to become citizens—an inadequate amount of time, given the bureaucratic delays and hurdles these individuals face. Thus, thousands have already lost their benefits, and tens of thousands more will lose this important benefit if Congress does not enact our legislation.

It is estimated that in the next decade, more than 40,000 elderly or disabled humanitarian immigrants will lose their SSI benefits. This program is a safety net for those who need it; in 2007, the maximum SSI benefit is $623 for an individual and $934 for a couple—barely enough to afford basic necessities. The program is structured to help those with severe barriers to work or elderly individuals with little or no retirement income. To allow these benefits to expire is to take away a lifeline from the neediest individuals.

In Wisconsin, these individuals are often of Hmong descent. Many fought with the U.S. in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

In addition to the Hmong, America serves as a shelter for those faced with persecution or torture in their own countries. Across the country, we have heard their stories; whether Jews and Baptists fleeing religious persecution in the former Soviet Union or Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom.

Our legislation will bring the SSI program in line with our other policies towards these humanitarian immigrants. This legislation extends the amount of time that refugees and asylees have to become citizens to nine years. In addition, the bill contains a "reach back" provision: it retroactively restores benefits to those individuals who have already lost them for an additional two years. This provision helps the individuals who need it most; humanitarian immigrants who are trapped in the system and have lost this important income source.

I believe we must act now to protect these individuals—we cannot let another year go by without action. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. KERRY, Mr. BUNNING, Mr. BINGAMAN, Mr. SALAZAR, Mr. COLEMAN, Mr. SMITH, Mr. ALLARD, and Mr. CORNYN):

S. 822. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am introducing legislation with Senators FEINSTEIN, KERRY, BUNNING, BINGAMAN, SALAZAR, COLEMAN, SMITH, ALLARD and CORNYN that addresses the critical issue of the Nation's energy policy, the EXTEND the Energy Efficiency Incentives Act of 2007. The Senators have come together—given where we are as a Nation in terms of reliance on foreign oil . . . the historically high costs of energy . . . the state of our environment . . . and the status of our technological know-how—to introduce realistic, doable legislation that represents one of the best opportunities for developing bipartisan consensus on tax policy to further securing our nation and its future.

The EXTEND Act takes a comprehensive and practical approach to assure that the United States targets the maximum possible energy savings on the customer side of the meter and relief from high energy prices at the lowest cost. It builds on the incentives for efficient buildings adopted in Energy Policy Act of 2005, EPAct 2005, and modifies them where necessary to achieve these policy goals.

The bill extends the temporary tax incentives for energy efficiency buildings established in EPAct 2005, providing four years of assured incentives for most situations, and some additional time for projects with particularly long lead times, such as commercial buildings. A sufficient length of time is needed by the business community to make rational investments as these buildings will be in use for at least 50 to 100 years. The bill is meant to incentivize not discourage. I want to encourage large and small businesses alike to make investments to qualify for energy efficiency tax incentives. Commercial buildings and large residential subdivisions have lead times for planning and construction of 2 to 4 years. This is why the EXTEND Act provides four years of assured incentives for most situations, and some additional time for projects with longer lead times.

Also, the EXTEND Act makes modifications to the EPAct 2005 incentives so that the incentives are not based on cost but based on actual performance. These are measured by on-site ratings for whole buildings and factory ratings for products like solar water heaters and photovoltaic systems as well as air conditioners, furnaces, and water heaters. The EXTEND bill provides a transition from the EPAct 2005 retrofit incentives, which are based partially on cost and partially on performance, to a new system that can provide larger dollar amounts of incentives based truly on performance.

The bipartisan legislation also extends the applicability of the EPAct 2005 incentives so that the entire commercial and residential building sectors are covered. The current EPAct 2005 incentives for new homes are limited to owner-occupied properties or high rise buildings. Our bill extends these provisions to rental property and offers incentives whether the owner is an individual taxpayer or a corporation. This extension does not increase costs significantly, but it does provide greater fairness and clearer market signals to builders and equipment manufacturers.

I have worked hard over the past six years for performance-based energy tax incentives for commercial buildings—one third of energy usage is from the building sector, so there are great energy savings to be made with the extension of these incentives. It is reasonable to expect many annual benefits after 10 years if we put into place the appropriate incentives. For instance, direct savings of natural gas would amount to 2 quads per year or 7 percent of total projected natural gas use in 2017. And, to this figure must be added the indirect gas savings from reduced use of gas as an electricity generation fuel. Total natural gas savings would be 35 quads per year, or 12 percent of natural gas supply. Total electric peak power savings would be 115,000 megawatts; almost 12 percent of projected nationwide electric capacity for the year 2017.

In addition, reduction in greenhouse gas emissions would be 330 million metric tons of carbon dioxide annually, about 16 percent of the carbon emissions reductions compared to the base case necessary to bring the U.S. into compliance with the Kyoto Protocol; or roughly 5 percent of projected U.S. emissions in 2017. Also, importantly, the bill will result in the creation, on net, of over 800,000 new jobs.

The value of energy savings should not be overlooked as both business and residential consumers will be saving over $50 billion annually in utility bills by 2018, as a direct result of the reductions in energy consumption induced by the appropriate incentives. Also, the projected decrease in natural gas prices will be saving businesses and households over an additional $30 billion annually.

The EXTEND Act is synonymous with the security of America's future. The bill is a piece of an overall national energy picture that we need to address now. Consumers throughout the United States, from small businesses to families, are demanding leadership on energy prices. Congress should advance past rhetoric, gimmicks, and photo-ops and move to substantive energy policy legislation such as the EXTEND Act. It is imperative that Congress begin these policy discussions—we cannot wait for yet another crisis.

I look forward to working with my Senate colleagues and the Administration to provide the American people the leadership they deserve on these issues. And I would like to add some of the organizations and industries that support this legislation as it is a formidable list: Alliance to Save Energy; American Public Power Association; American Standard Companies; American Chemistry Council; American Council for an Energy-Efficient Commission; Anderson Windows, Inc.; Building Owners and Managers Association International; California Energy Commission; Cardinal Glass Industries; The Dow Chemical Company; DuPont; Edison Electric Institute; Environmental and Energy Study Institute; Exelon Corporation; 3M Company; Manufactured Housing Institute; National Association of State Energy Officials; National Electrical Manufacturers Association; Natural Resources Defense Council; New York State Energy Research and Development Authority; North American Insulation Manufacturers Association; Northeast Public Power Association; Owens Corning; Pacific Gas & Electric Company; Plug Power, Inc.; Polyisocyanurate Insulation Manufacturers Association; Public Service Electric and Gas Company; The Real Estate Roundtable; Residential Energy Services Network; Retail Industry Leaders Association; Sacramento Municipal Utility District; San Diego Gas and Electric Company; Southern California Gas Company; Union of Concerned Scientists.

By Mr. OBAMA (for himself, Ms. SNOWE, Mr. DURBIN, Mr. DODD, Mrs. CLINTON, Mrs. BOXER, Mr. SCHUMER, and Mr. KERRY):

S. 823. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today is International Women's Day, a day to celebrate the social, economic, and political achievements of women around the world. We have come a long way in equality for women since that first International Women's Day in 1909. Yet, even as we celebrate these victories, we must acknowledge and increase awareness of the myriad struggles that women continue to face today. The battle against HIV/AIDS is one such struggle, and one that women in this Nation and across the world are losing. And that is why today, I am reintroducing the Microbicide Development Act, to help women protect themselves against deadly HIV infection.

The devastation that HIV/AIDS is causing around the world is, sadly, not news to any of us. During a visit to Africa last August, I was reminded of this tragedy. I visited an HIV/AIDS hospital in South Africa that was filled to capacity with people who walked hours—even days—just for the chance to seek help. I saw just a few of the 15 million orphans in Africa who lost their parents to this epidemic. All the while, I remembered in the back of my mind that in some areas, 90 percent of those infected with HIV are unaware of their status, and this epidemic will only continue to get worse.

But what we don't always focus on is the particular devastation HIV/AIDS is bringing to women worldwide. As of 2006, nearly half of the over 37 million adults living with HIV/AIDS worldwide were women. In sub-Saharan Africa, the prevalence of HIV/AIDS is 3 times higher among women ages 15 to 24 than among men of that age group. The severity of the problem hits close to home as well, with HIV/AIDS being the leading cause of death for African American women ages 25 to 34.

Women have unique biological vulnerabilities that make them twice as likely as men to contract HIV from an infected partner during intercourse. And for many women, particularly in the developing world, social and cultural norms deny them the ability to insist on mutual monogamy or condom use, thus limiting their tools for prevention. In many situations, women who become infected have only one partner—their husband. In fact, studies in India have shown that among women infected with HIV, 93 percent were married, and 91 percent overall had only one partner—their husbands. Focusing solely on ABC's—abstain, be faithful, use condoms—is clearly failing these women. There is a naivety in thinking that abstinence and fidelity are real options for all men and women around the world, and so we have a moral obligation to expand prevention tools.

Yet despite the fact that women have been increasingly devastated by this disease, female-initiated methods of prevention are limited and current prevention options are not enough.

Topical microbicides represent a woman-initiated method of prevention that would put the power of prevention in the hands of women. Mathematical models predict that even a partially effective microbicide could prevent 2.5 million infections over 3 years and that gradual introduction of newer and better microbicides could ultimately save a generation of women. Topical microbicides, therefore, represent a critical element in a comprehensive strategy to fight the HIV/AIDS pandemic.

A number of groups, including the International Partnership for Microbicides, the Alliance for Microbicide Development, the National Women's Health Network, the Global Campaign for Microbicides, and the Gates Foundation, have led the effort to develop a prevention tool for use by women. The National Institutes of Health has invested in microbicides research, including support for the newly formed Microbicides Trial Network. I would be remiss if I did not also recognize the efforts of the CDC and USAID in microbicide development. With 10 microbicide candidates currently in clinical development and over 30 in preclinical development, we are making headway in this field.

But we cannot let this momentum slow. We must continue to prioritize microbicide research and development. Increased Federal support and coordination, which is provided for in the Microbicide Development Act, will give a clear sign that the Federal Government is willing to put forth the effort critical to the development of an effective product to protect our mothers, daughters, sisters, and other loved ones. I echo the words of Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, who said that, "with leadership, collaborative effort, sufficient financial resources, and product development expertise, a microbicide is within reach." Congress should support our Federal health agencies and their partners in their efforts, and passage of the Microbicide Development Act would give an unambiguous indication that this work is a priority for all of us.

In closing, I point out that we have made tremendous strides in medical treatment for individuals infected with HIV/AIDS. But this treatment comes with a price tag that is unsustainable. Between 2003 and 2005, for every one person receiving anti-retroviral treatment, ten more individuals became infected. We are not able to treat all of those currently infected let alone this exponentially growing number of individuals who will need treatment down the line. Universal treatment today would cost roughly $7 billion. Given that we only fund PEPFAR and the Global Fund at $2 billion, that $7 billion price tag, which is only going to grow, appears rather daunting. This financial situation serves to underscore the moral obligation we have to invest in microbicides and other prevention tools. Let us hope that during International Women's Days to come, we will be celebrating tremendous success in the fight against HIV/AIDS rather than the loss of yet another generation of women.

I thank you for this time, and I urge my colleagues to support the Microbicide Development Act.

By Mr. DODD:

S. 830. A bill to improve the process for the development of needed pediatric medial devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Pediatric Medical Device Safety and Improvement Act of 2007. This legislation provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults and could just be given reduced doses of adult products, many essential medical devices used extensively by pediatricians are not designed or sized for children. In fact, the development of new medical devices suitable for children's smaller and growing bodies can lag 5 or 10 years behind those for adults.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably due to differences in size, rates of growth, critical development periods, anatomy, physiological differences such as breathing and heart rate, and physical activity levels. To date, because the pediatric market is so small and pediatric diseases relatively rare, there has been little incentive for device manufacturers to focus their attention on children. The result has been that pediatric providers must resort to "jury-rigging" or fashioning make-shift device solutions for pediatric use. When that is not an option, providers may be forced to use more invasive treatment or less effective therapies.

For example, at present, left ventricular assist devices (LVADs) do not exist in the U.S. for children less than 5 years old. An LVAD is a mechanical pump that helps a heart that is too weak to pump blood through the body. So, infants and children under five years of age who have critical failure of their left or right ventricles have to be supported through extracorporeal membrane oxygenation (ECMO). An ECMO consists of a pump, an artificial lung, a blood warmer and an arterial filter, which is installed by inserting tubes into large veins or arteries located in the right side of the neck or the groin. While ECMOs can help children for short periods of time, they are problematic. They can cause dangerous clots and the blood thinners that prevent these clots may lead to internal bleeding. In addition, children must remain bedridden while using the device.

For young children needing to be on a ventilator to assist their breathing, the lack of non-invasive ventilators with masks that suitably fit babies has led to respiratory treatments that are inadequate or invasive treatment options such as placing a tube in the baby's throat.

Children needing prosthetic heart valves face a disproportionately high failure rate. Because of the biochemistry of children's growing bodies, prosthetic heart valves implanted in children calcify and deteriorate much faster than in adults. Typically, children with a heart valve implant who survive to adulthood will need four or five operations. Additionally, devices currently available for children must be better able to expand and grow as the child grows.

Over the past several years, efforts have been launched to better identify barriers to the development of pediatric devices and to generate solutions for improving children's access to needed medical devices.

Beginning in June 2004, the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the National Organization for Rare Disorders (NORD), the National Association of Children's Hospitals, and the Advanced Medical Technology Association (AdvaMed) hosted a series of stakeholders meetings that yielded recommendations for improving the availability of pediatric devices. In October 2004, in response to a directive in the Medical Devices Technical Corrections Act of 2004, the Food and Drug Administration (FDA) released a report that identified numerous barriers to the development and approval of medical devices for children. And in July 2005, the Institute of Medicine (IOM) issued a report on the adequacy of postmarket surveillance of pediatric medical devices, as mandated by the Medical Device User Fee and Modernization Act of 2002. The IOM found significant flaws in safety monitoring and recommended expanding the FDA's ability to require post-market studies of certain products and improve public access to information about post-market pediatric studies.

This legislation seeks to address the equally important issues of pediatric medical device safety and availability. To begin with, the bill creates a mechanism to allow the FDA to track the number and types of medical devices approved specifically for children or for conditions that occur in children. It also allows the FDA to use adult data to support a determination of reasonable assurance of effectiveness in pediatric populations and to extrapolate data between pediatric subpopulations.

The market for pediatric medical devices simply isn't what it is for adults. Therefore, many device manufacturers have been reluctant to make devices for children. The bill creates an incentive for companies by modifying the existing Humanitarian Device Exemption (HDE) provision to allow manufacturers to profit from devices that are specifically designed to meet a pediatric need.

To prevent abuse, the bill reverts to current law which allows no profit on sales of devices that exceed the number estimated to be needed for the approved condition. This provision is modeled after the existing Orphan Products Division designation process. Under no circumstances can there be a profit on sales if the device is used to treat or diagnose diseases or conditions affecting more than 4,000 individuals in the U.S. per year which is the same number allowed under current law. Already approved adult HDEs upon date of enactment are eligible for the HDE profit modification but only if they meet the conditions of the bill. The lifting of the profit restriction for new pediatric HDEs sunsets in 2013 and the FDA is required to issue a report on its impact within five years.

In order to encourage pediatric medical device research, the bill requires the National Institutes of Health (NIH) to designate a point of contact at the agency to help innovators and physicians access funding for pediatric medical device development. It also requires the NIH, the FDA, and the Agency for Healthcare Research and Quality (AHRQ) to submit a plan for pediatric medical device research that identifies gaps in such research and proposes a research agenda for addressing them. In identifying the gaps, the plan can include a survey of pediatric medical providers regarding unmet pediatric medical device needs.

To better foster innovation in the private sector, the bill establishes demonstration grants for non-profit consortia to promote pediatric device development, including matchmaking between inventors and manufacturers and Federal resources. These demonstration grants, which are authorized for $6 million annually, require the federal government to mentor and help manage pediatric device projects through the development process, including product identification, prototype design, device development and marketing. Under the bill, grantees must coordinate with the NIH's pediatric devices point of contact to identify research issues that require further study and with the FDA to help facilitate approval of pediatric indications.

Finally, in its 2005 report on pediatric medical device safety, the IOM found serious flaws in the postmarket safety surveillance of these devices. The legislation allows FDA to require postmarket studies as a condition of clearance for certain categories of devices. This includes "a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or is intended to be (1) implanted in the human body for more than one year, or (2) a life sustaining or life supporting device used outside a device user facility."

The legislation also gives the FDA the ability to require studies longer than three years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer-term pediatric questions, such as the impact on growth and development. And, it establishes a publicly accessible database of postmarket study commitments that involve questions about device use in pediatric populations.

The legislation I am introducing today has been many years in the making. Last year, I introduced this legislation with Senator DeWine and I thank him for working with me on it and many other initiatives to improve children's health. I would like to also thank the Elizabeth Glaser Pediatric AIDS Foundation, the American Academy of Pediatrics, the American Thoracic Society and the National Organization for Rare Disorders for their tireless work and support for this legislation. The bill I am introducing today is supported by the Advanced Medical Technology Association (AdvaMed) and its member company Stryker and I thank them for their support. The bill reflects many of the comments they provided throughout the development of this legislation and I am pleased that they join me today in supporting its passage. Several other device manufacturers including Respironics, Seleon, and Breas Medical AB have previously supported this legislation and I would like to recognize and thank them for their continued support of the bill.

I look forward to working with patient groups, physicians, industry and my colleagues—including the Chairman and Ranking Member of the Health, Education, Labor, and Pensions Committee, Senators KENNEDY and ENZI—to move this legislation when the Committee considers medical device-related legislation. I urge my colleagues to support this legislation and I am hopeful that it will become law as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pediatric Medical Device Safety and Improvement Act of 2007".

SEC. 2. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

"SEC. 515A. PEDIATRIC USES OF DEVICES.

"(a) NEW DEVICES.—

"(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

"(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

"(B) the number of affected pediatric patients.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

"(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

"(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

"(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

"(D) the review time for each device described in subparagraphs (A), (B), and (C).

"(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

"(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

"(2) Extrapolation between subpopulations.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

"(c) Pediatric Subpopulation.—In this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).".

SEC. 3. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) In General.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking "No" and inserting "Except as provided in paragraph (6), no";

(2) in paragraph (5)—

(A) by inserting ", if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met," after "public health"; and

(B) by adding at the end the following: "If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.";

(3) by striking paragraph (6) and inserting the following:

"(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

"(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

"(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

"(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

"(iv) The request for such exemption is submitted on or before October 1, 2013.

"(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

"(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

"(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

"(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

"(I) Neonates.

"(II) Infants.

"(III) Children.

"(IV) Adolescents."; and

(4) by adding at the end the following:

"(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.".

(b) Report.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 5.

(c) Guidance.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 4. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) Access to Funding.—The Director of the National Institutes of Health shall designate a contact point or office at the National Institutes of Health to help innovators and physicians access funding for pediatric medical device development.

(b) Plan for Pediatric Medical Device Research.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(2) Contents.—The plan under paragraph (1) shall include—

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 5. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) In General.—

(1) Request for proposals.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) Determination on grants or contracts.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under

paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall—

(1) encourage innovation by connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentor and manage pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connect innovators and physicians to existing Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assess the scientific and medical merit of proposed pediatric device projects;

(5) assess business feasibility and provide business advice;

(6) provide assistance with prototype development; and

(7) provide assistance with postmarket needs, including training, logistics, and reporting.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 4; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 6. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 7. STUDIES.

(a) POSTMARKET STUDIES.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) in subsection (a)—

(A) by inserting ", or as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification under section 510(k)," after "The Secretary may by order"; and

(B) by inserting ", that is expected to have significant use in pediatric populations," after "health consequences"; and

(2) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER STUDIES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.".

(b) DATABASE.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall establish a publicly accessible database of studies of medical devices that includes all studies and surveillances, described in paragraph (2)(A), that were in progress on the date of enactment of this Act or that began after such date.

(B) ACCESSIBILITY.—Information included in the database under subparagraph (A) shall be in language reasonably accessible and understood by individuals without specific expertise in the medical field.

(2) STUDIES AND SURVEILLANCES.—

(A) INCLUDED.—The database described in paragraph (1) shall include—

(i) all postmarket surveillances ordered under section 522(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l(a)) or agreed to by the manufacturer; and

(ii) all studies agreed to by the manufacturer of a medial device as part of—

(I) the premarket approval of such device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e);

(II) the clearance of a premarket notification report under section 510(k) of such Act (21 U.S.C. 360(k)) with respect to such device; or

(III) the submission of an application under section 520(m) of such Act (21 U.S.C. 360j(m)) with respect to such device.

(B) EXCLUDED.—The database described in paragraph (1) shall not include any studies with respect to a medical device that were completed prior to the initial approval of such device.

(3) CONTENTS OF STUDY AND SURVEILLANCE.—For each study or surveillance included in the database described in paragraph (1), the database shall include—

(A) information on the status of the study or surveillance;

(B) basic information about the study or surveillance, including the purpose, the primary and secondary outcomes, and the population targeted;

(C) the expected completion date of the study or surveillance;

(D) public health notifications, including safety alerts; and

(E) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(4) ONCE COMPLETED OR TERMINATED.—In addition to the information described in paragraph (3), once a study or surveillance has been completed or if a study or surveillance is terminated, the database shall also include—

(A) the actual date of completion or termination;

(B) if the study or surveillance was terminated, the reason for termination;

(C) if the study or surveillance was submitted but not accepted by the Food and Drug Administration because the study or surveillance did not meet the requirements for such study or surveillance, an explanation of the reasons and any follow-up action required;

(D) information about any labeling changes made to the device as a result of the study or surveillance findings;

(E) information about any other decisions or actions of the Food and Drug Administration that result from the study or surveillance findings;

(F) lay and technical summaries of the study or surveillance results and key findings, or an explanation as to why the results and key findings do not warrant public availability;

(G) a link to any peer reviewed articles on the study or surveillance; and

(H) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(5) PUBLIC ACCESS.—The database described in paragraph (1) shall be—

(A) accessible to the general public; and

(B) easily searchable by multiple criteria, including whether the study or surveillance involves pediatric populations.

By Mr. DURBIN (for himself, Mr. CORNYN, Mr. SPECTER, Mr. LIEBERMAN, and Mr. OBAMA):

S. 831. A bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to again raise the issue of Darfur. I may not match the tenacity of former Senator William Proxmire. You see, he came to the Senate floor every day—every day—for 19 years urging the Senate to ratify the 1948 Convention on Genocide. Finally, Senator Proxmire prevailed. Finally, the United States became a signatory to this historic international agreement. We were one of the last, but we were on board.

The reason I come to the Chamber today to speak is because having noted the presence of the need for an international agreement on genocide, having acknowledged that a genocide is taking place in Darfur in the Sudan, a simple honest answer is we have done little or nothing about it.

I have tried each week to come to the Chamber to again highlight the situation and to propose what the United States can do. It is worth putting this matter in context. Several times in the history of this world, we have witnessed genocides of horrific proportion. One of the most recently noted tragedies, of course, involved 6 million Jews and others who were killed in the Holocaust in World War II.

When I was a young college student in Washington at Georgetown University, my first year I had an amazing professor whose name was Jan Karski. Karski was born in Poland. He was a member of the Polish underground resisting the Nazis in World War II. He used to come to our classes ramrod straight with military bearing, always dressed impeccably in starched white shirt and tie and would speak to us about government. He would intersperse his lectures with stories of his life.

I was fascinated with Dr. Karski. He told the story as a young man coming to Washington, DC, in the midst of World War II. He came here because he knew what was happening. He knew about the Holocaust, he knew about the concentration camps, and he knew something had to be done. So he came to war-weary Washington and tried to find someone receptive to his message.

He went from office to office, finally securing a meeting with President Roosevelt but never quite convincing the highest level of our Government in those days, trying to tell them, yes, there are concentration camps; yes, innocent people were being killed; yes, there was a Holocaust and something needs to be done.

Dr. Karski told us in these lectures that he left Washington empty-handed and despondent. Unfortunately, he never convinced America to act, and, unfortunately, the Holocaust continued.

I used to puzzle over this and imagine: How could it be? How could the people of a great Nation such as America stand back and not do anything if people were alerting them to the reality of genocide, the killing of innocent people? Sadly, I have come to understand it now because 4 years ago we declared a genocide was taking place in Darfur in Sudan. It was an amazing declaration, it was a courageous declaration by this Bush administration. The President, along with Secretary of State Colin Powell, and now Secretary of State Condoleezza Rice, have been unsparing in their criticism of the Sudanese Government, and they have used that word, "genocide." But the sad reality is, having made this declaration, we have done nothing—nothing.

The President said early on he would not allow a genocide to occur on his watch. I have reminded him—and I am sure it is painful to hear—that his watch is coming to an end and the genocide continues and America continues to do nothing.

Today I am joined by my colleagues, Senator JOHN CORNYN of Texas, Senator SPECTER of Pennsylvania, and Senator LIEBERMAN of Connecticut in introducing the Sudan Divestment Authorization Act of 2007. This bill is designed to support the actions of seven States that have already passed divestment laws and the dozens more that are considering legislation.

The first of these States, I am proud to say, is the home State of this Senator and the Presiding Officer, the State of Illinois. Our friend and your former colleague, Mr. President, Jackie Collins, has led this fight. She is tenacious, and she is great to have on your team.

Over 50 universities and municipalities have also chosen to divest their portfolios of companies that directly or indirectly support the genocidal Sudanese Government. Countless individual Americans have made this same choice. These States, universities, and individuals have said they do not want their pensions or other investments to support a government that is carrying out mass atrocities against its own people.

In this morning's Washington Post, there is a graphic story written by Travis Fox of a visit to a refugee camp at Chad. I know the Presiding Officer has visited the refugee camps in Chad and has seen firsthand what is happening there: 230,000—230,000—Darfur refugees have streamed across the border and live in 12 United Nations-administered camps.

This heartbreaking story shows an emaciated young boy being fed by his mother. It goes on to say that so many of these children are dying of malnutrition, even in the refugee camps. They are trying to get this poor little boy to eat some food, which he thinks is horrible and spits out. He would rather go hungry than eat what he is being given.

These children are dying in these refugee camps and, sadly, more people are streaming to these camps because of the ongoing genocide in Darfur.

As many as 450,000 people, according to Human Rights Watch, have died from disease and violence in this genocide; 2.5 million people have been displaced since the fighting began. The United Nations reports that in the second half of the year 2006, 12 humanitarian workers were killed and 38 compounds were attacked.

This morning's paper also includes a report that members of the African Union and the peacekeepers who are valiantly trying to bring peace to this area are now being killed as well. Mr. President, 7,000 members of the African Union are there; 7,000 troops are policing an area as large as the State of Texas. Imagine, if you will, trying to contain the violence of a militia who is hellbent on killing innocent people, raping and pillaging with 7,000 soldiers. Even the best soldiers couldn't rise to that challenge. That is why America must rise to this challenge.

As I mentioned, divestment is one tool. It is not what I would prefer, but it is a move in the right direction. Our bill recognizes that divestment should be undertaken only in rare circumstances, but declarations of genocide by both the President and the Congress provide all the justification needed for these State and local efforts which our bill will support.

This bipartisan bill affirms it is the sense of Congress that States and other entities should be permitted to provide for the divestment of assets as an expression of opposition to the genocide and policies of the Khartoum Government.

It also expresses the sense of Congress that such State divestment laws are consistent with our Constitution and that, for example, they do not run afoul of the foreign commerce clause of the Federal foreign affairs power. The bill recognizes that nongovernmental organizations working in Sudan on humanitarian efforts or companies that are operating under Federal permit or to promote health or religious activities, for example, should not be classified as supporting the Sudanese Government.

We do not want to hinder the fine work that is being done by nongovernmental organizations, humanitarian organizations. What we want to do is put pressure on this Government in Khartoum to change this deadly policy which they have followed now for years.

This is a targeted bill. It is aimed at supporting State and local efforts in America to do the right thing.

Along with my colleague, Senator BROWNBACK, last fall I sent a letter to every Governor in the country whose State had not divested urging them to do so. I sent a similar letter to every university president in my State making the same request. I am proud to say that Northwestern University in Evanston, IL, and its president, Henry Bienen, had already quietly taken steps to divest of major companies operating in Sudan. President Bienen has been to Sudan. He has had a life experience there. He understands this on a personal basis. I met with him. I applaud him for his leadership.

Sadly, some universities have said no. Incredibly, they have said no. One university president of a major university in Illinois called me to explain why they could not bring themselves to divest of their investments in Sudan where this genocide is taking place. He gave a long, tortured explanation about university policy. I asked him one question: Do you believe there is a genocide taking place in Darfur? There was a long silence. Then he said: Well, I guess I don't know. I said: Until you can answer that question, you shouldn't make this decision. Others have looked at the facts, and they have decided that genocide is taking place. I ask you: If you come to that same conclusion that a genocide is taking place, my next question is very simple and straightforward: What are you going to do about it?

I believe we have a moral responsibility. It goes beyond any political debate and any partisanship. I am glad the cosponsors of this legislation, which I am now putting before the Senate, are bipartisan in nature.

When I sent out these letters, incidentally, I had a wake-up call personally. A reporter called and said: So you are all for divestment, are you, Senator DURBIN? Oh, yes, I am committed to it. Guess what, Senator. We went through the handful of mutual funds you and your wife own and one has investments in Sudan. I was stunned. I said: I will sell immediately, which I did. It wasn't very painful to my portfolio, but I felt a little better when it was done.

It doesn't take much, but it is a reminder that change begins at home. Eleanor Roosevelt, who helped create and serve as the first chair of the United Nations Human Rights Commission once posed that famous question:

> Where, after all, do universal human rights begin?

She answered:

> Human rights begin in small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

That statement embodies the spirit that drives the divestment movement.

The Darfur movement in this country was born on college campuses with idealistic youth, but it has now spread across the Nation. The effort to divest is a struggle that students are continuing to have with the administrators in my home State and across the country.

These students are carrying on a legacy, a legacy of those students who came before them, who led the movement to divest from South Africa in order to starve apartheid, the rank discrimination and bigotry of our time in the great country of South Africa.

South Africa changed because of the courage and capabilities of people such as Nelson Mandela, who led one of the most remarkable revolutions of my time. Change will come in Sudan when Sudanese leaders are convinced or compelled to change. But the divestment movement helped to drive the process in South Africa, and it can help drive the process in Sudan today.

This bill is only a start, but it isn't the end of the discussion. Divestment is a useful tool but just that—only one tool among many we should be considering.

Yesterday, the Special Envoy to Sudan, Andrew Natsios, met with President Bashir in Khartoum. The press reported that it was a 20-minute meeting. I don't know how productive it was. It wasn't the first time they have met and, sadly, all the previous times have not led to any decision by the Khartoum Government to bring the militia under control, which is wreaking havoc and causing this genocide which is killing thousands and displacing hundreds of thousands of people.

Special Envoy Natsios has talked about what now has publicly been disclosed and described as Plan B. The biggest export of Sudan, no surprise, is oil. How is the oil exported? Through different companies—including companies owned by the Chinese, India, and Malaysia. Special Envoy Natsios told us that if the Sudanese Government did not respond by allowing U.N. peacekeepers to come in and protect these innocent people living in their villages by January 1 of this year, he would encourage the administration to move on Plan B, which calls for economic sanctions against the oil transactions coming out of Sudan.

January 1 has come and gone. According to the press reports, the President has ordered the Treasury Department to prepare a menu of options that would directly affect the Khartoum Government. I believe the President should use this list of options to enact additional meaningful sanctions immediately.

I have spoken to the President twice personally. I have spoken to Secretary of State Condoleezza Rice. I have tried to raise my voice on every occasion to urge them to do something and do it now. People are dying, people are starving to death. This genocide continues on our watch, America.

Today's sanctions program is based on Executive orders signed by President Clinton in 1997 and President Bush in 2006 and on the Darfur Peace and Accountability Act and a host of other laws that provide additional mechanisms. The menu of options is there.

Sudan produces 500,000 barrels of oil a year, 40 percent of which is exported. We can find a way to stop the revenue stream leaving Sudan and the money coming back into that country. I hope that is on the menu being presented to the Government.

New laws are not required for the President to enact these sanctions. He doesn't have to wait on Congress or a long debate. He has the power. It might, however, speed action along if Congress passed legislation to encourage him.

This week, the State Department released its annual Country Reports on Human Rights Practices. Imagine that, the United States each year boldly announces a report card on the rest of the world and how well they are doing in the area of human rights. Let me read a portion of that report on Sudan, a report from our own State Department, and I quote:

> While all sides in Darfur violated international human rights and humanitarian law, the government and the Janjaweed militia continue to bear responsibility for genocide that occurred in Darfur. During the year the government, Arab militia forces, and Darfur rebel groups reportedly killed several thousand civilians.
>
> By year's end, there were more than 2 million internally displaced persons in Darfur, and another 234,000 that fled into Chad, a neighboring country, where the U.N. High Commissioner for Refugees coordinated a massive refugees relief effort. According to the United Nations, more than 200,000 persons have died since 2003 as a result of the violence and forced displacement. The government continues to support the largely Arab nomad Janjaweed militia, which terrorized and killed civilians, raped women, and burned and pillaged the region.
>
> During the year, the government resumed aerial bombardment of civilian targets, including homes, schools, and markets. There were no reports that the government of Sudan prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks. Government forces provided logistic and transportation support, weapons, and ammunition to progovernment militias throughout the country.

That is the report of our Government about ongoing genocide to which we have not responded.

The report goes on to detail attacks by helicopter gunships and bombers as well as ground assaults by both Janjaweed militia and uniformed soldiers. It also describes widespread and systemic sexual violence against women and children, often carried out by men in uniform. Some women who reported these rapes to the Sudanese police were then arrested for reporting them. During this year of violence, the Sudanese Government conducted only one single successful prosecution of a rapist, a man who was convicted of assaulting an 11-year-old girl. It is unclear how many violations have been prosecuted.

The report from the State Department also describes how the Sudanese Government systematically restricts humanitarian access to Darfur. The Government denies and delays visas and harasses and arrests humanitarian workers. This is all part of an effort to cut off the food and medicine humanitarian groups are bringing into Darfur.

The mere presence of international aid workers helps safeguard people in the camps as well. That is one more reason Khartoum tries to keep them out. Rebel groups add to the violence by attacking humanitarian workers as well, stealing their vehicles and supplies. According to the report, both the rebel groups and the government-supported militias use child soldiers to help fight their battles.

The State Department's Human Rights Report is just the latest testament to the atrocities that continue to unfold in Darfur.

Mr. President, it is time the world brought these crimes against humanity to a halt. We do that by taking steps that we can in the United States—starting with supporting divestment and imposing tougher sanctions, and we should go to the United Nations and demand a vote. We have been told over and over again that if we ask the United Nations to get involved, it is likely that one country on the Security Council—and many point to China—will veto that request. Well, so be it. Let us have this vote, let us be on the record, let us say that in the midst of genocide, we forced the issue to a vote and the United States voted on the side of compassion and humanity. Let those countries threatening a veto explain their position.

I thank my colleagues, Senator CORNYN, Senator SPECTER, and Senator LIEBERMAN for joining me in this step we take today to support State and local divestment. Many people wonder what one or two Senators can accomplish. We are fortunate in the State of Illinois to have a legacy of some great people who have served in the Senate, from both political parties. The Presiding Officer and I were fortunate to count as a friend a former U.S. Senator, the late Paul Simon.

In 1994, when the Rwanda genocide was unfolding, Paul Simon saw it, and he went to Jim Jeffords, a Republican Senator from Vermont, and he said: We have to do something; innocent people are being hacked to death in Rwanda. He and Senator Jeffords then called Romeo Dallaire, the U.N. Peacekeeping General in Rwanda at the time in 1994, and they asked: What will it take to stop the killing? He said: It will take 5,000 equipped soldiers, and I can stop this massacre—only 5,000. So Senator Simon and Senator Jeffords called down to the Clinton White House and said: We need to talk to somebody about getting 5,000 soldiers in to stop a massacre. Their call went unheeded. There was no response. President Clinton now apologizes today, saying it was one of the worst foreign policy decisions of his administration. I respect his honesty and candor, but the fact is, no soldiers were sent.

Recently, a little over a year ago, I visited Rwanda for the first time. I went to Hotel Rwanda, made famous by the movie, Hotel des Mille Collines, where a brave little hotel manager played the rôle of Oscar Schindler in his time. He started harboring people who otherwise would have been killed in the streets of Kigali, Rwanda. It was harrowing to walk through the hotel and imagine what life was like; to know that 11 years before, people huddled, afraid they were about to be pulled out and killed in the streets. You would look down at this beautiful, crystal-clear swimming pool and realize it was the water in that pool that sustained them during that period.

I went down the hill from that hotel to a red brick Catholic church, known as Ste. Famille. I looked inside during the early morning, and I went back to the hotel. Someone in the hotel said: That is a famous church. A thousand people sought asylum as refugees in that church but, unfortunately, the doors were opened and a thousand people were hacked to death in that church.

That is the reality of genocide. It is the reality of Rwanda, and it is the reality of Darfur. It is a reality we cannot ignore. We have the power. The question is, Do we have the will?

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Divestment Authorization Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the Senate and the House of Representatives passed concurrent resolutions declaring that "the atrocities unfolding in Darfur, Sudan, are genocide".

(2) On June 30, 2005, President Bush affirmed that "the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation".

(3) The Darfur Peace and Accountability Act of 2006, which was signed into law on October 13, 2006, reaffirms that "the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan".

(4) Several States and governmental entities, through legislation and other means, have expressed their desire, or are considering measures—

(A) to divest any equity in, or to refuse to provide debt capital to, certain companies that operate in Sudan; and

(B) to disassociate themselves and the beneficiaries of their public pension and endowment funds from directly or indirectly supporting the Darfur genocide.

(5) Efforts of States and other governmental entities to divest their pension funds and other investments of companies that operate in Sudan build upon the legal and historical legacy of the anti-apartheid movement in the United States, a movement which contributed to the end of apartheid in South Africa and the holding of free elections in that country in 1994.

(6) Although divestment measures should be employed judiciously and sparingly, declarations of genocide by Congress and the President justify such action.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States and other governmental entities should be permitted to provide for the divestment of certain State assets within their jurisdictions as an expression of opposition to the genocidal actions and policies of the Government of Sudan; and

(2) a divestment measure authorized under section 5 does not violate the United States Constitution because such a measure—

(A) is not preempted under the Supremacy Clause;

(B) does not constitute an undue burden on foreign or interstate commerce under the Commerce Clause; and

(C) does not intrude on, or interfere with, the conduct of foreign affairs of the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) ASSETS.—The term "assets" means any public pension, retirement, annuity, or endowment fund, or similar instrument, managed by a State.

(2) COMPANY.—The term "company" means any natural person, legal person, sole proprietorship, organization, association, corporation, partnership, firm, joint venture, franchisor, franchisee, financial institution, utility, public franchise, trust, enterprise, limited partnership, limited liability partnership, limited liability company, or other business entity or association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such business entities or associations.

(3) COMPANY WITH A QUALIFYING BUSINESS RELATIONSHIP WITH SUDAN.—The term "company with a qualifying business relationship with Sudan"—

(A) means any company—

(i) that is wholly or partially managed or controlled, either directly or indirectly, by the Government of Sudan or any of its agencies, including political units and subdivisions;

(ii) that is established or organized under the laws of the Government of Sudan;

(iii) whose domicile or principal place of business is in Sudan;

(iv) that is engaged in business operations that provide revenue to the Government of Sudan;

(v) that owns, maintains, sells, leases, or controls property, assets, equipment, facilities, personnel, or any other apparatus of business or commerce in Sudan, including ownership or possession of real or personal property located in Sudan;

(vi) that transacts commercial business, including the provision or obtaining of goods or services, in Sudan;

(vii) that has distribution agreements with, issues credits or loans to, or purchases bonds of commercial paper issued by—

(I) the Government of Sudan; or

(II) any company whose domicile or principal place of business is in Sudan;

(viii) that invests in—

(I) the Government of Sudan; or

(II) any company whose domicile or principal place of business is in Sudan; or

(ix) that is fined, penalized, or sanctioned by the Office of Foreign Assets Control of the Department of the Treasury for violating any Federal rule or restriction relating to Sudan after the date of the enactment of this Act; and

(B) does not include—

(i) nongovernmental organizations (except agencies of Sudan), which—

(I) have consultative status with the United Nations Economic and Social Council; or

(II) have been accredited by a department or specialized agency of the United Nations;

(ii) companies that operate in Sudan under a permit or other authority of the United States;

(iii) companies whose business activities in Sudan are strictly limited to the provision of goods and services that are—

(I) intended to relieve human suffering;

(II) intended to promote welfare, health, religious, or spiritual activities;

(III) used for educational purposes;

(IV) used for humanitarian purposes; or

(V) used for journalistic activities.

(4) Government of Sudan.—The term "Government of Sudan"—

(A) means—

(i) the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front); or

(ii) any successor government formed on or after the date of the enactment of this Act, including the Government of National Unity, established in 2005 as a result of the Comprehensive Peace Agreement for Sudan; and

(B) does not include the regional Government of Southern Sudan.

(5) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any department, agency, public university or college, county, city, village, or township of such governmental entity.

SEC. 5. AUTHORIZATION FOR CERTAIN STATE AND LOCAL DIVESTMENT MEASURES.

(a) In General.—Notwithstanding any other provision of law, any State may adopt measures to prohibit any investment of State assets in the Government of Sudan or in any company with a qualifying business relationship with Sudan, during any period in which the Government of Sudan, or the officials of such government are subject to sanctions authorized under—

(1) the Sudan Peace Act (Public Law 107-245);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497);

(3) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177);

(4) the Darfur Peace and Accountability Act of 2006 (Public Law 109-344); or

(5) any other Federal law or executive order.

(b) Applicability.—Subsection (a) shall apply to measures adopted by a State before, on, or after the date of the enactment of this Act.

By Mr. REID (for himself, Mr. Durbin, Mr. Schumer, Mrs. Murray, Mr. Biden, Mr. Levin, Mr. Kerry, Mr. Feingold, Mr. Reed, Mr. Kennedy, Mr. Rockefeller, Mrs. Boxer, Mrs. Feinstein, Mrs. Clinton, Mr. Carper, Mr. Akaka, Mr. Baucus, Mr. Bayh, Mr. Bingaman, Mr. Brown, Ms. Cantwell, Mr. Cardin, Mr. Casey, Mr. Dorgan, Mr. Harkin, Mr. Inouye, Ms. Klobuchar, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mrs. Lincoln, Mrs. McCaskill, Mr. Menendez, Ms. Mikulski, Mr. Obama, Mr. Salazar, Mr. Sanders, Ms. Stabenow, Mr. Tester, Mr. Whitehouse, and Mr. Wyden):

S.J. Res. 9. A joint resolution to revise United States policy on Iraq; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 9

Whereas Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq;

Whereas the circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) have changed substantially;

Whereas United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution; and

Whereas United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "United States Policy in Iraq Resolution of 2007".

SEC. 2. PROMPT COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) Transition of Mission.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in subsection (b).

(b) Commencement of Phased Redeployment From Iraq.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this joint resolution, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training and equipping Iraqi forces.

(3) Conducting targeted counter-terrorism operations.

(c) Comprehensive Strategy.—Subsection (b) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) Reports Required.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS

Mr. REID submitted the following resolution; which was referred to the Committee on Armed Services:

S. Res. 101

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Force, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan have failed to receive the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) neither the President nor Congress should take any action that will endanger the Armed Forces of the United States, including eliminating or reducing funds for troops in the field or failing to provide them adequate training, equipment and other support, as such actions would undermine their safety or harm their effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the health care and other support services they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

AMENDMENTS SUBMITTED AND PROPOSED

SA 396. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 398. Mr. BINGAMAN (for himself, Mr. DOMENICI, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 399. Mr. COLEMAN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 400. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 401. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 402. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 403. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 404. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 405. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 406. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 407. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 408. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 409. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 410. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 411. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 412. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 413. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 414. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 415. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 416. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 417. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 418. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 419. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 420. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 421. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 317 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 422. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 423. Mr. INOUYE (for himself, Mr. STEVENS, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 424. Mr. INOUYE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 425. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 426. Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. HATCH, Mr. BURR, Mr. WARNER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 427. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 428. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 429. Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 430. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 431. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 432. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 433. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 434. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 436. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 437. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 438. Mr. DODD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 439. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 440. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 441. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 357 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 396. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike line 13 and all that follows through page 21, line 8, and, insert the following:

"(A) establishing policies that limit the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, so as to encourage the sharing of information and developing procedures to expedite disputes concerning originator controls;

"(B) implementing a standard for the collection, sharing of, and access to information within the scope of the information sharing environment that would

On page 21, line 18, strike "(D)" and insert "(C)".

SA 397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 5 and 6, insert the following:

"(l) PRIVACY GUIDELINES.—

"(1) SENSE OF CONGRESS.—It is the sense of Congress that—

"(A) the information sharing environment, including expansions under the Improving America's Security Act of 2007, raises significant privacy and civil liberties issues that should be addressed in detailed, written, binding guidelines;

"(B) the guidelines entitled 'Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in Development and Use of the Information Sharing Environment' as distributed by the program manager of the information sharing environment on December 4, 2006, direct agencies to consider guidelines on many important privacy issues, but do not themselves provide sufficiently detailed guidelines to adequately protect privacy and civil liberties in the development and use of the information sharing environment; and

"(C) the implementation of detailed, written, binding guidelines to protect privacy and civil liberties is critical to the success of the information sharing environment.

"(2) GUIDELINES.—Not fewer than 270 days after the date of the enactment of the Improving America's Security Act of 2007, the President shall issue guidelines that shall supplement or supersede, as appropriate, the guidelines referred to in paragraph (1)(B) in order to—

"(A) define the privacy and civil liberties interests that such guidelines seek to protect;

"(B) govern the obtaining or accessing by the Federal Government of information within the information sharing environment from commercial data sources and other public sources as part of the information sharing environment;

"(C) permit information to be shared with an agency, and categories of particular personnel within such agency, only if the purpose for the sharing is within the assigned mission and responsibility of such agency and personnel;

"(D) require each agency to identify (within 90 days of the issuance of the supplemental or superseding guidelines under this paragraph) its data holdings that contain information relating to United States persons to be shared through the information sharing environment;

"(E) provide guidance and standards for agencies to ensure the accuracy, reliability, completeness, timeliness, and retention of their data holdings;

"(F) impose specific physical, technical, and administrative security measures to safeguard information shared through the information sharing environment from unauthorized access, disclosure, modification, use or destruction; and

"(G) incorporate mechanisms for accountability and enforcement, including continuous, real-time, immutable audit capabilities that record, to the maximum extent practicable, with whom information is shared.

"(3) PUBLIC COMMENT.—The President shall provide an opportunity for public comment in supplementing or superseding under this subsection the guidelines referred to in paragraph (1)(B).

"(4) REPORT ON CERTAIN INFORMATION.—

"(A) REQUIREMENT.—Not later than one year after the date of the enactment of the Improving America's Security Act of 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a report describing the information identified pursuant to (2)(D).

"(B) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this subsection, the term 'congressional intelligence committees' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

On page 23, line 6, strike "(l)" and insert "(m)".

SA 398. Mr. BINGAMAN (for himself, Mr. DOMENICI, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA' 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2007".

SEC. ___02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the

border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. ___03. BORDER RELIEF GRANT PROGRAM.

(a) Grants Authorized.—

(1) In general.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) Duration.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) Competitive basis.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) Use of Funds.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) Application.—

(1) In general.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) Definitions.—For the purposes of this section:

(1) Eligible law enforcement agency.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) High impact area.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) Secretary.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) Division of authorized funds.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) Supplement Not Supplant.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 399. Mr. COLEMAN (for himself and Mr. Levin) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 405 and insert the following:

SEC. 405. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before a final rule is published in the Federal Register for the implementation of the Western Hemisphere Travel Initiative authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(1) the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of the Western Hemisphere Travel Initiative; and

(2) the Secretary of State shall conduct a study of the mechanisms by which the execution fee for a PASS Card issued under such Initiative could be reduced, considering the potential number of applications for such Cards.

SA 400. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, strike lines 5 through 18 and insert the following:

et;

"(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

"(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

"(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary; and

"(3) submit every 90 days to the committees of Congress referred to in paragraph (2) a report on the issuance of subpoenas by such senior official under subsection (b)(1)(C) during the preceding 90 days.".

SA 401. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, between lines 22 and 23, insert the following:

"(5) Independence of testimony.—No officer, employee, or agency within the executive branch shall have the authority to require the Board, or any member of the Board—

"(A) to receive permission to testify before Congress; or

"(B) to submit testimony, recommendations on legislation, or other comments to any officer, employee, or agency of the executive branch for approval, comments, or review before the submittal of such testimony, recommendations, or comments to Congress if such testimony, recommendations, or comments include a statement indicating that the views expressed therein are those of the Board and do not necessarily represent the views of the Administration.

SA 402. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81, line 20, strike "Office for the Prevention of Terrorism, which shall be headed" and all that follows through ""(B)" on page 82, line 1, and insert the following: "Office for the Prevention of Terrorism.

"(2) Director.—

"(A) Appointment.—The head of the Office for the Prevention of Terrorism shall be the Director of the Office for the Prevention of Terrorism, who shall be appointed by the President, by and with the consent of the Senate.

"(B) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

"(C)

SA 403. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike line 20 and all that follows through "(F)" on line 23 and insert the following:

(E) the Department of State;

(F) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(G)

SA 404. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, line 20, strike "(C)" and insert the following:

(C) in subsection (d), by adding at the end the following: "The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies the appropriate congressional committees not later than 30 days before the effective date of such waiver.";

(D)

SA 405. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, between lines 13 and 14, insert the following:

"(6) REMOVAL OF MEMBERS.—

"(A) IN GENERAL.—The President may remove a member of the Board only for neglect of duty or malfeasance in office.

"(B) NOTICE ON REMOVAL.—The President shall submit notice on the removal of a member of the Board, including the reasons for the removal, to—

"(i) the Committees on Homeland Security and Governmental Affairs and the Judiciary and the Select Committee on Intelligence of the Senate; and

"(ii) the Committees on Government Reform and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 406. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1505. COMPTROLLER GENERAL REPORT ON PERSONAL SERVICES CONTRACTS UNDER THE DEPARTMENT OF HOMELAND SECURITY.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the utilization of personal services contracts by the Department of Homeland Security.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the extent to which the utilization by the Department of Homeland Security of personal services contracts has—

(A) reduced or impaired the ability of the Department to retain core functional capabilities that allow it to properly perform its mission;

(B) inhibited adequate oversight by the Department of functions performed by its contractors;

(C) undermined the integrity of decisionmaking processes within the Department;

(D) hindered the ability of the Department to meet the critical recommendations of the National Commission on Terrorist Attacks Upon the United States that the Department "regularly assess the types of threats the country faces," and "assess the readiness of the government to respond to threats that the United States may face"; and

(E) resulted in the outsourcing to private contractors or contracting firms of the ownership and retention of institutional knowledge, expertise, and intellectual property that are essential components of the ability of the Department to implement its basic mission and achieve its policy objectives.

(2) An assessment whether or not the Department is maintaining appropriate controls to prevent conflicts of interest or ethics violations involving personnel under its personal service contracts.

(3) A discussion of the implications of applying to personnel under personal service contracts of the Department the ethics and conflict of interest rules requirements that commonly apply to Federal employees.

(4) A discussion of such other matters (including matters relating to cost, transparency, accountability, and national security) in the utilization by the Department of personal services contracts as the Comptroller General considers appropriate.

SA 407. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 135, strike line 16 and all that follows through page 136, line 15, and insert the following:

(2) IMPROVING THE ACCURACY OF WATCH LISTS.—In developing the electronic travel authorization system authorized by section 217(h)(3) of the Immigration and Nationality Act, as added by paragraph (1)(D), the Secretary, in consultation with the Secretary of State, shall study the feasibility of using such system to improve the accuracy and reliability of government watch lists and correct erroneous information included in such a list, by—

(A) sharing information with relevant agencies regarding misidentifications caused by inaccurate or incomplete watch list entries;

(B) establishing a redress system for individuals who believe they have been identified erroneously;

(C) instituting performance metrics to track progress; and

(D) implementing other appropriate measures.

(3) REPORT.—

(A) REQUIREMENT.—Not later than 180 days prior to the date that the Secretary implements the electronic travel authorization system authorized by such section 217(h)(3), the Secretary shall submit to the appropriate congressional committees a report on such system.

(B) CONTENT.—The report required by this paragraph shall include—

(i) a privacy impact assessment, as described in section 208(b) of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note);

(ii) a description of the automated processes, queries, and analyses the Secretary will develop to determine, in advance of travel, the eligibility of an alien to travel to the United States under the Visa Waiver Program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), including—

(I) whether the Secretary will utilize algorithms or other analytic tools to profile or otherwise assess risks posed by aliens whose names are not on any watch list maintained by the Federal Government;

(II) a description of any such algorithm or analytic tool that will be used;

(III) an assessment of the efficacy, or likely efficacy, of any such algorithm or analytic tool in providing accurate information; and

(IV) a description of with whom the results of any such algorithm or analytic tool will be shared; and

(iii) a description of—

(I) the results of the study required by paragraph (2); and

(II) any elements of such electronic travel authorization system intended to improve the accuracy and reliability of government watch lists and the process by which any erroneous information included in such a list will be corrected.

(C) FORM OF REPORT.—The report required by this paragraph shall be submitted in unclassified form and may include a classified annex.

(D) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term "appropriate congressional committees" means—

(i) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(ii) the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 408. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 330, strike lines 11 through 19, and insert the following:

"(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation following the recommendation in the report of the National Commission on Terrorist Attacks Upon the United States that every passenger aircraft carrying cargo shall deploy at least 1 hardened container; and".

SA 409. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 15 and 16, insert the following:

SEC. 123. RISK ASSESSMENT CENTER.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 208. RISK ASSESSMENT CENTER.

"(a) IN GENERAL.—There is established the Risk Assessment Center within the Office of the Secretary, which shall be headed by the Risk Assessment Manager.

"(b) MISSION.—The Risk Assessment Center shall be the lead component of the Department regarding the assessment of homeland security risk.

"(c) RESPONSIBILITIES.—The Risk Assessment Manager shall—

"(1) develop, and assist the Department in implementing, a methodology to analyze the effectiveness of the use of homeland security grant funds in reducing risk;

"(2) coordinate the work of other components of the Department having risk assessment responsibilities;

"(3) establish the national-level strategy for performing homeland security risk assessments;

"(4) proactively determine and assess the dynamic drivers of homeland security risk; and

"(5) lead efforts to collect and analyze the types of data necessary to assess homeland security risk from Federal agencies, State and local governmental authorities, and the private sector, as appropriate.

"(d) PERSONNEL.—The Risk Assessment Center shall be staffed with professional analysts who are risk management professionals with—

"(1) graduate degrees in mathematics, economics, or statistics;

"(2) skills in using mathematics, economics, or statistics to study uncertain future events, as those events relate to homeland security; and

"(3) experience working in the Department or another department or agency of the Federal Government in translating risk assessment methods into specific policy directives or resource allocation strategies and decisions.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 207, as added by this Act, the following:

"Sec. 208. Risk Assessment Center.".

SA 410. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, line 12, after "the extent to which" insert "man-made or".

SA 411. Mr. LIEBERMAN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE XVI—ADVANCEMENT OF DEMOCRATIC VALUES

SECTION 1601. SHORT TITLE.

This title may be cited as the "Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007" or the "ADVANCE Democracy Act of 2007".

SEC. 1602. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1603. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;

(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;

(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedom of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law;

(6) to provide appropriate support to nongovernmental organizations working to promote freedom and democracy;

(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;

(8) to commit to the long-term challenge of promoting universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 1604. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term "Annual Report on Advancing Freedom and Democracy" refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms "Community of Democracies" and "Community" mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) DEPARTMENT.—The term "Department" means the Department of State.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1611. DEMOCRACY LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) NEW POSITIONS.—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1621. ANNUAL REPORT.

(a) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting "entitled the Advancing Freedom and Democracy Report" before the period at the end.

(b) SCHEDULE FOR SUBMISSION.—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) CONFORMING AMENDMENT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 2151n note) is amended by striking "30 days" and inserting "90 days".

SEC. 1622. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

SEC. 1632. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1641. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1642. SENSE OF CONGRESS ON ADVANCE DEMOCRACY AWARD.

It is the sense of Congress that—

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

SEC. 1643. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1644. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

Subtitle E—Alliances With Democratic Countries

SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(b) SENSE OF CONGRESS ON INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

Subtitle F—Funding for Promotion of Democracy

SEC. 1661. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.

The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

SA 412. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commisssion to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after the item relating to section 803, insert the following:

Sec. 804. Model ports-of-entry.
Sec. 805. International registered traveler program.

On page 219, between lines 7 and 8, insert the following:

SEC. 804. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and courteous international visitor screening process in order to facilitate and promote travel to the United States; and

(2) implement the program initially at the 12 United States international airports with the greatest average annual number of arriving foreign visitors.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) customer service training for Customs and Border Protection officers (including training in greeting arriving visitors) developed in consultation with the Department of Commerce and the United States Travel and Tourism Advisory Board, customer service ratings for such officers' periodic or annual reviews, and a requirement that officers provide a self-addressed, postpaid customer comment form; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PATROL OFFICERS FOR HIGH VOLUME PORTS.—Before the end of fiscal year 2008, the Secretary of Homeland Security shall employ an additional 200 Customs and Border Protection officers to address staff shortages at the 12 busiest international gateway airports in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 805. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

"(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports,and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US VISIT program, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security.

"(B) FEES.—The Secretary may impose a fee for the program and may modify the fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US VISIT entry and exit system, other pre-screening initiatives, and the visa waiver program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.

"(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.".

SA 413. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1103.

SA 414. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike lines 1 through 8, and insert the following:

SEC. 704. PROMOTION OF STANDARDS FOR PRIVATE SECTOR PREPAREDNESS.

(a) SENSE OF THE SENATE.—It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

(b) DEMONSTRATION PROJECT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into 1 or more agreements with a private sector entity to conduct such demonstrations of security management systems.

SA 415. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, strike lines 8 through 15.

On page 233, line 16, strike "(c)" and insert "(b)".

On page 233, line 19, strike "(d)" and insert "(c)".

On page 234, strike lines 17 through 21 and insert the following:

(2) CLASSIFIED INFORMATION.—

(A) IN GENERAL.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

On page 235, line 21, strike "private sector" and all that follows through page 236, line 4 and insert "private sector.".

On page 236, line 8, insert "a report" after "submit".

On page 236, beginning on line 11, strike "a report" and insert the following: ", and to each Committee of the Senate and the House of Representatives having jurisdiction over the critical infrastructure or key resource addressed by the report,".

On page 236, strike lines 18 and 19 and insert the following:

"(2) CLASSIFIED INFORMATION.—

"(A) IN GENERAL.—The report under this subsection may contain a classified annex.

"(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.".

On page 236, after line 23, insert the following:

SEC. 1004. PRIORITIES AND ALLOCATIONS.

Not later than 6 months after the last day of fiscal year 2007, and for each year thereafter, the Secretary, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the

Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry—

(1) to reduce interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(2) to minimize the impact of such catastrophes, as so described in section 1001(a)(1).

SA 416. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 249, strike line 21 and all that follows through page 252, line 23, and insert the following: "cooperative activity for the Department.

"(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with domestic governmental organizations, businesses, federally funded research and development centers, and universities or, with the concurrence of the Secretary of State, foreign public or private entities.

"(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

"(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

"(c) MATCHING FUNDING.—

"(1) IN GENERAL.—

"(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

"(B) GRANT MATCHING AND REPAYMENT.—

"(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

"(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

"(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

"(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

"(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

"(d) FUNDING.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

"(e) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.

"(f) CONSTRUCTION; AUTHORITIES OF THE SECRETARY OF STATE.—Nothing in this section shall be construed to alter or affect the following provisions of law:

"(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

"(2) Section 112b(c) of title 1, United States Code.

"(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

"(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

"(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).".

SA 417. Mr. BIDEN (for himself, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE XVI—UNITED STATES FOREIGN POLICY

Subtitle A—Public Diplomacy

SEC. 1601. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States, or of a State, as the Middle East Foundation (referred to in this section as the "Foundation").

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the appropriate congressional committees before designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed—

(1) to make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and, only to the extent and in the amounts provided for in advance in appropriations Acts, may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards

by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(j) REPEAL.—Section 534(k) of Public Law 109–102 is repealed.

Subtitle B—Reconstruction and Stabilization

SEC. 1611. SHORT TITLE.

This subtitle may be cited as the "Reconstruction and Stabilization Civilian Management Act of 2007".

SEC. 1612. FINDING; PURPOSE.

(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this subtitle is to provide for the continued development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out reconstruction and stabilization activities in a country or region that is at risk of, is in, or is in transition from conflict or civil strife.

SEC. 1613. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) DEPARTMENT.—Except as otherwise provided in this subtitle, the term "Department" means the Department of State.

(3) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(4) SECRETARY.—Except as otherwise provided in this subtitle, the term "Secretary" means the Secretary of State.

SEC. 1614. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future reconstruction and stabilization activities in foreign countries or regions that are at risk of, are in, or are in transition from conflict or civil strife;

(2) the capability of civilian agencies of the United States Government to carry out reconstruction and stabilization activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies should be further encouraged to participate in planning and organizing reconstruction and stabilization activities in such countries or regions;

(4) the executive branch has taken a number of steps to strengthen civilian capability, including the establishment of an office headed by a Coordinator for Reconstruction and Stabilization in the Department, the Presidential designation of the Secretary as the interagency coordinator and leader of reconstruction and stabilization efforts, and Department of Defense directives to the military to support the Office of Reconstruction and Stabilization and to work closely with counterparts in the Department of State and other civilian agencies to develop and enhance personnel, training, planning, and analysis;

(5) the Secretary and the Administrator should work with the Secretary of Defense to augment existing personnel exchange programs among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(6) the heads of other Executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

SEC. 1615. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

"SEC. 618. ASSISTANCE TO ALLEVIATE A RECONSTRUCTION AND STABILIZATION CRISIS.

"(a) ASSISTANCE.—

"(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

"(2) FUNDS.—The funds referred to in this paragraph are as follows:

"(A) Funds made available under this section, including funds authorized to be appropriated by subsection (d).

"(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

"(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.

"(c) AVAILABILITY OF FUNDS FOR RESPONSE READINESS CORPS.—Of the funds made available for this section in any fiscal year, including funds authorized to be appropriated by subsection (d) and funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section, $25,000,000 may be made available for expenses related to the development, training, and operations of the Response Readiness Corps established under section 61(c) of the State Department Basic Authorities Act of 1956.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) AUTHORIZATION.—There is authorized to be appropriated $75,000,000 to provide assistance authorized in subsection (a) and, to the extent authorized in subsection (c), for the purpose described in subsection (c). Such amount is in addition to amounts otherwise made available for purposes of this section, including funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

"(2) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended under this section.

"(3) AVAILABILITY.—Funds authorized to be appropriated under this subsection shall be available without fiscal year limitation.".

SEC. 1616. OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

"SEC. 61. RECONSTRUCTION AND STABILIZATION.

"(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

"(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

"(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador at Large.

"(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

"(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are at risk of, are in, or are in transition from conflict or civil strife.

"(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

"(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

"(D) Coordinating with relevant Executive agencies to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

"(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2007.

"(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps established under subsection (c) or to otherwise participate in or contribute to stabilization and reconstruction activities.

"(G) Taking steps to ensure that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

"(H) Sharing information and coordinating plans for stabilization and reconstruction activities, as appropriate, with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations.

"(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

"(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

"(b) RESPONSE TO STABILIZATION AND RECONSTRUCTION CRISIS.—If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for Reconstruction and Stabilization, shall—

"(1) assess the immediate and long-term need for resources and civilian personnel;

"(2) identify and mobilize non-military resources to respond to the crisis; and

"(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.".

SEC. 1617. RESPONSE READINESS CORPS.

(a) IN GENERAL.—Section 61 of the State Department Basic Authorities Act of 1956 (as added by section 1616) is amended by adding at the end the following new subsections:

"(c) RESPONSE READINESS CORPS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government, is authorized to establish and maintain a Response Readiness Corps (hereafter referred to in this subsection as the 'Corps') to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, are in, or are in transition from conflict or civil strife.

"(2) FEDERAL COMPONENTS.—

"(A) ACTIVE AND STANDBY COMPONENTS.—The Corps shall have active and standby components consisting of United States Government personnel as follows:

"(i) An active component, consisting of not more than 250 personnel who are recruited, employed, and trained in accordance with this paragraph.

"(ii) A standby component, consisting of not more than 2000 personnel who are recruited and trained in accordance with this paragraph.

"(B) AUTHORIZED MEMBERS OF STANDBY COMPONENT.—Personnel in the standby component of the Corps may include employees of the Department of State (including Foreign Service Nationals), employees of the United States Agency for International Development, employees of any other Executive agency, and employees of the legislative branch and judicial branch of Government—

"(i) who are assigned to the standby component by the Secretary following nomination for such assignment by the head of the department or agency of the United States Government concerned or by an appropriate official of the legislative or judicial branch of Government, as applicable; and

"(ii) who—

"(I) have the training and skills necessary to contribute to stabilization and reconstruction activities; and

"(II) have volunteered for deployment to carry out stabilization and reconstruction activities.

"(C) RECRUITMENT AND EMPLOYMENT.—The recruitment and employment of personnel to the Corps shall be carried out by the Secretary, the Administrator of the United States Agency for International Development, and the heads of the other departments and agencies of the United States Government participating in the establishment and maintenance of the Corps.

"(D) TRAINING.—The Secretary is authorized to train the members of the Corps under this paragraph to perform services necessary to carry out the purpose of the Corps under paragraph (1).

"(E) COMPENSATION.—Members of the active component of the Corps under subparagraph (A)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962, 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.

"(3) CIVILIAN RESERVE.—

"(A) CIVILIAN RESERVE.—The Corps shall have a reserve (hereafter referred to in this subsection as the 'Civilian Reserve') of non-United States Government personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1). The Civilian Reserve shall be established by the Secretary, in consultation with the Administrator of the Unites States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government.

"(B) COMPOSITION.—Beginning not later than one year after the date of the enactment of the Reconstruction and Stabilization Civilian Management Act of 2007, the Civilian Reserve shall include at least 500 personnel, who may include retired employees of the United States Government, contractor personnel, nongovernmental organization personnel, State and local government employees, and individuals from the private sector, who—

"(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities;

"(ii) have volunteered to carry out stabilization and reconstruction activities; and

"(iii) are available for training and deployment to carry out the purpose of the Corps under paragraph (1).

"(4) USE OF RESPONSE READINESS CORPS.—

"(A) FEDERAL ACTIVE COMPONENT.—Members of the active component of the Corps under paragraph (2)(A)(i) are authorized to be available—

"(i) for activities in direct support of stabilization and reconstruction activities; and

"(ii) if not engaged in activities described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

"(B) FEDERAL STANDBY COMPONENT AND CIVILIAN RESERVE.—The Secretary may deploy members of the Federal standby component of the Corps under paragraph (2)(A)(ii), and members of the Civilian Reserve under paragraph (3), in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.

"(d) EXECUTIVE AGENCY DEFINED.—In this section, the term 'Executive agency' has the meaning given the term in section 105 of title 5, United States Code.".

(b) EMPLOYMENT AUTHORITY.—The full-time personnel in the active component of the Response Readiness Corps under section 61(c)(2)(A)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel of the Department or the United States Agency for International Development authorized to be employed under any other provision of law.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of efforts to establish the Response Readiness Corps under this section. The report should include recommendations for any legislation necessary to implement section 61(c) of the State Department Basic Authorities Act of 1956 (as so added).

SEC. 1618. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

"(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

“(2) CURRICULUM CONTENT.—The curriculum should include the following:

“(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

“(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

“(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

“(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

“(E) A study of the United States interagency system.

“(F) Foreign language training.

“(G) Training and simulation exercises for joint civilian-military emergency response operations.”.

SEC. 1619. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 61(c) of the State Department Basic Authorities Act of 1956 (as added by section 1617), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 1618) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training as needed to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or reconstruction activities in accordance with this subtitle.

SEC. 1620. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary, or the Administrator with the concurrence of the Secretary, may enter into contracts to procure the services of nationals of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or aliens authorized to be employed in the United States as personal services contractors for the purpose of carrying out this subtitle, without regard to Civil Service or classification laws, for service in the Office of the Coordinator for Reconstruction and Stabilization or for service in foreign countries to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife.

(2) NOT EMPLOYEES.—Individuals performing services under contracts described in paragraph (1) shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or Administrator may determine the applicability to such individuals of any law administered by the Secretary or Administrator concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, for the purpose of carrying out this subtitle, without requiring compliance with any otherwise applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary is authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER.—

(1) ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM OR FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary or the head of another Executive agency, as authorized by the Secretary, may waive the application of subsections (a) through (h) of such section 8344 and subsections (a) through (e) of such section 8468 with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife during the period of their reemployment.

(2) ANNUITANTS UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM OR FOREIGN SERVICE PENSION SYSTEM.—The Secretary may waive the application of subsections (a) through (d) of section 824 of the Foreign Service Act (22 U.S.C. 4064) for annuitants under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to assist in stabilization and reconstruction activities under this subtitle.

(e) INCREASE IN PREMIUM PAY CAP.—The Secretary, or the head of another Executive agency as authorized by the Secretary, may compensate an employee detailed, assigned, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, is in, or is in transition from conflict or civil strife, without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(f) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of another Executive agency as authorized by the Secretary, may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(g) COMPENSATORY TIME.—Notwithstanding any other provision of law, the Secretary may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this subtitle, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(h) ACCEPTANCE OF VOLUNTEER SERVICES.—

(1) IN GENERAL.—The Secretary may accept volunteer services for the purpose of carrying out this subtitle without regard to section 1342 of title 31, United States Code.

(2) TYPES OF VOLUNTEERS.—Donors of voluntary services accepted for purposes of this section may include—

(A) advisors;

(B) experts;

(C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) SUPERVISION.—The Secretary shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) APPLICABILITY OF LAW RELATING TO FEDERAL GOVERNMENT EMPLOYEES.—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

(5) APPLICABILITY OF LAW RELATING TO VOLUNTEER LIABILITY PROTECTION.—

(A) IN GENERAL.—A person providing volunteer services accepted under this section shall be deemed to be a volunteer of a nonprofit organization or governmental entity, with respect to the accepted services, for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

(B) INAPPLICABILITY OF EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—Section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply with respect to the liability of a person with respect to services of such person that are accepted under this section.

(i) AUTHORITY FOR OUTSIDE ADVISORS.—

(1) IN GENERAL.—The Secretary may establish temporary advisory commissions composed of individuals with appropriate expertise to facilitate the carrying out of this subtitle.

(2) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of a commission established under this subsection.

SEC. 1621. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each fiscal year $80,000,000 for personnel, education and training, equipment, and travel costs for purposes of carrying out this subtitle and the amendments made by this subtitle (other than the amendment made by section 1615).

Subtitle C—Nuclear Nonproliferation Programs

SEC. 1631. ANNUAL REPORT ON NUCLEAR MATERIAL THREAT MITIGATION.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than March 1, 2008, and annually thereafter, the President shall submit to the appropriate congressional committees a report on United States Government efforts, for the year ending December 31 of the preceding calendar year, to mitigate the threats caused by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) A description of the progress achieved during the preceding calendar year and of the impediments to further progress in securing and reducing nuclear materials worldwide, taking into account the priority accorded to various sites and the plan set forth in the report submitted pursuant to paragraph (2) of section 3132(d) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(d)(2)), as updated pursuant to subsection (c)(1).

(B) Any needed adjustments to such plan or any updates to the plan.

(b) STRATEGIES REQUIRED FOR 2007 REPORT.—The report required under subsection (a) for the year ending December 31, 2007, shall also include the following strategies:

(1) A strategy for sustaining and building on the progress regarding nuclear material security that United States assistance has helped bring about in the independent states of the former Soviet Union and elsewhere.

(2) A strategy for integrating programmatic United States nonproliferation activities with the Proliferation Security Initiative, the G8 Global Partnership Against the Spread of Weapons of Mass Destruction, the Global Initiative to Combat Nuclear Terrorism, worldwide implementation of relevant United Nations Security Council resolutions, notably United Nations Security Council Resolution 1540 (2004), and other United States diplomatic and military nonproliferation and counterproliferation activities.

(c) BIENNIAL UPDATES.—The report required by subsection (a) for the year ending December 31, 2008, and for each even-numbered year thereafter, shall include—

(1) an update of the list of sites and the plan submitted pursuant to section 3132(d)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(d)(2)); and

(2) an update of the strategies submitted pursuant to subsection (b).

(d) LATER DEADLINE APPLICABLE TO CERTAIN ANNUAL REPORTS.—The report required by subsection (a) for the year ending December 31, 2008, and for every fourth year thereafter, shall be submitted by May 15 of the succeeding year.

(e) INTEGRATION OF OTHER REPORTS.—

(1) POST-INAUGURATION REPORT ON NONPROLIFERATION AND THREAT REDUCTION OBJECTIVES OF THE PRESIDENT.—The report required by section 1339(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (50 U.S.C. 2357g(a)) may be integrated into the report submitted under subsection (d).

(2) INFORMATION IN COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—

(A) CITATION BY REFERENCE.—Information relevant to a report required under this section that is already contained in an annual report on activities and assistance under Cooperative Threat Reduction programs submitted to Congress under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–341) for the fiscal year during which the report required under this section is submitted may be cited by reference in the report required under this section.

(B) INCLUSION IN APPENDIX.—Information described under subparagraph (A) that is cited by reference in a report required under this section shall be reprinted in an appendix to the report.

(f) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may be accompanied by classified appendices.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SEC. 1632. NUCLEAR NONPROLIFERATION BUDGET REPORT.

(a) REPORT.—In connection with the budget submitted to Congress under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate congressional committees a report setting forth the nuclear nonproliferation budget of the Federal Government.

(b) COMPONENTS.—

(1) PROGRAMS.—The report required under subsection (a) shall include relevant programs of the Department of Defense, the Department of State, and the Department of Energy, such as the following:

(A) Within the Department of Defense: Cooperative Threat Reduction, WMD Proliferation Prevention Initiatives, and International Counter-Proliferation.

(B) Within the Department of State: International Science and Technology Centers and other elements of the Global Threat Reduction Program, Nonproliferation and Disarmament Fund, Export Control and Related Border Security, Proliferation Security Initiative, and support for the International Monitoring System of the CTBTO Preparatory Commission.

(C) Within the Department of Energy: Nonproliferation and Verification Research and Development, Nonproliferation and International Security, International Nuclear Materials Protection and Cooperation, Global Threat Reduction Initiative, HEU Transparency Implementation, Elimination of Weapons-Grade Plutonium Production, and Fissile Materials Disposition.

(2) RELATED ACTIVITIES.—The report required under subsection (a) shall include activities of the Department of Commerce, the Department of Homeland Security, and other departments or agencies that are of the same type as, or are undertaken pursuant to, the programs described in paragraph (1).

(c) NONPROLIFERATION OBJECTIVES.—The report required under subsection (a) shall set forth—

(1) the objectives of the executive branch regarding nuclear nonproliferation;

(2) the contribution of each program to those objectives;

(3) the planned coordination of the programs in the upcoming fiscal year;

(4) the proposed budget for each program;

(5) the planned use of funds by each program; and

(6) the milestones that each program is expected to achieve.

(d) INFORMATION IN COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—

(1) CITATION BY REFERENCE.—Information relevant to paragraphs (4), (5), and (6) of subsection (c) that is already contained in an annual report on activities and assistance under Cooperative Threat Reduction programs submitted to Congress under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–341) may be cited by reference in the report required under subsection (a).

(2) INCLUSION IN APPENDIX.—Information described under paragraph (1) that is cited by reference in a report required under subsection (a) shall be reprinted in an appendix to the report.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1633. NUCLEAR COMPLIANCE CONTINGENCY RESERVE.

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended by inserting after section 584 the following new section:

"SEC. 584A. NUCLEAR COMPLIANCE CONTINGENCY RESERVE.

"(a) ESTABLISHMENT.—The Secretary of State shall establish a contingency reserve within the Nonproliferation and Disarmament Fund established pursuant to section 504 of the FREEDOM Support Act (22 U.S.C. 5854) for use in securing and verifying the compliance of North Korea and Iran with separate agreements under which each country is obligated to suspend or abandon sensitive nuclear activities, facilities, and materials.

"(b) APPLICATION OF EXISTING LAW AND PROCEDURES.—The contingency reserve established under subsection (a) shall be subject to the provisions of sections 504, 507, and 508 of the FREEDOM Support Act (22 U.S.C. 5854, 5857, and 5858) and shall be administered using the financial release procedures of the Nonproliferation and Disarmament Fund.

"(c) CERTIFICATION REQUIREMENT.—Each report regarding the contingency reserve established pursuant to subsection (a) that is submitted pursuant to subsection 508(a) of the FREEDOM Support Act (22 U.S.C. 5858(a)) shall include a certification that—

"(1) a qualifying agreement described under such subsection is in force; and

"(2) full use is being made, as appropriate, of the Cooperative Threat Reduction Program of the Department of Defense, pursuant to section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (22 U.S.C. 5963).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated, in addition to other funds authorized to be appropriated for such purposes, $100,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.".

SEC. 1634. INCREASED PROTECTION AGAINST RADIOLOGICAL THREATS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Nuclear Regulatory Commission should promulgate new regulations applicable to Nuclear Regulatory Commission licensees and licensees of Nuclear Regulatory Commission Agreement States to reduce the risk that isotopes of elements such as americium, californium, plutonium, and polonium will be used as weapons of murder or assassination.

(b) RISK STUDY.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission shall submit to Congress a study of the risk that isotopes of elements such as americium, californium, plutonium, and polonium will be used as weapons of murder or assassination and the feasibility of promulgating regulations to reduce that risk.

(c) CONSULTATION.—In conducting the study required by subsection (b) of this section, the Chairman of the Nuclear Regulatory Commission shall consult with appropriate members of the Nuclear and Radiation Studies Board of the National Academies.

Subtitle D—Global Pathogen Surveillance and Combating of Bioterrorism and Avian Influenza

PART I—GLOBAL PATHOGEN SURVEILLANCE

SEC. 1641. SHORT TITLE.

This part may be cited as the "Global Pathogen Surveillance Act of 2007".

SEC. 1642. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The frequency of the occurrence of biological events that could threaten the national security of the United States has increased and is likely increasing. The threat to the United States from such events includes threats from diseases that infect humans, animals, or plants regardless of whether such diseases are introduced naturally, accidentally, or intentionally.

(2) The United States lacks an effective and real-time system to detect, identify, contain, and respond to global threats and also lacks an effective mechanism to disseminate information to the national response community if such threats arise.

(3) Bioterrorism poses a grave national security threat to the United States. The insidious nature of a bioterrorist attack, the likelihood that the recognition of such an attack would be delayed, and the underpreparedness of the domestic public health infrastructure to respond to such an attack could result in catastrophic consequences following a biological weapons attack against the United States.

(4) The ability to recognize that a country or organization is carrying out a covert biological weapons program is dependent on a number of indications and warnings. A critical component of this recognition is the timely detection of sentinel events such as laboratory accidents and community-level outbreaks that could be the earliest indication of an emerging bioterrorist program in a foreign country. Early detection of such events may enable earlier counterproliferation intervention.

(5) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in a foreign country could quickly spread to the United States. Considering the realities of international travel, trade, and migration patterns, a dangerous pathogen appearing naturally, accidentally, or intentionally anywhere in the world can spread to the United States in a matter of days, before any effective quarantine or isolation measures could be implemented.

(6) To combat bioterrorism effectively and ensure that the United States is fully prepared to prevent, recognize, and contain a biological weapons attack or emerging infectious disease, measures to strengthen the domestic public health infrastructure and improve domestic event detection, surveillance, and response, while absolutely essential, are not sufficient.

(7) The United States should enhance cooperation with the World Health Organization, regional international health organizations, and individual countries, including data sharing with appropriate agencies and departments of the United States, to help detect and quickly contain infectious disease outbreaks or a bioterrorism agent before such a disease or agent is spread.

(8) The World Health Organization has done an impressive job in monitoring infectious disease outbreaks around the world, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response Network.

(9) The capabilities of the World Health Organization depend on the quality of the data and information the Organization receives from the countries that are members of the Organization and is further limited by the narrow list of diseases (such as plague, cholera, and yellow fever) on which such surveillance and monitoring is based and by the consensus process used by the Organization to add new diseases to the list. Developing countries, in particular, often are unable to devote the necessary resources to build and maintain public health infrastructures.

(10) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting systems that—

(i) are based on disease and syndrome surveillance; and

(ii) could enable an effective response to a biological event to begin at the earliest possible opportunity;

(D) a narrowing of the existing technology gap in disease and syndrome surveillance capabilities, based on reported symptoms, and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national, international regional, and international health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(11) An effective international capability to detect, monitor, and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter, prevent, or contain terrorist use of biological weapons, mitigating the intended effects of such malevolent uses.

(b) PURPOSES.—The purposes of this part are as follows:

(1) To provide the United States with an effective and real-time system to detect biological threats that—

(A) utilizes classified and unclassified information to detect such threats; and

(B) may be utilized by the human or the agricultural domestic disease response community.

(2) To enhance the capability of the international community, through the World Health Organization and individual countries, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(3) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based disease and syndrome surveillance systems, in addition to traditional epidemiology methods, so that such professionals and epidemiologists may better detect, diagnose, and contain infectious disease outbreaks, especially such outbreaks caused by the pathogens that may be likely to be used in a biological weapons attack.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology to detect, analyze, and report biological threats, including—

(A) relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis; and

(B) appropriate computer equipment and Internet connectivity mechanisms—

(i) to facilitate the exchange of Geographic Information Systems-based disease and syndrome surveillance information; and

(ii) to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of public health professionals who are employed by the Government of the United States to international regional and international health organizations, international regional and international health networks, and United States diplomatic missions, as appropriate.

(6) To expand the training and outreach activities of United States laboratories located in foreign countries, including the Centers for Disease Control and Prevention or Department of Defense laboratories, to enhance the public health capabilities of developing countries.

(7) To provide appropriate technical assistance to existing international regional and international health networks and, as appropriate, seed money for new international regional and international networks.

SEC. 1643. DEFINITIONS.

In this part:

(1) ELIGIBLE DEVELOPING COUNTRY.—The term "eligible developing country" means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this part; and

(C) is a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at Washington, London, and Moscow April 10, 1972 (26 UST 583).

(2) ELIGIBLE NATIONAL.—The term "eligible national" means any citizen or national of an eligible developing country who—

(A) does not have a criminal background;

(B) is not on any immigration or other United States watch list; and

(C) is not affiliated with any foreign terrorist organization.

(3) INTERNATIONAL HEALTH ORGANIZATION.—The term "international health organization" includes such international organizations as the World Health Organization, regional offices of such organizations, and such regional international health organizations as the Pan American Health Organization.

(4) LABORATORY.—The term "laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other medical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(5) SECRETARY.—Unless otherwise provided, the term "Secretary" means the Secretary of State.

(6) DISEASE AND SYNDROME SURVEILLANCE.—The term "disease and syndrome surveillance" means the recording of clinician-reported symptoms (patient complaints) and signs (derived from physical examination and laboratory data) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 1644. ELIGIBILITY FOR ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), assistance may be provided to an eligible developing country under any provision of this part only if the government of the eligible developing country—

(1) permits personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases within the borders of such country; and

(2) provides pathogen surveillance data to the appropriate agencies and departments of the United States and to international health organizations.

(b) WAIVER.—The Secretary may waive the prohibition set out in subsection (a) if the Secretary determines that it is in the national interest of the United States to provide such a waiver.

SEC. 1645. RESTRICTION.

(a) IN GENERAL.—Notwithstanding any other provision of this part, no foreign national participating in a program authorized under this part shall have access, during the course of such participation, to a select agent or toxin described in section 73.4 of title 42, Code of Federal Regulations (or any corresponding similar regulation) or an overlap select agent or toxin described in section 73.5 of such title (or any corresponding similar regulation) that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

(b) RELATIONSHIP TO REGULATIONS.—The restriction set out in subsection (a) may not be construed to limit the ability of the Secretary of Health and Human Services to prescribe, through regulation, standards for the handling of a select agent or toxin or an overlap select agent or toxin described in such subsection.

SEC. 1646. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Director of the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology for public health professionals from eligible developing countries to be carried out at the Centers for Disease Control and Prevention, an appropriate facility of a State, or an appropriate facility of another agency or department of the United States (other than a facility of the Department of Defense or a national laboratory of the Department of Energy) for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a "fellow") may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—A fellow shall enter into an agreement with the Secretary under which the fellow agrees—

(A) to maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the fellow's education or training;

(B) upon completion of such education or training, to return to the fellow's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least 4 years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) that, if the fellow is unable to meet the requirements described in subparagraph (A) or (B), the fellow shall reimburse the United States for the value of the assistance provided to the fellow under the fellowship program, together with interest at a rate that—

(i) is determined in accordance with regulations issued by the Secretary; and

(ii) is not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of subparagraph (B) or (C) of paragraph (1) if the Secretary determines that it is in the national interest of the United States to provide such a waiver.

(d) AGREEMENT.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with the government of an eligible developing country under which such government agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the developing country upon completion of the fellow's studies; and

(3) to submit to the Secretary a certification stating that a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, including an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of a citizen of the United States in the fellowship program under the provisions of this section if—

(1) the Secretary determines that it is in the national interest of the United States to provide for such participation; and

(2) the citizen of the United States agrees to complete, at the conclusion of such participation, at least 5 years of employment in a public health position in an eligible developing country or at an international health organization.

(f) USE OF EXISTING PROGRAMS.—The Secretary, with the concurrence of the Secretary of Health and Human Services, may elect to use existing programs of the Department of Health and Human Services to provide the education and training described in subsection (a) if the requirements of subsections (b), (c), and (d) will be substantially met under such existing programs.

SEC. 1647. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND DISEASE AND SYNDROME SURVEILLANCE.

(a) LABORATORY TECHNIQUES.—

(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense, and subject to the availability of appropriations, shall provide assistance for short training courses for eligible nationals who are laboratory technicians or other public health personnel in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks.

(2) Location.—The training described in paragraph (1) shall be held outside the United States and may be conducted in facilities of the Centers for Disease Control and Prevention located in foreign countries or in Overseas Medical Research Units of the Department of Defense, as appropriate.

(3) Coordination with existing programs.—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international health organizations.

(b) Disease and Syndrome Surveillance.—

(1) In general.—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense and subject to the availability of appropriations, shall establish and provide assistance for short training courses for eligible nationals who are health care providers or other public health personnel in techniques of disease and syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) tools.

(2) Location.—The training described in paragraph (1) shall be conducted via the Internet or in appropriate facilities located in a foreign country, as determined by the Secretary.

(3) Coordination with existing programs.—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international regional and international health organizations.

SEC. 1648. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT AND SUPPLIES.

(a) Authorization.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the public health laboratory equipment and supplies described in subsection (b).

(b) Equipment and Supplies Covered.—The equipment and supplies described in this subsection are equipment and supplies that are—

(1) appropriate, to the extent possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used in a biological weapon;

(3) compatible with general standards set forth by the World Health Organization and, as appropriate, the Centers for Disease Control and Prevention, to ensure interoperability with international regional and international public health networks; and

(4) not defense articles, defense services, or training, as such terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment or supplies that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) Procurement Preference.—In the use of grant funds authorized under subsection (a), preference should be given to the purchase of equipment and supplies of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) Country Commitments.—The assistance provided under this section for equipment and supplies may be provided only if the eligible developing country that receives such equipment and supplies agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and supplies.

SEC. 1649. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) Assistance for Purchase of Communication Equipment and Information Technology.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the communications equipment and information technology described in subsection (b), and the supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) Covered Equipment.—The communications equipment and information technology described in this subsection are communications equipment and information technology that—

(1) are suitable for use under the particular conditions of the area of intended use;

(2) meet the standards set forth by the World Health Organization and, as appropriate, the Secretary of Health and Human Services, to ensure interoperability with like equipment of other countries and international organizations; and

(3) are not defense articles, defense services, or training, as those terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of communications equipment or information technology that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) Procurement Preference.—In the use of grant funds under subsection (a), preference should be given to the purchase of communications equipment and information technology of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) Assistance for Standardization of Reporting.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(g) Country Commitments.—The assistance provided under this section for communications equipment and information technology may be provided only if the eligible developing country that receives such equipment and technology agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and technology.

SEC. 1650. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL HEALTH ORGANIZATIONS.

(a) In General.—Upon the request of the chief of a diplomatic mission of the United States or of the head of an international health organization, and with the concurrence of the Secretary and of the employee concerned, the head of an agency or department of the United States may assign to the mission or the organization any officer or employee of the agency or department that occupies a public health position within the agency or department for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) Reimbursement.—The costs incurred by an agency or department of the United States by reason of the detail of personnel under subsection (a) may be reimbursed to that agency or department out of the applicable appropriations account of the Department of State if the Secretary determines that the agency or department may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 1651. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) In General.—Subject to the availability of appropriations, the Director of the Centers for Disease Control and Prevention and the Secretary of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers for Disease Control and Prevention or the Department of Defense, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of such laboratories, especially with respect to the implementation of on-site training of foreign nationals and activities affecting the region in which the country is located.

(b) Cooperation and Coordination Between Laboratories.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) Relation to Core Missions and Security.—The expansion of the operations of the laboratories of the Centers for Disease Control and Prevention or the Department of Defense located in foreign countries under this section may not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 1652. ASSISTANCE FOR INTERNATIONAL HEALTH NETWORKS AND EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.

(a) Authority.—The President is authorized, on such terms and conditions as the

President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities for the World Health Organization and existing international regional and international health networks; and

(2) developing new international regional and international health networks.

(b) EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional international Field Epidemiology Training Programs in eligible developing countries.

SEC. 1653. FOREIGN BIOLOGICAL THREAT DETECTION AND WARNING.

(a) IN GENERAL.—The President is authorized to establish a capability for foreign biological threat detection and warning within either the Department of Defense, the Department of Homeland Security, the Central Intelligence Agency, or the Centers for Disease Control and Prevention with the technical ability to conduct event detection and rapid threat assessment related to biological threats in foreign countries.

(b) PURPOSES.—The purposes of the capability under subsection (a) shall be—

(1) to integrate public health, medical, agricultural, societal, and intelligence indications and warnings to identify in advance the emergence of a transnational biological threat;

(2) to provide rapid threat assessment capability to the appropriate agencies or departments of the United States that is not dependent on access to—

(A) a specific biological agent;

(B) the area in which such agent is present; or

(C) information related to the means of introduction of such agent; and

(3) to build the information visibility and decision support activities required for appropriate and timely information distribution and threat response.

(c) TECHNOLOGY.—The capability under subsection (a) shall employ technologies similar to, but no less capable than, those used by the Intelligence Technology Innovation Center (ITIC) within the Directorate of Science and Technology of the Central Intelligence Agency to conduct real-time, prospective, automated threat assessments that employ social disruption factors.

(d) EVENT DETECTION DEFINED.—In this section, the term "event detection" refers to the real-time and rapid recognition of a possible biological event that has appeared in a community and that could have national security implications, regardless of whether the event is caused by natural, accidental, or intentional means and includes scrutiny of such possible biological event by analysts utilizing classified and unclassified information.

SEC. 1654. REPORTS.

Not later than 90 days after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense, shall submit to Congress a report on the implementation of programs under this part, including an estimate of the level of funding required to carry out such programs at a sufficient level.

SEC. 1655. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (c), there are authorized to be appropriated for the purpose of carrying out activities under this part the following amounts:

(1) $40,000,000 for fiscal year 2008.

(2) $75,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the amount authorized to be appropriated under this section for fiscal year 2008, not more than $4,000,000 may be obligated before the date on which a report is submitted under section 1654.

PART II—COMBATING BIOTERRORISM AND AVIAN INFLUENZA

SEC. 1661. COMBATING BIOTERRORISM AND AVIAN INFLUENZA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that training provided by the United States Government for the purpose of improving worldwide capabilities to detect, identify, and combat avian influenza should also include, whenever feasible, training to detect, identify, and combat agents that might be used in an act of biological terrorism.

(b) PROGRAM FOR COMBATING BIOTERRORISM.—The Secretary of State, in coordination with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the President of the Institute of Medicine of the National Academies, shall establish a program to promote national, international, and private-sector actions to reduce the danger of bioterrorism and assist countries in compliance with United Nations Security Council Resolution 1540 (2004) by criminalizing bioterrorist activity, developing regulations governing the transfer and handling of disease samples, and developing and implementing agreed standards for biotechnology security and ethics.

(c) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report setting forth a 5-year plan of action for this program and indicating what funding would be required to implement the plan. The plan shall include a discussion of the feasibility of providing assistance in developing a biosecurity handbook that could gain international acceptance and implementation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State to carry out activities under this section the following amounts:

(1) $5,000,000 for fiscal year 2008, of which not more than $1,000,000 may be expended on the report required under subsection (c).

(2) $5,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

SEC. 1662. GLOBAL PATHOGEN SECURITY PROGRAM.

Chapter 9 of Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended by inserting after section 584A (as added by section 1633 of this title) the following new section:

"SEC. 584B GLOBAL PATHOGEN SECURITY PROGRAM.

"(a) ESTABLISHMENT.—The Secretary of State shall establish a program to combat bioterrorism world-wide by providing training, equipment, and financial and technical (including legal) assistance in such areas as biosecurity, biosafety, pathogen surveillance, and timely response to outbreaks of infectious disease, and by providing increased opportunity for former biological weapons scientists to engage in remunerative careers that promote public health and safety.

"(b) ACTIVITIES INCLUDED.—Activities in the program established pursuant to subsection (a) shall include administration of the programs authorized by subtitle D of title XVI of the Improving America's Security Act of 2007 and may also include such activities as the Pathogen Security Program and the Biosecurity Engagement Program of the Office of Cooperative Threat Reduction in the Department of State.".

SA 418. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 401, add the following:

(f) REPORT ON PROCESSING OF VISA APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the preceding twelve months, the length of time between the submission of a request for a personal interview for a non-immigrant visa and the date of the personal interview of the applicant:

(1) The number of visa applications submitted to the Department in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant and the quality of the review of the application, including specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview, where appropriate, to occur not more than 30 days following the submission of a visa application.

SA 419. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, strike lines 6 through 20, and insert the following:

"(2) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

SA 420. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 6 and 7, insert the following:

"SEC. 2006. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

"(a) IN GENERAL.—There is established a Commercial Equipment Direct Assistance Program to provide equipment, technology and technical assistance to law enforcement agencies and other emergency response providers of local governments.

"(b) APPLICATION.—Law enforcement agencies or other emergency response providers of a local government desiring to be provided equipment, technology, or technical assistance under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator shall establish.

"(c) TRAINING AND INFORMATION.—The Administrator shall—

"(1) in consultation with law enforcement agencies and other emergency response providers of local governments, and other entities determined appropriate by the Administrator, develop and maintain a comprehensive list of counterterrorism technologies, equipment, and information; and

"(2) provide appropriate training to law enforcement agencies and other emergency response providers of local governments on the use of such technology, equipment, and information.

"(d) In order to be eligible for assistance under this section, applicants must certify that they have not been able to obtain such assistance through other grant programs administered by the Department, including The State Homeland Security Grant Program and The Urban Area Security. . . .

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $75,000,000 for each of fiscal years 2008 and 2009; and

"(2) such sums as are necessary for fiscal years 2010 through 2013.

SA 421. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 317 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. . JUSTICE FOR AMERICAN VICTIMS OF TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the "Justice for American Victims of Terrorism Act".

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

"§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

"(a) IN GENERAL.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this section in which money damages are sought against a foreign state for personal injury or death damage that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that the court shall decline to hear a claim under this subsection—

"(1) if the foreign state was not designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act; and

"(2) even if the foreign state is or was so designated, if—

"(A) the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; or

"(B) neither the claimant nor the victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), was a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or was otherwise an employee of the government of the United States or one of its contractors acting within the scope of their when the act upon which the claim is based occurred.

"(b) DEFINITION.—For purposes of this section—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350);

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) he term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

"(c) TIME LIMIT.—An action may not be brought under this section unless the action is commenced not later than the latter of—

"(1) 10 years after the April 24, 1996; or

"(2) 10 years from the date on which the cause of action arose.

"(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or was otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

"(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss and life insurance policy loss claims.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damages claims brought under this section.

"(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

"(g) APPEAL.—An appeal in the courts of the United States in an action brought under this section may be made—

"(1) only from a final decision under section 1291 of this title, and then only if filed with the clerk of the district court within 30 days after the entry of such final decision; and

"(2) in the case of an appeal from an order denying the immunity of a foreign state, a political subdivision thereof, or an agency of instrumentality of a foreign state, only if filed under section 1292 of this title.

"(h) PROPERTY DISPOSITION.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to such section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities. A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant. Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.

"(i) DISCLOSURE.—All evidence filed in any action brought under this section, whether or not filed under seal, shall be disclosed to the Attorney General of the United States or his designee. The Attorney General shall promulgate such regulations as may be reasonably required to carry out the purposes of this subsection.".

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

"1605A. Terrorism exception to the jurisdictional immunity of a foreign state.".

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY INTERESTS.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

"(g) PROPERTY INTERESTS IN CERTAIN ACTIONS.—

"(1) IN GENERAL.—A property interest of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including a property interest that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

"(A) the level of economic control over the property interest by the government of the foreign state;

"(B) whether the profits of the property interest go to that government;

"(C) the degree to which officials of that government manage the property interest or otherwise control its daily affairs;

"(D) whether that government is the real beneficiary of the conduct of the property interest; or

"(E) whether establishing the property interest as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

"(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property interest of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property interest is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.".

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

(3) GENERAL EXCEPTION.—Section 1605 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting "or" after the semicolon;

(ii) in paragraph (6)(D), by striking "; or" and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under this section 1605 of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as the Congress intended. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this section.

SA 422. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15___. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) ALIEN ENEMY COMBATANTS.—

"(1) RESTORATION OF HABEAS CORPUS AND LIMITATION OF NONHABEAS CLAIMS.—Except for an application for a writ of habeas corpus to challenge the legality of executive detention filed in United States District Court for the District of Columbia or an appeal pursuant to paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), and subject to paragraph (2) of this subsection, no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

"(2) APPLICATION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any action against the United States or its agents filed by or on behalf of an alien enemy combatant detained and held in custody outside the United States regarding the legality of the detention of that alien enemy combatant if the alien enemy combatant—

"(i) has been duly determined to be held and treated as an enemy prisoner of war pursuant to Army Regulation 190-8;

"(ii) is being detained in a territory in which there is an ongoing armed conflict; or

"(iii) except as provided in subparagraph (B), is facing a pending charge for an offense triable by a military commission or is under sentence of a military commission.

"(B) EXCEPTION.—Subparagraph (A)(iii) shall not limit jurisdiction for—

"(i) an appeal under the provisions of chapter 47A of title 10;

"(ii) an appeal under paragraph (2) or (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note); or

"(iii) an application for of a writ of habeas corpus to challenge the legality of military commission procedures or to challenge executive detention if the alien enemy combatant—

"(I) is detained in excess of the term of imprisonment of that alien enemy combatant;

"(II) is detained after being acquitted by the military commission for all charges; or

"(III) after being charged with an offense, is detained for 300 days or more without a military commission trial.

"(3) SECOND OR SUCCESSIVE APPLICATIONS FOR A WRIT OF HABEAS CORPUS.—

"(A) IN GENERAL.—No court, justice, or judge shall have jurisdiction to hear or consider a second or successive application for a writ of habeas corpus under paragraph (1).

"(B) CONSTRUCTION.—Nothing in this subsection shall be construed to deprive a court, justice, or judge or jurisdiction to hear a single application for writ of habeas corpus (but not a second or successive such application) that is filed—

"(i) to reassert claims raised in an application that was dismissed for lack of jurisdiction prior to the date of enactment of the Improving America's Security Act of 2007; or

"(ii) under the exception described in paragraph (2)(B).

"(4) DEFINITIONS.—In this subsection—

"(A) the term 'alien enemy combatant' means an individual other than a United States citizen who has been duly determined by the United States to be an unlawful enemy combatant (as defined in 10 U.S.C. 948(a)(1));

"(B) the term 'ongoing armed conflict' means that there is ongoing armed violence between organized armed groups, between a government and an organized armed group, or between governments; and

"(C) the term 'United States', when used in a geographic sense, has the meaning given that term in section 1005(g) of the Detainee Treatment Act of 2005.".

(b) CONFORMING AMENDMENT.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to all cases, without exception, that are pending on or after the date of enactment of this Act.

SA 423. Mr. INOUYE (for himself, Mr. STEVENS, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, beginning with line 4, strike through line 5 on page 215 and insert the following:

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.".

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting ", based on risk assessments conducted by the Secretary of Homeland Security (including assessments conducted under section 1321 or 1403 of the Improving America's Security Act of 2007 or any provision of law amended by such title)," after "risk based priorities";

(2) in subparagraph (D)—

(A) by striking "and local" and inserting ", local, and tribal"; and

(B) by striking "private sector cooperation and participation" and inserting "cooperation and participation by private sector entities and nonprofit employee labor organizations";

(3) in subparagraph (E)—

(A) by striking "response" and inserting "prevention, response,"; and

(B) by inserting "and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems" before the period at the end;

(4) in subparagraph (F), by adding at the end the following: "Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security before the date of enactment of the Improving America's Security Act of 2007."; and

(5) by adding at the end the following:

"(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

"(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

"(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).".

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting ", including the transportation modal security plans" before the period at the end; and

(B) by striking clause (ii) and inserting the following:

"(ii) CONTENT.—Each progress report submitted under this subparagraph shall include the following:

"(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

"(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

"(III) An accounting of all—

"(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

"(bb) personnel working on transportation security by mode, including the number of contractors.

"(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved."; and

(2) in subparagraph (E), by striking "Select".

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking "and" at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

"(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and".

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

"(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

"(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.".

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

"(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

"(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

"(3) CONTENT OF PLAN.—The Plan shall include—

"(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center established under section 1406 of the Improving America's Security Act of 2007;

"(B) the establishment of a point of contact, which may be a single point of contact, for each mode of transportation within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

"(C) a reasonable deadline by which the Plan will be implemented; and

"(D) a description of resource needs for fulfilling the Plan.

"(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

"(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) consistent with the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(5) REPORTS TO CONGRESS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

“(B) Annual report.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

“(6) Survey.—

“(A) In general.—The Secretary shall conduct a biennial survey of the satisfaction of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

“(B) Information sought.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

“(7) Security clearances.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for public and private stakeholders to receive and obtain access to classified information distributed under this section as appropriate.

“(8) Classification of material.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

“(9) Definitions.—In this subsection:

“(A) Appropriate congressional committees.—The term ‘appropriate congressional committees’ has the meaning given that term in subsection (t), but shall also include the Senate Committee on Banking, Housing, and Urban Development.

“(B) Plan.—The term ‘Plan’ means the Transportation Security Information Sharing Plan established under paragraph (1).

“(C) Public and private stakeholders.—The term ‘public and private stakeholders’ means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.

“(D) Secretary.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(E) Transportation security information.—The term ‘transportation security information’ means information relating to the risks to transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.”.

(b) Congressional Oversight of Security Assurance for Public and Private Stakeholders.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) No report required if no changes in stakeholders.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SA 424. Mr. INOUYE (for himself, Mr. Stevens, Mr. Lieberman, and Ms. Collins) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the item relating to section 1366 and insert the following:

Sec. 1366. In-line baggage system deployment.

On page 5, after the item relating to section 1376, insert the following:

Sec. 1377. Law enforcement biometric credential.
Sec. 1378. Employee retention internship program.

On page 5, after the item relating to section 1384, insert the following:

Sec. 1385. Requiring reports to be submitted to certain committees.

On page 254, line 11, strike “Administration,” and insert “Administration and other agencies within the Department,”.

On page 254, line 12, insert “Federal” after “appropriate”.

On page 267, line 11, strike “through the” and insert “in consultation with”.

On page 267, line 19, strike “and, through the Secretary of Transportation, to Amtrak,” and insert “and to Amtrak”

On page 269, strike lines 20 through 23 and insert the following:

(d) Conditions.—Grants awarded by the Secretary to Amtrak under subsection (a) shall be disbursed to Amtrak through the Secretary of Transportation. The Secretary of Transportation may not disburse such funds unless Amtrak meets the conditions set forth in section 1322(b) of this title.

On page 269, line 19, after the period insert “Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House on the feasibility and appropriateness of requiring a non-federal match for the grants authorized in subsection (a).”.

On page 281, beginning in line 24, strike “terrorists.” and insert “terrorists, including observation and analysis.”.

On page 286, line 7, strike the closing quotation marks and the second period.

On page 286, between lines 7 and 8, insert the following:

“(f) Process for Reporting Problems.—

“(1) Establishment of reporting process.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding railroad security problems, deficiencies, or vulnerabilities.

“(2) Confidentiality.—The Secretary shall keep confidential the identity of a person who submits a report under paragraph (1) and any such report shall be treated as a record containing protected information to the extent that it does not consist of publicly available information.

“(3) Acknowledgment of receipt.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

“(4) Steps to address problems.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problems or deficiencies identified.

“(5) Retaliation prohibited.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation to, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) made a report under paragraph (1).”.

On page 330, beginning in line 7, strike “paragraph (2);” and insert “subsection (g);”.

On page 332, strike lines 21 and 22 and insert the following:

SEC. 1366. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

On page 337, line 5, strike “fully implement” and insert “begin full implementation of”.

On page 338, strike lines 1 through 4 and insert the following:

“(1) Establishment.—The Secretary shall establish an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, U.S. Customs and Border Protection, and other agencies or offices as appropriate.

On page 338, line 19, strike “and”.

On page 339, line 3, strike “positives.’ ”. and insert “positives; and”.

On page 339, between lines 3 and 4, insert the following:

“(C) require air carriers and foreign air carriers take action to properly and automatically identify passengers determined, under the process established under subsection (a), to have been wrongly identified.”.

On page 339, line 21, strike “utilizing appropriate records in” and insert “as well as”.

On page 342, line 9, strike “47135(m));” and insert “47134(m));”

On page 342, line 21, strike “47135(m)).” and insert “47134(m)).”

On page 343, beginning in line 9, strike “to the Transportation Security Administration before entering United States airspace; and” and insert “at the same time as, and in conjunction with, advance notification requirements for Customs and Border Protection before entering United States airspace; and”.

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 1377. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Paragraph (6) of section 44903(h) of title 49, United States Code, is amended to read as follows:

“(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

“(i) consult with the Attorney General concerning implementation of this paragraph;

“(ii) issue any necessary rulemaking to implement this paragraph; and

“(iii) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

“(B) PROGRAM REQUIREMENTS.—The program shall—

“(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

“(ii) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

“(iii) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

“(iv) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

“(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

“(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

“(i) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

“(II) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

“(iii) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

“(iv) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

“(D) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.”.

(b) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SEC. 1378. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall perform only those security responsibilities determined to be appropriate for their age and in accordance with applicable law and shall be compensated for training and service time while participating in the program.

On page 361, after line 22, insert the following:

SEC. 1385. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

(a) SENATE COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE.—The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 121(c) of this Act.

(3) Section 2002(e)(3) of the Homeland Security Act of 2002, as added by section 202 of this Act.

(4) Subsections (a) and (b)(2)(B)(ii) of section 2009 of the Homeland Security Act of 2002, as added by section 202 of this Act.

(5) Section 302(d) of this Act.

(6) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(7) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(8) Section 504(c) of this Act.

(9) Section 705 of this Act.

(10) Section 803(d) of this Act.

(11) Section 510(a)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)(7)).

(12) Section 510(b)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(b)(7)).

(13) Section 1002(b) of this Act.

(b) SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Committee on Homeland Security and Governmental Affairs of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Commerce, Science, and Transportation of the Senate:

(1) Section 1321(c) of this Act.

(2) Section 1323(f)(3)(A) of this Act.

(3) Section 1328 of this Act.

(4) Section 1329(d) of this Act.

(5) Section 114(v)(4)(A)(i) of title 49, United States Code.

(6) Section 1341(a)(7) of this Act.

(7) Section 1341(b)(2) of this Act.

(8) Section 1345 of this Act.

(9) Section 1346(f) of this Act.

(10) Section 1347(f)(1) of this Act.

(11) Section 1348(d)(1) of this Act.

(12) Section 1366(b)(3) of this Act.

(13) Section 1372(b) of this Act.

(14) Section 1375 of this Act.

(15) Section 3006(i) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(16) Section 1381(c) of this Act.

(17) Subsections (a) and (b) of section 1383 of this Act.

SA 425. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 324, after line 22, insert the following:

PART III—FISCAL YEAR 2007 AUTHORIZATION

SEC. 1355. FISCAL YEAR 2007 AUTHORIZATION

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2007 such sums as may be necessary to carry out this subtitle.

(b) AMENDMENT OF 49 U.S.C. 114(u).—Section 114(u) of title 49, United States Code, as added by section 1336 of this subtitle, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) such sums as may be necessary for fiscal year 2007;".

SA 426. Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. HATCH, Mr. BURR, Mr. WARNER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

The Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, shall—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

SA 427. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, after line 20, insert the following:

SEC. 1385. COORDINATION OF EVACUATION AND SHELTERING PLANS.

(a) REGIONAL EVACUATION PLANS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, using the findings contained in the report analyzing catastrophic hurricane evacuation plans, which was submitted to Congress pursuant to section 10204(d) of SAFETEA–LU (Public Law 109–59), in cooperation with the Secretary of Transportation and the Secretary of Defense, and in coordination with the plans established pursuant to subsection (b), shall establish, in coordination with state and local governments and submit to Congress, regional evacuation plans that—

(A) are nationally coordinated;

(B) incorporate all modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus; and

(C) clearly define the roles and responsibilities that each Federal, State, or local government agency should undertake to prepare for major evacuations.

(2) PROVISION OF EVACUATION AND SHELTERING SERVICES.—The Director of the Federal Emergency Management Agency, in coordination with States, units of local government, nonprofit organization, and other private entities, shall be prepared to provide regionally-coordinated evacuation and sheltering services for individuals affected by large-scale disasters.

(b) REGIONAL SHELTERING PLANS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, using the findings described in subsection (a), in cooperation with the Secretary of Transportation and the Secretary of Health and Human Services, and in coordination with the plans established pursuant to subsection (a), shall—

(1) establish, and submit to Congress, regional sheltering plans that—

(A) are nationally coordinated; and

(B) identify regional and national shelters capable of housing evacuees and victims of a catastrophic natural disaster or terrorist attack in any part of the country; and

(2) develop a national sheltering database that can be shared with States and units of local government during a catastrophic event.

(c) IMPLEMENTATION.—Not later than 120 days after the evacuation and sheltering plans are submitted under this section, the Secretary, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Health and Human Services, shall—

(1) finalize procedures to implement the plans established pursuant to subsections (a) and (b); and

(2) report to Congress regarding whether additional authorities or resources are needed to facilitate the implementation of such plans.

(d) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct an analysis comparing the costs and benefits of evacuating the people of New Orleans during a natural disaster or terrorist attack compared to the costs and benefits of sheltering such people in the region.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Secretaries shall consider—

(A) the 20,000 to 30,000 people in New Orleans with special needs; and

(B) the absence of shelters in Orleans Parish.

(3) TECHNICAL ASSISTANCE.—The Secretary and the Secretary of Transportation shall provide technical assistance to State and units of local government that are establishing evacuation and sheltering plans, which identify and utilize regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

SA 428. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. . REPAYMENT OF LOANS.

(a) IN GENERAL.—For any loan under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to a local government made with covered funds, the Administrator of the Federal Emergency Management Agency shall repay all or part of that loan from covered amounts to the extent that revenues of that local government during the 3 full fiscal year period following Hurricane Katrina of 2005 or Hurricane Rita of 2005, as the case may be for that loan, are insufficient to meet the operating budget of that local government, including additional disaster-related expenses of a municipal operation character.

(b) DETERMINATION.—The determination of whether revenues of a local government are insufficient to meet the operating budget of that local government under subsection (a) shall be made in accordance with the regulations issued under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), as in effect on March 8, 2007.

(c) DEFINITIONS.—In this section—

(1) the term "covered amounts" means amounts made available—

(A) under the heading "DISASTER RELIEF" in the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109–61; 119 Stat. 1989);

(B) under the heading "DISASTER RELIEF" in the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62; 119 Stat. 1991); or

(C) under the heading "DISASTER RELIEF" under chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 459); and

(2) the term "covered funds" means funds made available—

(A) under section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061); or

(B) under the heading "DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT" under chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 459).

SA 429. Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and

Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 174, strike line 1 and all that follows through page 177, line 20, and insert the following:

(1) DATA MINING.—The term "data mining" means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in paragraph (3).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(3) ANNEX.—

(A) IN GENERAL.—A report under paragraph (1) shall include in an annex any necessary—

(i) classified information;

(ii) law enforcement sensitive information;

(iii) proprietary business information; or

(iv) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(B) AVAILABILITY.—Any annex described in subparagraph (A)—

(i) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(ii) shall not be made available to the public.

(4) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

SA 430. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15___. NONPROFIT COORDINATOR.

Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended by adding at the end the following:

"(g) NONPROFIT COORDINATOR.—

"(1) IN GENERAL.—The Secretary shall designate an employee of the Department to serve as a point of contact for nonprofit organizations.

"(2) RESPONSIBILITIES.—The employee designated under paragraph (1) shall—

"(A) promote and encourage the integration of nonprofit organizations into the mission of the Department;

"(B) serve as—

"(i) a guide and resource for nonprofit organizations; and

"(ii) a facilitator between nonprofit organizations and the Department; and

"(C) advance, and disseminate to nonprofit organizations, programs, initiatives, resources, strategies, and opportunities to improve security for, and the preparedness of, nonprofit organizations.".

SA 431. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, lines 18 and 19, strike "and each private sector advisory council created under section 102(f)(4)" and insert "each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers".

On page 195, line 12, strike "the American National Standards Institute and" and insert "representatives of organizations that coordinate or facilitate the development of and use of voluntary consensus standards".

On page 195, lines 14 through 16, strike "and each private sector advisory council created under section 102(f)(4)" and insert ", each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers".

On page 196, line 21, strike "and" after the semicolon.

On page 196, strike lines 17–23 and insert the following:

"(C) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established—

"(i) under any other provision of Federal law; or

"(ii) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

"(D) coordinate the program, as appropriate, with—

"(i) other Department private sector related programs; and

"(ii) preparedness and business continuity programs in other Federal agencies.

On page 201, between lines 9 and 10, insert the following:

"(e) COMPLIANCE BY ENTITIES SEEKING CERTIFICATION.—Any entity seeking certification under this section shall comply with all applicable statutes, regulations, directives, policies, and industry codes of practice in meeting certification requirements.

On page 201, line 10, strike "(e)" and insert "(f)".

On page 201, line 13, strike "(f)" and insert "(g)".

On page 201, line 18, strike "(g)" and insert "(h)".

On page 202, strike lines 20 through 24, and insert the following:

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established—

(1) under any other provision of Federal law; or

(2) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7.

SA 432. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SA 433. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1375 insert the following:

( ) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

( ) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

( ) consult with the Attorney General concerning implementation of this paragraph;

( ) issue any necessary rulemaking to implement this paragraph; and

( ) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

( ) PROGRAM REQUIREMENTS.—The program shall—

( ) establish a credential or a system that incorporates biometric technology and other applicable technologies;

( ) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

( ) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

( ) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

( ) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

( ) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

( ) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

( ) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

( ) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

( ) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

( ) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.".

( ) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SA 434. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. . TEMPORARY HOUSING ASSISTANCE FOR VICTIMS OF NATURAL DISASTERS.

Notwithstanding any provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or any other provision of law, the Secretary may distribute any assets of the Department for the purposes of providing temporary housing to victims of natural disasters.

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 6 and 7, insert the following:

"SEC. 2006. NONPROFIT SECURITY INITIATIVE.

"(a) DEFINITION.—In this section, the term 'eligible nonprofit organization' means an organization—

"(1) described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code; and

"(2) determined by the Secretary to be at-risk of terrorist attack.

"(b) Establishment.—There is established a Nonprofit Security Initiative, to make grants to eligible nonprofit organizations.

"(c) Application; Administration.—An eligible nonprofit organization desiring a grant under this section shall submit an application to the Secretary that includes—

"(1) a certification that no State or local government is making funds distributed under this title available to that eligible nonprofit organization for allowable physical security enhancements; and

"(2) such other information as the Secretary may require.

"(d) Allowable Uses.—A grant under this section shall be used to enhance security by purchasing and installing equipment and enhancements approved by the Department, and providing related training.

"(e) Distribution of Awards.—

"(1) In general.—In allocating grants under this section, the Secretary shall consider the relative threat, vulnerability, and consequences faced by the eligible nonprofit organization from a terrorist attack, including consideration of—

"(A) threats from any organization designated as an international terrorist organization by the Department of State or of unaffiliated radical extremists (within or outside the United States) against any group of United States citizens who operate or are the principal beneficiaries or users of that eligible nonprofit organization;

"(B) any prior attack by such an organization (within or outside the United States) against that eligible nonprofit organization or entities associated with or similarly situated as that eligible nonprofit organization;

"(C) the symbolic value or historic nature of that eligible nonprofit organization as a possible target of such an organization;

"(D) the role of that eligible nonprofit organization in emergency response and preparedness;

"(E) threat or vulnerability assessments relating to that eligible nonprofit organization;

"(F) increased threat to specific sectors or areas; and

"(G) any other relevant homeland security information the Secretary may consider as appropriate.

"(2) Information.—In allocating grants under this section, the Secretary may seek information and assistance from officials of State, regional, or local government.

"(f) Nonexclusivity.—An eligible nonprofit organization shall not be ineligible to participate in other allowable program activities (including planning, training, exercise, or equipment) under the Homeland Security Grant Program because that eligible nonprofit organization receives a grant under this section.

"(g) Funding.—Notwithstanding section 2011, for each fiscal year, the Secretary shall use not less than $25,000,000 of the total funds appropriated for the Homeland Security Grant Program for grants under this section.

"(h) Report to Congress.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Secretary shall submit to the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing—

"(1) the performance of grantees under this section; and

"(2) the efforts of the Secretary to improve the integration of nonprofit organizations into allowable program activities under the Homeland Security Grant Program and the efficacy of those efforts, particularly physical security enhancement activities under the Homeland Security Grant Program.

SA 436. Mr. PRYOR (for himself and Mrs. Lincoln) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. ______. DISASTER ASSISTANCE FOR DAMAGES FROM TORNADOS WHICH OCCURRED IN DESHA COUNTY, ARKANSAS.

For purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the tornados which occurred in Desha County, Arkansas during the period of February 23, 2005 through March 2, 2005, shall be a major disaster as defined under section 102(2) of that Act.

SA 437. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. Reid (for himself, Mr. Lieberman, and Ms. Collins) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, beginning on line 21, strike "and" and all that follows through page 202, line 24, and insert the following:

"(B) ensure the program accommodates those needs where appropriate and feasible to assist such entities in providing discounts or other benefits, as deemed appropriate by those entities;

"(C) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established under any provision of federal law or those established by a sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto); and

"(D) coordinate the program with other private sector related programs of the Department, as well as preparedness and business programs in other Federal agencies, as appropriate.

"(c) Accreditation and Certification Processes.—

"(1) Agreement.—

"(A) In general.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

"(B) Contents.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

"(2) Procedures and requirements for accreditation and certification.—

"(A) In general.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

"(B) Contents and use.—The procedures and requirements developed under subparagraph (A) shall—

"(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

"(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

"(C) Disagreement.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

"(3) Designation.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

"(4) Third parties.—To be accredited under paragraph (3), a third party shall—

"(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

"(B) agree to perform certifications in accordance with such procedures and requirements;

"(C) agree not to have any beneficial interest in or any direct or indirect control over—

"(i) a private sector entity for which that third party conducts a certification under this section; or

"(ii) any organization that provides preparedness consulting services to private sector entities;

"(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

"(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

"(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

"(5) Monitoring.—

"(A) In general.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

"(B) Revocation.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

"(i) revoke the accreditation of that third party to conduct certifications under this section; and

"(ii) review any certification conducted by that third party, as necessary and appropriate.

"(d) Annual Review.—

"(1) In general.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

“(2) REVIEW OF STANDARDS.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

“(e) VOLUNTARY PARTICIPATION.—Certification under this section shall be voluntary for any private sector entity.

“(f) PUBLIC LISTING.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

“(g) DEFINITION.—In this section, the term ‘selected entity’ means any entity entering an agreement with the Secretary under subsection (c)(1)(A).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

“Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.”.

SEC. 704. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 705. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established under any other provision of Federal law, or those established by any sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto). Any entity seeking certification under section 522 of the Homeland Security Act of 2002, as added by this title, shall comply with all applicable provisions of law, rule, regulations, directives, and policies in establishing a program to meet certification requirements.

SA 438. Mr. DODD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, strike line 19 and all that follows through page 202, line 24.

SA 439. Mr. DODD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike lines 20 through 24 and insert the following:

SEC. 706. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title may be construed—

(1) to supersede any preparedness or business continuity standards or requirements established under any other provision of Federal law, or those established by any sector-specific agency, as defined in and in accordance with Homeland Security Presidential Directive-7 (or any successor thereto); or

(2) to authorize the Secretary or any other entity to apply any voluntary national preparedness standards compliance procedures or accreditation and certification program procedures or requirements under this title or an amendment made by this title to any company, financial institution, Federal credit union, State credit union, insurance company, or other entity, the activities of which are subject to regulation by any Federal banking agency, the National Credit Union Administration, the Securities and Exchange Commission, or the insurance commissioner (or the equivalent) of a State.

(b) DEFINITIONS.—In this section—

(1) the term “Federal banking agency” has the meaning given that term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(2) the terms “Federal credit union” and “State credit union” have the meanings given those terms in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

SA 440. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 15 and 16, insert the following:

“(f) EMERGENCY PLANNING FOR THE ELDERLY.—

“(1) DEFINITION.—In this subsection, the term ‘emergency’ has meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

“(2) PLANNING.—

“(A) IN GENERAL.—The Secretary shall ensure that any emergency planning program or activity that receives funds under a grant under title II, III, XIII, or XIV of the Improving America’s Security Act of 2007, or an amendment made by any such title, specifically takes into account the communication, evacuation, transportation, health care needs, and other needs of the elderly in the event of an emergency or major disaster.

“(B) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

“(i) the input of geriatricians and other gerontology experts; and

“(ii) congressional hearing records on emergency planning for the elderly.

“(3) TRAINING.—The Secretary shall ensure that any program or activity to train emergency response providers (including law enforcement officers) regarding responding to an emergency or major disaster that receives funds under a grant under title II, III, XIII, or XIV of the Improving America’s Security Act of 2007, or an amendment made by any such title, includes specific training components on the needs of the elderly.

“(4) EXERCISES.—The Secretary shall ensure that each exercise designed to prepare for responding to an emergency or major disaster conducted with funds received under a grant under title II, III, XIII, or XIV of the Improving America’s Security Act of 2007, or an amendment made by any such title, includes, as a component of the exercise, responding to the needs of the elderly.

“(5) EDUCATION.—The Secretary shall—

“(A) develop consumer education materials specifically designed to assist the elderly in preparing themselves for any sort of emergency; and

“(B) develop and distribute templates to local governments (including emergency management agencies and community-based service providers) that can be tailored to each community.

SA 441. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 357 proposed by Mr. KYL to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike ““(1) DATA-MINING.—” and all that follows through “(c) Reports on Data Mining Activities by Federal Agencies.—” on page 2, and insert the following:

(1) DATA MINING.—The term “data mining” means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) IN GENERAL.—Subsection (d) of this section shall have no force or effect.

(2) REPORTS.—

(A) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

(B) CONTENT OF REPORT.—Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:

(i) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(ii) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(iii) A thorough description of the data sources that are being or will be used.

(iv) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(v) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(vi) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(vii) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(I) protect the privacy and due process rights of individuals, such as redress procedures; and

(II) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(C) ANNEX.—

(i) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(I) classified information;

(II) law enforcement sensitive information;

(III) proprietary business information; or

(IV) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(ii) AVAILABILITY.—Any annex described in clause (i)—

(I) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(II) shall not be made available to the public.

(D) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(i) submitted not later than 180 days after the date of enactment of this Act; and

(ii) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

(d) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 14, 2007, at 10 a.m., to conduct a hearing on S. 223, the Senate Campaign Disclosure Parity Act.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224-6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 20, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 126, to modify the boundary of Mesa Verde National Park, and for other purposes; S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; S. 444, to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; S. 500 and H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, D.C., and for other purposes; S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes; and S. Con. Res. 6, Expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, WY, should be designated as the "National Museum of Wildlife Art of the United States."

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, Subcommittee on National Parks, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Roundtable Discussion has been scheduled before the Committee on Energy and Natural Resources.

The Roundtable Discussion will be held on Monday, March 26, 2007, at 2 p.m. in room SD–G50 of the Dirksen Senate Office Building.

The purpose of the Roundtable is to discuss the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

Because of the limited time available for the Roundtable, participation is by invitation only. However, those wishing to submit written statements for the record should send two copies of their statement to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Jonathan Black 202–224–6722 or Gina Weinstock at 202–224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2007, at 9:30 a.m., in open session to consider the following nominations: ADM. Timothy J. Keating, USN, for reappointment to the grade of Admiral and to be Commander, U.S. Pacific Command; LT. GEN. Victor E. Renuart, Jr., USAF, for appointment to be General and Commander, U.S. Northern Command/Commander, North American Aerospace Defense Command; and LT. GEN. Robert L. Van Antwerp, USA, for reappointment to the grade of Lieutenant General and to be Chief of Engineers/Commanding General, U.S. Army Corps of Engineers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, March 8, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Administration's proposal to reauthorize the Federal Aviation Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 8, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Perspectives on the 2007 Trade Agenda."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to hold a hearing on Afghanistan on Thursday, March 8, 2007, at 9:30 a.m., in Dirksen 419.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 8, 2007, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 8, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the Indian Health Care Improvement Act Amendments of 2007 which I intend to introduce in the near future. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 8, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Nominations: Thomas M. Hardiman to be United States Circuit Judge for the Third Circuit; Vanessa Lynne Bryant to be U.S. District Judge for the District of Connecticut.

II. Committee Authorization: Authorization of Subpoenas to Former U.S. Attorneys.

III. Bills: S. 236, The Federal Agency Data Mining Reporting Act of 2007, FEINGOLD, SUNUNU; S. 261, Animal Fighting Prohibition Enforcement Act of 2007, CANTWELL, SPECTER, DURBIN, KYL, FEINSTEIN, FEINGOLD, KOHL; S. 376, Law Enforcement Officers Safety Act of 2007, LEAHY, SPECTER, KYL, CORNYN, GRASSLEY, SESSIONS; S. 231, A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program, FEINSTEIN, CORNYN, KOHL, DURBIN, BIDEN, GRASSLEY; S. 368, COPS Improvements Act of 2007, BIDEN, LEAHY, KOHL, FEINSTEIN, SCHUMER, DURBIN, SPECTER; S. 627, Safe Babies Act, HARKIN, SPECTER; S. 655, The American National Red Cross Governance Modernization Act of 2007, GRASSLEY, KENNEDY, FEINGOLD.

IV. Resolutions: S. Res. 88, Honoring the achievements of Deval Patrick, KERRY, KENNEDY; S. Con. Res. 14, Commemorating the 85th anniversary of the American Hellenic Educational Progressive Association, SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Small Business Solutions for Combating Climate Change," on Thursday, March 8, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 8, 2007, at 9:30 a.m. in room 106 of the Dirksen Senate Office Building, to hear the legislative presentation of the Paralyzed Veterans of America, the Jewish War Veterans, the Vietnam Veterans of America, the Blind Veterans Association, and the Non Commissioned Officers Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 562 of the Dirksen Senate Office Building, Thursday, March 8, 2007, from 9:30 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2007, at 2:30 p.m. to hold a business meeting and hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S.J. RES. 9

Mr. REID. Mr. President, S.J. Res. 9 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 9) to revise United States policy on Iraq.

Mr. REID. Mr. President, I ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, MARCH 9, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand adjourned until 9:15 a.m. Friday, March 9; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date; the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 4, and that the time until 9:30 a.m. be equally divided and controlled between the two leaders or their designees; that at 9:30 a.m. the live quorum with respect to the McConnell cloture motion be waived and the Senate then vote on the motion to invoke cloture on the Cornyn amendment No. 312, as modified; and that Members have until 10 a.m. to file any germane second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the bill managers and their respective staffs have been working today to clear any amendments that are noncontroversial. They were getting close to having that package cleared, but it didn't work out. They will continue to work, hoping we will be able to clear some amendments during Friday's session.

After the cloture votes tomorrow morning, we will have more to say about the schedule with respect to S. 4, the 9/11 legislation. I would like to be more specific, but I can't be because there are still a lot of balls in the air and they have to come down before we can decide what the weekend schedule, if any, will be.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate—and the Republican leader has cleared everything that I have done to this point—I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:29 p.m., adjourned until Friday, March 9, 2007, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 2007:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM B. CALDWELL IV, 8600

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PETER W. CHIARELLI, 6598

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 8, 2007:

THE JUDICIARY

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

SARA ELIZABETH LIOI, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

EXTENSIONS OF REMARKS

IN HONOR OF HAZEL JOHNSON

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. PAUL. Madam Speaker, this Saturday, March 10th, the Happy Hairston Youth Foundation, Inc. of Bay City, Texas, in my congressional district, will honor Ms. Hazel Johnson, the Executive Director of the Economic Action Committee of the Gulf Coast. I am pleased to join the Happy Hairston Youth Foundation, Inc. in honoring this remarkable woman.

For the past 17 years, Ms. Johnson has devoted herself to serving the residents of Matagorda County. The Economic Action Committee was created to ensure Matagorda County's homebound elderly and disabled citizens receive nutritional meals. Under Ms. Johnson's leadership, the Economic Action Committee has not only continued to fulfill its original mandate of meeting the nutritional needs of the elderly and disabled, but has expanded its function to deliver other vital services to Matagorda County's senior citizens.

Under Ms. Johnson's leadership, the Economic Action Committee began providing Matagorda County's low income seniors and citizens with disabilities with air conditioning, heating, refrigeration units, and cooking stoves. Without the efforts of Ms. Johnson, many of these seniors and disabled would not have safe appliances in their homes. Perhaps Ms. Johnson's most significant accomplishment is making sure that Matagorda County's low income seniors and disabled residents do not have to go without air conditioning during the hot and humid Texas Gulf Coast summers. Anyone who has spent a summer in the Texas Gulf Coast knows that air conditioning is a necessity. In fact, for the homebound, access to air conditioning can literally be a matter of life and death.

It is therefore my privilege to join my friends at the Happy Hairston Youth Foundation, Inc. of Bay City, Texas, in saluting Hazel Johnson and her efforts to improve the lives of the people of Matagorda County.

PERSONAL EXPLANATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. UDALL of New Mexico. Madam Speaker, on March 13th I was unavoidably detained and missed rollcall vote numbers 121 and 122. Rollcall vote 121 was final passage of House Resolution 98, honoring the life and achievements of the late Dr. John Garang de Mabior, and had I been present, I would have voted, "aye." Rollcall vote 122 was final passage of House Resolution 149, supporting the goals of International Women's Day, and had I been present, I would have voted, "aye."

THE POTENTIAL IMPACT OF H.R. 1287: FILIPINO VETERANS FAMILY REUNIFICATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Ms. HIRONO. Madam Speaker, on the first of this month, I reintroduced the Filipino Veterans Family Reunification Act (H.R. 1287), which will provide for the expedited reunification of the families of our Filipino World War II veterans.

This body has many times heard accounts of the bravery of the Filipino veterans: how they fought shoulder to shoulder with American servicemen; how they sacrificed for the same just cause. For too long, we have ignored the promise we made to those men to provide benefits and care equal to that provided to our own soldiers.

As the House prepares for debate on comprehensive immigration reform, let us remember the broken promises made to our Filipino World War II veterans and provide for a meaningful way to make amends by expediting the immigration petitions of their sons and daughters.

I would like to submit into the CONGRESSIONAL RECORD an article that recently appeared in the Washington Post that humanizes the intent of my bill.

[From the Washington Post, Mar. 4, 2007]

HOPE FOR AMENDS TO FILIPINO IMMIGRANTS

(By N.C. Aizenman)

Amid the wrangling over immigration reform, virtually everyone in Congress appears to agree on one point: Filipino-born veterans who fought alongside U.S. troops during World War II deserve a break.

Denied the right to immigrate to the United States until 1990, they came hoping that their children could follow them here later, just as other groups have done. But the adult children have been required to wait twice as long—up to 16 years—as anyone else. With the veterans often too old and sick to travel home, many have died while waiting to be reunited with their families.

Now, after several longtime backers have risen to key positions in Congress, Filipino American advocates are hopeful that legislation will be pushed through to exempt the veterans' children from the immigration delay. They also are optimistic about a potentially more controversial bill that would grant Filipino veterans military pensions.

About 5,000 veterans in the United States would stand to benefit from a change in immigration provisions, and an additional 10,000 in the Philippines could be eligible for pensions.

To many in the 2-million-strong Filipino American community, the issue represents a chance to cement their political identity in a nation where they have long felt invisible, even though Filipinos rank second, behind Mexicans, in the number of immigrants living in the United States.

"Historically, we Filipinos have always been looked down on as your little brown brothers—as these acquiescent people who would just accept anything Uncle Sam would do to them," said Jon Melegrito, communications director of the National Federation of Filipino American Associations. "This is about asserting who we are as a people and how we served this country. . . . It's a call to action to stop acting like colonial slaves and to start acting like first-class citizens."

The effort builds on an association with the United States that dates to 1898, when the United States acquired the Philippines from Spain after winning the Spanish-American War.

Laws and discriminatory practices against all Asian immigrants kept Filipino numbers in the United States low through the first half of the 1900s. But in the Philippines, many residents were taught English and raised to think of themselves as something akin to Americans.

Celestino Almeda, 90, a veteran who lives in Alexandria, remembered that the director of his elementary school in Manila led students in a pledge of allegiance to the American flag every morning.

"We also celebrated all the holidays: Washington's birthday, Armistice Day," Almeda said. "In our mind, it was like America was our mother country."

When Japan invaded the Philippines in 1941, more than 200,000 Filipinos joined Americans in waging a fierce resistance, enduring such horrors as the Bataan Death March and the grueling guerrilla campaign that followed. Technically, the Filipino fighters were under overall U.S. command. But within months of the Allied victory, Congress stripped most of them of their rights as foreign veterans of U.S. forces—including the opportunity to become U.S. citizens—on the grounds that the Philippines was about to be granted independence.

Even so, the Philippines continued its close affiliation with the United States. Thousands of Filipinos joined the U.S. Navy, which until recently had major bases there. By 1970, there were more Filipinos in the U.S. Navy than in the Philippine Navy.

And, after 1965, when Congress repealed the nationality quota system that had practically prohibited Asians from immigrating, hundreds of thousands of Filipinos streamed in.

Ranging from unskilled workers and nannies to nurses and professionals who came in on occupational preference visas, the new arrivals immediately formed social, cultural and professional organizations. Before long, they were rising to prominent positions in government, unions and the military. Several won elected office, including in Prince George's County, where a sizable community settled.

Yet when it came to turning their clout into political activism on behalf of Filipino

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American causes, many of the immigrants hesitated, said Bing Cardenas Branigin, 50, a former regional chairman of the Filipino American federation.

"There was this sense that you shouldn't make trouble, that you shouldn't contradict the government," she said. "You should just pay your taxes and send your kids to school and keep quiet."

That began to change in the mid-1970s when anger spread over the repressive policies of the Filipino president, Ferdinand Marcos. As much as their opposition to Marcos galvanized the Filipino American community, it also caused rifts with those who supported Marcos.

After Marcos was ousted, community leaders looked to refocus their newfound energy on a more unifying issue. The fight for veterans' equity was a natural choice.

Since then, the veterans have won some of the benefits they lost after the war. Most notably, in 1990, Congress granted Filipino World War II veterans the same opportunity to naturalize offered to all other foreign nationals who served in the U.S. armed forces.

But the Filipino veterans remain ineligible for a military pension, forcing many of the more than 24,000 elderly veterans who became U.S. citizens after 1990 to live off food stamps and Supplemental Security Income payments.

Joaquin Tejada, 84, a former guerrilla fighter who survived two years resisting the Japanese from jungle hideouts, said he now struggles to get by with his $545 monthly SSI check. The rent for the two-bedroom apartment he shares with another Filipino World War II veteran in Columbia Heights takes $275.

"By the end of the month, it's hard to buy even basic food," said Tejada, who proudly sported an American flag tie during an interview.

Then there is the 16-year wait veterans face if they wish to bring over their adult children, an unintended consequence of the 1965 law lifting the quotas that had prevented most Asians from immigrating.

In their place, Congress introduced a complicated system meant to offer every country the same number of family reunification visas. But because Filipino applicants far outnumber the yearly slots allotted to them, they face the longest delays—22 years to sponsor an adult brother or sister, for instance, compared with 11 years for applicants of most other nationalities.

Candida Romulo, 72, said she and her husband, Bayani, a veteran who became a lawyer in Manila, would not have naturalized and moved to Oxon Hill had they known that the wait to sponsor their grown children would be so long.

"We did it because we wanted to give them the opportunities of living in this country. It was going to be our gift to them," Romulo said during an interview in a living room crammed with photographs of her four children.

Soon after the couple's arrival, Bayani developed a medical condition requiring frequent dialysis, making visits to the Philippines impossible. Because of their pending residency applications, his children were unable to get visas to visit him.

When Bayani suffered a severe stroke in September, his eldest son wasn't able to relay his final words to his father over the phone before he died.

"The receiver couldn't reach his bed in the ICU," Candida Romulo said. "So I told my husband, 'Your son says that he loves you very much and that he's so proud that you are his father.' My husband couldn't speak, but I could tell that he understood, because there were tears in his eyes."

Now Romulo worries that her son may never gain entry to the United States, because if a sponsor dies while the visa application is pending, there is a chance that the application will be annulled.

But she said she is still praying that Congress will pass the legislation for the sake of those veterans who remain alive.

"If that happens, I know my husband will be very happy about it, even if he is already in heaven," she said.

THANKING MICHAEL GORMAN FOR HIS YEARS OF PUBLIC SERVICE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. CAPUANO. Madam Speaker, I rise today to honor and to thank my District Director, Michael Gorman, for his years of public service. Mr. Gorman has worked by my side since I was first elected Mayor of Somerville, Massachusetts in 1989. Our city was facing difficult times: significant demographic changes and a potentially crippling cutback in state aid. Michael Gorman worked tirelessly to help me meet those challenges and to keep Somerville safe and neighborly as it became an increasing desirable place to live. We spent nine years together, improving the schools, providing dependable and cost-effective public services, diversifying the city's police and fire departments, creating green space and planting thousands of trees. His dedication to the City of Somerville was evident every hour of every day in the work he did and the causes he championed.

Mike was instrumental in helping me to make the decision to seek Congressional office. When I was elected in 1998, Mike agreed to bring his considerable talents to my District Office, serving as Director and utilizing his skills for the benefit of the entire 8th Congressional District.

For the past eight years, Mike has devoted himself to our constituents. Whether it has been helping an individual with a problem or articulating my policy positions to a community group, Mike has served the 8th Congressional District with distinction.

After almost two decades, Mike is leaving public service for the private sector. I wish him every success and thank him for his political acumen, his hard work, and his selfless dedication to the people he has helped me represent.

NO COMFORT FOR COMFORT WOMEN SURVIVORS OF WORLD WAR II

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. FOSSELLA. Madam Speaker, on January 31, 2007, my good friend and colleague, Mr. HONDA, introduced H. Res. 121 on Comfort Women, of which I am a proud co-sponsor. Given recent events, the necessity and imperative to pass H. Res. 121 by the full House of Representatives is now more important than ever. It is my hope that this non-binding resolution will signal to our friend and ally, the Government of Japan, that working to officially resolve its longstanding historical issues will not only restore honor and dignity to the Comfort Women survivors, but bring out greater trust and cooperation among our other friends and allies in the region.

A formal apology by the Japanese government would help bring a sense of peace and healing to the women who were abused as well as to their families. Many of these innocent women were taken at a young age and suffered unspeakable and disgusting crimes that destroyed their lives. An apology cannot undo this damage, but it is important for the victims to know that the Japanese government has accepted responsibility in a clear an unequivocal manner. I believe an official apology would help strengthen and improve relations between our friends and allies in the Northeast Asian region.

Without objection, I wish to insert into the CONGRESSIONAL RECORD an editorial on this issue that appeared in the New York Times on Tuesday, March 6, appropriately entitled: "No Comfort."

[From The New York Times, March 6, 2007]

NO COMFORT

What part of "Japanese Army sex slaves" does Japan's prime minister, Shinzo Abe, have so much trouble understanding and apologizing for?

The underlying facts have long been beyond serious dispute. During World War II, Japan's Army set up sites where women rounded up from Japanese colonies like Korea were expected to deliver sexual services to Japan's soldiers.

These were not commercial brothels. Force, explicit and implicit, was used in recruiting these women. What went on in them was serial rape, not prostitution. The Japanese Army's involvement is documented in the government's own defense files. A senior Tokyo official more or less apologized for this horrific crime in 1993. The unofficial fund set up to compensate victims is set to close down this month.

And Mr. Abe wants the issue to end there. Last week, he claimed that there was no evidence that the victims had been coerced. Yesterday, he grudgingly acknowledged the 1993 quasi apology, but only as part of a preemptive declaration that his government would reject the call, now pending in the United States Congress, for an official apology. America isn't the only country interested in seeing Japan belatedly accept full responsibility. Korea and China are also infuriated by years of Japanese equivocations over the issue.

Mr. Abe seems less concerned with repairing Japan's sullied international reputation than with appealing to a large right-wing faction within his Liberal Democratic Party that insists that the whole shameful episode was a case of healthy private enterprise. One ruling party lawmaker, in his misplaced zeal to exculpate the Army, even suggested the offensive analogy of a college that outsourced its cafeteria to a private firm.

Japan is only dishonored by such efforts to contort the truth.

The 1993 statement needs to be expanded upon, not whittled down. Parliament should issue a frank apology and provide generous official compensation to the surviving victims. It is time for Japan's politicians—starting with Mr. Abe—to recognize that the first step toward overcoming a shameful past is acknowledging it.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on March 5 and March 6. If I were present for rollcall votes, I would have voted "yea" on each of the following bills:

Roll 119, March 5, 2007: On Motion to Suspend the Rules and Pass H.R. 995—To amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia to honor veterans who served in the Armed Forces;

Roll 120, March 5, 2007: On Motion to Suspend the Rules and Pass H.R. 497—The Brigadier General Francis Marion Memorial Act;

Roll 121, March 6, 2007: On Motion to Suspend the Rules and Agree to the Resolution H. Res. 98—Honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan;

Roll 122, March 6, 2007: On Motion to Suspend the Rules and Agree to the Resolution H. Res. 149—Supporting the goals of International Women's Day.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, on Tuesday, March 6, 2007, I was attending to personal family matters in the District. Consequently, I missed Rollcall votes No. 121, "Honoring the life and achievements of the late Dr. John Garang de Mabior," and Rollcall vote No. 122, "Supporting the goals of International Womens Day."

If present, I would have voted "aye" on both matters.

CONGRATULATING NIAGARA UNIVERSITY MEN'S BASKETBALL TEAM

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Ms. SLAUGHTER. Madam Speaker, I rise today to congratulate Niagara University Men's Basketball Team on winning the 2007 Metro Atlantic Athletic Conference (MAAC) Tournament on March 5, 2007. Their 83–79 win over Siena University clinched the Purple Eagles' second MAAC championship and NCAA tournament appearance in the last three years. Niagara University has become the first team from Western New York since the 1960s to get to the NCAA tournament twice in a three-year span.

In addition to winning the MAAC championship, Niagara University recorded its 11th straight victory, the program's longest winning streak since its 1992–93 season. Their victory was a total team effort. Freshman guard Tyrone Lewis led the way with a career-high 24 points, earning him the tournament's most valuable player award. Senior guard Lorenzo Miles added 21 points, while classmate Clif Brown recorded 14 points and 16 rebounds. Both Miles and Brown were named to the all-tournament squad. Junior forward Charron Fisher also posted a double-double, his sixth of the season, with 13 points and 12 rebounds.

Certainly all of the talented Niagara University players deserve praise for their part in bringing Niagara University back into March Madness. But a team is only as successful as its leader, and Coach Joe Mihalich is one of the class acts of the NCAA. Now in his ninth season at Niagara University, Coach Mihalich demands accountability from his players both on and off the court, and is a strong role model for the entire university community. Under his guidance, the Purple Eagles have advanced to the MAAC Championship game four times in the last six years, and have posted nine-straight winning seasons. Along the way, Mihalich quietly has collected the second-most wins in school history.

Madam Speaker, I could not be prouder of the Niagara University's Purple Eagles, and I wish to commend University President Father Joseph Levesque, the coaching staff and players, and students for this championship season. I will be watching the team's first round game in the NCAA tournament as they continue their winning streak and keep Niagara University on the national stage.

HONORING HANNAH PADAWER STARK

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. COHEN. Madam Speaker, I rise today to honor Hannah Padawer Stark, of Memphis, Tennessee, who passed away early yesterday in her hometown of Memphis.

Ms. Stark was a wonderful mother and a gentle soul, with her kindness and goodwill contributing to what makes Memphis great. She was a sweet, virtuous woman and she never lost her zeal for life. Passing away at age 88, she lived life to its fullest, for years frequenting Huey's in Midtown every Sunday for live rock music with her daughter Laurie. Ms. Stark leaves behind another wonderful daughter Judy, who may have lived miles away, but was never far from her heart.

Ms. Stark had the love of not only her daughters, Madam Speaker, but also the love of all those who entered into her life, as her humanity and thoughtfulness crossed generational lines. She had a love of animals only surpassed by her love of life. Yesterday, Madam Speaker, this earth lost a friend and a lovely spirit. Hannah Padawer Stark, may you rest in peace and watch over us all.

CELEBRATING THE LIFE AND SERVICE OF INDIANA STATE SENATOR ANITA BOWSER

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of distinguished Indiana State Senator Anita Bowser. Senator Bowser, age 86, succumbed to breast cancer peacefully in her sleep on Sunday, March 4, 2007.

Senator Bowser's career in public service began in 1980 upon her election to the Indiana House of Representatives. As a member of House, she became the first female House Speaker as she acted as the Deputy Speaker Pro-Tempore. In 1992 she was elected to the State Senate where she served as the representative of Indiana's 8th District until her recent passing. Senator Bowser was known among her colleagues as both a constitutional scholar and the "Conscience of the Senate." She worked tirelessly as an advocate for Hoosiers' civil rights and liberties. Her later career was defined by her efforts to reform Indiana's capital punishment laws. She was a prominent member of the Correctional, Criminal and Civil Matters; Education and Career Development; Ethics; and Judiciary committees, as well as the Committee of Pensions and Labors, on which she served as the senior Democrat.

Senator Bowser's illustrious service was commemorated by many awards including the Louis Ingelhart Award for Freedom of Expression, the Amnesty International Abolitionist of the Year Award, and she was a two-time recipient of the Robert Dole Owen Legislator of the Year Award from the Indiana Civil Liberties Union.

Prior to her career in the State legislature, Senator Bowser earned several graduate degrees including a law degree from the McKinley School of Law at Kent State University and a doctoral degree from the University of Notre Dame. She was a founding member of Purdue University North Central where she taught as a professor of Political Science. Senator Bowser was also a founding member of the Barker Woods Enrichment Center which provided childcare and educational services for children with special needs in Michigan City, Indiana.

Senator Bowser's legacy as a public servant will be defined by her passionate advocacy and her legislative integrity. She will be dearly missed by her family, her constituents, and all Hoosiers. It is with great pride and honor that I celebrate the life and service of Indiana State Senator Anita Bowser.

HONORING EDWARD LINDSEY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to honor Mr. Edward M. Lindsey for his many contributions to Lawrence County, Tennessee and the world through the Lions Club organization.

Edward Lindsey joined the Lawrenceburg Lions Club in 1946. Since then he has served as president, zone chairperson, district governor, and a member of the association board of directors. Through his work and good nature, Mr. Lindsey was elected president of the International Association of Lions Clubs at the 49th Annual Convention in 1966.

Mr. Lindsey has also served the Lawrenceburg area as mayor, president of Lindsey Manufacturing Company, and president of Ed Lindsey Industries of the Blind where he received the National Board Member of the Year award from the National Industries for the Blind.

I congratulate and thank Mr. Lindsey for his numerous contributions to the people of Lawrence County. I have no doubt that a great many have been affected by his generous works.

HONORING RETIRED NAVY CAPTAIN AND FORMER CONGRESSMAN WILLIAM ANDERSON

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I remember reading about Captain William Anderson's adventure under the North Pole with his crew of 115 on board the USS *Nautilus*. Anderson captained the first atomic submarine from the Pacific Ocean to the Atlantic Ocean under the polar caps of the North Pole in 1958.

Born in Bakerville, Tennessee on June 17, 1921, Captain Anderson graduated from Columbia Military Academy in Columbia Tennessee and the U.S. Naval Academy in 1942. By the age of 39 he was promoted to Captain. ADM Hyman Rickover, the Father of the Nuclear Navy and longest-serving active duty military officer in U.S. history, tapped Anderson to be the Skipper of the first working nuclear submarine.

After a distinguished military career Capt. Anderson retired from the Navy in 1962. During his service Anderson participated in eleven submarine combat patrols and was awarded the Bronze Star among a multitude of other citations.

Upon retirement from the Navy, Capt. Anderson served as a consultant to Presidents Kennedy and Johnson for the National Service Corps. In 1964, Anderson was elected to Congress as Tennessee's Sixth District representative. He served from 1965–1973.

Never a person to seek the limelight, Captain Anderson embodied the American spirit. He may have received acclaim for his polar voyage, but he also served admirably during World War II and continued his service after retiring from the Navy in the United States Congress. Navy Captain (ret.) William Anderson, a great Tennessean, will be missed.

REMEMBERING CAPTAIN WILLIAM R. ANDERSON

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. TANNER. Madam Speaker, I rise today in memory of William R. Anderson, a well-decorated Navy Captain and former Congressman from the state of Tennessee, who died late last month at the age of 85 and will be laid to rest at Arlington National Cemetery.

Anderson was a decorated World War II submarine combat veteran and in 1958 captained the *Nautilus*, the first nuclear submarine, and a crew of 115 on a mission under the North Pole. For the feat, the first of its kind, the *Nautilus* submerged in the Pacific Ocean, traveled beneath the polar ice cap and resurfaced four days later in the North Atlantic. President Eisenhower awarded Captain Anderson the Legion of Merit for "foresighted planning, skilled seamanship and thorough study of the Arctic Area."

After he retired from the Navy, Anderson was elected as a Democrat to Congress from a district west of Nashville, a portion of which I now have the honor of representing in this chamber. During his tenure in Congress, from 1965–1973, he was a principled leader unafraid of speaking up for what he felt was right and questioning what he strongly felt were abuses of power by some in Washington.

Madam Speaker, I hope you and our colleagues will join me in remembering a distinguished former Member of this House of Representatives and a military hero, U.S. Navy Captain William R. Anderson; thanking him for his service to our nation; and expressing our sympathy to his family for their great loss.

CONGRATULATING THE INDIANA GIRLS BASKETBALL STATE CHAMPIONS OF WASHINGTON HIGH SCHOOL

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. DONNELLY. Madam Speaker, I rise today to express my congratulations to the South Bend Washington High School Panthers who won the Class 4A girls' basketball Indiana State Championship. With an 84–64 victory on March 3, 2007, the team captured its first IHSAA title in school history.

In their quest towards this title, the Panthers lost their first game of the season before winning 28 consecutive contests. This also marked the first girls' basketball state title won by a South Bend public school. En route to their victory, the team broke nine state finals records and combined with their opponent, Columbus East, to break 16 finals records.

The South Bend Washington team consisted of 14 tremendous young women, including Seniors Cheneka Anderson, Lauren Archie, Katelyn Boocher, Ashley Varner, Sherice White; Juniors Shalana Murray, Emily Phillips, Meagan Phillips, and Vanessa Wiley; and Sophomores Skylar Diggins, Rakeesha Lane, Takola Larry, Alandrea Pfeifer-Nallon, and Karis Phillips.

Also, I want to recognize the great leadership of the team including Head Coach Marilyn Coddens, who was assisted by Don Coddens. I also want to acknowledge the work of school administrators, Superintendent Robert Zimmerman, Principal George McCullough, Jr., and Athletic Director Patrick Mackowiak, as additional keys to success.

In conclusion, I commend the support given by the community to this team. The athletic department sold more than three thousand tickets to the championship game while more than eleven thousand people attended the game in all. In a final show of appreciation, more than two thousand supporters gathered to welcome the team home after their victory, a commendable example of community spirit in support of the Panthers. Again, I offer my congratulations to the members of the girls' basketball team of South Bend Washington High School on the Class 4A state championship.

CONGRATULATING THE INDIANA GIRLS BASKETBALL STATE CHAMPIONS AT OREGON-DAVIS HIGH SCHOOL

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2007

Mr. DONNELLY. Madam Speaker, I rise today to offer a word of congratulations to the girls' basketball team of Oregon-Davis High School who captured the Class 1A Indiana state championship. Their 54–46 victory took place on March 3, 2007 at Conseco Fieldhouse in Indianapolis.

The girls worked tirelessly throughout the season, compiling an overall record of 25–3 and winning 19 straight games to end the season. En route to their first state championship in school history, they also captured the Northland Athletic Conference title with an undefeated record in league play.

The Oregon-Davis team consisted of 19 tremendous young women, including Seniors Amber Boyle, Angela Boyle, Lien Ly; Juniors Ji Yeon Kim, Sarah Konkey, Lauren Kuss; Sophomores Maria Duncan, Nicole Mickow, Aubrey Minix, Caley Savoie; and Freshmen Kelly Gibson, Olivia Kuss, Nicole Meyer, Gabrielle Minix, Kelsey Minix, Brittnie Rannells, Alivia Sims, Samantha Sims, and Ariel Yung.

Throughout the year, the Bobcats were led by supportive coaches and school officials. Head Coach Terry Minix, an Oregon Davis High School graduate himself, was assisted by four other coaches, namely his wife Cheryl, Andrea Hoppe, Candi Goble, and Will Coatie. Also, we recognize the contributions of administrators such as Superintendent Bill Rentschler, Principle Greg Briles, and Athletic Director Will Hostrawser.

Finally, we should not overlook the popular support for this Hamlet, Indiana school. With an enrollment of only 224 students, the school sold over eleven hundred tickets for the state championship game, an example of strong community spirit.

Again, I offer my congratulations to the members of the girls' basketball team of Oregon-Davis High School and their entire community for their accomplishments throughout the season.

CONGRATULATING ELIZABETH CITY STATE UNIVERSITY'S BASKETBALL TEAMS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. BUTTERFIELD. Madam Speaker, there was certainly cause for celebration in eastern North Carolina over the weekend as Elizabeth City State University overcame seemingly long odds as the seventh seeded Vikings won the Central Intercollegiate Athletic Association (CIAA) men's basketball tournament and earned a trip to the NCAA Division II tournament. ECSU's 21–9 women's basketball team will also be heading to the NCAA Division II tournament as an at-large representative.

The CIAA consists of 11 historically black colleges and universities. It was established in 1912 and the CIAA is the nation's oldest black athletic conference. It is a conference rich in history and heritage.

The Vikings overcame perennial conference power and top-seed Virginia Union 63–60 after losing to them in double overtime a week before. It marked the first time that ECSU coach Shawn Waller, who was an all-conference player at ECSU, beat VU as a coach or player.

Led by third-year coach Tara Owns, the Lady Vikings enter the tournament after a strong regular season which ended with a tough loss in the conference finals.

It is a great honor for me to recognize the success and achievements of these outstanding young men and women student-athletes, their head coaches, and members of their staff. Their hard work and dedication to teamwork is something we are all proud of in northeastern North Carolina. I ask my colleagues to rise and join me in paying tribute to Elizabeth City State University's basketball teams.

HONORING REV. DENNIS M. MOONEY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Rev. Dennis M. Mooney of St. Mark Parish in Bristol, Pennsylvania for being named Grand Marshal of the 19th annual Bucks County St. Patrick's Day Parade. Father Mooney is the chaplain for all Bucks County divisions of the Ancient Order of Hibernians and he is being recognized as Grand Marshal for his contributions to the awareness of Irish culture and tradition.

Madam Speaker, all Bucks County residents look forward to the St. Patrick's Day Parade, especially those celebrating their Irish heritage. Being named Grand Marshal is a tremendous honor, reserved only for members of the community who are highly respected and revered. Father Mooney fits these criteria and as a member of the St. Mark congregation, I am proud to call Father Mooney my parish priest.

Father Mooney was born in the Kensington section of Philadelphia and graduated from Visitation B.V.M. School and Northeast Catholic High School. He was ordained to the priesthood on May 21, 1977, with his first assignment to St. Agnes Parish in West Chester, Pennsylvania. After 11 years at St. Hugh of Cluny Parish in West Kensington, Father Mooney returned to St. Mark and the community is better for it.

The 2007 parade, led by Father Mooney, will be held Saturday, March 10 and will embrace the theme, "Ireland, Land of our Fathers." As always, the event will feature traditional Irish song and dance, the beauty and grace of the culture brought to this country by men and women from the Emerald Isle. Madam Speaker, by holding this celebration, our community ensures that these customs live on, and for that we owe all the members of Bucks County St. Patrick's Day Committee a huge debt of gratitude.

The committee has chosen the right man, in Father Mooney, to lead a parade that brings such pride and joy to Bucks County. Father Mooney has endeared himself to us all and has always been willing and eager to give back to the community. Madam Speaker, I would like to congratulate Father Mooney for being given the nonor of leading this parade, and thank him for his decades of service to the community.

IN MEMORY OF ALAN SHAW

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. ROSS. Madam Speaker, I rise today to honor Staff Sergeant Alan Shaw of Little Rock, Arkansas, who died on February 9, 2007, fighting for our country in Iraq while supporting Operation Iraqi Freedom. Alan Shaw was 31 years old when he selflessly gave his life for his country during combat operations.

After graduating from Wilbur D. Mills High School, Shaw attended Arkansas Tech University before enlisting in the U.S. Marine Corps in 1998. Shaw was assigned to the 1st Battalion 5th Marines in Camp Pendleton, California, where he served two overseas tours and one sea service tour before being honorably discharged in 2002. In October of 2004, Shaw chose once again to nobly serve his country by joining the U.S. Army where he served two tours of duty in support of Operation Iraqi Freedom, and it was in his second tour where he gave his life for our country.

Alan Shaw was proud to serve in the military and is remembered as an outstanding leader and friend to his fellow soldiers. Shaw had a passion for life and a vision for the future, and his personality sparked happiness in all those around him. His dedication to making the lives of those around him and the communities he lived in better could not have been greater.

Alan Shaw gave his life to serve our country and will forever be remembered as a hero, a father, a husband and a friend. My deepest condolences go out to his wife Sharrell; his three children Austin, Jourdan and Davyn; his parents Jarrell Bentley and Noramae Shaw of Little Rock; his siblings Larry and Lisa Shaw, Bud and Terri Bradley, Darren and Mindy Shaw, Randy and Angie Shaw, Amber Shaw and Jeffrey Shaw all of Little Rock; and to his nine nieces and nephews. He will be missed by his family, his community and all those who knew him and called him a friend. I will continue to keep Alan Shaw and his family in my deepest thoughts and prayers.

ON THE OCCASION OF EAST CAROLINA UNIVERSITY'S 100TH ANNIVERSARY

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor East Carolina University, a public, 4 year institution located in Greenville, North Carolina on this, their 100th Anniversary.

On March 7, 1907, the North Carolina legislature approved the charter for the East Carolina Teachers Training School. The school was established to increase the critical need for teachers in the eastern portion of the state. The East Carolina Teachers Training School produced thousands of highly qualified educators, improving the lives of countless North Carolinians.

Madam Speaker, when the North Carolina legislature approved the charter for the East Carolina Teachers Training School, a site for the facility had not yet been selected. Cities throughout Eastern North Carolina like Kinston, New Bern and Washington were among those vying to win the state Board of Education's favor, but it was Greenville that was ultimately selected. I have never been more proud than to represent Pitt County and East Carolina University in the Congress.

The deliberate evolution of the school—from East Carolina Teachers Training School to East Carolina Teachers College and later to East Carolina University—reflects the change and positive growth of the region.

While such landmark moments speckle the history of Greenville, none are greater than the day Greenville won the rights to the new school. It is difficult to think that just 100 years ago East Carolina University would become the heart of a community or grow to become the state's third largest public university.

I ask my colleagues to rise and join me in honoring East Carolina University for the diligent efforts that have led to this most historic occasion.

HONORING FRANK W. WHITE

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madame Speaker, it is with a heavy heart that I rise today to remember Frank White, the president and former chief of the Penndel-Middletown Emergency Squad. I share the sadness felt by our entire community regarding Frank's recent passing, but his friends and family are surely proud of the legacy Frank leaves behind.

Frank was a staple of the Penndel-Middletown Emergency Squad from the day he joined in 1987 with his wife Marianne White, who also served as president. After leading the squad as its chief for 5 years, Frank was elected president of the organization. While performing many administrative and operational roles, Frank was the squad's strongest advocate in the community and at the municipal level, where he worked tirelessly. He was instrumental in bringing the organization a permanent home in Langhorne and was truly the voice of the squad in the community. Madame Speaker, his colleagues and those they serve are better for Frank's efforts and his dedication to the squad.

But outside of his work with Penndel-Middletown Emergency Squad, Frank was the same approachable and caring man. Members of the community who were experiencing various problems would go to Frank for guidance and counsel and Frank always knew how to help. He had a unique desire to help others; he was welcoming to his friends and neighbors. People described him as the "go-to-guy" for almost anything. It was only natural when Frank decided to extend his public service to an official capacity by running for Middletown Township Supervisor. Those who asked him to run recognized in him the characteristics that had drawn people to him for years.

Frank's commitment to public service was truly noble and one colleague described Frank as one of the most selfless people he had ever known. This is among the highest compliments one can be paid in our society, and as a community, we all owe Frank a debt of gratitude for his years of work. He not only made us safer, but served as an advocate and an inspiration to many others who followed his example. This includes his daughter Jessica, who has joined the squad. She is his youngest daughter and one of five children Frank leaves behind. Madam Speaker, his memory will be one that his wife and children can be proud of. He will be remembered for his compassion, selflessness and devotion, a legacy we should all strive to achieve.

IN MEMORY OF JOHN "GARY" BROWN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. ROSS. Madam Speaker, I rise today to honor Sergeant First Class John "Gary" Brown of Nashville, Arkansas, who died on January 20, 2007, while fighting for our country in Iraq, supporting Operation Iraqi Freedom. Gary Brown was 43 years old when the military convoy he was riding in was attacked.

After graduating from Nashville High School, Brown attended Ouachita Baptist University before enlisting in the Army where he served his country for over 20 years. SFC Brown's first tour of duty was in Kuwait during Operation Desert Storm and at the time of his death he was serving in Iraq as part of Operation Iraqi Freedom.

Gary Brown was a member of Agape Church in Little Rock where he was an active participant in the men's Bible study and the children's bus ministry. Brown was also a member of the VFW and the Otter Creek Home Owners Association. His dedication to making the communities he lived in a better place could not have been greater.

Gary Brown gave his life to serve our country and will forever be remembered as a hero, a father, and a husband. My deepest condolences go out to his wife Donna; his two stepdaughters Brandy Edmondson and Crystal Lunnie both of Little Rock; his brothers Larry Brown of Seguin, Texas, and Phil Brown of Nashville; his sister Wendy Wesson; two grandsons Christian Edmondson and Joshua Edmondson; and to his many nieces and nephews. He will be missed by his family, his church, his community and all those who knew him and called him a friend. I will continue to keep John "Gary" Brown and his family in my thoughts and prayers.

INTRODUCTION OF THE CHILD TAX RELIEF ACT

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. ELLSWORTH. Madam Speaker, as I traveled around the 8th Congressional District during this last recess, I heard from many Hoosiers concerned about their tax burdens. These burdens are especially prevalent for new parents starting a family.

Parents across Indiana are struggling to balance work and family; to meet the costs of raising a family while spending quality time with their children. It ought to be easier.

What I heard from my constituents convinced me to introduce the Child Tax Relief Act. The bill will double the child tax credit to $2,000 in the first year of a child's life, or in the first year after a child is adopted, to help parents defray the costs of a new child at home.

Middle class families spend an average of $20,000 on a child before he or she turns two years old. New parents have enough to worry about already; they shouldn't have to lose sleep over their finances too. The bill gives new parents a much-deserved break when they need it most.

I encourage my colleagues to co-sponsor this legislation and join me in bringing some needed relief to American families.

RECOGNIZING THE BAY AREA ALLIANCE FOR YOUTH & FAMILIES

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. LAMPSON. Madam Speaker, today I would like to recognize the outstanding efforts of a drug prevention coalition in the 22nd Congressional District of Texas. The Bay Area Alliance for Youth & Families was formed in 2003 with the mission of uniting the community's resources in order to empower youth and their families in the fight against drugs and underage drinking. The coalition is committed to helping youth reach their fullest potential and equipping them with the skill and knowledge to become competent and caring citizens. The Alliance focuses its efforts on organizing the local community to address underage drinking and drug use by increasing awareness of substance abuse and the resources that are available to address it, decreasing access to alcohol in the home, school, and community environments, and changing community norms by encouraging and supporting youth who have made an active commitment to be drug-free.

The Bay Area Alliance for Youth & Families currently has 130 adult members from across the community including law enforcement officials, healthcare professionals, substance abuse counselors, teachers, and parents, as well as members who work for community service agencies, faith-based agencies, government and local businesses. There are over 1,000 youth who are part of the Alliance by being CLEAR, Clean Living Encouragement and Responsibility, members. CLEAR members have made a commitment to be drug-free and alcohol-free, and participate in voluntary drug-testing to demonstrate their commitment to be the program. They help raise awareness in their community and act as role models for other youth by living a drug and alcohol-free lifestyle.

The Bay Area Alliance for Youth & Families has partnered with many esteemed organizations. In 2006, it partnered with the U.S. Drug Enforcement Administration to create a very successful regional seminar on Methamphetamine abuse. Additionally, the Alliance has developed relationships with local colleges and universities to assess the drug and alcohol issues on their campuses and has assisted in forming a team to begin to address their issues through environmental strategies. Unfortunately Harris County, where the Alliance is based, leads the Nation in the greatest number and percentage of alcohol-related traffic fatalities. The coalition has taken steps to begin to reduce alcohol-related traffic fatalities by assuming an active role in creating the Harris County High Risk Drinking Epidemiology Work Group. The coalition also regularly holds town hall meetings where topics such as underage drinking, drug testing in schools, and internet safety are addressed.

These are just a few of the ways the Bay Area Alliance for Youth & Families is helping to combat drug and alcohol issues in their community. I respectfully request that the U.S. House of Representatives join me in congratulating the Bay Area Alliance for Youth & Families for its hard work and dedication to keeping our children drug and alcohol free.

TRIBUTE TO CHAPLAIN MARTIN WILSON

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. REYES. Madam Speaker, it is a special privilege for me to recognize Chaplain Martin Wilson. Chaplain Wilson is a 21-year veteran of the United States Border Patrol currently assigned to the Family Support Unit in El Paso, Texas. The Family Support Unit is a one year pilot program intended to provide Border Patrol Agents, staff and their families with a support network to help manage times of crisis. During his early years in the Border Patrol, Chaplain Wilson served as a program manager under my command as Sector Chief.

Chaplain Wilson is married to San Juanita Wilson who today are celebrating their 27th wedding anniversary. Together they have 4 children, Alicia, Marty Jr., Stephanie and Daisy. Marty Jr. recently followed in his father's footsteps, becoming the second in his family to join the United States Border Patrol.

In addition to his duties as Sector Chaplain, Chaplain Wilson serves as the Associate Pastor at La Verdad Community Baptist Church and is an advocate for people with physical and developmental disabilities.

Thank you Chaplain Wilson for joining us this morning and for serving our Nation as a Border Patrol agent.

50TH ANNIVERSARY OF THE FLOODING OF CELILO FALLS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. BLUMENAUER. Madam Speaker, for thousands of years, Celilo Falls was the most important native fishery and the center of a vast trade network linking the coastal and plateau peoples of the Northwest to the buffalo hunters of the Great Plains and the foragers of California. Thousands of Native people gathered at this meeting place every year during the spring and summer fish runs to harvest salmon and trade, socialize, exchange arts and ideas, and participate in ceremonial rites.

Celilo Falls was known to Native Americans as WyAm, a word which some say means "echo of falling water." Archaeological digs prior to the completion of The Dalles Dam confirmed that Indian people had continuously occupied the Celilo village site for at least 11,000 years, making it the oldest continuously occupied site in Oregon.

By the 20th century, Celilo Falls was a tourist spot famous for the sight of Indian salmon fishers dip-netting from wooden scaffolds above the rapids. But on March 10, 1957, the rising waters of The Dalles Dam inundated Celilo Falls. Celilo Village was relocated and today sits about 10 miles east of The Dalles, on the Oregon bank of the Columbia River. It is inhabited by fewer than 100 people and comprises a collection of small houses, and abandoned trailers.

Over the years, Celilo's deteriorating state was cause for public health and safety concerns to village residents, and needed to be addressed. The Tribes requested the U.S. Army Corps of Engineers to rebuild the village, and in 2004, Public Law 108–204 was signed into law, authorizing Celilo Village redevelopment. The law provided for repairs to the Longhouse, reconstruction of the village's main structures and infrastructure systems, and operation and maintenance of the rebuilt village. The Corps expects construction to be completed by 2009.

Today the spectacularly renovated Celilo Longhouse is used for the ceremonial First Salmon feast, an annual rite which honors the return of the life-giving fish and pays homage to allow their life cycle to begin anew. Traditionally, the feast must be completed before fishing, hunting, root-digging and gathering seasons can officially begin.

By commemorating the 50th anniversary of the flooding of Celilo Falls, and the ongoing restoration of the village, we are doing more than keeping the memory of a once vibrant salmon fishery and cultural center for Native Americans alive. We are looking with an eye to the future on keeping our commitment to uphold Tribal Treaty rights, restore salmon runs, and ensure that residents of Celilo Village have the opportunity to thrive, just as their ancestors were able to do for thousands of years.

CONGRATULATING THE GIRL SCOUTS OF THE USA

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating the Girl Scouts of the USA as they celebrate their 95th anniversary.

On March 12, 1912, Juliette "Daisy" Gordon Low held the first Girl Scout meeting which endorsed the philosophy that all girls should be afforded the opportunity to enhance their natural abilities and talents. Through community service, education, and physical activity, the Girl Scouts continue to offer girls a place to develop mentally, physically and spiritually.

Across our Nation, communities will gather this weekend to celebrate the founding of the Girl Scouts of the USA. On Saturday, I have been invited to join in the celebration with hundreds of young women from middle Tennessee. In true Girl Scout form, these young women have put in more than 4,000 hours of community service to commemorate this occasion. These service projects include furnishing snacks for a blood drive by the American Red Cross, landscaping for Holy Family Church, and collecting donated items for youth service centers and the elderly. The time and effort of these young women is having a profound impact in our communities.

Madam Speaker, I would also like to take a moment and thank the Girl Scout Leaders who freely give their time and energy to these extraordinary young women. Their dedication to the Girl Scouts is making a difference in the lives of young women across our Nation. Congratulations to the Girl Scouts of the USA and thank you for 95 years of service to our Nation's young women.

IN HONOR OF NAAMANS LITTLE LEAGUE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. CASTLE. Madam Speaker, it is with great enthusiasm that I rise today to celebrate the 50th anniversary of the Naamans Little League. By providing a positive outlet for children, this organization has played a vital role in shaping young leaders in my home State of Delaware.

After it was founded in 1957, the organization has grown rapidly because of its efficient organization and the valuable service it provides to the community: uniting children with sports. While it began with only 60 boys on 4 baseball teams, Naamans Little League now has over 500 players on 42 teams and has formed both a Tee Ball League and a Senior League.

I was fortunate enough to celebrate with the League after they won the Little League World Championship. This opportunity further convinced me that their significance within the community cannot be emphasized strongly enough. Their efforts have allowed countless people to understand and enjoy the benefits of physical activity, teamwork, sportsmanship, and responsibility. After spending just a short while at the celebration, it became very clear to me that this organization has a profoundly far reaching impact, shaping individuals, friendships, families, and communities.

I am pleased to announce that a flag will be flown over the capital in honor of the Naamans Little League's 50th anniversary. I commend this great organization for their immeasurable contributions to Delaware and wish them all the best on this momentous anniversary.

ADVICE ON HEALTHY LIVING

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. BARTLETT of Maryland. Madam Speaker, thank you for the opportunity to share with my colleagues a recent column by a constituent that offers timeless advice about healthy eating for healthy living.

[From the The Tentacle, Feb. 14, 2007]

OUR GOVERNMENT, OUR HEALTH, OURSELVES

(By Patricia A. Kelly)

There's a movement underway to ban the use of trans fats, but New Orleans isn't going along. Their chefs don't use them much anyway. They choose real foods, like butter, for their renowned cuisine.

Eating margarine began during World War II with bags of lard and coloring packets that you mixed in. There was a shortage of butter because of the war. Margarine use continued in my Washington suburban family because of price, I think, and, of course, the government said it was okay.

I started eating butter when in my 20s. I read something in health food literature that said butter was actually better for you than margarine. Hydrogenated (trans, polyunsaturated, hardened) fats have extra molecules attached to their chains by clever scientists. They are harder for the body to break down than natural, softer, animal fat molecules, or minimally-processed vegetable oils. They are thus more harmful to, and persistent in, the body.

Of course, the recommendations included other things, but actually allowed in the diet the star of the government nutrition wars—the infamous, then out, now in, but only a little in, egg. Drum roll, please. . . .

We've been paying taxes for this: for government nutrition experts to tell us that we should be eating margarine; that we should, or should not, eat eggs; that we should only eat special margarines; that we should not eat the margarine they were saying we should eat last week—for the past 35 years, at least. The truth was available to me, a reasonably intelligent person and an ordinary mom of limited means, surfing around in the health food literature, looking for the best way to feed my family. I read it. It seemed logical. I believed it.

If you eat artificially altered foods, you are taking a risk, because we don't yet know the long term effects, or whether there is alteration in the nutrition available from these foods, or contamination. We do all know how convenient it is for large food producers to grow cornstalks that are the same height, tomatoes that don't spoil, and apples that last, unchanged, for a year in storage. We also know how these wonder foods taste. If you can't remember the difference, go to another country and taste the fresh produce.

You can fool your vegetarian cow into eating the ground-up bones of dead animals in her feed. That doesn't make them good for her. She's not a vulture. She would never eat them on her own. If you eat her meat, it might not be too good for you either. You might not know this for 20 years, of course, until you get Jacob-Crutchfeld disease, and die horribly. Ground-up bones are really cheap, though, and our government said they were safe.

Animals raised in close quarters with processed feed do better if they're given antibiotics. You might do better with them, too, if you were standing in your next-door neighbor's poop. Our government says there aren't any antibiotics left in the meat that might increase antibiotic resistance and endanger our population.

Our government also thinks it is safe to use bovine growth hormone on cows; and I'm sure the cows don't mind tripping on their own udders. We are wondering why so many nine-year-old girls are reaching puberty now, though. I'm sure it can't be due to anything they're exposed to. If you're wondering, just ask our government.

Logic dictates that, if you eat a balanced diet, you have a better chance of getting the nutrients you need. If you live on sugar and caffeine and fast, high-fat, overly refined foods, your spirit might be happier for the moment, but your body will suffer in the long run. These foods are being advertised to make money, not to help you. Eating less meat and a greater variety of whole plant foods reduces the impact of people on the environment because it takes so much more grain to feed a cow than to feed a person.

Eating a variety of seeds, grains, fruits, nuts and vegetables increases your chances of getting all the micronutrients you need. Cow's milk is really good for cows. If you eat more calories than you need, you will gain weight. Reading the labels will tell you what's in your food. Nobody reading this column would have any trouble figuring any of this out. We don't need to, though. We have the government.

Don't get me started on HPV vaccine, and how girls mostly get the virus from boys, and boys from girls; but it's only recommended for girls.

Whatever you do, don't ask my opinion on the recent, widely publicized estrogen replacement study. It reported the outcome of giving a specific combination of mare's urine estrogen/progesterone pill to 64-year-old women who were way past menopause with no prior hormone replacement. Huge numbers of litigation conscious doctors withdrew every form of hormone replacement from virtually all of their female patients because of this one. Our government thought it was safe to take Prempro, and then, suddenly, not safe at all.

I think it would be a good idea for our government to narrow its focus back to life, liberty and the pursuit of happiness. To me that means keeping us safe and free and unbothered with expensive nonsense, paid for with our tax dollars.

Maybe our nutrition scientists could spend their time making sure there's no poop in the ground beef, and that the cows are dead before they're skinned. I know I'd sleep better.

AMERICAN AND KAZAKHSTAN'S STRATEGIC BILATERAL RELATIONSHIP

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. SESSIONS. Madam Speaker, on February 28th, President Nursultan Nazarbayev of Kazakhstan delivered his annual state of the nation address entitled "New Kazakhstan in a New World" which outlined the strategy of Kazakhstan's development for the next decade. The goals set forth in President Nazarbayev's speech serves as a roadmap for the future and improve the quality of life for the people of Kazakhstan.

In only a decade, Kazakhstan has achieved impressive economic growth and developed a strong framework of democratic government. President Nazarbayev rightfully stated in his speech that "We are no longer a country of the Third World. This is the main result of our work for the past 10 years.

Kazakhstan is now expected to double the country's gross domestic product by 2008 as compared to the year 2000. Accordingly, the GDP per capita has grown considerably, reaching $5,000 dollars in 2006 with the forecast of $6,500 dollars in 2007.

Kazakhstan's stable economic development has allowed the government to devote more resources to social reforms. What is most impressive are the measures to improve social protection for motherhood and childhood, to increase pensions, and to raise government controlled wages. In other words, Kazakhstan is not just offering a better future for its people, but it is also securing its democracy on the rich soil of economic and social prosperity.

Kazakhstan is blessed with abundant natural resources. However, Kazakhstan is not going to rely upon those resources alone, realizing that only a diversified economy will give this nation true independence and stability. President Nazarbayev envisions Kazakhstan as a "regional locomotive" of economic development and a successful player in the world economy by raising the effectiveness of extractive industries, ensuring the development of non-raw materials sectors, developing modem infrastructure, implementing swift administrative reform which takes into account international practices, and promoting the achievements and opportunities of a new Kazakhstan in Central Asia and the world. Central Asia needs and relies on Kazakhstan's leadership and strong presence that affirms democratic ideas and fosters economic values for the region.

Modernizing the political system in the region is among the most important goals, and its achievement will ensure political stability for the future. I will continue to monitor Kazakhstan's improvements in the coming months, and I applaud their ability to move forward with progressive reforms that will be of a great benefit to the U.S.-Kazakhstan bilateral relationship and to the people of Kazakhstan.

Kazakhstan's policy of promoting tolerance and inter-religious harmony among ethnic and religious groups also has been recognized internationally. Kazakhstan is making a considerable effort to deal with religious diversity in its country and in the region. In fact, all of the world's great religions are present and thriving in Kazakhstan thanks to a climate of tolerance and openness. For this reason, I welcome President Nazarbayev's willingness to "serve as an international intermediary for finding mutually acceptable political solutions for conflict situations [and] expanding and deepening the dialogue of civilizations."

The glowing sense of confidence that is portrayed in President Nazarbayev's speech is a direct reflection of the optimism of the Kazakh people. I applaud President Nazarbayev's vision and leadership in bringing Kazakhstan into a new level of its progressive development. His vision for a prosperous and democratic Kazakhstan will be a beacon to other nations in the region.

Madam Speaker, recently I had a very informative and productive meeting with H.E. Kanat Saudabayev, Kazakhstan Ambassador to the United States. I share his optimism for the future of Kazakhstan and the growing strategic partnership between our two nations. Kazakhstan has proven itself as our firm ally and partner, and our bilateral relationship based on common values is strong as ever. The U.S.-Kazakhstan partnership in promoting nonproliferation, combating terrorism, securing peace and stability for Afghanistan and Iraq is exemplary. We are grateful for Kazakhstan's support and friendship.

I strongly believe we should assist Kazakhstan as it continues to pursue a program of economic and democratic reform for it is in our Nation's best interest to have an economically strong and democratically developed Kazakhstan in this region of vital importance.

HONORING J. JOSEPH CURRAN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. RUPPERSBERGER. Madam Speaker, it is my great honor to rise before you today to salute a man who has spent many years working toward bettering the quality of life in the State of Maryland. Sadly, after almost a half-century serving the citizens of the great State of Maryland, J. Joseph Curran has retired from public office.

1. Joseph Curran, Jr., served as Attorney General of Maryland from 1987 to 2007. Mr. Curran was born in West Palm Beach, Florida, on July 7, 1931. He attended Baltimore parochial schools, Loyola High School, the University of Baltimore, and the University of Baltimore School of Law. Mr. Curran served in the U.S. Air Force during the Korean conflict, with duty in Japan and Korea.

Attorney General Curran began his career in public service in 1958 when he was elected to the House of Delegates as a law student. In 1962, he was elected to the State Senate. During this time, despite angry demonstrators picketing his home, he advocated open housing laws for Maryland. In 1967, Mr. Curran became chair of the Judicial Proceedings Committee and held that position for sixteen years.

In the General Assembly, Mr. Curran sponsored or fought for significant bills, including those creating the Court of Special Appeals and the District Court system. He consistently supported bills to improve the courts and the corrections system, toughen drunk-driving laws, guarantee equal rights, and require handgun permits. He also worked to modernize Maryland's divorce and alimony laws, reform adoption and guardianship, and protect victims of domestic violence.

In 1986, Mr. Curran was elected Attorney General after serving four years as Lieutenant Governor with Governor Harry R. Hughes. In 1990, 1994, 1998, and 2002, he won re-election. Under Mr. Curran, the Attorney General's Office has been a national leader in consumer protection, criminal investigations, Medicaid fraud prosecution, securities regulation, and antitrust enforcement.

During his tenure, Mr. Curran worked tirelessly on behalf of children and teens, parents, seniors, victims of domestic violence and sexual predators, and all Marylanders concerned about crime, gun violence, prescription drug abuse, and the potential impact of casino gambling.

As Attorney General, Mr. Curran launched a variety of initiatives to help Maryland's children. To protect them against sexual predators, he championed a 2004 law making it a crime to solicit a minor by computer or other means to engage in unlawful sexual conduct. He also proposed lifetime parole supervision for sex offenders and better notification to communities when sex offenders are released from prison. To reduce teen tobacco use, he led Maryland's participation in the landmark $206 billion national settlement with the tobacco industry, which garnered $4.4 billion for Maryland, and industry concessions on advertising and marketing cigarettes to teens. He filed suits to stop unlawful Internet cigarette sales and the use of hip-hop themes to target youth, and reached agreements with national cigarette retailers to prevent sales to youth. He led a multi-state initiative to encourage the motion picture industry to decrease smoking in youth-rated movies. To reduce juvenile crime, Mr. Curran issued a report on the link between children's exposure to media violence and youth aggression and delinquency, and distributed 600,000 media violence diaries to help parents monitor their children's consumption of media violence. Mr. Curran promoted juvenile crime prevention programs to help at-risk youth, including a mentoring program within his own office, and he conducted a statewide youth listening tour to make recommendations in his report, In Their Own Words, about how adults can improve their response to teens' problems.

Mr. Curran led efforts to empower people in taking control of difficult decisions they may face at the end of their lives. He began with a groundbreaking opinion early in his tenure that a competent, terminally-ill patient can refuse life-sustaining treatment, and continued with broad educational outreach and dissemination of advanced directives. In 2005, he expanded that outreach by making living wills available in Spanish. He has issued the Nation's first comprehensive guide to the role and responsibilities of a health care proxy, as well as a report on policy issues related to Alzheimer's disease. He also successfully promoted legislation that created a state advisory council on end-of-life care, as well as legislation providing additional protections for Marylanders who become subjects in medical research.

To help Marylanders without insurance, Mr. Curran created a first-of-its-kind drug-pricing website, which allows consumers to compare retail prices charged by different pharmacies in Maryland for commonly used prescription drugs. He developed educational outreach materials to help seniors make good decisions about Medicare Part D, the complex federal prescription drug benefit.

In a landmark 1990 case, Maryland v. Craig, Attorney General Curran successfully urged the U.S. Supreme Court to uphold Maryland's law permitting victims of child abuse to testify via one-way television. Also before the Supreme Court, the Attorney General successfully litigated Maryland v. Wilson (1997). The Attorney General argued that police officers, who routinely conduct traffic stops that sometime turn deadly, may order the passenger out of the car to allow the officer to safely process the traffic stop. Mr. Curran was a long-time champion of efforts to reduce the epidemic of gun violence. He has worked for better laws and resources to help law enforcement keep guns out of the hands of criminals, including calling for restrictions on the ownership of handguns and establishing a firearms trafficking unit dedicated to the prosecution of persons who unlawfully purchase or attempt to purchase firearms.

Madam Speaker, I ask that you join with me in thanking J. Joseph Curran for his many years of dedicated and distinguished career in service to the citizens of Maryland. He will be remembered for raising the bar and setting the precedent for future Attorney Generals in the State of Maryland.

CONGRATULATING REV. PATRICK J. SULLIVAN OF KING'S COLLEGE UPON BEING NAMED "MAN OF THE YEAR" BY THE WILKES-BARRE FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Rev. Patrick J. Sullivan, C.S.C., of King's College in Wilkes-Barre, Pennsylvania, on the occasion of being named as "Man of the Year" by the Wilkes-Barre Friendly Sons of St. Patrick.

Father Sullivan has been lecturing at King's College since 2000 and is associated with the college's Sociology and Public Policy Research Institute.

Having earned his bachelor's degree in philosophy and American history at the University of Notre Dame in 1952, he received theological training at Holy Cross College in Washington, DC from 1952 until 1956. He received his master's degree in sociology from Fordham University in 1959 and his doctorate degree in sociology from Catholic University in 1971.

Father Sullivan has served on the faculties of the University of Notre Dame and King's College. He has taught and written extensively on subjects including labor and management in American society, the role of the Catholic Church in labor and management issues and social justice for U.S. workers.

He served as director of urban affairs for the U.S. Bishop's Task Force on race and poverty. From 1976 to 1979, he worked to gain support from the Catholic Church, groups and individuals for impoverished textile workers in the southeastern states.

From 2002 to 2004, he served as national chaplain to the Ancient Order of Hibernians.

Father Sullivan has accomplished significant research on issues ranging from welfare entitlement to the history of the Josephite Fathers, a religious community begun after the Civil War to assist impoverished African Americans.

He also studied ethnic fraternal organizations and how they helped the families of coal miners in the nineteenth century before the development of strong labor unions.

Madam Speaker, please join me in congratulating Father Sullivan on the occasion of this special honor. Throughout his teaching career, Father Sullivan has cultivated a sincere love for the contributions of working

Americans and the need to establish and promote social justice. He has used his research, training and passion for teaching to encourage a similar appreciation in his students. Through his teaching, Father Sullivan has enriched the lives of his students and the entire community of northeastern Pennsylvania.

TRIBUTE TO WILLIAM E. HUDSON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to a remarkable American, William E. Hudson, and congratulate him on his promotion to the rank of Brigadier General.

During my time in Congress, I have come to greatly respect and admire Brig. Gen. Hudson's profound patriotism and sense of duty to his country. Brig. Gen. Hudson is currently the Acting Chief of the Joint Staff of the Colorado National Guard and Commander of the Space Operations Group of the 140th Wing at Buckley Air Force Base. In a matter of days Brig. Gen. Hudson will assume the role of Assistant Adjutant General for the Colorado Air National Guard.

As the former commander of the 137th Space Warning Squadron at the Greeley Air National Guard Station, Brig. Gen. Hudson was responsible for ensuring the squadron performed its vital—and unique—mission of providing immediate, global missile warning and space launch detection in the event of an attack against our Nation.

Brig. Gen. Hudson received his commission from the Reserve Officer Training Corps at New Mexico State University. Over the course of his illustrious career, he has served our Nation in a variety of capacities. He was recently the Battle Watch Captain at European Command's Joint Operations Center in Stuttgart, Germany. Additionally, Brig. Gen. Hudson has served as Weapons Controller, Chief of Training, Chief of Plans, Chief of Intelligence, Chief of Communications Operations, and Director of Operations for the 154th Air Control Group at Buckley Air National Guard Base.

As an officer, husband, and father, Brig. Gen. Hudson is truly an extraordinary American. I am humbled by his patriotism and sincerely grateful for his life of service to our Nation. Madam Speaker, I urge my colleagues to join me in recognizing and thanking Brigadier General William E. Hudson.

RECOGNIZING DIALOGUE ON DIVERSITY AND ITS 2007 PUBLIC POLICY FORUM

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Ms. SOLIS. Madam Speaker, I rise today to congratulate Dialogue on Diversity on the occasion of its 13th Annual Public Policy Forum and to thank them for their work toward the advancement of all people, in particular racial and ethnic minorities. I am proud to recognize the Dialogue's efforts to inform the public and stimulate dialogue on issues such as immigration reform, education and health-care disparities.

Dialogue on Diversity is a membership based organization of professional men and women from the Americas who work together to promote the intercultural exchange of ideas and work to foster constructive dialogue among diverse people. Founded in 1989, it is committed to improving the economic and social condition of women in the United States and around the world.

I am pleased that Dialogue for Diversity has chosen to address our broken health care and immigration systems during its 13th Annual Public Policy Forum. Both of these issues are important challenges facing all walks of life in our nation and forums like the Dialogue on Diversity are needed to help to address these important issues.

Again, I commend the Dialogue on Diversity on the occasion of its 13th Annual Public Policy Forum and wish them the best of luck in the future.

TRIBUTE TO CHESTER TOWNSHIP POLICE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Chester Township Police Department in the Township of Chester, Morris County, New Jersey, a vibrant community I am proud to represent! The good citizens of Chester Township are celebrating their Police Department's 50th Anniversary.

The Chester Township Police Department was formally organized in 1957 with the hiring of Edward M. Strait. As the first full time police officer, he set out to organize a well-trained and regulated association of part time volunteer officers to assist him in his duties. Patrolman Strait was named the department's first Chief of Police in early 1958 and was joined by additional full time officers in the mid 1960s.

Chief Strait and his department achieved public acclaim as being both efficient and progressive. Special and Reserve Officers served their community with countless hours of volunteer time, sharing the same risks facing the full time officers. One hundred and five officers served with the reserve as members of the Chester Police Association through 1984 when the association was disbanded.

The Chester Township Police Department currently consists of 14 officers under the command of Chief Adam Schuler. The department provides both patrol and emergency response services. Education and training have always been and remain a hallmark of the Chester Township Police Department. Three officers have attended and graduated from the Federal Bureau of Investigation National Academy in Quantico, Virginia. Three officers have completed the Northwestern University School of Police Staff and command and three are graduates of the West Point Command and Leadership Program. Four officers have been trained by Northwestern University in traffic accident reconstruction, four are certified D.A.R.E. instructors and other officers have been trained in important police procedures.

In addition to routine responsibilities, the Chester Township Police Department offers special programs for Chester Township residents. These include: firearms safety training; personal photo identification cards for residents who require them; a program for the recovery of missing persons, particularly those with memory loss; a telephone call-in welfare check and a house check service for residents who are away on vacation.

Madam Speaker, I urge you and my colleagues to join me in congratulating the Police Department of the Township of Chester on the 50th Anniversary of protecting one of New Jersey's finest municipalities!

HONORING LEWIS DEAN "L.D." MINOR OF MINNEOLA

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise today to express my admiration for the life of Mr. Lewis Dean "L.D." Minor of Minneola, Kansas, who passed away on Monday, February 26, 2007. A member of this country's "Greatest Generation," Mr. Minor was a man of integrity who lived his life in service to others. He worked hard and loved God, his family and his country.

Like so many young Americans of his generation, L.D. put country before self and joined the United States Navy in 1943. He proudly fought for freedom during World War II in the South Pacific. During his service he earned the American Campaign Medal, the Asiatic Pacific Campaign Medal and the World War II Victory Medal.

When I entered Congress in 1997, L.D. was one of the first constituents to contact me regarding veterans' issues. Throughout his life, L.D. displayed tireless dedication to improving health care access for veterans, especially those living in southwest Kansas. He constantly worked on opportunities to bring the Department of Veterans Affairs to the area for general health care while finding ways to transport veterans to a VA regional hospital for specialty care. L.D. was one of many veterans whose efforts were rewarded when a VA Community Based Outpatient Clinic was opened at Ft. Dodge, Kansas, in 1999. He provided me valuable counsel and never let me forget that our Nation's veterans deserve the best health care possible.

I signed a picture taken of myself and L.D. during one of his trips to Washington, DC to represent the Veterans of Foreign Wars. I was proud and humbled to know the picture was displayed during his funeral. On that picture, I wrote the following words. "I wish Congress would serve our veterans as well as you and all veterans have served our country." Veterans have brought honor to our country through their military service. It is only right that their government honor its commitment to them.

In addition to his service to veterans, L.D. was devoted to his family. Over the course of their 63 year marriage, L.D. and his wife, Esther, were committed parents and grandparents. They raised twelve children and enjoyed 30 grandchildren.

In the many important roles L.D. filled in his life, he served out of a sense of duty. He made his community better and his Nation safer. I join L.D.'s many friends and admirers in paying tribute to a great man. My thoughts and prayers go out to Esther and the Minor family during this time of loss.

IN MEMORY OF DALLAS SAMS

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. ELLISON. Madam Speaker, I rise today to honor the life and memory of Dallas Sams of Staples, Minnesota, former state senator, father and dedicated advocate for Minnesota's environment. He passed away last Monday after a hard fight against cancer.

During his sixteen years in the Minnesota State Senate, Dallas never forgot who he was or where he came from. A tireless advocate for rural Minnesota, he never passed up an opportunity to talk about the beauty of the lakes and fields that surrounded his home. In the last few years it was hard to have a discussion with him without discussing his most recent addition or renovation to his beloved cabin, his love for which was second only to his love for his children Seth, Stacia, Jordan, Mitchell and Michael, as well as his wife Mary Beth.

Dallas nurtured his passion for the land and the environment throughout his life. As a dairy farmer and agriculture management teacher he developed a hands-on knowledge and appreciation of our state's natural environment. His understanding of the vital importance of a clean and healthy ecosystem was clear in his work at the state legislature. One of his greatest accomplishments as the foremost advocate for ethanol in the state was the passage of his legislation mandating the Nation's highest ethanol and gasoline blend standard in 2005. He supported efforts to involve more young people in family farms in order to guarantee the success of the next generation in farming as well as made sure that summer youth employment programs in Minneapolis got adequately funded. His most sought after goal and one which was sadly never accomplished during his lifetime was the successful passage of legislation dedicating a portion of Minnesota's sales tax toward maintaining and protecting the environment that he loved so much. Perhaps this year will be the year his dream will finally be accomplished.

While history will record his accomplishments in terms of legislation passed and projects funded, those who knew him, whether for a lifetime or just for a few moments, will remember the passing of a man universally known for his humor, humility and honor. The true measure of our love and admiration for Dallas will not be found in the laws he passed but in the lives he touched through his good-humored nature, ready laugh and mischievous smile.

TO PRESERVE THE WALTER REED ARMY MEDICAL CENTER ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Ms. NORTON. Madam Speaker, at the Committee on Oversight and Government Reform hearing on March 5, 2007 at Walter Reed Army Hospital, I asked the top brass who testified whether designating Walter Reed for closing in the midst of a war had contributed to any instability of personnel at the Walter Reed Hospital Garrison. Each of them responded unequivocally that the Base Realignment and Closure (BRAC) closing for Walter Reed had had a destabilizing effect on the hospital. Army Vice Chief of Staff General Richard Cody testified, "You're trying to get the best people to come here to work, and they know in three years that this place will close down and they're not sure whether they will be afforded the opportunity to move to the new Walter Reed National Military Center . . . that causes some issues." This and other testimony, as well as recent Washington Post revelations, have contributed directly to my introduction today of the "Preserve Walter Reed Army Medical Center Act of 2007." Several senior leaders of the relevant committees have since agreed that Walter Reed should be taken off the BRAC list and should remain open.

There have been no complaints about the hospital's world-class treatment or the hospital itself, which was built only in 1977, but the hearing laid bare a broken military health care outpatient system and bureaucracy in need of both long term and short term remedies. The epicenter of this system is its "crown jewel," Walter Reed Hospital, whose physical and administrative outpatient care have rapidly become a potent symbol of a national breakdown that will require systemic remedies for military and veteran hospitals across the country. However, because the problems are both deep and wide, we must find immediate solutions at each facility while the military outpatient systems are freed from knotted bureaucratic tangles.

A first step to take to stop the proverbial bleeding of staff and talent is to reverse the madness of closing the nation's best and most vital military hospital in the middle of a shooting war and the war on terrorism. This bill to reverse the closing of the Walter Reed base will help stabilize personnel who, as the generals testified, scatter once they believe a base will close. At a time when Walter Reed is receiving large numbers of injured soldiers and a military surge may mean many more, closing the Nation's premier military hospital should be unthinkable.

Moreover, leaving Walter Reed on the BRAC list has become increasingly untenable because closing the hospital carries with it a promise and an intention to build a new hospital by 2011. In the foreseeable future, no one expects the administration or Congress to come forward with the required $2 billion to construct the proposed new Walter Reed in Bethesda, Maryland, and much more for moving costs and new equipment, given a huge and mounting deficit, and certainly not in the middle of a war, when funds must be committed to soldiers, their families, veterans and the war itself. Nevertheless, a repeal bill is necessary because, if Walter Reed continues to be listed for closing, Congress will continue to send a signal to personnel to make their career decisions accordingly. As is already occurring, Walter Reed will find it increasingly difficult to retain and hire personnel, including vital civilian clinical and medical personnel, particularly the very best; who the Nation expects will work at Walter Reed to attend to the most seriously injured military men and women.

Further, Walter Reed is an essential and integral component of the Emergency Preparedness Plan for the Nation's Capital. The hospital is located just 5½ miles from the White House, 6½ miles from the Capitol and 6 miles from the Washington Convention Center. Its location in the city is strategically important. If moved to Bethesda, traffic and distance would place Walter Reed outside of the homeland security system here that has been developed specifically to take account of the location of the top-tier Federal presence, officials and employees. Because of the location here Walter Reed is essential to treat mass casualties in the case of a terrorist attack. The hospital is part of the Emergency Preparedness Plan for the District, a system for treatment of acute illness or trauma of people requiring hospitalization from a chemical, biological, radiological, nuclear or explosive incident. The specialized needs are above the District's hospital capacity. Thus, the District needs Walter Reed's available resources in order to comply with this Department of Homeland Security mandate.

I fully recognize that reversing a BRAC decision is and should be rare. However, particularly after what we have learned about unmet needs for injured members of the military returning home from Iraq and Afghanistan, this step is minimally necessary to stabilize operations at the Nation's most important hospital base for caring for our most seriously injured members of the military. Far from establishing a precedent, no other military facility stands on the same footing or has so central a mission. The question should not be can we take Walter Reed off the closing list but, why was this hospital scheduled to close in the first place, as our soldiers were engaged in a shooting war with no end in sight? Another question should be do we truly intend to spend billions of dollars on bricks and mortar for a new hospital instead of on our soldiers and their facilities?

Walter Reed, like other military hospitals, will not be what it should be immediately. However, we can immediately demonstrate that Congress means business by moving to stabilize the Nation's premier military medical hospital and then getting on with the rest of the job.

LETTER OF IDAHO GOVERNOR BUTCH OTTER REGARDING "THE EVOLVING WEST"

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. SALI. Madam Speaker, Idaho Governor Butch Otter recently sent a letter to House Natural Resources Committee Chairman NICK RAHALL regarding a committee oversight hearing on "The Evolving West."

In the eyes of many environmentalists, "the evolving West" means replacing good-paying jobs in forest products, mining, oil and gas and ranching with an economy based on ecotourism and bed and breakfasts. In Idaho, we call this theory part of the "War on the West." Numerous reputable studies show that jobs created by natural-resource-based industries are several times higher than seasonal jobs based on tourism. Working families in Idaho cannot support themselves on seasonal tourism jobs.

Governor Otter clearly and concisely defends the economy, culture and livelihoods of Western when he states:

> The entrepreneurs, workers and families who devote their lives to agriculture, timber and mining have "evolved" with the landscape and the marketplace for generations. Such challenges as energy and transportation costs and reliability are changing their world at this moment.
>
> But those are market-driven changes—issues of supply, demand and geography. Our people, and our way of life, deserve better than have our government further "evolve" them out of business.

Governor Otter further articulated the issue by stating "Most of the challenges facing such resource industries as agriculture, timber and mining in Idaho and throughout the West are the result of Federal Government policies that unreasonably restrict access, overregulate activity and discourage sustainable growth."

Madam Speaker, I would like to insert Governor Otter's letter in the RECORD and encourage my colleagues to read it.

BOISE, ID,
February 28, 2007.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: On behalf of the State of Idaho, and the people who value our lifestyle and their traditional resource-based livelihoods, thank you for the opportunity to enter a statement into the record for this hearing on the "Evolving West."

It's important to put "evolving" in context. The usual connotation evokes gradual change resulting from natural influences of environment and circumstance. However, there is nothing gradual or natural about change in the West.

Most of the challenges facing such resource industries as agriculture, timber and mining in Idaho and throughout the West are the result of federal government policies that unreasonably restrict access, over-regulate activity and discourage sustainable growth.

From neglectful absentee land management that supplants local stewardship to on-the-ground environmental myopia, federal programs routinely provide disincentives to progressive collaboration. In a single generation they have changed much of the West from America's gilded hope for independence and self-sufficiency to a gelded collection of servile sycophants hopeful only for another round of government largesse.

Now some promote a "New West" that relegates resource industries to the status of historical relics. It is a self-fulfilling prophecy from those who urge even more federal control over our region's resources in the name of environmental urgency or modern realities. They blithely, yet earnestly, disregard the real people and real communities that were established and nurtured by previous pendulum swings in national priorities.

Make no mistake: Tourism, technology and even service are important and growing segments of our economy. They are adding to the diversity and vitality of Idaho and the West. However, they are no panacea for a region inhabited by people who have a special connection with the land, who understand their responsibility to it, and who still value self-reliance and individualism.

About 10 percept of Idaho's 1.4 million residents work in the forests, fields and on the land. The combined industries generate nearly $10 billion a year in receipts. The residual impact generates thousands more jobs and additional billions of dollars.

As a member of Congress representing Idaho's 1st District, and now as Idaho's Governor, I see, hear and experience the resilience of people struggling to maintain their livelihood in resource-based industries every day. These citizens work through burdensome policies and regulations to provide for their families, support their communities and provide valuable products for U.S. citizens and the world.

Eighty-eight percent of Idaho is rural. About 63 percent of our landmass is controlled by the federal government. As a result, and to far too great a degree, we are not the architects of our own destiny. Yet the rugged geography and great size of Idaho—the ironically complementary qualities of remoteness and community—still draw people here.

Those people have used their ingenuity and resourcefulness to supply timber, food and a host of value-added products to the world. And our potential is far greater. If given the opportunity by our federal landlords, the people of Idaho could contribute mightily toward meeting America's future energy needs with home-grown, clean-burning renewable fuels found here in the "Evolving West."

Natural resource industries still provide some of the highest-paying jobs in our state. Counties with healthy timber, mining and agriculture operations have the highest per-capita income. The people working in these industries are conscientious stewards of the resources—relying on sound science and state-of-the-art technology to protect and wisely manage the natural resources for all to enjoy.

Viewing natural resource industries as "extractive" or "consumptive" gives unjustified short shrift to what made—and still makes—the West a dreamscape of opportunity and hope for people around the world.

The entrepreneurs, workers and families who devote their lives to agriculture, timber and mining have "evolved" with the landscape and the marketplace for generations. Such challenges as energy and transportation costs and reliability are changing their world at this moment.

But those are market-driven changes—issues of supply, demand and geography. Our people, and our way of life, deserve better than to have our government further "evolve" them out of existence.

Once again, thank you for this opportunity to address the topic of this hearing. Please accept my warmest personal regards and best wishes for a successful 110th Congress.

As Always—Idaho, "Esto Perpetua"
C.L. "BUTCH" OTTER,
Governor of Idaho.

IN HONOR OF JUDGE BRUCE J. EINHORN IN RECOGNITION OF HIS EXEMPLARY SERVICE

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. BECERRA. Madam Speaker, it is my privilege to rise today and recognize Judge Bruce J. Einhorn, a friend and champion who exemplifies the values of our great Nation. As a United States Immigration Judge in Los Angeles for over 15 years, Judge Einhorn worked diligently to protect the rights of individuals who seek residency in our country, and to preserve the human rights of those around the world. On March 8, 2007, community members and leaders throughout Los Angeles are joining together to honor Judge Bruce J. Einhorn in recognition of his years of service.

Dr. Martin Luther King, Jr., once said, "The hope of a secure and livable world lies with disciplined nonconformists who are dedicated to justice, peace and brotherhood." Judge Einhorn's jurisprudence, discipline, and refusal to simply conform to previous interpretations of the law when justice had not been served, makes him one of the most eminent and influential jurists of our time. Judge Einhorn was the first immigration judge to grant asylum to HIV-positive individuals and disabled children who faced socially-based persecution and the denial of medical treatment in their native countries. He has issued major decisions granting asylum to persecuted individuals: religious minorities, women facing "honor killings," victims of female genital mutilation and of rape, racial and ethnic minorities, political dissidents, and gays and lesbians from many countries. Judge Einhorn has dedicated his entire career to maintaining the integrity of federal law and giving voice to those who deserve justice. Appropriately, Judge Einhorn was honored with the Daniel Ginsberg National Leadership Award in Civil Rights in 1999, and the award was presented to him at a ceremony at the Ebenezer Baptist Church in Atlanta, Georgia—the home church of the late Dr. Martin Luther King, Jr.

Before taking the bench as a judge, Bruce worked for the U.S. Justice Department's Office of Special Investigations (OSI) from 1979 to 1990. As a young lawyer he worked as the principal draftsperson of the Refugee Relief Act, which for the first time in our Nation's history, gave noncitizens the right to apply for asylum in the United States. His early career work on immigration policy complemented his later practices as a United States Immigration Judge adjudicating claims under the very statute which he helped draft. Also while at OSI, Bruce worked to identify and prosecute Nazi war criminals who resided illegally in the United States. In this work he traveled to far corners of our world to conduct eyewitness depositions. Whether in the drafting of a law, or the prosecution of a war criminal—from the earliest stages of his career Bruce determinedly sought justice.

Even when away from the bench, Judge Einhorn never stops serving the public. Recently, as a leader within the Anti-Defamation League, he helped draft the Declaration of Los Angeles, which calls for a carefully balanced national policy of protecting homeland security and immigrant rights, and which has been adopted by the Los Angeles City Council, among other civil rights groups. Judge Einhorn is also a founding member of the ADL Latino-Jewish Roundtable of Los Angeles, and as Chair of the ADL's International Affairs Committee, he works with the Consuls General of Mexico, Germany, Canada, and Turkey on initiatives involving the international rights of women.

In his quest not only to adjudicate, but also to impact and interpret humanitarian law for generations to come, Judge Einhorn has conducted continuing legal education seminars for the American Immigration Law Association and the Los Angeles County Bar Association. He is known for his extensive lecturing on the separation of church and state, and has lectured to federal district court judges on sentencing guidelines for those convicted of federally defined hate crimes. He has also served as an Adjunct Professor of International Human Rights Law and War Crimes Studies at the Pepperdine School of Law since 1991. As a founding member of both the U.S. Holocaust Memorial Museum in Washington, DC, and of the Museum of Tolerance in Los Angeles, Bruce has proven his commitment to furthering the principles of justice and tolerance.

It is no surprise that Judge Einhorn has already been recognized with numerous awards for his extraordinary commitment to protecting human rights. For his work at OSI, he received three Justice Department Special Achievement Awards, the Attorney General's Special Commendation Award, and the Distinguished Graduate Award of New York University School of Law. For his judicial work, Judge Einhorn received the Human Rights Award of the Bah'ai community in Southern California, a Certificate of Merit from the Arab-American and Iran-American Bar Associations of Southern California, and a Lifetime Professional Achievement Award from the State Bar of California. However, knowing Judge Einhorn is to know that these deserved and honored awards are not held as the greatest accomplishments of his career. His greatest achievements stem from the lives forever changed in his courtroom.

Madam Speaker, I recognize the Honorable Bruce J. Einhorn today in the United States House of Representatives, for adjudicating the laws enacted by this body with the utmost integrity, the sharpest of intellect, and a compassionate heart. I ask that my colleagues join me in saluting this exceptional man who has made inspiring contributions in public service and the legal profession. On behalf of the countless individuals to whom Judge Einhorn has given a voice and the opportunity to exercise their basic human rights and civil liberties, I say thank you and God's speed in your future endeavors.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. ABERCROMBIE. Madam Speaker, I regret that I was unavoidably detained in my district this week and missed rollcall vote No. 119 through vote No. 126. Had I been present, I would have voted "yea" on rollcall votes 119, 120, 121 and 122. On Wednesday, March 7, I would have voted "nay" on rollcall 123 and "yea" on rollcalls 124, 125 and 126.

CHATTAHOOCHEE TRACE NATIONAL HERITAGE CORRIDOR STUDY ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. EVERETT. Madam Speaker, I rise to introduce legislation today, along with my colleagues MIKE ROGERS and JIM MARSHALL, calling for a Federal study of the Chattahoochee Trace region of Alabama and Georgia to evaluate the feasibility of designating the corridor as a National Heritage Area.

The Chattahoochee Trace corridor is an 18-county region covering southeast Alabama and southwest Georgia. This proposal would require the Secretary of the Interior to conduct a feasibility study of the Trace, to determine its suitability as a National Heritage Area. In Alabama, the study would specifically examine seven counties—Chambers, Lee, Russell, Barbour, Dale, Henry and Houston Counties.

The designation of the Chattahoochee Trace as a National Heritage Area would be the final piece in the Historic Chattahoochee Commission's corridor development plan wich will enable us to initiate new and innovative projects to help invigorate the economies of member counties.

The 18 county bi-state Chattahoochee Trace region meets all criteria outlined by the National Park Service to qualify for National Heritage Area status. During 37 years of work, the Historic Chattahoochee Commission has clearly demonstrated that this area has a unique collection of natural, historic and cultural resources that are distinctive aspects of American history worthy of recognition, conservation and interpretation. Furthermore, the Commission has demonstrated its capabilities to organize regional partnerships to help manage and promote the resources along the lower Chattahoochee River corridor. It is also a well-known fact that the Chattahoochee Trace region provides outstanding recreational and educational opportunities for area residents and visitors. Ongoing efforts to conserve natural, cultural, historic, and scenic assets in the region will only be eranced by National Heritage Area designation.

National Heritage Areas are significant geographical, cultural and historical sites, a designated by Congress. In contrast to National Parks, National Heritage Areas are not federally owned or managed, but remain maintained and controlled by local entities.

Communities designated as a National Heritage Areas are eligible for federal funding to be used for promoting tourism and conservation. I urge my colleagues to support this legislation.

HONORING THE BURKE CENTRE CONSERVANCY 2006 BOARD OF TRUSTEES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the outgoing 2006 Board of Trustees of the Burke Centre Conservancy.

The Burke Centre Conservancy is a homeowners' association representing 5,862 homes Burke, Virginia. A planned residential community, Burke Centre is comprised of single family homes, townhouses, condominiums, co-ops, duplexes and quad units. The variety of housing located in Burke Centre provides the conservancy with unique and pressing challenges to ensure the positive livability of the area.

The board of trustees is made up of volunteer members of the association elected on an annual basis. Their purpose is to provide services to the membership, and to maintain and protect the common areas and amenities of the association. The board creates and approves a $4,000,000 annual operating budget funded through membership assessments.

This board has been particularly active in addressing the most pressing issues facing Burke Centre. Over the past year, they updated the community strategic plan, created a community risk management plan, conducted a stream bank instability study, completed a $250,000 wetlands remediation project, assisted in the creation of a community parking district, completed a bathymetric study of the local ponds to establish maintenance needs and revised regulations associated with the conservancy's employee personnel, investment, and procurement policies.

Burke Centre will sorely miss the guidance and leadership of President Greg Smith, Treasurer Phil Pool, Secretary Marc Flaster, Oaks Trustee Joe Berner, and Ponds Trustee Colette Sheldon who retired at the end of the year. The conservancy, however, will remain in good hands under the leadership of recently reelected Vice President Jimi Grande, Woods Trustee Kala Quintana as well as the newly elected members of the board.

Madam Speaker, in closing, I wish to commend and congratulate the outgoing board on their exceptional commitment to their community. I call upon my colleagues to join me in congratulating the 2006 Board of Trustees for the Burke Centre Conservancy and in wishing their community continued success in the years to come.

THE RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, like all Americans, I am alarmed at the lack of security for rail and public transportation systems around the country. Each weekday, 11.3 million passengers in 22 States use commuter, heavy, or light rail. History has shown that terrorists view rail and public transportation systems as potential targets. March 11 will be the 3-year anniversary of the terrorist bombings of Madrid's rail system, which killed and maimed hundreds of innocent civilians. This July marks the second anniversary of the terrorist bombings throughout London's public transportation system. Last summer, a number of bombs tore through Mumbai's rail system. Just last month, a passenger train outside New Delhi caught fire when suitcases filled with flammable liquids were exploded as the train headed for Pakistan.

Despite all of these attacks, rail and public transportation security remains a secondary issue to aviation security. In the fiscal year 2008 budget, the President only requested an additional $4 million for TSA's surface transportation budget. TSA's entire surface transportation budget is less than 1 percent of the amount the President requested for aviation security. I am alarmed by the lack of training for frontline rail and public transportation workers. I am also worried about security issues surrounding the transportation of hazardous materials through high-threat urban areas.

This Committee has taken action to close the gaps on rail and mass transit security. We have been working on a bipartisan basis to develop the "Rail and Public Transportation Security Act of 2007." This bill requires rail and public transportation systems to complete security plans and vulnerability assessments. The bill also mandates training for frontline rail and public transportation system employees. It also gives them whistleblower protections to encourage reporting of security risks, and provides a redress process for employees who are terminated as a result of a background check. This legislation makes security grants available to rail, transit, and bus systems. Finally, it makes substantial investments in the research and development we need to find new ways to secure these systems.

My hope is that through these provisions, this comprehensive legislation will address most of the glaring gaps that currently exist in surface transportation security.

INTRODUCTION OF THE PARENTS' TAX RELIEF ACT OF 2007

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. TERRY. Madam Speaker, I rise today to introduce the Parents' Tax Relief Act of 2007 to strengthen families and empower parents in providing the best possible care for their preschool children. Senator SAM BROWNBACK is introducing similar legislation in the Senate today.

This comprehensive legislation will enact family-friendly tax policies to provide parents with more child care options. It will end the long-standing inequity in the tax code that encourages daycare above stay-at-home parenting. It will also help parents spend more time with their children by encouraging flexible employment opportunities such as home-based businesses and telecommuting jobs, while ensuring that parents who take time out of the workforce to care for their children will not be penalized under the Social Security system.

Congress should recognize and support the incredible sacrifices parents make to raise their children. I have heard from Nebraska families who struggle to make ends meet so one parent can stay at home and provide the love, care and attention that every child deserves. The high Federal tax burden, which falls most heavily on the middle-class, has unfortunately made this option extremely difficult, if not unreachable, for many families. Congress has helped this situation with commonsense measures such as the child tax credit, but more should be done.

In addition, many parents need to remain in the workforce for financial or other reasons. Flexible work opportunities such as operating a home-based business or full-time or part-time telecommuting would empower working parents to spend more quality time with their children.

Parents perform a tremendous balancing act between work and family responsibilities. It can be difficult for families to survive without a second income. While the second earner's income in a family can go toward daycare costs and work-related expenses such as dry-cleaning bills and gasoline, it can also support necessities such as grocery bills, medical expenses and savings for a child's future education. Parents should be empowered with greater options for raising a family on a limited income, whether one or both parents are in the workforce.

The legislation that I am introducing today addresses the needs of modern families while empowering parents with greater choices. Greater tax relief will make it a more realistic option for parents to stay at home with their little ones in the early formative years that are so crucial to children's physical, mental and emotional development. In addition, parents would have greater opportunities for "split-shift" parenting and other options to ensure their children have the best possible care and time together as a family.

It is clear that parents want these options. A comprehensive study on balancing work and family, which was conducted by four major charitable foundations, found that 70 percent of parents believe the best arrangement for the care of young children is to have one parent at home. In a parenting survey done for Warner Books, 87 percent of mothers said they would stay at home to raise their children if they could afford it. The Family and Work Institute reported that 70 percent of working parents feel they lack enough time with their children, and nearly two-thirds of all workers would reduce their work hours by an average 11 hours a week if they could.

In addition, 62 percent of parents with preschoolers want policymakers to concentrate on making it more affordable for a parent to stay at home during a child's first few years than on improving the quality and affordability of day care. In fact, 53 percent of parents preferred direct tax cuts to stay-at-home-parents, while only 1 in 3 (33 percent) would cut costs for families using day care. Members of Congress should trust in the judgment of parents, especially regarding the care of preschool children. The Parents' Tax Relief Act, which I am introducing today with more than a dozen original cosponsors, contains seven major tax improvements to empower parents and strengthen families in America:

First, this legislation extends the Dependent Care Tax Credit to parents who choose to be at home with their children. Established in 1954, this credit currently allows families to claim up to 35 percent of $3,000 in documented, non-parental child care costs, and 35 percent of $6,000 in day care expenses for two children. Families who make the financial sacrifice to have one parent stay at home for their children should also benefit from this tax credit.

Second, the Parents' Tax Relief Act will make the $1,000 child tax credit permanent and index it to inflation to retain its long-term value. This tax relief is critical for Nebraska families with dependent children.

Third, this legislation doubles the personal income tax exemption to half of its original 1948 value, from $3,300 to $5,000. From 1948 to 1963 when this exemption was equivalent to $10,000 in today's inflation-adjusted dollars, America witnessed a "marriage boom," a "baby boom," and a decline in the divorce rate. There is evidence suggesting these outcomes were significantly advanced by Federal tax policy to strengthen families. Doubling the personal income tax exemption provides critical support to families with children, as well as elderly or disabled dependents.

Fourth, the Parents' Tax Relief Act eliminates the marriage tax penalty once and for all. This penalty discourages the sacred institution of marriage by unfairly taxing married couples filing jointly at a higher rate than two single individuals earning the same income. The 2001 tax cut law reduced this penalty by doubling the standard deduction for joint filers, and doubling the size of the 15 percent tax bracket for married couples. Unfortunately, these reforms will expire by 2010, along with the rest of the tax cuts enacted by Congress. The Parents' Tax Relief Act of 2007 will extend marriage tax relief to all tax brackets to prevent the government from discouraging marriage or forcing both parents into the workforce. It will also end the marriage penalty in the tax deduction for student loan interest, which currently limits married couples filing joint returns to a $2,500 deduction, even though $2,500 is the amount each spouse holding student debt could have claimed while single.

Fifth, this legislation will support parents who operate a home-based business. The bill establishes a standard home-office tax deduction to replace complicated IRS regulations that prevent many small business owners from deducting legitimate expenses. The Congressional Budget Office estimates that nine million of the 17.3 million small business in the United States are home-based, and 55 percent are operated by women. Many home businesses are started to provide a secondary income, which is very helpful to families with children.

Sixth, the Parents' Tax Relief Act of 2007 encourages telecommuting. It will create a Telecommuting Tax Credit allowing employers to deduct a portion of a telecommuting employee's wage for income tax purposes. It will also allow individuals to exclude from income the value of employer-provided computers and related equipment necessary for work from home, including critical related services such as broadband Internet connection. Telecommuting is one way mothers or fathers can stay at home with their children while still contributing to family income.

Finally, the Parents' Tax Relief Act protects the Social Security benefits of women or men who choose to stay at home with preschool children. When a parent leaves the workforce to be at home with a child, the family's finances may not only suffer, but career opportunities and future earnings potential may be diminished. Parents who stay at home to care for children during prime working years may also jeopardize their future Social Security benefits.

The Parents' Tax Relief Act of 2007 recognizes the realities parents face by allowing up to ten years of flexible Social Security employment credits for parents who stay at home to raise children age six and under. Public policy should safeguard stay-at-home parenting as valuable work that contributes to the character and security of our Nation.

These seven tax improvements will empower parents and strengthen families. The Federal Government must expand choices for parents with children. The Parents' Tax Relief Act of 2007 will address the needs of modern families, including those who want to stay at home with their children without decimating their family finances, and those who want to continue working and contributing to family income while spending more time with their children.

I urge my colleagues to support choices for families by cosponsoring the Parents' Tax Relief Act of 2007 today.

TRIBUTE TO BILL THOMAS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Bill Thomas. Bill was known throughout Northeast Arkansas for his unwavering dedication to his community. His gracious spirit and his friendship will be missed by all.

Bill Thomas was a successful, independent businessman in Wynne, Arkansas. Bill built a reputation as a leader in economic development through his work as president and executive director for the Cross County Economic Development Corporation. His initiatives, which revitalized Cross County were considered a model for the entire state of Arkansas.

Bill believed that in order for a community to flourish, active involvement was essential to success. As chairman of the Parks and Recreation Commission in Wynne, he helped develop a new baseball and softball facility. Bill was also on the board of directors for the Boys and Girls Club, Workforce Investment, the Crossroads Coalition, and was president-elect of the Arkansas Economic Developers. Often, Bill went above and beyond the call of duty because he was committed to a life of public service and making his community a better place.

Bill Thomas was born and raised in Cross County and graduated from Parkin High School, in 1970. He attended the University of Arkansas and was a member of Sigma Phi Epsilon fraternity. Bill later earned his Bachelor of Science degree in business administration from the University of Mississippi, in 1975.

He is survived by his wife, LaRand Ozier, two sons, Charles Randolph Thomas of Fayetteville, William Brett Thomas of Wynne, and sister, Ann Dawes Thomas of Wynne. Bill was a member of the First United Methodist Church in Wynne. Bill's memory will continue to live through his legacy of civic service and the positive influence he had on so many lives, including my own.

SENATE—*Friday, March 9, 2007*

The Senate met at 9:15 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the fountain of wisdom, we thank You for those who guard our fragile gift of freedom. Thank You for Senators who more than self their country love, who daily make courageous decisions that keep us free. Lord, use the Members of this body to ensure that this precious gift of liberty will remain inviolate for those who come after us.

Thank You also for the brave souls, stout hearts, and indomitable spirits of those who have paid the ultimate price for the privileges we enjoy. Sustain and comfort the families they have left behind.

During this blessed moment of talking to You, we ask that Your presence will follow us throughout this day. As we labor, fix our thoughts and efforts on whatever is true, honest, just, pure, and productive. Support us today, Lord, until the shadows lengthen and the evening comes and our work receives Your commendation of "well done."

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 9, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Thank you, Mr. President.

SCHEDULE

Mr. REID. Mr. President, we will shortly vote on the cloture motion filed by the minority.

AMENDMENTS TO S. 4

Mr. President, first, let me start with a letter written to me dated February 26. There was a comparable letter written to the Republican leader. The letter reads:

> It has been exactly 14 years since the first attack on the World Trade Center; over 5 years since the terrorist attacks of 9/11; and over 2 years since the 9/11 Commission released a blueprint for strengthening America's security. The pace of Congressional response to these wake-up calls has been glacial.
>
> The House of Representatives has validated its commitment to improving national security by passing H.R. 1. When S. 4 goes to conference, its provisions must match or surpass the strength and comprehensiveness of H.R. 1. Failure to act ratchets up the danger for America. The longer critical security issues remain unresolved, the more time and options the terrorists have.
>
> S. 4 should be a clean bill, limited to implementing the remaining 9/11 Commission recommendations. This legislation is far too important to be politicized by the introduction of non-germane, controversial amendments and debate, particularly those relating to Iraq. Attention to both issues is critically important. As such, each deserves separate deliberation.
>
> We urge you to act now to protect America by passing stand-alone, comprehensive security legislation under S. 4 based on the 9/11 Commission blueprint without complications regarding Iraq. The legacy of those whose lives have been taken by terrorists on American soil is in your hands. Prove to the families of those killed in 1993 and 2001, and to all Americans, that this is a new day in Washington, and that safety and security will finally take precedence over special interest groups and politics.

Mr. President, the two managers of the bill, LIEBERMAN and COLLINS, have followed the admonition of that letter. They have worked very hard to have a clean bill. That is basically what we have. But I am sorry to report that of the 100-plus amendments filed, virtually all of them, except 7, are nongermane. To top it off, what the minority did is lumped a bunch of these nongermane amendments together and filed cloture on them.

Here is what the 9/11 families had to say about that. This is a letter to Senator MCCONNELL, dated March 8, 2007:

> As family members who lost loved ones on 9/11, we support full implementation of the 9/11 Commission recommendations. We are writing out of grave concern that your recent introduction of highly provocative, irrelevant amendments will jeopardize the passage of S. 4. It is inconceivable that anyone in good conscience would consider hindering implementation of the 9/11 Commission recommendations and we strongly disagree with these divisive procedural tactics.
>
> Just as the Iraq war deserves separate debate, so do each of the amendments you offered. S. 4 should be a clean bill and debate should conclude this week with a straight up or down vote. Each day that passes without implementation of the remaining 9/11 Commission recommendations, the safety and security of our nation is at risk.
>
> Tactics such as those you are contemplating, aimed at endangering the 9/11 bill, sends a signal to America that partisan politics is alive and well under your leadership. Both parties must work together to pass this critical legislation. We, the undersigned, understand the risk of failure all too well.

It is signed: "Respectfully," Carol Ashley, mother of Janice, who died, who is a member of Voices of September 11th; Beverly Eckert, widow of Sean Rooney, who is a member of Families of September 11; Mary Fetchet, mother of Brad, who died, who is founding director and president of Voices of September 11th; Carie Lemack, daughter of Judy Larocque, who died, who is cofounder and president of Families of September 11.

Mr. President, this is what the 9/11 families have said. The amendments lumped into one are not germane to the pending bill. That is without any question or debate. It is a collection of far-reaching immigration and criminal law provisions that have never been considered by the Judiciary Committee—never. Senator LEAHY said he would be happy to do that. They have never been considered.

These are complex matters which should not be considered on the Senate floor in this manner, especially on this very sensitive legislation. For example, one part of the amendment would overturn a recent Supreme Court decision. Now, remember, seven of the nine members of the Supreme Court are Republicans. They wrote the opinion. They want it overturned. Another part of the amendment would say visa revocations can never, ever be reviewed by any court.

The cloture motion was nothing more than an effort to delay passage of the 9/11 Commission bill. We need to move forward on this vital legislation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I again ask everyone to listen to the words of the family members of those who perished on September 11. I have read those into the RECORD. We have, as I speak, these women and others who are watching what we do here today. I hope Senator LIEBERMAN and Senator COLLINS can go forward and complete this legislation without this. It is just absolutely hard to comprehend that this is what is being attempted on this bill.

I respectfully suggest, as they said in this letter, "It is inconceivable that anyone in good conscience would consider hindering implementation of the 9/11 Commission recommendations. . . ." That is what they said, not what I said. "Each day that passes without implementation of the . . . 9/11 Commission recommendations [risks] the safety and security of our nation. . . ." That is what they said, not what I said. "Tactics such as [these]," they write to Senator MCCONNELL, " . . . are . . . aimed at endangering the 9/11 bill, [and it] sends a signal to America that [is inappropriate]."

IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu modified amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of Social Security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) modified amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism, to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review, to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States, to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) modified amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin modified amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Sessions amendment No. 347 (to amendment No. 275), to express the sense of the Congress regarding the funding of Senate-approved construction of fencing and vehicle barriers along the southwest border of the United States.

Coburn amendment No. 301 (to amendment No. 275), to prohibit grant recipients under grant programs administered by the Department from expending funds until the Secretary has reported to Congress that risk assessments of all programs and activities have been performed and completed, improper payments have been estimated, and corrective action plans have been developed and reported as required under the Improper Payments Act of 2002 (31 U.S.C. 3321 note).

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the act.

Lieberman (for Menendez) amendment No. 354 (to amendment No. 275), to improve the security of cargo containers destined for the United States.

Specter amendment No. 286 (to amendment No. 275), to restore habeas corpus for those detained by the United States.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data-mining in order to exclude routine computer searches.

Ensign amendment No. 363 (to amendment No. 275), to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters.

Biden amendment No. 383 (to amendment No. 275), to require the Secretary of Homeland Security to develop regulations regarding the transportation of high hazard materials.

Biden amendment No. 384 (to amendment No. 275), to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland.

Bunning amendment No. 334 (to amendment No. 275), to amend title 49, United States Code, to modify the authorities relating to Federal flight deck officers.

Schumer modified amendment No. 367 (to amendment No. 275), to require the Administrator of the Transportation Security Administration to establish and implement a program to provide additional safety measures for vehicles that carry high hazardous materials.

Schumer amendment No. 366 (to amendment No. 275), to restrict the authority of the Nuclear Regulatory Commission to issue a license authorizing the export to a recipient country of highly enriched uranium for medical isotope production.

Wyden amendment No. 348 (to amendment No. 275), to require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, is made available to the public.

Bond/Rockefeller amendment No. 389 (to amendment No. 275), to provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform.

Stevens amendment No. 299 (to amendment No. 275), to authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains under the current order?

The ACTING PRESIDENT pro tempore. Four and a half minutes is remaining before the vote.

Mr. CORNYN. Mr. President, the majority leader and I agree about one thing: Securing America ought to be about doing just that and not about politics. But, unfortunately, the majority has demonstrated its interest in rewarding unions by providing a provision for collective bargaining for the Transportation Security Administration in this bill which elevates the union rights of the Transportation Security Administration over the national security and safety of the American people.

So we should not be fooled by the rhetoric or the attempt of the majority leader to stand behind the 9/11 families. Unfortunately, I fear these 9/11 families are being manipulated for political purposes in order to justify promoting the union rights of Transportation Security Administration workers, which will hinder the safety and security of the flying public. This 9/11 bill should be about strengthening security, not about unions.

Mr. President, I have another letter from 9/11 Families for a Secure America to Senator MCCONNELL, which I ask unanimous consent be printed in the RECORD after my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Mr. President, this letter says:

> On behalf of 9/11 Families for a Secure America, an organization representing the families of 300 victims of the 9/11 attacks, we would like to thank you for your recent efforts to ensure and enhance America's security.

This letter goes on and will be part of the RECORD.

But I simply do not understand why the majority leader objects to our ability to have an up-or-down vote on whether dangerous criminal aliens who are currently being released into the population—because under a 2001 Supreme Court decision, they cannot be held more than 6 months pending deportation—why he would object to an up-or-down vote on that amendment.

We started off this year with the majority leader and those in the new majority saying they wanted to work with Republicans in a bipartisan way to try to do what was important for the American people. Nothing is more important than the safety and security of the American people. But why, 6 years after this 2001 Supreme Court decision, the majority insists on allowing this condition to exist, where dangerous criminal aliens are released into the American population to commit additional crimes, is beyond me. That is not about safety and security.

Frankly, the comments I heard this morning which say that somehow this is being politicized are just not correct. If anything, the majority has demonstrated that their desire to promote union rights as a reward for political support in the last election dominates their thinking on this bill. It is unfortunate.

I hope that if, indeed, that provision, which I do believe in all sincerity will impair the safety and security of the American people, is included in this bill once it is taken to conference, I hope the President follows through on his promise to veto the bill because it will not elevate but, rather, it will diminish the safety and security of the American people.

So I regret, Mr. President, that the majority leader has obstructed the ability of the U.S. Senate to have a full and fair debate on these important national security amendments. Frankly, the reasons for not allowing that just do not stand up to scrutiny.

I yield the floor.

EXHIBIT 1

9/11 FAMILIES FOR A
SECURE AMERICA,
March 8, 2007.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of 9/11 Families for a Secure America, an organization representing the families of 300 victims of the 9/11 attacks, we would like to thank you for your recent efforts to ensure and enhance America's security.

As the parents of two men who lost their lives in the World Trade Center attacks, we take the recommendations of the 9/11 Commission more seriously than most. When President Bush threatened to veto the 9/11 bill over a provision related to airport security screeners, we were pleased by your efforts to strip the provision to ensure a presidential signature.

We also appreciate your recent efforts to implement a number of new policies aimed at closing dangerous loopholes in existing security law. We represent an organization that advocates strengthening our borders as a way of improving national security, and your proposals would do just that. As you know, current law prevents us from holding dangerous illegal immigrants and from deporting anyone whose visa has been revoked for terrorist-related reasons. These loopholes must be closed.

Those who would use the 9/11 bill as a vehicle for political patronage and stall its passage in the process do not have America's security interests at heart. Nor do those who would block a vote on measures aimed at securing our borders by screening those who come here illegally. Thank you for keeping faith with those of us who have made the security of this country a real priority. Your efforts are greatly appreciated.

Yours sincerely,

JOAN MOLINARO,
Treasurer, 9/11 Families for a Secure America,
Mother of Carl Molinaro, FDNY.
PETER GADIEL,
President, 9/11 FSA, Father of James Gadiel,
WTC North Tower 103rd floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on pending amendment No. 312, as modified, to amendment No. 275 to Calendar No. 57, S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

John Cornyn, Jon Kyl, Mike Crapo, John Ensign, Saxby Chambliss, Judd Gregg, Richard Burr, Jim Bunning, Sam Brownback, Mitch McConnell, Craig Thomas, Tom Coburn, Wayne Allard, Jim DeMint, John Thune, Pat Roberts, Lindsey Graham.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 312, as modified, offered by Mr. MCCONNELL of Kentucky, to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission more effectively, to improve homeland security, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—46

Alexander
Allard
Bayh
Bennett
Bond
Bunning
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—5

Brownback
Burr
Dodd
Johnson
McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 275 to S. 4, the 9/11 Commission legislation.

Joe Lieberman, Charles Schumer, Robert Menendez, Patty Murray, Dianne Feinstein, B.A. Mikulski, Christopher Dodd, Joe Biden, Debbie Stabenow, Harry Reid, Pat Leahy, Dick Durbin, Jeff Bingaman, H.R. Clinton, Bill Nelson, Tom Carper, Jack Reed.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 275, offered by Mr. REID of Nevada, to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 26, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—69

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Stevens
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—26

Allard
Bunning
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Roberts
Sessions
Shelby
Specter
Sununu
Thomas
Vitter

NOT VOTING—5

Brownback
Burr
Dodd
Johnson
McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 69, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the cloture motion on the bill be vitiated; that the bill be read a third time, and a vote occur on final passage on Tuesday, March 13, immediately upon the disposition of the substitute amendment; that when the Senate convenes on Tuesday, March 13, and resumes consideration of the bill, all time under cloture be considered expired and the Senate immediately begin voting on those pending germane amendments; further, that during Monday's legislative session, the provisions of rule XXII shall not bar a motion to proceed made by the majority leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. COLLINS. Mr. President, I think this is a fair agreement that will allow us to finish the bill on Tuesday, and I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. LIEBERMAN. Mr. President, this means that there will be no further rollcall votes today, there will be no rollcall votes on Monday, and we would resume voting on the germane amendments on Tuesday morning next week.

Our staffs will continue to be available to negotiate with our colleagues on a consent list of amendments that are agreed to by all concerned. In fact, we have a list now approaching 20 amendments where there is such agreement, but there are one or two individual Senators concerned that their amendments are not on that list and they are objecting to the overall consent. We hope very much that can be worked out and we can, in any case, move to final passage next Tuesday.

Mr. President, I briefly wish to thank my ranking member, Senator COLLINS, for her extraordinary contribution to this bill and her cooperation. As you know, we have had many ups and downs about the many amendments, agreements, objections, et cetera, but I am very pleased to say that the bill, as it came out of our committee, was nonpartisan, with a 16-to-0 vote, and one abstention, thus remaining essentially intact. That is the good news.

I hope some of the amendments that have been agreed to by almost everybody on both sides can be added to make the bill even stronger as we go to conference.

I thank our colleagues for their contributions and for some good debate. This is a subject of urgent importance to the American people. It is completing the unfinished work that the 9/11 Commission gave us, it is building on all we accomplished in the 9/11 legislation of 2004, and it will, in a very direct way, make the American people safer both from potential terrorist attack and from the inevitable natural disasters, such as Hurricane Katrina.

I thank my colleagues, and I yield the floor to my ranking member at this time.

Ms. COLLINS. Mr. President, this is a very important bill. Many of the recommendations of the 9/11 Commission were enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, which the distinguished Senator from Connecticut and I have worked so hard to author. But there is some unfinished business, and this bill will help make our country safer and it will strengthen our protections against terrorist attacks.

As always, it has been a great pleasure to work with the Senator from Connecticut, whose leadership I so admire. I am optimistic we have now finally put this important bill on a path to completion, and I look forward to working to accomplish that goal on Tuesday.

I thank the Chair.

Ms. LANDRIEU. Mr. President, reserving the right to object, though I am not sure if that motion has gone through. I wanted to ask the leaders, who have managed this bill so well, if they are familiar with amendment Nos. 295 and 296, relative to very urgent requests by the Gulf Coast States, one for loan forgiveness and one for the 10-percent waiver? Are the two leaders willing to say they are both supportive of these amendments and will continue to try over the weekend to get both these amendments up by unanimous consent?

Mr. LIEBERMAN. Mr. President, I say to the Senator from Louisiana, the amendment on loan forgiveness is on the consent list. As the Senator knows, for reasons that are certainly perplexing to me, most everybody here seems to agree on the 10-percent forgiveness for the gulf coast based on Hurricane Katrina because of the extraordinary economic impact the storm had on both governments and people and businesses in the gulf coast. There is very broad support, but there continue to be objections, as the Senator knows. I regret that, and I hope we can find a way to overcome those between now and next Tuesday.

The Senator from Louisiana also knows there is an amendment on levees that is germane, and that will be one of the amendments that is up either for a vote or passage by consent on Tuesday because it remains relevant and germane after cloture.

Ms. LANDRIEU. I thank the Senator for his support.

Ms. COLLINS. Mr. President, if the Senator from Louisiana will yield so I may respond to her question.

Ms. LANDRIEU. I yield.

Ms. COLLINS. The Senator from Louisiana has been tireless in her advocacy for both of these amendments. The junior Senator from Louisiana has also talked to me about these amendments, as has the Senator from Florida, Mr. MARTINEZ. I have been working hard with the chairman to try to address the concerns of the Senators from Louisiana.

As the chairman has indicated, there is good news on one of the Senator's amendments. The amendment that proposes the loan forgiveness authority for the President is on the list of amendments we are optimistic about clearing on Tuesday. The other amendment, with the 10-percent match eliminated, is more problematic because there are some outstanding objections to it.

I know the Senator from Louisiana has indicated a willingness to amend her amendment and put a 2-year sunset on that provision. That helps a great deal with one of the objections we have on our side of the aisle. I don't know whether we are going to be able to clear the other objections, but I certainly pledge to keep working with the Senator from Louisiana and the committee's chairman to accomplish that goal.

Ms. LANDRIEU. I thank the Senator.

Mr. LIEBERMAN. Mr. President, I thank all our colleagues, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE POLICY

Mr. BROWN. Mr. President, last November, voters in my State of Ohio spoke out for change. Their call echoed across this country, as middle-class, working, and low-income families claimed ownership of their Government.

For too long, our Government betrayed their values. The drug companies wrote the Medicare law, the oil companies dictated energy policy, and large multinational corporations pushed job-killing trade agreements through the House and the Senate.

In my home State of Ohio, trade in particular was the focus for change in last year's election. Years of job-killing trade agreements are taking their toll on workers and small businesses alike. Two years ago, the largest ever bipartisan fair trade coalition was formed to oppose the Central American Free Trade Agreement—the dysfunctional cousin of the fundamentally flawed North American Free Trade Agreement.

Forced through the House in the middle of the night by one vote, CAFTA did not pass on its merits. So flawed is CAFTA that to this day, nearly 2 years later, it has still not been fully implemented.

The question is not if we trade but how we trade and who benefits from trade. Unfettered free trade has afforded multinational corporations and morally bankrupt countries windfall profits on the backs of often slave, sweatshop, or even child labor. Proponents of unfettered free trade use words such as "protectionism" to hide their shameful practices, to mask agreements that trade in human suffering and economic destruction, and to simply try to push away their opponents' arguments.

I am pleased to say this Congress is not only committed to build on the efforts of the fair trade coalition, we are already at work changing trade policy. Earlier this year, Senator DORGAN, Senator GRAHAM, and I introduced legislation that would ban sweatshop labor. We shed light on the injustice of allowing China to enjoy permanent normal trade relations in the WTO while allowing the degradation of environmental and labor standards on massive scales.

In the coming months, Congress will debate fast-track negotiations due to expire this summer. It is clear this administration has little desire—has little desire—to change direction on trade, so it is up to Congress to chart a new course for the future of U.S. trade policy.

Fair trade is not just about doing the right thing for small business, doing the right thing for manufacturing, doing the right thing for workers; it means investing in entire communities.

Our middle class is shrinking. Our policies in Washington have betrayed the values of working families across this country—in Ohio and Rhode Island, all over this country—which is why we must revamp our economic trade policies and invest in our middle class. We must shrink income inequality, grow our business community, and create good-paying jobs. We must establish trade policy that builds on our economic security.

Job loss does not just affect the worker who has lost her job or that worker's family. Job loss, especially job loss in the thousands, devastates communities. It hurts the local business owner—the drugstore, the grocery store, the neighborhood restaurant. When people are out of work, they cannot support their local economy, which forces owners to close their small businesses. That means lost revenues to the community, which hurts schools, fire departments, and police departments.

The trade policies we set here and negotiated across the globe have a direct impact on places such as Toledo and Steubenville and Cleveland and Middletown. We hear the word "protectionist" thrown around by those who insist on more of the same failed trade models. It is considered "protectionist" by them when they characterize those of us who are fighting for labor and environmental standards, but they call it "free trade" to protect drug company patents and Hollywood films.

If we can protect intellectual property rights, as we should, with enforceable provisions in trade agreements, we absolutely can do the same for labor, the environment, and food safety.

In my home State of Ohio, we have a talented and hard-working labor force and an entrepreneurial spirit that needs only the investment dollars and commitment from Government to realize their economic potential.

Oberlin College, near Cleveland, has the largest building on any university campus in the United States fully powered by solar energy. However, Oberlin College had to buy the solar panels for their building from Germany and Japan because we do not make enough solar panels in the United States.

Through investment in alternative energy, and through biomedical research and development, we cannot only create jobs, we can grow small business, we can help our environment.

Now is the time for our Government to do its part and redirect our priorities from favoring the wealthiest 1 percent in our Nation to, instead, growing our Nation's middle class. It is not a matter of if we revamp our trade policy but when we do it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 835 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Mr. President, I thank the Senator from North Dakota for his courtesy. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TRADE

Mr. DORGAN. Mr. President, I believe this morning President Bush is in Brazil. A week ago today, I and a number of Senators met with the President at the White House. The issue of the Brazil trip came up. He no doubt will talk to the Brazilians about trade this morning. As he discusses the issue of trade, I wanted to make a couple of comments.

Today we had a new trade deficit figure released, about 3 hours ago. It shows our merchandise trade deficit in the past month was $66 billion—in 1 month. I wanted to come to the floor to show what is happening to this country's trade. The reason I want to show the results of our trade policy is we now have proposals in front of us for free trade agreements. We have Colombia, Peru, negotiations with South Korea, Thailand, and others. We have been through a period when there has been this mantra, this chant, as it is, about free trade.

This chart shows what is happening to trade. In 1995, 12 years ago, we had a $174 billion trade deficit. Now it is $836 billion. Think of that: Every single day we wake up in this country, we import over $2 billion more in goods from overseas than we are able to sell abroad. It doesn't matter what the good is, much, and it doesn't matter what the country is.

I have been here with charts that show, for example, to cite one, last year we had automobiles put on ships in South Korea. Mr. President, over 700,000 automobiles were put on ships in South Korea and sent to America and sold in the United States—700,000 South Korean automobiles. How many American automobiles do you think we sold in Korea, Mr. President, 700,000? No, no—about 4,000. Fair trade? Hardly. Ninety-nine percent of the cars on the streets of South Korea are South Korean cars. Why? Because they don't want foreign cars sold in South Korea. They want to produce cars with jobs in South Korea and ship them to the United States.

Should we allow that kind of one-way trade—700,000 going one way, 4,000 plus going the other way—to continue? I don't think so.

Let me talk a little about the general area of trade. I want to put up a picture of a young girl named Halima. This is a beautiful 11-year-old girl. When I showed the chart of the $836 billion trade deficit last year, over $2 billion a day—well over $2 billion a day—the result of that statistic is American jobs being shipped overseas, products being produced overseas, in many cases with dirt-cheap labor, sent to a big box retailer in this country to be sold at a lower price. That is true, a lower price, so the American consumer gets a better price on a 12-pack of underwear or a gallon of mustard someplace. But what is the consequence of that to our economy, to our jobs? What ultimately is the consequence for our country? I frame all this in the context of the President saying: Let's do more, let's do more of this.

It seems to me if we do much more of that, we won't have much of an economy left. At what point do we think a trade deficit matters? This isn't money we owe to ourselves. One can make that case in fiscal policy with the budget deficit. This is money we owe to other countries, over $1 trillion of which we now owe to the Japanese and the Chinese. But what are the consequences?

I mentioned lost American jobs. Where do these jobs go? Who is producing what is sent to our country?

This beautiful young lady is named Halima. She worked at a factory in Bangladesh at age 11, and she made Hanes underwear. She worked long hours, very low pay, in sweatshop conditions.

One would think if this is a world market in which we care about the circumstances of people working in sweatshop conditions, we would take a look at something such as this and say: Wait a second, we don't want to buy Hanes underwear made with the hands of an 11-year-old working in sweatshop conditions.

Let me show my colleagues a certification of this plant in which Halima worked. "Certificate of Compliance, February 21, 2007." It is hereby awarded to Harvest Rich Ltd., worldwide responsible apparel production. So they certified this company was doing just fine with international standards. An 11-year-old producing in sweatshop conditions, sending underwear to Americans? That is fine? I don't think so. So is this just an aberration? This just happens on the very unusual case, and I just happened to find the picture of Halima?

Let me tell you how this picture came about. This picture came from a woman named Sheik Nazma. She was a former child laborer in Bangladesh. She was forced to start working in the textile mills at age 12—a sweatshop—and she described the conditions. She organized her coworkers for better conditions, saying: Let us, as a group of workers, organize to see if we can get better conditions. For that, she was beaten and threatened to death for organizing workers.

Is that an aberration? No, not really. I can give you the names today of people sitting in prisons in China. Their transgression? Their crime? They tried to organize workers for better conditions, tried to organize workers to insist on backpay they were owed. For that, they are sitting in prison cells in China because you can't organize workers in China.

What is happening with respect to these trade issues is we are sinking deep into this abyss of worsening trade debt. I know what the papers will say tomorrow—that $66 billion, the last monthly merchandise trade deficit, is about a billion dollars or so less than the previous month, and the newspapers will say: Nirvana. What a wonderful thing—our trade deficit is shrinking. These, of course, are the same newspapers that beat to death this chant of free trade. There is not enough of this free trade for them; the more the merrier. My only question about all of this is, When do you suggest that this represents failure? Is there never an opportunity to suggest that we need a change in trade strategy, a change that stands up for what we have built in a century in this country?

Let me describe what it is we have built in this century. A man name James Fyler was shot in 1914. The previous accounts of his death say he died of lead poisoning actually, but he was shot 54 times. Do you know why he was shot and lost his life? Because he believed that people who went underground to dig in the coal mines ought to be entitled to two things: No. 1, a safe workplace, and No. 2, a fair wage. For that, he was murdered.

In a century, from James Fyler forward, we had people who gave their lives and risked their lives to improve standards in this country, to insist on the right to organize, to insist on safe workplaces, to insist on a fair wage, and to insist on fair labor standards. It was tough. There were people beaten in the streets for it. There were people shot for insisting that we develop and lift those standards. But we did. We did. We expanded and created a middle class almost unparalleled in the world, which became the economic strength of this country. Working people understood they could get a good job, get some training, have a job that had a career ladder, an opportunity for a decent wage, an opportunity for benefits, and an opportunity to take care of their families. There is no social program in this Chamber that is as important as a good job that pays well for able-bodied workers. It is what allows everything else to work.

So we did that for a century, and we expanded opportunities. Now, all of a sudden, we are told it is a new day because of the global economy. In fact, Tom Friedman wrote a book saying that not only is it a new day, but the world is flat. I have yet to see the globe that represents that. When you go to most offices or libraries and you see a globe of the Earth, it appears round to me. Of course, I only graduated from a high school senior class of nine students, so maybe I missed a part of the lesson. So now we have books that say the world is flat, which, of course, is nonsense because it is not flat.

It is a global economy. What does that mean? What is the definition of what a global economy means for us and for our future? It means, according to some, that we ought to be able to understand that comparative advantage means you produce products where you can produce them at the least cost and then purchase them here and it is good for the consumer. The result is corporate executives flying around the world deciding where they can produce for the least cost.

How many of my colleagues remember Radio Flyer's little red wagon, which was an American product for 110 years, a Chicago company—the little red wagon we have all ridden in? It was named "Radio Flyer" because the inventor loved Marconi and he loved to fly, so he named his product "Radio Flyer," and his company built it in Chicago for 110 years. Not anymore. It is just gone. It is now built in China. Do you think that is because the Chinese build better little red wagons? No, not at all. It is because you can find somebody who will work for 30 cents an hour, and you can work them 7 days a week, 12 to 14 hours a day, and you can build a cheaper little red wagon.

Similarly, you can do the same with Huffy bicycles and then eliminate all their jobs. You can do the same with Pennsylvania House furniture. In fact, with Pennsylvania House furniture, you can send the Pennsylvania wood to China. You can get rid of all the workers in Pennsylvania, send the Pennsylvania wood to China, and have them put it together and ship it back here, and that is exactly what has happened.

About 3½ to 4 million jobs have now migrated to where you can pay pennies an hour and then ship the product back to our country. That is about enhancing corporate profits, but I think it is at the expense of our economic future.

The former Vice Chairman of the Federal Reserve Board, Alan Blinder, a mainstream economist, said this: There are 42 to 56 million American jobs that are tradeable, meaning outsourceable. Not all of them will leave our country, but even those that stay are competing with others in the world who will work for lower wages. Therefore, there will be downward pressure on American wages for working Americans.

We see it every day. Open the newspaper and see how many people are losing their health care benefits, their retirement benefits, and the downward pressure on income. We see it every day. It is part of a strategy that says free trade, a global economy, produce where it is cheap, and sell to a marketplace like this.

My point is that it doesn't add up in the long run. I am for trade. I am in favor of trade, and plenty of it, but I insist and demand that it be fair trade for this country that attempts to lift, not depress standards. I am very interested in engaging with the rest of the world. I am not an isolationist, I am not a protectionist, as they define it, although I want to plead guilty quickly to wanting to protect our country's economic interests. If that is being a protectionist, then just sign me up. I want to protect our country's economic interests. We will only do that, and we will do it well, if we understand the need to retain a broad middle class, a middle class that sees jobs here that pay well, with benefits and opportunities in the future.

So how do we reconcile all of this? What will happen in the coming several months is—and I believe Senator SHERROD BROWN spoke about this earlier today—what will happen in the coming months is we will be requested to debate an extension of something called fast-track authority. Fast-track authority. They are going to want to run through fast-track authority trade agreements with, yes, South Korea and Thailand and Peru and Colombia and many others. The same people who have given us this want to give us more of it, a deep canyon of red ink, downward pressure on American incomes, and substantial pressure on the movement of American jobs.

Interestingly enough, we not only move American jobs overseas, we actually decide, for those who do it, that we will give them a big fat tax break. One of the most pernicious, ignorant pieces of public policy I can conceive of is when we said: Fire your American workers, close your American plants, move your jobs to China, sell your products back in America, run your income through the Cayman Islands, and we will give you a big fat tax break for it.

Four times we have voted on eliminating that tax break, four times I have offered amendments to shut it down, and four times I have lost. Mark my words—we will be voting again and again on that proposition. The very last thing we ought to do as a country is decide we want to subsidize the flight of American jobs.

We just introduced a piece of legislation that would deal with the issue of sweatshop labor in other countries. What are the standards of this so-called global trade in a flat world? Well, at least there is one standard. The one standard is that you can't sell tube socks from a prison in China at a big-box retailer in America. Why is that? Because it is presumed that if you make tube socks or shorts or whatever you make in a prison setting, then that truly is the ultimate sweatshop labor, I guess. So you can't send prison labor products to our marketplace.

Well, if we all agree with that, and we do, because we already have a provision on that, what about the next step up? What about the product of an 11-year-old girl? What about the product of a company that hires an 11-year-old girl named Halima and works her in sweatshop conditions?

Should we decide as a country that you cannot produce products in sweatshop conditions that abuse workers abroad and send the products here—which, by the way, then asks American workers working in plants in the United States to compete with that sweatshop labor. It not only abuses foreign workers, it also abuses domestic workers because we are saying: Compete with something that is completely unsavory. If this happened in our country, we would march down the street with law enforcement and say: Shut this down.

We have heard the stories. I think my colleague, Senator HARKIN, had hearings some several years ago about this with the international labor organizations—young kids in carpet factories having their fingertips burned with sulfur. They put sulfur on the fingertips, then light them on fire. Do you know why? They create scars on the fingertips so that as they use needles to sew the rugs, two things occur: They don't hurt themselves because they have scars from having had their fingertips burned and, second, they won't get blood on the carpets. Is this something we should accept? No, I don't think so. Is it something we should care about? You are darn right we should. But almost nothing—almost nothing—is acceptable to discuss in this mantra of free trade without being called a protectionist.

Here is what I think is going to happen. In the last election here in this country, I think there were 6 or 8 or 10 Senate races in which the winning candidate said: You know what, we are on the wrong track here. It is not that we shouldn't trade. We should trade. The origin of this great country was the shrewd Yankee trader. We were the traders, good traders, and so we should trade. But we shouldn't decide that this kind of a trade deficit can continue. It simply cannot.

Let me pull up the chart with China. The largest trade deficit we have is with the country of China, with $232 billion last year alone. That is unbelievable.

I have mentioned before that part of our problem is just incompetent trade agreements, just fundamentally incompetent, and I will give an example of one.

I have threatened from time to time that trade negotiators should wear uniforms, like the jerseys they wear in the Olympics, so they can look down from time to time and, in a sober moment, they can see for whom they are working. It would say "U.S.A."

China. We did a bilateral agreement with China, a country with which we have a very large trade deficit—a very large deficit and growing. It is a country that is also developing a new automobile export industry, and they want to export automobiles aggressively to the United States. Here is what we said: If you export Chinese automobiles to the United States, we will impose a 2.5-percent tariff on your cars, but if we export American automobiles to be sold in China, China can impose a 25-percent tariff. We negotiated with China a deal that said: On a bilateral automobile trade, you ship a car to us and we will impose a 2.5-percent tariff, and if we ship a car to you, you can impose a tariff that is 10 times higher, and that is just fine. I am saying that is ignorant. That is ignorant of our economic interest.

One little piece of information. Most people don't know it, but you can rip open the intestines of these trade agreements and find case after case where we have traded away our own economic interests.

We are going to be confronting now, in the next 4 or 5 months, some very tough choices—not so tough for me but perhaps for some—choices about what do we do about fast-track trade authority. That is a mechanism by which the Senate decides in advance that when a trade agreement comes here that has been negotiated in secret, behind closed doors, with no participation of any of us, it comes here under an expedited procedure with no opportunity for anyone to make any change of any type. I don't support that.

What has happened with China and the world is the deepening abyss of red ink, and what has resulted from the strategy that comes from fast track is expedited procedures and a straightjacket for the Senate. It has come from incompetent agreements. It has come from lack of enforcement. In fact, our trade authorities cannot even find some of the agreements they have previously negotiated. They can't even find them, let alone enforce them.

I haven't talked here about the number of people who are working in our Government to enforce our trade agreements with China. It is fewer than 20. Enforcement is just the backwater of trade. Nobody wants to enforce anything. It doesn't matter. Yet, in my judgment, it does matter to this country's economic future.

What are we going to do about fast track and the extension for fast track that President Bush is requesting? I did not support fast-track trade authority for President Clinton, and I do not support it for President Bush, although President Bush has had it now for some while. But I think there is a new group of Senators who will have to sink their teeth into this discussion. What does this mean? What does this expedited procedure, fast-track straitjacket, mean? What does it mean when we do bilateral negotiations, so-called free-trade negotiations, with the countries I previously described, and how do we resolve them? How do we deal with them?

Many of my colleagues, myself included, believe when we negotiate trade agreements we should do so with an eye on what we have created and built in this country, lifting up standards for almost a century now. We should have labor provisions in the trade agreements. We should have environmental provisions in the trade agreements. We should have a shock absorber for currency fluctuation in the trade agreements. Some say that is radical. It is not radical. I will show you what is radical. It is the sheet that shows the combined trade deficit with the world. When you talk about what is radical, this is radical: the trade strategy that gives us this is radical. The trade strategy that gives us this morning's merchandise trade deficit of $66 billion, that is what is radical.

There is an old saying: If you don't care where you are, you are never going to be lost. You know, we have gone on here for some long while with people apparently not caring, but it is time for our country to care. There is only one United States on this planet. If you spin this globe and try to find another equivalent place, with democracy and a market system that have come together to create opportunity for so many—there is only one place. But we are quickly losing it with this "the world is flat" approach, with free-trade agreements that tend to put downward pressure on wages in this country and strip away benefits and decide in this new market system that comparative advantage is not just who has the best natural resources to produce what product, but who has decided to have rules in their country that prohibit workers from organizing, that allow sweatshops to operate, that allows 11-year-old kids in carpet factories.

That is not comparative advantage. Ricardo would roll over in his grave. It has nothing to do with comparative advantage. We have to confront these issues, the sooner the better, and there is no question we will begin to confront them in this year, perhaps in the next 4 or 5 months. The way we confront them and the decisions we make will have a profound impact on what kind of a country we have and what kind of economy we have in the coming years. That is why it is so important.

I wanted to make a couple of comments today by pointing out that we are now confronted with choices, and those choices, I assume, will be imposed upon us in a very short period of time. I look forward to new voices in the Senate weighing in on these important issues. Not in a way that suggests we are not a part of the world economy, we are a significant part of the world economy; not in a way that suggests the world has not gotten smaller, it has. The world is not flat, but the world certainly is smaller.

We are engaged in this information technology revolution. If something happens almost anywhere in the world, I will know about it 5 minutes later, and we will see pictures of it in a half hour or less. So things have changed. But what has not changed is our need and desire as Americans to look after the well-being of our economy and the opportunities that can exist for our citizens.

That is not being selfish. That is our responsibility. We are stewards of this country's future, and that stewardship, in my judgment, is vastly compromised by this chart and what has happened with the shipping of American jobs overseas, with the decision that cheaper prices at home for products produced elsewhere for pennies an hour represent fair competition for American workers. It is not fair competition, and we do desperately need, now, a new trade strategy, one that reflects the economic interests of this country but one that still insists on being a significant part of the world economy even as we try to lift others up without pushing our standards down.

AMENDMENT NO. 286

Mr. LEAHY. Mr. President, I was pleased to join Senator SPECTER and Senator DODD in offering an amendment to restore the Great Writ of habeas corpus, a cornerstone of American liberty since the founding of this Nation. Senator SPECTER and I introduced this legislation late last year and reintroduced it on the first day of this new Congress. This amendment continues our efforts to amend last year's Military Commissions Act, to right a wrong and to restore a basic protection to American law. This is an issue on which we continue to work together and urge Senators on both sides of the aisle to join with us.

As Justice Scalia wrote in the Hamdi case: "The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive." The remedy that secures that most basic of freedoms is habeas corpus. It provides a check against arbitrary detentions and constitutional violations. It guarantees an opportunity to go to court, with the aid of a lawyer, to prove one's innocence. This fundamental protection was rolled back in an unprecedented and unnecessary way in the run up to last fall's election by passage of the Military Commissions Act.

The Military Commissions Act eliminated that right, permanently, for any noncitizen determined to be an enemy combatant, or even "awaiting" such a determination. That includes the approximately 12 million lawful permanent residents in the United States today, people who work and pay taxes in America and are lawful residents. This new law means that any of these people can be detained, forever, without any ability to challenge their detention in Federal court—or anywhere else—simply on the Government's say-so that they are awaiting determination whether they are enemy combatants.

I deeply regret that Senator SPECTER and I were unsuccessful in our efforts to stop this injustice when the President and the Republican leadership insisted on rushing the Military Commissions Act through Congress in the weeks before the recent elections. We proposed an amendment that would have removed the habeas-stripping provision from the Military Commissions Act. We fell just three votes short in those politically charged days. It is my hope that the new Senate and new Congress will reconsider this matter, restore this fundamental protection and revitalize our tradition of checks and balances.

This amendment to the 9/11 Commission bill provides the right time and the place for the Senate to make this stand. The 9/11 Commission bill seeks to make us stronger and to protect us from the threat of terrorism. Protecting our values and the safeguards that make us a strong democracy is key to that effort. Restoring our place as an example to the world of liberty and the rule of law will only increase our security and undermine those who would seek to recruit terrorists.

Giving the Government such raw, unfettered power as the Military Commissions Act did should concern every American. Last fall, I spelled out a nightmare scenario about a hard-working legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity that the Government secretly suspects might be a source of funding for critics of the United States Government. I suggested that, on the basis of this donation and perhaps a report of "suspicious behavior" from an overzealous neighbor, the permanent resident could be brought in for questioning, denied a lawyer, confined, and even tortured. Such a person would have no recourse in the courts for years, for decades, forever.

Many people viewed this kind of nightmare scenario as fanciful, just the rhetoric of a politician. It was not. It is all spelled out clearly in the language of the law that this body passed. In November, the scenario I spelled out was confirmed by the Department of Justice itself in a legal brief submitted in a Federal court in Virginia. The Justice Department, in a brief to dismiss a detainee's habeas case, said that the Military Commissions Act allows the Government to detain any non-citizen designated an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. The Washington Post wrote that the brief "raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups."

In fact, the situation is even more stark than The Washington Post story suggested. The Justice Department's brief says that the Government can detain any noncitizen declared to be an enemy combatant. But the law this Congress passed says the Government need not even make that declaration: They can hold people indefinitely who are awaiting determination whether or not they are enemy combatants.

It gets worse. Republican leaders in the Senate followed the White House's lead and greatly expanded the definition of "enemy combatants" in the dark of night in the final days before the bill's passage, so that enemy combatants need not be soldiers on any battlefield. They can be people who donate small amounts of money, or people that any group of decision-makers selected by the President decides to call enemy combatants. The possibilities are chilling.

We have eliminated basic legal and human rights for the 12 million lawful permanent residents who live and work among us, to say nothing of the millions of other legal immigrants and visitors who we welcome to our shores each year. We have removed a vital check that our legal system provides against the Government arbitrarily detaining people for life without charge. We may well have also made many of our remaining limits against torture and cruel and inhuman treatment obsolete because they are unenforceable. We have removed the mechanism the Constitution provides to check Government overreaching and lawlessness.

This is wrong. It is unconstitutional. It is un-American. It is designed to ensure that the Bush-Cheney administration will never again be embarrassed by a United States Supreme Court decision reviewing its unlawful abuses of power. The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check on this administration's lawlessness. Certainly the last Congress did not do it. With passage of the Military Commissions Act, the Republican Congress completed the job of eviscerating its role as a check and balance on the administration.

Some Senators uneasy about the Military Commissions Act's disastrous habeas provision took solace in the thought that it would be struck down by the courts. Instead, the first court to consider that provision, a Federal court in the District of Columbia, upheld the provision. The DC Circuit, in a sharply divided 2–1 decision, upheld that ruling, holding that at least the hundreds of detainees held in Guantanamo Bay cannot go to court to challenge their detention. We should not outsource our moral, legal and constitutional responsibility to the courts. We cannot count on the courts to fix our mistakes. Congress must be accountable for its actions, and we should act to right this wrong.

Following the DC Circuit's decision, newspapers and experts from across the country and across the political spectrum have called on Congress to take action. Editorial boards from the Washington Post and the New York Times to the Evansville Courier & Press in Indiana, and the Columbia Tribune in Missouri have called for reversing the MCA's habeas provision. Prominent conservatives like Bob Barr and Bruce Fein, along with Aberto Mora, former Navy General Counsel in the Bush Administration, have echoed this call. I ask that a selection of these editorials be placed in the record.

A group of four distinguished admirals and generals who have served as senior military lawyers argued passionately for fixing this problem in a letter they sent to me earlier this week. They wrote, "In discarding habeas corpus, we are jettisoning one of the core principles of our Nation precisely when we should be showcasing to the world our respect for the rule of law and basic rights. These are the characteristics that make our nation great. These are the values our men and women in uniform are fighting to preserve."

Abolishing habeas corpus for anyone who the Government thinks might have assisted enemies of the United States is unnecessary and morally wrong. It is a betrayal of the most basic values of freedom for which America stands. It makes a mockery of the administration's lofty rhetoric about exporting freedom across the globe.

We should take steps to ensure that our enemies can be brought to justice efficiently and quickly. I introduced a bill to do that back in 2002, as did Senator SPECTER, when we each proposed a set of laws to establish military commissions. The Bush-Cheney administration rejected our efforts and designed a regime the U.S. Supreme Court determined to be unlawful. Establishing appropriate military commissions is not the question. We all agree to do that. What we need to revisit is the suspension of the writ of habeas corpus for millions of legal immigrants and others, denying their right to challenge indefinite detainment on the Government's say-so.

It is from strength that America should defend our values and our Constitution. It takes commitment to those values to demand accountability from the Government. We should not be legislating from fear. In standing up for American values and security, I will keep working on this issue until we restore the checks and balances that are fundamental to preserving the liberties that define us as a nation. We can ensure our security without giving up our liberty. That is what the 9/11 Commission bill aims to do, and that is what this amendment will help to achieve.

Mr. President, I ask unanimous consent that the following editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 2007]

EXTEND LEGAL RIGHTS TO GUANTANAMO

(By Alberto J. Mora and Thomas R. Pickering)

For more than 200 years, the courts have served as the ultimate safeguard for our civil liberties. A critical part of this role has been the judicial branch's ability to consider writs of habeas corpus, through which people who have been imprisoned can challenge the decision to hold them in government custody. In this way, habeas corpus has provided an important check on executive power. However, because of a provision of the Military Commissions Act passed last fall, this fundamental role of the courts has been seriously reduced.

Habeas corpus—the Great Writ—has been the preeminent safeguard of individual liberty for centuries by providing meaningful judicial review of executive action and ensuring that our government has complied with the Constitution and the laws of the United States. Habeas review has always been most critical in cases of executive detention without charge because it provides prisoners a meaningful opportunity to contest their detention before a neutral decision maker.

In 2004, the Supreme Court held that the protections of habeas corpus extend to detainees at Guantanamo Bay, who may rely on them to challenge the lawfulness of their indefinite detentions. The court noted that at its historical core, "the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest."

But the Military Commissions Act eliminates the federal courts' ability to hear habeas petitions filed by certain noncitizens detained by the United States at Guantanamo Bay and elsewhere. Late last month the U.S. Court of Appeals for the D.C. Circuit upheld this provision and dismissed the lawsuits filed by many of the Guantanamo detainees.

We fully recognize that our government must have the power to detain suspected foreign terrorists to protect national security. But removing the federal courts' ability to hear habeas corpus claims does not serve that goal. On the contrary, habeas corpus is crucial to ensure that the government's power to detain is exercised wisely, lawfully and consistently with American values. That is why we have joined with the Constitution Project's broad and bipartisan group of judges, former members of Congress, executive branch officials, scholars and others to urge Congress to restore federal court jurisdiction to hear these habeas corpus petitions.

The unconventional nature of the "war on terrorism" makes habeas corpus more, not less, important. Unlike what is found in traditional conflicts, there is no clearly defined enemy, no identifiable battlefield and no foreseeable end to the fighting. The government claims the power to imprison individuals without charge indefinitely, potentially forever. It is essential that there be a meaningful process to ensure that the United States does not mistakenly deprive innocent people of their liberty. Habeas corpus provides that process.

We recognize that the Military Commissions Act still enables the Guantanamo detainees to have hearings before a Combatant Status Review Tribunal, which is charged with determining whether the detainee is in fact an "enemy combatant." But unlike court hearings, the tribunal hearings rely on secret evidence, deny detainees the chance to obtain and present their own evidence, and allow the government to use evidence obtained by coercive interrogation methods. While these tribunals have some utility, they cannot replace the critical role of habeas corpus.

The government has detained some Guantanamo prisoners for more than five years without giving them a meaningful opportunity to be heard. The United States cannot expect other nations to afford its citizens the basic guarantees provided by habeas corpus unless it provides those guarantees to others.

And in our constitutional system of checks and balances, it is unwise for the legislative branch to limit an established and traditional avenue of judicial review.

Americans should be proud of their commitment to the rule of law and not diminish the protections it provides. Our country's detention policy has undermined its reputation around the world and has weakened support for the fight against terrorism. Restoring habeas corpus rights would help repair the damage and demonstrate U.S. commitment to a counterterrorism policy that is tough but that also respects individual rights. Congress should restore the habeas corpus rights that were eliminated by the Military Commissions Act, and President Bush should sign that bill into law.

[From the Washington Times, Feb. 27, 2007]

RULE OF LAW CRIPPLED

(By Bruce Fein)

The Great Writ of habeas corpus is to the rule of law what oxygen is to life.

The U.S. Court of Appeals imprudently crippled the writ last week in Lakhdar Boumediene v. Bush (Feb. 20). A divided three-judge panel declared suspected alien enemy combatants held indefinitely at Guantanamo Bay may not question their detentions in federal courts though petitions for writs of habeas corpus under the Military Commissions Act of 2006 (MCA). Writing for a 2-1 majority, Judge Raymond Randolph mistakenly endorsed a cramped interpretation of habeas corpus as though he were addressing a tax exemption in the Internal Revenue Code.

Absolute power corrupts absolutely. Accordingly, the Great Writ prevents the president from disappearing political opponents or the unpopular into dungeons based on his say-so alone, a frightening power that has earmarked despots from time immemorial. The writ enables detainees to require the president to establish the factual and legal foundations for their detentions before an independent judiciary.

The goal is justice, the end of civil society as James Madison explained in the Federalist Papers. The president may be inclined to detain bogus enemy combatants in the war against global terrorism to inflate public fear and to justify executive aggrandizements, for example, spying without judicial or legislative oversight in contravention of the Foreign Intelligence Surveillance Act of 1978. A former commandant and deputy commandant at Guantanamo Bay have averred that most of its detainees do not belong there.

The Great Writ does not threaten to release a single genuine enemy combatant. The burden to defeat the Great Writ is modest: plausible evidence (far short of proof beyond a reasonable doubt) that the detainee was implicated in active hostilities against the United States. In Rasul v. Bush (2004), the Supreme Court held the federal habeas corpus statute extended to aliens at Guantanamo. Two years later, Congress overruled Rasul in the MCA by suspending the Great Writ for alien enemy combatants detained anywhere. Its proponents were unable to cite a single habeas case either before or after Rasul that precipitated the release of an authentic terrorist. Such a case might be hypothesized with a fevered enough imagination. But the law would become "a ass, a idiot," in the words of Charles Dickens' Mr.

Bumble, if required to answer jumbo speculations that never happen in the real world.

Article I, section 9, clause 2 of the Constitution (Suspension Clause) declares "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it." Judge Randolph tacitly acknowledged in Boumediene that neither habeas exception justified the MCA, i.e., global terrorists have not invaded America. He insisted, however, that the Great Writ has no application to aliens detained outside the sovereignty of the United States; and, that Guantanamo Bay is under the sovereignty of Cuba, albeit subject to a perpetual United States lease.

The latter observation is risible. Fidel Castro has no more access or control over Guantanamo than he does over Washington, D.C., or Des Moines. If Mr. Castro formally abandoned sovereignty over Guantanamo tomorrow, nothing would change. Judge Randolph maintained that a declaration by the political branches in the MCA that Guantanamo is not part of the United States is conclusive on the courts. But the dimensions of the Great Writ which defines what we are as a people should not be so easily contracted by semantic jugglery.

Judge Randolph observed that historically the Great Writ in Great Britain was withheld from remote islands, garrisons and dominions. Compliance with a writ from overseas would have been impractical because of time limitations for producing the detainee. But as Chief Justice John Marshall taught in McCulloch v. Maryland (1819), the Constitution was designed to endure for the ages and to be construed accordingly to achieve its purposes. Congress is empowered to create an Air Force, although the Constitution speaks only of armies and navies. The Fourth Amendment protects against indiscriminate government interceptions of e-mails and conversations, although its language speaks only of persons, houses, papers and effects. Similarly, the Great Writ should apply to suspected alien enemy combatants detained abroad unless compliance would be impractical or unworkable.

No civilized Constitution risks injustice for the sake of injustice, aside from the folly of creating poster children to boost al Qaeda's recruitments. The Supreme Court should grant review of Boumediene and reverse the appeals court.

[From the Washington Post, Feb. 23, 2007]

A CONGRESSIONAL DUTY

ON THE FIRST day of the new Congress, two leading senators announced they would join in an attempt to reverse the hasty and ill-considered decision of the previous Congress to deprive foreign prisoners at Guantanamo Bay of the ancient right of habeas corpus, which allows the appeal of imprisonment to a judge. One of the senators, Arlen Specter (R–Pa.), predicted that the courts would rule that the provision of the Military Commissions Act eliminating habeas corpus was unconstitutional; he nevertheless joined the incoming chairman of the Senate Judiciary Committee, Patrick J. Leahy (D–Vt.), in sponsoring a bill restoring the appeal right.

Now Mr. Specter's prediction is looking less sure: The U.S. Court of Appeals for the D.C. Circuit ruled this week that Congress's act was constitutional, and it threw the cases of dozens of Guantanamo detainees out of federal court. That ruling will almost certainly be reviewed by the Supreme Court on appeal, but Congress should not wait for its decision. It should move quickly on the Habeas Corpus Restoration Act.

The Supreme Court has already twice overruled decisions by the D.C. Circuit denying Guantanamo detainees habeas rights, but it is hard to predict whether it will do so again. The court's composition has changed since those rulings, with the addition of justices more likely to be sympathetic to the arguments of the Bush administration. Congress has reversed part of the basis for the court's previous rulings by enacting a statute saying that persons found to be "enemy combatants" by military review panels, including detainees held at Guantanamo, have only a limited right of appeal.

The principal remaining question is whether Congress's action is permitted under Article I, Section 9 of the Constitution, which says, "The Privilege of the Writ of Habeas Corpus shall not be suspended" except in cases of "Rebellion or Invasion." Two judges of the three-member appeals court panel ruled that the provision does not apply at Guantanamo because it is not on U.S. territory and the detainees are foreigners. A dissent written by Judge Judith Rogers pointed out that one of the earlier Supreme Court rulings stated that giving appeal rights to Guantanamo inmates "is consistent with the historical reach of the writ of habeas corpus." But the court has not ruled squarely on the constitutional issue.

Rather than wait for the court's decision, Congress should correct its own mistake. The 51 to 48 vote rejecting Mr. Specter's previous attempt to restore habeas condemned hundreds of foreign prisoners to indefinite detention without trial at Guantanamo; only a few score are expected to be prosecuted by the military commissions. Since 2002 it has become clear that a number of prisoners at the facility were arrested in error, are not terrorists and pose no threat to the United States. Moreover, improvements in the prisoners' treatment have come about largely because of their court appeals. Congress has both a practical and a moral interest in ensuring that this basic human right is restored.

[From the New York Times, Feb. 22, 2007]

AMERICAN LIBERTY AT THE PRECIPICE

In another low moment for American justice, a federal appeals court ruled on Tuesday that detainees held at the prison camp at Guantánamo Bay, Cuba, do not have the right to be heard in court. The ruling relied on a shameful law that President Bush stampeded through Congress last fall that gives dangerously short shrift to the Constitution.

The right of prisoners to challenge their confinement—habeas corpus—is enshrined in the Constitution and is central to American liberty. Congress and the Supreme Court should act quickly and forcefully to undo the grievous damage that last fall's law—and this week's ruling—have done to this basic freedom.

The Supreme Court ruled last year on the jerry-built system of military tribunals that the Bush Administration established to try the Guantánamo detainees, finding it illegal. Mr. Bush responded by driving through Congress the Military Commissions Act, which presumed to deny the right of habeas corpus to any noncitizen designated as an "enemy combatant." This frightening law raises insurmountable obstacles for prisoners to challenge their detentions. And it gives the government the power to take away habeas rights from any noncitizen living in the United States who is unfortunate enough to be labeled an enemy combatant.

The United States Court of Appeals for the District of Columbia Circuit, which rejected the detainees' claims by a vote of 2 to 1, should have permitted the detainees to be heard in court—and it should have ruled that the law is unconstitutional.

As Judge Judith Rogers argued in a strong dissent, the Supreme Court has already rejected the argument that detainees do not have habeas rights because Guantánamo is located outside the United States. Judge Rogers also rightly noted that the Constitution limits the circumstances under which Congress can suspend habeas to "cases of Rebellion or invasion," which is hardly the situation today. Moreover, she said, the act's alternative provisions for review of cases are constitutionally inadequate. The Supreme Court should add this case to its docket right away and reverse it before this term ends.

Congress should not wait for the Supreme Court to act. With the Democrats now in charge, it is in a good position to pass a new law that fixes the dangerous mess it has made. Senators Patrick Leahy, Democrat of Vermont, and Arlen Specter, Republican of Pennsylvania, have introduced a bill that would repeal the provision in the Military Commissions Act that purports to obliterate the habeas corpus rights of detainees.

The Bush administration's assault on civil liberties does not end with habeas corpus. Congress should also move quickly to pass another crucial bill, introduced by Senator Christopher Dodd, Democrat of Connecticut, that, among other steps, would once and for all outlaw the use of evidence obtained through torture.

When the Founding Fathers put habeas corpus in Article I of the Constitution, they were underscoring the vital importance to a democracy of allowing prisoners to challenge their confinement in a court of law. Much has changed since Sept. 11, but the bedrock principles of American freedom must remain.

[From the Columbia Tribune, Feb. 22, 2007]

ENEMY COMBATANTS: A FAST TRACK TO JUSTICE

Under the president's shortcut plan for wartime justice, anyone he labels an "enemy combatant" loses normal constitutional rights. The government denies hundreds of detainees in Guantanamo Bay, Cuba, the right to a hearing in court.

Last year the U.S. Supreme Court declared this denial unconstitutional. In response, the Bush administration pushed through Congress the Military Commissions Act authorizing the use of such commissions instead of courts for hearing these cases.

This week the District of Columbia appeals court upheld the new law, a decision certain to be appealed, sending the issue back to the highest court, where I hope this latest gambit will be denied.

I suppose President George W. Bush and his crew refuse to let these prisoners have habeas corpus hearings in the U.S. court system because they fear the outcome. Why else? And if so, what does that say about their expectations for the military commissions? That these extra-judicial bodies will affirm the government's extralegal detention policies? What else?

This dogged insistence is but one example of Bush's eagerness to ignore essential constitutional guarantees, ranking right up there with his programs of warrantless wiretapping and other surveillance of U.S. citizens.

Bush simply refuses to go to court for oversight of his administration's actions in denial of civil rights. Before he took office, it was simple. When a person is arrested, he has a right to a real court hearing to determine the legitimacy of the arrest and his ultimate guilt or innocence. When citizens' privacy is invaded by government, it is to be done only with court permission.

We see signs that the American public is getting fed up with these constitutional shortcuts. These practices alone are enough to unwarrant this administration. Let us pray the Supreme Court again slaps them down.

[From the Evansville Courier & Press, Feb. 21, 2007]

A MATTER OF RIGHT: FEDERAL COURT UPHOLDS DENIAL OF HABEAS CORPUS TO DETAINEES OUTSIDE THE U.S

Congress should tear itself away from the pointless business of passing nonbinding resolutions on Iraq and begin cleaning up the damage we've done to ourselves in the war on terror.

That task became more urgent this week when the federal court of appeals for the District of Columbia upheld the constitutionality of a provision denying the right of habeas corpus to detainees held outside the United States.

The Military Commissions Act (MCA) was passed last year, hastily and without much thought like so much anti-terrorism legislation, after the Supreme Court told the Bush administration that it had to get congressional permission for its plan to try the detainees before military tribunals.

Part of that law banned the detainees at U.S. prisons in Guantanamo Bay, Cuba, and Afghanistan from challenging in civilian courts the legality of their detention. That right of habeas corpus is a bedrock principle of Anglo-Saxon law going back eight centuries. It is a fundamental right enshrined in the U.S. Constitution.

Carving out an exception to that right based on a sketchy designation as an "enemy combatant" was a terrible precedent, essentially justifying arbitrary imprisonment.

The senior members of the Senate Judiciary Committee, Arlen Specter, R–Pa., and Patrick Leahy, D–Vt., tried to rectify this departure from U.S. respect for the rule of law last year and failed by three votes.

They have reintroduced their bill in the new Congress.

Another bill, by Leahy and Sen. Chris Dodd, D–Conn., would restore the right of habeas corpus and clean up some other unfortunate provisions in the MCA by sharpening the definition of "illegal combatant," excluding evidence obtained by coercion and allowing military judges to exclude hearsay evidence.

If the circuit-court ruling stands, the practical effect would be to force the federal courts to dismiss more than 400 habeas-corpus appeals. The ruling will certainly be appealed to the Supreme Court, and one hopes that the high court would stand up for this ancient and fundamental right.

But it would be better if Congress acted first to demonstrate our faith and confidence in our own system.

Mr. KYL. Mr. President, I rise today in support of amendment No. 366, offered by my colleague, Senator SCHUMER. This important amendment would restore the export restrictions on highly enriched, HEU, bomb-grade uranium for use as a reactor fuel or as targets to produce medical isotopes, except on an interim basis to facilities that are actively pursuing conversion to low-enriched uranium LEU.

Let's look at the history behind this amendment. From 1992 until 2005, we had a law that worked. Under that law, we allowed the exportation of HEU for the production of medical isotopes as long as the recipient of that highly enriched uranium cooperated with the United States to get to the point where the production of these medical isotopes could be done with low-enriched uranium. Low-enriched uranium is not of sufficient grade to make bombs. This law provided the incentive to work with the United States to attain conversion to LEU. Most important, it furthered our antiproliferation goal of reducing the circulation of HEU outside the United States. It is important to note that from 1992 until 2005, licenses for the shipments of HEU were never denied and the medical isotopes needed for radiopharmaceuticals were never in short supply.

Then in 2005 this effective, 13-year-old law was gutted through an amendment to the Energy Policy Act and the export restrictions on HEU were eliminated. These restrictions were lifted over the objection of a majority of this body, which voted in favor of retaining existing law, 52 to 46, after a thorough debate. You may ask why an amendment to allow weapons-grade uranium to leave the United States without restriction would resurface in conference and end up enacted into law. I ask that same question. There are no good explanations. One thing is certain, though; we need to fix it.

The major producers of medical isotopes are all foreign companies operating outside the United States. Under the previous law, these companies were moving toward conversion to LEU, and many have developed the capability to produce medical isotopes from LEU. Australia and the Netherlands are two good examples. The other major producer of medical isotopes is in Canada. That Canadian company has resisted conversion to LEU and in 2005 that company had enough HEU-material stockpiled to build at least four bombs. Today, who knows how much it may have stockpiled. One thing we do know is, if this material is lost or stolen, the United States would be faced with a serious nuclear threat. We must rectify this mistake. I urge my colleagues to adopt this amendment.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I make a point of order, en bloc, that the pending amendments are not germane under the provisions of rule XXII, with the exception of the following: Reid No. 275, Landrieu No. 321, Schumer No. 336, Coburn No. 325, Coburn No. 294, Kyl No. 357, Biden No. 383, Schumer No. 367, Stevens No. 299, Schumer No. 337, Bond No. 389.

Mr. President, I make that point of order on behalf of Senator LIEBERMAN. I believe it has been cleared on both sides.

The PRESIDING OFFICER. The point of order is well taken and the amendments fall.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it has been a productive week for the Senate. We have moved closer to completing the long overdue work of the 9/11 Commission—work that will make our country more safe, more secure.

It has been over 2½ years since the 9/11 Commission gave Congress a roadmap to follow to secure our country. This bipartisan Commission met for over a year, had hearings all over the country, did excellent work. It is important we do not delay their recommendations any longer. The safety and security of our country is too important.

Before we adjourn today, I wish to say a few words in praise of my friend and colleague, the senior Senator from Louisiana, MARY LANDRIEU. In the face of many objections from the minority, Senator LANDRIEU has been tireless in working to eliminate rules that are nothing more than miles of redtape and mountains of paperwork that are delaying the rebuilding and recovery of the gulf coast, which was devastated by a natural disaster we now know as Katrina.

Her amendment No. 295 is very simple. It would waive the requirement that local communities put up a 10-percent match for every Federal dollar we spend to rebuild public facilities such as schools and fire stations destroyed by Katrina, Rita, and Wilma. These were all devastating hurricanes.

The President has the authority to do this with a single stroke of the pen. In fact, I joined with Senators LANDRIEU and LIEBERMAN urging him a month ago to do just that, to use his office to lift these significant burdens to recovery. To this day, he simply has not done that. He waived these rules for New York after 9/11. The first President Bush waived these rules after Hurricane Andrew, which was devastating but does not compare to what Katrina did. In fact, these rules have been waived every time disaster recovery costs have grown to even a fraction of those we are now seeing. But not with Katrina and its pals, Rita and Wilma.

So that brings us to why we are here today. What the President would not do we must do legislatively. I would say to all those who are from the administration who are listening to us talk today, when the President gets back from Latin America, let's have him do this. It would save our having to do it in the supplemental. He could call down here. Even maybe he could get some of the people to back off on the other side so we could do it before this bill passes. The President does not need legislation. He has the authority to do that right now. I would hope he would do that. The Senator from Louisiana has been patient and very aggressive. That is what is necessary. I would hope her patience would be rewarded with the President signing his name waiving this 10 percent. It is something that needs to be done. If not, I have committed to her and the people of Louisiana, through her Governor and others who have come to see me, that we are going to do what is right.

This is important. It has happened for every other major disaster, and it should happen for this one. If we cannot do it on this bill, and the President will not do it, then we will have to do it on the supplemental that will be here in a little over 2 weeks. The House has already said they intend to do this. We also intend to do this.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

I thank the majority leader for those words and for him restating publicly and unequivocally his commitment to getting this job done, not just for the people of Louisiana but for the people of the gulf coast. We have spent a lot of time on the floor, as the majority leader knows, talking about rebuilding other places in the world. The leader is correct, and the Democratic caucus is leading to try to redirect some of that attention to right here at home.

We have over 30 million people who live on the gulf coast right now, today, this Friday. The work of rebuilding is being thwarted, is being hampered, is being delayed by outmoded, unrealistic Federal regulations and bureaucratic redtape that is choking this recovery.

Now, normally this redtape is a nuisance. We work through it. It is inconvenient. It is a nuisance. But we just sort of move through the redtape of Government. But in this case, it is literally a noose that is around the necks of people, of business owners, large and small, family members—strangling their efforts to recover their communities that were devastated.

Just to put some pieces in the picture I am trying to paint, I would like to just share some details about Cameron Parish. You do not hear much about Cameron Parish because there are only 9,658 people who live there. We hear a lot about New Orleans. We hear a lot about Jefferson Parish. We hear a lot about even St. Bernard Parish. But little Cameron Parish, down on the southwest border, that was directly hit by Rita, the "forgotten storm." We have not. The legislative delegation from Louisiana has not forgotten it, but many others fail to remember it.

Cameron Parish lost five fire stations, four community recreation centers, four public libraries, three maintenance barns, two parish multipurpose buildings, Courthouse Circle; Cameron Parish Police Jury Annex Building—destroyed; Cameron Parish Sheriff's Department Investigative Office—destroyed. The health unit was destroyed. The school board office was destroyed. The mosquito control barn was destroyed. And the waterworks district No. 10 office was destroyed. Virtually every public building was destroyed, except the courthouse, which was built in the early part of the century. It is several stories high, and it sort of shines white on the coast. If you flew over it, you could actually see it. It is quite large, and many people's lives have actually been saved by going to the courthouse during storms, where they have been kept from the high water. But everything else in the parish is gone. This little parish can no more put up a 10-percent match to rebuild four libraries, all their schools, than the man in the moon.

Now, normally, if the hurricane was not so bad, the State of Louisiana, which is a big State—not huge, but we are not small, we are medium-sized—would be strong enough to step up, give Cameron Parish the 10 percent of each of these very important public works for the 10,000 people or so who live there. But the problem is, Katrina and Rita were so devastating to the whole State that our State is not strong enough.

That is why we have a Federal Government. When the State is not strong enough, because of the storms, the Nation steps up. I am asking the President of the United States to step up and use his authority to waive this 10-percent match so the people of Cameron and the people right next door to them on the Texas line who were equally hard hit and the people to the right of them on the map—the good people of Mississippi—there are towns in Mississippi that lost every school, every library. The State of Mississippi will have a difficult time as well. But the State of Louisiana is having an unusually difficult time because of the devastation.

I want to say again—because I think numbers can paint a picture or tell a story better than even words can—the per capita damage to Florida from Hurricane Andrew was $139. The per capita damage to the State of New York was $390 from the attacks on the World Trade Center. These two events were unprecedented and unheard of. Most storms are like $20 per capita, $50 per capita. They hardly ever go over $50 per capita.

When Hurricane Andrew came through, it really woke us up to the poor people of Florida. It wrecked Homestead, FL, and was a great weight for the State of Florida. But we all pitched in and helped, and this match was waived.

When 9/11 hit, it shook the foundations of this Nation. It also shook the great city of New York. But it was waived, and we all pitched in and helped.

Here we have Hurricanes Katrina and Rita, and we sit here wondering: Where is the Government? Where is the President? Where is the minority's thinking on this subject? Our per capita damage is $6,700. It defies anything we have ever seen.

Our State has been asking for this 10 percent reduction for 18 months. Do we have to keep asking for it? Do we have to keep supplying data like this? What is it going to take to get them to understand if there was ever a situation where the 10 percent should be waived, if there was ever an example like Cameron Parish, this is it.

So this amendment is pending. It is being opposed by an undisclosed person. But the minority is opposing it. I will meet the minority more than halfway. I am asking the administration, please, over the weekend, to reconsider. Let us get this done on this bill. Every day, every week counts. If we cannot, the majority leader has said—and I, of course, will support the effort, and many of the members of this caucus are supporting it—we will do it on the supplemental. The problem is, it will take us weeks. Perhaps the supplemental will run into a veto threat. Who knows? Because there are lots of issues that are going to come up on that supplemental. But this issue is clear. It could be easily fixed on this bill. I am going to work through the weekend to see if we can find any kind of compromise that could give a green light to the people of Cameron Parish. Let me say that even without that light, we visited Cameron Parish several times. Their little girls' softball team that was in contention when the storm hit went on to win the championship. Without a cafeteria, without a school, without a gym to practice, with most of their teachers' homes underwater and their own homes underwater, and most of them living in trailers or in tents, this team went on to win the championship. So when people say that people in Louisiana don't have resilience, we are being as resilient as we possibly can be under these circumstances. All we are asking is to please look at the data, please consider our case and allow us to get this 10 percent waiver so that the public works can move forward on fire stations, police stations, libraries, and infrastructure, most certainly essential to communities rebuilding. As we rebuild, we are rebuilding on higher ground. We are rebuilding with better building materials. We are mitigating against future storms. We are not building in the old-fashioned ways. But if this 10 percent doesn't get waived, we are not going to be building new or old or otherwise. We won't be building.

As I said, we may not be a fancy coast, but we are America's energy coast. We are proud of the fish that we bring in right off of Cameron Parish. We are proud of the shipping industry. We are proud of the ship channel that brings liquefied natural gas to keep the lights on in this Chamber and sends gas to New York and Philadelphia and California every day.

This is Cameron Parish. They are not sunbathing down in Cameron Parish. Yet we can't find it out of the goodwill of our hearts—we are spending all of this money to rebuild Iraq, and I have 10,000 people down on the coast. Does anybody remember they are Americans, taxpaying Americans with no libraries, no schools, and no possible way to put up their 10 percent match because they lost everything? I would think that somewhere in this trillion-dollar budget and maybe in the heart of the minority they could find some room for the people of Cameron Parish. Please consider our request over this weekend to get this 10 percent waived.

I thank the Chair.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EPIDEMIC OF GUN VIOLENCE

Mr. LEVIN. Madam President, the epidemic of gun violence is endangering many in our communities both large and small. Illegal guns are being used at an increasing rate to harm our children, our neighbors, and our police officers. We must not allow this spiral to continue.

One example of a community heavily affected by gun violence is in Pennsylvania, where in 2004 the State led the Nation in homicide rates among African-American victims. Handguns were used in 81 percent of the State's murders. In Pennsylvania's largest city, Philadelphia, more than 2,000 people were injured by firearms last year alone. According to the Philadelphia police department, this represents an increase of 31 percent in just 3 years. Philadelphia saw 406 people murdered in 2006, up from 380 in 2005.

Just a short trip south of Pennsylvania lies another example of the how guns are affecting our communities. According to the nonprofit organization Ceasefire Maryland, a crime is committed with an assault rifle every 48 hours in the State of Maryland. The Maryland State Legislature is attempting to address this horrifying statistic by considering a bill backed by Governor Martin O'Malley that would ban 45 different assault weapons statewide. This action could serve as an excellent example of a legislature taking a commonsense approach to reducing gun violence. Congress and President Bush have allowed the Federal assault weapons ban to expire.

Month after month, we watch these tragedies unfold on the news and yet Congress has not taken the necessary steps to help control these acts of violence or ease the anxiety that many parents and families feel each day as their loved ones go to school, church, or work. According to the Brady Center to Prevent Gun Violence, gun crime rose 49.4 percent nationally between 2004 and 2005. Almost 5.9 million people were victims of gun violence between 1996 and 2005.

The American people have a right to demand that their schools, places of worship, and other public places be better protected from gun violence. Much more can be done to break the cycle of gun violence that plagues our communities. I urge my colleagues to take up and pass commonsense legislation that will help address this problem.

MESSAGE FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 700. An act to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 700. An act to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 9. Joint resolution to revise United States policy on Iraq.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 987. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–905. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Membership in a Registered Futures Association" (RIN3038–AC29) received on March 7, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–906. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations" (RIN3038–AC28) received on March 7, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–907. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Advertising by Commodity Pool Operators, Commodity Trading Advisors, and the Principals Thereof" (RIN3038–AC35) received on March 7, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–908. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Entry of Certain Cement Products from Mexico Requiring a Commerce Department Import License" (RIN1505–AB68) received on March 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–909. A communication from the Director, National Park Service, Department of the Interior, transmitting, the report of proposed legislation entitled "National Park Centennial Challenge Fund Act"; to the Committee on Energy and Natural Resources.

EC–910. A communication from the Secretary of Energy, transmitting, the report of proposed legislation entitled "Nuclear Fuel Management and Disposal Act"; to the Committee on Energy and Natural Resources.

EC–911. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program;

State of Missouri" (FRL No. 8284-8) received on March 7, 2007; to the Committee on Environment and Public Works.

EC-912. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Iowa; Interstate Transport of Pollution" (FRL No. 8285-1) received on March 7, 2007; to the Committee on Environment and Public Works.

EC-913. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kansas; Interstate Transport of Pollution" (FRL No. 8286-3) received on March 7, 2007; to the Committee on Environment and Public Works.

EC-914. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8286-1) received on March 7, 2007; to the Committee on Environment and Public Works.

EC-915. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polymer of 2-Ethyl-2-(Hydroxymethyl)-1 ,3-Propanediol, Oxirane, Methyloxirane, 1,2-Epoxyalkanes; Tolerance Exemption" (FRL No. 8116-9) received on March 7, 2007; to the Committee on Environment and Public Works.

EC-916. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prothioconazole; Pesticide Tolerance" (FRL No. 8113-6) received on March 7, 2007; to the Committee on Environment and Public Works.

EC-917. A communication from the Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled "State-Administered Programs" (RIN1890-AA13) received on March 7, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-918. A communication from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule Relating to Time and Order of Issuance of Domestic Relations Orders" (RIN1210-AB15) received on March 7, 2007; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 377. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes (Rept. No. 110-33).

S. 494. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes (Rept. No. 110-34).

S. 676. A bill to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation (Rept. No. 110-35).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. BENNETT):

S. 832. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN (for himself and Mr. PRYOR):

S. 833. A bill to make the United States competitive in a global economy; to the Committee on Finance.

By Mr. HATCH:

S. 834. A bill to require annual testimony before Congress by the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to efforts to promote transparency in financial reporting; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 835. A bill to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building"; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, Mr. MENENDEZ, and Mr. VOINOVICH):

S. 836. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 837. A bill to develop a generation of school leaders who are committed to, and effective in, increasing student achievement and to ensure that all low-income, under-performing schools are led by effective school leaders who are well-prepared to foster student success; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW):

S. Res. 102. A resolution supporting the goals of "International Women's Day"; considered and agreed to.

By Mr. LUGAR (for himself, Mr. DURBIN, Mr. COCHRAN, Ms. MIKULSKI, Ms. SNOWE, Mr. HAGEL, Mr. STEVENS, Mr. BENNETT, Mr. KERRY, Mr. DEMINT, Mr. LAUTENBERG, Mrs. CLINTON, Ms. MURKOWSKI, Mr. VITTER, Mrs. FEINSTEIN, and Mr. COLEMAN):

S. Res. 103. A resolution commending the Kingdom of Lesotho, on the occasion of International Women's Day, for the enactment of a law to improve the status of married women and ensure the access of married women to property rights; considered and agreed to.

By Mrs. HUTCHISON:

S. Res. 104. A resolution commending the national explosives detection canine team program for 35 years of service to the safety and security of the transportation systems within the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself and Ms. SNOWE):

S. Con. Res. 17. A concurrent resolution authorizing the use of Capitol grounds for Live Earth Concert; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Con. Res. 18. A concurrent resolution honoring the life of Ernest Gallo; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 169

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 169, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 659

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.

659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 725

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 727

At the request of Mr. COCHRAN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 793

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S.J. RES. 5

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

AMENDMENT NO. 312

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 312 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 393

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 393 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 430

At the request of Mr. LIEBERMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 430 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 431

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 431 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 435

At the request of Mr. PRYOR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 435 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 440

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 440 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BENNETT):

S. 832. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise to introduce legislation that would correct a property trespass question involving a 25-acre parcel of Bureau of Land Management (BLM) land in Garfield County, UT. The parcel is part of the Turnabout Ranch, which hosts a successful and popular program to rehabilitate troubled youth.

The trespass conflict is the result of an erroneous survey in January 1999, at the time the Congress approved a major land exchange, P.L. 105-335, between the State of Utah and the BLM and erroneously included a part of the Turnabout Ranch. The land is located along the border of the Grand Staircase Escalante (GSE) Monument. My bill makes a slight boundary change to resolve the trespass question. This would grant the owners of the ranch the opportunity to purchase the erroneously surveyed land at fair market value so that this very important program for at-risk youth can continue unhindered.

Since 1995, Turn-About Ranch has graduated some 500 troubled and at-risk teenagers through an intense program of training and rehabilitation. The ranch employs about 35 Garfield County residents. The Turn-About Ranch program has strong support from the local community and the Garfield Country Commission.

Historically used for agriculture and grazing purposes, the ranch was purchased by the Townsend Family who leased the land to Turn-About Ranch, Inc., for the exclusive purpose of restoring dignity and self-esteem to wayward teenagers. Because government-owned land administered by the BLM surrounds the private land, the only way to resolve the trespass is for the Congress to pass legislation.

This legislation offers a simple and fair solution to a fairly technical problem on our public lands. I hope Congress can use this legislation to resolve this problem in the very near future.

By Mr. COLEMAN (for himself and Mr. PRYOR):

S. 833. A bill to make the United States competitive in a global economy; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise to introduce the Competitiveness Through Education, Technology, and Enterprise Act otherwise known as the COMPETE Act. The bill I introduce today is similar to legislation I have introduced in the 109th Congress. I am very pleased to be joined by my very good friend and colleague, Senator MARK PRYOR, who shares my commitment to keeping the U. S. competitive not just for today but for tomorrow as well.

Earlier this week Microsoft's Bill Gates came before the Health, Education, Labor and Pensions Committee to talk about keeping our country competitive. He said that "the U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation." Moreover he said that "we simply cannot sustain an economy based on innovation unless our citizens are educated in math, science and engineering."

My bill is inspired by the same line of thinking. The COMPETE Act is based on three simple, fundamental ideas: 1. The U.S. needs to remain a leader when it comes to technology and innovation; 2. We must prepare our future workforce and "up-skill" our current workforce for our increasingly global and information technology driven economy; and 3. We must better utilize existing private-public partnerships to achieve these goals.

The challenges we face are stark especially when it comes to the future competitiveness of our workforce. Today, China graduates four times as many engineers as the U.S. while the small nation of South Korea graduates just as many as we do. In three short years, Asia will be home to more than 90 percent of the world's scientists and engineers.

According to a recent poll, 84 percent of middle school students preferred to clean their rooms, take out the garbage, go to the dentist or eat their vegetables than do their math homework. As Tom Friedman wrote in his book the World is Flat when he was growing up as a kid his mother used to tell him to eat all his vegetables because kids in China were starving. Today, his mother would say do your homework because the kids in China are starving for our jobs.

As if this were not enough, we also need to concern ourselves with the coming retirement wave of high-skilled workers in the fields of engineering, science, technology and math. According to the National Science Foundation, about a third of American scientists and engineers are over 50 years old.

To encourage and promote our students to seek out these types of careers we need to improve the performance of students in science and math. Several reports have indicated that U.S. students do not perform at the level of their international counterparts in math and science. Our fourth graders compare fairly well internationally, but by high school American students slip to 24th place out of 29 developing nations in math literacy and problem solving.

We must make sure that our educational system is up to the task in preparing our future workforce. To reward elementary and secondary schools for a job well done, COMPETE provides bonus grants to high performing elementary and secondary schools that show the greatest improvement in their State assessments in math and science. COMPETE also increases the alternative percentage limitation for corporate charitable contributions to the mathematics and science partnership program in order to encourage greater support from the corporate world.

To help ensure that more students receive a higher education and have the skills necessary to compete in today's global economy COMPETE puts the Senate on record in support of raising the maximum Pell Grant to $5,400.

In addition to undergraduate education, COMPETE also establishes a matching grant program where Federal and private resources will be used to help graduate students in science, technology, engineering and mathematics meet the cost of getting a graduate degree. This grant program will also support outreach and mentoring activities to increase the participation of underrepresented groups in these fields at every level of education.

To keep today's workforce competitive and prepare our future workforce, COMPETE creates a tax credit to help "up-skill" America's workers so that they can compete in today's increasingly information and technology-driven global economy. COMPETE also creates a workforce development grant pilot program to encourage leading innovative small businesses to provide short-term workforce training opportunities for college students who major in the fields of science, technology, engineering and math. Our employers need more than just raw materials. They need a highly skilled workforce that provides extra value to their products and services.

Finally in order to ensure our leadership in innovation, COMPETE makes the research and development credit permanent. We must look at ways to ensure the ability of American companies to stay at the forefront of the technological revolution. Temporarily extending the R&D tax credit makes it difficult for our businesses to undertake research and development activities necessary for our continued long-term competitiveness in the global economy.

Earlier this week, bipartisan comprehensive competitiveness legislation known as the America Competes Act was introduced. I am a proud original cosponsor of this bill which seeks to respond to the recommendations made by the National Academies' "Rising Above the Gathering Storm" report and the Council on Competitiveness" "Innovate America" report.

In an effort to contribute to this important discussion I am introducing COMPETE, which complements the America Competes Act through its emphasis on innovation and workforce development and public-private education partnership in the areas of science, technology, engineering and math.

We must realize the fact that our competitiveness relative to the global economy is in real danger. This situation is smoldering—it's not a five-alarm fire yet—I just hope we don't act too late. If you throw a frog into boiling water, it jumps out. If you throw a frog into warm water, it will sit there comfortably until its internal organs overheat and it dies. Let's not let ourselves wake up in a few years to see that our global competitiveness has slipped away.

I am committed to working on this issue now. While the challenges to our leadership in the global economy are indeed significant, I am confident and optimistic that we will successfully address challenges to our leadership in the global economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) IN GENERAL.—This Act may be cited as the "Competitiveness through Education, Technology, and Enterprise Act of 2007" or the "COMPETE Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

TITLE I—RESEARCH AND DEVELOPMENT INCENTIVES

Sec. 101. Permanent extension of research credit.

TITLE II—WORKFORCE DEVELOPMENT INCENTIVES

Sec. 201. Credit for information and communications technology education and training program expenses.
Sec. 202. Eligible educational institution.
Sec. 203. SBIR-STEM Workforce Development Grant Pilot Program.

TITLE III—PUBLIC PARTNERSHIP PROVISIONS

Sec. 301. Alternative percentage limitation for corporate charitable contributions to the mathematics and science partnership program.

TITLE IV—EDUCATION PROVISIONS

Sec. 401. Federal Pell Grants.
Sec. 402. Matching funds program to promote American competitiveness through graduate education.
Sec. 403. Mathematics and science partnership bonus grants.

TITLE I—RESEARCH AND DEVELOPMENT INCENTIVES

SEC. 101. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

TITLE II—WORKFORCE DEVELOPMENT INCENTIVES

SEC. 201. CREDIT FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY EDUCATION AND TRAINING PROGRAM EXPENSES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"SEC. 30D. INFORMATION AND COMMUNICATIONS TECHNOLOGY EDUCATION AND TRAINING PROGRAM EXPENSES.

"(a) ALLOWANCE OF CREDIT.—

"(1) In general.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of information and communications technology education and training program expenses paid or incurred by the taxpayer for the benefit of—

"(A) in the case of a taxpayer engaged in a trade or business, an employee of the taxpayer, or

"(B) in the case of a taxpayer who is an individual not so engaged, such individual.

"(2) Coordination of credits.—Credit shall be allowable to the employer with respect to an employee only to the extent that the employee assigns some or all of the limitation applicable to such employee under subsection (b) to such employer.

"(b) Limitations.—

"(1) In general.—The amount of expenses with respect to any individual which may be taken into account under subsection (a) for the taxable year shall not exceed $4,000.

"(2) Increase in credit amount for participation in certain programs and for certain individuals.—Paragraph (1) shall be applied by substituting '$5,000' for '$4,000' in the case of expenses—

"(A) with respect to a program operated—

"(i) by an employer who has 200 or fewer employees for each business day in each of 20 or more calendar weeks in the current or preceding calendar year,

"(ii) in an empowerment zone or enterprise community designated under part I of subchapter U or a renewal community designated under part I of subchapter X,

"(iii) in a school district in which at least 50 percent of the students attending schools in such district are eligible for free or reduced-cost lunches under the school lunch program established under the Richard B. Russell National School Lunch Act,

"(iv) in an area designated as a disaster area by the Secretary of Agriculture under section 321 of the Consolidated Farm and Rural Development Act or by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the taxable year or the 4 preceding taxable years,

"(v) in a rural enterprise community designated under section 766 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–37),

"(vi) in an area designated by the Secretary of Agriculture as a Rural Economic Area Partnership Zone, or

"(vii) in an area over which an Indian tribal government (as defined in section 7701(a)(40)) has jurisdiction, or

"(B) in the case of an individual with a disability.

"(c) Information Technology Education and Training Program Expenses.—For purposes of this section—

"(1) In general.—The term 'information technology education and training program expenses' means expenses paid or incurred by reason of the participation of the taxpayer (or any employee of the taxpayer) in any information and communications technology education and training program. Such expenses shall include expenses paid in connection with—

"(A) course work,

"(B) certification testing,

"(C) programs carried out under the Act of August 16, 1937 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) which are registered by the Department of Labor, and

"(D) other expenses that are essential to assessing skill acquisition.

"(2) Information technology education and training program.—The term 'information technology education and training program' means a training program in information and communications technology workplace disciplines or other skill sets which is provided in the United States by an accredited college, university, private career school, postsecondary educational institution, a commercial information technology provider, or an employer-owned information technology training organization.

"(3) Commercial information technology training provider.—The term 'commercial information technology training provider' means a private sector organization providing an information and communications technology education and training program.

"(4) Employer-owned information technology training organization.—The term 'employer-owned information technology training organization' means a private sector organization that provides information technology training to its employees using internal training development and delivery personnel. The training programs must use industry-recognized training disciplines and evaluation methods, comparable to institutional and commercial training providers.

"(d) Denial of Double Benefit.—

"(1) Disallowance of other credits and deductions.—No deduction or credit shall be allowed under any other provision of this chapter for expenses taken into account in determining the credit under this section.

"(2) Reduction for hope and lifetime learning credits.—The amount taken into account under subsection (a) shall be reduced by the information technology education and training program expenses taken into account in determining the credits under section 25A.

"(e) Certain Rules Made Applicable.—For purposes of this section, rules similar to the rules of section 45A(e)(2) and subsections (c), (d), and (e) of section 52 shall apply.

"(f) Application With Other Credits.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under the subpart A and the previous sections of this subpart, over

"(2) the tentative minimum tax for the taxable year.".

(b) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 30D. Information and communications technology education and training program expenses.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2006.

SEC. 202. ELIGIBLE EDUCATIONAL INSTITUTION.

(a) In General.—Section 25A(f)(2) of the Internal Revenue Code of 1986 (relating to eligible educational institution) is amended to read as follows:

"(2) Eligible educational institution.—The term 'eligible educational institution' means—

"(A) an institution—

"(i) which is described in section 101(b) or 102(a) of the Higher Education Act of 1965, and

"(ii) which is eligible to participate in a program under title IV of such Act, or

"(B) a commercial information and communications technology training provider (as defined in section 30D(c)(3)).".

(b) Conforming Amendment.—The second sentence of section 221(d)(2) of the Internal Revenue Code of 1986 is amended by striking "section 25A(f)(2)" and inserting "section 25A(f)(2)(A)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 203. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) Definitions.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "eligible entity" means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms "Phase I" and "Phase II" mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term "pilot program" means the SBIR–STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term "SBIR Program" has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term "STEM college student" means a college student in the field of science, technology, engineering, or math.

(b) Pilot Program Established.—From amounts made available to carry out this section, the Administrator shall establish an SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) Awards.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) Evaluation.—Following the fifth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2007;
(2) $1,000,000 for fiscal year 2008;
(3) $1,000,000 for fiscal year 2009;
(4) $1,000,000 for fiscal year 2010; and
(5) $1,000,000 for fiscal year 2011.

TITLE III—PUBLIC PARTNERSHIP PROVISIONS

SEC. 301. ALTERNATIVE PERCENTAGE LIMITATION FOR CORPORATE CHARITABLE CONTRIBUTIONS TO THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAM.

(a) In General.—Section 170(b) of the Internal Revenue Code of 1986 (related to percentage limitations) is amended by adding at the end the following new paragraph:

"(3) Special rule for corporate contributions to the mathematics and science partnership program.—

"(A) In general.—In the case of a corporation which makes an eligible mathematics and science contribution—

"(i) the limitation under paragraph (2) shall apply separately with respect to all such contributions and all other charitable contributions, and

"(ii) paragraph (2) shall be applied with respect to all eligible mathematics and science contributions by substituting '15 percent' for '10 percent'.

"(B) Eligible mathematics and science contribution.—

"(i) In general.—For purposes of this paragraph, the term 'eligible mathematics and science contribution' means a charitable contribution (other than a contribution of used equipment) to a qualified partnership for the purpose of an activity described in section 2202(c) of the Elementary and Secondary Education Act of 1965.

"(ii) QUALIFIED PARTNERSHIP.—The term 'qualified partnership' means an eligible partnership (within the meaning of section 2201(b)(1) of the Elementary and Secondary Education Act of 1965), but only to the extent that such partnership does not include a person other than a person described in paragraph (1)(A).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

TITLE IV—EDUCATION PROVISIONS

SEC. 401. FEDERAL PELL GRANTS.

It is the sense of the Senate that the maximum Federal Pell Grant should be increased to—

(1) $4,600 for academic year 2008–2009;
(2) $4,800 for academic year 2009–2010;
(3) $5,000 for academic year 2010–2011;
(4) $5,200 for academic year 2011–2012; and
(5) $5,400 for academic year 2012–2013.

SEC. 402. MATCHING FUNDS PROGRAM TO PROMOTE AMERICAN COMPETITIVENESS THROUGH GRADUATE EDUCATION.

(a) PURPOSE.—The purpose of this section is to promote American economic competitiveness and job creation by—

(1) assisting graduate students studying the sciences, technology, engineering, and mathematics;

(2) advancing education in the sciences, technology, engineering, and mathematics;

(3) stimulating greater links between private industry and graduate education; and

(4) enabling the Office of Science of the Department of Energy to establish a matching funds program for eligible institutions of higher education.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term "eligible institution of higher education" means an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001), that offers an established program of post-baccalaureate study leading to a graduate degree in the sciences, technology, engineering, or mathematics.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(c) GRANTS.—

(1) GRANTS AUTHORIZED.—The Secretary, acting through the Undersecretary for Energy, Science, and Environment, is authorized to award grants, on a competitive basis, to eligible institutions of higher education to enable the eligible institutions of higher education to carry out the authorized activities described in subsection (e).

(2) MATCHING FUNDS REQUIRED.—In order to receive a grant under this subsection, an eligible institution of higher education shall agree to provide matching funds, toward the cost of the authorized activities to be assisted under the grant, in an amount equal to 25 percent of the funds received under the grant.

(3) AWARD CONSIDERATIONS.—In awarding grants under this subsection, the Secretary shall take into consideration—

(A) the demonstrated commitment of the eligible institution of higher education to providing matching funds (including tuition remission, tuition waivers, and other types of institutional support) toward the cost of the authorized activities to be assisted under the grant;

(B) the demonstrated capacity of the eligible institution of higher education to raise matching funds from private sources;

(C) the demonstrated ability of the eligible institution of higher education to work with private corporations and organizations to promote economic competitiveness and job creation;

(D) the demonstrated ability of the eligible institution of higher education to increase the number of graduates of the eligible institution of higher education's graduate programs in the sciences, technology, engineering, or mathematics with the interdisciplinary background and the technical, professional, and personal skills needed to contribute to American competitiveness and job creation in the future;

(E) the potential for the grant assistance to increase the number of graduates of the eligible institution of higher education's graduate programs in the sciences, technology, engineering, or mathematics; and

(F) the demonstrated track record of the eligible institution of higher education in outreach and mentoring activities that have the expressed purpose of recruiting and retaining women, recognized minorities, and individuals with disabilities in the sciences, technology, engineering, or mathematics.

(4) AMOUNT.—The Secretary shall award each grant under this subsection in an amount that is not more than $1,000,000 for each fiscal year.

(5) EQUITABLE DISTRIBUTION.—In awarding grants under this subsection, the Secretary shall ensure—

(A) an equitable geographic distribution of the grants; and

(B) an equitable distribution of the grants among public and private eligible institutions of higher education.

(d) APPLICATIONS.—Each eligible institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each such application shall describe—

(1) the authorized activities under subsection (e) for which assistance is sought;

(2) the source and amount of the matching funds to be provided; and

(3) the amount of funds raised by the eligible institution of higher education from private sources that will be allocated and spent to carry out the authorized activities described in subsection (e).

(e) AUTHORIZED ACTIVITIES; AGREEMENT.—Each eligible institution of higher education desiring a grant under this section shall enter into a written agreement with the Secretary under which the eligible institution of higher education agrees to use all of the grant funds—

(1) to provide stipends or other financial assistance (such as tuition assistance and related expenses) for students who are enrolled in graduate programs in the sciences, technology, engineering, or mathematics at the eligible institution of higher education, as described in the application submitted under subsection (d); and

(2) to support outreach and mentoring activities to increase the participation of underrepresented groups in the sciences, technology, engineering, or mathematics at all levels or any level of education, including elementary, secondary, and post-secondary education, as described in the application submitted under subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $50,000,000 for fiscal year 2008;
(2) $60,000,000 for fiscal year 2009;
(3) $70,000,000 for fiscal year 2010;
(4) $80,000,000 for fiscal year 2011; and
(5) $90,000,000 for fiscal year 2012.

SEC. 403. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 et seq.) is amended by adding at the end the following:

"SEC. 2204. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

"(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary shall award a grant—

"(1) for each of the school years 2007–2008 through 2016–2017, to each of the 5 elementary schools and each of the 5 secondary schools in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

"(2) for each of the school years 2011–2012 through 2016–2017, to each of the 5 elementary schools and each of the 5 secondary schools in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

"(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $500,000.

"(c) APPLICABILITY.—Sections 2201, 2202, and 2203 shall not apply to this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $130,000,000 for each of the fiscal years 2008 through 2011, and $260,000,000 for each of the fiscal years 2012 through 2017.".

By Mr. HATCH:

S. 834. A bill to require annual testimony before Congress by the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to efforts to promote transparency in financial reporting; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HATCH. Mr. President, I rise today to introduce a bill that would take a small but significant step toward identifying and repairing some of the regulatory problems currently found in our country's financial markets.

In 2002, our financial markets were in serious trouble. In the wake of Enron and other prominent accounting scandals, the public's confidence in the markets was low. Investors expressed their lack of confidence by taking their money out of the stock market, and the market indices plummeted. In response to this crisis—and that is exactly what it was, a crisis—Congress passed the Sarbanes-Oxley Act of 2002.

The law did what it was designed to do—re-establish faith in our financial markets—but it came at a cost. Complying with several of the bill's provisions has increased significantly the costs of doing business as a public corporation. Many large corporations continue to spend millions of dollars every year in order to comply with the Sarbanes-Oxley law. This, they can afford. However, many smaller firms have found the costs of compliance with the Act to be crushing, burdensome, and negatively affecting their ability to compete in a global marketplace.

The result of this problem is twofold. First, a good number of smaller, publicly traded firms have been taken private by investors, with others expected to meet this same fate. Second, we have seen fewer companies going public, at least in the United States. During the year 2000, 50 percent of all new Initial Public Offerings, IPOs, were done in the United States. By 2006 that number had fallen below 10 percent. In 2006, Hong Kong supplanted New York as the number one market for stock offerings world-wide.

A number of my colleagues have pointed out that the dearth of IPOs threatens our standing as the premier financial market in the world. In the short term, we worry about this costing us prestige and jobs, but the real costs are much, much greater. Businesses that want to keep growing eventually need to become publicly-traded corporations in order to raise sufficient capital. With the costs of crossing that threshold greatly higher than they were a few years ago, many companies either delay or forego becoming a publicly traded corporation. Companies that become or remain privately-held firms eventually run into capital constraints of some sort that limit their growth.

The resulting cost to our economy is a financial market where it is more difficult for corporations to raise sufficient capital to expand capacity or increase productivity, ultimately resulting in slower economic growth. Given the truly awesome problems we face in the upcoming years with regard to our unfunded entitlement obligations, we are going to need every bit of economic growth we can muster to satisfy them. Even those who are ambivalent about the benefits of economic growth on the standard of living of all Americans should appreciate its importance in meeting our future obligations.

The bill I am introducing today would help us to identify and, I hope, ultimately address, many of the regulatory problems facing our financial markets. Specifically, it requires the Chairman of the Securities and Exchange Commission, the Chairman of the Financial Accounting Standards Board, and the Chairman of the Public Company Accounting Oversight Board to annually testify to the relevant Senate and House committees on their efforts to reduce complexity in financial reporting and to provide more accurate and clear financial information to investors. I expect that this requirement would result in more awareness of these problems by policymakers in the Legislative and Executive Branches, as well as in the private sector, along with suggested solutions to these challenges.

While this bill would be a relatively small step, I believe it can help us understand exactly what must be done to address what ails our financial markets and help us achieve a consensus on how to fix these problems.

Mr. President, a nearly identical bill was passed by the House of Representatives recently with no opposition. I urge the leadership of the Senate on both sides of the aisle, along with the members of the Committee on Banking, Housing, and Urban Affairs to support this bill, and join the House in making this important step toward increasing the efficiency of our financial markets.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Transparency in Financial Reporting Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Transparent and clear financial reporting is integral to the continued growth and strength of our capital markets and the confidence of investors.

(2) The increasing detail and volume of accounting, auditing, and reporting guidance pose a major challenge.

(3) The complexity of accounting and auditing standards in the United States has added to the costs and effort involved in financial reporting.

SEC. 3. ANNUAL TESTIMONY ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.

The Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board shall annually provide oral testimony by their respective chairpersons, or a designee thereof, beginning in 2007, and for 5 years thereafter, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on their efforts to reduce the complexity in financial reporting, so that investors are provided with more accurate and clear financial information. That testimony shall address—

(1) complex and outdated accounting standards;

(2) improving the understandability, consistency, and overall usability of the existing accounting and auditing literature;

(3) developing principles-based accounting standards;

(4) encouraging the use and acceptance of interactive data; and

(5) promoting disclosures in "plain English".

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 835. A bill to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building"; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today I rise to introduce a bill to rename the Federal building in Memphis as the Clifford Davis and Odell Horton Federal Building. My colleague Senator CORKER is a cosponsor. It is the same legislation that was introduced in the House of Representatives by our new Representative STEVE COHEN, and it is cosponsored by the rest of the House delegation, both Republicans and Democrats.

Representative COHEN's bill, H.R. 753, was approved by the House Committee on Transportation and Infrastructure on March 1 and awaits further action by the full House.

Judge Horton has a remarkable legacy. He was the first African-American federal district court judge appointed in Tennessee since Reconstruction. He was recommended by former Senator Jim Sasser and appointed by President Carter on May 12, 1980.

I remember those days of transition very well. It was in that same year that I was Governor of Tennessee. I appointed the first African-American supreme court justice in Tennessee, Judge George Brown, who served with distinction.

At that time, there had not been an African-American chancellor, which is one of our lower court's State judges. I appointed Irwin Kilcrease to that position, and he served with a distinguished record and retired only within the last couple of years.

Judge Horton was a real pioneer who came at a time of transition in Memphis, where he lived, and in our State's history. He served as chief judge of the U.S. District Court for the Western District of Tennessee from January 1, 1987, until December 31, 1993.

Odell Horton was born in Bolivar, TN, just outside of Memphis, on May 13, 1929. He said he grew up in a "typically rural Southern and typically segregated [environment], with all of the attendant consequences of that".

At about the same time, growing up maybe 40 miles away was a young man named Alex Haley who would sit on the front porch of his grandparents' home and listen to his great-aunt tell stories of Kunta Kinte, which ultimately became the story of "Roots."

Odell Horton's father was a laborer. His mother took in laundry. His first job at the age of 6 was delivering laundry for his mom. He and his three siblings also picked cotton, stacked lumber, and took other odd jobs.

After high school, he enlisted in the Marine Corps. He enrolled in Morehouse College using the GI bill. He served with the Marines during the Korean war. He graduated from the U.S. Navy School of Journalism.

After the Marines, he earned a law degree from Howard University, and after graduating from Howard Law School in 1956, he moved to Memphis and rented a one-room office on Beale Street—the music street of Memphis—and opened his own law practice.

He did that for 5 years. He served as an assistant U.S. attorney after that.

In 1968, he was director of the city's hospitals, making him the only Black division director at city hall at that time.

He served as judge on the Shelby County Criminal Court. He was a commentator on a local television station. He ran for district attorney general in 1974, narrowly losing the primary, at that time considered a very strong showing by an African-American candidate in a county that today has an African-American mayor of Memphis and an African-American mayor of Shelby County.

He was a U.S. Bankruptcy Court judge before being appointed as a U.S. district judge by President Carter.

He was married to his wife Evie for 50 years, with two sons, Odell, Jr., and Christopher. He died on February 22, 2006.

I commend Representative COHEN for his bill to rename the Clifford Davis Federal Building to the Clifford Davis and Odell Horton Federal Building. Representative Davis was a Congressman who served in the House of Representatives from 1940 to 1965. He was one of those five Congressmen in the U.S. Capitol when four Puerto Rican nationalists opened fire from the visitors' balcony in the Chamber. He was shot in the leg at the time.

Keeping both names on the Federal building is symbolic of the transition that took place in Memphis and across the South during Odell's lifetime and my lifetime and reminds us that our country is committed to equal opportunity, but it has been and is and will be for a long time a work in progress.

Odell Horton is one of the finest examples of that work in progress. Having his name on a Federal building will remind all of us of that.

Mr. CORKER. Mr. President, today I am pleased to cosponsor a bill to rename the Memphis Federal Building in order to commemorate a great Tennessean, the Honorable Odell Horton.

Judge Horton, born in Bolivar, TN, on May 13, 1929, was the son of a laborer and a laundress. After high school he performed two tours as a U.S. marine, including service in the Korean war. He was a graduate of Morehouse College, the United States Navy School of Journalism, and Howard University School of Law.

Horton's distinguished legal career began in 1956 in a one room office at 145 Beale Street, where he remained in private practice for 6 years. In 1962 he began service as an assistant U.S. attorney in Memphis. He remained in this position until he was appointed to the Shelby County Criminal Court, where he was later elected without opposition. Judge Horton also served in the capacity as the city of Memphis' director of Hospital and Health Services, where he ordered the desegregation of the Bowld Hospital in 1968. In 1970, Judge Horton left public service to serve as the President of LeMoyne-Owen College, a historically African-American liberal arts college.

In 1976, he began service as a U.S. bankruptcy judge until 1980 when he became the first African-American since Reconstruction to be appointed to a Tennessee Federal judicial appointment. He was a well regarded and respected judge who served as the chief judge for the Western District from 1987 through 1993. On May 16, 1995, Judge Horton took senior status and 2 years later closed his office.

He and his wife Evie were married for over 50 years and had two sons, Odell, Jr. and Christopher. Unfortunately, Judge Horton left us on February 22, 2006. His colleagues remember him as a thorough, patient judge who brought a pleasant demeanor to the bench. Judge Horton was a man who admirably served his country and State. He was a great Tennessean and it is my honor today to cosponsor a bill to memorialize his contribution to our country and the State of Tennessee.

By Mrs. CLINTON:

S. 837. A bill to develop a generation of school leaders who are committed to, and effective in, increasing student achievement and to ensure that all low-income, under-performing schools are led by effective school leaders who are well-prepared to foster student success; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to help ensure that State and local educational agencies implement an effective certification process for school leaders. My legislation will address the need to effectively train and retain school leaders to prepare our children to compete in the global economy.

The Fordham Foundation conducted a study on the effectiveness of current state licensing procedures and noted that they have "little relevance to the task at hand [and] discourage the leaders we need from entering our public schools." As a result, school leaders, particularly those in under-performing schools, are often unprepared to foster student success. That is why I am sponsoring the Improving the Leadership and Effectiveness of Administrators for Districts (I LEAD) Act.

As the number of openings for school leaders is expected to increase by 20 percent in the next five years, districts will find it increasingly difficult to recruit and retain effective principals. We need to ensure outgoing school leaders are replaced with effective, well-trained school leaders who are prepared to raise student achievement.

The I LEAD Act would allow State and local educational agencies to evaluate the effectiveness of their current school leadership licensure requirements by examining the impact on student achievement, graduation rates, parental involvement, and safety within their schools. It also provides grants to implement a plan to recruit and effectively train school leaders by providing on-the-job experience during the licensure process, financial incentives, ongoing professional development, and mentors during their first two years on the job.

Under this bill, the Department of Education would conduct a study on the effectiveness of these grants on student achievement. Upon successful implementation of new procedures, state education agencies may apply for additional grant money through the Department for assistance in replicating the success of this "model leadership zone" throughout the state. Grants would also be used to reform the state certification process.

School leaders have a significant impact on student achievement. An effective and capable school leader can make the difference in providing the tools and instructional support staff needed to foster the type of school environment conducive to student academic success. This legislation would ensure that our principals are given the training and support they need to foster student success.

The I LEAD Act addresses the need to effectively train and retain school leaders to prepare our children to compete in the global economy. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 102—SUPPORTING THE GOALS OF "INTERNATIONAL WOMEN'S DAY"

Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, and Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 102

Whereas there are more 3,000,000,000 women in the world, representing 49.7 percent of the world's population;

Whereas women continue to play the predominant role in caring for families within the home, as well as increasingly supporting their families economically by working outside the home;

Whereas women worldwide participate in diplomacy and politics, contribute to the growth of economies, and improve the quality of the lives of their families, communities, and countries;

Whereas women leaders have recently made significant strides, including through the 2007 election of Representative Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as President of Liberia and the first female President in the history of Africa, and the 2005 election of Angela Merkel as the first female Chancellor of Germany and who will also serve in 2007 as the second woman to chair a G-8 summit;

Whereas women now account for 80 percent of the world's 70,000,000 micro-borrowers, 75 percent of the 28,000 United States loans supporting small business in Afghanistan are given to women, and 11 women are chief executive officers of Fortune 500 companies in the United States;

Whereas, in the United States, women are graduating from high school and earning bachelor's degrees and graduate degrees at rates greater than men, with 88 percent of women between the ages of 25 and 29 having obtained high school diplomas and 31 percent of women between the ages of 25 of 29 having earned bachelor's degrees;

Whereas even with the tremendous gains for women during the past 20 years, women still face political and economic obstacles, struggle for basic rights, face discrimination, and are targets of gender-based violence all over the world;

Whereas women remain vastly underrepresented worldwide in national and local legislatures, accounting on average for less than 10 percent of the seats in legislatures in most countries, and in no developing region do women hold more than 8 percent of legislative positions;

Whereas women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;

Whereas, in the United States between 1995 and 2000, female managers earned less than their male counterparts in the 10 industries that employ the vast majority of all female employees;

Whereas, of the 1,300,000,000 people living in poverty around the world, 70 percent are women;

Whereas, according to the United States Agency for International Development, two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls around the world are less likely to complete school than boys;

Whereas women account for half of all cases of HIV/AIDS worldwide, approximately 42,000,000 cases, and in countries with a high prevalence of HIV, young women are at a higher risk than young men of contracting HIV;

Whereas each year over 500,000 women globally die during childbirth or pregnancy;

Whereas domestic violence causes more deaths and disabilities among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide at least 1 out of every 3 women and girls has been beaten in her lifetime, and usually the abuser is a member of the victim's family or is someone else known to the victim;

Whereas, according to the Centers for Disease Control and Prevention, at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime;

Whereas, in the Unites States, one-third of the women murdered each year are killed by current or former husbands or boyfriends;

Whereas 130,000,000 girls and young women worldwide have been subjected to female genital mutilation and it is estimated that 10,000 girls are at risk of being subjected to the practice in the United States;

Whereas, according to the Congressional Research Service and the Department of State, illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 600,000 and 900,000 women and children each year, of whom 17,500 are transported into the United States;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas, in Iraq, women are increasingly becoming the targets of violence by Islamic extremists and street gangs;

Whereas, in Darfur, a growing number of women and girls are being raped, mainly by militia members who use sexual violence as a weapon of war;

Whereas, in Afghanistan, Safia Ama Jan, the former Director of Women's Affairs, became the first female assassinated since the fall of the Taliban; and

Whereas March 8 of each year has been known as "International Women's Day" for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of "International Women's Day";

(2) recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for gender equality and women's rights;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic rights of women and girls both in the United States and in other countries; and

(4) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

SENATE RESOLUTION 103—COMMENDING THE KINGDOM OF LESOTHO, ON THE OCCASION OF INTERNATIONAL WOMEN'S DAY, FOR THE ENACTMENT OF A LAW TO IMPROVE THE STATUS OF MARRIED WOMEN AND ENSURE THE ACCESS OF MARRIED WOMEN TO PROPERTY RIGHTS

Mr. LUGAR (for himself, Mr. DURBIN, Mr. COCHRAN, Ms. MIKULSKI, Ms. SNOWE, Mr. HAGEL, Mr. STEVENS, Mr. BENNETT, Mr. KERRY, Mr. DEMINT, Mr. LAUTENBERG, Mrs. CLINTON, Ms. MURKOWSKI, Mr. VITTER, Mrs. FEINSTEIN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 103

Whereas International Women's Day, observed on March 8 each year, has become a day on which people come together to recognize the accomplishments of women and to reaffirm their commitment to continue the struggle for equality, justice, and peace;

Whereas the Kingdom of Lesotho is a parliamentary constitutional monarchy that has been an independent country since 1966;

Whereas Lesotho is a low income country with a gross national income per capita of $960 and 50 percent of the population lives below the poverty line;

Whereas, in Lesotho, the HIV prevalence is estimated at 23 percent for the total adult population and 56 percent for pregnant women between the ages of 25 and 29, and the current average life expectancy at birth is estimated to be 34.4 years;

Whereas the Kingdom of Lesotho, referred to by some as the "Kingdom in the Sky", was a strong public supporter of the end of apartheid in South Africa and the Government of Lesotho granted political asylum to a number of refugees from South Africa during the apartheid era;

Whereas the Government of Lesotho has demonstrated a strong commitment to ruling justly, investing in people, ensuring economic freedom, and controlling corruption;

Whereas the Government of Lesotho has been named eligible by the Millennium Challenge Corporation (MCC) for a Compact of financial assistance that, as currently proposed, would strongly focus on improving and safeguarding the health of the people of Lesotho, in addition to supporting projects for sustainable water resource management and private sector development;

Whereas historically a married woman in Lesotho was considered a legal minor during the lifetime of her husband, was severely restricted in economic activities, was unable to enter into legally binding contracts without her husband's consent, and had no standing in civil court;

Whereas legislation elevating the legal status of married women and providing property and inheritance rights to women in Lesotho was introduced as early as 1992;

Whereas for years women's groups, nongovernmental organizations, the Federation of Women Lawyers, officials of the Government of Lesotho, and others in Lesotho have pushed for passage of legislation strengthening rights of married women;

Whereas in a letter to the Government of Lesotho in September 2006, the chief executive officer of the MCC stated that gender inequality is a constraint on economic growth and poverty reduction and is related to the high prevalence of HIV/AIDS, and that inattention to issues of gender inequality could undermine the potential impact of the Compact proposed to be entered into between the MCC and the Government of Lesotho;

Whereas the Legal Capacity of Married Persons Act was passed by the Parliament of Lesotho and enacted into law in November 2006;

Whereas the MCC has already provided assistance to further full and meaningful implementation of the new law;

Whereas the MCC has promulgated and is currently implementing a new gender policy to integrate gender into all phases of the development and implementation of the Compact between the MCC and the Government of Lesotho; and

Whereas the MCC's advocacy of gender equity played a supportive role in the enactment of the Legal Capacity of Married Persons Act in the Kingdom of Lesotho: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the observance of March 8, 2007, as International Women's Day;

(2) applauds the enactment of the Legal Capacity of Married Persons Act by the Kingdom of Lesotho;

(3) lauds the Kingdom of Lesotho for demonstrating its commitment to improve gender equity;

(4) encourages the Kingdom of Lesotho to continue its effort to ensure gender equity; and

(5) commends the Millennium Challenge Corporation (MCC) for developing and implementing policies to advance gender equity in the Kingdom of Lesotho and other countries eligible for financial assistance from the MCC.

SENATE RESOLUTION 104—COMMENDING THE NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM FOR 35 YEARS OF SERVICE TO THE SAFETY AND SECURITY OF THE TRANSPORTATION SYSTEMS WITHIN THE UNITED STATES

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 104

Whereas the national explosives detection canine team program was created as a result of a bomb being placed on a Trans World Airlines jet bound for Los Angeles from John F. Kennedy International Airport on March 9, 1972;

Whereas Brandy, a bomb sniffing dog assigned to the New York City Police Department, searched the plane and found the explosive device just 12 minutes before it was set to detonate;

Whereas President Richard Nixon directed the Secretary of Transportation to use innovative means to combat the problems plaguing civil aviation;

Whereas the Federal Aviation Administration canine explosives detection team program was created to deter and detect the introduction of explosive devices into the national transportation system;

Whereas the national explosives detection program provides premier explosives detection canine team capabilities, through partnerships established with State and local law enforcement agencies;

Whereas the national explosives detection canine team program has expanded significantly over recent years as a result of recommendations by the White House Commission on Aviation Safety and Security, the Security Baseline Working Group of the Aviation Security Advisory Committee, the tragic events of September 11, 2001, and the targeted bombings of mass transit systems in London, India, and Madrid;

Whereas the national explosives detection canine team program has grown from 40 teams at 20 airports to over 425 teams at over 75 airports and 13 mass transit systems;

Whereas the national explosives detection canine team program has deployed highly trained explosives detection canine teams as a proven deterrent to terrorism directed towards transportation systems;

Whereas the national explosives detection canine team program provides a timely and mobile response support to facilities, rail stations, airports, aircraft, passenger terminals, seaports and surface carriers;

Whereas the transportation systems of the United States have benefited greatly from the partnership that exists between the national explosives detection canine team program and State and local law enforcement agencies and key industry stakeholders;

Whereas the operations branch of the national explosives detection canine team program is responsible for day-to-day operational issues for operations at specified transportation systems;

Whereas the canine training and evaluation branch of the national explosives detection canine team program is responsible for the procurement, training, and evaluation of assigned handlers and canines attending the National Explosives Detection Canine Training Facility, at Lackland Air Force Base, San Antonio, Texas;

Whereas the explosives branch of the national explosives detection canine team program is responsible for explosive training and procurement, preparation, and distribution and associated explosives training and related issues: Now, therefore, be it

Resolved, That the national explosives detection canine team program be commended for 35 years of service and dedication to the safety and security of the citizens of the United States.

SENATE CONCURRENT RESOLUTION 17—AUTHORIZING THE USE OF CAPITOL GROUNDS FOR LIVE EARTH CONCERT

Mr. REID (for himself and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 17

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR LIVE EARTH CONCERT.

(a) IN GENERAL.—The Live Earth organization and the Alliance for Climate Protection (in this resolution referred to as the "sponsors"), may sponsor the Live Earth Concert (in this resolution referred to as the "event") on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on July 7, 2007, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsors shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsors may cause to be placed on the Capitol grounds such stage, seating, booths, sound amplification and video devices, and other related structures and equipment as may be required for the event, including equipment for the broadcast of the event over radio, television, and other media outlets.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds in connection with the event.

SENATE CONCURRENT RESOLUTION 18—HONORING THE LIFE OF ERNEST GALLO

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 18

Whereas Ernest Gallo was born March 18, 1909, in Jackson, California, the son of Italian immigrants, graduated from Modesto High School in 1927, earned a degree from Modesto Junior College, and married Amelia Franzia, daughter of the founders of Franzia Winery, in 1931;

Whereas Ernest Gallo, with his brother Julio Gallo, founded E & J. Gallo Winery at the end of the Prohibition Era in 1933, with only $5,900 in savings and a winemaking pamphlet from the Modesto Public Library;

Whereas the Gallo brothers took their small family-owned winery and turned it into the world's second largest winery by volume, selling an estimated 75,000,000 cases a year worldwide under approximately 100 different labels;

Whereas Ernest Gallo began his illustrious career at a young age, working in his parents' vineyard while attending Modesto High School and demonstrating his entrepreneurial spirit early in life by traveling at the age of 17 to complete his first business deal;

Whereas Ernest Gallo, demonstrating great vision, anticipated the growth of the wine industry and developed the first-of-its kind vertically integrated company, with vineyards stretching across California, an on-site bottling plant, and an art department to design bottles and labels, changing the face of California's wine industry;

Whereas the Gallo Winery employs 4,600 people in the State of California, providing critical highly-skilled employment opportunities in the San Joaquin Valley and greatly contributing to the economic strength of the State;

Whereas Ernest Gallo and the Gallo Winery were bestowed countless awards for achievement in winemaking, including—

(1) in 1964, the American Society of Enologists Merit Award, the wine industry's highest honor, for outstanding leadership in the wine industry;

(2) the Gold Vine Award from the Brotherhood of the Knights of the Vine wine fraternity;

(3) the 1983 Distinguished Service Award from The Wine Spectator; and

(4) the Winery of the Year Award in both 1996 and 1998 by the San Francisco International Wine Competition; and

Whereas Ernest Gallo was widely known for his generous philanthropic work in the City of Modesto and throughout the state of California, including an endowment for the Gallo Center for the Arts in Modesto, the establishment of the Ernest Gallo Clinic and

Research Center at the University of California at San Francisco for research into genetic, biochemical, and neurobiological aspects of alcohol abuse, and countless other healthcare and educational endeavors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the life of Ernest Gallo, a pioneer in the field of winemaking, dedicated philanthropist, and community leader.

AMENDMENTS SUBMITTED AND PROPOSED

SA 442. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 364 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 443. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 411 submitted by Mr. LIEBERMAN (for himself and Mr. MCCAIN) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 444. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 398 submitted by Mr. BINGAMAN (for himself, Mr. DOMENICI, and Ms. CANTWELL) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN; and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 445. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 295 proposed by Ms. LANDRIEU to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 446. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 294 proposed by Mr. COBURN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 447. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 321 proposed by Ms. LANDRIEU to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 448. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 337 submitted by Mr. SCHUMER (for himself and Mrs. CLINTON) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 449. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 383 proposed by Mr. BIDEN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 450. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 389 proposed by Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. WARNER, and Mr. BURR) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 451. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 325 proposed by Mr. COBURN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 452. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 361 submitted by Mr. LIEBERMAN (for himself and Mr. MCCAIN) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 453. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 411 submitted by Mr. LIEBERMAN (for himself and Mr. MCCAIN) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 454. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 325 proposed by Mr. COBURN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 455. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 456. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 457. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 442. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 364 submitted Mrs. HUTCHISON and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ ENHANCEMENT OF DOMESTIC NURSING SUPPLY

(a) ENHANCEMENT OF DOMESTIC NURSING SUPPLY.—

(1) Each employer who files a petition for one or more aliens to enter the United States to perform labor as a nurse for whom labor certification is required under INA §212(a)(5)(A) shall pay to the Secretary of Homeland Security a fee of $1,500 for each alien for whom a petition is approved.

(2) There is established in the general fund of the Treasury a separate account which shall be known as the "Domestic Nursing Enhancement Account." Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1) above.

(3) GRANTS.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) GRANT COMPUTATION.—

"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

"(d) ELIGIBILITY.—For purposes of this section, the term 'eligible school of nursing' means a school of nursing that—

"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 school years preceding submission of the grant application; and

"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 school years preceding submission of the grant application.

“(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each school year for which the grant is awarded, the school will comply with the following:

“(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

“(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

“(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding school year by 5 percent or 5 students, whichever is greater.

“(B) Subparagraph (A) does not apply to the first school year for which a school receives a grant under this section.

“(C) With respect to any school year, the Secretary may waive application of subparagraph (A) if—

“(i) the physical facilities at the school involved limit the school from enrolling additional students; or

“(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding school years.

“(4) Not later than 1 year after receipt of the grant, the school will formulate and implement a plan to accomplish at least 2 of the following:

“(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

“(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

“(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

“(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

“(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

“(F) Increasing enrollment of minority and diverse student populations.

“(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

“(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

“(I) Increasing integration of geriatric content into the core curriculum.

“(J) Partnering with economically disadvantaged communities to provide nursing education.

“(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

“(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

“(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

“(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to the Congress—

“(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

“(2) not later than the end of fiscal year 2017, a final report on such results.

“(g) APPLICATION.—To seek a grant under this section, a school of nursing shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(h) FUNDING.—Amounts deposited into the Domestic Nursing Enhancement Account established by the Improving America's Security Act of 2007 shall remain available to the Secretary until expended for the costs of carrying out this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For any additional costs of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

“(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary.”.

SEC. . GLOBAL HEALTHCARE COOPERATION.

(a) GLOBAL HEALTHCARE COOPERATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other healthcare worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

“(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

“(2) to meet the continuous residency requirements under section 316(b).

“(b) DEFINITIONS.—In this section:

“(I) CANDIDATE COUNTRY.—The term ‘candidate country’ means a country that the Secretary of State determines is—

“(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank. for Reconstruction and Development;

“(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

“(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

“(2) ELIGIBLE ALIEN.—The term ‘eligible alien’ means an alien who—

“(A) has been lawfully admitted to the United States for permanent residence; and

“(B) is a physician or other healthcare worker.

“(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

“(d) PUBLICATION.—The Secretary of State shall publish—

“(1) not later than 6 months after the date of the enactment of this Act, and annually thereafter, a list of candidate countries; and

“(2) an immediate amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(I)(C).”.

(b) RULEMAKING.—

(1) REQUIPMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENT.—The regulations required by paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended as follows:

(1) Section 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end “except in the case of an eligible alien, or the spouse or child of such alien, authorized to be absent from the United States pursuant to section 317A”.

(2) Section 211 (b) (8 U.S.C. 1181 (b)) is amended by inserting, “including an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate, after 101(a)(27)(A),”.

(3) Section 212(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(4) Section 319(b)(I)(B) (8 U.S.C. 1430(b)(I)(B)) is amended by inserting "an eligible alien who is residing or has resided in a foreign country pursuant to section 317A" before "and" at the end.

(5) The table of contents is amended by inserting after the item relating to section 317 the following:

"SEC. 317A. Temporary absence of aliens providing healthcare in developing countries.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. . ATTESTATION BY HEALTHCARE WORKERS.

(a) REQUIREMENT FOR ATTESTATION.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

"(E) HEALTHCARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other healthcare worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other healthcare worker in consideration for a commitment to work as a physician or other healthcare worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—The Secretary shall begin to carry out the subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as added by subsection (a), not later than the effective date described in paragraph (1), including the requirement for the attestation and the granting of a waiver described in such subparagraph, regardless of whether regulations to implement such subparagraph have been promulgated.

SA 443. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 411 submitted by Mr. LIEBERMAN (for himself and Mr. MCCAIN) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 of the matter proposed, between lines 9 and 10, insert the following:

(c) EXCEPTION.—A Democracy Fellow may not be assigned to any congressional office until the Secretary of Defense certifies to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives that the request of the Commander of the United States Central Command for the Department of State for personnel and foreign service officers has been fulfilled.

SEC. 1612A. TRANSPARENCY OF UNITED STATES BROADCASTING TO ASSIST IN OVERSIGHT AND ENSURE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN INTERNATIONAL BROADCASTS.

(a) TRANSCRIPTS.—The Broadcasting Board of Governors shall transcribe into English all original broadcasting content.

(b) PUBLIC TRANSPARENCY.—The Broadcasting Board of Governors shall post all English transcripts from its broadcasting content on a publicly available website within 30 days of the original broadcast.

(c) DEFINITIONS.—In this section, the term "broadcasting content" includes programming produced or broadcast by United States international broadcasters including the following:

(1) Voice of America.

(2) Alhurra.

(3) Radio Sawa.

(4) Radio Farda.

(5) Radio Free Europe/Radio Liberty.

(6) Radio Free Asia.

(7) The Office of Cuba Broadcasting.

SA 444. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 398 submitted by Mr. BINGAMAN (for himself, Mr. DOMENICI, and Ms. CANTWELL) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 8 through 13 and insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SA 445. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 295 proposed by Ms. LANDRIEU to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike "**FEDERAL SHARE**" and all that follows through the end of the amendment and insert the following:

EMERGENCY AND MAJOR DISASTER FRAUD PENALTIES.

(a) FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"**§ 1040. Fraud in connection with major disaster or emergency benefits**

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation, in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

"(b) A circumstance described in this subsection is any instance where—

"(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

"(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

"(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

"(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1040. Fraud in connection with major disaster or emergency benefits.".

(b) INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.—Section 1343 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed; or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

(c) INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.—Section 1341 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

(d) DIRECTIVE TO SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission forthwith shall—

(A) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to subparagraph (A) and any additional policy recommendations the Commission may have for combating offenses described in that subparagraph.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) assure reasonable consistency with other relevant directives and with other guidelines;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(D) make any necessary conforming changes to the sentencing guidelines; and

(E) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(3) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

SA 446. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 294 proposed by Mr. COBURN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 15 . LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

(B) work under the direct supervision of an officer or agent of that agency.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days;

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including

per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 447. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 321 proposed by Ms. LANDRIEU to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 15___. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

(B) work under the direct supervision of an officer or agent of that agency.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days;

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

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(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 448. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 337 submitted by Mr. SCHUMER (for himself and Mrs. CLINTON) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 15 . LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

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(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

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(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

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(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

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(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 449. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 383 proposed by Mr. BIDEN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 15___. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

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(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

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(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

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(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

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(g) DEFINITIONS.—In this section—

(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 450. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 389 proposed by Mr. BOND (for himself, Mr. ROCKEFELLER, Mr. WARNER, and Mr. BURR) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 15 . LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

(B) work under the direct supervision of an officer or agent of that agency.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days; or

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 451. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 325 proposed by Mr. COBURN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 8 and all that follows and insert the following:

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—

(1) IN GENERAL.—Except for grants under section 1809 of the Homeland Security Act of 2002, as added by this Act, the Secretary shall not award any grants or distribute any grant funds on or after October 1, 2008, under any grant program under this Act or an amendment made by this Act, until the Secretary submits a report to the appropriate committees that—

(A) contains a certification that the Department has, for each program and activity of the Department (except for the grant program under section 1809 of the Homeland Security Act of 2002, as added by this Act), performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) for each program and activity of the Department, describes the actions to be taken to achieve compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), including benchmarks and an estimated date of such compliance.

(2) ESTIMATES OF IMPROPER PAYMENTS.—The Secretary shall not award any grants or distribute any grant funds on or after October 1, 2010, under any grant program under this Act or an amendment made by this Act, until the Secretary submits a report to the appropriate committees that contains a certification that the Department has, for each program and activity of the Department, estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments.

SA 452. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 361 submitted by Mr. LIEBERMAN (for himself and Mr. MCCAIN) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XVI—ADVANCEMENT OF DEMOCRATIC VALUES

SECTION 1601. SHORT TITLE.

This title may be cited as the "Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007" or the "ADVANCE Democracy Act of 2007".

SEC. 1602. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1603. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;

(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;

(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedom of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law;

(6) to provide appropriate support to nongovernmental organizations working to promote freedom and democracy;

(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;

(8) to commit to the long-term challenge of promoting universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 1604. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term "Annual Report on Advancing Freedom and Democracy" refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms "Community of Democracies" and "Community" mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) DEPARTMENT.—The term "Department" means the Department of State.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1611. DEMOCRACY LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) NEW POSITIONS.—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(2) EXCEPTION.—A Democracy Fellow may not be assigned to any congressional office until the Secretary of Defense certifies to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives that the request of the Commander of the United States Central Command for the Department of State for personnel and foreign service officers has been fulfilled.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1621. ANNUAL REPORT.

(a) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting "entitled the Advancing Freedom and Democracy Report" before the period at the end.

(b) SCHEDULE FOR SUBMISSION.—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) CONFORMING AMENDMENT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 2151n note) is amended by striking "30 days" and inserting "90 days".

SEC. 1622. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

SEC. 1632. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1641. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1642. SENSE OF CONGRESS ON ADVANCE DEMOCRACY AWARD.

It is the sense of Congress that—

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

SEC. 1643. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1644. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

SEC. 1645. TRANSPARENCY OF UNITED STATES BROADCASTING TO ASSIST IN OVERSIGHT AND ENSURE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN INTERNATIONAL BROADCASTS.

(a) TRANSCRIPTS.—The Broadcasting Board of Governors shall transcribe into English all original broadcasting content.

(b) PUBLIC TRANSPARENCY.—The Broadcasting Board of Governors shall post all English transcripts from its broadcasting content on a publicly available website within 30 days of the original broadcast.

(c) DEFINITIONS.—In this section, the term "broadcasting content" includes programming produced or broadcast by United States international broadcasters including the following:

(1) Voice of America.

(2) Alhurra.

(3) Radio Sawa.

(4) Radio Farda.

(5) Radio Free Europe/Radio Liberty.

(6) Radio Free Asia.

(7) The Office of Cuba Broadcasting.

Subtitle E—Alliances With Democratic Countries

SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(b) SENSE OF CONGRESS ON INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

Subtitle F—Funding for Promotion of Democracy

SEC. 1661. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.

The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

SA 453. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 411 submitted by Mr. LIEBERMAN (for himself and Mr. MCCAIN) and intended to be proposed to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 of the matter proposed, between lines 9 and 10, insert the following:

(c) EXCEPTION.—A Democracy Fellow may not be assigned to any congressional office until the Secretary of Defense certifies to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives that the request of the Commander of the United States Central Command for the Department of State for personnel and foreign service officers has been fulfilled.

SEC. 1612A. TRANSPARENCY OF UNITED STATES BROADCASTING TO ASSIST IN OVERSIGHT AND ENSURE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN INTERNATIONAL BROADCASTS.

(a) TRANSCRIPTS.—The Broadcasting Board of Governors shall transcribe into English all original broadcasting content.

(b) PUBLIC TRANSPARENCY.—The Broadcasting Board of Governors shall post all English transcripts from its broadcasting content on a publicly available website within 30 days of the original broadcast.

(c) DEFINITIONS.—In this section, the term "broadcasting content" includes programming produced or broadcast by United States international broadcasters including the following:

(1) Voice of America.

(2) Alhurra.

(3) Radio Sawa.

(4) Radio Farda.

(5) Radio Free Europe/Radio Liberty.

(6) Radio Free Asia.

(7) The Office of Cuba Broadcasting.

SA 454. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 325 proposed by Mr. COBURN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, strike all through page 3, line 4, and insert the following:

(a) DEFINITION.—In this section, the term "appropriate committees" means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Oversight and Government Reform of the House of Representatives.

(b) REPORT BY SECRETARY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the appropriate committees that—

(1) details the actions the Department is taking to comply with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and

(2) includes—

(A) goals and timelines for compliance with the requirements of that Act; and

(B) recommendations for improving compliance with that Act.

(c) REPORT BY OMB.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the appropriate committees that includes—

(1) a discussion of the problems agencies have had in complying with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) with respect to programs involving non-Federal funds recipients, including grant programs;

(2) a description of the actions the Office of Management and Budget has taken to assist agencies in coming into compliance with that Act with respect to the programs involving non-Federal funds recipients; and

(3) recommendations for improving the compliance of agencies with that Act.

SA 455. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COMPENSATION FOR UNITED STATES CITIZENS TAKEN HOSTAGE BY TERRORISTS OR STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—In accordance with such procedures as the President may by regulation establish, the President or his designee shall receive the claims of, and pay compensation to, any national of the United States, or to the estate of any such national, who—

(1) as of the date of enactment of this Act has a claim pending in a court of the United States against a foreign state seeking compensation for injuries caused by an act of hostage-taking or has obtained a judgment on such a claim that has not been fully satisfied;

(2) at any time on or after August 2, 1990, and while not serving on active duty in the Armed Forces of the United States, was taken hostage by a terrorist party; or

(3) was a representative plaintiff or class member in Case Number 1:00CV03110(EGS) in the United States District Court for the District of Columbia or a plaintiff in Case Number 1:00CV00716 (HHK) in the United States District Court for the District of Columbia.

(b) LIMIT ON AMOUNT OF AWARD.—The amount that may be awarded to any person seeking compensation under this section shall not exceed $500,000, adjusted to reflect the annual percentage change in the Consumer Price Index, from the date on which the hostage-taking occurred to the date on which compensation is paid.

(c) TYPE OF AWARD.—Subject to the limit in subsection (b), any person seeking compensation for hostage-taking under this section shall be awarded the following amounts with respect to which the United States shall enjoy full subrogation rights in the event such person obtains any recovery in litigation or otherwise as a result of such hostage-taking:

(1) In the case of any person who has been issued a final judgment for compensatory damages, the unsatisfied amount of such judgment.

(2) In the case of any person who survived his captivity and who has not been issued a final judgment for compensatory damages, $10,000 per day for each day that such person was held or, if he died or was tortured during the course of his captivity, the maximum amount in subsection (b).

(d) PROHIBITION ON CIVIL ACTIONS AGAINST FOREIGN STATES.—A person who has accepted compensation under subsection (c)(2) may not commence or maintain in a court of the United States a civil action seeking compensation for such injuries or damages associated with such hostage taking against a foreign state or its agencies or instrumentalities.

(e) DEFINITIONS.—In this section:

(1) HOSTAGE TAKING.—The term "hostage taking" has the meaning given that term in Article 1 of the International Convention Against the Taking of the Hostages and includes any act that caused a person to be in "hostage status" within the meaning of section 599C(d)(1) of Public Law 101–513.

(2) TERRORIST PARTY.—The term "terrorist party" has the meaning given that term in the Terrorism Risk Insurance Act (section 201(d)(4) of Public Law 107–297) and includes any person, organization, or foreign state that was designated as such either at the time or as a result of the act of hostage-taking for which compensation is sought.

(f) FUNDING.—Funds sufficient to pay persons to whom compensation is due under this section shall be made available from the Hostage Victims Fund, into which the President shall direct deposits, in proportions the President so allocates in the discretion of the President, from—

(1) the "blocked assets" of terrorist parties, as that term is defined in the Terrorism Risk Insurance Act (section 201(d)(2) of Public Law 107–297);

(2) amounts received by the United States by reason of any legal action taken by the United States against any person relating to improper conduct in connection with the Oil for Food Program of the United Nations, including any fines, forfeitures, or disgorgements of amounts received through any activity related to said Program; or

(3) amounts received as a result of any fine or forfeiture obtained from any person or entity in connection with a violation of—

(A) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) section 5(b) of the Trading With the Enemy Act (50 U.S.C. App 5(b));

(C) the United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 (Public Law 107–56; 115 Stat. 272);

(D) the Bank Secrecy Act (codified at title 12 U.S.C. 1829 (b) and 1951–1959 and 31 U.S.C. 5311–5313 and 5316–5332);

(E) the Export Administration Act (50 U.S.C. App. 2401–2410); or

(F) any regulations promulgated under an Act listed in subparagraphs (A) through (E).

(g) ADDITIONAL COMPENSATION FOR VICTIMS OF IRANIAN HOSTAGE TAKING IN TEHRAN.—In addition to any amounts that may be awarded under subsection (c), the President or his designee shall from monies deposited for Iran in the Iran Foreign Military Sales Fund account within the Foreign Military Sales Fund (including any amounts accrued as interest thereon)—

(1) pay any person who qualifies for payment under subsection (a)(3) who was taken hostage by the Islamic Republic of Iran on November 4, 1979 or who was taken hostage by Hezbollah on December 4, 1984 and flown to Tehran additional compensation of $500,000, adjusted to reflect the annual percentage change in the Consumer Price Index, from the date on which the hostage taking occurred to the date on which the compensation is paid; and

(2) pay any person who was, at the time of such hostage-taking, the spouse or child of such person, 50 percent of the total amount of compensation paid to the hostage.

SA 456. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert "The Secretary shall include levees in the Department's list of critical infrastructure sectors".

SA 457. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

"(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

"(b) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized in title XIII and XIV of the Improving America's Security Act of 2007.

"(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

"(5) Grant programs other than those administered by the Department.

"(c) RELATIONSHIP TO OTHER LAWS.—

"(1) IN GENERAL.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

"(2) PROGRAM INTEGRITY.—Each grant program under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

"(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

"(B) reporting the incidence of improper payments to the Department.

"(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

"(d) MINIMUM PERFORMANCE REQUIREMENTS.—

"(1) IN GENERAL.—The Administrator shall—

"(A) establish minimum performance requirements for entities that receive homeland security grants;

"(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $1,278,639,000; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

"SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

"SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike "611(j)(8)" and insert "611(j)(9)".

On page 86, line 2, strike "5196(j)(8))" and insert "5196(j)(9))".

On page 87, strike line 22 and insert the following:

"SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike "under this title" and insert "under section 2003 or 2004".

On page 91, strike line 16 and insert the following:

"SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike "the Homeland Security Grant Program" and insert "grants made under this title".

On page 97, strike lines 7 and 8 and insert the following:

"SEC. 2009. AUDITING.

"(a) AUDITS OF GRANTS.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

"(d) DEFINITION.—In this section, the term 'Emergency Management Performance Grants Program' means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109-295).

"SEC. 2010. SENSE OF THE SENATE.

"It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

"(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

"(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

"(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

"(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

"(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.".

On page 106, strike lines 1 through 9, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109-347; 120 Stat. 1884), and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1903. Hiring authority.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.

"TITLE XX—HOMELAND SECURITY GRANTS

"Sec. 2001. Definitions.
"Sec. 2002. Homeland Security Grant Program.
"Sec. 2003. Urban Area Security Initiative.
"Sec. 2004. State Homeland Security Grant Program.
"Sec. 2005. Terrorism prevention.
"Sec. 2006. Restrictions on use of funds.
"Sec. 2007. Administration and coordination.
"Sec. 2008. Accountability.
"Sec. 2009. Auditing.
"Sec. 2010. Sense of the Senate.".

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

"SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(2) STATE.—The term 'State' has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

"(b) IN GENERAL.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

"(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(d) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

"(1) BASELINE AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

"(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

"(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

"(3) CONSISTENCY IN ALLOCATION.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

"(e) ALLOWABLE USES.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

"(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

"(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

"(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all hazards.

"(f) Cost Sharing.—

"(1) In general.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

"(2) In-kind matching.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(g) Distribution of Funds.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

"(h) Local and Tribal Governments.—

"(1) In general.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

"(2) Indian tribes.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"(i) Emergency Operations Centers Improvement Program.—

"(1) In general.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

"(2) Requirements.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9).

"(3) Cost sharing.—

"(A) In general.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

"(B) In kind matching.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(j) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.".

MEASURE PLACED ON THE CALENDAR—S.J. RES. 9

Mr. BROWN. Madam President, I understand that S.J. Res. 9 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the joint resolution for the second time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 9) to revise United States policy on Iraq.

Mr. BROWN. I now object to any further proceeding with respect to this joint resolution.

The PRESIDING OFFICER. Objection is heard.

The measure will be placed on the calendar.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public law 101-509, the reappointment of Guy Rocha of Nevada to the Advisory Committee on the Records of Congress.

INTERNATIONAL WOMEN'S DAY 2007

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 102, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 102) supporting the goals of International Women's Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 102

Whereas there are more 3,000,000,000 women in the world, representing 49.7 percent of the world's population;

Whereas women continue to play the predominant role in caring for families within the home, as well as increasingly supporting their families economically by working outside the home;

Whereas women worldwide participate in diplomacy and politics, contribute to the growth of economies, and improve the quality of the lives of their families, communities, and countries;

Whereas women leaders have recently made significant strides, including through the 2007 election of Representative Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as President of Liberia and the first female President in the history of Africa, and the 2005 election of Angela Merkel as the first female Chancellor of Germany and who will also serve in 2007 as the second woman to chair a G–8 summit;

Whereas women now account for 80 percent of the world's 70,000,000 micro-borrowers, 75 percent of the 28,000 United States loans supporting small business in Afghanistan are given to women, and 11 women are chief executive officers of Fortune 500 companies in the United States;

Whereas, in the United States, women are graduating from high school and earning bachelor's degrees and graduate degrees at rates greater than men, with 88 percent of women between the ages of 25 and 29 having obtained high school diplomas and 31 percent of women between the ages of 25 of 29 having earned bachelor's degrees;

Whereas even with the tremendous gains for women during the past 20 years, women still face political and economic obstacles, struggle for basic rights, face discrimination, and are targets of gender-based violence all over the world;

Whereas women remain vastly underrepresented worldwide in national and local legislatures, accounting on average for less than 10 percent of the seats in legislatures in most countries, and in no developing region do women hold more than 8 percent of legislative positions;

Whereas women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;

Whereas, in the United States between 1995 and 2000, female managers earned less than their male counterparts in the 10 industries that employ the vast majority of all female employees;

Whereas, of the 1,300,000,000 people living in poverty around the world, 70 percent are women;

Whereas, according to the United States Agency for International Development, two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls around the world are less likely to complete school than boys;

Whereas women account for half of all cases of HIV/AIDS worldwide, approximately 42,000,000 cases, and in countries with a high prevalence of HIV, young women are at a higher risk than young men of contracting HIV;

Whereas each year over 500,000 women globally die during childbirth or pregnancy;

Whereas domestic violence causes more deaths and disabilities among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide at least 1 out of every 3 women and girls has been beaten in her lifetime, and usually the abuser is a member of the victim's family or is someone else known to the victim;

Whereas, according to the Centers for Disease Control and Prevention, at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime;

Whereas, in the United States, one-third of the women murdered each year are killed by current or former husbands or boyfriends;

Whereas 130,000,000 girls and young women worldwide have been subjected to female genital mutilation and it is estimated that 10,000 girls are at risk of being subjected to the practice in the United States;

Whereas, according to the Congressional Research Service and the Department of State, illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 600,000 and 900,000 women and children each year, of whom 17,500 are transported into the United States;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas, in Iraq, women are increasingly becoming the targets of violence by Islamic extremists and street gangs;

Whereas, in Darfur, a growing number of women and girls are being raped, mainly by militia members who use sexual violence as a weapon of war;

Whereas, in Afghanistan, Safia Ama Jan, the former Director of Women's Affairs, became the first female assassinated since the fall of the Taliban; and

Whereas March 8 of each year has been known as "International Women's Day" for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of "International Women's Day";

(2) recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for gender equality and women's rights;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic rights of women and girls both in the United States and in other countries; and

(4) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

COMMENDING THE KINGDOM OF LESOTHO

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 103, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 103) commending the Kingdom of Lesotho on the occasion of International Women's Day, for the enactment of a law to improve the status of married women and ensure the access of married women to property rights.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Madam President, I rise today, International Women's Day, in support of this resolution celebrating some of the progress that we and other nations are making in fostering improvement in the status of women. The resolution commends the Kingdom of Lesotho for enacting the Legal Capacity of Married Persons law which elevates the status of married women and provides them with property rights. Prior to this law, married women in Lesotho were considered legal minors, denying them the right to enter into binding contracts or have standing in civil court.

International Women's Day is a day on which we reaffirm the commitment to the struggle by women worldwide for peace, justice, and equality before the law. We also take this opportunity to recognize how far we have come since the first International Women's Day was celebrated in the United States in 1909 when American women were still fighting for the right to vote and a role in the political process.

Today we are able to celebrate the many accomplishments by women worldwide in the areas of health, science, education, and politics. In the past year, we have seen the appointment of our first female Speaker of the House, NANCY PELOSI. President Bush's cabinet now includes a record number of women—Secretary of State Condoleezza Rice, Secretary of Education Margaret Spellings, Secretary of Labor Elaine Chao, and Secretary of Transportation Mary Peters. Women now comprise a record percentage of the 110th Congress, including 16 senators and 71 representatives. Women are gaining seats in parliaments worldwide. For example, last November Lateefa al-Qauod became the first woman to be elected to Bahrain's parliament and became one of the first women to serve in an elected parliament in the Gulf region.

The U.S. is rededicating itself to improving the status of women worldwide. For example, the Millennium Challenge Corporation announced a new policy in December 2006 stating that countries receiving financial assistance would be responsible for extensive planning to ensure that all programs benefit both men and women. This required gender analysis would factor in social, economic, and cultural barriers faced by women and men when engaging in economic activity and would result in better-designed international development projects.

The Kingdom of Lesotho is a small country surrounded by South Africa. Lesotho faces serious challenges—50 percent of the population lives below the poverty line and 23 percent of the population is infected with HIV. Given its commitment to good governance and investment in its people, Lesotho has qualified for financial assistance through the Millennium Challenge Corporation (MCC). MCC assistance is pending the finalization of Lesotho's Compact which is expected to focus on improving health care and water resource management.

The MCC helped catalyze the passage of the Legal Capacity of Married Persons law in Lesotho by stressing that potential MCC financing would be more effective if gender equity were addressed. Subsequently, Lesotho passed the Legal Capacity of Married Persons legislation. Under this new legislation, women are considered equal partners in marriage and are able to enter into binding contracts and have a standing in civil court. We applaud the Kingdom of Lesotho for demonstrating such a commitment to justice, equality, and fighting corruption at every level.

The problems faced by women today require a continuation of our commitment to end them. International Women's Day is a day for us to declare our determination to advance the rights of women worldwide, but also to recognize the many accomplishments made by women on a global scale.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas International Women's Day, observed on March 8 each year, has become a day on which people come together to recognize the accomplishments of women and to reaffirm their commitment to continue the struggle for equality, justice, and peace;

Whereas the Kingdom of Lesotho is a parliamentary constitutional monarchy that has been an independent country since 1966;

Whereas Lesotho is a low income country with a gross national income per capita of $960 and 50 percent of the population lives below the poverty line;

Whereas, in Lesotho, the HIV prevalence is estimated at 23 percent for the total adult population and 56 percent for pregnant women between the ages of 25 and 29, and the current average life expectancy at birth is estimated to be 34.4 years;

Whereas the Kingdom of Lesotho, referred to by some as the "Kingdom in the Sky", was a strong public supporter of the end of apartheid in South Africa and the Government of Lesotho granted political asylum to a number of refugees from South Africa during the apartheid era;

Whereas the Government of Lesotho has demonstrated a strong commitment to ruling justly, investing in people, ensuring economic freedom, and controlling corruption;

Whereas the Government of Lesotho has been named eligible by the Millennium Challenge Corporation (MCC) for a Compact of financial assistance that, as currently proposed, would strongly focus on improving and safeguarding the health of the people of Lesotho, in addition to supporting projects for sustainable water resource management and private sector development;

Whereas historically a married woman in Lesotho was considered a legal minor during the lifetime of her husband, was severely restricted in economic activities, was unable to enter into legally binding contracts without her husband's consent, and had no standing in civil court;

Whereas legislation elevating the legal status of married women and providing property and inheritance rights to women in Lesotho was introduced as early as 1992;

Whereas for years women's groups, nongovernmental organizations, the Federation of Women Lawyers, officials of the Government of Lesotho, and others in Lesotho have pushed for passage of legislation strengthening rights of married women;

Whereas in a letter to the Government of Lesotho in September 2006, the chief executive officer of the MCC stated that gender inequality is a constraint on economic growth and poverty reduction and is related to the high prevalence of HIV/AIDS, and that inattention to issues of gender inequality could undermine the potential impact of the Compact proposed to be entered into between the MCC and the Government of Lesotho;

Whereas the Legal Capacity of Married Persons Act was passed by the Parliament of Lesotho and enacted into law in November 2006;

Whereas the MCC has already provided assistance to further full and meaningful implementation of the new law;

Whereas the MCC has promulgated and is currently implementing a new gender policy to integrate gender into all phases of the development and implementation of the Compact between the MCC and the Government of Lesotho; and

Whereas the MCC's advocacy of gender equity played a supportive role in the enactment of the Legal Capacity of Married Persons Act in the Kingdom of Lesotho: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the observance of March 8, 2007, as International Women's Day;

(2) applauds the enactment of the Legal Capacity of Married Persons Act by the Kingdom of Lesotho;

(3) lauds the Kingdom of Lesotho for demonstrating its commitment to improve gender equity;

(4) encourages the Kingdom of Lesotho to continue its effort to ensure gender equity; and

(5) commends the Millennium Challenge Corporation (MCC) for developing and implementing policies to advance gender equity in the Kingdom of Lesotho and other countries eligible for financial assistance from the MCC.

DESIGNATING THE UNITED STATES COURTHOUSE AT SOUTH FEDERAL PLACE IN SANTA FE, NEW MEXICO, AS THE "SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE"

DESIGNATING THE FEDERAL BUILDING LOCATED AT 400 MARYLAND AVENUE SOUTHWEST IN THE DISTRICT OF COLUMBIA AS THE "LYNDON BAINES JOHNSON DEPARTMENT OF EDUCATION BUILDING"

DESIGNATING THE UNITED STATES COURTHOUSE LOCATED AT 555 INDEPENDENCE STREET IN CAPE GIRARDEAU, MISSOURI, AS THE "RUSH HUDSON LIMBAUGH, SR. UNITED STATES COURTHOUSE"

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following two bills which have been received from the House and are at the desk: H.R. 544 and H.R. 584; that the Environment and Public Works Committee be discharged from further consideration of H.R. 342, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 544) to designate the U.S. Courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse."

A bill (H.R. 584) to designate the federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building."

A bill (H.R. 342) to designate the U.S. Courthouse located at 555 Independence Street in Cape Girardeau, MO, as the "Rush Hudson Limbaugh, Sr. United States Courthouse."

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mrs. HUTCHISON. Mr. President, I rise today to support H.R. 584, a bill to name the Department of Education headquarters in Washington, DC, as the Lyndon Baines Johnson Federal Building. I am the Senate sponsor of the bill, and Senator CORNYN is the cosponsor.

Lyndon Johnson was the first President to be elected from the State of Texas, and a man, who throughout his over three decades in public life, contributed immensely to improving and enhancing education for all Americans.

President Johnson was born in Stonewall, TX on August 27, 1908. After graduating from high school, and spending a year as an elevator operator, he began his career in the field of education. In 1927, he borrowed $75, and started attending the Southwest Texas State Teachers College in San Marcos.

After graduating in 1930, he devoted a year to teaching mostly Mexican children at the Welhausen School in Cotulla, ninety miles south of San Antonio. Decades later, when he was in the White House, President Johnson reminisced: "I shall never forget the faces of the boys and the girls in that little Welhausen Mexican School, and I remember even yet the pain of realizing and knowing then that college was closed to practically every one of those children because they were too poor. And I think it was then that I made up my mind that this Nation could never rest while the door to knowledge remained closed to any American."

Lyndon Baines Johnson never did rest—and after serving as a teacher, a principal, and as head of the Texas National Youth Administration, in 1937, he ran for, and won, a seat in the U.S. House of Representatives.

He was subsequently re-elected to the U.S. House in every election up until 1948, when he was elected to the United States Senate. Later, in 1961, he resigned from the U.S. Senate to become Vice President; and on November 22, 1963, a date that none of us will ever forget, Lyndon Johnson became the 36th President of the United States.

In 1965, President Johnson signed two landmark education bills: The Elementary and Secondary Education Act (which authorized the first real Federal assistance to grade school education) and The Higher Education Act (which funded scholarships to undergraduate students).

In the same year, President Johnson launched Project Head Start as an eight-week summer program to provide preschool children from low-income families with a comprehensive program to meet their emotional, social, health, nutritional, and psychological needs.

During his six-year presidency, Lyndon B. Johnson signed a combined total of over 60 education bills. In a very real sense, he was America's first "Education President."

After leaving office, President Johnson continued his involvement in education by teaching students while he wrote his memoirs.

President Johnson passed away on January 22, 1973, and even though it's been 34 years since his passing, he still doesn't have a Federal building in the District of Columbia named after him.

I believe it is time that President Johnson's distinguished service, and particularly, his outstanding work on behalf of education, be recognized in our Nation's capital.

Naming the Department of Education headquarters in Washington, DC, as the Lyndon Baines Johnson Federal Building is a fitting honor for this small-town Texas teacher who, after decades of service, went on to become our "Education President."

Mr. President, I yield the floor.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the bills be read the third time, passed, the motions to reconsider be laid upon the table, en bloc; that the consideration of these items appear separately in the RECORD, and that any statements thereon be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 544, H.R. 584, and H.R. 342) were ordered to be read a third reading, were read the third time, and passed.

ORDERS FOR MONDAY, MARCH 12, 2007

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2:30 p.m. Monday, March 12; that on Monday following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. On behalf of the leader, I remind Members that on Monday, March 12, there will be no rollcall votes, as has been previously announced.

ADJOURNMENT UNTIL MONDAY, MARCH 12, 2007, AT 2:30 P.M.

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate today, and the Republican leader has no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 1:11 p.m., adjourned until Monday, March 12, 2007, at 2:30 p.m.

HOUSE OF REPRESENTATIVES—*Friday, March 9, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, March 9, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At the beginning of another day, we pray, Lord God, that divine providence guide this Nation and all nations, and every believer, each in his or her own way.

Help each of us, Lord, to accept the path to holiness upon which You draw us by Your word whispered in our hearts.

In Your Spirit, enable us to accomplish Your holy will by the detailed performance of everyday duties and routine tasks. Help us to do excellent work that will give You glory and satisfy our sense of purpose.

Strengthen us when it is difficult to accept what we cannot avoid and endure with love and resignation the things that could cause us to grow weary or become disgusted.

In truth, we do not see the whole picture or how we are already united in Your unconditional plan, so we must trust. We must place all our trust in You, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Nebraska led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches on each side.

DIFFERENCES IN STRATEGY BETWEEN ADMINISTRATION AND DEMOCRATS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. There has been a lot of news on Iraq and the differing strategy between Congress and the President. Let's be clear about where the differences lie.

The administration wants more time after 4 long years in Iraq; Democrats say it's time for a conclusion to the open-ended commitment. The administration wants 25,000 more troops for Iraq; Democrats are calling for the troops to be fully trained and equipped. The administration wants more money; Democrats are demanding Iraqis be held accountable for Iraq's future.

The administration policy has us policing a civil war; Democrats want to focus on al Qaeda in Afghanistan. The administration has failed our veterans on the health care they earned; Democrats are for making sure that the veterans get the health care they deserve.

As Yogi Berra once said, "When you come to a fork in the road, take it." Madam Speaker, the President wants and is asking for more of the same; Democrats are calling for a new direction.

PRAISING THE SOUTH CAROLINA MILITARY MUSEUM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, on February 6, the South Carolina Military Museum officially opened adjacent to the Bluff Road Armory. Five hundred guests gathered at the grand opening, where Adjutant General Stan Spears dedicated the museum in honor of all men and women who have served in the National Guard.

In 1981, the South Carolina National Guard Museum and State Weapons Collection opened in Sumter, South Carolina. Seventeen years later, the museum was renamed and moved to Columbia. Professionally organized by director and curator Ewell G. Buddy Sturgis, the museum seeks to preserve historically significant properties, to provide educational services, and to enhance esprit de corps among men and women serving in the South Carolina military.

Two years ago, Ross E. Beard, Jr., from Camden, South Carolina, loaned the museum a vast weapons collection dating from the 1500s. Mr. Beard has been collecting rare artifacts since he was 10 years old and is revered among weapons collectors. He is a true inspiration to our troops who serve to protect our freedoms.

In conclusion, God bless our troops, and we will never forget September 11.

IN SUPPORT OF FUNDING THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Madam Speaker, I rise today to express my support for fully funding the State Criminal Alien Assistance Program, also known as SCAAP, at its authorized level for fiscal year 2008 at $950 million.

This program, which reimburses State and local governments for the cost of incarcerating illegal immigrants, is vital to border States such as Arizona, where we disproportionately pay a higher amount than our fair share of incarceration.

Underfunding SCAAP places a significant cost burden on our local law enforcement, stretching their resources and hampering their ability to protect our communities.

All of the counties in my district, Pima, Cochise, Pinal and Santa Cruz, are reimbursed less than 10 percent of the amount of incarcerating illegal immigrants. This places an unfair cost burden on our local communities. Given the importance of homeland security and law enforcement, it is absolutely essential that we receive full funding for SCAAP. I believe that Members of Congress on both sides of the aisle would agree that reimbursement should be a Federal priority.

OPPOSE THE WAR FUNDING PROPOSAL

(Mr. SMITH of Nebraska asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today to call on my colleagues on both sides of the aisle to do what is right and pass a clean supplemental.

The bill unveiled yesterday would tie our military leaders' hands at the very time they need our support the most. Some want to set a date certain. The reality is the only certain part of this plan is that President Bush has threatened to veto the bill, and critical funding for our troops would be needlessly delayed.

This plan is dangerous, and I would urge all of my colleagues to oppose this war funding proposal. Even Members of the majority party are reacting negatively to the proposal, as well they should.

Everyone agrees that we must make progress in Iraq. We also agree the Iraqi Government must step up and improve the situation. What the Republicans are going to stand against is tying the funds our soldiers need to do their jobs to benchmarks thought up by special interest groups.

Our men and women in uniform deserve the best, and a haphazard approach is not it. We can do better. We must do better.

BETTER TREATMENT FOR OUR VETERANS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Madam Speaker, in my district, which stretches along the coast line from West Palm Beach to Fort Lauderdale, we have a number of veterans who have served in wars for this country, ranging from World War II to Iraq and Afghanistan. These veterans have been served well in most cases by clinics in our district, such as the VA Hospital and other outpatient facilities in Fort Lauderdale. But like many places around the country, these facilities have their share of problems as well, largely due to a lack of adequate Federal funding. These facilities are not always able to see and treat the veterans as quickly as they would like to, and of course we all know what is going on at Walter Reed, mold seeping from the walls and ceilings, rats and roaches running freely. These conditions are fit for no one.

This is no way to treat our men and women in uniform who have sacrificed their families, their jobs, their lives, everything to serve our country. We must change the way we are treating our veterans when they return home, and that starts with providing critical funding for health care services and infrastructure needs. To ask them to sacrifice so much for us, only to find when they come home they are treated inadequately on so many fronts is nothing less than immoral.

BORDER PROTECTORS UNDER PHYSICAL ATTACK

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, more news from the second front: the border war with Mexico continues.

According to Reuters and NewsMax, illegals and drug cartels are increasing the tax on U.S. border protectors by the use of rocks, firearms, and even Molotov cocktails. Here is what Webb County, Texas Sheriff Rick Flores in Laredo says: "The attacks against us are becoming more brazen. Drug cartels are telling their people to go down fighting and do whatever is necessary to get those drugs through." He says, "Mexicans fire weapons from across the border at our law enforcement agents." In Arizona, illegals injure border agents by pelting them with large rocks and Molotov cocktails almost on a daily basis, according to one border agent.

And where are the two governments? Well, it seems Mexico could care less what happens to American border agents since it encourages illegal entry, and our own U.S. Government takes the side of drug smugglers and illegals if border protectors allegedly use force to stop this invasion. Meanwhile, some in Washington fiddle the silly song of tolerance, amnesty and ignorance.

And that's just the way it is.

DEMOCRATS PROVIDING NEEDED OVERSIGHT OF BUSH ADMINISTRATION FAILURES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, accountability has returned to Washington after a 6-year absence.

This week alone, the new Democratic Congress has provided critical oversight of the administration's unacceptable neglect of our wounded soldiers. At a hearing earlier this week, some of my Republican colleagues said they have known about some of the treatment for several years, but they didn't realize it was this bad. And that is what oversight hearings are for. If you know there is a problem, you haul the Pentagon up to Capitol Hill to get answers.

The old Republican Congress simply ignored these problems. That is not happening in the Democratic Congress. This week, we held four different oversight hearings so that we can find solutions quickly to ensure that what happened at Walter Reed never happens again.

This Democratic House has also held its first hearing this week on the scandal at the U.S. Attorney's Office, where politics once again trumps competence in the Bush administration. Eight U.S. attorneys were fired so the Bush administration could pad the resumes of other attorneys.

The days of incompetence without any accountability are over here in Washington. Real oversight has returned.

SCOOTER LIBBY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, no town likes a scandal, real or invented, more than Washington, DC, and the latest news involving Scooter Libby has the Beltway crowd abuzz.

Madam Speaker, if Scooter Libby broke the law, he should be held to account. But with all the attention being paid to this scandal, I can't help but think of the double standard that seems to be at play here. Scooter Libby is being prosecuted for the exact same offense that ensnared former President Bill Clinton, lying under oath, perjury and obstruction of justice. But the same people today who are calling for Libby's head were insisting back then that Bill Clinton's offense was no big deal. And the hypocrisy doesn't end there. Where was the liberal outrage when Sandy Berger was caught destroying classified documents and received a slap on the wrist? What about sweetheart land deals or refrigerated cash?

Madam Speaker, the American ideal is equal justice under the law. Let's enforce the law, and let's do so equally, regardless of politics.

PROVIDING FOR CONSIDERATION OF H.R. 720, WATER QUALITY FINANCING ACT OF 2007

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 229 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 229

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 720) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

☐ 0915

Ms. CASTOR. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

Madam Speaker, House Resolution 229 provides for the consideration of H.R. 720, the Water Quality Financing Act of 2007, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the substitute reported by the Committee on Transportation and Infrastructure, modified by the manager's amendment in the Rules Committee report, shall be considered as adopted. The bill, as amended, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

The rule makes in order only those further amendments printed in part B of the Rules Committee report accompanying the resolution. The amendments may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments, except for clauses 9 and 10 of rule XXI, are waived. Finally, the rule provides one motion to recommit with or without instructions.

And I am pleased to point out, Madam Speaker, that under this structured rule, the six amendments made in order are split equally, three Republican and three Democratic.

Madam Speaker, H.R. 720 reauthorizes an important part of the landmark Clean Water Act. The Clean Water Act protects our neighborhoods and water bodies from water pollution. Clean water is vital to the health of our citizens and to our country.

The bill before us today reauthorizes the Clean Water State Revolving Loan Fund by providing $14 billion over the next 5 years to local agencies to fight water pollution.

We have come a long way in this country. We have the technology and the engineering experience to prevent water pollution. The Environmental Protection Agency estimates a huge shortfall in funds available for wastewater improvements across the country. This shortfall is significant because, without considerable improvements to the wastewater treatment infrastructure, much of the progress made in cleaning up the Nation's rivers, creeks and streams and bays since the passage of the Clean Water Act is at risk.

Clean water is a top priority for the families in my district and throughout the Nation. Unfortunately, the Republican leadership over the past few Congresses has failed to support this part of the Clean Water Act. Although legislation was introduced in the Congress then, it never made it to the House floor.

President Bush and the White House also proposed slashing this Clean Water Revolving Loan Fund in his latest budget proposal. But, nevertheless, we are hopeful today that a bipartisan vote in support of this measure will send a signal to the White House that clean and healthy water is absolutely vital to our communities. In fact, in my hometown of Tampa, Florida, the Clean Water Act Loan Funds for wastewater improvements have vastly improved the water quality of Tampa Bay. The expansion in wastewater treatment significantly improved the quality of water running into beautiful Tampa Bay.

In past years, Tampa received over $54 million for wastewater treatment plant expansion and thereby improved water quality. It has also played a role in significantly improving the water in our rivers, bays, creeks and streams as we are able to control the pollutants that run off into these vital water bodies.

This is the same story across the country for the improved health of our communities, on the Chesapeake Bay, the Great Lakes and other water bodies throughout our country. Check with your local governments and your neighbors who live around and who are mindful of the quality of the water in our lakes, rivers and bays in your hometown.

Appearing before our Rules Committee, House Transportation and Infrastructure Committee Chairman JIM OBERSTAR said it best: "This is not just a good bill. It is a necessary one. The good health of our communities depends upon it."

And as a former county commissioner, I can tell you that the vast majority of costs in cleaning our water falls upon our local communities. And if we don't act now, we will be shifting a greater cost to future generations.

So I urge the Congress, Madam Speaker, to enact this rule and this important legislation to keep our communities, rivers, lakes and bays clean and, most importantly, to improve the health of our children, seniors, and all citizens.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong opposition to this modified closed rule and to the underlying legislation. I also rise, regrettably, to report to the American people that, for the second week in a row, the Democrat leadership is bringing legislation to the House floor that benefits big labor bosses at someone else's expense.

Last week, American workers were the losers in the Democrat-controlled House when the majority leadership forced through legislation that would provide for unprecedented intimidation of employees by union bosses under a fundamentally anti-democratic process known as card check.

This week, the Democrat leadership has set its sights on one of their favorite targets, the American taxpayer. But the other losers in this bargain are far more shocking. They include local communities across the United States, small and minority-owned businesses, and the environment.

H.R. 720 would provide for an unprecedented expansion of the Davis-Bacon prevailing wage provision of the Clean Water State Revolving Loan Fund or SRF. When the SRF was established, it applied Davis-Bacon only to the Federal portion of a Clean Water project. But today, in order to help big labor bosses pad their dwindling ranks, they would apply these same provisions to all non-Federal funds, such as loan repayments, State bond revenues, interest and State-matching funds.

Since the SRF program expired in 1995, no SRF project has been subject to Davis-Bacon. But today the Democrat Party wants to change that and to stack the deck in favor of big labor bosses whose ranks have dwindled to 12 percent in 2006 from their high of 35 percent in the 1950s.

I insert into the RECORD a letter from my colleague from Florida, JOHN MICA, to Rules Committee Chairwoman SLAUGHTER and Ranking Member DREIER detailing the specifics of this unprecedented expansion.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 8, 2007.

Hon. LOUISE M. SLAUGHTER,
Chairwoman, Committee on Rules, Washington, DC.

Hon. DAVID DREIER,
Ranking Republican Member, Committee on Rules, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER AND RANKING MEMBER DREIER: I appreciated the opportunity to appear before the Committee on Rules today concerning H.R. 720, the Water Quality Financing Act of 2007. I am writing to clarify the point I made during the hearing this afternoon that this bill includes an unprecedented expansion of the Davis-Bacon prevailing wage provision of the Clean Water State Revolving Loan Fund (SRF).

When the Clean Water SRF was established it applied Davis-Bacon to amounts equal to the federal capitalization grant, also commonly referred to as the "first round". As such, states were not required to apply Davis-Bacon to all other available funding sources states used for such projects. Non-federal money, such as loan repayments, state bond revenues, interest, and the state match, were therefore exempt from 1987 to 1995 when the SRF program expired. Since that time, no SRF project has been subject to Davis-Bacon.

H.R. 720 proposes to expand Davis-Bacon beyond federal capitalization grants to all non-federal money, and represents an unprecedented expansion of Davis-Bacon application to the SRF for water and sewer projects. Chairman Oberstar correctly stated that State Infrastructure Banks program, reauthorized under SAFETEA–LU, contains a similar expanded version of Davis Bacon as that in H.R. 720. As I stated earlier today, the expansion of Davis-Bacon is unprecedented for the SRF program.

Again, this unnecessary and wasteful provision requiring the application of prevailing wage rates to SRF projects will only slow the construction and limit the number of projects for much needed wastewater treatment plants in communities large and small across America.

Sincerely,

JOHN L. MICA,
Ranking Republican Member.

The practical effect of attempting to apply this Depression Era wage subsidy law and determining the prevailing wages for Federal construction projects is startling. The National School Boards Association found that more than 60 percent of its respondents confirmed that Davis-Bacon laws were responsible for increasing the cost of construction projects by over 20 percent.

This claim is backed up by Congress's own Congressional Budget Office, which issued a report in 2001 stating that repealing Davis-Bacon or raising the threshold for projects it covers "would allow appropriators to reduce funds spent on Federal construction."

The CBO has also estimated that if Congress were to repeal Davis-Bacon outright, it would save the Federal Government $9.5 billion over the period between 2002 and 2011.

This Davis-Bacon expansion also tramples all over the rights of 18 States that have chosen not to have a State prevailing wage law because its associated inflated construction costs mean that limited State and local budgets cannot meet the priorities of their taxpayers.

Mr. Speaker, I will repeat that. Because its associated inflation constructions cost mean that limited State and local budgets cannot meet the priorities of their taxpayers.

These States ought not to be saddled with this outdated Federal law against the will of their voters, which serves as an unfunded mandate by siphoning off scarce resources that would otherwise be spent on schools, hospitals, prisons, roads and other vital projects.

In the Rules Committee yesterday evening, we heard testimony from a number of our colleagues, particularly Dr. CHARLES BOUSTANY and RICHARD BAKER of Louisiana, who explained the practical impact of this legislation on their State, and might I add, a State that is in need of a lot of Federal money as a result of Katrina that occurred several years ago.

Quite simply, both Mr. BAKER and Mr. BOUSTANY made it very clear to the committee that today's legislation would have devastating effects on their State's ability to rebuild its clean water efforts and provide for much-needed environmental cleanup after the extremely costly devastation caused by Hurricanes Rita and Katrina.

Mr. Speaker, after last week, I am really not surprised by the lengths to which the Democrat leadership is willing to go to satisfy labor bosses. I am disappointed, however, by the targets that they are ready and willing to harm in accomplishing this narrow objective.

I ask every Member of this House to join with me in opposing this rule and the underlying legislation. The choice that we are being asked to make is very, very simple: If you support fiscal responsibility, small business, States' rights, rural communities, women- and minority-owned businesses, and the environment, you will join with me in opposing this rule.

If, however, instead, you support environmental harm, market distortion, wasteful Federal spending, and stacking the deck in favor of labor bosses, I wholeheartedly encourage you to vote for this legislation.

I do understand that the minority party may not be able to stop this rule from going forward, Mr. Speaker, but I do want to thank the Democrat leadership for putting this legislation and the crystal clear choice that it represents on the floor today so that voters are able to see what every single Member of this body supports.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague and I note that my colleague, unable to criticize the heart of this legislation, which is reauthorization of an important part of the Clean Water Act, instead reverts to attacking a portion of this legislation that is vital to workers across America, the Davis-Bacon provisions.

The Davis-Bacon Act prevents lower-cost out-of-State contractors from having an unfair ability to compete for local publicly funded construction, which protects local interests and construction workers.

Unfortunately, it has become all too familiar from the other side of the aisle to attack workers across America. They blocked the minimum wage until this new Congress was elected. We have a White House that has favored outsourcing of jobs over time.

But now, through this legislation, we are able to reaffirm again that it is our policy, in fact, it is Congress's long-standing continuing tradition of applying prevailing wage requirements to federally funded construction projects. Studies have shown that by attracting more experienced, better-trained workers, that wage requirements lead to higher productivity and they reduce overall costs, which offset any higher wages.

□ 0930

The Davis-Bacon Act protects communities by ensuring that wage determination also for individual counties is based solely on the local workforce costs. Oftentimes, this means that projects come in under budget and on time.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for her words, except I would like to let her know, I know she was not in the body last year, but this body did pass a minimum wage bill last year. It should be noted that the bill included exactly what the Democrat leadership wanted, and we took their bill exactly as it was for minimum wage. The problem that the Democrat leadership had was that it was a balanced approach, and that is the reason why it did not move forward in the other body and why the President never got it.

Mr. Speaker, what the Republicans did was to take the Democrat bill on minimum wage and add to that a balanced provision which would help small businesses who are bearing the burden of most of the brunt of the minimum wage and allow them the opportunity to offset those changes so that we can continue growing the free market economy. Small business is the engine of our economy.

It is also worth noting, since the gentlewoman brought it up, that this body this year did pass a minimum wage without those equalizing factors or benefits to small business, and that is why it got stuck in the other body and why this body is having to come back to correct it to make it a more balanced view, the same kind of balanced view that the Republicans took last year in order to pass the minimum wage.

I know the gentlewoman was not here last year, but those are the facts of the case.

Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank my colleague. He has been very eloquent on this subject.

Mr. Speaker, I have to say that I rise in opposition to this rule. I am deeply disappointed in the Rules Committee and its actions yesterday by limiting the number of amendments that we could have taken to the floor.

We all recognize that there is a gap, or a shortfall, in the funding that exists to help deal with our water infrastructure, and this is most pointedly affecting our small rural and disadvantaged communities; but I have to say the actions of the Rules Committee and the majority on the Rules Committee really disappoint me, because what we have seen now is politics trumping practical policy.

Sure, we don't agree on Davis-Bacon, and having an up-and-down vote is fine, but that is a political vote. We are all frozen in our positions. But we could have taken a chance to protect our small and disadvantaged communities by creating some exemptions.

I had hoped to offer two amendments to this bill yesterday, and they were not ruled in order for the bill. One would have exempted small, disadvantaged communities as defined by law from Davis-Bacon big labor provisions in the bill. This would have given our small communities a chance to access these funds. What good are the funds if the communities can't get to them?

The gentlelady across the aisle here says, talk to local leaders. I can tell you, I have spoken to local leaders, Democrat and Republican alike, those who favor labor and those who don't, in my communities across my district, which is largely rural; and they have uniformly told me that these Davis-Bacon provisions and this State revolving loan fund will really put a burden on our small communities. It will inflate the costs by 20 to 25 percent.

So on the one hand we are saying, yes, let's create the revolving loan fund; let's fund it. On the other hand, we are telling our small communities, no, you can't have the money, because you can't afford it. You can't afford the match. You can't afford to access this money.

Our small and rural communities are the ones that are most often in need of adequate waste water infrastructure. I have visited every community in my district.

Mr. Speaker, this is a huge need, and I want to support this underlying bill; but we could have acted responsibly. We could have created exemptions that help our small and rural and disadvantaged communities. But, no, we have chosen to play politics instead of dealing with good, practical policy.

My amendments would have put the power back in the hands of local leaders. But, no, the Federal Government, the Federal Government is the one that has to dictate and mandate all. Once again, my colleagues on the other side of the aisle have chosen to empower Big Labor at the expense of small disadvantaged communities and local leaders.

I have to say I am deeply disappointed. There is plenty of evidence. The CBO, as my colleague mentioned earlier, has noted that repealing Davis-Bacon, raising the threshold for projects it covers, would allow appropriators to reduce Federal funds and therefore we could get more bang for the buck. The Department of Labor, after nearly 50 years, has not developed an effective program to issue and maintain current and accurate wage determinations. It may be impractical to ever do so. There are many problems with this. We could have acted responsibly, but, no, we have chosen to play politics.

Mr. Speaker, I urge my colleagues to oppose this rule. We could have done better by the American public in putting together a bill that would create the State revolving loan funds and allow our communities to access them. But, no, we have chosen to play politics.

I urge defeat of this rule and defeat of the underlying bill.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday in the Rules Committee we had an opportunity to receive a number of amendments and have feedback from Members who were talking about these important water projects, and I found one amendment yesterday that was presented very interesting. It was rejected by the Democrats, but it says this:

"This amendment quadruples the current penalty for dumping sewage into the Great Lakes to $100,000 per violation per day. The amendment also establishes a Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund, and directs the sewage dumping penalties into this new fund to be spent on wastewater treatment options." Here is the interesting part: "These provisions would become effective January 1, 2027."

Mr. Speaker, a colleague brought forth an amendment as a result of a discussion with a major mayor of a city on the Great Lakes. I have heard all sorts of conversations about how important clean water is. Yet the Great Lakes, which is an area of about 20 million people that need this clean water, wake up today to find out that someone was willing to come forward with an idea which, even if enacted, doesn't take place until January 1, 2027.

No, we are not going to do that in the Rules Committee.

So on one side the Democrat majority talks about how great they are for all this clean water. But when it really comes down to it, still 20 million people are being denied this opportunity to start this clean water revolving fund and direct that sewage dumped into the Great Lakes would be cleaned up and have higher penalties. Utterly incredible.

Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Texas for his leadership in this area and for yielding me some time to talk about this rule and a little more expansive subject.

I think what we are seeing today really demonstrates the difference between our side and our approach, the Republican approach to fiscal challenges, financial challenges, financial responsibility that we face in this Nation, and our friends on the majority side, on the Democrat side.

We have had some important bills this week that we have dealt with. We have also had an opportunity to be financially responsible, fiscally responsible and accountable to the American people. Our side has chosen to propose those measures of accountability. The other side, the majority side, has chosen to ignore that. This is another example today.

I live outside of Atlanta. My district is the Sixth District of Georgia. It has remarkable challenges in the area of water and water quality. I appreciate the importance of assisting State and local governments in the area of clean water.

This is an important bill. It ought to be a priority of our Nation. What the majority party says, however, is that this may be a priority, but we are not going to treat it as a priority from a financial standpoint. We are going to throw money at it from a governmental standpoint and we are going to enact the kind of PAYGO proposal that the majority party loves so much, which is raise taxes and go on with the program. That is what this bill does.

This is an important bill. It authorizes $16 billion in discretionary spending. It creates two new programs and continues other existing programs. There is $375 million for the creation of new Federal grant programs at EPA and $1.5 billion for State grant pollution control programs. It reauthorizes $20 million annually for some expired pilot programs to provide technical assistance in the area of water works treatment projects, and it authorizes $14 billion to provide grants to States to pay for the construction of clean water projects. These are important, important programs.

How do we pay for it? How do we pay for it? Well, the majority Democrat Party proposes that we pay for it by increased taxes, which is their "TAXGO" policy that they have for their financial programs. TAXGO: they raise taxes, and they raise taxes because they somehow believe that when you raise taxes on businesses that it never reaches the American people.

Well, Mr. Speaker, as you and I both know, corporations don't pay taxes. What they do is they cover that by charging more for their product. The American people pay corporate taxes. The American people's taxes, the American people's costs are increased when corporate taxes are increased. It is just like the other side, the majority side, believes that the money that comes to the Federal Government is the government's money. It is not the people's money; it is the government's money. And that is this clear definition that we have seen this week.

So I offered an amendment to this bill that said this ought to be a priority of our Nation. But we ought to state that it is a priority by saying that there are other measures in the Federal Government program that we ought not cover because this ought to take that priority. A true PAYGO, a true pay-as-you-go proposal.

The Rules Committee decided no, they didn't want to do it that way. They wanted to raise taxes on the American people. So their TAXGO policy is in full place right here with this rule that doesn't even allow, doesn't even allow the Members of the House of Representatives to even make a statement on whether they think we ought to cover this with current money.

So the TAXGO policy is in place by our good friends on the majority side, on the Democrat side. This rule proves it. What has happened this week on the floor of the House proves it, as they have voted down real pay-as-you-go amendments to two of the previous bills.

As I said, Mr. Speaker, I think this really points out the clear and distinct difference from a financial standpoint in this House of Representatives. I am told, as you know, Mr. Speaker, the Rules Committee doesn't even allow for a recorded vote anymore on these, so you can't even tell who is supportive of the rule and who isn't supportive of the rule. But as I understand it by those who were there, every single Democrat opposed my amendment, which means that every single Democrat, including the new Democrats on the Rules Committee, support a tax-and-go policy, a tax-and-spend policy.

This rule is a demonstration of that. This rule approves that. This rule proves that the majority party is not interested in financial responsibility and financial accountability, because they were given the opportunity to say, yes, we believe that we ought to identify priorities and pay for them at the Federal level by making certain that we are not increasing taxes and increasing the amount of money that hardworking Americans have to send to the Federal Government.

□ 0945

So, Mr. Speaker, I strongly oppose this rule. This is another evidence of the undemocratic side of the majority party that says, no, we ought not have a full and open debate which was promised to the American people. We ought not have a full and open debate on how we are going to pay for government programs.

I would urge my colleagues on both sides of the aisle to be responsible, to be financially responsible, to allow for the appropriate discussion, debate and voting on measures so the American people know who their friends are from a taxing standpoint. I believe it is the Republican side of the aisle. I would hope my Democrat friends would join us in that endeavor, and urge my colleagues to defeat this rule and bring an appropriate rule, bring a rule that allows us to debate the issues in an open and honest way and then have the vote.

Mr. SESSIONS. Mr. Speaker, I would like to notify the gentlewoman I will now yield myself the balance of my time, and then yield back my time and allow the gentlewoman to close.

Mr. Speaker, I include for the RECORD the statement of the administration policy on this bill.

EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 8, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 720—WATER QUALITY FINANCING ACT OF 2007
(REP. OBERSTAR (D) MN AND 32 OTHERS)

The Administration strongly opposes H.R. 720, which authorizes excessive Federal funding for the Clean Water State Revolving Fund (SRF) and mandates the application of Davis-Bacon Act prevailing wage requirements "to the construction of treatment works carried out in whole or in part" with SRF funding. For the reasons described below, if H.R. 720 were presented to the President in its current form his senior advisors would recommend that he veto the bill.

The bill would expand Davis-Bacon Act coverage to a program that has not been subject to any Davis-Bacon requirements since 1994—first by reinstating coverage for Federally-funded clean water state revolving fund projects, and second by expanding Davis-Bacon Act coverage to non-Federal clean water projects, including for the first time ever, projects financed by funds contributed solely by States and moneys repaid to the state revolving fund. This provision will increase project costs and impose new administrative burdens on States. Furthermore, it is contrary to the Administration's long-standing policy of opposing any statutory attempt to expand or contract the applicability of Davis-Bacon Act prevailing wage requirements.

In addition, the bill's total authorization of $14 billion for the SRF during fiscal years 2008–2011 represents on average a more than 250 percent increase over recent appropriation levels and is unrealistic in the current fiscal environment. This excessive authorization will distort market signals by discouraging utilities and their consumers from moving toward full-cost pricing, as they have elsewhere. Instead, this bill may encourage municipalities to delay undertaking needed infrastructure projects to wait for Federal subsidies, potentially diminishing reliability and increasing the eventual costs to the public.

To provide additional opportunities to communities for financing needed wastewater infrastructure, Congress should enact the Administration's Water Enterprise Bond proposal, which would provide an exception to the unified annual State volume cap on tax-exempt qualified private activity bonds for wastewater and drinking water projects. To ensure the long-term financial health and solvency of these drinking water and wastewater systems, communities using these bonds must have demonstrated a process that will move toward full-cost pricing for services within five years of issuing the Private Activity Bonds. Consequently, this proposal will attract more private capital to meet the infrastructure needs of these sectors, help water and wastewater systems become self-financing, and minimize the need for future subsidies.

Mr. Speaker, part of what the President has said very clearly to Congress today is two things: number one, that this Davis-Bacon expansion will cost an incredible amount of money to local water districts that seek bonds and funding that go to the marketplace to get that money to match the Federal money; and that the President believes that by expanding Davis-Bacon arbitrarily, it will mean that the cost of all these projects will go up exponentially and make it far more difficult for local communities to get the funding they need because it is more money than what should be paid reasonably for the projects to be done.

Secondly, the President makes a point which I think is very true, and that is by almost doubling the amount of money that is in this fund, America is now going to start looking to Washington to take care of these projects. Over my years in this body, we have seen over and over again the requests from the Democrats to let's go build more schools in this country—with Federal money. Oh, yes, with Davis-Bacon; but more importantly, it is a message to people back home, let's let Washington build our schools.

Republicans have said, the day we start doing that, there will be no more schools built by local people. Everybody will look to Washington.

The President is saying today, by this bill, people back home are going to start looking to Washington to take care of their water system needs. That is dangerous, and I think that is a problem.

Mr. Speaker, the choice that we are being asked to make is very clear. If you support fiscal responsibility, small business, States' right, rural communities, women- and minority-owned businesses and the environment, then you would want to oppose this rule and the underlying legislation.

However, I admit that the Democrats are going to win today, and we are going to lose; but instead, what that is going to mean is it is going to be environmental harm, market distortion, wasteful Federal spending and stacking the deck in favor of labor bosses. That is who is going to win today.

I include for the RECORD a letter to Speaker PELOSI and to the Republican leadership, JOHN BOEHNER, signed by the National Association of Minority Contractors, the National Association of Women in Construction, the National Alliance for Working and Employee Rights, and the Women Construction Owners and Executives who make very clear their opposition for the reasons why we have talked about today: Excessive overspending and far-reaching expansion of Davis-Bacon that will mean that many of these communities who need the money the most will find that on up to 20 percent of their projects, the needs of their people cannot be met because of bloated spending that is contained within this bill. We want to make it very clear that we oppose this legislation.

MARCH 7, 2007.

Hon. NANCY PELOSI,
Speaker of the House, U.S. House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: As the U.S. House of Representatives prepares to vote on the "Water Quality Financing Act of 2007", H.R. 720, we would like to recognize the important role of the federal government in addressing our nation's water infrastructure needs but strongly disagree with including egregious, precedent-setting expansions of the federal Davis-Bacon Act to non-federal funds contained in the legislation.

In order to obtain the highest construction value for the taxpayers' dollar on these critical projects, it is imperative that this legislation not include any federal Davis-Bacon Act provisions. During past consideration of this legislation, debate has been crippled by harmful Davis-Bacon Act expansions and we implore you to let a clean bill, absent of Davis-Bacon provisions, pass through the U.S. House of Representatives in order to bring much needed water infrastructure to the American people.

We perceive any application of the Davis-Bacon Act into this legislation as expansion. Section 602(b)(6) of the Clean Water Act of 1987 clearly states that Davis-Bacon requirements on such loans were to sunset in FY 1995. Since October 1, 1994, the clean water state revolving funds have operated efficiently without Davis-Bacon requirements.

The Building and Construction Trades Department of the AFL–CIO sued to impose Davis-Bacon on CWSRF after the sunset date. In a letter dated October 29, 1998, the EPA took issue with every argument made by the building trades. In fact, the EPA stated that even without section 513 in section 602(b)(6), the EPA "would reasonably have concluded that the CWA's Davis-Bacon Act provisions did not apply in the SRF program at all".

On June 22, 2000, the EPA, under the Clinton Administration, reversed its previous statements and issued a "settlement agreement" with organized labor to repeal the statutory sunset date of October 1, 1994, and expand Davis-Bacon to CWSRF for programs after July 1, 2001. Clearly, this "settlement agreement," which contradicted the earlier arguments made by the EPA itself, was a statutory violation of the Clean Water Act. If this legislation passes in current form it would undoubtedly be subject to litigation if enforced.

Given that Davis-Bacon requirements were sunset in 1995 and have not since applied, nor would such requirements apply unless expressly provided for by Congress, any re-application of Davis-Bacon to CWSRF would clearly be expansion of this flawed Act.

Lastly, a series of audits by outside agencies as well as the Department of Labor's (DOL) own Office of Inspector General (OIG) have revealed substantial inaccuracies in Davis-Bacon Act wage determinations and suggested that they are vulnerable to fraud. In addition, DOL's OIG released three reports highly critical of the wage determination program. In fact, one of the reports found one or more errors in 100 percent of the wage surveys they reviewed.

We, the undersigned organizations, are vehemently opposed to any re-application of Davis-Bacon requirements to this loan program and ask you to please vote against the "Water Quality Financing Act of 2007", H.R. 720, due to the harmful expansion of the Davis-Bacon Act contained within.

Respectfully submitted,

Associated Builders and Contractors, Inc. (ABC); Chuck Muth, President, Citizen Outreach Project; Council for Citizens Against Government Waste; Grover Norquist, Americans for Tax Reform (ATR); Independent Electrical Contractors, Inc. (IEC); Miller & Long Concrete Construction; National Association of Minority Contractors; National Association of Women in Construction; Tim Phillips, President, Americans for Prosperity; Ryan Ellis, Alliance for Worker Freedom; United States Chamber of Commerce; Will Fine, Executive Director, National Alliance for Worker and Employer Rights; Women Construction Owners and Executives.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Texas if he wouldn't mind, prior to my closing, that we allow the distinguished gentleman from the Rules Committee to speak. He arrived as we were completing our dialogue, and I would like to yield him 2 minutes.

Mr. SESSIONS. Mr. Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Texas.

Mr. SESSIONS. I do recognize that from time to time as we do these rules that people do come down. The gentleman who is asking to speak is a member of the Rules Committee, and based upon that request, I consent and agree, and I welcome the gentleman.

Ms. CASTOR. I thank the gentleman from Texas.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, let me first thank my colleague from Texas (Mr. SESSIONS) for his courtesy and also thank the gentlewoman from Florida for her leadership on the Rules Committee and for her spectacular handling of this rule today before us. I appreciate all of her insights and advocacy on behalf of clean water and environmental issues. I want to make clear for the record that this entire House should be grateful for her leadership.

Mr. Speaker, I rise in support of this rule. It is a fair rule. There are three Democratic amendments and three Republican amendments. They cover the many issues brought before the Rules Committee last night.

I want to take a moment to address one issue, and that is the issue of Davis-Bacon. The gentleman from Texas (Mr. SESSIONS) said that the Democrats are going to win and the Republicans are going to lose on this vote. Well, let me say I would recharacterize it. I think the American people and the American workers are going to win if we keep the Davis-Bacon provisions.

I know many of my colleagues on the other side of the aisle don't like Davis-Bacon and who don't believe that people should be paid the prevailing wage, who don't believe that the workers of this country should be paid a livable wage.

Well, the majority in this Congress today believes the opposite. I bet many people on the gentleman's side of the aisle believe as well. Workers in this country are working longer hours and harder than ever before, and they can't make ends meet. We shouldn't have a rush to the bottom when it comes to the wages of the workers in this country. We need to stand firm and stand tall for the workers of this country to ensure that they get paid a livable wage so they can support their families, so they have health care and pension benefits. That is what this debate is about.

So, today, my colleagues who don't like Davis-Bacon will have a choice. They have an amendment in order that can rip Davis-Bacon out of this bill. They can eliminate Davis-Bacon. They can eliminate the prevailing wage. They can eliminate a livable wage for workers. Or you can stand with the majority in this Congress for workers, for the prevailing wage, for Davis-Bacon, for a livable wage; and that is the right thing to do.

Mr. BOUSTANY. Would the gentleman yield?

The SPEAKER pro tempore (Mr. McNULTY). The gentleman's time has expired.

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent to reclaim 2 minutes of my time as a result of us yielding back our time because we did not anticipate any additional speakers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the gentleman.

Mr. Speaker, I would like to pose a question to the distinguished gentleman from the Rules Committee: Yes, it is political with regard to Davis-Bacon, strip it or leave it, but what about exemptions? Why couldn't we entertain exemptions for small, disadvantaged communities? What is the fear on your side in not allowing that to come to a floor debate?

I simply ask the question, and I yield to the gentleman.

Mr. McGOVERN. I thank the gentleman for yielding to me.

It is this gentleman's opinion that what the gentleman is trying to do is to chip away at Davis-Bacon, chip away at workers' rights and chip away at the prevailing wage and chip away at making sure that workers get a livable wage, and this gentleman is very much opposed to that.

Mr. BOUSTANY. Reclaiming my time, I would say that if small, disadvantaged communities cannot access the funds to repair their infrastructure, it is going to hurt the worker, and it is going to hurt the disadvantaged small community.

I would say there is a practical way to move through this with regard to policy rather than simply playing politics.

Mr. SESSIONS. Mr. Speaker, we think we are trying to make a point here today that there were some strong reservations that should have been taken into account by the Rules Committee. We are not trying to chip away at minimum wage. We tried last year to pass a new minimum wage.

What we are trying to do is get work done that is in the best interest of not only Americans who need these projects to complete things that have been done to their communities as a result of damage but also to move forward with more efficiency.

We support spending money for clean water. We don't support bloated projects that are against the market-based abilities that communities have.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield myself the balance of my time to close on the rule.

Mr. Speaker, it is important that we don't delay any longer and that we take action on this rule and this legislation that reauthorizes an important part of the Clean Water Act.

I understand where some of the debate is going to occur today, and I understand that a sizable number of Members on the other side of the aisle oppose the Davis-Bacon requirements for fair wages across the country. But the Rules Committee has made in order an amendment on Davis-Bacon, and Members in this body will have an opportunity to debate and vote on that issue. It is important, however, as we enter that debate, that we recognize that Davis-Bacon ensures a higher-quality work product and ensures that the work is done right the first time as higher-paid workers are the best trained and most experienced.

I urge Members to defeat that amendment and continue in the new direction that is being charted by this new Democratic Congress where we stand up for the hard-working men and women across this great country.

It is too important to delay any longer this reauthorization of the Clean Water Act. It is imperative that Congress now pass the Water Quality Financing Act, H.R. 720, which will provide critically needed funds for clean water infrastructure. It will protect the public health, the environment and our quality of life. It will restore the viability of the Federal, State and local partnership to meet the goals of the Clean Water Act. And ultimately, if we take action today, we will protect and improve the health of our citizens across America.

I urge a "yes" vote on the rule and on the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 229, nays 179, not voting 25, as follows:

[Roll No. 132]

YEAS—229

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
English (PA)
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
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Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—179

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)

Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Pence
Peterson (PA)
Petri
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Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Bachus
Bono
Boren
Boswell
Calvert
Camp (MI)
Cardoza
Davis, Jo Ann
Engel
Eshoo
Fattah
Hunter
Kline (MN)
Larson (CT)
Marchant
Millender-McDonald
Moore (WI)
Neugebauer
Nunes
Ortiz
Paul
Pearce
Souder
Whitfield
Young (AK)

☐ 1037

Mr. GRAVES changed his vote from "yea" to "nay."

Messrs. FRANK of Massachusetts, DELAHUNT, ADERHOLT, and TIM MURPHY of Pennsylvania changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOSWELL. Mr. Speaker, on rollcall No. 132, I was on a visit to Walter Reed. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 720, the Water Quality Financing Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WATER QUALITY FINANCING ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 229 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 720.

☐ 1037

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 720) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, with Ms. SOLIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Louisiana (Mr. BAKER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairwoman, I yield myself 4½ minutes and rise in strong support of H.R. 720, the Water Quality Financing Act of 2007.

It has been a long time coming to this point. We have labored within the Committee on Transportation and Infrastructure for at least 11 years, maybe just a few months longer than that, to bring forth a bill to replenish the State revolving loan funds so that municipalities can continue the work of aggressively expanding their capacity to handle wastewater, treat that wastewater, return it to the receiving waters in good quality.

We have been delayed over the last 6 Congresses, not by unwillingness within our Committee on Transportation and Infrastructure, but because of external factors within the House. Now that those external factors have been removed, we are bringing this bill to the floor with good and sustained bipartisan support. I appreciate very much the support of Speaker PELOSI, Majority Leader HOYER scheduling this legislation early on in the session; and I particularly appreciate the participation and cooperation of the gentleman from Florida (Mr. MICA), our ranking member, the gentleman from Louisiana (Mr. BAKER), the ranking member of the Subcommittee on Water Resources for the long participation that we have had and the splendid agreement and working relationship we had between our staffs on the Democratic and Republican sides, with one notable exception that will be debated at length here and which we debated extensively in subcommittee and full committee.

I especially want to express my great appreciation to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). For years now, she has worked as our ranking member on the Water Resources Subcommittee, learned the issues, mastered the subject matter, and is now Chair of the Water Resources Subcommittee and has played a leading role in bringing this legislation to the floor.

The bill started out as $20 billion to replenish State revolving loan funds; but due to concerns by the Office of Management and Budget and the Congressional Budget Office, we scaled the legislation back to a $14 billion bill, paying for it through an additional revenue source, as within the authority of this committee. The CBO has said that municipalities in raising municipal bonds that are tax exempt will cause a loss in revenue to the Treasury, and, therefore, the revenue in this bill has to be offset by another source. We have done that in a bipartisan agreement, and this bill is at $14 billion, fully paid for. We will not have the debate that we have had on two other bills that were extraneous to the subject matter because we have covered this issue.

Unfortunately, the administration has steadily reduced funding for the State revolving loan fund over the past several years, and in the budget request for 2008 has a $200 million reduction, down to $687.5 million. That is totally unacceptable.

There was a time when we were investing $6 billion a year in Federal funds, matched by State and local dollars, to build sewage treatment facilities, raise them to tertiary treatment, removing nutrients, adding oxygen, returning clean water to the receiving waters. We are not doing that any longer. We are not keeping pace with the pressure on the Nation's water and wastewater systems nor our sewage treatment systems.

The only debate that we really have is, What shall be the wages paid to those who work on building these facilities? And I listened with great interest and concern to the debate on the rule. The manager of the rule said that cities will start looking to Washington for these projects to take care of their water system needs. That is almost the same language that Dwight Eisenhower used in 1960 to veto the Federal Water Pollution Control Act amendments when he said: Pollution is a uniquely local blight. Federal involvement will only impede local efforts at cleanup.

That was wrong then, it is wrong now, it was wrong when Richard Nixon vetoed the Clean Water Act of 1972.

We have had a partnership of State and local government. They have invested billions of dollars at the local level. We need to continue that partnership into the future. This bill will do that.

Madam Chair, I reserve the balance of my time.

Mr. BAKER. Madam Chair, at this time I would yield such time as he may consume to the ranking member of this Committee on Transportation, Mr. MICA.

Mr. MICA. Madam Chairwoman and Members of the House, normally I would be supportive of this legislation. I have tried to work in a bipartisan manner with Mr. OBERSTAR and other members of the committee on both sides of the aisle.

The underlying bill is basically a good bill. It does provide funding assistance to State revolving funds. However, the bill as reported out of the committee, I voted against it. I will vote against it again if it contains a Davis-Bacon provision. We will have an opportunity with an amendment offered by Mr. BAKER and Mr. KING that would repeal the provision that is put in the bill as it came from the committee.

Currently, 18 States have no prevailing wage law. My State, Florida, and 17 other States will be dramatically impacted. And, actually, what will happen is the opposite of what we will want to have happen: Instead of having more money, we will have less money for these important projects.

This is an unprecedented expansion of Davis-Bacon requirements as they relate to the Clean Water Act. In fact, this is a mandate, and I call it "The Mother of All Unfunded Mandates," which is in fact sort of an earmark to Big Labor interests and a payback to Big Labor. It is unfortunate that, again, those that will suffer are the States and local governments and the intent of this legislation, which is to provide wastewater funds.

And, finally, I hate to say it, but I have a statement from the administration. The President will veto the legislation if it contains the Davis-Bacon provisions.

So I urge Members to support an amendment by Mr. BAKER and Mr. KING to strike that language from this legislation, and let's pass legislation without this onerous provision.

Mr. OBERSTAR. Madam Chair, I now yield 2½ minutes to the gentlewoman from Texas, the Chair of the Subcommittee on Water Resources, Ms. EDDIE BERNICE JOHNSON.

□ 1045

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, thanks to the chairman of our committee.

I rise in strong support of H.R. 720, the Water Quality Financing Act of 2007.

This essential legislation reauthorizes the Federal grant program for capitalizing State revolving funds at $14 billion over the next 4 years, while providing States with additional flexibility in the types of projects they finance.

The bill also provides States with increased flexibility in the financing packages they can offer to cities and local communities, including principal forgiveness, negative interest loans, or whatever other financing mechanism might be necessary to assist communities in meeting their water quality infrastructure goals.

The flexibility afforded by this bill will go a long way in helping many of our communities that are least able to afford necessary improvements to their water infrastructure systems.

This legislation also encourages communities to consider innovative and alternative technologies for addressing ongoing water quality concerns, including the so-called "green infrastructure," and provides financial incentives for implementing these technologies that may result in greater long-term environmental benefits.

In my State, few Federal programs have proven as effective as the Texas Clean Water State Revolving Fund program in realizing congressional goals for all citizens. The key to its success has been the partnership between the Texas and the U.S. Environmental Protection Agency working together in blending State and Federal resources to provide sustainable funding sources.

This funding source provides a significant financial incentive for communities to construct, rehabilitate, and enhance wastewater systems that support the goals of the Clean Water Act.

Since its inception in 1987, the State revolving fund has successfully awarded communities approximately $4.3 billion in low-interest loans to finance 472 water infrastructure projects across the State.

These projects, which serve approximately one-half of the Texas population and treat about 2.1 billion gallons per day of wastewater, provide direct environmental and public health benefits by protecting our water resources through the reduction of pollutants entering the water.

The projects are made economically viable because Texas customers realize a direct cost savings by assessing the State revolving funds at rates below market rates.

Madam Chairman, it has been 20 years since Congress last authorized appropriations for the Clean Water State Revolving Fund, and almost 10 years since the Committee on Transportation Infrastructure Subcommittee on Water Resources first investigated the growing need for it.

Fortunately, we have overcome one hurdle that has prevented this legislation from coming to the floor over the past 8 years, and I applaud the leadership of the Chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR, as well as the committee staff for their good works in moving this legislation out of Committee and on to the House floor.

Now, Madam Chairman, it is past time for this Congress to complete its task in sending this legislation to the President.

I urge my colleagues to strongly support this legislation; it's time we make our domestic infrastructure programs a priority again.

Mr. BAKER. Madam Chairman, at this time I claim 2 minutes.

Madam Chairman, I wish to express my appreciation to the gentlelady and to the Chair for their diligent work in this area. Certainly, it is an arena in which there is a clear and established, well identified need for which there are too few resources available. It is also a problem which will require many, many years of dedicated work to ensure the delivery of a safe water infrastructure in the years ahead.

I, regretfully, have observed that the debate which will occur over the establishment of Davis-Bacon in this legislation is the one point around which great controversy has emerged.

In my own State, I can speak with authority as to our circumstance. Pursuant to the devastation of Katrina and Rita, we find our communities struggling to get back on their feet, and our infrastructure has been badly damaged. Water systems, pumping stations, sewage systems have been destroyed; and it will take, unfortunately, years for many communities to attain the status that they once had prior to the storms' impact.

It is clear to us that, although the American people and this Congress have been very generous to our State in making resources available, those resources are going to be stretched to their maximum extent possible; and yet we still have incredible needs that will yet be unmet. For this reason, we feel, at least in the view of our own State's interest, that the application of the Davis-Bacon requirement, artificially increasing the cost of construction of these important infrastructure projects, will only ensure that we are years longer in achieving the necessary recovery.

To state it quite simply, to spend more and accomplish less is not something we in Louisiana are comfortable in pursuing. For that reason, I join with my ranking Member, Mr. MICA, in expressing grave concerns over the inclusion of Davis-Bacon.

In the normal operative circumstance, when funds are made available from the State revolving account to a State for a particular project, Davis-Bacon has applied to that first-round funding. This bill will now make Davis-Bacon provisions extend to all subsequent utilizations of those funds, and that is the expansion to which we strongly object.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Madam Chairman, I thank the gentleman for yielding, the chairman of the committee, who has done such an extraordinary job for decades now in taking care of the environment and particularly providing for clean water and sewer treatment for our country, so critical to our public health and to the health of our country.

I want to, at the outset, however, make an observation, that I am not surprised, very frankly, I tell my friends on the other side of the aisle, that they are concerned about Davis-Bacon provisions in this bill. After all, of course, most of those who have risen voted against raising the minimum wage in this country from $5.15 to $7.25 over a 2½-year period.

If you don't believe in raising the minimum wage from $5.15, it is not surprising to me that you are not for paying a prevailing wage to workers on public projects.

I have observed in the past, of course, how much cheaper projects would be if we didn't pay our laborers at all, and we just forced them to work. But hopefully we will not pursue, ever, a policy like that.

I want to commend the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR of Minnesota, for all of his hard work and leadership on this important legislation reauthorizing the Clean Water State Revolving Fund for the first time in 13 years.

It is interesting that our friends on this side of the aisle have been in charge of this Congress and bringing legislation to the floor for the last 12 years. So since they took charge, they have not reauthorized this program; again, not because of the observations, as has been pointed out, they didn't think we needed to have a clean water program, but because they didn't want to pay prevailing wages.

I want to thank Chairman OBERSTAR for his leadership, and I want to thank my dear friend, EDDIE BERNICE JOHNSON of Texas, for her very important leadership as well.

As you know, we have passed two other bills this week reauthorizing sewer overflow control grants, H.R. 569 and H.R. 700, related to combined sewer overflow grants to States for aging sewers. We know that is a problem throughout this country. That handles storm water and sewage water, and H.R. 700, which is a pilot project for getting clean water to rural communities. We know that we focus on urban communities, but it is very important for us to also make sure that our rural communities have clean water.

I believe that this bill, as has been indicated, has bipartisan support, notwithstanding the difference on prevailing wage.

Madam Chairman, the fact is a clean safe water supply is vital in communities, both large and small, rural and urban, all across this Nation. We are not talking about a luxury, a perk or a non-necessity. Clean water, safe water is absolutely indispensable to the good health of all Americans, as well as our way of life and our continued prosperity.

Just consider, my colleagues, that our Nation's farmers and fishermen and manufacturing and tourism industries rely on a clean water supply, and their activities contribute hundreds of billions of dollars to our economy every year.

Our Nation, as has been pointed out, now faces a clean water crisis. As the Environmental Protection Agency warned in a recent report, and I am quoting from the administration's Environmental Protection Agency: "Without continued improvements in wastewater treatment infrastructure, future population growth will erode away many of the Clean Water Act achievements."

And I want to congratulate Mr. BAKER and Mr. OBERSTAR for their leadership in trying to confront that crisis. One key reason for the clean water crisis is that much of the water infrastructure in our Nation is rapidly approaching or already exceeding its projected life.

So I am proud today, Madam Chairman, that the new House majority, with the support of many Republicans, will take an important step toward addressing our Nation's water needs by reauthorizing the Clean Water State Revolving Fund and authorizing $14 billion over the next 4 years to ensure safe water for our families and for our people. And I congratulate both sides of the aisle for working towards that objective.

The fund is the primary source of Federal funding for clean water, helping to provide low-interest loans to local communities for construction of wastewater treatment facilities and other water pollution abatement projects.

In fact, since 1987, when the fund became the major Federal source of clean-water funding, it has provided States with more than $50 billion for more than 18,600 low-interest loans to local communities.

The unfortunate truth is, the recent Congresses allowed the Clean Water State Revolving Fund to expire in 1994 and failed to reauthorize it because, as I have said, and as we have seen on the floor, the concern about Davis-Bacon, the concern about paying a prevailing wage, wages that I think are fair and appropriate for public projects.

In recent years, the former majority cut funding for the funds involved in this project by 34 percent, and the President has proposed cutting it even further.

Madam Chairman, it is a new day in this, the people's House. It is long past time for us to act on this important legislation.

The new House majority is absolutely committed, under the leadership of JIM OBERSTAR, who has been one of the giants on this issue, for, as I said, decades, not days, not weeks, not months, not years, but decades he has been in the leadership of this effort.

I urge my colleagues on both sides of the aisle, in a bipartisan way, to reauthorize this critically important piece of legislation.

Mr. BAKER. Madam Chairman, at this time I would like to extend to the gentleman from Florida, a valued member of the Committee on Transportation, the Honorable Congressman CONNIE MACK, 2 minutes.

Mr. MACK. Madam Chairman, I thank the gentleman for the time, and I also want to say that I appreciate the way the committee has worked on a very important issue.

I think all of us understand and recognize that the Clean Water State Revolving Fund is so important to all of our communities. And let's face it, we work for the people back home.

But it is concerning to me that when you have such a positive piece of legislation that can have such a tremendous effect on people's lives back in our districts, that you would add the Davis-Bacon requirements into this.

A few minutes ago we heard from the majority leader that he finds it strange that over here you will have people voting against a minimum wage, and then voting against Davis-Bacon.

Well, it is kind of simple. We believe that, or at least I believe, that competition, the free market, should dictate these projects, not government; that government shouldn't be coming in saying this is how much you are going to pay your employees, or this is how much you are going to have to pay for projects.

And including the Davis-Bacon requirements into this only puts, it makes it so that States like mine have a hard time voting for a piece of legislation that will add, will bring the cost of the construction projects up.

At a time when our colleagues on the other side of the aisle are talking about being fiscally responsible, what they are really committed to, as we heard earlier, their commitment is to raising taxes and spending more money.

□ 1100

I would like to see us, in the future, when we have such a good piece of legislation, one that almost everyone can support, that we do not get in the habit that it appears to be now of payback of some sort to labor and to the unions. It just isn't right. The American people deserve better.

Mr. OBERSTAR. Madam Chair, I now yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

We are talking about a Federal mandate here. It is good policy. We need to protect our critical clean water resources. But this is a Federal mandate put on our local communities.

The Republicans, for 12 years, have failed to reauthorize this law and have consistently cut funding to our communities in the face of this unfunded Federal mandate. The backlog has grown from $300 to $500 billion over the next 20 years to maintain, rehab and, yes, do some new construction for population growth.

We have here a very aptly named "SAP" from the White House. The White House says $14 billion is excessive. Let's see, that is about 3 to 5 percent of the demonstrated need in this unfunded mandate on our communities, and the White House says, 3 to 5 percent, that's excessive. And then they go on with this ideological claptrap: "It will distort market signals by discouraging utilities and their consumers from moving toward full cost pricing, and they will delay undertaking projects." My community is under consent agreements under law, under Federal law to do this. They can't delay. What a bunch of claptrap. They are trying to take care of Wall Street here and not Main Street. Wall Street wants to be able to issue these bonds in the private sector. They don't want the government to help these communities. They can make a little bit of commission there.

And they want to drive down the wages of the workers. Why do you hate the middle class so much? Why don't you think people should earn a living wage? What claptrap. "The market should set wages altogether. We shouldn't have a minimum wage." Come on, what planet are you people from? Who do you represent? Do you represent the special interests, or do you represent average and working families in this country?

Look at the communities in my district. Coburg, a thousand people; $95 debt retirement, plus user fees. Not exactly a wealthy community. Sweet Home, 7,500 people, a depressed timber community in the mountains, $220 a month if they don't get some help for their fees. Gardner, 340 people on the coast; $2.5 million for 340 people. And the White House says helping them would be excessive and it would distort the market.

Why do you hate the middle class and our communities so much? And guess what, businesses are going to suffer, too, if we don't make this investment.

Mr. BAKER. Madam Chair, at this time, I would yield 2 minutes to the defender of the working man and hometown America, Congressman TIM MURPHY.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding.

This week the House passed a number of bills which are important to my municipality in the 18th Congressional District in Pennsylvania. This Water Quality Financing Act, which will authorize $20 billion over the next 5 years for the Clean Water State Revolving Fund, is an important bill. It offers increased flexibility for local communities to meet their water quality infrastructure goals.

We take for granted the quality of our water, but it was not always so. The life expectancy of Americans increased from age 47 in the early 1900's to a life expectancy of 75 by the end of the century. The number one reason was the public health benefits of clean water and efficient sewer systems.

Decades ago, Southwestern Pennsylvania's boroughs and townships built their sewer lines with combined sanitary and storm water in the same system. What made sense at the time is now an antiquated and overburdened system. Wherever there is significant rain, it leaves untreated sewage flowing into our rivers and streams, creating a health hazard.

The EPA then mandated the communities must fix these problems, but now local communities are strapped with massive costs. In Allegheny County, Pennsylvania, alone repair costs exceed $3 billion. The towns then pass on the cost to homeowners. Many citizens are seniors on fixed incomes who simply cannot afford to fix the mistakes of the past and still pay for their bills today. Without funding, many of my towns just can't make it.

For years we have tried to help by providing annual funding assistance in a piecemeal manner. We need a comprehensive plan to provide a steady stream of funds to fix these problems, meet the standards to clean up our streams, support the public health and not pass on the whole burden of the inherited problem to current homeowners.

After working on this problem for years, both sides of the aisle have worked on this problem for years, I am pleased that we have some opportunities to offer some solutions; the solutions that I recognize are going to require some more crafting with the House and Senate.

I commend my colleagues who are going to work on this to recognize that we all need to work together because we are all concerned about working men and women. We are all concerned about people, without assigning them to any classes, and together we will work to solve these health problems of our water infrastructure in America.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentlewoman from California, an original cosponsor of this bill, Mrs. TAUSCHER.

Mrs. TAUSCHER. Madam Chair, I want to thank the chairman and Subcommittee Chairwoman JOHNSON for the opportunity to speak, and for their leadership in support of the Water Quality Financing Act. And as has been said, this legislation will provide $14 billion to deserving communities and water agencies.

The State Revolving Fund continues to be one of the most efficient and practical Federal funding programs for water reconstruction and infrastructure projects in local communities.

I have been a long supporter of reauthorizing the Clean Water SRF and infusing much-needed funding into our Nation's clean water infrastructure. In the last four Congresses, I have joined with my colleague, former Congresswoman Sue Kelly, to offer legislation to reauthorize the SRF program. Unfortunately, the Republican-controlled Congress never acted on this important legislation.

Today's legislation finally gives us the opportunity to do the right thing. It is imperative that Congress continues our partnership with communities to fund Federal clean water mandates in the most cost efficient manner possible. As a loan fund and not a grant program, the Clean Water SRF promotes fiscal responsibility without denying communities the opportunity to refurbish, rehabilitate or rebuild new water infrastructure. Whether used for funding wastewater treatment or nonpoint source pollution control, the SRF is a useful tool in providing cleaner, safer water in our communities.

The EPA has identified billions of dollars in water infrastructure needs. It's time that we act responsibly and reauthorize this important program. As stewards of the Clean Water Act, we have the responsibility to provide for infrastructure necessary to ensure its proper implementation. Today's legislation gets us back on track.

Madam Chair, there will be much discussion about the inclusion of the Davis-Bacon prevailing wage language in this bill. In my view, the verdict is in. Protecting Davis-Bacon and the prevailing wage laws it supports are a national priority. This is evidenced by over half the States, including mine, California, passing their own prevailing wage laws. And importantly, Madam Chairman, it is clear a majority of the House supports Davis-Bacon.

I look forward to joining a bipartisan majority of the House today in taking a strong stand and rejecting any attempt to limit the application of Davis-Bacon protections.

I urge all of my colleagues to support H.R. 720.

Mr. BAKER. Madam Chair, it is my pleasure to yield 2 minutes to a gentleman who is a defender of the taxpayer's best interest, Congressman PENCE.

Mr. PENCE. I thank the gentleman for the compliment.

Today the House is considering the Water Quality Financing Act introduced by the gentleman from Minnesota. And I wish to commend him for his ongoing leadership in this area of the law and the infrastructure needs of the American people.

The bill does do many good and important things, and I believe it is well intended. But I want to urge my colleagues to oppose this bill because I have great concerns about the cost, but also, most especially, about the expansion of the Davis-Bacon prevailing wage requirement to construction projects funded under this bill.

H.R. 720 authorizes $16 billion in discretionary spending over 5 years, new programs that contain a significant expansion of the Clean Water State Revolving Fund. And therein applies the Davis-Bacon prevailing wage law.

Since 1995, the Davis-Bacon requirement was not applied to construction projects funded through these revolving funds; however, this bill would reinstitute this requirement. Many of the primary taxpayer watchdog organizations in America are opposing this bill on this basis alone, National Taxpayers Union, Citizens Against Government Waste, just to name a few.

The Davis-Bacon law was signed into law in 1931 during the Great Depression in order to inflate labor rates for workers on government projects. But, Madam Chair, the Great Depression is over and the time for expanding the prevailing wage for projects like these is gone. An honest day's work should be met with an honest day's pay, not an artificial government-mandated wage rate. Let's say yes to the sacred right of contract. Let's say yes to the best deal for the American people on public projects. Let's say no to the expansion of Davis-Bacon and to the projects under this legislation. I urge a "no" vote among my colleagues for that reason.

Mr. OBERSTAR. Madam Chair, I yield myself 10 seconds to simply assure the gentleman from Indiana that the bill is fully paid for. And I appreciate his fiscal concerns, but the bill is fully paid for with offsets that the committee has identified and has reduced the cost of the bill from $20 billion to $14 billion and the time frame from 5 years to 4 years. And I appreciate the gentleman's kind words about my service.

I now yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding. And congratulations on a well thought of, well put forth piece of legislation, and I strongly support this legislation.

I want to address the Davis-Bacon issue I have heard so much about in the last few days. I represent one of the more rural, disadvantaged districts, and we should not be taking away Davis-Bacon. To take away Davis-Bacon because a district is small or rural or may be considered disadvantaged as some people say is just purely hogwash. Davis-Bacon is good for rural America. Davis-Bacon is good for urban America. Davis-Bacon is good for all Americans.

In my congressional district, which is comprised of mostly seniors and veterans and households with income around $38,000, my district can't afford not to have Davis-Bacon. My district needs to keep wages up, not lower our wages. There should be no retreat, no surrender on Davis-Bacon. We should stop this madness. We come here, and it is always like a race to the bottom: Who can do it for cheaper? Who can do it for lower? Who are we affecting? The men and women who I represent and all the men and women who built this country. We should pay them a decent wage so they can afford a decent standard of living. Take health care. If you are going to try and do health care in this country, you better have $48,000 a year minimum income because the insurance premiums are $12,000 to $14,000. Davis-Bacon allows you a fair wage so you can afford health insurance so you can provide for your family.

When we take a look at this, Davis-Bacon provides nothing more than quality work for decent pay. We have got to stop the race to the bottom, do not drive down wages. There should be no retreat, no surrender. Support Davis-Bacon. Support this bill, H.R. 720. I compliment the chairman; it is a great piece of legislation.

I have been here now for a while. We are finally going to put money back into the water system, to our wastewater treatment systems to clean up our environment, to clean up public health so our people can have a safe quality of life, but they can't do it without an adequate income. Support this legislation. Reject the Baker-King shallow argument about rural America needs a special exception in order to afford it. Rural America supports this legislation. We cannot afford to walk away from Davis-Bacon. We must have Davis-Bacon in this legislation.

Mr. BAKER. Madam Chair, at this time I would like to yield 2 minutes to Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Louisiana for yielding, and for his leadership and his hard and diligent work in committee.

I also compliment the chairman from Minnesota who has a gracious approach to this and generally a reasonable approach to this issue. But this Davis-Bacon issue is something where I meet a philosophical divide. I don't know if there is another Member of this Congress who has live lived under Davis-Bacon, earned Davis-Bacon wages and paid Davis-Bacon wages, but I can tell you I am one who has done both. And it goes back through 28 years of the construction business; 1,400 and some consecutive weeks of tracking wages and paying the thing called "prevailing wage" and knowing prevailing wage is not prevailing wage. It is always union scale. And the reason for that is because no one reports the prevailing wage for fear they will be organized to be become a union and they will have to pay a union scale.

I have difficulty with this because I hire my people year round. We make sure that they get a good living wage for the full year. We provide health insurance. We provide retirement benefits. And when you pay people a union scale, then you can only plug them on a machine for the hours of running that machine. You can't afford to have them grease it or haul it or fix it.

□ 1115

So I know employers that will work 16 hours a day in order to keep the machines supported so their union scale man can climb in the seat of it. This is a distortion of the free enterprise system.

I will argue also that this bill has an earmark in it, and this earmark is the mark called Davis-Bacon wages. Now, earmarks go back to when a pig is born you notch his ear so you can track his genetics through the marketing system. Well, this is an earmark into the first generation of money that goes into the revolving fund. Then once that money is in there, it comes back around again and again with a Davis-Bacon earmark in it, and I know Midwesterners really appreciate this argument, but the next generation of pigs, you at least got to earmark him when he is born.

This one automatically earmarks every generation of money that rolls through this revolving fund now until the end of perpetuity, and that, Madam Chairman, is a bridge too far. We are not just labeling this Davis-Bacon wage scale. It is Davis-Bacon wage scale in perpetuity.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Madam Chairman, I rise in strong support of H.R. 720, the Water Quality Financing Act.

In my home of St. Louis, we have one of the oldest wastewater infrastructure systems in the Nation, some dating back to the Civil War. Our crumbling and overused sewer systems are an environmental and economic burden and they frequently threaten the health of the Mississippi River, one of our national treasures. During heavy rain storms, as many as 200 sewers can overflow.

H.R. 720 reaffirms our commitment to continue the progress of the 1972 Clean Water Act and ensures that generations to come will enjoy clean and safe water supplies.

By including Davis-Bacon protections in this bill, our communities will be further assisted by ensuring that our constituents who build these projects will be paid no less than prevailing wage. At a time when thousands of jobs are outsourced from our communities, these Davis-Bacon protections serve as a strong example of homesourcing. Instead of allowing outsiders to undercut the wages of our constituents, Davis-Bacon keeps these fair wages in our communities.

I commend Chair OBERSTAR and Chairwoman JOHNSON for their leadership and look forward to passing this bill in a bipartisan way.

Mr. BAKER. Madam Chairman, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. McKEON).

Mr. McKEON. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I rise in opposition to this bill because of an abundantly flawed provision it contains. As the ranking member on the committee with jurisdiction over the Davis-Bacon Act, I am particularly concerned about the Davis-Bacon mandate in the bill before us today. I have these two basic concerns for two basic reasons: they represent both bad policy and bad process.

First on process: the Education and Labor Committee, again, the committee with jurisdiction over Davis-Bacon, never formally considered the bill's Davis-Bacon provision, not in a hearing, not in a markup, not in any procedure whatsoever. Rather, a simple exchange of letters with the Transportation and Infrastructure Committee rendered our committee colleagues powerless to weigh the impact of these provisions on the projects themselves, on local economies, and, indeed, on the American taxpayers.

The fact that Davis-Bacon wages rates have not applied to projects funded through the Clean Water Revolving Fund since 1995, a decision made by the Clinton administration I might add, demonstrates that the change before us is not a small one and it is certainly not one that should be made without appropriate consideration by the committee of jurisdiction.

The second reason for my opposition to the provisions is much more basic. It is just bad policy. By inflating labor rates, Davis-Bacon typically increases the costs of Federal projects by anywhere from 5 to 38 percent. And who ends up paying for all this? That is right, the American taxpayers.

Furthermore, the costs of Davis-Bacon are particularly burdensome for small businesses. Literally, this mandate can saddle private companies with millions of dollars of excess administrative work every year, and because of economies of scale, small, locally owned businesses rarely if ever have the resources to comply with this Federal mandate. As a result, large companies are more often awarded government contracts, even for small projects.

Federal law should not have a built-in bias against small businesses, and I believe this assertion is reflected by President Bush's veto threat.

I urge my colleagues to oppose this measure because it is bad policy and bad process.

Mr. OBERSTAR. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Madam Chairman, I support H.R. 720 because it will renew our commitment to a positive change in a new direction by investing in our Nation's substantial water infrastructure needs. To me, it is all about our health. It is about clean water and the success of our economy.

As a physician, I am particularly concerned with the health risks directly related to contaminated drinking water and am pleased this Congress understands the need to invest in wastewater infrastructure needs. The EPA predicts that without significant investment and upgrades in our water pollution system, this pollution will continue excessively. By investing in the Clean Water State Revolving Fund, we will ensure the communities receive the financing they require for their wastewater treatment projects.

In northeast Wisconsin, the Clean Water Fund program has helped Brown and Outagamie Counties invest and develop and rehabilitate wastewater and sewer treatment plants. The projects funded in my district alone are indicative of the demand across the Nation for this bill. By encouraging long-term planning for our Nation's clean water infrastructure, we will reduce overall maintenance costs and create more sustainable systems, even as we create higher-wage jobs back home in Wisconsin where they belong.

Finally, I am particularly pleased the Davis-Bacon Act requirements provision will prevail and that the wages of Davis-Bacon will be upheld and local prevailing wages will take place.

This bill will be great for our health, our economy, and our environment. I encourage all of us on both sides of the aisle to vote "yea."

Mr. BAKER. Madam Chairman, I yield such time as he may consume to the ranking member, the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Chairman, I thank the gentleman for yielding me that time.

I just wanted to clear up a couple of statements that have been made and misconceptions that have been made.

First of all, from the other side, we did hear that this in fact is a Federal mandate, and I did refer in my opening remarks that this is in fact the mother of all unfunded mandates, because it does in an unprecedented fashion with the Davis-Bacon provision that is included in this bill expand the provisions of Davis-Bacon in, again, a fashion that has never been done before in this program. Mr. KING spoke a little bit about this.

I think we all ought to clean up our water and have the best wastewater treatment possible. We do want to fund this program, but we want to do it in a responsible fashion.

But, again, what is unprecedented here, and the Members of the House of Representatives from some 18 States, let me read those States, Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Mississippi, New Hampshire, North Carolina, North Dakota, Oklahoma, South Dakota, Utah, Virginia, the Representatives from those States will have to go back over this weekend and next week and tell their constituents that they voted for this unfunded mandate, this unprecedented mandate on the use of their State revolving funds.

Now, if we are just talking about imposing this on Federal money, that is one thing. But the unprecedented part about this is they are imposing this, first of all, on repayments. It has never been done before. On interest into the State revolving loan fund, they are going to impose this, and also on the State match.

So what happens here is we put money in with good intention, you put more money in, and you get less in return, and we impose this mandate. We have tried not to impose mandates on our local governments.

So that is our objection to this, and that is the administration's objection to this.

We have no objection to providing assistance and a partnership with our local governments and State revolving wastewater treatment activities. That is a good thing. But what we are doing here is a bad thing. It is setting a precedent and imposing an unfunded mandate on our local governments, which we shouldn't be doing even with their money, their repayments, their interest and their match. It is setting a horrible precedent.

So I would like to be for this bill. I would like to vote for this legislation. But I can't support it if we don't adopt the Baker-King amendment that takes this provision out.

To those of you who come from those States, and I am from one of them, Florida, I can't go back and say I have done this to you when I am trying to do something for you.

With those comments, I do want to clarify the unprecedented mandate that this is imposing. It is a big earmark for big union bosses. Our folks at the State and local levels are going to have to pay the price. I don't want them to have to pay that price.

Mr. OBERSTAR. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, I appreciate the remarks of the distinguished Republican leader on the committee, Mr. MICA. Mr. DEFAZIO was referring to a mandate upon cities to improve their sewage treatment facilities, not to a mandate in this act.

Secondly, in our committee report, the CBO, the Congressional Budget Office, says H.R. 720 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or Tribal governments. So I can only assume the gentleman is making a statement of hyperbole, rather than a fact.

Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy. I appreciate his leadership and that of the chairwoman, EDDIE BERNICE JOHNSON. I salute the committee, which has done more on water resources in the last 12 weeks than we have seen the previous Republican leadership do on water resources in the last 12 years.

One of the reasons that we have had a roadblock dealing with these critical water resources has been the Republicans' pathological aversion to Davis-Bacon protections. Sometimes when I hear some of my conservative friends on the other side of the aisle fulminating about Davis-Bacon, I want them to go back and look at the history.

Davis-Bacon is named for the Republican sponsors of the legislation in the Hoover administration. It is not some sort of Democratic plot. In my State, in Oregon, we have adopted a "little Davis-Bacon Act" that was signed into law under a Republican Governor, former Senator Mark Hatfield. When the ideologues put it to the test, tried to repeal the protections, it was overwhelmingly supported by Oregonians almost two to one, and I would note that it passed in every Oregon county, big city or rural areas.

What we have seen is that Davis-Bacon protections level the playing field for bidding, so we are not going to have shoddy public works with inadequately trained and equipped workers. We have watched over time where the amount of a public contract for construction for labor has actually declined as a percentage. So if they were ever concerned, they should have been concerned long ago when the Republicans introduced it in the Hoover administration.

I would hope, Madam Chairman, that this President does not continue holding water resources hostage by threatening a veto. For heaven's sake, vote Davis-Bacon up or down, but don't penalize American communities by shortchanging water resources.

□ 1130

Mr. BAKER. I yield myself such time as I may consume.

I think it is important to understand the operative nature of the State Revolving Fund and the results of the legislation before us on that operation of the fund.

If a community in Florida, the ranking member's State, which has no prevailing Davis-Bacon requirement, borrows money from the revolving fund, there is a match associated with that which is State dollars. There is also interest that accrues on that loan. When the State repays the loan, the State repays the interest, that comes back into the revolving loan account.

Each year, as the Federal funds are made available, assume $500 million would be made available of Federal resources for the revolving fund account, only that $500 million under current rule would be subject to Davis-Bacon application. All of the repayment made by the State of Florida, including the interest, would be exempt from the applicability of a Davis-Bacon requirement.

"For the first time," and I read from the statement of administration policy, the White House statement on the matter, "For the first time ever, projects financed by funds contributed solely by States and moneys repaid to the State Revolving Fund will be subject to Davis-Bacon requirements."

So let there be no mistake about this, this is not merely voting to sustain Davis-Bacon as we currently know it. This is to expand the requirement for State-generated funds into States that have no Davis-Bacon requirement at the State level, and it will diminish those States' abilities to meet their identified water infrastructure needs. That is why this debate is occurring. It is not just about whether big business or big labor or the beneficiaries of some legislative initiative. This is about the real world in back home America, and are we going to provide the resources to help small communities get their water systems in decent and safe operating condition? We all agree that is a worthwhile goal.

The question is: How do we want to achieve it?

Do we want to constrain a free market system with arbitrary Washington rules that artificially drive up prices and give taxpayers less? Most of us think that is not advisable.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Madam Chairman, I thank you for the strong leadership that you have provided on this legislation.

I would like to talk to you briefly about the needs of colonias. As you know, many colonias exist around the borders in Texas, New Mexico, Arizona and California, only lacking the basic infrastructure that most Americans take for granted. Often these communities do not have paved roads, hospitals or even utilities. And when you look at the negative impact on the health of its residents, one of the greatest challenges we have is many colonias don't have access to water and sewer services.

As you know, many colonias do not have sewer systems, forcing residents to rely on often inadequate waste water disposal methods such as small and outdated septic tanks. And even if colonias had adequate sewer systems, the border area lacks sufficient facilities to treat the waste water that we have.

What I ask, Madam Chairman, I want to work with you and with Ms. EDDIE BERNICE JOHNSON and other members of the committee to make sure that we pay special consideration to the needs of the colonias as you go into conference for H.R. 720 and as your committee reviews future legislation.

I thank you for your strong leadership on the colonias issue, Madam Chairman.

Mr. OBERSTAR. Madam Chair, I yield myself 30 seconds to assure the gentleman that this bill will go a long way towards helping States target additional support to the colonias, as well as other disadvantaged communities throughout the country.

We will soon bring up, within the next 2 weeks I hope, the Water Resources Development Act of 2007 under the leadership of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). In the past, we have had language to authorize the corps to help provide water and waste water infrastructure for the colonias.

We will work with the gentleman to provide such language in the future.

Mr. BAKER. Madam Chairwoman, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Chairwoman, I thank the gentleman from Louisiana, my colleague, for yielding.

Let me just say, we all recognize that there is a funding gap here, and there are many, many needs throughout our Nation with regard to repairing our water infrastructure. But on the other hand, I think it is wrong to play politics with this.

When I heard we were going to bring forward a bill to deal with our State Revolving Loan Funds, I was very happy about it. I said, yes, this is something that is very much needed in Louisiana and certainly needed for small rural, disadvantaged communities throughout our Nation.

Yet, what we have got now is a situation with the Davis-Bacon provisions inserted into this bill which is going to create significant problems.

I know we are all frozen politically on this issue, Davis-Bacon or no Davis-Bacon, depending upon which philosophical stripe you wear. But let me just say, we could have done something better coming out of committee with this bill if we would have created exemptions for poor, disadvantaged, small communities throughout the rural United States.

My fear is, with the bill as it stands, it is going to put our communities at a point where they can't access these funds.

Now our friends on the other side of the aisle talk about protecting the American worker and making sure that we are taking care of this big funding gap we have with regard to our aging water infrastructure. But on the one hand, if we create the State Revolving Loan Fund, and on the other hand, we make it unaffordable for our small and disadvantaged communities to access these funds, what good have we done?

I think we need to put aside politics and let's talk about practical policy here. Earlier this week I met with the president of our Police Jury Association, which is the equivalent of county commissioners. He told me that he was excited that we were looking at these funds for water. But when I mentioned the fact that we have Davis-Bacon provisions in the bill, he was very despondent. And he said to me, basically, that this is going to stifle our ability to repair our water infrastructure.

He estimated that it is going to add a 20-25 percent additional cost for sewer treatment facilities in his parish, Evangeline Parish, in rural Louisiana.

The bottom line is, we shouldn't be talking about inside-the-Beltway rhetoric. We need to listen to what real leaders in the real world are telling us. I would say, if Members on the other side, if you talk to those rural community leaders and find out what they need and how we can bridge this gap, you will find out that it is not by putting in Davis-Bacon provisions that will weight this bill down.

I believe Congress has a responsibility to address this growing need, but at the same time, we need to do it in a responsible way that is going to work and not something that is going to be just more political tit for tat, back and forth.

I urge my colleagues to oppose this bill because of the underlying provisions, the Davis-Bacon provisions, which are going to hurt small, disadvantaged communities. And ultimately, it is going to hurt the American worker.

Mr. OBERSTAR. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Madam Chairwoman, two points. The revolving fund has meant so much to the district I represent. The 12-town drain system before was an open sewer, and with the revolving fund help, we were able to address and attack the problem.

My second point is this: It is interesting that those who come here complaining about the Davis-Bacon provision have been in a party that has sat on its hands on this issue year after year and have come from a party whose President has suggested cutting the revolving fund by $396 million.

You should have acted long ago to make the revolving fund more meaningful, and so don't use the prevailing wage issue as a reason to oppose this when you have failed to step up to the plate. We are stepping up to the plate here. More money and under circumstances that provide people a chance to have a decent way of life. I urge support of this bill.

I rise in strong support of the Water Quality Financing Act. The bill before the House calls for a significant and needed increase in the annual Federal contribution to the Clean Water State Revolving Fund program. This may not be a well known program, but it has been absolutely critical to water quality improvements in my district, and in many other communities around the country.

The Clean Water Revolving Fund is the only major Federal program that helps localities build, repair, and improve their sewer infrastructure. Over the years, the Revolving Fund has provided more than a billion dollars to my home State of Michigan for low-interest loans for water infrastructure projects.

A billion dollars sounds like a lot of money, but it is literally just a drop in the bucket compared to the need. In southeast Michigan alone, maintaining and improving our aging sewer systems will cost between $14 and $26 billion over the next 30 years.

Let me tell you what the Clean Water Revolving Fund has meant to my district. In the early 1990s, the Clinton River that runs through my district in Oakland and Macomb Counties was little more than an open sewer. In particular, there was one, large combined sewer system called 12 Towns that spilled hundreds of millions of gallons of partially treated sewage into the Clinton River each year. This contributed to a nearly dead river and closed beaches downstream in Lake St. Clair. It was a major concern to both Oakland and Macomb counties.

In the late 1990s, the communities undertook an expensive renovation project at 12 Towns that has greatly reduced the sewer overflows. The communities bore the full expense for this project, which cost well over $100 million, but the low interest rates provided by the Revolving Fund saved the communities tens of millions of dollars in interest costs. The result is that the Clinton River is making a comeback. Water quality is improving.

Twelve Towns is not an isolated example. The Revolving Fund has also helped many other communities in my district with critical water quality improvements. We could not have accomplished the progress that has been made to clean up the Clinton River and Lake St. Clair without the Revolving Fund's help.

The Federal Government has to do more—not less—to help communities shoulder the burden of addressing critical water infrastructure needs. We should have increased the funding for the Revolving Fund long before this; instead, in recent years the Bush Administration and Congress has cut the program again and again. Just last month, the President's budget proposed a $396 million cut to the Revolving Fund. This takes the effort to clean up the Great Lakes in exactly the wrong direction.

I urge all my colleagues to join me in voting for this important legislation. We should vote for the bill today and—just as importantly—provide the funding for the Clean Water Revolving Fund when we take up the EPA appropriations bill later this year.

Mr. BAKER. I have a speaker on his way, and so I would like to I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Madam Chair, I would like to thank the gentleman from Minnesota for yielding me this time.

I rise today in strong support of H.R. 720, the Water Quality Financing Act of 2007. I urge swift passage of this matter.

Chairman OBERSTAR, thank you, thank you, thank you for addressing the issues of western America. Over the past 2 years, I have visited with folks from across the Third Congressional District of Colorado. Water is one of the issues that greatly affects every constituent in the arid southwest. My constituents are concerned about their water quality and supply, the aging infrastructure, and are concerned that their health is at risk.

Fast-growing rural areas are experiencing trouble with infrastructure demands, especially waste water treatment facilities. With revolving loan money on the decline, small rural communities have been struggling to address major infrastructure needs. This issue crosses lines of environment, health and human safety, growth and economic development.

Many of us view H.R. 720 as a long overdue measure to ensure that the Federal Government invests in waste water infrastructure. This legislation will not only ensure that we have undated waste water infrastructures; it will also reduce the burden of construction and maintenance costs on local towns and communities.

Now is the time for us to start investing in the infrastructure that will safeguard our water quality for future generations.

Again, Madam Chairman, thank you. And thank you for understanding the struggles that rural America has. I don't understand our opposition on the other side and their opposition to prevailing wage and to a livable wage.

I would urge my colleagues to support investment in clean water infrastructure and passage of this bill.

Mr. BAKER. Madam Chair, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, I thank the ranking member.

And the gentleman from Minnesota, I compliment you on your efforts here. It is important that we meet America's water needs all across the country.

I do have some reservations, however. My family owns a small construction company, and that is about the worst business you can be in in a State like Michigan where the economy is struggling. And they hire some union employees, not because the law tells them they have to do that but because they happen to find that their union subcontractors are the best ones to complete their job.

But what you have done in this bill is not for a prevailing wage and empowering people to make more money, you have stopped a whole segment of our society from even competing to get these jobs. There are hundreds and hundreds of regs and comments on how you compute Davis-Bacon. If you were going to go back and say, we will rework this thing so the average American understands what it is, we might be with you.

But the problem is, they can't afford consultants and lawyers. They can't hire people full time just to figure out the regulations so that they might be able to compete to fill out the application to compete for the bid. They are small, and there are a lot of small businesses.

What you are saying to the 80 percent of the entrepreneurs across America who are small business owners who are generating 80 percent of the growth in our economy, 80 percent: You don't qualify. We're sorry. Go get yourself a lawyer and a fancy accountant and spend a lot of money you don't have, and maybe you will have an opportunity to get a job if you can figure out the hundreds of pages of regulations and comments to comply with Davis-Bacon.

So it is not that you are going to get more on these projects, and I think your intentions are absolutely right, and I want to be with you because it is the right thing to do. But the problem is, it is not just going to cost more, you are going to get less. So the more money you put in means it is going to cost more, but we will get less pipe in the ground than if we had allowed a free market and the small entrepreneurs, who are creating jobs in America, to even have the chance to compete. Rules and regulations, taxation and litigation never met with prosperity. It has slowed us down, and it has slowed the small guy, the little guy, the people that you claim you want to support, from even competing.

I would hope that we could get over our differences on this particular issue and set it aside. We know that we want money to go to water infrastructure in rural America. Let's let them do that. Let's take this out. Let's let the little guy compete. Let's let that small entrepreneur who is working 7 days a week and doesn't know if they are going to have enough money to pay the light bill, let alone take a salary this particular month in places like Michigan, let them compete. Let's take this divisive piece out of it. It won't change what you are wanting to do. That is the thing.

If you take this out, small America wins. Let's do that and stand together and be for water infrastructure around the United States.

□ 1145

Mr. OBERSTAR. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), chairman of the Education and Labor Committee and my classmate of 1974.

Mr. GEORGE MILLER of California. Madam Chairman, I thank the chairman for yielding, and I thank him and all of the members of this committee for their work on the Water Quality Financing Act of 2007.

This a very important piece of legislation, as so many of my colleagues have already testified to. We desperately need, in communities all across the country, the upgrade and the repairing of our Nation's wastewater infrastructure. There is not a congressional district in the country where we are not behind the curve on this effort.

I also rise because this legislation does continue the prevailing wage laws of this Nation, the Davis-Bacon law, which guarantees hardworking Americans, those who are working in Federal construction projects, will be paid a livable wage.

Today, we see report after report, economic study after economic study that talks about the precarious state of the American middle class, about how families are struggling to maintain their status in the middle class. It is one of the imperatives of this new Congress, of the Democratic majority, to grow and to strengthen the middle class; and, clearly, the wages that people pay will play a great part in that.

We should not have Federal dollars, Federal contracts and Federal projects, whether they are in conjunction with locales or not, undermining those livable wages. These wages are incredibly important to the American middle-class family.

We see now that the hardworking Americans and middle class, with the greatest productivity gains in recent history, are sharing the very smallest part of that increase in productivity than at any time in recent history.

It is imperative that we have today Davis-Bacon protections in this law. It is imperative that we have the Davis-Bacon protections for middle-class families in the country.

We know middle-class families now are constantly confronting the risk of what is happening to their pensions: Will they be funded? Will they be terminated? Will they be frozen? What is their ability to put away money in a 401(k) plan? What is their ability to purchase health care? How much more of the cost of that health care is going to be shifted from the employer to the employee? How much more of that are they going to be able to afford?

Maintaining good wages for good quality work is important to these families. It is important to these projects, and it is important to this Nation.

I commend the chairman for reporting this bill to the floor with these provisions in it, to ensure that we continue to grow and strengthen the middle class in this country.

Madam Chairman, I rise in strong opposition to this amendment. For over 75 years Davis-Bacon has guaranteed that hard-working Americans working on federal construction projects will be paid a livable wage. I am pleased that the Water Quality Financing Act of 2007 includes Davis-Bacon prevailing wage provisions and requires that prevailing wage rules be applied to all projects financed in whole or in part through State Revolving Fund programs (SRFs). I vehemently oppose any and all efforts that are intended to strip the prevailing wage provision and undermine the long-standing tradition of Davis-Bacon.

The Water Quality Financing Act of 2007 will be one of approximately 70 Federal laws that include a Davis-Bacon prevailing wage provision. Throughout these laws Davis-Bacon has infused fairness into Federal contract work; and it has protected contractors and workers from unjust treatment and unfair competition.

As more and more families struggle to pay the bills, it is critical now more than ever that we ensure hard-working Americans earn a livable wage.

On a bipartisan basis Congress has historically stood together in support of Davis-Bacon, recognizing the obligation that we have to ensure that Americans are paid a livable wage and to ensure the government does not operate to undermine those wages. As we consider H.R. 720 today we again have a moral obligation to stand up and set the example for how workers should be treated and the standard by which they should be compensated.

GOVERNMENT PROJECTS BENEFIT FROM A PREVAILING WAGE PROVISION

The Water Quality Financing Act of 2007 addresses the critical need that we have to build, upgrade and repair this nation's waste water infrastructure. Davis-Bacon ensures that we hire the best people to do this important work.

Requiring that employers pay the local prevailing wage encourages them to hire qualified and highly skilled workers. This in turn results in a higher quality of work and higher productivity; it leads to less waste; it reduces the need for supervision; and fewer mistakes are made which require corrective action.

The fact is that Davis-Bacon helps ensure that projects are completed on time and in the long-term require less rehabilitation and repair. Thanks to decent work standards, these projects don't suffer staggering delays and taxpayers do not have to shoulder additional and unintended costs produced by the delays or a substandard work product.

DAVIS-BACON HELPS LOCAL BUSINESSES

Davis-Bacon furthers the viability of local businesses who want to compete for government contracts. The Act protects local employers from cutthroat competition that results from fly-by-night firms who try to undercut local wages and working conditions and who unfairly compete with local contractors.

PREVAILING WAGES

It's important to remember what a prevailing wage is. A prevailing wage is defined as the weighted average of all the wage rates paid to laborers or mechanics in the same classification in the same locality. It is literally the wage that prevails in the local market. The government, when making contracts, should respect those prevailing rates. The government should not be in the business of using taxpayer funds to drive down wages in a locality.

DEFEATING PRESIDENT BUSH'S REPEAL OF DAVIS-BACON

We've seen efforts to undermine the nation's wage laws time and time again and defeated them time and time again. Two years ago Congress successfully defeated President Bush's attempts to repeal Davis-Bacon during the rebuilding of the Gulf Coast after Hurricane Katrina. At a time when the victims of the hurricane had lost everything—their homes, their belongings, even family members—some political forces thought it would be a good idea to also cut their wages. In a bipartisan effort, Congress stood together and convinced the President to abandon his efforts; in doing so we ensured that those rebuilding the Gulf would be justly compensated for their hard work. I'm proud of the fact that support for Davis-Bacon has always been on a bipartisan basis—and I expect such bipartisan support for this fundamental worker protection will prevail again today.

Madam Chairman, it is time for us to once again stand up for the rights and the dignity of workers across this country. Let's continue the tradition that began over 75 years ago—support the Davis-Bacon prevailing wage provisions contained within the Water Quality Financing Act of 2007.

Mr. BAKER. Madam Chair, I only have one remaining speaker. May I inquire if the gentleman has multiple speakers remaining.

Mr. OBERSTAR. Madam Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 4 minutes remaining, and the gentleman from Louisiana (Mr. BAKER) has 3½ minutes remaining.

Mr. OBERSTAR. And the gentleman has only one speaker remaining?

Mr. BAKER. Correct, sir.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Chairman, I rise today in strong support of H.R. 720, the Water Quality Financing Act of 2007.

When I met with local economic development administration officials in Moline, Illinois, over the February recess, reauthorizing and ensuring adequate funding for the State revolving loan fund was stated as the number one need that these administrators had in assisting the rural communities in my district. We all know that the ability to process and treat wastewater, as well as provide clean water to a community, is the biggest challenge to economic development. In an area hard hit by offshoring and outsourcing of jobs, this assistance is critical to the 17th Congressional District of Illinois.

The Clean Water Revolving Fund is a top priority of the Democrats, and it authorizes $14 billion for the construction of wastewater treatment facilities and other water pollution abatement projects.

In addition, this bill renews the requirement that contractors and subcontractors on wastewater treatment projects constructed with assistance from the State revolving funds be paid at least the prevailing local wage rate, as determined under the Davis-Bacon Act. By guaranteeing payment of the prevailing local wage rate, Davis-Bacon provides a better standard of living.

I urge my colleagues to join me in voting for the Water Quality Financing Act to address your constituents' clean water needs and to uphold these important labor standards.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Chairman, I rise in support of the Water Quality Financing Act, an act that is essential for our country.

For the past 4 years, the water quality needs of our Nation's communities and my constituents have been neglected. Rural communities along the Texas-Mexican border in my district do not have the resources or the financial capacity to renovate existing water treatment plans and to construct sewage management systems.

These are basic issues in our country where people are still having difficulty getting access to potable water.

I have already heard from the small cities of Sabinal, Clint, Fort Stockton, Presidio, and Fort Hancock, Texas, all of which are in desperate need of assistance with their wastewater management. These and many other communities stand to benefit significantly from the Clean Water State Revolving Fund.

This legislation will authorize a significant increase in funding for the fund, allowing these communities, like those in my district and throughout this country, to secure loans and begin work on the water improvement programs that are needed for our citizens.

I ask you to support this specific legislation that allows these individuals to be able to get access to good, potable water.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, let me thank the chairman for his leadership and the chairwoman of the subcommittee, EDDIE BERNICE JOHNSON, for her leadership.

Texas, under the President's budget, lost $18 million, and with the restoration of the Clean Water State Revolving Loan Fund of $14 billion, we will see now the possibility of the restoration of $49,413,000, a total that we had in the 2007 funding level and going up.

I know what it is like to deal with communities that do not have clean water. Bordersville in Houston, Texas, now has the opportunity to engage and use these dollars to build this community and develop clean water. The EPA recognizes that we have had difficulty across America and water crises and bad water.

This bill makes a good statement. It also makes the positive statement on prevailing wages. There simply is no excuse to not give people a living wage, and that is what prevailing wages are all about.

I want to thank my colleagues for recognizing that water is the source of life and the importance of making sure that the 34 percent cut by this Republican Congress in years past now needs to be amended and fixed. Today we fix it.

I rise in support of H.R. 720, and I ask my colleagues to support this legislation.

Madam Chairman, I rise in strong support of H.R. 720, the "Water Quality Financing Act of 2007," which authorizes $14 billion over four years for the clean water State Revolving Fund (SRF) for fiscal years 2008 through 2011. This bill will go a long way toward restoring the $18 million cut in Texas share of the SRF.

Under the SRF program, the Environmental Protection Agency provides grants to States, and the States provide matching funds to establish a low-cost loan program to enable communities to upgrade wastewater treatment systems.

Madam Chairman, the Administration has not sought reauthorization for the revolving fund, preferring to turn the revolving fund into a self-sustaining loan program that is replenished by interest payments made on loans.

H.R. 720 reauthorizes the program at an annual funding level of $4 billion per year, well above the level of $1 billion contained in the fiscal year 2007 appropriations bill for EPA currently working its way through Congress.

The bill would extend repayment periods for revolving fund loans up to 30 years, require a State to use part of its funding to provide subsidies for disadvantaged communities, and authorize $75 million annually in technical assistance to rural and small wastewater treatment projects.

H.R. 720 also directs the Government Accountability Office to study potential revenue sources to set up a Clean Water Trust Fund and encourage communities to consider "green infrastructure" such as the use of rain gardens to collect storm water runoff. The bill also uses water quality benefits and a watershed approach as the criteria to prioritize which projects receive funding.

Madam Chairman, it is no exaggeration to state that the Clean Water Act is the Nation's most successful environmental law. But the continued high quality of the Nation's water supplies is imperiled because over the past six years the Congress has not invested enough funding to replace or repair the aging and deteriorating wastewater infrastructure.

The State revolving fund's steady source of Federal funding ran out when reauthorization expired in 1994. Since then, Congress has been unable to get any bills affecting the fund through the House or the Senate because of disputes over Davis-Bacon Act requirements that local prevailing wages be paid on projects receiving Federal funds. Instead, Congress has been appropriated funds for the SRF on an annual basis, but at declining levels. The lack of a steady, dependable source of funding has had a detrimental effect on the ability of water management agencies to repair, build, and upgrade the Nation's water quality infrastructure. It puts at risk the Nation's clean water.

Madam Chairman, according to the Environmental Protection Agency (EPA) and the Government Accountability Office (GAO), there is a "funding gap" of $300 billion to $500 billion over 20 years between what is needed and what is actually spent on our water quality infrastructure. Without a Federal recommitment to clean water, the costs of maintaining existing and aging infrastructure further stressed by ever increasing population and industrial demands, as well as new and costly Clean Water Act requirements must be borne at the local level.

Madam Chairman, the needs of municipalities, counties, and towns have simply outgrown the funding levels of the Clean Water State Revolving Fund (SRF). The SRF program has been under siege since 2004, plummeting from $1.35 billion in 2004 to less than $700 million proposed for 2007. A dedicated source of Federal funding must be identified to assure adequate and continued financial assistance to municipalities to meet the goals of the Federal water quality program. H.R. 720 takes a major step in this direction and provides a significant down payment on the investment that must be made to ensure the quality of the Nation's water supply.

Madam Chairman, I support the objectives of establishing a Clean Water Trust fund. Such a dedicated trust fund for clean water will ensure that infrastructure modernization and maintenance remains a priority and will secure the long-term viability of the Clean Water State Revolving Fund (CWSRF), while also adding a significant grant component to help communities fully achieve the goals of the Clean Water Act.

I also support expanded eligibility under the SRF for water conservation measures. This would enable consumers to make more efficient use of treated water, including incentives for the modification, retirement, replacement of customer-owned water-using equipment, appliances, plumbing fixtures, and landscape materials. Saving water through improved efficiency can lessen the need to withdraw ground or surface water supplies for municipal or industrial demands. Strategic use of water conservation not only helps save the Nation's water resources but also can help extend the value and life of both water supply and wastewater treatment infrastructure, extending the beneficial investment of public funds.

Finally, Madam Chairman, I strongly support the Davis-Bacon provisions in H.R. 720 requiring that workers on projects funded through the SRF not be paid less than the prevailing wage. By guaranteeing payment of the prevailing local wage rate, Davis-Bacon provides a better standard of living and economic security for these workers.

Madam Chairman, Davis-Bacon "prevailing wage" standards are set by scientific surveys of actual wages paid in local communities. Accordingly, Davis-Bacon wages in lower-cost areas such as rural communities and small towns are closely tied to existing local wages and therefore ensure a reasonable wage comparable to those earned by other workers in that community. Obviously, the prevailing wage rates in higher-cost areas such as major urban centers are higher because the average wage and cost-of-living are higher. Moreover, in 1981, the implementing regulations for Davis-Bacon were specifically amended to prohibit the Department of Labor from using wage data collected in urban areas to make a prevailing wage determination in a nearby rural county.

Madam Chairman, I will strongly oppose any amendments by the minority to eliminate, weaken, or alter the Davis-Bacon provisions within this legislation. These are the latest in a long history of Republican attacks on the Davis-Bacon Act and the protections it provides to workers. Not only have three Republican presidents temporarily suspended the Act, but many of Republican colleagues have sought to repeal it altogether.

For all of these reasons, I strongly support H.R. 720 and urge all my colleagues to join me in voting for its adoption by the House. I also call upon my colleagues to oppose any amendments to weaken this critical legislation that will address the real needs of the American people.

Mr. BAKER. Madam Chairman, I yield myself the remainder of the time.

I wish to express sincere and deep appreciation to the gentlewoman who is the Chair of the Water Resources Subcommittee and, of course, to the distinguished chairman of the full committee, Mr. OBERSTAR. In thinking back over my tenure on the committee, it really is hard to remember a time when there has been significant partisan difference. It truly is one of the committees of the House that works in a unified way and produces a consistent, unified voice.

We share the vision that America's infrastructure is the key to our Nation's economic future and that where infrastructure is damaged or inadequate, economies lag behind, employment is high, and circumstances are not good. So we really are joined here together in an effort to do what we believe is right and best for communities we represent.

In this one instance, we find ourselves on the opposite side of a policy which has, over time, divided this Congress, the requirement by government to tell those engaged in a business endeavor what you should pay your employees in meeting essential public need.

It is clear to me that in my home State, the economic dislocations because of the tragic storms is immense and widespread and felt deeply and unfortunately will be likely felt for many years to come. We all know that there aren't sufficient resources to solve every problem in every community and certainly not even in our own State. Despite the generosity of the American people and this Congress, there will be billions of dollars of unmet need.

The question, as we go to Dr. Boustany's district in southwest Louisiana to a small, small rural parish in Cameron, where there isn't even a municipality, where after the storm's terrible surge went across the land, you could stand on the northern edge of the parish and look all the way to the gulf coast and not see a structure standing. We don't have enough money to build it all back. We can't even tell people even when we are likely to build it back, but we are going to send some money, now in the form of a State revolving fund intended for the restructuring and rebuilding of critical water infrastructure.

What are we going to do with that $10? Are we going to artificially increase the cost of that project just to make it more difficult for rural Cameron parish to recover? I don't think we really want or intend to do that, but that is the consequence of this provision in this bill. It makes recovery more difficult. It will take recovery longer. It will cost more to build less.

We all pride ourselves in America on our strong free enterprise beliefs. Let's turn free enterprise loose. Let's let Louisiana rebuild. Let's do it in the most efficient and expeditious way possible. Let's strike Davis-Bacon provisions from this bill.

Mr. OBERSTAR. Madam Chairman, I yield myself the balance of our time, which should be about a minute.

Again, I express my great appreciation to the gentleman from Florida (Mr. MICA), the ranking member on the full committee, and the gentleman from Louisiana (Mr. BAKER), who I have the greatest respect for, and I recall his distinguished and authoritative presentation during the committee tour post-Katrina at Baton Rouge where the gentleman had a mastery of the facts of the issues at hand, and we stood in solidarity and we do stand in solidarity on this legislation.

We have one difference of opinion. That is why we have a legislative body and a process through which to work these issues out, and as the late Speaker of the House, Sam Rayburn, said very thoughtfully many years ago, something like 60 years ago, We can agree to disagree without being disagreeable, and that is the manner in which I hope we will continue to conduct issues before our committee.

I just think back to the time when I worked, when I was in college working in construction jobs, and I was working as a truck driver and cement puddler for 50 cents below what was a union wage, below what was a standard wage, because this wasn't a unionized job, and I don't want to see that happen to anybody.

Mr. OBERSTAR. Madam Chairman, I submit the following exchange of letters between Mr. RANGEL, Chairman of the Committee on Ways and Means, and me.

MARCH 6, 2007.

Hon. JAMES OBERSTAR,
Chairman, Transportation and Infrastructure Committee, Rayburn House Office Building, Washington, DC.

DEAR JIM: I am writing regarding H.R. 720, the Water Quality Financing Act of 2007, which is scheduled for floor action later this week.

As you know, H.R 720 raises revenue by increasing vessel tonnage duties, an authority which falls within the jurisdiction ofthe Committee on Ways and Means. In addition, H.R. 720 violates clause 5(a) of Rule XXI, which restricts bills and amendments from carrying taxes and tariffs not reported by the Ways and Means Committee.

In order to expedite this legislation for floor consideration, the Committee will forgo action on this bill, and will not oppose H.R. 720 being given a waiver of Rule XXI. This is being done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confining this understanding with respect to H.R. 720, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,
HON. CHARLES B. RANGEL,
Chairman.

MARCH 8, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: Thank you for your recent letter regarding the consideration of H.R. 720, "the Water Quality Financing Act of 2007". Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that section 601 of H.R. 720, as reported, is of jurisdictional interest to the Committee on Ways and Means. I acknowledge that, by foregoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Ways and Means has jurisdiction in H.R. 720.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,
JAMES L. OBERSTAR, M.C.,
Chairman.

Mr. PEARCE. Madam Chairman, I sadly rise today to oppose this Important legislation. Unfortunately, in a kickback to Unions, the Majority has decided to include in this legislation provisions that will drive up the cost of state water projects and are particularly harmful to small rural communities.

As a New Mexican, I know the critical role water plays in economic expansion and the daily need of our citizens. We in New Mexico struggle to find good clean water for our communities. The reauthorization of the Clean Water State Revolving Loan Fund Program is an important step to meeting the needs of my communities.

Communities in my district like Columbus, New Mexico, a small community of 1700 people which has no clean running water in its community, is desperate for assistance from a program like the one we will authorize today. Sadly, the majority has decided that this poor community should have foisted upon it Federal Davis-Bacon requirements which were never intended to be applied to non-Federal funds. Instead of helping communities get clean water projects the majority has decided to inflate the cost of these projects with unnecessary provisions that will result in fewer clean water projects, fewer jobs and less clean water.

I don't understand how the inclusion of these provisions that inflate costs will benefit the small rural communities who can barely afford clean water projects in the first place. Sadly, those provisions prevent me from supporting this otherwise good legislation.

Mr. KELLER. Madam Chairman, I rise today to support the Baker amendment and to oppose the underlying bill, H.R. 720.

I had hoped to support this legislation, which would allow States and municipalities to build water treatment plants and other necessary infrastructure.

Unfortunately, our friends in the Democratic majority have taken away the rights of States and municipalities by forcing them to comply with Federal Davis-Bacon requirements, which waste taxpayer dollars by inflating construction costs.

My state of Florida does not have a state prevailing wage law. This legislation would force small, rural communities in my district and throughout Florida to pay vastly inflated Federal prevailing wages to build these critical infrastructure projects. Studies have shown that Davis-Bacon inflates the cost of construction by up to 38 percent in rural areas.

I cannot support imposing the antiquated Davis-Bacon requirements on my local communities—wasting their hard-earned tax dollars on inflated construction costs. I urge my colleagues to vote "no" on this legislation, and yes to the Baker Amendment.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of H.R. 720, the "Water Quality Financing Act of 2007." As we all know, H.R. 720 will reauthorize the Clean Water State Revolving Fund and provide $14 billion in funding for the program over the next four years. The bill provides technical assistance to rural and small municipalities for the purpose of assisting them in the planning, developing, and acquisition of financing for wastewater infrastructure assistance. The bill also provides technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the bill's requirements. Equally important, the bill will disseminate information to rural and small municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.

With 20 percent of the country's population living in rural communities, it's critical that we address their infrastructure needs including access to clean water, working sewers, electricity, and other necessities. For more than a decade, the Clean Water State Revolving Fund has been integral to State's and localities in their effort to deal with critical clean water infrastructure needs.

As a community, our progress must be judged not by the status of our most fortunate members of society, but by that of our most challenged members. That is why I am committed to fighting for the resources needed to ensure a better standard of living for all Colonia residents, why I voted in favor of H.R. 720, and why I co-founded and currently am Chairman of the Congressional Rural Housing Caucus. I founded the Congressional Rural Housing Caucus to advocate for legislation and policy changes that: expand the availability of safe and affordable housing—both for purchase and for rental—in Rural America; eliminate substandard housing in Rural America; and especially to address the infrastructure needs of Rural America, including providing access to clean water, working sewers, electricity, and other necessities. This bill is an important step toward meeting the goals of the Congressional Rural Housing Caucus.

There are more than 350,000 people who struggle in the unacceptable living conditions of the Colonias every day. Many Colonias do not have sewer systems. Instead, residents must rely on alternative, often inadequate wastewater disposal methods. Surveys of Colonias in El Paso and the Rio Grande Valley show that 50.7 percent of the households use septic tanks, 36.4 percent use cesspools, 7.4 percent use outhouses, and 5.5 percent use other means to dispose of wastewater. Septic tank systems, which in some circumstances may provide adequate wastewater disposal, often pose problems because they are too small or improperly installed and can overflow.

Even if the colonias had adequate sewer systems, the border area lacks sufficient facilities to treat wastewater. According to a summary report by the Environmental Protection Agency (EPA), wastewater treatment capacity along the U.S.-Mexico border has been inadequate for the past decade. In many places, there are no treatment facilities at all. Consequently, border communities often discharge untreated or inadequately treated wastewater into rivers, canals and arroyos (a creek or stream), which then flow into the Gulf of Mexico. In the Nuevo Laredo/Laredo area alone, 27 million gallons of untreated waste-water are discharged directly into the Rio Grande each day, contributing to ecological and aesthetic degradation, economic loss and threats to public health. Securing potable water also presents a challenge to Colonia residents. Many must buy water by the bucket or drum to meet their daily needs or use wells that may be contaminated.

According to The Colonias Factbook, a Texas Department of Human Services survey of living conditions in rural areas of South and West Texas border counties, 23.7 percent of the households did not have treated water in the house. Because of this, the survey found, untreated water was used by 12.8 percent of households to wash dishes, 13.1 percent to wash clothes, 12.3 percent to bathe and 4.9 percent to cook.

A 1995 Texas Water Development Board (TWDB) study estimates that 428 colonias with about 81,000 people are in need of potable water facilities, and 1,195 colonias with about 232,000 people need wastewater treatment facilities. The TWDB estimates it would cost more than $424 million to build the water and wastewater facilities needed in the 23 counties surveyed.

In my district, these issues are increased by the low-incomes and housing quality problems suffered by my constituents. According to the 2000 Census, the median income for persons living in the 15th district was $26,840. There are more than 7,500 households that lack complete plumbing facilities. Crowding is a problem as more than 15 percent of all occupied housing units are crowded (i.e., more than one person per room).

The battle to improve every Colonia in South Texas will require enormous resources and support from program partners, community residents, and especially the Federal Government. This is a battle we must win, and I know we will win. The problems in the Colonias are not just the Colonias' problems, but they are the State's problems they are the Nation's problems—and they are our problems.

Passage of today's legislation will go a long way toward improving the quality of life of residents of the Colonias and towards attaining the goals of the Congressional Rural Housing Caucus.

Rest assured that I will continue to fight for legislation, regulations and programs that understand the needs of Colonia and all rural residents. I will fight to fund programs that educate Colonia residents and empower them with the tools needed to live not for today, but for every day.

Where there is a will, there is a way. And as we say in my district and around the world—Si Se Puede!

Mr. WELDON of Florida. Madam Chairman, I rise today to express my opposition to H.R. 720, the Water Quality Financing Act of 2007. This bill is the third water bill brought to the floor this week. These three bills are filled with excessive spending, propose no way to pay for the increased spending, create duplicative bureaucracies, and impose requirements leading to inefficiencies that will lead taxpayers to getting less work for each Federal dollar spent. H.R. 720 is fiscally irresponsible.

The fact is, Madam Chairman, we already have a program in operation designed to help State and local communities with water and sewer projects—The State Revolving Fund (SRF). The SRF is a fiscally responsible program that provides Federal assistance through loans and other cost-sharing arrangements to help States assist municipalities with high priority projects. I support the SRF and believe it strikes an appropriate balance between Federal and State responsibility with respect to improving water systems in communities across the country. While today's bill authorizes SRF funding, the Congressional Budget Office has determined that in total the bill will actually suck about $49 million over 5 years away from the SRF to be used in two new and less effective grant programs created in H.R. 720. Unlike SRF funds, these no-strings-attached grants do not have to be repaid and, in my estimation, will encourage States and municipalities to rely too heavily on Federal funding for improving their communities.

Unfortunately, creating more government bureaucracy and undermining an existing loan program is not even the worst of this bill. H.R. 720 also amounts to a kickback to special interest labor unions. This bill imposes on States costly Davis-Bacon labor rules. Democrats are telling the American taxpayers that inserting special provisions for their political base is more important than fiscal responsibility. Under Davis-Bacon, any project funded through this bill will cost American taxpayers a 15 percent surcharge. This mandate effectively reduces the number of projects that can be completed under H.R. 720 by 15 percent. Adding a 15 percent surcharge will only serve to delay projects addressing water supply shortages and sewage treatment problems. The Davis-Bacon provision also discriminates against smaller—often minority owned—businesses that don't have the means to comply with its owner requirements.

Finally, Madam Chairman, H.R. 720 raises taxes—$256 million over 5 years.

In short, today's bill is an excellent case study for the new Democratic Majority's priorities: More expensive bureaucracy, a kickback to labor at taxpayers' expense, creation of duplicative government programs, and a hidden tax increase on ordinary Americans.

For these reasons, I urge my colleagues to vote "no" on H.R. 720.

Mr. PASCRELL. Madam Chairman, I am proud to rise in support of the Water Quality Financing Act, H.R. 720, and I commend Chairman OBERSTAR for working so hard to bring it to the floor today.

This bill reauthorizes the Clean Water State Revolving Fund, a necessary program providing low-interest loans to communities for construction of wastewater treatment facilities and other water projects.

H.R. 720 authorizes $14 billion over the next 4 years for the fund, which will go a long way toward helping America's cities and towns fix their wastewater infrastructure.

This is a critical program. Since it was created in 1987, the fund has partnered with local and State governments to drastically improve America's water quality.

As a result of dramatic improvements in wastewater infrastructure due in part to this fund, discharges of waste into the environment have decreased by one-half since the early 1970's.

In my home State of New Jersey, the fund has been enormously helpful. New Jersey was granted almost $2 billion during fiscal years 1987 through 2005, almost all of which was used for wastewater treatment projects. This much-needed funding has been instrumental in helping my State keep its water clean and its citizens safe and healthy.

The fact is: This bill is long overdue.

We know all too well that progress cannot be achieved on the cheap. If we want clean water for ourselves and future generations, we must invest in it.

The longer we wait, the more degraded our systems get.

I urge my colleagues to vote. "yes" on this bill today.

Ms. HIRONO. Madam Chairman, I thank you for this opportunity to express my support for H.R. 720 and my strong opposition to the amendment that seeks to remove Davis-Bacon wage protections from the bill. Addressing the Nation's urgent wastewater infrastructure needs by strengthening and recapitalizing the Clean Water State Revolving Fund is critically important. Retaining the requirement that workers be paid the local prevailing wage will help ensure that these projects yield the greatest benefit to the communities they are meant to help.

Davis-Bacon not only guarantees that workers receive a fair wage; it helps ensure the quality of the work because it removes the incentive for hiring less qualified workers for a job. Paying prevailing wages also means that businesses and workers in the community where the work is taking place have a fair shot at getting the job and are less likely to be undercut by contractors who bid lower but then cut corners. A well-built project at a fair price should be our goal—not the cheapest possible job where workers' qualifications and quality of work may be compromised.

I want to congratulate Chairman OBERSTAR on moving this critical bill through the committee and to the floor in such a timely fashion. I am very proud to be a member of the Transportation and Infrastructure Committee and to be able to tell my constituents that help in upgrading our wastewater systems is on the way.

Mr. KIRK. Madam Chairman, I am here today because one of our most precious natural resources is under siege. As the world's largest freshwater system, the Great Lakes provide food, recreation, and drinking water for nearly 40 million people. Yet with each day, our water grows more contaminated with sewage discharged from municipalities along the lakes.

Nearly 24 billion gallons of sewage are dumped into the Great Lakes each year. While cities like Milwaukee have begun to reduce the amounts of sewage they discharge, not enough is being done to terminate this harmful practice. Detroit, for example, dumps 13.2 billion gallons of sewage per year into the lakes. This has a devastating effect on the region's tourism sector. Studies estimate an economic loss of roughly $8,000 per day as a result of closing a Lake Michigan beach due to pollution. In 2005, sewage discharges contributed to the nearly 3,000 Great Lakes' beach closures, an increase of 5 percent over the previous year. In my own district, there were 150 beach closures in just 92 days of summer in 2004. This is unacceptable.

For years, the Clean Water State Revolving Fund has helped to fund billions of dollars worth of water quality projects, but Federal funding for this program is declining. The Environmental Protection Agency and the Government Accountability Office estimated a $500 billion shortfall in clean water infrastructure investment over the next two decades. The important legislation in front of us would increase the authorization for the Clean Water State Revolving Fund, which is imperative if we want to escape this massive shortfall. I had proposed an amendment establishing an added financing mechanism while also adding significant incentive for States and cities to eliminate their pollution into the Great Lakes.

The Kirk amendment would have set a date certain, 2027, to end sewage dumping directly into the Great Lakes by increasing fines for dumping to $100,000 per violation, per day. The next 20 years would allow municipalities to upgrade their sewage system and ensure a level playing field for all communities along the Great Lakes. This would not affect any current dumping restrictions or regulation. The amendment further would have established a Great Lakes clean-up fund within the Clean Water State Revolving Fund, to which all sewage dumping penalties would be directed. Funds would be used to spur projects to improve wastewater discharges and protect the water quality of our lakes with a special focus on greener options such as habitat protection and wetland restoration.

This amendment would have also required both cities and the EPA to publicly report dumping levels of sewage a year after enactment. Currently there is no uniform standard for public disclosure of wastewater violations. It is imperative that we understand the extent of the problem we are facing, and that education begins with public disclosure of all dumping into the Great Lakes.

With the growing populations living along the American and Canadian shores of the Great Lakes, it is appropriate to set a date that gives cities the time to make needed changes to their infrastructure to prohibit sewage dumping in the Great Lakes. We must preserve Great Lakes beaches, maintain the region's economic growth and protect the nation's largest supply of drinking water.

Madam Chairman, I support this bill in its current form. It would have been a better bill had the congressional leadership allowed the Kirk amendment to be considered. I do not understand why the House Democratic Leadership opposes setting a deadline to ban sewage dumping in Lake Michigan and other Great Lakes. By blocking my amendment, the congressional leadership missed a key opportunity to protect our environment.

Mr. MITCHELL. Madam Chairman, I rise today in support of the Water Quality Financing Act of 2007 because it restores much-needed funding for our Nation's wastewater infrastructure, and establishes a mechanism to finally bring Arizona its fair share of Federal funds.

For nearly three decades, the Federal Government has short-changed Arizona on wastewater infrastructure. Instead of allocating funds based on needs it has inequitably and inexplicably continued to use 1970 Census data as a part of its allocation formula.

Since 1970, our State has more than tripled in population. As a result, we have become the victims of an alarming disparity.

Arizona currently ranks 10th in need, and 20th in population, but only 38th in receipt of Federal funding for Clean Water State Revolving Funds.

On a per capita basis, Arizona ranks 53rd. We are dead-last. Even the territories do better then we do. This is unfair, and needs to change.

Fortunately, H.R. 720 will begin that process. It lays the groundwork for a transition away from the current, inequitable, allocation formula, and toward a new formula based on need.

Of course, the House is not the last word on this. The Senate will have its say as well. Fortunately, our state has a great champion in our distinguished Senator JON KYL. He has been a leader on this issue, and many other water issues, and I know he will fight to ensure that Arizona gets what it deserves as this bill works its way through the Senate. And when, I hope, this bill goes to conference, I look forward to working with Senator KYL, for the good of our State.

Before I conclude, I want to express my gratitude to our chairman, JAMES OBERSTAR. His mastery of transportation issues is exceeded only by his fairness, his willingness to listen, and his incredible ability to bring people together. It has been an honor to work with him on this bill, and I look forward to working with him as it continues its way through Congress.

With that, I urge my colleagues to support H.R. 720, and yield back the balance of my time.

Mr. ENGEL. Madam Chairman, I rise today in support of the Water Quality Financing Act of 2007. After 12 long years of little to no legislation supporting the environment, I am happy to stand up today to support a week of great environmental bills.

In celebration of Clean Environment Week in this House, the Democratic majority has brought forward three bills that will be good for the environment, good for the economy, and good for the people of New York and the rest of the Nation.

This bill, H.R. 720, will reauthorize the Clean Water State Revolving Loan Fund. The goal of this bill is to provide money to local governments in order for cities and towns across the country to improve and renovate their clean water infrastructure. The communities that will be using this money are extremely supportive of this bill.

The Clean Water Fund is essential to help States and municipalities make critical upgrades to their water infrastructure systems. In turn, these investments ensure clean water and foster economic development.

One of the most successful environmental programs in our Nation's history was the Clean Water Act of 1972. In the 35 years that it has been in existence, the Clean Water Act has helped to ensure that the water we drink as well as the bodies of water that we enjoy in nature will be clean and safe for use.

H.R. 720 will allow us to continue receiving the benefits of the Clean Water Act. It authorizes up to $20 billion over the next 5 years to keep our water and our environment clean.

Another bill we supported this week is H.R. 569, legislation to boost sewer overflow controls. This bill will authorize $1.8 billion over 5 years to prevent combined sewer overflow. Sewer overflow affects over 750 municipalities across the country.

During a heavy rainstorm, inadequate sewer facilities and infrastructure can easily overflow, causing major health concerns as well as an environmental mess. Madam Chairman, nobody here wants to see what happens when a sewer overflows into bodies of water around our neighborhoods. Yet Congress has done nothing to combat this problem over the past decade, despite a desperate need for action.

The total cost for fixing combined sewer systems across the country has been estimated to be about $50 billion. We cannot expect small towns and local governments to be able to pay for this renovation by themselves. And this problem is not lessening. Every year, we see antiquated sewer systems backing up and outdated infrastructure crumbling. The problem is getting worse, and the longer we wait, the more we will have to pay to fix it.

Combined sewer backups are likely to occur in 37 States and the District of Columbia. My home State of New York is one of the 37 States affected. The 17th District of New York straddles the Hudson River, which can flood under heavy rain conditions. Madam Chairman, I for one do not want to wait until we have sewers backing up in our own backyard before we take action. We have waited long enough, and passing H.R. 569 was a good first step in fixing these aging sewer systems.

For all these reasons, I support H.R. 720, and I would encourage my colleagues to do the same.

Mr. DINGELL. Madam Chairman, today I rise to voice my pleasure and support of the passage of H.R. 720, the Water Quality Financing Act. I would also like to pay tribute to Chairman OBERSTAR for his efforts in reauthorizing this program for the first time in 13 years. Chairman OBERSTAR is a dear friend of mine and he has been one of my greatest partners in our efforts to clean the Nation's waters.

Under President Bush's proposed fiscal year (FY) 2008 budget, the Clean Water State Revolving Loan Fund is facing a $16 million cut. H.R. 720, of which I am a proud cosponsor, would authorize $14 billion for the Clean Water State Revolving Loan Fund over the next 4 years, providing communities with the financial means to construct municipal wastewater treatment plants. In recent years, Michigan has seen over 1,000 separate sewer overflows, totaling over 20 billion gallons of spilled sewage. Funding through the Clean Water State Revolving Load Fund is crucial to preventing further such disasters in Michigan.

Since Congress passed the Clean Water Act, the Federal government has provided more than $82 billion for wastewater assistance which led to tremendous improvements in our wastewater infrastructure. However, this infrastructure is starting to deteriorate, leading to sewage and untreated waste flowing into our rivers and lakes and leaking onto our roads and even into our basements. It has been estimated by the EPA that each year, overflows from sewer systems discharge about 850 billion gallons of wastewater and storm water containing untreated waste, toxic debris, and other pollutants into the environment.

The Republican leadership allowed the Clean Water State Revolving Fund to expire in 1994 and has failed to reauthorize it because of their objection to the Davis-Bacon prevailing wage law. Furthermore, my colleagues on the other side of the aisle have cut funding by 34 percent. Unfortunately the Republican-controlled Congress has not been our only barrier; the Bush Administration has also repeatedly tried to obstruct clean water programs. In fact this week the White House issued a Statement of Administration policy conveying the President's opposition to H.R. 569 and H.R. 700, describing the bills as "excessive" and "unrealistic in the current fiscal environment" respectively. We have watched these setbacks to our clean water programs for far too long. I urge the Senate to pass these bills and show this Administration that the Congress will not let our waters be neglected any longer.

Mr. HULSHOF. Madam Chairman, I rise in support of H.R. 720, the Water Quality Financing Act of 2007. I am pleased to support this important and needed reauthorization of the Clean Water State Revolving Fund.

Economic growth can only occur if the infrastructure, the roads, the power grids, and the water/wastewater systems can accommodate this growth. A community cannot prosper without suitable infrastructure.

Too often, this vital infrastructure is not keeping up with the existing needs or future development. A recent report by the Environmental Protection Agency, EPA, found that, "without continued improvements in wastewater treatment infrastructure, future population growth will erode away many of the Clean Water Act achievements." Further EPA studies have found there to be a gap of $181 billion between the revenue that is available and the wastewater infrastructure that is needed. It is expected that this gap will widen to more than $500 billion by 2019.

These shortfalls unfortunately hit small communities the hardest. Water systems that serve these communities face a continued battle to keep their infrastructure in working order, all the while construction and maintenance costs continue to rise. Moreover, small systems simply do not have the ability to pass these costs on to their consumers.

The Clean Water State Revolving Fund has helped address this need. This program allows communities to seek Federal and State dollars from the fund. From FY 2002 through FY 2006 the Missouri SRF provided $745,776,200 in loans to water systems. These dollars went to create new collection sewers, replace existing or outdated sewers, and build treatment and secondary treatment plants. Without these updates, the environment around Missouri communities would have suffered. So for these reasons I rise in support of this legislation.

But I have concerns about extending Davis-Bacon Act requirements to all dollars within the Clean Water State Revolving Fund. While it is true the prevailing wage requirements of Davis-Bacon were attached to Federal dollars in the Clean Water State Revolving Fund program from 1972 through 1995, these requirements have never been attached to the State dollars in the Clean Water State Revolving Fund.

The unprecedented move of placing prevailing wage requirements on all State Revolving Fund dollars is bad national policy. Placing Davis-Bacon on all dollars within the State Revolving Fund is a gross overreach of Congressional power. Though Missouri does apply prevailing wage requirements, 18 States have said through referendum or resolution that they don't want to have a prevailing wage law. This is a decision that should remain at the State level, not be subverted by the Federal government. Unfortunately, H.R. 720 says to the residents and lawmakers of these States, "you were wrong and we're not going to listen to you." This is wrong. Congress should not be in the business of preempting State law in this area. For this reason, I voted for the Baker Amendment which sought to remove the Davis-Bacon provision from the bill. I was disappointed that this amendment was not adopted.

Because of the pressing need to improve our Nation's wastewater infrastructure, I will support this legislation but I do so with serious reservations about the Davis-Bacon requirements in the underlying bill. I am voting to move this important bill on to the Senate, but it is imperative that this unjustified and inappropriate provision be removed as this measure moves tough the legislative process.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110-36, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the "Water Quality Financing Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Federal Water Pollution Control Act.

TITLE I—TECHNICAL AND MANAGEMENT ASSISTANCE

Sec. 101. Technical assistance.
Sec. 102. State management assistance.
Sec. 103. Watershed pilot projects.

TITLE II—CONSTRUCTION OF TREATMENT WORKS

Sec. 201. Sewage collection systems.
Sec. 202. Treatment works defined.
Sec. 203. Policy on cost effectiveness.

TITLE III—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

Sec. 301. General authority for capitalization grants.
Sec. 302. Capitalization grant agreements.
Sec. 303. Water pollution control revolving loan funds.
Sec. 304. Allotment of funds.
Sec. 305. Intended use plan.
Sec. 306. Annual reports.
Sec. 307. Technical assistance.
Sec. 308. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Definition of treatment works.
Sec. 402. Funding for Indian programs.

TITLE V—STUDIES

Sec. 501. Study of long-term, sustainable, clean water funding.
Sec. 502. Feasibility study of supplemental and alternative clean water funding mechanisms.

TITLE VI—TONNAGE DUTIES

Sec. 601. Tonnage duties.

SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

TITLE I—TECHNICAL AND MANAGEMENT ASSISTANCE

SEC. 101. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) make grants to nonprofit organizations—

"(A) to provide technical assistance to rural and small municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities in the planning, developing, and acquisition of financing for eligible projects described in section 603(c);

"(B) to provide technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the requirements of this Act; and

"(C) to disseminate information to rural and small municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking "and (6)" and inserting "(6)"; and

(2) by inserting before the period at the end the following: "; and (7) not to exceed $75,000,000 for each of fiscal years 2008 through 2012 for carrying out subsections (b)(3) and (b)(8), except that not less than 20 percent of the amounts appropriated pursuant to this paragraph in a fiscal year shall be used for carrying out subsection (b)(8)".

(c) SMALL FLOWS CLEARINGHOUSE.—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

(1) in the first sentence by striking "$1,000,000" and inserting "$3,000,000"; and

(2) in the second sentence by striking "1986" and inserting "2009".

(d) COMPETITIVE PROCEDURES FOR AWARDING GRANTS.—Section 104 (33 U.S.C. 1254(b)) is amended by adding at the end the following:

"(w) COMPETITIVE PROCEDURES FOR AWARDING GRANTS.—The Administrator shall establish procedures that, to the maximum extent practicable, promote competition and openness in the award of grants to nonprofit private agencies, institutions, and organizations under this section.".

SEC. 102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the semicolon at the end of paragraph (2) and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

"(3) such sums as may be necessary for each of fiscal years 1991 through 2007, and $300,000,000 for each of fiscal years 2008 through 2012;".

SEC. 103. WATERSHED PILOT PROJECTS.

(a) PILOT PROJECTS.—Section 122 (33 U.S.C. 1274) is amended—

*(1) in the section heading by striking "**WET WEATHER**"; and*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking "wet weather discharge";

(B) in paragraph (2) by striking "in reducing such pollutants" and all that follows before the period at the end and inserting "to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies"; and

(C) by adding at the end the following:

"(3) WATERSHED PARTNERSHIPS.—Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint

sources of pollution to reduce adverse impacts on water quality.".

(b) Authorization of Appropriations.—Section 122(c)(1) is amended by striking "for fiscal year 2004" and inserting "for each of fiscal years 2004 through 2012".

(c) Report to Congress.—Section 122(d) is amended by striking "5 years" and inserting "10 years".

TITLE II—CONSTRUCTION OF TREATMENT WORKS

SEC. 201. SEWAGE COLLECTION SYSTEMS.

Section 211 (33 U.S.C. 1291) is amended—

(1) by striking the section designation and all that follows through "(a) No" and inserting the following:

"SEC. 211. SEWAGE COLLECTION SYSTEMS.

"(a) In General.—No";

(2) in subsection (b) by inserting "Population Density.—" after "(b)"; and

(3) by striking subsection (c) and inserting the following:

"(c) Exceptions.—

"(1) Replacement and major rehabilitation.—Notwithstanding the requirement of subsection (a)(1) concerning the existence of a collection system as a condition of eligibility, a project for replacement or major rehabilitation of a collection system existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(1) and meets the requirement of paragraph (3).

"(2) New systems.—Notwithstanding the requirement of subsection (a)(2) concerning the existence of a community as a condition of eligibility, a project for a new collection system to serve a community existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(2) and meets the requirement of paragraph (3).

"(3) Requirement.—A project meets the requirement of this paragraph if the purpose of the project is to accomplish the objectives, goals, and policies of this Act by addressing an adverse environmental condition existing on the date of enactment of this paragraph.".

SEC. 202. TREATMENT WORKS DEFINED.

Section 212(2)(A) (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking "any works, including site";

(2) by striking "is used for ultimate" and inserting "will be used for ultimate"; and

(3) by inserting before the period at the end the following: "and acquisition of other lands, and interests in lands, which are necessary for construction".

SEC. 203. POLICY ON COST EFFECTIVENESS.

Section 218(a) (33 U.S.C. 1298(a)) is amended by striking "combination of devices and systems" and all that follows through the period at the end and inserting "treatment works that meets the requirements of this Act. The system may include water efficiency measures and devices.".

TITLE III—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 301. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking "for providing assistance" and all that follows through the period at the end and inserting the following: "to accomplish the objectives, goals, and policies of this Act by providing assistance for projects and activities identified in section 603(c).".

SEC. 302. CAPITALIZATION GRANT AGREEMENTS.

(a) Reporting Infrastructure Assets.—Section 602(b)(9) (33 U.S.C. 1382(b)(9)) is amended by striking "standards" and inserting "standards, including standards relating to the reporting of infrastructure assets".

(b) Additional Requirements.—Section 602(b) (33 U.S.C. 1382(b)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(3) by adding at the end the following:

"(11) the State will establish, maintain, invest, and credit the fund with repayments, such that the fund balance will be available in perpetuity for providing financial assistance in accordance with this title;

"(12) any fees charged by the State to recipients of assistance will be used for the purpose of financing the cost of administering the fund or financing projects or activities eligible for assistance from the fund;

"(13) beginning in fiscal year 2009, the State will include as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient—

"(A) has studied and evaluated the cost and effectiveness of innovative and alternative processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title, and has selected, to the extent practicable, a project or activity that may result in greater environmental benefits or equivalent environmental benefits when compared to standard processes, materials, techniques, and technologies and more efficiently uses energy and natural and financial resources; and

"(B) has considered, to the maximum extent practical and as determined appropriate by the recipient, the costs and effectiveness of other design, management, and financing approaches for carrying out a project or activity for which assistance is sought under this title, taking into account the cost of operating and maintaining the project or activity over its life, as well as the cost of constructing the project or activity;

"(14) the State will use at least 15 percent of the amount of each capitalization grant received by the State under this title after September 30, 2007, to provide assistance to municipalities of fewer than 10,000 individuals that meet the affordability criteria established by the State under section 603(i)(2) for activities included on the State's priority list established under section 603(g), to the extent that there are sufficient applications for such assistance;

"(15) treatment works eligible under section 603(c)(1) which will be constructed in whole or in part with funds made available under section 205(m) or by a State water pollution control revolving fund under this title, or both, will meet the requirements of, or otherwise be treated (as determined by the Governor of the State) under sections 204(b)(1), 211, 218, and 511(c)(1) in the same manner as treatment works constructed with assistance under title II of this Act;

"(16) a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State); and

"(17) the requirements of section 513 will apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both, in the same manner as treatment works for which grants are made under this Act.".

SEC. 303. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) Projects and Activities Eligible for Assistance.—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

"(c) Projects and Activities Eligible for Assistance.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance—

"(1) to any municipality or intermunicipal, interstate, or State agency for construction of publicly owned treatment works;

"(2) for the implementation of a management program established under section 319;

"(3) for development and implementation of a conservation and management plan under section 320;

"(4) for the implementation of lake protection programs and projects under section 314;

"(5) for repair or replacement of decentralized wastewater treatment systems that treat domestic sewage;

"(6) for measures to manage, reduce, treat, or reuse municipal stormwater;

"(7) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;

"(8) for measures to increase the security of publicly owned treatment works; and

"(9) for the development and implementation of watershed projects meeting the criteria set forth in section 122.".

(b) Extended Repayment Period.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by striking "20 years" and inserting "the lesser of 30 years or the design life of the project to be financed with the proceeds of the loan"; and

(2) in subparagraph (B) by striking "not later than 20 years after project completion" and inserting "upon the expiration of the term of the loan".

(c) Fiscal Sustainability Plan.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is further amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by inserting "and" at the end of subparagraph (D); and

(3) by adding at the end the following:

"(E) for any portion of a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under section 603(c)(1), the recipient of a loan will develop and implement a fiscal sustainability plan that includes—

"(i) an inventory of critical assets that are a part of that portion of the treatment works;

"(ii) an evaluation of the condition and performance of inventoried assets or asset groupings; and

"(iii) a plan for maintaining, repairing, and, as necessary, replacing that portion of the treatment works and a plan for funding such activities;".

(d) Administrative Expenses.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: ", $400,000 per year, or 1/5 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the State for such purpose regardless of the source".

(e) Technical and Planning Assistance for Small Systems.—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) to provide owners and operators of treatment works that serve a population of 10,000 or

fewer with technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, equipment replacement, repair schedules, and other activities to improve wastewater treatment plant management and operations; except that such amounts shall not exceed 2 percent of grant awards to such fund under this title.".

(f) Additional Subsidization.—Section 603 (33 U.S.C. 1383) is amended by adding at the end the following:

"(i) Additional Subsidization.—

"(1) In general.—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—

"(A) to benefit a municipality that—

"(i) meets the State's affordability criteria established under paragraph (2); or

"(ii) does not meet the State's affordability criteria if the recipient—

"(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

"(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the project or activity for which assistance is sought; and

"(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

"(B) to implement an innovative or alternative process, material, technique, or technology (including low-impact technologies nonstructural protection of surface waters, a new or improved method of waste treatment, and nutrient pollutant trading) that may result in greater environmental benefits, or equivalent environmental benefits at reduced cost, when compared to a standard process, material, technique, or technology.

"(2) Affordability criteria.—

"(A) Establishment.—On or before September 30, 2008, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under section 603(c)(1) if additional subsidization is not provided. Such criteria shall be based on income data, population trends, and other data determined relevant by the State.

"(B) Existing criteria.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A), the State may use the criteria for the purposes of this subsection. For purposes of this Act, any such criteria shall be treated as affordability criteria established under this paragraph.

"(C) Information to assist states.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

"(3) Priority.—A State may give priority to a recipient for a project or activity eligible for funding under section 603(c)(1) if the recipient meets the State's affordability criteria.

"(4) Set-aside.—

"(A) In general.—In any fiscal year in which the Administrator has available for obligation more than $1,000,000,000 for the purposes of this title, a State shall provide additional subsidization under this subsection in the amount specified in subparagraph (B) to eligible entities described in paragraph (1) for projects and activities identified in the State's intended use plan prepared under section 606(c) to the extent that there are sufficient applications for such assistance.

"(B) Amount.—In a fiscal year described in subparagraph (A), a State shall set aside for purposes of subparagraph (A) an amount not less than 25 percent of the difference between—

"(i) the total amount that would have been allotted to the State under section 604 for such fiscal year if the amount available to the Administrator for obligation under this title for such fiscal year had been equal to $1,000,000,000; and

"(ii) the total amount allotted to the State under section 604 for such fiscal year.

"(5) Limitation.—The total amount of additional subsidization provided under this subsection by a State may not exceed 30 percent of the total amount of capitalization grants received by the State under this title in fiscal years beginning after September 30, 2007.".

SEC. 304. ALLOTMENT OF FUNDS.

(a) In General.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

"(a) Allotments.—

"(1) Fiscal years 2008 and 2009.—Sums appropriated to carry out this title for each of fiscal years 2008 and 2009 shall be allotted by the Administrator in accordance with the formula used to allot sums appropriated to carry out this title for fiscal year 2007.

"(2) Fiscal year 2010 and thereafter.—Sums appropriated to carry out this title for fiscal year 2010 and each fiscal year thereafter shall be allotted by the Administrator as follows:

"(A) Amounts that do not exceed $1,350,000,000 shall be allotted in accordance with the formula described in paragraph (1).

"(B) Amounts that exceed $1,350,000,000 shall be allotted in accordance with the formula developed by the Administrator under subsection (d).".

(b) Planning Assistance.—Section 604(b) (33 U.S.C. 1384(b)) is amended by striking "1 percent" and inserting "2 percent".

(c) Formula.—Section 604 (33 U.S.C. 1384) is amended by adding at the end the following:

"(d) Formula Based on Water Quality Needs.—Not later than September 30, 2009, and after providing notice and an opportunity for public comment, the Administrator shall publish an allotment formula based on water quality needs in accordance with the most recent survey of needs developed by the Administrator under section 516(b).".

SEC. 305. INTENDED USE PLAN.

(a) Integrated Priority List.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

"(g) Priority List.—

"(1) In general.—For fiscal year 2009 and each fiscal year thereafter, a State shall establish or update a list of projects and activities for which assistance is sought from the State's water pollution control revolving fund. Such projects and activities shall be listed in priority order based on the methodology established under paragraph (2). The State may provide financial assistance from the State's water pollution control revolving fund only with respect to a project or activity included on such list. In the case of projects and activities eligible for assistance under section 603(c)(2), the State may include a category or subcategory of nonpoint sources of pollution on such list in lieu of a specific project or activity.

"(2) Methodology.—

"(A) In general.—Not later than 1 year after the date of enactment of this paragraph, and after providing notice and opportunity for public comment, each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall establish a methodology for developing a priority list under paragraph (1).

"(B) Priority for projects and activities that achieve greatest water quality improvement.—In developing the methodology, the State shall seek to achieve the greatest degree of water quality improvement, taking into consideration the requirements of section 602(b)(5) and section 603(i)(3) and whether such water quality improvements would be realized without assistance under this title.

"(C) Considerations in selecting projects and activities.—In determining which projects and activities will achieve the greatest degree of water quality improvement, the State shall consider—

"(i) information developed by the State under sections 303(d) and 305(b);

"(ii) the State's continuing planning process developed under section 303(e);

"(iii) the State's management program developed under section 319; and

"(iv) conservation and management plans developed under section 320.

"(D) Nonpoint sources.—For categories or subcategories of nonpoint sources of pollution that a State may include on its priority list under paragraph (1), the State may consider the cumulative water quality improvements associated with projects or activities in such categories or subcategories.

"(E) Existing methodologies.—If a State has previously developed, after providing notice and an opportunity for public comment, a methodology that meets the requirements of this paragraph, the State may use the methodology for the purposes of this subsection.".

(b) Intended Use Plan.—Section 606(c) (33 U.S.C. 1386(c)) is amended—

(1) in the matter preceding paragraph (1) by striking "each State shall annually prepare" and inserting "each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall annually prepare and publish";

(2) by striking paragraph (1) and inserting the following:

"(1) the State's priority list developed under section 603(g);";

(3) in paragraph (4)—

(A) by striking "and (6)" and inserting "(6), (15), and (17)"; and

(B) by striking "and" at the end;

(4) by striking the period at the end of paragraph (5) and inserting "; and"; and

(5) by adding at the end the following:

"(6) if the State does not fund projects and activities in the order of the priority established under section 603(g), an explanation of why such a change in order is appropriate.".

(c) Transitional Provision.—Before completion of a priority list based on a methodology established under section 603(g) of the Federal Water Pollution Control Act (as amended by this section), a State shall continue to comply with the requirements of sections 603(g) and 606(c) of such Act, as in effect on the day before the date of enactment of this Act.

SEC. 306. ANNUAL REPORTS.

Section 606(d) (33 U.S.C. 1386(d)) is amended by inserting "the eligible purpose under section 603(c) for which the assistance is provided," after "loan amounts,".

SEC. 307. TECHNICAL ASSISTANCE.

Title VI (33 U.S.C. 1381 et seq.) is amended—

(1) by redesignating section 607 as section 608; and

(2) by inserting after section 606 the following:

"SEC. 607. TECHNICAL ASSISTANCE.

"(a) Simplified Procedures.—Not later than 1 year after the date of enactment of this section, the Administrator shall assist the States in establishing simplified procedures for treatment works to obtain assistance under this title.

"(b) Publication of Manual.—Not later than 2 years after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist treatment works in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

"(c) Compliance Criteria.—At the request of any State, the Administrator, after providing notice and an opportunity for public comment, shall assist in the development of criteria for a State to determine compliance with the conditions of funding assistance established under sections 602(b)(13) and 603(d)(1)(E).".

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 608 (as redesignated by section 307 of this Act) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) $2,000,000,000 for fiscal year 2008;

"(2) $3,000,000,000 for fiscal year 2009;

"(3) $4,000,000,000 for fiscal year 2010; and

"(4) $5,000,000,000 for fiscal year 2011.".

TITLE IV—GENERAL PROVISIONS

SEC. 401. DEFINITION OF TREATMENT WORKS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

"(25) Treatment works.—The term 'treatment works' has the meaning given that term in section 212.".

SEC. 402. FUNDING FOR INDIAN PROGRAMS.

Section 518(c) (33 U.S.C. 1377) is amended—

(1) by striking "The Administrator" and inserting the following:

"(1) Fiscal years 1987–2006.—The Administrator";

(2) in paragraph (1) (as so designated)—

(A) by inserting "and ending before October 1, 2006," after "1986,"; and

(B) by striking the second sentence; and

(3) by adding at the end the following:

"(2) Fiscal year 2007 and thereafter.—For fiscal year 2007 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 1.5 percent of the funds made available to carry out title VI.

"(3) Use of funds.—Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve—

"(A) Indian tribes;

"(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

"(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).".

TITLE V—STUDIES

SEC. 501. STUDY OF LONG-TERM, SUSTAINABLE, CLEAN WATER FUNDING.

(a) Study.—Not later than 30 days after the date of enactment of this Act, the Comptroller General shall commence a study of the funding mechanisms and funding sources available to establish a Clean Water Trust Fund.

(b) Contents.—The study shall include an analysis of potential revenue sources that can be efficiently collected, are broad based, are related to water quality, and that support the annual funding levels authorized by the amendments made by this Act.

(c) Consultation.—In conducting the study, the Comptroller General, at a minimum, shall consult with Federal, State, and local agencies, representatives of business and industry, representatives of entities operating publicly owned treatment works, and other interested groups.

(d) Report.—Not later than January 1, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

SEC. 502. FEASIBILITY STUDY OF SUPPLEMENTAL AND ALTERNATIVE CLEAN WATER FUNDING MECHANISMS.

(a) Study.—Not later than 30 days after the date of enactment of this Act, the Comptroller General shall commence a study of funding mechanisms and funding sources potentially available for wastewater infrastructure and other water pollution control activities under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) Contents.—The study shall include an analysis of funding and investment mechanisms and revenue sources from other potential supplemental or alternative public or private sources that could be used to fund wastewater infrastructure and other water pollution control activities under the Federal Water Pollution Control Act.

(c) Consultation.—In conducting the study, the Comptroller General, at a minimum, shall consult with Federal, State, and local agencies, representatives of business, industry, and financial investment entities, representatives of entities operating treatment works, and other interested groups.

(d) Report.—Not later than January 1, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

TITLE VI—TONNAGE DUTIES

SEC. 601. TONNAGE DUTIES.

(a) In General.—Section 60301 of title 46, United State Code, is amended—

*(1) in the section heading by striking "**taxes**" and inserting "**duties**";*

(2) by amending subsections (a) and (b) to read as follows:

"(a) Lower Rate.—

"(1) Imposition of duty.—A duty is imposed at the rate described in paragraph (2) at each entry in a port of the United States of—

"(A) a vessel entering from a foreign port or place in North America, Central America, the West Indies Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering the Caribbean Sea; or

"(B) a vessel returning to the same port or place in the United States from which it departed, and not entering the United States from another port or place, except—

"(i) a vessel of the United States;

"(ii) a recreational vessel (as defined in section 2101 of this title); or

"(iii) a barge.

"(2) Rate.—The rate referred to in paragraph (1) shall be—

"(A) 4.5 cents per ton (but not more than a total of 22.5 cents per ton per year) for fiscal years 2006 through 2007;

"(B) 9.0 cents per ton (but not more than a total of 45 cents per ton per year) for fiscal years 2008 through 2017; and

"(C) 2 cents per ton (but not more than a total of 10 cents per ton per year) for each fiscal year thereafter.

"(b) Higher Rate.—

"(1) Imposition of duty.—A duty is imposed at the rate described in paragraph (2) on a vessel at each entry in a port of the United States from a foreign port or place not named in subsection (a)(1).

"(2) Rate.—The rate referred to in paragraph (1) shall be—

"(A) 13.5 cents per ton (but not more than a total of 67.5 cents per ton per year) for fiscal years 2006 through 2007;

"(B) 27 cents per ton (but not more than a total of $1.35 per ton per year) for fiscal years 2008 through 2017, and

"(C) 6 cents per ton (but not more than a total of 30 cents per ton per year) for each fiscal year thereafter."; and

(3) in subsection (c) by striking "taxes" and inserting "duties".

(b) Conforming Amendments.—Such title is further amended—

(1) by striking the heading for subtitle VI and inserting the following:

"Subtitle VI—Clearance and Tonnage Duties";

*(2) in the headings of sections in chapter 603, by striking "**TAXES**" each place it appears and inserting "**DUTIES**";*

(3) in the heading for subsection (a) of section 60303, by striking "Tax" and inserting "Duty";

(4) in the text of sections in chapter 603, by striking "taxes" each place it appears and inserting "duties"; and

(5) in the text of sections in chapter 603, by striking "tax" each place it appears and inserting "duty".

(c) Clerical Amendments.—Such title is further amended—

(1) in the title analysis by striking the item relating to subtitle VI and inserting the following:

"VI. CLEARANCE AND TONNAGE DUTIES .... 60101";

and

(2) in the analysis for chapter 603—

(A) by striking the items relating to sections 60301 and 60302 and inserting the following:

"60301. Regular tonnage duties.
"60302. Special tonnage duties.";

and

(B) by striking the item relating to section 60304 and inserting the following:

"60304. Presidential suspension of tonnage duties and light money.".

The CHAIRMAN. No further amendment to the committee amendment is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–36.

Mr. STUPAK. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Stupak:

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

SEC. 503. GREAT LAKES WATER QUALITY.

(a) Study.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State and the Government of Canada, shall conduct a study of the condition of wastewater treatment facilities located in the United States and Canada that discharge into the Great Lakes.

(b) Contents.—In conducting the study, the Administrator shall—

(1) determine the effect that such treatment facilities have on Great Lakes water quality; and

(2) develop recommendations—

(A) to improve water quality monitoring by the operators of such treatment facilities;

(B) to establish a protocol for improved notification and information sharing between the United States and Canada; and

(C) to promote cooperation between the United States and Canada to prevent the discharge of untreated and undertreated waste into the Great Lakes.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the International Joint Commission and Federal, State, and local governments.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(2).

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Thank you, Madam Chairman.

I thank the Rules Committee for making my amendment in order. I rise today to continue to protect the Great Lakes, as it is the source of drinking water for 45 million people and the recreational and economic livelihood of the region which depends heavily on a healthy Great Lakes.

There are a large number of wastewater facilities in both the United States and Canada that discharge treated and untreated sewer water into the Great Lakes. While these facilities do everything they can to prevent polluting the Great Lakes, there are times when untreated or undertreated wastewater is released.

Once this pollution occurs, it can be difficult to determine that a wastewater treatment facility is the source, the effects of these discharges on the Great Lakes, and the steps needed to stop the pollution and clean up any damage.

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For example, Sault Ste. Marie, Michigan, and Sault Ste. Marie, Ontario, Canada, have faced tremendous problems with E. coli, coliform, and other bacteria in the water near a wastewater treatment facility in Ontario, Canada. These two cities are separated by the St. Mary's River, which connects Lake Superior to Lake Huron.

Under the direction of the EPA, the Chippewa County, Michigan, Health Department has undertaken significant monitoring of the St. Mary's River. The Ontario Ministry of Environment has also begun testing.

However, because there is disagreement about the source of the pollution, there is little to be done to correct the issue. Even though both sides are now beginning to monitor the river, a lack of communication and cooperation still presents a significant roadblock in accomplishing a solution.

My amendment would require the EPA, in consultation with the State Department and the Canadian government, to study wastewater treatment facilities that discharge into the Great Lakes. The study would include recommendations on ways to improve monitoring, information sharing and cooperation between the United States and Canada. The U.S. and Canada must work together to limit harmful wastewater discharges into the Great Lakes.

My amendment will allow the EPA to offer solutions to the notice, protocol and information sharing problems the U.S. and Canada face. By improving monitoring and communication, the U.S. and Canada can work together to solve problems created by wastewater treatment facilities discharging into the Great Lakes. The Congressional Budget Office has indicated there will not be any direct spending as a result of my amendment.

I wish to thank the staff of Transportation and Infrastructure Committee as well as the staff of the Foreign Affairs Committee and my personal staff for their assistance in crafting this amendment. I look forward to continuing with them as this legislation moves forward.

Madam Chairman, I reserve the balance of my time.

Mr. BAKER. Madam Chairman, I claim the time in opposition, although I am not in opposition to the gentleman's amendment.

The CHAIRMAN. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

There was no objection.

Mr. BAKER. Madam Chairman, I would yield time to the chairman of the full committee if he so chooses to claim time.

Mr. OBERSTAR. I thank the gentleman very much for his courtesy and if he would yield 3 minutes?

Mr. BAKER. Certainly.

Mr. OBERSTAR. I thank the gentleman.

Twenty years ago, March 3, 1987, the gentleman from Pennsylvania, Mr. Clinger, the Republican ranking member on the Subcommittee on Investigations and Oversight, which I had the privilege of chairing, and I held a hearing on this very subject, on the U.S.-Canada Great Lakes Water Quality Agreement. We observed the agreement was signed in 1972 and renewed in 1978.

It continues in perpetuity, but we observed, while progress has been made, while the Cuyahoga River no longer catches on fire, the bad news is that a great deal of that improvement is due to economic decline in the steel industry. Industries that formerly dumped waste are no longer operating.

Fish are able to survive, but now they are surviving with cancers. Some areas of the lakes where birds are deformed because of Toxiphene and Dieldrin. Mr. Clinger and I both observed the real test of our commitment is yet to come. Will we break out of the planning and research cycle, which we have failed to do in the case of acid rain, and begin to implement protective measures which would strengthen the laws and effective remedial programs.

Some of that has been accomplished in the ensuing years. The gentleman's proposal would move us further along during this Great Lakes week that we are celebrating on Capitol Hill with our colleagues throughout the Great Lakes States. The amendment would require the Administrator of EPA, in consultation with the Secretary of State and the governor of Canada, to identify problems with the wastewater infrastructure on both sides of the Great Lakes, develop recommendations for increased notification of overflows and increased cooperation. Those are all good and valid and important initiatives which we have pursued in a bipartisan effort within our committee for, as I said, over 20 years.

The gentleman's district is the bridge between the upper Lake Superior and the lower lakes. The St. Mary's River moves 130,000 cubic feet per second, and he is astutely vigilant over water quality.

I think accepting this amendment will move the purpose of intergovernmental cooperation further along, and I assure the gentlemen on both sides, I will work with the Committee on Foreign Affairs to fashion this bill, this language further as we go to conference with the other body.

Mr. BAKER. Madam Chair, I share the comments of our Chairman. I know of no opposition on our side, and I accordingly yield back the balance of our time.

Mr. STUPAK. Let me thank Mr. BAKER and Mr. OBERSTAR for their help in support of this amendment.

Madam Chairman, we do realize we have to make some minor modifications in this amendment, and I look forward to their continued help and support in that direction. I am always amazed at the knowledge of the chairman, Mr. OBERSTAR, as he went back 20 years to recite language.

He was absolutely right about the flow of the St. Mary's river, 130,000 cubic feet per second. I am always amazed at his knowledge of the Great Lakes and his support for the Great Lakes.

All this amendment is saying is that the U.S. and Canada must work together to prevent harmful discharges into the Great Lakes. My amendment will allow the EPA to offer solutions to notice, protocol and information sharing between our two countries in the face of monitoring, communicating and eventually working together to resolve the problems created by waste charge facilities which discharge treated and untreated water into our Great Lakes.

Again, no direct spending will result as a result of my amendment or in the CBO, and I encourage my colleagues to support this amendment.

Mr. LANTOS. Madam Chairman, I rise in support of H.R. 720, the Water Quality Financing Act of 2007, I would like to thank my distinguished colleague, Chairman of the Transportation and Infrastructure Committee, JAMES OBERSTAR, and my friend from Michigan, BART STUPAK, for their work on the Great Lakes Water Quality amendment.

This amendment calls for a study to examine the effect that waste water treatment facilities feeding into the Great Lakes are having on the water quality of the largest fresh water system in the world. I want to commend my good friend from Michigan for raising this important issue. I believe, however, that a study of this kind can only be conducted in collaboration with the Department of State, the International Joint Commission, which is a joint U.S.-Canada border commission, and the Government of Canada itself. We must all recognize that this study cannot be completed without cooperation from our friends north of the border. I hope that as this legislation moves through the legislative process we will be able to examine the role that the International Joint Commission can play in I conducting this study and ensuring a bi-national environment open to the research needs of this examination.

I thank Representative STUPAK for bringing this important amendment to the bill. I also wish to thank Chairman OBERSTAR for agreeing to work with the Committee on Foreign Affairs as this legislation moves forward on these issues to ensure the most informative outcome for this important study.

Mr. STUPAK. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BAKER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–36.

Mr. BAKER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BAKER:

Page 12, line 9, insert "and" after the semicolon.

Page 12, line 20, strike the semicolon and all that follows before the first period on page 13, line 3.

Page 25, line 3, strike "(6), (15), and (17)" and insert "(6) and (15)".

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Louisiana (Mr. BAKER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BAKER. Madam Chairman, at this time I would yield 3 minutes to the cosponsor of the amendment, Mr. KING.

Mr. KING of Iowa. I thank the gentleman from Louisiana for working so well together on this amendment.

Madam Chairman, really all this amendment does is it just stops the expansion of the Davis-Bacon, and it says we are not going to move this Davis-Bacon into a revolving fund. That is what the language that is in the underlying bill does, and this amendment simply strikes out the insertion that applies Davis-Bacon.

So what does that really mean is a question that Members need to evaluate when they are thinking about what kinds of services and what kind of work can we get done out there across America. I understand the intensity of the Louisianans here today. They have a lot at stake. That is why we brought this legislation.

In the $14 billion cumulative total that is part of this overall bill, I know, from hands-on experience being a contractor who has bid projects both ways, Davis-Bacon and merit shop, and my average number is a 20 percent increase; there are numbers out there higher and lower, but 20 percent, this bill wastes at least $2.8 billion. That could be projects. That could be projects that are going to help the people in this country.

That money is at least wasted, but then it goes into the revolving fund, and it pollutes the rest of those dollars that are in there. So if I do the calculation on this, we come up with a number, it will be about $280 billion over time; 20 percent of that is $56 billion. So we are not putting just $2.8 billion here into the waste bin; we are putting $56 billion perhaps into the waste bin, Madam Chair, and it keeps us from being able to get these taxpayers' resources into projects that can really help people, especially the people that so desperately need them.

I will tell you from my experience as a contractor who has worked and bid Davis-Bacon projects, I have gone into communities to bid these types of projects and had to do the bid according to the costs that are inflated into them, and had the community look at the overall bid, low bid. And I have been low bid, have had them reject my bid because it was too high; they couldn't afford it. They would pull the bid back, repackage the package without Davis-Bacon, and I could come in there cheaper, as did my competition, the community went without Federal dollars, as this inflated too much.

These communities went without Federal dollars because it was too expensive to use the Federal funding. That ought to tell us something. As they went back and they funded it out, they bonded it out themselves. They pulled it out of taxes. Sometimes they go back and raise private dollars because of the overall inflation that is imposed by this kind of policy. This is the one that goes in perpetuity.

You mark this revolving fund with this bill. And it isn't just these dollars, it is every single dollar that touches it from this day forward on into the future of the United States until some time comes that this Congress gets a grip, gets a hold of itself and decides we can't afford to be putting this on.

I would add also that as you have an employer and an employee, they agree what to work on. I listen to the gentleman, Mr. GEORGE MILLER, say it will keep them from making enough money to pay their health care. No, it is the other way around. It keeps us from hiring employees in year-round jobs where we provide, as the employer, the health care and retirement benefits because we can only afford to use them under these scales just for the job they have. It is inflationary. It is inefficient.

I would ask for a "yes" vote on the Baker-King amendment.

Mr. OBERSTAR. Madam Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Madam Chairman, I yield myself 1½ minutes.

This is an issue on which there is a genuine disagreement on both sides of the aisle and within the committee, and a deeply felt view on each side.

I think it is instructive, however, to look at the history of Davis-Bacon, which originated, actually, in 1927, on Long Island, a district represented by Congressman Robert L. Bacon, Republican of New York, who said wages are fair, and there has been no difficulty in the buildings grades between employer and employee for quite some time. But he was upset when a contractor came to him who had bid on construction of a federally funded hospital on Long Island and noted that the contract was awarded to an Alabama firm that came into Long Island with low-wage workers, whom he housed in tents on the property and underbid local contractors.

He said, that's not right, you have to help us stop these underbidding contractors from coming in and taking away local jobs. He, Bacon, introduced legislation that did not inflate wages, as he said, artificially, but assured that government respects the existing local standard.

A few years, a year later, the Secretary of Labor, James Davis, supported that bill. By March 3, 1931, Davis had left labor, got elected to the Senate, and the two of them authored this legislation. It was signed into law March 3, 1931, by President Herbert Hoover.

Mr. BAKER. May I inquire as to the time remaining.

The CHAIRMAN. Two minutes are remaining.

Mr. BAKER. I claim the remaining time.

I certainly respect the chairman's knowledge and views of these matters and appreciate that on 95 percent of the issues before the committee, we are generally in unanimity.

On this particular point, I would like to bring the issue to that of the individual who is trying to rebuild their home in the difficult area of south Louisiana. Materials are short, workmen are hard to find. Do we really want to tell an individual trying to rebuild their personal home, you are going to have to meet a government wage rate in order to build this house or else you cannot build it? This is about government injecting itself into a free market process, all for no apparent reason that is clear to me.

It will make the compliance of the rules for the rural and lower income communities much more difficult to achieve. Compliance with the Davis-Bacon provisions is a difficult and cumbersome task.

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And where we have low-income communities, where resources are greatly limited, we are now going to require additional regulatory burden and a higher wage rate that is artificial to further inhibit the ability of that community rebuild. We wouldn't contemplate having that set of requirements on the individual trying to rebuild their own home, but yet we are going to force that set of standards on communities across this Nation, even where States have no Davis-Bacon provisions at the State level at all. And that I think is the most troublesome aspect of the implementation of the proposal as constructed. Eighteen States have chosen not to require a Davis-Bacon implementation, and yet we here in the Congress by virtue of the State revolving infrastructure fund are going to require those States now to comply with these new standards. I hope Members will carefully consider the consequences of this amendment and vote for the Baker-King amendment.

Mr. OBERSTAR. Madam Chair, I yield 2 minutes to the chair of the subcommittee, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I strongly oppose the Baker-King amendment. I am from a working family, and I stand with the American workers. The amendment would strip the prevailing wages protection from the bill.

Since 1931, the Davis-Bacon Act has provided a living wage for American workers, and as the authors of the Davis-Bacon Act knew then and as we continue to know today, the greatest way to improve the quality of life for our Nation's workers is for the Nation as a whole to provide workers with an honest living for an honest day's work.

We save nothing when we give people little pay or we pay it through other sources, by more taxes, more welfare rolls. I would much rather have people working.

It has been well documented by this committee that every $1 billion invested in transportation and water infrastructure creates 40,000 jobs. As of today, 31 States have enacted their own prevailing wage laws of publicly funded construction projects. And you check this with me: Those States that are against it have more poor people than the ones that have it. In some of these States, prevailing wage laws result in even higher wages to workers than if the Federal Davis-Bacon were alone, in effect. Studies have shown that the prevailing wage protections offered by Davis-Bacon in fact attracts better workers with more experience and training who are more productive than the less experienced, less trained workers. So it really saves money in the long run.

We need not to interfere with the Davis-Bacon provision. I support this bill.

Mr. OBERSTAR. Madam Chair, I yield myself the balance of my time.

In 1930, as the Davis-Bacon language was being shaped and debated in the Senate and in the House, Senator Davis of Pennsylvania, a Republican, and Congressman Bacon of New York, a Republican, said: The essence is this. Is the government willing, for the sake of the lowest bidder, to break down all labor standards and have its work done by the cheapest labor that can be secured and shipped from State to State?

When the bill was taken up at the Senate, Robert LeFollette, chairman of the Committee on Manufacturers, the Republican chairman of the committee, noted that practices were not only disturbing to labor but disturbing to the business community as well and urged that this measure be speedily enacted. It does not require the government to establish new wage scales; it merely gives the government power to require its contractors to pay the prevailing wage scales in the vicinity of the building projects.

Now, the prevailing wage scale in the vicinity of building projects in Louisiana, for example, an average common laborer gets $7.86 an hour. That is the prevailing wage. I don't know how you save any more money by going lower than $7.86 an hour. The average well driller in Louisiana is paid $11.40 an hour. I don't know how you get much lower than that in order to save money.

This Davis-Bacon provision is prevailing, not union wage. If I could, I would support in law the union wage, but we are not doing that. It is the prevailing local wage. I urge defeat of the amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Louisiana (Mr. BAKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BAKER. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HALL OF NEW YORK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-36.

Mr. HALL of New York. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HALL of New York:

Page 23, line 9, strike "and whether such" and insert ", whether such".

Page 23, line 11, insert before the period at the end the following: ", and whether the proposed projects and activities would address water quality impairments associated with existing treatment works".

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from New York (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HALL of New York. Madam Chair, I yield myself such time as I may consume.

I rise today with my esteemed colleague from Oregon to offer an amendment that will help communities across the country pay for wastewater projects, protect their environment and preserve their open spaces by combating sprawl.

Today's action on the underlying bill comes not a moment too soon. Nationwide, there is over a $300 billion shortfall in funding for wastewater projects. In my district, we have $500 million in projects that can't get funding just because the dollars aren't there.

Communities in the Hudson Valley and elsewhere are also trapped in a battle to balance the booming population with the preservation of water resources and open spaces.

By requiring States to prioritize spending of revolving loan funds of moneys on existing projects, this amendment will help address both of these challenges by helping to bolster existing communities, instead of haphazardly subsidizing the building of new developments.

There is an old adage that says, "Work smarter, not harder." For many of our rural and suburban and rural communities, the only way to accommodate growth without sacrificing precious open space is to build smarter, not wider. Targeting moneys to projects that will help existing communities provide expanded and improved water treatment will meet that test. Without a smart growth strategy, the loss of open spaces, runoff created by the change from soil to pavement and other impacts will wreak havoc on our environment.

If we don't take aggressive action to make smart growth the guiding principle of development, we will end up squandering our resources, jeopardizing our health, and damaging our economy.

The amendment will also do one thing that I think, quite frankly, the Federal Government should be doing more of, giving property taxpayers and municipalities much needed relief.

Madam Chairman, I reserve the balance of my time.

Mr. BAKER. Madam Chair, I rise to claim the time in opposition, although I am not in opposition.

The CHAIRMAN. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

There was no objection.

Mr. BAKER. Madam Chair, I reserve the balance of my time.

Mr. HALL of New York. I yield the balance of my time to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I must say I have enjoyed the opportunity to work with him on this amendment.

Madam Chair, it is a pleasure to see the people; I feel a little angst not being on the Transportation Committee, I must say, and I keep gravitating down to the floor because of the important work that is being done.

I deeply appreciate Congressman HALL's work in the water resource area. I know he comes from an area that is challenged in terms of water resources and environmental threats and has long been a leader before he came to Congress. I deeply appreciate his leadership in this regard, and I was pleased to partner with him on this amendment because it will strengthen the bill to target effectiveness and support where the needs are greatest. As Mr. HALL mentioned, there is a deep concern that we target the resources where they will make the most difference.

There is another adage that I would offer up, and that is, "Fix it first." We are dealing with an aging water infrastructure problem that is hundreds of billions of dollars, national in scope. The work that the Transportation Infrastructure Committee has done already in the last 12 weeks is moving us forward on an aggressive agenda. But by being able to target this money in areas where the need is the greatest, not to add to the inventory that is already overloaded, I think is an important area of priority.

I look forward to the approval of this amendment, working with the gentleman, working with the committee, working with our other colleagues. We have massive problems around the country where we need to be focusing; and I note my friend and colleague from Louisiana there, we have got unfinished business there as well. And the extent to which we are able to work in the Transportation and Infrastructure Committee and in this Congress to be able to put the dollars where they will do the most good is important.

Being able to have thoughtful infrastructure investment in ways that reinforce smart growth, where it needs to be, where it will have the most impact, is an important principle. I am pleased that, with the adoption of this amendment, we will be able to enshrine it in this legislation, and I hope that it finds its way in the work that will come forward with this committee throughout the course of this Congress.

Mr. HALL of New York. Madam Chair, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Chair, this language reinforces or adds an additional provision to section 305(b) of the act before us today. Section 602(b) reaffirms the deadlines, goals and requirements of the Clean Water Act, fishable-swimmable water goals. Section 603 deals with the affordability. And we have already prioritized in the basic legislation targeting funds to lower income communities to ensure that they get their fair share. This language will just take that affordability language one step further and impose on States the requirement to give full, fair consideration to projects that deal with immediate needs rather than adding capacity before you consider adding capacity.

Mr. BAKER. Having no objection to the amendment, I yield back all time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New York (Mr. HALL).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PLATTS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110-36.

Mr. PLATTS. Madam Chair, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PLATTS:

Page 12, line 7, insert "204(a)(6)," before "204(b)(1),".

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Madam Chair, the adoption of this amendment would help to ensure sufficient competition among the designers and manufacturers of water and wastewater treatment equipment across the country. It is premised on the idea that small firms ought to have the same chance at bidding on a project as large firms. In addition, with there being a critical need to upgrade our water and sewer infrastructure, requiring States to ensure a full and open competition would likely reduce the cost of the program and help finance additional and much needed projects.

This amendment would simply provide that, "No specification for bids shall be written in such a manner as to contain proprietary, exclusionary or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment."

The amendment further provides that, "When in the judgment of the grantee, it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a 'brand name or equal' description may be used as a means to define the performance or other salient requirements of a procurement, and in doing so the grantee may not establish existence of any source other than the brand or source so named."

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The language found in this amendment is the same competition requirement that was applied to grants provided under title II of the Federal Water Pollution Control Act. While not identical, it is also very similar to a competition requirement adopted by my home State of Pennsylvania for its revolving fund.

I appreciate the Rules Committee having made the amendment in order, and I urge a "yes" vote.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, I rise to ask unanimous consent to claim time in opposition to the amendment, though I am not in opposition to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Madam Chair, the gentleman's amendment would include an additional requirement on State revolving loans on authorities not previously part of the State Revolving Loan Fund Program. The provision of section 204(a)(6) of the Clean Water Act is a longstanding title II construction grants requirement. We don't have construction grants any more, since 1987, that does require "full and open bid competition for the construction of publicly owned treatment works."

The gentleman's amendment would prohibit financial assistance recipients from including bid specs that contain proprietary, exclusionary, discriminatory requirements, other than those based on performance.

I have asked the staff to review and I, myself, have reviewed the Federal acquisition regulations which are generic to the Federal Government. These requirements for full and open bid competition are in place. They do generically apply to provisions of the Clean Water Act.

However, I think it is appropriate and is not confusing, nor is it in opposition to the Federal acquisition regulations, to include the gentleman's amendment. Therefore, we accept the gentleman's amendment.

Madam Chair, I reserve the balance of my time.

Mr. PLATTS. Madam Chair, I appreciate the chairman's acceptance of the amendment and the work of his staff, as well as the ranking member of the full committee and the chairman and ranking member of the subcommittee. And, again, I appreciate their consideration and acceptance of the amendment.

Madam Chair, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chair, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. HIRONO

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–36.

Ms. HIRONO. Madam Chair, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. HIRONO:

Page 6, line 21, strike the closing quotation marks and the final period.

Page 6, after line 21, insert the following:

"(4) INTEGRATED WATER RESOURCE PLAN.—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or subwatershed basis to meet the objectives, goals, and policies of this Act.".

The CHAIRMAN. Pursuant to House Resolution 229, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Madam Chair, my amendment will add another allowable use of funds under section 103, Watershed Pilot Projects, to assist communities in developing integrated water resource plans for the coordinated management and protection of surface water, ground water and storm water resources on a watershed or subwatershed basis. The amendment does not add to the cost of the bill; it simply provides another option for communities in use of the grants funds.

It is important that communities look at the inner relationship between each of these water systems when devising management and protection plans. Management of storm water can certainly have an impact on the quality of surface waters, and the quality of surface water has an effect on the quality and safety of ground water.

This approach is very much in line with Hawaiian traditions of land management. The traditional Hawaiian land management unit, the ahupua'a, goes from the top of the mountain to the sea. Ancient Hawaiians understood that what happened on the mountain would affect resources at lower elevations, in coastal areas, and even in the ocean. The watershed model of natural resource management is a modern equivalent of the Hawaiian ahupua'a system.

It is important that we move to a more holistic way of looking at how our water systems interact. I ask my colleagues to support this amendment to provide communities with an opportunity to develop such integrated plans.

Madam Chairman, I reserve the balance of my time.

Mr. BAKER. Madam Chair, I rise to claim the time in opposition, although I am not in opposition and therefore ask for unanimous consent for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BAKER. Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Can I ask the gentleman if he could yield me 1 minute.

Mr. BAKER. I would be happy to yield the chairman 1 minute.

Mr. OBERSTAR. Madam Chairman, I thank the gentleman, and I want to thank the gentlelady for her amendment which reinforces a longstanding practice of this committee to deal with water resource needs on a watershed basis.

This watershed pilot project eligibility will greatly advance the cause of clean water and water availability.

The U.S. Geological Survey observed most recently there are clear connections between surface water, ground water, and the precipitation events that reach these areas. In our area, precipitation is snow. In Hawaii and Louisiana, it is rain. And impact on these water resources, whether through unchecked sources of pollution, wastewater, can have significant effects on the sources of water.

So the gentlelady's amendment will give an additional tool for communities to perfect and strengthen their planning for the best use and management of existing water resources, and we are happy to accept the amendment.

Mr. BAKER. Madam Chair, I have no further speakers. And having no objection, I yield back the balance of my time.

Ms. HIRONO. Madam Chair, I yield back the rest of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. WHITFIELD

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–36.

Mr. WHITFIELD. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WHITFIELD:

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. 104. POOL ELEVATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Notwithstanding any other provision of Federal law, beginning in the first July after the date of enactment of this Act, the Army Corps of Engineers, together with any other Federal agency that has the authority to change the pool elevation of Lake Barkley, Kentucky, shall establish and conduct a pilot program that, under normal weather conditions, extends the summer pool elevation of 359 feet on such lake from the current draw down date of July 1 until after the first Monday in September.

(b) PILOT PROGRAM DURATION.—Except as provided in subsection (d), the pilot program shall terminate on the first Monday in September two years after the pilot program begins.

(c) EVALUATION AND RECOMMENDATIONS.—Not later than 60 days after the first Monday in September two years after the pilot program begins, the Chief of Engineers of the Army Corps of Engineers shall evaluate the effectiveness of extending the pool elevation on Lake Barkley, Kentucky, under subsection (a) and report to the appropriate committees of Congress their findings, including any recommendations, regarding the extension of time for such lake elevation.

(d) CONTINUATION.—If the Army Corps of Engineers determines that the pilot program under this section is effective, the Corps shall continue the summer elevation of 359 feet on Lake Barkley, Kentucky, through the first Monday in September each year.

The CHAIRMAN. Pursuant to House Resolution 229, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Madam Chairman and members of the committee, I am offering this amendment today to simply create a 2-year pilot program to extend the summer pool at Lake Barkley, which is located in my district in western Kentucky.

Now, I would reiterate that this amendment does not do anything in a permanent nature, but simply asks for a 2-year pilot project.

Lake Barkley is one of those very shallow dams throughout the country. At the summer pool, the level is 359 feet.

Now, when Lake Barkley was created, in order to create it, a number of small communities in western Kentucky were flooded in the 1960s. And even today, despite the extensive use of this lake, old foundations, streets, highways and railroads are still visible in shallow areas in the lake. And when the Corps begins drawing down the summer pool, moving to the winter pool, they begin on July 1, right in the middle of summer season. As a result of that, it has created an unusually dangerous situation for recreational users of the lake, particularly boaters. And we have had significant and many serious accidents on this lake because of boats hitting tree stumps, old road beds and other obstructions. Just last August, a boating accident occurred, resulting in two fatalities, severely injuring three other people, which is just one example of how dangerous this early lowering of the lake can be.

In addition, recreation at the lake in the summer generates millions of dollars for a lot of small businessmen and women. And as I said, the fact that the Corps begins going to the winter pool in July, it does create significant issues for that area.

And so as I said, this amendment simply asks the Corps to extend that summer pool level of 359 feet from July until around Labor Day.

Now, it is my understanding that the chairman and other members of the committee, through information I received from staff, would prefer that I not offer this amendment today. And I am going to withdraw the amendment. But I would ask the chairman and the other members of the committee to please work with me. I would ask them to work with me to explore opportunities to address this problem in western Kentucky affecting Lake Barkley through either, one, considering my freestanding bill that establishes this 2-year project at the committee, or working with me maybe on the WRDA bill. Or I would not even object if the chairman wanted to consider this at the conference with the Senate.

But I am simply asking, and I will withdraw the amendment, and would ask the chairman and the members of the committee to work with me to try to address this unique problem affecting Lake Barkley.

Mr. OBERSTAR. Would the gentleman yield if he has time remaining?

Mr. WHITFIELD. I yield to the chairman.

Mr. OBERSTAR. The gentleman, in years past, has been very participatory in the work of our committee. Notably, on railroad issues several years ago the gentleman took the lead on a very contentious issue, and we have greatly appreciated his contribution then and want to work with the gentleman.

The amendment would implement the change to the elevation pool before completion of the environmental assessment.

We have the Water Resources Development Act ready, I think, to move within 2 weeks or so. I would like to join with the gentleman in ascertaining from the Corps the status of that environmental assessment and then determining, depending on where they stand with it, we could either dispense with the EIS and include the gentleman's provision in our WRDA bill, or if it is ready to go, if the EIS is completed, we will not have to take that action.

But I assure you, one way or another, we will find a way for the gentleman's, the language to be included in WRDA before we bring it to the House floor.

Mr. WHITFIELD. Mr. Chairman, I genuinely appreciate that. As I said, we simply want to do this for a couple of years to gauge all aspects and the impacts of this action. I look forward to working with the chairman and other members of the committee to try to address the issue.

Mr. OBERSTAR. Madam Chair, I ask unanimous consent to claim time in opposition to the amendment, though I am not in opposition to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume.

And, again, I want to reaffirm my colloquy with the gentleman, that we will work with him and with the gentleman from Louisiana and the gentleman from Florida on shaping appropriate language to include this study provision pilot project for the Lake Barkley initiative as we move forward with WRDA.

Madam Chair, as we come to the conclusion of this legislation, I want to express again my heartfelt appreciation to Ranking Member MICA, who has worked with us on all the measures, including how we would shape the debate on Davis-Bacon, the gentleman from Louisiana (Mr. BAKER) who has been most forthcoming and accommodating. We have, again, reached agreement on major provisions on this legislation. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) who has devoted years of her service on the committee to this issue, is now the Chair.

But those who really bear the burden of the work are our staff: Ryan Seiger, Beth Goldstein, Rod Hall, Mike Brain on our side; John Anderson, Jonathan Pawlow, Geoff Bowman, Tim Lundquist on the Republican side, and our full committee staff, our brilliant leader, David Heymsfeld, our chief counsel, Ward McCarragher, Sharon Barkeloo, Jen Walsh, Erik Hansen, and on the minority side, Jim Coon, Charlie Ziegler, Fraser Verrusio and Jason Rosa.

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We also greatly appreciate the work from Legislative Counsel's Office, Dave Mendelsohn and Curt Haensel. Dave Mendelsohn has been here almost as long as I have, and he is really good.

We have a superb staff. They have worked together diligently on this legislation. We owe them a deep and longstanding debt of gratitude for their superb work, especially Ryan Seiger, who stayed up many late hours at night fashioning all the responses to the many questions I have had on this legislation.

Madam Chairman, after a very thoughtful, productive, and constructive debate on the bill and the amendments thereto, I yield back the balance of my time.

Mr. WHITFIELD. Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT NO. 2 OFFERED BY MR. BAKER.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. BAKER), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 280, not voting 18, as follows:

[Roll No. 133]

AYES—140

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg

Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—280

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—18

Bachus
Bono
Boren
Calvert
Camp (MI)
Davis, David
Davis, Jo Ann
Ellison
Eshoo
Fortuño
Hunter
Larson (CT)
Marchant
Millender-McDonald
Moore (WI)
Neugebauer
Nunes
Reynolds

□ 1313

Messrs. CHANDLER, ROTHMAN, AL GREEN of Texas, HINCHEY, OBEY and Ms. HOOLEY changed their vote from "aye" to "no."

Mr. EHLERS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ELLISON. Madam Chairman, on rollcall No. 133, had I been present, I would have voted "no."

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LYNCH) having assumed the chair, Ms. SOLIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 720) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, pursuant to House Resolution 229, she reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CANTOR. In its present form, yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cantor moves to recommit the bill H.R. 720 to the Committee on Transportation and Infrastructure with instructions to report back the same forthwith with the following amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE VII—SECURE MARITIME AND VESSEL WORKFORCE

SEC. 701. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

No individual who has been issued a transportation worker identification card may board a maritime vessel if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

(1) Espionage or conspiracy to commit espionage.

(2) Sedition or conspiracy to commit sedition.

(3) Treason or conspiracy to commit treason.

(4) A crime listed in chapter 113B of title 18, United States Code, a comparable State law, or conspiracy to commit such crime.

(5) A crime involving a transportation security incident. In this paragraph, a transportation security incident—

(A) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46, United States Code); and

(B) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

(6) Improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law.

(7) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, United States Code, explosive materials (as defined in section 841(c) of such title 18), or a destructive device (as defined in 921(a)(4) of such title 18).

(8) Murder.

(9) Conspiracy or attempt to commit any of the crimes described in paragraphs (5) through (8).

(10) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in paragraphs (4) and (8).

Mr. CANTOR (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. OBERSTAR. Mr. Speaker, I object to dispensing with the reading. We have only just now received this language and I insist on the reading of the language.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued reading the motion to recommit.

□ 1315

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Mr. Speaker, this motion to recommit is designed to be a substantive enhancement to the underlying Secure Maritime and Vessel Workforce bill.

I think the other side has demonstrated on two occasions this week that they are inclined to work across the aisle and accept substantive improvements to the bill.

What this motion to recommit does, it is intended to protect our maritime workforce, our national security, and ultimately the ports that serve and provide commerce to our great Nation. The language of the motion to recommit ensures that individuals that have been convicted of felonies are not able to board maritime vessels using transportation security cards. Now these felonies includes espionage, treason, sedition, murder, racketeering, crimes dealing with explosives or incendiary devices. These are individuals convicted of these felonies that frankly have an underlying purpose to harm Americans.

Clearly, individuals convicted of these type of felony crimes pose a security risk to America and its citizens.

We need to keep our ports safe and secure, and to do that, we must keep our maritime vessels safe and secure.

Mr. Speaker, I urge a "yes" vote.

Mr. OBERSTAR. Mr. Speaker, I rise to claim the time in opposition to the motion, although I don't know whether I am in opposition at this time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, first of all, I would like to observe and I appreciate the gentleman's comment about our side accepting amendments from the minority, and we have done that mostly where there has been prior consultation and discussion. In this case, this language was not available to our majority members on the committee until just prior to when it was offered on the floor.

I inquire of the offeror his explanation on page 2, subsection (4), "A crime listed in chapter 113B of title 18," what is that language? Can the gentleman read me the language of the U.S. Code?

I yield to the gentleman.

Mr. CANTOR. I would ask the gentleman to repeat that again.

Mr. OBERSTAR. It is his amendment. On page 2 of the gentleman's amendment, "(4) A crime listed in chapter 113B of title 18, U.S. Code," what does that refer to?

I have been able in just these few minutes to get chapter 113 but not B.

Mr. CANTOR. I would respond to the gentleman that the section cited on page 2, subsection (4), line 1 of the bill, is a section of the U.S. Code dealing with terrorism.

And again, the underlying——

Mr. OBERSTAR. Reclaiming my time, I want to know what the language is. The gentleman is offering an amendment. If he is serious about it, then he ought to have the language.

Mr. CANTOR. I would say to the gentleman again, this is a section of the U.S. Code that deals with acts of terrorism against the United States and its citizens.

The underlying purpose, again, of the motion to recommit is to ensure the safety of our——

Mr. OBERSTAR. Mr. Speaker, reclaiming my time. Reclaiming my time, the gentleman has not been able to answer my question.

I was the author in our committee of the Port Security Act, along with the gentleman from Alaska (Mr. Young). We had carefully crafted language that set standards for security clearance for maritime workers. We did not have any reference to chapter 113B. The transportation security workers card has not yet been issued. The readers for that card have not yet been put in place by the Transportation Security Administration.

The standards, apart from this provision that the gentleman lists here, generally are covered in the background checks required in our Port Security Act for maritime workers.

But this is very vague language in number (4). It is specific to a provision of U.S. Code, but the gentleman cannot explain to me what it is.

And then "(5), A crime involving a transportation security incident," dropping down to subsection "(A) is a security incident resulting in a significant loss of life," we don't know where that language comes from.

Mr. Speaker, we should not amend the Port Security Act on 30 seconds notice. There may be very good and valid provisions of this motion to recommit that we might very well be in support of, but only in due course, only in a proper forum. To come up here 30 seconds before the motion is offered and lay on the body this language without having the backup for it I think is inappropriate, and I object to the process. I object to the procedure that has been followed, not perhaps to the substance of it.

Our committee is fully prepared to deal with this issue in due course and give it full and thorough consideration, but not here, not in this context.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, I find it very difficult to understand how the gentleman can refer to an abuse of process on this side of the aisle. I hardly——

Mr. OBERSTAR. You should be very well accustomed to it; you did it for 12 years.

Mr. CANTOR. Mr. Speaker, the gentleman has yielded.

So what we are talking about here is the substantive——

Mr. OBERSTAR. Is the gentleman going to explain 113B?

Mr. CANTOR. Absolutely, Mr. Speaker.

Mr. OBERSTAR. Read it. Read the language.

Mr. CANTOR. I would tell the gentleman, dealt with——

Mr. OBERSTAR. Read it.

I do not yield further. I do not yield further.

POINT OF ORDER

Mr. ISSA. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ISSA. Point of order. My understanding of the rules is that we cannot have Members speaking to each other. Mr. Speaker, my understanding is this colloquy was not allowed. Mr. Speaker, can we please admonish people to address the Speaker.

The SPEAKER pro tempore. The gentleman has not stated a timely point of order, but it is correct that remarks should be addressed to the Chair and not in the second person.

All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CANTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 359, noes 56, not voting 18, as follows:

[Roll No. 134]

AYES—359

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert

Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Obey
Ortiz
Pallone
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—56

Abercrombie
Arcuri
Bishop (GA)
Bishop (NY)
Brown, Corrine
Capps
Clarke
Clyburn
Conyers
Crowley
Davis (IL)
Dingell
Doggett
Emanuel
Filner
Frank (MA)
Gilchrest
Green, Gene
Hinchey
Hirono
Honda
Hoyer
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kucinich
Lee
Lewis (GA)
Meeks (NY)
Miller, George
Moran (VA)
Murtha
Napolitano
Oberstar
Olver
Pascrell
Payne
Rangel
Rush
Sánchez, Linda T.
Scott (VA)
Serrano
Slaughter
Stark
Thompson (MS)
Towns
Velázquez
Watson
Watt
Waxman
Wexler
Woolsey
Young (AK)

NOT VOTING—18

Bachus
Berman
Boehner
Bono
Boren
Calvert
Camp (MI)
Davis, David
Davis, Jo Ann
Eshoo
Hayes
Hunter
Larson (CT)
Marchant
Millender-McDonald
Moore (WI)
Neugebauer
Nunes

□ 1408

Messrs. BISHOP of Georgia, MEEKS of New York, GEORGE MILLER of California, SERRANO, TOWNS and Ms. VELÁZQUEZ changed their vote from "aye" to "no."

Mrs. MALONEY of New York, Messrs. CUELLAR, MCNULTY and PRICE of north carolina, Ms. HOOLEY, Ms. LORETTA SANCHEZ of California, Ms. SHEA-PORTER, Messrs. WALZ of MINNESOTA, HARE and LANGEVIN, Ms. ZOE LOFGREN of California, Messrs. FATTAH, BOSWELL, LEVIN, BERRY, LYNCH and SARBANES, Ms. SUTTON, Ms. DEGETTE, Messrs. POMEROY, BRALEY of Iowa, CARDOZA, NEAL of Massachusetts and WU, Ms. DELAURO, Ms. SCHWARTZ, Mr. LINCOLN DAVIS of Tennessee, Mrs. MCCARTHY of New York, Messrs. BRADY of Pennsylvania, MITCHELL, ELLISON, COHEN, WELCH of Vermont, HOLDEN, SKELTON, VAN HOLLEN AND DOYLE, Ms. HARMAN, Messrs. LIPINSKI, COSTELLO, TIERNEY, KIND, LARSEN of Washington, ALLEN, PATRICK J. MURPHY of Pennsylvania, SESTAK, DELAHUNT, ROSS, CAPUANO, KILDEE, CARNAHAN, ISRAEL, MEEK of Florida, PASTOR, UDALL of New Mexico, SCOTT of Georgia, MARKEY, BACA, SCHIFF and RAHALL, Ms. CASTOR, Messrs. MCNERNEY, STUPAK, SIRES, GUTIERREZ, ORTIZ, CUMMINGS, MURPHY of Connecticut, HINOJOSA, OBEY, THOMPSON of California, GRIJALVA, KENNEDY, DICKS, RODRIGUEZ, REYES and ANDREWS, Ms. ROYBAL-ALLARD, Messrs. ACKERMAN, RYAN of Ohio, HASTINGS of Florida, PALLONE, HOLT and MCGOVERN, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Mr. DAVIS of Alabama, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. BUTTERFIELD, Ms. KILPATRICK, Mr. BECERRA, Mr. WYNN, Ms. MATSUI, Mr. MCDERMOTT, Mrs. TAUSCHER, Ms. SOLIS, Messrs. MOLLOHAN, FARR, HIGGINS and MICHAUD, Ms. SCHAKOWSKY, Ms. KAPTUR, Ms. CARSON, Messrs. AL GREEN of Texas, CLEAVER, BLUMENAUER, GONZALEZ, CLAY, RUPPERSBERGER, VISCLOSKY, Ms. WASSERMAN SCHULTZ, Mr. COOPER and Mr. SHERMAN changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. OBERSTAR. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 720, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE VII—SECURE MARITIME AND VESSEL WORKFORCE

SEC. 701. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

No individual who has been issued a transportation worker identification card may board a maritime vessel if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

(1) Espionage or conspiracy to commit espionage.

(2) Sedition or conspiracy to commit sedition.

(3) Treason or conspiracy to commit treason.

(4) A crime listed in chapter 113B of title 18, United States Code, a comparable State law, or conspiracy to commit such crime.

(5) A crime involving a transportation security incident. In this paragraph, a transportation security incident—

(A) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46, United States Code); and

(B) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

(6) Improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law.

(7) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export,

storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, United States Code, explosive materials (as defined in section 841(c) of such title 18), or a destructive device (as defined in 921(a)(4) of such title 18).

(8) Murder.

(9) Conspiracy or attempt to commit any of the crimes described in paragraphs (5) through (8).

(10) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in paragraphs (4) and (8).

Mr. OBERSTAR (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 303, nays 108, not voting 22, as follows:

[Roll No. 135]

YEAS—303

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

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Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dreier
Duncan
Everett
Fallin
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rogers (AL)
Rogers (MI)
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—22

Bachus
Berman
Boehner
Bono
Boren
Calvert
Camp (MI)
Davis, David
Davis, Jo Ann
Doggett
Emanuel
Eshoo
Feeney
Hayes
Hunter
Larson (CT)
Marchant
Millender-McDonald
Moore (WI)
Neugebauer
Nunes
Tancredo

□ 1418

Mr. ADERHOLT changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I was not present to cast my votes on rollcall votes 133, 134, and 135 earlier today, March 9, 2007. Had I been present, I would have voted "aye" on the Baker Amendment—rollcall 133, "aye" on the Motion to Recommit—rollcall 134, and "nay" on Final Passage of H.R. 720—rollcall 135.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Friday, March 9, 2007, to vote on rollcall votes Nos. 132, 133, 134, and 135, due to a family medical matter.

Had I been present, I would have voted: "yea" on rollcall vote No. 132 on H. Res. 229, the rule providing for consideration of H.R. 720—Water Quality Financing Act of 2007; "nay" on rollcall vote No. 133, on the amendment to H.R. 720, to strike the Davis-Bacon section of the bill; "yea" on rollcall vote No. 134, on a motion to recommit H.R. 720 with instructions; and "yea" on rollcall vote No. 135, on the final passage of H.R. 720, the Water Quality Financing Act.

PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, March 9, 2007, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 132—"nay"; rollcall 133—"aye"; rollcall 134—"aye"; and rollcall 135—"nay."

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution

202, 110th Congress, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Select Committee on Energy Independence and Global Warming:

Mr. MARKEY, Massachusetts, Chairman
Mr. BLUMENAUER, Oregon
Mr. INSLEE, Washington
Mr. LARSON, Connecticut
Ms. SOLIS, California
Ms. HERSETH, South Dakota
Mr. CLEAVER, Missouri
Mr. HALL, New York
Mr. MCNERNEY, California
Mr. SENSENBRENNER, Wisconsin
Mr. SHADEGG, Arizona
Mr. WALDEN, Oregon
Mr. SULLIVAN, Oklahoma
Mrs. BLACKBURN, Tennessee
Mrs. MILLER, Michigan

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2007.

Dear Madam Speaker, Given my pending appointment to the House Committee on Financial Services, I hereby tender my resignation from the Transportation and Infrastructure Committee.

Sincerely,

KENNY MARCHANT,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. CURTIS, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 342. An act to designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

H.R. 544. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

H.R. 584. An act to designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building".

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Majority Leader, announces the re-appointment of Guy Rocha of Nevada to the Advisory Committee on the Records of Congress.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I yield to my friend, the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank the minority whip for yielding. On Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes, Madam Speaker, on Monday before 6:30 p.m.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business, and noon for legislative business. We will consider additional bills under suspension of the rules, and a complete list of those bills for the week will be announced by the close of business today.

On Wednesday and Thursday, the House will meet at 10 a.m. We will consider several important pieces of open government and accountability legislation from the Oversight and Government Reform Committee: H.R. 1309, the Freedom of Information Act and amendments; H.R. 1255, Presidential Records Act Amendments; H.R. 1254, Presidential Library Donation Reform Act; H.R. 985, Whistleblower Protection Enhancement Act; and H.R. 1362, Accountability in Contracting Act.

Notwithstanding everybody is requesting to meet next Friday, we are not going to do that.

Mr. BLUNT. I thank the gentleman for sticking with his earlier decision on next Friday, in spite of what I am sure must have been the incredible pressure for us to be here next Friday; and we will try to get our work done.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I would yield.

Mr. HOYER. Nobody in the House, other than yourself and Mr. BOEHNER, know that pressure more than I.

Mr. BLUNT. I appreciate the gentleman's view of that, and he is right. I do share it. I would ask the gentleman, on the supplemental that has been described in concept this week, when would we expect to see language on the supplemental?

Mr. HOYER. The supplemental I expect to be marked up in committee. We have moved it one week, as the gentleman knows, as we have worked on trying to get language that is appropriate language from the perspective of the committee. And Mr. OBEY has been working very hard on that, as have others. I expect that to be marked up next week, and I expect the language to be available early next week.

Mr. BLUNT. And the gentleman then would expect it to be on the floor the following week?

Mr. HOYER. Yes.

Mr. BLUNT. You expect it to be on the floor the following week?

Mr. HOYER. I believe that is the week of the 19th.

Mr. BLUNT. That would be the week of the 19th.

Mr. HOYER. Yes, sir. I expect the supplemental to be on the floor the week of the 19th, and then we are very hopeful that the budget will be on the floor the week of the 26th.

Mr. BLUNT. And as an appropriations bill, does the gentleman anticipate that we will have opportunities to amend that bill on the floor?

Mr. HOYER. We don't know that yet. We are discussing that. I don't know yet

Mr. BLUNT. Well, I would just say before I move to my next question, of course, this is, as we all know, an important and at the same time controversial piece of legislation, and we would hope for a full debate and an opportunity to have a chance to amend the bill on the floor.

The leader also announced, I believe, this week, maybe it was late last week, that we should anticipate seeing legislation on the floor within the month on allowing the Delegate from D.C. to vote on the floor. I wonder if the leader could tell us a little more about his idea on what this proposal would include.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for the question. As you know, I feel very strongly that the representative of the District of Columbia should have full voting membership in the House of Representatives, as does the representative in parliament of, I believe, every other capital of every other democracy in the world, except for the District of Columbia.

I expect that legislation, and hope that legislation, will be on the floor before we adjourn for the Easter work period, which would probably mean the week of the 26th. The legislation is the legislation, as you know, that is sponsored by Mr. DAVIS, TOM DAVIS, the Republican former chairman of your campaign committee, but more importantly, the former chairman of the Government Reform Committee, and cosponsored by Mrs. NORTON, the representative of the District of Columbia.

I would expect that legislation to include, as the original legislation included, an additional Member from Utah and full voting rights being extended, and full membership as a full Member, both of the new Utah Representative, but also of the Representative of the District of Columbia.

Mr. BLUNT. Does the gentleman know when that legislation was designed to take effect? After the next election? I am not familiar with the specifics of that legislation. Certainly I do know that Mr. DAVIS was the sponsor.

Mr. HOYER. The hearings I expect to be held next week, I believe. Hearings and markup, I think, will be next week, so I can't tell you exactly, obviously, because it hasn't been marked up yet. But it is my contemplation that there would be a special election in the case of the District of Columbia Representative, and in the case of the Utah Representative.

As we all know, the only way you can get to be a Member of this House is to be elected. There are no appointments to this, so that we would contemplate providing for a special election for both.

Mr. BLUNT. In our Constitution, as the gentleman knows, the District was established differently than most capitals and, I am sure, has developed in a different way than was anticipated at the time.

But when Presidential voting rights were extended to the District, the Constitution had to be amended to do that.

Would the gentleman anticipate that this would also require a constitutional amendment since the District is not part of any State?

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I would.

Mr. HOYER. I thank the gentleman for yielding.

As you know, Mr. DAVIS is the author of this bill. He had extensive hearings on this bill, as you know, in the last Congress; reported this bill out in the last Congress. It was never brought to the floor, but it was reported out.

And as you know, it was Mr. DAVIS' and the committee's conclusion that this could be effected by legislation, as has been the admission of States to the Union, and the admission, therefore, of new voting Representatives in the Congress of the United States.

Now, I don't represent that there is not another view as to whether or not you can do this statutorily or whether you need to do it constitutionally. But I can tell you, as you well know, that it was Mr. DAVIS' conclusion, the committee's conclusion, under his leadership when your party was in control of the House, and it was the conclusion of the committee that it could be done statutorily, and we are proceeding on that theory.

Mr. BLUNT. Well, I would caution the gentleman on that theory. As high a regard as I have for Mr. DAVIS, and it is high, I have certainly never considered him to be the ultimate authority on the Constitution. And, of course, when you allow States to enter the Union, as the Constitution provides for, you have the requisite number of Members of the House and two Members of the Senate.

And the major question I am sure I will have during that debate and later will be exactly what State is Washington, D.C. part of, since the Constitution specifically says that Members of the House are selected by the various States.

I think there is a constitutional question here, and that is one of the reasons that, when we were in the majority, that Mr. DAVIS' bill didn't come to the floor. And I think there will be, should be, a constitutional remedy, if there is a remedy.

Mr. HOYER. Will the gentleman yield before we go on to a different subject?

Mr. BLUNT. I would.

Mr. HOYER. I would ask my friend, would the gentleman be for a constitutional amendment if such an amendment were brought to the floor?

Mr. BLUNT. I might be for whatever it took to return the voting rights for the Member of Congress to a State that is represented by two Senators which, of course, would be, I would assume, your State.

I don't know that I would be for an amendment that would allow somebody to be represented uniquely that doesn't have Senatorial representation, and, of course, you are assuming that it would be inside the Constitution. I do think that would be the way to do it.

And while the population of the District may allow it to have a population similar to the districts that are represented by the average Member in terms of population, the Constitution, to me, appears to be very explicit on the question of Representatives of a State.

Half of the original District of Columbia, as the gentleman knows, was returned to the State of Virginia in, I believe, the 1840s. They are represented by a Member of Congress, and maybe more than one, and they are represented by two Senators, the Senators from Virginia. That appears to me to be a remedy that would be well within the Constitution. But this proposal that Mr. DAVIS and others have made, I think, will have a significant constitutional hurdle to overcome.

The other question I would direct to the gentleman is on the budget itself. When does the majority expect that we will see a markup in committee of the budget resolution, and when would that resolution be on the floor?

Mr. HOYER. I would expect a markup, certainly this is the target for markup, the week of the 19th and on the floor the week of the 26th.

Mr. BLUNT. So you are anticipating, if I could refresh my mind here to the gentleman's comments, that both the supplemental appropriations bill and the budget will be marked up during the week of the 19th.

Mr. HOYER. No, I expect the supplemental to be marked up in committee next week.

Mr. BLUNT. Next week. And on the floor the week of the 19th.

Mr. HOYER. And on the floor the week of the 19th.

Mr. BLUNT. Well, it is a good thing I clarified that in my mind.

Mr. HOYER. So you would have on the week of the 19th the supplemental and on the week of the 26th the budget on the floor.

□ 1430

Mr. BLUNT. As I recall, that is exactly what the leader suggested, and now I have that straight in my mind, and those will be weeks that we would hope to have a full debate and important debate for the country.

I thank my friend for the information he has provided.

ADJOURNMENT TO MONDAY, MARCH 12, 2007

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Ms. MCCOLLUM of Minnesota). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TRIBUTE TO THE LATE SPECIALIST BLAKE HARRIS

(Mr. SALAZAR asked and was given permission to address the House for 1 minute.)

Mr. SALAZAR. Madam Speaker, yesterday we resumed reading the names of our servicemembers on this House floor that have paid the ultimate sacrifice in this war. To date, 3,188 American servicemembers have lost their lives in Iraq and Afghanistan. And I am greatly saddened today to add the name of Specialist Blake Harris to that list of the fallen soldiers.

Specialist Harris was assigned to Headquarters and Headquarters Company, 1st Battalion, 12th Cavalry Regiment, 1st Cavalry Division, Fort Hood, Texas.

Specialist Harris died on Monday, March 5, in Baqubah, Iraq, of injuries sustained when an improvised explosive device detonated near his patrol.

Blake Harris was born and raised in Pueblo, Colorado. He was a 2002 graduate of Pueblo South High School.

In Pueblo, Blake leaves behind a loving wife, Joanna; a 2-year-old son, Jonah; and his mother, Deborah Harris. He is also survived by his father, John Harris of Denver.

Madam Speaker, I extend my heartfelt sympathy and condolences to his family and friends who have suffered this loss, and I pray for their comfort and strength in their time of greatest need.

Specialist Harris was a proud and courageous soldier whose story must never be forgotten. Blake Harris was 22 years old.

Madam Speaker, I submit this recognition to the United States House of Representatives in honor of his sacrifice so that the memory of Blake Harris may live on forever.

CALLING FOR REAL BORDER SECURITY AND ENFORCEMENT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker, yesterday afternoon in western North Carolina, a routine traffic stop netted 11 illegal immigrants. How do we know they were illegal? Because when they were asked for identification, they presented their Mexican voting card; and when asked by the sheriff's deputy whether or not they were illegal, they said, "yes."

The sheriff's deputy called the Immigration and Customs Enforcement Agency in Charlotte, North Carolina, to which the reply was, "We are sorry; we can't pick them up." So the sheriff's deputy let them go on their way. According to the illegal immigrants, 11 in the car, they were going to New York City to get a job.

This shows in real form the need for real border security and real border enforcement. It also shows the need for the Immigration and Customs Enforcement Agency to get with the times, to get rid of this bureaucracy in Washington, D.C., that is hamstringing the agents in the field, to increase their budget.

And, Madam Speaker, I call on the House of Representatives to act to make sure that we have more border enforcement agents and Customs agents in this Nation to make sure a travesty like this never happens again.

PEACHCARE IV

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Madam Speaker, today I rise for the third time this week to speak about Georgia's PeachCare crisis.

This Sunday, in just 2 days, PeachCare closes its doors to new enrollees. And if funding shortages continue, it will close its doors to all children next month. The collapse of PeachCare will leave hundreds of thousands of hardworking Georgia families unable to provide health care for their children.

This Congress and the State of Georgia cannot let this happen. I call on the Governor of Georgia to use available State funds, and there are some that are available, to reinstate new enrollment and to sustain this imperative program until Federal funding can be increased.

PeachCare provides health care for our most precious and most vulnerable population: our children. It simply must be saved.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESS MUST NOT INTRUDE ON THE CONSTITUTIONAL PROVINCE OF THE PRESIDENT AS COMMANDER IN CHIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Madam Speaker, it has been quite a week here on Capitol Hill with the unveiling by the Democratic majority of their new plan for a fully funded withdrawal from our presence in Iraq.

The contrast that took place yesterday also was quite striking. General Petraeus, our new commander on the ground in Baghdad, had his first meeting this Thursday with the media in Baghdad, describing what our military leaders were doing in the midst of that war-torn country. And at the same time, on the other side of the world, many would-be generals here in Congress were describing their plans for the war in Iraq.

Democratic leaders, according to press releases from the House Appropriations Committee, outlined a plan for veterans' funding in the so-called war supplemental but also a plan that would set a timeline for bringing United States participation in Iraq's war to an end.

Setting very, very specific dates, the leadership, at least at this point, as we know, has outlined a proposal that establishes a timeline that would end U.S. participation in Iraq's civil war by July 1, 2007. If the President does not certify that the troops have met certain specific criteria that has been released to the media, the troops must begin at that point an immediate redeployment of their involvement in the Iraq War which must be completed by December of 2007. Other dates, October 1, also are being discussed and other dates, including March 1, 2008. It was a startling contrast, to say the least.

On Thursday of this week, our generals in Baghdad and our "generals" here in Congress were describing their plans for the war in Iraq.

But I must say that history teaches that we have but one commander in chief, Madam Speaker. In fact, if you study the minutes of the Constitutional Convention in that balmy summer of 1787, you will find more agreement on no other point than that our Founders believed in the unified chain of command, that there would be one commander in chief and that that power, under article II of the Constitution, would be vested in the President of the United States.

We have a role in this Chamber. Under article I, Congress has the exclusive authority to declare war and to make decisions which will be a part of the aforementioned legislation to determine whether and to what degree we will fund war.

But the conduct of the war on the ground, including the setting of benchmarks, the execution of timetables on the ground and the like, fall within the purview of the commanders and specifically the commander in chief. And I would argue, as something of a student of American history, during the Revolutionary period, that our Founders rejected this because of painful experiences during the Revolutionary War. Our first commander in chief, George Washington, actually would spend every night writing letters in his tent to Congress to ask permission for military maneuvers and almost failed as a result of that micromanagement.

Congress must not intrude on the constitutional province of the President of the United States to lead us as Commander in Chief. Napoleon said it best. He said, "I would rather face 20 brilliant generals than one mediocre one."

We must, as we move into this debate, carry before the American people a very simple principle: We must support our troops in the field, provide them with the resources they need to get the job done and come home safe. But in the midst of this debate, with civility, let us also take the case to the American people of whether or not they want one commander in chief or whether they want 435 commanders in chief elected to this article I body of the Congress. I say we have one leader of our military who leads our commanders on the ground. The Constitution says it; I will stand by it.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 985, WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007; AND H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Madam Speaker, the Rules Committee intends to meet the week of March 12 to grant a rule which may structure the amendment process for floor consideration of H.R. 985, the Whistleblower Protection Enhancement Act of 2007.

Members who wish to offer an amendment to this bill should submit 55 copies of the amendment and a brief description of the amendment to the Rules Committee in H-312 in the Capitol no later than 1 p.m. on Monday, March 12.

Amendments should be drafted to the bill as ordered reported by the Committee on Oversight and Government Reform. A copy of that bill is posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

In addition, the Rules Committee intends to meet next week to grant a rule that may structure the amendment process on H.R. 1362, the Accountability in Contracting Act.

Members who wish to offer an amendment to this bill should submit 55 copies of the amendment and a brief description of the amendment to the Rules Committee in H-312 in the Capitol no later than 1 p.m. on Tuesday, March 13.

Amendments must be drafted to the bill as ordered reported on March 8 by the Committee on Oversight and Government Reform. A copy of that bill will be posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

□ 1445

TRIBUTE TO DR. TED STILES

The SPEAKER pro tempore (Ms. McCOLLUM of Minnesota). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Madam Speaker, I rise to mark the passing this week of one of the most effective environmentalists in the State of New Jersey, indeed in the country, Dr. Ted Stiles. Perhaps not the most celebrated, he should be celebrated. He preserved thousands of acres, advanced the understanding of ecology, and improved the environment for millions of people for generations to come. To some of my colleagues from the western States, thousands of acres may not sound like much, but the significance of that preservation and the difficulty of doing it in the densely populated Northeast are great.

Dr. Stiles chaired and led boards of the Stony Brook Millstone Watershed Association, the Mercer County Open Space Preservation Board, the Friends of Hopewell Valley Open Space, the Municipal Land Use Center, the New Jersey Academy of Science, and the Hutchinson Memorial Forest. He served for many years on boards, including the Crossroads of the American Revolution Association; The Nature Conservancy, New Jersey chapter; and others. He continued all of this work through his illness and up to his death.

He showed creative approaches to locally based environmental decision-making, such as his creation of the Municipal Land Use Center; and he received awards from academia and regional and community organizations and the highest environmental award from the Governor of New Jersey.

What distinguished Dr. Stiles especially was his unparalleled, unmatched ability to make people want to do those things that contribute to the general good. He made landowners want to offer their land to preservation organizations, and he made people want to spend their money to purchase and preserve that land. He made volunteer board members want to give of their time and effort to build communities and to improve the environment.

He made grad students want to go to remote places around the world to do such things as measuring the size of fruits relative to the sizes of birds' beaks so we could better understand the relationship between communities of plants and communities of animals.

He made hundreds of local citizens want to spend a day twice a year cleaning up their town. And he made a politically interested scientist want to leave a research career to run for Congress. Yes, I am that scientist. Dr. Stiles' research students continue to make contributions to research, teaching, and public policy around the country.

Throughout his life, it is not an empty cliche to say, Dr. Stiles, through goodwill and good ideas and leadership, made this country a better place.

TRIBUTE TO DANIEL J. HOLLMANN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Madam Speaker, I rise today to recognize and congratulate a great American. Mr. Daniel J. Hollmann of Odessa, Texas, has been a community leader in Odessa and the Permian Basin for more than three decades. A small businessman, family man and steadfast volunteer, Dan is one of the shining stars in the Eleventh Congressional District of Texas.

April 1 of this year marks the 30th anniversary of Dan receiving his license to practice law and the founding of his own firm, now Hollmann, Lyon, Patterson and Durell. Reaching this milestone is a great achievement, and I congratulate him for showing the hard work and perseverance I know it takes to run a small business.

I would also like to recognize and congratulate Dan as the 2006 recipient of the Odessa Chamber of Commerce's Outstanding Citizen of the Year Award. The award, given to the chamber member who best represents the collective goals of the business community of Odessa, was given to Dan because of his extensive volunteer history to the community and involvement in volunteerism that led to this award.

He has donated legal services to various nonprofit organizations, including the Formation of Court Appointed Special Advocates of Ector County and Catholic Charities Community Services, and is a proud supporter of many public school booster clubs, ranging from the Permian High School Choir Booster Club to the Odessa High School Basketball Booster Club.

Again, I congratulate my friend Daniel J. Hollmann on all of these achievements and thank him for his continued service to our community. Other citizens should look to him as a role model, and I am proud to represent him in the United States Congress and to call him my friend.

PROPOSED TIME LINE FOR WITHDRAWAL OF U.S. FORCES FROM IRAQ

Mr. CONAWAY. Madam Speaker, on a different topic altogether, we have heard talk that the Democrats will bring forth the idea that we can set some sort of an artificial time line on when to get out of Iraq. I would argue there are really only two choices in this issue, and this third choice is false and misleading.

Here is the example: let's assume for the sake of this argument that Democrats decide in March of 2008 we need to stop this fight. I ask my colleagues on the other side of the aisle, how do you look those family members in the eye whose loved ones are killed or maimed in March of 2008 and say, gee, if we had known in March of 2007 what we now know in March of 2008, that your loved one would have gotten killed, I might have thought a February 28 date was a better date.

Madam Speaker, we have no three choices. We have two choices, and they are honorable, in a sense. One is to fight this fight and win, which is the choice I believe is the correct one; or we simply raise the white flag, admit defeat, say that we have lost and get our troops out today. Anything short of that is untenable. The impact it has on the war fighter is obvious, ignoring, of course, the impact it has on the folks we oppose and the advantages it gives them. We simply cannot hamstring our fighters in this fight.

I cannot face families in July of this year or March of next year and say, gee, but for the calendar clicking off, your loved one would not have been at risk.

I urge my colleagues on both sides of the aisle to pick sides in this fight. Either we fight it or we get out. Pick a side. There is no third alternative.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and Labor:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2007.
Hon. NANCY PELOSI,
Office of the Speaker,
Washington, DC.

DEAR MADAM SPEAKER, Effective immediately, I hereby resign from my position on the House Committee for Education and Labor. I have gained much from my time served on this committee, and now look forward to serving the 110th Congress in other capacities.

Best regards,

BOB INGLIS.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MANNER OF CONDUCTING PROCEEDINGS IN THE 110TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, we have had I think a very eventful week here this week and accomplished a significant amount and had some intense debates here on the floor of this Congress. In my time here and in anybody's memory here, I don't think anyone remembers a time that there have been three motions to recommit that have actually succeeded and attached that new policy on to the bill that was prepared for final passage here on the floor. That makes it an eventful week.

Madam Speaker, I reflect here that at the beginning of the 110th Congress there were a lot of objections to a scoreboard vote board that was kept open when Republicans were in charge for the sake of being able to allow people to change their votes until everyone was satisfied. There were strong and loud and vociferous complaints to keeping that board open when it was the Republicans in charge.

I am not here to make a loud, vociferous objection to the Democrats keeping the board open, but I am here to point out that the shoe is on the other foot today, and today this motion to recommit went up on the board, and it had 147 Democrats that voted "no" on the motion to recommit.

The motion to recommit, what it did was said that no individual who has been issued a transportation worker identification card may board a maritime vessel if the individual has been convicted of or found not guilty by reason of insanity in a civilian or military jurisdiction of any of the following felonies. In other words, nobody is going to be boarding a maritime vessel if they are guilty of these crimes: espionage or conspiracy, sedition or conspiracy to commit sedition, treason, and a number of other crimes along through the list one can imagine, distribution, manufacture, purchase receipt, dealing with explosives. In other words, terrorists, people who have been identified as terrorists, convicted as terrorists. The motion to recommit said no one will be boarding a maritime vessel that has those things on their record.

Upon the first vote that was up there, the peak came out to be 247 Democrats voting against a motion that would block those who have committed those violent crimes, those crimes against this country. Then the board was left open, and as minutes went by, and I didn't watch my watch, but I am going to suspect it was 20 to 25 minutes, I watched Democrats vote their convictions and then began to adjust to their convictions, and 111 Members changed their vote here, getting down from 147 that voted "no" to 56 that voted "no," and final passage became 359 to 56 on the passage of the motion to recommit.

So I point out that sometimes that criticism that comes when you are in the minority doesn't seem like when the shoe is on the other foot that the rules you claim should apply are the ones that actually apply when you find yourself in a position of making the rules.

I would point also out that the circumstance before the Rules Committee, since that word came out of my mouth, Madam Speaker, and in the Rules Committee, we brought rules before, there were rules that were brought before this full Congress and approved for the 110th Congress. This was going to be a 110th Congress with a new majority and a new Speaker and there was going to be sunshine on everything we did. There was going to be a level of integrity in the process that was here. There were great objections to the process we had, and there was going to be a change, a new era in government, which means more openness, more honesty, more reporting.

But written into the rule was an exemption for the Rules Committee, so they are not required to report the recorded votes within the Rules Committee.

Now, how is it that here we are a more open government, but we are writing in provisions that allow for more secrecy? And that is the fact, Madam Speaker. That is the fact that came before this Congress. That is the fact that many of us voted against on the rules package. That is the amendment that I brought before the Rules Committee a couple of days ago.

What is ironic about that is that I have to go and appeal to the same people that want the secrecy and ask them if they will let me have a vote here on the floor about taking away the secrecy they have assigned themselves. Of course, the people that sat in judgment, that assigned themselves the secrecy, said, no, we won't allow a debate on it; we won't allow a vote on it. We are going to maintain the secrecy. And, by the way, it was offensive to them to have anyone raise the issue that they should be required to report the votes of the Rules Committee when there is a recorded vote.

So that amendment was denied. The American people were denied a debate. They were denied a vote and denied an opportunity to even judge whether this is a more open process or whether it has become a more closed process.

But I think these two instances that I brought up just this week, Madam Speaker, illustrate that the process is not more open, it is not cleaner, it is not with more sunshine on it, and it is not more reflective of the representation here in this Congress. There are other instances as well as I could go on, but I think that suffices to make my point.

Madam Speaker, I came here to talk about another issue that has been rolled out in the media yesterday and today, this issue of the supplemental appropriations bill that the President has asked for in order to fund our troops in Iraq and in Afghanistan.

The President has made a request so that we can provide adequate materials, supplies, training and equipment and munitions to our military that are on the front lines who put their lives on the line for our freedom. I am pledged to uphold that support for them. But what I see come out, at least with the report of the news with regard to the supplemental, has so many strings attached. This is an unprecedented attempt on the part of Congress to micromanage a shooting war.

Our Founding Fathers understood this, and they declared in the Constitution that the President is the Commander in Chief. They didn't write in the Constitution that the President will be presiding over a committee of 435 Members of Congress on the House side and 100 Senators on the Senate side and they shall be a committee that will micromanage the nuances of a war.

The Founding Fathers knew that you could not fight a war on consensus, that you can't fight it on majority vote. You have to have a Commander in Chief who is in charge. That was a clear understanding of history and human nature. It was reflected by our

Founding Fathers into our Constitution, Madam Speaker. And yet to this day, I don't know how many Members of this Congress even understand how the Constitution controls the things that they do, even though every single one of us takes an oath to this Constitution at the beginning of every Congress.

Every 2 years we stand up and we say: "I pledge to uphold the Constitution of the United States." I do so here on the floor. I make that oath on a Bible.

□ 1500

Most don't because it is hard to remember to bring the Bible with you on that day, but most do go over and have their picture taken ceremonially with their hand on the Bible. Well, I do both if I've got the time, but the one I don't miss is I bring the Bible to the floor and I take that oath, "so help me God," to uphold this Constitution.

And if it is inconvenient to have a provision in the Constitution, we have to live with it until it becomes so inconvenient that we are willing to amend it. But we do not have the authority here in this Congress to amend the Constitution, neither does the Supreme Court and neither does the commander in chief. The people of America have to ratify an amendment to the Constitution. And that is how the Founders saw it because they understood they were not creating a democracy, Madam Speaker. And if anybody is teaching out there in the classes of civics and government that go on all over America in nearly every school in America that we are blessed to be born and live in a democracy, I have to say, Madam Speaker, that is an erroneous lesson to be teaching our young people and to be perpetuating through the adults. And, in fact, a lot of the people in this Congress still believe this is a democracy.

Well, when Benjamin Franklin stepped out of the Constitutional Congress he was asked by a lady on the streets, "What have you produced?" And his answer was, "A republic, Madam, if you can keep it." And that is what we have. We have a constitutional republic because our Founders understood that if you went to the pure democracy form, and they studied the democracies of the city-states in Greece; in fact, I have been there to see the displays at the National Archives of the pottery that the Greeks had and their method of voting demagogues out of the city and banishing them for 7 years. And some of that system is still within our Greek system on our universities today.

The Greeks identified a demagogue as someone who was so skilled with their rhetoric, so moving and passionate in their delivery of their oratorical speeches, that they could move the masses by emotion rather than rationale. So they banished the demagogues from their city-states because it sent them down the path of emotion rather than deductive reasoning.

So the Founders understood that we didn't need to have the masses moving by emotion; they understood that the definition of a democracy was two wolves and a sheep taking a vote on what's for dinner. Majority rules; guess who's for dinner?

They wrote rights into our Constitution and into the Bill of Rights because they understood human nature, and they knew there had to be protections in place higher than a majority vote, higher than being in the majority. There had to be guaranteed constitutional rights for all citizens in this country on equal standing, drafted in, plugged into the Bill of Rights and ratified by the several States, and now ratified by all of the States, the 50 States in the Union. Those guarantees must be in place.

This Constitution, Madam Speaker, means something. And the language in this Constitution means what it says. The text of this language means what it meant, means what it was understood to be when it was ratified. And if it is inconvenient or if we disagree with the fundamentals, we should amend it. We shouldn't ignore it.

This Constitution grants Congress, this body in particular I am speaking to, but also the Senate as well, only two authorities when it comes to war; number one is, first, I will state it again, the President is the commander in chief of all Armed Services. We didn't have an Air Force then, but that is implied. So that is the standard, Madam Speaker.

And then the Constitution grants Congress two different authorities when it comes to war: Number one, the authority to declare war. That has happened several times in our history, but the last time it happened was in the beginning of World War II.

The second constitutional authority Congress has is to fund the war. But what we are seeing come out of the Democrat side of this is to micromanage the war in such a way that they can squeeze down and constrict the commander in chief's authority and responsibility to conduct war. And that can only end in disaster for our troops and disaster for the destiny of our country.

But we do not have that authority to micromanage. We can appropriate to the Department of Defense. We can appropriate to the Department of Homeland Security and some other lesser departments within the fringes. But we don't have the authority to micromanage.

I am going to go further, Madam Speaker, and take this position, that if this Congress should decide that building a bunch of ICBM missiles and placing them in places, say, across the polar ice cap are a high priority and they appropriated the money for that and we found out that we were in a shooting war that flared up maybe in six different places in the world and we needed to spend that money for armored Humvees and bullet-proof vests and more M–4 machine guns or more surveillance equipment, whatever it might be; if this Congress refused to change that appropriation, I am taking the position that the President has the authority, because he is commander in chief at a time of war, to do an interdepartmental transfer and prioritize those dollars within the Department of Defense in the place that he sees fit because he is the commander in chief. Anything less than that, Madam Speaker, is something that ties the hands of the commander in chief and the feet and puts our military at risk. That is the effort that is coming from the other side of the aisle here. And it is one that will eventually debilitate this country. This debate has encouraged our enemies and has diminished our ability to succeed.

And so if we look back at history, I don't believe there has been any time in history that this constitutional principle that I have laid out here has been challenged and been taken to court. And even then, I wonder how the Supreme Court would come down on this. But there were times back in 1973, 1974 and 1975, at least 2 of those 3 years, if not 3 of those 3 years, when Congress put strings on Department of Defense appropriations. And those strings said this, that none of these funds and any funds heretofore having been appropriated, meaning any money that is out there in the pipeline now, none of these funds can be spent in either North Vietnam, South Vietnam, Laos or Cambodia. And it shall not be used in the skies over those four countries or offshore from those four countries. So none of our appropriations money could be used there by the restrictions that were put on by this Congress, the micromanagement of this Congress.

But the fact was that we pulled our troops out of Vietnam at that point. It wasn't the President's intent to go back into Vietnam, but it was his intent to provide air cover. So when that message went, North Vietnam probably didn't have C–SPAN then, but they watch what goes on in this Congress, just like our enemies do in Iraq and the Middle East today; they understood that Congress had lost its will to conduct war in Vietnam. And they began to marshal their forces and provide the munitions and the armament necessary to mount the invasion, which they did in the spring of 1975. And in the aftermath of Congress micromanaging a nonshooting war, 3 million people died in the South China Sea, in South Vietnam and in the countries of Laos and Cambodia, 3 million people, because

Congress injected themselves into a decision that was made by the commander in chief.

But the commander in chief didn't challenge that. The commander in chief at the time, the initial one was President Nixon, who was very weak politically. And then, of course, the appointed, not elected, President Ford, whom I revere, neither challenged that restriction put on by Congress.

So I don't believe we have a constitutional challenge that has taken place because President Ford and President Nixon did not challenge the Congress when they began to tie the strings in Vietnam.

This Congress is preparing to tie the strings. And I am saying to the public, Madam Speaker, and to the President, my position is I am going to uphold this Constitution. I'm going to defend the President's right to do interdepartmental transfers of funds if they think they are going to tie strings to this. I think the President can ignore any conditions that this House puts on him if the money is appropriated at DOD because that is his responsibility as commander in chief, not the responsibility of this Congress, not the Pelosi Congress, not the Murtha Congress, but the President of the United States is the commander in chief.

In fact, I believe the last gentleman I mentioned would like to be the commander in chief. And given some of the legislation that he has drafted and introduced in this Congress, I think he would probably squeal had he been the commander in chief and someone tried to put the strings on him that he has tried to put on the White House.

And I would add that, in the Department of Defense appropriations bill last year, the gentleman from Pennsylvania (Mr. MURTHA) was able to slip language into that appropriations bill that would prohibit any basing agreements from being negotiated in Iraq. He stated that it was for permanent bases, but the language said any bases. And there was misinformation that was brought to this floor. And my amendment that tried to strip that out of the appropriations bill failed here on this floor, which compelled me to go to the Chairman of the Joint Chiefs of Staff and ask for a letter to support my amendment, which we put to the conference committee. And that letter then was enough to get that stripped out of the language.

That is the kind of thing that is going on; that would have us already moving out of Iraq if General Pace hadn't agreed with me and made that request of the conference committee. And so the conference report came without that language, and we were able to keep our operations going in Iraq. It was that close in a Republican majority. And now you see what's coming, Madam Speaker, under this new majority.

And here are some of the bullet points that come up on this subject that would come from the majority side of the aisle. This new appropriations, the strings that would be tied, the strings that I contend are unconstitutional, one would be, the legislation prohibits the deployment of troops who are not fully mission capable. Now, who would decide that? A definition apparently that is identified by the majority here in this Congress.

There are a list of other conditions in this, but I also recognize that the gentleman from Arizona, who has a heart full of appreciation for our troops and the Constitution, is on the floor. I would be very happy to yield so much time as he may consume, Mr. SHADEGG.

Mr. SHADEGG. I thank the gentleman for yielding and appreciate his taking the time to bring this message here to the floor and to talk about it.

I guess my curiosity or my interest is piqued by you talking about the conditions that are placed in this bill. I will tell you that I fundamentally do not believe that you can justify, that any nation could ever justify, announcing, while their troops were in the field in the middle of a war, announcing that on a date certain in the future, we are going to unilaterally stop. It seems to me that the illogic of that should be apparent to everybody, but even perhaps the immorality of that should be important. How do we say to troops, well, fight until August of 2008, and then, by the click of a tock on the arm of a clock, by the hand going one more notch until it now becomes August 2008, the fight is over. To me, that makes no sense. And I think it is important that the Nation have a discussion about whether that policy makes any sense.

I would like to discuss it from two points of view. First of all, will withdrawing from Iraq end the war? I think that is a fair question. Our colleagues on the other side of the aisle say, if we withdraw from Iraq, if we so called "redeploy," that will end the war. Well, I think that is worth discussing, and I think that is an important issue. But I think there is another important issue, and that issue is, what do we owe to the people of Iraq? And on that latter point, I want to note that this morning a reporter for UPI appeared on Washington Journal; her name is Pamela Hess. She has written a series of articles that, as you know, in Washington Journal, they have callers call in. And a caller called in and said, look, this is an unjustified war; we are never going to win, all the various arguments. And she said, well, I would like to suggest, and she was not taking anybody's side in the fight; she said, I would like to suggest that it is important for us to recognize that while one can criticize or analyze the reasons why we went to war, and that is one set of facts and circumstances, one can also look at why we are there now. And interestingly, her assertion is one that I have made, and she laid out an explanation. She said, having come into Iraq as we did, having dismantled their army, sent them packing, having dismantled their police forces, sent them packing, having dismantled, disassembled, taken apart their government, we created a situation where there was chaos.

□ 1515

Ms. Hess, in her comments on Washington Journal this morning, said, stop for a moment and imagine if another country had invaded the United States and if they had wiped out our Army and wiped out and disbanded our police forces and sent them home and then taken down our government. How long would it take before even here in the United States we began to see chaos, not unlike the chaos you see on the streets in Iraq?

And her argument was one that I think is the other important argument which is not being made in this debate. The one, as I mentioned, is if we retreat, if we embrace defeat, as our colleagues on the other side of the aisle are urging us to do, and say we cannot win in Iraq, let us leave and let us leave by a date certain, my first argument is, we can leave but the war will not end. I would suggest they have already demonstrated they will come to the United States. They will attack us here. They will attack Americans and nonradical Muslims all over the world. They will attack us and other Westerners in Europe, in Spain, in Indonesia. They will attack us everywhere. So I will suggest the war will not end.

The second argument is, forgetting how the war started, what obligation do we have to assist the people of Iraq in reestablishing the basics of a government, of a police force and of an army such that they can stop chaos, they can stop lawlessness?

One of the ways that you hear people in the Middle East articulate this, and the ambassadors from Jordan and Saudi Arabia came and made this argument to us and I think you heard them talk, they said the United States came into Iraq uninvited; the United States owes it to the Middle East and to the people of Iraq not to leave uninvited. And then you ask them what they mean by that, and they mean the same thing that Pamela Hess said, which is we have an obligation to aid the Iraqi people at least until they can get a government up and functioning, an army up and functioning, and a police force so that chaos does not reign.

I think those are the two key arguments. I would insert into the RECORD articles that Ms. Hess has written since returning from her most recent visit to Iraq that document the things that have changed.

ANALYSIS: LOUDSPEAKER DIPLOMACY

(By Pamela Hess)

RAMADI, IRAQ, FEB. 17.—It's old fashioned. It's low-tech but it works. One U.S. unit operating in Iraq has found the best way to win hearts and minds is to put loudspeakers on police stations. The speaker systems are erected over the police stations. The daily broadcasts are 10 to 15 minutes long. They are timed not to compete with the call to prayers, and the messages are written by the police and local political officials. Some of the speeches are copied onto CDs and distributed around town. The broadcasts include Iraqi top 40 music; news dispatches taken from the BBC and Al Jazeera, speeches by the governor and the police chief, warnings about high threat areas, and the national anthem.

"That's a pretty catchy song," said Maj. Dan Zappa, the executive officer of the 1st Battalion, 6th Marine Regiment, responsible for security operations in some of the most contested areas of Ramadi. "It's interspersed with popular music. We've got video of kids dancing, hundreds of them, jumping around."

"We have the police chief in western Ramadi" Zappa said, "and he's addressing his family, his extended family and his tribe." Said Maj. Tiley Nunnink, a guest staff member of the battalion sent by the Marine Corps Warfighting Lab in Virginia: "It's a vehicle for Iraqi policemen to say what they need to say to the people."

The loudspeaker program would be a gamble in a town without a legitimate local police presence. In that case it would just be the overbearing—and clumsily worded—symbol of the occupation trying to co-opt local religious customs, senior commanders said.

But they believe the loudspeaker broadcasts are part of what seems to be turning the population in Ramadi against the insurgency.

"The system's working because the local population is approaching the Iraqi police with valuable information to help put down criminal acts—roadside bombs, building IEDs, stuff like that," Zappa said.

"Those are definitely the metrics, how does the population respond to this?" Nunnink said. "You can hear it in the broadcast. The broadcast says thank you for providing this information. You're contributing to the further security of the city."

The loudspeaker initiative addresses a huge hole in U.S. warfighting capabilities in Iraq: Insurgents can turn around videos of successful attacks on U.S. convoys, or dead Iraqi soldiers, or doctored or misrepresented footage of events within hours, sometimes before those events have even been reported to American headquarters. The videos show up on racks of bootlegged DVDs and CDs that seem to be for sale on nearly every street corner almost instantaneously.

Deployed U.S. forces however, do not have the authority to respond directly on their own; "information operations" products and messages have to be approved at high levels in the chain of command. That takes time, and by the time the message is approved, the story has moved on. Score one for the adversary.

"I have the power to call in a lethal air strike but not to respond to an insurgent video," one senior U.S. commander told UPI this week.

"We've been getting our butt kicked by the (local) media," Zappa said. "There would be an incident when they would blow up a Humvee and kill two Marines and wound civilians, and they would turn that around and say that we wounded the civilians."

"That's how information travels out here, by word of mouth," Nunnink said. "So the question was, how are we going to compete with that?"

Ramadi is notorious as one of the bloodiest battlefields for U.S. forces.

"There are local Iraqis doing great things for the community, innocent civilians, heroes, trying to put down the insurgents," said Zappa, a native of Pittsburgh. "They are out there but they don't have the ability to get the voice that the insurgents do. So that population sitting on the fence doesn't know, doesn't understand because they are not in receive mode of that information."

For the last four years, U.S. forces have tried hosting daily radio shows or cobbling together television broadcasts to try to win the loyalty of the people. They hand out flyers promising additional reconstruction funds if violence ebbs. None of the delivery methods are really ideal for this culture; the flyers go unread, the television and radio require a recalcitrant public to actively tune in to listen. But one thing everyone listens to is the booming call to prayers from the local mosque's loudspeakers, five times a day, plus a sermon on Friday.

Zappa and Nunnink and several other headquarters officers meet weekly to discuss the "non-kinetic" campaign—that is, all the non-lethal activities the battalion conducts.

"Our approach was what can we do that is gonna be more effective. We can kill bad guys all day but you're never gonna kill enough of them; They are always gonna create more. So we ask, what do the people really need? What's gonna give a tactical advantage? What's gonna get the Iraqi army, get the police out there? These are the things that drove us," Zappa said.

"We realized the opportunity was here if we could convince people the insurgency is not supporting them, it was destroying their city . . . it was just offering chaos, and capitalize on that, and the little successes that these (Iraqi police) guys were bringing to the table."

It was in one of these meetings they came up with the notion of a loudspeaker campaign of their own.

ANALYSIS: THE U.S. WAR OF IDEAS

(By Pamela Hess)

WASHINGTON, JAN. 5.—As the "global war on terrorism" enters its sixth year, the United States government is beginning to rethink its approach to the larger battle—the so-called "war of ideas."

The war on terror is, at its heart, a physical fight against extremists. The war of ideas, on the other hand, is a philosophical debate that pits extremist ideology in the Muslim world against tolerance and freedom. So far, however, the United States seems to be losing.

A Zogby International poll released in December shows that the vast majority of Arabs in five key countries view the United States and its policies in a strongly negative light. In two countries, Jordan and Morocco, attitudes have declined precipitously in the last year.

U.S. government officials are grappling with how to win the war of ideas, and some are embracing fresh conclusions: that U.S. actions speak louder than any propaganda it can put forth; that the promotion of democracy should be a sidecar to providing humanitarian aid and economic development in the Arab world; and acceptance that the United States has only a peripheral role to play in the core philosophical debate central to the war of ideas.

"I think we have to think about influencing people. The way we influence people is not just what we say, but by what we do and who we are," a Pentagon official closely involved in the Defense Department's piece of the war of ideas, told UPI last month. "It is not primarily about messaging." For 40 years during the Cold War, the U.S. waged a war of ideas against communism and totalitarianism, and won.

"During the Cold War, that was arguably easier to do because the Soviet Union was oppressing people. It was an easier argument to make, and (in Eastern Europe) we were more or less culturally on neutral ground," he said.

" . . . They didn't really know about us because they were in relatively closed societies. They didn't necessarily hate us," he said.

This new battle is more difficult and requires a different approach, the official said. "We are starting in the hole," he acknowledged. "In the Muslim world when 70 percent of the people are opposed to the United States, that's a much harder sell."

It does not help that many people in the Middle East identify their own governments as their oppressors, and the United States as their oppressors' allies.

"We start going in, we go in knowing they dislike us," he said. "It's gonna take a long time." He conceives the battle as having two major fronts, and in only one of them can the United States play a major public role.

The official said the U.S. should not be trying to counter terrorist propaganda. It should be finding ways to encourage competing visions within the Islamic world.

"In the strategic sense I don't think we need to have a counter-narrative," the official said. "The violent extremists, they have a single narrative. And I think from a purely strategic perspective we just have to make sure there are other narratives—not necessarily our own—that compete with theirs." The debate must be engaged by "protagonists within the Muslim community," he said—probably theologians from Indonesia, the world's largest Muslim country.

"We know that the (Muslim) community is much more diverse than it (seems). We have to find those people. I actually think we would do ourselves a great favor if we worked from the outside in, but look to examples outside of the Arab core."

There are "individuals who don't necessarily agree with the United States but who don't agree with violence as a tool," he said. "Supporting that is very important. How we do that is the tough part, because we don't want to taint them by virtue of overt association (with the United States). The government is struggling with how to do that."

The second front in the war of ideas is one in which the United States can play a direct public role: changing the conditions in the Arab world that feed terrorism—the lack of educational and economic opportunity, poor health care, and repressive regimes.

"Look at the level of despair in the Arab world. It rivals sub-Saharan Africa," he said. "That, plus broken regimes in that part of the world—it's a tinder box."

The official believes desperate conditions do not cause Islamic extremism. But they are what makes the Middle East so ripe for recruitment.

"They are the kindling of terrorism. They are what terrorists exploit," he said. "I think what the United States can do is essentially remove the kindling."

Done well, that could have two effects—draining the number of potential terrorist recruits and sympathizers, and demonstrating American good will in the Muslim world with actions rather than words.

"Think about Hezbollah or al Qaida affiliates or . . . (Muqtada Sadr in Iraq). What do they do? They don't stand on street corners only getting out proselytizing. They set up clinics, they give out food. That's their way of getting in," he said.

"If you look at the (U.S. response to the) tsunami, to the earthquake in Pakistan, the earthquake in Iran—that's when we got the biggest spike," he said. "Some of the things that have given us the greatest return are not the things we intended."

The Bush administration's emphasis on democracy building in the region is necessary, he said, but likely to fail if the "kindling" is not addressed.

"I do think you have to address the regimes. But I would say that the second-tier efforts, removing kindling (is more important). It's not just about notions, however justified, of democracy alone. It's more broadly about (developing a) healthy society, a civil society and addressing grievances." Moreover, what the United States considers a democracy may have to change if democracy is to be embraced in the Muslim world.

"We often ask the question... is Islam compatible with democracy? But we never question the other side, taking the religion as a given and seeing how flexible democracy is," he said. "We pay lip service to the fact that (Arab democracies are) not going to look like us. But I think we very rarely say we ought to revisit what a democracy is, and what role religion can play in it," he said. "If we do that we might be more flexible, and there might be different approaches that might be successful."

He is disturbed that pundits characterize the war on terrorism as a clash of civilizations. "That feeds our adversaries," he said. "The reality is I don't see this as a (rift) between Islam or between the East and West. It's a horizontal (split) within civilizations," he said.

ANALYSIS: IRAQ OUT OF TIME, NEEDS TROOPS

(By Pamela Hess)

WASHINGTON, DEC. 15.—A leading U.S. military analyst is advocating the addition of some 30,000 U.S. forces to Iraq, with a new mission: to protect the Iraqi people.

Frederick Kagan, a former instructor at West Point and now a resident scholar at the American Enterprise Institute, believes his plan to add seven Army brigade combat teams and Marine regiments to Baghdad and Anbar province early next year could establish security in Baghdad by the fall of 2007. While much of the focus in Washington is on increasing the pace of American training of Iraqi security forces who will eventually take on the bulk of the fighting, Kagan argues the United States and Iraq no longer has that luxury of time.

"Iraq has reached a critical point. The strategy of relying on a political process to eliminate the insurgency has failed. Rising sectarian violence threatens to break America's will to fight. This violence will destroy the Iraqi government, armed forces, and people if it is not rapidly controlled," he writes. "Violence is accelerating beyond the Iraqis' ability to control it."

The surge in troops, if it succeeds in turning around the deteriorating situation in Iraq, would pave the way for a major troop withdrawal in 18 to 24 months, he says.

But the surge would also mean an increase in battle casualties, now nearing 3,000.

"Short-term increase in casualties is not a sign of failure ... As troops actively secure the population the enemy will surge its attacks on coalition troops and Iraqi civilians," Kagan writes.

He envisions a four-phase strategy in 2007: surging forces into Iraq by March; preparing for "clear and hold" operations by June; clear critical areas by September; and then transition control of them to Iraqi forces.

"These forces, partnered with Iraqi units, will clear critical Sunni and mixed Sunni-Shiite neighborhoods, primarily on the west side of the city. After the neighborhoods have been cleared, U.S. soldiers and Marines, again partnered with Iraqis, will remain behind to maintain security," Kagan writes in a new paper for AEI.

The clear and hold operation would be closely linked to a U.S. military led-reconstruction package with a fully funded plan in place prior to the battles so they can immediately pick up trash and get water and electricity working, area by area.

"Even large reconstruction efforts are cheap compared to continued fighting," he notes. It's an expansion of the tactics used with some success in Tall 'Afar and Fallujah but far more ambitious. Those towns were a fraction of the size of Baghdad and relatively isolated, making them easier to surround, empty and conduct house-to-house searches. Their size and location also allowed the return of residents, and potential fighters, to be managed.

Five U.S. brigades are currently operating in Baghdad along with six Iraqi brigades. In Anbar province, there are two Marine regimental combat teams and one U.S. Army brigade combat team. Together, they comprise just 52,500 combat forces in a total U.S. deployment of about 140,000. The remainder are serving in combat service support, headquarters, intelligence and other non-battle functions. Kagan's plan would bring the number of combat troops to 84,000 by September 2007, nearly a 50 percent increase in combat power.

Kagan is not alone in advocating a troop increase. Senior military officers who spoke to UPI on condition of anonymity say that having sufficient troops in Iraq to actually quell the insurgency and combat sectarian violence is the one approach the United States has not yet tried. Since the insurgency began in earnest in November 2003, U.S. forces have been playing catch-up, never having quite enough troops to both carry out aggressive offensive operations and to maintain a daily presence in the areas already under control. That has resulted in a nationwide "whack-a-mole" strategy, they said.

When they have come down hard on one area, the enemy has squeezed out to somewhere they are not. The training of more than 300,000 Iraqi army and police has provided a "holding" force but their performance has been uneven at best, and in the case of the police, sometimes counterproductive. And the intervening three years has similarly allowed the insurgent and militia forces to grow as well, diminishing the impact Iraqi forces can have.

The answer, according to Kagan, is a dramatic increase in the number of U.S. troops assigned to protecting Iraq's civilian population.

To get the number of U.S. troops up, Kagan proposes to accelerate the deployment of the next four brigades, now scheduled from April to February. The remaining BCTs would be extended from a 12-month deployment to 15 months. The Marine regiments would be extended from seven months to 12. That would bring the American troops presence in Baghdad up to nine or 10 BCTs, each with about 4,000 soldiers. The plan would also result in two additional Marine regimental combat teams in Anbar province.

Kagan would not pull forces from outside of Baghdad into that fight. Rather, he would leave them in place to continue their daily operations—preventing insurgents and sectarian militias from establishing a foothold in areas previously secured from them.

This military version of "robbing Peter to pay Paul" has been played out repeatedly throughout the war, commanders have complained. When they have stabilized an area, troops get called on to put out a fire somewhere else—leaving a security vacuum where they came from and inviting new violence.

If the clear and hold plan is carried out in Baghdad in 2007, Kagan writes that in 2008 the U.S. military could help disarm Shiite militias, stabilize Anbar or northern Iraq, and/or continue the training mission. Kagan concedes the potential responses to an invigorated American offensive in Iraq, outlining each factions' likely responses, and the most dangerous short- and long-term scenarios, along with a plan to counter them.

Kagan also says the U.S. Army and Marine Corps must add at least 60,000 troops to their pay roll in the next two years and the increase must be permanent.

It is "vital to offset increased demand on the ground forces in Iraq, and vital to provide strategic options in many scenarios beyond Iraq," he writes.

Army Chief of Staff Gen. Peter Schoomaker said Thursday that the most the Army can hope to recruit above the 80,000 a year it does now is 6,000 to 7,000 additional soldiers. Marine Corps officials believe they can add another 2,000 additional recruits annually. However, the Army and Marine Corps could likely retain far greater numbers of troops than they currently do. Re-enlistments and extensions are at all time highs, particularly among combat units deployed to Iraq.

Schoomaker also warned that if he does not get additional troops, and more freedom to use reservists to fill out the force, the Army is in danger of "breaking."

Kagan says his plan will not break the Army: only four units would be accelerated to Iraq, and they were tapped to go anyway. Moreover, no unit will have less than a year between deployments under his plan.

"Losing now will certainly break the force," Kagan writes.

Kagan could not be immediately reached for comment. An AEI spokeswoman said he was at a White House briefing.

As I mentioned, she has written a series of these articles. She went to Iraq, as she explained this morning on Washington Journal, to look at the question of how is it that our troops in Iraq feel they have such an important mission, feel they are accomplishing things. She mentioned that this was her third, I believe, visit to Iraq, and she said, this time, more than either of the two visits, she felt like our troops were more engaged, working more closely with the Iraqi people, felt a greater kinship with the Iraqi people, and felt like they were making progress.

Her purpose was to say, well, this must be just a myth. It must not be true that our troops are really feeling like they are accomplishing something; they are just parroting words given to them from the commanders and higher up.

But her pitch this morning was that is not true; that in point of fact, the thing that has changed was in part the attitude of our troops and the enhanced ability of our troops who have now been deployed there two or three times to speak Arabic, but also that the attitude of the Iraqi people has changed. She talked about how the Iraqi people are now rising up, resisting the violence, fighting back on their own and engaged in this battle in a way in which she had not seen before.

I believe this supplemental is extremely important to our Nation. I believe our confrontation with radical, militant Islam is the single most important confrontation we will face probably in my lifetime. I think back about the threat to world peace posed by communism, which is the threat I grew up with as a child, and I have to evaluate that threat versus the threat we now face with radical, militant Islam.

I have begun to read some of the writings on radical, militant Islam and what they want. I would commend to anyone who cares about this issue a book by a Yale professor by the name of Mary Habeck. Professor Habeck came and spoke, I think you know, to the bipartisan caucus on anti-terrorism and I heard her. I was very impressed. She has written a book called, "Knowing the Enemy," and that book goes into detail on how the radical Islamic wing, the jihadi wing of the Islam faith, strays from the Koran, and how at times they have twisted the Koran, at least in her opinion, and have come to this conclusion that they must reestablish the caliphate, they must stay at a constant state of war, they want to not only reestablish the caliphate in its historical areas, but then expand it and at least require that every nation in the world be under the domination of radical Islam; and that everybody there has to at least be offered the opportunity to live under radical Islam. Then the question of whether or not they have to kill you if you do not remains on the table, but it is an excellent book, and I would urge that people read it. The other book that I would say people should read is a book called, "America Alone," by Mark Steyn.

Again, I think the challenge we face from radical Islam and its confrontation of Western society, ours here in America, Japan, Germany, France, Italy, Britain, is the single most important confrontation, single most important challenge of our lifetimes for us, for our children, for our grandchildren.

I understand the frustration of my colleagues who want us to get out and get out as quickly as we can. It breaks my heart. I have been there three times. I have seen grave errors made in the conduct of the war. I am troubled by the conduct of the war. I am embarrassed by our conduct of the war at times, but that does not answer the fundamental question. The fundamental question is: Can we leave? If we leave, does the war stop? If we leave, does it instead get worse?

I would suggest that if we leave Iraq, if we decide we cannot win there now, if we follow what the current draft supplemental proffered this week by the other side says and say in August of 2008, we are out no matter what, I think things do not get better. I would suggest that what happens is that the radical jihadi now in Iraq seeking to kill us there simply pick up their stakes, jump in a pick-up truck and head to Afghanistan, and suddenly we are fighting the same fight in Afghanistan.

I heard my colleagues on the floor and in the statement say we should be fighting in Afghanistan, and that is a serious fight, and the Taliban and the insurgency are re-arising in their battle and their challenge to us. I agree with them about that. But the problem is, what have we gained if we just moved the fight from Iraq to Afghanistan? And are we willing to stand up to the radical jihadi somewhere? Because if we do not do it in Iraq, I would submit we are going to have to do it somewhere.

I would also suggest that before we abandon Iraq, we need to think about what it is we owe to the people of that society. Having torn down their institutions, having torn down their government, their police and their army, what do we owe them to help them rebuild those institutions before we walk away?

And so I think the supplemental is very important. I think it is going to get a lot of discussion and debate. I personally believe that as long as you leave an arbitrary cut-off date in it that says we will be out of there as of a date certain, it is something I personally cannot support; and I would hope the American people would look at what jeopardy that places us in.

I think you also hear General Petraeus say, look, I just started this job. I need the troops to be able to accomplish it. There are early signs we are making progress. Give me a chance.

I think that is a plea that I hope we do not abandon. I hope that it is a plea we acknowledge. I would agree that we cannot leave it totally open-ended.

I thank the gentleman for allowing me some time on this point. I thought it was worth my time to cite this reporter, Pamela Hess, and talk about her because she has just been there. She went with the purpose of trying to find out are things different, and at least as I heard her comments on Washington Journal this morning, she said things are different, progress is being made, and the Iraqi people are kicking in. She cited vastly better than I can examples of that.

Mr. KING of Iowa. I thank the gentleman from Arizona (Mr. SHADEGG), and I pick up a point that Mr. SHADEGG made, and that is about what the enemy thinks and what happens if we should pull out of the central battlefield in this war on terror called Iraq.

So I am going to just make this transitional point here, Madam Speaker, and that is, I have a date written down here. July 11, 2004, I was sitting in a hotel in Kuwait City waiting to go into Iraq the next day, and I turned on al Jazeera TV, and I saw the face of this rather notorious person right here, Moqtada al Sadr, and he was speaking in Arabic with the English crawler going on underneath, and as I read what he said, and I heard it sparingly in Arabic, he said, If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu. Moqtada al Sadr who has now absconded to Iran to be with his cronies who have been funding him, supporting him, sending him munitions and training him.

But the philosophy that he has voiced here is a philosophy that echoes back in the ghosts of Vietnam and through Lebanon and Mogadishu, and that is, do our enemies take great heart in believing that we do not have the will to complete a military task if it gets difficult or if it gets long?

So the voice of Moqtada al Sadr saying Americans will leave Iraq the same way they left Vietnam, Lebanon and Mogadishu will be replaced should we not succeed in Iraq, and I will point out that Prime Minister Maliki stood right back here at this microphone some months ago, and he said, if this war against terrorism cannot be won in Iraq, it cannot be won anywhere.

Our enemy will know that. We must succeed there on that battleground. The al Qaeda is in Iraq. They have come there to fight us. They have generated a few more out of the Sunnis there in particular; but if we pulled out of Iraq the way the other side would like to see that happen, then the battlefield does transfer to Afghanistan, and that battlefield in Afghanistan will be inspired by a failure to achieve victory in Iraq.

I would point out that the next poster you will see on this floor after such a time, if this Congress acts in a disgraceful fashion, then the next poster you will see will not be the face of Moqtada al Sadr, Mr. Speaker, but it will be the face of Osama bin Laden himself and the quote will not be quite like this. It will be close, though. It will read like this: If we keep attacking Americans, they will leave Afghanistan the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu and the same way they left Iraq.

That is what is coming if this side of the aisle does not suck it up and understand that far more American lives are at risk if we do not have the will and the resolve to succeed. Playing politics with the lives of American soldiers and playing politics with the destiny of America just simply cannot be tolerated.

This supplemental appropriations bill, as it is announced to be written, and we do not have a draft to work with yet, is, I believe, an unconstitutional micromanaging of the powers of the Commander in Chief of the United States.

I wish to support and reiterate the statements made by the gentleman from Arizona when he said with the tick of a clock, the fight is over. Can you imagine, Madam Speaker, that a war would be like a prize fight and you would go for 10 rounds, or if it is a championship battle, maybe 15 rounds, could be 12, and when the round is over, the bell rings and the fight stops, and we come home on a date certain, at a time certain, without succeeding in a victory? That is an amazing and astonishing thing, and anyone who is involved in a guerrilla warfare of an insurgency against the United States will know all they have got to do is go underground, hole up and wait; when American soldiers are finally gone, whether lifted off of the U.S. embassy or whether they happen to be deployed out of their troop ships or flown out in jet airliners, they would know that then the enemy would have that battlefield to themselves.

The point made also by Mr. SHADEGG, we came in uninvited, we cannot leave uninvited. That is a profound statement that should be in the conscience of all of us, and we have made progress. We have made significant progress.

The attitude of the Iraqi people I thought was good 3 years ago or even 4 years ago, and I do understand that their attitude is betting better and better, but they are also nervous that we are not going to stick it out.

But if we should leave, there is no doubt things will get worse; and the worse that I would describe, Madam Speaker, is I do not think this is necessarily the worst-case scenario, but I will describe this as a likely-case scenario, and that is, right now Iran is fighting a proxy war against the United States. They are doing so in Iraq. They have been funding and supporting two large Shia militia. One of them would be Sadr's militia and the other one is the Badr Brigade. They have been supporting anyone who will increase the chaos and the disorder in Iraq. They have not only been funding them and supporting them and they have been putting munitions into Iraq that are used against American service personnel and against Iraqi military security personnel. That has gone on for at least 2 years that I know of and it has gone on intensively and finally came out in the press a little over a month ago.

□ 1530

Iran is fighting a proxy war against the United States, and those who attack the United States and provide munitions and funding and training have a sovereign sanctuary to retreat to and hide in, and that is Iran.

I know of no example in history where you have had an insurgency that was funded by a sovereign sanctuary nation that has been protected from the assault of the troops that have been attacked out of that nation, and that prevailing side has always been the side that had the sanctuary, not the side that gave sanctuary.

I am opposed to giving sanctuary in Iran to them so they can fight their proxy war against the United States. If we have enemies, they cannot be hiding behind national boundaries. We must regard them as enemies wherever they are. But if we do not prevail in Iraq, and the pervasive influence that has taken place there by the Shi'a from Iran is imposed in the southern part of Iraq and also in Baghdad as well, which it surely could be controlled by the Shi'as, that would allow Iran in the aftermath with their hegemony to control 70 to 80 percent of the Iraqi oil.

If Ahmadinejad has control of 70 to 80 percent of the Iraqi oil, and about two-thirds of the real estate in Iraq and ultimately maybe more than that, his coffers get flushed full of cash. As the cash flows out of his treasure chest, he starts putting more and more money into his war chest, and that war chest becomes more and more nuclear capable, accelerating their development of nuclear weapons, weapons, in the plural, multiple plural, and means to deliver them, which means more and more missiles to put nuclear warheads on them, not just to threaten Israel, which Ahmadinejad has sworn to annihilate.

He has also sworn to defeat and annihilate the United States. Those missiles would not be constrained to just having the range to drop into Tel Aviv, but they would have soon the range to get into Western Europe and, not much later than that, the range to reach the United States.

This is a nation that has a suicidal tendency and a belief that they are called upon by Allah to annihilate the infidels. Infidels happen to be anyone who doesn't agree with them on their religion.

So think, Madam Speaker, in terms of a Middle East that is controlled by Ahmadinejad and the mullahs in Iran. They set on the Strait of Hormuz. If they have that valve, they will have the valve at the Strait of Hormuz to control what goes in and what goes out, which amounts to 42.6 percent of the world's exportable oil supply. That is easily enough to make them filthy rich and easily enough to affect the world's economy if they crank that valve down and shut down just a valve, it is a figurative valve, shutting down the oil exports going out of the Strait of Hormuz. They would control all of the Middle East if this happens. Then this Nation would go into a recession, probably a depression.

If that happens, that reflects back to China, because China also is out there on the world market doing all that they can for the oil that they need, and they are dependent on the U.S. economy. The United States and China would be the big losers. Russia and Iran would be the big winners. Iran for obvious reasons; Russia because they have a lot of oil.

That explains why Putin has taken a hostile position against the United States. He wants things to go that direction in Iraq. He wants us out of there. He wants the Iranians to take over in Iraq because that helps his world dominance and that helps his power base. That is an equation that I don't believe is considered by the retreatniks that are writing these line items of micromanagement into this supplemental appropriations bill, this, I believe, it will come out to be an unconstitutional supplemental appropriations bill.

I would be happy to recognize the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman. You hit upon one of the keys or at least one of the major concerns or arguments that I have over the idea of our colleagues that we can withdraw from Iraq and it will end the war.

You touched upon the fact that radical Islam teaches that they must kill all infidels. I make the point that, look, I understand the desire of people who want us out of Iraq to end the war and end the killing and to not have American troops on the battleground dying each day. I want that as well.

The question one has to ask is, is that a viable strategy? A lot of people think back to the Vietnam War and say, well, look, we ultimately made a decision that we couldn't win the Vietnam War. Indeed, as your discussion earlier in this hour pointed out, there were Members of this Congress who decided we want out of Vietnam; we are going to cut the funding back; that will bring us home.

Some could argue that with the help of this Congress, we did cut off funding for the Vietnam War, and the Vietnam War did end. I would suggest for thoughtful Americans looking at this today, we are in a very different world. To my knowledge, and I have asked this of a number of people, I know of no incident ever where any North Vietnamese leader had announced that, if we finished in Vietnam and left Vietnam, that would be insufficient. I know of no Vietnamese, North Vietnamese, leader, Communist Vietnam leader, even leader of Communist China at the time, who said, as soon as we defeat the Americans in Vietnam, then we will take the fight to them in the United States.

That is a very, very, very, very different circumstance than we have here.

Read Osama bin Laden. Read Ayman al Zawahiri. Read any of the leaders of the radical militant Islamic movement in the world of the leaders of al Qaeda, now thought to be reforming in the mountain areas of Pakistan and reasserting itself in a more cohesive fashion; they have made it clear. They don't want us just out of Iraq. Their goal isn't, if the Americans will leave Iraq, the war will end. They have never said that. What they have said over and over and over again is, we intend to kill the great Satan.

You talked about Ahmadinejad. He has given speeches in which he envisioned a world in which there is no Israel and a world in which there is no United States. How does one unilaterally declare peace? I think that is a fair question; could we have said at some point during World War II, you know what, we are losing soldiers in France, we are losing soldiers in the Netherlands fighting this battle, let's just quit, and the war will end? Or had Hitler said, I am going on, I am going forward, my plan is an Aryan domination of the world?

This is a different circumstance. The leaders of this radical, militant, jihadist movement have said, we must confront the infidel. As you just explained, they define it: Anybody who doesn't believe and practice Islam the way they believe it and practice it must be killed.

I think by announcing, as this proposed supplemental bill does, and the language of it clearly states, we will leave Iraq by August 2008 no matter what. We have to think about the message that sends. That is a very clear message. That message is, if you are Osama bin Laden hiding somewhere in Pakistan or on the border lands between Pakistan and Afghanistan, and you hear that message, and you know he is paying attention, and he has heard that message, what do you think? If you are Ayman al Zawahiri and you are his chief lieutenant and you hear that message, it is very clear: Hang tight, lay low, go to the cities outside of Baghdad, keep your profile low, kill a few people on the side as you are going, but don't worry about it, because, in a handful of months, maybe as early as next January, but, according to this measure that the Democrats announced earlier this week, no later than August 2008, the Americans will withdraw from Iraq, gone, finished, out of here.

You have just announced to Osama bin Laden: Hang on, hold tight. In August, the Americans will abandon Iraq. In August, the war will end, and you will have control of Iraq, assuming the Iraqis can't defend themselves at that point, and you can take this war forward wherever you want to take it forward.

I don't understand the mindset of that. I understand the mindset of somebody who says, end the war tomorrow, let's bring them home. That is safe. If that's the choice of the American public, if that's the choice of the majority in this United States Congress, that is something, get them home and get them home tonight because they are safe.

But announcing that they will leave as of almost a year and a half from now, and between then they fight for what, is something I just can't understand. I do believe that Osama bin Laden and Al Zawahiri will understand that message.

Mr. KING of Iowa. I thank the gentleman from Arizona. I reflect upon the last time we fought this enemy, and the first time that I know that we fought this enemy goes clear back into the early part of the 1500s, and I pick it up in a book called, "Christian Slaves, Muslim Masters," when the Corsairs, Barbary pirates, would set upon the merchant marines that were sailing around the Mediterranean; they also raided the coastlines from Greece all the way up along the coast, Italy, France, Spain, up to England and as far north as Iceland.

Iceland itself was the furthest, most northerly venture on the part of the Barbary pirates, who pressed 400 Icelanders into slavery, took them back to the Barbary Coast on the north shore of Africa and put them into slavery, where they died faster than any of the other slaves. But all together the history totals up about 1.25 million Christian slaves pressed into slavery by the Barbary pirates. This was just in the 1500s.

Now, the first shooting war we got into in the United States began right after the end of the violence in the Revolutionary War. We finished, the battle was over, and 1783, here in this country, we had the protection of the French flag for our merchant marine at that time on the high seas; 1784, we lost the protection of the French flag when we had won our independence. Between that period of time and our Constitution being ratified in 1789, the protection of the French flag left us.

So, from 1783 was when hostilities ended with Great Britain; 1784, the Barbary pirates fell upon our merchant marine ships, pressed our soldiers into slavery, and we had to build a Marine Corps and a Navy to go on and take on the Barbary pirates who were negotiated with in 1786 by Thomas Jefferson and by Ben Franklin and by John Adams. Jefferson brought a report back to this Congress, and that report is clearly a document within the history of this Congress.

It can be found in a report that is delivered over here in the Library of Congress, where he said that he had tried to negotiate with the Muslim leader at the time, and he asked: Why do you attack us? Why do you kill us? We have no quarrel with you. We have had a peaceful posture with regard to you, and yet your whole regime sets upon us in the high seas.

The answer he got back was, Allah commands that we do this. He commands that we attack and kill you, or press you into slavery until you either pay homage or adopt and convert to our religion.

That report comes back from Thomas Jefferson. Those are the same circumstances that we are in today, just a few, couple 300-plus years down the line. Jefferson's analysis was, how do you negotiate with people who have a religious belief that they need to kill you in order to be saved? In fact, in Jefferson's report, the world of Islam over there, the Barbary pirates at the time said that anyone who was killed attacking the infidels would surely go to paradise.

He understood them. That is why he bought a Koran, was to do his oppositional research. That is what we are up against today, the same thing. If we don't understand our enemy, if we don't understand nosce hostem, which is a Latin term for, "know my enemy," came out of Romans, then we have the kind of appropriations bill that would have all these strings tied in such a way as the President can only deploy unprepared troops, and then it sets up some standards for that. If we need to defend ourselves, we couldn't do so unless we met this standard that is created by the other side of the aisle.

Mr. KING of Iowa. This bill presumably also requires the Iraqi government to meet the key security, political and economic benchmarks established by the President in his State of the Union address. That was January 10.

Mr. TAYLOR. Will the gentleman yield?

Mr. KING of Iowa. I would be happy to yield to the gentleman from Mississippi.

Mr. TAYLOR. It is interesting, since you were talking about history and since you have been using this quote, and I knew this before the gentleman got here, but the last time, to my recollection, that the United States Congress has cut off funds for troops in the field and demanded they be taken out of someplace was in November of 1993. It was a motion written by a gentleman from New York, a Republican by the name of Ben Gilman. It was brought to this floor by a Republican by the name of Jerry Solomon, and it instructed the Clinton administration to get troops out of Somalia.

I just think that is important to add, in a historical context, that this has happened before. In fact, Members through the Republican party have led the effort to get the troops out of a Muslim-dominated country within the last couple of decades.

I do want to remind the American people that you were not here for that. I was. I had to do a little research to remember the exact set of circumstances, but I do think it is important to add to this debate.

☐ 1545

Mr. KING of Iowa. I also recognize you are a fair-minded Mississippian, and I appreciate that and the tone and the history that you have added. And perhaps on your walk across here, you might not have heard my remarks with regard to the Vietnam era and the constraints that were put on the appropriations bill then. And so I don't think that we are in disagreement on the precedence or the history. We may or may not be in disagreement on the constitutional aspects.

And what I have done is taken a position that Congress does not have the authority to micromanage. And I was not here to put up a vote on that, but you can expect, Madam Speaker, how I would have voted had that been the case.

But these micromanaging efforts, and this is a newspaper publishing information, would appear to require that the Iraqi government meet key security, political, and economic benchmarks that were established by the President in the State of the Union Address on January 10. Now, those were goals at that time. I don't speak for the commander in chief on that, but I know now that we are well passed January 10. On January 10, there wasn't a plan that had been unfolded like the plan we are working on today. And you have to be flexible in a time of war. And to go back and pull things out of his speech and say, and we are going to tie you to that on appropriations, I think that does two things: I don't think that is prudent, and I don't think it is constitutional.

Another one would be the Iraqi failure to meet these benchmarks would mean the beginning of U.S. withdrawal from Iraq and will restrict economic aid to the Iraqis. Another case, Madam Speaker, of setting up a standard here in Congress, and the slow wheels of this Congress can creep along. And then we put something in place that would prohibit us, prohibit the commander in chief from being flexible in time of war.

It goes on. Another standard would be, if progress toward meeting any key benchmark is not met by July 1, 2007; we will hardly get any legislation passed before then; a redeployment of U.S. troops from Iraq begins immediately and must be completed within 180 days.

Madam Speaker, progress towards meeting benchmarks, that is a gray line, not a bright line but a grey one. Well, we are making progress every single day, but I don't think the people that are drafting this legislation would agree that we are making progress every single day. So, therefore, by their judgment of this standard, that would mean that we begin pulling out July 1, 2007, just a few months from now, and may be even retroactive, because I don't think this bill can get out of this Congress by then.

Another one says, if key benchmarks are not met October 1, 2007, a redeployment of U.S. troops from Iraq begins immediately and must be completed within 180 days.

It goes on and on. And, again, this is a huge, huge reach for Congress to get involved in the micromanagement of a war. There have always been consequences.

And, by the way, the gentleman from Mississippi that raised the issue of the appropriations bill in the early 1990s Congress that said, get out of Somalia, if you look at the aftermath of that, I think it would have been far better for the United States had we stayed and had we completed the mission there; it would be perhaps done by now and not a place where there are terrorists pulling into that. There has been a long, drawn out war in that area since that period of time that has washed back and forth across that countryside. And part of it is because we lacked resolve. And part of that is shown right here in the words of Muqtada al-Sadr.

So, Madam Speaker, I would bring up one more point, and that would be, we have made progress there. And the progress that we have made, some of it is measured by construction projects that are completed. There has been a lot that has been said about things not getting done in Iraq, and I would submit that I have been over there a number of times but twice specifically to review the construction projects that have been initiated and in progress and completed. And this shows in green the projects that are completed. Along that map, it is easy to see that we have got most of our work done. We are nearing the end really of all of them. The green are completed. The yellow is under construction, and the red are those that are planned but not started. Tiny little numbers under the red here. Big numbers under the green. Significantly smaller numbers than those that are under construction.

We have gotten a lot of projects completed, Madam Speaker, and we are almost to that point where we can wrap up this work that started here in Iraq, that started out with $18.4 billion. We put supplemental funding in there. And then a final number, I can't speak to factually here on the floor, although it is significantly larger than $18.4 billion. There has been a lot of infrastructure that has been picked up to speed. If you look around here on the edge, these are all border forts along the edge on the border between Iran and Iraq. That is also the case down along here with Jordan and Syria. We have fortified the border and put people there on the outposts. That has done a lot to slow things down, but it has not done enough to keep it from coming out of Iran.

I have been to a good number of these projects. Some would be sewer projects in Sadr City, Baghdad, itself that began about 3 years ago. And under the first armored division controlling that, General Carelli, who is now the Corps commander there. I have been up here to the Kirkuk area where the mother of all generators sits there producing electricity 24 hours a day, every day, a gas-fired generator plant. There is work done all over this area. We have gone back and reflooded the swamps where the swamp Arabs lived that were dried up and drained by Saddam Hussein. They have moved back into that area. About 8,000 square miles were drained; we got about 4,000 square miles put back in. We have done a tremendous amount to improve the environment there in Iraq, and 80 percent of the violence is confined to Baghdad and 30 miles within Baghdad. So why would we be concerned that we can't control this or we can't manage this?

I would point out that, in 1944, on December 22 of 1944, the 101st airborne was surrounded at Bastogne, and the Nazis demanded that the 101st surrender. And General McCollum's response was a retort, it was "Nuts." The Germans didn't know how to understand that, Madam Speaker. But what it meant was: We are staying here. We have got you right where we want you. You are all around us. We can hit you. We can fire and hit you in any direction.

And the Americans underwent a relentless artillery barrage, but the response, the rhetoric, "Nuts" prevailed. And General Patton's Army was able to relieve the 101st Airborne. The 101st today contends they didn't need the help; they would have liked to just whip the Germans themselves.

That was the spirit we had in this country and our fighting personnel in December of 1944. When they were surrounded, and it was hopeless, they said, "Nuts." Now we have Baghdad surrounded and we have Baghdad penetrated, and all we have to do is maintain stability there, and we have people talking about surrender. And I think they are nuts, Madam Speaker, to talk about surrender with all of this investment in blood and treasure, to be so close to success and victory here, and to be waffling and go wobbly at a time when you need a spine and you need courage.

To bring this supplemental appropriations bill with all of these strings attached that are designed to appease the 75 or 76 members of the Out of Iraq Caucus and the left-winged liberals here in this Congress, not because of their leadership on war but because of their position on other issues, I think, is a disservice to the American people. The American people know how important this is. And the fathers and mothers, the widows and widowers, and sons and daughters of those who have given their lives for Iraqi freedom and a safer future for Americans must be respected and honored.

As the father of a son who was killed over there, a Gold Star father from California said to me, and his name was John, he said, "It is different now. You can't pull out of there now, because that soil is sanctified by the blood of our children. You must stick with this battle and succeed and not lose your will."

As a major from Kentucky said to me the last time I was there, "We appreciate your prayers. We have everything we need to do what we have to do. We have all of the weapons we need and the clothing and the food and the training that we need, and all of the support that we need. So when you pray for us, pray for the American people. Pray that the American people understand this enemy that we are up against. Pray that the American people don't lose their resolve. We will not lose ours."

INSURANCE ISSUES IN WAKE OF KATRINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR. Madam Speaker, I have the great fortune to represent the people of south and coastal Mississippi, and I never want to miss the opportunity on their behalf to thank the other people of our great Nation for the help that has been provided to us in the wake of Hurricane Katrina, both individuals, Rotarians, college kids. But so many people have just been magnificent in their helping South Mississippi after the storm, and we want to thank you.

There has, Madam Speaker, unfortunately been a group that has been particularly unhelpful to the recovery of south Mississippi, and that is the insurance business, in particular the property and casualty business around the country.

I want to bring to your attention just one of the many of the thousands of homes in south Mississippi that were destroyed by the storm. The people there had insurance, contrary to what the Wall Street Journal will tell you. They had insurance against flood. They had insurance against wind. And when the storm came, they thought they were covered. And they woke up the day after the storm, and their homes were gone.

This is a sketch of Will Clark's home in Pass Christian, Mississippi. Being very fond of his place, he hired a local artist to sketch it. This is what it looked like the day before Katrina. That is what it looked like the day after.

Will, being a good businessman, had $250,000 worth of homeowners insurance on his home. The folks from State Farm, within a few days of the storm, came to his property, looked around, said they saw no evidence of wind damage, despite all the things you see knocked down by the wind, and paid him nothing on his insurance claim. A $250,000 policy paid him nothing.

The next homeowner I want to bring to your attention is the home of Mr. and Mrs. James Scanlon. This is what it looks like. The Scanlons had $304,000 worth of insurance on this home. The day after Katrina, it looked like that. The Scanlons were with Nationwide Insurance Company. Nationwide paid them $13,000 on that damage. For those of you who have done some remodeling yourselves, you know that $13,000 might replace that front door and maybe that window; $304,000 worth of insurance paid them $13,000.

The third one I want to bring to your attention is the home of Ms. Diane Quinn in Biloxi, Mississippi. To give you the magnitude of this storm, it stretched all the way from New Orleans to Mobile, Alabama. This is what Mrs. Quinn's home looked like the day before Katrina. She had $249,000 worth of insurance with Allstate Insurance Company. The day after the storm, her home looked like that.

Within days of the storm, in addition to all the other trauma she had been to, the folks from Allstate, I believe that is "The Good Hands" folks, came and told her that they would give her $10,000 for the loss of her home.

Mr. Speaker, there is zero Federal regulation of the insurance industry. When people came to me with claims like that and said, "What can you do for me," I had to give them the unfortunate answer, "Absolutely nothing." But it wasn't just these folks who were harmed by the storm, you see; it was every American.

The people that did pay claims was our Nation's flood insurance policy. The Nation's flood insurance policy is written in a way that we hire the private sector to sell that policy, and we hire the private sector to adjudicate the claim in events like this.

The problem that came in is, when those insurance agents went to those three properties, and even though the Navy tells us we had 5 hours of hurricane-force winds before the water got there, the insurance agents said, "We see no evidence of wind damage. So, therefore, we are not going to pay you on your homeowner's policy; you have to pay your flood policy."

Under the law, they are required to have a fair adjudication of the claim. And yet, at the same time that they require our Nation to have a fair adjudication of the claim, folks like State Farm and Nationwide are sending out memorandum to their claims adjusters, and this is a quote: "Where wind acts concurrently with flooding to cause damage to the insured's property, coverage for the loss exists only under the flood coverage." That means that not only these folks were cheated out of their homeowners policies, but you as taxpayers were cheated to pay claims that should have been paid by the insurance industry.

Now, the folks who run that company, a gentleman by the name of Ed Rust to be particular, rather than expressing remorse for what his company did to the people of America, was rewarded this year with a $9,890,000 bonus for telling folks like that, "We're not going to pay you."

Madam Speaker, this needs to be investigated. There are claims adjusters who were so disgusted with what they saw and what they did to individuals that they have turned the insurance industry in for this fraud that has been perpetrated upon the American people.

Madam Speaker, this Democratic Congress needs to keep faith with the people of America and investigate this, because I am convinced that the biggest Katrina fraud of all was ripping off the American taxpayer to the tune of billions of dollars.

□ 1600

DISASTER RELIEF FOR AFFECTED AREAS IN CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COSTA) is recognized for 5 minutes.

Mr. COSTA. Madam Speaker, I, too, feel, as I believe most Americans do, for those who have been impacted by the effects of the disaster that occurred with Hurricanes Katrina and Rita. And my colleague and good friend from Mississippi makes, I think, strong arguments that it is part of our responsibilities as representatives of the people's House, to, in fact, respond to needs and crises when natural disasters occur.

My district, the 20th Congressional District in California, includes the heart of California, some of the best farm land in the country, from Fresno in the north all the way down to Bakersfield in the south.

I rise this afternoon to address the concerns, the deep concerns that our constituents have because of a lack of Federal support in declaring Federal designation disaster status for the 31 counties in California that were impacted by the freeze that took place in California between January 11 and January 16.

Now, this is a disaster of significant proportions. Unlike a hurricane or a tornado, as we have witnessed recently in other parts of the country, a dramatic freeze takes on different visual effects. But the damages and the impacts to families and their children and people with farms and farm workers, compesinos, can be just as devastating.

Since January 11, January 16, doing our due diligence, Governor

Schwarzenegger has declared 31 counties in California available for Federal designation disaster. Yet, we have gone now 6 to 7 weeks without the Federal Government responding. It believes now the total cost of the impact of this freeze to the farms, to the citrus industry, to the vegetable industry is totaling over $1.3 billion and growing.

These farm workers, these compesinos, are out of work. These farmers have their life holdings in these citrus orchards. The communities, the economic impacts are reverberating throughout the communities within these 31 counties.

Last Friday, we had a listening session on the impacts of agriculture. We had members from the foodbank in California, the Fresno County foodbank, Sarah Reyes, an old friend and former colleague of mine. She indicated that over 3,100 households, which contain over 14,700 individuals, over 7,425 children under the age of 5 years of age or less, have been provided food because these folks have no jobs, because there are no jobs available, because the citrus industry and related industries have been devastated by this freeze.

It goes on. You know, in places like Orange Cove and Parlier and Reedley and Selma and places in Tulare County, we have seen the need to provide food for families increase 1,000, 2,000 percent. The UFW, faith-based organizations have chipped in. The State has paid millions of dollars. But yet the Federal Government response has been lacking.

We have had bipartisan support from Members of the California congressional delegation, by both our United States Senators. Congressman NUNES and myself have introduced an Impact for Freeze Relief for those farm workers, those farmers, their families and the businesses and these small communities. Yet the President has yet to declare, since January 11 through January 16, that these counties are deserving of Federal designation disaster relief.

But in the meantime, my colleagues, since December 19, 14 other States have been declared Federal designation disaster areas. Nebraska, December 19, for severe winter storms; Kansas, January 28, severe winter storms. The President, on January 7, declared both those States disaster areas. Missouri, Oklahoma, Florida, Illinois, Washington State, winter storms, mud slides, tornados, all deserving, I believe, and the President believed, for Federal designation disaster status.

Yet, 7 weeks later, California, that complied with all the requirements under the Federal law in which our Governor made the request, now finds itself, 7 weeks later, without the sort of Federal designation status that we deserve as taxpayers to the Federal Government.

We ask the President, please respond as you have responded in 14 other cases in these other States. Our citizens need the support and the same sort of help that we have given to other parts of the country.

So I ask, once again today, for the President to respond to FEMA and to produce the Federal designation disaster relief that our citizens in California deserve and need for those farmers, for their families, for those farm workers and for the communities they live in.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. And as you know, the 30-Something Working Group, we come to the floor two, three, sometimes four times in a given week, in a legislative week, to share with the Members some of the issues that we are working on and some of the issues that we must tackle here in the 110th Congress.

As you know, the work of the 30-Something Working Group has been going on now for, going on close to 4 years of hard work and making sure that not only the will of the American people prevails in this House, the people's House, this U.S. House, but to make sure that we act, we legislate in an accountable way; also bring about the kind of oversight, and put us on the new direction that we need to be in several of the areas that we face now, such as Iraq, such as making sure that we have affordable health care, making sure that we have a clean environment, making sure that we take care of our veterans. And fiscal responsibility is the backdrop of the overall accountable flag that we stand under.

Mr. Speaker, a lot has happened in the last couple of weeks, and a lot has happened since the 110th Congress took control of the U.S. House of Representatives, Democratic control, and working in a bipartisan way.

I spent a lot of time on the floor in the past talking about the bipartisan votes that have taken place here on this floor because I think that it is something that we should all be proud of. I am not talking about proud Democrats. I am talking about Republicans, Independents that are paying attention to this process, Democrats, first time voters. Individuals that are thinking about voting should be encouraged about the spirit that we have here in the U.S. House of Representatives and making sure that we bring work products that a majority of the Members can vote for, and that means Democrats and Republicans.

These are a few of the votes that I just want to highlight here once again: implementing the 9/11 Commission recommendations, H.R. 1, which was the first bill, Mr. Speaker, we spoke of that we had the opportunity to lead. When I say "we," I am saying the Democratic majority, to be able to bring to the floor, which was a bipartisan 9/11 Commission. And it was a book that many read, and one of the New York Times bestseller books. Passed 299–128, with 68 Republicans voting for it.

Raising the minimum wage, H.R. 2, which was the second bill in this 110th Congress, this Democratic Congress that came up. Again, we must be reminded that the vote was 315–116, with 82 Republicans voting with the Democrats on that particular measure.

Funding for enhancement of stem cell research, H.R. 3, again, bipartisan vote, 253–174.

Making prescription drugs more affordable for seniors, H.R. 4, 255–170, which is a majority vote in a bipartisan manner.

Something that really means a lot to the 30-Something Working Group, reversing the increase of interest rates to students and also American families that are trying to educate themselves to take advantage of the high-tech jobs that we are trying to provide, and also the skilled labor jobs that we are trying to generate here in our economy, cutting student loans, interest rates in half, which was H.R. 5, which passed by 356 votes to 71.

Mr. Speaker, I just want to really make a case in point as it relates to that particular vote because young people are our future, and even working, some folks think that many of our students graduate from high school and they go right into college. We have many working Americans that have to work and go to school at the same time, or have to work and then go to school later. And they have to take out these student loans. And cutting that interest rate in half is going to mean so much to the forward progress of our young people and our middle-age population that is trying to educate themselves to compete, not only with the person that is standing next to them, but compete against other countries.

And so our education, the education of the people of the United States of America is paramount. And I am so happy to see, and this was one of the major objectives of the 30-Something Working Group, not to just represent those that are graduating from high school, but to also represent those parents that are trying to pay for higher education for their children.

The greatest goal, I think, for a grandparent or a parent is to make sure that their children and grandchildren have better opportunities than what they have had. And I am excited about that opportunity that so many are going to have. Now, we have moved here in the House to cut those interest rates in half.

Also, creating long-term energy initiatives, which was H.R. 6, which passed 264–168, bipartisan vote, something that was needed as it relates to using subsidies for alternative fuels. Making sure that we invest in the Midwest versus the Middle East is something that we have all embraced and something that we all feel very strongly about.

I am going to keep sharing that, Mr. Speaker, because I think it is important. In the 109th Congress, I spent a lot of time here working with the 30-Something Working Group talking about the uncontrollable debt that the Republican Congress kept accruing on behalf of future generations. And I talked about that, and it was a chart, and I had a rubber stamp. But I am going to talk a little bit more about it as we start to look at this question of accountability, the question of oversight, the whole slogan of moving in a new direction, fiscal responsibility.

And I just want to make sure that I paint this picture, because what we are talking about now in the 30-Something Working Group, we used to talk about what we, if we had the opportunity to lead, what we will do. Now we are talking about what we are doing.

But to be able to really paint a good picture, Mr. Speaker, for not only the Members to understand, but also the American people to understand, this is where we are right now, and we didn't just get there last week.

As it relates to foreign debt held by foreign nations, this is as of December 2006. We updated this chart because we had numbers in place. As you know, we had the little Velcro numbers, which I understand that we are going to get that soon so that we can pull it off to really show what is happening here.

We have Japan, that owns a part of the American apple pie at $644.3 billion. And I think that it is important to understand that they buy our debt. That means they have a piece of the American pie because of a lack of fiscal responsibility, because the President has passed budgets down that has asked for tax cuts for the super-wealthy, that we spent out of control with a lack of accountability and oversight, with two wars that are going on, just continuing to borrow the money with very little oversight.

I am setting the stage for a little later on in our talk here today.

We have China. As of 11/05 it was $249.8 billion. And now, as of December 2006, China has moved up to $349.6 billion.

Mr. Speaker, I think it is also important, and I want to ask staff if we can get that Bush chart with the Republican Congress if we have that because I want to just show how historical these numbers are, because one may say, well, you know, there are a couple of wars going on. We have had 9/11. We have had a number of issues.

I have a chart that is really going to show that that is contrary, that logic is contrary to the obvious of what has happened.

□ 1615

It is because the administration has decided to borrow from future generations and the present generation where the economic outlook for our children and grandchildren would not be what it should be because of our lack of responsibility. Thank God that we have a Congress in place right now that is going to put accountability first. Fiscal responsibility we have already adopted in our rules and continue to live under that flag of oversight and a new direction: $349.6 billion; the U.K., $239.1 billion; the Caribbean, $68 billion; Taiwan $63.1 billion. OPEC nations, again, these are oil-producing nations in the Middle East, Mr. Speaker. Many of these nations the United States have bilateral talks and agreements with, but many of them are in question as it relates to the present situation in the Middle East. But guess what? They own a piece of the American apple pie. I don't even want to start to talk about gas prices and what is happening as it relates to OPEC nations. You have $67.8 billion as of 11/2005. And now, Mr. Speaker, December of 2006, OPEC nations, they have gone up in owning more of the American apple pie due to a lack of fiscal responsibility on behalf of the Bush administration and the past Republican Congress. Of the budgets that they have passed, they now own $100.9 billion of the American apple pie.

Korea, $70 billion; Hong Kong, $53.9 billion; Germany, $52.5 billion.

I think it is important that we pay very close attention to those numbers, and that is something that we should be very concerned about and continue to keep our eye on the prize so that we spend in a fiscally responsible way and that we make sure that we are accountable to the American people. And I feel good about the fact that we have a majority that is willing to fight on behalf of the greater good to make sure that we work on behalf of all of the American people.

Now, this chart is a little old, Mr. Speaker, because these actually have the 2005 numbers, and we are updating it. This is something I feel very fond of because I always said that this chart is going to end up being a part of the national archives one day because it really shows a story, and it is factual.

President Bush in 4 years, in 4 years, has managed to borrow more from foreign nations than 42 Presidents in 224 years of history. Now, these are 2005 numbers. I mean, I just want to make sure that we understand that these are 2005 numbers. So the numbers are higher now. Forty-two Presidents, look at them. All the way from George Washington, they were only able to borrow $1.01 trillion. President Bush and the Republican Congress, the 108th Congress and 109th Congress, borrowed $1.05 trillion in just 4 years.

Now, one would say, how can that happen, Mr. Speaker? How do these countries, China of all countries, Red China, own so much of the American apple pie?

Well, I can tell you how it happens. It has happened because the past Republican Congress rubber stamped everything that the Bush administration sent to this floor at the objection of so many Members of the House.

But now the proper leadership has stepped forward and said that we are going to pay as we go. So that means that this budget process will be more controlled than it has ever been in recent history of saying that, if you are going to spend, you are going to show how you are going to pay for it. Not where you are going to get it from because we know where they got it from. They borrowed it. It is like taking out a high-interest credit card and saying, I am knowingly and willingly using this high-interest credit card to carry out spending that I know I can't afford to spend. I know this. I mean, it is not that it is an emergency. In the budget that the President has sent to this U.S. House of Representatives, the Bush administration budget, it is saying, let us make the tax cuts permanent for the super wealthy. Meanwhile, these countries that I outlined are paying for that tax cut. And I think it is important that we look at that. That is the fiscal responsibility end of the talk here today.

I think it is also important for us to realize the discussion that we are having now on Iraq, Mr. Speaker. We talked about oversight. We talked about accountability. But to date, as of last week, last Friday, there have been 81 hearings on the issue of oversight and accountability on Iraq, across the committees in the House. And I think it is important that the Members pay very close attention to this because, as these hearings continue to happen, we have learned more about what is happening in Iraq, what is happening in Afghanistan, what is happening with our troops here and our veterans here on the ground; hearings were not happening at this rate in the past.

Again, one of the obligations of the 30-Something Working Group is to make sure that everyone and every Member of the House understands that we are here to work, that we are here to make sure that accountability blows through the air conditioning ducts here in the hospital House.

Why are we spending so much time talking about Iraq? Next week there will be a supplemental that will be in committee, and it will be marked up. What we call a markup, that means that there will be a discussion about what goes into that supplemental bill. There will be appropriations, some $100 billion-plus, that will be in this bill, from what I understand. Why are we spending so much time having so many conversations about what should be in that bill?

This is why, Mr. Speaker: On March 8, as of 10 a.m., 3,178 U.S. troops died; dead, period. As of March 9, which is today, Mr. Speaker, 10 a.m., we have 3,186 troops that are dead. Now, I said, 3,178, as of yesterday, 10 a.m. Today, as of 10 a.m., 3,186. That is the reason why, Mr. Speaker, so many Members are spending time focusing on this issue of Iraq accountability and benchmarks on behalf of the American people and those that are in harm's way. That is not a Democratic issue. That is not a Republican issue. That is not an Independent issue. That is an issue that should be dealt with at the U.S. Congress, and it is going to take courage and leadership and commitment and some tenacity to bring about the kind of change that needs to happen to make sure that those individuals that have died in the line of duty, that their memory is not in vain, and that we accomplish and we have benchmarks and we take the training wheels off the Iraqi government, period, dot. I can't sugarcoat it. It is what it is, and it has to be laid out that way for folks to understand, for the Members to understand, I must add, that it is very important. This conversation and this debate and the discourse that is taking place in committee, it is very serious, and it should be above politics.

The American people sent a very strong message in November. Democrats and Republicans, I am just going to say, the American people, period, sent a very strong message in November that they wanted to move in a new direction. They want more accountability. They want more oversight out of this U.S. House of Representatives. And they understand what is going on in the White House. There are places where Republicans won elections by landslides in the past. And guess what? In the November election, you couldn't elect a Republican as far as the eye can see or within eight or nine area codes because of the lack of oversight and accountability that was not carried out here in this House in the last couple of sessions of Congress versus this session.

Why is this issue important? As of 10 o'clock today, 23,924 wounded and 10,627 of those cannot return to battle or to duty.

What is in this so-called Defense supplemental bill? Some may talk about benchmarks. I want to talk a little bit about what is in the bill or what is going to be in the bill as the Defense Appropriations Subcommittee starts to what we call mark up and create this bill. The Speaker has said that U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act will provide our troops with equipment they need and require Iraqis to take control of their own country, help fight the war on terror and establish a date of withdrawal from Iraq.

Well, what is wrong with that? What is wrong with making sure our troops have what they need when they go to war? Mr. Speaker, I came to the floor 2 weeks ago because I happened to pick up the paper, and I saw some Members were complaining about the fact that the Defense Appropriations Subcommittee was looking to put language in the bill that said, if you are going to deploy a troop into harm's way that that soldier or that troop, that Marine or that sailor or that airman or that Coast Guard person, National Guard, Reserves, you name it, that they have to have the equipment they need to carry out the mission. What is wrong with that? That is almost like sending a football player out in the field without a helmet and shoulder pads and saying, go play. This is serious business. And I named the number of those that are wounded and have died, and I can guarantee you, if we had had some of the language that we are talking about in place, maybe, just maybe, a number of those individuals would be living today. It is important. We are not four-star generals. We are Members of Congress. And we have been sent here to make sure that we are accountable to those that have signed up in a volunteer Army and a volunteer Marine Corps and a volunteer Navy and a volunteer Air Force to go defend this country and that have allowed us to salute one flag. It is our responsibility and our duty. And while we carry out that responsibility and duty, one may be misunderstood every now and then. And if it is about being misunderstood, then that means that you are not leading.

My mother served in this Congress, Mr. Speaker, prior to my arrival here, and she said, "Son, if you are not misunderstood from time to time, you are not leading."

I am glad to pick up periodicals, and I am glad to see the kind of discourse that is taking place on television, folks talking about what the Congress is doing, because you know something? At least we are doing something about the status quo. No longer will this House stand by, Mr. Speaker, and watch those that are unelected carry out the duties that the Congress should be carrying out.

I have been on the Armed Services Committee now three Congresses, Mr. Speaker, and I can tell you many times I sit there and I watch individuals that are on the panel before us, and I kind of want to ask the question, but I don't want to be sarcastic by saying, I hope you are not filling me with confidence that the troops have everything they need.

When I came to Congress, we went into Iraq. I wasn't here for the vote to go or to give the President authority or what have you, but I was here, and I remember asking the question, are we ready for this guerrilla warfare once we reach Baghdad? That answer was, "yes." Do we have the equipment in place? That answer was, "yes." Do we have up-armored vehicles in place? That answer was, "yes."

News report after news report, document after document this big, Mr. Speaker, says the contrary. Two trips to Iraq represents something different from what I heard here in a committee room in the Rayburn Building that the troops have what they need. Well, guess what? We no longer want to go off of what someone tells us in Washington, D.C., that is happening or not. We want the President to have to be able to confirm that there is a need for additional troops or to send additional troops to Iraq. We want to make sure that the troops know that there is a Congress here that is going to put that language in place to make sure they have what they need.

I can't tell you how many marines and how many soldiers told me, sir, with all due respect, sir, I will be here as long as you want me here, but I went on a patrol the other night, and I didn't have the proper equipment. I didn't have the up-armored vehicles. And it takes a Member of Congress to go to someone and say, I heard a patrol went out last night and didn't have what they needed.

□ 1630

We are not trying to make command decisions on the ground. We are just trying to make sure the men and women have what they need.

Also within this supplemental that we are looking at is legislation that prohibits the deployment of troops that are not fully mission capable as defined by the Department of Defense. In other words, troops who are not fully trained, equipped and protected by the standards of the Department of Defense will not go.

Now, this is what the Department of Defense has asked for. Why can't the Congress then back up the Department of Defense and say we agree with you, even though we know you have not been practicing some of the things that you have adopted as policy?

The President can only deploy unprepared troops if he certifies in writing to Congress that the deployment of those troops are in the national interest. That means it is imperative that we send troops that are untrained and unprepared into harm's way. The President has to confirm that it is within the national interest that that should happen. That is not taking his powers away as Commander in Chief, it is just putting in another level of accountability, making sure that the President knows that there is a Congress here that is willing to carry out the accountability and the oversight that is needed.

It also provides that the Veterans Administration has to meet the obligations of the new generation of veterans that will be coming out of two of these wars.

There are two wars going on, Mr. Speaker. A lot of folks forget. Iraq? Okay. Afghanistan. But guess what? There are two different wars going on. Because of the lack of planning in the Iraq war, troops were sent to Iraq from Afghanistan, and guess what? The Taliban is back and strong in Afghanistan. Now we need more troops, more coalition troops, because of the decisions that were made in a Congress that did not provide the oversight that it should have provided to make sure that we brought about ultimate accountability. I think it is important that we endorse the philosophy that we are going to prepare for what is to come.

It is time for the Iraqis to take control of Iraq. We say it all the time. In this bill, the bill will require that the Iraqi government has to meet key security, political and economic benchmarks that were established, Mr. Speaker, by the President of these United States on January 10 when he addressed this Congress. What is wrong with that? The President said if it doesn't happen, then they will see a withdrawal and we will not be there forever. I am paraphrasing. This is what the President said.

Now, being a Member of Congress, now going on my third term, I think it is very important for us to understand, there are some things that the President has said during the State of the Union that ended up being reality, or becoming reality, and there are a lot of things that he said that did not.

I trust the fact that the Commander in Chief and Members of Congress will not send someone into war unprepared. I will trust that. I would want to believe that. But we know that it has happened, where we failed our troops as it relates to getting them what they need.

But I think it is important for us to understand, Mr. Speaker and Members, it is very, very important that we put in the language of this supplemental, which I must add, let me break this down more, when I say defense supplemental bill, that means this is an appropriations bill that is going to be $100 billion that will go towards operations in Iraq and Afghanistan and in other parts of the world as it relates to this issue of fighting terrorism. But it should not be a blank check. It should not be a one line bill.

Some would like to leave it up to the Pentagon. Leave it up to folks who we don't have any idea, the public, who they are. Unelected individuals. Leave it up to them. They know what is best. They are the professionals.

Well, I believe in professionalism too. But when I go down to the Seventeenth Congressional District of Florida and my constituents ask me, Congressman, what did you do to make sure that my tax dollar is being spent appropriately? "Well, they just said send the money. I thought it was important. We just voted and let them deal with it."

It is not an us and them. It is a we. And when money is spent in an inappropriate way, when you have companies like Halliburton and other contractors that are under investigation, I must add, that are still receiving contracts, U.S. Federal contracts, the taxpayer dollar, then we have to have accountability.

Now, I don't know anyone that really has a problem with that. I can go to a rally of conservative to the right of the right of the right Republicans and ask them, do you want accountability measures in a $100 billion-plus supplemental bill, or do you just want us to pass it and say leave it up to whoever is making the decisions in whatever department they are in with no-bid contracts and allow some of the things that happened in Iraq, when companies get a flat tire and then they torch the truck and we buy a brand new tractor-trailer because it was better for the company if they just replace the truck. Which one do you want? Do you want accountability measures in it? Do you want benchmarks in it? Do you want to have hearings?

Do you see the number? Oh, goodness, I am glad the staff changed this for me, Mr. Speaker. It is that quick. I started talking about last week's numbers. I get new numbers. Ninety-seven hearings held on Iraq oversight. Do you want this? Or do you want seven hearings? Which one do you want? Do you want 96 hearings, or do you want seven?

We have Members around here complaining saying, oh, well, you know, I don't necessarily like all this, you know, what is going on.

Well, it is our job. When we have two wars going on and we have the kind of lack of fiscal responsibility that has not been taking place here in this House prior to the arrival of the Democratic controlled Congress, you have to sleep in shifts. You have to make sure you do what your obligation is, to have oversight.

I think it is important to be able to make sure if the Iraqis fail to meet the benchmarks, that it will mean the beginning of a U.S. withdrawal and that it will also restrict economic aid to the Iraqis.

The bottom line is, you cannot reward bad behavior or lack of good behavior. You can't reward that. You can't say, well, no, that is okay, that is fine. Take your time, whatever the case may be. Don't worry about it.

I'll tell you, there are some Iraqi forces that are fighting. There are some Iraqi forces that are doing some good things. But there are some folks within the Iraqi government that do not understand the urgency we have here.

The longer we are in Iraq, the more I have to tell my U.S. mayors, my Governors, my school board members, my constituents, no, I cannot help you with your project. No, I cannot help you, Governor, as it relates to the transportation dollars to help Florida become even a stronger State in the United States of America. Mr. Mayor, I know it is important that we have security in our community. Mr. Sheriff, I know it is important that you want that COPS Program back. But guess what? We have two wars going on. We got a tax cut for the super-wealthy that the President of the United States wants, and we are too busy fighting them on that. And meanwhile, we got folks foot dragging over in Iraq about accountability. They don't have any urgency. Some folks don't even have the urgency we have here in the United States.

This is snatching bread and butter out of the mouths of U.S. taxpayers and their children. Do you know why the interest rates went up on the student loans? To be able to pay for tax cuts for the super-wealthy, and to also continue the business of saying let's just rubber stamp supplementals and send it to the President of the United States and the Bush administration and the Department of Defense. And it took an election to bring about the kind of paradigm shift and the thinking that we should have done on our own as responsible adults and elected to U.S. Congress. It took an election to do that.

Thank God for democracy. Thank God for level-minded Americans saying I am going to put my party aside for a moment. I have to stand up on behalf of my children, because this is now becoming personal. You have veterans that have served and that have fought and that have allowed us to salute one flag who are just turned, totally, politically about who they sent to Congress, and they made a change. And we are not going to sit there and allow their vote and their prayer and their hope that there will be change here in Washington, D.C., and just sit by and say we want to go along to get along.

Someone says something about maybe I am doing the wrong thing, and who am I to try to govern a war from Washington, D.C.? It is not governing a war. It is bringing about the kind of accountability that the American people have cried and have asked for.

The Bush administration and the Republican majority in the past are far, far behind where the American people are. And if we have to drag, pull, through this House and push legislation through to bring us up-to-date to where the American people are, that is what we were sent here to do. And Members who don't want to be a part of that experience, they have to go home and they have to face their constituents.

Believe what I am telling you right now. It is not just individuals that are walking around with flowers and saying "I don't believe in war" that are saying that we have to bring some accountability to what we are doing. There are individuals that work hard, individuals that have retired, individuals that are looking for a better future for their family. You have local government officials that don't even know how they are going to survive from this point on because we are sitting around here cutting taxes for individuals who are not even asking for tax cuts.

Mr. Speaker, let me say this: Superwealthy billionaires that are not even marching the halls of Congress and saying please give me a tax cut, they are not asking for it. The Republican Congress just gave it to them.

So this paradigm shift, I want to prepare the Members, Mr. Speaker, that it is going to take some courage, and it is going to take some leadership, and we are going to be misunderstood. But you know something? Time after time again, history has reflected on leadership in a good way.

I can tell you right now, a perfect example, Mr. Speaker, and then I am going to move to the next point, when the Walter Reed story broke about what was going on at Walter Reed, and the Newsweek cover of this specialist here, this amputee that served and the kind of treatment that our soldiers were receiving at Walter Reed, the vindication for the Democratic majority was the fact that before this article came out, before we even knew of a Washington Post story, or probably even before the reporter started working on the story, we had an appropriation continuing resolution that we had to pass because the Republican Congress did not do their job and pass their appropriations bill, and we put $3.6 billion towards veteran healthcare because it was the right thing to do.

And the good thing about it is that I could stand here on this floor without any Member being able to march down here and say otherwise, that we did what we had to do because we had the opportunity to do it. And that is what is so good about good leadership.

I am glad NANCY PELOSI is the Speaker of the House, and if there are some Members that have a problem with that, then they have a problem with leadership, because this could have happened last year, it could have happened the year before last.

The Bush administration has passed time after time again budgets that have cut veterans healthcare. Again, Bush Republicans, see this, Mr. Speaker, I am going to tell you right now, I can't think of anything else I could be doing outside of making this point right now. This is very, very important. And I want my Republican colleagues to be with us on this change that we are working on. I want our new Members in Congress to understand their responsibility as it relates to the American people and what they sent us here for.

We have to have resolve, just like the men and women on the front line have resolve. We have to have resolve, just like the veterans who went out there and laid their lives down and watched their friends pay the ultimate sacrifice. We have to have that same resolve. We have to have that political courage, like they have to have the courage to go outside the gates of Camp Victory in Iraq.

We have to have that same resolve here in this House. We cannot allow someone just because they say something about you or they think something about you when you are right, that you are going to turn around, just because someone on the minority side, on the Republican side, is saying well, look what they are trying to do.

Well, you know something? I say to my Republican colleagues, in all due respect, and many of them are my friends, especially the leadership, the bottom line is when you are pointing your finger and saying look at what they are doing, you need to be looking in the mirror and saying you had the opportunity to do it and you didn't do it, and we are not getting back in the same boat that you just got out of. We are going to do it. We are going to grab a paddle and we are going to go down the stream.

Summer of 2005, at the Democrats' pressure, the Bush administration finally acknowledged that FY 2006 shortfall in veteran healthcare was totaling $2.7 billion and Democrats fought all summer to get it.

March 2006, President Bush budget cut veteran funding by $6 billion over 5 years. Passed by the Republican-controlled Congress.

□ 1645

January 31, 2007, Democrats increase VA health care budget by $3.6 billion in a joint resolution funding.

Now, Mr. Speaker, I tell my colleagues who are against that kind of action to go home and tell your constituents that you are against that. I welcome you to do it because you won't be a Member of Congress anymore. I am so glad I was on the prevailing side of $3.6 billion going into veterans' health care.

I say all of that because we use key words like accountability, oversight. We talk about a new direction and fiscal responsibility. I can tell you, there are many times here on this House floor that Members are going to have to go see the wizard and get some courage. That courage is very easy because the American people are egging on this kind of spirit that is in Washington, D.C., right now.

I think it is important that, even after all of the articles and even after all of the talk about what went on at Walter Reed dealing with our veterans, that the Democratic-controlled Congress sprung into action, not weeks, not months down the road, not years down the road, sprung into action. Articles came out in the Washington Post. I have it right here. We don't come to the floor to play around or waste Members' time or staff time. I think it is important to talk about the fact that articles came out on the 24th. There was a review panel. We looked at the Army Times article that came out in September 2006, but when articles started rolling out on the 19th and after that on the 26th, and then on March 2nd because we were on President's break, the Committee on Oversight and Government Reform subpoenaed one of the major generals who was fired, who was head of Walter Reed after Army officials refused to allow him to testify before the committee.

Mr. Speaker, that is what oversight is about. It was not firing a general. It is about getting down to the truth. And, of course, the administration took the position to ask him to step down.

March 5 of this year, this is all recent, oversight in Committee on Government Reform began holding investigation hearings into the Walter Reed scandal.

March 6 and 7, House Veterans' Affairs Committee holds hearings on Walter Reed scandal.

The same day, March 7, House Armed Services Committee holds Walter Reed scandal hearing. I was there.

Mr. Speaker, with all due respect to all members in the Army and those who came, and Secretary Chao and all of the folks over at the Pentagon, they did apologize. They did say they were sorry. I can give them credit for that. But I am thinking about the men and women, as we continue to peel back what has been happening at Walter Reed, and as we continue to learn about other DOD medical facilities and the service that they are not providing, as we learn these things, we have to go about correcting them.

I would much rather appropriate dollars to make sure that someone's uncle, someone's mother, someone's daughter, someone's nephew who laid it down on behalf of this country gets what we said we would give them. That is quality health care, accountability and oversight.

If any Member has a problem with that, they need to evaluate themselves or their purpose here in Congress. I am glad to hear many Members saying to the Army: Tell us what you need. Now there will be strings attached, and there will be language to bring about oversight. And there will be individuals who will be paying attention to what you are doing. The old days of giving you the money and you just doing what you want to do are over. Accountability measures will be in place.

As we start to look at next week and as we start to move into next week, I think it is important that folks understand that this is going to be an open House, and we are going to promote government and crack down on waste. That is what next week is going to be all about. Next week is going to be about trying to crack down on waste and for us to start turning this around and balancing the budget. And of course, only Democrats can say we have actually balanced the budget because we have. Republicans had 12 years of control and did not balance the budget. They talked about it but did not do it. We did it.

To be able to say that, again, we need to crack down and highlight and investigate waste. We are here representing the American people. We are not just here representing ourselves. No, I am not here to represent Kendrick Meek. I am here to represent those who have sent me here and those that are counting on us to do the things that we have to do.

The Democrats have pledged to end the culture of corruption in Washington, making the Congress accountable to the people by sheer good government. What is wrong with that?

Next week the House will consider measures to ensure that the Federal Government is open and accountable to the American people. The legislation that is going to be brought up next week is going to be the whistleblower reforms, strengthening protections for Federal whistleblowers to prevent abuse, a lack of accountability. We want to empower those who want to step forward and say, there is corruption and waste over there. We want to insulate those individuals. They are our heroes and the heroes within the Federal Government and contracting world pointing out waste.

When we have countries like OPEC and China owning so much of the American pie, in the billions, that is a national security issue. So we need to treat these individuals accordingly.

Also next week, Presidential record disclosure, which nullifies the 2001 Presidential executive order and restores public access to Presidential records. That is important. Of course, there will be language as relates to super national security issues. They won't be able to touch those.

Presidential library donations, require the disclosure of donors to Presidential libraries. We have a lot of that going on. Additional material will be shared next week as it relates to the bills that will be coming to the floor, but I think it is important that we have the kind of flow to the House floor that we need to have to be able to prepare ourselves to govern for the rest of the 110th Congress.

Now, Mr. Speaker, as we continue in the 30-Something Working Group to look at issues that we travel the country to hear Americans and those that have come to Washington, D.C., looking for accountability; as we carry their prayer and their hope, and again I am not talking about proud Democrats, I am talking about all Americans, it is our obligation and responsibility to make sure that they get the best representation possible. And it should not be in the back halls of Congress, a deep secret in the corner or some sort of special meeting in the corner over here. It should be under the lights of this Chamber and to make sure that every Member understands.

One of the other principles of the 30-Something Working Group, on this side of the aisle and the Democratic Caucus, we want to make sure that every Member knows exactly what he or she is doing and has the information that they need, so they know what is coming up, they know what we have done, they know the responsibility that we have to carry out as Members of the U.S. House of Representatives, not as Democrats or Republicans, but as Members of the U.S. House of Representatives, because we don't want the American people to be cheated in anyway by saying, you know, when I voted on that, I didn't quite know what was going on. I'm sorry I voted against that, veteran.

If you voted against the continuing resolution, then you voted against $3.6 billion on behalf of veterans' health care.

Now for you to be a Member of Congress and not to know that, something is wrong, because that is the number one group that is counting on you to do the right thing on their behalf. They have families, too.

They are elderly, too. They allow us to be able to salute one flag. I say that time and time again. I get chills, bumps every time I say it, because it is important.

My children have a better value for the service that our men and women carry out because they hear me talk about it constantly. We travel and we talk and read about foreign countries and what is happening there. America is the best and the most free country on the face of the earth, and we want to keep it that way. Whatever we have to do to keep it that way, we are willing to do it. But we are going to do it in a coordinated fashion. We are not just going to do it entrusting others somewhere in some building in Virginia, Maryland, or Washington, D.C., that are not empowered and validated by the people of the United States of America and sent here to watch out for their best interest.

There are parents right now, when I go grocery shopping in my district, Mr. Speaker, I have parents walk up to me and say, Congressman, my son is 16, how long is this Iraq thing going to be going on?

I have to be brutally honest with them. I say, listen, as we talk about redeployment of troops, we have to understand, we are still in Korea and we are still in Germany. But the real issue is, we have to bring about the kind of coordination that is needed on the accountability end. We don't want to be putting brigades and platoons and saying, you run over here. That is the generals' job. That is not what we are doing.

We are making sure that the troops have what they need so when a general says, go over here or send three brigades over there, they have all of the equipment and logistical support that they need, and they have their mission and they have the things that they need to carry out that mission. That is what we are calling for.

We are also calling for the Iraqi government to stop playing with the United States Government. It will not be allowed. So give us more time, give us another chance, don't worry about it, as long as the U.S. troops are there, and other countries have already announced redeployment of their troops. We are sending more troops. You heard the number, and I will close with this, a number that I shared with you at the beginning, March 8, 10 a.m., 3,178 troops gone.

The next day, the next day, 10 a.m., March 9, 3,186 troops gone. That is the next day.

So this is beyond serious. These are families. And there are individuals that are counting on us to lead, and as long as you have a Democratic majority in this House, they will get that leadership because the will and the desire is there. The political courage is there to do it, and the American people are 110 percent behind accountability, fiscal responsibility, moving in a new direction. They are in that circle with the leadership of this House right now.

Mr. Speaker, I want to thank the Speaker and the Democratic leadership for allowing the 30-Something Working Group to have an hour two nights ago and tonight to share the message with the Members of the House. It was an honor addressing the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Mr. HOYER) for today.

Ms. MILLENDER-McDONALD (at the request of Mr. HOYER) for today on account of official business in the district.

Ms. MOORE of Wisconsin (at the request of Mr. HOYER) for today.

Mr. Bachus (at the request of Mr. Boehner) for today on account of official business.

Mr. Neugebauer (at the request of Mr. Boehner) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Holt) to revise and extend their remarks and include extraneous material:)

Mr. DeFazio, for 5 minutes, today.

Mr. Schiff, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Mr. Holt, for 5 minutes, today.

Mr. Waxman, for 5 minutes, today.

Mr. Taylor, for 5 minutes, today.

(The following Members (at the request of Mr. Conaway) to revise and extend their remarks and include extraneous material:)

Mr. Pence, for 5 minutes, today.

Mr. Conaway, for 5 minutes, today.

Mr. Poe, for 5 minutes, March 15 and 16.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. Costa, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, March 12, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

794. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Inflation Adjustment of Acquisition-Related Thresholds (DFARS 2004-D022) (RIN: 0750-AF16) received February 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

795. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Revisions to the Official Sign Indicating Insured Status (RIN: 3133-AD18) received February 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

796. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change of Using Agency for Restricted Areas R-3008A, B, C, D; Grand Bay Weapons Range, GA. [Docket No. FAA-2006-26273; Airspace Docket No. 06-A50-16] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

797. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, A321 Airplanes [Docket No. FAA-2006-24431; Directorate Identifier 2006-NM-011-AD; Amendment 39-14648; AD 2006-12-22] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

798. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2006-25030; Directorate Identifier 2006-NM-109-AD; Amendment 39-14649; AD 2006-12-23] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

799. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines [Docket No. 95-ANE-10-AD; Amendment 39-14650; AD 2006-12-24] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

800. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22481; Directorate Identifier 2004-NM-176-AD; Amendment 39-14647; AD 2006-12-21] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

801. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives Raytheon Model HS.125 Series 700A and 700B Airplanes; Model BAe.125 Series 800A (Including Variants C-29A and U-125), 800B, 1000A, and 1000B Airplanes; and Hawker 800 (Including Variant U-125A), 800XP, and 1000 Airplanes [Docket No. FAA-2006-25011; Directorate Identifier 2006-NM-118-AD; Amendment 39-14646; AD 2006-12-20] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

802. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters [Docket No. FAA-2006-24807; Directorate Identifier 2005-SW-41-AD; Amendment 39-14603; AD 2006-10-19] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

803. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.7805-1: Rules and Regulations (RIN: Rev. Rul. 2007-14) received February 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 985. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes; with amendments (Rept. 110–42, Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1254. A bill to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations (Rept. 110–43). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1255. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; with amendments (Rept. 110–44). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Armed Services discharged from further consideration, H.R. 985 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KENNEDY (for himself, Mr. Ramstad, Mr. Abercrombie, Mr. Ackerman, Mr. Alexander, Mr. Allen, Mr. Andrews, Mr. Arcuri, Mr. Baca, Mr. Bachus, Mr. Baird, Ms. Baldwin, Mr. Barrow, Ms. Bean, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of Georgia, Mr. Bishop of New York, Mr. Blumenauer, Ms. Bordallo, Mr. Boren, Mr. Boswell, Mr. Boucher, Mr. Boyd of Florida, Mr. Brady of Pennsylvania, Mr. Braley of Iowa, Ms. Corrine Brown of Florida, Mr. Butterfield, Mrs. Capps, Mr. Capuano, Mr. Cardoza, Mr. Carnahan, Mr. Carney, Ms. Carson, Ms. Castor, Mr. Chandler, Mrs. Christensen, Ms. Clarke, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cohen, Mr. Conyers, Mr. Cooper, Mr. Costa, Mr. Costello, Mr. Courtney, Mr. Crowley, Mrs. Cubin, Mr. Cuellar, Mr. Cummings, Mr. Davis of Alabama, Mr. Davis of Illinois, Mrs. Davis of California, Mr. Lincoln Davis of Tennessee, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Doggett, Mr. Donnelly, Mr. Doyle, Mr. Edwards, Mr. Ellison, Mr. Ellsworth, Mr. Emanuel, Mrs. Emerson, Mr. Engel, Mr. English of Pennsylvania, Ms. Eshoo, Mr. Etheridge, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Ferguson, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frelinghuysen, Ms. Giffords, Mr.

GILCHREST, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. KAGEN, Mr. KANJORSKI, Ms. KAPTUR, Mr. KELLER, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KING of New York, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LaHOOD, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LaTOURETTE, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LoBIONDO, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARSHALL, Mr. MATHESON, Ms. MATSUI, Mrs. McCARTHY of New York, Ms. McCOLLUM of Minnesota, Mr. McDERMOTT, Mr. McGOVERN, Mr. McHUGH, Mr. McINTYRE, Mr. McNERNEY, Mr. McNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICA, Mr. MICHAUD, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. PLATTS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. RENZI, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mrs. SCHMIDT, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Mr. SHAYS, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SNYDER, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Mr. SULLIVAN, Ms. SUTTON, Mr. TANNER, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UPTON, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Mr. WALSH of New York, Mr. WALZ of Minnesota, Mr. WAMP, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. YARMUTH, and Mr. YOUNG of Alaska):

H.R. 1424. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CUELLAR, Mr. CULBERSON, Mr. DOGGETT, Mr. EDWARDS, Mr. GOHMERT, Mr. GONZALEZ, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. MARCHANT, Mr. McCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PAUL, Mr. POE, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. SMITH of Texas, and Mr. THORNBERRY):

H.R. 1425. A bill to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin "Rex" Young Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. LATHAM (for himself, Mr. PETERSON of Minnesota, Mr. PEARCE, Mr. MILLER of Florida, and Mr. McCOTTER):

H.R. 1426. A bill to amend title 38, United States Code, to provide veterans enrolled in the health system of the Department of Veterans Affairs the option of receiving covered health services through facilities other than those of the Department; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. WATT, Mr. BAKER, and Mr. GARY G. MILLER of California):

H.R. 1427. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. LATHAM (for himself, Mr. BISHOP of Georgia, Mr. MORAN of Kansas, Mr. WILSON of South Carolina, and Mr. TAYLOR):

H.R. 1428. A bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods; to the Committee on Armed Services.

By Mr. KILDEE (for himself, Mr. GEORGE MILLER of California, Mr. CASTLE, Mr. SCOTT of Virginia, Mr. EHLERS, Mr. HINOJOSA, Mrs. McCARTHY of New York, Mr. WU, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mr. SESTAK, Mr. LOEBSACK, Ms. HIRONO, Mr. ALTMIRE, Mr. YARMUTH, Ms. CLARKE, and Ms. SHEA-PORTER):

H.R. 1429. A bill to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes; to the Committee on Education and Labor.

By Mr. GOODLATTE (for himself, Ms. HERSETH, Mr. SENSENBRENNER, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. ISSA, Mr. LINDER, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Mr. AKIN, Mr. WELDON of Florida, Mr. GINGREY, Mr. CONAWAY, Mr. SHADEGG, Mr. WILSON of South Carolina, Mr. GOODE, Mr. BOUCHER, Mr. KUHL of New York, Mr. BARTLETT of Maryland, and Mr. DeFAZIO):

H.R. 1430. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mrs. McCARTHY of New York (for herself, Mr. SOUDER, Mr. VAN HOLLEN, Mr. CANTOR, Mr. PRICE of North Carolina, Mr. JINDAL, Mr. WEINER, Mr. FRANKS of Arizona, Mr. EDWARDS, Mr. BARTLETT of Maryland, Mr. WEXLER, Mr. WAMP, Ms. JACKSON-LEE of Texas, and Mrs. BLACKBURN):

H.R. 1431. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Education and Labor.

By Mr. WAXMAN:

H.R. 1432. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. TOM DAVIS of Virginia, Mr. CONYERS, Mr. PLATTS, Mr. WAXMAN, Mr. SHAYS, Mr. HOYER, Mr. ISSA, Mr. NADLER, Mr. PORTER, and Mr. MATHESON):

H.R. 1433. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALTMIRE (for himself, Mr. BRADY of Pennsylvania, Mr. CARNEY, Mr. DENT, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. FATTAH, Mr. GERLACH, Mr. HOLDEN, Mr. KANJORSKI, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Ms. SCHWARTZ, Mr. SESTAK, and Mr. SHUSTER):

H.R. 1434. A bill to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BACA:

H.R. 1435. A bill to direct the Secretary of Veterans Affairs to conduct a pilot program to reduce the backlog of claims for benefits pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS (for himself and Mr. FORTENBERRY):

H.R. 1436. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 1437. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 1438. A bill to establish demonstration projects to provide at-home infant care benefits; to the Committee on Education and Labor.

By Mr. FOSSELLA (for himself, Mr. Tom Davis of Virginia, Mr. Franks of Arizona, Mr. Marchant, Mr. Towns, Mr. McHugh, Mr. Moran of Virginia, Mrs. Maloney of New York, Mr. Spratt, Ms. Bordallo, Mr. Petri, Mr. Walsh of New York, Mr. Davis of Kentucky, and Mr. King of New York):

H.R. 1439. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Armed Services.

By Mr. FOSSELLA (for himself and Mr. Hill):

H.R. 1440. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself and Mr. Pearce):

H.R. 1441. A bill to prohibit the sale by the Department of Defense of parts for F-14 fighter aircraft; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. Hensarling, Ms. Foxx, Mr. Culberson, Mr. Rohrabacher, Mr. Akin, Mr. Garrett of New Jersey, Mr. Franks of Arizona, Mr. Barrett of South Carolina, Mr. Hall of Texas, Mr. Sessions, Mr. Souder, Mr. Terry, and Mr. Sensenbrenner):

H.R. 1442. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate automatic increases for inflation from CBO baseline projections for discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. GUTIERREZ (for himself, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mr. Gonzalez, and Ms. Schakowsky):

H.R. 1443. A bill to treat arbitration clauses which are unilaterally imposed on consumers as an unfair and deceptive trade practice and prohibit their use in consumer transactions, and for other purposes; to the Committee on Financial Services.

By Mr. HALL of New York:

H.R. 1444. A bill to direct the Secretary of Veterans Affairs to make interim benefit payments under certain remanded claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JEFFERSON:

H.R. 1445. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income for amounts paid to individuals pursuant to the Road Home program; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 1446. A bill to amend the Small Business Act to allow an increased deferment period for loans under the 7(b) loan program; to the Committee on Small Business.

By Mr. JONES of North Carolina:

H.R. 1447. A bill to amend sections 5313 and 5318 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Financial Services.

By Mrs. LOWEY (for herself and Mr. Edwards):

H.R. 1448. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs hospitals; to the Committee on Veterans' Affairs.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. Franks of Arizona, Mr. Sali, and Mr. McKeon):

H.R. 1449. A bill to amend title 28, United States Code, to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. McCarthy of California):

H.R. 1450. A bill to create 4 new permanent judgeships for the eastern district of California; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. Costa):

H.R. 1451. A bill to provide incentives to reduce dependence on foreign oil; to the Committee on Ways and Means, and in addition to the Committees on Science and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. Petri):

H.R. 1452. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting phone banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Ms. MATSUI (for herself and Mr. Gordon):

H.R. 1453. A bill to provide for communications training to improve the ability of scientists to interact with policymakers; to the Committee on Science and Technology.

By Mr. McCARTHY of California (for himself and Mr. Herger):

H.R. 1454. A bill to create 4 new permanent judgeships for the eastern district of California, to provide for an additional place of holding court in the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. Rangel, and Mr. Meeks of New York):

H.R. 1455. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes.; to the Committee on Natural Resources.

By Mr. PALLONE (for himself, Mr. McCotter, Mrs. Maloney of New York, Mr. Bilirakis, Mr. Space, Ms. Ros-Lehtinen, Mr. Sarbanes, Mr. Brown of South Carolina, Mr. McGovern, Mr. Rogers of Alabama, Ms. Watson, Mr. Mario Diaz-Balart of Florida, Mr. Payne, Mr. LoBiondo, Mr. Van Hollen, Ms. Berkley, and Mr. McNulty):

H.R. 1456. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. Garrett of New Jersey, Mr. Fortenberry, Mr. Sali, Mr. Akin, Mrs. Musgrave, Mr. Bartlett of Maryland, Mr. Souder, Mr. Weldon of Florida, Mr. Gingrey, Mr. Inglis of South Carolina, Mr. Goode, Mr. Franks of Arizona, and Mr. Lamborn):

H.R. 1457. A bill to provide for research on, and services for individuals with, post-abortion depression and psychosis; to the Committee on Energy and Commerce.

By Mr. PITTS (for himself, Mr. Gerlach, Mr. English of Pennsylvania, Mr. Poe, Mr. Kuhl of New York, Mrs. Myrick, Mr. Paul, Mr. Miller of Florida, Mrs. Drake, Mr. Souder, and Mr. Wolf):

H.R. 1458. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of farmland development rights; to the Committee on Ways and Means.

By Mr. TANNER (for himself, Mrs. Lowey, Mr. Hulshof, Mr. LoBiondo, Mrs. Capps, Mrs. Maloney of New York, Mr. Engel, Mr. McNulty, Mr. Cummings, Mr. Altmire, Mr. Fossella, Mr. Ehlers, Ms. McCollum of Minnesota, Mr. McHugh, Mr. Hinchey, Mr. Ackerman, Ms. Woolsey, Mr. English of Pennsylvania, Ms. Hirono, Mr. Higgins, Mr. Lincoln Davis of Tennessee, Mr. Murtha, Mr. Platts, Mr. Saxton, Mr. Jefferson, Ms. Schwartz, Mr. Hall of Texas, Mr. Neal of Massachusetts, Mr. Gerlach, Mr. Gene Green of Texas, Mr. Gordon, Mr. Holden, Ms. Berkley, Mr. Ortiz, Mr. Israel, Mr. Wamp, Mr. Ferguson, Mr. Peterson of Pennsylvania, Mr. Smith of New Jersey, Mr. Berry, Mr. Moore of Kansas, Mr. Sessions, Mr. Udall of Colorado, Mr. Holt, Mr. Walsh of New York, Mr. Reynolds, Mr. McGovern, Mr. Porter, Mr. LaHood, Mr. Payne, Mr. Goode, Mr. Bishop of New York, Mr. Shuster, Ms. Slaughter, Mr. Davis of Alabama, Mr. Gohmert, Mr. Dent, Mr. Roskam, Mr. Frank of Massachusetts, Mr. Meehan, Mr. Capuano, Mr. Rogers of Alabama, Mr. Lewis of Kentucky, Mr. Thompson of California, Mr. Cramer, Mr. Abercrombie, Mr. Tim Murphy of Pennsylvania, Mr. Hodes, Mr. Cohen, Mr. Rahall, Mr. Alexander, Mr. Garrett of New Jersey, Mr. Brady of Pennsylvania, Mr. Boyd of Florida, Mr. Reyes, Mr. King of New York, Mr. Pascrell, Ms. Granger, Mr. Everett, Mr. Aderholt, Mrs. Blackburn, Mr. Bachus, Mr. Clay, and Mr. Sam Johnson of Texas):

H.R. 1459. A bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. SMITH of Washington, Ms. HARMAN, Mr. DAVIS of Alabama, and Mr. CROWLEY):

H.R. 1460. A bill to commend the members of the United States Armed Forces on their performance and bravery in Iraq, to repeal the Authorization for Use of Military Force Against Iraq Resolution (Public Law 107-243), to require the Secretary of Defense to submit to Congress a plan for the phased redeployment of United States Armed Forces from Iraq, to establish a Coordinator for Iraq Stabilization, and to place conditions on the obligation of funds to the Government of Iraq based on the achievement of benchmarks established by Iraq and the United States; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. CLEAVER):

H.R. 1461. A bill to amend the Consumer Credit Protection Act to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Financial Services.

By Mr. UDALL of Colorado (for himself, Mr. SALAZAR, Mr. SMITH of Nebraska, Mr. FORTENBERRY, and Mr. TERRY):

H.R. 1462. A bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; to the Committee on Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. TANCREDO):

H.R. 1463. A bill to provide a source of funds to carry out restoration activities on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. TANNER, Mr. ROGERS of Kentucky, and Mr. ROYCE):

H.R. 1464. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Natural Resources.

By Mr. WEXLER:

H.R. 1465. A bill to provide additional discretion to the Secretary of Homeland Security in designating countries eligible to participate in the visa waiver program under section 217 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 1466. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures; to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. HALL of Texas, Mr. GORDON, and Mr. GINGREY):

H.R. 1467. A bill to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs; to the Committee on Science and Technology.

By Mr. CARDOZA (for himself, Mr. RADANOVICH, Mr. THOMPSON of California, Mr. COSTA, Mr. NUNES, Mr. FARR, Ms. MATSUI, Mr. LINCOLN DAVIS of Tennessee, Mr. GEORGE MILLER of California, Mrs. CAPPS, Ms. ZOE LOFGREN of California, Mrs. TAUSCHER, Mr. SCHIFF, Mr. BOSWELL, Mr. MELANCON, Mr. CRAMER, Mr. SALAZAR, Mrs. DAVIS of California, Ms. HERSETH, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. CALVERT, Mr. DREIER, Mr. ISSA, Mr. BILBRAY, Mr. CAMPBELL of California, Mr. REYES, Mr. PASTOR, Mr. RODRIGUEZ, Mr. VAN HOLLEN, Mr. CLYBURN, Mr. FILNER, Mr. HONDA, Mr. BERMAN, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Mr. MCNERNEY, and Mr. MCCARTHY of California):

H. Con. Res. 88. Concurrent resolution honoring the life of Ernest Gallo; to the Committee on Oversight and Government Reform.

By Mr. ROTHMAN (for himself, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. HONDA, Mr. GARRETT of New Jersey, Mr. HINCHEY, Mr. LANTOS, Mr. SAXTON, Mr. FATTAH, Mr. MCGOVERN, Mr. PASCRELL, and Ms. WOOLSEY):

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Varian Fry, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mr. SESSIONS (for himself, Mr. SENSENBRENNER, Mr. FEENEY, Mr. KIRK, Mr. HENSARLING, Mr. PEARCE, Mr. SHAYS, Mr. BRADY of Texas, Mr. ALEXANDER, Mrs. BLACKBURN, Mr. BONNER, Mr. BOUSTANY, Mr. BURGESS, Mr. DEAL of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DREIER, Mr. GOODLATTE, Ms. GRANGER, Mr. HALL of Texas, Mr. HAYES, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KELLER, Mr. KING of Iowa, Mr. KINGSTON, Mr. LINDER, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. PRICE of Georgia, Mr. RENZI, Mr. ROHRABACHER, Mr. ROYCE, Mrs. SCHMIDT, Mr. TERRY, and Mr. WESTMORELAND):

H. Res. 231. A resolution amending the Rules of the House of Representatives to require all committees post record votes on their web sites within 48 hours of such votes; to the Committee on Rules.

By Mr. STEARNS (for himself, Mr. LINCOLN DAVIS of Tennessee, Mr. RENZI, and Mrs. SCHMIDT):

H. Res. 232. A resolution expressing the sense of the House of Representatives with respect to pregnancy resource centers; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Mr. LANTOS):

H. Res. 233. A resolution recognizing over 200 years of sovereignty of the Principality of Liechtenstein, and expressing support for efforts by the United States continue to strengthen its relationship with that country; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself and Ms. LEE):

H. Res. 234. A resolution congratulating Wyclef Jean for being named the "Roving Ambassador" for Haiti; to the Committee on Foreign Affairs.

By Mr. WEXLER (for himself, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. GALLEGLY):

H. Res. 235. A resolution supporting an upgrade in Israel's relationship with NATO to that of a leading member of NATO's Mediterranean dialogue and to that of a member of NATO's Partnership for Peace; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BILIRAKIS.

H.R. 36: Mr. CAMP of Michigan.

H.R. 39: Mrs. NAPOLITANO, Mr. JACKSON of Illinois, and Mr. MILLER of North Carolina.

H.R. 42: Mr. BUTTERFIELD and Mrs. NAPOLITANO.

H.R. 45: Mr. GRIJALVA, Mr. FILNER, and Mr. JEFFERSON.

H.R. 73: Mr. WESTMORELAND.

H.R. 82: Mr. BECERRA, Mr. BLUNT, Mr. BRALEY of Iowa, Mrs. JO ANN DAVIS of Virginia, Mr. ENGLISH of Pennsylvania, Mr. FOSSELLA, Mr. HASTINGS of Florida, Ms. HERSETH, Ms. HOOLEY, Mr. JEFFERSON, Mr. MARCHANT, Mr. MCNERNEY, and Mr. PASTOR.

H.R. 146: Mr. COHEN.

H.R. 171: Ms. CORRINE BROWN of Florida and Mrs. NAPOLITANO.

H.R. 180: Mr. LYNCH and Mr. COHEN.

H.R. 226: Mr. GOODE.

H.R. 243: Ms. SHEA-PORTER.

H.R. 245: Mr. WAMP, Mr. PLATTS, and Mr. RENZI.

H.R. 255: Mr. LAHOOD and Mr. KIND.

H.R. 260: Mr. DANIEL E. LUNGREN of California.

H.R. 303: Mr. MICHAUD and Mr. WU.

H.R. 315: Mr. SMITH of Nebraska, Mr. MARSHALL, and Mr. PORTER.

H.R. 367: Ms. ROS-LEHTINEN.

H.R. 380: Mr. JONES of North Carolina, Mr. BERMAN, Mr. OLVER, and Mr. COHEN.

H.R. 393: Mr. MCDERMOTT.

H.R. 397: Mr. MARSHALL and Mr. MCHUGH.

H.R. 418: Mr. COHEN.

H.R. 432: Mr. MILLER of Florida.

H.R. 463: Mr. PAYNE and Mr. CARNEY.

H.R. 473: Mr. SALI.

H.R. 493: Mr. DAVIS of Illinois.

H.R. 506: Mr. WALBERG, Mr. KIND, and Mr. MCCOTTER.

H.R. 510: Mr. JORDAN.

H.R. 511: Mr. ISSA, Mr. BILBRAY, Mr. LOBIONDO, Mr. MCCRERY, Mr. WOLF, and Mr. ROSKAM.

H.R. 550: Mr. INSLEE, Mr. LEVIN, Mr. MCCOTTER, Ms. LORETTA SANCHEZ of California, Ms. GINNY BROWN-WAITE of Florida, Mr. BAIRD, Mrs. BONO, Mr. BRADY of Pennsylvania, Mr. MEEKS of New York, Mr. BOOZMAN, Mr. FILNER, Mr. DELAHUNT, Mr. GERLACH, and Ms. ZOE LOFGREN of California.

H.R. 552: Mr. STUPAK, Mr. DOOLITTLE, Mr. TOM DAVIS of Virginia, Mr. RUPPERSBERGER, Mr. SHIMKUS, Mrs. MALONEY of New York, Mr. BOOZMAN, Mr. MARSHALL, Mr. SAM JOHNSON of Texas, Mr. LINCOLN DAVIS of Tennessee, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EMANUEL, Mr. BONNER, Mr. KAGEN, Mr. PITTS, Mr. SOUDER, Mr. RAMSTAD, Mr. GILLMOR, and Mr. HOLT.

H.R. 553: Mr. LaTourette, Mr. Ellison, Mr. Souder, Mrs. Jones of Ohio, and Mr. Kuhl of New York.

H.R. 579: Mr. Wu, Mr. Davis of Alabama, Mr. Larsen of Washington, and Ms. Zoe Lofgren of California.

H.R. 592: Mr. Pickering.

H.R. 618: Mr. Deal of Georgia.

H.R. 621: Mr. Boozman, Mr. Gordon, Mr. Kagen, and Ms. Berkley.

H.R. 624: Mr. Brady of Pennsylvania, Mr. Ross, and Mr. Michaud.

H.R. 625: Mrs. Bono, Mr. Issa, Mr. Hunter, and Mr. Daniel E. Lungren of California.

H.R. 627: Mr. Allen.

H.R. 628: Mr. Carney, Mr. Daniel E. Lungren of California, Mrs. Blackburn, Mr. Boucher, and Mr. Doolittle.

H.R. 636: Mr. Barrett of South Carolina and Mr. Jordan.

H.R. 642: Mr. Gillmor, Mrs. Napolitano, Mr. Olver, Mr. Grijalva, Mr. Rush, Mr. Ruppersberger, Mr. Cummings, Mr. Cleaver, Mrs. Maloney of New York, Mr. Gutierrez, and Mr. Conyers.

H.R. 643: Mr. Wamp, Mr. McCotter, and Ms. Zoe Lofgren of California.

H.R. 654: Ms. Loretta Sanchez of California, Ms. Schwartz, Mr. Michaud, Mr. Kind, and Mr. Kildee.

H.R. 657: Mr. Cohen.

H.R. 667: Mr. Hare, Mr. Abercrombie, Mrs. Cubin, and Ms. Loretta Sanchez of California.

H.R. 670: Mr. Bonner.

H.R. 685: Mr. McNulty, Mr. Cummings, Mr. Pastor, Mr. Coble, Mr. Boswell, Mr. Miller of North Carolina, Mr. Capuano, Mr. Johnson of Georgia, Mr. Payne, Ms. Shea-Porter, Ms. Jackson-Lee of Texas, Mr. King of New York, Mr. Paul, and Mr. Thompson of California.

H.R. 690: Mr. Cleaver.

H.R. 695: Ms. Slaughter.

H.R. 711: Mr. Burton of Indiana, Mr. Souder, and Mrs. Jo Ann Davis of Virginia.

H.R. 713: Mrs. McCarthy of New York.

H.R. 721: Mr. Goodlatte and Mr. Walden of Oregon.

H.R. 725: Mr. Ramstad.

H.R. 741: Mr. Welch of Vermont and Mr. Kind.

H.R. 756: Ms. Norton.

H.R. 779: Mr. Sensenbrenner, Mr. McHugh, and Mr. Calvert.

H.R. 787: Ms. Linda T. Sánchez of California.

H.R. 790: Mr. Renzi.

H.R. 814: Mr. Hinojosa, Mr. Ross, Mr. Honda, and Ms. Woolsey.

H.R. 821: Mr. Moore of Kansas.

H.R. 822: Ms. McCollum of Minnesota.

H.R. 861: Mr. Wilson of South Carolina, Mr. Souder, Mrs. Drake, Mr. Cuellar, Mr. Shadegg, and Mr. Boren.

H.R. 881: Mr. Burton of Indiana, Ms. Norton, Mr. Walsh of New York, Mr. Kennedy, and Mr. Smith of New Jersey.

H.R. 887: Mr. Conyers.

H.R. 891: Mr. Neal of Massachusetts and Mr. Tierney.

H.R. 894: Mr. Ellison, Mr. Berry, Mr. Hill, Mr. Kind, and Mr. English of Pennsylvania.

H.R. 901: Mr. Rangel.

H.R. 934: Mr. Boren.

H.R. 954: Mr. Al Green of Texas, Mr. Ackerman, Mr. Crowley, Mr. McHugh, and Mrs. Lowey.

H.R. 960: Mr. Stark.

H.R. 962: Mr. Grijalva.

H.R. 970: Mr. Engel.

H.R. 972: Mr. McDermott.

H.R. 980: Mr. Clay and Mr. Cleaver.

H.R. 984: Mr. Berman.

H.R. 985: Mr. McHugh, Ms. Zoe Lofgren of California, Mr. Conyers, Ms. Schwartz, and Mr. Ackerman.

H.R. 998: Mr. Conyers and Mr. Hinchey.

H.R. 1014: Ms. Sutton, Mr. Boucher, Mrs. Boyda of Kansas, Mr. Rangel, and Mr. Marshall.

H.R. 1022: Mrs. Capps, Mr. Clay, Ms. Eshoo, Mr. Grijalva, Mr. Miller of North Carolina, and Mr. Wexler.

H.R. 1029: Mr. LaTourette, Mr. Upton, Mr. Kind, and Mr. Space.

H.R. 1030: Ms. McCollum of Minnesota, Ms. Sutton, Mr. Grijalva, and Mr. Rangel.

H.R. 1031: Mr. Forbes and Mr. Hinojosa.

H.R. 1032: Ms. Sutton.

H.R. 1038: Mr. Grijalva.

H.R. 1043: Mrs. Cubin.

H.R. 1048: Mr. Wilson of South Carolina.

H.R. 1061: Mr. McCotter and Mr. Dicks.

H.R. 1063: Mr. Jones of North Carolina, Mr. Jindal, and Mr. Simpson.

H.R. 1072: Ms. Solis and Mr. Waxman.

H.R. 1073: Mr. Engel, Mr. McNulty, Mr. Payne, Mr. Olver, Mr. Reyes, Mr. Inslee, Mr. Larsen of Washington, and Mr. LaHood.

H.R. 1076: Mr. Bishop of New York and Mr. Kind.

H.R. 1093: Mr. Weldon of Florida and Mr. Hastings of Florida.

H.R. 1099: Mr. Bishop of New York and Mr. Etheridge.

H.R. 1102: Mrs. Emerson, Mr. Jones of North Carolina, Mr. Michaud, Mr. Bishop of Georgia, Mr. Shuler, Ms. Harman, Mr. Moran of Kansas, Mr. Ramstad, and Mr. Melancon.

H.R. 1108: Ms. Wasserman Schultz.

H.R. 1111: Mr. Kildee.

H.R. 1112: Mrs. Jo Ann Davis of Virginia, Mr. Doolittle, Mr. Jordan, Mr. Manzullo, and Mr. Gary G. Miller of California.

H.R. 1117: Mr. Cleaver, Mr. Pastor, Ms. Wasserman Schultz, and Ms. Linda T. Sánchez of California.

H.R. 1121: Mr. Paul, Mr. McHenry, Mr. Akin, Mr. Inglis of South Carolina, Mr. Westmoreland, and Mr. Tancredo.

H.R. 1122: Mr. Paul, Mr. McHenry, Mr. Akin, Mr. Inglis of South Carolina, Mr. Westmoreland, Mr. Tancredo, Mr. Gingrey, Mr. Kuhl of New York, Mr. Feeney, Mr. Chabot, Mr. Goode, Mr. Hoekstra, Mr. Brady of Texas, Mr. Bartlett of Maryland, Mr. Wilson of South Carolina, Mr. Shadegg, Mr. Linder, Mr. Kline of Minnesota, Mr. Cantor, Mr. David Davis of Tennessee, and Mr. Garrett of New Jersey.

H.R. 1125: Mr. Lewis of Kentucky, Mr. Conaway, Mr. Hare, Mr. Young of Alaska, Mr. Goode, and Mr. Westmoreland.

H.R. 1127: Mr. Blunt, Mr. Ehlers, Mr. Manzullo, Mr. Ramstad, and Mr. Upton.

H.R. 1132: Mr. King of New York, Mr. Olver, Mr. Capuano, and Mr. Gillmor.

H.R. 1150: Ms. Zoe Lofgren of California and Mr. Rangel.

H.R. 1153: Ms. Foxx.

H.R. 1154: Mr. Donnelly, Mr. DeFazio, Mr. Smith of New Jersey, Ms. Baldwin, Mr. Deal of Georgia, Mr. LaTourette, Mrs. Musgrave, Mr. Markey, Mr. Kirk, Mr. Inglis of South Carolina, Mr. Lipinski, Mr. Pallone, Mr. Gordon, Mr. Hoyer, Mr. Pence, Mr. Bilbray, Mr. Burton of Indiana, Mr. Cohen, and Mr. Grijalva.

H.R. 1188: Mr. Kuhl of New York.

H.R. 1193: Mr. Boucher, Ms. Berkley, Mr. Grijalva, and Mr. McNulty.

H.R. 1194: Mrs. Bono, Mr. Burton of Indiana, Mr. Meeks of New York, Mr. Walberg, and Mr. Reynolds.

H.R. 1211: Mr. McDermott, Mrs. Boyda of Kansas, Mr. McCotter, and Ms. Hirono.

H.R. 1225: Mr. McNulty and Ms. DeGette.

H.R. 1228: Ms. Berkley, Mr. Doggett, and Mr. Welch of Vermont.

H.R. 1229: Mr. Platts, Mr. Visclosky, Mr. Wilson of Ohio, Mr. Bonner, Mr. Doyle, Ms. Sutton, and Mr. Donnelly.

H.R. 1230: Mr. Rothman, Ms. Clarke, Mr. Towns, Ms. Millender-McDonald, Mr. Hastings of Florida, Mr. Rodriguez, and Ms. Waters.

H.R. 1239: Mr. Waxman,. Mr. Faleomavaega, Mr. Brady of Pennsylvania, Mr. McNulty, Mr. Jackson of Illinois, Mr. Wolf, and Mr. Grijalva.

H.R. 1246: Mr. Miller of North Carolina.

H.R. 1252: Mr. Hinchey, Mrs. Emerson, and Mr. Kennedy.

H.R. 1254: Ms. Watson, Mr. Cummings, Mr. Ackerman, Mr. Filner, Mr. Grijalva, and Mr. Abercrombie.

H.R. 1255: Ms. Watson, Mr. Udall of Colorado, Mr. Cummings, Mr. Ackerman, Mr. Filner, and Mr. Grijalva.

H.R. 1261: Mr. Hensarling, Mr. McCotter, Ms. Foxx, Mr. Jordan, and Mr. Neugebauer.

H.R. 1279: Mr. Moran of Kansas and Mr. McNulty.

H.R. 1280: Mr. Brown of South Carolina.

H.R. 1282: Mr. Ramstad, Mr. Altmire, Mr. Gerlach, Mr. Bishop of Georgia, and Mr. Gillmor.

H.R. 1283: Mr. Moran of Kansas, Mr. Porter, Mr. Cohen, and Mr. Al Green of Texas.

H.R. 1293: Ms. Berkley and Ms. Ginny Brown-Waite of Florida.

H.R. 1298: Mr. Hill.

H.R. 1304: Mr. Scott of Georgia and Mr. Walberg.

H.R. 1307: Mr. Pearce.

H.R. 1314: Mr. Alexander, Mr. Shuster, Mr. Hunter, Mr. Calvert, Mr. Gingrey, Mr. Westmoreland, Ms. Fallin, and Mr. LoBiondo.

H.R. 1323: Mr. Udall of Colorado, Ms. DeGette, Mr. Tancredo, and Mrs. Musgrave.

H.R. 1325: Mrs. Boyda of Kansas, Mr. Payne, Mr. Welch of Vermont, and Mr. Baca.

H.R. 1330: Mr. Hinojosa, Mr. Conyers, Mr. Cummings, and Mr. Altmire.

H.R. 1333: Mrs. Myrick, Mrs. Cubin, and Mr. Ramstad.

H.R. 1342: Mr. Poe and Mr. Jones of North Carolina.

H.R. 1347: Mr. Ortiz and Mr. Brady of Pennsylvania.

H.R. 1350: Mr. Conyers, Ms. Carson, and Ms. Schakowsky.

H.R. 1354: Mr. Arcuri and Ms. Watson.

H.R. 1359: Mr. Walberg.

H.R. 1362: Mr. Towns and Mr. Cummings.

H.R. 1372: Mr. Thompson of Mississippi.

H.R. 1391: Mr. Souder and Mr. Al Green of Texas.

H.R. 1395: Mr. Garrett of New Jersey.

H.R. 1398: Mr. Hulshof, Mrs. Musgrave, Mr. Herger, Mr. Pearce, and Mr. Latham.

H.R. 1403: Mr. Gerlach.

H.R. 1409: Mr. McCotter and Mr. Conyers.

H.J. Res. 12: Mr. LaHood, Mr. Wicker, Mr. Pomeroy, and Mr. Platts.

H.J. Res. 14: Mr. Cohen and Mr. Stark.

H. Con. Res. 7: Mr. Wu.

H. Con. Res. 9: Mr. Faleomavaega, Mr. Ruppersberger, Mr. Ross, Mr. Rahall, Ms. Velázquez, Mr. Moran of Virginia, Mr. Snyder, Mr. Filner, and Mr. Arcuri.

H. Con. Res. 25: Ms. Schakowsky and Mr. Space.

H. Con. Res. 42: Mr. Carney, Mr. Skelton, Mr. Spratt, Mr. Taylor, Mr. Reyes, Ms. Loretta Sanchez of California, Ms. Berkley, Mr. King of New York, Mr. Schiff, Mr. Hare, Mrs. DAVIS of California, Ms. SHEA-PORTER, Mr. LOEBSACK, Ms. GIFFORDS, Mr. BOREN, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. ANDREWS, Mr. COOPER, Mr. MARSHALL, Mr. COURTNEY, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Mrs. BOYDA of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. ORTIZ, Mr. MEEHAN, Mr. SNYDER, Mrs. GILLIBRAND, Mr. SMITH of Washington, and Mrs. TAUSCHER.

H. Con. Res. 49: Mrs. DRAKE, Mr. MILLER of Florida, and Mr. COHEN.

H. Con. Res. 71: Ms. LORETTA SANCHEZ of California, Mr. FRELINGHUYSEN, and Mr. RUSH.

H. Con. Res. 75: Mrs. CHRISTENSEN.

H. Con. Res. 77: Mr. MCCOTTER and Mr. SENSENBRENNER.

H. Res. 37: Ms. ROYBAL-ALLARD.

H. Res. 100: Mr. RUSH, Mr. ALLEN, Mr. HARE, and Mr. BOUCHER.

H. Res. 107: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCCOTTER, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 111: Mr. LAHOOD.

H. Res. 113: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 118: Mr. CAPUANO, Ms. WATERS, and Mr. WEXLER.

H. Res. 119: Ms. ZOE LOFGREN of California, Mr. BRALEY of Iowa, Mr. AL GREEN of Texas, Mr. PASCRELL, Mr. MICHAUD, and Mr. MCGOVERN.

H. Res. 121: Mrs. MCCARTHY of New York, Ms. ESHOO, Mr. COHEN, Mrs. CAPPS, Ms. BALDWIN, and Mr. CAPUANO.

H. Res. 125: Mr. TIM MURPHY of Pennsylvania.

H. Res. 128: Mr. SAXTON.

H. Res. 136: Mr. CASTLE, Mr. WOLF, and Mr. VISCLOSKY.

H. Res. 197: Mr. BERMAN, Mr. GORDON, Mr. SCHIFF, and Mr. RANGEL.

H. Res. 208: Mr. COHEN.

H. Res. 221: Mr. ELLISON, Mrs. JONES of Ohio, Mr. COHEN, Ms. CARSON, and Mrs. CHRISTENSEN.

H. Res. 222: Mr. MCGOVERN.

H. Res. 223: Mrs. SCHMIDT.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO LANCE CORPORAL RAUL S. BRAVO, JR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of LCpl Raul S. Bravo, Jr. who died on Saturday, March 3, 2007, of injuries sustained in support of Operation Iraqi Freedom.

Lance Corporal Bravo, who was on his second tour of duty in Iraq, was killed by a roadside bomb during combat operations in the city of Qaim, Anbar province, Iraq. Lance Corporal Bravo was assigned to the 3rd Battalion, 4th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center.

Lance Corporal Bravo, a 2004 graduate of Elko High School, was a hero whose desire to serve his country will forever make an impact on his family, his community and his country. He joined the United States Marine Corps to serve his country in the global war on terror. He will not only be remembered for his sacrifice and willing service, but for the extraordinary person that he was. His warmth and optimism brightened the lives of his family and friends.

Madam Speaker, I am proud to honor the life of LCpl Raul S. Bravo, Jr. who made the ultimate sacrifice for his country while fighting the war on terror and defending democracy and freedom.

IN RECOGNITION OF MACARIA MABINI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. KUCINICH. Madam Speaker, I rise today to celebrate the amazing life of Macaria Mabini on the occasion of her 90th birthday, and to thank her for all her contributionsn to northeast Ohio.

Born in the Philippines on March 10, 1917 as the granddaughter of Apolinario Mabini, the first prime minister of the Philippines, Macaria was destined for a life of distinction. She was a studious and talented youth, committed to her studies and her musical development as a pianist. Macaria received her bachelor of arts degree as well as her master of education from National University in Manila, but her irrepressible wanderlust and curiosity about the world left her craving more. In 1954, that curiosity—and the SS *Wilson*—brought her to the United States. After arriving in the United States, Macaria quickly invested herself in her new community. She obtained her second master's degree, in guidance counseling from John Carroll University and dedicated herself to giving voice to the voiceless and power to the powerless. Macaria helped couples mend broken relationships and empowered them to make healthier decisions; she came to the aid of people battling abuse and addiction; and, in founding the Giving Tree, she provided solace for men and women in recovery.

Macaria's dedication to her fellow brothers and sisters has hardly waned; indeed the scope ofher work has increased. With the Association of Philippine Physicians in Ohio, she now returns annually to her homeland to administer medical care to the underserved and rural populations of the Philippines.

Amazingly, in retirement Macaria still finds time to satisfy that wanderlust that brought her to northeast Ohio over 50 years ago. She makes an annual pilgrimage to the Shrine of St. Anne de Beaupre in Quebec, and can claim pilgrimages to Lourdes, Fatima, and the summit of Medjugorje among her accomplishments as well.

Madam Speaker and colleagues, please join me in honoring Macaria Mabini on her 90th birthday, and to celebrate a lifetime of pouring herself out for her fellow brothers and sisters. May her constant affirmation of the human spirit serve as inspiration for us all.

INTRODUCTION OF CREDIT CARD ACCOUNTABILITY, RESPONSIBILITY, AND DISCLOSURE ACT OF 2007 OR "CREDIT CARD ACT OF 2007"

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am again introducing legislation to add some common-sense rules to the laws governing issuance of credit cards. The bill is cosponsored by the gentleman from Missouri, Mr. CLEAVER. I am grateful for his assistance and support.

Americans benefit from the widespread availability of consumer credit, and their use of that credit has been important to our economy. But there are some warning signs that signal a need for some additional legislation.

Overall, during the last decade, total credit-card debt rose by about 70 per cent, and this clearly has an effect on consumers. Some polls have reported that about 70 percent of surveyed families said the quality of their lives is adversely affected by the extent of their debts, and young people are more worried about going deeply into debt than about a terrorist attack.

For many Americans, consumer credit is more than a convenience. It is something that many people need to use to pay for their everyday needs. For them, it is a necessity. And, of course, another word for credit is debt.

In a recent report on family finances, the Federal Reserve said that from the third quarter of 2001 to the same period in 2004, inflation-adjusted household debt increased by more than 26 percent. During the same period, when incomes remained about the same, more families carried a credit-card balance and the average balance owed on a card rose nearly 16 percent, to $5,100.

Some have argued that much of this debt was caused by recklessness and an erosion of financial responsibility. That was one of the main arguments advanced in support of the recently-passed legislation to revise the bankruptcy laws. But while there was something to that argument, it was not the whole story and it put too much emphasis on borrowers alone.

Instead of just focusing on borrowers, Congress should also do more to promote responsibility by those who provide the credit—and one place to start is with credit card companies.

For example, let's talk about interest rates. Credit is not free, and it should not be. But consumers should be treated fairly.

We have all seen print ads and commercials that advertise very low interest rates, but don't make clear that these rates can change, sometimes without warning, and that higher rates can apply even if a consumer gets a warning and then acts to cancel a card.

The bill would address that by requiring that a credit card company provide advance notice of any increase (unless the increase results from the expiration of an introductory rate for new accounts or a change in another rate to which the credit-card rate is indexed) and notice of the right to avoid paying the higher rate by canceling the card before the new rate takes effect. And it says that if the consumer does cancel the card in time, any remaining amounts owed on that card will be subject to the terms and conditions that applied at the time of cancellation.

Similarly, the bill would require that card holders be more fully informed about the relationship between the monthly minimum payments and the full amounts owing on their cards and what monthly payment would be required to eliminate the outstanding balance in 36 months if they do not their cards to make additional purchases.

Further, the bill would require that card holders be given clear notice of any fees, other charges, or increases in interest rates that would result from their making late payments.

For payments made by mail, card holders would have to be given a reasonable time for their payments to be received and would have be to told the date on which a mailed payment must be postmarked in order to avoid fees, charges, or increased interest rates.

And if a card issuer accepts payments made in person, a payment made at least one day before the due date would mean that no late-payment penalties would be in order.

The bill also would bar charging fees or other penalties because a card holder pays

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

more than the monthly minimum or pays in full an existing account balance or because a card holder does not use the card during some particular period of time.

It would bar imposing a fee for a charge that would mean a card holder has gone over the total credit authorized on a card if the card issuer has authorized that charge either in advance or at the time of a purchase.

And the bill would prohibit the use of "universal default" clauses—provisions that allow card issuers to impose a new, higher interest rate on a credit card account if there has been any change for the worse in the cardholder's credit score—even if the change is unrelated to the credit card account. Under "universal default," a card holder can be saddled with such an increased rate not only for being late on big-ticket items such as a car or a mortgage payment, but for something as relatively minor as being late (even once) on some other credit card, or a utility payment, carrying too much debt overall, having "too much" available credit and open trade lines, making "too many" credit inquiries, or getting a new mortgage or car loan.

The bill also would limit issuance of credit cards to people under the age of 18. People under that age applying for a credit card will need one of three things—the signature of a parent or guardian willing to take responsibility for the applicant's debts; information indicating that the applicant has some other means of repaying any debt; or a certification that the applicant has completed a credit counseling course by a qualified nonprofit budget and credit counseling agency. These requirements would apply to issuance of both regular credit cards and college "affinity cards."

And, finally, the bill increases the amounts people injured by violations of the rules can collect from card issuers.

Madam Speaker, this bill is similar to one I introduced in the 109th Congress. It would take some simple, common-sense steps to stop abusive practices, educate cardholders, and stiffen the penalties for violations. I think it deserves to be enacted.

For the benefit of our colleagues, I am attaching an outline of the bill's provisions.

OUTLINE OF THE BILL

Section One provides a short title and table of contents. The short title is "Credit Card Accountability, Responsibility, and Disclosure Act of 2007 or 'Credit CARD Act of 2007'."

Section Two authorizes the Federal Reserve's Board of Governors to issue rules or publish model forms to implement the bill and the changes it makes in existing law.

TITLE I

Title I amends the Truth in Lending Act regarding certain credit-card rates and fees.

Section 101 requires at least 15 days' notice of certain increases in interest rates and requires card holders to be told of their right to cancel an account before the increases take effect.

Section 102 imposes a freeze on interest-rate terms and fees applicable to accounts closed or cancelled before a scheduled rate increase.

Section 103 bars charging penalty fees for—(1) on-time payments; (2) either full payment of a balance owed or a payment larger than the minimum required amount; or (3) nonuse of a card for any particular period of time.

Section 104 bars imposing fees for a purchase that exceeds a credit card's limit if the lender approves the charge in advance or at the time the card holder makes the purchase.

Section 105 bars "universal default," meaning the practice of imposing a higher interest rate on a credit card because of a change in a cardholder's credit score even if that change is unrelated to the credit card account.

TITLE II

Title II amends the Truth in Lending Act's provisions regarding disclosures to card holders.

Section 201 specifies information that must be provided regarding outstanding balances, required monthly minimum payments, grace periods for avoiding additional charges, and the monthly payments needed to pay off the balance in 36 months.

Section 202 requires that card holders be told the date by which mailed payments must be postmarked to avoid late fees, whether (and by how much) interest rates will be increased because of one or more late payments, whether (and if so, where) a payment can be made in person and when it must be made to avoid late fees (which must be no sooner than one business day before the payment is due).

TITLE III

Title III adds provisions to the Truth in Lending Act dealing with issuing credit cards to people under age 18 and amends the Act's provisions regarding penalties.

Section 301 requires that a credit card can be issued to someone under 18 only if the application includes either (1) the signature of a parent, legal guardian, spouse, or other person willing and able to be jointly liable for amounts charged on the card before the card holder becomes 18; or (2) financial information showing the applicant has enough independent means to be able to repay amounts charged on the card; or (3) proof that the applicant has completed a credit-counseling course by a nonprofit budget and credit counseling agency meeting certain specified requirements.

Section 302 allows borrowers injured by violations of credit-card rules to collect increased amounts from card issuers. Current law says they can recover at least $200 but no more than $2,000. This section would increase that to at least $500 or twice the amount of an improper finance charge (whichever is higher), with an overall limit of $5,000 for isolated violations or appropriately higher amounts for established patterns or practices of violations.

Section 303 makes the rules specified in section 301 for regular credit cards apply as well to college "affinity cards" (a card with the logo or name of an institution of higher education in addition to that of the lender) issued to someone under age 18.

HONORING THE FAIR OAKS VOLUNTEER FIRE AND RESCUE COMPANY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to pay tribute to the Fair Oaks Volunteer Fire and Rescue Company, FOVFR, as it celebrates its 50th anniversary.

Since its inception in 1957, FOVFR has achieved great success. Working alongside career personnel, the company has provided high quality fire, medical, emergency, and support services.

In my experiences with the company, I have seen its unwavering dedication to the Fairfax County community as well as its volunteers' strong values of unity, performance and personalized delivery.

While FOVFR has admirably served the Fairfax County community for 50 years, their efforts in 2006 were especially notable. During the past year, volunteers spent 9,613 hours actively responding to emergency situations. Volunteer stand-by units supported the Marine Corps Marathon, the Annual National Down Syndrome Society's Buddy Walk, various high school band competitions and more.

Company statistics show a growing need for FOVFR's excellent services. Response levels for basic life support, canteen and command level services all were elevated last year, in certain cases by as much as 30 percent. I am confident that FOVFR will continue to rise to the occasion to meet the needs of their local community in the years to come.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fair Oaks Fire and Rescue Company. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens and congratulate them on their 50th anniversary.

INTERNATIONAL WOMEN'S DAY STATEMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mrs. MALONEY of New York. Madam Speaker, On March 8, men and women around the world celebrated International Women's Day. Women have certainly made enormous strides but as we celebrate the recent successes of women in leadership here in the United States and abroad, we must not forget the many women and girls who are struggling to assert their human rights.

The reality is that women and girls continue to suffer from discrimination and violence and face enormous obstacles in their ability to succeed in any arena. The reality is that women are still not equal to men.

Women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income, and own less than 1 percent of the world's property.

Harmful traditional practices in many nations, such as dowry murder, honor killings and female genital mutilation continue without signs of abatement. An estimated five thousand women are murdered by family members each year and 2 million girls and women a year are at risk of female genital mutilation.

Trafficking has become a worldwide crisis which involves between 1 and 2 million women and children each year.

While many young women are taking advantage of increased opportunities and graduating from higher education in record numbers, there are many girls around the world whose choices are severely restricted because of their gender. Girls in various countries face severe violence, forced early marriage, and dangerous childbirth.

Early marriage almost always ends formal educational opportunities for girls and it is estimated that in the next decade, 100 million girls will be married before the age of 18. In Africa, more than half of girls do not complete primary school education. Due to early childbirth and poor maternal healthcare, there are approximately 100,000 new cases of obstetric fistula among young women every year.

Women around the world look to the United States for leadership and assistance in advancing women's rights in their communities. We should be doing more to help them. In recognition of this need, I plan to reintroduce the International Women's Freedom Act, which is modeled after the successful International Religious Freedom Act of 1998 (IRFA). IRFA established the U.S. Commission on International Religious Freedom, which over the past 7 years, has drawn attention to the importance of protecting religious freedom around the world. The Commission's annual report and recommendations has had an impact on the protection of human rights around the world, with many of the Commission's recommendations being taken up by the President, the Congress, and the State Department.

The International Women's Freedom Act will, like IRFA, establish an office in the State Department and a U.S. Commission, which will focus on International Women's Rights. The Commission will draft an annual report on violations of women's human rights abroad and the legislation will force the U.S. to consider these violations when determining foreign policy.

There are many women who we salute on International Women's Day for breaking barriers. But let us also acknowledge the women who face hurdles which seem insurmountable. Those women who live in desperate poverty, who don't have basic health care, and who fear violence from their own family members are the women we need to think about today.

As a superpower, as a country of compassionate concerned citizens, as human beings; let's commit ourselves to doing something about the state of the world's most vulnerable women as we celebrate International Women's Day.

THE 150TH ANNIVERSARY OF THE ESTABLISHMENT OF DEL NORTE COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the 150th anniversary of the County of Del Norte, the very northwest corner of the 1st Congressional District and the State of California.

Del Norte County features an extraordinary landscape that includes majestic redwoods and spectacular coastline. It is home to Redwood National and State Parks, the sparkling waters of the wild and scenic Smith River and the Smith River National Recreation Area. The residents are extraordinary and rugged individuals, who work hard and who value the very special place in which they live.

The county was created by the California Legislature in 1857, which transformed a portion of former Klamath County, California, into a new political entity known as Del Norte County.

The Yurok and Tolowa peoples have called the region home for thousands of years and continue to play a vital role in the life of Del Norte County. Their skills in woodworking and basketry were exceptional and form the basis of a thriving cultural and artistic community.

The first timber mill was brought by ship to Del Norte County in 1853, and over the next 100 plus years produced lumber that was used to build the state and realize the dreams of all Californians. The rich ocean environment has created a dynamic fishing industry and the mild climate and fertile fields of the Smith River plain grow the Nation's supply of Easter lilies. The county is blessed with two historic lighthouses, Battery Point and Point St. George. The county seat of Crescent City has the distinction of being the only city in the continental United States to be struck by a tsunami wave, on March 28, 1964. Despite the destruction of over 150 businesses, the hearty character of local residents was on display during the rapid reconstruction of the town, earning the name, "Comeback Town USA".

Madam Speaker, it is appropriate at this time that we recognize the County of Del Norte on the occasion of their 150th anniversary, and congratulate the residents of Del Norte County on all that they have achieved.

PAYING TRIBUTE TO NILA SPEER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life and memory of Nila Speer, a member of a pioneering Las Vegas family, who passed away on February 19, 2007 at the age of 87.

Throughout her 87 years, Mrs. Speer was a dedicated member of the community and witnessed the City of Las Vegas develop into a major metropolitan area. Her civic commitment was evident in the many community organizations in which she was involved. Among the many organizations Nila was involved in were the Beta Sigma Phi Sorority, of which she was a charter member, and the Mesquite Club.

Nila influenced the lives of countless young girls as director of the local Girl Scout Council and as PTA President of Mayfair Elementary School, Crestwood Elementary School and John C. Fremont Junior High School. As a politically active member of the community, Nila campaigned for numerous candidates and was most proud of her efforts for former Governor and U.S. Senator Richard Bryan. In addition to her civic work, Nila was also a devoted Sunday school teacher at the First Methodist Church.

Madam Speaker, I am proud to honor the life and memory of Nila Speer. Her dedication to the community was commendable and the Las Vegas community will miss this significant resident.

IN RECOGNITION OF DETECTIVE JAMES METZLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor James Metzler, a devoted police officer for the Cleveland Police Department for 25 years. Mr. Metzler is an exemplar for this community in his efforts to make Cleveland a safer and more vibrant city.

Mr. Metzler was appointed to the Cleveland Police Department on June 15, 1981. After graduating from the police academy, Mr. Metzler was assigned to Basic Patrol in the Forth District. Detective Metzler's commitment to his community shone through in his work, as he ascended the ranks. He later joined the First District Basic Patrol and eventually the First District Detective Bureau, before being dispatched to the Homicide Unit.

Police officers have the awesome responsibility of maintaining peace and order within the community. On a daily basis, they have to display courage and just decision-making. Throughout his career, Detective Metzler embraced this responsibility. He led by example and defined what it meant to wear a badge. Detective Metzler personified integrity, hard work, and dedication.

For 25 years, Detective Metzler served Cleveland with distinction, with unyielding pride, and with an abiding concern for the welfare of our community. In an age that has seen the disintegration of the community, Detective Metzler's unwavering commitment to the fabric of Cleveland has left us safer, healthier, and better equipped to face our challenges.

Madame Speaker and colleagues, please join me in honoring a true American hero, Detective James Metzler, and in celebrating his life of serving others and striving to make Cleveland a better place. We all owe a debt of gratitude to James Metzler.

INTRODUCTION OF FEDERAL LANDS RESTORATION, ENHANCEMENT, PUBLIC EDUCATION, AND INFORMATION RESOURCES ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. UDALL of Colorado. Madam Speaker, I am today introducing a bill to provide additional resources for use by the Federal land-managing agencies to restore lands damaged as a result of improper activities and to promote public education about the use of the

Federal lands. My Colorado colleague, Representative TANCREDO, is again cosponsoring the legislation. I greatly appreciate his support.

The bill is based on one part of a bill introduced by Representative TANCREDO that I cosponsored in the 108th and 109th Congresses. Our purpose is to improve the ability of the land-managing agencies—the Bureau of Land Management, National Park Service, and the Fish and Wildlife Service in the Interior Department as well as the Forest Service in the Agriculture Department—to adequately enforce the rules that apply to uses of the lands they manage.

In the 108th Congress, Mr. TANCREDO and I worked with the Resources Committee's Chairman, Ranking Member, and other Members, to develop a substitute that included a number of improvements in the bill. The Resources Committee approved that substitute, which included provisions similar to those in the bill I am introducing today. However, after the Resources Committee completed its work, the measure was reviewed by the Judiciary Committee, which made further changes before the bill went to the House floor.

The most significant change was deletion of the provisions of the bill that allowed the agencies to retain fines paid for violations of land-use regulations and to use those funds for repairing damages to the lands and for public education. I regretted that change because in addition to more adequate authority to enforce regulations, the land-managing agencies need more resources—more money and more people—if we want them to do a better job.

The House passed the bill as revised by the Judiciary Committee, but the 108th Congress adjourned before the Senate could complete action on it. Accordingly, in the 109th Congress Mr. TANCREDO reintroduced the House-passed bill and I cosponsored it, and I introduced a separate bill which he cosponsored. We are repeating that pattern of cooperation today.

The Tancredo-Udall bill of the 108th Congress would have allowed the land-managing agencies to use money from fines to help pay for some of the restoration work caused by violations of regulations and for public education.

The bill I am introducing today is similar. It would allow agencies to use money collected as fines to be used for repairing damage caused by the actions that lead to the fines or by similar actions. It would also allow them to use the money to increase public awareness of regulations and other requirements regarding use of Federal lands. And it provides that any of the money not needed for those purposes would be credited to the Crime Victims Fund in the Treasury.

Madam Speaker, this is a modest bill but an important one. I think it deserves the support of our colleagues and I will do all I can to achieve its enactment into law.

HONORING SALLY B. ORMSBY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the Fairfax County Federation of Citizens Associations 2006 Fairfax County Citizen of the Year, Sally B. Ormsby.

For the past 40 years Sally B. Ormsby has been a dedicated community activist fighting on behalf of her neighbors in Mantua and the residents of Fairfax County, Virginia. Her community activism started through focused pursuits on parent-teacher associations and garden clubs, but blossomed into larger roles that ultimately changed the face of the community in which she lived.

Most notably, in 1990, when a local underground oil spill rocked the foundation and stability of her local Mantua community, she rallied her neighbors, calmed fears and sought logical and appropriate remedies to the issues at hand. In the midst of the community outrage that followed concerning associated health risks and collapsing home values, Sally's steady hand played a key role in addressing the containment, control, and remediation of the affected grounds. This highlights just one of her many crowning achievements where her hard work and dedication overcame immense obstacles for the betterment of Fairfax County.

Over the years she has served as president of the Federation of Fairfax County Citizens Associations, chair of the Providence District Council of Civic Associations, president of the Woodson High School PTA, appointee to the Committee on Revenue Expenditures, a member of the board of directors of the League of Women Voters and president of the Mantua Civic Association, to name a few.

Sally has always been able and willing to step forward when duty called, to work toward the positive resolution of pressing local issues. Her leadership is most evident in the face of crisis where her ethos of service acts as a beacon guiding her fellow citizens towards their collective end goal.

While compiling this impressive legacy of service, Sally has been a dedicated wife to her husband, Dr. W. Clayton Ormsby, and loving mother to her two children, Alison and Tyler.

Madam Speaker, in closing, I would like to commend and congratulate Sally on her impressive record of service to Fairfax County. I call upon my colleagues to join me in honoring Ms. Sally B. Ormsby, the 2006 Fairfax County Federation of Citizens Associations Citizen of the Year.

REINTRODUCTION OF "VOTERS' RIGHT TO KNOW ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mrs. MALONEY of New York. Madam Speaker, today, I, along with Representative PETRI (R–WI), reintroduce legislation to subject operators of push polls or phone banks to the same disclosure requirements as other types of political communication. It will not ban push polls or phone banking—it will simply create a level playing field for all types of political communication. Under this bill, any person conducting these types of calls would be required to disclose to each recipient of a call the identity of the organization paying for the call. In addition, the bill would require that campaigns and other organizations that conduct advocacy phone calls report to the Federal Election Commission (FEC) the number of households they have contacted and the script they used in making the calls. The bill would not interfere with legitimate polling, conducted either by candidates or independent organizations, as it would only apply to phone banks in which more than 1,500 households are contacted within the 25 days preceding a federal election.

PAYING TRIBUTE TO PASTOR NATHANIEL WHITNEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Pastor Nathaniel Whitney.

Pastor Whitney was born in Tallulah, Louisiana on June 23, 1926 and was the twelfth of fourteen children. In 1944, at the age of 18, Nathaniel enlisted in the United States Army where he nobly served his country in both the Pacific and Atlantic theaters. Following 30 months of service in the armed forces, Nathanial was honorably discharged.

In 1951, Nathanial relocated to Las Vegas with his wife Carolyn. After arriving in Las Vegas, Nathaniel became involved with the Carver Baptist Church until 1965 when he became pastor of the Evergreen Missionary Baptist Church. In addition to dedicating himself to his church, Nathaniel was very involved in a number of community and outreach organizations; such as, the National Baptist Convention, the National Baptist Congress of Christian Education, the Pride of the West District Association, the Ministers Alliance, and the local chapter of the NAACP.

Madam Speaker, I am proud to honor the life and memory of Pastor Nathaniel Whitney. His dedication to both the Las Vegas and Baptist community is commendable and should serve as an example to us all. Pastor Whitney will be deeply missed by the countless lives he touched.

IN RECOGNITION OF DETECTIVE JAMES GAJOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor a role model who committed 27 years to the Cleveland Police Department, James Gajowski, and to recognize his efforts toward making Cleveland a safer place.

Mr. Gajowski was appointed to the Cleveland Police Department on July 29, 1979. After graduating from the police academy, Mr. Gajowski's first beat was the Third District Basic Patrol. As his career progressed, he served in the Third District Detective Bureau as well as the Third District Strike Force Unit. Eventually Detective Gajowski ascended to the Homicide Unit, in which he served with distinction and dedication.

One of duties of police officers is to place others' well being before their own. They are the first to respond in times of peril, and as a community we ask them to risk their lives continually in order to preserve the peace and safety of our own. For 27 years, Detective Gajowski did just that, standing guard in our great city so that we might sleep well, that we might live in peace.

Although police officers are an indispensable component to living in a civil society, they frequently go underappreciated and overlooked. Detective Gallows served with distinction and served with pride, but never demanded attention or recognition. The safety and well being of Cleveland was reward enough.

Madam Speaker and colleagues, please join me in honoring James Gajowski for his life long commitment to law enforcement and public service, and giving him the recognition he so richly deserves. Through his commitment to justice, Mr. Gajowski set a shining example for all to follow.

INTRODUCTION OF PLATTE RIVER RECOVERY IMPLEMENTATION LEGISLATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. UDALL of Colorado. Madam Speaker, I am today introducing legislation to authorize the Interior Department to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin.

Its purpose is to continue a cooperative effort involving the Federal Government and the States of Colorado, Nebraska, and Wyoming (and other entities and groups) aimed at recovery of endangered species in ways that will not involve the creation of Federal water rights or requiring the grant of water rights to Federal entities. Information about the background of the legislation and the program follows:

BILL TO AUTHORIZE PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

BACKGROUND

Since 1997, the States of Nebraska, Colorado, Wyoming have worked with water users, conservation groups and the Interior Department to develop way to allow continued water use and development along the Platte River to comply with the Endangered Species Act.

In late 2006 the 3 States and the Interior Department signed the final agreement for a basin-wide Recovery Program to benefit three endangered species (interior least tern, whooping crane, and pallid sturgeon) and one threatened species (piping plover) referred to as the "target species." The Federal government is to pay half the cost—and the bill would authorize appropriation of those federal funds. The total authorization would be $157.14 million plus any needed inflation adjustments.

RECOVERY PROGRAM

The Program is designed to secure defined benefits for the target species and their associated habitats while also providing ESA compliance for existing and certain new water-related activities in the Platte River basin. It is to be incremental, with the First Increment coming over the next 13 years. It would be implemented by a Governance Committee with membership including representatives of the three states, the Interior Department, water users, and environmental groups.

While the Program is designed to provide ESA compliance for existing and certain new water related activities throughout the Platte River basin upstream of the confluence of the Platte and the Loup Rivers (in Nebraska), the land acquisition and management for the target bird species will occur in the central Platte River region (Lexington to Chapman, Nebraska), and Program water activities would be designed to provide benefits for the target bird species in the central Platte River region and for the pallid sturgeon in the lower Platte River region (below the confluence with the Elkhorn River).

ELEMENTS OF THE PROGRAM

The Program has three main elements: (1) increasing stream flows in the central Platte River during relevant time periods through retiming and water conservation/supply projects; (2) enhancing, restoring and protecting habitat lands for the target bird species; and (3) accommodating certain new water related activities. It will achieve these results through an adaptive management approach employing scientific monitoring and research to evaluate the management actions and species habitat needs. These elements will be implemented according to underlying principles that require interests in land to be acquired only from willing participants and avoid increasing tax burdens to local citizens by paying taxes or their equivalent on Program lands. Program lands will be held by a land holding entity (rather than by the federal or state governments) and will be managed under a "good neighbor" policy.

WATER

The Program's long-term objective for water is to provide sufficient water to and through the central Platte River habitat area to assist in improving and maintaining habitat for the target species using incentive based water projects. During the First Increment (13 years) the Program's objective is to retime and improve flows in the central Platte River to reduce shortages to target flows by an average of 130,000 to 150,000 acre-feet per year at Grand Island.

LAND

During the First Increment, the Program's objective is to protect, restore, and maintain 10,000 acres of habitat. The Program's long-term objective for land is to acquire land interests, restore where appropriate, and maintain and manage approximately 29,000 acres of suitable habitat along the central Platte River between Lexington and Chapman, Nebraska. Land acquired during the Program's First Increment will be credited to this long-term objective as will certain lands that meet criteria established by the Governance Committee but are managed by other entities such as environmental organizations or utility and irrigation districts.

FUTURE WATER DEVELOPMENT PROJECTS AND NEW DEPLETIONS

One Program purpose is to mitigate the adverse impacts of certain new water related activities through the implementation of state and federal depletions plans. This will allow continued growth and water development to occur in the Platte River basin along with improving conditions for the target species.

HONORING LEE A. RAU

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. Lee A. Rau, recipient of the 2006 Citation of Merit by the Fairfax County Federation of Citizens Association.

A resident of Reston, Virginia, since the 1960s, Mr. Rau has worked tirelessly to improve the quality of life of Fairfax County residents. Possessing a true passion for the less fortunate, Mr. Rau has addressed the growing problem of housing affordability in Northern Virginia by offering his legal expertise to a variety of community projects.

Throughout his career as a notable public servant, Mr. Rau has been involved with myriad civic organizations including Reston Association, Lake Anne Village Center Revitalization Project, Reston Interfaith, Fairfax County Redevelopment and Housing Authority, Greater Reston Arts Council, and the High Rise Affordability Panel established by Hunter Mill District Supervisor Cathy Hudgins. Through this work, Mr. Rau is able to assist Fairfax County in meeting affordable housing goals: increasing the supply, encouraging their provision, conserving stable neighborhoods and revitalizing older neighborhoods.

While actively engaged in civic activity throughout Fairfax County, Mr. Rau has also served on an extensive list of professional associations such as the American Bar Association, Phi Alpha Delta Law Fraternity, United States Chamber of Commerce Council on Antitrust Policy, D.C. Bar Energy Study Group, and the Constitutional and Administrative Law Advisory Committee of the National Chamber Litigation Center, Inc.

Mr. Rau was named the 1990 Restonian of the Year; was awarded the Best of Reston Award in 1996, and is more than deserving of this Citation of Merit. His commitment to his community and to making the county a better place to live for all of its residents is to be commended.

Madam Speaker, in closing, I applaud Lee Rau for his public service and receipt of the Citation of Merit by the Fairfax County Federation of Citizens Association. I call upon my colleagues to join me in congratulating him on this distinguished achievement.

PAYING TRIBUTE TO SUSAN BONNEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Susan Bonney for her exceptional work at William B's Steakhouse formerly located in the Stardust.

Susan Bonney had worked for the Stardust for over 7 years. Over the course of her career with Boyd Gaming she catered to the needs of the high-end clientele at William B's until the close of this legendary property on November 1, 2006. Following the closure of William B's, Susan decided to stay with the Boyd Gaming Corp., because of its family-like style of business. Susan subsequently became the restaurant manager for the Orleans Hotel and Casino, continuing her distinguished career to providing great service and respect to the guests of the hotel while making their time in Las Vegas memorable. Susan has also recently been recognized by Casino Magazine for her many years of exceptional service.

Madam Speaker, I am proud to honor Susan Bonney. Her professional successes and exemplary record of service are commendable. I applaud Susan for her leadership and wish her continued success.

IN RECOGNITION OF RICHARD J. WILD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize Richard J. Wild upon his retirement as athletic director of Saint Ignatius of Antioch School, and to celebrate over 30 years of service to the Church as well as the surrounding community.

Rich began his avocation in the 1970s as an engaged parent, hoping to be more involved in the development of his children. As his children grew and moved on, Rich recognized the importance of the athletic program to the St. Ignatius parish as well as the community as a whole. In 1979, Rich agreed to become the Activities and Athletic Director; he quickly set out to revitalize the program and ensure that all youth who wanted to participate in sports had a place to go.

The early years of Rich's tenure were challenging. As the parish community shrunk and enrollment at the school shrunk, St. Ignatius faced the dim proposition of cutting back programming or eliminating whole sports. However, Rich refused to accept the idea that limiting access to athletics was the only course of action. Instead, Rich developed an innovative athletic program that adapted to the changing parish environment and expanded its reach to the whole community. As a result, the St. Ignatius athletic program thrived while serving more youth.

Today, the St. Ignatius of Antioch parish athletic program serves 345 youth from over fifty schools. Rich Wild has taken a parish-based program and, with three decades worth of compassion, commitment, and unfailing determination, has turned it into a community institution.

Madam Speaker and colleagues, please join me in honoring Rich Wild on the occasion of his retirement, and in celebrating his dedication to St. Ignatius of Antioch parish. As Rich enters into the next phase of his life accompanied by his loving wife Georgia, three children and seven grandchildren, the fruits of his labor will be enjoyed for generations to come.

TRIBUTE TO DANIEL R. SMITH, SR.

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise to speak about Daniel R. "Dan" Smith, Sr., a truly remarkable man who will be celebrating his 75th birthday this Sunday, March 11.

Born in Winsted, CT, on March 11, 1932, Dan is one of a few surviving African-American children of a slave. His father, Abram Smith, was born in 1863. Age 70 when Dan was born, he died when Dan was 6. Dan's mother, Clara Wheeler Smith, was a young bride. A domestic worker, she raised her 8 children plus other foster children.

Dan graduated from Gilbert High School in Winsted, Connecticut. He entered the U.S. Army and served in Korea as a medic, operating room technician, in the Korean War. He also was trained as a water safety instructor and after returning home from Korea, he performed heroic actions during the 1955 Winsted flood, diving into a raging river and saving a man's life.

Dan attended Springfield College, in Massachusetts, where he majored in general studies with minors in psychology and sociology. He was elected student body president and graduated in 1960.

During the 1960s he had a broad range of professional experiences. Building on his education and experiences as a medic in the Army, he served as a social worker at Norwich State Hospital, a 3,000 bed psychiatric hospital in Connecticut, and at the Seaside Regional Center for the mentally retarded in Waterford, Connecticut.

One of Dan's many loves is animals, especially dogs. During high school he had worked for a veterinarian and learned to be a dog trainer. He took additional pre-med courses and was accepted into the Veterinary School of Tuskegee Institute, Alabama.

This was during the height of the Civil Rights movement, however, and the pull of public service was strong. Dan left his studies to become executive director of an anti-poverty program launched by Sargent Shriver in Lowndes County, Alabama, one of the Civil Rights' "hot beds." The church in which his program was housed was burned by arsonists, but he had carefully saved all his documentation, and was able to start again almost immediately. He participated in many Civil Rights activities and nearly lost his life at the hands of the KKK. He was with Dr. Martin Luther King, Jr., on the march from Selma to Montgomery.

As a result of his excellent administration of the anti-poverty program, Mr. Smith was given the opportunity to enter the Federal Government at the national office of VISTA in Washington, DC. He later moved to the Office of Health Affairs in the Office of Economic Opportunity, OEO.

While at OEO he served as Assistant Chief of Program Development, and developed a national program of Neighborhood Health Centers, NHCs, that provided ambulatory health care for low income communities throughout the United States, using a medical team approach. He was responsible for developing NHCs in Bedford Stuyvesant, San Francisco's Chinatown, and St. Louis, Missouri. He also established and served as Chief of OEO's Consumer Affairs office, where he designed a pilot multi-dimensional training program.

In 1972, Dan became the National Director and Chief of the Area Health Education Program (AHEC), a medical health education program that he designed and implemented at the National Institutes of Health. He worked with medical schools throughout the United States to provide more primary care and family practice physicians and related health professionals. At $165 million annually, it became the largest social contract program in the nation. One of the finest of these programs continues today at the University of Colorado's School of Medicine. Acknowledged as the "father" of AHEC, Dan received a distinguished service award for his outstanding management of the program.

During the 1980s Dan was awarded an IPA (Intergovernmental Personnel Agreement) position at Georgetown University Medical School as a Research Associate, where he was involved in research and teaching. He returned to the Federal Government as Director of Bilateral and Sub-Saharan African Programs in the Office of International Health and was responsible for developing Emergency Medical Services programs in Lebanon, Egypt and Saudi Arabia.

Because of his expertise in administrating medical programs, in 1986 the White House officially requested his assistance with the Republic of South Africa to develop a program similar to AHEC. He was subsequently invited by Archbishop Desmond Tutu to attend his Capetown installation as the Episcopal Bishop of South Africa.

Dan later served as Special Projects Manager in the Administrator's Office of the Department of Health and Human Services. He retired from the Federal Government in 1994.

Still working, Dan has established and owns an import/export company, Takoma Enterprises LLC, for which he serves as president and CEO. Active in community and religious organizations, he served on the board of trustees of Springfield College and senior warden of St. Luke's Episcopal Church, Bethesda, MD. An usher at the Washington National Cathedral, Dan served as head usher at the Cathedral, where he has escorted Presidents and other dignitaries at special services, including the memorial service following the events of September 11, 2001.

Dan has four surviving siblings who still reside in Connecticut: His brother, A. Wilson "Abe" Smith, and sisters Marion Hanson, Jenny Brown and Henrietta Reed. He has two adult children from a previous marriage. His daughter April is married to a South African, Andrew Motaung. Both are teachers with advanced degrees. They have a 3½-year-old child, Tselane, and live in Columbia, MD. His son, Daniel Robert Smith, Jr., a graduate of

Syracuse University, is an actor who resides in New York City, stage name Robert Mauzell.

In 2002 Dan met Loretta Neumann, a neighbor. It should be noted that Loretta worked for me as a legislative assistant before she retired in 2001 and, during the 1970s and 1980s, she also worked for the House Interior and Insular Affairs Committee when it was chaired by my father, Morris K. Udall, and for Representative John F. Seiberling of Ohio, who chaired the Committee's Public Lands and National Parks Subcommittee.

Last but not least, Dan and Loretta were married on October 28, 2006, at the Washington National Cathedral. They reside in the Takoma neighborhood of Washington, DC, and from all reports are truly living happily ever after.

PAYING TRIBUTE TO RANDALL JENSEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Randall Jensen, a recent recipient of the Boy Scouts of America's Silver Beaver Award.

Randall, an optometrist who performs kindergarten eye screenings in the Moapa Valley school system, has been actively involved with the Boy Scouts of America since he was a child. In 1972, he earned the organization's highest Scout achievement when he was made an Eagle Scout. After enjoying the benefits of participating in the Boy Scouts, Randall returned to the organization in 1978 to work as an Assistant Scoutmaster. Today, Randall serves as chairman for the Anasazi District of the Las Vegas Area Council of Boy Scouts. Since volunteering with the Boy Scouts, his work as a Scout leader has driven him to assist youth who struggle fitting in with peer and social groups.

On February 15, 2007, Mr. Jensen was awarded with the Silver Beaver Award in recognition of his distinguished service to the organization. This award has been awarded since 1931 and represents the great work Randall has done with the Boy Scouts.

Madam Speaker, I am proud to honor Randall Jensen. His dedication to the community through his work with the Boy Scouts is commendable and I congratulate him on being recognized with the Silver Beaver Award.

TRIBUTE TO HEDY M. RATNER

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Ms. SCHAKOWSKY. Madam Speaker, I rise today to add my voice in honoring Hedy M. Ratner, who will be recognized in Chicago as a "Women Who Dared" on March 14, 2007 by the Jewish Women's Foundation, Women's Division of the Jewish United Fund, and the Jewish Women's Archive. I congratulate those organizations for choosing to celebrate Women's History Month by hearing the stories of three fabulous local Jewish women—Judith Panko Reis, the founding Director of the Women With Disabilities Center; Amy Rubin of Jewish Women International; and Hedy Ratner.

My dear friend Hedy Ratner is a force of nature. When she swirls into a room—beautiful, feminine, and powerful—everyone knows that a woman of substance has arrived. A feminist through and through, a fighter for social justice, Hedy has worked for the advancement of women all of her adult life.

In 1986, along with her friend Carol Dougal, Hedy founded the first and now the largest Women's Business Development Center in the United States. "When we started the Center," said Hedy, "it was an extension of our frustration that women still were not reaching parity in the marketplace."

As of today, the Center has served tens of thousands of women; facilitated tens of millions of dollars in loans; impacted policies at the Federal, State and local levels; and helped certify countless companies as Women's Business Enterprises. Her straightforward philosophy is summed up when she says, "It's good business to do business with women."

Hedy Ratner was appointed by President Clinton to the National Women's Business Council. She helped found and then was appointed by two Illinois Governors to the Illinois Women's Business Ownership Council and the Governor's Commission of the Status of Women in Illinois. Chicago Mayor Richard Daley appointed Hedy as Co-Chair of the Women's Health Task Force. She is also a board member of the Chicagoland Chamber of Commerce and The Chicago Convention and Tourism Bureau, and a founding member of the Coalition for Equal Opportunity and the Alliance of Minority and Female Contractors Association.

All of the prestigious appointments and major accomplishments only hint at the dynamic and inspiring person Hedy Ratner is. Her legions of friends, co-workers and admirers love her enthusiasm, her humor and her generous spirit. She is unstinting in her efforts to encourage and help those around her to be the best that they can be and to achieve their own aspirations.

Hedy Ratner has served as a role model for untold numbers of women who seek to make their mark in business, politics, and the professions. Perhaps it is, in part, because Hedy had her own role model—her mother. About her mother she said, "She was an immigrant woman, came from poverty, didn't have an opportunity to be really well educated. [She] was a business owner, but she was informally educated. She was an entrepreneur and she was always committed to me, and women in general, being independent." Her mother said, "That's the most important thing you can do: depend on yourself."

Hedy's Jewish upbringing and pride have contributed mightily to her strength of character, her moral center and her determination to succeed. I had the real pleasure to attend her Bat Mitzvah not too many years ago. Hedy, your mother would be very proud of you for being singled out as outstanding Jewish woman by such prestigious Jewish women's organizations, but she wouldn't have been surprised that you are officially a "Woman Who Dared."

INTRODUCTION OF THE "SECURITY AND FAIRNESS ENHANCEMENT (SAFE) FOR AMERICA ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. GOODLATTE. Madam Speaker, I rise today to introduce the "Security and Fairness Enhancement (SAFE) for America Act." This much-needed legislation eliminates the controversial visa lottery program, through which 50,000 aliens are chosen at random to come and live permanently in the United States based on pure luck. The visa lottery program threatens national security, results in the unfair administration of our Nation's immigration laws, and encourages a cottage industry for fraudulent opportunists.

Because winners of the visa lottery are chosen at random, the visa lottery program presents a serious national security threat. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. During testimony before the House Committee on the Judiciary in the 109th Congress, the Office of Inspector General stated that the Office "continues to believe that the diversity visa program contains significant risks to national security from hostile intelligence officers, criminals, and terrorists attempting to use the program for entry into the United States as permanent residents."

Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from planting members in the U.S. by having those members apply for the program. As long as those individuals do not have previous criminal backgrounds, these types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the "guarantee" of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in its September 2003 report. Specifically, the report states that the visa lottery program is "subject to widespread abuse" and that "identity fraud is endemic, and fraudulent documents are commonplace." Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in the 2003 visa lottery alone.

In addition, the visa lottery program is by its very nature discriminatory. The complex formula for assigning visas under the program arbitrarily disqualifies natives from countries that send more than 50,000 immigrants to the U.S. within a 5-year period, which excludes nationals from countries such as Mexico, Canada, China and others.

The visa lottery program represents what is wrong with our country's immigration system. My legislation would eliminate the visa lottery program. The removal of this controversial program will help ensure our Nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud and opportunism.

THE INWOOD HOUSE—NYC

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. POE. Madam Speaker, recently I had the unique opportunity to attend an event in New York City with more than 650 people honoring a life giving operation for young women. In today's cold vast world it is very easy to feel isolated, alone, and forgotten especially if you are a pregnant teen or an expectant teen father. To many, Inwood House is a safe haven in their endless storm. The Inwood House offers housing, medical treatment, resources, and hope to today's otherwise lost teenagers.

The Inwood House was established as a Residence in 1830, to help pregnant girls in New York City rebuild their lives. The young girls were immigrants, alone, and some were exploited. And in those days single pregnant females were often just put in jail. The Inwood House became their savior by giving the girls a safe home, an encouraging community, and most importantly an education. With their newly acquired education the once outcasts of society were able to rejoin the working world with their employable skills. Since the early 1800's, the founders were vocal advocates for the lost youth. When the world wanted to send young unmarried pregnant teens to the penitentiary, the Inwood House stood up and fought for their freedom. They won Court approval to have the girls referred to the Inwood House, rather than being sent away only to be once again shunned by society. The founders believed that each girl was a gift and as a gift each had their own destiny, they simply needed someone to stand strong for them.

The Inwood House has continued its innovated vision. In the early 1900's, when the medical community was desperately trying to get the public aware of sexually transmitted diseases, the Inwood House tackled the issue head on. They conducted community outreach education on how to prevent sexually transmitted diseases. While providing on-going family support services to unwed mothers, the founders helped fund the Federation of Protestant Welfare Agencies. By accepting young women of all races and religions, the Inwood House defied the segregation of social services that was customary at the time.

Inwood House believes that the root of any solid society is a strong family. To enable young unwed mothers keep their babies, Inwood House raised private funds to create Mother/Baby foster family homes while creating the first City-sponsored program. The program showed great success in achieving self-sufficiency for the young mothers as well as avoiding repeat out-of-wedlock births. Inwood founders also believed in holding everyone responsible for their actions, including male teens.

Teen Choice, created by Inwood House, was the first comprehensive school-based education and counseling program to include boys. By dealing with both sides of the teenage pregnancy epidemic, it allowed awareness to be brought into an educational environment. Being the first to recognize the young unwed father as a potential resource for both the unwed mother and their unborn child, Fathers Count was created. Fathers Count is an educational program aimed to teach young fathers how to manage their parental responsibilities. When children have strong male role models in their lives, the cycle of abandonment is broken, leading both the children and the parents to lead a healthier life.

It was my pleasure, along with Governor Tom Ridge and others, to honor and hear positive successes for this outstanding program, its hard working staff, and the board members of the Inwood House. By providing supportive 24-hour care, support and guidance, including pre-natal care, education, parenting and life skills training, Inwood House is able to give hope for a better life. Wonderful board members such as Barbara Abadi and Linda Lausell Bryant, to just name a few, help to ensure that even today the Residence cares for homeless, pregnant teens in foster care, and continues to ensure that the Inwood House is internationally recognized as a leader and innovator in youth development, teen pregnancy prevention, and family support. Serving over 8,000 young people, Inwood House is able to be a beacon for the lost. It is my pleasure to honor and support such a life giving operation, and wish it continued success as it reaches and addresses the desperate needs of society's forgotten children.

And that is just the way it is.

CONGRATULATING DONALD ELEMENTARY SCHOOL FOR RECEIVING THE NATIONAL BLUE RIBBON AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Donald Elementary School, located in Flower Mound, Texas, for being awarded the prestigious National Blue Ribbon Award.

The National Blue Ribbon Award is presented to schools that reflect the goals of our Nation's highest education standards. The program requires schools to meet one of two assessment criteria. It recognizes schools with at least 40 percent of their students from disadvantaged backgrounds, who dramatically improve student performance in accordance with state assessment system. It also rewards schools that score in the top 10 percent on state assessments. Donald Elementary's scores on the Texas Assessment of Knowledge and Skills (TAKS) test have consistently exceeded the national average in all subjects.

Donald Elementary School was built in 1989. Although relatively new, the school has made a significant impact on the local community and has unique attributes including a P.E.P. Squad (Parents as Educational Partners Volunteer Program) as well a publishing company, "Dolphin Tales," to assist students in taking their writing to the complete published stage. Donald Elementary received Gold Performance Acknowledgments from the Texas Education Agency in the 2004–2005 school year for attendance and was commended for its work in the fields of Reading/ELA, Mathematics and Science.

The National Blue Ribbon Award acknowledges the hard work of students, staff members, families, and the community in raising student proficiency and closing the achievement gap. I extend my sincerest congratulations to Principal Cheryl J. Close, the Lewisville Independent School District, and the community of Flower Mound. I also want to congratulate the fine students of Donald Elementary for this outstanding achievement.

I wish them the best of luck as they continue to strive for excellence. I am very proud and honored to represent them in the 26th District of Texas.

TRIBUTE TO MR. FRANK AMARAL

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. DOOLITTLE. Madam Speaker, today I wish to remember and honor a man who was a businessman, community leader and icon in Northern California, Mr. Frank Amaral. After a lifetime of dedication to his family and community, Frank passed away on March 5, 2007. He was 88 years old.

Frank Amaral was one of Nevada City's most successful real estate investors. Mr. Amaral displayed astute skills of negotiation and business savvy, many of which he honed earlier in his career in the lumber industry, working as managing partner of the Oregon Creek Lumber Company in Camptonville, California.

Frank Amaral was also one of Nevada County's early developers and helped transform Grass Valley and Nevada City from unknown destinations to the wonderful communities they are today. However, Frank's success as an adult contrasted with his humble roots.

Born on June 19, 1918, in Orland, California, he was the youngest of four children. Frank's parents, Cardoza Amaral and Rosa Julia Bettencourt Amaral, were Portuguese immigrants from the Azores Islands. Frank lost his father when he was 6.

As a 13-year-old farm laborer who supported his family during the Depression, Frank hated being poor and worked diligently to better his social status.

A rough upbringing did not deter Frank from a long list of impressive life achievements. Mr. Amaral bought the Oregon Creek Lumber Company in 1958 and started buying timberland all throughout Northern California, Oregon and Idaho. At the height of his career in the lumber business, he owned over 100,000 acres of timberland, according to a recent publication.

He also bought local properties during the 1950s. Frank's holdings included property at Jackson Meadows, Milton Reservoir, Lake Olympia, Brunswick sawmill, the Murchie Mine property, Deer Creek Park, Stonebridge and the North Star Mine, which he co-owned.

In 1966, he retired from the lumber business, developing the properties he owned and selling them off as parcels. He diversified his interests, buying farmland in Los Banos and commercial properties in Southern California.

Frank Amaral was also a thoughtful and civic-minded philanthropist who made great contributions to his community and region.

For example, the Nevada County Fairgrounds has seen the impact of Mr. Amaral's work in the community for years. The Amaral Family Festival Center was named in his honor after the family made a large donation for its renovation. But, for years before that, the Amarals donated land, money and time to many causes behind the scenes, proving to many their dedication to helping others.

The site of Nevada County's first Juvenile Hall and the land where the Madelyn Helling Library sits both were gifts from the Amarals.

Most importantly, Frank Amaral was devoted to his family and was committed to acts of charity. For years, Frank and LaVonne Amaral donated money anonymously to local organizations following their Catholic belief that charity should not be publicized.

He is survived by his wife of 64 years, LaVonne, and his two children, Lance Amaral and Julia Amaral.

May he rest in peace.

FIVE OUTSTANDING CITIZENS

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. SIRES. Madam Speaker, I rise here today to honor five outstanding citizens of Bayonne for their contributions to preserving their Irish heritage, which have enriched and united our community and earned them the praise of their countrymen. They are all being honored at the 2007 Bayonne St. Patrick's Day Parade.

Mickey McCabe, Grand Marshall 2007, a Bayonne native, is a founding member of the Bayonne St. Patrick's Day Parade Committee. As founder and president of McCabe Ambulance Service and the McCabe Institute of Emergency Preparedness, Mr. McCabe is well aware of the medical emergency needs of his community. Mr. McCabe serves in various state and county agencies including the New Jersey State EMS Homeland Security Task Force Planning Agency.

Virginia "Ginger" Boele Kemp, a member of Ireland's 32, is the President and owner of Four Season's Travel. A community activist, Ms. Kemp founded the Bayonne Hometown Fair. A member of the Rotary Club of Bayonne, Ms. Kemp was the club's first woman president. Ginger Kemp helped raise over $30,000 as a member of the Bayonne Tsunami Relief Fund and over $51,000 as co-chair of the Katrina Relief Fund.

Bridget Antczak, County Cork Association Aide, is a lifelong resident of Bayonne. The Environmental Consultant has a rich Irish heritage and is the granddaughter of John O'Connell, who was influential in the building of the County Corkmen's Club. Bridget has been a member of the St. Patrick's Parade Committee since 2004.

Sharon Nadrowsky, Irish American League Aide, serves as the representative to the St. Patrick's Day Parade Committee. Mrs. Nadrowski serves on the St. Mary's Star of the Sea Sports Committee. She continues to instill in her children and her community the traditions of her grandparents, who hail from County Tipperary and County Kilkenny.

Mary O'Connell, born and raised in Bayonne, is past President of the County Donegal Association and remains an aide to the organization. Her mother Nora was born in County Mayo and her paternal grandfather from County Donegal. Mrs. O'Connell also served the patients of the prestigious Hoboken's St. Mary's Hospital for 10 years.

Please join me in honoring these proud members of the Irish Community of Bayonne. Their numerous contributions have enriched the lives of their neighbors, and their love of their heritage continues to preserve the Irish tradition for future generations of Irish-Americans in New Jersey and the United States.

FREEDOM FOR RENÉ MONTES DE OCA MARTIJA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about René Montes de Oca Martija, a political prisoner in totalitarian Cuba.

Mr. Montes de Oca Martija, Secretary General of the Pro Human Rights Party in Cuba, is a peaceful pro-democracy and human rights activist who has courageously denounced the cruel policies of the dictatorship and demanded freedom for the Cuban people. Although he has been a constant target of the brutal tyrant's machinery of repression, he has remained steadfast in his demands for freedom, democracy, and that the people of Cuba be allowed their inalienable rights.

Mr. Montes de Oca Martija, as early as the age of 8, has been a target of the dictator's villainous regime. On more than one occasion as a child he was persecuted and denied the most basic of human dignity in treatment simply because his mother was a Jehovah's Witness and considered a threat to the totalitarian regime. Although he has been jailed and detained on numerous occasions, Mr. Montes de Oca has always maintained his steadfast opposition to Castro's tyranny.

Most recently, on July 13, 2005, René Montes de Oca Martija was wrongfully arrested during a peaceful demonstration in Havana honoring the victims of the 13 de Marzo tugboat massacre of 1994 in which 72 men, women, and children attempting to flee the Cuban dictatorship in search of freedom, were chased down and attacked by Castro's security thugs, who mercilessly sank the 13 de Marzo. More than half of the unarmed refugees on the tugboat were systematically assassinated by drowning at the direct order of Castro while they were fighting to stay alive in the waters.

On December 13, 2006, Amnesty International reported their concern that Mr. Montes de Oca would not receive a fair trial in totalitarian Cuba since the right to a fair trial is severely limited in Cuba, with the courts and prosecutors under government control. Amnesty International went on to say that they believed that Mr. Montes de Oca had been detained solely for exercising his most basic human rights to freedom of expression, association and assembly.

On February 27, 2007, after being locked in the totalitarian gulag for nearly 2 years, without ever being convicted of any genuine crime, Mr. Montes de Oca Martija was sentenced to 2 years on trumped-up charges of public disorder and locked in a dungeon in deplorable, life threatening conditions.

Mr. Montes de Oca Martija is one of the many heroes of the Cuban pro-democracy movement who are locked in the dungeons of the dictatorship for their beliefs. My Colleagues, we must not stand by in acquiescence while pro-democracy activists are suffering in the depraved prisons of tyrants. We must demand the immediate and unconditional release of René Montes de Oca Martija and every political prisoner in totalitarian Cuba.

DEDICATION OF DR. PILLOW PARK IN NORTH RICHLAND HILLS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. BURGESS. Madam Speaker, I rise today to announce the dedication of Dr. Pillow Park in North Richland Hills, Texas.

This newly refurbished park is named in recognition of Dr. David Pillow who served the city of North Richland Hills and much of north Texas since founding the Pillow-Rush Medical and Surgical Clinic in 1955. As the success of his business grew over the years, additions doubled the size of the hospital. Dr. Pillow also serves as the Medical Director for UT Southwestern University Hospital's Chest Pain Center.

Dr. David Pillow was also the chairman of the board of trustees in 1983, when the North Hills Hospital had its dedication ceremony. On August 28, 2006, the Naming Board of the city of North Richland Hills unanimously approved a resolution for Little Bear Creek Neighborhood Park to officially be named "Dr. Pillow Park."

The new Dr. Pillow Park is a 6.5 acre neighborhood park and has a Texas Mission theme. Included are a hike and bike trail, a covered picnic area, and a playground. I would like to express my best wishes to the Pillow family and the entire North Richland Hills Community on this special occasion. It is an honor to represent a fellow physician in Congress.

PRESERVING PATIENT ACCESS TO INPATIENT REHABILITATION HOSPITALS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. TANNER. Madam Speaker, today I, along with my colleagues Reps. NITA LOWEY (D–NY), KENNY HULSHOF (R–MO), FRANK LOBIONDO (R–NJ) and with 70 co-sponsors, rise to introduce the Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007 to ensure that the Centers for Medicare and Medicaid Services, CMS, does not continue to implement the misguided 75 Percent Rule and unnecessarily compromise the ability of rehabilitation hospitals and units to continue to provide much-need critical rehabilitation care.

The 75 Percent Rule is one of seven criteria inpatient rehabilitation hospitals and units must meet in order to be paid under the inpatient rehabilitation facilities prospective payment system, IRF–PPS, rather than the inpatient prospective payment system, IPPS, under which general acute care hospitals are paid. The rule was first issued in January 1984 pursuant to the Social Security Act Amendments of 1983, and has faced minimal revision to date. Simply put, to qualify as an IRF under the 75 Percent Rule, 75 percent of a facility's patients must be receiving treatment in one of 13 specified conditions. The result is that inpatient rehabilitation hospitals and units are the only Medicare providers that are classified on the basis on patient condition rather than the services provided to patients admitted to their care.

Inpatient rehabilitation hospitals and units provide specialized programs and services for patients who have suffered brain injuries, strokes, spinal cord injuries, and other rehabilitating injuries. However, CMS has consistently refused to update the 75 Percent Rule to reflect medical advances made over the 20 years since the classification criteria were first developed.

It is shocking how many patients have been turned away because of this rule. The 75 Percent Rule functions as a quota system without any foundation in clinical or scientific evidence, which makes it just that much more frustrating to watch the inpatient hospitals and units in my home state struggle to comply with the regulation without jeopardizing patient access to crucial rehabilitative care.

Our legislation will ensure that patients across America will continue to have access to the rehabilitative care they need, and that CMS will take a long, hard look at the impact this policy is having on Medicare beneficiaries and the Medicare system itself. The legislation would freeze the compliance threshold at 60 percent indefinitely, allowing facilities to continue to provide care to Medicare beneficiaries in need of intensive inpatient rehabilitation therapy. The legislation also codifies medical necessity standards and requires CMS to provide Congress with a comprehensive assessment of what is happening to patients that are denied care in this specialized health care setting.

Congress has year after year called on CMS to modernize the 75 Percent Rule. This year we face a time-sensitive imperative. Unless Congress acts by July 1, 2007, the CMS rule automatically imposes a 65 percent compliance threshold. It is abundantly clear that this chamber will have to take legislative action if we hope to stop implementation of this policy and ensure that our constituents have access to intense rehabilitative care in the appropriate inpatient setting.

We urge our colleagues to support this legislation.

TRIBUTE TO THE SOUTH RIVER RURITAN CLUB

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. HOYER. Madam Speaker, I rise today to offer my congratulations to the South River Ruritan Club in Edgewater, Maryland. This weekend they are hosting an event to mark their 50th anniversary.

The South River Ruritan Club, a community service organization, was chartered on March 13, 1957, and for 50 years has been providing much needed services to the citizens of Edgewater, Annapolis and southern Maryland.

The club, whose members are all volunteers, have contributed well in excess of half a million dollars in direct financial aid, and countless hours of time, to numerous community service projects.

The club awards local students scholastic and vocational scholarships and provides assistance to local Scout Troops, youth athletics, and other youth-related programs. They conduct an annual essay contest for 5th grade students, and have sponsored students to the National Association of Student Council Conference and Exchange Student programs.

They contribute annually to the local fire and rescue departments, the Maryland and Anne Arundel County police departments, and support environmental programs, including efforts to protect the Chesapeake Bay.

Our active duty military, retired and disabled military, and veterans organizations also benefit from the volunteer efforts of the club. They have sent direct aid to our troops in Iraq, and provide additional financial assistance through the military's Morale and Welfare assistance programs.

Their work also includes assistance in such areas as financial aid to needy families, victims of violent crimes, families displaced by catastrophes such as fires, and hurricanes, and assistance through Habitat for Humanity. They contribute annually to St. Jude Children's Research Hospital and Johns Hopkins Hospital Children's Center and they loan wheelchairs, walkers and other medical assistance equipment to members of the community.

Madam Speaker, I congratulate the South River Ruritan Club on their wonderful record of community service over the last 50 years, and wish them enormous success as they continue their commitment to improving the overall quality of life of the residents of Anne Arundel County and the State of Maryland.

TRIBUTE TO THE UNITED COMMUNITIES OF SAN ANTONIO, INC.'S BROTHERHOOD/SISTERHOOD HUMANITARIAN AWARDS RECIPIENTS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. GONZALEZ. Madam Speaker, I rise today to honor the United Communities of San Antonio, Inc., and the USCA Humanitarian Awards and Lifetime Humanitarian Award recipients, on the occasion of the celebration of their 53rd Brotherhood/Sisterhood Awards Dinner on March 8, 2007.

The mission of the United Communities of San Antonio, Inc. (USCA) is to create safe and inclusive communities, particularly among our young people, by promoting understanding and respect among all races, religions and cultures through dialogue, education and awareness. This year's USCA Humanitarian Award recipients and Lifetime Humanitarian Award recipient embody the goals of USCA with their numerous civic and professional contributions to the San Antonio community. They are all well known and respected members of their community known for their personal and professional integrity. They are committed to such democratic values as equality of opportunity, tolerance and human rights, values which form the basis for any diverse community. It is for these achievements that I rise today to honor these outstanding members of the San Antonio community.

USCA Humanitarian Award recipient Charlie Amato is the chairman and co-founder of Southwest Business Corporation (SWBC), a recognized leader in the financial services industry. Mr. Amato's civic involvement recognizes the importance of giving back to the community where he has prospered, and he is an active participant in various charities and corporate leadership activities. His community service achievements include serving as Chairman of the Board of Directors of the Christus Santa Rosa Health Care Corp., Board Member of the Greater San Antonio Chamber of Commerce and Executive Committee Member of the United Way. Mr. Amato has also been recognized by the Arthritis Foundation as a "Humanitarian of the Year" (2002) and the San Antonio Business Journal as "One of the Most Influential San Antonians" (2004). He has also been inducted in the San Antonio Business Hall of Fame (2005) and most recently the College of Business Hall of Honor—Sam Houston State University (2006).

USCA Humanitarian Award recipient J. Russell Davis is a founding member and chief executive officer of Davis, Cedillo & Mendoza, Inc., a law firm with a diversified practice. Mr. Davis has distinguished himself through his deep commitment and involvement in the San Antonio community. He has served on the board of directors of such organizations as the Community Guidance Center, the Barshop Jewish Community Center, the National Conference of Christians and Jews, and the Southwest Texas Public Broadcasting Corporation. His unwavering dedication as a community leader is reflected in his work as the first president of the campus of the San Antonio Jewish Community and as director and later chairman of the Holocaust Memorial of San Antonio. Mr. Davis has also served as director and later president of the Jewish Federation of San Antonio.

USCA Humanitarian Award recipient Aaronetta Hamilton Pierce is president of Premier Artworks, Inc., a company which promotes African-American artists throughout the country in public exhibits, museums, corporations, government buildings, businesses and homes. Mrs. Pierce has distinguished herself through her extraordinary work as an advocate for multi-cultural education and artistic development. In 1985, she became the first African-American woman appointed to the Texas Commission on the Arts. She was also a founding chair of the San Antonio Martin Luther King Jr. Commission. Mrs. Pierce's leadership achievements include serving on the Executive Committee and Board of Trustees for United Way of San Antonio, the University of Texas San Antonio—Development Board and the Texas Cultural Trust Council. Mrs. Pierce has also been inducted into the San Antonio Women's Hall of Fame (1984) and the Texas Women's Hall of Fame (1993).

USCA Lifetime Humanitarian Award recipient Jimmy Toubin is president of Toubin Insurance Company, but his real work is as a distinguished civil leader and a passionate advocate for San Antonio's hungry. Mr. Toubin's notable civic involvement has earned him much deserved recognition. He has been named "Outstanding Young Man of the Year" by El Campo, TX Jaycees and was nominated for the Governor's Award for outstanding achievement in the volunteer community in 2001. His community service portfolio includes serving on the board of trustees for Temple Beth-El for 6 years, on the board of the Jewish Federation for 8 years and currently as Vice-President and membership Chairman of Temple Chai Congregation. He also served for 10 years on the United Way of San Antonio review and allocation panel. In recognition of his past service as both a board member and chairman for 2 years, the Board of the Alamo Area Council of Governments Bexar County Agency on Aging elected Mr. Toubin as Emeritus member of the board.

Mr. Toubin's true achievement has been as a tireless advocate against hunger. He is a longtime member and past-president of the San Antonio Food Bank's board of directors. In 2001, it was through his tenacious work to rally Congress and the Department of Agriculture to make available peanut crops to make peanut butter for nonprofit organizations who work with low-income populations. Mr. Toubin also worked as the chairman of the fundraising committee for the San Antonio Food Bank's capital campaign which went on to raise $8.5 million over the course of 2 years for a new warehouse facility. His determination to help the San Antonio Food Bank meet its goals is evident in his work to identify members of the community who could help aid in this effort. Jimmy also helped organize the San Antonio Food Bank's Second Serving Program which makes use of excess prepared foods from hotels, restaurants, and caterers and directly delivers it to agencies that serve hot meals. He has embraced his role of helping San Antonio's hungry so profoundly that Jimmy, like other board members, would sometimes take a hands-on role; he could be found out on a truck with a driver or gleaning in a south Texas field. Jimmy is a person who believes in change and knows what it takes to actually make those changes happen through advocacy and legislative work, and the power of long-term policy efforts.

Madam Speaker, I ask my colleagues to join me in honoring the United Communities of San Antonio, Inc., as it celebrates and honors the outstanding contributions to the San Antonio community of all of its 2007 Humanitarian Award recipients. Their dedication to the community is remarkable and I wish them all continued success in all their future endeavors.

INTRODUCTION OF THE SCIENTIFIC COMMUNICATIONS ACT OF 2007

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Ms. MATSUI. Madam Speaker, I rise today to introduce legislation that will better prepare our scientists to be professionally competitive and ensure that the American people benefit more directly from the large annual investment that we make in our research enterprise. I am proud to introduce the Scientific Communications Act of 2007. This program will train young scientists to more effectively communicate scientific and other technical topics to policymakers. The improvement in communications skills will also enhance the interaction of the scientific community with business leaders, the media, and the general public. This initiative will foster greater cross-disciplinary education and improve public access to scientific expertise.

Innovation and competitiveness are at the forefront of public policy discussions. A key element to ensuring continued American excellence in science and technology innovation is providing our scientists with the skills necessary to offer their valuable expertise and insight to the public policy dialogue. By doing so, we will accelerate the speed with which the government, the media, and the general public are able to access information on new discoveries in science, technology, health and medicine, and other technical topics. Better access to expertise from our scientific community will ensure that we, the policymakers, can make the most informed and beneficial decisions possible when shaping new policy directions for our country.

This legislation will provide resources to the National Science Foundation to expand its ability to offer communications training to scientists. Some training programs funded by the NSF and other agencies have already made the commitment to implement such training. For example, some awardees of NSF's Integrative Graduate Education and Research Traineeship program provide communications training for their students. I applaud the forward thinking of those program administrators. Unfortunately these are exceptions, whereas training our scientists to be effective communicators should be a standard practice.

This legislation is designed to encourage the integration of communications training into more scientific programs. This type of training will ensure that our scientists are better equipped to incorporate their expertise into the public dialogue on science and technology-related issues. Members of Congress should take particular interest in this initiative, since we regularly invite scientists to provide us with first-hand knowledge on such topics as climate change, nanotechnology, and new research into health and disease. To ensure that those important conversations continue to be fruitful, curricula for the science communications program proposed in this bill might include case studies of actual Congressional testimony by scientific experts to demonstrate the importance of clear and concise expertise in public policy.

While the training provided within this legislation focuses on the interaction between scientists and the public policy community, the benefits will spread more broadly. The ability to clearly explain technical topics to nonscientific audiences will translate to other industries, all of which will benefit the United States research enterprise and, consequently, our economy. Training our early-career scientists to discuss technical topics with nonscientific audiences will have the effect of augmenting the engagement of the scientific community with other professional fields. This might, for example, lead to more frequent interaction with business leaders and venture capitalists to inform the private sector and investors about cutting-edge technologies and improve the transfer of research discoveries to the marketplace.

The Scientific Communications Act of 2007 will add an important new dimension to the education of American scientists. The ability of the United States to remain an economic leader depends, in large part, on our continued successes in science and technology research and development. We must, therefore, ensure that our scientists are equipped with the skills to provide their expertise to policymakers, business and community leaders, and the general public. This initiative will enhance the dialogue on science- and technology-related topics and facilitate the development of fully informed public policy. I ask the support of my colleagues on both sides of the aisle in supporting this legislation.

NATIONAL SPORTSMANSHIP DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to commemorate March 6, 2007, as the 17th annual National Sportsmanship Day.

National Sportsmanship Day serves as an opportunity for athletes and sports fans of all ages to recognize and discuss the need for ethics, fair play and sportsmanship in athletics. Parents, teachers, students, and school administrators are encouraged to engage in thoughtful and constructive dialogue to promote self-control, nonviolence, and honesty on and off the field. With increased pressure to succeed placed upon today's athletes and students, the importance of integrity and fair play have never been more evident.

In today's society, students face heightened demand in all areas of life, including athletics. As a result, the drive for success can foster unhealthy competition. Sadly, the principles and participation of sport are lost when students are forced to adopt a "win at all costs" mentality. National Sportsmanship Day strives to promote sportsmanship through the defeat of gamesmanship, the practice of ethically dubious methods to gain an objective. Through activities and discussions, more than 13,500 schools throughout the United States and around the world will participate in these events to spread integrity in athletics.

Each year, National Sportsmanship Day recognizes a number of athletes who offer a tribute to their respective sport and enhance their skills with their desire to play fairly. This year, the Institute for International Sport has selected their Sports Ethics Fellows based on recommendations from a number of players, coaches, and school administrators at the high school level. With their simultaneous pursuit of both academic and athletic excellence, they model and promote the virtues of the student-athlete in the truest sense.

I hope that my colleagues can join with me on this day in celebrating and promoting the continued success of National Sportsmanship Day. With their moral, ethical and fitness components, today's activities can promote a healthy and more active community amongst our nation's youth, and support a team-oriented future for our nation of sports enthusiasts.

COMMEMORATING THE 50TH ANNIVERSARY OF ST. EGBERT'S CATHOLIC SCHOOL, MOREHEAD CITY, NORTH CAROLINA

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. JONES of North Carolina. Madam Speaker, I rise today in recognition of the 50th anniversary school year of St. Egbert's Catholic School in Morehead City, North Carolina.

The school has designated the theme of this important milestone: "Celebrating 50 Years of Loving and Learning."

St. Egbert's started its first year of operation in September 1956 with 46 children in grades kindergarten through four, and was officially dedicated in 1957.

As a mission of St. Egbert's Catholic Church, the original teachers at St. Egbert's were a group of Spanish sisters known as the Daughters of Jesus.

The original school, which was built for just $55,000, consisted of three classrooms and two other rooms that could be combined to serve as an auditorium.

Since then, a second classroom wing has been added, as well as a computer lab. The school now serves grades kindergarten through eight.

Many adults who once attended St. Egbert's have sent children to their alma mater, and now serve as dedicated parent volunteers at the school.

Lesley Ferguson has served as St. Egbert's principal for 30 years, and was the first Catholic school principal in the Raleigh Diocese who was not a Catholic nun.

Although St. Egbert's has grown and seen numerous changes over the past five decades, the school's philosophy and commitment to providing a quality education in a safe Christian environment remains unchanged.

I congratulate the entire community of St. Egbert's Catholic School for reaching this tremendous milestone, and I wish the school many blessings and successes in the years ahead.

INTRODUCTION OF THE GREAT CATS & RARE CANIDS ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to reintroduce the Great Cats & Rare Canids Act along with my original cosponsers and fellow cochairs of the International Conservation Caucus, Mr. ROYCE, Mr. TANNER and our newest cochair, Mr. ROGERS of Kentucky.

Madam Speaker, the first time you witness a great cat or a wild dog, you are likely to feel a rush of adrenaline, a sense of awe, and a heightened awareness of your vulnerability. Leading experts in carnivore biology assure us that these majestic animals feel equal anticipation and anxiety when encountering people. When I spoke with Dr. Alan Rabinowitz of the Wildlife Conservation Society, who has dedicated his life to saving big cats like jaguars, tigers and snow leopards, he told me, "Of all of the earth's magnificent creatures, the ones easiest to identify with, the ones most symbolic of the wildness remaining on our planet are the large carnivores, the top predators of the world." He is right.

Lions, cheetahs, leopards, African wild dogs, Ethiopian wolves, jaguars, manned wolves, bush dogs, clouded leopards, snow leopards, dholes, Iberian lynx and European gray wolves face threats from habitat conversion, loss of food sources, illegal trade, and disease. Scientists report that populations of all of these species are sharply declining compared to their historic ranges. African wild dogs and Ethiopian wolves especially are approaching crisis. Populations of snow leopards in Asia have declined due to illegal hunting for their use in traditional Asian medicine.

That is why it is imperative that the United States, through the U.S. Fish & Wildlife Service, support efforts to conserve these predators at the top of the food chain. Modeled after the highly successful Multinational Species Conservation Funds, which conserve rhinos, tigers, Great Apes, Asian elephants, African elephants, and marine turtles, this bill is authorized at $5 million annually for the conservation of more than a dozen species of great cats and rare canines existing outside the United States. Acting as umbrella species for entire ecosystems, the health and stability of these iconic species are excellent indicators of human sustainability as well.

I don't stand alone in my conviction to conserve these species. My fellow cochairs of the House International Conservation Caucus and 77 other Members of Congress cosponsored the Great Cats and Rare Canids Act in the 109th Congress. In fact, last year on Capitol Hill, another champion of these animals, the actress Glenn Close, who serves on the Board of the Wildlife Conservation Society, premiered a film entitled Living With Predators, to raise awareness of the plight faced by these predators and how global conservation organizations are offering innovative solutions to ensure their healthy populations and landscapes remain. Even just a minor commitment from the United States will greatly support their efforts. This bill authorizes that support.

Madam Speaker, I rise today on behalf of my fellow cochairs of the House International Conservation Caucus—Representative TANNER, Representative ROGERS, and Representative ROYCE—to re-introduce the Great Cats and Rare Canids Act of 2007. I call on all members of Congress to show their support for these wonderful wild animals and the ecosystems in which they exist by cosponsoring this bill.

PEACHCARE III

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. JOHNSON of Georgia. Madam Speaker, today I rise to call attention to the funding emergency that threatens Georgia's PeachCare.

This is the third time this week I have stood here and announced that starting this Sunday—in just 2 days—no new children will be permitted to enroll.

If no action is taken by Congress or the Governor, this program will run out of funding completely within the next month.

And hard-working Georgia families will no longer be able to provide health care for their children.

I call on the Governor of Georgia and my colleagues in this Congress to ensure these children get the care they need.

I call on my colleagues and the Governor to save PeachCare.

These children deserve healthy futures.

HONORING MR. DENNIS EVERHART

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to Dennis Everhart of Woodrow, Colorado, for his impressive contributions to Colorado agriculture. Dennis touched many lives and shared his love for agriculture as a Vocational Agriculture teacher for 26 years. Recently, Dennis received the high honor of induction into the Colorado Agriculture Hall of Fame.

Dennis was raised on a ranch in New Raymer, Colorado, where his family ran a cow and calf operation. After working several years in the oil fields and with his parents in a custom haying operation, Dennis joined the Marines. Following 52 months of active duty, Dennis returned home and earned his bachelor of science degree from Colorado State University in 1970. Dennis taught Vocational Agriculture at Woodlin School in Washington County from 1970 to 1998, taking 1 year off to teach in Golden and 2 years off to manage a commercial hog operation. After retirement, Dennis ran for county commissioner and is currently serving his ninth year as Washington County Commissioner. Dennis and his wife Evelyn are the parents of three grown sons: Doug, Todd and Dennis.

Dennis taught a complete program in vocational agriculture, including crop science, livestock science, agricultural mechanics, marketing and management, and leadership skills. Both he and his students enjoyed a great deal of success. Twenty-six of his students earned the American Farmer/FFA degree; 81 students received the State Farmer/FFA degree. There were also a number of State winners of proficiency awards as well as several State officers from the Woodlin Future Farmers of America chapter. Several of Mr. Everhart's students are currently teaching agriculture education in Colorado. Dennis was a mentor to other young educators as well, supervising student teachers for 23 years. Additionally, Dennis was a sponsor of a successful Colorado Young Farmers Education Association Chapter.

As an individual, Dennis earned many awards through the years, including: honorary membership in the Woodlin FFA chapter; Honorary State Farmer Degree; Honorary American Farmer Degree; Friend of Washington County; 4-H Outstanding Young Farmer Advisor; Outstanding Young Member of Colorado Vocational Ag Teachers Association; Outstanding Region II Teacher for National Association of Ag Educators; Distinguished Service Award from Production Credit Association and officer of the Colorado Vocational Agriculture Teachers Association (serving as president 1987–1988). Dennis was also named U.S. Steel's Ag Teacher of the year and 1998 Ag Teacher of the year by Western District Ag Education.

Dennis led by example and his enthusiastic community involvement demonstrated his passion for making a positive impact on the world around him. I am extremely proud to have the opportunity to honor Dennis Everhart today for his commitment and devotion to Colorado agriculture.

PAYING TRIBUTE TO DONALD S. KWALICK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Dr. Donald S. Kwalick, who will be retiring as the Chief Health Officer of the Southern Nevada Health District.

Dr. Kwalick has devoted more than 25 years to serving the community as a public health official. Dr. Kwalick earned his Bachelor of Arts degree in Biological Sciences from Rutgers University and his Medical Degree from New York University. He also attended Columbia University where he earned his Masters in Public Health.

Dr. Kwalick began his service to the community as a public health servant in the 1970s when, for 2 years, he was the Medical Director of the Trenton (NJ) Neighborhood Health Center. Following this work, Dr. Kwalick served as the Assistant Commissioner of New Jersey's Department of Health. During the 1980s, he was the Hillsborough County Health Officer in Tampa, Florida. In 1990, Dr. Kwalick began his work for the State of Nevada when he became Nevada's State Health Officer, and eventually became the Chief Health Officer of the Southern Nevada Health District.

In addition to achievements in the public health field, Dr. Kwalick's career is also distinguished for his service as a Preventive Medicine Officer at Fort Bliss, Texas, during the Vietnam War and for his involvement in various professional associations. Dr. Kwalick is a Fellow of the American College of Preventive Medicine, a Fellow of the American College of Physician Executive, and a Fellow of the American Public Health Association. He is also a Clark County Medical Society Delegate to the Nevada State Medical Association, NSMA, and Chairman of the NSMA Public Health Committee and President-Elect of the Clark County Medical Society.

Madam Speaker, I am proud to honor Dr. Kwalick and his career. His dedication to the community is commendable and I wish him luck in his retirement.

HONORING COACH TERRY BUCKLES

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to publicly congratulate Terry Buckles for achieving his 500th career win as head coach of the Central Hardin High School Women's Basketball Team.

Throughout his 17 year career, Coach Buckles has epitomized the qualities that make Kentucky hold its basketball heroes in high regard. His steady leadership and the lifelong lessons imparted on his players have made his teams a model of teamwork and good sportsmanship. His success is evident through his players, 26 of whom have continued their student-athlete careers at the collegiate level.

In addition to his remarkable record of wins, Coach Buckles has coached his teams to six Kentucky High School Athletic Association Regional Championships. In 1996, he took the Central Hardin Lady Bruins to the State finals and later coached his team to a Kentucky AAU State Championship victory. His success has continued this season, leading the Lady Bruins to a 23–6 record, ranking fourth in the State. With his 500th win, Coach Buckles has joined only seven other coaches who have reached this milestone. He currently stands as the all time leader in wins in the Fifth Region and ranks in the top 10 for career wins for women's coaches in State history.

Coach Buckles' hard work and success at Central Hardin High School has been recognized throughout the Commonwealth. He has received numerous "Coach of the Year" awards; is an inductee of the Fifth Region Hall of Fame; and was honored last year with induction into the Kentucky Association of Basketball Coaches "Court of Honor," the highest tribute a basketball coach in Kentucky can receive.

I would like to recognize Terry Buckles today before the entire U.S. House of Representatives for his recent coaching milestone. His contributions to education and athletics make him a remarkable citizen worthy of our appreciation and respect.

IN MEMORY OF ARTHUR M. SCHLESINGER, JR.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. ANDREWS. Madam Speaker, this Nation has lost one of the great chroniclers of the

American experience. I rise today to honor the memory of Arthur M. Schlesinger, Jr., a Pulitzer Prize-winning historian and a member of the Kennedy administration. He was 89 years old.

Mr. Schlesinger was among the most prominent historians of our time and a widely respected observer of contemporary politics. As an author, he received a National Book Award for "Robert Kennedy and His Times" and a National Book Award and a Pulitzer for "A Thousand Days," his memoir/chronicle of President Kennedy's administration. He also won a Pulitzer, in 1946, for "The Age of Jackson," a chronicle of Andrew Jackson's administration. He was also widely described as the "court philosopher" of the Kennedy Administration.

Madam Speaker, I celebrate the life of Arthur M. Schlesinger, Jr., and he will be surely missed. He contributed a great deal toward our understanding of our Nation's past. His legacy of service to his country and his fellow man will surely be remembered for years to come.

WALTER REED ARMY MEDICAL CENTER

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to voice my outrage at the horrific conditions uncovered at the Walter Reed Army Medical Center by Washington Post reports last month. As a frequent visitor to this facility, I was appalled to read about a part of the center I did not see—overused outpatient housing in disrepair, patients confused about where to go after serious operations, and a tangled bureaucracy that service members and their families had to endure.

These conditions are not only unacceptable, but also indicative of the Bush administration's failure to plan for the Iraq war and its aftermath. We owe our wounded service members, who bravely served our country, so much more than what they have received. Many promises are made to our service men and women before they deploy, and when these promises are not met, we have failed this distinguished group. Not only does this affect current service members, but it affects those that may look at a future career in the service. What message are we sending them?

Madam Speaker, these past few years we have found ourselves in a fiscal bind. Hundreds of billions of dollars have been spent on the war, and we are now faced with difficult budget decisions so that future generations do not have the burden of a deficit. But we should all agree that what cannot be sacrificed is the well-being of our wounded service members. As Members of Congress, it is our duty to do everything in our power to make sure that these vulnerable men and women do not slip through the cracks without proper counseling, adequate care or a safe place to live.

I am committed to ensuring that our men and women in uniform receive unfettered access to competent and coordinated care in safe, clean facilities. It is clear that administrative policies need to be revised, not only at Walter Reed, but across the system at locations both here and abroad. That is why I am proud to be a cosponsor of H.R. 1268, the Dignity for Wounded Warriors Act of 2007, which was introduced by my colleague from Arizona, Congressman HARRY MITCHELL. This bill will establish oversight and accountability of the Nation's military medical centers and housing facilities and reduce the amount of paperwork and bureaucracy for recovering service members and their families by establishing an electronic clearinghouse. This measure will also establish support services and rights for recovering service members and their families, as well as the Oversight Board for the Wounded.

While we must provide the best possible medical care to service members returning from Iraq and Afghanistan, we also must pay heed to those that served our country previously. We cannot forget that the VA will play a larger role in the coming years as more service members return from ongoing conflicts. We must promise both service members and veterans that we will seek accountability and work towards eliminating these problems completely. They have given too much to our Nation to expect anything less.

What we need now is accountability, honesty and oversight. I fully support my colleagues on the Oversight and Government Reform Committee, the Armed Services Committee and the Veterans Affairs Committee that have held hearings on this matter. I am also encouraged by the creation of a bipartisan presidential commission led by former Senator Bob Dole and former Health and Human Services Secretary Donna Shalala, that is charged with looking into the care of wounded service members.

I look forward to working with my colleagues and forging solutions to correct our military care structure and give our wounded service members the care that they earned and deserve.

CREDIT CARD ACCOUNTABILITY RESPONSIBILITY AND DISCLOSURE ACT OF 2007

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. CLEAVER. Madam Speaker, at a time when the savings rate of hard working American families is in red, negative for the first time since the Great Depression, it is incumbent that this Congress provide a new direction for the working men and women who hold credit cards.

Credit card usage by consumers play a critical role in the home finances of millions of Americans, particularly those in the working middle class. The overwhelming majority of Americans who use credit cards do so in a responsible manner, however, they are far too often at the mercy of credit card companies, even when they pay their bills on time.

Credit card companies have engaged in dubious patterns of behavior such as using hidden fees, penalty interest charges, and other unfair practices to siphon money away from the households of working families. The terms and conditions set fourth by credit card companies too often lack clarity and snare unsuspecting working men and women into a negative cycle of debt and adverse credit worthiness. Outrageous fees, improper billing practices and highly complex credit card agreement terms should not be the norm for the credit card industry nor should they be a burden to working Americans. Quite simply put, families should not have to hire a CPA or an attorney to decipher their credit card agreement terms and billing statements.

I want the Record to reflect my original cosponsorship of the Credit Card Accountability Responsibility and Disclosure Act of 2007, offered by my colleague Congressman MARK UDALL. I commend his vision and efforts to help provide relief to untold numbers of working families who have been victimized by a lack of transparency. It is my hope that in addition to the efforts of this Congress, the credit card companies and financial sector advocates work with us to address this issue and provide fairness to the American consumer.

I thank Congressman UDALL for his efforts.

BDI-IMDI CONGRESSIONAL DELEGATION SPEECH

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. CROWLEY. Madam Speaker, on February 20, 2007, I gave the following speech in Hamburg, Germany:

> The American and European economies are deeply rooted and complimentary. In 2006, the transatlantic commerce—trade, investment and local business by transatlantic subsidiaries—representing three trillion dollars in business and providing some 14 million jobs on both sides of the Atlantic.
>
> We recognize that the U.S. Administration and Europe have developed numerous plans to eliminate barriers between the two continents, however much work remains if we are to achieve a truly barrier free transatlantic market.
>
> Chancellor Merkel has rightly pointed to the need for a new transatlantic initiative as the best means of expanding economic opportunity and enhancing competition in the global economy. We support the call for a new Transatlantic Partnership based on the foundation of our shared values to further deepen our economic ties and to eliminate trade barriers that still exist.
>
> Previous attempts by both U.S. Administrations and the European Commission to develop plans to enhance transatlantic cooperation have resulted in some favorable results, but a higher-level commitment is in order to more effectively dismantle the barriers that limit the economic and trade opportunities in both continents.
>
> A mutual pledge to addressing the barriers that inhibit trade and commitment to strengthening competitiveness and growth in the transatlantic economy is timely. The BDI-IMDI Congressional Roundtable discussion underscores the need for a transatlantic framework agreement in which the governments and legislatures on both sides of the Atlantic commit to addressing these issues.

We applaud Chancellor Merkel for giving priority attention to the Transatlantic Partnership in her position as President of the European Union and support placing the item on the next EU-U.S. Economic Summit Agenda and encourage our respective governments to further cooperation in this area.

TRIBUTE TO MARTIN RICHARDS IN HONOR OF HIS BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. ACKERMAN. Madam Speaker, I rise before this historic chamber of the House of Representatives to call to the attention of this Congress the profound achievements of Martin Richards as we honor him on his birthday this March 11.

Many here and throughout our nation know of Mr. Richards through his extraordinary accomplishments as a theatrical and movie producer, having won our nations' highest awards including an Oscar for best picture, numerous Tony Awards for his Broadway productions, and a Pulitzer Prize.

Martin Richards has also blessed the lives of so many New Yorkers through his vision and leadership on behalf of so many seeking hope and opportunity. In 1997, Mayor Giuliani appointed him to a six-year term as a member of The Trust for Cultural Resources of the City of New York. He was also a member of the Mayor's Advisory Council for Theatre.

Mr. Richards served on the President's Council for the Gay Men's Health Crisis, and is on the Board of Directors of Broadway Cares/Equity Fights AIDS. In 1994, in memory of his wife, he established the Mary Lea Johnson Richards Institute at New York University Medical Center for organ transplantation and research, and in 1995, also in memory of his wife, he co-founded the Children's Advocacy Center of Manhattan, New York City's only non-profit center for abused children. For the past eight years he has produced the annual Red Ball, one of New York's premiere charitable events, which benefits both the Institute and the Advocacy Center.

Martin Richards' life is a living example of the expression that one man can truly make a difference. This boy from the Bronx has brought dreams and joy to audiences throughout the world though his work. By celebrating Martin Richards' birthday, we take pride in the ideals that define the greatness of New York City.

Madam Speaker, I ask all my colleagues in the House of Representatives to join me now in honoring Martin Richards for bringing joy and hope to the people of New York City and the entire nation.

IN RECOGNITION OF THE FALLEN AND WOUNDED SOLDIERS FUND

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the tremendous generosity and compassion of the Fallen and Wounded Soldiers Fund. The organization's contribution to the men and women protecting our country should be commended.

The Fallen and Wounded Soldiers Fund began as a conversation between three friends, Christopher Cornelius, Tino DelSignore, and John Gingrell in December 2005. Christopher, a veteran, had just returned from visiting some wounded soldiers and had seen the hardships endured by the families who had lost loved ones. After sharing his experiences, the three friends decided to do something to ease the effects of war on our brave soldiers and their families.

Together they created the Fallen and Wounded Soldiers Fund, a volunteer non-profit organization that is dedicated to supporting U.S. soldiers and their families. Since its inception, the Fallen and Wounded Soldiers Fund has held dinners, auctions, and various community events to raise funds and awareness to their cause. In 2006, I am proud to say that the Fallen and Wounded Soldiers Fund raised over $100,000 in donations that have benefited numerous families in Michigan.

On February 24, 2007, The Fallen and Wounded Soldiers Fund held their second annual dinner. This event drew over 600 people and raised over $75,000 that will be donated to organizations like Homes For The Troops, Special Operations Warrior Fund, and Michigan Paralyzed Veterans of America. In addition the proceeds will be used to help fallen soldiers' children attend college, fly out family members to visit the wounded, and assist in adapting the homes of disabled soldiers for handicapped accessibility.

Today I salute the Fallen and Wounded Soldiers Fund for their tireless efforts on behalf of our courageous men and women in the armed services. Theirs is a shining example of the altruism that embodies the American spirit.

HONORING THE MEMORY OF DR. BENJAMIN FRANKLIN BYRD, JR.

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. COOPER. Madam Speaker, today I rise to honor the memory of Dr. Benjamin Franklin Byrd, Jr., a servant of the common good and fine citizen of our community.

Dr. Byrd was born on May 18, 1918, as the son of Benjamin Franklin and Ida Brister Byrd. An Eagle Scout and ROTC participant, Dr. Byrd attended the Duncan College Preparatory School in Nashville and received his A.B. degree from Vanderbilt University in 1937. In 1941, he earned his M.D. from Vanderbilt University School of Medicine.

During his medical residency, Pearl Harbor was attacked, and Dr. Byrd enlisted in the U.S. Army without hesitation. He was assigned to the 29th Infantry Division, 104th Medical Battalion, a unit of the 116th Regimental Combat Team (RCT).

Along with the other men in his unit, Dr. Byrd stormed Omaha Beach on D-Day. He headed up the medical evaluation of wounded soldiers and continued on with the unit into St. Lo a month later, as the men fought across France and Germany. Later, Dr. Byrd served as Commanding Officer of the 314th Mobile Army Surgical Hospital (MASH).

By then a Lieutenant Colonel, Dr. Byrd returned from the victorious war effort having earned many honors: the European Theatre ribbon from the Normandy/Omaha Beach invasion, the Bronze Star with two oak leaf clusters after St. Lo, the Purple Heart, and the Silver Star at the Roer River crossing in Germany.

Carrying with him the memories and lessons from World War II, Dr. Byrd proceeded to focus his energy on the care and cure for patients suffering from breast cancer. He advocated mammography as the best tool for early diagnosis and was a main proponent of the transformation of Nashville's Vanderbilt University Medical School into one of the preeminent cancer research centers in the nation.

Over the next few years Dr. Byrd served as a Professor of Clinical Surgery at Vanderbilt University Hospital, Professor of Clinical Surgery at Meharry Medical College, Chairman of the Board of Overseers of the Vanderbilt-Ingram Cancer Center, and Chief of Surgery at St. Thomas Hospital from 1964 to 1970. In addition, he served as President of the Medical Staff at the Junior League Home for Crippled Children and was President of the Nashville Academy of Medicine.

Dr. Byrd served as President of the Tennessee Division of the American Cancer Society in 1963 and served on its national board of directors from 1965 onward. From 1975 to 1976, he served as President of the American Cancer Society (National) and the organization awarded him its first Ted Marrs award. Internationally, Dr. Byrd served as Chairman of the Cancer Study Group in the USSR in 1976, the People's Republic of China in 1977, and the National Conference on Breast Cancer in 1979.

Dr. Byrd served as a member of the Board of Governors of the American College of Surgeons from 1973 to 1979, Fellow of the Southern Surgical Association, Fellow of the American Surgical Association, Chairman of the Surgery Section of the Southern Medical Association, President of the Vanderbilt University Medical School Alumni Association and President of the Southern Surgical Congress. In 1977, he received the Distinguished Service Award and in 1974 was named a Fellow of the Societe Internationale de Chirurgie. He also received the Outstanding Physician of the Year Award from the Tennessee Medical Association in 1986 and the Distinguished Physician Award from the Tennessee Hospital Association in 1992.

Although much of Dr. Benjamin Byrd's life revolved around his passion for using medicine to alleviate human suffering, he was also a devoted leader in his church. He served at the First Presbyterian Church as Sunday School Director, as Deacon, and as Elder. He also served as Chairman of the Board of Cheekwood from 1971 to 1973, President of the Nashville Area Chamber of Commerce from 1984 to 1985, Chairman of the Hermitage Board of Trustees from 1982 to 1990, President of the Exchange Club in 1966, and President of Leadership Nashville in 1983. He was a Trustee of Senior Citizens, the Cumberland Museum, the University School of

Nashville, and Historic Nashville, and he served as a director and member of the Trust Board of Commerce Union Bank. He also served as a director of the NLT Corporation.

In 1986, Dr. Byrd was named Outstanding Nashvillian for his role as President of the Nashville Area Chamber of Commerce. Through his leadership and determination, the city became an American Airlines hub and gained the Saturn automotive plant, among many significant achievements. Later, in 1988, Dr. Byrd received the Human Relations Award from the National Council of Christians and Jews.

Raymond N. DuBois, M.D., Ph.D., Director of the Vanderbilt-Ingram Cancer Center and holder of the B.F. Byrd, Jr., Professor of Oncology chair, said, "Dr. Byrd is really one of the pillars of the Vanderbilt-Ingram Cancer Center. He worked extremely hard to make sure that we could have one of the best cancer centers in the country. I have never met anyone who was so dedicated to the cause and so willing to help out in every way possible. He will be missed greatly."

Madam Speaker, today I rise to echo those sentiments and pay tribute to a fine pillar of our community. Dr. Byrd's achievements have paved the way for future generations, his selfless actions have provided comfort to neighbors near and far, and his quiet integrity reflects warmly on all who were fortunate enough to know him. I add my modest words of praise today to the many richly deserved honors he received in life. Moreover, I ask the House to join me in celebrating the life of Dr. Benjamin Byrd, his legacy of service to the greater good, and the inspiration he will continue to provide for family, friends, and all citizens of the world.

SENATE—*Monday, March 12, 2007*

The Senate met at 2:30 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, You are the "ancient of days," yet the ever new God. Thank You for Your mercy and faithfulness. As the dew refreshes the Earth, so You restore us each day to newness of life.

Sustain our lawmakers today in their labors. Give them guidance and inspiration to focus on issues that truly matter. Give them the wisdom to meet needs, solve problems, and lift burdens. May the talents possessed by the Members of this legislative body help in the awesome task of making the world better. Lord, to those who are given the responsibility of seeking the ways of peace, give creative stamina equal to this difficult task. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 12, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes today. The time is not divided by the majority or minority; people can come and speak whenever they choose.

I am hopeful today some of the remaining pending amendments to the 9/11 legislation can be disposed of by voice vote. If that is not the case, then 10 amendments remain in order for rollcall votes during tomorrow's session. Under an agreement entered into last week, once we have disposed of those amendments and the substitute, we will proceed to vote on passage of S. 4.

Members are on notice there will be a couple of rollcall votes in the morning prior to the Senate recessing for respective party conferences.

It is my intention to move to proceed to S.J. Res. 9, which is a joint resolution regarding Iraq, and I will file cloture on that motion hopefully tonight, setting up a cloture vote for Wednesday morning.

IRAQ

Mr. REID. Mr. President, on January 11, 2 months ago—it seems incredible it has been that long ago, but it has been—President Bush announced his new war plan, the so-called surge. At that time, administration officials gave the American people the strong impression the President's plan would require the temporary—temporary—deployment of 21,500 new troops in Iraq. During the last several days, news reports confirm this new plan was nothing more than a bait and switch, a new name for an old, failed policy.

First we learned that 21,500 troops cited by the President did not include support in other elements and the true number of additional troops associated with his proposal could have been as many as 40,000 troops. Then, over the weekend, we learned two other troubling facts about the President's plan.

In the wake of continued violence in Iraq that prompted one of our top generals there to call for more troops, the American commander in Iraq, General Petraeus, made it clear still more troops are needed. Even more disconcerting, according to a recent New York Times report:

> Military officials in Iraq have indicated they would need a large American troop presence for at least a year and probably for longer to achieve lasting stability.

President Bush is not surging; he is sustaining his failed policy. The consequences of the President's flawed policy in Iraq are staggering. Yesterday, three more American troops were killed. We are fast approaching 3,200 dead Americans. We may be there; last count was 3,195. More than 25,000 now have been wounded. It has stretched our military, it has eroded our veterans health care system, and plunged Iraq deeper and deeper into chaos. No matter how one looks at it, America is less safe today because this President has waged war in Iraq. We must change course, and it is time for the Senate to demand he do it.

Soon, the Senate will again have that opportunity to tell the President to change course. We have been blocked in efforts to have the debate on Iraq. Last week we offered the Republicans yet another opportunity to debate. It is my hope they will agree to this debate on Wednesday morning.

I appreciate very much the Republican leader voting for cloture. We are going to finish that bill tomorrow.

It is my hope they will agree to this debate so we can complete this important work; that is, the 9/11 bill, and then turn our attention to the war.

America is losing about 20 soldiers a week, about 3 a day, and spending $280 million a day in Iraq. It is a downward spiral that will continue unless the Senate joins the American people in demanding a new direction in Iraq.

The war hangs over all we do in the Senate this year. Even if we debate this week, we will not be done. We are getting something from the House on the supplemental and we will return to this issue of the supplemental, very likely, and we will continue until there is a change of course. There is very much work to do—the priorities everyone knows about, such as immigration, stem cell; we have the budget ahead of us. There are also issues such as the crisis in the judiciary and the intelligence authorization bill, that will demand our attention in the weeks ahead. I hope we can promptly complete action on the 9/11 bill tomorrow, and I am confident we will do that. We have so much to do.

There is a lot of negativity about what we do here in the Senate, but when you sort through all of it, and I recognize the war in Iraq is hanging over everything we have done—but when you look at what we have done these past few weeks in the history of the 110th Congress, we have done OK. We have been able to do the work on ethics and lobbying. We have done the minimum wage bill. We completed the continuing resolution and we are going to complete 9/11 legislation soon. It appears we are going to be able to do the reform of the Attorney General's problems that have been so much in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

press recently. We have confirmed the only appellate court judge who has been brought to the floor. We hope to do another one within the next week or so. We now have another one on the calendar, so we will do that. The Judiciary Committee has three over there they are looking at now. I know the distinguished Republican leader is very concerned about moving appellate judges. We are going to do our best to cooperate with him in that regard.

Simply in closing my remarks today, I recognize we have a difficult situation with Iraq. Sometimes we need to sort through all that and recognize we have been able to accomplish a lot, and it has been done—the only way it can get done—on a bipartisan basis. We have had a few bumps in the road, but if we are patient and willing to recognize there will be bumps in the future, even having both sides not hold any grudges—legislative grudges, at least—I think we have the ability to do a lot more in this Congress.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WAR ON TERROR

Mr. McCONNELL. Mr. President, we are fortunate it has been almost 6 years since we have been attacked here at home. There is only one reason for that: We have been on the offense in Afghanistan and in Iraq. A lot of the terrorists who murdered over 3,000 of our innocent civilians in New York on that fateful day are dead. Others of them are incarcerated in Guantanamo Bay, and many others are on the run and dodging our military. That part of the war on terror has been an extraordinary success.

Iraq has not come together in terms of the Government as quickly as we had hoped, and Afghanistan is still a challenge. But I wonder if our good friends on the other side of the aisle have any answers to the question: What happens if we precipitously leave? I gather the most recent—in fact, the 17th—different version of Iraq resolutions we are going to see later this week anticipates basically telling the enemy a date on which we will depart. I can remember when most of our friends on the other side of the aisle thought that was a bad idea, but I gather their views must be evolving as to what kind of strategy might be helpful. One thing is clear: If we announce to the enemy when we are leaving, they will come back on that day.

So we will have another Iraq debate this week, and as the majority leader indicated, there will be yet another Iraq debate when the supplemental is before us in a few weeks. This is a debate we are more than willing to engage in.

I would say to the majority leader, as I indicated last week, it would have been possible, I think, to have gotten a unanimous consent agreement to deal with the stem cell issue in a rather short period of time had we chosen to take up another issue that was in the six in 2006 list of commitments the new Democratic majority made to the American people. Having said that, I will be in discussions with the majority leader today and tomorrow about how we might go forward on the Iraq debate. It is certainly his prerogative as the leader of the majority to determine what issue we proceed to, and he and I will meet later today and be discussing that today and tomorrow.

As far as the 9/11 bill is concerned, I supported cloture on that bill. We are anxious to go on and finish it and we should be able to do that after lunch tomorrow.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for about 15 minutes.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

PROGRESS IN IRAQ

Mr. KYL. Mr. President, for weeks, I have been coming to the floor to discuss the signs of progress we are beginning to see as the military implements our new strategy in Iraq. Recent developments are encouraging. They include the following:

First of all, the Iraqi Cabinet approved a national oil compact, which is the beginning of a resolution of what to do with the revenues that are produced from the oil that is produced in Iraq. It is a vital step in ensuring a united Iraq, and Prime Minister Maliki called it a "gift to all of the Iraqi people." This is expected to be approved by the Iraqi legislature this spring.

Next is the capture recently of Abu Omar al-Baghdadi, the leader of al-Qaida in Iraq, the successor to al-Zarqawi, in the western outskirts of Baghdad. This represents a continuing increase in the number of terrorist chiefs who have been killed or captured.

Just last week, the Iraqi neighbors meeting was held. It generated a lot of press because both U.S. and Iranian representatives were present. It involved all 16 nations involved in the conflict. It was the neighbors of Iraq, as well as countries such as Great Britain and the United States. It was the largest meeting of foreign countries in Iraq since the summit meeting of the Arab League members in March of 1990. There were working groups established to work on various problems all the countries had—for example, refugees from Iraq who have gone into Syria or Jordan. A special working group was created to try to deal with that issue.

This represents a step forward, all of which illustrates the fact that not only is the new strategy being implemented a military one but it involves diplomatic and economic and political factors as well.

It was interesting that the Prime Minister toured Baghdad to illustrate the security part of the new strategy that is beginning to work. He had been largely confined to the relatively safe Green Zone, as it is called, but on Sunday, he was able to go outside the wire to tour a power station, visit with police, and shake hands with ordinary Baghdad citizens. He attributed his newfound freedom of movement to the success of the Baghdad security plan, and he committed to redouble his efforts, saying: This operation will be accelerated at all levels in numbers and weaponry; we will not back down.

You have also seen successes in places such as Sadr City, where it is pretty clear that the Shiite militias have decided to stand down and not contest the Iraqi and American forces.

In fact, at the conclusion of my remarks, I will have printed in the RECORD two newspaper articles. One was written for the Washington Post on March 11, called "The 'Surge' is Succeeding," by Robert Kagan. While the leaders in Iraq are not yet willing to publicly say the surge is succeeding, clearly evidence of that is on the ground, and at least the media—journalists—are entitled to conclude from what is happening that it is succeeding.

I was in Iraq a couple of weeks ago and was briefed by General Odierno and General Petraeus, as well as others. They all were cautiously optimistic that things were looking better on the ground. They just wanted to caution that there would be good days and bad; that the enemy has a say in this and they will strike back, certainly, all they can. And if the administration were to claim too much in the way of success too early and there was some kind of event that resulted in a lot of violence, there might be a suggestion that the administration was trying to put too nice a gloss on it. So the administration is trying to downplay the successes. But the reality is that there is news of success.

I think that makes all the more distressing and puzzling the effort by a lot of our colleagues not only to downplay the potential for success there but to develop strategies to undercut that success with resolutions that would micromanage the war from the Senate and, indeed, bind the hands of our commanders and our military as they begin to implement this program.

It is hard for me to fathom the amount of time and energy that has been put into the development of these various resolutions—at last count, some 17 different resolutions—that would, in one way or another, criticize the President's plan or try to find some way to stop it from occurring.

What is further puzzling and distressing is the degree to which this appears to be resulting from political considerations. Another one of the pieces I am going to ask to print in the RECORD is an article from March 12—that is today's Roll Call magazine—in which leaders on the Democratic side are quoted as referring to the political aspects of this strategy to try to get resolutions adopted.

The article talks about the Democratic leader's "abandoning efforts at crafting a bipartisan deal" and "instead look to directly tie Republicans to the unpopular conflict. . . ."

The articles goes on to talk about "the decision to ratchet up their partisan rhetoric"—"their" meaning Democratic partisan rhetoric—by a resolution that sets "specific dates for a mass redeployment of troops in Iraq and creating new restrictions on the war effort," and, indeed, that is what the latest resolution of the majority leader would do.

But the article goes on to talk about this "more aggressive push to tar vulnerable Republicans up for re-election in 2008." That is not what we should be all about in debating the war in Iraq and designing solutions to ensure that war can be resolved successfully. It should not be about trying to tar vulnerable Members of the opposition party to diminish their reelection prospects in the year 2008.

The chairman of the Democratic Campaign Committee, the distinguished senior Senator from New York, has, according to this Roll Call article, "warned that Democrats would use the issue as a bludgeon on Republicans up for reelection next year," and they quote him as saying:

> The heat on these Republican Senators that are up in '08 is tremendous.

Adding:

> . . . this is a campaign . . . we are going to keep at [it].

To me, that is an illustration of something very wrong with the Democratic Party's approach to this war. Reasonable people can differ about whether we should be there and how we should conduct the operations once there. But we ought to be able to agree that our responsibility is to provide the funding or to cut it off. The President's responsibility as Commander in Chief is to do his best to see that the mission is achieved. That is what we are sending the troops over there to do. That is what General Petraeus was sent there to do. He was confirmed unanimously by this body a month or so ago.

When I was in Iraq, General Petraeus told us: Please see to it that we have what we need to fulfill our mission. Pass the supplemental appropriations bill to fund our effort and don't tie our hands with micromanagement from the Senate.

This is the message from the person we sent over to do the job. It seems to me this would be the wrong time to pull the rug out from under him and pull the rug out from under the troops just as there are signs of success, as I discussed earlier.

It is interesting, too, that there seem to be so many different approaches to this effort to criticize the President and his plan. I mentioned that at last count there are some 17 different resolutions. Somebody called it the "Goldilocks" strategy, with the Democratic leader searching for a solution that is neither too hot nor too cold. The real question is: In the House of Representatives, are they going to lose people on the left or the right or did they get it just right, with sufficient numbers of projects in the supplemental appropriations bill to appeal to those who may not like the end result with respect to the Iraq part of the resolution?

Some have labeled it a "slow bleed" because it appears to be a solution that doesn't cut off all the funding for the troops at this moment but, rather, over time makes it impossible for us to succeed.

The resolution, as I understand it, says we have to begin withdrawing our troops by a specific date and complete the withdrawal by another specific date. In the past, there has been a fairly good bipartisan consensus for the proposition that is the worst of all worlds, that you don't want to set a timetable for withdrawal because it gives the enemy precisely what they need to calibrate how long they have to hang in there until you are gone and then they can move in and take over and fill the vacuum. So it is a bad proposition, even apart from the political motivation behind it.

It is worth, taking a look at some of the iterations.

We started with S. 2, a nonbinding resolution,, that it wasn't in the national interest of the United States to proceed. That was criticized as being nonbinding.

Then we move on to S. Con. Res. 7 that expressed disagreement with the plan. That didn't have sufficient support, so that was replaced by S. 470, the Levin bill. It expressed disagreement with the strategy but in a form the President would be forced to veto.

Then we moved on to the Reid-Pelosi proposal, S. 574. Not surprisingly, this approach had no more support than the others, and so we then moved on to the Biden-Levin proposal. That bill never even saw the light of day. It wasn't even debated.

Now we are down to S. J. Res. 9, a nonbinding resolution encouraging the President to redeploy all, or almost all, of the troops by the end of 2008. This has been described as a goal, and yet the resolution itself provides that it is much more than that; that the troops would, in fact, have to begin being redeployed and be fully redeployed by the end of March of 2008. I don't think this resolution will pass either because, as I said, most people agree setting a timetable for withdrawal is absolutely the worst thing you want to do, even if you don't agree with the troops being there in the first place.

As I said earlier, the amount of time and effort consumed in trying to craft the perfect Iraq resolution is difficult to square with all the other important business we have to do. The majority leader, the chairmen of the Armed Services and Foreign Relations Committees, and other important Members of this body have devoted hours and hours to making grammatical edits to this legislation, even though none of it is going to pass.

Frankly, it is a good illustration of why wars should not be micromanaged by Congress. We are not good at conducting wars. That is why we have a Commander in Chief, that is why we have a Joint Chiefs of Staff, that is why we have our military commanders, such as General Petraeus, in whom we have placed a great deal of confidence, who have the experience to conduct these kinds of operations.

I daresay, there are not many of us who have the experience of the distinguished Presiding Officer, and it is important for us not to be armchair quarterbacks when lives are on the line.

Iraq is perhaps the most critical issue facing our country at the moment, and my comments are not meant to suggest that Iraq deserves anything less than a full and fair debate on the floor. It is one thing, however, to have a debate and let each side make its position known and then vote on competing proposals. It is quite another to devote this kind of energy to attempts which appear to be purely political attempts to undercut the President and undercut the mission in Iraq.

I believe the President has chosen a course that has the potential for success. That is why I mentioned at the beginning of my remarks some of the events which have been reported in the media that demonstrate early success. I, frankly, urge my colleagues to turn their energies to find ways to amplify these successes rather than to undercut them.

It is interesting that Lee Hamilton, the chairman of the Baker-Hamilton commission, who has been cited many times by Members on both sides of the aisle, in testimony before the Congress has been insistent that now that the President has laid out a plan, that strategy should have a chance to succeed, that we should give it a chance to succeed.

By the way, even though the President at the time did not indicate what he would be doing specifically, since that report has come out, several of the recommendations have, in fact, been a part of what the administration strategy is following. For example, the strategy of meeting with people in the neighborhood is a followup on one of the Baker-Hamilton recommendations.

I agree with cochairman Lee Hamilton that we should give the strategy in Iraq a chance to succeed and not undercut it at the very moment it appears there are early signs of success with a resolution which, as I said, there had been a bipartisan consensus for that we shouldn't be setting a timetable for withdrawal since that simply plays into enemy hands.

The final document I will ask unanimous consent to be printed in the RECORD when I conclude is a piece from the L.A. Times, dated today, March 12. Headline: "Do we really need a Gen. Pelosi?" It refers, of course, to the distinguished Speaker of the House of Representatives, who is supporting the plan that has been put forth in the House of Representatives by the Democratic leadership there. To quote from this L.A. Times.com piece:

> After weeks of internal strife, House Democrats have brought forth their proposal for forcing President Bush to withdraw U.S. troops from Iraq by 2008. The plan is an unruly mess: Bad public policy, bad precedent and bad politics. If the legislation passes, Bush says he'll veto it, as well he should.

This comes from the Los Angeles Times, no particular friend of this administration. The Times goes on to say that this kind of micromanagement "is the worst kind of congressional meddling in military strategy."

They go on to say:

> By interfering with the discretion of the commander in chief and military leaders in order to fulfill domestic political needs, Congress undermines whatever prospects remain of a successful outcome.

Then they go on to criticize the Speaker and others for trying "to micromanage the conflict . . . with arbitrary timetables and benchmarks."

Concluding:

> Congress should not hinder Bush's ability to seek the best possible endgame to this very bad war.

So a paper that does not like the war or support the administration generally, nevertheless, recognizes it should not be micromanaged from the Congress; that if there are any possibilities for it to succeed, we should be following those possibilities.

To sum it up, I simply say this: There is a chance for this strategy to succeed. We should give it a chance to succeed. Early signs are positive. We should not try to micromanage the war from the Congress. Therefore, when these resolutions come before us, we should reject them and allow our military commanders the opportunity that we have asked them to engage in to bring a successful conclusion to this war.

Mr. President, I ask unanimous consent that the articles to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 11, 2007]

THE 'SURGE' IS SUCCEEDING

(By Robert Kagan)

A front-page story in The Post last week suggested that the Bush administration has no backup plan in case the surge in Iraq doesn't work. I wonder if The Post and other newspapers have a backup plan in case it does.

Leading journalists have been reporting for some time that the war was hopeless, a fiasco that could not be salvaged by more troops and a new counterinsurgency strategy. The conventional wisdom in December held that sending more troops was politically impossible after the antiwar tenor of the midterm elections. It was practically impossible because the extra troops didn't exist. Even if the troops did exist, they could not make a difference.

Four months later, the once insurmountable political opposition has been surmounted. The nonexistent troops are flowing into Iraq. And though it is still early and horrible acts of violence continue, there is substantial evidence that the new counterinsurgency strategy, backed by the infusion of new forces, is having a significant effect.

Some observers are reporting the shift. Iraqi bloggers Mohammed and Omar Fadhil, widely respected for their straight talk, say that "early signs are encouraging." The first impact of the "surge," they write, was psychological. Both friends and foes in Iraq had been convinced, in no small part by the American media, that the United States was preparing to pull out. When the opposite occurred, this alone shifted the dynamic.

As the Fadhils report, "Commanders and lieutenants of various militant groups abandoned their positions in Baghdad and in some cases fled the country." The most prominent leader to go into hiding has been Moqtada al-Sadr. His Mahdi Army has been instructed to avoid clashes with American and Iraqi forces, even as coalition forces begin to establish themselves in the once off-limits Sadr City.

Before the arrival of Gen. David Petraeus, the Army's leading counterinsurgency strategist, U.S. forces tended to raid insurgent and terrorist strongholds and then pull back and hand over the areas to Iraqi forces, who failed to hold them. The Fadhils report, "One difference between this and earlier—failed—attempts to secure Baghdad is the willingness of the Iraqi and U.S. governments to commit enough resources for enough time to make it work." In the past, bursts of American activity were followed by withdrawal and a return of the insurgents. Now, the plan to secure Baghdad "is becoming stricter and gaining momentum by the day as more troops pour into the city, allowing for a better implementation of the 'clear and hold' strategy." Baghdadis "always want the 'hold' part to materialize, and feel safe when they go out and find the Army and police maintaining their posts—the bad guys can't intimidate as long as the troops are staying."

A greater sense of confidence produces many benefits. The number of security tips about insurgents that Iraqi civilians provide has jumped sharply. Stores and marketplaces are reopening in Baghdad, increasing the sense of community. People dislocated by sectarian violence are returning to their homes. As a result, "many Baghdadis feel hopeful again about the future, and the fear of civil war is slowly being replaced by optimism that peace might one day return to this city," the Fadhils report. "This change in mood is something huge by itself."

Apparently some American journalists see the difference. NBC's Brian Williams recently reported a dramatic change in Ramadi since his previous visit. The city was safer; the airport more secure. The new American strategy of" getting out, decentralizing, going into the neighborhoods, grabbing a toehold, telling the enemy we're here, start talking to the locals—that is having an obvious and palpable effect." U.S. soldiers forged agreements with local religious leaders and pushed al-Qaeda back—a trend other observers have noted in some Sunni-dominated areas. The result, Williams said, is that "the war has changed."

It is no coincidence that as the mood and the reality have shifted, political currents have shifted as well. A national agreement on sharing oil revenue appears on its way to approval. The Interior Ministry has been purged of corrupt officials and of many suspected of torture and brutality. And cracks are appearing in the Shiite governing coalition—a good sign, given that the rock-solid unity was both the product and cause of growing sectarian violence.

There is still violence, as Sunni insurgents and al-Qaeda seek to prove that the surge is not working. However, they are striking at more vulnerable targets in the provinces. Violence is down in Baghdad. As for Sadr and the Mahdi Army, it is possible they may re-emerge as a problem later. But trying to wait out the American and Iraqi effort may be hazardous if the public becomes less tolerant of their violence. It could not be comforting to Sadr or al-Qaeda to read in the New York Times that the United States plans to keep higher force levels in Iraq through at least the beginning of 2008. The only good news for them would be if the Bush administration in its infinite wisdom starts to talk again about drawing down forces.

No one is asking American journalists to start emphasizing the "good" news. All they have to do is report what is occurring, though it may conflict with their previous judgments. Some are still selling books based on the premise that the war is lost, end of story. But what if there is a new chapter in the story?

[From Roll Call, Mar. 12, 2007]

Reid To Attack on Iraq

(By John Stanton and Susan Davis)

With the GOP maintaining a unified front against Democratic efforts to end the Iraq War, Senate Majority Leader Harry Reid (D-Nev.) and other party leaders are abandoning efforts at crafting a bipartisan deal on the issue and will instead look to directly tie Republicans to the unpopular conflict, senior leadership aides said Friday.

The decision to ratchet up their partisan rhetoric followed Thursday's announcement of a joint resolution by House and Senate Democrats setting specific dates for a mass redeployment of troops in Iraq and creating new restrictions on the war effort. Reid is expected to bring the resolution to the floor this week following completion of the 9/11 bill, aides said.

According to Democratic leadership aides, Reid, Democratic Senatorial Campaign Committee Chairman Charles Schumer (N.Y.) and other party leaders hope that a more aggressive push to tar vulnerable Republicans up for re-election in 2008 with the prospect of an open-ended commitment to the war will force enough defections to pass legislation forcing Bush to begin bringing the war to an end.

"If they want to follow Bush over the cliff, that's fine with us," one Democratic leadership aide said, adding that Democrats will continue to push the issue between now and the 2008 elections in the hopes of eventually forcing a change in the administration or Congressional Republicans.

Saying Democratic Members "are close to unanimity in both Houses," Schumer accused Republicans of being torn between "their president who says 'stay the course,' and the American people who demand change" and warned that Democrats would use the issue as a bludgeon on Republicans up for reelection next year.

"The heat on these Republican Senators that are up in '08 is tremendous," Schumer maintained, adding that "this is a campaign . . . we are going to keep at" until Reid has enough GOP defections to pass a bill.

According to leadership aides, Democrats have thus far tried to walk a careful line of criticizing GOP opposition to efforts to end the war while not being so harsh as to alienate potential GOP allies. But over the past several weeks "it's become evident that Republicans have decided to march in lockstep with the president" and that, at least at this point, a bipartisan solution is unlikely.

As a result, Reid, Schumer and other leaders have decided to pivot to a more confrontational—and partisan—approach starting this week and will attempt to portray opposition to the joint resolution as de facto support for Bush's war plans.

"They have made a politically perilous decision to stand with the president," a Democratic aide said, and Reid will attempt to use Bush's low poll numbers and public concern with the war to pressure Republican Members to break ranks.

Senate Republicans, meanwhile, will continue to make the case that Democrats are in disarray on the war and that any efforts to bring about an end to the war amount to a dangerous micromanaging of the war by Congress.

One GOP leadership aide noted that despite early jitters within the Conference, Minority Leader Mitch McConnell (R-Ky.) has done an excellent job of keeping his Members together and in reasserting Republicans' vaunted discipline. "Part of our strength in this debate has been staying on message" and not being dragged in to fights over specific Democratic proposals or process questions, the aide said.

But despite their successes in recent weeks, McConnell and other Republicans acknowledge Iraq is a politically perilous issue for them because of its unpopularity with voters.

In an interview with Roll Call reporters and editors Friday, McConnell said Democrats appear intent on keeping the focus on the war, arguing that Democrats' success with the issue in 2006 has convinced many in the new majority that it is "the gift that keeps on giving."

He also said that Senate Democrats appear intent on making it a cornerstone of their 2008 campaign strategy. Pointing to the fact that Democrats have proposed some 17 different Iraq resolutions or bills since November, McConnell maintained "the best evidence of that is that they keep moving the goal post" on how they want to deal with Iraq.

"Would I like the election to be about something else? You bet," McConnell said, arguing that Republicans would have much better terrain in a fight over the economy.

"We are the economic engine of the world in many ways" but that fact has become lost in public concern over Iraq, McConnell argued. Iraq has "just put people in a kind of funky mood," he lamented.

But even McConnell—one of the White House's staunchest supporters on the war—acknowledged that conditions on the ground must change and that Iraq will need to demonstrate improvements.

"This is the Iraqis' last chance to get it right. . . . They need to show they can govern right now. Not next year. Not this fall. Now. Right now," a clearly upset McConnell said.

Meanwhile, unburdened by having to craft their own policy on funding the Iraq War, House Republicans appear to be unified against the supplemental in its current form.

"There is nearly unanimous opposition in the Republican Conference to any proposal that undermines the troops' ability to fight and win the war on terror," said Brian Kennedy, a spokesman for Minority Leader John Boehner (R-Ohio). "Our Members are committed to sustaining a united front against anything short of full and unqualified funding for the troops."

The House Republican Conference held a special meeting Friday morning to discuss the spending bill. Multiple Members and aides in attendance said almost all of the chamber's 201 Republican lawmakers are prepared to take the potentially risky vote against a war-funding bill.

House Republican leaders are united in opposition, and Appropriations ranking member Jerry Lewis (R-Calif.) also told the Conference he would vote against the measure.

Much of the rank and file are looking to veteran Rep. Bill Young (R-Fla.) for guidance on how to vote. Young is Rep. John Murtha's (D-Pa.) counterpart on the Appropriations subcommittee on Defense and the most senior Republican in the House.

Young told his colleagues Friday that he was—at that point—prepared to vote against the measure. He said he was reluctant to vote against any funding bill for the military, but that the Democratic bill was unacceptable.

However, Young left open the possibility that he could ultimately support the bill if Democrats remove date specific provisions on troop withdrawal. That appears unlikely, as doing so would result in anti-war Democrats voting against the bill.

Rep. Sam Johnson (R-Texas), a Vietnam War veteran and former prisoner of war, gave the most stirring speech at Conference, attendees said. "He said, 'We need to call this what it is—a piece of crap,'" recalled a GOP leadership aide.

House Minority Whip Roy Blunt (R-Mo.) was unusually candid in his whip count last week, stating that he expected all Republicans who voted against the mid-February Iraq resolution to oppose the supplemental, "give or take one or two."

There were 17 Republicans who voted with Democrats on that resolution, and two Democrats who voted with Republicans. Of those 17 Republicans, several already have indicated they are likely to oppose the supplemental, including GOP Reps. Tom Davis (Va.), Mark Kirk (Ill.) and Howard Coble (N.C.), and GOP leaders are confident they can whittle that number into the single digits if the underlying bill is not substantially changed before it hits the House floor.

[From the Los Angeles Times, Mar. 12, 2007]

Do We Really Need a Gen. Pelosi?

After weeks of internal strife, House Democrats have brought forth their proposal for forcing President Bush to withdraw U.S. troops from Iraq by 2008. The plan is an unruly mess: bad public policy, bad precedent and bad politics. If the legislation passes, Bush says he'll veto it, as well he should.

It was one thing for the House to pass a nonbinding vote of disapproval. It's quite another for it to set out a detailed timetable with specific benchmarks and conditions for the continuation of the conflict. Imagine if Dwight Eisenhower had been forced to adhere to a congressional war plan in scheduling the Normandy landings or if, in 1863, President Lincoln had been forced by Congress to conclude the Civil War the following year. This is the worst kind of congressional meddling in military strategy.

This is not to say that Congress has no constitutional leverage—only that it should exercise it responsibly. In a sense, both Bush and the more ardent opponents of the war are right. If a majority in Congress truly believes that the war is not in the national interest, then lawmakers should have the courage of their convictions and vote to stop funding U.S. involvement. They could cut the final checks in six months or so to give Bush time to manage the withdrawal. Or lawmakers could, as some Senate Democrats are proposing, revoke the authority that Congress gave Bush in 2002 to use force against Iraq.

But if Congress accepts Bush's argument that there is still hope, however faint, that the U.S. military can be effective in quelling the sectarian violence, that U.S. economic aid can yet bring about an improvement in Iraqi lives that won't be bombed away and that American diplomatic power can be harnessed to pressure Shiites and Sunnis to make peace—if Congress accepts this, then lawmakers have a duty to let the president try this "surge and leverage" strategy.

By interfering with the discretion of the commander in chief and military leaders in order to fulfill domestic political needs, Congress undermines whatever prospects remain of a successful outcome. It's absurd for House Speaker Nancy Pelosi (D-San Francisco) to try to micromanage the conflict, and the evolution of Iraqi society, with arbitrary timetables and benchmarks.

Congress should not hinder Bush's ability to seek the best possible endgame to this very bad war. The president needs the leeway to threaten, or negotiate with, Sunnis and Shiites and Kurds, Syrians and Iranians and Turks. Congress can find many ways to express its view that U.S. involvement, certainly at this level, must not go on indefinitely, but it must not limit the president's ability to maneuver at this critical juncture.

Bush's wartime leadership does not inspire much confidence. But he has made adjustments to his team, and there's little doubt that a few hundred legislators do not a capable commander in chief make. These aren't partisan judgments—we also condemned Republican efforts to micromanage President Clinton's conduct of military operations in the Balkans.

Members of Congress need to act responsibly, debating the essence of the choice the United States now faces—to stay or go—and putting their money where their mouths are. But too many lives are at stake to allow members of Congress to play the role of Eisenhower or Lincoln.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING OUR VETERANS

Mr. DURBIN. Mr. President, this morning I held a hearing in Chicago at the University of Illinois, Chicago medical campus. It was a hearing to discuss the challenges we face with returning veterans from Iraq and Afghanistan. It was clear from the turnout at that hearing there is an intense interest in this subject. Much of it was brought on by the Washington Post front-page story of a few weeks ago about the now infamous Building 18 at Walter Reed Hospital.

Like many Members of Congress, I have visited Walter Reed many times to see Illinois soldiers and to check in to see how things were going. None of us were ever taken across the street to Building 18. I didn't know it existed. But the graphic images of the building, which was worse than a flophouse motel with mold on the walls and rat droppings and evidence of roaches and bugs, where we were housing men and women who had just returned from battle with their injuries, has really struck a nerve across America and here on Capitol Hill. It has caused us to ask important and difficult questions about whether we are meeting our obligations to our soldiers and to our veterans, also to ask whether Walter Reed's Building 18 was an isolated example of neglect or symptomatic of a much larger problem and a much greater challenge.

Today in Chicago we talked about the returning vets and soldiers from our perspective in the middle of the country. With the Hines VA Hospital being one of the larger VA hospitals, and with a lot of veterans heading back to that part of the country, we have a real interest in this issue.

It goes without saying we all support our troops. In fact, it is said so often on the Senate floor it becomes an almost empty cliche. Those soldiers, the families, the voters, people of this country have a right to ask each of us: Great. If you support them, what are you doing for them?

We can talk—and I might at the end of these remarks—about our policy in Iraq, but for a moment I want to focus on those who serve our country overseas and come home injured and need a helping hand.

Many of the soldiers who were featured in the Washington Post exposé on Walter Reed had been living in deplorable conditions for months, sometimes years. They have lived in that condition waiting to receive a disability rating to begin rebuilding their lives. So after they fight the enemy, they come home to fight the bureaucracy. Papers are thrown at them. Some of them are in compromised positions because of their physical or mental weakness and they have to become advocates in a system that is not always friendly.

The Washington Post brought to light poor conditions at Walter Reed, but we have to ask the larger question: What about the rest of the hospitals? What about the rest of the soldiers and the veterans?

I joined several of my Democratic colleagues last week in cosponsoring the Dignity for Wounded Soldiers Act of 2007. Our new colleague, Senator CLAIRE MCCASKILL from Missouri, who has become a leader on this issue, joined with Senator OBAMA of my State in introducing a bill that calls for more homes for service members who are still recovering, less paperwork for recovering service members, better case management to cut through the red-tape, better training for caseworkers, better support services, including meal benefits, for recovering service members and their families, and job protections for husbands and wives, moms and dads of wounded service members who have come to stay with and help take care of their loved ones while they are recovering.

Mr. President, you served in Vietnam. At the time of your service, the men and women in uniform were much younger and usually single. Now the soldiers, guardsmen, and reservists who serve in Iraq and Afghanistan are older and usually have a family. So when they come home, their misfortune, their illness, and their injury turn out to be a family concern.

This bill says we should be sensitive to the family needs of these returning service members. Many of the returning troops who are injured need medical attention long after they are discharged. In fact, more of our service members sustain serious brain injuries in Iraq and Afghanistan than in any recent conflict we have known. I have seen several figures about how many Americans serving in the Middle East have suffered head and brain injuries that require a lifetime of continual care. The estimates run from 2,000 to 3,000. When you think of over a million service men and women who have served in that theater, it appears to be a small number but it is a dramatically larger number than we have seen in any previous conflict.

In Vietnam, in previous wars, brain injuries accounted for 1 out of 8 or 12 percent of the injuries. In Iraq and Afghanistan, brain injuries account for 22 percent of the injuries—almost 1 out of 4. Of course, we understand why, with the roadside bombs, the blasts, and the concussions to which these service men and women are subjected. It takes its toll. As many as 2 out of every 10 combat veterans from Iraq and Afghanistan are returning with concussions in varying degrees of intensity, and 1.6 million vets have served already in the war. That means 320,000 people require some sort of screening and treatment for traumatic brain injury or head-related injury. That number grows with every new soldier, sailor, marine, and airman deployed.

I am working on legislation now, and I will invite my colleagues to join me, to focus on brain injury because I think that is the significant wound of this war that we cannot ignore. The bill which I am preparing will, among other things, speed up medical research so we can do a better job of diagnosis and treatment. I might add parenthetically that treatment will inure to the benefit of many other people across America dealing with brain injuries or brain-related problems.

We also in this bill encourage the VA to do more outreach to find veterans whose brain injuries may have caused problems in their lives and help bring them back into a system of care and support. The bill requires the Department of Defense and the VA to work more closely together to capture and track returning troops with combat-induced brain trauma and to put money into better equipment for VA medical centers to improve their testing and treatment.

During Vietnam, one in three Vietnam service members who were injured died. In Iraq and Afghanistan, it is one in seven. Battlefield medical care is significantly better. The trauma teams in the field who treat our men and women who are injured are performing miracles every day. But those injured veterans, once surviving, come home to more challenging medical care needs.

Let's speak for a moment about post-traumatic stress disorder. With Vietnam veterans, it is estimated it was as high as 30 percent. That estimate is given on Iraq and Afghanistan veterans as well. But during the Vietnam war, it was not discussed.

Today, I had a young man who was a Vietnam veteran stand up. His name is Ramon Calderon. Ramon has been fighting post-traumatic stress disorder almost single-handedly since Vietnam. There are so many other cases of men and women who served there who came home haunted by the experience. It wasn't considered appropriate to raise that issue when they returned, so they suffered in silence and many times paid a price: a failed marriage, self-medication with drugs and alcohol, despondency, homelessness, and problems that follow when these psychological scars are not healed. Today we know that many of our returning service men and women from Iraq and Afghanistan bring home those demons of war in their heads, and they are trying to purge themselves of that haunting illness.

A new study that will be released later today by the Archives of Internal Medicine says we are looking at the high end of the estimate of 30 percent. About one-third of those who have served in Iraq and Afghanistan come home in need of post-traumatic stress disorder counseling, and the sooner the better. The longer this situation festers, the worse it becomes. Early intervention, early help can save a life, save a marriage, and turn a life around. The study reports that one-third of veterans coming back from war who seek care in the VA have mental health or social issues.

Several months ago I went to the Hines VA Hospital and I was invited to attend a counseling session. The soldiers who were back from war said it was OK if I sat in on it. It was late on a Friday afternoon. These were vets, mainly young men, who had just returned from war. They came filing into the room, about a half dozen of them, and I could tell by the look on their face that we had the whole spectrum of emotions.

There were some who were nearly in tears the minute they crossed the threshold into the room, and there were others with clenched fists and angry looks on their faces who were suffering from the same problem. They needed to sit down and talk to somebody to try to get through another day, another week before they had another counseling session.

That is the reality. The statistics tell us a vivid story. More injured servicemembers are surviving. More injured soldiers, marines, sailors, and airmen are coming home, and a larger percentage of them need help from brain injuries, both traumatic injuries as well as psychological injuries. The VA needs to be prepared to treat this large influx of people.

Our medical and benefit systems are not keeping pace with reality. Remember the promise we made to these men and women? If you will volunteer to serve America, if you will risk your life, we will stand by you. We will protect you in battle, and we will stand by you when you come home. That was the basic promise. But we know, sadly, we are not keeping that promise at the VA hospitals and even the military hospitals across our country. Injured troops come home to find in too many cases substandard outpatient care and a big fight on their hands to justify the need for ongoing care.

A recent New York Times article featured 2005 data from the Veterans Affairs that showed a big difference between the average compensation paid in my home State. It is not news. It has been there for a couple years now. For 20 years, for reasons no one can explain, a soldier who was disabled in Illinois received the lowest compensation for an injury in comparison to another soldier with the same injury in another State. I was pretty angry about it. Senator OBAMA, who is on the Veterans' Affairs Committee, joined me in demanding an inspection to find out why this was going on, an investigation to get to the bottom of it, and action. We got a report back from Veterans Affairs, and it wasn't very satisfying.

It turns out that if a veteran tried to walk through this system alone without someone by his side, someone from his family or someone from a veterans organization, they were likely to recover 50 percent less for their disability than one who took an advocate with him. It tells you what the bureaucracy does. The bureaucracy shortchanges the injured veterans. It takes an advocate to stand by their side, and I will tell you the story of one in just a moment.

Last year we required the Veterans' Administration to send letters to 60,000 veterans in Illinois explaining how they might have been shortchanged in their disability claims for a variety of reasons. I want to make sure the VA is tracking those letters and responses and that they are doing it in a timely fashion. The VA, the Veterans Affairs Department, is inundated at this point: 1.6 million new veterans they may not have anticipated just a few years ago. Higher rates of PTSD and brain injury complicate their task. The VA Compensation and Pension Claims Division reports a backlog—a backlog—of 625,000 cases. The average wait to process an original claim at the VA is about half a year—177 days. Six months to process a VA claim, and if you are unhappy with the result and decide you want to appeal it, it will take 2 years—657 days—before you will get an answer on the appeal.

One of the things I think we should acknowledge is that there are many wonderful things happening at VA hospitals. The criticisms that we hear for their shortcomings, notwithstanding there are many dedicated men and women serving in the Veterans' Administration. I can't tell you how many returning soldiers have said good things about military hospitals and the VA. But the fact is, we need to do much more, and we need to do better.

If we could have gathered together the leaders of the Veterans' Administration 10 years ago and asked them to predict where they would be in the year 2007 in terms of their caseload and the requirements they would face, I don't think any one of them could have predicted what they face today. By and large, they were dealing with an aging population of World War II vets and Korean vets, Vietnam vets and others who had chronic conditions that needed attention.

They were conditions related to their injuries. But they were also conditions such as diabetes and blood pressure. They were prepared to deal with the aging veteran population. Then comes the invasion of Iraq, and everything changes. Thousands of men and women are now in the VA system with new challenges. Instead of chronic conditions such as diabetes and blood pressure, the VA now faces the need for acute rehabilitation. This is a specialty in which there are very few centers in America on the civilian side that really get high marks.

The VA is being asked to create this kind of specialty in a hurry. It is not working out very well. I will speak to that in a moment.

I had excellent people speaking today at the hearing.

We had Scott Burton, a former marine who was part of the initial Iraq invasion. He was discharged in 2004, and he suffers from PTSD. He is very open about it and is looking for help. He will do just fine, but he has become an advocate for other soldiers who need to step forward and acknowledge their need.

We had Katy Scott. Katy's son Jason lost his right eye and right arm in an IED attack in Iraq. She lost her job because she gave it up basically to stand by her son's bed at Walter Reed and fight for him every day. She is a passionate advocate not only for her son but for all the returning servicemen.

Then we had Edgar Edmundson. He was featured today on the front page of the New York Times. It is a feature he and his family really were not looking for. It is entitled "For War's Gravely Injured, a Challenge to Find Care."

The article tells the story of a number of veterans, including SSG Jaron Behee, who suffered a traumatic brain injury and went to the Veterans Affairs hospital in Palo Alto, where they said it was time for him to pick out his wheelchair, which he would be in for the rest of his life. They told him he wasn't making progress and that the next step for him was a nursing home. His wife said, "I just felt that it was unfair for them to throw in the towel on him. I said, 'We're out of here.'"

> Because Ms. Behee had successfully resisted the Army's efforts to retire her husband into the VA health care system, his military insurance policy, it turned out, covered private care. So she moved him to a community rehabilitation center, Casa Colina, near her parents' home in Southern California, in late 2005.
>
> Three months later, Sergeant Behee was walking, unassisted, and abandoned his government-provided wheelchair.

Three months before, he had been told by the VA there was no hope—pick out your wheelchair, we are sending you to a nursing home.

> Now 28, he works as a volunteer in the center's outpatient gym, wiping down equipment and handing out towels. It is not the police job he aspired to; his cognitive impairments are serious. But it is not a nursing home either.

There are other stories. Some were referred to today in the hearing we had in Chicago. The one I mentioned earlier is one that I think bears repeating. This involves Edgar Edmundson, 52 years old, from New Bern, NC. His son, SGT Eric Edmundson, sustained serious blast injuries in northern Iraq in the fall of 2005.

> Mr. Edmundson [the father] was aggressive, abandoning his job and home to care for his son, calling on his representatives in Washington for help, "saying no a lot." But even he did not come to understand his son's health care options quickly enough to ensure that his son was not "shortchanged" in the critical first year after his injury.

Mr. President, this is an element we cannot overlook. We cannot play catchup in this game. Many soldiers with traumatic brain injuries will deteriorate, and it will be sometimes impossible to recover the ground they lost if they don't get the right care at the right moment.

> Two days before Sergeant Edmundson was wounded near the Syrian border, he visited with his father on the telephone. Mr Edmundson urged his son, then 25 with a young wife and a baby daughter, to "stay safe."
>
> In an interview last week, Mr. Edmundson's voice cracked as he recalled his son's response: "He said, 'Don't worry, because if anything happens, the Army will take care of me.'"
>
> While awaiting transport to Germany after initial surgery, Sergeant Edmundson suffered a heart attack. As doctors worked to revive him, he lost oxygen to his brain for half an hour, with devastating consequences.
>
> A couple weeks later, at Walter Reed in Washington, on the very day Sergeant Edmundson was stabilized medically and transferred into the brain injury unit, military officials initiated the process of retiring him [from the active military].
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> "That threw up the red flag for me," Mr. Edmundson said. "If the Army was supposed to take care of him, why were they trying to discharge him from service the minute he gets out of intensive care?"

Still, he didn't understand that his son's insurance policy covered private care. He wasn't aware of it.

> When Walter Reed transferred Sergeant Edmundson to the polytrauma center in Richmond, Mr. Edmundson believed that he was, more or less, following orders.
>
> Mr. Edmundson was disappointed by what he considered an unfocused, inconsistent rehabilitation regimen at what he saw as an understaffed, overburdened VA hospital filled with geriatric patients. His son's morale plummeted and he refused to participate in therapy. "Eric gave up his will," he said. In March 2006, the VA hospital sought to transfer Sergeant Edmundson to a nursing home.
>
> Mr. Edmundson chose instead to care for his son himself, quitting his job [altogether and he spent full-time with his son.] For almost eight months, Sergeant Edmundson, who was awake but unable to walk, talk, or control his body, received nothing but a few hours of maintenance therapy weekly at a local hospital.
>
> One day, by chance, Mr. Edmundson encountered a military case manager who asked him why his son was not at a civilian rehabilitation hospital. That is when Mr. Edmundson learned that his son had options. He did some research and set his sights on the Rehabilitation Institute of Chicago.

He decided that the best place to go—and I agree—was the Rehab Institute of Chicago, which I think is one of the best in the world.

> Sergeant Edmundson is now the only Iraq combat veteran being treated there.
>
> The first step in his treatment in Chicago, Dr. Smith said, was to use drugs, technology and devices "to reverse the ill effects of not getting adequate care earlier, somewhere between Walter Reed and here."
>
> For example, she said, Sergeant Edmundson's hips, knees and ankles are frozen "in the position of someone sitting in a hallway in a chair." They are working to straighten out his joints so that he can eventually stand, she said. They have taught him to express his basic needs using a communication board, and they hope to loosen his vocal cords so he can start speaking.

At least he can communicate. Doctor Smith said, "He has profound cognitive disability, but he can communicate, albeit not verbally, and he can express emotions, including humor and even sarcasm."

When Sergeant Edmundson's father testified today, along with Eric's sister, he could not get the words out. This man had given almost 3 years of his life for his son. He knows his son has a major uphill struggle to make progress. He tried to be as kind as he could to everybody who helped, but he was also very honest. He expressed the feelings of a heartbroken father who believes that along the way, somebody should have told him his son was entitled to even better specialized care.

Last week, the head of the Rehab Institute of Chicago came to Washington. I met with her—Dr. JoAnn Smith. She was with Dr. Henry Betts, who is legendary in our town for his leadership in this institute. She came with a simple message from the Veterans' Administration, to tell them that: This is our specialty, this is what we do—take those who are acutely injured and need rehab and work with them effectively. She asked if the Veterans' Administration would please send some patients to the Rehab Institute of Chicago—patients who could be helped like those I have described in my remarks today. She said she was heartened.

Dr. Smith was trained in the VA system. She has no prejudice against them. There was a high degree of acceptance that there is a gap in the military system's current ability to take care of particularly the profoundly injured, she said. However, there is still resistance. The VA doesn't believe there is a problem or any need for rescue by the private sector.

Should we be debating this at all? If you had a seriously injured person in your household, would you not look for the best doctor you could find? Would you not want to send that severely injured person you love to the best place for them? Don't we so many times express on the floor of the Senate how much we care for and love these soldiers who serve our country? Why are they not getting the same thing?

I think that is a challenge we all have to face. We know the VA does many things and does them well. They can do a lot better when it comes to traumatic brain injury—the serious injuries the soldiers are bringing home and the post-traumatic stress disorder. We need to appropriate the funds. No excuses. We need to make sure the billions of dollars are there to take care of these soldiers.

Just 2 weeks from now—maybe sooner—the administration will ask us for a huge sum of money, in the range of $100 billion, a supplemental appropriation to be spent for soldiers in Iraq. It is likely that at the end of the day, they will receive every penny they have asked for, which has been the case for the 4 years of this war. This Senator, as do many others, believes we have to also consider the funding for our injured veterans as well. We cannot stand by and allow these vets to stay in the "Building 18s" or those wards where they cannot receive the specialized care and to deteriorate to a point where their lives are compromised forever.

We only have a limited opportunity for many of these brave men and women. We cannot use our own excuses here about budgets and priorities to slow down our obligation and meet our obligation to serve veterans and serve them well.

So this hearing today was an eye-opener for me and for Congresswoman Jan Schakowsky, who joined me, to be in that room with the parents and the veterans, to hear the stories of the bureaucracy they fought, and to understand we can do something about it here in Washington.

I know of the personal interest of the occupant of the chair in this issue. After the Presiding Officer was first elected, after being sworn in, he came to my office and said he wanted to work on a new GI bill. I am anxious to work with him in that regard. Having served our country as he did, he understands better than I do, and better than most, the obligation we have to the men and women who have served.

Mr. President, I hope we will take this experience of the Washington Post exposé and our own personal experiences back home to heart when we consider the measures that are coming before us. I don't want another scandal on this watch. I want to make sure this Building 18 doesn't become another Hurricane Katrina, the ninth ward of New Orleans, LA. It was an indication of lack of skill, lack of management, and lack of commitment that led to this situation. Now it is time for Congress and the President to step up for these men and women who serve us so well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ROSENBAUM FAMILY'S SELFLESS ACT

• Mr. LEAHY. Mr. President, the front page of The Washington Post Friday delivered the remarkable news that the family of David Rosenbaum has entered into an agreement with Washington's city leaders under which the family will withdraw a $20 million lawsuit—a lawsuit in which they were said to have an excellent chance of prevailing—if the city lives up to a promise to fix the city's troubled emergency response system.

David Rosenbaum, the retired New York Times reporter, was fatally beaten last year near his home in Washington. He was a good husband and father, a kind friend and neighbor, and a talented and respected journalist. He had a passion for making government more effective in doing its job. He was a good and a kind man. Those who knew or knew of the Rosenbaums were further saddened last year when David's widow, Virginia Rosenbaum, succumbed to cancer.

How fitting, how constructive, and how typical of David Rosenbaum and his life and his work that his family has taken this selfless step. Our best wishes—and our admiration and gratitude—go out to them.

The material follows.

[From the Washington Post, March 9, 2007]

JOURNALIST'S FAMILY WANTS REFORM, NOT MONEY

(By David Nakamura)

The family of a slain New York Times journalist yesterday agreed to forgo the potential of millions of dollars in damages in exchange for something that might be harder for the D.C. government to deliver: an overhaul of the emergency medical response system that bungled his care at nearly every step.

David E. Rosenbaum's family said it will give up a $20 million lawsuit against the city—but only if changes are made within one year.

Under a novel legal settlement, the city agreed to set up a task force to improve the troubled emergency response system and look at issues such as training, communication and supervision. A member of the family will be on the panel.

Although legal experts said the family could have won millions had it pursued the case, Rosenbaum's brother Marcus said he and other relatives were more interested in making sure that the city enacted measurable changes.

"As details of the case started to come out, we decided among ourselves to do something for all the citizens so that things would be improved," Marcus Rosenbaum said, standing next to a dogwood sapling planted near where his brother was mugged in January 2006. David Rosenbaum was pounded on the head with a metal pipe by robbers who accosted him during an evening walk. He then was mistakenly treated as a drunk by D.C. firefighters and other emergency workers, who failed to notice his severe head wound.

Rosenbaum, 63, died of a brain injury two days after the attack on Gramercy Street NW. He had recently retired after nearly four decades at the New York Times, where he covered economic policy and other issues, but continued to work in the Washington bureau on special assignments.

The D.C. inspector general's office issued a blistering report in June that faulted firefighters, emergency workers, police and hospital personnel for an "unacceptable chain of failure" and warned of broader problems with emergency care. The report called for stronger supervision and training, clearer communication and more internal controls for emergency workers and hospital personnel.

D.C. Mayor Adrian M. Fenty (D), who joined the Rosenbaum family at the announcement, said that he was pleased with the settlement but that it was just the start of a long process of reform. He did not identify potential changes.

"This was a failure of the government, the most tragic kind of failure the government can have," said Fenty, flanked by Acting D.C. Attorney General Linda Singer. "A settlement does not let anyone off the hook, especially the District government."

Fenty, who took office in January, pledged last year to oust the chief of the D.C. Fire and Emergency Medical Services Department, Adrian H. Thompson, who many officials felt did not act quickly or aggressively enough to address the failures. Among other things, Thompson issued a statement three days after Rosenbaum's death that said "everything possible" had been done to provide care. He later changed course, saying he had been misled, and dismissed or took disciplinary action against at least 10 employees.

This week, Fenty nominated Atlanta Fire Chief Dennis L. Rubin to head the department. Rubin said he is familiar with the Rosenbaum case and intends to make changes after studying the D.C. response system more closely. Among issues likely to be on the table: the creation of a separate city department for emergency medical response.

Marcus Rosenbaum said he is hoping for the best. "We are really happy with the way things have gone with the District," he said. "It's like we are adversaries on the same side. We hope this settlement will lead to something good."

The lawsuit was filed in November on behalf of Rosenbaum's adult children, Daniel and Dottie.

Family attorney Patrick Regan praised Fenty for reaching out to the family even before he was sworn in and then instructing his staff to work closely with the Rosenbaums to forge a settlement. But Regan had harsh words for Howard University Hospital—which remains a defendant in the lawsuit in D.C. Superior Court.

The city's ambulance bypassed the closest hospital and took Rosenbaum to Howard because one of the emergency medical technicians had personal business to attend to near there. Rosenbaum was not seen by a hospital physician for more than 90 minutes and did not get a neurological evaluation until he had been there almost four hours, the family's lawsuit alleges.

"Howard University's performance was unacceptable, atrocious. It was Third World service in the nation's capital," Regan said. "While the District has stepped up and said, 'Work with us,' Howard has refused to step up. They've covered up what they did. . . . At every turn, Howard has offered excuse after excuse."

A spokeswoman for Howard did not respond to a request for comment.

D.C. police also were faulted in the case for failing to thoroughly investigate an earlier robbery that could have led to the suspects. Two men have been convicted in the killing: Percey Jordan, who was sentenced to a 65-year term, and his cousin Michael C. Hamlin, who cooperated with prosecutors and received a 26-year term.

The city's new task force will have six months to develop a report. Toby Halliday, Rosenbaum's son-in-law, will serve as the family's representative. The panel will include city officials and emergency care experts who have yet to be identified.

"Our goal is to look beyond the individual errors in this case to bigger issues of emergency medical services," Halliday said, as his wife, brother-in-law and other family members looked on.

"The results must be meaningful and measurable," Halliday added, "with changes and results that can be tracked over time to see if they are effective."•

WELCOMING SADIE FAY MORGENSTERN

• Mr. CRAPO. Mr. President, today I offer a most heartfelt welcome to a bright young lady who just made her entrance into this world—Sadie Fay Morgenstern. Sadie was born just over a week ago on March 4, 2007. She joins her big sister Sydney and parents, Andrew and Beth Morgenstern. I understand that little Sadie is proving to be alert, happy, and content. Undoubtedly, she will grow into a healthy, fun-loving and curious young lady, traits she will share with her older sister, Sydney. I am honored to share this news of the birth of a happy, healthy baby into a loving family, and I wish them the best. Thank you for joining me today in sending best wishes to the blessed and growing Morgenstern family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 720. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 720. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 838. A bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 839. A bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 840. A bill to amend the Torture Victims Relief Act of 1998 to authorize assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN:

S. 841. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 842. A bill to authorize to be appropriated $9,200,000 for fiscal year 2008 to acquire real property and carry out military construction projects at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mrs. CLINTON):

S. 843. A bill to provide for the establishment of a national mercury monitoring program; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. KENNEDY, Mr. FEINGOLD, Ms. CANTWELL, and Mr. KERRY):

S. 844. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Ms. MIKULSKI):

S. 845. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. 846. A bill to amend the Longshore and Harbor Workers' Compensation Act to improve the compensation system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 373

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 373, a bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States.

S. 376

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 579

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 634

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 663

At the request of Mr. MCCAIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 663, a bill to amend title 10, United States Code, to repeal the statutory designation of beneficiaries of the $100,000 death gratuity under section 1477 of title 10, United States Code, and to permit members of the Armed Forces to designate in writing their beneficiaries of choice in the event of their death while serving on active duty.

S. 691

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 727

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 773

At the request of Mr. WARNER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 787

At the request of Mr. MARTINEZ, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 787, a bill to impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program.

S. 815

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 815, a bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program.

S. 823

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

AMENDMENT NO. 355

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 355 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 371

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 371 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 389

At the request of Mr. BOND, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 389 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 393

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 393 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 440

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 440 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 838. A bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SMITH. Mr. President, today I am introducing the United States-Israel Energy Cooperation Act, which is cosponsored by Senators BINGAMAN and LANDRIEU. This bill will help foster cooperation on renewable energy projects between the United States and our democratic ally in the Middle East.

Israel has some of the most advanced facilities in the world for concentrated solar. Israel is developing technology to use unsorted municipal waste to produce biogas, an alternative "green" energy for transportation and power plants. Israel has also developed rooftop systems for electricity and hot water supplies.

This bill will help implement an existing agreement between the two nations entitled, "Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation," dated February 1, 1996. The Secretary of Energy, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy, will establish a grant program to support research development and commercialization of alternative renewable energy sources.

Eligible projects must be joint ventures between an entity in the U.S. and an entity in Israel, or between the U.S. government and the government of Israel. Eligible projects include those projects for the research, development or commercialization of alternative energy facilities, improved energy efficiency or renewable energy sources. Under certain circumstances, the Secretary may require repayment of the grant.

The bill also establishes an advisory board to provide the Secretary with advice on the criteria for grant recipients and on the appropriate amount of total grant money to be awarded. Finally the bill authorizes $20 million annually for fiscal years 2008 through 2014 to carry out this program.

At this time when issues related to energy security and to greenhouse gas emissions are receiving so much attention by the Congress, I hope that my colleagues will join me in cosponsoring this bill. This will enable the United States and Israel to build upon the important work being done in both countries to reduce our dependence on imported oil that too often comes from politically unstable or hostile nations.

By Mrs. FEINSTEIN:

S. 841. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals living in San Bruno, CA.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

In the 18 years that the Plascencias have been here, they have worked to adjust their status through the appropriate legal channels, only to have their efforts thwarted by inattentive legal counsel.

Repeatedly, the Plascencia's lawyer refused to return their calls or otherwise communicate with them in any way, thereby leaving them in the dark. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them.

Because of the poor representation they received, Mr. and Mrs. Plascencia only became aware that they had been ordered to leave the country 15 days prior to their deportation.

Although the family was stunned and devastated by this discovery, they acted quickly to fire their attorney for gross incompetence, secure competent counsel, and file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

For several reasons, it would be tragic for this family to be removed from the United States.

First, since arriving in the United States in 1988, Mr. and Mrs. Plascencia have proven themselves to be a responsible and civic-minded couple who share our American values of hard work, dedication to family, and devotion to community.

Second, Mr. Plascencia has been gainfully employed at Vince's Shellfish for the past 14 years, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market's entire packing operation and several employees. The President of Vince's Shellfish, in one of the several dozen letters I have received in support of Mr. Plascencia, referred to him as "a valuable and respected employee" who "handles himself in a very professional manner" and serves as "a role model" to other employees. Others who have written to me praising Mr. Plascencia's job performance have referred to him as "gifted," "trusted," "honest," and "reliable."

Third, like her husband, Mrs. Plascencia has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, Mrs. Plascencia went to school, earned her high school equivalency degree, improved her skills, and became a medical assistant.

For 5 years, Mrs. Plascencia was working in Kaiser Permanente's Oncology Department, where she attended to cancer patients. Her colleagues, many of whom have written to me in support of her, commend her "unending enthusiasm" and have described her work as "responsible," "efficient," and "compassionate."

In fact, Kaiser Permanente's Director of Internal Medicine, Nurse Rose Carino, wrote to say that Mrs. Plascencia is "an asset to the community and exemplifies the virtues we Americans extol: Hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly." Nurse Carino went on to write that Mrs. Plascencia is "an excellent employee and role model for her colleagues. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with."

The physicians themselves confirm this. For example, Dr. Laurie Weisberg, the Chief of Oncology at Kaiser Permanente, writes that Mrs. Plascencia "is truly an asset to our unit and is one of the main reasons that it functions effectively."

Together, Mr. and Mrs. Plascencia have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits and they each have begun saving for retirement. They want to send their children to college and give them an even better life.

This private relief bill is important because it would preserve these achievements and ensure that Mr. and Mrs. Plascencia will be able to make substantive contributions to the community in the future. It is important, also, because of the positive impact it will have on the couple's children, each of whom is a United States citizen and each of whom is well on their way to becoming productive members of the Bay Area community.

Christina, 14, is the Plascencia's oldest child, and an honor student at Parkside Intermediate School in San Bruno.

Erika, 10, and Alfredo Jr., 8, are enrolled at Belle Air Elementary, where they have worked hard at their studies and received praise and good grades from their teachers. In fact, the principal of Erika's school recognized her as the "Most Artistic" student in her class. Erika's teacher, Mrs. Nascon, remarked on a report card, "Erika is a bright spot in my classroom."

The Plascencia's youngest child is 3-year-old Daisy.

Removing Mr. and Mrs. Plascencia from the United States would be most tragic for their children. These children were born in the United States and, through no fault of their own, have been thrust into a situation that has the potential to alter their lives dramatically.

It would be especially tragic for the Plascencia's older children—Christina, Erika, and Alfredo—to have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends, and their home. They would leave everything that is familiar to them. Their parents would find themselves in Mexico without a job and without a house. The children would have to acclimate to a different culture, language, and way of life.

The only other option would be for Mr. and Mrs. Plascencia to leave their children here with relatives. This separation is a choice which no parents should have to make.

Many of the words I have used to describe Mr. and Mrs. Plascencia are not my own. They are the words of the Americans who live and work with the Plascencias day in and day out and who find them to embody the American spirit. I have sponsored this private relief bill, and ask my colleagues to support it, because I believe that this is a spirit that we must nurture wherever we can find it. Forcing the Plascencias to leave the United States would extinguish that spirit.

I ask unanimous consent that the text of the private relief bill and the numerous letters of support my office has received from members of the San Bruno community be entered into the RECORD immediately following this statement.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCENCIA LOPEZ AND MARIA DEL REFUGIO PLASCENCIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alfredo Plascencia Lopez and Maria Del Refugio Plascencia enter the United States before the filing deadline specified in subsection (c), Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez and Maria Del Refugio Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of that Act.

KAISER PERMANENTE,
San Francisco, CA, January 10, 2007.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

To Whom It May Concern: I am writing to attest to the character and work ethic of Maria Del Refugio Plascencia. I am the Director of Medicine at Kaiser Permanente, South San Francisco. I have known Maria since she was hired as a medical assistant into my department in July 2000.

Maria is an excellent employee and role model for her colleagues. She is extremely dependable; She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with. Maria is flexible, thorough and proactive. She pays attention to detail and identifies potential problems before they occur. In addition, her bilingual skills enhance the patient care experience for our members who speak Spanish.

In her short tenure here, Maria found time to volunteer with our community outreach programs. She served as a volunteer interpreter for our recent Neighbors in Health event, wherein free health care was provided to uninsured children in our local community.

I can't say enough about Maria and the type of person she is. I feel fortunate to have her in my department. She is an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal employee, involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.

It would be an incredible miscarriage of justice if Maria and Alfredo are deported. They came to this country to pursue a better life and afford their children opportunities that they wouldn't have in Mexico. They have begun to do just that by establishing roots in the community and purchasing a home. Deporting Maria and Alfredo would rip their family apart and result in either depriving their children of a loving family or depriving them of their rights as American citizens if they leave the country of their birth with their parents.

I pray that you will allow them the opportunity to live in this country.

Sincerely,

ROSE CARINO, RN,
Director, Department of Medicine.

Sen. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

My name is Rosa Mendoza, and I am a resident of San Bruno, my letter is with the purpose of presenting my observations on Maria and Alfredo Plascencia whom I have known for about 6 yrs, when Maria started to work for Kaiser Permanente, as I'm a Kaiser Permanente employee myself.

Maria is a very respectful person, and owns very good moral principles; she likes to help people according to each other necessities. I support the private legislation introduced in their behalf, as this type of people is what each country needs. Here by I'm asking Senator Feinstein to please keep working on their case for them to become residents of this country, as this family needs to stay together. If there should be any questions please do not hesitate to contact me at (650) 303-8930.

Sincerely,

ROSA MENDOZA.

JANUARY 10, 2007.

Re: Alfredo Plascensia Lopez and Maria Del Refugio Plascencia

Sen. DIANNE FEINSTEIN,
Washington, DC.

TO WHOM IT MAY CONCERN: The purpose of this letter is to present my observations on Alfredo Plascencia Lopez and Maria Del Refugio Plascencia's character and work ethic.

I have worked with Maria Del Refugio Plascencia for the past six years and in that time I have gotten to know her as a person and a friend. Maria is always willing to help in any situation. She shows great compassion to the patients, as she is always willing to assist them. In the past year, I have also gotten to know Alfredo Plascencia Lopez as well as their five children. Maria and Alfredo have invited my daughter and me to their home on many occasions and while visiting there, I have always felt very welcomed as my daughter feels the same. They treat my daughter as if she were one of their own.

In the past six years, I have also observed how hard working both Maria and Alfredo are. But while working as hard as they do both still find time to create a balance between work, home, family, friends and church. Maria and Alfredo do all they can for their family, employers and anyone who is in need of a helping hand. As a mother, I can't imagine having to go through what Maria and Alfredo are going through right now. It would be unfair to the Plascencia family if Maria and Alfredo were to be deported at this time in their lives. It would also cause a great loss to the Oncology department as Maria offers tremendous support to all of us here at Kaiser.

Hereby I want to express my gratitude to Senator Feinstein for the great work that she is doing on the private legislation, and at the same time I want to ask to please keep helping them by renewing the introduction of the legislation. I hope that there is justice in this case and some consideration of everyone involved in this situation. Not only will Maria and Alfredo be affected by being deported but also this could change the lives of their children, family, friends, co-workers and the patients here at Kaiser. We need more people like the Plascencia's in our country, as they are a model family.

Sincerely,

ERIKA HIDALGO,
Medical Assistant/Receptionist,
Kaiser Permanente.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 842. A bill to authorize to be appropriated $9,200,000 for fiscal year 2008 to acquire real property and carry out military construction projects at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Cannon Air Force Base, NM.

I am proud to offer this bill because Cannon has a variety of military construction needs because of a June 2006 decision by the Secretary of Defense to use Cannon Air Force Base as an Air Force Special Operations base.

Two of these needs are an MC–130 Flight Simulator facility and renovations to an existing Hangar to accommodate C–130 aircraft. The Department of Defense budgeted for both of these items in its fiscal year 2008 Defense budget request, and in keeping with that request my legislation authorizes $7.5 million for the MC–130 Flight Simulator facility and $1.7 million for hangar renovations.

Our special operations forces are a part of some of the most important missions in the Global War on Terror, and we have more special operations warfighters deployed now than ever before. I am proud to support those soldiers, and I look forward to working on this bill and taking other actions to support our special operations forces.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORITY.—Using amounts appropriated pursuant to the authorization of appropriations under subsection (b), the Secretary of the Air Force may acquire real property and carry out military construction projects at Cannon Air Force Base, New Mexico, as specified under such subsection.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2008 for military construction and land acquisition for the Department of the Air Force the following amounts:

(1) For the construction or alteration of a C-130 aircraft hangar at Cannon Air Force, New Mexico, $1,700,000.

(2) For the construction of an MC-130 Flight Simulator Facility at Cannon Air Force, New Mexico, $7,500,000.

By Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. KENNEDY, Mr. FEINGOLD, Ms. CANTWELL, and Mr. KERRY):

S. 844. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I am pleased to introduce the Unaccompanied Alien Child Protection Act of 2007, along with Senators HAGEL, KENNEDY, FEINGOLD, CANTWELL, and KERRY. This important legislation will govern the way the Federal Government treats undocumented immigrant children who end up or show up all alone at our borders or within the United States.

I first introduced legislation similar to this bill in January 2001. It has now passed twice out of the Senate. Yet, unfortunately, both times it stalled in the House of Representatives.

Despite the passage of time, this bill remains vital to the proper treatment of young undocumented children who get caught within our Federal system. My hope is that this is the year that this bill will become law.

Every year, more than 7,000 undocumented and unaccompanied children are apprehended. Most are from Central America, but others come from Mexico, India, China, Somalia, Sierra Leone, and remote places around the world. Some have parents or other relatives who the child is trying to find in the United States, but many have no one.

These children come to the United States for many reasons: reuniting with family, pursuing education or employment, escaping family violence or abuse, fleeing political or religious persecution, and seeking protection from gang violence or recruitment.

Some children are brought here by adults seeking to exploit them for commercial sex work, domestic servitude, or other forced labor. Sometimes they're too young to understand why they've been sent to the United States at all.

These children are the most vulnerable immigrants who come to this country and I believe we have a special obligation to ensure that they are treated humanely and fairly.

Historically, U.S. immigration law and policies have been developed and implemented without regard to their effect on children. This result has been similar to trying to fit a square peg in a round hole—it just cannot work.

Under current immigration law, these children are forced to struggle through a system designed for adults, even though they lack the capacity to understand nuanced legal principles, let alone courtroom and administrative procedures. Because of this, children who may very well be eligible for relief are often deported back to the very life-threatening situations from which they fled—before they are even able to make their cases before the Department of Homeland Security or an immigration judge.

For example, the New York Times recently reported the story of Young Zheng, who was 14 years old when his parents sent him from China to the United States.

He was first detained for a year at a facility that was later closed due to abysmal conditions. Fortunately, he was then transferred to Chicago, where he was assigned a child advocate who spent time with him and urged his release to his relatives.

Six months later, Young was released to live with his uncle in Akron, OH. Then, immigration authorities suddenly attempted to deport Young in April 2005.

Young so feared being deported that he tried to hurt himself. Young was terrified that he would be subject to torture by the Chinese government or that the traffickers would exact physical revenge. The traffickers had already threatened retribution against his family if they did not repay the trafficking fee of $60,000.

With the help of a team of pro bono attorneys and the child advocate, Young's removal was stayed. In April 2006, Young received his green card and is now a model high school student.

This example dramatically highlights why this legislation is still so critical. It was only because Young was lucky enough that pro bono attorneys and a child advocate happened to intervene in his case that he was not deported. And, they intervened only after he was detained for 1 year in squalid conditions in the United States.

According to an analysis of Department of Justice data in 2000, those children fortunate enough to find representation, usually through a pro bono attorney, are more than four times as likely to be granted asylum.

Sadly, many children never get the help of a child advocate or a pro bono lawyer. Worse, for those children who are victims of human trafficking, their only advice may come from lawyers hired by the traffickers who care nothing for the child's best interest.

The legislation that I am introducing today builds on the Homeland Security Act of 2002, which adopted components of the bill that I first introduced during the 107th Congress.

The Homeland Security Act transferred responsibility for the care and placement of unaccompanied alien children from the now-abolished Immigration and Naturalization Service to the Office of Refugee Resettlement within the Department of Health and Human Services.

This change finally resolved the conflict of interest inherent in the former system that pitted the enforcement side of the Immigration and Naturalization Service against the benefits side of that same agency in the care of unaccompanied alien children.

I am pleased that the provision transferring responsibility for the care and custody of unaccompanied alien children was included in the Homeland Security Act, and that by all accounts, the transition in the care of children between the affected agencies has gone well.

Yet, because the Homeland Security Act was crafted quickly, it left the Department of Homeland Security and the Office of Refugee Resettlement without clearly distinguished mandates and responsibilities in some key areas, including legal custody, age determination procedures, and State court dependency proceedings.

Congress now has a responsibility to go beyond the simple transfer of children from one agency to another to actually laying out the process and steps to ensure that unaccompanied alien children are treated fairly and humanely.

We must provide the Office of Refugee Resettlement, the Department of Homeland Security and the Department of Justice with the tools they will need to succeed in their missions regarding the care of unaccompanied alien children after the transfer of jurisdiction took place.

First of all, I want to stress that this bill is not about benefits, as it provides no new immigration benefit to unaccompanied alien children. Rather, this bill is about the process of how we treat these children under the current system.

The "Unaccompanied Alien Child Protection Act" provides guidance and instruction to the Office of Refugee and Resettlement, the Department of Homeland Security and the Department of Justice in the following areas: first, in the custody, release, family reunification and detention of unaccompanied alien children; second, it provides access by unaccompanied alien children to child advocates and pro bono counsel; third, it streamlines the Special Immigrant Juvenile (SIJ) program and provides guidance on the training of federal government officials and private parties who come into contact with unaccompanied alien children; fourth, it requires the issuance of guidelines specific to children's asylum claims; fifth, it authorizes appropriations for the care of unaccompanied alien children; and, sixth, it amends the Homeland Security Act of 2002 to provide additional responsibilities and powers to the Office of Refugee Resettlement with respect to unaccompanied alien children.

Central throughout the "Unaccompanied Alien Child Protection Act" are two concepts: (1) The United States government has a fundamental responsibility to protect unaccompanied children in its custody; and, (2) In all proceedings and actions, the government should have as a priority protecting the interests of these children who are not criminals or do not pose a risk to our national security.

Imagine the fear of an unaccompanied alien child, in the United States alone, without a parent or guardian. Imagine that child being thrust into a system he or she does not understand, provided no access to pro bono counsel or a child advocate, placed in jail with adults or housed with juveniles with serious criminal convictions.

I find it hard to believe that our country would allow children to be treated in such a manner.

That is why I am introducing this legislation today. The "Unaccompanied Alien Child Protection Act" will help our country fulfill the special obligation to these children to treat them fairly and humanely.

I am proud to have the support of the United States Conference of Catholic Bishops, the Women's Commission on Refugee Women and Children, the Lutheran Immigration and Refugee Service, Heartland Alliance, Amnesty International USA and the United Nations High Commissioner for Refugees, and many other organizations with whom I have worked closely to develop this legislation.

I urge my colleagues to join with me by cosponsoring this important measure and ensuring that these reforms are finally enacted.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Unaccompanied Alien Child Protection Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

Sec. 101. Procedures when encountering unaccompanied alien children.
Sec. 102. Family reunification for unaccompanied alien children with relatives in the United States.
Sec. 103. Appropriate conditions for detention of unaccompanied alien children.
Sec. 104. Repatriated unaccompanied alien children.
Sec. 105. Establishing the age of an unaccompanied alien child.
Sec. 106. Effective date.

TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO CHILD ADVOCATES AND COUNSEL

Sec. 201. Child advocates.
Sec. 202. Counsel.
Sec. 203. Effective date; applicability.

TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

Sec. 301. Special immigrant juvenile classification.
Sec. 302. Training for officials and certain private parties who come into contact with unaccompanied alien children.
Sec. 303. Report.

TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

Sec. 401. Guidelines for children's asylum claims.
Sec. 402. Unaccompanied refugee children.
Sec. 403. Exceptions for unaccompanied alien children in asylum and refugee-like circumstances.

TITLE V—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

Sec. 501. Additional responsibilities and powers of the Office of Refugee Resettlement with respect to unaccompanied alien children.
Sec. 502. Technical corrections.
Sec. 503. Effective date.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

Sec. 601. Authorization of appropriations.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMPETENT.—The term "competent", in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this Act;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) DIRECTOR.—The term "Director" means the Director of the Office.

(4) OFFICE.—The term "Office" means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(5) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(6) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(7) VOLUNTARY AGENCY.—The term "voluntary agency" means a private, nonprofit

voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained 18 years of age; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

"(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained 18 years of age; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.".

(c) RULE OF CONSTRUCTION.—

(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this Act, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

SEC. 101. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or

(ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 105; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this Act.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 102(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act, a determination of whether or not such alien meets such age requirements shall be made in accordance with section 105, unless otherwise specified in subsection (b)(2)(B).

(d) ACCESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of the age of such alien, if necessary under subsection (b)(2)(B).

SEC. 102. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 103(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABILITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 103. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 102(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licensed family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 102(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incorporating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 104. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 105. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this Act or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

SEC. 106. EFFECTIVE DATE.

This title shall take effect on the date which is 90 days after the date of the enactment of this Act.

TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO CHILD ADVOCATES AND COUNSEL

SEC. 201. CHILD ADVOCATES.

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) Training topics.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) Pilot Program.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) Purpose.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) Scope of program.—

(A) Selection of site.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) Number of children.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) Report to congress.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 202. COUNSEL.

(a) Access to Counsel.—

(1) In general.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section 101(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) Pro bono representation.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 102(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) Development of necessary infrastructures and systems.—The Director shall develop the necessary mechanisms to identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) Contracting and grant making authority.—

(A) In general.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this Act, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) Subcontracting.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) Considerations regarding grants and contracts.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) Model guidelines on legal representation of children.—

(A) Development of guidelines.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) Purpose of guidelines.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) Implementation.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) Duties.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) Access to Child.—

(1) In general.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) Restriction on transfers.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) Notice to Counsel During Immigration Proceedings.—

(1) In general.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) Opportunity to consult with counsel.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) Access to Recommendations of Child Advocate.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) Counsel for Unaccompanied Alien Children.—Nothing in this Act may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

SEC. 203. EFFECTIVE DATE; APPLICABILITY.

(a) Effective Date.—This title shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) Applicability.—The provisions of this title shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this title.

TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

SEC. 301. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.

(a) J Classification.—

(1) In general.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

"(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

"(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

"(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

"(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.".

(2) Rule of construction.—Nothing in subparagraph (J) of section 101(a)(27) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by

virtue of such parentage, any right, privilege, or status under such Act.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

"(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and".

(c) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) STATE REIMBURSEMENT.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(d) TRANSITION RULE.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of enactment of this Act.

SEC. 302. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) CURRICULUM.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) VIDEO CONFERENCING.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) TRAINING OF DEPARTMENT PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 101(a)(2)(A).

SEC. 303. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this Act;

(3) data regarding the provision of child advocate and counsel services under this Act; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

SEC. 401. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress—

(1) commends the former Immigration and Naturalization Service for its "Guidelines for Children's Asylum Claims", issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children", issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) TRAINING.—

(1) IMMIGRATION OFFICERS.—The Secretary shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) IMMIGRATION JUDGES.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children" and the "Guidelines for Children's Asylum Claims" to immigration judges and members of the Board of Immigration Appeals; and

(B) redistribute the "Guidelines for Children's Asylum Claims" to all immigration courts as part of its training of immigration judges.

(3) USE OF VOLUNTARY AGENCIES.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) STATISTICS AND REPORTING.—

(1) STATISTICS.—

(A) DEPARTMENT OF JUSTICE.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

SEC. 402. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

"(A) the number of unaccompanied refugee children;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.".

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking "and" after "countries,"; and

(2) by inserting ", and instruction on the needs of unaccompanied refugee children" before the period at the end.

SEC. 403. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section (101)(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child."; and

(2) in subsection (b)(3), by adding at the end the following:

"(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.".

TITLE V—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

SEC. 501. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking "and" at the end;

(2) in subparagraph (L), by striking the period at the end and inserting ", including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and"; and

(3) by adding at the end the following:

"(M) ensuring minimum standards of care for all unaccompanied alien children—

"(i) for whom detention is necessary; and

"(ii) who reside in settings that are alternative to detention.".

(b) ADDITIONAL AUTHORITY OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

"(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director may—

"(A) contract with service providers to perform the services described in sections 102, 103, 201, and 202 of the Unaccompanied Alien Child Protection Act of 2007; and

"(B) compel compliance with the terms and conditions set forth in section 103 of such Act, by—

"(i) declaring providers to be in breach and seek damages for noncompliance;

"(ii) terminating the contracts of providers that are not in compliance with such conditions; or

"(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section.".

SEC. 502. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 501, is further amended—

(1) in paragraph (3), by striking "paragraph (1)(G)" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(5) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.".

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

By Mr. ISAKSON:

S. 846. A bill to amend the Longshore and Harbor Workers' Compensation Act to improve the compensation system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ISAKSON. Mr. President, today, I introduce the Longshore and Harbor Workers' Compensation Act Amendments of 2007. The Longshore Act provides medical, physical rehabilitation and lost wage replacement benefits to thousands of workers nationwide for work-related injuries, illnesses and deaths. The Act is long overdue for attention from Congress, and I am eager to engage with my colleagues from both sides as to how we can improve the system for our workers, their employers, taxpayers and our economy as a whole.

We all can agree that the workers covered under this program play a key role in our national security and in our vital international trade. Longshore and harbor workers labor on the piers of Portland, ME, in the dead of winter, just as they toil in the hot Southern sun in Savannah, GA. Their work is undoubtedly difficult and often dangerous. It is impossible to underestimate the extent to which Americans rely on the myriad of products these workers move in and out of our nations' ports. Every year, over 15 billion tons of freight moves through our ports, with a total value of $9 trillion.

These workers deserve a fair and effective workers' compensation program. Since 1927, longshore and harbor workers have had a unique program all their own. Congress enacted the Act in response to Southern Pacific Company v. Jensen, a ruling by the Supreme Court in 1917. The Court held that the Maritime Clause in the Constitution forbids states from covering shore-based maritime workers who may become injured while working on vessels anchored in navigable waters. Now, nearly 90 years later, not only are private stevedoring companies covered by the Act, but so are virtually all maritime construction folks, builders and repairers of U.S. Naval and Coast Guard vessels, Federal contractors with overseas employees, oil rig workers, and even civilian employees at the Post Exchanges on U.S. military bases.

As many of us have learned if we ever spent time in our State legislatures, States nationwide regularly amend their programs to incorporate the most modern and best workers' compensation practices. However, unlike these responsible state legislatures, Congress has not addressed the Longshore Act in over two decades.

Since the last amendments to the Act, States from California to Rhode Island have found numerous methods of improving their workers' compensation programs, saving taxpayers' dollars, and eliminating waste, fraud and abuse, while always ensuring that workers have appropriate medical care. We must bring these State-level innovations in workers' compensation to the Longshore Act system.

Technology, events, and even Congressional interventions have continued to dramatically change our nations' seaports and shipyards. Indeed, since 2002, per Congress's instruction, U.S. Customs has begun locating so-called "VACIS machines" at U.S. terminals. These machines are truck-mounted gamma ray imaging systems that produce radiographic images of the contents of containers and other cargo to determine the possible presence of many types of contraband. Eventually, EVERY port in the country will have the machines on sight. Will maritime workers be exposed to radiation? If so, will they file claims against their employers when the machines are owned and operated by the Federal Government?

The bill I introduce today will foster a sound and fair workers' compensation system for maritime workers with a clear, exclusive remedy for their workplace injuries and illnesses. It will guarantee fairness for workers, and in the event of death, their survivors. It will make our ports and shipbuilders more competitive. It will ensure fair compensability, in that it will hold employers responsible for only that which is caused by employment under the Longshore Act system. It will fix, once and for all, the so-called "Special Fund," an archaic and problematic vestige of early 20th Century public policy.

In May 2006, I chaired a hearing of the Subcommittee on Employment and Workplace Safety, at which we heard about many different problems with the implementation of this 80-year-old Act. I have incorporated suggestions from both sides in crafting the bill I introduce today.

Since I began dealing with this issue last year, I have talked with more and more workers, port operators, and administrators from the Port of Savannah in my home State of Georgia. Savannah is the Nation's eleventh busiest waterborne freight gateway for international trade. Every year, over $20 billion of international freight move through it and its neighboring port of Brunswick. The folks I talk to at Savannah and Brunswick tell me that they can't emphasize enough the importance of revising the Longshore Act to make it more efficient.

I hope we can move on this bill, for the sake of taxpayers, for workers in Savannah and Brunswick and at ports and ship building facilities nationwide, and for the international commerce that is vital to our Nation's economy and way of life.

TO REVISE UNITED STATES POLICY ON IRAQ—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, last week, I asked unanimous consent with respect to S.J. Res. 9, along with several other resolutions regarding the subject of Iraq—that we proceed on these—and there was an objection. So I now move to proceed to Calendar No. 72, S.J. Res. 9, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 72, S.J. Res. 9, to revise the United States policy on Iraq.

Harry Reid, Carl Levin, Dick Durbin, Byron L. Dorgan, Robert P. Casey, Jr., Barbara Boxer, Edward M. Kennedy, Patrick Leahy, Jay Rockefeller, Patty Murray, Jack Reed, Debbie Stabenow, Hillary Rodham Clinton, Jeff Bingaman, Barbara A. Mikulski, Ben Cardin, Robert Menendez.

Mr. REID. Mr. President, I now ask unanimous consent that the live quorum with respect to this cloture motion, as required under rule XXII, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I will shortly move to proceed to S. 214, the U.S. attorneys bill. Before I do so, I would like to state for the record there are ongoing discussions about this bill and we have offered to the Republicans a proposal that would have a very limited number of amendments and debate time. I feel fairly confident at this time we can reach that agreement. There has been cooperation on both sides. If we are able to reach that agreement, then it will not be necessary to have a cloture vote. Therefore, if we reach agreement, it will be my intent to vitiate cloture on the motion to proceed.

CLOTURE MOTION

Mr. President, I now move to proceed to Calendar No. 24, S. 214, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 24, S. 214, Preserving United States Attorney Independence Act of 2007.

Harry Reid, Dianne Feinstein, Benjamin L. Cardin, Maria Cantwell, Ted Kennedy, Robert C. Byrd, Kent Conrad, Max Baucus, Tom Harkin, Ken Salazar, Tom Carper, Jeff Bingaman, Patrick Leahy, Patty Murray, Dick Durbin, Jim Webb, Robert P. Casey, Jr.

Mr. REID. Mr. President, I now ask unanimous consent that the live quorum with respect to this cloture motion, as required under rule XXII, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as chairman of the Senate delegation to the Canada-U.S. Interparliamentary Group conference during the 110th Congress: the Honorable AMY KLOBUCHAR of Minnesota.

The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appoints the following Senator as chairman of the U.S.-China Interparliamentary Group conference during the 110th Congress: the Honorable DANIEL INOUYE of Hawaii.

ORDERS FOR TUESDAY, MARCH 13, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 13; that when the Senate reconvenes Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate then resume consideration of S. 4, and that the time until 11:45 a.m. be for debate with respect to the Coburn amendments Nos. 294 and 325, and that the time run concurrently and be equally divided and controlled between Senators Lieberman and Coburn or their designees; that at 11:45 a.m., without further intervening action or debate, the Senate proceed to a vote in relation to the amendment No. 294, to be followed by a vote in relation to the amendment No. 325, regardless of the outcome of the first vote; that there be 2 minutes of debate between the votes, equally divided and controlled; and that at 12:30 p.m. the Senate stand in recess until 2:15 p.m. for the respective work conferences.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. So tomorrow, beginning at 11:45 a.m., there will be two rollcall votes in relation to the Coburn amendments Nos. 294 and 325. Members should be prepared to be on the floor at that time for those votes. The remaining amendments will be disposed of, if necessary, after the conference recess period. The managers are going to accept some of the amendments, so we may be able to complete this bill fairly quickly tomorrow afternoon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate—I now ask the Republican leader if he has any business to bring before the Senate?

Mr. MCCONNELL. No, Mr. President, I have nothing to add tonight. We look forward to wrapping up the 9/11 bill sometime in the early afternoon tomorrow.

Mr. REID. I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Tuesday, March 13, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 2007:

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2007 VICE DEBORAH DOYLE MCWHINNEY, TERM EXPIRED.

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2010. (REAPPOINTMENT)

UNITED STATES INSTITUTE OF PEACE

ANNE CAHN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE BETTY F. BUMPERS, TERM EXPIRED.

BRUCE P. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE CHESTER A. CROCKER, TERM EXPIRED.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE SEYMOUR MARTIN LIPSET, TERM EXPIRED.

GEORGE E. MOOSE, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE MORA L. MCLEAN, TERM EXPIRED.

JEREMY A. RABKIN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE BARBARA W. SNELLING, TERM EXPIRED.

FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012. (REAPPOINTMENT)

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR THE TERM OF FIVE YEARS EXPIRING JULY 1, 2009. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES T. COOK, 4390

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. WILLIAMS, 0353

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be major

MARK A. YUSPA, 2284

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GERALD J. LUKOWSKI, JR., 9096

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES W. WHITTINGTON, 7455

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C. SECTION 624:

To be major

VASILIOS LAZOS, 7832

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

THOMAS G. MCFARLAND, 4368

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be major

JEFFREY R. BAVIS, 8770
SORREL B. COOPER, 5019

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ARTHUR W. STAUFF, 3198

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLES A. MCLENITHAN, 2873

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JEFFREY P. BEJMA, 3169
MICHAEL S. FERRELL, 6125
SEAN M. HUSSEY, 9561
ERIC V. LEWIS, 5822
KATHLEEN J. MCDONALD, 5477
WILLIAM P. OMEARA, 0412
MANAN M. TRIVEDI, 5593
JORDAN I. ZIEGLER, 6718

WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 12, 2007 withdrawing from further Senate consideration the following nomination:

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008, VICE THOMAS WATERS GRANT, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 29, 2007.

HOUSE OF REPRESENTATIVES—*Monday, March 12, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. SHEA-PORTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 2007.

I hereby appoint the Honorable CAROL SHEA-PORTER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

SELECT COMMITTEE ON GLOBAL WARMING AND ENERGY INDEPENDENCE

Mr. BLUMENAUER. Madam Speaker, House Speaker NANCY PELOSI is to be commended for her creation of the special Select Committee on Global Warming and Energy Independence. I am honored to be chosen by her to join a strong field of my Democratic colleagues chaired by Congressman ED MARKEY, a long-time advocate for realistic policies on energy and climate change. He will be joined by Members with special areas of expertise and dedicated commitment to the environment.

HILDA SOLIS, a renowned environmentalist not just in Congress, but dating back to her days as a California legislator. EMANUEL CLEAVER, with important municipal experience as Mayor of Kansas City, and one who has been working with the community of faith, particularly evangelical Christians who are worried about our stewardship of God's handiwork.

My Northwest colleague, JAY INSLEE, is strong, an environmentalist with keen interest and expertise and energy. STEPHANIE HERSETH, who has been a leader particularly in reducing the carbon footprint in the all-important agricultural sector. Even our two Members newly elected to Congress; JOHN HALL may be famous as a musician, but for years he has been involved with advocacy and leadership in the energy arena. And JERRY MCNERNEY is a successful alternative energy businessman and engineer who probably has more technical knowledge than anybody else in Congress.

I was perplexed somewhat by the Republican appointments, not so much about who is there, but who isn't. There are a few people in the Republican Caucus who have been outspoken about their concerns of climate change, global warming, their understanding of the science, people who are not in denial, but they were passed over for membership. There are some Republican Members who have been outspoken critics, for example, of the Kyoto treaty. Well, you know, this whole effort has moved beyond Kyoto. The world has moved on.

While for 12 years Republican leadership in Congress refused to move forward, there are 320 cities who have gone ahead with their own post-Kyoto initiatives. There are hundreds of counties and universities. Last month, 10 major companies here in Washington, D.C. announced that they would meet or exceed the standards. They can't afford to wait for the Federal Government. The people who are still hung up over Kyoto have never produced a viable alternative and are being left behind by people who do understand and who do care.

It is not that we don't know what to do; cut carbon emissions and increase energy efficiency. Girl Scouts, neighborhood associations and campus conservation teams can tell this administration and Congress what to do. Why, the Bush Administration could just approve the higher energy efficiency standards for appliances. There are 34 of them that have been stalled, they could stop dithering and start acting.

And it is not that we can't afford to do this; we cannot afford to act. Those energy efficiency standards will actually save consumers money while they encourage new product development.

We are on a very dangerous trend line. Ask people in Alaska, where roads are buckling from melting perma-frost and coastal villages are eroding. Ask ski operators about the impact of global warming. Look at impact of extreme weather events on our disaster budgets. We will face far higher costs in the future if we don't act now, take action like private companies, cities across America, and governments around the world.

There are opportunities for field hearings and parliament exchanges for this new committee. I would hope that we could entice them to visit the Pacific Northwest. With Congressman JAY INSLEE and my colleague GREG WALDEN from Oregon, we can demonstrate that the Northwest in the last quarter century has saved 3,000 average megawatts equivalent to building eight giant coal power plants, but at only half the cost. We can bring them to Portland, Oregon, where as a member of the City Council in 1990 we adopted energy efficiency standards to achieve at least $1 million savings within 10 years. We reached that goal in 5 years ahead of schedule, and we continue to increase the efficiency and get the benefit, $2.5 million last year, 20 percent saving in energy cost.

There is land-use planning, broad transportation choices, people living closer to where they work. All these are among the reasons that Portland's greenhouse gas emissions since 1990 on a per capita basis have fallen by 12.5 percent, unlike probably any other American city.

So my congratulations to the Speaker. My thanks for having a chance to play a role as we use this select committee for the Federal Government to help catch up with the rest of the world.

U.S. SERVICES INDUSTRY ESSENTIAL TO GLOBAL ECONOMY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Madam Speaker, when we look at the issue of globalization and the rapid economic rise of countries like India and China, critical questions about the continued competitiveness of the U.S. economy are understandably raised. Are there industries where we still have a comparative advantage? Can we compete with countries that have more than a billion people? Will the power of our innovation maintain our global economic leadership? These are complicated questions that demand a thorough analysis of our economy, our strengths and our weaknesses and the policies we are pursuing.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I have explored some of these very issues in recent weeks from some remarks I have been making here in the House.

Actually, as we look at the very positive indicators we have in the U.S. economy, we are thriving because of our engagement in the worldwide marketplace. Because of the complexity of these issues, we need a rigorous, open and honest debate. But today I want to talk about an economic issue that is not at all complicated, Madam Speaker; a matter of benefits that is so clear and widespread that it may be the one single globalization issue that is too simple to refute, and that is the issue of our services industry.

Services have become absolutely crucial to our economic growth, employment and international trade. This sector represents nearly 80 percent of both economic output and private employment in this country. Services are essential inputs into the production of virtually all products that we make, sell, buy or consume. The price and quality of services influence cost and productivity in all other sectors of the economy, including manufacturing and agriculture.

Because our economy has come to rely on efficient, innovative and effective services, the industry has grown to become the largest part of our economy. In fact, services account for 78 percent of private sector GDP, or in excess of $8.5 trillion.

This tremendous growth can be seen in our workforce as well. Since 1993, the services sector has added roughly 25 million new jobs to our economy, and the Bureau of Labor Statistics predicts that virtually all new employment in the United States over the next half decade will be in the area of services.

While the issue of job creation is absolutely critical to the strength of our economy, the issue of job quality is absolutely critical to standards of living. Again, the services industry is at the cutting edge, creating jobs that pay very well. Services jobs pay an average of $51,045 annually. In many service industries, ranging from professional services, management services, wholesale trade, transportation and warehousing, financing, insurance, information services and others, the average compensation levels are significantly higher than that. These are the types of jobs that constantly offer the opportunity to learn new skills, develop expertise and continue to climb the economic ladder. These are not the hamburger-flipping jobs that the service industry has been maligned for in the past. These are high-quality, high-paying jobs that offer the chance of advancement and an ever-increasing quality of life, and they are the backbone of our economy.

Just as the service industry has thrived here at home, it is tremendously competitive in the worldwide economy as well. Madam Speaker, U.S. financial services, express delivery, telecommunications, entertainment, audio-visual services and IT are achieving exceptional success around the globe. With 95 percent of the world's consumers outside of the United States, their presence in foreign markets is crucial for their global competitiveness.

Today, the U.S. is the world's largest service exporter. U.S. services exports have reached nearly $400 billion annually, with a trade surplus of about $66 billion. Our services companies have built this record, even though faced with high and complex barriers in many key foreign markets. The service sector remains one of the most tightly closed and controlled industries within our trading partners around the world. The removal of these barriers is crucial to our continued competitiveness.

As services become more liberalized, they will have an even more powerful effect on the competitiveness of our entire economy. When it comes to the issue of globalization, services are a clear example of American competitive advantage and global leadership.

Some facets of the globalization debate involve complex issues and challenges that require a great deal of careful consideration and analysis for us to fully understand them. But the U.S. service industry stands out as a clear, irrefutable example of how the U.S. economy thrives through global engagement, and it is a powerful and compelling indicator of how much our economy has to gain by expanding that engagement with the rest of the world's consumers, producers, workers and investors.

Madam Speaker, I urge my colleagues on both sides of the aisle to continue to pursue an economic agenda that empowers U.S. companies and entrepreneurs to harness the power of the worldwide marketplace to grow our economy right here at home.

PREGNANCY RESOURCE CENTERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I come to the floor to commend my colleagues' attention to a resolution that I recently introduced honoring the work of pregnancy resource centers.

According to the nonprofit Guttmacher Institute, about half of American women will face an unplanned pregnancy, and at current rates more than one-third will have an abortion by the time they are 45 years old. Of the women who have had abortions, 90 percent indicate they would have preferred other options had they simply known about them.

The tragedy and irony in many situations is that most women are flooded with a pro-abortion message, but are rarely offered any other message of choice. Rather, unknowing clients are led to believe that abortion is the only solution to their problem.

Through costly advertising, young women go into abortion clinics and they are assured that help is only a few hundred dollars away. Harmful consequences of abortion are minimized or simply ignored. Alternatives, like parenting or adoption, are not encouraged; in fact, they are very rarely mentioned. Sadly, my colleagues, it is only later that they learn there are indeed alternatives.

Desperately trying to spread this message to young women are the 2,500 pregnancy resource centers across the United States. Through education and support, pregnancy resource centers meet women's emotional and physical needs. They provide one-on-one counseling regarding the facts about adoption, abortion and parenting so that the client may make a wise and informed decision about her pregnancy. Centers are dedicated to helping each woman resolve her situation in a way that equips her with better life skills for her future. Practical help, like parenting classes, support groups, education and job skill classes are offered through many pregnancy resource centers as well. Maternity clothes, baby needs and even temporary housing is also offered. Some pregnancy resource centers have full medical services on their premises, and unlike abortion clinics, these centers offer support for women suffering from post-abortion syndrome.

For those women who have undergone an abortion, the devastation can be real and ongoing if she does not receive help. Most centers are committed to the healing, body and soul, of women who have suffered from an abortion. They offer medical and counseling services and stand alongside these women in the healing process.

Life-affirming pregnancy centers provide an example of love and compassion to women and their unborn babies. These centers have been upholding the values of all human life, born and unborn, for several decades. Women are increasingly turning to these centers for physical, psychological, emotional and of course spiritual help. They are always treated with the utmost dignity and respect and provided with accurate, up-to-date information in order to make informed decisions about their pregnancy, sexual health and relationships. Because everyone should have access to this information, all services are free of charge.

I am honored to represent one such center in my hometown of Ocala, Florida. The Women's Pregnancy Center has been serving the people faithfullly in Marion County for 22 years. This center serves nearly 1,500 women a year of all ages and backgrounds. They serve these women and men faithfully and discreetly.

My colleagues, in today's culture abortion is too often the first thought for women facing unplanned pregnancy, but there are alternatives, and pregnancy resource centers can provide them. These centers are not only the most strategic and effective, but often the most needed of the forces engaged in the defense of the unborn. It is fitting that we recognize these courageous and struggling agencies that seek to bring purpose to the surprises of life. Never are these needs greatest than in the smallest of family, a mother and her growing baby.

I invite my colleagues to join me in providing support for the more than 2,500 crisis pregnancy centers around the United States of America. The good work of these centers merits our recognition, and their compassionate staff deserve our admiration and praise.

Madam Speaker, I urge my colleagues to cosponsor this resolution and demonstrate their support for pregnancy resource centers and their tens of thousands of volunteer staff who are encouraging the protection and value of all human life in America.

THE FAILURE OF LEADERSHIP AT WALTER REED

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Arkansas (Mr. BOOZMAN) is recognized during morning hour debates for 5 minutes.

Mr. BOOZMAN. Madam Speaker, I felt the need today to rise and to briefly express my deeply felt dismay over the failure of leadership concerning the problems at Walter Reed.

We have witnessed a disservice to the men and women in uniform to whom we owe such a deep debt of gratitude. It is simply inexcusable. We can and must do a better job by our injured troops, especially after asking them to do so much for us.

I was glad to see actions to hold the Army and hospital leadership accountable, and the President's choice to create the Dole-Shalala Commission. Both Senator DOLE and Secretary Shalala have the experience to craft solutions to improve the situation. I know they will be independent and offer a sound assessment of the problem with good solutions.

Ultimately, our troops deserve the best. This is a bipartisan issue, and I look forward to working diligently on it.

We must not rest until our troops are assured of the medical treatment that they so rightfully deserve.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, source of wisdom and love, we bless You and praise You for all the natural and human resources showered upon this Nation.

Raise up in our midst people who will respond to those most in need or suffering, that true religion may flourish in our land and deeds of charity with the rule of justice may create a new humanity across the face of the Earth.

To You be all praise and glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE of Minnesota led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIUMPH OF SECOND AMENDMENT RIGHTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday the U.S. Court of Appeals for the District of Columbia overturned one of the most unfair laws on the books. The Court upheld second amendment rights and struck down D.C.'s misguided law prohibiting handgun ownership.

For too long D.C. residents have been denied the fundamental right to protect themselves and their families. This ruling is truly a victory for law-abiding, gun-owning citizens in the tradition of the late Rick Daniel, who championed the success of concealed weapons permits in South Carolina.

I find it ironic that our Nation's capital, a symbol of American freedoms and rights worldwide, has had one of the most restrictive gun control laws in the country. Despite these oppressive measures, D.C. has maintained one of the highest murder rates in the Nation. Sadly, last July, 13 people were killed in 12 days.

I applaud the court for defending the Constitution and returning to D.C. residents their right to bear arms.

In conclusion, God bless our troops and we will never forget September 11.

WALTER REED ARMY MEDICAL CENTER

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, today I rise to add my voice to those deeply disappointed by conditions found at Walter Reed Army Medical Center. The physical infrastructure and administrative problems revealed are absolutely inexcusable. As a Nation and as a military, we have a responsibility to provide both top-quality acute care and top-quality outpatient treatment.

The fine doctors and nurses in Iraq; at Landstuhl, Germany; and at Walter Reed provide excellent medical care that has saved countless lives. But it is clear that a lack of leadership and administrative initiative at the top created these shameful conditions.

The American military has historically entrusted the ultimate responsibility and accountability to those in command. I was pleased that the Army leadership followed that proud tradition, and I am hopeful that Walter Reed's new commander, Major General Eric R. Schoomaker, will rebuild trust in the Army's medical service. I am also hopeful that a number of corrective actions announced last week by Army Chief of Staff Peter Schoomaker will help ensure each soldier receives the care which he or she deserves and that no one, no one, falls through the cracks.

AL GORE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our former Vice President, Al Gore, hasn't gotten so much attention since he invented the Internet.

But behind the Oscars, behind the left's unending praise, behind the fawning media coverage lies the truth. And, unfortunately, that truth is pretty inconvenient.

It seems that one of the biggest violators of Gore's own environmental doctrines is Al Gore himself. While he jets around on the global warming celebrity circuit telling everyone else how to live a greener life, his own home in Tennessee is consuming nearly 20 times the energy of the average American home.

Gore defends this conspicuous consumption by purchasing carbon emission offsets. But he buys those offsets from a company he helped create and he currently chairs.

Mr. Speaker, global warming may or may not be an inconvenient truth. But apparently for Al Gore, practicing what you preach is the most inconvenient thing of all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

AMENDING THE HIGH-PERFORMANCE COMPUTING ACT OF 1991

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1068) to amend the High-Performance Computing Act of 1991, as amended.

The Clerk read as follows:

H.R. 1068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";

(2) in section 101(a)—

(A) by striking subparagraphs (A) and (B) of paragraph (1) and inserting the following:

"(A) provide for long-term basic and applied research on high-performance computing;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

"(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.";

(B) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(C) in paragraph (2), as so redesignated by subparagraph (B) of this paragraph—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(iii) by inserting before subparagraph (D), as so redesignated by clause (ii) of this subparagraph, the following new subparagraphs:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(iv) by inserting after subparagraph (D), as so redesignated by clause (ii) of this subparagraph, the following new subparagraph:

"(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and"; and

(D) in paragraph (3), as so redesignated by subparagraph (B) of this paragraph—

(i) by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(ii) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;";

(iii) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(iv) in subparagraph (D), by inserting "and for each Program Component Area" after "participating in the Program";

(v) in subparagraph (D), by striking "applies;" and inserting "applies; and";

(vi) by striking subparagraph (E) and redesignating subparagraph (F) as subparagraph (E); and

(vii) in subparagraph (E), as so redesignated by clause (vi) of this subparagraph, by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" after "for the Program";

(3) by striking subsection (b) of section 101 and inserting the following:

"(b) ADVISORY COMMITTEE.—(1) The President shall establish an advisory committee on high-performance computing consisting of non-Federal members, including representatives of the research, education, and library communities, network providers, and industry, who are specially qualified to provide the Director with advice and information on high-performance computing. The recommendations of the advisory committee shall be considered in reviewing and revising the Program. The advisory committee shall provide the Director with an independent assessment of—

"(A) progress made in implementing the Program;

"(B) the need to revise the Program;

"(C) the balance between the components of the Program, including funding levels for the Program Component Areas;

"(D) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in high-performance computing and networking technology; and

"(E) other issues identified by the Director.

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program, and shall report not less frequently than once every two fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within one year after the date of enactment of this paragraph.

"(3) Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established by this subsection."; and

(4) in section 101(c)(1)(A), by striking "Program or" and inserting "Program Component Areas or".

SEC. 2. DEFINITIONS.

Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(2) in paragraph (3)—

(A) by striking "scientific workstations,";

(B) by striking "(including vector supercomputers and large scale parallel systems)";

(C) by striking "and applications" and inserting "applications"; and

(D) by inserting ", and the management of large data sets" after "systems software";

(3) in paragraph (4), by striking "packet switched";

(4) by striking "and" at the end of paragraph (5);

(5) by striking the period at the end of paragraph (6) and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 1068, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1068, a bill to amend the High-Performance Computing Act of 1991. This is a bipartisan bill which Congresswoman BIGGERT and I introduced.

I want particularly to acknowledge the role Mrs. BIGGERT has played in working to develop this legislation over the past several years. This bill is based on a bill introduced by Congresswoman BIGGERT and Congressman LINCOLN DAVIS during the past two Congresses. And in both those Congresses, the bill passed the House.

I also want to thank Chairman GORDON and Ranking Member HALL for their support for the legislation, for helping to advance it through the committee and to bring it to the floor.

H.R. 1068 will improve the planning and coordination process for the major Federal interagency research program in information technology. Information technology is a major driver of economic growth. It creates high-wage jobs, provides for rapid communication throughout the world, and provides the tools for acquiring knowledge.

For example, information technology helps to make the workplace more productive, to improve the quality of health care, and to make government more responsive and accessible to the needs of our citizens.

High-performance computing and networking is not only an essential component of U.S. scientific competitiveness, it also has important industrial, medical, and defense applications.

Vigorous long-term research is essential for realizing the potential of information technology. The technical advances that led to today's computers and the Internet evolved from past federally sponsored research, in partnership with industry and universities. High-performance computing is necessary as we work to develop new ways to transfer vast amounts of information around the world.

The depth and strength of U.S. capability in information technology stems in part from the sustained research and development program carried out by Federal research agencies under a program codified by the High-Performance Computing Act of 1991. That act is widely credited with reinvigorating U.S. high-performance computing capabilities after a period of relative decline during the late 1980s.

The 1991 act created a multi-agency R&D program to accelerate development of information technology and to attack challenging computational science and engineering problems. The 1991 act also put in place a formal process for planning and budgeting for the activities carried out under the interagency R&D program, which is formally known as the Networking and Information Technology R&D Program.

The need for this legislation today arises from what I would characterize as a weakening over time of the planning and prioritization process for the program.

In order to maintain our competitiveness, we must ensure that the resources available to advance high-performance computing technology are allocated to the highest priority areas and that the activities supported are carefully coordinated among the performing agencies.

Toward that end, H.R. 1068 requires formal biennial reviews of the interagency program by its external advisory committee in order to provide advice from the research community and from the information technology industries on how to sharpen program priorities and improve program implementation. Also, the required annual progress report for the program must now include a formal response to the recommendations of the advisory committee.

H.R. 1068 calls on the agencies carrying out the program to focus more effort on high-end computing. The key requirement is for the Office of Science and Technology Policy to create and maintain a road map for developing and deploying high-end systems necessary to ensure that the U.S. research community has sustained access to the most capable computing systems.

Finally, this bill clarifies the grand challenge problems supported under the interagency program, such as clean energy production, climate change, and patient safety and health quality, which are intended to involve multidisciplinary teams of researchers and demand the most capable high-performance computing and networking resources.

Consistent with this requirement, the bill also specifies the provisions for access to high-end computing systems includes technical support to users of these systems.

Mr. Speaker, the interagency information technology research program launched by the 1991 act has been largely a success. H.R. 1068 will serve to strengthen this vital research program and deserves the approval of this House. I ask my colleagues for their support in passing H.R. 1068.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1068. It will strengthen the High-Performance Computing Act of 1991.

Tomorrow, the Committee on Science and Technology will hold a hearing on U.S. innovation and competitiveness. High-performance computers have a role to play in our economic competitiveness, as they vastly enhance our ability to perform very complex computations quickly and they do it efficiently. H.R. 1068 will help ensure that American researchers have access to the very best tools available as they tackle cutting-edge problems in key fields such as nanotechnology, homeland security, and biotechnology. In addition, this bill helps reinforce the Federal commitment to "supercomputing," a commitment that becomes increasingly more important as European and Asian countries continue to increase their investment in developing and purchasing the next generation of supercomputers.

Nobody knows this measure better than my distinguished colleague from Illinois (Mrs. BIGGERT). She has worked tirelessly in two previous Congresses to have this important legislation enacted. In fact, she has been successful in the House on both occasions, only to see it stall on the Senate side.

In an effort to keep that from happening again, we have made a few modifications to help ensure it gets Senate support. With these slight alterations, I hope we will find that the third time is a charm.

I urge my colleagues to support H.R. 1068.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank my colleague from Texas, the ranking member of the Science Committee, for yielding me the time.

And I am so pleased to be the cosponsor of this bill that was introduced by my friend and colleague, the gentleman from Washington (Mr. BAIRD). He has been a great member on the Science Committee for several years. This bill may seem familiar to many of my colleagues in the House and for good reason. In both the 108th and 109th Congresses, we did introduce legislation that would do exactly the same thing as the bill we are considering today with some additions. H.R. 4218 in the 108th Congress and H.R. 28 in the 109th Congress were approved not only overwhelmingly by the Science Committee but by the full House of Representatives.

□ 1415

Unfortunately, because of jurisdictional complications, our friends in the other body across the rotunda had never considered this legislation. It had been endorsed by the President's science adviser, Dr. Marburger, several years ago. It is a real shame that it hasn't moved forward, but we are really happy we are, I think, going to have both sides of the aisle work on it this time.

At the time when we first introduced the High Performance Computing Revitalization Act in April of 2004, a new Japanese supercomputer, the Earth Simulator, was the fastest supercomputer in the world, a title it held for well over 2 years, from June 2002 through November of 2004.

Some experts claimed that Japan was able to produce a computer far ahead of American machines because the U.S. had taken an overly cautious or conventional approach to computing R&D. In hindsight, we see that caution meant lost opportunities.

Granted a lot has changed since November of 2004. The U.S. is now home to not only the world's fastest supercomputer, but seven of the 10 fastest, thanks to the hard work and competitive spirit of people at IBM, Cray and Silicon Graphics, as well as the Department of Energy and NSF.

But we must retain the leadership and development and use of supercomputers. As confirmed by reports of the Council on Competitiveness and the President's Information Technology Advisory Committee, supercomputers are essential to maintaining U.S. leadership in many scientific fields and have many applications, from pharmaceuticals and climate to national and homeland security.

That is why the bill that we are considering today is so important. It is designed to ensure U.S. preeminence and competitiveness in computational science. This bill commits the Federal Government to providing the research community with sustained access to the highest end supercomputers, supporting all aspects of high performance computing, including software development and data management for scientific and engineering applications, and developing and maintaining a road map for computational science in the fields that require it.

I am honored to have worked with the chairman of the Research and Science Education Subcommittee, Mr. BAIRD, on this straightforward, commonsense legislation, and I have good reason to be hopeful that it will pass. As my colleague from Washington has already indicated, we made changes in this bill, simple changes, that would help our colleagues in the other body avoid those jurisdictional problems that they seem to have sometimes that have stymied their consideration of this bill in the past.

In closing, I just want to say that this bill will provide researchers in the United States with the computing resources they need to remain world class. Our Nation's scientific enterprise and our economy will be stronger for it.

I urge my colleagues to support H.R. 1068.

Mr. BAIRD. Mr. Speaker, I will just very briefly again commend Mrs. BIGGERT for her leadership on this. She has been steadfast and dogged on this. We hope with the changes we made to this bill, it will meet the approval of the other body. This is not a partisan issue. This is about keeping American science and industry at the very forefront of the world. This bill will help us do that.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BAIRD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1068, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY TECHNOLOGY TRANSFER ACT

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 85) to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, as amended.

The Clerk read as follows:

H.R. 85

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Technology Transfer Act".

SEC. 2. ENERGY TECHNOLOGY TRANSFER.

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

"SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

"(a) GRANTS.—Not later than 18 months after the date of enactment of the Energy Technology Transfer Act, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or institutions of higher education (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In making awards under this section, the Secretary shall—

"(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

"(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

"(A) about a variety of technologies and

"(B) in a variety of geographic areas;

"(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region; and

"(4) consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit.

"(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

"(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

"(2) Carrying out demonstrations of advanced energy methods and technologies.

"(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

"(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

"(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

"(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

"(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

"(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

"(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

"(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

"(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

"(5) a description of how the applicant will assess the success of the program.

"(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

"(1) The ability of the applicant to carry out the proposed activities.

"(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, institutions of higher education, and National Laboratories.

"(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

"(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

"(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

"(f) DURATION.—

"(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

"(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

"(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

"(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

"(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

"(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

"(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind, and micro-combined heat and power, that serves electric consumers at or near the site of production.

"(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

"(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

"(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

"(B) 1890 Institutions (as defined in section 2 of that Act); and

"(C) 1994 Institutions (as defined in section 2 of that Act).

"(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 85, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we examine market barriers for advanced research energy efficiency and renewable energy technologies, we find that a simple lack of public knowledge often keeps those technologies on the laboratory shelf and out of the marketplace. Outreach and education of building and industry professionals and other key decisionmakers will undoubtedly accelerate the deployment of beneficial energy technologies and practices into the larger marketplace.

Through the guidance of Congressman BRAD MILLER, we sought to address these challenges in the energy bill of 2005 by establishing in section 917 a network of Advanced Energy Technology Transfer Centers. These centers would be a partnership between local entities and DOE to showcase advanced energy technologies and simply teach the right people how to utilize them.

Mrs. BIGGERT worked with Mr. MILLER to refine this section of the EPA Act in her bill, H.R. 85, and I believe it is a valuable improvement that will get these centers up and running sooner.

This bill came through the Science Committee and passed the House last year as part of H.R. 6203. It was a good idea then, and Chairman GORDON saw that it should be treated the same in this Congress. Like the other two bills before us today, the Science and Technology Committee passed this bill out of committee with no objection. I again commend my colleague from Illinois (Mrs. BIGGERT) for working with the majority on this important bill, and I urge its approval by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 85, the Energy Technology Transfer Act, that was introduced by Congresswoman JUDY BIGGERT, a most valuable and respected member of the Science Committee and former chairwoman of the Energy Subcommittee. I thank her and Mr. MILLER from North Carolina for their work on this bill.

There is concern that there is not enough assistance or education available in the area of transferring technologies in energy efficiency and distributed clean energy that has been developed by the Department of Energy and the national laboratories to energy end users.

In this time of heightened awareness of how much energy we are using and how much energy costs, how dependent we are on foreign countries for energy feedstocks and how to continue the emissions reductions achieved thus far under various programs, it makes sense to do all we can to make sure that energy end users are as informed as possible about what is available to them to help them become more energy efficient.

H.R. 85 would amend section 917 of the Energy Policy Act of 2005, which requires the Secretary of Energy to distribute grants to establish a network of advanced energy technology transfer centers for the transfer of advanced energy technologies and methods to a wide range of energy end users, including individuals, businesses and building and industrial professionals.

The bill does not create a new program. It simply improves upon the current section 917 by specifying types of activities that may be funded, minimum criteria and priorities for qualifying applications, duration of funding, and grantee evaluation requirements.

Mr. Speaker, this is a good bill and I encourage my colleagues to support it.

Mr. BAIRD. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the ranking member of the full committee, Mr. HALL, for yielding me the time to discuss H.R. 85, the Energy Technology Transfer Act. I would also like to commend my friend and colleague Mr. BAIRD of Washington for managing this bill, and the gentleman from North Carolina (Mr. MILLER) for his hard work on this bill.

The provisions in this bill were included in section 11 of H.R. 6203, the Alternative Energy Research and Development Act, which passed the House by voice vote in September of last year. The Federal Government spends billions every year on energy-related research and development at our universities and national laboratories. The result is often new technologies that reduce our consumption of energy or encourage the use of alternative fuels, and thus reduces our dependence on foreign sources of energy.

But the biggest challenge to realizing these energy savings is getting these technologies out of the laboratory and into the marketplace where they can benefit all energy end users. Whether we are talking about a business owner, a homeowner, or a county or local government official, these energy end users may be hesitant to embrace advanced or alternative energy technologies with which they may not be familiar, have little experience or which may require new infrastructure.

The risk of investing in new energy technologies is just too great compared to conventional energy technologies, and getting information on the latest, greatest energy technologies can just be too costly or time-consuming.

That is why section 917 of EPACT of 2005 directed the Department of Energy to create a geographically dispersed network of energy efficient technology transfer centers. The purpose of these centers is to transfer and provide education on energy efficiency and distribute clean energy technologies developed by DOE and at the national laboratories to energy end users.

The bill we are considering today, H.R. 85, the Energy Technology Transfer Act, would simply improve section 917 of EPACT. Instead of creating from scratch this network of centers, H.R. 85 would authorize the DOE to provide grants to and partner with existing community outreach networks. These existing networks could include cooperative extension system offices, State energy offices, local governments, institutions of higher education and nonprofit organizations with expertise in energy technologies or outreach.

The Cooperative Extension Service and similar community outreach networks have a long and successful history of transferring knowledge about new technologies and techniques to farmers and other constituencies. However, few have the resources to focus on energy efficiency outside of the agriculture center. H.R. 85 would change that and would build on the successful model of the ag extension service without creating any new entity or bureaucracy.

H.R. 85 still demands the same requirements of these centers. They must be geographically dispersed; they must coordinate regional resource engineering and business expertise; and they must help apply energy technologies and methods suitable to local climate. But instead of limiting these centers to the transfer of energy technologies, H.R. 85 would expand their mission to include all advanced energy technologies.

In addition to requiring grant recipients to demonstrate results or risk losing their grant, H.R. 85 would require grantees to provide feedback to DOE on the research needs related to the production, storage or use of energy identified by energy end users. It would also encourage grant recipients to work with utilities to carry out informational activities for energy end users.

H.R. 85 prohibits grant recipients from using grants funding to construct facilities to house the tech transfer center. It doesn't authorize any funding that isn't already authorized in EPACT. In other words, this bill contains no new funding. Instead, it simply gives new guidance and direction to the Secretary about how to bolster the Department's technology transfer capacity.

I just want to give you one example from Chicago about how this program might work and its potential to save energy through the deployment of advanced energy technologies.

Before expanding their frozen pizza production plant in Woodridge, Illinois, Home Run Inn Pizza consulted with the University of Illinois Chicago's Energy Resource Center. After conducting an assessment of the plant and its operations, the UIC Energy Resource Center identified nine ways Home Run Inn Pizza could reduce their energy consumption and energy costs. Using advanced energy technologies developed as a result of DOE's funded research, Home Run Inn Pizza could reduce natural gas consumption by 13 percent and energy consumption by 5 to 6 percent, saving a total of over $15,000 annually.

Because of resource limitations, the UIC Energy Resource Center will help 12 companies in this way in fiscal year 2007, saving each on the average 15 percent of its energy budget and providing a return on investment within 2 years.

With passage of H.R. 85, the UIC Energy Resource Center and other cooperative extension and community outreach organizations could add the capacity and expertise to help many, many more companies, building managers, home builders and homeowners use technology to save energy and money.

I want to conclude by thanking the bill's chief cosponsor, my friend and colleague from North Carolina (Mr. MILLER) for his strong interest in tech transfer and this legislation in particular. As we have worked with the majority to improve this legislation, his input has been invaluable. I also want to thank Chairman GORDON for recognizing the value of this legislation and moving it expeditiously through the committee. I want to thank Ranking Member HALL for his assistance as well.

Finally, I want to thank the National Association of State Universities and Land Grant Colleges and a long list of its members for their strong support of this bill. This bill represents just a small investment in the tech transfer capabilities we need to help our universities and labs move advanced energy technologies from the labs into the markets so Americans can enjoy the tangible benefits of our Federal investment in R&D.

I urge my colleagues to support this bill.

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Mr. HALL of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I just would echo Mrs. BIGGERT's astute comments. We talk a lot in this body and in the administration about the importance of launching new energy research initiatives. The fact is we have a number of efficient technologies before us today, and the real challenge is getting those out to the public to be implemented as soon as possible.

The quickest way to address our energy challenge is not to immediately invent some miracle cure. The quickest way is to implement the existing technologies and mechanisms that we have already before us to begin saving energy today.

I encourage passage of this bill and commend Mrs. BIGGERT for her leadership.

Mr. MILLER of North Carolina. Mr. Speaker, I originally introduced as an amendment to the Energy Bill, what is now section 917 of the Energy Policy Act of 2005. Then Chairman BOEHLERT accepted that amendment in the 108th, and then made it part of the base bill the next time that it came through this committee in the 109th. H.R. 85 makes improving changes to section 917, to make it an even more effective program.

There has never been a partisan divide over this program. This committee passed the language in this bill as part of a broader energy bill that Mrs. BIGGERT introduced in the last Congress. I thank the Chairman for working to get this bill to the House floor and thank Mrs. BIGGERT for continuing to work with me on the issue of energy technology transfer.

The purpose of the program is to encourage the use in the real world of energy efficiency technologies that have been developed with, often, federally funded research, the Department of Energy, but that has sat unused on the shelf. Using those energy efficiency technologies offers the promise of immediate help with our problems, with our energy needs, our dependency, and we should be using every effort to try to make ourselves more energy independent.

This bill would extend those ways of delivering energy conservation and efficiency programs to include cooperative extension services, which is a definite improvement, and important, that these energy efficiency technologies make their way into rural America.

And I hope that these improvements to Sec 917 of EPACT really do make the program much more comprehensive and will send a message to the Department of Energy and to the appropriators that this program should be funded.

The President's budget request failed to request funding for this program this year. In the 109th Congress the appropriators failed to include funding, despite my best efforts and many efforts to tug at someone's sleeve and get their attention, to try to include it in the appropriations bill. And I hope with a strong bipartisan effort this year, this program can be funded, and we can begin to make sure we get into practical use the energy efficiency technologies that we have developed.

Mr. BAIRD. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield back the balance of my time, and I urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 85, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BAIRD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REAUTHORIZING THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988

Mr. LIPINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1126) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The Clerk read as follows:

H.R. 1126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2008 through 2012.".

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking "coatings for sheet steels" and inserting "sheet and bar steels"; and

(2) by adding at the end the following new subparagraph:

"(K) The development of technologies which reduce greenhouse gas emissions.".

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting ", beginning with fiscal year 2008," after "close of each fiscal year".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1126, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 1126, legislation reauthorizing the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, also known as the Metals Initiative.

Today, the steel industry and other metals industry, including aluminum and copper, are important parts of our national economy; and they must remain innovative in order to stay competitive in the increasingly global economy. It is vital to ensure that these industries are fully prepared to confront the challenges they face. This bill will help develop the innovative tools needed to grow valuable American jobs and businesses, and to protect the environment, by tapping into good old-fashioned American ingenuity.

Originally passed by the 100th Congress, the Metals Initiative authorizes Federal cost-sharing of research whose goals are threefold: first, enhancing energy efficiency; second, increasing the competitiveness of American industries; and, third, improving the environment through reductions in greenhouse gas emissions.

More specifically, this legislation promotes collaborative, public-private cost-shared research between American industry, the Department of Energy, and institutions of higher education. The bill would reauthorize the Metals Initiative at $12 million per year for fiscal year 2008 through fiscal year 2012 to fund advanced metals research.

The success of the American steel industry has a special personal significance to me. My father-in-law was a steelworker at Bethlehem Steel in Johnstown, Pennsylvania, until he lost his job when his plant closed due to foreign competition. This bill will help prevent further loss of good American jobs like his by using American innovation to increase the competitiveness of our domestic industry.

While American industries have significantly modernized, the pace of technology and the competition from overseas is relentless. Reauthorization of this bill is essential to grow American jobs, keep the customers of metal industries strong, and ensure that we have a domestic supply of the materials we need for our national defense.

The results of this program speak for themselves. Since its inception, the Metals Initiative has delivered numerous technologies to the factory floor, resulting in incredible environmental and energy savings while increasing the competitive position of the steel industry and the domestic manufacturing sector.

In the Chicago area, schools such as my alma mater Northwestern University have participated in this program, as well as companies such as IPSCO. Because of the advances made in steel production, partially through the industry's partnership with DOE, the steel industry as a whole used 28 percent less energy per ton in 2004 than it did in 1990.

In addition, this research has produced several successful and important technological breakthroughs, including the development of advanced high-strength steels and ultra-lightweight steel automobile bodies, meaning lighter, safer and more energy-efficient cars.

Recently, these advanced technologies were applied to a new, lightweight military vehicle, yielding performance improvements including 25 percent weight savings and 50 percent fuel efficiency improvements. Through this partnership program, the U.S. Army now has a next generation tactical vehicle that is agile and responsive. These advances, applied to the civilian versions of the vehicle, add a substantial further positive impact to our Nation's economy.

It is also important to note that the Federal funds in this program are given to the schools to conduct the research. Companies are not the recipients of funds, and they must provide a share of the cost of the research. But the American company that provides that match has the first opportunity to take advantage of the research findings and improve their manufacturing operations, benefiting American workers.

H.R. 1126 is simply a great example of how public-private partnership can benefit American workers and taxpayers, while saving energy, improving the environment, and accelerating the development and implementation of modern technology.

All Americans can benefit from commonsense programs such as this one, and I urge my colleagues to support H.R. 1126.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988. This legislation has been passed unanimously by this body for the past two Congresses, and I hope it will do so again today.

The Department of Energy's steel-related energy-efficiency research and development program was first established in 1986 and was expanded to a broader "metals initiative" in 1988 when the President signed into law the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

Reauthorization of appropriations for the program occurred in 1992 with the passage of the Energy Policy Act, but expired in 1997. The steel industry and the Department of Energy continued the partnership under the Metals Initiative and its predecessor, the Steel Initiative, after the authorization expired. This bill would reauthorize the important program through 2012 and expand it slightly by adding research on technologies that reduce greenhouse gas emissions.

The metals industry is one of the most energy-intensive industries, with energy accounting for a major portion of the cost of production. Improving energy efficiency for this industry will help to reduce the cost of steel and keep American steelmakers competitive in the world market. Improving efficiency will also help with our country's goal to become energy independent and environmentally responsible.

Investment made at the government level in partnership with industry to stimulate achievement of this increased energy efficiency has shown great results. Over the years, 58 steel companies and 23 research organizations participated in and benefited from this program. According to testimony from the United States Steel Corporation, through this program they saw a "set of projects that saved nearly a barrel of oil per Federal dollar invested. Or, in terms of the environment, a ton of CO_2 for every $2 of Federal money invested, all the while delivering real technology to the plant floor to help maintain a competitive advantage."

I ask my colleagues to join me in support of H.R. 1126.

Mr. Speaker, I yield back the balance of my time.

Mr. LIPINSKI. Mr. Speaker, this bill represents a great example of what we can be doing and should be doing in this country. We have legislation here that takes advantage of our great American universities and all of the knowledge, wisdom that is there, the research ability of these institutions, and puts that together with American industry to come up with ways that we can both save American jobs, grow American jobs, and help to protect the environment.

As Representative HALL said, a dollar in this program saves a barrel of oil. It is a great opportunity and a great example of what we should be doing more of here in this Congress.

I would like to thank Representatives EHLERS and AKIN for their support also on this legislation. I urge my colleagues to pass this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1126.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING THE GIRL SCOUTS ON THEIR 95TH ANNIVERSARY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 136) commending the Girl Scouts of the United States of America on the occasion of their 95th anniversary, for providing quality age-appropriate experiences that prepare girls to become the leaders of tomorrow and for raising issues important to girls.

The Clerk read as follows:

H. RES. 136

Whereas the Girl Scouts of the United States of America (hereinafter referred to as the "Girl Scouts") is an organization that is committed to helping girls of today become leaders of tomorrow and that delivers quality experiences for girls locally, nationally, and internationally (through USA Girl Scouts Overseas);

Whereas the Girl Scouts are celebrating their 95th anniversary on March 12, 2007;

Whereas the Girl Scout program is girl-driven, reflecting the ever-changing needs and interests of participating girls, and provides girls with a wide variety of opportunities through its new mission statement, "Girl Scouting builds girls of courage, confidence, and character, who make the world a better place.";

Whereas the Girl Scouts encourage increased skill-building and responsibility, and also promotes the development of strong leadership and decision-making skills, through program activities that are age-appropriate and based on the "Girl Scout Promise and Law";

Whereas at all levels of the Girl Scouts, girls participate in activities that build self-confidence, responsibility, integrity, creative decision-making skills, and teamwork, helping them take steps toward becoming the leaders of tomorrow and developing real-world leadership abilities that will last them a lifetime;

Whereas the Girl Scouts advocate for public policy that is girl-centered and beneficial to all girls;

Whereas the Girl Scouts recognize that approximately 9,000,000 children over the age of 6 are obese; that obesity is highest among girls coming from families with low-income levels, and that fewer than 1 in 3 adolescents participate in an acceptable amount of physical exercise, with girls getting less exercise than boys overall; and

Whereas the Girl Scouts are focusing on promoting healthy living for girls during 2007 and recognize through a recent study "The New Normal: What Girls are Saying About Healthy Living" that girls define "health" as a combination of diet and exercise as well as emotional well-being and self-esteem: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Girl Scouts of the United States of America for its efforts to launch a national dialogue on the issue of obesity among young girls;

(2) recognizes the Girl Scouts of the United States of America for its leadership and expertise in knowing the needs of girls through the work of the Girl Scout Research Institute; and

(3) commends the Girl Scouts of the United States of America for continuing to actively promote issues important to girls.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was a brisk March morning when Juliette Gordon Low placed a historic phone call to her cousin in Savannah, Georgia. Juliette said, "Come right over. I've got something for the girls of Savannah, and all of America, and the world, and we're going to start it tonight."

That phone call proved to be a historic one. On the evening of March 12, 1912, Juliette Gordon Low gathered 18 girls to register the first troop of Girl Scouts in the United States of America. With one phone call a movement was born.

An organization founded upon the principles of strength, empowerment, responsibility, and community, the Girl Scouts have continued to change the lives of many girls for generations. While other organizations have struggled to deal with factors such as race and socioeconomic status, the Girl Scouts have always been looked at as an organization of inclusion, having desegregated councils as early as 1917.

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The Girl Scouts also offer programs for girls in unusual situations that make it difficult for them to participate in the standard program. The Girl Scouts Beyond Bars programs helps daughters of incarcerated mothers to connect with their mothers and to have the mothers participate in Girl Scout activities.

Another program, Girl Scouting in Detention Centers, allows girls who are themselves in detention centers to participate in scouting. Other initiatives try to help girls in rural areas or in public housing. There are also programs for American girls living overseas.

Mr. Speaker, I would be remiss if I did not comment on one of my favorite Girl Scout traditions, which is the annual cookie sale. For many years, I was overjoyed when I would see the little girls selling cookies door to door. I personally like the shortbread cookies.

It is because of the long-standing history and commitment of the Girl Scouts of the United States of America that I commend them and ask my colleagues for their support in the passage of this commendation without delay.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, today commemorates the 95th anniversary of the founding of the Girl Scouts of the United States of America. Founder Juliette Daisy Gordon Low organized the first Girl Scout meeting with 18 girls in Savannah, Georgia. While living in the United Kingdom, Low dreamed of giving the United States something for all girls and envisioned exposing girls to helping their communities and enjoying the outdoors.

The organization went through many different name changes, but it was finally renamed as we know it today in 1947. It was later chartered by the United States Congress on March 16, 1950.

For 95 years, the Girl Scout organization has provided real-world leadership training for over 50 million girls and young women across the Nation. Today, overall membership includes 2.7 million girl members and 928,000 adult members, working primarily as volunteers. Mr. Speaker, I am proud to say that my two oldest granddaughters are members of the Girl Scouts of America.

The important guidance given to girls goes far beyond the eagerly anticipated annual sale of Thin Mints, Tagalongs and Dos si Dos, now made without any trans fat. Through their various programs, the organization instills the ideals of character, conduct, leadership, as well as service to others. They have recently launched a program for girls focused on healthy living that includes education regarding diet and exercise.

This important education has been instituted because of the national concern about obesity among children and the knowledge that a program such as this has been proven to lead to emotional and physical well-being.

The Girl Scouts organization has long been committed to helping girls of today become leaders of tomorrow through activities that build self-confidence, responsibility, integrity, creative decision-making skills, and teamwork. It can be difficult growing up, especially in today's society.

The Girl Scouts is one organization that has consistently guided members to believe that girls can do anything by offering girls aged 5 through 17 a variety of opportunities through their scouting programs.

The Girl Scouts are woven into the fabric of American life and have affected girls' lives, as well as their families, in virtually every community in the country. Girl Scout programs continue to expand, taking into account the diverse population of America today.

They have initiated outreach programs that strive to include all cultures as part of their mission to foster the qualities on which the United States depends. The Girl Scouts not only reach out to girls in the United States but through U.S.A. Girl Scouts Overseas, it is committed to helping girls worldwide become leaders of tomorrow. Their new vision statement sums up all that is good about this organization by saying, "Girl Scouting builds girls of courage, confidence, and character, who make the world a better place."

For this reason, Mr. Speaker, I urge all my colleagues to join me in supporting H. Res. 136.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Georgia for his eloquent remarks, and it is my pleasure to yield such time as she might consume to the gentlewoman from New York (Mrs. MCCARTHY), the sponsor of this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank Mr. DAVIS of Illinois and Congressman WESTMORELAND from Georgia, also.

March marks the 95th anniversary of the Girl Scouts of the United States of America. Founded in 1912 by Juliette Gordon Low, with only 18 members, Girl Scouts is now the finest organization for girls in the world, with close to 4 million active members and more than 50 million former members, and I am proud to say I am one of them.

Girl Scouts provides high-quality, age-appropriate experiences for girls locally, nationally and internationally that build girls of courage, confidence, and character, who make the world a better place.

For 95 years, Girl Scouts has served girls through a remarkable leadership development program delivered by dedicated volunteers in every community across the country. All programs are girl-driven and provide girls with a wide variety of leadership building activities that promote teamwork and the development of strong decision-making skills.

There are many programs to choose from, including more than 70 achievement badges encouraging girls to pursue education and careers in math, science and engineering, an anti-bullying and violence prevention program, and a program that connects girls with their mothers who are incarcerated.

Girl Scouts also offer a huge range of outreach activities to girls who have never had the opportunity to be a Girl Scout, including Latina and Native American girls, along with girls in rural communities and in public housing developments.

Girl Scouts recognizes the importance of giving a voice to girls by sharing original research reviews that have helped change the dialogue among the media, policymakers and community leaders on issues important to girls. They have released numerous reports that have helped shape policy discussions in this country.

In celebrating 95 years of excellence and the significant contributions, Girl Scouts will raise the bar in being the voice for all girls.

Help me commend the Girl Scouts of the United States of America for its leadership and expertise in meeting the needs of girls throughout their 95 years of remarkable programs, knowledge and information about girls who recognize the nearly 1 million current adult volunteers and volunteers through the decades.

Mr. Speaker, spending time as a Girl Scout when I was a young child I have to say was a wonderful, wonderful experience. Back then, we only worked on homemaking skills. We did things that girls did in the early 1960s, but today I am proud to say that when you see the Girl Scouts working together, serving, certainly volunteerism in nursing homes and helping our elderly, mentoring for those students that need it, they have come a long way and they are on the right track, certainly expanding their horizon for what they are going to do. When they meet with other Girl Scouts internationally, it is a wonderful opportunity so different countries can get to know each other.

They are the future of our Nation, and I am proud of them, and I urge my colleagues to pass this resolution.

Mr. WESTMORELAND. Mr. Speaker, I have no other speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the gentleman for yielding.

Mr. Speaker, it is with a certain amount of personal pride and a great deal of civic pride that I join my colleagues in support of this resolution today.

On the civic side of things, I have the privilege of representing Savannah, Georgia, in the U.S. House of Representatives. It is my hometown. Juliette Gordon Low founded the Girl Scouts in Savannah. She was a native of Savannah. She founded the organization in 1912. The first organization's headquarters was in the back of her home in Savannah, Georgia, and from that humble beginning some 95 years ago we have gone from 18 members to almost 4 million members worldwide. I go by that building every time I am in town on the way to work, walking on the streets. It gives me a great deal of civic pride, along with the rest of my fellow Savannahians, who recognize that Girl Scouts the world over look to Savannah as the home and the homeplace of Girl Scouting.

On a personal level, I venture to say that very few of us guys in the U.S. House of Representatives are closer to

Girl Scouting than I am. I have three sisters. Every one of them was a Girl Scout, including my twin sister, and I can tell you as a guy you don't get much closer to Girl Scouting than that.

I know that there are lots of organizations that promote courage, confidence and character in young girls but none do as good a job as the Girl Scouts.

On behalf of my hometown, on behalf of the 700,000 people that I have privilege of representing in Congress, and on behalf of the millions of brothers of Girl Scouts the worldwide, I am proud to congratulate the Girl Scouts on their 95th anniversary, and I extend my best wishes for the next 95 years.

Mr. WESTMORELAND. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is just good to know that in addition to the great scenic beauty and southern charm that Savannah is so well-noted for, that other good things have come from there, and certainly the Girl Scouts of America. I would urge all Members to vote in favor of this legislation.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I am pleased to join the Girl Scouts of the USA in celebrating their 95th anniversary. Since its founding in 1912, the Girl Scouts has become the world's preeminent organization for girls. Back then they had just 18 members, but today, there are 3.7 million Girl Scouts—2.7 million girl members and 928,000 adult members working primarily as volunteers.

Girl Scouting builds confidence, character, and leadership skills which allow girls to grow into young women who make positive contributions to the world around them. Each unique experience, be it reading to younger students or participating in a math competition, empowers girls and helps them reach their full potential.

On the national level, the Girl Scouts of the USA has been an advocate for girls' involvement in math, science and engineering; for violence prevention and for the health and safety of all girls. Through their many government and corporate partnerships, the Girl Scouts bring innovative programming to girls throughout the country and expand their reach to underserved communities where girls need it most.

Mr. Speaker, I am proud that the Girl Scouts of Freedom Valley, which serves my district, has over 21,000 members and 7,000 adult volunteers. I am proud to have such a wonderful team of volunteers dedicated to the leadership and character development of girls in Southeastern Pennsylvania. Mr. Speaker, I know that all of us take pride knowing that each and every Girl Scout of today will be one of tomorrow's leaders.

I know the Girl Scouts of the USA will celebrate many more anniversaries and continue to be a positive influence on our Nation's girls and on our society for generations to come.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 136.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ESTABLISHING DUTCH-AMERICAN FRIENDSHIP DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 89) expressing the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day to celebrate the historic ties of the United States and the Netherlands.

The Clerk read as follows

H. RES. 89

Whereas, 225 years ago, on the 19th of April, 1782 in the City of the Hague, the Ambassadorial credentials of John Adams were officially recognized by Prince William V of Orange and the States-General, thus establishing formal diplomatic ties between the new government of the United States and the Republic of the Netherlands.

Whereas the historical ties between the Dutch and American people go back nearly 200 years earlier to the period when the Pilgrims resided for almost 11 years in the Netherlands before sailing to the new world;

Whereas the diplomatic ties between the governments of the United States and the Netherlands are the longest continuous ties between the United States and any country of the world;

Whereas the Dutch contribution to the American melting pot has played such a significant role in the life of America as exemplified by Presidents Martin Van Buren, Theodore Roosevelt, and Franklin Delano Roosevelt;

Whereas the bonds of friendship linking the Dutch and American people continue to grow in strength and affection; and

Whereas the heritage of this friendship between peoples serves as a laudable example for the kinds of relations that should link all the peoples of the earth and should be properly extolled: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day to celebrate the historic ties of the United States and the Netherlands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, every year we and the Dutch-American community in the Netherlands celebrate the bilateral relations between the Netherlands and the United States. On April 19, 1782, John Adams, the second President of the United States, was received by the State's General in The Hague and recognized as Minister Plenipotentiary of the United States of America.

Also, this was the day that Mr. Adams purchased a house at Fluwelen Burgwal 18 in The Hague, which became the first American embassy in the world. This day is known by many people as the Dutch-American Friendship Day that reminds us how the Dutch played a role in America's history and traditions.

Prior to 1782, America had always had a long-standing relationship with the Dutch going back as far as 1609 when Henry Hudson, an explorer hired by a Dutch-based United East India Company, traveled up a river that now bears his name and made a land claim for his employer in the area known as New York.

☐ 1500

His exploration helped the Dutch to continue to be the foremost traders and merchant mariners in the world and expanded their influence in setting up a trading post on the southern end of Manhattan Island. In 1625, the Dutch used beads to purchase Manhattan from the Indians for 60 guilders, about $24, and renamed it New Amsterdam.

It became the center for trade and commerce that attracted the best and brightest people from different walks of life, culture, and creeds. New Amsterdam received an official charter and officially became a city in 1653, making it to the first city in North America where citizens freely elected their city council. This was one of the first acts to help establish a platform for democracy in the United States.

In 1776, the Dutch played a major role in financing the Revolutionary War, and it was repaid by the U.S. Government with stock certificates, an action that eventually led to the establishment of the New York Stock Exchange in 1791. Many prominent Americans from Dutch ancestry have made significant contributions to our country, like Presidents Martin van Buren, Theodore Roosevelt, and Franklin D. Roosevelt. All were great Americans who dedicated their lives to help shape America to be the land of the free and home of the brave.

The Dutch contributions to America are part of our customs and traditions that have enriched our lives for over 200 years. So it is very easy to support H. Res. 89. I do so and urge all of my colleagues to give their support.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, America began its relationship with the Dutch in 1609 when Captain Henry Hudson, searching for a faster route to Asia, sailed up what is now known as the Hudson River. Although he did not find his way to Asia, he and other Dutch traders quickly saw the potential and opportunity of this country and established the second European settlement in America named Fort Nassau near Albany, New York.

Their growth continued, and eventually a large portion of the early eastern United States was settled by the Dutch. The Dutch and the United States have proven to be extraordinary allies over the past 200 years, where in many instances they came to each other's aid at critical times in history.

Shortly after the Revolutionary War, the Netherlands presented a risky and courageous act by being the first country to salute the American flag. A few years later, on April 19, 1782, John Adams secured the recognition of the United States as an independent government at The Hague. He was the first U.S. envoy to the Netherlands and brokered the first loan for Congress from three banks in the Netherlands, which amounted to the entire U.S. foreign debt at that time.

Consequently, the Netherlands followed France to become the second country in the world to establish formal diplomatic relations with the United States. Also during this time, John Adams purchased a home that became the first American embassy on foreign soil anywhere in the world. These ties still remain strong and, in fact, constitute one of the longest, unbroken diplomatic relationships between the United States and any foreign country right up until the present time.

The Netherlands have demonstrated its commitment to the United States, even in modern times, by being one of the first countries to ally itself with the U.S. after the attack on Pearl Harbor. It was one of the first to assist in the war on terror; and in the wake of Hurricane Katrina and Hurricane Rita, the Netherlands graciously provided Members of Congress access to their unique and innovative perspective on water management and flood protection.

I would also like to point out that Dutch Americans have contributed greatly to our fine country and have played a significant role in the life of America. This is exemplified by our three Presidents of Dutch descent, Presidents Martin van Buren, Theodore Roosevelt and Franklin Roosevelt. Dutch Americans have served at all levels of our government and have served us well in this distinguished body, including the two sponsors of this bill, Mr. HOEKSTRA, and my colleague on the committee, Mr. VAN HOLLEN.

Dutch Americans and our rich history have many firsts with the Netherlands, and it continues to strengthen our tie with this true diplomatic friend working side by side with the United States to bring peace, freedom, and commerce in the world at large.

I urge all of my colleagues to join me in supporting H. Res. 89.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support for H. Res. 89. New York City was first founded by the Dutch, and they made a tremendous contribution to the city I am honored to represent and to our country. Two of the Dutch Presidents, Theodore Roosevelt and Franklin Delano Roosevelt, both came from New York.

If you go to the City Museum of New York, there is really a beautiful exhibit that pays tribute to the many contributions in our early days by the Dutch.

I rise in strong support of this resolution and to the preceding resolution, which honors the 95th anniversary of the Girl Scouts. I really rise today to honor the 95 years of educating, nurturing, and empowering our Nation's girls through the Girl Scout programs. Its 3.6 million members learn skills and develop character that help them succeed in the real world.

The Girl Scouts' Web site highlights the organization's focus on the leadership, strong values, social conscience and conviction about their own potential and self-worth of its members. These are vital attributes that help girls grow into the women who will lead our country and inspire the next generation of scouts.

I know personally about the power of being a Girl Scout, because I was one. The basic character and skills I learned then have served me my entire life, and they even serve me now in Congress.

For that I owe the Girl Scouts and the great Juliette Gordon, who founded the organization in 1912, a great debt of gratitude. I am proud that my hometown, New York City, is home to the Girl Scouts' national headquarters. I applaud the scouts for 95 years of empowerment and excellence, and I wish them many more years of helping nurture America's girls.

I rise in support of these two resolutions and applaud the leadership of my colleagues on both sides of the aisle for bringing them before this body today, and I urge unanimous support for them.

Mr. WESTMORELAND. Mr. Speaker, it is now my pleasure to yield as much time as he may consume to my distinguished colleague from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H. Res. 89, which expresses the sense of the House of Representatives that a day should be established as Dutch American Friendship Day.

On April 19, 2007, the United States and the Netherlands will mark 225 years of unbroken diplomatic relations. It is the United States' longest existing diplomatic relationship.

My parents emigrated to the United States from the Netherlands when I was 3 years old. I am deeply proud of my Dutch heritage and feel that I have a special connection to both countries. As Russell Shorto notes in "The Island at the Center of the World," Americans are indebted to the culture of tolerance that was present in 17th-century Dutch Manhattan, where men and women of diverse races and religions lived in relative peace for the first time in the New World.

Dutch ideals such as individuality, freedom, hard work, and human rights have flourished in the United States; and our two countries can and have worked together to confront common challenges to our very similar societies. Last year, my colleague on the other side of the aisle, CHRIS VAN HOLLEN, and I created a bipartisan Congressional Caucus on the Netherlands, a group that I hope will deepen our understanding of the ways in which we can continue to keep working together as allies for the mutual benefit of our countries.

The United States and the Dutch have proven to be outstanding allies, allies for over 200 years. The Netherlands was the first country to salute the American flag after the Revolutionary War. It was one of the first to assist the United States and recognize the threat from radical militant Islamists and has graciously provided Members of Congress and others with critical access to their unique and innovative perspective on water management and flood protection in the wake of Hurricane Katrina and Hurricane Rita.

Put simply, the value of the relationship between our two countries and the opportunities that exist to learn from each other should be deeply appreciated and recognized.

I encourage all Members to support H. Res. 89 to honor Dutch and American friendship and celebrate the historic ties between our countries

Mr. EHLERS. Mr. Speaker, I rise as a cosponsor in strong support of H. Res. 89, expressing the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day, to celebrate the historic ties of the United States and the Netherlands.

My district in West Michigan has some of the deepest roots of Dutch-American history and heritage in the country. Dutch explorers, traders and settlers were a significant part of the earliest European exploration of the New World, especially in New York and New Jersey. However, the first major wave of Dutch immigration began in the 1840s with the Dissentings (later on known as Calvinists), a new group of religious people in the Netherlands. Like so many of the original settlers here in America, they wanted more religious liberty than they experienced in their home country. They were also seeking prosperity in a time of economic downturn and agricultural hardship in Europe. So the Dutch pilgrims dared the journey across the Atlantic to New York and then moved across northern New York and finally settled near the shores of Lake Michigan. Waves of Dutch settlers soon found Grand Rapids and Holland, Michigan, to be the places of job growth and the religious liberty they were seeking.

I am proud to report that the traditions of a "Dutch work ethic" and religious devotion still permeate Grand Rapids and the West Michigan region today. Generations of Dutch immigrants have enriched our area with the unique customs and traditions of their ancestral homeland. They are a people that have given the world great artists, celebrated philosophers, noted theologians, and leaders of international business.

The Dutch-American Friendship Day called for in this resolution would be an honorable response to annual celebrations in the Netherlands. Every year, the Dutch-American community in the Netherlands commemorates the bilateral relations between the Netherlands and the United States. Celebrated on April 19, the Dutch-American Friendship Day remembers the day that John Adams, the second president of the United States, was received by the States General in The Hague and recognized as an ambassador of the United States of America. It was also the day that the house he had purchased at Fluwelen Burgwal 18 in The Hague became the first American Embassy in the world. Today, the diplomatic ties between our two governments are the longest continuous ties between the U.S. and any other country in the world.

This long history of diplomacy, cooperation and friendship should be lauded as an example for all nations. I congratulate my colleague from West Michigan, PETER HOEKSTRA—himself a Dutch-American—for introducing this resolution. I am proud of my family's and my wife's family's Dutch roots, Mr. Speaker, and I urge my colleagues to support this resolution.

Mr. VAN HOLLEN. Mr. Speaker, I am happy to rise today in support of House Resolution 89, expressing the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day.

The Dutch/American relationship is the longest unbroken diplomatic relationship in the history of the United States of America. The relationship actually began years before the Pilgrims landed in America as they first resided for almost 11 years in the Netherlands before sailing for the New World.

On November 16, 1776, only 4 months after declaring our independence from Great Britain, an American ship sailed into the West Indies Dutch harbor of St. Eustatius and was greeted by a cannon salute in recognition of the American flag. It was the first official recognition by any sovereign nation of the United States.

On April 19, 1789, Ambassador John Adams officially presented his credentials to Prince William of Orange, thus establishing the diplomatic ties between the United States and the Republic of the Netherlands that we enjoy today.

The U.S./Dutch relationship has stood the test of time and has strengthened in the crucible of conflict as the Dutch have stood beside us in times of peace and war. The Dutch supported us in our war for independence. Sixty years ago Dutch and American servicemen stood side by side during World War II and today the Dutch stand by us still in the Global War on Terror.

The debt we owe to our Dutch friends is seen not only in our people, and in the persons of such famous Dutch Americans as Presidents Martin VanBuren, and Theodore and Franklin Roosevelt, but also in our experience as a Nation. Our traditions of religious freedom and tolerance as well as our system of government, all have spiritual and legal roots in our relationship with the Dutch Republic.

That is why I stand today to thank the Dutch people for their support over these centuries and to encourage the founding of a Dutch-American Friendship Day.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H. Res. 89, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I support and strongly urge the passage of H. Res. 89, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 89.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 198) recognizing the significance of Black History Month.

The Clerk read as follows:

H. RES. 198

Whereas the first African Americans were brought forcibly to the shores of America as early as the 17th century;

Whereas African Americans were enslaved in the United States and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas despite this enslavement, early Black Americans made significant contributions to the economic, educational, political, artistic, literary, religious, scientific, and technological advancement of the United States;

Whereas in the face of these injustices, United States citizens of all races distinguished themselves in their commitment to ideals of which the United States was founded and fought for the rights and freedom of African Americans;

Whereas the United States was conceived, as stated in the Declaration of Independence, as a new country dedicated to the proposition that "all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness";

Whereas since its founding, the United States has been an imperfect work in making progress towards those noble goals;

Whereas the history of the United States is the story of a people regularly affirming high ideals, striving to reach them but often failing, and then struggling to come to terms with the disappointment of that failure before committing themselves to trying again; and

Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance of Black History Month as an important time to recognize the contributions of Black Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) affirms that—

(A) the contributions of Black Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I now yield myself such time as I might consume.

Mr. Speaker, every February Americans celebrate African American Black

History Month. This tribute dates back to 1926, and it is credited to a Harvard scholar, Dr. Carter G. Woodson. Dr. Woodson, the son of former slaves, dedicated his life to ensuring that black history was accurately documented and disseminated.

In an effort to bring national attention to the contributions of African Americans, Dr. Woodson organized the first annual Negro History Week in 1926. He selected the second week of February, during which Abraham Lincoln and Frederick Douglass had celebrated their birthdays.

Later, Woodson's contributions helped emerge during the civil rights campaign of the 1950s and 1960s, where the black studies movement began to spawn African American history, theory courses, programs and departments on the Nation's college and university campuses. During the early 1970s, Negro History Week was renamed Black History Week; and in 1976, it officially became Black History Month, designating all of February for the recognition of African American history.

In 1926, during the time for the first organized tribute to black history, the sociopolitical landscape in this country for African Americans was demonstrably different than it is today. At that time, "separate but equal," a doctrine that afforded African Americans second-class citizenship, was the law of the land, although it was an immoral one.

Through many historic efforts of many Americans of all races, legalized discrimination became a thing of the past. This body passed landmark legislation, most notably the Civil Rights Act of 1964 and the Voting Rights Act of 1965. This was just 43 and 42 years ago when President Lyndon Johnson signed these legislative measures into law, laws that prevented Jim Crow laws from subjugating and denying African Americans the right to vote in certain southern States, the imposition of poll taxes, the segregation of schools, housing, bus and train transportation, restrooms and other public accommodations.

□ 1515

Moreover, Black History Month is also promoting public awareness of the struggles and achievements of African Americans. We must continue to build on the existence of the past and look forward to the future.

African Americans, over the years, have made great strides, but, yet, we still have a long way to go. For instance, in 2005, there were 37 million poor people in America. The poverty rate is about 24.9 percent for blacks, compared to 8.3 percent for whites.

The homeownership rate among white households is about 74.2 percent, compared to 47.1 percent for African Americans. This huge gap between white and black homeowners will continue to be a primary factor that will undermine the growth of African Americans and their family structure to obtain wealth, capital assets and better neighborhoods.

While 5 percent of the world's population lives in the United States, we have 25 percent of the world's prison population in United States jails and prisons. Nationally, the Bureau of Justice statistics reports that the United States incarcerates 2 million people. Whites are about 36 percent, compared to 46 percent for blacks in prison.

As some of us know, the majority of people in prison are attributed to drug convictions. The law is not equally applied when it comes to drug offenses involving crack and powder cocaine. Five grams of crack cocaine brings a mandatory sentence of 5 years, compared to 5 grams of powder cocaine, which has no sentencing requirements, and the possessor of powder may get probation. Of course, a disproportionate number of the individuals who use crack cocaine are African Americans.

These are just a few barriers that many African Americans confront every day. And so when we honor Black History Month, we are recognizing the struggles and achievements of African Americans.

Mr. Speaker, I know that Representative AL GREEN, who is the sponsor of this legislation, had intended to be here today to speak on it. Unfortunately, he had to be away in Texas taking care of some activities in his district, and I would ask that he be allowed to submit his statement for the RECORD.

Mr. Speaker, I support H. Res. 198, and urge all of my colleagues to vote for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

I am honored to speak today in support of H. Res. 198, recognizing the significance of Black History Month.

Each February we express our appreciation of the struggles, determination and perseverance of the African American community of the past and present. February is a time to recognize the contributions of black Americans that have enriched our culture and our heritage.

There have been great activists, politicians, artists, writers, poets, scientists, economists, athletes, entertainers and musicians that have all bettered our way of life. These achievements, the achievements of so many, have encouraged today's youth to strive for a more equal and free country.

It is impossible to celebrate Black History Month without mentioning such noted leaders as Frederick Douglass, Harriet Tubman, Martin Luther King, Jr. and Rosa Parks. These achievers, and others, have helped make this country what it is today.

Today's popular culture is replete with African American icons, through sports, music and the entertainment industry, icons such as Richard Pryor, Halle Berry, Tiger Woods, Arthur Ashe, Michael Jordan, Muhammad Ali, and Hank Aaron.

The music industry alone has influenced our culture for decades, Louis Armstrong, Dorothy Dandridge, Billie Holiday, Sammy Davis, Jr., and Georgia's own Ray Charles, each of whom overcame adversity before and during the civil rights movement just to play their music.

When Harvard scholar Dr. Carter G. Woodson had the idea to create a week-long celebration of black history back in 1926, his goal was, and I quote, "to make the world see the Negro as a participant rather than as a lay figure in history." Over time, it has become the month-long celebration and commemoration that it is today. It is with great pleasure that I speak today in support of H. Res. 198.

Mr. Speaker, I ask all Members to join me in supporting this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. WESTMORELAND) for his statement. And I also want to thank him for the opportunity to work with him today during this process. It has indeed been a pleasure.

I also want to commend Representative GREEN from Texas for his introduction of this legislation.

In closing, let me also indicate that it is important that we look at the contributions that all racial ethnic groups have made to the development of this great country that we call the United States of America.

There is no group who didn't come here looking for something different than what they had. And fortunately, for many of them, they have been able to find that America is, indeed, a country where every person can have the opportunity to grow and develop to be a part of.

I have been pleasured, I guess, to represent many high profile individuals, African Americans like Oprah Winfrey, who is in my congressional district, like Michael Jordan, who played basketball out at the stadium in my district.

But I often tell young people that I grew up in an environment where we were taught to read by unlocking words. And to us, history sort of meant, at that time, his story. And so I encourage them to think of what I call mystery, which becomes my story. And so each one of us have an opportunity to contribute to the further development of this great Nation.

I commend the gentleman for introducing H. Res. 198. I urge its passage.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of Congressman AL GREEN'S Resolution to honor Black History Month.

Founded in 1926 by Carter G. Woodson, Black History Month serves as a time to recognize and celebrate the contributions of African-Americans in shaping our Nation. It brings to life a rich and vibrant history that was all too often untold.

The fact is that until there was a Black History Month, prominent African-Americans were virtually left out of our Nation's school books. Often, the only mention of African-Americans would reference the institution of slavery. This is simply unacceptable. Black history is not an anonymous footnote, and expands well beyond the institution of slavery. We have great leaders who fought to overcome the oppression of slavery and that of Jim Crow. We have great scientific minds and inventors. We have extraordinary novelists, poets, and musicians. These are not nameless, faceless individuals, but people who have helped shape our Nation.

Because of Black History Month we have expanded our schoolchildren's curriculum. Our children now learn about Frederick Douglas, Thurgood Marshall, Malcolm X and Toni Morrison. These are names and stories that our children otherwise may not have known. With Black History Month we are preserving our abundant history for future generations.

I commend Congressman GREEN for bringing this important Resolution to the floor and I strongly urge my colleagues' support.

Mr. AL GREEN of Texas. Mr. Speaker, I strongly support H. Res. 198, a resolution I authored recognizing the significance of Black History Month. This piece of legislation is supported by conservatives, moderates and liberals. It is a piece of legislation that I received not one negative comment on. Every person that I requested agreed to support the legislation. So I thank those who supported it.

I am delighted that 80 Members of Congress joined me in cosponsoring this bipartisan resolution which serves as a testament to our united desire to inform all Americans about the contributions made by persons of diverse backgrounds to the development of our great country.

Black History Month is a time of the year when all Americans of every race and ethnicity are given the opportunity to study the untold history of African-Americans and their contributions to American and world civilization. Additionally, Black history is American history and it is essential that we recognize the great contributions of all Americans by commemorating this month long celebration.

My resolution:

Recognizes the significance of Black History Month as an important time to recognize the contributions of Black Americans in the nation's history;

Encourages the continued celebration of this month to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the nation;

Affirms that the contributions of Black Americans are a significant part of the history, progress, and heritage of the United States; and the ethnic and racial diversity of the United States enriches and strengthens the nation.

Black History Month is also a special time to honor pioneers such as Martin Luther King Jr., Rosa Parks, Harriet Tubman, Malcolm X, W.E.B. DuBois, and many others who fought for the complete freedom and full emancipation of African-Americans. That is why we use Black History Month and every month to honor their wonderful contributions.

Mr. Speaker, I urge my colleagues support H. Res. 198, a resolution recognizing the significance of Black History Month.

Ms. LINDA T. SÁNCHEZ. Mr. Speaker, I rise to show my support for the principles of Black History Month. I was privileged to be a part of the recent Congressional trip to Selma, Alabama. While in that historic city, we joined together and walked in the footsteps of the brave individuals who fought to ensure that the rights and opportunities of our Nation would be available to all of its people.

The Civil Rights Movement was not the first call for freedom and equality in our Nation's history, and it will not be the last. But its success provided a blueprint for future generations to follow, an example of hope to all those who seek to secure the basic freedoms guaranteed by our Constitution.

The history of African Americans extends far beyond the Civil Rights Movement. The works of Dr. Martin Luther King, Jr., Rosa Parks and Thurgood Marshall will resonate in American society for generations to come. There are so many African Americans who have made notable contributions to our Nation. For example, Benjamin Banneker blazed new trails in astronomy, accurately predicting solar and lunar eclipses and Dr. Charles Richard Drew developed techniques in blood storage and helped to develop the blood banks which have saved countless military and civilian lives over the years. And there are many others, in fields too numerous to name. What is important is that we take time to honor, to remember, and to revere all of these individuals.

Black History month gives all Americans an opportunity to recognize and continue to learn about African-American history, which is the history of our Nation. I am proud to do my part to help promote the contributions that African Americans have made to our country.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H. Res. 198, a resolution recognizing the significance of Black History Month. I am an original cosponsor of this important legislation.

Celebrated during the month of February, Black History Month allows all Americans to celebrate the accomplishments of African Americans, the famous and the not so famous, who have made strides in all walks of life.

I would like to share with you the words of one of the most noted African Americans in history—civil rights leader, Pan-African sociologist, educator, historian, writer, editor poet, and scholar, W. E. B. Dubois, who said:

"The shadow of a mighty Negro past flits through the tale of Ethiopia the shadowy and of the Egypt the Sphinx. Throughout history, the powers of single blacks flash here and there like falling stars, and die sometimes before the world has rightly gauged their brightness."

This is time to celebrate the trials, tribulations, accomplishments and contributions of African Americans, who have certainly created and attained so much in this nation's young history.

As many of my colleagues know, many of our ancestors were brought here in the grips of iron chains on slave ships. Despite this demoralizing beginning, African Americans created a noble culture that encompasses the American spirit of survival through adversity.

I would like to share a few stories of my past, of why it is so important that we continue to celebrate Black History Month and continue to reflect on our country's struggle with the equality of all people.

More than 60 years ago, my parents, Robert and Ruth Cummings, grew up in rural South Carolina—near a small Clarendon County town called Manning. Some here may recall that Clarendon County would later have the dubious distinction of having its segregated mis-education of Black children successfully overturned in one of the Supreme Court's five Brown v. Board of Education school desegregation cases: Briggs v. Elliot.

I will never forget the painful lesson that my father taught us children about our Grandfather's death in Clarendon County.

When my father was a child in South Carolina, his father was taken back to their home after collapsing in church.

Granddad lay close to death as two white doctors arrived to examine him—an older doctor and his younger assistant.

Later on that moonless night, they emerged from the house onto the front porch.

They did not notice that my father was sitting over in the corner, alone in the dark.

"We should take this man to the hospital in town," the younger doctor pleaded. "It's not worth the effort," the older doctor replied. "He's just a N-*-g-g-*-r."

My grandfather died on that dark, South Carolina night. As a result, I never had a chance to meet the man whose blood flows through my veins.

I never sat on his knee. He never took me fishing. I never learned about the struggles and joys of this strong and good man.

This, I think, is why I became convinced at an early age that we all must work together to create an America in which no life is considered to be without value.

For Americans of Color, the implications of this personal tragedy are clear.

Unable to depend upon the larger society to value our humanity, African American families have learned that we must create our own doctors and nurses.

We founded first-rate medical schools like those at Howard University College of Medicine, Meharry Medical College, Charles R. Drew University of Medicine and Science and Morehouse School of Medicine.

We have sent our children to study at world-class nursing schools like the ones in my District at the University of Maryland at Baltimore and Coppin State University.

And, in response, brilliant African American men and women have followed their calling to become our healers.

Some became famous—like Dr. Ben Carson at Johns Hopkins University.

Yet, despite all of these efforts, the American medical establishment has confirmed that “unequal treatment” all too often remains the rule, not the exception, in the medical care that Americans of color receive today.

In fact, African Americans receive inferior medical care—compared to the majority population—even when our incomes and insurance plans are the same. These disparities contribute to our higher death rates from heart disease, cancer, diabetes, HIV/AIDS and other life-endangering conditions.

Consider this: The December 2004 issue of the American Journal of Public Health contained important findings by a research team headed by President Clinton's Surgeon General, Dr. David Satcher, and Professor Stephen Woolfe of Virginia Commonwealth University.

The Satcher-Woolfe team examined data for the period of the Clinton years that they had gleaned from the National Center for Health Statistics.

During the 1990s, they found that more than 886,000 deaths could have been prevented if African Americans had received the same health care as White Americans.

My friends, when we consider our national health policy, we also are considering our national morality.

We must face the harsh truth: Being Black in America continues to be a medically dangerous condition. And being both Black and poor can be deadly.

But the crisis is spreading. Today more than 46 million Americans of every racial background are uninsured.

And, as a direct result, far too many Americans of every race and creed are dying before their time.

More often than not, health care issues are directly related to the broader challenge of providing access to economic opportunity. Again, the story of my own parents illustrates this point.

My parents moved to South Baltimore in 1945.

They knew that they had to leave South Carolina if their children were to have a better life.

Life in Baltimore was difficult for my family. During my earliest years in South Baltimore, all that they could afford for themselves and their seven children was a small, rented, three-room house.

Yet, it was there in South Baltimore that my life was changed.

It happened at a neighborhood swimming pool, which at that time was segregated.

We were just children looking for a way to escape the summer heat of South Baltimore's concrete and asphalt streets.

In those days, South Baltimore's white children swam and relaxed in the Olympic-sized Riverside Pool that the City maintained not far from where I lived.

Black children were barred from Riverside by the cruelty of segregation.

We were consigned by the color of our skin to an aging wading pool at Sharp and Hamburg Streets. That wading pool was so small that we had to take turns to be able to sit in the cool water.

Upset about our exclusion from our neighborhood's public pool, we complained.

To their everlasting credit, Captain Jim Smith, Juanita Jackson Mitchell, and the NAACP organized a march.

Other people soon joined in this struggle.

I would like to be able to tell you that the White families at Riverside accepted us graciously. Sadly, that is not what happened.

As we tried to gain entrance to the pool each day for over a week, we were spit upon, threatened and called everything but children of God.

I still carry a scar that I received from a bottle thrown at me during the march. We were afraid. And our parents became concerned for our safety.

Then, when all seemed lost, we saw Juanita Jackson Mitchell marching up the street toward our little group. With her were two reluctant, but grimly determined, policemen. They seemed more afraid of Ms. Mitchell's anger than of the jeering, hostile crowd.

Four decades later, the history books say that the Riverside pool was peaceably integrated. We know the truth.

My friends, the struggle to integrate that public swimming pool at Riverside may not have been a large thing in the eyes of the world.

It was not Little Rock—not Selma, Birmingham nor St. Augustine.

But Riverside has a LARGE meaning for me.

At Riverside, I learned that there are dividing lines in every human lifelines that separate hatred from love.

And I learned that we all will face a time when we must choose on which side of these lines we will take a stand.

That choice is the same no matter who is the victim of prejudice, exclusion and hatred.

We face that same choice today as we open up America to people from every continent, language, religion and race.

And how we handle this choice will determine the future of generations yet unborn.

Black History Month means so much to so many people and I want to thank Congressman Al Green for his leadership in introducing H. Res.198 to recognize this fact. I strongly urge all my colleagues to support it.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 198.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 23 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1835

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPPS) at 6 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 85, by the yeas and nays;

H. Res. 136, by the yeas and nays;

H. Res. 89, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

ENERGY TECHNOLOGY TRANSFER ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 85, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 85, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 1, not voting 37, as follows:

[Roll No. 136]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen

Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—1

Flake

NOT VOTING—37

Baldwin
Bonner
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buyer
Capuano
Castor
Cooper
Crowley
Davis, Jo Ann
Emanuel
Gallegly
Gillibrand
Grijalva
Higgins
Inglis (SC)
Jefferson
Johnson (IL)
Kilpatrick
Matsui
Meek (FL)
Miller (FL)
Moran (VA)
Neal (MA)
Pascrell
Peterson (PA)
Pryce (OH)
Radanovich
Royce
Sánchez, Linda T.
Serrano
Smith (WA)
Tancredo
Weller
Young (FL)

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE WILLIAM ANDERSON

(Mr. LINCOLN DAVIS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I ask for a moment of silence on behalf of Captain William Anderson, a former Congressman from Tennessee who recently passed away.

The SPEAKER pro tempore. Members will rise and The House will observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

COMMENDING THE GIRL SCOUTS ON THEIR 95TH ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 136.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 136, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 137]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam

Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—38

Baldwin
Bonner
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buyer
Capuano
Castor
Cooper
Crowley
Davis, Jo Ann
Emanuel
Gallegly
Gillibrand
Grijalva
Higgins
Inglis (SC)
Jefferson
Johnson (IL)
Kilpatrick
Matsui
Meek (FL)
Miller (FL)
Moran (VA)
Neal (MA)
Pascrell
Peterson (PA)
Pryce (OH)
Radanovich
Royce
Sánchez, Linda T.
Serrano
Skelton
Smith (WA)
Tancredo
Weller
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes are remaining in this vote.

☐ 1910

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING DUTCH-AMERICAN FRIENDSHIP DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 89.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 89, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 138]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—42

Baldwin
Bonner
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buyer
Capuano
Castor
Cooper
Crowley
Davis, Jo Ann
Emanuel
Fattah
Gallegly
Gillibrand
Grijalva
Higgins
Hunter
Inglis (SC)
Jefferson
Johnson (IL)
Kilpatrick
Matsui
McCarthy (NY)
Meek (FL)
Miller (FL)
Moran (VA)
Murtha
Neal (MA)
Pascrell
Peterson (PA)
Pryce (OH)
Radanovich
Royce
Sánchez, Linda T.
Serrano
Sessions
Smith (WA)
Tancredo
Weller
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official leave of absence, I was unable to vote on three bills considered today under suspension of the rules. Had I been present, I would have voted "yea" on final passage of H.R. 85, the Energy Technology Transfer Act; "yea" on final passage of H. Res. 136, Commending the Girl Scouts of the United States on the Occasion of their 95th Anniversary, and "yea" on H.R. 89, Establishing the Sense of the House of Representatives that a day should be established as Dutch-American Friendship Day.

RESIGNATION AS MEMBER OF COMMITTEES ON HOMELAND SECURITY AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Homeland Security and Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2007.
Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: I am writing to resign my appointment to the House Homeland Security Committee and the House Financial Services Committee pending my appointment to the House Committee on Energy and Commerce.

Warm regards,
MARSHA BLACKBURN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PERMISSION FOR COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO FILE SUPPLEMENTAL REPORT ON H.R. 985, WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

Mr. TIERNEY. Madam Speaker, I ask unanimous consent to file a supplemental report to accompany H.R. 985, the Whistleblower Protection Enhancement Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. PEARCE. Madam Speaker, on Friday, March 9, while on a tour of Walter Reed Medical Center, I inadvertently missed the vote on H. Res. 229. Had I been present, I would have voted "no."

REMOVING MINORITY MEMBER FROM AND ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 236) and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 236

Resolved, That Mr. Burton of Indiana is hereby removed from the Committee on Veterans' Affairs.

SEC. 2. The following named Members are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON EDUCATION AND LABOR.—Mr. Heller of Nevada, to rank immediately after Mr. Walberg.

(2) COMMITTEE ON ENERGY AND COMMERCE.—Mrs. Blackburn.

(3) COMMITTEE ON FINANCIAL SERVICES.—MR. MARCHANT.

(4) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mrs. Capito, to rank immediately after Mr. Boozman.

(5) COMMITTEE ON HOMELAND SECURITY.—Mr. McCarthy of California.

(6) COMMITTEE ON SCIENCE AND TECHNOLOGY.—MR. REICHERT, TO RANK IMMEDIATELY AFTER MR. INGLIS OF SOUTH CAROLINA.

(7) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Buchanan.

Mr. PUTNAM (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HALLIBURTON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, yesterday in the afternoon on a bright Sunday, one of my constituents, my corporate constituents, decided to offer a press statement to indicate that they were relocating to Dubai in the United Arab Emirates.

We know that many American companies do have their offices in Dubai, and we know it is a thriving metropolis of business. But Halliburton is one of the largest corporate government contractors in the United States; and, unfortunately, their offices located in the 18th Congressional District have had an impact on the employees who work there.

It is unfortunate that the arrogance of this company would suggest that they could make announcements in the brightness of sunlight on Sunday and not engage their local community leaders, their employees, and others who might be vested in the relocation of corporate headquarters.

So I ask the leadership of this company to come forward and answer a number of questions which I will be sending to them. And I express my own personal outrage that a company would move its corporate headquarters without the full discussion of those who are stakeholders and work every day paying their taxes as employees of this company.

I look forward to the light of day being shined on Halliburton.

VILLAINS HALL OF SHAME

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, there is a new candidate for the "Villains Hall of Shame." What began as a Sunday morning journey to church for Rose Morat of Queens, New York, ended up in ambush, robbery, and 4 days in the hospital.

Ms. Morat is 101 years old. She was leaving her apartment complex when a shameless woman-beater pretended to help her out the door, but smashed her three times in the face, breaking a cheekbone. He stole her purse; then he threw her to the ground and hit her again. And after making his getaway, this dastardly menace struck again 30 minutes later. This time he beat up an 85-year-old lady and stole her purse.

New York Police Commissioner Raymond Kelly has made it a priority to capture this outlaw. Angry New Yorkers are already flooding the airwaves with suggestions for punishment for this criminal that would make the hanging of Saddam Hussein look mild.

Madam Speaker, even in our current culture of tolerance, there are some things you just don't do, some things we just don't tolerate. No one beats up elderly grandmothers, or they will face the wrath of the public and the long arm of the law.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today is the 55th day of an injustice. This injustice began on January 17 of 2007 when two U.S. Border Patrol agents entered Federal prison.

Agents Ramos and Compean were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

These two agents were doing their job to protect the American people. They never should have been sent to prison. There are legitimate legal questions about how this prosecution was initiated and about how the prosecutors proceeded in this case.

To prosecute the agents, the U.S. Attorney's Office granted immunity to a known drug smuggler. Homeland Security officials promised Members of Congress certain information about this case, but they could not provide the information. Reports have also indicated that the prosecutors may have withheld crucial evidence from the defense. The Drug Enforcement Agency reports revealed that the Mexican drug smuggler brought a second load of marijuana, 752 pounds, into the United States. But this information was kept from the jury and the public.

Madam Speaker, over the past 6 months, dozens of Members of Congress have asked President Bush to listen to the American people and pardon these agents.

I want the two agents and their families to know that we have not forgotten them and we will not forget them. Members of Congress will come to the floor to defend these agents, and we will continue to do so until they are pardoned.

On February 7, 2007, Senator DIANE FEINSTEIN wrote Judiciary Chairman PATRICK LEAHY to request a committee investigation of this case. She wrote, and I quote the Senator:

"I strongly believe that the sentences in this case are too extreme given the criminal nature of the smuggler and his possession of large quantities of drugs and given the fact that he physically resisted at least one attempt by Agents Ramos and Compean to bring him into custody.

"In addition, to my knowledge, neither of the agents had prior convictions or any other aggravating circumstances to warrant particularly harsh treatment under the law. Yet these men were given sentences that some individuals who are convicted of murder would not receive."

Madam Speaker, this is not a Republican or a Democratic issue, but it is an issue of fairness and justice. Chairman LEAHY has already approved Senate hearings in this case. On February 23, 2007, I sent a letter to House Judiciary Chairman JOHN CONYERS asking for hearings on this case on the House side. I hope Congress will soon hold these hearings because it is time for justice to prevail over an injustice.

Madam Speaker, before closing, I want to say to the White House and to the President, please listen to the American people. Please assure the American people that two agents who have done their best to help protect America will not be forgotten in prison, because they have no business being in prison. They should receive justice, not injustice.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

□ 1930

CONDITIONS AT WALTER REED ARMY MEDICAL CENTER

The SPEAKER pro tempore (Mrs. CAPPS). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Madam Speaker, I want to rise today before this House to talk about something that weighs on the conscience of every Member in this House, a news story that broke very recently that has upset us all, the conditions at Walter Reed Hospital. Many Members of Congress have gone out there and looked at these conditions, and we are shocked by them.

Every Member that I have spoken to is as concerned as I am. I am particularly concerned because I am from a district that I would argue has probably put more fighters in this war than any district in America, having Fort Hood, Texas, a two division post, the only two division post in the Army in my district. The 4th Infantry Division and the 1st Cavalry Division, along with the 3rd Corps, have deployed now to Iraq on three separate occasions each. The 3rd Corps and the 1st Cavalry are over there right now as we speak and the 4th Infantry Division is gearing back up to go back.

Our soldiers have given a lot of their blood, sweat and tears to this war. They believe in their mission and they go to their mission as heroes, as far as I am concerned. And to learn that someone, whoever they may be, from whatever post in America or around the world, would have substandard conditions at what is supposed to be one of the two or three premier medical facilities for our Army in the country, shocks me and concerns me.

I would think it concerns every Member of this Congress, whether they are for this war or whether they are against it. But for me in particular, having 50,000 soldiers that depend on me and other Members of this Congress to make sure that we have an adequate facility that gives the absolute best medical care that we can give, that we have that, is important. It is very important. It is actually lifesavingly critical.

Now, first, to get the right picture, I have been to Walter Reed. I have been there on multiple occasions. I have visited one patient as he cycled through there a 9-month period of time, maybe even longer than that.

I will tell you that the emergency care, the intensive care that was given in that unit, I can't say enough good about the doctors, the nurses, the orderlies and everyone who was doing the work there. I think that they gave outstanding service, the kind of service we would expect for our soldiers.

The trauma medicine that is developing and has developed in the military today, from a medical standpoint, and I am no doctor, but I have sat in a courtroom and heard an awful lot of medical testimony, the trauma treatment that we have for our soldiers today is, quite frankly, state-of-the-art in what they can do to save lives, and we, by the procedures we have set up for our soldiers, are saving a lot of lives.

But then we learn that people who are there as holdovers, who are at the recovery side of their phase through Walter Reed, are being housed in substandard housing, where there were rodents and infestations of insects, where there was black mold, which I happen to have personal firsthand experience with, having been moved out of my house for a little over a year because of stachybotrys, black mold, and having had my house totally wrecked to get that stuff out of it. I am very familiar with the health hazards that are claimed for that mold.

To know that soldiers who have given their hard work and suffered an injury of some sort on our behalf are being required to stay in substandard housing such as that, or substandard facilities such as that, it is appalling. Quite frankly, if it turns out that is what the black mold was that they found there, that has health implications that affects the breathing of every human being, and it is very critical that we be concerned with that.

So this is an issue where the light of day needs to shine on it, and we need to talk about it. I hope some of my colleagues will join us later here so we can discuss this matter, because I think it is important. I think it is important, and the American people expect, as I expect, that we will give the best quality health care from beginning to end for every soldier and veteran in the United States.

It is Congress' responsibility to ensure that these medical facilities are providing the best possible care. The buck stops here. We have that responsibility.

I think overall we are very proud of the medical care that is provided for our soldiers. But we can only hope to expend much more time and, if necessary, much more resources to make sure that what is going on at Walter Reed is corrected and that we look to see if there is anything we need to do at every hospital in America.

I want to applaud the Army for getting on this deal right away. They have dispatched officials to inspect the quality of care at 11 hospitals, and they are doing that this week and next. Of course, the President immediately acted and appointed Bob Dole and Donna Shalala to head a bipartisan commission to look into the solution to this problem. I think that is commendable, and I think that clearly shows how much the President and the White House care, as we care, about the health care of our soldiers.

Because I have a major hospital in my district, at Fort Hood, I went this weekend out to Carl Darnall Army Medical Center in my district. This wasn't my first trip there. I have been there on numerous occasions. This hospital serves approximately 50,000 active duty soldiers and airmen, approximately 56,000 family members, and over 40,000 retirees and surviving annuitants. This hospital, quite frankly, we have been working very diligently and we are very hopeful that we will expand Darnall so that it can be bigger and better.

I was not concerned from what I had seen on multiple visits in the past that we would find problems at Darnall. But it seemed like to me that in light of the fact that we had this issue at Walter Reed, which by my visits to the intensive care unit at Walter Reed, I certainly did not see these conditions that are being described at Walter Reed, that I should make sure to talk to the folks, to go look at the hospital, to look at where we are housing our medical holdovers, and just see exactly what is going on at Darnall, too.

I am happy to report, Madam Speaker, quite frankly, I was very impressed. In fact, I went into the rooms where some of our holdover medical folks were. Most of them were Guardsmen. They are living in dormitory-like rooms, dormitory barrack rooms, two to a room, occasionally one to a room, the kind of room I checked my boys into when I checked them into Texas Tech University to go to college. They were the kind of room you would put your child in, you would be happy to put your teenager or young adult child in while they were going to school; clean, well-established, well-furnished, kitchenette-type rooms.

I visited some of the soldiers and asked them how things were working, were things working well there at Darnall. They were pleased. I went into more than one room and dropped in to visit with these folks.

I want to say in defense of the people in the Army Medical Corps, these folks do care about our soldiers. I don't know what fell through the cracks out there at Walter Reed, and I am sure we are going to find out about that, but overall I cannot impress upon this body how much we have to respect these doctors and nurses and the time they are giving, because these folks are being deployed as well as serving our soldiers here. Many of them are being deployed to the two theaters of war today, working in theater hospitals that are part of the lifesaving process that we provide for soldiers today.

It is a tragedy when we talk about the number of soldiers that we have lost and airmen and, of course, Marines and sailors. It is a tragedy when we lose one, and it breaks the heart of every American to lose any soldier. But as we look at what the medical community has been able to accomplish in this war over previous wars, we have kept fatalities down because of doctors and nurses and administrators and the plans they have to get our soldiers to the doctor, to get help quickly.

The key is if they can get them off the battlefield and to a professional in 12 minutes, the vast majority of the time, no matter how serious the wound, we are able to save their lives. That is a track record that we don't have from previous wars. But it has been done by a combination of utilizing our medical facilities that all the branches of the service are involved in, and I have an example from back home that I will talk about sometime today to show how that works.

Also while I was there, I went and visited the Olin E. Teague Veterans Center in Temple, and I will tell you, you think about what you have heard about veterans hospitals in the past. Well, I am telling you, everything you have heard, you need to go visit Olin E. Teague Hospital in Temple, Texas. I promise you, you will be impressed with the quality of health care and the quality of that facility, which houses everything from our old soldiers in nursing care to intermediate holding care to hospital care for our veterans. I am telling you, it is state-of-the-art, first-class medical care that they are providing there.

Their new center, where they have about 400 men and women, it is better than what I live in here in Washington. It is a nice place. It looks like we have got a bunch of really happy veterans in that center. They have a lot of amenities. It is gloriously beautiful. I commend the foresight of those who preceded me to build that hospital up to the quality it is, and I feel very confident any inspections that take place there or at Darnall are going to come back with a very good report card.

But that doesn't get us away from the issue we have been talking about, the Walter Reed issue. These dedicated professionals can do just so much, and I will tell you when the Army was called upon to respond I think they responded very quickly.

I see I have been joined by my friend ROBIN HAYES.

I yield to ROBIN HAYES.

Mr. HAYES. Congressman CARTER, thank you very much for holding this Special Order tonight. I think it is critically important that people be fully informed as to the quality of medical care that is being administered to our troops.

You are a true champion for Fort Hood down in Texas. The epicenter of the universe for me is Fort Bragg in Fayetteville, North Carolina. You and I both spend a tremendous amount of time on this. Nothing is more important to you and I and our staffs and other Members of Congress than the health of every active duty, former, or soon-to-be-retired veteran. Anybody that is connected to the military, there is nothing that we will not do to make sure that their care is the absolute ultimate.

You and I both have seen, as has Congressman POE and others, there have been some revelations at Walter Reed Army Hospital. There have also been two instances at the VA hospital in Salisbury, in my district, where the care was not what you and I would have liked. Medicine is an art as well as a science. You and I and the rest of Congress are committed to making sure that those situations don't ever happen.

But I think far more important, particularly in this debate, is the American public see here and realize fully that when you and I travel to Landstuhl, Germany, or Fort Bragg or the Hefner Medical Center or the Brooke Army Medical Center in Texas, the care that these men and women receive from incredibly dedicated, well-trained and committed individuals have saved so many lives on the battlefield.

☐ 1945

These are the pilots who have flown the medical evacuations in helicopters and C–17 and other aircraft, racing the medical clock back to the U.S., Walter Reed, where incredible medical miracles have been performed, not just because of the advancement of science, but the dedication of the men and women who administer the care.

As we talk about this, it is appropriate and necessary that we look under every nook and cranny. And if any Building 18 situation arises, whether it is Walter Reed, Fort Hood, Fort Bragg, whatever the case may be, we want to know about it. We have many Members and staff members who follow this closely. We will move as quickly as we possibly can. We try to stay in front of these situations.

General Kiley has resigned. I called for his resignation. You hate to do those kinds of things, but the appropriate people need to take action. Action has been taken. People are aware at different levels that maybe weren't as aware as they should have been before. But at the end of the process, and thank you for bringing this to everyone's attention in a concise and I think important manner, the men and women as we speak around the clock and around the world are doing everything they can, not only to treat our wounded on the battlefield, but to provide preventive care for their wives, children and their parents. Everything that can be done, obviously, is not done every day; but it is not because the desire is not there.

When I look at Womack Army Medical Hospital at Fort Bragg, they receive tremendous care. I was recently down there with ADAM SMITH who is now chairman of the TUTC, which stands for Terrorism, Unconventional Threats and Contingencies, to us Special Forces, and he and I toured the medical training facilities where combat medics are trained to respond to battlefield situations. Let me tell you, these men and women have done incredible things.

As we move forward, and well we must, you and I and everyone here are going to do everything possible to make sure that care exceeds everyone's expectation. Nothing is more important to this country. They are responsible for the past; they are responsible for the future. Thank God for the men and women in uniform. We will do everything we can to support them. Again, I thank you very much for having this Special Order tonight.

Mr. CARTER. I thank my colleague from North Carolina, ROBIN HAYES, a true friend of the American soldier. He proves it by his actions as well as his words, and I thank you on behalf of our soldiers.

Now I yield to my colleague from Texas, one of my former judge colleagues, Judge POE.

Mr. POE. Thank you, Judge CARTER. Thank you for an opportunity to make some comments on this important issue.

It has taken less than a week for the American public and this Congress to find out what was taking place at Walter Reed Hospital. It is one of the premier hospitals in the world for treating the injured. But yet there were some problems and those problems, rather than being overlooked, are being dealt with, and that is very, very good.

A couple of observations that I would like to make about this whole episode. As you mentioned, Judge CARTER, American troops if they are found after an injury within a few minutes, the likelihood of their survival is in the 90 percent range. That is a tremendous percentage of recovery for these individuals to live if they are wounded. And they live from wounds that just years ago, even back in Vietnam days, they would have died from. But because of medical science, expanding as it has, they will recover from those wounds, although they will have, many of them, lifetime recovery periods. And that is where we must make sure that we take care of our military, that the recovery for many of these individuals is going to be a long, long time. Sometimes the rest of their lives.

An observation I would like to make about this situation at Walter Reed is that the American public expects us to take care of our soldiers. I think this is good. I think it is good that the American public is upset about the fact that some of our troops are not being taken care of the way they should be because our people in this Nation, regardless of how they feel about Iraq or Afghanistan, the issue of taking care of the wounded is not a political issue. It is an American issue, and Americans expect the best care for our troops. And that is important that the American public support our military in the recovery process.

To try to illustrate how the American public supports our wounded warriors, I had the opportunity to go to Landstuhl Military Base in Germany where wounded Americans come from Afghanistan and Iraq, many of them with severe injuries, and they are treated there before they are even brought back to the United States because of the critical care facilities they have at Landstuhl.

And when I found out I was going to be able to go over for this short trip with about 3 days' notice, I notified my two district directors in Texas to see if we could get some kids from local schools to make some cards to take over and give to the wounded. They met me at the airport with two suitcases full of handmade cards from third, fourth, and fifth graders of the Second Congressional District of Texas, and a little over 6,000 cards. I checked one of the suitcases. The smaller one I took on the plane with me, and I started reading them as I was flying over. The person next to me wanted to know what I was doing and I told him. And so he wanted to see them. He started reading the cards. Next thing I knew, the whole plane was reading. The cards were going up and down the aisle, and there were a few tears in the background.

But the point being that the American public supports our military, supports our military even when they are wounded, and cares a great deal about them, to the tune of 6,000 handmade cards from a bunch of kids in Texas. Of course the troops were very grateful for those cards. But it is a sign and observation that the American public will always support our troops when they are wounded and expect us in the Congress to make sure they have the care that they deserve.

The President acted very decisively and quickly, and I congratulate him for that because when things go bad at a hospital like it did at Walter Reed, the person in charge of the hospital needs to be removed. They need to get somebody over there that will take care of business and make sure that we don't have problems with our military.

How we treat our warriors in aftercare really defines us as who we are as a Nation.

One other comment I would like to make is it goes back to something that is tradition with our United States military, has been for a long time through many wars. The American fighting man always has the role, the obligation, the duty to never leave anyone behind on the battlefield. People in other cultures do not understand why Americans are so relentless in making sure we take care of not only our wounded but those that have fallen on the battlefield. They don't understand why we do that. We do that because we are Americans.

One way that we leave no one behind is to make sure we don't leave them behind in the hospitals, we don't leave them behind in aftercare. We take care of them for as long as necessary, and if it means taking care of them the rest of their lives, so be it, because that is what we do in this country: we leave no one behind.

So I commend you, Judge Carter, for this Special Order and bringing awareness of this whole plight of hospital care and the care of our warriors to the American public.

Mr. CARTER. I am very fortunate, Madam Speaker, to have DUNCAN HUNTER, somebody if you asked people in this Congress who is a friend of the soldier, the first word of their mouth will always be DUNCAN HUNTER. He is the ranking member of the Armed Services Committee. He is a hero for American soldiers because he never forgets the needs of the soldier, both on the battlefield and in the hospital and as a veteran. I am honored to have DUNCAN HUNTER join us.

Mr. HUNTER. I thank my friend for yielding, and with that kind of introduction, I will just shut up and sit down. I thank him for that very kind introduction.

I just got back from Iraq with Congressmen DAN BOREN and KEN CALVERT and RANDY NEUGEBAUER. We were at Landstuhl Hospital in Germany, which is the first place where our wounded soldiers and marines are taken after they have been wounded on the battlefields of Afghanistan and Iraq. They are stabilized and treated there, and then they are flown back to Walter Reed and Bethesda.

We went over the new technologies that are being utilized right now and the new focus being put on our wounded soldiers. Let me tell you, that operation is first class.

One thing, and the gentleman talked about Walter Reed and I thought it might be appropriate to bring up an issue that all Members of this body can participate in and help in, and it is this: last year I started in San Diego in Balboa Hospital, which is where a lot of our wounded marines are, and in Walter Reed. We started these forums for getting jobs for our guys and ladies who have gone through their therapy, they are being separated from the service, they have been wounded and they are going to go back into the private sector.

So one thing that I thought we would do out in Balboa, and we did one of them here at Walter Reed, was to bring in people from industry and introduce them to our wounded soldiers and marines and try to help get them jobs. Hopefully, a young marine would stand up and say I am a generator mechanic from such and such a town in Vermont or Maine or California or Iowa, and we would be able to match them up with a company that might need such a talent in their company.

So we started doing that, and the first session I had was in the dayroom in Balboa Hospital in San Diego, and we actually had CEOs from major corporations in the dayroom and the marines all came in and told us what they did and introduced themselves, and we immediately had a number of people hired right there at that point in time.

Well, I got back, and the Armed Services staff told me you may be breaking the law.

I said, What are you talking about?

They said, We have talked to the ethics lawyers on the Hill and there may be a question if a Member of Congress tries to help somebody get a job with private industry. There is the implication that reciprocal treatment will be required at some point: you are getting a favor and you will give a favor back.

I said, What can we do?

They said, You need legislation that will end up with the Ethics Committee and House Administration Committee expressly permitting Members of Congress to help get jobs for our wounded soldiers and marines.

So last year, a month or two before we broke, we passed a resolution in the full House urging the Ethics Committee and the House Administration Committee to give us express permission to get jobs for our wounded folks. Every Member of the House can help us on this. I know that VIC SNYDER who heads up the Personnel Subcommittee on the great Armed Services Committee and JOHN MCHUGH are very much supportive of this.

Hopefully, we will get this recommendation up before the Ethics Committee and the House Administration Committee. At that point I can see this entire House of Representatives doing great work because you can take a young man or woman from a town in America who has had an injury and gone through rehab and is looking to go into the private sector. A lot are staying with the service, but the ones that aren't staying with the service, we could call up the Congressman from that particular district that young person is going back to and find out if there is a company that needs that generator mechanic or that young man or woman who is interested in law enforcement or some other profession.

□ 2200

So I think there is a lot of opportunities here and I look forward to working with you and with the great gentleman from North Carolina (Mr. HAYES) and all of our colleagues to try to put this together.

Mr. CARTER. That is a great idea, wonderful idea. We introduced a bill last session, we are going to put it back in this session, that is going to encourage employers to hire the spouses of our soldiers. We give a tax break to employers who hire ex-cons. We ought to give a tax break to employers who hire the spouses of soldiers who have gone to war for us because that is the kind of caring we have got to do, caring about what happens to them when they get back but caring about the worries they carry as they go to battle. That is very popular among employers who are interested in doing that.

There are so many things, and what a great idea you have got, a job fair-type, national job fair promoted by the Congress for our wounded soldiers. That is a great idea.

Mr. HUNTER. If the gentleman will yield further, nobody knows the companies and the businesses in their district better than a Member of Congress, and so I think if we can just pass this little provision in the Ethics Committee that will allow us to do it, we will be able to call up a Member of Congress from whatever district the young man or young woman has a residence in, find out what particular companies have disciplines in the area of occupation that this person specializes in. I think we can marry them up and get some jobs pretty quick.

Mr. HAYES. If the gentleman will yield, you just returned from Iraq, literally landed moments ago. You visited Landstuhl. You were downtown in Fallujah and Ramadi. You were in Landstuhl this time, and you have been there before. I just realized that our Speaker tonight, the gentlewoman from California (Mrs. CAPPS), is a wonderful medical professional in another life. So it points out again and again that care and desire to do the right thing medically, absolutely knows no boundaries here.

I remember being in Landstuhl on another trip with Speaker NANCY PELOSI, and she was particularly intrigued by the facilities for premature babies there. So our wounded soldiers are critically important, their families, their children.

You spoke of Dr. Snyder, a Democrat from Arkansas, a doctor from Arkansas. Again, my purpose is to reassure people at home, no, we are not perfect, and yes, it was a serious, serious issue at Walter Reed and there are others, but we are willing, able and anxious and ready to deal with those issues.

Could you relate some of things you saw in your most recent visit to Landstuhl, which was this morning?

Mr. HUNTER. Absolutely. The one thing that we have learned is that when people get concussions, there may be a lasting effect on those concussions, and we talked to several concussion specialists who now are focusing on Landstuhl and when the young people come back, especially when they have been attacked by IEDs, by weapons systems that have a blast effect, to have a new focus on the after effects of having concussions, and so that is something that is being done right now.

Typically, in the old days, it was done, of course, in sports medicine, for example, guys that were boxers or played football and took numerous hits, and the effect of numerous concussions was studied and was followed.

What we are focusing on here is, you have been in an IED attack or you have had a mortar attack that is close and that gives a concussive effect, it is important to monitor that individual for an extended period of time, not just figure, okay, he was knocked out or she was knocked out, but now they are fine. Monitor them for a period of time. So we have a new focus there in Landstuhl and that focus, it was important to Mr. NEUGEBAUER especially, and DAN BOREN and Mr. CALVERT, who were on the trip with me, were all very interested in making sure that the information that is derived from observation of a patient who newly comes in, comes in and is stabilized there, that then is sent to Walter Reed and to Bethesda so there can be follow-up work so that we can treat the entire patient, and maybe that patient has a fragment wound, making sure that you take care of that, but at the same time make sure that we monitor the effects of concussions, which can in some cases have a lasting effect.

So it is just one example of new focuses and new technologies that are being placed on our wounded soldiers, and the folks there do a great job.

To go to Walter Reed for a minute and this problem we have with the outpatient, the inpatient care is good at Walter Reed. In fact, I was with a wounded Marine and a wounded soldier and it was either the same day or day or two before the story in the Washington Post broke. We have great inpatient capability there. What we have got to have is we have got to have what I would call a family friendly system that is consumer friendly and consumer easy, so that that 22-year-old wife of a Marine corporal, who is undergoing therapy there at Walter Reed and doing rehab there, so that it is easy to walk through the bureaucracy.

So we build these bureaucracies. We inadvertently build them, like the one we built up that says now you cannot get a job for a wounded person or you are violating an ethics rule. We get sometimes so twisted and tied up in this multiplicity of rules that we end up losing sight of the real goals of what we are here for.

So I think we need to make this a consumer friendly system for a person who has got a lot of things on their mind and maybe has some kids back home and they are coming several hundred miles to get rehab treatment or therapy can easily and quickly walk through the system without having to go through a phonebook thick of regulations and sign a million dotted lines.

That is something we can do, one-stop shopping that is easy and simple. That is not bad to have throughout the Federal bureaucracy, but especially when you have military families that have a lot of problems and a lot of things on their mind, we need to have a customer friendly system. That is what we need to develop.

Mr. HAYES. If the gentleman would yield for just a moment, if I might.

Mr. CARTER. All right.

Mr. HAYES. We have got a good doctor from Texas, Dr. BURGESS, going to join the discussion, and excuse us for overlooking you. You are the most qualified to be here. Duncan and I, I think have been accused of being hit in the head too many times before, but the point is on traumatic brain injury, this is something that has been very, very important.

Tomorrow, the private sector, which has been very, very active, Martin Foil from my district, Traumatic Brain Injury Foundation will be here in the foyer of the Rayburn House Office Building, again to help further educate Members on the multiplicity of the implications and complications of brain injury, and all of us here have worked very, very hard for additional funding to do just that.

Mr. CARTER. I am going to yield to the good doctor, to my colleague from Texas (Mr. BURGESS), and one of those fine medical professionals that we have been talking about that serve here in the United States Congress.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding. I thank him for convening this hour this evening. I think it was extremely important, extremely timely that we have this discussion on the House floor, and I am especially glad that we have been joined by such prestigious members on the House Armed Services Committee because I think their words certainly add much more than what I would be able to bring to the subject.

I will just have to say I went to Walter Reed this afternoon, asked to go last week, because I thought it was important as one of the medical professionals in Congress that I go out and just look and see is there anything that causes me grief, that causes me concern. I will have to say I was not upset about the things that I expected to be upset about, and I was upset about things that never would have occurred to me to be upset about, and let me elucidate that a little bit if I can.

Of course I read the stories in the newspapers last week, and I expected to be upset about the physical condition of the building, and the building in question, Building 18, which is just across the street from the Commanding General's residence at the Walter Reed Medical Garrison there in Northeast Washington.

Indeed, the building is not the nicest of buildings in Washington, D.C., and I am sure there has been some attention to some of the problems that had already been rendered to the building in the week between the time the story broke and the time that I got out there, but in general, if you stop and think about what this housing was designed to do, it was obviously to provide a place for soldiers to stay while their medical conditions were evaluated, but while they decided do they stay in the military, do they get out, if they are able to undergo the physical processes for rehabilitation or allowed to stay in the military, how much time is going to be required. This location, Building 18, being outside the medical garrison of Walter Reed Hospital, had some appeal because it was outside the garrison, and as a consequence there was perhaps a little more freedom, a little more freedom of movement. There is a parking garage underneath it, not quite the same level of restriction that you have within the medical garrison itself.

So the actual physical condition of the building, again, I am sure it had received some attention between the time the story broke and I got out there, was less distressing to me than some of the things that I heard that our wounded soldiers have to go through.

I snapped a picture while I was out there. The gentleman talked about the massive amounts of regulation and red tape. Here is a gentleman going through his medical records. I do not think this picture does it justice, but this is about the size of the Dallas phonebook that he has got in front of him. These are his medical records he has got spread out on the table, and he is trying to put them in some semblance of order so he can make his case for the time he gets out of the military to assess his degree of disability if he were to wish to stay in, to be able to make the argument that he would be able to stay in the military.

But an individual such as this, and this individual, in fact, was part of the Medical corps, you can see on his shoulder patch there. So he had some knowledge of the types of record he was reviewing on his own behalf. Just imagine someone without any medical expertise having to go through these numbers of records, and then what if it all gets lost, which unfortunately happens.

Twenty-four hours total time that he spent in assembling these records, and unfortunately, he told me, it is not an infrequent occurrence, it is not just that a soldier's appointment would be canceled, that they expected for a few weeks time. It is not just that the ride to the hospital did not materialize, but this amount of work going into essentially what will define his future could be misplaced, and in this day and age, when we talk about the computerization of medical records, we talk about the VA system being on an electronic medical records system, there is no way right now for these medical records generated by the Department of Defense to talk to the medical records in the VA system.

So it is a lot of work that we ask these folks to go through on their own behalf, and unfortunately, it can occur that after putting all those hours in this record ends up on the wrong place on someone's desk, and when the time comes to retrieve it, it cannot be found.

That was a one of the things, again, I never expected to see today when I went to the hospital but certainly caught my attention when I visited.

I would stress, and just like the chairman, just like my friend from Texas, I too have been to Landstuhl Hospital in Germany, spent a good deal of time on two separate occasions at the field hospital in Balad, Iraq, and spent some time at the Ebosina Hospital in downtown Baghdad last summer. In fact, that is the hospital where the famed Baghdad ER show was taped, and I would have to say through all of that exposure to the medical care available to our soldiers in the field, the so-called down range exposure, their medical care is top notch.

I had an emergency room physician, an orthopedist in Balad, Iraq, tell me he had medicines and treatments at his disposal out in the field that he would never have had available to him in downtown Cincinnati. It is that training, that expertise that he gains dealing with those new treatments and those new therapies that will then make him a better physician, and he acknowledged this. I will be a better doctor when I go back to take care of the civilians in Cincinnati, Ohio, than I was before I left because of my experience here in Balad.

I have heard other people refer to it, but certainly we have many, many dedicated men and women in the medical staff, the nursing staff at Walter Reed Hospital and our other fine military hospitals, and it does pain me somewhat to think that these individuals are also reading these stories. They go to work every day to do their best work. They go to work every day to take care of the genuine American hero, and then they hear their efforts and their professions demeaned in the press.

I know how disheartening that can be and I would say to those individuals working in the Medical corps in our military hospitals and the Nursing corps in our military hospitals, God bless you. Thank you for what you do because individuals like this who, in another time and another place, might not have had such a happy outcome, he, in fact, is looking forward to a return to civilian life and being quite productive thanks to the expert care that he received at Walter Reed Hospital.

□ 2015

One thing that I do want to bring up because it is terribly important, the

Wounded Warrior Transition Brigade, which was just announced last week and has been formed this week. Major General Eric Schoomaker, who is the new command at Walter Reed Hospital, this establishes essentially a patient advocate in uniform, patient advocacy within a military context.

This is one of the things, when we hear about the failures of leadership that resulted in some of the problems that have surfaced at Walter Reed Hospital, this was the type of leadership that was lacking. So these small brigades, which will now be composed of one leader with 17 men or women under his command in those units who are awaiting a medical decision on their military future, certainly tightening up that ratio between leader and the number of men and women in the cohort will significantly improve things, I think, as far as the advocacy for our heroes.

So the gentleman from Texas was very kind to call me down and let me participate in this. I thank you very much for your leadership on this. It is extremely timely and extremely important.

Mr. CARTER. I thank my colleague from Texas for his comments and his expertise as a doctor. He is invaluable to this House, and we are very, very proud to have him as a Member of this House. I am proud to have him as a friend.

Does the gentleman from North Carolina wish to be recognized?

Mr. HAYES. Congressman CARTER, after listening to Dr. BURGESS, I just had a couple of more things I wanted to relate because they were so important.

Mr. CARTER. Take all the time you need.

Mr. HAYES. I was telling former Chairman HUNTER, Ranking Member HUNTER now, that when he and RANDY NEUGEBAUER return, we have our Congressional Prayer Caucus that meets every Monday or Tuesday night, just at the beginning of votes, and three young men who were just wounded and brought back from Iraq, we were able to pray for them and will contact their families tonight.

Prayer still goes on here in the Halls of Congress, as you well know. We will meet on Wednesday morning. There are a number of organizations, Semper Fi Fund, Fallen Heroes Fund, but there are numerous others where men, women and children are working around the clock again to assist with these wounded veterans. They are doing a fabulous job. As part of this discussion, I wanted to call attention to them.

Last but not least, I met a young man at Landstuhl a couple of years ago, Sergeant Danny Metzdorf, 82nd Airborne, all the way, and walked into that room, and you have had the same experience, he looked just like my son. That was what really caught my attention. He had just been wounded there, and I struck up a conversation with him and he hardly remembered that night. But when he got back to Walter Reed, went to visit him a couple of times, got to know his family, had a prosthetic leg, 25, 30 surgeries, just, really, all he thought about, I want to get back with my buddies, back with my unit.

Well, that outstanding young soldier, Airborne guy, is now the coordinator and jump master for the Golden Knights. So with that new artificial leg, and these stories are, so, so, many, I want people again to be encouraged, not satisfied, but encouraged that medical treatment is not only available but it is something that is so critically important to us.

I was here one day and some contentious issue was going on in the people's House, and I got an emergency, I thought, call. Dan Metzdorf is calling you. Oh my gosh, something has gone wrong, surgery, he had a complication. I immediately left the floor and called him. He said, gosh, there was so much going on, are you doing okay? That is the way our young people are today. They are for America. God bless them all.

Mr. CARTER. Thank you so much for being here tonight. Let me tell a story about an 82nd airborne soldier. This is an 82nd Airborne soldier from my hometown. My son and daughter-in-law are a high school teacher and coach, and they knew this young man; we knew his family. He, in the invasion of Baghdad, he charged out on a bridge in the open to pull one of the fallen, he was a medic in the paratroopers, 19-year-old medic, and he charged out on his bridge and pulled one of his fellow paratroopers to safety. In the process of going back for others, he received a round through his abdomen.

Now, I told this House earlier that this is a joint effort, and Alan Babin is a perfect example of the joint effort. He was immediately treated on the battlefield by a fellow medic, immediately evacuated and flown to the Navy ship offshore, I have forgotten the name of it now, to a mercy ship off the shore, where they treated him. From there he was flown by the Air Force, air evac medical team to Landstuhl in Germany, where he was stabilized and then he was flown to Walter Reed Hospital and had hundreds of surgeries, and for 7 months laid with an open, exposed abdominal cavity which had to be scrubbed clean every day. That boy would have died on any other battlefield, anywhere else in the world; but he was an American soldier, given American medical care.

Today, he is recovering. While in the process of being treated, Alan suffered a stroke. His wounds are healed now, and he is rehabilitating himself with help from the Army on the damage that he received from the stroke while being treated for his wound.

We expect all of us in Round Rock, Texas, Alan Babin, to be back and functioning and doing well and heal completely because his spirits are great and he is working hard like every soldier and every Airborne trooper would; and he is the pride of Round Rock, Texas. He won the Bronze Star with valor for his treatment of his fellow soldiers, fellow paratrooper.

Those stories, there are a million of them. We see them every day in Landstuhl. I wanted to tell that story, because I want the American people to know that is the kind of medical care that our medical doctors are giving. This week, when I was at Darnall Hospital in Fort Hood, they told me about the fact that we couldn't make it if it wasn't for the doctors who were willing to serve in the Reserve.

In this Reserve, we sent 11 doctors downrange to Iraq in our last deployment. Someone has to fill in for those 11 doctors back at Fort Hood. It is the Army Reserve doctors that come in there and do that and the Army Reserve nurses. I visited with a nurse, I believe, from Jamaica, New York, who was filling in as a Reserve nurse who had been called up, or maybe she was a National Guard nurse.

So not only are the heroes in the war but the heroes in the Reserve and the Guard, they are doing a great job. It is abominable that we had this condition at Walter Reed. We will address it, we will fix it, but let's not take away our doubt that these doctors and nurses and medical professionals are doing everything they can to make sure our soldiers are getting the best care they can.

My friend Mr. KING, STEVE KING, has joined us. I want to recognize him and allow him to say a few things here.

Mr. KING of Iowa. I thank the gentleman from Texas for organizing this Special Order hour and for gathering together a lot of patriotic Americans and shedding some objective light on the health care situation with our men and women; and like many of the Members who have spoken earlier in this hour, I am one who has also made consistent trips over to Iraq, Afghanistan, the hospital, Landstuhl in Germany, and, also, I make it a point to be one place or another to visit our wounded, at either Walter Reed or Bethesda or Landstuhl. So I have been to Walter Reed a number of times, and saw nothing like I saw described here on the floor of the House of Representatives, and make no excuses for that. In fact, like everyone else, I believe we needed to fix it and we did fix it as quickly as possible.

The people that come down here to the floor night after night after night with the same poster that had the words cockroach, mold and mice on it have been repeating the same mantra, but they have not seen anything like we are describing here night after night after night. This was, as I understand it, two rooms out of 300 and some altogether in a place where no one goes. The people that were there were ambulatory patients that liked it there because they were a little off campus, they had a little more freedom. So those were the circumstances. They have been fixed.

But I will say what this needs to be: this needs to be a message to us, a kind of reminder, a wake-up call, because what I saw here demonstrated by Mr. BURGESS, which is that there are patients there whose care is too bureaucratic, we can use this as a launching pad to bring software into place and to put into place a patient tracking system that will compare the tracking of these patients and the timeliness of their care with that in the private sector and have red flags come up on those files if there is a time they are not being dealt with in a fashion they should be. We can get this set up. It needs to be managed in that fashion.

I will also say that the VA hospitals have taken a fair amount of criticism on this. The ones that I go visit have modern health care and a modern tracking system and a bar code that goes on the wrist of the patient. When they go in there, they read that bar code and within seconds their full medical record is there; any pharmaceuticals that have been prescribed by them are all right there. It reduces and almost eliminates mistakes for prescriptions, for example.

There are a lot of modern pieces that have been put together. Most of our VA hospitals, and the ones I know, do a good job. They shouldn't be dragged into this, and the Walter Reed piece of this, we can do a better job. More of it has to do with patient management and timeliness of care and modernizing the recordkeeping system. Little of it has to do with putting plaster up on the wall and putting carpet into place. Let's use the need to do this to get this place, put Walter Reed back into the 21st century and give these men and women the very best top-notch care that is possible.

We can do that. The people doing the work, we need to applaud them, not criticize them. They give their hearts and their minds and their energy to our brave men and women who have given their life and limb for our freedom and for our liberty.

The only thing that they are short of is they suffer from compassion fatigue, and they get burned out on these jobs. But what I see, selfless Americans are doing the best job they can. We can give them some better tools to work with, which has to do with tracking the patients and being more timely in the service we provide.

Mr. CARTER. I thank the gentleman for joining us here today. On that issue of electronic records, when I was at Darnall on Saturday, we were talking about them implementing the electronic recordkeeping. I said, well, now, I need to know, are the electronic records that you are working on here, are they interoperable with the VA's electronic records? They said, well, they are so far ahead of us, we will certainly work to have interoperability, but we are way behind the VA.

Most Americans wouldn't expect that to be heard. The VA is getting a reputation on their electronic records of having a state-of-the-art electronic records system. People are coming in from the private sector to look at what the VA has done. The Army is using it as a model to bring Army electronic records up to par. It is important, it is one of the missions we need to have here in Congress to make sure we provide the support and the funds to make sure we have an electronic record system which will take our soldier and track him from the minute he raises his right hand to serve our Nation, until, at the point we all get there, he is buried in one of our veterans cemeteries, until we have accurate records for him that are electronic, easily found, so we can get him the care, he or she the care, that they need.

Madam Speaker, this is an issue that has concerned every American, Democrat and Republican, since it broke. We are all concerned. We all want the American people to know that whatever differences we may have on the issues concerning the war, this is an issue of the lives of the American soldier; and all Americans care for our American soldiers.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the privilege and the honor to be recognized here on the floor of the United States Congress this evening and the chance to pick up where some of my colleagues left off here. But I pretty much had my say about Walter Reed, and I support and endorse the remarks that were made over the last 60 minutes, and I intend to move on to another subject matter here.

I do just simply want to restate that the care that they are provided is good and it is solid. And as I talked to patients at Walter Reed, Bethesda, Landstuhl, continually, they are very, very grateful for the quality of the care. We have some of the best experts in the world treating some of these kinds of injuries; and to look them in the eye and see the level of their commitment, you just know that they are giving it everything that they have.

I am not hearing patient complaints about the care, but about sometimes the timeliness of the recordkeeping and the timeliness of the treatment that is there.

□ 2030

There will be always be things that fall through the bureaucratic cracks, and it is our job to try to seal those cracks up and do the best job that we can. I think we are going to get that done. Certainly, though, I want to make sure that America, Madam Speaker, understands the commitment that is made on the part of the medical care providers for our military men and women, and that is what we must do in order to support their effort and support their sacrifice.

Madam Speaker, I came to the floor tonight to talk about an issue that I have been here before to raise, and hopefully I will be back again to raise, and that is this broad, overall immigration issue that has captured the debate field in the United States for the last 3 years or more. And what brings me to the floor tonight is a sense that there is a growing effort on the part of the White House, on the part of the Senate and on the part of some here in the House, to build a kind of a critical mass coalition that would bring what they would call a comprehensive immigration reform bill through the Senate and then quickly over here to the House, which I would consider to be a steamrolled or a stampeded bill, something that we don't know what is going on behind the scenes, or there has been hardly anything leaked. And I believe it is their effort to try to get enough Members, a majority, and that would be something or a filibuster proof majority in the Senate and a significant majority here in the House to buy on to a policy that they have never seen, one that is not in print yet, or at least not filed, not dropped, in the fundamental sense, but only get people, people, and I mean Members and Senators, to sign off conceptually, and say I conceptually endorse a comprehensive immigration reform bill.

Well, first, Madam Speaker, the American people need to understand that when the word "comprehensive immigration reform," when that phrase is used, that means we don't like to admit amnesty. But comprehensive is a substitution for the word "amnesty." It has been that way for 3 years. It will be that way until this debate is maybe over for this cycle.

But I recall when the President gave his first immigration reform speech was January 6 of 2004, 3 years and a couple of months ago. There he brought out a lot of the same things that he is standing for now. And the President says that he is opposed to amnesty. But I will say that Ronald Reagan signed a bill that Ronald Reagan called amnesty that is very much the kind of policy that is being advocated by the White House.

I am greatly concerned about this moving so quickly with so little information that the American people would not have an opportunity to weigh in, would not have an opportunity to call and write and e-mail and fax their Senators and their House Members to be able to try to move the center, I guess, of the Republican and Democrat House of Representatives and the Senate.

And so it is important that I call upon Members, don't sign off on something till you read the fine print. The devil is in the details. The devils were in the details last year when the Senate moved their immigration reform bill and the details turned out to be tens of millions of people. Just a small detail, Madam Speaker, of tens of millions of people that would be legalized and granted amnesty in about a couple of decades period of time. That is the backdrop. That is the foundation of this.

I have a lot to say about this, but I also recognize the gentleman from Texas who has been on this floor for a while has some things he would like to say about it, and I would be very happy to yield to Judge CARTER as much time as he may consume.

Mr. CARTER. I thank the gentleman from Iowa (Mr. KING) for yielding to me. And I appreciate him joining me in the previous hour in our discussion of Walter Reed and the health care for our soldiers and our veterans and how important that issue is.

But I guess, at least in the State of Texas, if what I hear in my town hall meetings is anything to be compared, I think the issue of what is happening on our borders and what we are going to do to resolve the issue of immigration is a topic that has never failed to come up, now, in the past 3 years at literally, every occasion at which I have held a town hall meeting; and I generally hold between 17 and 25 a year with the addition of the new tool of the telephone town hall. I held one of those less than 3 weeks ago for an hour and a half.

And once again, the people of Texas are concerned about the issue of the illegal aliens that have invaded our country. And they are concerned about who is coming, and what are they going to do, and what are we going to do to resolve this problem?

I have a Hispanic Council. The gentleman from Iowa knows that Texas is a State that you would put down as a Hispanic State. In fact, I believe we have now, over 50 percent of the people in Texas are Hispanic. The difference between Texas and some other parts of the world is we have lived with Hispanic neighbors all of our history. I mean, our culture is a kind of a combination of West and Mexican culture. It is the Southwest culture. It has a lot of the influence of Mexico in the Southwest culture. If you don't believe that, come on down to Austin; let me feed you the best Mexican food on Earth.

This is what is going on in Texas. We have lived with our neighbors like this all of our lives. When this issue cropped up I decided I wanted to form a Hispanic Council in my district. And we talk about issues, of course, immigration, the border, these are issues that are primary we discuss. But we made ourselves a promise that we were going to look at the world, all the world of litigation, legislation, and international relations, not just the immigration issue. But we always discuss the immigration issue. And at least my council, which has a membership of folks that are, some of them first generation American citizens, most of them second or third or fourth generation American citizens. All of Hispanic descent, most of whom are from Mexico, although there are some from other places. And we have a let your hair down, no holds barred discussion. And overall, my Hispanic community, recognizes there is a problem and realizes we have to come up with a solution, and they are supportive of a solution that is within the law.

And I think that is important because, quite frankly, the reason we have a crisis, I would tell my colleague from Iowa, is because we haven't been enforcing the laws we have got and we haven't been enforcing them since 1986 when we cranked out the amnesty program under Ronald Reagan. The key to the Reagan amnesty program being a success was enforce the law. And administrations, Republican and Democrat, have not done it. I mean, those are the facts.

You know, one thing about history, it is history. You can try to write it a different way, but the reality of history is there is only one history and that is the truth of what happened.

And what happened was we didn't enforce the laws. And as a result, we went from a trickle across our southern border and our northern border to a six-lane highway bumper to bumper invasion. And that is what we have been facing now in the last 4 or 5 years.

I would say, I have met with the White House on numerous occasions and been a very big critic of making sure that we got border enforcement. I will say, we are doing better at the border. We are not there yet, but w are doing substantially better. The numbers are down. The catch and release program and the ending of the catch and release program, although not 100 percent, but it is better than it was when it was 100 percent catch and release. We are detaining people. And there are those who want to stop us and there are those who call us inhumane. And, in fact, in my district, one of the real things that we desperately needed was a place to care for families that cross the border. And we had no facility that was family friendly. They built a family friendly, or remodeled a correctional institute to make a family friendly center to hold illegals with children, people who come in this country illegally with children. And it is in my district. It is 22 miles from my home in Taylor, Texas. That thing has come under fire from our neighbors to the south who are sort of San Francisco-like, we would call them, in their views and they have been picketing this facility and claiming it is inhumane. I was there when they started remodeling this facility. I was there two-thirds of the way through the remodel, and so I went back the last month, the last week we were there during the President's Week, and I toured that facility.

I have the expertise of having built two juvenile detention centers as a judge. I was the chairman of the Juvenile Board from its inception in Williamson County until I retired, so until I retired I was the only chairman the Juvenile Board ever had in Williamson County, now a county of about 300,000 people. And so I was in charge of the board that built our first William S. Lott Detention Center, back when we were a lot smaller county. We are probably the second fastest growing county in the Nation every year of the last 20 years. And so now we have built a much larger, 4 or 500-bed facility, the second one, the Williamson County Juvenile Detention Center.

So when I went into this controversial holding situation that we have got there in Taylor, I was looking for the kind of thing that we put our juvenile offenders into. And, you know, juvenile offenders are not, under the law, criminal offenders. It is a very special category of the world. And so I looked at the classrooms, which, quite frankly, were better than the classrooms that my son and my daughter-in-law teach in at Round Rock High School, and I am pretty proud of the classroom that they teach in at Round Rock High School. They were very well managed. The teachers were bilingual and very, very compassionate.

There was a glitch, bureaucratic glitch that caused some of them not to be taught long enough. But now they are meeting the Texas educational standards. They have recess, they have a playground, the rooms are decorated. They have done the best they can to make it juvenile friendly. And I figure if it is good enough for juveniles, it is certainly good enough for their parents.

But there is a lawsuit filed by the ACLU, and I am certain that our crisis is not over on that facility. But why did we have to build that facility? Because there were coyotes in Mexico who knew that if, for sure, if you were caught and you had a child in your possession, they had no place to house you, no matter where you came from. And 97 percent of the people in that

Taylor facility are OTM, other than Mexicans. They knew if you had a kid they couldn't detain you. And so we had to have some way to detain. Those things are improvements. But that is the kind of, this is a very complicated situation. And you are right, it is not something that calls for a quick easy fix that suits certain people's political agenda. It needs to be analyzed and it needs to be done, I still say, as we secure the border and get the confidence of the American people that we care about what is going on, and we are getting there. We need to come up with a way to identify people so we know who has the right to work and who doesn't have the right to work in this country. Then our work program, with those who are here with no pathway to citizenship, in my opinion, and then a work program for those that want to come in legally to work in a legal system, work for a period of time and go back type of system, and finally rework our immigration and naturalization laws to where they work, they are workable. And at that point in time, if you have violated the law, and you want to go for citizenship, you reapply from the nation you come from and you get in line like everybody else with some kind of penalty for having broken our laws. That makes sense. That is not something we should throw in in a quick laundry basket full of clothes, everything mixed up, and it will all work it out. We will work it out later, because, my friend from Iowa, ask the people that are in the trenches that are dealing with this immigration problem at ICE and other places. They are overwhelmed now. If you throw the 7 to 20 million that are hiding out in this country back on their shoulders to deal with, what are they going to do if we don't think this out logically?

□ 2045

They are going to be more overwhelmed. And when a government system is overwhelmed, it just stops working. And that is what we are experiencing in the United States today. You can't blame these people. When they have got a pile of a thousand applications on their desk and you walk through the door with 10,000 more, they are going to say, I can't do the thousand, I sure as heck can't do the 10,000.

So I think it is really wonderful that the people in this Congress are willing to keep bringing this issue to the floor and reminding the American people that we care, because there are those of us who care very, very compassionately about this issue. We can do it and we can do it right. And when it is done right, justice will prevail. I have been in the justice business all of my life, and I have been in the justice business as a judge for almost 21 years. I believe that what we owe all people who reside in this country is justice. Justice occasionally requires responsibility for your actions, and these are the kind of things we need to think about as we address this problem.

Mr. KING of Iowa. I thank the gentleman from Texas.

As I listen to you talk about this, Judge, and you live down in that territory where it has been part of your life and the flow of our life, from my background in the work that I have done, there have been some times in my life when there was something that was so complicated, so convoluted and so unpredictable in its elements and so many hypotheticals that came out of each of those elements that no matter how hard I tried to chart a course through that and lay out contingency plans on, I call them if-then formulas which you can put on a spreadsheet, if then, we will do that; if that happens, then we will do this. And it threads through the whole equation.

This immigration issue is so complicated, so unpredictable and has so many hypotheticals that I contend that it is impossible for a body of 100 Senators or 435 House Members or a President to chart a course through that and be able to put law in place that deals with all of the contingencies and ends up with the kind of product that if we can even agree on what that is, we could not get there. It is beyond human ability to put that into a law and make that work; too many hypotheticals.

So what I will submit is that we need to take this, as you suggested, one step at a time. I am for let's go ahead and get things under control at the border. Stop the bleeding. As Dr. GINGREY has often said from Georgia, we have got to stop the bleeding before we can decide how we are going to stabilize the patient and give him rehab. That is step one. And we started on that, as you said. I have been down to look at that. In fact, a couple weeks ago I went down there and helped build some wall with Secretary Chertoff down south of Yuma on the border. It occurred to me that probably the only person in America that actually has gone down on the southern border and put border fence up with Chris Simcox or the Minute Men, and then turned around and welded steel wall on the border was Secretary Chertoff. I don't think those two guys are going to get together and do this together. I had the privilege of doing it on different occasions with each of them. But we can control this at the border; in fact, we must. And if we can't do that, then all the rest of the policy we talk about goes for naught.

And another fundamental principle that I stand on is that of all the discussions that come out of the House and the Senate and the ideas about guest worker, or temporary worker, how we will give them a card, how that all might work; how you do background checks on people and then legalize them here, I don't hear anyone address what you do with those that don't come forward. Because those that come forward with a clean background record, they would then get their pass to either guest worker card or a path to citizenship, depending, they might feel pretty comfortable if all they did is come into the country illegally and that this government should write up a law, which I would oppose, that would be amnesty, too. But those that have a criminal record beyond that, those that have run afoul of the law for whatever reason, they are not coming out of the shadows because they don't want the hook of the law in them, they don't want to go off to prison and they don't want to be deported.

So we will not be uncovering the bad elements of society by trying to do background checks on people. And those elements of society, those slackers that don't want to come forward for whatever reason, those that have reasons not to come forward, they still remain in the shadows an illegal core in this civilization, and the only way you get them out is to actually send people back home again.

So I submit that we should use all of our local law enforcement. We should end all sanctuary policies. The local police force, county sheriffs, the highway patrol, the Texas Rangers, all those folks that are involved in law enforcement at all levels, and have them cooperating at all levels.

I grew up in a law enforcement family. And it was not something that we could have conceived of, but there would be a city police officer that would be prohibited from cooperating with a Federal officer on a law in this Nation because it happened to be Federal law as opposed to a city ordinance. So by that rationale, city police would only enforce city ordinances and State highway patrol and State officers, DCI or whatever, could only enforce State laws and then Federal officers could only enforce Federal laws. And I don't know what the county sheriffs are going to do except maybe they are just going to serve warrants and papers.

So we need to cooperate on all levels and we need to reestablish the rule of law.

Mr. CARTER. If the gentleman would yield, I absolutely agree with that. And as law enforcement, we have learned how to cooperate over those jurisdictional boundaries. There is no reason in the world why we can't cooperate over jurisdictional boundaries with the Federal law enforcement officers, also. It can be done. We have done it in Texas, we have done it across the country. We can do it with the immigration issue.

And I do agree with you, also, that no one is talking about what do you do with the people who don't? That has to be addressed, also. If we are going to hold out a carrot of a work permit for people to come out and turn themselves in and report and file whatever pre-procedures this Congress establishes, we have to have a stick for those who don't; that if we don't, it won't work.

I am not for pounding anybody, don't misunderstand me. My whole point is the carrot and the stick policy is law enforcement, the way we do some things in law enforcement. And it is important that we have that. If you don't, there are going to be serious ramifications for not joining and trying to solve this problem.

And those people that are in this country illegally out there tonight, if they are listening, I hope they know that whatever this Congress does, and I am with you, as it works out this thing logically and putting a focus on each element as we move along, not a big trash basket, when we do, we put together a program, we expect you to participate. And if you don't participate, I think there should be serious consequences.

Mr. KING of Iowa. I thank the gentleman from Texas. And I know that there are some people in this Congress and across the country that will say, well, what about two sticks and no carrots. We may hear about that from the gentleman from Virginia, Mr. GOODE, who I would be happy to yield as much time as he may consume.

Mr. GOODE. Madam Speaker, it is an honor to be here with Mr. KING; I appreciate the time he has allotted to me.

I want to thank him for his hard work in combating illegal immigration and the many problems that such brings to our country. I know today he had a forum over at the Woodrow Wilson Institute and had to slug it out with others who did not concur with his views.

Judge Carter was here. I also want to thank him for his hard work on this issue, and for recognizing the need to secure our borders.

First, I wish to commend the Mayor and Council of Hazelton, Pennsylvania for their courageous stand in defending the sanctity of Hazelton, the well-being of its citizens, and the integrity of the rule of law. The courage of this community should spur this Congress to be resolute in standing for the security of our Nation.

By setting forth the city's determination to impose penalties of those who rent to illegal aliens and requiring employers to verify the legal work status of potential workers, the leadership of Hazelton is speaking for a majority of Americans who know and believe that strict measures must be employed if we are to secure jobs for workers who are here legally, if we are to preserve the traditional culture of our Nation, and if we are to be protected from criminal illegal aliens.

Further, Hazelton's action to stipulate English as their official language is a step that this Congress should also take in order to prevent our Nation from becoming divided into splinter groups that hunker down in the assertion of their individuality rather than becoming a part of a great melting pot that Americans have cherished for over two centuries.

Hazelton is now defending itself against the legal challenges of the ACLU and others. Hazelton should know that it is supported by millions of Americans who know that its cause is just.

I would also like to mention, Madam Speaker, the movie "Borders," which was showing in the Cannon Office Building last week. It is produced by Chris and Lisa Burgard. Lisa hails from Pittsylvania County, which is in the Fifth District of Virginia. We were honored to have in attendance Mr. and Mrs. Robert Duvall and Mr. Ron Maxwell, who starred and directed "Gods and Generals." We also had some Members of Congress to witness this film. Hopefully this film will be showing in theaters across the country in the near future. It illustrates the need for a secure fence along our southern borders.

The criminal activity along our border with Mexico is rampant. The coyotes and the drug dealers bring people across on a regular basis, bringing drugs with them, paying them to smuggle in the illegal drugs so that the main ones are not caught with the drugs on them. This is just an example of the illegal activity that a secure southern would prevent.

Last week, Secretary of the Interior, Dirk Kempthorne from Idaho, spoke about a fence that he saw on national land along our border with Mexico. He told how it is believed that the drug cartel would jump that fence at night.

When we talk about a fence that will secure our border, we cannot be lulled into thinking that you can have a woven wire or one fence that would keep our borders secure. We must have something akin to the triple fence that exists between San Diego and Mexico. You have a fence, then a roadway for the Border Patrol to ride up and down, then you have a large barrier in the center, you have another roadway, and then a third fence.

The Secretary told about how the drug cartel would get these great drivers who would jump that fence with inclines and keep on going. I dare say, even if you had someone like Dale Jarrett or Bobby Labonte, they could never jump the San Diego fence. It would be mighty tough to tunnel under it, too. And Mr. KING, I know you have illustrated that fence here on the floor. That is the kind of fence that will keep them out. And that is the reason a number of persons oppose this fence and do not want to see it funded because it will do the job.

You mentioned amnesty, Mr. KING. You are right on the money. We cannot afford to have amnesty in any way. We have a great country in the United States of America; various beliefs, different religions, tremendous tolerance. We cannot afford to be swamped and sunk by the invasion of illegals into this country.

Just the talk of amnesty means more illegal entry. Those that come in illegally say well, let's go and stay just a few years. If we can go and stay a few years, we are going to get to stay forever. In the 1980s, they gave those that came and stayed a while amnesty. In the 1990s they, meaning our government, gave those that came and stayed for a while amnesty. And those that come across now, every time the body on the other side of this Capitol talks about amnesty, more want to come. When they hear the President say we are going to create a new guest worker program with a glidepath to citizenship, more want to come because they know. And the sidewalk talk is correct, if we can get there and stay just a little while, we are going to get a blue card, a red card, a green card or something, and we are going to have our glidepath to citizenship. And we will have ridden around a system. And everybody that is playing by the rules and waiting in line, well, they are just foolish. We broke the law, we got away with it, and they are giving us amnesty.

□ 2100

Illegal immigration has swamped our hospitals. It has jacked up health care costs for Americans not only in the southwestern United States but all across this land. We want to do something about health care costs. Shut off illegal immigration, and you will get a benefit.

I have been to community health centers which have gotten significantly increased funding over the last 5 to 8 years. Community health centers serve those primarily who have little or no assets and who have little or no insurance. They don't question whether someone may not have the wherewithal or whether someone is in this country illegally or not. They see someone needs health care assistance, and they get it. A big impact on community health systems is illegal immigration. A big impact on free clinics is illegal immigration.

Social services, now, they say there are some rules against providing them for illegal aliens. But, again, the check system at the local level is not there. And there would be some if they did like Hazelton, Pennsylvania. They are saying you are being too harsh. Well, a lot of illegals have left Hazelton, Pennsylvania; and if we had more Hazelton, Pennsylvanias around this country, we would have a lot less problem.

Corrections, illegal aliens, a huge negative impact on local jails and local prisons. A huge impact on the State prison systems all across the country. Last year the head of the Federal Bureau of Prisons testified that out of 189,000 Federal prisoners, 50,000 were illegal aliens. And I think you figured it at about 28 percent.

I surely hope the illegal alien population in the United States is not that high. It is high and it is growing. We got to 300 million much quicker than anticipated. A huge strain on our energy, a huge strain on many aspects of our society.

Let's stop illegal immigration and improve America. Our policy towards illegals needs to be clear: keep them out, direct them back, and save America.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Virginia for a clear message.

The American people appreciate straight-talking, clear messages. There have been far too many of these messages that are muddled and confusing, and those muddled and confusing messages cause more problems with more people coming across the border. And I am not hearing people stand up and say it would be wonderful if everybody could wake up in their own country one day in a legal fashion and not have to look over their shoulder and rebuild their own nation, rebuild their own society, rebuild their own economy.

I had this conversation with the ambassador to the United States from Mexico. And I say, If you encourage your people, the vitality of your nation, to come here to the United States, who is going to be there to reform Mexico? Who is going to be there to rebuild Mexico? And he had to concede that is no way to run a country.

At this point, Madam Speaker, I would be very happy to yield to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. Madam Speaker, I thank the gentleman for yielding.

The gentleman mentioned his recent trip out to the Mexican border in the State of Arizona. I had the pleasure of accompanying you on that trip and found that very insightful.

As we begin to move into this debate this session of the Congress, I think it is important that we keep some principles in mind. And, hopefully, these principles, I think, if they are followed, will help us arrive at the right public policy decision. And I think there are just three key ones.

And the first one is and it has been mentioned by the previous speakers this hour, but the first one is we have to focus on security first. As we discovered down at the border with Secretary Chertoff, it is important that we secure the border and we do that first. I think the former Speaker of the House has made the statement, does an antiballistic missile defense system make a lot of sense when a terrorist can rent a truck and drive it across the border? That is an important thing. It is about security.

When we were down there on our visit, a few things stuck out in my mind, and the American people understand this. The first is how real this problem is. As the gentleman from Iowa knows, we were in a helicopter flying out along the border, and the pilot came over the intercom and said, Look out the window right there and you will see some aliens attempting to cross right now. And we literally saw approximately 20, 25 people coming across. We were flying right along the Mexican/United States border, and we saw 25 people trying to cross the border illegally, and they attempted to hide under a tree. There wasn't much cover out in the desert, as the gentleman remembers, but there they were. And they had the clothes on their backs and jugs of water in their hands and they took off running back to the border. But it just reinforced in my mind what the American people need understand about how real this problem is.

The second thing that I think I came away with from that visit is the fence is working. As the gentleman from Virginia pointed out, where they are constructing it right now is having an impact. And obviously the strategy of our Secretary of our government is to put the fence up first in those areas where it is going to have the best and greatest impact, and that is in the urban areas. And it is working, and it is a double fence, as the gentleman talked about. And it is making a difference.

The other thing that is making a difference out there is our National Guard, our good men and women in the National Guard who are helping build that same fence where I know you welded and we all had a chance to do a little welding there. They are providing more eyes to see the illegals as they attempt to cross, and they are helping with that fence. But security has to be priority number one, as we think about the policy that makes sense for our country.

The second principle that has to guide this debate, and, again, it has been highlighted already, is the idea that our country is great because we have a lot of great principles that were there at the founding and are still present today. One of those fundamental principles that makes America the greatest Nation ever is the concept that the rule of law matters. And when people willingly, knowingly violate the rule of law, there have to be serious consequences. And that is why amnesty as a policy makes no sense for people who willingly and knowingly violated the law.

And, finally, the third thing I would point out, and I think sometimes as we focus on making sure we are securing our borders and following the rule of law, one of the things that seems to get left out in the debate is we should welcome people, we should welcome immigrants who want to come here legally. I mean, immigrants have always been a great treasure to this country, have always added to the greatness of this country. And for those folks who want to come here and learn our culture, learn our language, learn English, we should welcome them.

And who can fault people who want to come to the freest, greatest Nation in history? So if they want to do it the right way, the legal way, we should work on a policy that also helps the bureaucracy work better to help those people who want to be a part of the American culture and want to be a part of this great country.

Madam Speaker, this is the greatest Nation in history. And for people who want to come here for the right reasons, we should welcome them here. If these three principles drive our policy, I think we are going to get at the right policy and I hope we do, but it has to be driven by these three principles, and security has to be of paramount importance.

And I appreciate the gentleman from Iowa's leadership on this issue and others here in the United States Congress.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Ohio (Mr. JORDAN).

I did appreciate the privilege to travel with you. And there is some extra value in that, and that is you see what it is that people notice and you understand what their priorities are and you begin to understand how people rearrange their priorities and the basic values that come together. And you have heard some of these basic values flow out from Mr. JORDAN here this evening, Madam Speaker. And I look forward to a lot more of these kinds of events in helping to shape policy for the American people.

I look at this overall immigration policy that we have, and I think there are some great big blanks out there and questions that are asked and not answered, seldom asked and never answered. The first question that one should ask is, Is there such a thing as too much illegal immigration? Or let me put it this way: Is there such a thing as too much immigration? And if the answer to that is "yes," then you need to divide that between legal and illegal. And for me illegal immigration, any of it, is too much. All immigration should be legal. We shouldn't tolerate illegal immigration, and we surely should not reward it with an amnesty plan, which I believe is being worked on right now in the offices over in the Senate and perhaps on the House side, preparing to reach that kind of an agreement between the House and the Senate and the White House to quickly bring a bill that we don't have time to scrutinize and time to debate thoroughly.

If you look at what happened last year, there was mistake after mistake after mistake made in the Senate's version of the bill. And first they had a bill on the floor that would have legalized between 100 and 200 million people. And then there was, I believe, a Bingaman amendment that reduced it and put a cap on one or two of those categories that took that number down under 100 million. Different numbers came back and forth. The Senators voting on that didn't know how many numbers they were talking about. You could ask them point blank, and they would not answer. But the best numbers, the most reliable numbers came from Robert Rector of the Heritage Foundation, and the numbers that I saw there near the end of that debate were 66 million people that would be brought into the United States under the policies that exist and the ones that the Senate would have added in their reform bill that they passed last year. A lot of that same sentiment; 66 million people, Madam Speaker.

And so I went back and looked, and I wondered how many people were naturalized into the United States legally in all of our history. And it turns out that we began keeping records in 1820. Not at the beginning, but in the 1820s. The numbers were small prior to that. They were small in 1820. And we tracked this thing up until the census of the year 2000. So between 1820 and the year 2000, the complete totals that we have, the number is 66.1 million people have been naturalized into the United States in all of our history. And this Senate version of the bill last year would have matched the pot all in one fell swoop. And they did this all with a straight face, Madam Speaker.

I recall the amnesty in 1986 that Reagan signed, and it was supposed to be 1 million people. I was appalled that 1 million people would get a pass on the rule of law. Well, I was triplely appalled when I realized how bad it was because that 1 million turned into more than 3 million by most accounts because, first of all, they underestimated how many people would apply. Secondly, they underestimated how persuasive the fraud would be with people that raced across the border and jumped in line so they could get their amnesty.

I have met some of the people that received amnesty in 1986, and they are almost universally in favor of amnesty in 2007. And the reason is because they were a beneficiary of amnesty. When they had amnesty, it was good for them; so, of course, they advocate that for anyone else. Certainly their children were taught: amnesty was the best thing that ever happened to you, sons and daughters of mine, and we need to make sure that everyone else can take advantage of this same thing.

But amnesty comes with a price, and the price is you sacrifice the rule of law if you grant amnesty.

So the 3 million that received amnesty in 1986 became great advocates for more amnesty. And then each generation after that, more people have come into the country, that 3 million, and today the most conservative number of illegal immigrants in the United States is about 12 million. Many of us believe that number exceeds 20 million. Some believe it exceeds 30 million. I am in that above-20 million category, and it is anybody's guess up in that territory. But if there is an amnesty bill that comes out of the Senate and through the House and to the White House, then you are going to see tens of millions of people that take advantage of this, and we will be sacrificing, Madam Speaker, the rule of law.

And I have talked about why would we do this, what would be the purpose for this kind of a policy. Well, first of all, the Federal Government has failed to enforce adequately our immigration laws. And as we got more and more illegal immigrants into the United States, it became a magnet for more and more to follow. They began to recruit in their communities. We had companies that put up billboards in Mexico encouraging people there to illegally come to the United States and apply for a job. Some of them recruited them down there and brought them across the border to go to work in their factories and in their plants. And this is commonly known in the communities that utilize this kind of labor. So what kind of a Nation would do that and why would we? First of all, the Federal Government didn't enforce the law.

Secondly, employers took advantage of that because they could hire illegal labor cheaper than they could local labor. And capital is always rational. Capital is going to do the smart thing. Capital is going to follow the path of least resistance like electricity. So there wasn't a resistance on the law enforcement side; so capital then hired illegal labor, brought them into the United States or hired them when they came here. Regardless, that was the magnet.

□ 2115

They understood that they could pay illegal labor less and there were far fewer contingent liabilities that went along with the illegal labor.

So if you have to pay $15 an hour as a going rate for an American citizen or someone who is lawfully present in the United States to do a job, but you can hire someone who is here illegally because they are in the shadows and have to scurry around and hide away from the law, if you can hire them for, let's say, $8 an hour, and then if you have to provide health insurance, retirement benefits and take on the contingent liabilities of legal employees, the $15 an hour, plus the health insurance package, plus the retirement package, plus the worker's comp piece, which is going to be higher because they are more likely to file the claims, plus the litigation risk of filing a suit against an employer, and then the unemployment claims that would come if you lay people off, none of that exists in any significant quantity when you are hiring someone who is illegal.

So you hire them cheaper, maybe at $8 an hour, compared to a $15 an hour legal person, but then that is all you are really ending up with, was 8 bucks an hour. But if you hire somebody at $15 an hour and they are legal, then you have to add on to that so much for health insurance, so much for retirement benefits, so much for worker's comp, so much for unemployment, so much for contingent liabilities. What if this employee turns around and sues me for something? You add that all up, it is far cheaper to hire the illegal laborer than the legal. Then that magnetized and brought more and more into this country.

Americans have allowed it to happen under their nose. The administration hasn't sounded the alarm. They could seal the border more quickly than they are, and they are accelerating their efforts here, and I want to compliment them for that effort. But I am also watching closely to see if this effort is a real, sincere committed effort, or if it is an effort that is designed to help clear the political groundwork so that Members of Congress will be lulled to sleep, so-to-speak, and adopt a comprehensive plan, which again the word "comprehensive" is the substitute word for amnesty plan.

So do we do this because we need the labor, is one of those questions. The statement is made over and over again, well, we have to have the labor. After all, we have willing employers and willing employees. That should be the standard.

Madam Speaker, if you can give me cheap enough labor, I want to hire them all. If you can get me reliable workers, I want the first 100 at a buck an hour I can get. I probably want the first hundred at $2 or $3 an hour, or in fact $5 an hour. We will find a way to make some money. I want them legal. They have to be for me.

My point is though the cheaper labor gets, the more demand there is. Kind of like if gas goes down to 50 cents, people are going to drive more, or if porterhouse steaks go down to 50 cents a pound, a lot more people are going to eat the fancy steak instead of eating the hamburger. Cheap labor, the same thing; the lower the price, the more consumption there is.

So it isn't an equation of willing employer-willing employee, because the employer is always going to be willing if he can make money off of a willing employee who will work cheaper than the going rate. It is an advantage for the employer to do that.

I hear from Member after Member, think tank head after think tank head, they get on the media airwaves every day, Madam Speaker, and they say a willing employer, a willing employee. We have people that need this labor. There is a demand for it. Therefore, we have to find a way to provide it. Otherwise, what happens in America if we don't flood the cheap labor market?

Well, one thing that has happened from flooding it is we have seen the unskilled purchasing power drop by 12 percent over the last 10 years, that is because there is a flood of cheap labor on the market. And it should go the other way. We want a broad middle-class. We want an ever more prosperous middle-class. Instead, the pressure that is coming here is those that are making money off of the cheap labor are becoming an aristocracy. They are part of nouveau rich in the United States of America. And our upper-middle class, or upper class, for that matter, is growing, and so is our lower class growing, because we are importing it, and that is putting a squeeze on middle America.

One of the principles of a free society is you need to have a broad and prosperous middle-class. We have been growing and broadening that middle-class for generations and becoming a stronger Nation because of it. But this last generation it is going the other way, Madam Speaker. This last generation, we are growing the aristocracy and we are growing the lower class, importing a lower class, all at the expense of the middle class, which is being squeezed in between the two.

But in the middle is the real America. In the middle is the real America that understands truth, justice, the American way, the merits of hard work, the American dream. They have a tremendous work ethic, a sense of family and community. They are being squeezed, Madam Speaker, by the interests on the upper levels of our society and by the thunderous herds that are coming across particularly our southern border, on the lower end of our society, at the expense of our middle-class.

I would point out that if you envision this society like a barbell, and the middle-class would be the bar, and the weights on each end would be the bells, on one side you have the weight on the right side of that barbell, that is the business interests in America. A lot of them are Republican interests, but certainly not all of them. There are a lot of liberal elitists that sit in that category too. And they are clamoring for more cheap labor because they make money doing it, and they are not threatened, nor do they believe their children will ever be threatened by the competition in the labor market that takes place down in the lower end of the spectrum.

The people on the right side of that, the business side of that barbell, that interest, they will send their children to Ivy League schools, upper crust universities, they will get an education. They won't ever have to compete, probably, with the lower income people that don't have that kind of education, that kind of culture, that gives them a path to professionalism.

So they will end up living in their ivory towers and end up living in their gated communities and getting rich off the cheaper labor, and their children will be wired into that same kind of thing. And that is how you grow an aristocracy. That is how you grow a ruling class. That is how you grow an arrogance, that they have a birthright to a servant class, which they are creating.

That servant class that they are creating is the other end of this barbell, and that is this massive number of people who give especially the left a lot of political power. Even those who are in this country illegally give political power to many Members here in this Congress because we count people rather than citizens when he with redistrict in America.

As we count people, that means we count illegal immigrant in these districts. So illegal immigrants give political power to the Members of Congress who are here because they don't have to get their vote. They only have to compete.

There will be a couple of seats here in the House of Representatives, where it will take about 110,000 votes for me to get reelected to my seat, there are a couple of seats that take around 30,000, 35,000 votes for the same thing, and the reason is because the illegal population is counted in the census, and the larger that number is, the fewer citizens are left to actually cast a ballot. And that is the circumstance.

So think of this barbell. On the one side is the ruling class, on the other side of the barbell, the political power of the lower class, the new servant class that is being created, and in the middle, the bar itself is the middle-class that holds it altogether that is being squeezed by the two. That is what we are up against, Madam Speaker.

So, do we need this labor? I would point out that if it is 12 million in the United States illegally, according to I believe it was a Pew Foundation study, that the illegal labor amounted out of that 12 million, 6.9 million workers are actually working. They don't all work, of course. Some are homemakers, some are too young. But 6.9 million working illegals in America.

Of that 6.9 million, that represents 4.7 percent of the overall workforce, and 2.2 percent of the actual production, because they are unskilled, they don't produce like a more highly trained worker does. So they are only doing 2.2 percent of the work.

Well, if you opened up your factory doors in the morning and you found out that 2.2 percent of your production, your work force, wasn't going to show up that day, in order to make up for the difference, I would send a memo out to my staff that said, you know, your 15-minute coffee break this morning and your 15-minute coffee break this afternoon, I am going to shorten that to 10 minutes.

If you do that, if you cut your two coffee breaks, morning and afternoon, by 5 minutes each, you will have picked up 2.1 percent of the production, almost the same thing that the illegal labor represents. Ten minutes a day out of an 8 hour shift of America, that is how much we would be missing. Yet I hear Chicken Little, oh, we can't get along without this labor. We must have it. If we don't have it, the economy will collapse.

It will not collapse, Madam Speaker. We can adapt to it easily. We have taken years to get here, at least 20 years to evolve into this circumstance that we are today, and we can evolve away from that, away from the dependency, away from this addiction, away from this methadone of illegal labor that we have in America, and it will not be that hard to do.

Also there are 6.9 million working illegals in America, but then the argument is, well, but we have unemployment at essentially record low rates of 4.6 percent. Well, that is nice. That is effectively a very low unemployment rate. It is not the lowest. It is not record low unemployment. In World War II, we had a 1.3 percent unemployment rate then.

But it is about 4.6, and they will say you can't get enough workers out of the unemployment rolls to fill the gap we need for this labor. Well, maybe you can't, and probably in fact I will say certainly you can't.

I will say also going into the welfare rolls, we couldn't hire all of them. Many of them would not be employable. If we could hire half of them and if we could hire half of those on unemployment, we still wouldn't put a very significant dent in that 6.9 million labor force.

But I can tell you, Madam Speaker, that going to look at the Department of Labor statistics, it shows an entirely different story. If you were going to place a factory in a location, you wouldn't simply look at the unemployment rate in that location and determine how many people there were to hire. You would hire a consulting company, and that company would go in and survey the area and determine the available labor force that was in the area. This is a standard known practice in all business and industry. The consulting firm would identify the available labor.

I went into the Department of Labor Statistics to determine the available labor supply in America, and I began to add up the different categories of age groups. 16 to 19 year olds, we have 9.3 million non-working 16 to 19 year olds in America. Now, not even part-time. Some of these are part-time jobs. And so I start there, because that is where young people learn their work ethic.

As I add up these age categories from 16 on up to 19, and then from 20 to 24 and the list goes on up the line, and I got to 65 and I had to make a decision, and I looked around and concluded that Wal-Mart hires up to 74 years old, so I added them all up to that. One of the reasons I am going to confess, Madam Speaker, is because it was a convenient number I could memorize. It is not substantially changed if you lower the number down to 65.

But it works like this: 6.9 million working illegal laborers in America could be replaced by hiring one out of ten of the 69 million workers in America who are simply not in the workforce.

What Nation would ignore 69 million people not in the workforce and go and bring people in from another country? That would be like having a lifeboat with that percentage of people on it, and deciding you needed some more people to pull on the oars, and having all of those people up there in steerage riding along, and no, it wouldn't occur to us to go up and say come on down here and grab ahold of that oar. Why don't we pull off on an island and see if we can't recruit some more people, load them in the lifeboat, and maybe 7 out of 12 of them will row. That is what it amounts to, Madam Speaker.

So we have not been very objective in this. There is also a tremendous amount of crime, and the victims of that crime, it has been a tremendous price paid here in the United States. We talk about it very little, but every day there are American citizens that die violently at the hands of criminal aliens who are in this country and who, if we had enforced the laws, with not be here.

I had a gentleman say to me today, there isn't a shred of evidence that illegal immigrants commit crimes at any greater rate than average Americans do. But the truth is, Madam Speaker, there is a tremendous amount of evidence that they do.

In fact, the numbers work out to be that in the United States, the violent death rate is 4.28 per 100,000 annually. In Mexico, it is 13.2 per 100,000. That is a solid three-plus times greater violent death rate in Mexico. And Mexico is the most peaceful nation south of our border that I can identify. Honduras has nine times the violent death rate. El Salvador's is not published, but we know it is very high. If you go to Colombia, their violent death rate compared to the United States is 15.4 times higher.

So if you bring people from that society, of course they are going to commit more crimes. They are committed in their home country. They bring that culture with them. Also, $65 billion worth of illegal drugs pour across that southern border every year, brought in by these elements.

I am not here to say that they are all bad people. No, the vast majority of them are very good people looking for a better life for their families. But they have a higher percentage of violence among them, even as good people, than the average American that is here, and we are paying a price of about 12 Americans a day who lose their life as victims of murder to criminal aliens, about 13 a day who die at the hands of negligent homicide, mostly the victims of drunk drivers, not the drunks themselves.

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That is the magnitude of this, Madam Speaker. And I recognize by the clock I am in a position where I need to say thank you for the privilege of addressing you on the floor of the House of Representatives

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BALDWIN (at the request of Mr. HOYER) for today and March 13 on account of illness.

Mr. CAPUANO (at the request of Mr. HOYER) for today.

Ms. CASTOR (at the request of Mr. HOYER) for today.

Ms. KILPATRICK (at the request of Mr. HOYER) for today.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BISHOP of Georgia) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today and March 13, 14, and 15.

Mr. BURTON of Indiana, for 5 minutes, today and March 13, 14, and 15.

Ms. FOXX, for 5 minutes, March 13.

Mr. PAUL, for 5 minutes, March 13.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 13, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

804. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Tennessee Federal Regulatory Program (RIN: 1029-AC50) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

805. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf and Oil Spill Financial Responsibility for Offshore Facilities-Civil Penalties (RIN: 1010-AD39) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

806. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Incorporate API RP 65 for Cementing Shallow Water Flow Zones (RIN: 1010-AD19) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

807. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildife and Plants; Designation of Critical Habitat for Monardella linoides ssp. viminea (Willowy Monardella) (RIN: 1018-AT92) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

808. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30494; Amdt. No. 3167] (RIN: 2120-AA65 (1-25/5-31/Amdt. 3167) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

809. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30500 Amdt. No. 3172] (RIN: 2120-AA65 (1-25/6-28/Amdt. 3172) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

810. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; Model MD-90-30 Airplanes; and Model 717-200 Airplanes [Docket No. FAA-2005-22254; Directorate Identifier 2005-NM-001-AD; Amendment 39-14598; AD 2006-10-14] (RIN: 2120-AA64)

received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

811. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. FAA-2005-22529; Directorate Identifier 2005-NM-0990-AD; Amendment 39-14592; AD 2006-10-08] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

812. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2006-24075; Directorate Identifier 2005-NM-235-AD; Amendment 39-14589; AD 2006-10-05] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

813. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100, A320-200, A321-100, and A321-200 Series Airplanes [Docket No. FAA-2005-22919; Directorate Identifier 2005-NM-087-AD; Amendment 39-14582; AD 2006-09-11] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

814. A letter from the Chief, Publications and Regulation Branch, Internal Revenue Service, transmitting the Service's final rule — Statute of Limitations on Assessment Concerning Certain Individuals Filing Income Tax Returns with the U.S. Virgin Islands (RIN: Notice 2007-19) received February 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

815. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advanced Pricing Agreements (RIN: Announcement 2007-31) received February 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

816. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revised Housing Cost Amounts Eligible for Exclusion or Deduction (RIN: Notice 2007-25) received February 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 985. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclsoure policies, forms, and agreements to effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes (Rept. 110–42 Pt. 2). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1309. A bill to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; with amendments (Rept. 110–45). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1045. A bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building" (Rept. 110–46). Referred to the House Calendar.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1362. A bill to reform acquisition practices of the Federal Government; with an amendment (Rept. 110–47 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JEFFERSON:

H.R. 1468. A bill to ensure that, for each small business participating in the 8(a) business development program that was affected by Hurricane Katrina of 2005, the period in which it can participate is extended by 18 months; to the Committee on Small Business.

By Mr. LANTOS (for himself and Ms. Ros-Lehtinen):

H.R. 1469. A bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961; to the Committee on Foreign Affairs.

By Mr. FILNER:

H.R. 1470. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 1471. A bill to amend title 38, United States Code, to permit eligible veterans to receive direct access to chiropractic care; to the Committee on Veterans' Affairs.

By Mr. BARROW (for himself, Mr. Baca, Mr. Burton of Indiana, Mr. Boswell, Ms. Bordallo, Mr. Boucher, Mr. Abercrombie, Mr. Boren, and Mr. Courtney):

H.R. 1472. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARROW (for himself, Mr. Bishop of Georgia, Ms. Jackson-Lee of Texas, Mr. Lewis of Georgia, Mr. Boren, and Mr. Courtney):

H.R. 1473. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; to the Committee on Education and Labor.

By Mr. BERRY (for himself, Ms. Herseth, Mr. Jones of North Carolina, Mr. Wicker, Mr. Allen, Mr. Aderholt, Mr. Ross, Mr. Graves, Mrs. Emerson, Mr. Courtney, and Mr. Moran of Kansas):

H.R. 1474. A bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D and to prohibit the inclusion of certain identifying information of pharmacies on explanatory prescription drug information and cards distributed by prescription drug plan sponsors; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mrs. McCarthy of New York, Ms. Watson, Mr. Serrano, Mr. Moran of Virginia, Mr. Fossella, Mr. Capuano, Mr. Hinchey, Mr. Israel, Mr. Van Hollen, Mrs. Tauscher, Ms. DeLauro, Mr. Shays, Ms. Kilpatrick, Ms. Schwartz, Mr. Farr, Mr. Frank of Massachusetts, Ms. Eddie Bernice Johnson of Texas, Ms. Matsui, Mr. McHugh, Mr. McDermott, Mrs. Maloney of New York, Mr. Hastings of Florida, Mr. Honda, Mr. Wynn, Mr. Neal of Massachusetts, Mr. Engel, Mr. Delahunt, Mr. Kucinich, Mr. Pallone, Mr. Gonzalez, Mr. Abercrombie, Mrs. Lowey, Mr. Holt, Mr. Weiner, Mr. Lynch, Mr. Meehan, Mr. Tierney, Mr. Olver, Mr. Markey, Mr. Schiff, Mr. Patrick Murphy of Pennsylvania, Ms. Shea-Porter, Ms. DeGette, and Mr. Blumenauer):

H.R. 1475. A bill to amend the Internal Revenue Code of 1986 to increase and equalize the exclusion from gross income for parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Kirk, Mr. Feeney, Mr. Boustany, Mr. Shays, Mrs. Biggert, Mrs. Miller of Michigan, Mr. Porter, Mr. Gingrey, Mr. Chabot, Mr. Gilchrest, Mr. Bartlett of Maryland, Mr. Upton, and Mr. Roskam):

H.R. 1476. A bill to amend titles XVIII and XIX of the Social Security Act to expand the nursing home patients' bill of rights to include the right to receive care from a credible caregiver by requiring background checks on direct access employees and the right to a safe environment during an emergency or natural disaster by requiring nursing long-term care facilities to establish disaster emergency and evacuation plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 1477. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. GRIJALVA (for himself, Mr. Udall of Colorado, and Mr. Pastor):

H.R. 1478. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American

Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. MCNERNEY, Mr. MCNULTY, Mr. PAUL, Mr. ROYCE, Ms. SCHAKOWSKY, and Ms. SCHWARTZ):

H.R. 1479. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLEIN of Florida (for himself and Ms. ROS-LEHTINEN):

H.R. 1480. A bill to impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas (for himself, Mr. JONES of North Carolina, and Mr. PAUL):

H.R. 1481. A bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. KANJORSKI):

H.R. 1482. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. REGULA (for himself, Mr. TIERNEY, Mr. MCNULTY, Mr. DOYLE, Mr. RYAN of Ohio, Mr. HALL of New York, Mr. SPACE, Mr. BROWN of South Carolina, Mr. BOSWELL, Mr. WAMP, Ms. KAPTUR, Mr. LATHAM, Mr. GORDON, Mr. HINCHEY, Mr. MEEHAN, Ms. SUTTON, Mr. BRALEY of Iowa, and Mr. WILSON of South Carolina):

H.R. 1483. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Natural Resources.

By Mr. TANCREDO (for himself and Mr. UDALL of Colorado):

H.R. 1484. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MORAN of Virginia, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. BOSWELL, Mr. SMITH of Washington, Ms. HIRONO, and Mr. MCCOTTER):

H. Con. Res. 90. Concurrent resolution recognizing the dedication and honorable service of members of the Armed Forces who are serving or have served as military nurses; to the Committee on Armed Services.

By Mr. PUTNAM:

H. Res. 236. A resolution removing a Minority Member from and electing certain Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BACA (for himself, Ms. KAPTUR, Mr. MELANCON, Mr. HALL of New York, Ms. KILPATRICK, Ms. BORDALLO, Mr. MARSHALL, Mr. BERMAN, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARROW, Mr. BOYD of Florida, Mr. MITCHELL, Mr. CARNAHAN, Mrs. CHRISTENSEN, Mr. DAVIS of Alabama, Mr. SPACE, Mr. FILNER, and Mr. HARE):

H. Res. 237. A resolution supporting and encouraging greater support for Veterans Day each year; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. MCDERMOTT, Mr. WEXLER, and Mr. BURTON of Indiana):

H. Res. 238. A resolution commending the first democratic elections in Aceh, a province in Sumatra, Indonesia, and expressing support for the further democratic development and implementation of the Helsinki Memorandum of Understanding; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MARKEY introduced A bill (H.R. 1485) for the relief of Esther Karinge; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. SAXTON, Mr. KAGEN, and Mr. MOORE of Kansas.

H.R. 23: Ms. SHEA-PORTER, Ms. GINNY BROWN-WAITE of Florida, Mr. GORDON, Mr. TIERNEY, Mr. LAHOOD, Mr. CARDOZA, Mrs. JONES of Ohio, Mr. BOSWELL, and Mr. MORAN of Virginia.

H.R. 73: Mr. REHBERG.

H.R. 92: Mr. CARNEY.

H.R. 98: Mr. HAYES, Mr. WAMP, Mr. GARY G. MILLER of California, Mr. RENZI, Mr. COBLE, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mrs. MYRICK, Mr. WOLF, Mr. BACHUS, Mr. DUNCAN, Mrs. CAPITO, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 100: Mr. SCHIFF.

H.R. 169: Mr. COHEN.

H.R. 211: Mr. ENGEL.

H.R. 255: Mr. MCHUGH and Mr. BOOZMAN.

H.R. 260: Mr. GRIJALVA.

H.R. 322: Mr. MCCOTTER.

H.R. 327: Mr. CARNEY, Mr. CONYERS, Mr. OBERSTAR, and Mrs. BOYDA of Kansas.

H.R. 419: Mr. SMITH of Nebraska and Mrs. MUSGRAVE.

H.R. 464: Ms. SLAUGHTER.

H.R. 473: Mr. KUHL of New York.

H.R. 549: Ms. ZOE LOFGREN of California, Mrs. MCMORRIS RODGERS, Mr. SHAYS, Mr. SMITH of Nebraska, Mr. HINOJOSA, Mr. ALLEN, Mr. MAHONEY of Florida, and Mr. GORDON.

H.R. 551: Mr. HUNTER.

H.R. 563: Mrs. MILLER of Michigan.

H.R. 620: Mr. FORTUÑO.

H.R. 631: Mr. JORDAN, Mr. KELLER, Mr. FEENEY, Mr. DANIEL E. LUNGREN of California, Mrs. MYRICK, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, and Mr. CHABOT.

H.R. 634: Mr. WOLF and Mr. LEWIS of Kentucky.

H.R. 690: Mr. MCNERNEY.

H.R. 743: Mr. GOHMERT.

H.R. 760: Mr. RANGEL and Mr. LARSEN of Washington.

H.R. 787: Mr. BECERRA.

H.R. 790: Mr. BOUCHER.

H.R. 797: Mr. TIM MURPHY of Pennsylvania, Mr. VAN HOLLEN, Mr. BRADY of Pennsylvania, Ms. MATSUI, Mr. HOLT, Ms. SCHAKOWSKY, Ms. DEGETTE, and Mr. MURTHA.

H.R. 814: Mr. BARROW.

H.R. 854: Ms. DEGETTE.

H.R. 887: Mr. MOORE of Kansas.

H.R. 916: Mr. FERGUSON, Mr. MICHAUD, Ms. BALDWIN, Mr. ETHERIDGE, and Mr. GUTIERREZ.

H.R. 942: Mr. GRIJALVA.

H.R. 943: Mr. WELCH of Vermont.

H.R. 960: Mr. LOEBSACK.

H.R. 971: Mr. MOORE of Kansas, Mr. UPTON, Mr. ALLEN, and Mr. MORAN of Virginia.

H.R. 1061: Mr. SMITH of Washington and Mr. MCDERMOTT.

H.R. 1087: Mr. GRIJALVA and Ms. HIRONO.

H.R. 1093: Mr. KAGEN, Mr. MARIO DIAZ-BALART of Florida, Mr. MILLER of Florida, Ms. DEGETTE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1119: Mr. MCCAUL of Texas.

H.R. 1149: Mr. TERRY, Mr. ALEXANDER, and Mr. WILSON of South Carolina.

H.R. 1186: Mr. TERRY.

H.R. 1187: Mr. ALLEN.

H.R. 1188: Mr. KAGEN.

H.R. 1192: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1200: Mr. ENGEL, Ms. JACKSON-LEE of Texas, and Mr. LEWIS of Georgia.

H.R. 1224: Mr. BISHOP of Georgia.

H.R. 1229: Mr. BERRY, Mrs. CAPITO, Mr. MURTHA, Mr. BRALEY of Iowa, Mr. LIPINSKI, and Mr. BACHUS.

H.R. 1235: Mr. TOWNS and Ms. CLARKE.

H.R. 1244: Mr. COHEN.

H.R. 1261: Mr. BOOZMAN.

H.R. 1284: Ms. CORRINE BROWN of Florida.

H.R. 1294: Mr. RENZI.

H.R. 1300: Mr. WELCH of Vermont, Ms. JACKSON-LEE of Texas, and Ms. HIRONO.

H.R. 1303: Mr. MCNERNEY.

H.R. 1317: Mr. COHEN.

H.R. 1330: Mr. SHULER and Mr. POE.

H.R. 1347: Mr. ELLSWORTH.

H.R. 1350: Mr. KAGEN, Mr. PETRI, Ms. SLAUGHTER, and Mr. RYAN of Wisconsin.

H.R. 1353: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1359: Mr. POE.

H.R. 1362: Mr. YARMUTH.

H.R. 1363: Ms. KAPTUR, Mrs. CAPPS, Mr. KAGEN, Mr. STARK, and Mr. BLUMENAUER.

H.R. 1409: Mr. BOOZMAN.

H.R. 1430: Mr. LINCOLN DAVIS of Tennessee, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mrs. JO ANN DAVIS of Virginia, and Mr. SULLIVAN.

H.R. 1458: Mr. ALLEN.

H.R. 1462: Ms. DEGETTE.

H.J. Res. 12: Mr. JONES of North Carolina.

H. Con. Res. 21: Mr. HASTINGS of Florida and Mr. WEINER.

H. Con. Res. 33: Ms. MATSUI.

H. Con. Res. 71: Mr. VAN HOLLEN, Mr. COHEN, and Mr. MCCOTTER.

H. Con. Res. 75: Mr. HASTINGS of Florida and Mr. BLUMENAUER.

H. Con. Res. 83: Mr. TANCREDO, Ms. FOXX, and Mr. CALVERT.

H. Con. Res. 89: Ms. SCHAKOWSKY.

H. Res. 16: Mr. TOM DAVIS of Virginia and Mr. WOLF.

H. Res. 55: Mr. MOORE of Kansas and Mr. STARK.

H. Res. 68: Mr. FATTAH.

H. Res. 101: Mr. MICHAUD.

H. Res. 106: Mr. SPACE, Mr. BRADY of Pennsylvania, Mr. BAIRD, and Mr. BILBRAY.

H. Res. 107: Mr. BARROW, Mr. TIM MURPHY of Pennsylvania, and Mr. WALBERG.

H. Res. 136: Mr. BARROW, Mrs. MCMORRIS RODGERS, and Mr. ORTIZ.

H. Res. 143: Mr. KUCINICH and Mr. LEWIS of Georgia.

H. Res. 158: Mr. BLUNT and Mr. SOUDER.

H. Res. 169: Mr. BARROW.

H. Res. 171: Mr. HULSHOF, Mrs. EMERSON, and Mr. POE.

H. Res. 196: Mr. PAYNE, Mr. HINOJOSA, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. HONDA, and Ms. SCHAKOWSKY.

H. Res. 197: Ms. HIRONO, Mr. HINOJOSA, and Mr. GRIJALVA.

H. Res. 198: Mr. HARE.

H. Res. 208: Mr. FRANKS of Arizona and Mr. MCCOTTER.

H. Res. 209: Mrs. MALONEY of New York.

H. Res. 221: Mr. CAPUANO, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. SERRANO.

H. Res. 226: Mr. MCDERMOTT and Mr. FATTAH.

H. Res. 227: Ms. LEE, Mr. COHEN, and Mr. GRIJALVA.

H. Res. 228: Mr. SARBANES, Mr. BERMAN, and Mr. BLUMENAUER.

H. Res. 231: Mr. BARTLETT of Maryland.

H. Res. 233: Mr. BURTON of Indiana, Mr. JOHNSON of Illinois, Mr. MCCOTTER, and Mr. MCDERMOTT.

EXTENSIONS OF REMARKS

D.C. HOUSE VOTING RIGHTS BILL OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Ms. NORTON. Madam Speaker, the bipartisan bill we introduce today is a culmination of four years of during which Democrats and Republicans have worked together to accomplish a common goal for Utah and the District of Columbia. This effort has been worth every minute, as we are poised to clear the high hurdle to equal citizenship in the People's House—the House of Representatives. Representative TOM DAVIS (R–VA) and I have worked together on many tough bills and have gotten a fair number passed. Still, the bill we introduce today has surely been the toughest, has required the most work for us both, and has taken the most time. I am most grateful to Representative DAVIS who found the balance that makes this bill possible, modeled most recently on Alaska and Hawaii, both admitted to the Union in 1959 after Congress assured itself that their entry would benefit both parties. TOM DAVIS did not stop with his good idea but has worked relentlessly to reach this milestone. Speaker NANCY PELOSI has long fought for the rights of D.C. residents. It was she who personally insisted that this legislation go forward without delay as a bill of historic importance. Majority Leader STENY HOYER, my regional friend for years, has been an especially outspoken champion of this bill. Throughout this process Chairman HENRY WAXMAN (D–CA) has been a central figure, making every possible effort to ensure we would reach this day. From the very beginning, Chairman JOHN CONYERS (D–MI) as a founding member of the Congressional Black Caucus and a member of the Judiciary Committee has fought for our full rights throughout his years in Congress, pressing all along until as chair he will now preside over the committee that will send this bill to the floor. Governor Jon Huntsman Jr. and the entire Utah delegation have been steadfast and determined throughout.

TOM and I have understood that the essential metric required bringing both parties with us, not only bipartisanship in the usual sense but equivalence, that is no partisan gain and no partisan disadvantage. We have gone through many variations, beginning with TOM's original proposal, where the D.C. House seat would have included some Maryland residents. TOM then accepted our notion that a D.C. stand-alone seat would be best and less controversial all around, and the talks and proposals proceeded. We since have tried several scenarios for moving the bill. I continued to keep my bill, the No Taxation Without Representation Act for the full representation that will never abandon until a bill agreeable to all could be fashioned.

The District of Columbia has waited 200 years to gain the equal citizenship rights they deserve and seek. The framers were clear that American citizens are entitled to equal representation in the House. Our status as second in the United States in federal income taxes that support our government argues indisputably for equivalent rights. However, in this time of war with residents serving in Iraq and Afghanistan, our bill for congressional voting rights for D.C. residents must and I believe will not be denied.

Finally, I hope I can be forgiven a personal moment. Throughout this process, I have never referred to the District's vote as my vote or what the vote would mean to me personally because it will not belong to me. I have never mentioned the special reason I personally wanted to be the first to cast that vote because this bill is for D.C. residents now and in the future, not for me. However, my 16 years in Congress has been defined by the search for some way to get full representation for the city where my family has lived since before the Civil War. That search has included the two-day debate followed by a vote on statehood more than 10 years ago, and the vote I won in the Committee of the Whole. The struggle has been driven by its own terms, by the here and now. Yet, I cannot deny the personal side of this quest, epitomized by my family of native Washingtonians, my father Coleman Holmes, my grandfather, Richard Holmes, who entered the D.C. Fire Department in 1902 and whose picture hangs in my office, a gift from the D.C. Fire Department, but especially my great-grandfather, Richard Holmes, a slave who walked off a Virginia plantation in the 1850s, made it to Washington, and settled our family here. By definition, subliminal motivation is unknown and unfelt. However, when TOM and I knew that we had reached the best agreement we could, I thought openly of my family. I thought especially of the man I never knew. I thought of Richard Holmes, a slave in the District until Lincoln freed the slaves here nine months before the Emancipation Proclamation. I thought of my great grandfather who came here in a furtive search for freedom itself, not the vote on the House floor. I thought of what a man who lived as a slave in the District, and others like him would think if his great-granddaughter becomes the first to cast the first full vote for the District of Columbia on the House floor. I hope to have the special honor of casting the vote I have sought for 16 years. I want to cast that vote for the residents of this city whom I have had the great privilege of representing and who have fought and have waited for so long. Yes, and I want to cast that vote in memory of my great-grandfather, Richard Holmes.

INTRODUCTION OF THE CITIZENS INVOLVEMENT IN CAMPAIGNS (CIVIC) ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. PETRI. Madam Speaker, today Representative PAUL KANJORSKI and I are introducing bipartisan legislation to establish a program of limited tax credits and tax deductions to get average Americans more involved in the political process. This bill, the Citizens Involvement in Campaigns (CIVIC) Act, will broaden the base of political contributors and limit the influence of big money donors in federal elections.

We need to take a fresh look at innovative approaches to campaign finance reform, with special attention paid to ideas that encourage, and not restrict, greater participation in our campaigns. Toward this end, I have been advocating tax credits and deductions for small political contributions for many years. An updated tax credit system would be a simple and effective means of balancing the influence of big money donors and bringing individual contributors back to our campaigns. The impact of this counterweight will reduce the burden of raising money, as well as the appearance of impropriety that accompanies the money chase.

Most would agree that the ideal way to finance political campaigns is through a broad base of donors. But, as we are all painfully aware, the economic realities of modern-day campaigning lead many candidates to focus most of their efforts on collecting funds from a few large donors. This reality alienates many Americans from the political process.

The concept of empowering small donors is not a new idea. For example, from 1972 to 1986, the federal government offered a tax credit for small political contributions. This provided an incentive for average Americans to contribute to campaigns in small amounts while simultaneously encouraging politicians to solicit donations from a larger pool of contributors. Currently, 6 geographically and politically diverse States (Oregon, Minnesota, Ohio, Virginia, Arkansas, and Arizona) offer their own tax credits for political contributions. These state-level credits vary in many respects, but all share the same goal of encouraging average Americans to become more involved.

The CIVIC Act can begin the process of building this counterweight for federal elections. This bill is designed to encourage Americans who ordinarily do not get involved in politics beyond casting a vote every 2 or 4 years (that is, if they bother to vote at all) to become more active participants in our political process.

The CIVIC Act will reestablish and update the discontinued federal tax credit. Taxpayers

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

can choose between a 100 percent tax credit for political contributions to Federal candidates or national political parties (limited to $200 per taxable year), or a 100 percent tax deduction (limited to $600 per taxable year). Both limits, of course, are doubled for joint returns. As long as political parties and candidates promote the existence of these credits, the program can have a real impact and aid in making elections more grassroots affairs than they are today.

A limited tax credit for political contributions can be a bipartisan, cost-efficient method for helping balance the influence of large money donors in the American electoral process. Instead of driving away most Americans from participation in political life, we can offer an invitation for citizens to play a larger role in political campaigns. It seems to me that this will be a fruitful way to clean up our system, while at the same time convincing Americans that they actually have a meaningful stake in elections.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. NEUGEBAUER. Madam Speaker, on Friday, March 9, 2007, I was absent from Rollcall votes 132, 133, 134 and 135 due to official business.

Had I been present, I would have voted "nay" on Rollcall vote 132, the rule providing for consideration of H.R. 720, the Water Quality Financing Act of 2007.

On Rollcall 133 for the Baker Amendment to H.R. 720, I would have voted "aye." I strongly oppose extending Davis-Bacon requirements for construction under H.R. 720.

On Rollcall vote 134, the motion to recommit H.R. 720, I would have voted "aye."

Finally, on Rollcall vote 135, final passage of H.R. 720, I would have voted "nay."

HONORING LYNBROOK ELEMENTARY SCHOOL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Lynbrook Elementary School on their 50th anniversary.

Located in Springfield, Virginia, Lynbrook Elementary School opened its doors on February 11, 1957. Although it opened on that day and was dedicated a month later, the school continued to take shape over the next twenty years as the local population boomed and the true needs of the community were realized. An air-conditioning system, a gymnasium, a music room, additional classrooms and "the pod" were all added to create the Lynbrook that we know today. Additionally, in 1976 a contest was held to select a new school mascot. Out of this contest, and the imagination of a young Wee Lane Yee, Lenny the Leprechaun was born.

The school continued to evolve through the end of the last century. In the 1980's many of Lynbrook's long standing traditions, including "Shamrock Shindigs" and the medieval fair, were started. Also, the students began publishing the schools first newspaper, The Four Leaf Clover, which remains in circulation today.

Lynbrook strives to stay true to its long standing mission statement: to provide a safe environment where all students will become lifelong learners and develop a positive sense of self-worth and an appreciation among students, staff and community for all diverse backgrounds and experiences.

To that end, the school is constantly seeking to improve its strong relations with its students, parents and community. The students' academic, social and emotional learning are met utilizing proven instructional strategies. Families are encouraged to participate in PTA events, such as: family nights, socials, concerts, student programs and cultural events. Additionally, Lynbrook has been repeatedly recognized for its students' active participation in the Marine Corps Marathon Healthy Kid Fun Run. All of these factors demonstrate a concerted effort on behalf of the school's faculty to mold the young people at Lynbrook Elementary into well rounded, high-functioning adolescents.

Madam Speaker, in closing, I would like to commend and congratulate all of the students, faculty and parents who have played such an integral part in the establishment and growth of this fine academic institution. I call upon my colleagues to join me in congratulating Lynbrook Elementary School on its 50th anniversary and in wishing them many more years of continued academic success.

IN MEMORY OF DAVID IVORY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor David Ivory, former Fort Worth city manager, who passed away on Friday, March 9, 2007. Mr. Ivory was known by many as a loyal, trustworthy, and dedicated public servant.

Mr. Ivory served his country for two years in Korea, achieving the rank of Lieutenant. In 1973, he received his master's degree in public administration from Brigham Young University. He also served in the Utah state legislature for a brief time.

After moving to the City of Fort Worth, Mr. Ivory served in many City Hall positions, ultimately being named city manager in 1989. His achievements include involvement in numerous economic developments, such as the annexation of the Perot Group's 5600 acres in North Fort Worth and the creation of Alliance Airport.

Mr. Ivory was 62 years old, at the time of his passing. He is survived by his wife, Margery; his son, Charles; and his daughter, Angela. I would like to extend my sincerest condolences to the Ivory family; my thoughts are with them as they endure this difficult time. The City of Fort Worth has lost a devoted public servant and a great man.

HONORING THE LIFE OF PRIVATE KELLY YOUNGBLOOD, U.S. ARMY, OF MESA, ARIZONA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor the sacrifice of Private Kelly Youngblood of Mesa, Arizona, who was killed on February 18, 2007 after being shot by a sniper in Ramadi, Iraq. Kelly risked everything in a fight to bring democracy to people halfway around the world.

Kelly represented the best that the United States of America has to offer. After graduating from McClintock High School in Tempe, Arizona, Kelly set his sights on military service. While only 19 years old, he was aware of all of the potential dangers associated with his service. Yet, despite his young age, a sense of duty called him to enlist. It had been Kelly's lifelong dream to serve his country and shortly after his 18th birthday he achieved his dream by enlisting in the Army. Following basic training Kelly was sent to Iraq as a member of the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division. He left behind his mother Kristen and sister Melaney of Mesa, Arizona, his grandparents, Charley and Jean Herrold of Westville, Indiana and many friends around the country. I stand here today to express my gratitude to Kelly and his loved ones for their sacrifice.

Today, I join Kelly's family and friends in mourning his death. While we struggle to come to terms with our sorrow over this loss, we can take pride in his example and joy in our memory of his life. Kelly served bravely as a soldier working to bring freedom to the people of Iraq. His courage and strength of character will provide an example for future generations and his memory will continue to bring comfort to his loved ones in their time of grief.

Kelly was known as a loving and kind young man with an excellent sense of humor. His grandmother told the local newspaper, "That kid was so much fun. He made jokes out of everything. He's going to be sorely missed." Today and always Kelly will be remembered by family members, friends, and fellow Hoosiers as a true American hero. We honor the life he laid down in service to his country.

As I search for words to do justice in honoring Kelly's sacrifice, I am reminded of a speech by General Douglas MacArthur to a graduating class at West Point. "The soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war." Kelly's grandparents remember his last Christmas, when he worshiped at Westville United Methodist Church. As a soldier about to enter combat we can be assured that Kelly prayed for peace in Iraq, for his fellow soldiers and for his country he left behind. We too will continue this prayer in Kelly's memory and will continue his fight to bring peace around the world.

It is my sad duty to enter the name of Kelly Youngblood into the official record of the

United States House of Representatives for his service to this country and for his sacrifice in the name of freedom, democracy and peace. When we think of this cause in which we are engaged and the pain that the loss of our heroes brings, I hope that the memory of Kelly and others like him will bring some solace in our grief and some hope for our future.

May God grant peace to those who mourn and strength to those who continue to fight and may God be with all of you, as I know he is with Kelly.

INTRODUCING THE "SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. LANTOS. Madam Speaker, today I rise in partnership with my distinguished Foreign Affairs Committee Ranking Member, Ms. ROS-LEHTINEN of Florida, to introduce a very significant piece of legislation, the "Senator Paul Simon Study Abroad Foundation Act." This measure will create a new government corporation with an annual budget of $80 million—authorized for 10 years—to dramatically increase the number of non-traditional U.S. students studying abroad in non-traditional destinations.

This bill will a provide significant long-term boost to our effort to prevail in the global war against terrorism. It will do so by dramatically increasing foreign understanding of the enduring strength and value of America's democratic culture by exposing foreign students and their families to one million of our best and most authentic diplomats, our American students. It will also vastly increase the talent pool of young Americans with foreign cultural experience and language knowledge to support our foreign affairs agencies, U.S. global NGOs and U.S. global corporations.

The bill responds to a landmark Congressionally commissioned November 2005 study entitled, "Global Competence and National Needs", authored by the Commission on the Abraham Lincoln Study Abroad Fellowship Program, which proposed ". . . a broad vision for the U.S.: send one million students to study abroad within a decade." The idea behind this vision, as articulated in the study, was that "making study abroad the norm and not the exception can position this and other future generations for success in the world much as the establishment of the land-grant university system and enactment of the GI Bill helped create the 'American Century'." The Lincoln Commission which was headed up by former AID Administrator Mr. Peter McPherson and included my colleagues, Ms. SLAUGHTER from New York and Mr. KIRK from Illinois, was established by Congress in 2004 at the urging of Senator Paul Simon who tirelessly advocated for this agenda.

Madam Speaker, I believe this is an incredibly important legislative initiative. If enacted it will democratize study abroad in the way that the GI bill democratized higher education. Today, many American college students still face financial and institutional impediments to study abroad. The Senator Paul Simon Act and the Foundation it creates will tear down these barriers and make foreign study a normal rather than an exceptional part of an American college education.

Today our Nation faces a deficit of cultural knowledge that is a clear impediment to our effort to prevail in the global war on terrorism and to keep America competitive in a global economy. Our foreign affairs agencies are struggling mightily to find recruits who have firsthand understanding of critical cultures and languages such as Arabic, Chinese, Pashto, and Dari. The Senator Paul Simon Act will rectify this by vastly expanding the talent pool of young Americans with global skills.

I urge my colleagues to join this important effort by supporting this legislation.

IN SUPPORT OF THE 90TH ANNIVERSARY OF U.S. VIRGIN ISLANDS TRANSFER DAY, MARCH 31, 2007

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mrs. CHRISTENSEN. Madam Speaker, I rise with great pride to celebrate the 90th anniversary of the transfer of the three small islands in the Caribbean from Danish to American control on March 31st, 1917. On that day, the Danish West Indies became the U.S. Virgin Islands and my district, the district that consists of St. Croix, St. Thomas and St. John and a host of other smaller islands became part of the American family.

The people of the U.S. Virgin Islands are both proud Virgin Islanders and proud Americans. We are a diverse community comprised of people who are native to the island, those who have moved there from Puerto Rico and many of the surrounding Caribbean island nations, mainlanders from the continental United States, and people from many other parts of Europe, Africa, Asia and the Middle East. In our 90 years, we have come to reflect the American melting pot, evolving from many people, yet striving to become one.

One of the aspects that make the U.S. Virgin Islands a special place is our reverence for our history and our past and our concern that we pass on to our children the story of how we came to this place and how we have lived here, and struggled here and thrived here.

Transfer Day, the day that our islands became part of the American family, has long been a source of pride as we have celebrated it over the years with parades and fanfare and speeches of historic significance. But our relationship with the United States of America, began long before 1917.

Christopher Columbus, credited with the discovery of the Americas stopped at Salt River Bay on the island of St. Croix on his second voyage, making it one of the only confirmed Columbus landing sites under the U.S. flag today.

One of this country's founding fathers, Alexander Hamilton, who also served as its first Secretary of the Treasury, spent his boyhood on St. Croix in the Virgin Islands, where he is said to have learned the rudiments of finance, as he worked as a clerk in the international trade business of his mentor Nicholas Cruger in the busy Caribbean port town of Christiansted. It was in the Virgin Islands that his talent was first noticed, as his writing in the local newspapers, in particular on the 1772 hurricane, spurred his supporters to send him to New York the next year where he became part of the brewing American Revolution.

The Virgin Islands with its natural harbors had long been a trading partner of the colonies of North America, and during the American Revolution, it was the small Danish fort on the western side of St. Croix, Ft. Frederik that was one of the first to salute the new American colors when one of its ships sailed into Frederiksted harbor.

The United States of America recognized the strategic importance of the tiny Virgin Islands, then known as the Danish West Indies as early as 1865 when negotiations began for their purchase. According to historians, "the need for military bases at strategic points in the Caribbean" was bolstered by the construction of the Panama Canal. Purchasing the Virgin Islands became important because it would "enable the United States to defend the approaches to the Panama Canal and it would prevent the islands from falling into the hands of countries that were hostile to the United States."

During World War I, it was the fear that Germany wanted a foothold in the Caribbean and fear that Denmark, who owned the islands at the time would be overrun by the Germans in the war, that prompted a more aggressive approach towards their purchase. By January 1916, "agreement was reached on $25 million as a compromise between the Danish demand for $27 million and the American offer of $20 million."

We are told by our parents and grandparents that Transfer Day, March 31, 1917 was one of mixed emotions. While some were excited at the prospect of becoming part of the American nation, others were sad that the ties with Denmark that were 250 years old were about to be broken. Residents of the islands were given the choice of Danish or American citizenship and some remained loyal to the Danish flag while others enthusiastically embraced their new nation.

The United States of America entered World War I one week after the Virgin Islands were transferred to its ownership and the islands were placed under Navy rule as they were used as a coaling depot for U.S. ships during that period. The Navy enacted a number of social reforms to include reorganizing the hospitals and improving its equipment, instituting a sanitary code and mosquito control which drastically reduced the death rate. They also built the St. Thomas catchment and the St. Croix Creque Dam which increased the amount of safe, reliable drinking water. They instituted a sewage disposal system, and a fire and police system. They built and improved schools and trained and hired teachers at a higher rate of pay. They were not as successful at economic development and annual revenues plunged to less than what it was under the Danes, prompting an out-migration to then U.S. controlled territories like Cuba, Puerto Rico, Panama and the mainland. During that time, new immigrants from Puerto Rico and the mainland and an increased birthrate due to better sanitation bolstered the population numbers.

It was in 1931 that the Department of the Interior was given the authority to administer the islands and charged with the economic regeneration of the islands. It was during that time that the first civilian governor was appointed, Dr. Paul M. Pearson who was responsible for the institution of the homestead program which allowed for the purchase of old plantation lands for homes and small farms. It was during this period that our tourism industry began as the first three hotels were built on St. Thomas and that opportunities for higher education were provided with scholarships to Hampton and Howard Universities for our worthy students. But the economy of the islands was still in need of a shot in the arm and political development was still in its infancy. These were the cause of discontent among the people.

It was not until 10 years after the Transfer, on February 25, 1927, that United States citizenship was granted through congressional enactment to all natives of the Virgin Islands and residents on and after January 17, 1917 including those who moved to the U.S. or Puerto Rico before or after January 17, 1917 who had not become citizens of any foreign country and to all children born in the Virgin Islands on or after January 17, 1917.

Another Act of Congress in 1932 further extended U.S. citizenship to all natives of the Virgin Islands living in the United States or any other U.S. territory who were not citizens of any foreign country regardless of their place of residence on January 17, 1917.

It was in the years between the Transfer and the early 1930s, that the people began awakening to their political power and began agitation for more local, democratic control, extended voting rights, and other enfranchisement common to the American Nation. Advocacy through the local press came from men such as Rothschild Francis on St. Thomas, D. Hamilton Jackson on St. Croix and Casper Holstein, a wealthy St. Croix born New Yorker. They began pushing for more local democratic control of the institutions that governed the people of the Virgin Islands.

In this atmosphere, under some political unrest which included demonstrations and congressional inquiries and investigations, two major constitutional achievements were gained, namely the right of women to vote in December of 1935 and the passage of the First Organic Act on June 22, 1936.

The First Organic Act was said to represent a considerable extension of political power with the creation of two municipal councils, St. Thomas-St. John and St. Croix and a Legislative Assembly consisting of the two councils. Property and income qualifications were abolished, but English literacy was required of voters. Other features of the Act were a governor appointed by the President, who had veto power which could be overridden by a two-thirds majority of the Council, with final decision making rested in the President. The governor was also required to report annually to the Secretary of the Interior on financial transactions.

It was during this period that the first of our Virgin Islands soldiers began fighting and dying for their new country. Whether joining the military from Puerto Rico, the closest enlisting station to the territory or from where they had migrated in New York or elsewhere, our young men joined to defend our nation and some of them paid the ultimate sacrifice.

It was after World War II, in the period between 1950 and 1970, with increased economic expansion and political power that the population in the Virgin Islands began to double and triple. It was the result of increased birth rate, immigration from the mainland, Puerto Rico and the surrounding Caribbean islands to fill the new jobs created by the expanding tourism industry and the new oil and aluminum refineries and watch industry. There was also a movement of native Virgin Islanders who had moved away in earlier decades for economic opportunity back to the islands.

In 1950, the first native Virgin Islander, Morris deCastro was appointed governor. With his appointment came the recognition by the United States of the growing ability of the people of the Virgin Islands to govern themselves. The growth of political parties and the increased participation of the electorate, the growth and diversification of the economy and the population all set the stage for the need to revise the Organic Act to provide for the political and administrative re-organization of the Virgin Islands. With the Revised Organic Act of 1954, the present governmental structure of the Virgin Islands with its laws, administrative departments and its unicameral legislature were formed. The English literacy requirement instituted in 1936 was removed paving the way for Spanish speaking residents to have a voice in governmental affairs.

In 1968, after the First Constitutional Convention of 1964–65, the Elective Governor Act of 1968 provided for an elected governor and lt. governor to serve four year terms, a delegate to Congress, and the lowering of the voting age to 18. In 1970, the U.S. Virgin Islands elected the first of its seven governors to office. The Honorable Melvin Evans was elected the first Governor. My predecessor, the Honorable Ron de Lugo became our first Delegate to Congress and I am proud to serve as the fourth elected and first woman Delegate to Congress.

Since that time there have been several attempts to deal with the internal structure of our government, through drafting a new Constitution in 1981 and through a referendum on the nature of the territory's relationship to the United States which culminated in a referendum in 1993. This summer, Virgin Islanders will again attempt to draft a constitution to address many of the structural issues that continue to pose challenges to governance and every day living. It is my hope that on the 90th anniversary of the Transfer and our sojourn as part of the American family that we use it to analyze, plan and bring to fruition a common vision for our territory by 2017, the hundredth anniversary celebration.

Madam Speaker, there is much good that has come from this 90-year-old relationship between the U.S. Virgin Islands and the United States of America. Our islands have not only grown in population and diversity, but have made strides in governmental infrastructure and the provision of services in health, education, transportation infrastructure, and social welfare. Much of this has been accomplished in partnership with the federal government. There are many challenges that have also arisen because of rapid growth and development and lack of control over issues such as border control and the lack of a plan to manage our resources to include land and water use. We have been a beacon for development and advancement in the region and have attracted people from all over the world. It is my hope that this 90th anniversary will strengthen our resolve to become a stronger, more cohesive community with a dream and a plan for peace and prosperity into this 21st century and beyond.

RECOGNIZING THE COMMUNITY OF COLLYER, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise today to recognize the citizens of Collyer, Kansas for continuing efforts to sustain and revitalize their community.

On September 26, 2004 that effort was formalized through creation of the Collyer Community Alliance. Donna Malsom, president of the alliance, said the organization was formed because residents want to see their hometown raise another generation of Kansans. "Our community is made up of hard working individuals who pull together to support businesses, projects and each other, Malsom said. "Through our combined efforts, we made a conscious decision to 'save' our community."

Despite its small size—133 people—Collyer is making a large commitment to its future. In the nearly 30 months since it was formed, the alliance has grown from zero to more than 200 paid memberships.

In order to obtain financing for community initiatives, the alliance has conducted a number of fundraising activities—the most famous of which are fish fries that are held every Friday evening during the Lenten season. In 2006, more than 1,000 plates were served. Having personally attended a fish fry, I can affirm that the food is delicious and the community spirit is inspiring.

Funds have also been raised by organizing Hunter's Burgers and Brats and Ground Hog Celebration Soup suppers, the Walsh Auction Lunch, Quinter School Forensics Tournament Lunch, WaKeeney Trash and Treasure Flea Market, Quinter May Day Celebration, Switchback Benefit Barn Dance and alumni celebrations. Money raised from these activities is supplemented by generous financial support from individuals, families, businesses and local units of government. Since its inception, approximately 75 entities have achieved "sponsor" status through the alliance.

This fundraising effort translates into impressive promotion of and support for the community. Last year, the Collyer Café opened in the refurbished Saint Michael's Convent. The alliance purchased the convent and the community donated well over 1,000 volunteer hours to this restoration project.

In July, the community hosts an After Harvest Music Festival which brings approximately 500 people to town. In October, the Fall Street Festival attracts more than 1,000 visitors to Collyer.

The alliance further promotes Collyer by maintaining an extensive website at www.collyerks.com. The site includes a history of the community, ongoing development projects, fundraising activities and community events.

An effort is being made to preserve the legacy of Collyer by obtaining historical designations on 14 community buildings. The Saint Michael's Buildings, Zeman Dance Hall, the old mercantile/grocery store and the Collyer Depot are just a few of these historically significant structures. With persistent effort, the alliance has achieved 501(C)3 nonprofit status retroactive to May of 2005. This approval is allowing the community to aggressively pursue restoration efforts.

An additional boost to preserve Collyer's legacy occurred in May of 2006 when the community was awarded a grant from the Kansas Humanities Council in support of an initiative to gather and record stories of immigrant families that settled in Collyer. Alliance members supplied the volunteer hours needed to complete this and several other grant applications.

Sandra Stenzel, community volunteer, acknowledges that the work required to create a future for Collyer is not easy. However, she believes the effort is worth it. "Our community was founded on the principles of faith, freedom, education, progress and agriculture," Stenzel said. "We are proud of our past, but we are even prouder of the vision we have for the future and the plan we have to get there."

For rural communities to survive and prosper, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Collyer are an example of how hard work, vision and involvement support can create just such an opportunity. Citizens throughout Kansas are working together to enhance the quality of life in their communities. Collyer is a developing success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

RECOGNIZING LEWISVILLE AND FLOWER MOUND STUDENTS FOR RECEIVING TOP HONORS AT THE INAUGURAL NORTH TEXAS TEEN COURT TRAINING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize student volunteers with the Lewisville-Flower Mound Teen Court, who were named "Best Overall Prosecution Team" and "Best Overall Defense Team" at the inaugural North Texas Teen Court Training.

The event was held on March 3, 2007, at the Texas Wesleyan University School of Law in Fort Worth, Texas. Volunteer youth attorneys, bailiffs, clerks, and jurors are given an opportunity to conduct trials of actual cases with Class C misdemeanor defendants from local Teen Courts. Over 200 teens, adult volunteers, and judges were involved in the competition.

Seth Duban, of Marcus High School, and John Maksym, a home-schooled student, were members of the winning prosecution team. Lewisville High School students Sarah Abdel and Jennifer Stanley, along with Lexia Chadwick of Huffines Middle School, composed the competition's winning defense team.

The North Texas Teen Court Training is a great event for the students, the community, and the Texas Wesleyan University School of Law. These exceptional young men and women had the opportunity to see and act out the judicial process in a way that they could not have otherwise. I would like to extend my congratulations and best wishes to the five winning students, and to all other participants. I am honored to represent such intelligent and academically driven students.

THE EMPLOYEE FREE CHOICE ACT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. RADANOVICH. Madam Speaker, with one of the most misleading names ever put to a piece of legislation, the House of Representatives voted last week on a bill entitled "The Employee Free Choice Act." (H.R. 800). If made law, the Act would result in the most important changes in federal labor law since the enactment of the Wagner Act in 1935 and, contrary to its title, would deprive employees of free choice in the two most important issues involving unions by denying employees the right to a secret ballot election to determine whether or not they want to be represented by a union and by denying employees the right to approve or disapprove the first labor contract with their employer.

Under present law, the most common way to determine whether employees want to be represented by a union is through a secret ballot election conducted by a federal agency, the NLRB. The United States Supreme Court has emphasized that other methods of deciding about unionization are inferior. Under the new bill, a union would be able to gain the right to represent employees through a "card check" in which a union simply would have to collect the signatures of a majority of employees on union authorization cards in order to represent them. The result would be that employees' signatures on union cards, which now are used to call for an election, would be used to preclude them from having an election. Moreover, once unionized through a card check, employees would not be able to change their mind by the same mechanism.

Nothing could be more undemocratic, as is evidenced by the AFL–CIO's own study showing that when unions get from 60 to 75 percent of employees to sign union authorization cards, they win less than 50 percent of elections.

It seems painfully obvious that, as Congressman HOWARD BERMAN (one of the Act's co-sponsors), said when he was in the California Assembly, secret ballot elections are essential to "the self determination of the workers" that federal labor law seeks to promote. As Yale's Robert Dahl concluded: "In the late nineteenth century, the secret ballot began to replace a show of hands. . . [S]ecrecy [in voting] has become the general standard, a country in which it is widely violated would be judged as lacking free and fair elections." Federal law now requires that in elections for federal office, the citizens must be able to vote "in a private and independent manner" and that "the privacy of the voter and the confidentiality of the ballot" must be protected. 42 U.S.C. § 15481(a)(1). The lack of privacy under H.R. 800 would subject employees to overwhelming pressure from union organizers and other workers to sign union cards, putting them back in the 19th century.

Card checks not only violate the workers' right to privacy but deprive workers of the right to hear the arguments against as well as for unionization. Again, as Professor Dahl observed, "voters must have access . . . to alternative sources of information that are not . . . dominated by any . . . groups or point of view." Unions usually solicit cards with no notice to the employer, so that H.R. 800 would deprive employees of the "alternate sources of information" necessary to make an informed, and hence free, decision.

H.R. 800 compounds these inherent defects in the card check process by providing no remedy if a union uses improper pressure or deception in getting employees to sign cards. Present law establishes a detailed and comprehensive procedure for dealing with election misconduct by both employers and union. H.R. 800 contains no such protections.

H.R. 800's card check provisions also violate the parity of the processes for employees to bring in a union and rejecting an existing union representative. Under present law and under the proposed new law, once employees bring in a union, it is not easy for them to change their mind and get rid of the union. In most cases, a secret ballot election is necessary both to bring in a union and jettison one. Under the proposed law, it would be easy for unions to get in through a card check, but difficult for employees to get free of union representation because the formalities of a secret ballot election would be required. There is no rational basis for establishing different procedures for choosing to be represented by a union and choosing not to.

H.R. 800 would deprive employees of their other basic free choice: the right to use their collective economic power to negotiate the best agreement they think they can get and the right to approve or reject any contract negotiated by their union. Presently, employees are free to strike if they do not approve of a proposed labor contract, but H.R. 800 makes the contract fixed by a panel of government-appointed arbitrators binding for two years and now most employees covered by a proposed labor contract have the right to vote whether or not to accept it. H.R. 800 would strip this right away from them for the first (and most important) contract with their employer. If their employer and union did not reach agreement on a first contract after 90 days, the Federal Mediation and Conciliation Service ("FMCS") would appoint a board of private arbitrators to determine the terms of the contract, which would be binding on the employees, the union, and the employer. There is no limit on the arbitrators' authority. They could raise wages by 100 percent or lower them. They could require employees to pay union dues or lose their jobs. This part of the law is clearly unconstitutional because it establishes no standards or procedures for the arbitrators to follow and does not provide for any review of the private arbitrators' decisions, either administrative or judicial.

In 1925, the Supreme Court declared unconstitutional under the Fourteenth Amendment a state law requiring certain private sector employers and workers to submit to binding interest arbitration by a panel of judges if the parties could not agree on a contract.

Accordingly, H.R. 800 can be upheld only if it provides procedural due process. It does not. Conspicuously absent from the statute are the procedural safeguards customarily considered necessary to ensure a fair hearing (e.g., the right to notice, to know what standards will be applied, to present evidence, to some kind of review, administrative or judicial). Of course, it is possible that the NLRB will utilize their rulemaking authority to provide for such procedures. Even so, neither agency is authorized to review an arbitration board's decision on the basis of non-compliance with such procedures. Similarly, an arbitration board's non-compliance with procedural safeguards is not a basis for judicial review. Moreover, in most arbitrations, the parties' agreement to a particular procedure is the best guarantee of fairness. Under H.R. 800, the parties have no voice in determining procedure.

In addition to due process infirmities, H.R. 800 effectuates an impermissible delegation of legislative authority to private actors, violating principals of separation of powers. Pursuant to H.R. 800, private arbitrators are vested with the ability to bind nonconsenting parties. Most importantly, employees are not parties to the mediation and have no right to participate in the arbitration proceeding or challenge the arbitrators' decision. While a majority of the affected employees will have signed union authorization cards (as defective as they are) supporting the union, the contract imposed by the arbitrators will bind all bargaining unit employees, including those who did not support union representation.

Aside from constitutional defects, H.R. 800 would eviscerate large portions of the over 70 years of case law developed carefully under the National Labor Relations Act. The resulting uncertainty would be a major force in destabilizing labor relations and causing labor strife the NLRA was intended to resolve. For example, over 97 percent of private sector labor contracts contain provisions for the binding arbitration of disputes under those contracts. Such arbitration provisions are enforceable only if they are consensual.

The underlying problem with the mandatory arbitration portion of H.R. 800 is that in addition to depriving employees of the right to disapprove of the arbitrators' "agreement", it would destroy collective bargaining by eliminating the role of economic power and injecting procedural requirements for a fair adjudication or rulemaking proceeding that are inconsistent with collective bargaining. A labor negotiation is a contest of economic power, fundamentally different than an adjudication or rulemaking. Any attempt to graft direct government determination of the terms and conditions of employment onto a law promoting private decision-making through collective bargaining is bound to fail. The two cannot be reconciled.

I stand firm behind my vote against H.R. 800 and fully support a Presidential veto of the bill.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Ms. ESHOO. Madam Speaker, due to a family obligation, I was unable to vote March 9th of this year. I would like the record to reflect how I would have voted on the following votes.

On rollcall vote No. 132 I would have voted "yes." On rollcall vote No. 133 I would have voted "no." On rollcall vote No. 134 I would have voted "yes." On rollcall vote No. 135 I would have voted "yes."

IN MEMORY OF RICHARD AND VIRGINIA DOAK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. and Mrs. Richard Doak of Stover, MO.

Richard L. Doak was born on December 24, 1922, and was the second of seven children to the late Grace and Edgar Doak. Upon completion of high school, Richard became a student at the University of Missouri-Columbia. His college education was interrupted to volunteer for service in the United States Army in World War II. On August 19, 1944, he married Virginia Ray McClesky and soon after completed his undergraduate education, receiving a B.S. in Agriculture. He again served his country as an infantry platoon leader, 7th Division, 31st (Polar Bear) Regiment, Charlie Company, during the Korean War. In honor of his commitment to the U.S. Army, he was awarded both the Silver Star for gallantry in combat and the Bronze Star for meritorious service. After his service, the Doaks returned to Missouri where they would raise their four children on the family farm. Mr. Doak later earned a master's degree in Education from the University of Missouri-Columbia, and served as a teacher at Payne School and as an elementary school principal at Hallsville, Jefferson City, and Versailles, MO. In 1985, Richard retired from teaching and returned to work on his farm raising and showing Southdown sheep.

Virginia Ray (McClesky) Doak was born on December 8, 1922, in King, Texas, to Estelle and Henry McClesky. Virginia graduated from high school in Gatesville and attended the University of Mary Hardin-Baylor. After receiving her degree, Virginia taught school at Purmela and Plainview in Texas and Payne School in Missouri. On August 19, 1944, she married Richard Doak, a Missourian she had met while he was stationed at Fort Hood. While raising a family in Missouri, Virginia remained close to her family in Texas and looked forward to visiting them at Christmas and during the summer.

Madam Speaker, Richard and Virginia Doak were great friends of mine and were valuable members of the Stover community. I know the Members of the House will join me in extending heartfelt condolences to their family.

TRIBUTE TO THELMA CLARK

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today to honor a community activist that touched many lives throughout her 79 years as a resident of Youngstown, Ohio. Thelma Clark, who was born in Youngstown on August 15, 1927, passed away this past October. Mrs. Clark graduated from The Rayen School and later went on to graduate from the Choffin School of Nursing as a licensed practical nurse. She worked at Northside as well as Southside Hospital, but Thelma Clark's career as a nurse is not what her family and friends will think of when reminiscing about her life.

Thelma Clark's most significant and lasting impact on the Youngstown community came through her many organization memberships and dedication to those organizations. Maybe no better example of this was her steadfast faith and love of the Mt. Zion Baptist Church, to which she was a member for 63 years. Thelma served as the secretary for the church for 25 years and also played an important role as the official church historian.

Through her constant commitment to urban development and advancement of African Americans in the community, Thelma Clark was a shining example to her many children, grandchildren, and great-grandchildren. Mrs. Clark was a member of the local branch of the NAACP for 52 years and served as 2nd vice president of the organization for many of those years. She was a member of the National Council of Negro Women while also serving as a co-chairperson of the Annual Negro College Fund Banquets.

These are just a few of the many activities that became intrinsically connected to the life of Thelma Clark. In addition, Mrs. Clark was a member of the Pink Carnation Club, treasurer of the McGuffey Football Boosters Club, and a member of the Parent Booster Club of the Boy Scouts.

Learning about people like Thelma Clark and the proactive and selfless life that she led, gives me a great sense of inspiration and optimism for the future of Youngstown and the Mahoning Valley. The scope of Thelma Clark's influence on current and future generations is immeasurable, and I am deeply honored to have represented her.

APPRECIATION OF “100 WOMEN WHO CARE”

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. ROSKAM. Madam Speaker, I rise today in strong support and admiration of the goals and efforts of Illinois' “100 Women Who Care” organization.

These 100 local women have seized on the remarkable idea that a small group of individuals pooling their talent, energy, and resources together can exercise an exponentially greater ability to affect positive change in our communities.

The concept is simple. “100 Women Who Care” meets four times a year to select a worthy local charity to support. At each meeting, its members contribute the seemingly insignificant sum of $100. But taken together, these 100 checks for $100 amount to the very significant sum of $10,000. This money has an incredible ability to impact the important community service work of local charities.

Already this year, “100 Women Who Care” has enabled Outreach Ministries in Carol Stream, Illinois, to provide two apartments for single, homeless refugee women and their children as they work to get back on their feet.

I commend the women of “100 Women Who Care” for their dedication to serving others. This organization is a wonderful example of how working together can have a huge impact on our local communities. I wish these ladies all the best for the future. Keep up the good work!

CHIROPRACTIC CARE FOR ALL VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. FILNER. Madam Speaker, since the creation of the Department of Veterans Affairs' health care system, the Nation's doctors of chiropractic have been, until recently, kept outside and all but prevented from providing proven, cost-effective and much-needed care to veterans—including many in need of the health care services that doctors of chiropractic are licensed to provide.

A little history: Over the years, representatives of the Department of Veterans Affairs have come before the House of Representatives Veterans' Affairs Committee and have insisted that chiropractic benefits are available to veterans and that no bias exists within the VA against the chiropractic profession. Access is becoming greater, and hopefully the bills I am introducing will not be necessary, but for all practical purposes, access to chiropractic care, until very recently, had been non-existent within the VA system. Chiropractic care was so seldom offered to veterans that it could have been fairly said to be a phantom benefit.

Because of the track record of neglect, in recent years Congress enacted 3 separate statutes seeking to ensure veterans access to chiropractic care (Public Law 106–117, Public Law 107–135 and Public Law 108–170). The last of those statutes gave explicit authority to the VA to hire doctors of chiropractic as full-time employees. I'm proud to have worked with colleagues on both sides of the aisle to help advance those initiatives.

In addition, former VA Secretary Anthony Principi released policy directives before his departure regarding the true and full integration of chiropractic care within the VA, and it is beginning to happen, offered in more than 25 medical centers. But we must remain concerned until we see these polices firmly in place and working well in all VA treatment facilities.

As insurance, the enactment of the legislation I propose will guarantee the right of a veteran to obtain this important service at the local VA without the cost and stumbling blocks of going through potentially hostile gatekeepers.

I am proud to re-introduce a bill that former Congressman Jeb Bradley had introduced in the last session of Congress: H.R. 1470, the “Chiropractic Care Available to All Veterans Act,” and to reintroduce my bill from the last session: H.R. 1471, the “Better Access to Chiropractors to Keep Our Veterans Healthy Act (BACK Our Veterans Health Act).”

The first, H.R. 1470, requires that the provision of chiropractic services and care be phased in so that it will be provided at not fewer than 75 medical centers by December 31, 2009 and at all medical centers by December 31, 2011. Within five years, all veterans will have access to chiropractic care if and when they need it.

The second, H.R. 1471, is designed to provide veterans with direct access to chiropractic care at VA hospitals and clinics. The measure directly prohibits discrimination among licensed health care providers by the VA when determining which services a patient needs.

In developing these bills, I have worked closely with chiropractic patients, particularly our veterans, who know the benefits of chiropractic care and bear witness to the positive outcomes and preventative health benefits of chiropractic care. I also was pleased to work with the American Chiropractic Association (ACA), the nation's largest chiropractic organization and the national voice of doctors of chiropractic and their patients. I have been told by the ACA that there are more than 60,000 doctors of chiropractic and in excess of 25 million chiropractic patients across America. Some of these doctors certainly should be directly available to our veterans. Finally, I am a chiropractic patient myself and have been greatly helped by chiropractic care for physical problems caused by an automobile accident. I hate to think that veterans do not have this same opportunity for relief from pain.

A large number of all medical problems in the returning soldiers from Iraq and Afghanistan—42 percent—are musculoskeletal injuries, which are injuries that are often directed to chiropractors. So the timing could not be better for passage of these bills.

Accordingly, I urge my colleagues to join me in supporting unimpeded access to chiropractic care throughout the veterans' health care system and help enact these measures.

STATEMENT OF THE HONORABLE MARION BERRY TRIBUTE TO DONALD LYLE WATERWORTH

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Donald Lyle Waterworth Sr. Don is a man who exemplifies the definition of public service. He has dedicated many of his God given talents to serving our country and making his community a better place for all. Don Waterworth is an example of what it means to be a true American.

Don is a decorated war veteran, who served our country in both World War II and the Vietnam War. Some of his most notable honors from the United States Air Force include the Good Conduct Medal, Air Force Good Conduct Medal, Vietnam Service Award, World War II Service award, and the Victory Medal.

Although Don has dedicated 30 years of his life to serving our country in the military, his commitment to serving others began at a young age. At the tender age of 6, Don volunteered to help his first grade teacher, Ms. Swanson with classroom chores. She later told his mother she had never had a student that was so helpful. After Don finished school, he volunteered with the United States Army and later joined the United States Air Force in 1953.

After he retired from the military, Don continued his service to our country in a different capacity. He immediately became a full-time volunteer and started his own non-profit organization called The Good Earth Association, which focused on restoring old farm machinery. While in Vietnam he organized a group to train troops in aviation skills so they could become pilots once they returned home from the war. While in Taiwan, he created a program to fund operations for crippled and disadvantaged children. The Freemasons recognized Don's lifetime of outstanding civic service and presented him with their most prestigious honor, the Solomon Award.

Despite his busy schedule, Don continues to give his time to a variety of organizations including the American Retired Military Association, Randolph County Food Bank, and The Randolph Chapter of the AARP. For over 20 years, Don has been a member of the local Masonic lodge and an observer for the Randolph County National Weather Service. He also worked for the Red Cross in Randolph County by helping families of dead or wounded soldiers get the resources they needed to care for their loved ones.

He has been married to his wife Elisabeth Waterworth for 35 years. They have 4 children, 1 foster daughter and 9 grandchildren. Don's commitment to our country through his decades of military and volunteer service is a remarkable achievement. I ask my fellow members of Congress to join me celebrating his extraordinary life on his upcoming 80th birthday.

HONORING THE MEMORY OF CLAUDE MOOSE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to the memory Claude Moose. Claude was a longtime resident of San Lorenzo, California and died on February 17, 2007, a day before his 93rd birthday.

He was committed to his family of five children and his wife Betty, a former member of the San Lorenzo School Board. His commitment to making a positive difference in the lives of others also extended to the community in which he lived.

Claude Moose was very active in his community as a Scout leader and was also appreciated for his corny sense of humor. He was an avid golfer into his late 80s and won a hole-in-one contest and many trophies. He taught his daughter, Claudia, to play when she was nine years old and they enjoyed courses from Alameda to Skywest.

Claudia describes her father's golf game—"He may not have hit long, but he hit straight. He was a dead eye on the game, no short games with him."

Retired for many years, Claude was active in the Friends of the Library-San Lorenzo, serving as the hospitality chair and book sale volunteer. He was a volunteer and active member of the Gray Panthers of Alameda County, Hayward Demos Democratic Club, Fairmont Service League Senior Meals Program, and San Lorenzo Heritage Society and was chaplain of Disabled Veterans Chapter 51 of San Lorenzo.

Claude worked 37 years as a mail carrier and postal clerk at Oak Knoll Naval Hospital in Oakland, California. He served in the U.S. Army in World War II for five years in the South Pacific, with his last tour in New Guinea. He received many medals and was a staff sergeant in the 143rd Ordinance-Maintenance Company 77th Division.

The Mooses lived in the same San Lorenzo house for 56 years and have been members of Christ Lutheran Church since its inception 56 years ago. A memorial service will be held on March 1st at Christ Lutheran Church. A military service will be held on March 9th.

My family and staff join the community in paying tribute to Claude Moose and expressing sympathy to Betty and her family on the tremendous loss of this proud father, avid golfer and community activist. He is a model to follow.

WELCOMING KOREA INTERNATIONAL TRADE ASSOCIATION DELEGATION TO WASHINGTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. TOWNS. Madam Speaker, a delegation headed by the Chairman of the Korea International Trade Association (KITA), The Honorable Hee-Beom Lee, will visit Washington during the week of March 12 for a series of meetings with business leaders, government officials, members of this House, the Senate, journalists, and members of the Korean-American community in the metropolitan area. The purpose of the delegation's visit is to commemorate the U.S.-Korea business and trade relationship as well as support the progress of talks designed to lead to a Free Trade Agreement between the United States and the Republic of Korea.

Founded in 1946 with 105 members, KITA now represents more than 80,000 Korean businesses seeking to sell their products and services overseas, and in turn buying products and services from foreign countries. KITA, which owns office buildings in Washington and New York City, participates in the World Trade Centers Association, which has more than 300 members in 101 countries. It works closely with virtually all World Trade Centers to promote trade by providing facilities and services on a reciprocal basis.

In addition, to promote bilateral economic cooperation, KITA sponsors the Korea-U.S. Economic Council, the Korea-Japan Industry and Trade Committee, and the Korea-Hong Kong Business Roundtable.

In its efforts to promote freer trade, not only between the U.S. and Korea, but around the world, KITA organizes various functions and events to enhance mutual understanding on trade issues, seeking to resolve private-sector trade disputes through dialogue. It also works together with its overseas counterparts and international economic organizations to provide member firms with opportunities to interact fully with the international community.

Moreover, KITA places special emphasis on developing and maintaining cooperative relationships with overseas trade promotion organizations as well as major international organizations to facilitate trade and investment on a reciprocal basis. These cooperation activities include trade information exchange, organizing trade promotional events, joint research, and provision of facilities.

Barely half a century ago, the Republic of Korea was an impoverished casualty of imperialism and war; it has now grown to be the 12th-largest trading nation in the world. Korea is also the largest trading partner of the United States, with over $70 billion in business between our countries each year. Credit for such remarkable development belongs in large part to the efforts of the Korea International Trade Association.

Madam Speaker, I urge my colleagues to extend their good wishes to Chairman Hee-Beom Lee, and welcome the delegation of the Korea International Trade Association as it visits Washington, D.C. I hope you join me in wishing them a pleasant and productive stay in our Nation's Capital.

SALUTING THE BLACK PRESS ON ITS 180TH ANNIVERSARY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Ms. KILPATRICK. Madam Speaker, I rise today to honor and salute the 80th anniversary of the Black Press, and issue the following statement in support of the National Newspaper Publishers Association:

Whereas, the Black Press has been a main recorder of the history of Black people in America and has courageously told the violent and often painful history of Blacks in their struggles for freedom and equality in America;

Whereas, the first Black newspaper, Freedom's Journal, was published in 1827, in which this abolitionist paper served as a catalytic agent in support of the anti-slavery movement;

Whereas, one of the most famous and effective fighters against the inhumanity of American slavery, Frederick Douglass, published The North Star as a voice of American Blacks crying out in the wilderness of slavery for freedom and justice;

Whereas, Black newspapers led the fight against lynching and other cruel acts against Black people at the turn of the century;

Whereas, Black editors and publishers, as leaders in their communities, joined the NAACP, National Urban League, the Black church, and other organizations in pushing for the Federal Government and the U.S. Congress to take decisive steps to protect and expand the civil rights of African American citizens;

Whereas, reporters of Black newspapers risked their lives in covering the Civil Rights Movement, including the Emmett Till trial, the violent integration of Central High School in Little Rock, Arkansas, the Freedom Rides, and lunch counter sit-ins, in the South;

Whereas, the Black Press produced a long list of outstanding publishers such as John H. Murphy, Sr., Robert S. Abbott, Robert V. Vann, John H. Johnson, John S. Sengstacke, Claude A. Bennett, Louis Martin, and Dr. Carlton Goodlett;

Whereas, the Black Press continues to serve as a vital source of information about the lifestyle, culture, achievements, activities, and ongoing struggles of African American citizens for equal opportunities in education, employment, housing, and healthcare in order to live a quality life in America's democracy.

I know that my colleagues will join me in giving special recognition to what has become a great American institution, the Black Press, on its 180th anniversary in this year of 2007, especially during its annual celebration of Black Press Week March 14 through March 16. We commend the National Newspaper Publishers Association (NNPA), the trade group for more than 200 Black newspapers across the country, for organizing an annual observance of Black Press Week. We celebrate the thousands of publishers, editors, and staff of the Black Press who have documented the stories of Black Americans and continue to make sure the world is aware of the African American experience. Finally, we appreciate the struggle, the challenge and the success that is the unique contribution of the Black Press and the NNPA during this week.

HONORING WENDELL W. YOUNG III AND DR. REGINA M. BENJAMIN

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is with great honor that I rise today to recognize the remarkable work of Dr. Regina M. Benjamin and Mr. Wendell W. Young III, recipients of the Saint Katharine Drexel National Justice Award. These two outstanding individuals were recognized by The Sisters of the Blessed Sacrament for their dedication and commitment to the betterment of others.

Dr. Regina M. Benjamin, a graduate of Xavier University and Morehouse School of Medicine, has dedicated her life to caring for the health and social welfare needs of the people in Bayou La Batre, Alabama. She is committed to enhancing physician access and patient care through her work as a member of local, state and federal boards.

Mr. Wendell W. Young III, as President of the Retail Clerk International Association of Philadelphia Local Union, promoted and created equity and equality for workers. His life has been dedicated to Catholic social teachings.

Madam Speaker, on the occasion of the Feastday of Saint Katherine Drexel, March 3, 2007, we honor both recipients for their tireless efforts to bring peace and justice to their communities. The selfless work of both Mr. Young and Dr. Benjamin has been on the behalf of those in need, a calling that is truly noble. Madam Speaker, these two individuals have taken up the fight for equality, justice and the well-being of all Americans, and for that we are all grateful.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 13, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 14

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the threat of Islamic radicalism to the homeland.
SD-342

10 a.m.
Finance
To hold hearings to examine charting a course for health care moving toward universal coverage.
SD-215

Health, Education, Labor, and Pensions
Business meeting to consider S. 624, to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, Keeping Seniors Safe From Act of 2007, S. 657, to amend the Public Health Service Act to add requirements regarding trauma care, and any pending nominations.
SD-430

Judiciary
To hold hearings to examine reinvigorating the Freedom of Information Act relating to open government.
SD-226

Rules and Administration
To hold hearings to examine S. 223, to require Senate candidates to file designations, statements, and reports in electronic form.
SR-301

10:15 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine enhancing patient access and drug safety relating to Prescription Drug User Fees.
SD-430

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Army.
SD-192

2 p.m.
Budget
Business meeting to consider the Concurrent Resolution on the Budget for the fiscal year 2008.
SD-608

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine strategies to end the violence relating to extrajudicial killings in the Philippines.
SD-419

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine federal funding for the No Child Left Behind Act.
SD-124

MARCH 15

9:30 a.m.
Armed Services
To receive testimony on the posture of the United States Army in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program.
SH-216

Budget
Business meeting to consider the Concurrent Resolution on the Budget for the fiscal year 2008.
SD-608

Foreign Relations
To hold hearings to examine the nominations of Zalmay Khalilzad to be a Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be a Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative to the United Nations.
SD-419

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine solvency and reform proposals for the Federal Housing Administration.
SD-138

10 a.m.
Appropriations
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee
To hold hearings to examine international food assistance.
SD-124

Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.
SD-342

Judiciary
Business meeting to consider S. 236, to require reports to Congress on Federal agency use of data mining, S. 261, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 231, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012, S. 368, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, S. 627, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and S. Con. Res. 14, commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States and possibility of certain subpoenas in connection with investigation into replacement of United States Attorneys.
SD-226

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the U.S. Coast Guard.
SR-253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings to examine water resources needs and the President's proposed budget request for fiscal year 2008 for the Army Corps of Engineers.
SD–406

2 p.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Aeronautics and Space Administration.
SD–138

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of the Army, Army Corps of Engineers, Bureau of Reclamation and the Department of the Interior.
SD–192

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 16

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for the fiscal year 2008 for the Government Accountability Office, Government Printing Office, Congressional Budget Office, and the Office of Compliance.
SD–138

MARCH 19

1 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health.
SH–216

MARCH 20

10 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To continue hearings to examine economic and safety concerns relating to promoting travel to America (Part II).
SR–253

Judiciary
To hold hearings to examine combating war profiteering, focusing on investigating and prosecuting contracting fraud and abuse in Iraq.
SD–226

Health, Education, Labor, and Pensions
Retirement and Aging Subcommittee
To hold hearings to examine the state of Alzheimer's disease research 100 years later.
SH–216

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 126, to modify the boundary of Mesa Verde National Park, S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, S. 444, to establish the South Park National Heritage Area in the State of Colorado, S. 500, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, H.R.512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National heritage Areas, and for other proposes; and S. Con. Res. 6, expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States".
SD–366

Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine medicare doctors who cheat on their taxes.
SD–342

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine energy innovation.
SR–253

MARCH 21

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine assessing the effectiveness of the current United States sanctions on Iran relating to minimizing potential threats from Iran.
SD–538

MARCH 26

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To receive a briefing on the reorganization of the Office of the Under Secretary of Defense for policy.
SR–232A

Energy and Natural Resources
To hold hearings to examine the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.
SD–G50

MARCH 27

9:30 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SH–216

Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

MARCH 28

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the future of the Coast Guard Dive Program.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine transitioning to a next generation Human Space Flight System.
SR–253

MARCH 29

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, Ex-POWs, Military Order of the Purple Heart, and Fleet Reserve Association.
SD–106

APRIL 11

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the availability and affordability of property and casualty insurance in the Gulf Coast and other coastal regions.
SD–538

CANCELLATIONS

MARCH 14

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on education and training.
SR–418

MARCH 15

8:30 a.m.
Armed Services
To receive a closed briefing on Iraq.
S–407, Capitol

POSTPONEMENTS

MARCH 14

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine technology solutions for climate change.
SR–253